

THE BREAD SHE EARNS WITH HER OWN HANDS:
AN EXAMINATION OF LINCOLN'S POLITICAL ECONOMY

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In memory of Laurence Berns and Glen Thurow, both extraordinary teachers of the political thought of Abraham Lincoln.

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ABSTRACT

This dissertation focuses on how Abraham Lincoln's idea of "liberty to all" affected his political thought about the intersection of government and the economy. It is a search for Lincoln's political economy. While contemporary economists focus on a single aspect of the person such as self-interest, Lincoln following thinkers such as Francis Wayland viewed economics as a moral science. I do this by examining the speeches and deeds of Abraham Lincoln.

I explore topics such as what he meant by "liberty to all", his valuing of a commercial society over an agrarian one, and his understanding of the importance of free labor in terms of Lincoln's thinking on theology and natural rights. Additionally, I examine Lincoln on what the US Constitution allows the national government to do to promote economic prosperity and the role political parties play on these policies. Lastly, I consider several thinkers from the Progressive Era and how they understood Lincoln and considered themselves to be impacted by his administration. My goal is to understand not just what Lincoln was against, i.e. slavery but what Lincoln was for; free labor and what he thought the national government should do to support its cause.

CHAPTER 1. INTRODUCTION

His occupying the chair of state was a triumph of the good sense of mankind, and of the public conscience. This middle-class country had got a middle-class president, at last. Yes, in manners and sympathies, but not in powers, for his powers were superior. This man grew according to the need. His mind mastered the problem of the day; and as the problem grew, so did his comprehension of it. Rarely was man so fitted to the event.
Ralph Waldo Emerson, Eulogy of Abraham Lincoln

There is little doubt that the Civil War marks a dramatic moment in the political development of the United States and that Abraham Lincoln had much to do with these changes. Certainly, it is the end of slavery, the start of the national government exercising considerably more of its power, and the triumph of Northern free labor and capitalism. Lincoln is often appreciated as the man who insisted that the equality of “all men” in the Declaration of Independence included *all* men. He was also president when the national government began doing considerably more than it had previously done. The Lincoln Presidency marks the re-start of national banking, along with the beginning of the transcontinental railroad, land grant colleges, the Department of Agriculture, and the homesteading act to name a few national government innovations. The sub-field of political theory, within political science, has developed a considerable amount of literature about Lincoln’s dedication to the proposition that all men are created equal and his leadership in ending slavery. What has not occurred is an exploration of what these new actions of the national government, that are not related to slavery, had to do with the principle of liberty to all.

In this dissertation, I seek the connection between this new role of the national government and the idea that all men are created equal and to place these notions within the American political tradition. While the actions are new, they are a long time coming. The Lincoln Presidency marks the triumph of the responsibility side of American politics that Karl

Walling identifies closely with Alexander Hamilton.¹ Responsibility is the notion that government needs energy in order to be effective. It is often opposed in American politics by those, like Thomas Jefferson, who stress the need for vigilance in order to prevent power from coalescing. Many of the arguments in American politics can be understood as contests between vigilance and responsibility. Lincoln, throughout his political career, argues for the need of the national government to have significant powers for the promotion of a commercial society. It turns out that there is considerable tension between slavery and this idea of a commercial society. While there is often the accusation that the followers of Hamilton were setting up a society to favor elites, Lincoln advocates for a commercial society where everyone has the right to rise.

He is opposed by those who favor vigilance and a much more limited government, but the Civil War presents opportunities for Lincoln to accomplish much more than he would have, had the Southern opposition stayed in the Union. Lincoln is remarkably consistent in his politics from his early days as a Whig to his Presidency as a Republican. As he put it at the start of his political career, “My politics are short and sweet, like an ‘old woman’s dance.’ I am in favor of a national bank. I am in favor of the internal improvement system, and a high protective tariff.” While the arguments between vigilance and responsibility continuously re-emerge in American politics, Lincoln’s Presidency represents a considerable victory for the party of responsibility, especially with regards to the meaning of the Constitution. Thus, one can trace the story of the powers of the national government from the aspirations of the Federalist Party, to the attempts of the Whigs, and finally the triumphs of Lincoln’s Republican Party.

Responsible government served one purpose for Lincoln, securing to individuals the rights mentioned in the Declaration of Independence. Unlike some political actors, Lincoln uses

¹ Karl-Friedrich Walling, *Republican Empire: Alexander Hamilton on War and Free Government* (University of Kansas Press, 1999).

equality and liberty interchangeably because the rights of the Declaration belong to all men equally. Legitimate government protects men's property, but it also sets the conditions such that men can use their labor to improve themselves; what Lincoln calls "the right to rise." This is the central thesis of this work: that as Lincoln once said, he never had an idea that did not arise from the Declaration of Independence. All of Lincoln's advocacy for national government can best be understood as his adhering to the idea that everyone is entitled to the fruits of their labor. The title is taken from a quotation of Lincoln's where he extends the principle to include African American women, perhaps the most discriminated against people in his society. While Lincoln states that he does not believe in the full social equality of all the races, he insists that everyone owns oneself. Lincoln says, "In some respects she certainly is not my equal; but in her natural right to eat the bread she earns with her own hands without asking leave of any one else, she is my equal, and the equal of all others."²

The most important book in political theory that examines the speeches of Abraham Lincoln and focuses on his dedication to the proposition that all men are created equal is Harry Jaffa's *Crisis of the House Divided*. Jaffa's major theme in his examination of the Lincoln-Douglas debates is that Stephen Douglas' popular sovereignty position echoes Thrasymachus' assertion that justice is simply the interest of the stronger, in Book I of Plato's *Republic*. Jaffa understands Lincoln's adherence to the proposition that all men are created equal as a classic assertion of natural right that is necessary to keep politics from being simply about force. Jaffa's body of work reveals Lincoln as a careful speaker and astute politician capable of reattaching the country to its original principle. What Jaffa does not do is link Lincoln's

² *The Collected Works of Abraham Lincoln*, ed. Roy P. Basler, et al. (New Brunswick: Rutgers University Press, 1953), II:405.

economic agenda, other than the question of free labor, to his idea that men own themselves by nature.

One of the major critiques of Lincoln's political thought occurs in Willmoore Kendall and George W. Carey's *The Basic Symbols of the American Political Tradition*.³ Following Eric Voegelin, Kendall and Carey look to the symbols and myths of a political society and find in Abraham Lincoln a derailment from the American political tradition. Rather than understanding the nation as a self-governing people, who are represented by virtuous people under God, Lincoln sees the United States as a nation dedicated to the proposition that all men are created equal. Thus Kendall and Carey agree with Jaffa about the idea of the equality of all men being central to Lincoln's thought. But they find in Lincoln's call for "an unfettered start and fair chance in the race of life" the foundations of the progressive movement. Kendall and Carey state, "Bearing this in mind, it certainly is not unreasonable to associate Lincoln's words and thoughts with the egalitarianism that characterizes the modern, centralized welfare state."⁴ Thus, major themes explored in this dissertation are the questions of Lincoln's political thought regarding the role of government in society, along with some consideration of the progressive movement's understanding of Abraham Lincoln. Additionally, there must be an examination as to whether Abraham Lincoln's Presidency is a derailment of the American political tradition with regards to equality and government intervention in the economy.

³ Willmoore Kendall and George W. Carey, *The Basic Symbols of the American Political Tradition*, (Washington: Catholic University of America Press, 1970).

⁴ Ibid, xix.

Jason Jivden in *Claiming Lincoln: Progressivism, Equality, and the Battle for Lincoln's Legacy in Presidential Rhetoric*⁵ explores the Kendall/Carey question about Lincoln's political thought and the progressive movement and finds them incompatible. Certainly, Jivden is correct to point to those progressives who reject the idea of natural rights or the original constitutional structure of things like the separation of powers. But Jivden does not direct much attention to the actual economic policies of the Lincoln administration and what the progressives thought he represented when it came to securing to the working man the fruits of his labor. This work will take a second look at Lincoln and the progressives.

Outside of political theory, there are several major historical works that focus on the economic changes brought about through Lincoln. The major examination of Lincoln's political economy is Gabor Boritt's *Lincoln and the Economics of the American Dream*.⁶ It is his commitment to expanding opportunity to the working poor to earn something substantial in life that Boritt sees as the driving thought of Lincoln: "the key to Lincoln's economic persuasion was an intense and continually developing commitment to the ideal that all people should receive a full, good, and ever-increasing reward for their labors so that they might have the opportunity to rise in life."⁷ Harold Holzer and Norton Garfinkle follow a similar theme in *A Just and Generous Nation: Abraham Lincoln and the Fight for American Opportunity*.⁸ Eric Foner details the ideology of the Republican Party prior to the Civil War in his book, *Free Soil, Free Labor, and*

⁵ Jason R. Jivden, *Claiming Lincoln: Progressivism, Equality, and the Battle for Lincoln's Legacy in Presidential Rhetoric* (DeKalb, IL, Northern Illinois University Press, 2011).

⁶ Gabor S. Boritt, *Lincoln and the Economics of the American Dream* (Urbana, IL, University of Illinois Press, 1978).

⁷ *Ibid*, ix.

⁸ Harold Holzer and Norton Garfinkle, *A Just and Generous Nation: Abraham Lincoln and the Fight for American Opportunity* (Philadelphia, Basic Books, 2015).

Free Men. There, Foner describes the new Republican Party as a coalition of radicals, former Democrats who favored free labor, and former moderate and conservative Whigs. Thus the emergence of the Republican Party and Lincoln's hand in shaping its ideology is an important one. Lastly, for extensive details of the legislation that was passed during the Lincoln Administration, Philip Shaw Paludan's *A People's Contest: The Union and the Civil War* and Leonard P. Curry's *Blueprint for Modern America: Nonmilitary Legislation of the First Civil War Congress* are indispensable.

A significant gap in the literature emerged: there has been no exploration in political theory between Lincoln's principle of "liberty to all" and the economic policy changes that occurred because of Lincoln. Additionally, there is the question of whether these changes fit within in the American political tradition or whether Lincoln represents a derailment. The project is to take the speeches that reveal Lincoln's political thought and examine what he says in light of what he actually did.

The study of Lincoln's speeches and deeds is the primary methodology of this dissertation. As Glen E. Thurow put it, "Traditionally it was held that to understand a statesman one had above all to understand his public statements."⁹ Speeches must be understood in context without reducing the speaker to his historical circumstances. In interpreting Lincoln's speeches and correspondence, I presume that Lincoln is a precise speaker and that he can be understood by careful readers. When it comes to economic policy I find that Lincoln is rarely an esoteric speaker, except when it comes to the idea of "liberty to all" including slaves. Lincoln could not have been elected to office if he had publicly revealed just how far he believed equality went. When it comes to the actions drawn from the historical literature, I find remarkable consistency

⁹ Glen E. Thurow, *Abraham Lincoln and American political Religion*, (Albany; State University of New York Press, 1976) X.

from what Lincoln said in his earliest speeches about political economy as a Whig to what he actually produced as the first Republican president.

My interpretations of Lincoln are informed by two major concepts drawn from political science; James Ceaser's foundational principles¹⁰ and Stephen Skowronek's structures of political power.¹¹ Ceaser argues that behind every-day policy debates such as those about economic policy are principles about the role of government in society, which ultimately derive from our deepest ideas, foundational principles. These principles might derive from conceptions of human nature, or the movement of history, or religious belief. The idea that all men are created equal with regards to owning themselves and their labor is Lincoln's foundational principle and he never lets go of it. Skowronek's work reminds political scientists not to lose sight of the context of politics. Statesmen might be able to produce the common good, but they must do so within a particular political time. There are various structures of presidential power throughout American history. The president, at certain times, can speak only to elite political actors; at other times he can use patronage, or he can mobilize the public through political parties and later through mass media. These contexts structure the choices the president can make. In summary, for the methodology of this political theory dissertation, I interpret the speeches and deeds of Abraham Lincoln assuming he is a deep and consistent thinker who must operate within the constraints of his political context.

To this end, this work begins with an exploration of Lincoln's speeches on political economy as a young Whig, including his thinking on national banking and internal improvements. I then examine later speeches, just after his loss as a Republican in the US Senate

¹⁰ James W. Ceaser, *Nature and History in American Political Development*, (Cambridge, Harvard University Press, 2006).

¹¹ Stephen Skowronek, *The Politics Presidents Make: Leadership from John Adams to Bill Clinton*, (Cambridge, Belknap Press, 1993)

race in Illinois of 1858 to Stephen Douglas, that further develop his ideas about education and free labor. Given the continuity of Lincoln's Whig economic agenda, the question of why Lincoln became a Republican is explored in the chapter on Lincoln's partisanship. As stressed above, speeches must be compared with the actual deeds of the political actor. A chapter focuses on the deeds of the Lincoln administration and the difference they made. Lincoln always adhered to the principle of liberty to all expressed in the Declaration of Independence, but he also believed in the necessity of attachment to the Constitution. If Lincoln's administration represents new actions on the part of the national government, how does he justify them constitutionally? Lastly, there is an examination of the question brought up by Kendall and Carey, is Lincoln the intellectual ancestor of the progressive movement?

This dissertation hopes to show that the idea of "liberty to all" animates all the actions that Lincoln took in the areas of political economy. Lincoln takes his principles of political economy from the Whig statesman Henry Clay, but the idea of national action to promote commerce can be traced back to Alexander Hamilton. Thus, Lincoln is deeply embedded in the American political tradition of responsible government that can be traced from the Federalist Party to the Whig Party to the Republican Party. He joined the Republican Party to fight for national action in support of free labor and in economic policy. Lincoln thought national action to secure to individuals the fruits of their labor and to clear a path for all was well within the constitutional powers of the national government. Since the progressive movement often called for securing to individuals what they earned and putting the man before the dollar, the progressives were not always off the rails when evoking Lincoln. But when the progressives deny the natural rights of individuals to their labor or the clear designations of power to the branches and states in the Constitution, they have left Lincoln. Lincoln's central principle is the

idea of “liberty to all.” This does not mean the strict constructionism of Jefferson and Jackson, but the endorsement of the right of property and its expansion. As Lincoln put it, the promise of owning the fruits of one’s labor is what built the country, giving “enterprize and industry to all.”

CHAPTER 2. POLITICAL ECONOMY OF A YOUNG WHIG: LINCOLN'S SPEECH ON THE SUB-TREASURY AND THE 1848 SPEECH ON INTERNAL IMPROVEMENTS

Lincoln's deepest insight into American prosperity is his claim that it has a "philosophical cause." Due to American dedication to the principle of "liberty to all," this nation's wealth has come about. The US Constitution and the Union are necessary for the prosperity that this country has achieved, but they are not the "primary cause of our great prosperity." Lincoln thought and spoke about the US Constitution and Union as the means to economic prosperity from his earliest days in politics.

This chapter will explore Lincoln's views of the powers and responsibilities of the national government, under the Constitution, by examining two of the biggest political issues of Lincoln's Whig days: Martin Van Buren's Sub Treasury proposal and the issue of internal improvements while James K. Polk was President. By examining two of Lincoln's speeches on these subjects I will show Lincoln's belief in the national government, his view that reflection on experience is the best way to learn about economics, and his opinion that exchange unlocks wealth but that is only possible through some tolerance of economic privilege.

Disregarding Self-Interest to Our Peril: Speech on the Sub Treasury

The National Bank had been a major target of the Jacksonian political movement. As Marvin Meyers has described, "the Jacksonians blamed the Bank for the transgressions committed by the people of their era against the political, social, and economic values of the Old Republic . . . To the Bank's influence Jacksonians traced constitutional impiety, consolidated national power, aristocratic privilege and plutocratic corruption."¹² After vetoing a renewal of the National Bank and then standing for re-election, President Jackson took his return to office as a

¹² Marvin Meyers, *The Jacksonian Persuasion: Politics and Belief* (Stanford University Press: Stanford, 1960), 7.

mandate to destroy “the Monster” and ordered the removal of the federal government deposits which were placed in select state banks.

Unfortunately, these “pet” state banks created exactly the speculation bubble (and painful contractions) that were feared from the national bank.¹³ Being opposed in principle to any sort of wealth produced by shareholders, who lent out the federal deposits at interest, in both the National and state schemes, Van Buren sought a separation of banks and state. As Meyers tells his readers, on the question of national policy, “Van Buren’s conclusions are simple: withdraw the deposits from state banks; establish the independent treasury; prevent the rise of a new national bank and conduct all federal transactions in specie.”¹⁴ The independent treasury, or sub-treasury, was a scheme where federal deposits were to be merely held by various individuals throughout the nation, rather than in banks. This would provide the cleavage between banks and government Democrats were looking for and put an end to much of the lending (and bubble creation) that government-chartered banks were doing.

During this time Abraham Lincoln gives his Speech on the Sub-Treasury Proposal. Lincoln had been elected to the Illinois State legislature three times at this point but, having been defeated the previous year in his efforts to be Speaker of the House in the Illinois legislature, it would be difficult to say he was a politician on a national scale. Instead, Lincoln is a local politician taking on national figures like Stephen Douglas, John Calhoun and Martin Van Buren, as the opening of this speech indicates.

Lincoln opens his talk with what he calls a “preface.” He views this speech as a continuation of a discussion that has been occurring over several nights at this same hall.

¹³ Steven Skowronek, *The Politics Presidents Make: Leadership from John Adams to Bill Clinton* (Belknap Press: Cambridge, 1993), 154.

¹⁴ Meyers, 159-160.

Describing his contribution as likely to be of the weakest sort, Lincoln notes that the crowd is smaller for him than it has been in previous nights and that this is most likely due to “greater interest” in the other speakers. Interest will prove to be an important principle in Lincoln’s argument against the proposed Sub-Treasury scheme. His foreshadowing of it here suggests that interest matters in rhetoric. As Aristotle points out in his *Rhetoric*, who is speaking matters for effectiveness in speech; from the joking tone of Lincoln’s remarks the person speaking (namely Lincoln) is not someone very important. He suggests that the people in attendance are here so that his own feelings are not mortified, a comment that presents Lincoln as humble while flattering the audience. Speech is not effective if the audience does not listen, and the audience will not listen if it is not in their interest to do so. His complimenting them while humbling himself in an entertaining manner gives Lincoln a chance to make his argument, a chance to change public opinion. The end of the speech, however, will reveal Lincoln’s thoughts on how not being able to persuade the public does not, in any way, invalidate his claims. Lincoln may need to humble himself to persuade, but doing so does not undermine his confidence in the strength of his arguments.

According to Lincoln, economic insight comes from past experience, what Lincoln calls “the analogy of experience.” Lincoln describes the acquiring of such knowledge:

We all feel that we know that a blast of wind would extinguish the flame of the candle that stands by me. How do we know it? We have never seen this flame thus extinguished. We know it, because we have seen through all our lives, that a blast of wind extinguishes the flame of a candle whenever it is thrown fully upon it.¹⁵

For Lincoln, economics is a science that emerges from judgment based on experience.

While economics may be a science that emerges from reflection on past experience, judgment about the aims of economic policy is another matter. At several places in the speech

¹⁵ Lincoln, I:166.

Lincoln reveals his preference for policies that help the greatest number of people have access to prosperity. Lincoln tells his audience that his reflections on the past experience of the national bank, and the proposed innovation of the sub-treasury, have yielded these three propositions: first, that the sub-treasury scheme will harm the community by its effect on the circulating medium, second, that the sub-treasury will be a more expensive fiscal agent, and lastly that the sub-treasury will be a less secure depository of the public money. These propositions reveal some of what Lincoln values in economic policy. The treasury system should not harm the community by disturbing the existing circulation of paper currencies. The treasury system should not be a more expensive fiscal agent than the old national bank system, nor should it risk the theft of the people's money. Lincoln here insists on not disturbing what the people have. In this speech, Lincoln is the conservative, understood as he will eventually describe it in his Cooper Union speech adhering "to the old and tried, against the new and untried."

Lincoln argues that the proposed sub-treasury will harm the circulating medium because first and foremost it will withdraw funds currently circulating through bank loans and merely store them. It will contract the amount of money in circulation as, "By the Sub-Treasury, the revenue is to be collected, and kept in iron boxes until the government wants it for disbursement; thus robbing the people of the use of it while the government does not itself need it, and while the money is performing no nobler office than that of rusting in iron boxes."¹⁶ For Lincoln, the purpose of money is exchange and the great advantage of the banks was that they provided credit that would hopefully unlock wealth in communities. The shareholders of the National Bank itself bore the risks of losses when it was loaned out and, what is more, those shareholders paid for the privilege of holding the government deposits.

¹⁶ Ibid., 161.

Lincoln then examines the proposal that the sub-treasury will only collect in specie. While there is some controversy whether the proposals in Congress had this caveat, it is clear that Martin Van Buren requested this in his Special Session Message of September 4, 1837.¹⁷ The idea behind requiring the sub-treasury to accept deposits in only hard currency was to devalue paper money. This can be seen in the writing of the political economist William Gouge, one of the intellectual architects of the sub-treasury scheme. Gouge describes what he believes will be the effect of the national government insisting on collecting only hard currency:

The Government receiving and paying nothing but gold and silver, the people generally would begin to distinguish between paper and specie -- between cash and credit. Simple as the measure is, it would double the amount of metallic money in the country, and prevent, in a great degree, fluctuations of the currency, and oscillations of credit, by taking away one of the chief causes of the instability of the bank medium.¹⁸

Gouge saw paper money as issued by the banks as credit, not cash. Banks will inevitably lend out more cash than they are capable of securing with the hard currencies which everyone recognizes as actual money, leading to the expansion and collapsing of the economy that had recently been experienced by state banks. Allowing federal taxes only to be paid in hard currency, according to Gouge, has an educative aspect to it -- it teaches citizens what the real currency is, which makes them less willing to accept paper money and similar devices of credit.

Lincoln foresees a great contraction of the American economy if the government accepts only specie currency. When describing the 1838 expenditures of the US Government of 40 million dollars as a fair estimate of future expenses in a country with only 60 to 80 million dollars of specie, Lincoln anticipates half of the hard currency in the country being “thrown into

¹⁷ <http://millercenter.org/president/speeches/detail/3724>

¹⁸ William Gouge, *A Short History of Paper Money and Banking* (New York: Augustus M. Kelley Publishers, 1968) 113.

the hands of public office- holders.”¹⁹ While he jokes about these treasury officers setting up a coin shaving operation, he quickly switches to strong, serious language to describe the potential effects of this policy. “In all candor, let me ask, was such a system for benefiting the few at the expense of the many, ever devised? And was the sacred name of Democracy, ever before made to endorse such an enormity against the rights of the people.”²⁰ One should note here Lincoln’s understanding that economic policy should be “for the people” and his contention that “the sacred name of Democracy” is being blasphemed against with the sub-treasury scheme. While it was in the name of “Democracy” that President Andrew Jackson destroyed the national bank as an institution that benefited an elite group of shareholders, it is not clear that it has been replaced by something better. As will be discussed below, Lincoln’s argument is that the privileges to an elite few of the national bank provided incentives that served the public good.

The Jacksonian charge that the national bank only benefited an elite few is now re-directed at Van Buren’s hard money policy. If the national government only accepts hard currency it will remove this hard currency from the hands of ordinary citizens. The 40 million that would go to the national treasury is currently being used as the basis of at least 100 million in paper money. Lincoln maintains that when an economy shrinks everyone loses money. Those who promised to pay \$100 for a horse will find the same animal only worth \$50 the next day, with their debt still intact. While this might seem like a great boon for the creditor he will find a lot of people default on him. Through the deflation that might occur with switching to a Treasury, hard currency policy might only be temporary, Lincoln finds the transition not worth the pain.

In a section that anticipates Lincoln’s later advocacy for the Homestead Act, he describes the deleterious effect economic contraction will have on private citizens purchasing public lands.

¹⁹ Lincoln, I:162.

²⁰ Ibid., 163.

This is an important passage in the speech because it gives some suggestion as to what Lincoln thinks the aim of government's involvement with the economy should be. Lincoln says,

I now propose to show that it would produce a *peculiar* and *permanent* hardship upon the citizens of those States and Territories in which the public lands lie. The Land Offices in those States and Territories, as all know, form the great gulf by which all, the money in them is swallowed up. When the quantity of money shall be reduced, and consequently every thing under individual control brought down in proportion, the price of those lands, being fixed by law, will remain as now . . . Knowing, as I well do, the difficulty that poor people, *now* encounter in procuring homes, I hesitate not to say, that when the price of the public lands shall be doubled or trebled; or which is the same thing, produce and labor cut down to one half or one third of their present prices, it will be little less than impossible for them to procure those homes at all.²¹

Lincoln shares a dedication to the idea of every family owning their own home, a traditional American notion that can be traced back to Thomas Jefferson. Here, Lincoln discusses some of the harmful effects government has had on land purchasing. Federal land offices have a near monopoly on public lands, and Congress sets the price on those tracts by legislation. Lincoln describes these Land Offices as “the great gulf” which already swallows up all the monies in a region and makes it difficult for poor people to purchase land. Since the price is fixed by legislation, and not subject to market forces, economic contractions of half the money in a region will effectively double the price of owning a home. It is important to observe here Lincoln's understanding that government can get in the way of economic development by keeping prices artificially high and his adherence to the idea that poor people should be able to purchase a home.

Lincoln then addresses the proposition that money collected by the Treasury would not be idle and furthermore that the National Bank was every bit as disruptive to the currency as the proposed sub treasury scheme would be. Again, Lincoln points to the wisdom of experience in answering economic questions, arguing that when the Bank was in operation, and before President Jackson made war upon it, the institution did provide a stable currency. Lincoln's

²¹ Ibid., 164-165.

comment here illustrates his fundamental belief in good government and his knowledge of the possibility of poor government.

We do not pretend, that a National Bank can establish and maintain a sound and uniform state of currency in the country, in *spite* of the National Government; but we do say, that it has established and maintained such a currency, and can do so again, by the *aid* of that Government; and we further say that no duty is more imperative of that Government, than the duty it owes the people of furnishing them a sound and uniform currency.²²

Lincoln maintains that experience shows the National Bank had worked -- that it had produced a sound and uniform state of currency, but that it could not do this when the government was attempting to shut down its operation. By government in the above quotation, Lincoln can reasonably be understood to mean the Jacksonian Democrats, most notably those who were in the executive branch, Andrew Jackson followed by Martin Van Buren. Lincoln blames Jackson's transfer of federal deposits from the National Bank to the state banks as the source of the currency disruption, rather than the existence of the Bank of the United States, which had operated successfully for forty years. One should also note that Lincoln sees the establishment of a "sound and uniform" currency as the most imperative duty of the government. Later in the speech, Lincoln will defend the Constitutionality of the Bank, but here it is described as a duty. Thus, a question: do the powers granted to the national government in the Constitution actually impose duties on the national government? Since states and local government cannot establish a national currency and it is clear that the country needs one, it is then "imperative" that the national government provide one. This view that the national government has duties to the people will go to the heart of the idea of the preservation of the Union against secession. Lincoln's view is that the national government has its powers to fulfill its responsibilities, and it cannot relinquish those powers because it has the duty to serve the American people.

²² Ibid., 165.

The Bank of the United States paid the government \$75,000 annually for the privilege of using public money between the time of collection and disbursement. They did this successfully for a period of twenty years.²³ Here, Lincoln emphasizes the granting of this privilege as an important motivating factor in the Bank of the United States' payment, "Can any man suppose; that the Bank would have paid the sum, annually for twenty years, and then offered to renew its obligations to do so, if in reality there was no time intervening between the collection and disbursement of the revenue; and consequently no privilege of using the money extended to it?"²⁴ To Lincoln's mind, some degree of privilege makes the world go round. While estimates of what the Sub Treasury proposal could cost vary widely (\$60,000-\$600,000), Lincoln takes a mean between the two extremes as his estimate in this speech and settles on \$405,000 a year. Regardless of what the Sub Treasury proposal will cost, Lincoln's main point is that the National Bank made money for the country whereas the insistence of a "separation between bank and state" will cost the country money. Lincoln highlights that \$405,000 is not much "compared to the many millions annually expended by the general government,"²⁵ though a great sum of money when considered on its own.

Lincoln maintains that applying "the analogy of experience" proves the Sub-Treasury a less safe depository of federal funds than the National Bank. Lincoln highlights several scandals of Jacksonian Democrats fleeing with public funds. It is here where Lincoln looks to experience to understand the likely consequences of the future saying, "place the public money again in these same hands, and will it not again go the same way?" By contrast the National Bank had a

²³ Ibid.

²⁴ Ibid.

²⁵ Ibid, 166.

forty year track record of safe collection and disbursement of Treasury funds, “place the public money again in a similar depository, and will it not again be safe?” The experience of trusting individuals to handle treasury deposits pale in comparison to the experience of using the National Bank.

Lincoln claims that if experience were not available to answer the question, “conclusive reasons” -- that is, logical argument -- could prove his claims. Lincoln then gives a consistent premise in his reasoning about human beings, which can be boiled down to the idea that people are people. That is to say, certain groups of persons are generally not morally superior to other groups but are instead all equally fallen. Lincoln says, “It is often urged, that to say the public money will be more secure in a National Bank, than in the hands of individuals, as proposed in the Sub Treasury, is to say, that Bank directors and Bank officers are more honest than sworn officers of the Government. Not so. We insist on no such thing.”²⁶ This notion is exhibited in his 1842 Address to the Temperance Society where he says, “Indeed, I believe, if we take habitual drunkards as a class, their heads and their hearts will bear an advantageous comparison with those of other class.”²⁷ Lincoln will apply this same principle again in his description of Southerners in his 1854 Speech at Peoria, “They are just what we would be in their situation. If slavery did not now exist amongst them, they would not introduce it. If it did now exist amongst us, we should not instantly give it up.”²⁸

Lincoln does not find morally superior groups but rather, different arrangements of interest. He continues in these pronouncements to describe the passionate taste for alcohol of the

²⁶ Ibid., 167.

²⁷ Ibid., 279.

²⁸ Ibid., II:256.

drunkard or the difficulty of going out in the hot sun to labor for oneself for the slave master. Thus, the alignment of interest and duty is what makes the National Bank the superior method of revenue collection, “We then do not say, nor need we say, to maintain our proposition, that the Bank officers are more honest than Government officers, selected by the same rule. What we do say, is that the interest of the Sub-Treasurer is *against his duty* – while the interest of the Bank is *on the side of its duty*.”²⁹ In short, government officials holding large sums of money will be severely tempted to take the money and run. Whereas, the bank officials can stand to make a greater sum of money by continually lending out the Treasury deposits -- the longer they deal honestly with the federal government the more money they will make. Additionally, the Bank, as an institution, can be held responsible for any individuals who flee with money.

While Treasury deposits will still be collected by individuals, possibly even the same ones who would hold the money under the Sub Treasury proposal -- there are still substantial differences in the arrangements that illustrate the importance of the alignment of interest and duty given human nature. Under the National Bank system, tax dollars collected would have to be deposited on a weekly or monthly basis; under the Sub-Treasury proposal these collectors would simply hold these deposits until they needed to be dispersed. Thus, under the National Bank system certificates of deposit would be sent to the Secretary of the Treasury confirming that the money was collected and is now in the bank. At most it risks a month’s worth of deposits, whereas in the Sub-Treasury system, massive deposits would stay with individuals.

Lincoln sums up his view of the debate:

The sum of the whole matter, I take to be this: Under the Bank system, while sums of money, by the law, were permitted to lie in the hands of individuals, *for very short periods only*, many and large defalcations occurred by those individuals. Under the Sub Treasury system, *much larger sums* are to lie in the hands of individuals *for much longer periods*, thereby multiplying *temptation* in proportion as the sums are *larger*; and multiplying

²⁹ Ibid., I:168.

opportunity in proportion as the periods are *longer* to, and for, those individuals to embezzle and escape with the public treasure; and therefore just in the proportion, that the *temptation* and the *opportunity* are greater under the Sub Treasury than the Bank System, will the peculations and defalcations be greater under the former than they have been under the latter.³⁰

The past experience of the National Bank provides the analogy to understand the dangers of the Sub Treasury proposal. The defalcations that occurred via the National Bank happened because revenue agents failed to make deposits. The Sub-Treasury would have those same agents simply hold on to larger sums over longer periods; it will produce greater cases of embezzlement. While experience illustrates this, Lincoln acknowledges the self evident quality of the insight that opportunity and temptation tend to produce crime. While the proponents of the Sub Treasury call for a Penitentiary Department to pursue those who steal public funds, Lincoln views this as an acknowledgment of the potential problem; better not to create the situation in the first place. Lincoln also briefly mentions that the effect of the Sub-treasury proposal will be “to bring the public money under the more immediate control of the President, than it has ever heretofore been.” At this point, Lincoln adheres to traditional Whig Party themes of favoring legislative power over executive power.

Lincoln then turns to the question of the constitutionality of the Bank. The section offers some insight into what Lincoln thinks should be the criteria for judging something as constitutional. He observes the support for the Bank by the American Revolutionaries and by the early Congress that created it. There is also a statement about the *McCulloch v. Maryland* decision that shows a deeper reverence for the Court than Lincoln will adhere to after the *Dred Scott* case: “In addition to all this we have shown that the Supreme Court -- that tribunal which the Constitution has itself established to decide Constitutional questions -- has solemnly decided

³⁰ Ibid., 170.

that such a bank is constitutional.”³¹ Lincoln’s new insight on this question is to argue that anything that can be charged against the constitutionality of the National Bank, can with equal force be claimed against the Sub Treasury scheme. Just as there is no express authority to incorporate a National Bank there is no express authority to enact the Sub-Treasury proposal. The proponents of the Sub-Treasury plan have argued that it fits within the perimeters of “necessary and proper” much better than the National Bank does. The advocate for hard currency, William Gouge, uses the phrase “necessary and proper” interchangeably with “natural and appropriate”³² suggesting the artificial character of paper money and the National Bank, compared to an institution simply collecting revenues and holding them. Thomas Jefferson famously read “necessary and proper” to mean strictly or absolutely necessary arguing that if there was an alternative means available than the action was not “necessary.” Specifically on the question of the National Bank, Jefferson says, “The second general phrase is, ‘to make all laws necessary and proper for carrying into execution the enumerated powers.’ But they can all be carried into execution without a bank. A bank therefore is not necessary, and consequently not authorized by this phrase.”³³ Jefferson says at the start of this piece that he finds the foundation of the Constitution in the Tenth Amendment, in the provision that says “all powers not delegated to the US by the Constitution, not prohibited by it to the states, are reserved to the states or the people.” Jefferson’s primary concern is limiting the powers of the national government -- for Jefferson, chartering a national bank constitutes a power, one that the national government does not have because it is not enumerated.

³¹ Ibid., 172.

³² Gouge, 113.

³³ Thomas Jefferson, “Opinion on the Constitutionality of Establishing a National Bank”, February 15th, 1791).

For Lincoln, chartering a national bank is merely a means to exercising a power. Congress always has a choice in how it will enact its enumerated powers and thus Lincoln viewed Jefferson's reading of the phrase "necessary and proper" to mean Congress cannot even use its enumerated powers. Lincoln believes that the Constitution creates a real government, one that can do what it needs to in order to govern. The difference becomes obvious if one looks ahead to consider that Lincoln's predecessor in the office of the President, James Buchanan, was in the awkward Constitutional position of believing that it is unconstitutional for the Southern states to secede but it is also unconstitutional for the national government to keep the Southern states from seceding through coercion. Lincoln believes in a government that *can*, that is, one that can be effective.

Lincoln follows the Hamiltonian understanding of the phrase to allow Congress to enact the enumerated powers: "The Constitution enumerates expressly several powers which Congress may exercise, superadded to which is a general authority 'to make all laws necessary and proper,' for carrying into effect all the powers vested by the Constitution of the Government of the United States."³⁴ As Lincoln points out, Congress has the power "to lay and collect taxes; duties, imposts and excises, to pay the debts, and provide for the common defense and general welfare of the United States." To carry out this responsibility in the past, Congress had established a National Bank. Since the Bank has not been in operation for ten years its opponents charge that this illustrates that the Bank is not strictly necessary.

Lincoln points out that by the same line of reasoning the Sub-Treasury proposal cannot be strictly necessary since the country has gotten along some forty years without one. Those who take the "necessary" in "necessary and proper" to mean indispensable will find they must logically exclude every form "of fiscal agent that the mind can conceive." Lincoln argues that:

³⁴ Lincoln, I:172.

A *Bank* is not *indispensable*, because we can take the *Sub Treasury*; the *Sub Treasury* is not indispensable because we can take the *Bank*. The rule is too absurd to need further comment. Upon the phrase “*necessary and proper*,” in the Constitution, it seems to me more reasonable to say, that *some* fiscal agent is *indispensably necessary*, but, inasmuch as no *particular sort* of agent is thus *indispensable*, because some *other* sort might be adopted, we are left to chose that sort of agent, which may be most “*proper*” on grounds of expediency.³⁵

Lincoln maintains that Congress has the power to incorporate a Bank because passing an act of incorporation is the making of a law, and Congress expressly has the power “to pass all laws necessary and proper.” If a national bank can be understood to be necessary and proper to Congress’ expressed powers of “laying and collecting taxes, duties and imports,” then Congress can make a law incorporating a bank. When one construes “necessary” in “necessary and proper” to mean absolutely necessary in a situation where a variety of means are available, then no means can be said to be absolutely necessary, leaving Congress unable to enact its expressed powers. Lincoln finds this absurd.

While the last third or so of the speech is overtly partisan against the Democratic party, reading the first two-thirds of the speech reveals that there is no real reason to trust the Whig party in administering a Sub Treasury either. One can say that the close of this speech is truly strange. Lincoln notes that Lamborn has been referring to the success of the Democratic party in recent state elections and predicts that in the next Presidential election, Van Buren will win every state. Lincoln sees in Lamborn’s statement an attempt to scare voters who do not support his party with the threat of being on the losing side. Lincoln answers in defiance, “Address that argument to *cowards* and to *knaves*; with the *free* and the *brave* it will effect nothing. It *may* be

³⁵ *Ibid.*, 173.

true, if it *must*, let it. Many free countries have lost their liberty and *ours may* lose hers, but if she shall, be it my proudest plume, not that I was the *last* to desert, but that I *never* deserted her.”³⁶

Lamborn, as it turns out, is wrong. The Whig Candidate, William Harrison, will defeat Van Buren carrying nineteen states to seven. What can be made of Lincoln’s comment here? Did he really think that a country that re-elected Van Buren would be one that was headed on the path to enslavement, or was this mere hyperbole? Lincoln continues to describe Washington as a volcano of corruption that might cover the country in its lava. Still Lincoln insists that he will never bow to this corruption: “The probability that we may fall in the struggle ought not to deter us from the support of a cause we believe to be just; it shall not deter me.”³⁷ The last paragraph of the speech reveals Lincoln’s deep attachment to the future of the United States, especially the importance of his dedication to principle. “If ever I feel the soul within me elevate and expand to those dimensions not wholly unworthy of its Almighty Architect, it is when I contemplate the cause of my country.”³⁸ For Lincoln, advocating for the good of the United States is of the highest calling and the good of his own soul is more important than being on the winning side. As Harry Jaffa describes the end of this speech it may be for Lincoln’s own benefit, not something even addressed to the audience; Jaffa comments, “In the eternity from which the soul emanates, success or failure has nothing to do with reputation in this world.”³⁹

While certainly an eclectic address, Lincoln’s 1839 Speech on the Sub Treasury proposal reveals deep commitments about economics and politics from the young Whig. At this point in

³⁶ Ibid., 179.

³⁷ Ibid.

³⁸ Ibid.

³⁹ Harry V. Jaffa, *Crises of the House Divided: An Interpretation of the Issues In the Lincoln-Douglas Debates*, (Chicago: The University of Chicago Press, 1982), 207.

his career, Lincoln does not favor large government or small government but instead believes in the possibility of an effective national government. In the areas of authority left to the national government, it has a duty to act “for the people” as wisely as possible. Wisdom about economic matters is possible through deliberation about past experience and through rigorous thinking about human nature. Such thinking reveals that institutions must be arranged to tie the interest of people to fulfilling their responsibilities; entities like the National Bank do this. Lincoln’s objection to Van Buren’s Sub-Treasury proposal is an objection to a scheme of government that is not only more expensive but also produces less wealth for the common good. Lincoln is less concerned with maintaining a separation between bank and state than using the powers of the national government in an effective manner.

Lincoln acknowledges that there are privileges to certain individuals as a result of actions taken by the national government, but if in the aggregate those privileges lead to everyone’s benefit they are worth it. The issue comes up again more than a decade later in a speech Lincoln gives, while serving in the US House of Representatives, on Internal Improvements. Where the national government builds federal roads will certainly favor one area over another, yet does this fact mean they shouldn’t be built? To Lincoln’s mind the national government has its duties and while it should be aware of the problems of general burdens producing local benefits, the Union is for the people not for every region or interest. One reason Lincoln favored the national banking system was because it circulated wealth around by lending Treasury money rather than merely storing it. To Lincoln, circulation and exchange favor prosperity, and the promotion of a national system of roads and canals will do the same.

Against the Spirit of Do Nothing at All, Lest You Do Something Wrong: Speech in the United States House of Representatives on Internal Improvements

In 1848, Lincoln was nearing the completion of his first and only term in the House of Representatives. At a time when Presidential campaigns were much more focused on party platforms, Lincoln turns his attention, in this speech, to a strong statement by the Democratic Party. Lincoln begins, “The late democratic convention which sat at Baltimore, and which nominated Gen. Cass for the presidency, adopted a set of resolutions, now called the democratic platform, among which is one in these words, ‘That the constitution does not confer upon the general government the power to commence, and carry on a general system of internal improvements.’”⁴⁰ A system of internal improvements was a large part of the Whig agenda and Lincoln, as a protégé of Henry Clay, was always a strong advocate for them. Thus, the central issue of this speech, the question of internal improvements, goes to the heart of what Lincoln stood for at the time on questions about the relationship of the national government and the economy. There are those who advocate against the national government promoting internal improvements because they invariably will favor some areas over others. Lincoln, however, maintains that if those projects promote a good deal of general benefits as well, those local benefits are wisely overlooked. Lincoln argues that a strong case can be made for the constitutionality of internal improvements and also for the possibility of prudent judgments being made as to where to put such projects.

Lincoln is well aware that elections can never satisfy voters’ precise preferences. There are numerous Democrats who will vote for General Cass despite his position on internal improvements. As Lincoln says, “Many of them will do so, not because they like his position on this question, but because they prefer him, being wrong in this to another whom they consider

⁴⁰ Lincoln, I:481.

farther wrong on other questions. In this way, the internal improvement democrats are to be, by a sort of forced consent carried over, and against themselves on this measure of policy.”⁴¹ If Gen. Cass wins the Presidency he will not bother to make a constitutional argument when using the veto against such projects but will rather point to his party’s platform. This use of the Presidential veto for policy objections, rather than Constitutional objections, had been emerging since Andrew Jackson, but Lincoln is highlighting it here to demonstrate that the debate on internal improvements needs to happen now, before the election; before it is too late.

Lincoln aims to address the positions offered as to why internal improvements should not be made by “the general government.” Thus, he excludes from his argument considerations that are made to specific times and places, for example the argument that the Treasury is presently exhausted due to the Mexican War. Lincoln identifies five positions taken by the opponents of internal improvements and addresses them one by one; internal improvements would overwhelm the Treasury, the cost would be borne generally but benefits would often be local, internal improvements are unconstitutional, states can collect enough tax revenue to make their own internal improvements, and finally, if they do not the Constitution may be amended. Lincoln sums up all objections to internal improvements with the old adage, “Do nothing at all, lest you do something wrong.”

A consistent principle of Lincoln’s was his willingness for government to act where he thought it worthwhile. Gabor Borrit tells of Lincoln’s consistent willingness to support Illinois internal improvement projects to the point of the state’s bankruptcy. While there were considerable losses, the railroad infrastructure ultimately put Illinois in a unique position, leading to a significant economic boom. Lincoln points out, an unwillingness to risk government investment applies on the state level just as it does on the national level. Thus, according to

⁴¹ Ibid., 482.

Lincoln the idea of internal improvements must be abandoned or the doctrine of “do nothing at all, lest you do something wrong” must be repudiated.

Lincoln acknowledges that there is a “tendency to undue expansion” that could exhaust the Treasury. Every member of Congress has an interest in bringing home national dollars to his district and Lincoln states that it is obvious that when every district gets an appropriation that spending has over-expanded. Again, Lincoln emphasizes that this problem does not disappear by transferring responsibility for internal improvements to the state level. The potential for undue expansion on the national level can just as easily lead to unjust expansion in the state legislatures. Moving the problem of potential overspending on internal improvements to the state houses does nothing to alleviate the problem. So the question arises -- is self restraint possible for a legislature? Can Congress spend on internal improvements without driving the nation to bankruptcy? To answer these questions Lincoln looks to past historical examples saying, “Let us, judging of the future by the past, ascertain whether there may not be in the discretion of congress, a sufficient power to limit, and restrain this expansive tendency within reasonable and proper bounds.”⁴² Lincoln highlights on the floor of Congress, some of President James K. Polk’s past comments about John Quincy Adams’ administration when some two hundred million dollars was applied for to be spent on roads, harbors, and rivers. However, while some two hundred million dollars may have been applied for, Lincoln claims that less than two million dollars was actually spent. Lincoln argues that past experience goes a long way in showing that it is possible for a government to seek internal improvements and not spend its way into bankruptcy. Lincoln states, “This fact shows, that when the power to make improvements ‘was fully asserted and exercised’ the congress did keep within reasonable limits; and what has been done, it seems to

⁴² Ibid., 483.

me, can be done again.”⁴³ This quotation illustrates some of Lincoln’s fundamental thinking about economics. Lincoln continues to think economics is a science that emphasizes reflection on past experience to try to understand what future consequences will be. Secondly, Lincoln’s understanding of this past experience suggests the possibility of good government. Congress was able to restrain itself when presented with some two hundred million in spending projects and only spend two million dollars. In contrast to his opponent’s opinion, which he describes as “do nothing at all, lest you do something wrong,” Lincoln believes that it is possible for government to do something right.

Lincoln then turns to the objection that the burdens of internal improvement spending would be general, but its benefits would be local and partial. Here, Lincoln acknowledges that there is some truth in what his opponents are saying, stating that “No commercial object of government patronage can be so exclusively *general*, as to not be of some peculiar *local* advantage.” The word “patronage” is jarring to modern ears, but it was at the heart of party politics in 1848. Lincoln considers the duties of the US Navy and finds that in some respects they are not that different than the purposes of internal improvements. Lincoln explains:

The Navy, as I understand it, was established, and is maintained at a great annual expense, partly to be ready for war when war shall come, but partly also, and perhaps chiefly for the protection of our commerce on the high seas. This latter object is, for all I can see, in principle, the same as internal improvements. The driving a pirate from the track of commerce on the broad ocean, and the removing a snag from it’s more narrow path in the Mississippi river, can not, I think, be distinguished in principle. Each is done to save life and property, and for nothing else.⁴⁴

When the Navy protects an American ship from being raided, or when the Navy clears a waterway or canal, both are done for the protection of life and property. The immediate benefits

⁴³ Ibid..

⁴⁴ Ibid., 484.

clearly go to those who ship goods in both cases, but anyone who ultimately purchases or sells those goods receive the benefits of those protections as well. Alexander Hamilton in *Federalist* 11 remarks on the general benefits of a Navy that protects commerce, “A navy of the United States, as it would embrace the resources of all, is an object far less remote than a navy of any single State or partial confederacy, which would only embrace the resources of a part.”⁴⁵

According to Hamilton, a national navy would not only protect the goods of all when on the water, but would also require resources from all the states -- tar and pitch from the South, iron from the middle states, and sailors from the North.

The similarity of the effects of having a Navy to the promotion of internal improvements can best be seen in this Hamilton quotation, also from *Federalist* 11: “The veins of commerce in every part will be replenished and will acquire additional motion and vigor from a free circulation of the commodities of every part. Commercial enterprise will have much greater scope from the diversity in the productions of different States.”⁴⁶ With language such as “veins” and “circulation” it is obvious that Hamilton is thinking of the United States as a metaphorical body, with commerce being its lifeblood. Adam Smith famously argued that the division of labor is limited by the extent of the market place, and that the division of labor is one of the conditions that produce the wealth of nations. Hamilton offers essentially the same claim; commercial enterprise will flourish from the wide range of productions from the states. According to Hamilton, when not engaged in war, the purpose of a navy is to protect goods as they circulate through the country producing wealth. Lincoln, roughly sixty years later, sees the same argument, making the case for internal improvements; quality roads and canals ensure that goods circulate through the country effectively and safely.

⁴⁵ *Federalist* 11.

⁴⁶ *Ibid.*

As Lincoln points out the Navy is “the most general in it’s benefits of all this class of objects; and yet even the Navy is of some peculiar advantage to Charleston, Baltimore, Philadelphia, New-York, and Boston; beyond what it is to the interior towns of Illinois.”⁴⁷ Wherever a naval base is placed it will mean a flood of resources to that particular location; the same holds true to land that is along a canal or a railroad line. While nothing is so general as to not hold some local advantage, Lincoln contends that the reverse is also true -- “nothing is so *local* as to not be of some *general* benefit.”⁴⁸ Lincoln highlights his own state’s great internal improvement project, the Illinois and Michigan canal, which, despite its name, is contained entirely within the state of Illinois. Having only opened a few months before Lincoln reported the extensive benefits this “local project” was having on the nation:

In a very few days we were all gratified to learn, among other things, that sugar had been carried from New Orleans through this canal to Buffalo in New-York. This sugar took this route, doubtless because it was cheaper than the old route. Supposing the benefit of the reduction in the cost of carriage to be shared between seller and buyer, the result is, that the New Orleans merchant sold his sugar a little *dearer*, and the people of Buffalo sweetened their coffee a little *cheaper*, than before -- a benefit resulting *from* the canal, not to Illinois where the canal *is*, but to Louisiana and New York where it is *not*.⁴⁹

Lincoln’s contention is that both the buyer and seller benefited from the reduced cost of transporting the sugar. The merchant from New Orleans sold his sugar a little “dearer,” an adverb that usually means at a high cost, but can be taken to mean here at a high profit and because of the reduced cost the Buffalo purchasers got their sugar at a reduced price. The primary purpose of the example is to show that local projects can provide general benefits, but it also illustrates what internal improvement projects can do in Lincoln’s mind -- unlock wealth by

⁴⁷ Lincoln, I:484.

⁴⁸ Ibid.

⁴⁹ Ibid.

easing the exchange of goods. Lincoln argues that if the nation, as a matter of policy, refuses to make internal improvements because they produce local benefits -- the states in the same manner could refuse to pursue local projects because they produce general benefits. Such a situation would leave a great deal of potential wealth on the table, never to be unlocked.

While Lincoln hopes that both states and the national government invest in internal improvement projects and that the local and general benefits basically balance out, he does not see perfect balance of local and general benefits as a necessity for good government. Lincoln states that “inequality is certainly never to be embraced for it’s own sake; but is every good thing to be discarded, which may be inseparably connected with some degree of it? If so, we must discard all government.”⁵⁰ This thought is important because it illustrates some of Lincoln’s early thinking on the relationship of the national government to that of the states. When handing out a federal benefit, like internal improvements, Lincoln does not believe that all states must be treated equally; in fact, to do so is to make the perfect the enemy of the good. Lincoln points out that something as simple as having a national capital like Washington, DC, brings a host of benefits to the property holders and businesses in that region. One thinks of recent observations that the US capital was largely insulated from economic downturns. But the alternative is not to have a seat of government at all.

Lincoln now turns to the constitutionality of national internal improvement projects, a topic on which he says he does not have much to say, claiming that “the ablest, and the best of men, have gone over the whole ground long ago.”⁵¹ In his discussion of the constitutionality of internal improvements, Lincoln relies primarily on Chancellor Kent’s *Commentaries on*

⁵⁰ Ibid., 485.

⁵¹ Ibid., 486.

American Law and from his summation of the text, probably lecture twelve, section seven.

There Kent briefly tells the story of various internal improvement projects, starting with the funding of roads within new states from the sale of public lands in the same state. Eventually, roads through states and connecting states were constructed with money that exceeded the sale of public land in those states, meaning that Congress was clearly spending money on internal improvements, not just returning revenue to a state via a project. It was at this point that Presidents Jefferson, and then Madison, argued that internal improvements were not within Congress' constitutional power. Kent, however, tells his readers that Congress maintained that internal improvements were constitutional and describes internal improvements being tied to an explicit power of Congress:

On the other hand, it appears, that congress claim the power to lay out, construct, and improve post roads, with the assent of the states through which they pass. They also claim the power to open, construct, and improve military roads on the like terms, and the right to cut canals through the several states, with their assent, for promoting and securing internal commerce, and for the more safe and economical transportation of military stores in time of war.⁵²

This paragraph specifically ties the construction of internal improvements to the enactment of a power of Congress. As was discussed in Lincoln's speech on the Sub-Treasury proposal, Lincoln believes that Congress can select from all the means available to it, to exercise a power. Congress' power to make all laws necessary and proper is the power to choose the means of execution. It is not a limitation to absolutely necessitous means. Lincoln's thinking on the subject parallels what Kent says Congress thinks on the question of internal improvements. While the Constitution explicitly gives Congress a power "to establish post offices and post roads," its

⁵² James Kent, *Commentaries on American Law* Vol. I, (De Capo Press, New York, NY: 1971), 250.

power to “raise and support Armies” would be negated if it could not build a road to a military base.

Lincoln then considers some of the policy implications of a suggestion by President Polk that “tonnage duties” be relied on for internal improvements. Tonnage duties are a tax laid upon vessels according to their tonnage or cubical capacity. President Polk believed that, practically speaking, enough could be done with tonnage duties when granted state authority and consent of the US Congress in the way of internal improvements. While Polk’s proposals have the advantage of allowing internal improvements to be constitutional through the authority of the states, the extent of these projects are severely limited in this interpretation. Lincoln explains, “but I suppose one of it’s principles must be, to lay a duty for the improvement of any particular harbor, *upon the tonnage coming into that harbor*. To do otherwise -- to collect money in *one* harbor, to be expended on improvements in *another*, would be an extremely aggravated form of that inequality which the president so much depreciates.”⁵³ While the powers of the national government are in debate between Lincoln and Polk, the sort of Union that is desired is also in debate. Polk, while perhaps wanting some degree of internal improvements, wants to not disadvantage any state with the way the national government uses its spending power. Lincoln, by contrast, believes in a Union where monies can be redistributed to projects that aim towards the general welfare. Polk aims at primarily maintaining existing projects, while Lincoln looks forward to new improvements. Lincoln highlights this difference by pointing to the impossibility of funding a project that does not exist on its own tonnage duties, saying, “We shall never make

⁵³ Lincoln, I:488.

a canal by tonnage duties, until it shall already have been made awhile, so the tonnage can get into it.”⁵⁴

Having examined the propositions against internal improvements, Lincoln begins to close his speech “with some general remarks upon the subject of improvements.” Lincoln does not deny that internal improvement projects create difficulties. He does deny that the difficulties would disappear if such project were handled on a lower level of government. Lincoln, in the Illinois state house, proposed and supported numerous canal and road projects, but throughout this speech insists that it is wise for the national government to do so. Though it will be considered in some detail later in his career, when Lincoln will offer a clear principle on deciding when the government should act in his July 1st, 1854 *Fragments on Government*, “The legitimate object of government, is to do for a community of people, whatever they need to have done, but can not do, *at all*, or can not, *so well do*, for themselves – in their separate, and individual capacities. In all that the people can individually do as well for themselves, government ought not to interfere.”⁵⁵ While one should be careful in applying the thinking of an 1854 quotation to an 1848 speech, it is not reckless to infer here that, while Lincoln thinks that state and local governments can embark on projects, they cannot do some of those as well as the national government can. Lincoln, in his internal improvement speech, stresses that all projects have some local benefits and some general benefits, but he always keeps in mind that national projects should aim for general benefit -- the sort of interstate, national-scope projects that would be nearly impossible for local governments to coordinate.

Building a canal, road, or bridge invariably leads to special interests who seek the local benefits that come from such projects. There are negative consequences that happen to

⁵⁴ Ibid.

⁵⁵ Ibid., II:221.

individuals because of these projects, additional traffic or a loss of customers as a new second road leads people away from one's business. Lincoln views these effects as the normal cost of any project at any level of government, stating, "All can recur to instances of this difficulty in the case of country-roads, bridges, and the like. One man is offended because a road passes over his land, and another is offended because it does *not* pass over his."⁵⁶ Lincoln stresses that there is nothing about these difficulties particular to internal improvements on the national level. If these difficulties are sufficient reasons for not pursuing internal improvements on the national level, then they are sufficient reasons for not having internal improvements at all -- as they will not disappear when projects are considered in states and counties.

Lincoln exhorts Congress to meet these difficulties and find solutions to them, even quoting poetry. This is quickly followed by a comment of Lincoln's that gets little development, "the tendency to undue expansion is unquestionably the chief difficulty."⁵⁷ What Lincoln meant by this comment is somewhat difficult to discern. Clearly the Mexican War, a war Lincoln opposed, has cost a great deal of money and has exhausted the Treasury. Rather than expanding the country, Lincoln would prefer developing the states that already exist. Additionally, if Lincoln has in mind a grand project like a road or railroad that crosses the nation one would want to have a fixed idea of the boundaries of the country to try to maximize general benefits. Given the recent expansion of Texas and Oregon one cannot be sure just how big the country is, or will be tomorrow. While Lincoln advocated a homestead program of federal land, he did not hold to Westward expansion to acquire more land, perhaps because he understood expansion as part of a larger Democrat platform of quieting the slavery question in America. In his chapter on James Polk's Articulation in *The Politics Presidents Make*, political scientist Stephen Skowronek sees

⁵⁶ Ibid., I:489.

⁵⁷ Ibid., 490.

in the advocacy for hard money and the independent treasury, low tariffs, equal treatment and no special privileges along with affordable land, an agenda that submerges the tensions developing between free and slave states. As Skowronek puts it, “Implementation of this program was to submerge the recent agitation over slavery’s expansion in a renewed celebration of the central tenets of Jacksonian nationalism.”⁵⁸ If at this stage in his career Lincoln has in mind ultimately extinguishing slavery, he may not wish for anything that further delays abolition. It might be too much to say he desired to accelerate the end of slavery by limiting the expansion of the country, or by only allowing free territories to become states.

Given that Lincoln has made an argument for the expediency and constitutionality of internal improvements, he gives a brief, but interesting, statement of the question of application, stating, “How to do *something*, and still not do *too much*, is the desideratum.”⁵⁹ Lincoln references a letter to a Chicago convention written by the late Silas Wright that deals with the topic of application, saying Wright contributed something worthwhile in that letter and he was hoping to do the same. Jabez Delano Hammond in an 1847 biography details Governor Wright’s letter to a convention of those that favor national internal improvements:

He evinces his conviction of the importance and utility of the projected improvement, and expresses an opinion that it is the duty of the general government to construct those works which are of national importance; but he more than intimates that those improvements which are for the benefit of localities, and not national in their character, should not be undertaken: and he proposes that congress should act separately and independently upon all applications, so that each case could stand on its own merits. This mode of proceeding, if adopted, would eventually prevent, so far as any general rule of action can prevent, all those formidable combinations, vulgarly, but very significantly called ‘log rolling,’ so pernicious to judicious, just and fair legislation.⁶⁰

⁵⁸ Skowronek, 169.

⁵⁹ Lincoln, I:490.

⁶⁰ Jabez D. Hammond, *Life and time of Silas Wright*, (Syracuse: Hall and Dickson, 1847), 719.

So the real problem of internal improvements for Lincoln is the problem of *how*, that is doing something without doing too much -- providing the most *general* welfare possible with a project. Governor Wright's advice on this topic is individual attention to each specific project to ensure they are national in character; to this Lincoln will add his own advice on the topic. First, Lincoln would have the national government borrow no money to finance internal improvement projects.⁶¹ Instead, Lincoln recommends a simple budgeting process: determine how much is available for internal improvements and assign it to the most important projects. The real question is "how shall we determine which are the most important?" Lincoln states that statistics can answer these questions. As he puts it, "In that information, we shall have a stern, unbending basis of facts—a basis, in nowise subject to whim, caprice, or local interest. The pre-limited amount of means, will save us from doing *too much*, and the statistics, will save us from doing, what we do, in *wrong places*."⁶² Thus, Lincoln believes that budgeting and counting can produce effective and efficient spending on general internal improvements. While some worry about the government "counting all pigs and chickens in the land," Lincoln sees little legitimacy in this objection. What he is interested in counting are the products of interstate commerce:

The surplus -- that which is produced in one place, to be consumed in another, the capacity of each locality for producing a greater surplus; the natural means of transportation, and their susceptibility of improvement, the hindrances, delays and losses of life and property during transportation, and the causes of each, would be among the most valuable statistics in this connection. From these, it would readily appear where a given amount of expenditure would do the most good.⁶³

One could say, from these closing remarks on how best to appropriate monies for internal improvements, that Lincoln has a good deal of confidence in Congress' ability to effectively act

⁶¹ Lincoln, I:490.

⁶² Ibid.

⁶³ Ibid., 491.

when their dealings are accounted for in a public manner. In setting a firm budget for internal improvements and looking for the places where goods are being wasted due to difficulties of transportation, Lincoln believes a great deal of the waste of traditional log rolling can be avoided. Internal improvements unlock wealth for the nation by allowing the surplus of certain goods to go where they are needed with relative ease. Because this statistical information is public the states will have access to it as well, allowing them to coordinate smaller projects with the federal government's larger projects. It is with this vision of a vast network of bridges, canals, and railroads that Lincoln closes his speech on internal improvements, "Working in a meeting direction, discreetly, but steadily and firmly, what is made unequal in one place may be equalized in another, extravagance avoided, and the whole country put on that career of prosperity, which shall correspond with it's extent of territory, it's natural resources, and the intelligence and enterprize of it's people."⁶⁴

What is clear from Lincoln's 1848 Speech on Internal Improvements is that Lincoln sees the United States as one country and potentially one giant marketplace. While certainly recognizing the role of state and local governments for state and local projects, Lincoln believes it is the duty of the national government to spend wisely for the general welfare. Internal improvements which allow the free exchange of goods are to Lincoln money well spent. There are perils to any government spending project -- special interests trying to steer federal dollars their way and the dangers of borrowing money for projects -- but these can be avoided through a systematic approach to budgeting. Men can, in good conscience, believe that the Constitution allows for such spending and the damage that can proceed from making this power explicit in the text outweighs the benefits of amending the Constitution.

⁶⁴ Ibid.

In his Preface to the 1995 edition of *Basic Symbols of the American Political Tradition*, George Carey argues for Lincoln being the derailment of the American political tradition that sent the nation on an endless quest for equality. Carey concludes “Taken as a whole, these passages would suggest that he did regard equality as a permanent and transcendent goal for all societies.”⁶⁵ The speeches considered in this chapter, however, illustrate Lincoln advocating for tolerance of inequality: the privileges of the national bank to shareholders and tolerance of local benefits from a general plan of internal improvements. Lincoln never abandons his advocacy for these instances of economic inequality, which suggests that one needs to be precise in understanding what sort of “equality” Lincoln promotes.

The equality that Lincoln believes the Declaration of Independence dedicates the nation to is “liberty to all”, the notion that everyone should be free. It does not mean that everyone need be treated exactly the same way by the law or that the law cannot favor some. Lincoln does believe that these privileges should be pursued in the manner that maximizes general benefits, but he strongly argues against perfect egalitarian treatment of individuals and state governments in these speeches.

“Liberty to all” is the principle that produces prosperity; the Constitution is the means to enact the pursuit of that principle. The Constitution allows the national government to promote the exchange of goods, which produces wealth. The national government can do these things wisely or it can do them foolishly. Reflection on past national economic decisions by Congress reveals the prudential measures for the government to take. Legislators can use this knowledge to see the wisdom of returning to the national bank over the proposed Sub-Treasury system or to know that it is possible for the government to be frugal in its promotion of internal improvements.

⁶⁵ George Carey in Preface to *The Basic Symbols of the American Political Tradition*, by Willmoore Kendall and George Carey, (Washington, D.C.: The Catholic University of America Press, 1995), XVIII.

Consideration of Lincoln's Speeches as a young Whig reveals his thoughts on the powers of the national government to promote "liberty to all." It also reveals his tolerance of inequality and his dedication to exchange as a source of wealth. Rather than constant expansion of land to increase the economic prosperity of the country, Lincoln sought to build up the existing states in the Union through a sound currency and internal improvements. Lincoln also believed in the power of innovation to produce wealth, and he believes that such insight comes from the same methods of economic insight -- reflection and observation. Such knowledge could then be dispersed through education and applied in the free labor of individuals. In order to understand this aspect of Lincoln's economic thought one must turn to Lincoln's speech on Discoveries and Inventions as well as his Wisconsin State Fair address.

CHAPTER 3. THE WAY TO HUMAN PROGRESS: MORAL EXPANSION AND THE ADVANCEMENT OF CIVILIZATION FROM FREE LABOR AND EDUCATION

Lincoln clearly favored American prosperity; what successful politician does not? What distinguishes Lincoln on this topic is his instance that human progress has something to do with moral progress and, most surprisingly, that economic prosperity is linked to adherence to moral principle. The key moral principle that Lincoln adhered to in his public speeches is “liberty to all.” In so far as the United States remained dedicated to the principle that “all men are created equal,” the country would prosper -- in so far as the country did not, it would fall.

One of the major political economy questions of Lincoln’s day is, how should the nation expand, with or without slavery? Stephen Douglas favored the quieting of the issue of slavery, allowing new territories to decide for themselves whether or not to have slavery. Taking the issue off the national stage put the emphasis on simple expansion. For Douglas, a bigger country is a greater country, one that offers greater opportunities, at least for the white Americans whom he believes were the object of the “equality principle” of the Declaration of Independence. Lincoln maintains that bigger is not necessarily better. While certainly slavery was something that the founders of the country had to compromise on, they sought to place slavery on the course of ultimate extinction because slavery contradicts the moral teaching of the Declaration of Independence of “liberty to all.” Potentially, any justification to enslave (intelligence, color) an African American man can just as easily be used to oppress white persons. Given that Lincoln believes the psychological awareness of “liberty to all” leads to enterprise and productivity; the expansion of slavery in this country means insecurity and thus less prosperity.

Lincoln frames Douglas’ advocacy of expansion, while being indifferent to morality, as typical of the Young America movement. This movement represents a threat to Lincoln and his party, because it is Democrats promoting opportunity through expansion and private sector

internal improvements. Daniel Walker Howe in *What Hath God Wrought* describes this movement: “To some extent the Democrats had also preempted traditional Whig economic issues. A movement within the Democratic Party called ‘Young America’ embraced internal improvements so long as they were built by private enterprise, not mixed public-private corporations.”⁶⁶ Young America seems to gain all of the goods in the world without any understanding where these goods come from. Lincoln’s Second Lecture on “Inventions and Discoveries” deals with the question of the origins of inventions and discoveries; it aims to reveal what Douglas does not know about progress. Inventions and discoveries come about through the habits of observation and reflection. Human progress advances through a tradition of observation and reflection, and this is a somewhat unique principle of the Western world. To forget what the previous generations have said on a topic is to lose knowledge, to lose observations and reflections. Hence, Douglas’ “forgetting” the equality principle in the Lincoln-Douglas debates is a loss of the moment of progress that led to the prosperity of the country. Knowledge is preserved and dispersed through the written word. The moment of great advancement in inventions and discoveries is the invention of the printing press. This allows more individuals to learn and to reflect and observe, leading to more inventions and discoveries.

Certain economic arrangements advance human progress as well. People are more productive when they work for themselves, hence Lincoln’s argument for free labor over slave labor. Additionally, if innovation comes from reflection and observation, only those who are working will be in the position to have insight. Lincoln argues in the “Wisconsin State Fair Address” that the old way that separated work and learning is done. Against the idea that

⁶⁶ Daniel Walker Howe, *What Hath God Wrought: The Transformation of America, 1815-1848*, (New York: Oxford University Press, 2007), 829.

civilization advances because some have leisure built on the backs of workers, Lincoln argues for human progress by combining work and learning.

Moral Expansion in the Lincoln-Douglas Debates

While previous studies of the debates between Abraham Lincoln and Stephen Douglas' have rightly viewed them as a debate about the responsibilities of the federal government with regards to slavery, much can be gained by re-examining the debates while focusing on the economic thinking behind the issues. Slavery is an economic arrangement, as is free labor. If one wonders why Lincoln and Douglas would attempt to garnish support for their candidacies in the state legislature through discussions about the nature of the Union and slavery, the answer must partially be that there is a lot at stake economically for the citizens of Illinois.

The nature of the audience in the Lincoln-Douglas debates can be seen through the courses Douglas and Lincoln try to navigate in the debates. First, the audience is against slavery, perhaps as a moral wrong, at least in so far as it threatens their economic prospects and the prospects of their children. Lincoln continuously attempts to show how Douglas' "popular sovereignty" proposal will lead to the nationalization of slavery. Second, the audience does not favor the full social equality of African Americans. Numerous times, Douglas attempts to paint Lincoln as someone who favors full integration and Lincoln tends to deflect these portrayals by stressing that he favors the natural rights of African Americans to own their own labor, but not full social equality.

Several scholars have pointed to the subtlety of Lincoln's language in these instances. For example, in the sixth debate in Quincy, IL Lincoln says, "I have no purpose to introduce political and social equality between the white and black races. There is a physical difference between the two, which, in my judgment, will probably forever forbid their living together on the

footing of perfect equality, and inasmuch as it becomes a necessity that there must be a difference, I as well as Judge Douglas am in favor of the race to which I belong having the superior position.”⁶⁷ Lincoln, at other moments, acknowledges that the one physical difference that exists between the two races is color, meaning that he believes there will always be difficulties because people will discriminate on the basis of color. No legitimate basis for discrimination is given. Lincoln argues that, insofar as there has to be discrimination, he would prefer his race on top. One can see the argument going just as easily the other way -- if there had to be a hierarchy and Lincoln were black, he would still want his race on top. Douglas remarks regarding Lincoln’s answering of a question about permitting territories that have allowed slavery into the Union that, “I submit to you whether that answer of his to my question does not justify me in saying that he has a fertile genius in devising language to conceal his thoughts.”⁶⁸ Lincoln is a careful speaker, who in the debates attempts to convince his audience that expanding the country, while being indifferent to slavery, will undermine their own liberty.

Whether future territories become free states or not, determines whether citizens and their children who migrate from Illinois will have to compete against slave labor if they move to those future states. The difficulties of competition against slave labor would be everywhere if slavery were to be nationalized. Illinois citizens, on the other hand, had no particular interest in competing with the labor of free African Americans in their own state. In this regard, one might consider Douglas’ threat of the dangers of African Americans becoming citizens: “Do you desire to strike out of our State Constitution that clause which keeps slaves and free negroes out of the State, and allow the free negroes to flow in, (“never,”) and cover your prairies with black

⁶⁷ Lincoln, III:250.

⁶⁸ Ibid., 262.

settlements? Do you desire to turn this beautiful State into a free negro colony, (“no, no,”) in order that when Missouri abolishes slavery she can send one hundred thousand emancipated slaves into Illinois, to become citizens and voters, on an equality with yourselves?”⁶⁹ The two candidates for the US Senate knew their audience well and knew what they needed to do to appeal to the financial interests of the voters. Douglas must argue that the maintenance of a distinction between African American slaves and whites, through the mechanism of popular sovereignty, is in the interest of Illinois voters. Lincoln must argue that the continued existence of slavery undercuts the principle of “liberty to all” that is central to the audience’s prosperity.

Sympathy with an audience who must work and compete to sustain themselves is expressed by both contestants early in the debates. Douglas points out that both he and Lincoln started life with meager means, “There were many points of sympathy between us when we first got acquainted. We were both comparatively boys, and both struggling with poverty in a strange land. I was a school-teacher in the town of Winchester, and he a flourishing grocery-keeper in the town of Salem.”⁷⁰ Accounts of the debates acknowledge that the audience laughs at Lincoln being a grocery-keeper as the term is often used as a euphemism for a saloon keeper. There was, of course a great deal of cross-over between the abolitionist movement and the temperance movement. Lincoln takes the comment in stride retorting that “Lincoln never kept a grocery anywhere in the world. It is true that Lincoln did work the latter part of one winter in a small still house, up at the head of a hollow.”⁷¹

⁶⁹ Ibid, 10.

⁷⁰ Ibid., 6.

⁷¹ Ibid., 17.

Douglas, in the first debate, acknowledges Lincoln's success in business and the fellow feeling between them in the legislature, "I met him there, however, and had a sympathy with him, because of the uphill struggle we both had in life."⁷² But Douglas will quickly transition to pressing the charge against Lincoln, that he is an abolitionist. Douglas views Lincoln as a "black Republican" who favors the full political and social equality of African Americans, thus threatening the peace that the nation has achieved on the question of slavery through various compromises.

According to Douglas, the newly formed Republican Party is different from the traditional Whig and Democrat parties, while those parties "differed in regard to a bank, the tariff, distribution, the specie circular and the sub-treasury, they agreed on the great slavery question which now agitates the Union."⁷³ Douglas describes these debates on the national bank, tariff, distribution, and currency as questions of "expediency" rather than Constitutional disputes. What Lincoln is asking for by looking to stop the expansion of slavery is a one-size-fits-all solution in a nation that always acknowledged the diversity of the states. Douglas details this theme: "Why should Illinois be at war with Missouri, or Kentucky with Ohio, or Virginia with New York, merely because their institutions differ? Our fathers intended that our institutions should differ. They knew that the North and the South having different climates, productions and interests, required different institutions. This doctrine of Mr. Lincoln's of uniformity among the institutions of the different States is a new doctrine, never dreamed of by Washington, Madison, or the framers of this Government."⁷⁴ According to Douglas, Lincoln wants to make the various institutions of the states uniform, and he illustrates this by continually referring to Lincoln's

⁷² Ibid., 6.

⁷³ Stephen Douglas, Lincoln, III:2.

⁷⁴ Lincoln, III:13.

“House Divided Speech.” When Lincoln argues that he has no intention to interfere with slavery where it exists in the states, Douglas points out the inconsistency of Lincoln’s looking forward to the ultimate extinction of slavery, asking how can he hope to see it extinct, if he has no intention of interfering with the institution?

Lincoln responds throughout the debates by emphasizing that he generally sees the diversity of the states as a source of harmony in the country, saying, “the great variety of the local institutions in the States, springing from differences in the soil, differences in the face of the country, and in the climate, are bonds of Union. They do not make ‘a house divided against itself,’ but they make a house united. If they produce in one section of the country what is called for by the wants of another section, and this other section can supply the wants of the first, they are not matters of discord but bonds of union, true bonds of union.”⁷⁵ In general, the diversity of the states produces trade which creates harmony making the Union stronger, according to Lincoln. There is only one exception to the diversity of the states making the Union stronger, and that is slavery.

Lincoln’s most fundamental argument is that slavery is a moral wrong and that the framers of the United States saw it as such and looked forward to its ultimate extinction. It is not simply a matter of geographical diversity like the growing of cranberries in Indiana or sugar in Louisiana. There is no agitation about these things because no one views them as morally wrong. While the framers had to compromise on the issue of slavery to have a Union at all, at least some of them looked forward to its ultimate extinction as illustrated by their passage of the Northwest Territory ordinance making that region “forever free.” Lincoln argues that prior to recent times no one argued that the Declaration of Independence’s “All men are created equal” did not apply

⁷⁵ Ibid., 17.

to African Americans. What has changed is that slavery has become profitable and that this interest has clouded the moral judgment of slave holders. Lincoln described this change during the debate at Quincy:

Mr. Brooks, of South Carolina, once said, and truly said, that when this government was established, no one expected the institution of slavery to last until this day; and that the men who formed this government were wiser and better men than the men of these days; but the men of these days had experience which the fathers had not, and that experience had taught them the invention of the cotton gin, and this had made the perpetuation of the institution of slavery a necessity in this country. Judge Douglas could not let it stand upon the basis upon which our fathers placed it, but removed it and *put it upon the cotton gin basis*.⁷⁶

Throughout the debates, Lincoln will exploit the tension between the *Dred Scott* decision and Douglas' popular sovereignty position. While deciding that Dred Scott did not have standing to sue for his freedom based on his extended stay in a free territory, the *Dred Scott* decision goes on to claim that slavery has to do with the right of property, which is prior to the Constitution and cannot be taken away. When pressed on the question in the Freeport debate, Douglas argued that, contrary to Lincoln's claims, it is impossible for slavery to be forced on a state or territory. According to Douglas, slavery requires local government support, and if a state wanted to remain free, they could simply pass "unfriendly legislation" that undermined slavery. Douglas describes this at Freeport:

It matters not what way the Supreme Court may hereafter decide as to the abstract question whether slavery may or may not go into a territory under the constitution, the people have the lawful means to introduce it or exclude it as they please for the reason that slavery cannot exist a day or an hour anywhere, unless it is supported by local police regulations. (right, right) Those police regulations can only be established by the local legislature, and if the people are opposed to slavery they will elect representatives to that body who will by unfriendly legislation effectively prevent the introduction of it into their midst.⁷⁷

⁷⁶ Ibid., 277.

⁷⁷ Ibid., 52.

Can state or territory governments choose not to support slavery with their local laws? If they can do that, can they go a step further and pass “unfriendly legislation” towards the institution of slavery? What is tacitly at stake here are the powers of the state governments (and territorial) in relation to the national government. The Supreme Court case that addresses this topic is *McCulloch v. Maryland*, a case that seems to continually pop up throughout the debates. This will be further developed in the chapter on Lincoln’s constitutionalism.

What is important to note here is Lincoln’s opposition to Douglas’ popular sovereignty is opposition to expansion without moral consideration. Lincoln damaged his own reputation while serving in Congress by demanding to know where the “spot” was, where American blood fell in regards to the Mexican war. Viewing the war as simply a push for more territory for slavery, Lincoln supported the Wilmot Proviso⁷⁸ while serving in Congress, thus Douglas’ referrals to Lincoln as “Spotty Lincoln” throughout the debates. Douglas makes clear his position on expansion as well:

Let each State stand firmly by that great constitutional right, let each State mind its own business and let its neighbors alone, and there will be no trouble on this question. If we will stand by that principle, then Mr. Lincoln will find that this republic can exist forever divided into free and slave States, as our fathers made it and the people of each State have decided. Stand by that great principle and we can go on as we have done, increasing in wealth, in population, in power, and in all the elements of greatness, until we shall be the admiration and terror of the world. We can go on and enlarge as our population increases, and we require more room, until we make this continent one ocean-bound republic. Under that principle the United States can perform that great mission, that destiny which Providence has marked out for us. Under that principle we can receive with entire safety that stream of intelligence which is constantly flowing from the Old World to the New, filling up our prairies, clearing our wildernesses and

⁷⁸ The Wilmot Proviso was a proposed amendment by David Wilmot in the US House of Representatives that would have banned slavery in newly acquired territory in the Mexican American War. See Howe, 767-768.

building cities, towns, railroads and other internal improvements, and thus make this the asylum of the oppressed of the whole earth.⁷⁹

Both Lincoln and Douglas favor a diverse country that is linked through internal improvements.

Both men see the potential greatness of America in its dedication to liberty; neither candidate believes that the full social equality of African Americans is required for American greatness.

Where the difference lies is that Lincoln believes the institution of slavery undermines the principle of “liberty to all.”

It eats away at this principle because any criteria used to question the self-ownership of African Americans can be used to question the self ownership of white Americans; as Lincoln describes it, the basis of slavery is the divine right of kings. In the seventh debate at Alton, IL Lincoln makes this clear:

It is the eternal struggle between these two principles--right and wrong—throughout the world. They are the two principles that have stood face to face from the beginning of time; and will ever continue to struggle. The one is the common right of humanity and the other the divine right of kings. It is the same principle in whatever shape it develops itself. It is the same spirit that says, ‘You work and toil and earn bread, and I’ll eat it’. [Loud applause] No matter in what shape it comes, whether from the mouth of a king who seeks to bestride the people of his own nation and live by the fruit of their labor, or from one race of men as an apology for enslaving another race, it is the same tyrannical principle.⁸⁰

There is substantial weight to argue that when Lincoln says equality, he means liberty. Everyone being equal in the right to own their labor, as he stressed throughout the debates, does not mean the full economic or social equality of all persons in all respects. George Carey writes in the preface to the 1995 edition of *Basic Symbols* that “obviously one could easily work from the language of ‘an unfettered start, and a fair chance’ to derive mandates for government to pursue

⁷⁹ Lincoln, III:274-275.

⁸⁰ Ibid., 316

a radical egalitarian policies far beyond those presently in place.”⁸¹ Once one understands Lincoln to be speaking of the right to self-ownership, it does not seem so obvious.

Lincoln does remark in the final debate at Alton about the framers that, “They meant to set up a standard maxim for free society which should be familiar to all: constantly looked to, constantly labored for, and even though never perfectly attained, constantly approximated and thereby constantly spreading and deepening its influence and augmenting the happiness and value of life to all people, of all colors, everywhere.”⁸² While “never perfectly attained” sounds like it might mean setting the country on an endless quest for various types of equality, its meaning becomes clear when read in light of a quotation of Henry Clay’s that Lincoln put forward later in his reply at Alton. Lincoln quotes Clay saying, “But, then, I apprehend that in no society that ever did exist, or ever shall be formed, was or can the equality asserted among the members of the human race be practically enforced and carried out. There are portions, large portions, women, minors, insane, culprits, transient sojourners, that will always probably remain subject to the government of another portion of the community.”⁸³ The reason that equality is never perfectly attained is not because of the difficulties of producing some vision of an egalitarian paradise on earth, but rather because there will always be some people who cannot take care of themselves, such as the insane. While Lincoln mentions women as probably having to remain subject to men in the above quotation, early in his career, in an 1836 letter to the *Sangamo Journal*, he considered the possibility of women’s suffrage, “I go for all sharing the privileges of the government, who assist in bearing its burthens. Consequently I go for admitting all whites to the right of suffrage, who pay taxes or bear arms, (by no means excluding

⁸¹ Kendall/Carey, *Basic Symbols*, xvii-xix.

⁸² Lincoln, III:302.

⁸³ *Ibid.*, 304.

females).”⁸⁴ Little evidence beyond this exists for Lincoln advocating for the women’s vote, but this statement was often quoted during the fight for woman’s suffrage.

The Lincoln-Douglas Debates illustrate Lincoln’s belief that economic decision cannot be made while ignoring moral considerations. Lincoln insisted that slavery be treated as a moral wrong to the extent it was constitutionally possible because the institution of slavery undercut the principle of “liberty to all” that produced prosperity and was the basis of equality for all men. Any expansion that the United States takes on should be conducted with that principle in mind. He maintained that this was the true basis on which the country was founded, which it had maintained until those whose self interest was tied to slavery tried to re-found it on “the cotton gin basis.” Lincoln’s comment illustrates the potential danger of innovations in a free society. This was not Lincoln’s final comment on inventions and discoveries and their place in America, for a deeper look on that topic one looks to a speech he gave the year after losing the Senate race to Douglas.

Pitfalls and Progress in Lincoln’s Lecture on Discoveries and Inventions

In 1858, Lincoln briefly considered a career on the lecture circuit. This speech occurred in between losing the Senate and giving the “Cooper Union Speech” that made Lincoln a national figure. It was meant for the public lecture circuit, where informal self education was made possible through speeches given to the public, not unlike the function served by public broadcast or the discovery channel today.

But Lincoln is a political man, always thinking about politics; this speech includes many subtle reflections on politics and economics. In this speech, Lincoln highlights the prosperity that some have achieved in America and how they have benefited from a wide variety of goods. For some, especially Stephen Douglas’ Manifest Destiny crowd, it seems like inventions come from

⁸⁴ Ibid., I:49.

nowhere, that they are simply given. Lincoln argues that contrary to that impression -- progress comes from the tradition of observing and reflecting. Observations and reflections are transmitted to future generations through the written word. Without the ability to read and write progress of a society would be lost as each generation would start from scratch. The more people can read and write, the greater the possibilities for insight from observation and reflection, especially if the nation rewards insight through the granting of patents.

Lincoln begins the speech discussing the political movement that felt it was the manifest destiny of America to expand: “We have all heard of Young America. He is the most *current* youth of the age.”⁸⁵ Young America was the Western expansion movement that Stephen Douglas was associated with. The Lincoln-Douglas debates continually brought up the question of western expansion, with Douglas taking the position that more country was always good, whether free or slave. Lincoln maintained that progress was only possible if slavery was treated as a moral wrong.

In what is a strange approach to talking about discoveries and inventions, Lincoln emphasizes how many products “Young America” consumes and where they come from:

Men, and things everywhere are ministering unto him. Look at his apparel, and you shall see cotton fabrics from Manchester and Lowell; flax linen from Ireland; wool cloth from Spain; silk from France, furs from the Arctic regions, with a buffalo-robe from the Rocky Mountains, as a general out-sider. At his table, besides plain bread and meat made at home, are sugar from Louisiana; coffee and fruits from the tropics; salt from Turk's Island; fish from New-foundland; tea from China, and spices from the Indies. The whale of the Pacific furnishes his candle-light; he has a diamond-ring from Brazil; a gold-watch from California, and a spanish cigar from Havanna. He not only has a present supply of all these, and much more; but thousands of hands are engaged in producing fresh supplies, and other thousands, in bringing them to him. The iron horse is panting, and impatient, to carry him everywhere, in no time; and the lightening stands ready harnessed to take and bring his tidings in a trifle less than no time. He owns a

⁸⁵ Ibid., 357.

large part of the world, by right of possessing it; and all the rest by right of *wanting* it, and *intending* to have it.⁸⁶

In Lincoln's account Young America is being waited on by the entire world; he enjoys the goods of the entire world but he seems to have no awareness of what it took to produce these things. He enjoys all these products and in Dandy-like fashion, continually wants more and more. In a similar manner, Young America simply wants land; as Lincoln points out, he is eager to "liberate" those who have land but cares little for the oppressed who do not. Young America is master of the present and the possessions and leisure he has are vastly superior to the first man from the Book of Genesis, Adam, who had only the undeveloped earth.

What is the difference between Adam and other "Old Foggies" and Young America? What allows Young America to live so comfortably and with so many goods? Lincoln answers that it is a result of "Discoveries, Inventions, and Improvements." However, those insights only come about as a result of "observation, reflection, and experiment." Lincoln details this habit while remarking on the discovery of steam power:

But was this first inventor of the application of steam, wiser or more ingenious than those who had gone before him? Not at all. Had he not learned much of them, he never would have succeeded -- probably, never would have thought of making the attempt. To be fruitful in invention, it is indispensable to have a *habit* of observation and reflection; and this *habit*, our steam friend acquired, no doubt, from those who, to him, were old fogies. But for the difference in *habit* of observation, why did yankees, almost instantly, discover gold in California, which had been trodden upon, and over-looked by indians and Mexican greasers, for centuries? Gold-mines are not the only mines overlooked in the same way. There are more mines above the Earth's surface than below it. All nature - - the whole world, material, moral, and intellectual, -- is a mine; and, in Adam's day, it was a wholly unexplored mine. Now, it was the destined work of Adam's race to develop, by discoveries, inventions, and improvements, the hidden treasures of this mine.⁸⁷

⁸⁶ Ibid., 358.

⁸⁷ Ibid., 359.

The world is a mine, one that as of yet has been “wholly unexplored.” While Yankees are able to see the potential of this world more than most it is because of their tradition of observation and reflection rather than any superiority of mind or body. Lincoln gives plenty of evidence that the tradition can be lost in his account of Young America.

One question that arises in the speech, especially given the references to the *Book of Genesis*, is where does the first instance of invention come from? As Lincoln tells it the first invention was the fig leaf apron, and it came about when Adam first noticed that he was naked. Lincoln said that initially, “Adam had nothing to turn his attention to the work.”⁸⁸ Only upon observing that he was naked did Adam start to invent. The temptation is to say that sin is the mother of invention. Without Adam and Eve eating from the tree of good and evil, they would have never known that they were naked and thus may not have launched the habit of inventing. However, one can just as easily view invention as a response to sin. Once Adam and Eve realize that they are naked, and presumably lustful, it becomes appropriate to cover up. Invention when used to serve moral causes is relief in a fallen world.

It is then that Lincoln turns to the power of speech and the written word as the greatest means of promoting discovery and invention. Lincoln says that “the inclination to exchange thoughts with one another is probably an original impulse of our nature” suggesting that perhaps it is the key gift from God. Lincoln notes that the tongue is designed to talk and can vary pitch such that two hundred and eighty three sounds can be heard inside of forty seconds. Nothing works as fast as speech to use signs to indicate sounds. Even writing, which Lincoln notes is a “wonderful auxiliary for speech, is no worthy substitute for it.”

The great thing about speech, according to Lincoln, is that it provides for the interchange of thoughts, allowing people to combine their observations and reflections, which greatly

⁸⁸ Ibid.

facilitates discoveries and inventions. The great advantage of the written word will be in its ability to preserve speech through time. Lincoln then returns to what he said earlier about writing being no substitute for speech -- surprisingly saying, "Speech alone . . . has not advanced the condition of the world much." Writing, "The art of communicating thoughts to the mind, through the eye --is the greatest invention of the world."⁸⁹ Writing is the greatest help with all inventions because it enables us to "converse with the dead," and this exchange of thoughts is what promotes discoveries and inventions.

The key to successful writing turns out to be the invention of the alphabet. Speaking is using a sound to convey thought; writing is using a mark to convey a sound, to convey a thought. There are so many thoughts symbolized by sounds that the idea of having a mark for each of them is impossible. But Lincoln insists that "the necessity still would exist" and a vast cycle of picking up the idea, trying to develop it, putting it down continued until someone had the insight that marks did not have to represent a specific word but rather a part of one. This leads to phonetic writing which has made all of the difference in our advancement as a society. Lincoln says "Take it from us, and the Bible, all history, all science, all government, all commerce, and nearly all social intercourse go with it."⁹⁰ Thus what has advanced western civilization over others is the preservation of observations and insights over time through the written word.

Certain inventions for Lincoln facilitate all other inventions and discoveries. They are writing and printing, the discovery of America and the introduction of patent laws. He mentions in passing two other events worth noting -- the Lutheran Reformation of 1517 and "the

⁸⁹ Ibid., 361.

⁹⁰ Ibid, 362.

inventions of negroes, or of the present mode of using them in 1434.”⁹¹ Lincoln, being reared in the Protestant tradition, would probably have viewed the Reformation as an advancement of liberty which, if nothing else, allowed for individuals to read the Bible for themselves, in the absence of authority. Lincoln once remarked upon being given a bible by “Loyal colored people of Baltimore” that “All the good the Saviour gave to the world was communicated through this book. But for it we could not know right from wrong.”⁹² At least in that remark, Lincoln’s public pronouncement about the authority of scripture alone seems in line with Luther. According to Lincoln, printing greatly expanded chances for discovery and inventions in that it brings numerous minds into the fold -- one should remember the first major wide spread text was the bible. Lincoln says he considers wide spread publication “the true termination of the dark ages.”

Lincoln mentions that slaves came from Africa to Portugal for the first time in 1434.⁹³ The invention of “the present mode” of using slaves seems like it could be an advancement for a civilization. Slaves could do the work, providing leisure for invention and observation. However, one must keep in mind that Adam began inventing when he turned his mind to work. One should also remember the harmful possibilities of invention brought out by Lincoln’s talk of the “cotton gin basis” in the Lincoln-Douglas debates. Lincoln deals with the question of slavery and leisure specifically in his Wisconsin State Fair address to be examined below.

It is interesting to note that Lincoln highlights that the capacity to read could not be multiplied as fast as the production of books. Lincoln says spelling books began to go into the hands of children, but the teachers were not as numerous nor as competent as needed. This is an

⁹¹ Ibid., 363.

⁹² Ibid., VII:543.

⁹³ Ibid., III:363.

indication that Lincoln favors education as the means by which reading is expanded because education is not widespread enough for everyone to realize that they are equal in their rights. Here Lincoln applies the slavery metaphor to everyone: “To immancipate [sic] the mind from this false and underestimate of itself, is the great task which printing came into the world to perform.”⁹⁴ As Lincoln describes it, printing came into the world, perhaps like Jesus, to free us from the assumption that we were not equal to others. There was a slavery of the mind, and it took a long time to break the shackles. Lincoln says a new country is very helpful in this regard. This is why the United States invents and discovers faster than anyone else in the world.

The Speech on Discoveries and Inventions acknowledges that all inventions are not progress but also that many are. Inventions come from insights after observing and reflecting. What has allowed Western civilization to advance is the transmission of this observation and reflection through the written word. Young America sits at the end of this tradition with a world of progress at his fingertips but he does not have the means to future progress because he does not know the sources of advancement. Specifically, he does not know the great advantages of a new country dedicated to the principle of “liberty to all.” By desiring more land, and being indifferent to the question of it being free or slave, he forgets the insights of the Declaration of Independence which have been the source of American progress. Still, advancement requires learning and learning free time. How the country can preserve “liberty to all” by combining work and education is the subject of the “Wisconsin State Fair Address.”

Economics and Education in the “Address To the Wisconsin State Agricultural Society”

The speeches of politicians often match Macbeth’s description of the tale of life, being full of sound and fury while signifying nothing and told by similar sorts of persons. However,

⁹⁴ Ibid, 364.

Lincoln, in his admiration of Henry Clay as someone who, “never spoke merely to be heard,” gave his speeches to achieve particular political ends.

This section will examine a speech Lincoln gave before the Wisconsin State Agricultural Society. While it may seem strange that Lincoln would say much of importance moments before blue ribbon prizes were handed out for best hog or the tastiest jam, it is argued here that for Lincoln, the competition of state fairs mirrors the competition of markets. Lincoln maintained at Gettysburg that the United States is an experiment seeking to demonstrate that a nation dedicated to the principle that all men are created equal can long endure. He argued that the equality of men was not in color, nor in intellectual endowment but rather in the right to eat the bread which was earned by one’s own hands. This is to say that a society based on the principle of “liberty to all” is fundamentally incompatible with slavery, though Lincoln recognized it might have to be tolerated for a time. The self-ownership that allows one to enjoy the fruits of one’s labor is the same one that allows for the consent of the governed. Natural right is deeply connected with some degree of economic freedom. But such liberty also means acceptance of the risks and responsibilities that come with self-ownership, the successes and the failures. In any society that begins with the idea that people own themselves, market exchange is likely to follow. If people own their labor, they will soon exchange their labor—in America this arrangement, along with the promotion of industry by the Hamiltonians and Whig party, led to a commercial society. Such a society is likely to be one of frequent changes from booms and busts, inflation and immigration. As Alexis De Tocqueville described in the 1830’s, such an economy produces fears. Those who offer alternatives to a free labor system make claims of producing the highest levels of culture and offer stability to those of the lowest classes. The “Address to the Wisconsin State

Agricultural Society” is a speech that answers those claims, calms the anxieties that come with a commercial society, and shows how it cultivates men.

The “Wisconsin State Address” touches on six topics: self-interest, Lincoln himself as speaker, the importance of thoroughness in work, the relation of labor and capital, education, and finally losing. The speech is bookended with an awareness of time and history, both in terms of where civilization has been and where it is going in time through the American people. Glen E. Thurow has commented on Lincoln’s view of the relationship of the past to the present as continued dedication to the equality of the Declaration of Independence:

The existence of the nation that Lincoln seeks to defend depends upon continual dedication to the proposition to which its founders dedicated it. The reference to the founding fathers is not simply the call of the patriot, but an attempt to awaken the consciousness of the people to the principles to which the nation is dedicated; that is, to create the nation as Lincoln understands it within their own souls.⁹⁵

For Lincoln, the lessons of the past are not simply received as an inheritance but rather must be selected and harvested in the present. Likewise, the future is not something that is going to happen, but rather a result of the choices that are made now. What he holds should be kept from the past into the future is the proposition that all men are created equal.

Lincoln begins the speech commenting on the phenomena of agricultural fairs, that is, with an awareness of what they are doing here and now. These events bring everyone together, making citizens better acquainted, and thus better friends, than they would normally be. From the present, Lincoln shifts back to “the first appearance of man upon earth” to explain the important civilizing function of government:

From the first appearance of man upon earth, down to recent times, the words ‘*stranger*’ and ‘*enemy*’ were *quite* or *almost*, synonymous. Long after civilized nations had defined robbery and murder as high crimes, and had affixed severe punishments to them,

⁹⁵ Glen E. Thurow, “The Gettysburg Address and the Declaration of Independence” in *Abraham Lincoln, The Gettysburg Address and American Constitutionalism*, Leo Paul S. de Alvarez, ed. (Irving, Texas: University of Dallas Press, 1976), 72.

when practiced among and upon their own people respectively, it was deemed no offence, but even meritorious, to rob, and murder, and enslave *strangers*, whether as nations or as individuals.⁹⁶

Here, Lincoln's words temporarily echo Hobbes,' at least with regards to how unsocial man has been throughout history. Stranger and enemy appear to mean the same thing, yet repeated exposure to others reveals that this is not the case. Something about man makes him distrustful of the stranger and that quality is his own self-interest.

For Lincoln it is not enough for nations merely to define crimes such as murder and robbery because this means those outside of the state will still be viewed as enemies. Robbery and murder are acknowledged high crimes against one's countrymen, but somehow are viewed as meritorious actions against strangers. One should note that a new hostile action is listed as something generally accepted against strangers, one not defined as a high crime earlier in the paragraph -- enslavement. The inclusion of the term can be seen as a tacit suggestion that slavery should be defined as a high crime.

The problem is that men love their own despite all that abstract principle tells them. The drive of self interest always seems to exist in tension with moral action. Lincoln once described this problem in a hypothetical example of a minister contemplating whether or not to free his slave, "If he decides that God wills Sambo to continue a slave, he thereby retains his own comfortable position; but if he decides God wills Sambo to be free, he thereby has to walk out of the shade, throw off his gloves, and delve for his own bread."⁹⁷ To relinquish one's slave is to accept the burden to feed and care for oneself and from the slaveholders' perspective violates their self interest. Therein lies the great difficulty of ending slavery.

⁹⁶ Lincoln, III:472.

⁹⁷ Ibid., 205.

Commercial societies of freemen and state fairs, on the other hand, allow for self interest and moral principle to coincide. Coming together for purposes of competition ends up being an instance of what Tocqueville described as “self interest, rightly understood,” where private interest is linked to the good of society. State fairs are recreational competitions, a sort of dress rehearsal for market competition that promote a likeness of mind amongst their participants, making “more pleasant and more strong, and more durable, the bond of social and political union among us.”⁹⁸ The disintegration of the Union had been a concern of Lincoln’s since he gave his Lyceum address in 1838. There he offered reverence for the law and the Constitution as remedies for a fading attachment to the nation. Here he offers the friendship that arises from competition as a similar corrective. Thus, state fairs are a part of the liturgy of Lincoln’s political religion. They help to correct man’s natural tendencies, as seen in the past; they lead men to view strangers as friends through present recreation, which in turn makes the future more pleasant. The fact that Lincoln sees competition as something that can be made to produce societal harmony suggests that Lincoln will view economics, not simply as morally indifferent empiricism, but rather a subset of politics. Economics is a way of producing societal concord; it is a moral science.

Lincoln links state fairs to commercial societies through their channeling of self interest. It is prudent government action, both in the Department of the Interior’s holding agricultural fairs and in the US Constitution’s patent clause, that steers self interest into producing more for everyone:

And not only to bring together, and to impart all which has been accidentally discovered or invented upon ordinary motive; but by exciting emulation, for premiums, and for the pride and honor of success -- of triumph, in some sort -- to stimulate that discovery and invention into extraordinary activity. In this, these Fairs are kindred to the patent clause

⁹⁸ Ibid., 473.

in the Constitution of the United States; and to the department, and practical system, based upon that clause.⁹⁹

Lincoln acknowledges that there is an element of chance involved in scientific discoveries, as there is in the market places where people coming with various economic resources compete. Government, however, can take these instances of fortune as well as the inventions that come from productive behavior and share them with the political community. This is not done by redistributing wealth, which might put a damper on productive behavior, but instead by offering rewards for sharing knowledge. In state fairs this is done by “mutual exchange of agricultural discovery, information, and knowledge.” In commercial society it is done by the temporary grant of a monopoly to patent holders which Lincoln describes in his Lecture on Discoveries as adding, “the fuel of *interest* to the fire of genius.”¹⁰⁰

If the great aim of agricultural fairs is the dispersal of knowledge about agriculture, why is Lincoln speaking at this event? Lincoln acknowledges that it is widely known he does not have much “specific information on Agriculture.” In a moment of Socratic irony, Lincoln considers that as an office seeker, he has been brought to the fair to flatter the crowd, “On reflection, I am not quite sure that there is not cause of suspicion against you, in selecting me, in some sort a politician, and in no sort a farmer to address you.”¹⁰¹ Farmers are the largest class and as such they form the majority in elections and their interests should be “cherished and cultivated.” While Lincoln stands in agreement with the principle of majority rule, this is not agreement with the ideas of popular sovereignty expressed by Stephen Douglas in their Senate race the previous year. As John Channing Briggs describes Lincoln’s thoughts in this section of the speech, being

⁹⁹Ibid.

¹⁰⁰ Ibid., 364.

¹⁰¹ Ibid., IV:474.

in the majority should bring with it a sense of obligation and not just power, “Their numbers make them more significant; but the greater power of their interest as a group needs to be understood as entailing political responsibility; it is not a simple political fact.”¹⁰² Majorities should rule because the interest of the greatest number of individuals will be followed when they do, not because they form the most powerful faction.

Lincoln’s own history shows a life that escaped farming. His home state of Illinois had doubled their corn and wheat production in the 1850’s and had begun to be a leader in commercial industry. As historian Don E. Fehrenbacher describes, “Industrialization proceeded at a rapid pace, merchants and professionals multiplied, and by 1860 almost half of those gainfully employed were engaged in pursuits other than farming. The frontier stage had been left behind.”¹⁰³ Returning to Indiana, in September of 1859, Lincoln found the development of the state wonderful in comparison to the “unbroken wilderness” of his youth, when “an ax was put in his hands, and with the trees, and logs and grubs he fought until he reached his twentieth year.”¹⁰⁴ In an autobiography he sent to friend and promoter Jesse W. Fell, Lincoln laments the lack of education in his early life, where he was “raised to farm work.” In the limited formal schooling he did receive, Lincoln states that no qualifications were required of the teachers beyond the three R’s. In a section that seems to echo some of the themes of the Wisconsin state fair address of three months before, Lincoln says “If a straggler supposed to understand Latin, happened to sojourn in the neighborhood, he was looked upon as a wizard. There was absolutely

¹⁰² John Channing Briggs, “The Milwaukee Address” in *Lincoln’s Speeches Reconsidered* (Baltimore and London: The Johns Hopkins University Press, 2005), 225.

¹⁰³ Don E. Fehrenbacher, “Illinois and Lincoln in the 1850’s” in “Prelude to Greatness, Lincoln in the 1850’s” (Stanford: Stanford University Press, 1962), 7.

¹⁰⁴ Lincoln, III:464.

nothing to excite ambition for education.”¹⁰⁵ The leisure required for classical learning was not available in the free state Lincoln’s father moved to in order to avoid competition with slave labor. But what is more, the learning that they did have was not highly praised, nor linked to the self interest of the student. Hard work in school seemed to have no connection with success in the farmer’s life.

It is on this link between economics and education that the Wisconsin state fair address turns. Lincoln not only argues in this speech for commercial society, but also for transforming farming into a much more commercial enterprise. Lincoln is not in his home state of Illinois, a state that he has helped to change through his promotion of railroads and banks in the state legislature. Rather he is in Wisconsin, a state much more distrustful of the Whig platform of internal improvements that Lincoln had vigorously promoted in Illinois. Section 10 of Article VIII of the 1848 Wisconsin State Constitution says that, “except as further provided in this section, the state may never contract any debt for works of internal improvement, or be a party in carrying on such works.” The section details that pledges of appropriation may be made for specific projects on a case by case basis, that must be paid for out of the treasury or immediate tax increases. Wisconsin voters did not grant the legislature the ability to produce a general banking law until 1902.¹⁰⁶ On the other hand, Wisconsin was a rapidly expanding state due to new settling immigrants. As H. Giles describes it in his article on the eventual success of railroads in Wisconsin through foreign capital, the state went from a population of 30,749 in

¹⁰⁵ Ibid., 511.

¹⁰⁶ John Zumbrennen, “Wisconsin, Rejection, Ratification and the Evolution of a People” in *The Constitutionalism of American States* ed. by George E. Connor and Christopher W. Hammons (Columbia: University of Missouri Press 2008), 471.

1840 to 773,693 in 1860.¹⁰⁷ Wisconsin was a new and rapidly expanding state as Lincoln described it at the state fair: “young, prosperous, and soon to be great state of Wisconsin.” It was, however, not as populated as Illinois nor as industrialized. It is worth noting when thinking about Lincoln’s speech on general advice and happiness to Wisconsin farmers that the historian Fehrenbacher attributes some of Lincoln’s success in life and politics to not being on the farm. “The same man living in Wisconsin or Iowa, for example, would have been unlikely to rise so high.”¹⁰⁸

Lincoln’s first suggestion is that there needs to be an inquiry into the thoroughness of agriculture across America. He argues that crop production per acre has been greatly diminished from an average of eighteen bushels to eight. According to Lincoln, farmers, in their drive to acquire more and more land, have become wasteful, “many crops were thrashed, producing no more than three bushels to the acre; much was abandoned as not worth threshing; and much was abandoned as not worth cutting.”¹⁰⁹ He expressed a similar sentiment several months before the state fair address in his “Lecture on Discoveries and Inventions,” “Young America has a ‘pleasing hope -- a fond desire -- a longing after’ territory.”¹¹⁰ Lincoln’s opponent of the previous year, Stephen Douglas, was a champion of territorial expansion, crafting the Kansas-Nebraska Act which allowed for new territories to decide, through popular sovereignty, whether or not they would be free or slave. It was this abandonment of the Missouri Compromise, which

¹⁰⁷ See H. Giles, “Wisconsin Railroads” in *The History of Racine and Kenosha Counties* 1879.

¹⁰⁸ Don E. Fehrenbacher, “Illinois and Lincoln in the 1850’s” in *Prelude to Greatness, Lincoln in the 1850’s*, (Stanford: Stanford University Press, 1962), 5.

¹⁰⁹ Lincoln, III:473.

¹¹⁰ *Ibid.*, 358.

had previously contained slavery to the South, that spurred Lincoln to return to politics. Lincoln was not opposed to the expansion of the country; he was opposed to the expansion of slavery. Sloppy farming furthers the need for more territory, and acquiring more territory, under the current provisions of the Kansas-Nebraska Act and the *Dred Scott* decision, meant more slavery.

There is an additional argument for Lincoln's promotion of thoroughness in work; thoroughness or efficiency is a virtue that produces wealth in a commercial society. If Lincoln is to restore the country's dedication to the equality of all men, he must show how free labor can be a wealth producing system. It is here where Lincoln's pursuit of knowledge of political economy helped him as a statesman. Allen C. Guelzo describes the evidence that Lincoln was particularly sharp on matters of political economy and that the minister/economist Francis Wayland had influenced him:

"Lincoln liked political economy, the study of it," Herndon remembered, and Shelby Cullom was even more emphatic, "Theoretically, Mr. Lincoln was strong on financial questions. On political economy he was great." But of them all it was Francis Wayland's *Elements of Political Economy* (1837) that Lincoln liked best. "Lincoln ate up, digested, and assimilated Wayland's little work."¹¹¹

Wayland, in his section on productive and unproductive capital, distinguishes the two by whether or not they produce more wealth. Wayland stressed that "the economist is anxious to have the whole of his capital productively invested and that those who do otherwise often do so from poor habits such as indolence and slovenliness." Thus it is not owning capital that produces wealth but rather using it in a productive manner:

The merchant who allows his ships to lie idle, or his goods to be scattered, unsold, over several warehouses; or the manufacturer who owns twice as much machinery as he is able to employ, are annually losing all the accumulation which this capital properly

¹¹¹ Allen C. Guelzo, "A. Lincoln, Philosopher: Lincoln's Place in Nineteenth Century Intellectual History" in "Lincoln's America, 1809-1865" edited by Fornieri and Gabbard (Carbondale: Southern Illinois University Press, 2008), 18.

invested, would produce . . . it is manifest that habitual negligence of this sort must greatly diminish, if it do not entirely consume, all the net revenue of an establishment.¹¹²

Rather than mere wealth, land is capital for Lincoln -- the material used to produce wealth.

Initially, land is an expense, as are seeds, tilling, and enclosures such as fences and hedges. Land costs will inevitably increase as the country ages and gains in citizens, and it is critical that farmers be able to use what they have effectively to prosper. As Lincoln puts it, “the ambition for broad acres leads to poor farming, even with men of energy.”

Next, Lincoln turns to the possibility of new technology making farming more prosperous, in particular the steam plow. Here, Lincoln stresses the critical importance of thinking about the entire economic picture (again, thoroughness) to the farmers. “It is not enough, that a machine operated by steam, will really plow. To be successful it must, all things considered, plow better than can be done with animal power.”¹¹³ Not every new invention turns out to be an advancement, both in terms of economics and ethics. While optimistic that “ingenious men” will be able to engineer the machine to use most of its power in actual plowing, the great difficulty will be in supplying fuel and water in an effective manner. This concern is also expressed by Wayland in his section on inanimate agents while discussing water and steam power in mills, “Water cannot always be commanded in sufficient quantities . . . This is a great inconvenience, inasmuch as, in seasons of drought, a large number of the laborers must be unemployed, and a large portion of the expenses of the establishment must be incurred.”¹¹⁴ Rather than the complete confidence in a future filled with progress that Lincoln describes

¹¹² Francis Wayland, *The Elements of Political Economy*, (New York: Leavitt, Lord & Co., 1837), 27.

¹¹³ Lincoln, III:477.

¹¹⁴ Wayland., 62.

“Young America” as having in his Lecture on Discoveries, Lincoln understands technology as a double edged sword. He cautions the farmer to look to the total cost of new innovations when introducing them onto their freehold.

Yet, risk is an inherent part of scientific advancement, as is improving oneself in a commercial society. To try and fail is not a meaningless action, at least with regard to invention: “Even the unsuccessful will bring something to light, which, in the hands of others, will contribute to the final success.”¹¹⁵ An event in Lincoln’s legal career nicely illustrates the point. In 1855 Lincoln was retained as counsel in the critical patent case of the day, *Manny v. McCormick*, due to his being an attorney in Illinois. He went to great lengths in preparation for the case, studying the patents and visiting the factory where the reapers were produced, looking forward to the trial that could make his career. When the trial was transferred to Cincinnati, Lincoln was essentially shut out of the case by the more established Edwin M. Stanton, who bluntly asked with regards to Lincoln, “where did that long armed creature come from and what can he expect to do in this case?” Not participating in the trial, Lincoln returned the check for two thousand dollars he received for his work on the case, but was eventually prevailed upon to accept the payment. But Lincoln, embarrassed by being replaced by Stanton, seems to have redoubled his efforts.

Lincoln made an unlikely decision. Instead of expressing outrage and storming back to Springfield, he chose to stay for an entire week in Cincinnati and observe the trial. After a week, he admitted that counsel on both sides, including Stanton, were indeed great lawyers. He concluded that they were far better than he and he aimed to learn from them.¹¹⁶

¹¹⁵ Lincoln, III:478.

¹¹⁶ William T. Ellis and Billie J. Ellis Jr. “Competence, Diligence and Getting Paid Lincoln’s Lessons for Today’s Ethical Lawyer.” In *Abraham Lincoln, Esq. the legal career of America’s Greatest President*. Edited by Roger D. Billings, Frank J. Williams, “ (Lexington: University of Kentucky Press).

Fortitude in defeat was a critical virtue for success in Lincoln's legal career, and the same virtue is required for progress in the sciences. Lincoln would later make Stanton a member of his cabinet as Secretary of War, where Stanton would come to admire Lincoln.

Lincoln then shifts his address to the somewhat more theoretical topic of the relationship of capital and labor. While it may seem strange to discuss political economy at such an event, Lincoln is a political actor who believes that, in America, public sentiment drives politics, and when that sentiment is misguided, so are the politics. Here is how he elsewhere expressed the importance that ideas have in the formation of public sentiment, "Our government rests in public opinion. Whoever can change public opinion, can change government, practically just so much. Public opinion, on any subject, always has a 'central idea,' from which all its minor thoughts radiate."¹¹⁷ For Lincoln, ideas held by the public truly matter and he always maintained that the central idea of the United States was the equality of men as set out in the Declaration of Independence.

But in the realm of political economy an opposite viewpoint had been put forward by Senator James Henry Hammond of South Carolina in a speech given March 4, 1858:

In all social systems there must be a class to do the menial duties, to perform the drudgery of life. That is, a class requiring but a low order of intellect and but little skill. Its requisites are vigor, docility, fidelity. Such a class you must have, or you would not have that other class which leads progress, civilization, and refinement.¹¹⁸

In essence, Hammond's argument is similar to the Ancient world's argument for natural slavery, that there is a hierarchy of men where some are best suited to perform the labor that creates the leisure for the highest aspects of civilization. However, his hierarchy is based on race and not

¹¹⁷ Lincoln, II:386.

¹¹⁸ James Henry Hammond, "The 'Mud-sill' Theory," Speech to the US Senate, March 4, 1858 available from <http://www.pbs.org/wgbh/aia/part4/4h3439t.html>.

talents of the individual. The notion is nicely captured when one remembers that the English word “school” is etymologically connected to the Ancient Greek word for leisure. For Hammond, education and learning rest on labor being performed by someone who does not deserve to be rewarded for his efforts. He asserts that this relationship of master and slave exists in all societies. There are only two differences between the socio-economic arrangements of the North and South. In the free states, those who are not slaves by nature, poor whites, are being exploited in violation of natural law. Secondly, slaves in the South are well cared for, whereas in the North, poor laboring whites are exposed to the harshness of market economies: “Yours are hired by the day, not cared for, and scantily compensated, which may be proved in the most painful manner, at any hour in any street in any of your large towns.”¹¹⁹ Lincoln’s account of this mud-sill theory is that those who hold to the notion maintain that the haves and have-nots of this world are fixed categories: One is either an owner or a laborer, and laborers are either hired or slaves. From these fixed categories the weakest members of society are left to be truly exploited on the labor market; as George Fitzhugh puts it in his *1854 Sociology for The South or The Failure of Free Society*, “liberty and free competition invite and encourage the attempt of the strong to master the weak and insure their success.”¹²⁰

In a dialectical manner, Lincoln brings up the fact that “another class of reasoners hold the opinion that there is no such relation between capital and labor.”¹²¹ The Francis Wayland book that Shelby Collum describes Lincoln having “ate up” and “digested” says, “The common laborer, if industrious, virtuous and frugal, may not only support himself, but also, in a few years,

¹¹⁹ Ibid.

¹²⁰ George Fitzhugh, *Sociology for the South or The Failure of Free Society*, (Richmond: A. Morris Publisher, 1854), 179.

¹²¹ Lincoln, III:479.

accumulate a valuable little capital.”¹²² A thought echoed by Lincoln in what may be the most moving sentence in the speech, “the prudent, penniless beginner in the world, labors for wages awhile, saves a surplus with which to buy tools or land, for himself; then labors on his own account another while and at length hires another new beginner to help him.”¹²³ The free labor system is the one that allows men to rise through hard work and thrift. Lincoln knows this because he did it; rising from laborer, to surveyor, to attorney, driven by what his law partner Herndon called an “ambition that knew no rest.” While Lincoln certainly acknowledges that not everyone rises under free labor, some will fail due to a dependent nature, improvidence, folly or singular misfortune; “it is not the fault of the system.”

While his life seems to illustrate perfectly his argument, Lincoln does not discuss the topic in a personal manner: “I have so far stated the opposite theories of ‘mud sill’ and ‘free labor’ without declaring any preference of my own between them.”¹²⁴ He maintains that “on an occasion like this” he ought not to present a position. Lincoln is not a candidate for office in his home state, rather he is a guest from a neighboring state, a stranger. Instead of telling his audience what to think on the question of free labor, Lincoln presents the arguments on the question as he sees them, confident in their ability to reason to his position. Thus, what is notable here in the speech is what is not said. John Channing Briggs, in his account of this speech, draws on the historian Roy Basler’s argument that sentences explicitly linking free labor and the black slave have been removed based on reception to similar comments of Lincoln’s to a speech in Cincinnati. Briggs says “that the ruling paradigm is the good of free labor, not the evil of

¹²² Wayland, 304.

¹²³ Lincoln, III:479-480.

¹²⁴ Ibid., 481.

slavery.”¹²⁵ They are, of course, two sides to the same coin. As a politician from another state, Lincoln must overcome the natural prejudice to see strangers as enemies. He must meet his audience rhetorically where they are and not try to have them come to him. Dealing with the question of free labor in a cool, abstract manner makes it much more likely that he will be listened to. Besides, as Lincoln points out to his audience, they have already staked out a firm position on the question, “the people of Wisconsin prefer free labor.” He now transitions to what he calls “the natural companion” of free labor, education.

To claim that education is the natural companion of free labor is to contradict the traditional ways. Lincoln begins by suggesting that education is quickly becoming so widely spread that the old way is no longer possible:

The old general rule was that *educated* people did not perform manual labor. They managed to eat their bread, leaving the toil of producing it to the uneducated. This was not an insupportable evil to the working bees, so long as the class of drones remained very small. But *now*, especially in these states, nearly all are educated -- quite too nearly all, to leave the labor of the uneducated, in any wise adequate to the support of the whole.¹²⁶

Again, the theme of time and the movement of history is evoked. The old rule said educated people do not perform manual labor, but *now* it is unsustainable. The educated, must at least hire and pay those who do manual labor. This raises a new question that will shape the future, “how can labor and education be the most satisfactorily combined?”¹²⁷ It is important to note that Lincoln does not describe history unfolding in a continually progressive manner. Time and circumstance always present problems that are addressed through human choice here and now.

¹²⁵ John Channing Briggs, “The Milwaukee Address” in *Lincoln’s Speeches Reconsidered* (Baltimore and London: The Johns Hopkins University Press, 2005), 233.

¹²⁶ Lincoln, III:480.

¹²⁷ *Ibid.*

The Kansas-Nebraska Act, for Lincoln, is a moment of spiritual regress because it moves society away from placing slavery on the path of eventual extinction. Progress can only come from choosing to return to the principle of equality.

If the course of history, until this point, has followed “the mud-sill” theory, how can it be that education “naturally” goes with free labor? Lincoln argues that the advocates of the old way try to keep education away from their laborers, viewing it as pernicious and dangerous. But the advocates of free labor have an argument from design that cuts through the traditional way, “as the Author of man makes every individual with one head and one pair of hands, it was probably intended that heads and hands cooperate as friends; and that that particular head should direct and control that particular pair of hands.”¹²⁸ This statement incorporates Lincoln’s deepest thoughts about the nature of liberty that he derives from the Declaration of Independence. In what sense are men all created equal? His “Speech on the Dred Scott Decision” offers an answer with regards to an African American woman, “in some respects she certainly is not my equal; but in her natural right to eat the bread she earns with her own hands without asking leave of any one else, she is my equal and the equal of all others.”¹²⁹ “All men are created equal” for Lincoln means everyone (including all races and sexes) at least owns one’s labor -- this is the most basic liberty that they are endowed with by nature’s God.

Since individuals are meant to govern themselves, everyone’s mind should be improved to aid in that task. While “free labor insists on universal education,” this education cannot be an unlimited enterprise or society will return to the situation where some work while others learn. Instead, it means education will be primarily a practical enterprise, and to a large degree this is

¹²⁸ Ibid, 481.

¹²⁹ Ibid., II:406.

Lincoln's solution to the question of combining labor and education. He states that agriculture is the perfect field for combining cultivated thought and labor.

He does not directly address the question of the liberal arts in the speech, but one can infer that they are to play a limited role if any in formal education. While society can be asked to contribute to schools for purposes of character formation and foundational learning such as reading and arithmetic, it seems it would be too much to ask others to pay for the wide spread pursuit of learning for learning's sake. In this respect, Lincoln's thoughts agree with Alexis de Tocqueville, who says in *Democracy in America*, "It is evident that in democratic centuries the interest of individuals as well as the security of the state requires that the education of the greatest number be scientific, commercial, and industrial rather than literary."¹³⁰ The first order of business in a society based on the equality of individuals is to move people towards shifting for themselves. While there is certainly some room for the liberal arts and the contemplation of abstract concepts like justice and the good—these things must take a backseat from the standpoint of the aim of public education.

Yet, Lincoln in his own life found time to pursue higher learning when he spent his nights reading Shakespeare and Byron. Briggs, in his interpretation of the speech, sees room for liberal education in the solitary efforts of book learning: "Beyond information, reading gives a 'relish, and a facility, for successfully pursuing the yet unsolved' problems. It facilitates 'cultivated thought,' opening the mind to disciplines that are studied at least partly for their own sake."¹³¹ Luckily, the world is a profoundly interesting place, and there is a joy to combining learning and work: "The mind, already trained to thought, in the country school or higher school,

¹³⁰ Alexis de Tocqueville, *Democracy in America*, trans. Harvey C. Mansfield and Delba Winthrop (Chicago: University of Chicago Press, 2000), 451.

¹³¹ Briggs, 235.

cannot fail to find there an exhaustless source of profitable enjoyment. Every blade of grass is a study; and to produce two where there was but one, is both a profit and a pleasure.”¹³² For Lincoln wonderment and learning practical things are not mutually exclusive, in the same sense that for Aristotle one does not always need to study the Divine: “Every realm of nature is marvelous: and as Heraclitus, when the strangers who came to visit him found him warming himself at the furnace in the kitchen and hesitated to go in, is reported to have bidden them not to be afraid to enter as even in that kitchen divinities were present.”¹³³

Education is the natural companion of free labor because learning, in particular book learning, unlocks the capacities of the mind for pleasure and profit. While Lincoln’s primary sense of equality is the right of individuals to own their labor (the equality of the Declaration of Independence) there is another equality that he advocates for in his speeches; the equality of dignity that comes through accomplishment. Pride, or sense of self-worth, can only come about if the primary notion of equality, self ownership, is permitted. Lincoln explained in his Lecture on Discoveries the intimate connection between education and self worth:

It is very probable -- almost certain -- that the great mass of men, at that time, were utterly unconscious, that their minds were capable of improvement. They not only looked upon the educated few as superior beings; but they supposed themselves to be naturally incapable of rising to equality.¹³⁴

Education through books and accomplishment gives men the sense that they are equal to others. This quality of self worth stands as a safeguard against those who would trample the equal rights of men to their labor.

¹³² Lincoln, III:481.

¹³³ Aristotle, “Parts of Animals” Book I, 645 *17-21.

¹³⁴ Lincoln, III:364-365.

In this respect farmers, who Lincoln states at the start of the speech are “neither better nor worse than other people,” have an important role to play. Independent farmers who approach the task scientifically can contribute to the country through innovation and production in the manner Thomas Jefferson suggested when he wrote, “The greatest service which can be rendered any country is to add a useful plant to its culture.”¹³⁵ But most importantly this can be accomplished with thorough work. Such work produces the profits that allow for self-reliance and self-improvement.

Lincoln expresses a concern for the scarcity that may follow from a civilization where peace has been successfully promoted: “population must increase rapidly -- more rapidly than in former times -- and ere long the most valuable of all arts, will be deriving a comfortable subsistence from the smallest area of soil.”¹³⁶ Clearly, this is a sentence that must have had some resonance with Wisconsin farmers, in a time of rapid population increase. Years before in his Lyceum speech, Lincoln had expressed the concern that a breakdown of attachment to republican government in times of mob chaos would lead to tyranny. There he argued for the importance of inculcating reverence for the law and the Constitution, a sort of political religion. Here, Lincoln argues for the virtue of thoroughness in work and self reliance of the farmers (the food producers) as bulwarks of liberty: “No community whose every member possesses this art, can ever be the victim of oppression in any of its forms. Such community will be alike independent of crowned-kings, money-kings, and land-kings.”¹³⁷

¹³⁵ Thomas Jefferson, *Memoir, Correspondence and Miscellanies* (Boston: Gray and Bowen), 144.

¹³⁶ Lincoln, III:482.

¹³⁷ Ibid.

It is here, where Lincoln begins to end his address to the state fair. Illustrating his point about self interest, he notes that the cash prize will be given out and people will soon stop listening to him. Prizes will mean winners and losers, and Lincoln, who had lost in his Senate race the previous year to Douglas, has some final comments on the topic of competition. Winning is the result of hard work combined with luck. There is a cyclical quality to competition: it is probable that today's losers, with some effort, will be tomorrow's winners and vice versa. Commenting on this phenomena Lincoln retells a story with a motto for a cyclical time. In it an eastern monarch asks for a sentence that will be appropriate in all situations, and his wise men returned with "*And this, too shall pass away.*" This motto has the advantage of consoling the losers and chastening the winners, but it also has a hint that there is a futility to existence and competition. Lincoln offers a correction to the motto:

And yet let us hope it is not *quite* true. Let us hope, rather that by the best cultivation of the physical world, beneath and around us; and the intellectual and moral world within us, we shall secure an individual, social, and political prosperity and happiness, whose course shall be onward and upward, and which, while the earth endures, shall not pass away.¹³⁸

Lincoln believes that human progress is possible, not as a result of forces in history, but rather through human choice and effort. Progress requires certain conditions some of which have been unique to the United States of America. As he stressed in the Lincoln-Douglas debates, what has allowed this country to be a successful one is its dedication to self ownership. If great stretches of territory are annexed but the principle of "liberty to all" is lost—moral and economic progress are lost. Discoveries and Inventions do not come from out of nowhere; they are a result of a long tradition of observation and reflection. Nothing furthers innovation like the written word and the more wide spread education is, the more powerful the written word will be.

¹³⁸ Ibid., 483. Perhaps this story comes from Edward Fitzgerald's 1852 "Solomon's Seal."

In his “Address before the Wisconsin State Fair” Lincoln chose to speak in a challenging manner about the nature of civilization, free labor, and education rather than give the flattering speech that politicians typically deliver. Wisconsin is a free state where citizens will govern themselves and provide for themselves; Lincoln offers in his speech general advice as to how society and the individual can best go about this. He also reflects, at times, on existential questions such as the meaning of happiness and the life of winning and losing that comes with self governance. It is in what looks like a cyclical world of change that Lincoln holds out hope for achieving progress in America. For Lincoln, progress means continued dedication to the proposition that all men are created equal.

CHAPTER 4. THE PARTISANSHIP OF ABRAHAM LINCOLN

This is a time of outsiders in politics, which means that party elites have less and less influence in our politics. This is the opposite of the status of political parties, and party insiders, that Abraham Lincoln faced and ultimately embraced as President of the United States. V.O. Key, in *Politics, Parties, and Pressure Groups*¹³⁹ famously describes speaking of parties in three ways: parties as organizations by elites, often through patronage; parties in the electorate; and parties in the government. It is clear in our time that the strength of party organizers has diminished while the general public's influence through the primary system, especially open primaries, has increased.¹⁴⁰ Lincoln, by contrast, thrived in an era of partisan machine politics where democratic participation happened through party elites and organizations. Strangely, Lincoln's Presidency begins a period of critical realignment¹⁴¹ where the country, excluding the South, seems to agree on what the national government should be doing and that the Republicans should be doing the ruling. Thus, things seem more settled in a time when there was less direct democracy, but perhaps greater change was possible in an era prior to the New Deal.

What was the value of parties to Lincoln? What did he mean when he spoke up for partisanship, and what did his partisanship mean for American political development? It is argued here, that Lincoln was a partisan for parties at a time when some thought that statesmanship required one to rise above political parties for the sake of the Union. Lincoln thought the Union was worth preserving because it was a nation dedicated to the idea "that all

¹³⁹ V. O. Key, Jr., *Politics, Parties, and Pressure Groups* (New York: Thomas Y. Crowell, 4th edition, 1958).

¹⁴⁰ See James W. Ceaser, *Presidential Selection: Theory and Development* (Princeton, NJ: Princeton University Press, 1979).

¹⁴¹ See Walter Dean Burnham, *Critical Elections and the Mainsprings of American Politics* (New York, W.W. Norton, 1970).

men are created equal.” A Union without that idea was not worth having, and it was worth disturbing the peace to fight for this proposition. Lincoln left his own ailing Whig Party because it refused to take a stand on this question of “liberty to all.” But he brought with him from the Whig Party its economic ideas that he considered linked to the idea of “liberty to all.” Also, he split the Democrat Party in two by highlighting the incompatibility of popular sovereignty and the equal accessibility of the territories to slave holders. This chapter will briefly consider America’s ambivalence about political parties and Lincoln’s embrace of parties; then it will consider the limitations of the Whigs and Democrats, followed by a brief examination of Lincoln’s use of the tools of partisanship, especially patronage.

Parts as Less Than the Whole and Parts for the Whole

Early in the American political tradition it was often hoped that the country would not have strong political parties, but some of the Framers suspected that they would come anyway. In *Federalist* 10, the Constitution itself is described as designed to deal with the worst partisan problem, faction. Madison describes the strife the country is experiencing under the Articles of Confederation:

Complaints are everywhere heard from our most considerate and virtuous citizens, equally the friends of public and private faith, and of public and personal liberty, that our governments are too unstable, that the public good is disregarded in the conflicts of rival parties, and that measures are too often decided, not according to the rules of justice and the rights of the minor party, but by the superior force of an interested and overbearing majority. However anxiously we may wish that these complaints had no foundation, the evidence, of known facts will not permit us to deny that they are in some degree true.¹⁴²

Madison worries about factions, that is, parties that are “adverse to the rights of other citizens” or the “permanent and aggregate interests of the community.” Still, Madison maintains that factions are the natural result of liberty. While the Constitution has the great advantage of taking in

¹⁴² James Madison, *Federalist* 10.

voices from across the country in the legislature, making it harder for a majority faction to form, Madison never says the Constitution is faction-proof. Reasonable men can disagree, and if there is disagreement, political decisions cannot be unanimous. People must choose sides and fight; in fact, the *Federalist Papers* themselves are an example of partisan activity in support of the Constitution.

Since parties have such potential to descend into factions, the quality of being above political parties was often thought to be synonymous with statesmanship. Parties were dangerous and had the tendency to degrade into factions that could split the country apart. George Washington, for example, in his “Farewell Address” cautioned against political parties, especially regional parties. Washington says:

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations, Northern and Southern, Atlantic and Western; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heartburnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection.¹⁴³

The Union was a delicate experiment, and the Constitution was produced through compromises and provisions that frequently deferred to state governments on questions of representation, slavery, and eligibility to vote. Political parties, especially parties tied to geographic areas, were a threat to this peace; parties were seen as a threat to liberty. Harvey Mansfield describes this phenomena: “Famous men—the Federalists [supporters of the ratification of the US Constitution] in America, the Old Whigs in Britain—men whom we rightly regard as the founders of our contemporary regimes, men who are not otherwise so remote from contemporary beliefs, opposed party government with a vehemence equal to the energy with which they upheld the

¹⁴³ Washington, Farewell Address.

cause of liberty.”¹⁴⁴ Abraham Lincoln clearly thought it was worthwhile to break from this tradition of being above partisanship, even though he admired Washington greatly. Lincoln believed that partisanship must be fought with partisanship. He also maintained that the Union could not continue divided against itself; ultimately the United States must be a free-labor country or a slave-labor country and that it was only worth preserving if it were a free country. By contrast, George Washington exemplified the ideal of being above parties. He had won the Revolutionary War, he refused absolute political power in favor of republican government, and he left office after two terms. Stephen Skowronek describes Washington as leading off an era of “patrician politics” that lasts until an era of inter-party conflict reaches a crescendo in 1832. Skowronek argues that “patrician politics openly eschewed partisanship and organized political opposition. Government was formally treated as a deliberative process aimed at distilling a consensus among the notables, and presidents acted politically as republican tribunes representing the national interest from a position above factional conflict.”¹⁴⁵

While being above parties was certainly the ideal, one should note that the framers thought parties were likely to happen. As said above, the *Federalist Papers* say that the “latent causes of faction are thus sown in the nature of man” and that, while vigilance of the people was the primary defense against the triumph of special interests, institutional designs such as the separation of powers, representation, bicameralism, and the judiciary were needed as the back-up plan. Since the President of the United States was elected through the Electoral College by the entire country, his veto represented one last chance to stop majority factions. But because of his

¹⁴⁴ Harvey C. Mansfield, Jr., *Statesmanship and Party Government* (Chicago, IL: University of Chicago Press, 1965), 2.

¹⁴⁵ Stephen Skowronek, *The Politics Presidents Make: Leadership from John Adams to Bill Clinton* (Cambridge, MA: The Belknap Press of Harvard University Press, 1997), 54.

independence, parties would form who would either support or oppose him. Gouverneur Morris argued in the constitutional convention debates that:

When a strong personal interest happens to be opposed to the general interest, the Legislature can not be too much distrusted. In all public bodies there are two parties. The Executive will necessarily be more connected with one than with the other. There will be a personal interest therefore in one of the parties to oppose as well as in the other to support him. Much had been said of the intrigues that will be practised by the Executive to get into office. Nothing had been said on the other side of the intrigues to get him out of office. Some leader of party will always covet his seat, will perplex his administration, will cabal with the Legislature, till he succeeds in supplanting him.¹⁴⁶

The greatness of George Washington seemed to be too much for partisanship to fully break out during his Presidency. Yet political parties immediately began following his tenure over the actions of his administration including the creation of the national bank, the promotion of commercial society and the neutrality proclamation in the war between England and France.

Jefferson begins a political party, but he hoped it was only temporary, as he described it “a party to end all parties.”¹⁴⁷ He organized the Jeffersonian Republicans to capture power while the franchise was expanded to push back against Adams’ continuation of Washington’s policies and the Alien and Sedition Act. But upon winning the Presidency, Jefferson declared an end to partisanship:

But every difference of opinion is not a difference of principle. We have called by different names brethren of the same principle. We are all Republicans, we are all Federalists. If there be any among us who would wish to dissolve this Union or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it. I know, indeed, that some honest men fear that a republican government can not be strong, that this Government is not strong enough; but would the honest patriot, in the full tide of successful experiment, abandon a government which has so far kept us free and firm on

¹⁴⁶ Gouverneur Morris, “Madison’s Debates,” Tuesday July 24, 1787.

¹⁴⁷ Ralph Ketcham, *Presidents above Parties: The First American Presidency, 1789-1829*, (Chapel Hill: The University of North Carolina Press, 1984) 119.

the theoretic and visionary fear that this Government, the world's best hope, may by possibility want energy to preserve itself? I trust not.¹⁴⁸

Jefferson's Presidency ushers in an "era of good feelings" that lasts until the controversial election of John Quincy Adams in 1824. James Madison's above-party leadership helped to prevent full partisanship as Stephen Skowronek describes, "Madison had been accommodating enough to swallow the establishment of a new national bank and he had actually called upon Congress to take up the question of roads and canals."¹⁴⁹ But these accommodations glossed over partisan feelings that were being ignored.

As James Ceaser sees it, partisan debates and policy conflicts are often surface fights that are really about foundational concepts involving nature, history, and religion. Ceaser sees the fight between Adams (and Alexander Hamilton) and Jefferson as taking place primarily over the concept of nature. "In this debate one begins to see that the two parties were no longer, in fact, interpreting the same concept of nature, but were speaking of different concepts that drew from different sciences."¹⁵⁰ The followers of Jefferson maintained that the government that left maximum room for spontaneous order in economics and politics governed best. While the Federalists maintained a need for some degree of planned order for success in economics.

Ceaser says:

Broad discretion in the conduct of political affairs, especially in international relations, and in what became the impetus for partisan division, significant interventions in economic matters to promote conditions of prosperity. Federalist economic politics rested on their own view of the field of "political economy" according to which a "political"

¹⁴⁸ Thomas Jefferson, "First Inaugural."

¹⁴⁹ Skowronek, 99.

¹⁵⁰ James W. Ceaser, *Nature and History in American Political Development*, (Cambridge, MA, Harvard University Press, 2006), 31.

logic took precedence over an “economic” logic, even when it came to more purely economic issues such as economic growth.¹⁵¹

Thus, even though the framers did not approve of parties, they had them and they knew they were going to have them.

The original parties were over the question of whether or not to adopt the Constitution. Ceaser sees the debate between the advocates of the Constitution, the Federalists,¹⁵² and those opposed to the Constitution already being about the question of spontaneous order versus politically enacted order. Ceaser says:

The seeds of this difference can be traced to earlier debates between the Anti-Federalists and the Federalists about the extent of the use of nature in political life. Federalists, as noted, held that it [nature] supplied a general standard for the ends of political life, but it did not provide—and was not intended to provide detailed assistance for writing constitutions, legislating, or conducting matters of policy. By contrast, some opponents of the Constitution invoked the concept of nature much more broadly, claiming that it meant, in a general sense, that which works “naturally” or easily on its own, or that which proceeds and sorts itself out according to a principle of spontaneous order.¹⁵³

Ceaser points his readers to the issue of whether to have a unicameral legislature or bi-cameral legislature with the idea that “government which governs the simplest (unicameral) governs the best” being the position of the Anti-Federalists.¹⁵⁴ But the Federalists advocated for complexity in government primarily because it provided the time for deliberation and choice and this means politics over spontaneous order.

¹⁵¹ Ibid, 33.

¹⁵² Here the Federalists are the advocates for the Constitution, not the advocates for the policies of Washington, Hamilton, and Adams. Although there is plenty of crossover between the two groups.

¹⁵³ James W. Ceaser, *Nature and History in American Political Development*, 30.

¹⁵⁴ Ibid.

Political choice and complexity often mean the favoring of some ways of life over others. This is the real debate in the development of political parties. Must the government treat everyone perfectly equally or can they promote based on political choice? Lincoln, as an advocate for commercial society is clearly in the latter camp, closely identified with the economic policies of Alexander Hamilton. Michael Allen Gillespie nicely sums up the dispute between the Federalists and the Jeffersonian Republicans:

Both the Federalists and the Republicans thus saw themselves as great parties organized in defense of the Constitutional order and saw their opponents as motivated by a desire to overthrow this order. Hamilton, the Republicans proclaimed, was attempting to administer the government into a monarchy or aristocracy. Jefferson, the Federalists countered, aimed to replace the Constitutional republic with a Jacobin dictatorship. In fact Hamilton was trying to create the basis for a stable middle class republic with middle class rather than great parties using financial tools that the Republicans themselves after 1808 were increasingly driven to employ. The Republicans, however misunderstood Hamilton's goals in part because (Madison excepted) they did not have a comprehensive grasp of modern political economy and in part because they saw parties in an Aristotelian manner as vertical class based parties.¹⁵⁵

The early American political tradition saw parties as potentially self-serving factions that needed to be avoided. Yet they also realized that there were moments when one needed to pick a side and fight, especially against or in defense of the Constitution. After the fight over the Constitution, the argument shifted to the extent of the powers granted to the national government and what the government should do. But behind the Constitutional arguments were questions about nature and its relation to government. Should the national government do things to promote a commercial society? Or does the government that governs least, govern best? As James Ceaser has argued, the Jeffersonian Republicans fought for a government that essentially got out of the way and let spontaneous order emerge; otherwise the government would be

¹⁵⁵ Michael Allen Gillespie, "Political Parties and the American Founding" in *American Political Parties and Constitutional Politics*, edited by Peter W. Schramm, Bradford P. Wilson (Lanham, MD, Rowman & Littlefield 1993), 42-43.

privileging some over others. The Jeffersonians triumphed, but the argument was only quieted for a time, not ended.

The Failures of the Whigs and Democrats and the Triumph of the Republicans

The internal improvement plans of John Quincy Adams and the controversy over his election will result in a re-emergence of political parties with Andrew Jackson continuing the strict constructionism of Jefferson and the Whig Party standing in opposition to Jackson. Abraham Lincoln was a dedicated Whig, until the party fell apart. As argued throughout this dissertation, Lincoln continuously held to the Whig agenda of national banking, internal improvements, and a limited role for the Presidency of simply executing the law. The historian David Donald commented on Lincoln's continuation of Whig ideals, "It is ironical that the Whig party, which had a sorry record of failure during its lifetime, should have achieved its greatest success, years after its official demise, in the presidency of Abraham Lincoln."¹⁵⁶ What happened to the Whigs, and why did Lincoln and the Republicans triumph? This section will argue that the Whigs as a party were simply not defined enough. Lincoln saw that the Whig economic agenda must be tied to free labor and free soil to succeed. Lincoln also saw that sometimes statesmanship requires partisanship.

As noted above Jefferson started the Jeffersonian Republicans as a party to end all parties, and it worked for a considerable length of time. Politicians will not start to break into parties until after the controversial election of John Quincy Adams to the Presidency in 1824. When no candidate reached the required majority of Electoral College votes, the election went to the US House of Representatives. Henry Clay, the Speaker of the House of Representatives, withdrew as a Presidential candidate and threw his support behind John Quincy Adams, who was elected. This happened despite Andrew Jackson having the most popular votes in the country and the

¹⁵⁶ David Donald, *Lincoln Reconsidered* (New York, NY, Vintage Books, 1961), 208.

most electoral votes. Most controversial of all was that Henry Clay was made Secretary of State by John Quincy Adams, opening themselves to the charge that a “corrupt bargain” was struck to make John Quincy Adams President.

John Quincy Adams was the son of the Federalist Party President John Adams. The Federalist Party ideals of a strong national government, that was active in economic matters, continued in the son. Stephen Skowronek describes John Quincy Adams’ nationalism:

With a brazen assertion that ‘liberty is power,’ Adams jettisoned the circumspection that had marked the nationalist sentiments of his Republican [Jeffersonian] predecessors. Proclaiming that the one true test of a nation’s political institutions was its capacity to build great monuments to civilization, he outlined a nationalist program of monumental proportion. He proposed a federal Department of the Interior, a national naval academy, a national university, a national astronomical observatory, a national bankruptcy law, a national militia law, a national system of weights and measures, a national patent law, and a national system of improvements in transportation. The deep-seated fears of government that had helped bring the Republicans to power in the first place were nowhere in evidence here.¹⁵⁷

John Quincy Adams is a clear break with the strict constructionism of the Constitution advocated by Thomas Jefferson. But he shared with Jefferson the idea that partisanship was bad for the country. John Quincy Adams thinks of his agenda as being good for the entire nation and not just a part of the nation in the same way that Jefferson thinks of his strict constructionism as being good for the entire country.

The idea of national action to promote the national economy will become one of the bedrock ideas of the Whigs. John Quincy Adams is usually considered one of the Whigs’ intellectual founders. The problem is that the Whigs, following John Quincy Adams, tended to be a political party that did not like partisanship. Ralph Ketcham describes the paradox of a President attempting to rise above partisan strife at a time when partisanship seemed to be breaking out all around. Ketcham says, “Indeed, Adams’s ties both to the four ex presidents who

¹⁵⁷ Skowronek, 118.

lived to see his inauguration as chief executive and to the rising politicians of the new Whig party of which he became a part reveal again the profound cultural changes surrounding his paradoxical effort at national leadership. Like his predecessors, his own values and public philosophy remained deeply Ciceronian (or what was to them much the same thing, Addisonian), but as an active politician in the 1820s, 1830s, and the 1840s, he lived in a world of political parties. Like the Whig party, he ‘took part’ in order to win.”¹⁵⁸ Ketcham argues that ancient political ideas of rising above partisanship and faction make their way into early conceptions of the American Presidency (the first six presidents) but ultimately give way to seeing the President as a party leader. John Quincy Adams is the last non-partisan President and his dream of being above parties makes its way into the party he helps launch, the Whigs.

Like John Quincy Adams, the Whig Party thought the character of the statesman truly mattered and that partisanship was a feature of bad character. Thomas Brown comments on the limitation this had on the supporters of John Quincy Adams:

Adams’ ‘friends’ were adherents of a declining order of politics. Though they did not share the Federalists’ notion of a clearly demarcated class hierarchy, they did cling to the Jeffersonian conception of a ‘natural aristocracy’ of intellect and virtue. This was reflected in their tactics as well as their rhetoric. Rather than organize to reach voters directly, they mostly relied on local elites and committees of the President’s ‘friends’ to mobilize support. This put them at a considerable disadvantage against the Jacksonians, who had the more popular candidate and the more professional organization.¹⁵⁹

The old conception of leadership often meant that Presidents would leave much of the previous administration in place. Andrew Jackson would change that with his replacing many offices with his loyal Democratic supporters. This had the advantage of elevating many common men, while at the same time making them deeply loyal to the party.

¹⁵⁸ Ketcham, *Presidents Above Party: The First American Presidency 1789-1829* (Chapel Hill: University of North Carolina Press, 1984) 139.

¹⁵⁹ Thomas Brown, *Politics and Statesmanship: Essays on the American Whig Party* (New York: Columbia University Press, 1985) 19.

The Whigs were often behind in democratic partisanship while at the same time they frequently praised men who were above parties. This had the effect of hampering their candidates; they had to be statesmen above parties but they needed to make targeted popular appeals to win. When they made targeted popular appeals, they lost their status of being above it all. Thomas Brown details this situation in the case of Daniel Webster:

Webster consciously assumed and played the role of the disinterested statesman, and men found his performances credible because he applied to them his considerable natural talents. Yet in becoming a spokesman for the highest ideals of the American republic, Webster established a high standard of expectations in his followers. Thus, when he deviated seriously from the requirements of his public role, the results were calamitous for his reputation. In both its heroic and tragic aspects, Webster's life had much to tell us about the limitations of personal leadership in a democracy.¹⁶⁰

When advocating for things like the national tariff, it became apparent that such a policy hurt the slave based economy of the cotton producing South and assisted the manufacturing free labor regions of Webster's own New England. Much as Lincoln did in his Speech on Internal Improvements and his Speech on the Tariff, Webster emphasized the aggregate benefits that would come to the nation as a whole. Brown also describes this, "Webster added an appeal to economic nationalism. Here, his argument was straightforward: if New Englanders wanted economic legislation at national expense, it was because they wanted all Americans to share in the benefits of capital development."¹⁶¹ But as Thomas Brown points out,¹⁶² in order to advance his agenda he had to try to tie the free labor, commercial society of New England to the future of the West and emphasize what a difference free labor made. Webster described Nathan Dane, the author of the Northwest Ordinance, as being as effective a lawgiver as Plutarch's Solon and

¹⁶⁰ Ibid, 53.

¹⁶¹ Ibid, 64.

¹⁶² Ibid.

Lycurgus. Webster says, “It [Northwest Ordinance] impressed on the soil itself, while it was yet a wilderness, an incapacity to bear up any other than free men. It laid the interdict against personal servitude, in original compact, not only deeper than all local law, but deeper, also, than all local constitutions. Under the circumstances then existing, I look upon this original and seasonable provision, as a real good attained.”¹⁶³ This speech goes on to ask, if the same ordinance had been applied to Kentucky, would it not have contributed to the greatness of that state? Senator Robert Hayne’s reply to this speech immediately points to the tension of slavery lurking behind the debates of the tariff:

In contrasting the State of Ohio with Kentucky, for the purpose of pointing out the superiority of the former, and of attributing that superiority to the existence of slavery, in the one State, and its absence in the other, I thought I could discern the very spirit of the Missouri question intruded into this debate, for objects best known to the gentleman himself.¹⁶⁴

Webster, the great Whig, wanted to be above political parties and advocate for national efforts on behalf of the good of the whole country. The difficulty is that national efforts such as the promotion of commerce through the national bank, the tariff, and internal improvements do not affect free labor and slave states the same. Being for national efforts and not advocating for the way of life of either New England or the American South was becoming impossible, as Lincoln would later put it drawing from scripture, “a house divided cannot stand.” Thomas Brown sums up the growing limitations of above-party statesmanship, “Perhaps the most that can be said of Webster’s contribution to American politics is that he showed men like Lincoln and Seward how not to conduct themselves in public life.”¹⁶⁵

¹⁶³ Daniel Webster, Speech of January 20, 1830.

¹⁶⁴ Senator Robert Y. Hayne, January 25, 1830.

¹⁶⁵ Thomas Brown, *Politics and Statesmanship: Essays on the American Whig Party* (New York: Columbia University Press, 1985) 91.

No one is more closely associated with the Whig agenda of national banking, internal improvements, and protective tariffs than Henry Clay. Often this nationalist economic agenda is referred to as Clay's American System, and Lincoln says he thought of Clay as his "beau ideal of a statesman." But much like Webster, Clay seemed to be someone longing to be above sectionalism and partisanship. Clay is famously known as the "Great Compromiser" and the "Great Pacifier" for his helping to quiet the threats to the Union when the question arose of how Missouri was going to enter the Union and when South Carolina spoke of nullifying the tariff. By lowering the tariff but still keeping the tariff in 1832, Clay was able to strike a deal that avoided a fight and the breaking up of the country into sections. Thomas Brown explains this: "Clay confessed that he believed South Carolina had been 'rash, intemperate, and greatly in the wrong...' But he disavowed any desire to estrange her from the other states. To achieve the desired amity, he called for the suppression of 'party feelings and party causes,' and a genuinely nonpartisan consideration of his compromise, which he had fashioned to serve 'the vast interests of the united people.'"¹⁶⁶ Brown comments on the limitations of Clay's approach: "The difficulty of Clay's role was that it compelled him to leave ambiguous the ideals and objectives which the Union was supposed to subserve. Hence the fragility of his accomplishments as a peacemaker; the settlements he arranged were not true compromises at all, for they did not resolve the differences between the sections, but obfuscated them. Hence, too the transitoriness of those 'compromises' once the divergent social ideals of men in the two sections were articulated in political debate."¹⁶⁷

¹⁶⁶ Ibid, 130.

¹⁶⁷ Ibid, 137.

The men hoping for above-party statesmanship must form a party to oppose the partisans, but it may be the case that only partisanship can fight partisanship. The Whigs frequently were a party above partisanship, from the ideals of their intellectual founder, John Quincy Adams and their greatest politicians Daniel Webster and Henry Clay, but they were not able to win. For example, Richard J. Ellis and Mark Dedrick note that “After being nominated by the Whig Party in 1844, Clay initially vowed that he would retire quietly to his home because the people ‘should be free, impartial and wholly unbiased by the conduct of a candidate himself,’ but he soon broke his pledge of silence, penning several public letters that attempted to clarify his position on the annexation of Texas.”¹⁶⁸ The Whigs do manage to elect William Henry Harrison to the Presidency in 1840, but he dies in the first month of office. It should be kept in mind that in 1840 the Whigs did not define the principles of their party in a platform. While this gave great latitude to what their members could do in the legislature, it made them a party about nothing. Since the President was viewed in the old tradition as being an officer above parties, no one was terribly concerned about Vice President Tyler’s ascension. But the Southern Tyler turned out to be an advocate for state’s rights who opposed the re-chartering of the national bank and was ultimately ousted from the party.¹⁶⁹ In 1849, the Whig Party, staying true to its non-partisanship, nominated a hero of the Mexican-American War, Zachary Taylor. Michael F. Holt captures the lack of connection to the Whig party: “As the 1848 party nominating conventions loomed closer, Taylor let it be known that he had always been a Whig in principle, although he liked to think of himself

¹⁶⁸ Richard J. Ellis & Mark Dedrick (1997) *The Presidential Candidate, Then and Now, Perspectives on Political Science*, 26.4, 210.

¹⁶⁹ *Ibid*, 167.

as a Jeffersonian-Democrat.”¹⁷⁰ Again, the Whigs ran their Presidential candidate without a party platform so that he could do what was best for the party, but as a slaveholder with no professed political party, there were no political principles to hold the party together, even after Taylor won. This, despite Taylor starting to call himself a Whig and indicating that he would sign the anti-slavery Wilmot Proviso if it came before him. Taylor’s success in the American South was too much for the Anti-slavery wing of the party to enthusiastically support him. Taylor died in office leaving the Presidency to the more traditional Whig Millard Fillmore. But at this point, the party that was against parties had split into two parties, between the supporters of Taylor and the more traditional Whig agenda members of the party. Michael Holt describes the fading away of the Whig party: “For Whigs, [by 1850] politics had become a zero-sum game. If some benefited from Fillmore’s presidency, their intraparty rivals had to lose.”¹⁷¹ The Whigs ran another Mexican War hero in 1852, Winfield Scott who would come in second. They will disappear by 1856 when the new Republican Party begins.

Lincoln and the Tools of Partisanship

Abraham Lincoln, as a dedicated Whig, must have seen the limitations of his party’s adherence to above-party statesmanship. For a long time the Whig Party was able to successfully remain silent on the question of the future of slavery, with Northern Whigs generally being against slavery and Southern Whigs being for it. This is best illustrated by the fact that the Whig Party ran three candidates for President in 1836, each appealing to different regions; Hugh White for the state’s rights Southerners, Daniel Webster for the New England nationalists, and William

¹⁷⁰ Miller Center of Public Affairs, University of Virginia. “Zachary Taylor: Campaigns and Elections.” Accessed September 10, 2016. <http://millercenter.org/president/biography/taylor-campaigns-and-elections>. Michael F. Holt, Consulting editor.

¹⁷¹ Michael F. Holt, *The Rise and Fall of the American Whig Party: Jacksonian Politics and the Onset of the Civil War* (New York: Oxford University Press, 1985), 522.

Harrison a war hero. The Democrat Martin Van Buren won the Presidency in 1836, but the Whigs were able to do well in Congressional races which, given their view of the Presidency, they considered more important. Like the party not having a platform, running multiple regional candidates allowed the Whig Party to stick together and largely remain undefined, other than being in opposition to Andrew Jackson. Lincoln joined the Whig Party because of its “sometimes” promotion of the right to rise which went hand in hand with Clay’s American system. Lincoln remarked in his eulogy about Henry Clay that there was something quite natural about the country breaking into parties: “A free people, in times of peace and quiet -- when pressed by no common danger -- naturally divide into parties. At such times, the man who is of neither party, is not -- cannot be, of any consequence. Mr. Clay, therefore, was of a party.”¹⁷² Ultimately, Lincoln saw that the undefined nature of the Whig Party, especially with regard to slavery, was an impediment to what was valuable about the Whig Party. He would take their economic agenda with him to the Republican Party, the party dedicated to Lincoln’s principle of “liberty to all.”

The Democrats had already embraced partisanship with Andrew Jackson and the political thought of his second term Vice President Martin Van Buren. While Lincoln was just an ambitious young man, he would engage the thought of Van Buren in a speech to a self-improvement society, the Young Men’s Lyceum called “On the Perpetuations of Our Political Institutions.” As Major L. Wilson has argued, this speech is an answer to Van Buren’s First Inaugural Address of 1837.¹⁷³ One can see from the title of Lincoln’s speech that the dangers of disintegration of the political community were very much on his mind. The role of the national

¹⁷² Lincoln, II:126.

¹⁷³ Major L. Wilson. "Lincoln and Van Buren in the Steps of the Fathers: Another Look at the Lyceum Address." *Civil War History* 29, no. 3 (1983): 197-211. <https://muse.jhu.edu/> (accessed September 12, 2016).

government and the powers of the states had just been heavily debated during the Nullification Crisis of the early 1830s. In 1834 the US Senate censured President Andrew Jackson for his refusal to turn over documents related to his withdrawing funds from the national bank, but the Democrats would re-capture the Senate and erase the censure in 1837, just as Jackson was leaving office. Lastly, the abolitionist movement was beginning, combining anti-slavery sentiment with evangelical religion. Both Van Buren and Lincoln favor a quieting of the tensions in their speeches, but both men were advocates of partisanship. Thus, Lincoln's "Perpetuation Speech" looks like a good place to find some of his thoughts on parties while he was a young Whig.

Martin Van Buren was one of the men who made partisanship respectable in the United States. Harvey Mansfield details Van Buren's insight that, potentially, parties could be used in service of the Constitution at the times when enlightened statesmen were not available.

Mansfield says:

The first substantial statement in America justifying party government was made by Martin Van Buren, who has been called the 'true founder of the American party system.' His *Inquiry into the Origin and Course of Political Parties in the United States* (written in the 1850s and published posthumously in 1867) criticized the one-party utopianism of the Jeffersonian Republicans. Republicanism, he argued, will always have its opponents in those who want to live by their wits instead of by the sweat of their brow, and it is better to organize both sides so that the distinction between them is not obscured and the anti-republicans cannot hide among the ranks of the republicans. When parties recognize differences of principle that are bound to recur instead of attempting to re-establish revolutionary unity like the Jeffersonians, they bring principled behavior within the reach of ordinary politicians, do not require the services of heroes, and offer less opportunity to demagogues who pretend to be heroes.¹⁷⁴

As Mansfield tells it, Thomas Jefferson's strict constructionism and John Quincy Adams' nationalism cannot both be right. They could not all be Republicans and all be Federalists;

¹⁷⁴ Harvey C. Mansfield, Jr, "Political Parties and American Constitutionalism" in *American Political Parties and Constitutional Politics*, 5.

fundamental disagreements over the meaning of the Constitution were being papered over. Additionally, parties could control candidates who were greatly skilled in speaking or who were famous from military success from doing whatever they wanted. In Van Buren's conception of parties, parties stood for political principles and particular constitutional interpretations that they held their candidate to via the platform. Lincoln would certainly agree with Van Buren's conception of parties.

In his March 4th, 1837 "Inaugural Address" Van Buren was particularly conscious that he was following a path traced by the founders and that he was fortunate to have been born in 1782 when the United States was already in existence. Van Buren says, "Among them we recognize the earliest and firmest pillars of the Republic—those by whom our national independence was first declared, him who above all others contributed to establish it on the field of battle, and those whose expanded intellect and patriotism constructed, improved, and perfected the inestimable institutions under which we live."¹⁷⁵ Lincoln, in the "Perpetuation Speech" seems in perfect agreement with Van Buren on the necessity of perpetuation, saying:

Their's was the task (and nobly they performed it) to possess themselves, and through themselves, us, of this goodly land; and to uprear upon its hills and its valleys, a political edifice of liberty and equal rights; 'tis ours only, to transmit these, the former, unprofaned by the foot of an invader; the latter, undecayed by the lapse of time and untorn by usurpation, to the latest generation that fate shall permit the world to know.¹⁷⁶

The difference might be in their view of the difficulty in the task of continuation. Van Buren, who sees Andrew Jackson as a continuation of Jefferson and the founding, thought it was quite simple. Lincoln warns of the boredom that ambitious men face when things have already been settled, "Many great and good men sufficiently qualified for any task they should undertake, may

¹⁷⁵ Van Buren, First Inaugural.

¹⁷⁶ Lincoln, I:109.

ever be found, whose ambition would inspire to nothing beyond a seat in Congress, a gubernatorial or a presidential chair; *but such belong not to the family of the lion, or the tribe of the eagle*. What! think you these places would satisfy an Alexander, a Caesar, or a Napoleon?-- Never! Towering genius distains a beaten path.”¹⁷⁷ Lincoln’s speech turns out to be much more concerned with the dangers of a “mobocratic spirit” taking over, creating a context where both good and bad men no longer care about the rule of law. This situation would allow a second Caesar to come to power because the good men required to stop such a person would no longer be attached enough to the regime to unite and fight.

Van Buren does not emphasize the need for citizens to attach good men to the Constitution the way that Lincoln does, but this would be more in keeping with the Democrat Party’s confidence in spontaneous order. However, Van Buren is not a complete believer in spontaneous order because he is the leader who did the most to re-start political parties after the era of good feelings. As Major L. Wilson tells it, the creation of parties might have more to do with preventing certain factions than promoting them. Wilson says, “Without national party competition, he [Van Buren] thought, ‘geographical divisions founded on local interests, or what is worse prejudices between the free and slaveholding states,’ would inevitably arise. ‘Party attachments,’ by contrast, generated ‘counteracting feelings’ which served as a ‘complete antidote’ to the fever of sectionalism.”¹⁷⁸ While many in the founding generation thought of parties as dangerous and likely to lead to faction, if they bound citizens together over the question of whether or not to have a national bank or whether or not to have national internal improvement programs, parties might serve a national binding purpose rather than a dividing

¹⁷⁷ Ibid, 115.

¹⁷⁸ Major L. Wilson, “Lincoln and Van Buren in the Steps of the Fathers: Another Look at the Lyceum Address” Civil War History, Volume 29, Number 3, September 1983, 207.

function. They would do this by covering up the deepest and most dangerous question that both the Whigs and Democrats were hiding, is this going to be a free country or a slave country?

Thomas Jefferson, when he heard of the debate over whether Missouri was going to be a free or slave state, remarked in a letter, “but this momentous question, like a fire bell in the night, awakened and filled me with terror. I considered it at once as the knell of the Union.”¹⁷⁹ Parties were able to quiet the slave question until the outbreak of abolitionism, the expansion of slavery, the wake of the Mexican war, the creation of the Republican Party, the *Dred Scott* decision, and Lincoln’s insistence that the future of the country needed to be dedicated to the principle of “liberty to all.” Van Buren, in his Inaugural Address, stressed the need for non-partisanship when it came to slavery and praised the wisdom of the framers in keeping it off the national stage: “The last, perhaps the greatest, of the prominent sources of discord and disaster supposed to lurk in our political condition was the institution of domestic slavery. Our forefathers were deeply impressed with the delicacy of this subject, and they treated it with a forbearance so evidently wise that in spite of every sinister foreboding it never until the present period disturbed the tranquility of our common country.”¹⁸⁰ Van Buren continues to stress that he must be opposed to ending slavery in the District of Columbia due to the wishes of the slaveholding states. Van Buren believes that the framers have essentially taken slavery off the table as a national issue, and by that he means things that are national -- the capital and new states -- must be open to slave holders. When he emphasizes the views of the founders and the founding this is what he means.

Lincoln, in his “Speech on the Perpetuations of Our Political Institutions,” speaks of attaching citizens to the Constitution through, what he calls, political religion, saying, “let it be

¹⁷⁹ Thomas Jefferson, Letter to John Holmes, April 22, 1820.

¹⁸⁰ Van Buren, Inaugural Address.

taught in schools, in seminaries, and in colleges; let it be written in Primers, spelling books, and in Almanacs;--let it be preached from the pulpit, proclaimed in legislative halls, and enforced in courts of justice. And, in short, let it become the *political religion* of the nation.” One might be opposed to the idea of political religion because it seems a sort of substituting of religion of the state for actual worship of the Divine. But this is not necessarily the case; note that in the above quotation Lincoln speaks of seminaries promoting attachment to the Constitution and political religion being “preached from the pulpit.” Rather than being a substitute for traditional religion, Lincoln sees religion having an important part to play in the promotion of patriotism. This may be one of the sharpest differences between the political parties of his day.

While Washington and Jefferson might have agreed on the importance of the executive being above parties, they did not agree with regards to the promotion of religion. Washington, in his Farewell Address will say, “Of all the dispositions and habits which lead to political prosperity, religion, and morality are indispensable supports.”¹⁸¹ Washington and John Adams will declare days of fasting and thanksgiving, a practice Jefferson will discontinue because he thought it was too close to an intermingling of Church and State. Jefferson in his “Letter to the Danbury Baptists Association” will describe the First Amendment as “building a wall of separation between Church & State.” While Madison does give proclamations of thanksgiving as President, he will later say in his “Detached Memoranda,” “Religious proclamations by the Executive recommending thanksgiving & fasts are shoots from the same root with the legislative acts reviewed. Altho’ recommendations only they imply a religious agency, making no part of the trust delegated to political rulers.”¹⁸² He will continue in the same essay to say that military

¹⁸¹ Washington, Farewell Address.

¹⁸² Madison, Detached Memoranda 1.

and Congressional chaplains that are paid out of the national treasury are also unconstitutional. Victor Philip Munoz explains James Madison's principle of taking no cognizance of religion: "Madison's discussion of legislative chaplains nicely summarizes his doctrine of noncognizance and how, in his judgment, that principle leads to better safer politics . . . Noncognizance tends to moderate sectarian politics by preventing or punishing religion as such."¹⁸³ Thus, Madison's project of the government taking no notice of religion both protects something elevated from corruption and keeps a source of partisanship off the table.

But the old idea of George Washington, that religion is critical to the success of the country, does not disappear from the scene. For example in 1828, the United States Post Office began delivering mail on Sunday. Ministers organized and responded to the disturbance of the Sabbath. While the campaign was not immediately successful it paved the way for the abolitionist movement. James A. Morone describes this, "Community leaders organized a great campaign to stop the Sabbath deliveries. They raised funds, held rallies, published tracts, signed petitions, and failed to dent the infidels (or Democrats) in Washington. The congressional committee rudely snubbed the Sabbatarians. But the political movement, now up and running, shifted its attention to a larger moral cause—abolishing slavery."¹⁸⁴ Given the confidence of the Democrat Party in the spontaneous order from a government that governs least, it is not a surprise that in general that party was against the promotion of religion. By contrast the Whig Party embraced religion as necessary for political order. Daniel Walker Howe describes the themes of Horace Mann, the great Whig educational reformer: "The ideology of the American

¹⁸³ Victor Philip Munoz, *God and the Founders: Madison, Washington, and Jefferson* (Cambridge Press, New York, 2009), 44.

¹⁸⁴ James A. Morone, *Hellfire Nation: The Politics of Sin in American History* (Yale University Press, New Haven, 2004), 25.

common schools included patriotic virtue, responsible character, and democratic participation, all to be developed through intellectual discipline and the nurture of moral qualities. It would never have occurred to Mann and his disciples that such an educational program should not include religion, but since they wanted above all to achieve an education to all, this necessitated a common religion instruction.”¹⁸⁵ Lincoln’s Republican Party, often described as the abolitionist and evangelical party, would continue this tradition.

The Whig economic agenda was a push for a much more dynamic economy than the old agrarian one. It would mean large corporations with citizens dependent on them, more credit, and more manufacturing. It was thought that such an economy required a self-restrained people to counterbalance the vice of materialism. Thomas Brown describes the place of virtue producing institutions to the Whigs: “There were three agencies on which they laid primary responsibility for maintaining the moral basis of a capitalistic society: the churches, the schools, and the law. Each of these institutions propagated the salutary lessons that people had to curb their passions, and subject them to internal and external controls. More they established guidelines on how individuals should conduct themselves in public.”¹⁸⁶ While it is not perfectly clear that Lincoln himself was a believer, it is obvious that Lincoln courted religious supporters throughout his career.

In the “Perpetuation Speech,” in contrast to Van Buren who called for quiet on abolitionism, Lincoln directed his listener’s attention to the question of the truth of the claim. Lincoln states, “In any case that arises, as for instance, the promulgation of abolitionism, one of two positions is necessarily true; that is, the thing is right within itself, and therefore deserves the

¹⁸⁵ Howe, 453.

¹⁸⁶ Thomas Brown, *Politics and Statesmanship, Essays on the American Whig Party*, (New York, Columbia University Press, 1985) 46.

protection of all law and all good citizens; or, it is wrong, and therefore proper to be prohibited by legal enactments; and in neither case, is the interposition of mob law, either necessary, justifiable, or excusable.” Moral questions, often animated by politics, are a key component of politics and partisanship to Lincoln. Quiet was never going to be enough for him. Lincoln had retired from politics for a time and remained on the sidelines until he saw what he considered the repeal of the Missouri Compromise in the Kansas-Nebraska Act.

While some in the newly formed Republican Party were tempted by Stephen Douglas because of his opposition to the LeCompton Constitution, Lincoln returned to politics to stop him because of the moral indifference of Douglas’ popular sovereignty. Lincoln describes what about Douglas motivated him to oppose him in their first debate in their 1858 Senate Race, “When he invites any people, willing to have slavery, to establish it, he is blowing out the moral lights around us. When he says he ‘cares not whether slavery is voted down or voted up’—that it is a sacred right of self-government—he is, in my judgment, penetrating the human soul and eradicating the light of reason and the love of liberty in this American people.”¹⁸⁷ In the “Perpetuation Speech,” Lincoln warns of the dangers of demagogues who could rise in times when people were not attached to the Constitution and the need for men to counterbalance them. Lincoln views himself as someone who could return the country to the original principle of “liberty to all” rather than quiet and compromise. He was willing to use the tools of partisanship to do it.

While Lincoln actively courted abolitionist support, he was their second choice behind Seward. Throughout his career Lincoln was against expansion of slavery and argued that slavery was unjust, but there was little radical about Lincoln. He was usually for a system of

¹⁸⁷ Lincoln, III: 30.

compensated emancipation combined with colonizing willing ex-slaves in Latin America or Africa, and he also thought it would take slavery a hundred years to be phased out. This nicely positioned Lincoln when the Republican Party selected their candidate as the most abolitionist orientated candidate who could actually win.

It was clear that Lincoln needed both Protestant and Catholic support to win the Presidency, but there was the danger of a growing Anti-Catholic movement in the United States, the Know-Nothings. William E. Gienapp comments on the need for this group's support in 1860: "Republican managers realized that Fremont had been defeated because too many nativist Know Nothings and conservative old-line Whigs voted for Fillmore. In general these men were less concerned about the slavery issue, and many considered the Republican Party a radical organization whose success would endanger the Union."¹⁸⁸ Lincoln walked a fine line between not alienating the Know Nothings while at the same time quietly trying to garner German Catholic support. He also realized that there was something about the hostility toward immigrants and Catholics, exhibited by the Know Nothing movement, that threatened his principle of "liberty to all." Lincoln wrote to his old law partner Joshua F. Speed:

I am not a Know-Nothing. That is certain. How could I be? How can any one who abhors the oppression of negroes, be in favor of degrading classes of white people? Our progress in degeneracy appears to me to be pretty rapid. As a nation, we began by declaring that "all men are created equal." We now practically read it "all men are created equal, except negroes." When the Know-Nothings get control, it will read "all men are created equal, except negroes, and foreigners, and catholics." When it comes to this I should prefer emigrating to some country where they make no pretence of loving liberty -- to Russia, for instance, where despotism can be taken pure, and without the base alloy of hypocrisy (sic).¹⁸⁹

¹⁸⁸ William E. Gienapp, "Who voted for Lincoln?" in *Abraham Lincoln and the American Political Tradition*, edited by John L. Thomas (Amherst, University of Massachusetts Press, 1986), 53.

¹⁸⁹ Lincoln, II:323.

But Lincoln remained silent about his opposition to the Know Nothing movement, who supported him in his election in 1860.

The same month that Lincoln wrote the letter about the hypocrisy of loving liberty and being anti-Catholic, he wrote to Owen Lovejoy about the need to keep quiet and not openly oppose the Know Nothings:

Know-nothingism has not yet entirely tumbled to pieces -- nay, it is even a little encouraged by the late elections in Tennessee, Kentucky & Alabama. Until we can get the elements of this organization, there is not sufficient materials to successfully combat the Nebraska democracy with. We can not get them so long as they cling to a hope of success under their own organization; and I fear an open push by us now, may offend them, and tend to prevent our ever getting them. About us here, they are mostly my old political and personal friends; and I have hoped their organization would die out without the painful necessity of my taking an open stand against them. Of their principles I think little better than I do of those of the slavery extensionists. Indeed I do not perceive how any one professing to be sensitive to the wrongs of the negroes, can join in a league to degrade a class of white men.¹⁹⁰

The expansion of slavery, and even Stephen Douglas' popular sovereignty, are dangers and denials of the idea of "liberty to all" and need open and vigorous opposition. The Know-Nothing movement is incoherent and can be tolerated for a time because it will die on its own and tomorrow those past friends might be made political friends again. Above-party statesmanship might have left their political actors to praise whatever they thought was right and condemn whatever was wrong. But it was defenseless against partisan statesmanship.

Which statesmanship was the true statesmanship? One might consider Harvey Mansfield's definition, "Statesmanship is the capacity to do what is good in the circumstances."¹⁹¹ While Mansfield is talking about partisanship as a move away from statesmanship, Lincoln's realization is that statesmanship must now be accomplished through

¹⁹⁰ Lincoln, II: 317.

¹⁹¹ Harvey Mansfield, "Statesmanship and Party Government," 17.

partisanship. Lincoln understands how to produce the political good under the circumstances. The old Whig Party never fully embraced the tools of partisanship, but Lincoln and the Republican Party did. David Donald points to this aspect of Lincoln, saying, “Behind the façade of humble directness and folksy humor, Lincoln was moving steadily toward his object; by 1860 he had maneuvered himself into a position where he controlled the party machinery, platform, and candidates of one of the pivotal states in the Union”¹⁹² and also saying, “Lincoln’s entire administration was characterized by astute handling of the patronage.”¹⁹³ Lincoln, in 1864, worked with commanders (who were often appointed by Republican governors) to facilitate absentee voting by the soldiers. While Lincoln was easily re-elected in 1864 such that it might not have mattered, he did not leave this to chance. As Don Inbody describes, “It is clear, though, that of those soldiers’ votes that can be identified as such, Lincoln was the clear favorite. Republican efforts to enfranchise military personnel were clearly in their party’s interest.”¹⁹⁴

The Republican Party was the party that opposed the expansion of slavery for the good of the nation, but that was never going to be enough to win. William E. Gienapp quotes Horace Greeley’s description of the sort of candidate the party needed: “‘I want to succeed this time,’ Greeley wrote prior to the convention, ‘yet I know the country is not Anti-Slavery. It will only swallow a little Anti-Slavery in a great deal of sweetening. An Anti-Slavery man *per se* cannot be elected; but a Tariff, River-and-Harbor, Pacific Railroad, Free Homestead man, may succeed *although* he is Anti-Slavery.’” Abraham Lincoln perfectly fit this job description. The story of political parties in American political development is a story of acceptance of them for the public

¹⁹² David Donald, *Lincoln Reconsidered*, 67.

¹⁹³ Donald, 72.

¹⁹⁴ Donald S. Inbody, *The Soldier’s Vote: War, Politics, and the Ballot in America* (New York, Palgrave 2015) 44.

good. While the framers opposed them, they quickly needed them. While Jefferson hoped his party would end all parties, Jackson and Van Buren thought they needed to revive the party on the principles of Jefferson. The Whigs tried to be a party against Jackson and above partisanship; they failed. Lincoln saw the need for partisanship to return the country to the idea of “liberty to all” in economic policy including anti-slavery but also in protectionism and internal improvements. This new Republican Party based on the political-economic ideas of Lincoln, combined with the tools of partisanship, would dominate American politics for the next thirty years.¹⁹⁵

¹⁹⁵ See on this topic, Walter Dean Burnham, *Critical Elections and the Mainsprings of American Politics* (New York: W.W. Norton, 1970).

CHAPTER 5. THE DEEDS OF PRESIDENT LINCOLN

Abraham Lincoln had deep commitments to the ideal of “the right to rise” and the duty of government to promote that ideal. As has been argued, Lincoln’s deepest commitment was to a nation “dedicated to the proposition that all men are created equal,” where equality means equality of self ownership. Lincoln was a Whig because he believed it was the political party that best promoted individuals receiving the fruits of their labor, but when a new party emerged, focused primarily in opposition to slavery, Lincoln switched. Still, Lincoln did not abandon his commitment to Henry Clay’s “American system” nor his Whig view of the Presidency. Milkis and Nelson describe the Whigs as the party of opposition to executive power (especially Andrew Jackson); they “resisted the expansion of executive power and defended Congress’s traditional status as the principal instrument of republican government.”¹⁹⁶ Lincoln gave a nice summary of his view of Constitutional authority of the President in an 1861 speech: “By the constitution, the executive may recommend measures which he may think proper; and he may veto those he thinks improper, and it is supposed he may add to these, certain indirect influences to affect the action of congress. My political education strongly inclines me against a very free use of any of these means, by the Executive, to control the legislation of the country.”¹⁹⁷

When people think of President Lincoln they often think of the extraordinary military actions Lincoln took, including suspending the writ of habeas corpus, blockading Southern ports, the Emancipation Proclamation, and the use of military tribunals -- all independent executive actions that Lincoln maintained came from his authority as commander-in-chief in war time. On

¹⁹⁶ Milkis and Nelson, *The American Presidency*, 131.

¹⁹⁷ Lincoln, IV:214.

the other hand, historical scholarship¹⁹⁸ reminds readers of how inactive Lincoln was on domestic policy issues. This chapter takes the position that Lincoln profoundly changed the role of government in the economic sphere in the United States. On occasion Lincoln does this through active leadership, like the promotion of a national banking system; often Lincoln does this through allowing Congress to take action. Lincoln often leads by not leading, and he can do this because Lincoln represents what his party wants.

Contemporary commentators on the Presidency often point to areas of executive discretion in domestic affairs, such as executive orders and signing statements, as a sign of the growing strength (if not imperial tendencies) of the executive branch. Frank Buckley, for example, remarks, “the President has slipped off many of the constraints of the separation of powers. He makes and unmakes laws without the consent of Congress, spends trillions of government dollars, and the greatest of decisions, whether or not to commit his country to war is made by him alone. His ability to reward friends and punish enemies exceeds anything seen in the past. He is the *rex quondam*, *rex futurus*—the once and future king.”¹⁹⁹ Strangely, other commentators describe this much more independent executive as less able to make lasting impact to our politics, “As the organized foundations of presidential power become more independent and the governing responsibilities of the presidency expand, we should expect to see the bonds of political affiliation with any previously established regime grow weaker.”²⁰⁰ Stephen Skowronek refers to this phenomenon as “the waning of political time.” It means that while the executive is getting more discretion in various areas there is less ability to deeply

¹⁹⁸ See for example, David Donald, *Lincoln Reconsidered* 187-208, Gabor Borritt, *Lincoln and the Economics of the American Dream*, 195-196, Philip Shaw Paludan, *A People's Contest*, 107.

¹⁹⁹ F.H. Buckley, *Once and Future King*, 4.

²⁰⁰ Stephen Skowronek, *The Politics Presidents Make*, 56.

reconstruct American politics. In short there is now more change followed by more changing it back.

This politics of pre-emption can be contrasted with the fully reconstructive presidency of Lincoln that Skowronek describes, “Under pressure to finance the war, Congress trashed the strict discipline the Jacksonians had imposed on the national government, and instituted a new regime of national banking, national borrowing, national currency, and protective tariffs... Taken along with the war emergency legislation, these measures [Dept. of Agriculture, Land Grant Act, Railroad act, etc.] substantially altered relationships between American society and the federal government in commerce, finance, industry, and agriculture.”²⁰¹

Lincoln was not a modern president promoting his personal agenda; rather he was a party man who promoted his economic ideals throughout his time as a Whig. When he became the first Republican President that agenda came to him to sign as President. The sweeping economic changes that occurred during Lincoln’s Presidency definitively settle several questions about the power of the national government. Lincoln settles the question of whether a tariff can be used to promote certain industries at the expense of others, he creates a system of internal improvements that the national government controls, and re-establishes the national banking system. The political development of these issues will briefly be considered here, along with a short examination of the economic ramifications of Lincoln’s foreign policy efforts. Lincoln’s Presidency represents an answer to all these long term, constitutional questions about the powers of the national government to act in the economic sphere. The answer is continuously a “yes,” the national government can do these things and frequently that it is wise for the national government to do these things.

²⁰¹ Ibid, 217.

Lincoln and the Tariff

Allen Guelzo in his Heritage Foundation report, “Abraham Lincoln or the Progressives: Who was the *real* father of big government?” rightly points out that “of all the domestic policies adopted by the Lincoln administration during the course of the Civil War, the ones most likely to have increased the ‘reach’ of ‘big’ government were tariffs.”²⁰² Guelzo also mentions the graduated income tax in the same vein. Guelzo argues that the tariff did not in fact increase “big government” because the Morrill tariff increases did not generate an increase of revenue for the government; rather it suppressed importing and “redirected purchasers to domestic markets.” The suppression of importing also assisted the Union over the Confederacy, who had a much greater reliance on imports. Guelzo sums up his brief account of the tariff in this report arguing that the government did not prosper under this tariff but rather “the American private sector” did.

The question one might consider in response is, whether the promotion of American manufacturing and commerce industries over importation does not itself constitute an expansion of government albeit a quiet one. The issue of the tariff was not a new one for the country; one thinks of the nullification crisis of the 1830’s where Vice President Calhoun argued that President Jackson’s tariffs of 1828 and 1832 greatly favored Northern manufacturing interests over Southern agricultural interests. South Carolina, in response to the tariff, asserted a right to nullify laws it viewed as unconstitutional. On March 2nd, 1833 Congress passed a force act allowing the Executive to detain vessels for the collection of the duties.

John Calhoun, resigning the Vice Presidency to serve as a US Senator from South Carolina, gave a speech in opposition to the Force Act insisting that it was not the collection of revenue that was unconstitutional but rather this new found object of the tariff, the promotion of domestic manufacturing and commerce. Calhoun stated in his Speech on the Force Bill, “A deep

²⁰² Guelzo, Heritage Foundation, 7.

constitutional question lies at the bottom of the controversy. The real question at issue is: Has this Government a right to impose burdens on the capital and industry of one portion of the country, not with a view to revenue, but to benefit another?"²⁰³ Calhoun's speech raises the interesting question of whether a constitutional means can be used to pursue an unconstitutional end? He gives a definitive answer: no, it cannot, and the promotion of commerce and manufacturing constitutes an unconstitutional purpose. One sees the contrast here with Lincoln's view that some degree of privilege in government is a necessary feature of most government action. Lincoln's highlighting of the copyright clause in the Constitution at the end of his Second Lecture on Discoveries and Inventions -- "the patent system added the fuel of interest to the fire of genius" -- illustrates his belief that government can play favorites but should do so in a way that promotes the greater harmony of all.

Calhoun did not always oppose the use of the tariff, and in his 1833 Speech against the Force Bill needed to defend himself against the charge that he was "the author of the protective system." Calhoun argued that while he advocated for the tariff in 1816 it was a measure to generate revenue to pay the war debt, not to promote manufacturing. In hindsight Calhoun mentions that the 1816 duties were too low on iron and too high on coarse cottons. Calhoun states that the low tariff duties on iron were "severely felt in Pennsylvania, the State, above all others, most productive of iron; and was the principal cause of that great reaction which has since thrown her so decidedly on the side of the protective policy."²⁰⁴

Calhoun mentions that the speech he gave in support of the 1816 Tariff was impromptu and given at the request of a political friend, Representative Samuel D. Ingham, at a time when

²⁰³ Calhoun, *Union and Liberty*, 404.

²⁰⁴ *Ibid.*, 411.

Calhoun's energies were focused on the question of the currency. Thus, when one examines his words from 1816, Calhoun asks that those facts be kept in mind. While he acknowledged that the protective principle was introduced in support of the 1816 Tariff the object was still the collection of revenue and thus, the bill was constitutional. Calhoun maintained that once it is established that a bill is constitutional one can use a variety of arguments in support of it, including that it might have certain protective benefits for particular industries and regions of the country. But in speaking of South Carolina's opposition to the Force Bill of 1833, Calhoun stresses that there is a difference between a penalty and a tax. Calhoun stated, "Her objection is not against the improper modification of a bill acknowledged to be for revenue, but that under the name of imposts, a power essentially different from the taxing power is exercised -- partaking much more of the character of a penalty than a tax. Nothing is more common than things closely resembling in appearance should widely and essentially differ in their character. Arsenic, for instance, resembles flour, yet one is a deadly poison, and the other that which constitutes the staff of life."²⁰⁵

Calhoun, at the start of his political career, was much more of a nationalist and much more of a protectionist than his 1833 hindsight comments would suggest. In his 1816 Speech on the Tariff bill, Calhoun argued in support of the tariff for purposes of national security. The nation did not have an adequate navy and would have to rely too much on imports in time of war. Manufacturing had been given a boost as a result of the War of 1812, and it would be a mistake not to give these industries new direction. Calhoun described the effect of a loss of protection: "Should the present owners be ruined, and the workmen dispersed and turned to other pursuits, the country would sustain a great loss. Such would, no doubt, be the facts to a considerable

²⁰⁵ Ibid., 415.

extent if not protected. Besides, circumstances, if we act with wisdom, are favorable to attract to our country much skill and industry.”²⁰⁶

President James K. Polk attempted to make sweeping changes to the existing tariff structure in 1846 hoping to only apply the tariff to luxury goods, but ultimately settled for a general reduction of rates.²⁰⁷ In the Jacksonian tradition and following the later thought of John Calhoun, Polk believed that tariffs should be only for the collection of revenue not the protection of one group of citizens over the other.²⁰⁸ Polk’s Treasury Secretary Walker prompted Congress to make significant changes that came to be known as the Walker Tariff of 1846. The historian Thomas Leonard describes strong partisanship votes on the measure with 85 percent of Democrats in support of the measure and 98 percent of the Whigs opposed to it in the House of Representatives with similar numbers in the US Senate.²⁰⁹ It is in this political context Abraham Lincoln first got elected to the US House of Representatives as a Whig.

A fragment exists where Lincoln outlines his thought on the Tariff question of 1846²¹⁰, “Whether the protective policy shall be finally abandoned.” Lincoln’s notes on this question indicate he does not think that protectionism should be abandoned. The protective tariff encourages the goods that can be made in the United States to be made here, preventing the

²⁰⁶ Ibid.

²⁰⁷ Thomas M. Leonard, *James K. Polk: A Clear and Unquestionable Destiny*, 45.

²⁰⁸ Ibid, 46, 47.

²⁰⁹ Ibid.

²¹⁰ Lincoln, I:408.

waste of travel and securing to each man the fruits of his labor. Lincoln will not change his mind on this, even continuing to advocate for tariffs long after they cease being popular.²¹¹

At the heart of Lincoln's thinking on the subject of protectionism is the labor theory of value and Lincoln's belief, from the Declaration of Independence, that people own their labor. Lincoln views the tariff as a way to secure to individuals the full value of their labor. The fragment contains this hypothetical example of a Pennsylvania farmer exchanging his goods with a nearby Pennsylvania iron producer:

Applying this principle to our own country by an example, let us suppose that A and B, are a Pennsylvania farmer, and a Pennsylvania iron-maker, whose lands are adjoining. Under the protective policy A is furnishing B with bread and meat, and vegetables, and fruits, and food for horses and oxen, and fresh supplies of horses and oxen themselves occasionally, and receiving, in exchange, all the iron, iron utensils, tools, and implements he needs. In this process of exchange, each receives the whole of that which the other parts with -- and the reward of labour between them is perfect; each receiving the product of just so much labour, as he has himself bestowed on what he parts with for it.²¹²

When there is no protective policy in place and people purchase goods from abroad, a portion of their labor must be lost in shipment and insurance costs, what Lincoln will call "useless labor."

An international exchange winds up with men receiving goods equivalent to seventy five percent of the work they put in because of exchange costs. It is hard to grasp Lincoln's meaning when one thinks with modern economic concepts, such as relative value. One must instead remember that Lincoln believes in the labor theory of value. The historian Gabor Borritt comments on this concept in Lincoln's economics, "It also illustrates his adherence to the classical axiom that the value of an article should be weighed by the cost of labor 'embodied' in it, as Ricardo had explained. This labor cost theory of value was so widely accepted in America, and seemed so

²¹¹ Borritt.

²¹² Lincoln, I:408.

logical to Lincoln, as not to appear to be theory at all.”²¹³ In effect, Lincoln believes the price of goods is a result of the amount of labor that has gone into the good’s production, if a good has to travel, the cost of that travel will be wasted and both parties in an exchange will receive less than what they put in.

The Declaration of Independence teaches that people own themselves and as such they own their labor; purchasing goods from overseas that could be made here wastes their labor. But what about when goods, in absence of a tariff, arrive in the United States cheaper than the ones made here? Lincoln comments on this question, “But after awhile farmer discovers that, were it not for the protective policy, he could buy all these supplies cheaper from a European manufacturer, owing to the fact that the price of labour is only one quarter as high there as here. He and his hands are a majority of the whole; and therefore have the legal and moral right to have their interest first consulted. They throw off the protective policy, and farmer ceases buying of home manufacturer. Very soon, however, he discovers, that to buy, even at the cheaper rate, requires something to buy with, and some how or other, he is falling short in this particular.”²¹⁴ From the labor theory of value perspective, importing goods cheaper than domestic manufacturing can only be done through paying the foreign laborer less than what he put in. Lincoln maintains that if people buy goods cheaply from overseas all of the industry at home can disappear, leaving the cheap goods purchaser a loser in his total financial picture.

While Lincoln does not make explicit reference to the equality principle of the Declaration of Independence when talking about the tariff in the fragment, he does make reference to a passage from the book of Genesis that he refers to almost interchangeably with the self-ownership ideas of the Declaration:

²¹³ Borrit, *Lincoln and the Economics of the American Dream*, 111.

²¹⁴ Lincoln, I:411.

In the early days of the world, the Almighty said to the first of our race “In the sweat of thy face shalt thou eat bread”; and since then, if we except the light and the air of heaven, no good thing has been, or can be enjoyed by us, without having first cost labour. And, inasmuch as most good things are produced by labour, it follows that all such things of right belong to those whose labour has produced them. But it has so happened in all ages of the world, that some have laboured, and others have, without labour, enjoyed a large proportion of the fruits. This is wrong, and should not continue. To secure to each labourer the whole product of his labour, or as nearly as possible, is a most worthy object of any good government.²¹⁵

Lincoln thought reducing, or eliminating the tariff as Polk proposed in 1846, would secure less of the product of the labor of the working man in total. He advocated for protectionism as a new Congressman in 1846 and it is this past stance that helps him to secure the Republican nomination in 1860.

One can give this general outline of the tariff story in America as one of generally reducing rates until the assent of the Republican Party; during the South Carolina crisis of 1833 the tariff was reduced to avoid a sectional crisis, the Walker tariff of 1846 further reduced the tariff to around 30%, and in 1857 the tariff was further reduced to 24%.²¹⁶ However in 1857, there was an economic panic that slowly started to change the tide for the protectionist cause. While maintaining that special interests drove the Morrill Tariff, the historian Phil Magness still acknowledges, “Historians have generally recognized the resurgence of protectionism after the Panic of 1857. Sidney Ratner attributed ‘a vigorous campaign for a higher protective tariff’ to the Panic, while James Huston noted ‘a considerable amount of enthusiasm’ for protectionism after the economic downturn that led to calls for tariff revision.”²¹⁷

²¹⁵ Ibid., 411-412.

²¹⁶ Paludan, *A People’s Contest*, 129.

²¹⁷ Phil Magness, 290, “Morrill and the Missing Industries,” *Journal of the Early Republic*, Vol 29, No. 2, Summer 2009.

The Republican Party was a coalition made up of old Whigs and old Democrats who opposed the expansion of slavery; thus it frequently made sense for Lincoln to downplay his Whig economic leanings. Still, his past support for protectionism was the key to his winning the nomination and the Presidency. Reinhard Luthin describes the place of Lincoln's whole economic agenda but especially his support of the tariff in winning the Presidency: "The tariff did indeed loom large at the Republican National Convention, which assembled in Chicago on May 16, 1860. The party leaders clearly foresaw that antislavery as an exclusive issue was not enough to assure victory in November. . . . Indeed, what river and harbor improvement was to the Great Lakes region, what a proposed Pacific railroad and a daily overland mail were to California and Oregon, and what homestead was to the Northwest, the tariff was to Pennsylvania and in a lesser degree, to New Jersey."²¹⁸ In addition to ultimately supporting a "Henry Clay American System" man in Abraham Lincoln, the Republican Party Platform of 1860 had a specific provision supporting the tariff, and not just as a measure of revenue collection, "That while providing revenue for the support of the general government by duties upon imports, sound policy requires such an adjustment of these imposts as to encourage the developmental interest of the whole country: and we commend that policy of national exchanges which secures to the working men liberal wages, to agriculture remunerating prices to mechanics and manufacturers an adequate reward for their skill labor, and enterprise, and to the nation commercial prosperity and independence."²¹⁹ When Lincoln wins the Presidency, it is to this platform that he turns.

²¹⁸ Reinhard H. Luthin, 615, Abraham Lincoln and the Tariff, *The American Historical Review*, Vol 49, No. 4, Jul, 1944.

²¹⁹ Provision 12, 1860 Republican Party Platform.

Congress takes up the issue of increasing the tariff between Lincoln's election to the Presidency and his actually taking office. The Morrill Tariff of 1861 was signed by President Buchanan two days before Lincoln takes office. While still maintaining his Whig Presidency stance that the executive should not get involved in the legislative process, Lincoln makes some significant statements on the proposal in a mid-February Speech in Pittsburgh in 1861. He first notes that the tariff is the primary source of revenue collection for the government saying "the tariff is to the government what a meal is to the family."²²⁰ It is worth noting that Lincoln mentions the alternative of direct taxation to collect revenue; the expenses of the Civil War will be so great he will need both. Lincoln says the real issue behind the tariff question is how (and whether) it should be adjusted for the protection of certain home industries. While saying that he has not fully studied the issue, Lincoln does draw his audience's attention to the fact that there has been an election and the party that advocated for a protective tariff has won. Lincoln states, "And here I may remark that the Chicago platform contains a plank upon this subject, which I think should be regarded as law for the incoming administration. In fact, this question, as well as all other subjects embodied in that platform, should not be varied from what we gave the people to understand would be our policy when we obtained their votes."²²¹ The Republican Party Platform that Lincoln ran and won on, should have the force of law for his administration because Lincoln believes that elections serve as a means for a people to define their Constitution.

In a month, Lincoln will give his First Inaugural Address and will point out the fact that the text of the Constitution cannot answer every Constitutional question: "No foresight can anticipate, nor any document of reasonable length contain express provisions for all possible

²²⁰ Lincoln, IV:211.

²²¹ Ibid, 212.

questions.”²²² There Lincoln will talk about the vagueness of whether the requirements of the fugitive slave clause fall on the states or the national government and the question of whether the national government can ban slavery in the territories; as he puts it, on these questions, “The Constitution does not say.”²²³ While it is widely acknowledged that the national government can have a tariff, it does not say whether they can have one that aims at the protection of certain industries; Lincoln maintains that part of the function of elections is answering Constitutional ambiguities. The political scientist James Ceaser describes this phenomena of elections being about Constitutional issues:

Political constitutionalism consists of the public presentation of views of what is (or is not) constitutional policy, not just in a legal sense, but in a way that looks to the goals the Constitution was meant to promote and the kind of government it was designed to create. Political constitutionalism was once a concept widely understood. Virtually no one before the 1960s would ever have thought that courts should—or could—be tasked with resolving all, or even most, constitutional issues. Very few would have thought that the Constitution was exclusively or primarily a matter for determination by legal experts operating in a judicial setting. Instead, most would have expected something as fundamental as the Constitution to be defended by political means in a political context.”²²⁴

Lincoln will continue in his First Inaugural to say that on many of these Constitutional questions the nation will divide into a majority and a minority. This essentially forces a question of whether or not the majority will yield to the minority. If the majority does yield it will be in essence minority rule; if the majority allows the minority to walk away from the political union, it will be in essence anarchy and the election will be meaningless. In February of 1861, prior to taking office, he reminded his audience that there had been an election and the people had

²²² Lincoln, IV:268.

²²³ Ibid.

²²⁴ James Ceaser, *Restoring the Constitution*, CRB, Vol, XII, No. 22.

elected his party the Republicans, who had a clear provision in the platform to pursue a protective tariff.

After emphasizing his dedication to his party's platform, Lincoln explains why he has believed in protectionism as long as he has in words that essentially echo his thoughts in 1846: "I have long thought that if there be any article of necessity which can be produced at home with as little or nearly the same labor as abroad, it would be better to protect that article. Labor is the true standard of value. If a bar of iron, got out of the mines of England, and a bar of iron taken from the mines of Pennsylvania, be produced at the same cost, it follows that if the English bar be shipped from Manchester to Pittsburgh, and the American bar from Pittsburgh to Manchester, the cost of carriage is appreciably lost. [Laughter.] If we had no iron here, then we should encourage its shipment from foreign countries; but not when we can make it as cheaply in our own country. This brings us back to our first proposition, that if any article can be produced at home with nearly the same cost as abroad, the carriage is lost labor."²²⁵ Lincoln in 1861, much like he did in 1846 believes in the labor theory of value. Shipping costs are waste, the best policy would be one that encourages products that can be made in the United States to be made here and products that cannot be made here to be allowed to enter the country without the burden of tariffs. Much like in the Wisconsin State Fair Address examined earlier, Lincoln always follows the political economist Francis Wayland's advice on efficient labor. While Herndon points out that Lincoln does not follow Wayland on the question of trade²²⁶, it is Lincoln's adherence to the labor theory of value and Wayland's notion of efficiency that cause him to disagree. Lincoln always

²²⁵ Lincoln, IV:212.

²²⁶ Herndon, *Life of Lincoln*.

advocates for the protective tariff because he believes it is the best policy for the working man to secure the value of his labor.

While President Buchanan signed the Morrill tariff two days before Lincoln took office, Lincoln would sign a significant increase on tariff duties five months later. The Morrill tariff increases during this period, “nearly doubled the rates of import duties that were exacted by the tariff of 1857.”²²⁷ They would be raised again in 1862 and 1864.²²⁸ The secession left the Republican Party in Congress in a much stronger position than they would have been had Southern Democrats stayed. While the tariff produced new revenue for fighting the war, it also produced new revenue for the rest of the Lincoln economic agenda that substantially changed the role of government in American economic life. Lincoln’s commitment to the tariff both paid for his economic agenda and also fostered it by promoting domestic manufacturing.

Internal Improvements

In the beginning, it seems everyone was in favor of internal improvements. George Washington said the object of his Patowmack Canal project was to “bind those people to us in a chain that can never be broken.”²²⁹ Thomas Jefferson would begin the Cumberland Road project, the first ever nationally created and maintained road built across Maryland, Pennsylvania, Virginia, and Ohio (eventually including Indiana and Illinois) with the permission of those states. As the historian John Larson describes it there was widespread agreement over the need for internal improvements. Commenting on John Calhoun’s advocacy for the Bonus Bill, Larson says, “The idea was far from new; George Washington, Alexander Hamilton, Thomas Jefferson,

²²⁷ Luthin, *Lincoln and the Tariff*, 628.

²²⁸ *Ibid.*

²²⁹ George Washington to Jacob Read, November 3, 1784.

Albert Gallatin, James Madison, and many other American founders called for systematic internal improvements since before the creation of the Republic.”²³⁰

How then did the cause of internal improvements derail after the creation of the Cumberland Road? A quick examination of the story of internal improvements reveals that the Bonus Bill fails because of fear of centralization, which is followed by fears of cronyism from state run projects at federal expense. Future attempts at nationally run projects such as Mayville Road, and the New Orleans to Buffalo project will be rejected again because of fears of centralization and a growing fear that a stronger national government is a threat to the institution of slavery. This will result in a host of state run internal improvement projects at federal expense, which was actually the primary reason that Madison vetoed the Bonus bill in 1817. Lincoln’s Presidency, with the secession of many state’s rights advocates from the South, marks the triumph of the cause of internal improvements with the two major nationally run projects that are initiated under his Presidency, the Illinois-Michigan canal and the Transcontinental Railroad.

Generally recognized as a strict constructionist of the Constitution, Thomas Jefferson signed the first national road project. Cumberland Road initially stretched from the Potomac River in Virginia through to the Ohio, but was eventually extended to Illinois. Jefferson’s Presidency is often associated with an “era of good feelings” or reduced partisanship which seems to have resulted in the project being initiated with little difficulty. Daniel Mulcare describes the broad use of national power the legislation gave birth to: “Congress funded the road; at first, this was done through the two percent land sale fund, but it often used monies from the general treasury to both continue the route and facilitate its repairs. Congress also set the

²³⁰ John Larson, “‘Bind the Republic Together’: The National Union and the Struggle for a System of Internal Improvements,” In *The Journal of American History* Vol. 74, No. 2 (Sep, 1987), pp. 363-387, 363.

general route, with the president making the final decisions on the exact path.”²³¹ It seemed to be generally recognized that somewhere between the power to establish post roads, the power to tax and spend for the general welfare, the authority to raise and support armies that would have to be able to move throughout the country, and the power to regulate commerce, the US Constitution allowed for national internal improvement projects. However, Jefferson will rethink his position on the constitutionality of national internal improvements, calling for a constitutional amendment to allow for them in his Sixth Annual Message to Congress. On the other hand Jefferson never wavered from his support for such action, saying in that address of those who will bear the burden of taxes for national projects, “Their patriotism would certainly prefer its continuance and application to the great purposes of the public education, roads, rivers, canals, and such other objects of public improvement as it may be thought proper to add to the constitutional enumeration of federal powers. By these operations new channels of communication will be opened between the States; the lines of separation will disappear, their interests will be identified, and their union cemented by new and indissoluble ties.”²³² Thus the end of Jefferson’s presidency leaves a dilemma for American politics, a massive national internal improvement program is already well underway but suddenly the major leader has begun to question the constitutionality of such projects.

Not surprisingly, internal improvements become a controversial issue under President Madison with the Bonus Bill of 1817. Originally modeled on Albert Gallatin’s Report of the Secretary on the Subject of Roads and Canals (1808) the Bonus Bill was championed by, then

²³¹ Mulcare, 681 Slavery Politics, Internal Improvements, and the Limitation of National administrative Capacity.

²³² Jefferson, Sixth Annual Message to Congress.

nationalist, John Calhoun, and the strongest advocate for internal improvements, Henry Clay.²³³ The basic idea was to take surpluses provided by the national bank and return it to the states for their internal improvements. Despite support for internal improvements the bill was vetoed by Madison. John Larson accounts for the rejection of the proposed national system as return to the revolutionary spirit of decentralization. He states, “The real barrier to a national system of internal improvements sprang first from the center and second, from the Americans’ lingering fear of just such consolidated power.”²³⁴ The difficulty of any system of internal improvements is this -- the decision as to where canals and roads will be placed must either be given to the national government (the Administration or Congress), leading to centralization, or it must be given to states, allowing local cronyism and special interests to decide. The Gallatin report advocated for a constitutional amendment allowing for the national government to decide these questions but mentioned the advantages of states deciding these questions with federal money in the meantime. As Larson describes, by the time the Bonus bill was drafted, the hopes of a national plan from the national government were lost: “Indeed Calhoun and his friends readily admitted that as soon as they brought in the map and specified the routes, the bill could not be passed. All Calhoun and his allies apparently wanted was a permanent fund from which they might support improvements without drawing fresh attacks by their enemies on annual appropriations bills.”²³⁵

Madison will veto the bill for the “insuperable difficulty” he had reconciling it to the Constitution, despite having accepted the rechartering of the national bank. The question that

²³³ This section on the Bonus Bill draws heavily from John Larson “Bind the Republic Together” *Journal of American History*, Vol. 74 No. 2.

²³⁴ *Ibid*, 365.

²³⁵ *Ibid*, 377.

those who most strongly advocated for a national system of internal improvements faced is, why go through the frustrating process of a constitutional amendment when the national government has already done it with Cumberland road? President Monroe objected that it was not the power of building roads that was at issue, rather it was the power of the national government directing a system. This subtle distinction is captured by Stephen Skowronek: “thus, though the federal government could not ‘execute’ a national ‘system’ of roads and canals, it could still ‘cause to be executed a seemingly endless number of national projects by simple appropriations.”²³⁶

Objection to the national government having power is the theme that explains the continued opposition to internal improvement programs. The Missouri Compromise signed by Monroe limiting slavery to south of 36°30 in the territories begins the tendency to view growing strength of the national government as a threat to slavery that carried over to internal improvements. For example one might consider John Randolph of Roanoke’s statement in opposition to the 1824 General Survey Act, a proposal to create plans for a national system of internal improvements: “If Congress possess the power to do what is proposed by this bill, they may not only enact a Sedition law -- for there is a precedent -- but they may emancipate every slave in the United States -- and with stronger color of reason than they can exercise the power now contended for.”²³⁷ The new settled position holds that while it was fine for the national government to spend for the general welfare it must do so through the cooperation and direction of the states. Under a time of renewing vigorous support for state’s rights, the flaws of Calhoun’s Bonus Bill become the new normal. Mulchare describes the culmination of this period in the Presidency of Andrew Jackson: “The spring of 1830 witnessed a great merriment for those who championed state

²³⁶ Skowronek, 105.

²³⁷ John Randolph of Roanoke, Speech on Internal Improvements, 1824.

sovereignty. Along with President Andrew Jackson's Mayville Road veto, which furthered the doctrine that states held primary authority to charter improvement companies and build roads and canals within their borders, representatives in the House defeated a measure that would have led to the national government's construction of a road from Buffalo, New York to New Orleans, Louisiana."²³⁸

Lincoln's Whig Party never got the chance to produce the national system of internal improvements that they aspired to. William Henry Harrison's Presidency only lasted thirty-two days. His replacement, Vice President John Tyler, was really a Democrat in Whig clothing. Michael Holt describes Tyler's opposition to the bundle of national government actions generally referred to as Clay's American system: "He [Tyler] wanted to work with the congressional Whigs, but the former Democrat belonged to the dwindling state rights faction of the party and had long opposed a national bank, a protective tariff, and federal internal improvements as unconstitutional."²³⁹ This opposition agenda continued with the election of the Jacksonian Democrat James K. Polk. Polk was followed by the election of Zachary Taylor, a one year Presidency where the emphasis was more on the war hero Taylor than on any Whig agenda. Holt describes this as well: "The impulse to change the name and the policies of the Whig party to eradicate every trace of what was scorned as 'ultra Whiggery' of 'the Clay and Webster school of politics' . . . sprang from numerous men after the election, including Taylor."²⁴⁰ Millard Fillmore's three year Presidency produces little domestic economic legislation, the historically important events being the Compromise of 1850 and Fillmore's support of the fugitive slave law

²³⁸ Mulcare, 671.

²³⁹ Michael F. Holt, *The Rise and Fall of the American Whig Party*, 128.

²⁴⁰ *Ibid.*, 406.

which results in the disintegration of the party on the question of the future of slavery. It is Lincoln's Republican Presidency that fulfills the Whig vision of Henry Clay and Daniel Webster in both internal improvements and establishing a national banking system.

Allen Guelzo, while insisting that Lincoln is in no way the father of big government, states this criterion with regards to internal improvements: "what is pertinent to the question in hand is not whether the federal government had any theoretical business with business, but whether the real hand the US government had in making the transcontinental railroad happen was so large as to constitute a forerunner of 'big' government."²⁴¹ Guelzo finds that the national government merely providing loan guarantees, not engaging in extensive oversight, meant that it was not "big government." On the other hand one must consider that the loan guarantees seem to have directed substantial wealth and energy to the railroad industry and the problems with a lack of oversight come to a head with the Credit Mobilier scandal of 1872.

One can say this about the passage of the Transcontinental Railroad: with the withdrawal of members of Congress from the Confederate states, it became a bi-partisan effort. Note that Stephen Douglas' Democratic Platform and the Republican Party platform both call for a railroad to the Pacific. The necessity of war and the absence of opposition provided the opportunity that finally ended the question of the national government's power to construct a national plan of internal improvements. Leonard P. Curry describes this: "Sectional jealousy and constitutional scruples ranked high among the considerations that had prevented Congress from passing a Pacific railway act before 1861. Secession, by removing most of the southern senators and representatives, had removed one of the most potent sources of sectional jealousy. Constitutional scruples rapidly disintegrated under the impact of continued demands for the passage of legislation, often novel in character and sweeping in scope, declared to be essential to

²⁴¹ Guelzo, 7.

the successful prosecution of the war.”²⁴² The act granted President Lincoln the substantial power of defining the uniform width of the railroad. Lincoln used this power on January 21, 1863, to set the width at five feet, perhaps looking forward to the preservation of the Union. Curry notes that this would be the width most favorable to the American South and California but not the Midwest.²⁴³ Congress promptly responded by removing this discretion from the President and setting the width at 4 feet and 8/12 inches.²⁴⁴

What was the impact of Lincoln’s lifelong advocacy of internal improvements projects and his ultimately signing the Pacific Railroad Act? Most substantially, the goods of the American West, especially the commercial agricultural products of the Great Plains states became available to the East.²⁴⁵ A substantial mixing of public funds combined with private interests and corporations that meant the national government was a major force in the economy.

Richard Bense describes this impact in *Yankee Leviathan*:

During the four years immediately following the end of hostilities, for example more than \$500 million in new railroad and canal securities entered the market; an essential factor in the success of these offerings was the liquidation of state and federal debt. The ensuing railroad boom in the United States became part of a worldwide speculative mania, and along with the return of relative political stability, produced a vast expansion of both government and private securities to Europe...By the end of 1868, the United States had one mile of railroad for every 876 inhabitants, by far the greatest proportion of mileage to population of any nation in the world.”²⁴⁶

²⁴² Curry, *Blue Print for Modern America*, 116.

²⁴³ *Ibid.* 133.

²⁴⁴ *Ibid.*, 134.

²⁴⁵ *Ibid.*, 135.

²⁴⁶ Bense, *Yankee Leviathan*, 251-252.

National Banking

The question of the Constitutionality of a national banking system, was tacitly the question of whether the national government had implied powers. This was addressed by the Supreme Court in *McCulloch v. Maryland* in 1819. Lincoln's 1839 Speech on the Sub-Treasury, as previously examined, showed that Lincoln believed that the power of the national government to create a system of national banking was settled law, given the existence of the national bank under President Washington with the passage of its incorporation by Congress in 1791 and its review by the Supreme Court. Additionally, one should note that in that speech, Lincoln says, "that no duty is more imperative on that Government [the US Government], than the duty it owes the people of furnishing them a sound and uniform currency."²⁴⁷

The national banking system was beaten back during the triumph of the Jacksonian Democrats, and what Lincoln saw as a settled question in 1839, seems a political impossibility until his Presidency. The Whig President, William Henry Harrison, in his inaugural address said of the Democrats' insistence on gold and silver currency, "If any single scheme could produce the effect of arresting at once that mutation of condition by which thousands of our most indigent fellow-citizens by their industry and enterprise are raised to the possession of wealth, that is the one. If there is one measure better calculated than another to produce that state of things so much deprecated by all true republicans, by which the rich are daily adding to their hoards and the poor sinking deeper into penury, it is an exclusive metallic currency."²⁴⁸ A reliance on specie currency makes exchange harder and limits the national government's power to spend to what can be collected, significant limitations for a country trying to put down a secession effort.

²⁴⁷ Lincoln, IV:268.

²⁴⁸ William Henry Harrison, Inaugural Address.

At the start of the Civil War, the national government still relied on Van Buren's Independent treasury system that required the national government to deal in specie, the very system Lincoln opposed as a young Whig. Philip Shaw Paludan describes the limitation of the gold and silver based system for efficiency and the difficulties of raising revenue for victory: "This meant, among other things, that instead of paying and receiving through the quick and easy process of changing accounts in ledgers, tons of gold were hauled back and forth in and out of the Treasury on horse drawn drays. It also meant that the ability of the government to pay its debts was limited to the amount of gold and silver that was available."²⁴⁹ The reliance on hard currency resulted in numerous state chartered banks issuing their own notes. By the end of the war, a new national banking system act would be brought about, including the creation of greenbacks (paper money) that allowed the national government to run significant deficits to conduct the war but also became legal tender for the payments of all debts.

The national banking act is one of the few instances where Lincoln does not passively wait for legislation to come to him in his usual Whig-like manner. Instead he actively promotes the creation of greenbacks in his 1862 Second Annual Message to Congress. The expense of the war and state banks refusing to pay out in hard currency forced the national government to issue large notes. Lincoln said what was needed is Congress' "best reflections as to the best modes of providing the necessary revenue, without injury to business and with the least possible burdens upon labor."²⁵⁰ What recommendation did Lincoln give for Congress being able to meet the expenses of war while not crushing business or the working man? Paper money. Lincoln states, "The judicious legislation of Congress, securing the receivability of these notes for loans and

²⁴⁹ Paludan, *A People's Contest*, 108.

²⁵⁰ Lincoln, V:523.

internal duties, and making them a legal tender for other debts, has made them an universal currency; and has satisfied, partially, at least, and for the time, the long felt want of an uniform circulating medium, saving thereby to the people, immense sums in discounts and exchanges.”²⁵¹ Lincoln is concerned about the dangers of inflation and will speak of returning to hard currency at the earliest possible period; however, it is hard to see why if paper money saves “immense sums” to the people that should be done. The best situation would be if the national government had the authority to control the level of greenbacks circulating in the economy. Lincoln states, “I know of none which promises so certain results, and is, at the same time, so unobjectionable, as the organization of banking associations, under a general act of Congress, well guarded in its provisions. To such associations the government might furnish circulating notes, on the security of United States bonds deposited in the treasury. These notes, prepared under the supervision of proper officers, being uniform in appearance and security, and convertible always into coin, would at once protect labor against the evils of a vicious currency, and facilitate commerce by cheap and safe exchanges.”²⁵² Lincoln advocates for the national government creating legal tender notes that would circulate from the banks; after the war these “greenbacks” should be secured by hard currency. To Lincoln’s mind this would allow the Union to win the war, while instituting the sound and uniform medium of exchange that he always maintained was the national government’s duty to provide.

Foreign Affairs and Lincoln’s Deeds

While the bulk of the deeds in Lincoln’s Presidency occur in domestic affairs, some consideration should be given to the intersection of his deeply held principle of “liberty to all” and foreign affairs. Lincoln must win the Civil War to ultimately stay true to his economic and

²⁵¹ Ibid.

²⁵² Ibid, 524.

political vision; to lose the Union is to lose the nation dedicated to all men being created equal through self-ownership. Some of his actions must be understood in this light, for example his blockade of southern ports where the property of neutral vessels was confiscated for remaining within an area of war. Thus it is a taking of property of one individual, but it is ultimately for the preservation of the property of all, like Locke's famous account of the executive needing to pull down a house to prevent the spread of fire.

But such actions have meaning in international law and also have effects on the lives of workingmen around the world. The historian Phillip Shaw Paludan poses the question this way: "what would that [a blockade of southern ports] mean in the international economy where hundreds of thousands of French and English workers depended for their jobs on Southern cotton, where powerful capitalists earned millions in that same trade?"²⁵³ Much of the focus of the Lincoln administration in foreign affairs was on those two nations (France and England) who could potentially assist the Confederacy, weakening the United States and strengthening their own presence in North America. In persuading these nations to remain out of the conflict Lincoln greatly increased the chances of the Union but was keenly aware of the costs to laborers in other nations.

Lincoln acknowledged in his 1862 Annual Message to Congress that things were not going well in foreign affairs: "If the condition of our relations with other nations is less gratifying than it has usually been at former periods, it is certainly more satisfactory than a nation so unhappily distracted as we are, might reasonably have apprehended. In the month of June last there were some grounds to expect that the maritime powers which, at the beginning of our domestic difficulties, so unwisely and unnecessarily, as we think, recognized the insurgents

²⁵³ Paludan, 32.

as a belligerent.”²⁵⁴ This recognition of the Confederacy as a belligerent (an emerging state from a parent country) was largely a result of Lincoln’s own actions, his blockade of Southern ports.

The difficulty with the blockade is that it was internationally considered an act of war against another nation, at a time when the Union was insisting that they were putting down an insurrection. Several leading men, Thaddeus Stevens among them, feared that Lincoln had tacitly recognized the Confederacy as an independent nation with the blockade. Several petitioners would claim that since Congress had never declared a state of war, their ships could not be confiscated in the *Prize Cases*. Those cases, however, would say that Lincoln could, in effect, have it both ways -- he could use the tools of war (blockades, capturing POWs) while dealing with a criminal insurrection. John Fabian Witt describes how the blockade gave Lincoln the tools of war but at least for purposes of US law kept the rebellion a criminal enterprise: “By establishing a blockade and declaring southern privateers to be pirates, Lincoln had insisted that the preservation of the Union could be a war and a criminal law enforcement action at the same time, that there was no need to choose either paradigm once and for all. With Seward’s help, Lincoln had discovered that the laws of war did not so much restrict his power as augment it.”²⁵⁵

The Civil War presented the United States government, for the first time, as a force for law and order putting down a rebellion. The blockade gave Lincoln the tools he needed to do that, and the decision in the *Prize Cases* confirmed that he could. However, a Supreme Court decision cannot control what the international world thinks. England, which had ulterior motives for doing so, acknowledged the Confederacy as a belligerent. While England maintained its neutrality, this recognition of the Confederacy brought with it significant powers, as the historian

²⁵⁴ Lincoln, V:519.

²⁵⁵ John Fabian Witt, *Lincoln’s Code: The Laws of War in American History*, 151.

Philip Paludan describes: “This allowed the rebels to solicit men and arms abroad, except where neutrality laws forbade, to seek loans, to engage in privateering, to search and seize ships carrying contraband, and to use prize courts where the right to take suspected ships and cargoes might be in question.”²⁵⁶

England’s recognition of the Confederacy as a belligerent came as a surprise because many thought of Great Britain as being anti-slavery and because it was announced prior to the arrival of the American delegation to London. The son and private secretary to the Ambassador Charles Francis Adams, Henry Adams, recalled the atmosphere the American delegation encountered: “no one in England—literally no one—doubted that Jefferson Davis had made or would make a nation, and nearly all were glad of it, though not often saying so. They mostly imitated Palmerston who according to Mr. Gladstone, ‘desired the severance as a diminution of a dangerous power, but prudently held his tongue.’ The sentiment of anti-slavery had disappeared.”²⁵⁷

However, Henry Adams was mistaken, as evident from a statement of support to the Union from the Manchester Workingman’s Association. This came despite the considerable stresses the Civil war caused in their lives. Lincoln mentions in his Annual Message to Congress these international effects: “The civil war, which has so radically changed for the moment, the occupations and the habits of the American people, has necessarily disturbed the social condition, and affected very deeply the prosperity of the nations with which we have carried on a commerce that has been steadily increasing throughout a period of half a century.”²⁵⁸ During the war, the

²⁵⁶ Paludan, 38.

²⁵⁷ *Education of Henry Adams*, Chapter VII Diplomacy.

²⁵⁸ Lincoln, V:520.

cutting off of the cotton supply as a result of the blockade created great economic turmoil in the cotton mills of England and produced political pressure for the British government to recognize the Confederacy.

Despite this pressure, some in England ignored their own economic well-being and supported the cause of the North. Following Lincoln's Emancipation Proclamation, a committee of working men from Manchester adopted a resolution that expressed their support for the efforts of the Union. Lincoln replied to these men thanking them for their fortitude and reviewing why he thought they were supporting his cause:

I know and deeply deplore the sufferings which the workingmen at Manchester and in all Europe are called to endure in this crisis. It has been often and studiously represented that the attempt to overthrow this government, which was built upon the foundation of human rights, and to substitute for it one which should rest exclusively on the basis of human slavery, was likely to obtain the favor of Europe. Through the actions of our disloyal citizens the workingmen of Europe have been subjected to a severe trial, for the purpose of forcing their sanction to that attempt. Under these circumstances, I cannot but regard your decisive utterance upon the question as an instance of sublime Christian heroism which has not been surpassed in any age or in any country.²⁵⁹

For Lincoln, the workingmen of Manchester were standing against the old aristocratic society of Europe, in favor of the new, natural-right-based, equality of the United States. Central to this choice was the question of whether or not individuals own their labor and what this means for workingmen. Lincoln, who began his working life as a laborer, followed by being surveyor, store owner, and then lawyer, never seems to have lost the idea of the right of the individual to rise through hard work.

Lincoln's Government Action in Support of Natural Rights

Lincoln as President along with the 37th Congress of the United States substantially changed the sphere of government action in American life. There were plenty of actions taken

²⁵⁹ Lincoln, VI:64.

for military purposes including the blockade of Southern ports, the Emancipation Proclamation, and the start of reconstruction. But the war provided other opportunities for non-military government actions that might not have been possible without the loss of strict constructionists from the American South. The tariff might have been needed as a source of wartime revenue, but it becomes a source of protection for American manufacturing. The country needed to be able to print money to conduct the war, but legal tender will facilitate exchange long after the war. Rail lines will facilitate troop movement but will assist the United States in becoming a nation of commerce and exchange.

The era of Lincoln's Presidency seems to produce legislation that comports nicely with the ideas put forth in his 1854 Fragment on Government:

The legitimate object of government, is to do for a community of people, whatever they need to have done, but can not do, at all, or can not, so well do, for themselves -- in their separate, and individual capacities. In all that the people can individually do as well for themselves, government ought not to interfere. The desirable things which the individuals of a people can not do, or can not well do, for themselves, fall into two classes: those which have relation to wrongs, and those which have not. Each of these branch off into an infinite variety of subdivisions.

The first -- that in relation to wrongs -- embraces all crimes, misdemeanors, and non-performance of contracts. The other embraces all which, in its nature, and without wrong, requires combined action, as public roads and highways, public schools, charities, pauperism, orphanage, estates of the deceased, and the machinery of government itself. From this it appears that if all men were just, there still would be some, though not so much, need of government.²⁶⁰

Government for Lincoln is a force for good, not just a necessary evil. It addresses a people's needs, not simply the things that people cannot do for themselves but also the things they cannot do so *well* for themselves. One can say that there is a principle of subsidiarity to Lincoln's political economic thought. There are some things individuals can do well for themselves, and in these they should be left alone; there are other areas where governments should step in. The Homestead Act, for example, constitutes a simple national government action -- turning over

²⁶⁰ Lincoln, II:221.

Western land to individuals at cost or less. The Constitution defines in what areas the national government is authorized to act, and for Lincoln, these are the areas where the states and individuals cannot do things so well for themselves. He recognizes that the Constitution leaves states the authority to decide questions of morality such as slavery within a state but also maintains that the power to govern national territories belongs to the national government. Governments prevent harm -- they stop crimes and enforce contracts. The national government's maintenance of the Union must be understood in this light. But governments also allow for combined action like roads and the incorporation of institutions that serve the public good. The non-military deeds of President Lincoln examined in this chapter serve this second function of government, doing for a people what they cannot do so well for themselves.

An individual never stops owning himself and as Lincoln tells his audience, he never had an idea that did not spring from the Declaration of Independence. The hope is that through self-ownership and productive labor people will be able to rise as far as their talents can take them. One difficulty is that it is hard to get out of one's labor everything that has been put into it. Transportation costs are lost labor. Ideally, a country would not waste labor by purchasing goods from overseas that can be manufactured here. The national government can help with that through the tariff. Again, transportation costs can be greatly reduced through a system of internal improvements. Potentially, the national government is in a better position to do this because they can best devise a system that serves the whole country. By contrast, in an area such as education, the national government merely turned over federal land to the states for the creation of land grant colleges. Creating a system of national banking and a uniform currency are all national government functions. While there are long debates regarding the power of the national government to do these things, none of them seem to be explicitly provided for in the

Constitution, the Lincoln Presidency represents the time when Constitutional phrases like “provide for the general welfare” and “regulate commerce” take on the fuller meaning that had been argued for.

CHAPTER 6. LINCOLN'S AND THE PEOPLE'S CONSTITUTION

This absurdity (for it seems no less) arises from a misconception as to the origin of this government and its true character. It is, Sir, the people's Constitution, the people's government, made for the people, made by the people, and answerable to the people. The people of the United States have declared that the Constitution shall be the supreme law. We must either admit the proposition, or dispute their authority. The States are, unquestionably, sovereign, so far as their sovereignty is not affected by this supreme law. But the State legislatures, as political bodies, however sovereign, are yet not sovereign over the people.

Daniel Webster, Second Reply to Hayne (1830)

It is as popular, and Just as much emanating from the people, as the state governments. It is created for one purpose; the state governments for another. It may be altered, and amended, and abolished at the will of the people. In short, it was made by the people, made for the people, and is responsible to the people.

Joseph Story, Commentaries on the Constitution (1833)

It is rather for us to be here dedicated to the great task remaining before us---that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion---that we here highly resolve that these dead shall not have died in vain---that this nation, under God, shall have a new birth of freedom---and that government of the people, by the people, for the people, shall not perish from the earth.

Abraham Lincoln, Gettysburg Address (1863)

Much has been made of Lincoln's being prepared to sacrifice a part of the Constitution to preserve the whole. Lincoln himself said four months after the start of the Civil War, "Are all the laws but one to go unexecuted, and the Government itself go to pieces lest that one be violated?"²⁶¹ One might get the impression from his Fragment on the Union and Constitution, that the Constitution is merely a means to the principle of "liberty to all" set out in the Declaration. Lincoln does say that, "the picture was made *for* the apple – *not* the apple for the picture."²⁶² Still, while saying that the Constitution was not the primary cause of American prosperity, Lincoln also says it was indispensable for the result. While he describes the

²⁶¹ Lincoln, IV:430.

²⁶² *Ibid.*, 169.

Constitution as merely a frame around the principle of “liberty to all” this does not mean it was not a well-made frame, one adequate to the job.

Fundamental to understanding Lincoln’s Constitution is his belief that it is well made. As a young man in his Lyceum Speech, he even recommends the use of political religion to attach people to the document. As seen in the chapter on the deeds of the Lincoln administration, Lincoln believed that the powers given to the national government were strong enough to do what it needed to preserve itself. While acknowledging that the Constitution creates a system of dual federalism, Lincoln never loses sight of who owns the Constitution, the people of the United States of America. And while their reason is encouraged to rule rather than their passion, with mass consensus through the amendment process—the people can make any change to the Constitution they want.

The plan for this chapter is to grasp Lincoln’s understanding of the Constitution through his statements on the topic, starting with the Gettysburg Address and his Fragment on the Union and the Constitution. Since in some sense the Civil War is fought over the question of the limits of state governments and the authority of the national government, particular attention will be paid to questions of federalism and national power by focusing on the fugitive slave law and the *Dred Scott* Case. Additionally, because Lincoln believed that the legitimacy of the Constitution rested on its ratification by the people, special consideration will be given to the role the people play in his view of the system of government.

Lincoln had a deep faith in the principle of “liberty to all” running through the Constitution, with a few exceptions due to the historical necessity of slavery. Because the nation was dedicated to this idea of liberty, it created a *real* national government that had limited but real powers. As previously examined, Lincoln advocated for and brought forth a host of national

actions that he thought would secure to men the fruits of their labor, including a national banking system, legal tender, internal improvements, homesteading, and land grant colleges. By grasping Lincoln's thoughts on diverse topics like federalism, national power, and the authority of the people, one can see why Lincoln thought his domestic policy actions were permissible and important. Lincoln's Constitution is one of dual federalism, but a version where the national government has strong powers and responsibilities for the promotion of "liberty to all."

Gettysburg and McCulloch v. Maryland

One should never forget that Lincoln described the Civil War as "a people's contest." He continues in the same speech to define the meaning of the Constitution that the Union is fighting for: "it is a struggle for maintaining in the world, that form and substance of government, whose leading object is, to elevate the condition of men—to lift artificial weights from all shoulders—to clear the paths of laudable pursuits for all—to afford all, an unfettered start and a fair chance in the race of life. Yielding to partial, and temporary departures, from necessity, this is the leading object of the government for whose existence we contend."²⁶³ Michael J. Illuzzi points to the link that Lincoln makes between individual achievement and the political community: "By making the country a participant in the race of life, Lincoln's formulation specifically makes the self-made individual dependent on political practices and institutions."²⁶⁴ Lincoln still believes what he said as a young man in his Lyceum Speech that attachment to the Constitution is critically important for the preservation of liberty. When Lincoln refers to "partial and temporary departures" from the idea of "liberty to all", he no doubt means the clauses in the Constitution that deal with slavery. Even in the clauses that deal with things like the return of fugitive slaves,

²⁶³ Ibid., 438.

²⁶⁴ Michael J. Illuzzi, "Lincoln's 'Race of Life' is Not the American Dream of Equal Opportunity", *American Political Thought*, Vol. 3. No 2. p. 246.

the idea of national responsibility and the presumption of liberty can be seen as examined in the next section. Overall, the point of the Constitution is to clear a path for men to do what they can with the talent and industry they put forth. Lincoln reads the Constitution with this central aim in mind, and he points to this being the central idea of the nation in the Gettysburg Address.

Disagreeing with Lincoln's self-description of the address as a continuation of "unfinished work" from the founding, one prominent writer on the Gettysburg Address, Garry Wills, described it as an act of Constitutional magic:

Lincoln is here not only to sweeten the air of Gettysburg, but to clear the infected atmosphere of American history itself, tainted with official sins and inherited guilt. He would cleanse the Constitution—not as William Lloyd Garrison had by burning an instrument that countenanced slavery. He altered the document from within, by appeal from its letter to the spirit, subtly changing the recalcitrant stuff of that legal compromise, bringing it to its own indictment. By implicitly doing this, he performed one of the most daring acts of open-air sleight-of-hand ever witnessed by the unsuspecting.²⁶⁵

While early in the book, Wills describes the Gettysburg Address as a sort of magic trick, he actually shows that Lincoln continued Constitutional arguments about the authority of the national government coming "from the people" begun by Joseph Story and Daniel Webster but perhaps could actually be traced back to John Marshall in the *McCullough v. Maryland* decision. For example Wills writes in a footnote, "For close argument from Story's commentary see Lincoln's 1848 speech on internal improvements and notes to his Cooper Union Speech."²⁶⁶ And the same holds true of Lincoln and Daniel Webster, "He [Lincoln] thought his Reply to Hayne the greatest American Speech, and he consulted it in composing his House Divided Speech and the First Inaugural. Echoes of it can be found in others Lincoln speeches, including the

²⁶⁵ Garry Wills, *Lincoln at Gettysburg: The Words That Remade America* (New York; Simon & Schuster 1992), 38.

²⁶⁶ *Ibid.*, footnote 9, 284.

Gettysburg Address.”²⁶⁷ Garry Wills does not show, in his book on the Gettysburg Address, Lincoln inventing a government dedicated to the proposition that all men are created equal out of thin air. Rather Wills shows Lincoln as delivering a speech that cements the interpretation of the Constitution that he has always advocated for.

The Gettysburg Address begins, “Four score and seven years ago our fathers brought forth on this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal.”²⁶⁸ As is often noted, Lincoln maintains that the nation was born in 1776, which points to the Declaration of Independence as the start date. Equally important, as Eva Brann points out, the Old Testament language recalls Psalm 90:10 where readers are told humans generally live three score and ten or at most four score. Thus, the founding moment is just beyond us; Brann comments, “with the psalm in mind the phrase means: just beyond the memory of anyone now alive, too long ago for living memory.”²⁶⁹ One must also note that it is one nation and not thirteen in Lincoln’s account of what happened at the signing of the Declaration of Independence. Prior to the Constitution, the United States became a nation because it had a defined essence, the principle of “liberty to all.” But before it was a nation, Lincoln says there was still a Union. Lincoln previously stated in his First Inaugural Address when considering whether states had the authority to secede that “the Union is much older than the Constitution. It was formed in fact by the Articles of Association in 1774. It was matured and continued by the Declaration of Independence in 1776. It was further matured and expressly declared and pledged, to be perpetual, by the Articles of Confederation in 1778. And finally, in

²⁶⁷ Ibid., 127.

²⁶⁸ Lincoln, VII:23.

²⁶⁹ Eva Brann, *Homage to Americans, Mile High Meditations, Close Readings, and Time-Spanning Speculations* (Philadelphia, Paul Dry Books, 2010), 145.

1787, one of the declared objects for ordaining and establishing the Constitution was ‘*to form a more perfect union.*’²⁷⁰

Lincoln maintains that the Union begins with the Articles of Association of 1774, which complained of parliament’s attempts to govern the continent and spoke of the people as “his majesty’s subjects” and spoke of what will become the states as colonies. Before listing the actions that the colonies will undertake to protest these acts of parliament, they acknowledge their joining, “And, therefore, we do, for ourselves, and the inhabitants of the several colonies, whom we represent, firmly agree and associate, under the sacred ties of virtue, honour and love of our country.”²⁷¹ Following a list of actions proposed to be taken there is a stronger statement of intent to be bound, “And we do solemnly bind ourselves and our constituents, under the ties aforesaid, to adhere to this association, until such parts of the several acts of parliament passed since the close of the last war...are repealed.” The Articles of Association also include a provision to discontinue any association with the slave trade and manufacturers who are associated with it. Perhaps this is the first expression of the idea of “liberty to all” in the Union. Additionally, one should note that the Articles of Association includes a resolution not to trade or have any dealings with colonies that do not accept or violate these Articles of Association.

As often noted in commentaries on the Gettysburg Address, Lincoln speaking in 1863 brings his audience back to 1776, which of course means the Declaration of Independence. This is especially evident from the direct quotation of the phrase “all men are created equal.” Later in the speech Lincoln will speak of “a new birth of freedom,” but it is important to note here that the Declaration of Independence must be a prior birth of freedom, and perhaps the Articles of

²⁷⁰ Lincoln, IV:265.

²⁷¹ Journals of the Continental Congress-the Articles of Association; October 20, 1774, The Avalon Project, http://avalon.law.yale.edu/18th_century/contcong_10-20-74.asp (accessed June 21, 2016).

Association are a birth before that. Certainly the authors of the Declaration are directly called fathers, and the child is the nation. The Oxford English Dictionary gives an etymology of “Nation” as a French word derived from the Latin *nascent, to be born or brought forth*.²⁷² While nation can mean sharing a common ancestry, what is brought forth is the idea of “liberty to all” in the Declaration.

While Lincoln says nothing of mothers, it would not strain the metaphor to point to the continent of North America as the mother land or the place of birth. The continent represents a clean slate, a new world as it was often called. Webster in his Bunker Hill Monument speech remarks, “We do not read even of the discovery of this continent, without feeling something of a personal interest in the event; without being reminded how much it has affected our own fortunes and our own existence. It would be still more unnatural for us, therefore, than for others. to contemplate with unaffected minds that interesting, I may say that most touching and pathetic scene, when the great discoverer of America stood on the deck of his shattered bark, the shades of night falling on the sea, yet no man sleeping; tossed on the billows of an unknown ocean, yet the stronger billows of alternate hope and despair tossing his own troubled thoughts; extending forward his harassed frame, straining westward his anxious and eager eyes, till Heaven at last granted him a moment of rapture and ecstasy, in blessing his vision with the sight of the unknown world.”²⁷³

In order for there to be a birth there must first be conception, and Lincoln says the new nation was “conceived in Liberty.” It seems perfectly fair to understand “conceived” here to be

²⁷² *Oxford English Dictionary*, s.v. “nation,” accessed June 21, 2016. <http://www.oed.com/view/Entry/125285?rskey=8gHi7W&result=1#eid>.

²⁷³ Daniel Webster, *Daniel Webster’s First Bunker Hill Oration, Together With Other Addresses Relating to the Revolution* (New York, Longmans, Green, and Co., 1895), 3.

playing on both senses of the term as in “thought of” and the creation of offspring. The important detail to grasp is the condition under which the nation was conceived, “in Liberty.” Again Webster’s Bunker Hill Monument Speech gives a hint as to the meaning of the liberty that the nation was conceived in: “We had no domestic throne to overturn, no privileged orders to cast down, no violent changes of property to encounter. In the American Revolution, no man sought or wished for more than to defend and enjoy his own. None hoped for plunder or for spoil. Rapacity was unknown to it; the axe was not among the instruments of its accomplishment; and we all know that it could not have lived a single day under any well-founded imputation of possessing a tendency adverse to the Christian religion.”²⁷⁴ Lincoln continues Webster’s idea that the liberty that the nation was conceived in was the self-ownership ultimately expressed in the Declaration of Independence ordered by religion. The liberty which Lincoln speaks of in the Gettysburg Address existed prior to the Declaration of Independence, but the Declaration is its perfect articulation.

This liberty, if not identical with the idea of Union, always seems to be correlative with the Union. In his First Inaugural, Lincoln speaks of the Union existing before the Declaration of Independence: “Descending from these general principles, we find the proposition that, in legal contemplation, the Union is perpetual, confirmed by the history of the Union itself. The Union is much older than the Constitution. It was formed in fact, by the Articles of Association in 1774. It was matured and continued by the Declaration of Independence in 1776. It was further matured and the faith of all the then thirteen States expressly plighted and engaged that it should be

²⁷⁴ Webster, *Daniel Webster’s First Bunker Hill Oration*, 20.

perpetual, by the Articles of Confederation in 1778. And finally, in 1787, one of the declared objects for ordaining and establishing the Constitution, was to ‘form a more perfect union.’”²⁷⁵ Again, Lincoln marks the beginning of the Union from the Articles of Association of 1774. There the First Continental Congress speaks of a British Ministry attempting to enslave the colonies, including the loss of traditional liberties such as trial by jury and property. The colonies agree to cease imports from Great Britain, including the importation of slaves. The colonies also agree to sell goods to each other at reasonable prices and not to have commerce with colonial governments that violate the association. Again, Lincoln follows Daniel Webster in dating the start of the Union from 1774: Webster said in his *The Union is Not a Compact Speech*, “At least as far back as the meeting of the first Congress, in 1774, they had in some measure, and for some national purposes, united together.”²⁷⁶ The idea of the Union existing for the people of the United States and not the state governments can be seen from the Rules of Conduct under the Articles of Association. Every colony is afforded one vote but the rules give a hint of the future not requiring equal treatment of every colony: “Resolved, That in determining questions in this Congress, each colony or province shall have one vote—The Congress not being possessed of, or at present able to procure proper materials for ascertaining the importance of each colony.”²⁷⁷

Lincoln directs his audience’s attention to the Constitution being established to “form a more perfect union.” While the Union of 1774 treated each colony as equal, the US Constitution contains a mechanism to judge the importance of each state based on population, the Census. Lincoln’s overall point is that the colonies have been bound together and have been acting

²⁷⁵ Lincoln, IV:265.

²⁷⁶ Daniel Webster, “The Union not a Compact,” in the US Senate, February 16, 1833.

²⁷⁷ *Journal of the American Congress from 1774 to 1788*, Vol. 1 (Washington, DC: Way and Gideon, 1823), 7.

together since 1774, including the potential to cut off commerce with colonies that do not stick to the Articles of Association. But additionally, the Constitution has advanced the Union by the shared culture of a nation. The document that makes the people of the Union a “nation” does so through a proposition, the equality of all men expressed by the Declaration of Independence.

The idea of a nation is deeply intertwined with a people, shared culture, and history. Much like Lincoln’s Fragment on the Constitution that this dissertation has been focused on, Lincoln in a July 10, 1858, speech again links the idea of self-ownership to the prosperity of the United States. “We are now a mighty nation, we are thirty---or about thirty millions of people, and we own and inhabit about one-fifteenth part of the dry land of the whole earth. We run our memory back over the pages of history for about eighty-two years and we discover that we were then a very small people in point of numbers, vastly inferior to what we are now, with a vastly less extent of country,---with vastly less of everything we deem desirable among men,---we look upon the change as exceedingly advantageous to us and to our posterity, and we fix upon something that happened away back, as in some way or other being connected with this rise of prosperity.”²⁷⁸

Lincoln says the purpose of Fourth of July gatherings is to remember where we were as a nation and how our ancestors produced the country and wealth acquired today. The difficulty is that new immigrants have no ancestors connecting them to the men of 1776. This problem is remedied by the universal principles articulated by the Declaration itself. Lincoln continues, “If they look back through this history to trace their connection with those days by blood, they find they have none, they cannot carry themselves back into that glorious epoch and make themselves feel that they are part of us, but when they look through that old Declaration of Independence they find that those old men say that ‘We hold these truths to be self-evident, that all men are

²⁷⁸ Lincoln, II:499.

created equal,' and then they feel that that moral sentiment taught in that day evidences their relation to those men, that it is the father of all moral principle in them, and that they have a right to claim it as though they were blood of the blood, and flesh of the flesh of the men who wrote that Declaration, and so they are. That is the electric cord in that Declaration that links the hearts of patriotic and liberty-loving men together that will link those patriotic hearts as long as the love of freedom exists in the minds of men throughout the world.”²⁷⁹ The Founding Fathers of 1776 turn out to be everyone’s father because they fathered a universal idea: the equality of all men. This is at the heart of the birth metaphor in the Gettysburg Address. One can sum up the lessons of the first two lines of the Gettysburg Address, like this: in 1776 with the idea of liberty and Union already in the air our fathers produced a child, this nation. What was distinguishing about this nation is that it has a deep historical tie to an idea in nature, the equality of all men.

After detailing the past of the birth of the nation in 1776, Lincoln in the second paragraph of the Declaration of Independence shifts to the present beginning with the word “now.” Lincoln says, “Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battle-field of that war. We have come to dedicate a portion of that field, as a final resting place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this.”²⁸⁰ The nation is engaged in a civil war over the idea of “liberty to all.”

The Civil War is a contest to determine whether a country built on this principle can exist beyond eighty-seven years. It has implications for the future of liberty in the entire world as it is not just a contest to see if this nation can endure, but “any nation so conceived.” The question for

²⁷⁹ Ibid.

²⁸⁰ Ibid., VII:23.

Lincoln is can democracies built on the principle of the Declaration exist or will they be too susceptible to anarchy. Lincoln raised this question when accounting for the extraordinary actions he took (suspension of habeas corpus, spending funds without Congressional approval to raise an army) at the state of the Civil War:

And this issue [secession] embraces more than the fate of these United States. It presents to the whole family of man, the question, whether a constitutional republic, or a democracy--a government of the people, by the same people--can, or cannot, maintain its territorial integrity, against its own domestic foes. It presents the question, whether discontented individuals, too few in numbers to control administration, according to organic law, in any case, can always, upon the pretenses made in this case, or on any other pretenses, or arbitrarily, without any presence, break up their Government, and thus practically put an end to free government upon the earth. It forces us to ask: "Is there, in all republics, this inherent, and fatal weakness?" "Must a government, of necessity, be too strong for the liberties of its own people, or too weak to maintain its own existence?"²⁸¹

One can see in this July 4th, 1861, speech, a precursor to the last line of the Gettysburg Address in the description of a "constitutional republic, or a democracy—a government of the people, by the same people." The difficulty of democracies is getting people to adhere to two distinct ideas: first that an individual owns himself, and second in civilized society one has consented to obey the majority until it becomes tyrannical. When Lincoln was disappointed in the Dred Scott decision, he did not despair but rather went to work on persuading people through the normal politics of a democracy. For example in a December 28, 1857, Fragment of a Speech, Lincoln wrote, "To give the victory to the right, not bloody bullets, but peaceful ballots only, are necessary. Thanks to our good old constitution, and organization under it, these alone are necessary. It only needs that every right thinking man, shall go to the polls, and without fear or prejudice, vote as he thinks."²⁸² By 1860, the movement to undo the Dred Scott Decision and halt

²⁸¹ Ibid., IV:426.

²⁸² Ibid., II:454.

the expansion of slavery is clearly underway with the election of Lincoln to the Presidency. This is of course when the South attempts to secede from the Union. So a major question of the Civil War for Lincoln is the future of democracy, can the nation have an election and the loser not be allowed to leave. The Gettysburg Address is a dedication to the men who have sacrificed their lives in the cause of government by the people, but it continues with a charge for the living.

While remembering the past in the present is important, the valor exhibited at Gettysburg in defense of democracy and the proposition that all men are created equal cannot be added to or diminished by dedication ceremonies at battlefields. Because it is a contest for the future of democracy, quickly everyone must return to the cause. Lincoln concludes, “It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us -- that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion -- that we here highly resolve that these dead shall not have died in vain -- that this nation, under God, shall have a new birth of freedom -- and that government of the people, by the people, for the people, shall not perish from the earth.”²⁸³ Much like the framers who articulated the principle of “liberty to all” in the Declaration of Independence but were not able to secure it for everyone in the Constitution, the fallen have left “unfinished work.” If the living do not complete the work, the dead will have died in vain. But if the work is completed by the living, “a new birth of freedom” shall occur. A second birth, free from the corruption of first—the nation will be in evangelical terms, born again. Fully being what it was intended to be since the beginning, a constitutional republic with a government of the people, by the people, and for the people that is not in danger of perishing.

²⁸³ Ibid., VII:23.

Lincoln's Gettysburg Address expresses the idea that the Civil War is a contest to determine whether the principle of "liberty to all" has a future or whether state governments can leave the Union simply because they do not agree with the outcome of an election. It is reasonable to understand Lincoln's insistence that the Constitution creates a real national government that states cannot leave when they dislike something as being first articulated in *McCulloch v. Maryland*. This decision by John Marshall declared the Constitutionality of the national bank and established the idea that state governments could not interfere with the federal government when operating a national power. As seen earlier in his Speech on the Sub-Treasury, Lincoln certainly agreed that *McCulloch* was rightly decided and there were implied powers as means to expressed ends in the Constitution. Thus, *McCulloch* serves as a bedrock case for all of the national actions Lincoln advocated for as a Whig and produced as the first Republican President.

Marshall, in *McCulloch v. Maryland*, first examined the question of whether Congress can establish a national bank. Marshall notes that Maryland has put forward a theory of the Constitution that state governments have the power to judge national actions within their borders. Marshall argues that "it would be difficult to sustain this proposition" because it was submitting the Constitution to the people through ratifying conventions that made it legitimate law and not a mere proposal. Marshall says, "From these conventions the Constitution derives its whole authority. The government proceeds directly from the people; is 'ordained and established' in the name of the people, and is declared to be ordained, 'in order to form a more perfect union, establish justice, insure domestic tranquility, and secure the blessings of liberty to themselves and to their posterity.' The assent of the States in their sovereign capacity is implied in calling a convention, and thus submitting that instrument to the people. But the people were at perfect

liberty to accept or reject it, and their act was final. It required not the affirmance, and could not be negated, by the State Governments. The Constitution, when thus adopted, was of complete obligation, and bound the State sovereignties.”²⁸⁴ The people to Marshall’s mind (and to Lincoln’s) have created a national government rather than states having constructed a system of comity.

Certainly the powers of this national government only extend as far as the people have granted them, generally the enumerated powers. But Marshall insists it is impossible to enumerate every power being granted nor could the public have understood and ratified such a complex document. Marshall continues “A Constitution, to contain an accurate detail of all the subdivisions of which its great powers will admit, and of all the means by which they may be carried into execution, would partake of the prolixity of a legal code, and could scarcely be embraced by the human mind. It would probably never be understood by the public. Its nature, therefore, requires that only its great outlines should be marked, its important objects designated, and the minor ingredients which compose those objects be deduced from the nature of the objects themselves.”²⁸⁵ This is followed by an examination of whether the word “necessary” in the necessary and proper clause means “absolutely necessary,” which Marshall determines it does not. Marshall is able to give a summary of the national government’s having implied powers to execute the ends for which it was established: “Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the

²⁸⁴ *McCulloch v. Maryland*, 17 US 403-404.

²⁸⁵ *Ibid.*, 407.

Constitution, are Constitutional.”²⁸⁶ Marshall continues in the case to examine whether the state of Maryland can use its concurrent power of taxation to interfere with the national government operating the national bank and finds it cannot.

Marshall in *McCulloch v. Maryland* articulates many of the major principles adopted by Lincoln’s constitutionalism. The national government is a real government created by the people through ratifying conventions. While it is a limited government, it has implied powers to operate its expressed powers. Lastly, state governments cannot interfere with the national government’s operations. Lincoln, in both his Whig and Republican policies, stands for robust national actions, including the power of Congress to reject territories with slavery from becoming states. He also stands for the people being the ultimate deciders of the meaning of the Constitution, as will be seen in his statements on Dred Scott. *McCulloch v. Maryland* is the case that reveals the real national government that Lincoln calls on the nation to defend in his Gettysburg Address.

Secession is state governments leaving the Union because they do not like whom the people have chosen for President and Congress. While Lincoln believed the Constitution government gave him no power to interfere with the institution as it exists in the states, that does not mean he could not use national powers to set slavery on the course of national extinction, so the question of what are the national powers with regard to slavery for Lincoln must be explored.

Fugitive Slaves and Federal Power

It has been asserted that Lincoln believes that the US Constitution gives the national government real powers to act on national problems. But he also believes that state governments have their own sphere of action where they are sovereign. In short, Lincoln adheres to the dual federalism of the Federalist Papers where the system of government was described as “partly federal, partly national.” This is further complicated by Lincoln having some sort of conception

²⁸⁶ Ibid., 421.

of transcendent justice; he at least believes in the idea of natural rights as expressed in the second paragraph of the Declaration of Independence. The difficulty becomes putting all these things together and grasping the subtlety of Lincoln's Constitutionalism.

Lincoln believes in abstract justice and natural rights but always looks to the text of the Constitution first. He views the Constitution as containing both rights and duties on the part of the states and the national government. Lincoln is the culmination of this American conservative constitutional tradition that begins with some of the framers, especially Alexander Hamilton, continues through John Marshall and Joseph Story, and is transmitted to Lincoln by his American Whig influences Henry Clay and Daniel Webster. These American thinkers follow an English Common law tradition, much like Burke, that has a way of acknowledging natural law while obeying positive law to the extent possible.

Lincoln gave a nice illustration of this disposition in 1852, when he was defending his future Secretary of State, the then-Whig Governor of New York William H. Seward:

It is amusing to observe what a "Raw Head and Bloody Bones" Seward is to universal Locofocoism. That they do really hate him there is no mistake; but that they do not choose to tell the true reason of their hatred, is manifest from the vagueness of their attacks upon him. His supposed proclamation of a "higher law" is the only specific charge I have seen for a long time. I never read the speech in which that proclamation is said to have been made; so that I cannot by its connection, judge of its import and purpose; and I therefore have only to say of it now, that in so far as it may attempt to foment a disobedience to the constitution, or to the constitutional laws of the country, it has my unqualified condemnation.²⁸⁷

There can be no question that Seward as governor of New York throughout the 1840's was a strong abolitionist. As governor, Seward signed legislation freeing slaves when brought into New York by their masters, guaranteed a right to trial by jury in New York state courts when African Americans were accused of being fugitive slaves, and provided African Americans public

²⁸⁷ Lincoln, II:156.

education in the state.²⁸⁸ In the speech just quoted Lincoln suggests that the real reason Democrats hate Seward is not because of his belief in “higher law” but because of his success in the critical state of New York. But Lincoln does give his own quick statement on the higher law insofar as it attempts to “foment a disobedience to the constitution...it has my unqualified condemnation.”²⁸⁹

Again the deep consistency of Lincoln from his earliest political days is evident; for example in his Lyceum speech Lincoln urges adherence to the Constitution as the nation’s political religion: “Let every American, every lover of liberty, every well wisher to his posterity, swear by the blood of the Revolution, never to violate in the least particular, the laws of the country, and never to tolerate their violation by others.”²⁹⁰ In the same speech that Lincoln acknowledges his limit of the higher law is the positive law of the US Constitution, he pushes the Democrats on their party’s nominee pretending to hate the fugitive slave law in abolitionist friendly New York, “In December or January last Gen. Pierce made a speech, in which, according to two different news paper reports, published at the time in his vicinity and never questioned by him or any one else till after the nomination, he publicly declared his loathing of the Slave law. Now we shall allow ourselves to be very green, if we conclude the democratic convention did not know of this when they nominated him. On the contrary, its supposed efficacy to win free soil votes, was the very thing that secured his nomination.”²⁹¹ So in 1852, one sees Lincoln attacking Franklin Pierce for pretending to be opposed to the fugitive slave law

²⁸⁸ See Paul Finkelman, “The Protection of Black Rights” in *Seward’s New York, Civil War History*, Volume 34, Number 3 September 1988, 211-234.

²⁸⁹ Lincoln, II:156.

²⁹⁰ Ibid., I:112.

²⁹¹ Ibid., II:157.

and stating that the limit of higher law is the Constitution. This does not support the view that Lincoln was always a full blown abolitionist or that he supported a thick view of natural law jurisprudence. Yet one goes too far when one forgets that Lincoln believed slavery to be gravely immoral. Lincoln wanted to end slavery through Constitutional means and much like his views on internal improvements and the national bank Lincoln believed the Constitution gave the national government the power to begin to return slavery to the course of ultimate extinction. While Lincoln certainly saw compromises and imperfections, Lincoln maintained that the American people were “under the government of a system of political institutions, conducting more essentially to the ends of civil and religious liberty, than any of which the history of former times tells us.”²⁹² If the Constitution was a frame around the principle of liberty to all, to the extent possible one should preserve the frame.

Contrary to what one might expect given his opposition to slavery, Lincoln believed that the Constitution placed the power of returning fugitive slaves in the hands of the national government and the Congress owed the Southern states such a law. For example, in the Second Debate in the 1858 Senate race, Lincoln replied to a question from his opponent Stephen A. Douglas, “Question 1. ‘I desire to know whether Lincoln to-day stands, as he did in 1854, in favor of the unconditional repeal of the fugitive slave law? Answer. I do not now, nor ever did, stand in favor of the unconditional repeal of the fugitive slave law.’”²⁹³ Lincoln further elaborated that answer in the same speech indicating that there should be procedural reforms in the future but given the current hostile climate that might be delayed: “As to the first one, in regard to the Fugitive Slave Law, I have never hesitated to say, and I do not now hesitate to say, that I think,

²⁹² Ibid., I:108.

²⁹³ Ibid., III:40.

under the Constitution of the United States, the people of the Southern States are entitled to a Congressional Fugitive Slave Law. Having said that, I have had nothing to say in regard to the existing Fugitive Slave Law further than that I think it should have been framed so as to be free from some of the objections that pertain to it, without lessening its efficiency. And inasmuch as we are not now in an agitation in regard to an alteration or modification of that law, I would not be the man to introduce it as a new subject of agitation upon the general question of slavery.”²⁹⁴

There can be no question that Lincoln believes the national government owes Southern states the return of their slaves when they run. With the exception of a few thinkers, such as Fredrick Douglass in an 1860 speech²⁹⁵, it is undisputed that the US Constitution says the party who owns a slave who has fled is to have them “delivered up;” what is not clear is who (the national government or the states) is to deliver them. Here is the text of the fugitive slave clause: “No person held to service or labour in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labour, but shall be delivered up on Claim of the Party to whom such service or labour may be due?”²⁹⁶

There are several observations to be made about the text of the fugitive slave clause. One often noted point is that it does not contain the word “slave” or “slavery,” nor does any section of the US Constitution use these words until the ending of the institution with the 13th Amendment. It is reasonable to assume, as Lincoln often did, that the framers looked forward to the ultimate extinction of slavery and did not want it blatantly enshrined in the US Constitution. Yet the clause points to a significant limitation on state governments, those governments cannot free

²⁹⁴ Ibid, 41.

²⁹⁵ Fredrick Douglass, “The Constitution of the United States is it Pro-Slavery or Anti-slavery?” March 26, 1860.

²⁹⁶ US Constitution Article IV, Section 2, Clause 3.

runaway slaves. Michael Zuckert explains the tension between the legality and legitimacy of slavery in the US Constitution, “In order to escape excessive moralism, we need to ascend to a somewhat more general level than the specific constitutional clauses and instead take our bearings from the two largest facts about slavery in the Constitution: the aforementioned failure even to contemplate a power in the United States government to deal with slavery in the states, and the other aforementioned fact that the words ‘slave’ and ‘slavery’ nowhere appear, replaced with awkward circumlocutions at every possible place. The existence of slavery was accepted but not endorsed. It was accepted as an institution of the states that chose to have it, as the specific constitutional clauses dealing with it make clear.”²⁹⁷ Enslaving men is a power of state governments and not the national government. While states can free slaves within their jurisdiction, they cannot free fugitive slaves. Strangely, there is an anti-slavery aspect to the fugitive slave clause: its insistence that enslaving men is a power of state governments and the idea that this power must be used for a person to be a slave. Matthew Spalding points to legislative history of drafting of the clause to make this point: “At the last minute, the phrase ‘Person *legally* held to Service or Labour in one state’ was amended to read, ‘Person held to Service or Labour in one state, *under the Laws thereof.*’ Note the critical change in language from ‘legally held’ to ‘held to Service’ in a state ‘under the laws thereof.’ This revision emphasized that slaves were held according to the laws of individual states, making it clear that the Constitution itself did not sanction the legality of slavery.”²⁹⁸ As Spalding points out the Constitution does not sanction the legality of slavery, but it does recognize the power of state governments to establish slavery and restricts free states from undermining slavery. Still the

²⁹⁷ Michael P. Zuckert, “Legality and Legitimacy in Dred Scott: The Crisis of the Incomplete Constitution.” *Chicago-Kent Law Review* Volume 82 (2006), 294.

²⁹⁸ Matthew Spalding, *We Still Hold These Truths: Rediscovering Our Principles, Reclaiming Our Future*, (Wilmington, ISI Books, 2009), 132.

question remains, whose responsibility is it to “deliver up” runaway slaves? Lincoln answers that it is the duty of the national government.

Why Lincoln thinks it is the duty of the national government might reveal something of Lincoln’s constitutional thought. The difficulty is that Lincoln never gives much of an explanation as to why he believes it is a national responsibility. In his first inaugural address, where he is almost certainly trying to persuade Border States not to secede from the Union, he addresses the topic, speaking of the need for a fugitive slave law as a matter of Constitutional fidelity and it making no difference to the slave who returns him to his master. Yet immediately following this Lincoln mentions the need for due process rights to determine that the individual being returned is actually a slave. Lincoln says:

It is scarcely questioned that this provision was intended by those who made it, for the reclaiming of what we call fugitive slaves; and the intention of the law-giver is the law. All members of Congress swear their support to the whole Constitution--to this provision as much as to any other. To the proposition, then, that slaves whose cases come within the terms of this clause, ‘shall be delivered up,’ their oaths are unanimous. Now, if they would make the effort in good temper, could they not, with nearly equal unanimity, frame and pass a law, by means of which to keep good that unanimous oath?

There is some difference of opinion whether this clause should be enforced by national or by state authority; but surely that difference is not a very material one. If the slave is to be surrendered, it can be of but little consequence to him, or to others, by which authority it is done. And should any one, in any case, be content that his oath shall go unkept, on a merely unsubstantial controversy as to how it shall be kept?

Again, in any law upon this subject, ought not all the safeguards of liberty known in civilized and humane jurisprudence to be introduced, so that a free man be not, in any case, surrendered as a slave? And might it not be well, at the same time, to provide by law for the enforcement of that clause in the Constitution which guaranties that ‘The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States?’²⁹⁹

One should note that Lincoln gives a hint about how he reads the Constitution when he directs his audience to pay attention to the framer’s intention when trying to understand the fugitive slave clause, the intention was the reclaiming of slaves. Note that Lincoln says, “the intention of

²⁹⁹ Lincoln, IV:264.

the law-giver is the law.” In focusing on the original intent of the law giver, Lincoln follows an interpretation tradition he might have gotten from Joseph Story who says in his *Commentaries on the Constitution of the United States*, “The first and fundamental rule in the interpretation of all instruments is to construe them according to the sense of the terms, and intentions of the parties.”³⁰⁰ Lincoln quotes from Story’s *Commentaries on the Constitution* in his Speech on Internal Improvements³⁰¹ and again in his Address at the Cooper Institute when speaking of the power of the national government to control federal territories.³⁰² Lincoln also recommends reading Story’s book on equity to law students.³⁰³ Thus there is some reason to speculate about Lincoln’s constitutional understanding of the fugitive slave clause running parallel to Story as will be examined below. Lincoln believes that since members of Congress have taken an oath to uphold the Constitution, and the Constitution has as one of its ends the return of fugitive slaves, then Congress can act to fulfill this end. This is exactly the point that Story will make in examining the topic but also points to the idea of implied powers to fulfill expressed ends that Marshall speaks of in *McCullough v. Maryland*. Even in a speech where Lincoln is trying to convince the Southern states that he intends not to interfere with slavery as it exists in states and will enforce the fugitive slave clause, Lincoln still shows some humanity towards African Americans. The joke that it makes no difference to the slave whether it is the state government or the national government returns him to his master, subtly points to the sadness of the slaves’ plight. The next paragraph is about free African Americans and it may make some difference to

³⁰⁰ Joseph Story, *Commentaries on the Constitution of the United States*, Chpt. V, Section 400. See also Blackstone, Vol. I, Introduction, section 2.

³⁰¹ Lincoln, I:487.

³⁰² *Ibid.*, III:26.

³⁰³ *Ibid.*, see Ltr. to James T. Thornton, Dec. 2, 1858, III. And Ltr. to J.M. Brockman, Sept. 25, 1860, IV.

them whether the national government is returning slaves or not. Having the national government in control of fugitive slaves certainly will mean better procedural and evidence rules for African Americans in the South. Lincoln reminds his audience that in contrast to the Dred Scott decision, Lincoln thinks free African Americans are citizens. Again shocking given the context of the first inaugural, Lincoln hints that long term the national government has the power to ensure that free African American citizens are receiving all “the privileges and immunities” in all the states. Lincoln’s fidelity to the Constitution leads him to believe that the national government must be involved with slavery, it must return fugitive slaves. But national enforcement of the clause may be better than state cooperation. To understand this one can look at Joseph Story’s decision in *Prigg v. Pennsylvania*.

Perhaps Story and Lincoln are wrong and the fugitive slave clause is a responsibility of the states. Michael P. Zuckert interprets the clause this way: “The best reading of the Clause in context sees in it an affirmation of the legal inability of some states to free fugitives who escape into their territory from other states, together with a duty to ‘deliver up’ such fugitives on application by the owner. Neither the identity of the parties to do the ‘delivering up’ nor the character of the duty to do so is specified, but it is not likely that Congress was to do the ‘delivering up. The Fugitive Slave Clause is not a constitutional endorsement of slavery beyond the already noted constitutional principle that the slave republics were free within the Union to order themselves internally, including free to have slavery.’”³⁰⁴ The Zuckert interpretation of the clause leaves the national government with clean hands, having nothing to do with slavery. It does, however, put the burden on states to act for other states with no recourse (other than a military response) when a state does not cooperate. Certainly the historical record involved states

³⁰⁴ Zuckert, 297.

delivering up slaves to their masters and states delivering slaves to national authorities to return to their masters, along with some northern states attempting to free slaves..

While reading the clause as imposing a state responsibility to return slaves means the national government would have nothing to do with slavery, a case can be made for reading the clause as a national responsibility that provides the potential to advance liberty for African Americans and highlight the powers of the national government. This argument is made by Joseph Story in *Prigg* and suggests some arguments as to why Lincoln thought the fugitive slave law was a national duty. Story himself called the *Prigg* decision “a triumph for freedom.”³⁰⁵ When one focuses on the facts and effects of the case it looks like the simple undoing of Pennsylvania due process rights for African Americans and a transfer of power of fugitive slave recapture to the national government, especially when Congress passes a very severe fugitive slave law with the Compromise of 1850. However, a close examination of the reasoning of the decision shows a path not taken that would have advanced the cause of liberty for African Americans and further established the national government as a government with real powers that states could not impede.

The facts and surface holding of *Prigg v. Pennsylvania* certainly disappoint. Edward Prigg, an agent for a slave owner, was charged with kidnapping under a Pennsylvania statute when he recaptured a fugitive slave and returned her to Maryland. The Court held that slave owners have a right to recapture their slaves as part of a critical compromise that produced the Constitution and as such Prigg cannot be charged for reclaiming his slave. Furthermore, when the slave owner needs assistance from government for the recapture of his slave, he is entitled to it as a remedy. However, this responsibility for the recapture of a fugitive slave that crosses state

³⁰⁵ See generally on Story and why he thought this, GOLDSTEIN, LESLIE FRIEDMAN. "A "Triumph of Freedom" After All? Prigg v. Pennsylvania Re-examined." *Law and History Review* 29, no. 3 (2011): 763-96. <http://www.jstor.org/stable/23064104>.

lines belongs exclusively to the national government and states cannot hinder nor can they assist. State laws that forbid direct re-capture without procedural trials are unconstitutional. The *Prigg* decision certainly looks like a pro-slavery decision. Justin Dyer offers this assessment: “One such judge [antislavery] was Joseph Story, who, despite of his own antislavery inclinations, gave the most ardent protections to slave catchers in his decision in *Prigg v. Pennsylvania* (1842).”³⁰⁶ Story, like Lincoln sticks to the Constitution even when in tension with the higher law. But it must always be kept in mind that both men think of the Union and the Constitution as the best chance to produce the justice of the higher law.

Story maintains that without the assurances to the American South of the return of their slaves, the fugitive slave clause in the US Constitution, there would have never been a Union. Story points to the 1772 English common law decision of *Somerset* which says that in the absence of positive statutory law there is no slavery. Hence the insistence on the part of the South for having the fugitive slave clause: “It is manifest from this consideration that, if the Constitution had not contained this clause, every non-slaveholding State in the Union would have been at liberty to have declared free all runaway slaves coming within its limits, and to have given them entire immunity and protection against the claims of their masters -- a course which would have created the most bitter animosities and engendered perpetual strife between the different States.”³⁰⁷ The fugitive slave clause means masters have a right of recapture, but the clause itself goes further than this when it speaks of “delivering up on the claim.”

It is on this question of who delivers up that Story asserts that recapture is a national power, “If, indeed, the Constitution guaranties the right, and if it requires the delivery upon the

³⁰⁶ Justin Dyer, *Natural Law and the Antislavery Constitutional Tradition* (New York: Cambridge 2012), 103.

³⁰⁷ *Prigg v. Pennsylvania*, 41 US 612 (1842)

claim of the owner (as cannot well be doubted), the natural inference certainly is that the National Government is clothed with the appropriate authority and functions to enforce it. The fundamental principle, applicable to all cases of this sort, would seem to be that, where the end is required, the means are given; and where the duty is enjoined, the ability to perform it is contemplated to exist on the part of the functionaries to whom it is entrusted. The clause is found in the National Constitution, and not in that of any State.”³⁰⁸ Story, as does Lincoln, acknowledges that the right to have their slave returned is plain as day in the US Constitution and seems to follow John Marshall’s analysis in *McCulloch v. Maryland*, where Marshall says, “If the end be legitimate, and within the scope of the Constitution, all the means which are appropriate, which are plainly adapted to that end, and which are not prohibited, may constitutionally be employed to carry it into effect.”³⁰⁹ Thus the power to recapture fugitive slaves turns out to be an implied power of the national government for clear constitutional ends much like the creation of a national bank. If the Constitution makes the national government the supreme authority in dealing with fugitive slaves, state government cannot interfere with the national government using its powers much in the same way Maryland cannot tax the national bank. Story in the *Prigg* case follows the plain text of the Constitution in finding a right of recapture of fugitive slaves, and he essentially follows Marshall in *McCullough v. Maryland* in finding an implied power of the national government for a Constitutional end that state governments cannot interfere with.

Marshall speaks of the idea of confidence in other states not to destroy the national bank through state taxation and says no such confidence exists. “But is this a case of confidence?

³⁰⁸ *Ibid.*

³⁰⁹ *McCulloch v. MD*, 17 US 316 (1819).

Would the people of any one State trust those of another with a power to control the most insignificant operations of their State Government? We know they would not. Why, then, should we suppose that the people of any one State should be willing to trust those of another with a power to control the operations of a Government to which they have confided their most important and most valuable interests? In the Legislature of the Union alone are all represented. The Legislature of the Union alone, therefore, can be trusted by the people with the power of controlling measures which concern all, in the confidence that it will not be abused. This, then, is not a case of confidence, and we must consider it is as it really is.”³¹⁰ Much in the same way that state do not trust other states to not excessively tax the national bank, Story believes that states do not trust other states to return their citizen’s fugitive slaves that authority belongs to the national legislature. Story quotes Marshall in the *Prigg* case (*Sturgis v. Crowninshield*) when speaking of the exclusivity of Congress on a subject that by its nature requires national action since state might not cooperate. Congress is the sole authority on fugitive slaves. Of course, this would also mean the national legislature would be the only authority who could legitimately decide under what conditions (slave or free) new states would be allowed in the Union and the only authority that could make regulations regarding slavery in the territories—subjects central to Lincoln’s constitutional thinking.

Chief Justice Taney concurs with the *Prigg* decision on the unconstitutionality of the Pennsylvania kidnapping statute and the right of a master to reclaim a fugitive slave. But Taney insists that while it is unconstitutional for a state to hinder the reclaiming of a slave, they can certainly help. In fact, Taney sees the effect of the *Prigg* decision will be a loss of the remedy of reclaiming slaves, state officials will no longer be able to grab fugitive slaves. Taney says, “And

³¹⁰ Ibid.

as fugitives from the more southern States, when endeavoring to escape into Canada, very frequently pass through her territory, these laws have been almost daily in the course of execution in some part of the State. But if the States are forbidden to legislate on this subject, and the power is exclusively in Congress, then these state laws are unconstitutional and void, and the fugitive can only be arrested according to the provisions of the act of Congress. By that law, the power to seize is given to no one but the owner, his agent, or attorney. And if the officers of the State are not justified in acting under the state laws, and cannot arrest the fugitive and detain him in prison without having first received an authority from the owner, the territory of the State must soon become an open pathway for the fugitives escaping from other states.”³¹¹ The laws in Maryland suggest that any African American passing through the state suspected of being a slave can be grabbed and held by local and state officials. The exclusionary principle put forth by Story in *Prigg* means now only federal officials, when requested by their masters, can stop a fleeing slave.

The disappointment of the *Prigg* decision would not be in its reasoning to someone like Lincoln but in the failure to live up to it. *Prigg* acknowledges some of the dreadful compromises in the US Constitution; state governments have authority over whether or not slavery exists in their state and the claim of a master within those states to keep his slaves. But it also says that in the absence of positive law there is no slavery. Without the fugitive slave clause, states would have been able to free runaway slaves. The fact that states cannot do this points to the reality of the Union. States are bound by a national government with real powers to enact enumerated purposes. This national government through the national legislature has implied powers to enact the enumerated powers. Under the *Prigg* decision the national government could have enacted serious due process requirements to ensure that returned fugitive slaves were actually slaves.

³¹¹ Taney Dissent in *Prigg v. Pennsylvania*, 41 US 632.

Congress did not; in fact, in the fugitive slave law included in the 1850 Compromise –Congress made it much easier to recapture slaves, including allowing federal authorities the power to deputize local citizens. The Court under Taney would also move away from the idea of exclusivity of the national government on the topic set forth by Story. Leslie Goldstein describes this: “Once Story retired from the Court and more proslavery justices joined it, the Supreme Court did silently reverse itself on this exclusivity rule, upholding a conviction of someone for violating a state law against harboring a runaway slave.”³¹² Taney would betray several of the principles of *Prigg* in his *Dred Scott* decision, including the idea that there is no slavery in the absence of positive legislation and the power of the national legislature to govern something that belongs to the whole Union, the territories.

Lincoln, Dred Scott

The facts of the Dred Scott decision involve Dred Scott, an American born slave who was a descendant of slaves, being taken by his master for an extended period of time to the free state of Illinois and the territory of Wisconsin (present day Minnesota). Under the theory that by virtue of being taken into a free state and a free territory, Dred Scott became free, he sued for his freedom. The Taney majority decision held that because African Americans were not intended to be citizens under the US Constitution, Scott had no standing to bring the case in a federal court. Additional to denying the standing of Scott to sue for his liberty, Taney also declared that the Missouri Compromise which forbade slavery in the Wisconsin territory was an unconstitutional act of Congress that deprived slave holders of their property in defiance of the due process clause of the Fifth Amendment. Lincoln will object to all of these aspects of the Dred Scott decision

³¹² Leslie Friedman Goldstein, "A "Triumph of Freedom" After All? *Prigg* v. *Pennsylvania* Re-examined." *Law and History Review* 29, no. 3 (2011), 781.

and in response will recommend a remedy in using the ballot to elect the party opposed to the decision, pointing again to Lincoln's theme that it is the people's Constitution.

Lincoln's opposition to the Dred Scott decision can be nicely seen in a Fragment of a Speech (December 28, 1857) where he lists major points of disagreement with the case that suggest to him the nationalization of slavery. Lincoln states, "The first is that a negro cannot be a citizen. That point is made in order to deprive the negro, in every possible event, of the benefit of that provision of the United States Constitution which declares that 'the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.'"³¹³

The Dred Scott case was in the federal court system because it was a lawsuit involving citizens of different states. Scott asserted that he was a citizen of the state of Missouri and the person claiming to be his master was from New York. If it is not possible for Dred Scott to be a citizen it is not possible for him to bring this case, which is a privilege only citizens have, and Taney holds just that. Taney takes care to distinguish national citizenship and state citizenship; state governments can confer state citizenship on whomever they want, only the Constitution can confer national citizenship. In order to discern who is eligible for national citizenship, Taney says one must look to who was recognized as a citizen at the time of the American revolution: "We must inquire who, at that time, were recognized as the people or citizens of a State whose rights and liberties had been outraged by the English Government, and who declared their independence and assumed the powers of Government to defend their rights by force of arms."³¹⁴ Taney then goes on to give a reading of the Declaration of Independence where "all men" means exclusively "white men," stressing that the framers were not as enlightened as they are now:

³¹³ Lincoln, II:453.

³¹⁴ *Scott v. Sandford* 60 US 407 (1856).

based on the original meaning of the text, African Americans could never be citizens of the United States. Lincoln, following Justice Curtis' dissent, stresses the historical inaccuracy of this point in his various speeches on the topic. There is clear evidence that there were free African Americans at the time of the Revolution and there were free African Americans who voted in the debates on the ratification debates of the Constitution. For Lincoln, "all men" meant everyone. Free African Americans are citizens and would be entitled to all the privileges and immunities in all the states as Lincoln alluded to at the start of his inaugural address. Taney realizes the logical outcome of Lincoln's position when he says, "And if persons of the African race are citizens of a State, and of the United States, they would be entitled to all of these privileges and immunities in every State, and the State could not restrict them, for they would hold these privileges and immunities under the paramount authority of the Federal Government, and its courts would be bound to maintain and enforce them, the Constitution and laws of the State to the contrary notwithstanding."³¹⁵ Taney's interpretation always assumes what has happened historically in terms of discrimination must have been constitutional.

Lincoln continues, "The second point is that the United States Constitution protects slavery, as property, in all the United States territories, and that neither Congress, nor the people of the Territories, nor any other power, can prohibit it at any time prior to the formation of State constitutions. This point is made in order that the Territories may safely be filled up with slaves, before the formation of State constitutions, thereby to embarrass the free-State sentiment, and enhance the chances of slave constitutions being adopted."³¹⁶ Justice Taney ignores the fact that slaves are partially counted for purposes of representation and instead stresses the sections of the

³¹⁵ Ibid.

³¹⁶ Lincoln, II:453.

Constitution that treats African Americans as property; the provision allowing the importation of slaves by the states until 1808 and the fugitive slave clause. Taney says, “By the first above-mentioned clause, therefore, the right to purchase and hold this property is directly sanctioned and authorized for twenty years by the people who framed the Constitution. And by the second, they pledge themselves to maintain and uphold the right of the master in the manner specified, as long as the Government they then formed should endure. And these two provisions show conclusively that neither the description of persons therein referred to nor their descendants were embraced in any of the other provisions of the Constitution, for certainly these two clauses were not intended to confer on them or their posterity the blessings of liberty, or any of the personal rights so carefully provided for the citizen.”³¹⁷ For Taney the US Constitution viewed all African Americans as property and the Fifth Amendment prevents the national government from taking property without due process of the law. Taney maintains that power over property is explicitly denied to the national government and reserved to the states; as such they cannot ban slavery in the territories with the penalty for violation being the release of the slave. Some scholars see in the *Dred Scott* case the origins of the idea of substantive due process, the idea that the due process clause contains substantive rights that could not be taken away, even through legislation. This is incorrect. When Taney speaks of due process in the Fifth Amendment he is speaking of traditional procedural process, “And an act of Congress which deprives a citizen of the United States of his liberty or property merely because he came himself or brought his property into a particular Territory of the United States, and who had committed no offence against the laws,

³¹⁷ *Scott v. Sandford* 60 US 411 (1856).

could hardly be dignified with the name of due process of law.”³¹⁸ For Taney, Congress cannot make a law banning slavery in the territories because slavery is the only specific property right in the Constitution. Because laws like the Missouri Compromise are unconstitutional, there is no law to refer which has led to the taking of property. The absence of due process of law means simply the absence of law.

But why isn't Taney correct? As Taney points out that, while the Constitution says the national government can govern the territories it does not mean the national government has a power specifically prohibited to it. The national government cannot establish a religion in the territories, nor can it abridge freedom of speech or the press there. Why can it take a slave from a slave master for entering a federal territory, especially since the slave master does not receive compensation for his slave? The answer is in the unique and wholly artificial status of property in men, a doctrine made explicit in *Prigg v. Pennsylvania*.

Where does property come from? If the 17th century philosopher John Locke is correct, property is something that exists by nature through the self-ownership of men. If property is not by nature, it is simply established by convention; property will be whatever the state says it is, ala Thomas Hobbes. In the Lockean framework, because men own themselves, they own what they mix their labor with. Locke, however, in the *Second Treatise of Government* and in *Some Thoughts Concerning Education* went to considerable lengths to make clear that parents do not own their children. People own themselves, and the Lockean idea is expressed in the Declaration of Independence, the heart of all of Lincoln's thinking. As Lincoln continuously stressed, to deny the natural right of self-ownership to African Americans is to deny that they are human beings. How then is there property in men? How is there slavery? It is not natural; rather slavery is an

³¹⁸ Ibid. Also see on this topic, Matthew J. Franck, "What Happened to the Due Process Clause in the *Dred Scott* Case? The Continuing Confusion over "Substance" versus "Process", *American Political Thought* 4, no. 1 (Winter 2015), 120-148.

unjust agreement that is adhered to because of circumstances. While it should be acknowledged as long as necessary per that agreement, ultimately it is faux property. In the absence of any such agreement there is no property in men. This was the idea expressed in the *Prigg* case where it was held that states could not impede the recapture of fugitive slaves because of the fugitive slave clause of the Constitution. But the fugitive slave clause only applies to runaway slaves, not slaves deliberately brought to a state or a territory which does not establish slavery. Justice McLean dissenting says, “In the great and leading case of *Prigg v. The State of Pennsylvania*, this court said that, by the general law of nations, no nation is bound to recognise the state of slavery, as found within its territorial dominions, where it is in opposition to its own policy and institutions, in favor of the subjects of other nations where slavery is organized. If it does it, it is as a matter of comity, and not as a matter of international right. The state of slavery is deemed to be a mere municipal regulation, founded upon and limited to the range of the territorial laws. This was fully recognized in *Somerset's Case*. ”³¹⁹ Justice Curtis, in his dissent, examines the question of taking property without due process in the 5th amendment also refers to the *Prigg* case, saying, “Slavery, being contrary to natural right, is created only by municipal law. This is not only plain in itself, and agreed by all writers on the subject, but is inferable from the Constitution and has been explicitly declared by this court. The Constitution refers to slaves as ‘persons held to service in one State, under the laws thereof.’ Nothing can more clearly describe a status created by municipal law. In *Prigg v. Pennsylvania*, 10 Pet. 611, this court said: ‘The state of slavery is deemed to be a mere municipal regulation, founded on and limited to the range of territorial laws.’ ”³²⁰ Slaves are not property by nature but rather property by convention. In the absence of positive laws that maintain the slave, there is no such property.

³¹⁹ McClean dissent, *Scott v. Sandford* 60 US 534 (1856).

³²⁰ Curtis dissent, *Scott v. Sandford* 60 US 624 (1856).

The Constitution does not establish a property right in men; rather at worst it protects slavery established by state law when those slaves flee. Taney asserts that the US government not allowing slave masters to take their slaves into a territory is taking of property in the absence of due process of law because the national government has no power to forbid slavery in a territory. This is contradicted by the *Prigg/Somerset* tradition which says establishing slavery requires positive law, so there is no property in men in Wisconsin. Furthermore, it is a serious question whether the national government can establish slavery in the territories because it would grant a power to the national government (enslavement) that is not enumerated nor implied by any enumerated power.

Lastly, Lincoln says, “The third point decided is that the voluntary bringing of Dred Scott into Illinois by his master, and holding him here a long time as a slave, did not operate his emancipation---did not make him free. This point is made, not to be pressed immediately; but if acquiesced in for a while, then to sustain the logical conclusion that what Dred Scott's master might lawfully do with Dred in the free State of Illinois, every other master may lawfully do with any other one or one hundred slaves in Illinois, or in any other free State.” Lincoln again stresses that the Dred Scott decision points to a nationalization of slavery.

While Taney emphasizes the Fifth Amendment’s due process clause regarding property, which only applied to the national government (*Barron v. Baltimore*), Lincoln shows the implication for state governments in a September 15, 1858 fragment: “Suppose, now, a provision in a State constitution should negative all the above propositions, declaring directly or substantially that ‘any person may be deprived of life, liberty, or property without due process of law,’ a direct contradiction---collision---would be pronounced between the United States Constitution and such State constitution. And can there be any doubt but that which is declared

to be the supreme law would prevail over the other to the extent of the collision? Such State constitution would be unconstitutional.”³²¹ According to Lincoln, Taney is asserting an absolute national property right in slaves that state governments can do nothing about. This goes too far; Taney is asserting a national property right in slaves that the national government can do nothing about. The real question is whether the national government can ban slavery or not, because Taney holds the national government cannot it is a violation of due process. Because Lincoln follows the tradition of a real national government with real powers, they can explicitly ban slavery in the territories and it is not a due process violation. Lincoln rightly says in the same fragment, “the Constitution itself impliedly admits that a person may be deprived of property by ‘due process of law,’ and the Republicans hold that if there be a law of Congress or territorial legislature telling the slaveholder in advance that he shall not bring his slave into the Territory upon pain of forfeiture, and he still will bring him, he will be deprived of his property in such slave by ‘due process of law.’ And the same would be true in the case of taking a slave into a State against a State constitution or law prohibiting slavery.”³²²

In the chapter above on the Deeds of the Lincoln administration, a host of national actions brought forth by Lincoln and the Thirty-Seventh Congress were examined. These included national banking, legal tender, homesteading, tariffs, and internal improvements. It was argued that Lincoln represented the triumph of the party that believed the national government had real powers to open the path of prosperity to all. In this chapter, one sees Lincoln’s understanding of the Constitution as to why the national government had the power to do these things. Lincoln’s constitutionalism does not spring out of thin air. He is part of a long tradition

³²¹ Lincoln, III:101.

³²² Ibid.

that viewed the national government having power through the US Constitution that included John Marshall, Joseph Story, and Daniel Webster.

Lincoln never claimed that the national government could do whatever the legislature wanted, but he did maintain that they could exercise the powers enumerated and implied by the Constitution, even against the wishes of some of the states. This was because the national government was not simply a creation of the states, but rather the people throughout those states. In the same way as Supreme Court decisions like *Dred Scott* could not undo the powers the people gave to the national government, state governments could not undo those powers through secession. The Constitution, was a furthering of the idea of “liberty to all” and Union from the Articles of Confederation. The Union began with the Articles of Association, but the nation was born with the Declaration of Independence. Lincoln adhered to the Constitution, warts and all, because he knew “liberty to all” was its central idea and that it allowed for new births of freedom in the future. Since Lincoln believed it was a people’s Constitution, he put the most faith in elections to determine the powers and limits of the national government. His description of the Civil War as a “people’s contest” points to the danger of the undoing of an election, his election to the Presidency in 1860. For Lincoln, Presidential elections were much less about the man coming into office and much more about the platform that the Presidential candidate and his party were running on, for the Constitution established government that was representative of the people.

CHAPTER 7. LINCOLN AND THE PROGRESSIVES

It has been argued that the Lincoln Presidency has decisively shaped American politics in terms of our understanding of the Constitution and the role of the national government in the economic sphere. Today as David Donald once described it, “everyone must get right with Lincoln.” But Lincoln and the Republican Party are not the only ones to add to the American story. Anyone seeking to understand how we got here must also understand the Progressive movement and how they adopted and adapted the political thought of Abraham Lincoln. Some scholars argue that the moment of most sweeping change in American political development has been the ideas introduced into politics by the Progressive political movement. This movement is defined by the Oxford Dictionary of Politics as, “an amorphous, cross party tendency towards economic and political reform prevalent in the United States, especially from 1896 to 1916.”³²³ Eldon J. Eisenach goes so far as to say that this movement, through its transformation of the University, creation of the national administrative state, and its influence on the corporate economy “helped transform America into the dominant world power it is today.”³²⁴ Less enthusiastic scholars of the Progressive era, such as Tiffany Jones Miller, still acknowledge the difference they made: “The Progressives’ redefinition of freedom in idealistic or ‘positive terms’ literally transformed the formulation of public policy in America.”³²⁵

There can be no denying that many Progressives saw in Abraham Lincoln their model statesman. Lincoln was viewed as the political actor who first saw the inadequacy of the existing

³²³ *Oxford Concise Dictionary of Politics*, ed. Iain McLean and Allstair McMillan, (New York: Oxford University Press, 2003), 442.

³²⁴ Eldon J. Eisenach, intro to, *The Social and Political Thought of American Progressivism*, (Indianapolis: Hackett Publishing, 2006), vii.

³²⁵ Tiffany Jones Miller, “Freedom, History and Race in Progressive Thought,” in *Social Philosophy and Policy*, Volume 29, Issue 02, July 2012.

political parties, along with the constraints of the Constitution to curtail the special interests of slavery and cotton. He was also the leader who steered the ship of state past these difficulties. This section will examine Theodore Roosevelt, Herbert Croly, Jane Addams, and Woodrow Wilson's understanding of Abraham Lincoln and how that understanding came to shape Progressive politics. It will also consider to what extent these thinkers got Lincoln right.

This vision of Lincoln's leadership against special privilege, his preference for national policies where needed, and his rising above partisanship served as a paradigm in the Progressive movement. Theodore Roosevelt, for example, highlights Lincoln's style of Presidential leadership in his autobiography. Rather than viewing the President as simply the errand-boy of Congress, the way Taft did, Presidents like himself, Andrew Jackson and Lincoln saw their position as a steward of the people. "The President's duty is to act so that he himself and his subordinates shall be able to do efficient work for the people and this efficient work he and they cannot do if Congress is permitted to undertake the task of making up his mind for him as to how he shall perform what is clearly his sole duty." Actions taken by Lincoln without Congressional approval at the start of the Civil War, understood in terms of dire necessity or because of special Commander-in Chief war powers, were interpreted by Theodore Roosevelt as ordinary executive power, legitimately available to address economic concerns. But other executive policy decisions by Lincoln, that were not related to the war, must also be examined to see if Lincoln believed, as Roosevelt, that if the Constitution did not say he could not do it -- he could.

It is his vision, or political insight, that is most often admired of Abraham Lincoln by the Progressives. Herbert Croly, a friend of Roosevelt, whose book *The Promise of American Life* is considered a key text of Progressive thought³²⁶ states that, "Lincoln's particular service to his

³²⁶ Thomas S. Engeman, "Herbert Croly's Progressive 'Liberalism'" in *History of American Political Thought*, ed. Bryan-Paul Frost and Jeffrey Sikkenga, (Lanham: Lexington

countrymen before the war was that of seeing harder and thinking straighter than did his contemporaries.”³²⁷ This particular ability of Lincoln to take in the sentiments of the entire nation, and to articulate them in concrete policy, is highlighted by Woodrow Wilson. The political-scientist politician viewed Lincoln as the nation’s greatest American in that he best expressed the “American spirit” which was hopeful, optimistically progressive, and national. It was Lincoln who grasped that America was becoming more homogeneous and saw the route the nation needed and wanted to take. “A great nation is not led by a man who simply repeats the talk of the street corners or the opinions of the newspapers. A nation is led by a man who hears more than those things; or who rather hearing those things, unites them, puts them into common meaning . . . so that he can speak what no man else knows, the common meaning of the common voice.”³²⁸ As Wilson sees it, Lincoln, the least regional man, is the most American man. His common upbringing, combined with dedication to learning, has given Lincoln unique leadership abilities, where leadership means seeing a path for democracy. Additionally, Lincoln believed in the power of religious and civic groups to affect change in both politics and society. On this topic no progressive seems more fitting than Jane Addams, whose father was a close associate of Lincoln’s.

The major question to be explored here is, how do the progressives remember Lincoln and do they get it right? An examination of the speeches and deeds of these progressives reveal a mixed bag. Theodore Roosevelt abandons Lincoln’s central idea of self-ownership but is right to say Lincoln was never one for full laissez-faire capitalism. Herbert Croly’s picture seems far

Books, 2003), 521.

³²⁷ Herbert Croly, *The Promise of American Life*, (New York: Macmillan, 1909), 87.

³²⁸ Woodrow Wilson, “Abraham Lincoln: A Man of the People,” in *Selected Literary and Political Papers and Addresses of Woodrow Wilson, Vol. 1* (New York: Grosset, 1925), 235.

from the Lincoln that has been examined so far, in that he distorts Lincoln's personal ambition and sentiment on the right to rise. Jane Addams seems to mirror Lincoln on social action and the need for the development of human capacities but does not believe in trans-historical natural rights. Lastly, Woodrow Wilson is seen as a dedicated preserver of Lincoln's adherence to the government that "our fathers' gave us" in the face of new circumstances. However, Wilson is a preserver who introduces a new role of Presidential leadership to overcome the difficulties of separated power in a time when he felt action was needed. The Progressives are seen as a significant change from the politics of Abraham Lincoln, but not as complete a severance as previous works have indicated.

The Warrior and The Rail-splitter

Theodore Roosevelt was a progressive who thought of himself as continuing Abraham Lincoln's legacy in his politics. Always a reformer, one can roughly break Roosevelt's politics into two -- a moderate period, including his Presidency, where Roosevelt thought of politics as balancing the interests of the wealthy and the poor, perhaps in the tradition of Aristotle,³²⁹ and a second more radical and more progressive-Post Presidency "New Nationalism" period.³³⁰ While continuously referring to Lincoln during his career, it is in this later, most progressive phase that Roosevelt states, "for we Progressives and we alone are today the representatives of the men of Lincoln's day who upheld the hands of Lincoln and aided him in the great task to which he gave his life, and in doing which he met his death."³³¹

³²⁹ See Jean Yarbrough, *Theodore Roosevelt and the American Political Tradition* (Lawrence University Press of Kansas, 2012), 139.

³³⁰ *Ibid*, Chapter 6. Progressive Crusader.

³³¹ Theodore Roosevelt, "The Heirs of Abraham Lincoln," speech February 12, 1913.

This section will focus primarily on a speech Roosevelt gave after losing in a 3rd party effort the Presidential election of 1912, entitled, “The Heirs of Abraham Lincoln.” It is argued that Theodore Roosevelt abandoned the central idea of Lincoln’s political economic thought -- the idea that individuals own themselves and their talent and work should be allowed to take them as far as it can take them. Influenced by German thinkers about the potential greatness of the state, Theodore Roosevelt, in the end, believed that property produced by the individual must be justified in terms of benefiting others. Jean Yarbrough nicely sums up the difference: “to put it another way, Lincoln still believed in the justice of the footrace, and Roosevelt no longer did.”³³² Still, this is an attempt to understand Theodore Roosevelt as he understood himself and in that respect it will consider several issues where there may be some congruence between the ideas of Roosevelt and the President who called for a finishing of the work of “binding the nation’s wounds; to care for him who shall have borne the battle, and for his widow, and his orphan.”³³³

One should first consider the idea of “progress” to the Progressives. James Ceaser points to this consistent element in Progressive political thought:

Progressives -- the name does not deceive -- subscribed to the idea of progress. Like the Darwinists of the late nineteenth century, they took Philosophy of History as their foundational concept... They emphasized instead [of individual competition] the need for conscious collective planning under the guidance of new and more advanced forms of social science. Since the past did not supply the answers, Progressives sought to liberate Americans from their servitude to tradition. They were directly critical of the original concept of nature, making Progressivism the first major national movement to offer the concept of History as the nation’s primary foundational idea.³³⁴

³³² Yarbrough, 214.

³³³ Lincoln, VIII:333.

³³⁴ James Ceaser, *Nature and History in American Political Development: A Debate* (Cambridge, MA: Harvard University Press, 2006), 60.

While Theodore Roosevelt admires the framers of the United States and their adherence to the idea of natural rights, he thinks the time has come for a differentiated understanding of those principles: “it is a manifestation of the eternal forces of human growth, a manifestation of the God-given impulse implanted in mankind to make a better race and a better earth. Its purpose is to establish in this world the rights of man, the right not only to religious and political but to economic freedom; and to make these rights real and living. We recognize that property has its rights; but they are only incident to, they come second to, the rights of humanity.”³³⁵ For Lincoln there is no great distinction between property rights and human rights because the fundamental human right is a property right -- the self ownership of the individual. While it is too far to say that Lincoln believes in unlimited, absolute property rights, he does think progress results from continued dedication “to the proposition that all men are created equal,” meaning all by nature owns themselves and the fruits of their labor.

Lincoln will speak of making rights real; for example he notes that slaves did not enjoy actual liberty at the time of the founding in his Speech on Dred Scott. There he will speak of the aspirations of the framers saying, “They meant to set up a standard maxim for free society, which should be familiar to all, and revered by all; constantly looked to, constantly labored for, and even though never perfectly attained, constantly approximated, and thereby constantly spreading and deepening its influence, and augmenting the happiness and value of life to all people of all colors everywhere.”³³⁶ Where Roosevelt might have some congruence with Lincoln is the the idea that while slavery gives nothing to a man that belongs to him, perhaps low wages give only a little of what belongs to a laborer. The strongest points in support of this would be

³³⁵ Roosevelt, “Heirs.”

³³⁶ Lincoln, II:406.

Lincoln's adherence to the labor theory of value and his comments with regard to the tariff securing to each man the fruits of his labor, keeping in mind Lincoln's comments in his Pittsburgh speech discussed earlier, "we commend that policy of national exchanges which secures to the working men liberal wages, to agriculture remunerating prices, to mechanics and manufacturers an adequate reward for their skill, labor and enterprise, and to the nation commercial prosperity and independence."³³⁷ It is speculative, but Theodore Roosevelt is not outside the realm of possibility in using Lincoln to support his advocacy of things like the minimum wage, as long as they are tied to the idea of natural right as understood in conjunction with the labor theory of value.

Roosevelt points to the difficulty of applying Lincoln's political-economic thought to the contemporary issues of his day when he acknowledges that Lincoln was mainly focused on the questions of "union and slavery." Still, Roosevelt maintains that there is an "exact parallelism" between Lincoln's attitude and that of the Progressive party. Roosevelt's new political party was founded by him only after Roosevelt failed to gain the Republican Party nomination despite his having won the majority of the primaries. Lincoln left the Whig Party for the Republican Party, according to Theodore Roosevelt, because principles were more important than political parties. Roosevelt quotes Lincoln to illustrate this point: "stand with anybody that stands right; stand with him while he is right, and part with him when he goes wrong. Stand with the Abolitionists in restoring the Missouri Compromise and stand against him when he attempts to repeal the fugitive-slave law."³³⁸ The quote is from Lincoln's 1854 Speech at Peoria, and the then-Whig Lincoln is arguing for Congress to restore the Missouri Compromise rather than talking about

³³⁷ Ibid., IV:212.

³³⁸ Roosevelt, "Heirs."

changing political parties.³³⁹ Lincoln will switch to the Republican party in 1856 primarily because it was the party dedicated to using the national government to limit the expansion of slavery.³⁴⁰ This does bolster Roosevelt's claim about Lincoln's dedication to principle. However, Lincoln's principles were those of the US Constitution; even the quotation Roosevelt gives can be understood that way, with Article Four, section three, speaking of Congress' power to "make all needful Rules and Regulations respecting the Territory" and Lincoln's belief that the fugitive slave clause requires Congress to have a fugitive slave act.

Jason Jivden, after stressing that Lincoln's principles were those of the Declaration and the US Constitution, challenges Roosevelt's comments on the similarities of the creation of the Republican party and the Progressive Party: "We should question the supposed parallelism between Lincoln and the Progressive Party here. Roosevelt and the progressive movement assumed that the principles of the Founders' Constitution (the protection of inalienable rights and various institutional arrangements meant to secure this end, such as separation of powers, limited government, and federalism) had been rendered obsolete by changing economic and historical circumstances."³⁴¹ Roosevelt as President took significant steps in administrative government in the areas of the regulation of corporations and conservation that are in tension with the separation of powers and limited government of the "Founders' Constitution" but in the Roosevelt speech, "The Heirs of Lincoln," that is examined the question is, what constitutes self ownership and is it limited?

³³⁹ Don Fehrenbacher, *Prelude to Greatness: Lincoln in the 1850's* (Stanford: Stanford University Press), 25. "It must be remembered, however that Lincoln's opposition to the Kansas-Nebraska Act in 1854 did not imply any allegiance to the Whig party.

³⁴⁰ *Ibid*, 44-45.

³⁴¹ Jason Jivden, *Claiming Lincoln: Progressivism, Equality and the Battle for Lincoln's Legacy in Presidential Rhetoric* (DeKalb: Northern Illinois University Press, 2011), 40.

Roosevelt continues with a Lincoln quotation that touches on the question of natural right and principle: “The one is the common right of humanity, and the other the divine right of kings. It is the same principle in whatever shape it develops itself. It is the same spirit that says: ‘You toil and work and earn bread, and I’ll eat it.’”³⁴² Roosevelt then attempts to link this Lincoln statement about slavery to the concerns of his new party: “We Progressives are today standing for the common rights of humanity against the doctrine -- whether enunciated by political kings or by money kings, whether championed from a throne, or by a judge from the bench--which announced that it is one man’s duty to toil and work and earn bread and the right of another man to eat it when earned.”³⁴³ As discussed above, in so far as he is speaking about securing to the working man a fairer portion of the wealth he produced Roosevelt has a possible interpretation of Lincoln’s economic thought.

One might re-frame the question of Roosevelt’s “exact parallelism” with Lincoln this way: does Lincoln think liberty means that individuals are free to contract for any wage and any working conditions or are there reasonable limits that legislatures can impose on exchanges that don’t conflict with the notion of free labor? In short, it is the question in the *Lochner* case, very much on Roosevelt’s mind, where the Court held that the New York state legislature could not limit working hours of bakers to sixty hours a week because the due process clause of the 14th amendment implied liberty of contract. Roosevelt says in his “Heirs of Abraham Lincoln” Speech, “Our opponents are fond of saying that the governmental regulations which we advocate interferes with ‘liberty.’ This is the argument of which certain judges and certain lawyers are most fond. It is the ‘liberty’ which every reactionary court wishes to guarantee to the employer

³⁴² Roosevelt, “Heirs.”

³⁴³ Ibid.

who makes money from the life-blood of those he employs; the ‘liberty’ of the starving girl to starve slowly in a sweatshop, or to accept employment where she hazards life and limb, at her own risk in the service of others. Well, it was Lincoln who said that the reactionaries of his day ‘sighed for that perfect liberty, the liberty of making slaves of other people.’”³⁴⁴ The quotation Roosevelt cites comes from Lincoln’s 1854 Peoria Speech, where he is discussing whether Congress’ restricting slavery in the territories and not allowing new states into the Union unless they are free states violates what he ironically calls “the sacred right of self-government.” Roosevelt’s use of Lincoln here, seems perfectly fitting. From the standpoint of some states’ law slaves were a form of property, purchased as a result of labor. On what basis can state governments restrict this form of property other than the immorality of these actions, that it is wrong to treat human beings as property? Here, Roosevelt is making the parallel case that the conditions of both sweatshops and the women in the workplace and the low wages are similarly wrong. Roosevelt goes on to make the argument that recent decisions by the laissez faire court are the “same subject” as the *Dred Scott* decision in Lincoln’s day and that he is equally right in actively opposing the decision: “We say this of the Dred Scott decisions of our own time; of decisions like the tenement-house cigar factory decision, like the bakeshop decision, like the Knight Sugar Case, like the Workmen’s Compensation Act decision...he [Lincoln] would not have the citizen conform his vote to this decision of the Supreme Court nor the member of Congress his, and that he would oppose making it ‘a rule of political action for the people.’”³⁴⁵ Whether the bakeshop decision (*Lochner*) was rightly decided or not is not the issue in this section³⁴⁶, certainly Lincoln, who opposed *Dred Scott*, would not simply accept any decision by a

³⁴⁴ Ibid.

³⁴⁵ Ibid.

judiciary. Rather the question is whether Lincoln's understanding of liberty of contract is closer to Theodore Roosevelt's or Justice Rufus Peckham. Despite Lincoln having appointed to the Supreme Court one of the strongest advocates of laissez-faire constitutionalism, in Justice Stephen Field the deeds of the Lincoln administration point the other way. Consider this list of actions that Michael Les Benedict catalogs as violating the spirit of laissez-faire prior to the court decision: "Over laissez-faire objections the national government maintained protective tariffs throughout the last half of the nineteenth century, until the mid 1870's it subsidized railroad development, throughout the era it provided postal subsidies to steamship and other transportation companies. In the 1860s and the 1870s the national government augmented the nation's supply of currency with 'legal tenders' that were not backed by specie."³⁴⁷ Les Benedict in this article makes the argument that there is a long tradition in the United States of opposing class legislation and interfering with the market setting prices based on supply and demand, but the government actions they opposed -- tariffs, internal improvements, paper currency as legal tender -- clearly put Lincoln on the other side, where Theodore Roosevelt says he is.

Where Roosevelt diverges from Lincoln, or goes too far in using Lincoln's name in his own cause, is in his advocacy of the population being able to recall court decisions by some form of referendum. It is accurate to say that Lincoln never thought the courts had the final say in the meaning of the US Constitution, but too speculative to say Lincoln would have supported a new

³⁴⁶ For a consideration of this question compare Randy E. Barnett, *Restoring the Lost Constitution, The Presumption of Liberty* (Princeton: Princeton University Press, 2004) with Paul Kens *Lochner v. New York: Economic Regulations on Trial* (Lawrence: University Press of Kansas, 1998).

³⁴⁷ Michael Les Benedict, "Laissez-Faire and Liberty: A Re-Evaluation of the Meaning and Origins of Laissez-Faire Constitutionalism," *Law and History Review*, Vol. 3 (1985), 301-302.

Constitutional mechanism for the correction of decisions the public did not approve of. Jason Jivden nicely sums this point up: “True, Lincoln and Roosevelt both held that the judiciary is not the only legitimate interpreter of the Constitution. They also agreed that erroneous judicial decisions must not be regarded as the final determinant of the general policy. But despite Roosevelt’s claim to the contrary, he and Lincoln fundamentally disagreed about the means by which erroneous judicial decisions should be addressed.”³⁴⁸

Another area where Jivden correctly highlights a break between Roosevelt and Lincoln is Roosevelt’s notion that it is not enough that an individual not harm another while being economically productive, he must actively help others. Jivden describes this principle of Roosevelt’s: “According to Roosevelt, we should permit a man to gain his fortune only if it actively benefits the entire community. In short, the general government must be empowered to determine the acceptable use of property, and it must respect property rights only insofar as it is socially useful to do so.”³⁴⁹ On this question of natural ownership of oneself and the products of one’s labor Roosevelt clearly breaks from Abraham Lincoln. Self-ownership has been continually shown to be the central idea of Lincoln’s political thought from his speaking of the right of an African-American woman to the bread she earns with her own hands to the quotation Roosevelt cited of Lincoln, “Let not him who is houseless pull down the house of another; but let him work diligently and build one for himself.”³⁵⁰ Lincoln consistently believed that the fruits of one’s labor rightly belonged to the laborer. While certain forms of property were deemed immoral, like slavery, Lincoln still argued for compensated emancipation until the necessity of war arose. Lincoln can be used with some legitimacy for limiting certain types or uses of

³⁴⁸ Jivden, *Claiming Lincoln*, 54.

³⁴⁹ *Ibid*, 46.

³⁵⁰ Roosevelt, “Heirs.”

property and for advocating for taxation to support internal improvements, but he never argued that accumulated wealth must be justified by public benefit. Government can legitimately tax for the public good, but after that Lincoln's thoughts on accumulated wealth of individuals comes closer to what Frederick Douglass said should be done with former slaves, "let him alone and mind your own business."³⁵¹

Theodore Roosevelt's claim that his progressives are the heirs of Abraham Lincoln is one of mixed accuracy at best. In some ways it relies on an imaginary, updated Lincoln that would adjust his stance of the natural right of property in the face of modern problems of industrialization. Jean Yarbrough explains that Theodore Roosevelt adds German political thought to the principles of the Declaration of Independence: "Roosevelt's evolving ideals shifted the focus toward equality and economic redistribution, enforced by a powerful state, and away from the equal rights of each to life, liberty and the pursuit of happiness, which was the distinctive 'American ideal.'"³⁵² Lincoln adheres to the idea that individuals own themselves and the fruit of their labor and that it is a principle that does not change over time. Still Roosevelt might be right to invoke Lincoln's name in what Roosevelt thought were moral causes. Lincoln continuously argued for the benefits of morality and religion being a part of politics when others disagreed. Lincoln never argued for total freedom of contract, thought that government had some duty to secure to the working man the fruits of his labor, and believed in positive government action with ideas like legal tender, land grant colleges, and internal improvements. Roosevelt's "exact parallelism" between Lincoln and the Progressive Party would be more accurately described as a partial congruence.

³⁵¹ Fredrick Douglass, "What Shall Be Done With the Slaves if Emancipated?" January 1862.

³⁵² Yarbrough, 253.

Herbert Croly's Lincoln in the Vanguard

Herbert Croly is often seen as one of progressivism's leading thinkers both from the influence of his major political book, *The Promise of American Life*, and the magazine he founded *The New Republic*. Croly directly influenced politicians, including Theodore Roosevelt whose more radical New Nationalism is often attributed to reading Croly.³⁵³ This section will explore Croly's writing on Abraham Lincoln who he said furnished an example of "the kind of human excellence which a political and social democracy may and should fashion."³⁵⁴ Consistent with the idea of progress, the promise of American life turns out to be the promise of a better life. In order for American life to get better, American politics must change.

Croly looks through American political development searching for a usable past to launch the United States into the future. His formula for progress turns out to be "Hamiltonian means for Jeffersonian ends." But both the political thought of Hamilton and Jefferson need correction, especially the individualism of Jefferson. The spirit of individualism and with it ambition for personal gain carries over to the American west. Fortunately, Croly's Abraham Lincoln was in the west, but not of the west. Lincoln took the best aspects of pioneer life, its sociability, but dumped its ambition for gain. Through the development of his intellect in the spirit of humane learning rather than for profit, Lincoln is the statesman best able to recognize the brotherhood of man rather than the strife of competition. By concentrating on the personality of Abraham Lincoln, rather than Lincoln's own speeches and deeds, Herbert Croly is able to invent a model statesman to help fulfill the promise of American life: an Abraham Lincoln who values his

³⁵³ Jean M. Yarbrough, "Theodore Roosevelt and the Stewardship of the American Presidency," *History of American Political Thought*, eds. Bryan-Paul Frost and Jeffery Sikkenga (Lexington Books), 543.

³⁵⁴ Hebert Croly, *The Promise of American Life* (Macmillan Company, 1909), 89.

fellow man over individual gain and who would see the advantage of using specialists where their scientific knowledge is needed.

Croly begins *The Promise of American Life* with an examination of what is great and flawed in the founding of the nation by focusing on Alexander Hamilton and Thomas Jefferson. What is great in the influence of Alexander Hamilton is his advocacy for using the power of the national government in a scientific manner to advance the good of the entire nation. Croly describes Hamilton surpassing the mere machinery of the Constitution into the national government becoming a positive force for good: “All this implied an active interference with the natural course of American economic and political business and its regulation and guidance in the national direction...It implied the predominance in American political life of the men who had the energy and the insight to discriminate between those ideas and tendencies which promoted the national welfare, and those ideas and tendencies whereby it was imperiled.”³⁵⁵ The problem with Hamilton’s policies as Croly saw them is that he tended to favor elites as a sort of counterbalance to democracy.

Jefferson, by contrast, was a voice for equality and democracy who adhered to the principle that government should be organized “to provide for the greatest satisfaction of its individual members.”³⁵⁶ He thought that in the absence of privileges from the government and non -interference general prosperity would result. As Croly puts it, “Jefferson sought an essentially equalitarian and even socialistic result by means of an essentially individualistic machinery.”³⁵⁷ But Jefferson’s restrained vision of government has not yielded the desired

³⁵⁵ Ibid., 40.

³⁵⁶ Ibid., 43.

³⁵⁷ Ibid.

widespread prosperity. In short Croly believes that the promise of a better life for Americans will result from the scientific active administration of government in a Hamiltonian manner applied to the democratic vision of Thomas Jefferson. Thomas Engeman nicely sums up the central teaching of *The Promise of American Life*: “To create the progressive republic America has only to return to its best political traditions to realize the new promise of social science righteousness. Progressivism, then is the legitimate heir of a great American political and constitutional tradition.”³⁵⁸

Croly maintains that the framers of the Constitution produced a document that expressed the hopes of Hamilton to use power in a national direction but also expressed a fear of that power with the securing of private property, the enforcement of contracts, and personal liberty. The biggest problem with the Constitution as Croly sees it, is that in some instances it thwarts majority rule: “The security of private property and personal liberty, and a proper distribution of activity between the local and the central government demanded at that time and within limits still demand, adequate legal guarantees. It remains none the less true, however, that every popular government should in the end, and after a necessarily prolonged deliberation, possess the power of taking any action which in the opinion of a decisive majority of the people, is demanded by the public welfare.”³⁵⁹ Following the worst aspects of Hamilton the Constitution uses too much of its power to protect privilege, while being fearful of the use of national power (in the tradition of Jefferson) to enact the policies that might actually help the majority.

Croly describes Jefferson and the spirit of distrust of positive action on the part of government as dominating politics from the moment of his election as Chief Executive. Jefferson

³⁵⁸ Thomas S. Engeman “Herbert Croly’s Progressive Liberalism,” *History of American Political Thought*, 524.

³⁵⁹ Croly, *Promise*, 35.

himself as President launched America on a path of conservatism believing that they had a good system of government that merely needed to be preserved. The Jeffersonian period unleashed American greed: “the triumph of Jefferson and the defeat of Hamilton enabled the natural individualism of the American people free play. The democratic political system was considered tantamount in practice to a species of vigorous, licensed and purified selfishness. The responsibilities of government were negative; those of the individual were positive.”³⁶⁰

This desire for gain was not an altogether bad quality when it came to pioneers civilizing the forests of the American west. “They were to enrich themselves by the development of the country, and the two different aspects of their task were scarcely distinguished.”³⁶¹ The pioneers developed a sense of spirit with their neighbors as equals in the project of building the country which was their great contribution to America’s political culture. They were roughly equal because the task of clearing the American west required generalists, not specialists. As Croly describes it, “the farmer was obliged to be all kinds of a rough mechanic. The business man was merchant, manufacturer, and storekeeper. Almost everybody was something of a politician. The number of parts which a man of energy played in his time was astonishingly large.”³⁶²

Somewhere between the Jeffersonian vigilance for liberty to pursue gain and the uselessness of the specialist in the American west the United States had lost its way. The problem with America is that it has fallen in love with the pioneer, who was only right for his particular time and place which is not here and now.

³⁶⁰ Ibid, 49.

³⁶¹ Ibid, 62.

³⁶² Ibid, 64.

It is after a brief discussion of the failure of the Whig party to bring back the spirit of nationalism and the challenge of abolitionism to property in slaves that Croly has his chapter on Lincoln. While Croly agrees with Theodore Roosevelt's assessment that the Civil War teaches about "the supreme value of moral energy" he also notes "it had been brought about quite as much by political unintelligence."³⁶³ What Croly thinks is most crucial to note about Lincoln is how different he is from the Jeffersonian/Pioneer spirit that Lincoln grew up around. The title of Croly's chapter on Lincoln in *The Promise of American Life*, "Lincoln As More than an American" and the title of Croly's essay in the *New Republic*, "Abraham Lincoln was Not a Man of the People" give away the intention of the project. Herbert Croly aims to show that Lincoln is a clear break from the negatives of the American political tradition that he has been detailing.

Croly's continual theme is the inadequacy of the national government under the Constitution, and he finds an agreeing voice in Abraham Lincoln, "He was the first responsible politician to draw the logical inference from the policy of the Republican party. The Constitution was inadequate to cure the ills it generated. By authorization of slavery it established an institution whose legality did not prevent it from being anti-national. That institution must either be gradually reduced to insignificance, or else it must transform and take possession of the American national idea."³⁶⁴ But Croly's understanding of Lincoln's "House Divided Speech" seems to have Lincoln agreeing with the *Dred Scot* decision he was so vigorously opposing. The policy of the Republican party was opposition to slavery on the national sphere, where the Constitution gives Congress the power. That slavery would be outright banned in the territories which were under federal control and they would offer strong opposition to any new states that

³⁶³ Ibid, 87.

³⁶⁴ Ibid.

were not free states. Lincoln also advocated as President a scheme of compensated emancipation, purchasing the freedom of slaves from states that would agree to end the institution. Eventually, as free states increased a constitutional amendment banning slavery would be possible -- a constitutional solution to a national problem. Lincoln said when he was just twenty eight years old that, "We find ourselves under the government of a system of political institutions conducting more essentially to the ends of civil and religious liberty, than any of which the history of former times tells us,"³⁶⁵ and there seems to be no reason to believe he ever abandoned this position.

Croly seems to continuously show an Abraham Lincoln that advances the argument of *The Promise of American Life* rather than letting the speeches and deeds of Lincoln reveal his political thought. Brief consideration should be given to several points Croly makes about Lincoln, including Croly's contention that Lincoln was not ambitious, that his pursuit of liberal education through reading the Bible, Shakespeare, and Euclid alienated him from his fellow Americans even though Lincoln maintained the common touch, and that Lincoln's conception of democracy was that it was not about individual self-ownership but rather about brotherhood and fellow-feeling. But, in each instance Lincoln's words and actions show something quite different from the deductions Croly is making based on Lincoln's personality.

Contrary to Lincoln's law partner William Herndon's saying of Lincoln that "his ambition was a little engine that knew no rest,"³⁶⁶ Croly presents a Lincoln who has no interest in material goods. "Probably the majority of his more successful associates classed him as a good and able man who was somewhat lacking in ambition and had too much of a disposition to

³⁶⁵ Lincoln, I:109.

³⁶⁶ Herndon.

loaf.”³⁶⁷ Croly wishes to downplay the image of Lincoln as a successful railroad lawyer who raised himself up from meager beginnings because he wants to downplay America’s adherence to natural right and property. Croly wants Lincoln to be someone different from the western/Jeffersonian tradition to move his readers past that tradition. Croly states, “The ordinary characterization of Lincoln as a ‘man of the people,’ who rose by his own efforts from the humblest to the most eminent position, interprets him as a consummate type of the kind of success which all Americans crave and many achieve. The superficial facts of Lincoln’s life verify this interpretation, but it is none the less profoundly untrue.”³⁶⁸ Lincoln through his program of self-education saw that chasing after gain was not worth the effort. His reading awakened his sense of humility and magnanimity, democratic virtues that Croly maintained were missing from the scene, “Yet these very qualities of high intelligence, humanity, magnanimity are precisely the qualities which Americans, in order to become better democrats; should add to their strength...while at the same time they are just the qualities which Americans are prevented by their individualistic practice and tradition from attaining or properly valuing.”³⁶⁹ The value of Lincoln as a model of an American statesman is how different he was from most Americans.

Since Croly concentrates on Lincoln’s biography and personality rather than his speeches and deeds, it is appropriate to examine those things to see if his account is right. Throughout this work it has been argued that the idea of self-ownership expressed in the Declaration of Independence was the animating principle of Lincoln’s political life. Indeed Lincoln once said he “never had a feeling politically that did not spring from the sentiments embodied in the

³⁶⁷ Croly, *Promise*, 90.

³⁶⁸ Croly, “Abraham Lincoln was not a Man of the People,” *New Republic*, February 18, 1920.

³⁶⁹ Croly, *Promise*, 99.

Declaration of Independence.”³⁷⁰ But some consideration should be given to the life of Lincoln to examine Croly’s argument.

Croly maintained that what cured Lincoln of the American disease of ambition was his dedication to self education through the books Lincoln had available; the Bible, Shakespeare, and Euclid. Croly gives this account, “He seized, that is upon the Bible, Shakespeare, and Euclid. To his contemporaries the Bible was for the most part a fountain of fantastic revivalism, and Shakespeare, if anything a mine of quotations. But in the case of Lincoln, Shakespeare, and the Bible served, not to merely awaken his taste and fashion his style, but also to liberate his literary and moral imagination. . . The absorbing hours he spend over his Euclid were apparently of no use to him in his profession; but Lincoln was in his way an intellectual gymnast and enjoyed the exertion for its own sake.”³⁷¹ While Croly was certainly correct that these books changed Lincoln and differentiated him from his peers, the question remains in what way did they change his intellect.

While Lincoln’s “Temperance Address” certainly shows him to be against the sort of revivalism where “too much denunciation” was indulged in, he also once said of the bible that it is “the best gift God has given to man.” Croly is right to emphasize the humility Lincoln learned from the Bible saying, “he is not only humble himself, but he feels and declares that men have no right to be anything but humble; and he thereby enters into possession of the most fruitful and the most universal of all religious ideas.”³⁷² Lincoln certainly is an exemplar of humility, despite his ambition, and he does express the importance of that virtue in his Second Inaugural Address,

³⁷⁰ Lincoln, IV:241.

³⁷¹ Croly, *Promise*, 91.

³⁷² *Ibid.*, 97.

but perhaps Croly goes too far in saying “Lincoln had abandoned the illusion of his own particular personal importance.”³⁷³

Lincoln’s political career begins with a statement of his desire to distinguish himself in politics, “Every man is said to have his peculiar ambition. Whether it be true or not, I can say for one that I have no other so great as that of being truly esteemed of my fellow men, by rendering myself worthy of their esteem.”³⁷⁴ Lincoln’s Lyceum Speech is famous for being a meditation on the possibility of making oneself distinctive in a republic. Consider Richard Carwardine’s account of how Lincoln’s reading drove his desire for political recognition, “His Illinois neighbors and fellow lawyers largely shared the view of his partner, William Herndon, that Lincoln was ‘the most ambitious man in the world.’ He was particularly fascinated by Shakespeare’s depiction of Richard III, Macbeth, and Claudius, all preternatural ambitious characters. According to Sophie Hanks, his cousin, ‘Abe always had a natural idea that he was going to be something.’” Contrary to Croly’s contention, Lincoln was ambitious and it carried over to his course of self education. Lincoln certainly studied Euclid to improve his arguments in the courthouse and one recent work contends that an imitation of the *Elements* of Euclid form the structure of his major speeches.³⁷⁵ Croly is right to say that Lincoln was humble and that his reading freed his mind; he was wrong to claim that Lincoln was not ambitious or self assertive. Croly sees in Abraham Lincoln a statesman who through freeing his mind was in a unique position to use his intelligence to help his fellow Americans. True enough as far as it goes, but

³⁷³ Ibid.

³⁷⁴ Richard Carwardine, *Lincoln, A life of Purpose and Power* (New York: Vintage Books, 2007), 4.

³⁷⁵ See David Hirsh and David Van Haften, *Abraham Lincoln and the Structure of Reason* (Sava Beatie, 2010).

Croly is really bringing his readers back to the idea of “Hamiltonian means” and its contemporary version, scientific administrative government. Croly gives this description of Lincoln as embodying intelligence in the service of the country: “He [Lincoln] envisaged them all, rich and poor, black and white, rebel and loyalist as human beings, whose chance of being something better than they were depended chiefly on his own personal willingness and ability to help them in taking advantage of it.”³⁷⁶ Lincoln certainly thought of himself as a Commander-in-Chief of an army dedicated to the proposition that all men are created equal and that it was terribly important that the Union won. But the idea was to ensure freedom for the right to rise to men themselves.

Croly’s Lincoln is not confirmed by the speech and deeds of Lincoln. Lincoln always returned to the idea that individuals own themselves and their labor. Lincoln himself vigorously pursued political success. He also pursued financial success, even suing the Illinois Central Railroad when they dragged their heels paying his legal bills.³⁷⁷ Lincoln also advocated that others also attempt to improve their lives through ambition for gain, as seen in the earlier examination of the Wisconsin State Fair Address. He did free his mind and improve his sense of sympathy with his fellowman through his course of reading the Bible, Shakespeare, and Euclid. But it is too much to say that Lincoln moved in the direction of Hamiltonian means for Jeffersonian ends.

Jane Addams and the “Influence of Lincoln”

Jane Addams is generally acknowledged as one of the leading lights of the Progressive movement for her reform efforts in politics, her advocacy of peace, her writings on politics, including the issues of the role of women in the public sphere and pragmatism, and most

³⁷⁶ Croly, “Abraham Lincoln was not a Man of the People.”

³⁷⁷ Fehrenbacher, *Prelude to Greatness*, 8-9.

importantly the forty years she spent running a settlement house, Hull-House in Chicago. She delivered one of the major nominating speeches for Theodore Roosevelt's 1912 Progressive Party run and kept an intellectual dialogue going with the University of Chicago Professor John Dewey.

There is little doubt that Jane Addams considered Lincoln her political hero, which was closely tied in her mind to her love for her father. The second chapter of her autobiography *Twenty Years at Hull-House* describes her youth growing up immediately after the Civil War in Illinois and the admiration her father, John Addams, had for Lincoln. Her father was a friend of Lincoln and she refers to the letters he received from the President. His own life seems to intersect with Lincoln's career in that John Addams was a farmer, abolitionist, President of the Second National Bank of Freeport, founding member of the Republican Party of Illinois, an Illinois State Senator, and a leading man in the Illinois Central railroad system.³⁷⁸ Jane Addams comments on the close association she had between the politics of her father and Abraham Lincoln, "For one or all these reasons I always tend to associate Lincoln with the tenderest thoughts of my father."³⁷⁹

Of the progressives examined in this chapter, Addams comes closest to exemplifying Lincoln's social principles, but she, too, veers from them. One can see in Jane Addams' dedication to the public good and her insistence on morality in politics the Lincoln legacy. Her belief in the use of government to foster this public good also lines up well with Lincoln. But Jane Addams also believes that what is right and wrong varies based on the movement of history.

³⁷⁸ Jean Beth Elshtain, *Jane Addams and the Dream of American Democracy* (New York: Basic Books, 2002).

³⁷⁹ Addams, *Twenty Years at Hull-House* Chapter Two.

This idea, which emerges in her writing on the Pullman strike, shows a definitive break with Lincoln's dedication to the idea of natural right.

Jane Addams certainly seems to continue the sort of charitable work Lincoln describes at the end of the Second Inaugural, "to bind the nation's wounds, to care for him who shall have borne the battle, and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations."³⁸⁰ Lincoln realized the power of private citizen action to do this work. For example, Lincoln presided over the creation of the US Sanitary Commission that provided services to Union troops and inspected their camps for purposes of sanitation. Shields and Rangarajan describe the independence of this charity that raised twenty-five million for its efforts: "the Sanitary Commission was financed through voluntary contributions because the founders wanted official US agency status but did not want to rely on tax dollars and be accused of profiting from the War."³⁸¹ As a leader born just as Lincoln passes, Addams picks up where this left off with a remarkable dedication to private charity. In addition to launching Hull House, she was a leading voice for organized labor, child labor reform, women's suffrage, and a great promoter of peace.

Jane Addams understands herself to be continuing the work of Abraham Lincoln in that he advocated for government promoting the development of human faculties. Several accomplishments of the Lincoln Administration point in that direction, including the creation of land grant colleges, the dispersing of scientific knowledge through the creation of the Department of Agriculture, and the Freedman's Bureau. Jane Addams does the same with the

³⁸⁰ Lincoln, VIII:333.

³⁸¹ Patricia M. Shields and Nandhini Rangarajan, "Public Service Professionals: The Legacy of Florence Nightingale, Mary Livermore, and Jane Addams," *The State of Public Administration: Issues, Challenges, and Opportunities*, Eds. Donald C. Menzel and Harvey L. White (New York: Routledge, 2011).

creation of her settlement house, Hull-House, a charity seeking to share culture and knowledge to the poor and immigrant communities of Chicago. J. David Greenstone remarks on what they share in their politics, “In much the same way that Lincoln had insisted that the government must ultimately destroy the institution that had blighted the slaves’ opportunities for self-development, Jane Addams and her colleagues believed in committing the government to foster self-development, even among the least privileged members of their urban-industrial society.”³⁸² Greenstone sees Lincoln as the triumph of a reform brand of liberalism often driven by religion (John Quincy Adams, Daniel Webster) over a humanist tradition of liberalism that works hard not to have goal driven politics (Andrew Jackson, Martin Van Buren). Greenstone describes the basic distinction this way: “For humanist liberals, the role of the political community is to provide collective goods and to satisfy individuals preferences equitably. For reform liberals, the role of the community is to set standards of mastery and excellence.”³⁸³

Lincoln insists that good governments should be doing things: securing to people the fruits of their labor through the tariff, facilitating exchange through the creation of the currency and internal improvements, and promoting education. Jane Addams’ advocacy for the promotion of culture, organized labor, and the protection of certain health and safety standards are a continuation of Lincoln’s ideas about what good governments do. However, hers is an interpretation of what Lincoln might advocate for in a new economy when faced with new challenges such as urbanization, new immigration, industrialization, and giant corporations. One does not really know what policies Lincoln would advocate for when facing the new industrial economy his political-economic thinking helped to create.

³⁸² J. David Greenstone, *The Lincoln Persuasion: Remaking American Liberalism* (Princeton: Princeton University Press, 1993), 284.

³⁸³ *Ibid.*, 59.

Much like previously discussed progressives, where Jane Addams deviates from Lincoln is in her belief that truth is unfolding in history and that what was true and virtuous for one generation may not be true and virtuous for the next. One can see this notion in the political thought of Jane Addams in her essay reflecting on the Pullman Strike of 1894 and its similarities to the Shakespeare play King Lear. Jane Addams maintained in “A Modern Lear” that “deep human motives”³⁸⁴ determine events. The conflict was between the Pullman Railroad Company, which refused to negotiate with a newly formed union of their workers. George Pullman had created a company town that he felt was a model community and thought of himself as a benevolent employer who should not be dealt with through organized labor. As Addams saw the conflict it was a clash between the old way of “individual benevolence” and a new way of interacting in “industrial relationships.” Addams compares George Pullman to King Lear and his employees to Cordelia where both parties are experiencing “wounded affection.” While she agrees that Pullman is a benevolent employer his problem is that he wants his will enacted. Addams describes this, “If we may take the directorial relation of Lear to Cordelia as a typical and most dramatic example of the distinctively family tragedy, one will asserting its authority through all the entanglement of wounded affection, and insisting upon its selfish ends at all costs, may we not consider the absolute authority of this employer over his town as a typical example of the industrial tragedy?”³⁸⁵

Addams argues that George Pullman always spoke to his employees as a father to a child, never an adult to an adult. She gives an account of Pullman failing to change with the times and the new context which require new virtues: “He stood throughout pleading for the individual

³⁸⁴ Jane Addams, “A Modern Lear,” *The Jane Addams Reader*, ed. Jean Bethke Elshtain (New York: Basic Books, 2002), 163-76.

³⁸⁵ Ibid.

virtues, those which had distinguished the model workman of his youth, those which had enabled him and so many of his contemporaries to rise in life, when ‘rising in life’ was urged upon every promising boy as the goal of his efforts... The virtues of one generation are not sufficient for the next, any more than the accumulations of knowledge possessed by one age are adequate to the needs of another.”³⁸⁶ While Jane Addams can rightly think of herself as continuing the Lincoln legacy in her charity efforts and in her promotion of education the similarity to Lincoln ends there. Lincoln was deeply entwined in patronage politics where Addams tries to end it. For Lincoln, the right to rise and self-ownership were the essence of his “ancient faith.” For Jane Addams, the time for that faith had passed.

Burke’s Woodrow Wilson and Wilson’s Lincoln

A state without the means of some change is without the means of its conservation. Without such means it might even risk the loss of that part of the constitution which it wished the most religiously to preserve.

Edmund Burke, *Reflections of the Revolution in France*

The Election of 1912 is a critical moment for the progressive movement. Theodore Roosevelt’s handpicked Republican successor, President William Taft, seemed unwilling to take the radical actions that progressivism was calling for. Roosevelt tired of sitting on the sidelines and challenged Taft for the Republican Party nomination, dominating the primaries.

Unfortunately for Roosevelt, the party elites had much more say in selecting their nominee and they backed Taft. As described above Roosevelt then decided upon a third party effort, the Bull Moose Party or Progressive Party.

But neither Taft nor Roosevelt won in 1912. The winner was Woodrow Wilson, former President of Princeton University who briefly served as Governor of New Jersey before becoming President. It is important to note that Taft and his limited view of the Constitution and

³⁸⁶ Ibid.

the Presidency were strongly rejected in 1912. Taft only carried Utah and Vermont, when Roosevelt won six states in a third party effort. A Socialist candidate, Eugene Debs got 6% of the vote.

Woodrow Wilson won the Presidency by offering voters substantial change but not radical change. Wilson, like many of the progressives, admired Abraham Lincoln, but he admired him as cool deliberative leader who preserved the Union. Often commentators examining Wilson and Lincoln will speak of the discontinuity between them, viewing Wilson as a denier of the natural rights tradition, who viewed the idea of the separation of powers in the Constitution as deeply flawed. Generally, Lincoln will be presented as keeping the “Ancient Faith” of the Constitution and the Declaration of Independence. This section disagrees with that view of Wilson. He is not someone trying to destroy the system of government our fathers gave us. He is not a follower of Hegel who believes that history is unfolding according to the idea progress. Rather, Woodrow Wilson is a follower of Edmund Burke, who famously argues against talking about abstract rights in a time of revolution.

What Wilson is attempting to do is follow Lincoln and the Framers under what he considers radically different circumstances. Radically different circumstances require change for the sake of preservation. Wilson gives a speech in 1907, while President of Princeton University, that gives some indication of his thoughts on what Lincoln considered the central document of American politics the Declaration of Independence. Wilson states, “It is common to think of the Declaration of Independence as a highly speculative document; but no one can think it is so who has read it. It is a strong, rhetorical statement of grievances against the English government. It does indeed open with the assertion that all men are equal and that they have certain inalienable rights, among them the right to life, liberty and the pursuit of happiness...No doubt we are meant

to have liberty, but each generation must form its own conception of what liberty is. No doubt we shall always wish to be given leave to pursue happiness as we will, but we are not yet sure where or by what method we shall find it. That we are free to adjust government to these ends we know.”³⁸⁷

Commentators have viewed such statements of Wilson as a denial of the ahistorical character of natural rights. Ronald J. Pestritto, for example comments, “Wilson, therefore sought a reinterpretation of the founding, a reinterpretation grounded in historical contingency. To the founding’s ahistorical notion that government is rooted in an understanding of unchanging human nature, Wilson opposed the historical arguments that the ends, scope, and role of just government must be defined by the different principles of different epochs, and that, therefore, it is impossible to speak of a single form of just government for all ages. This was a self-conscious reinterpretation, as Wilson even suggested that the Declaration ought to be understood by excluding from it the foundational statements on equality and natural rights contained in the first two paragraphs.”³⁸⁸

Wilson does say, “if you want to understand the real Declaration of Independence, do not repeat the preface.”³⁸⁹ Several scholars misunderstand this statement. James Ceaser comments on this taking it to mean, “right comes from History, not nature.”³⁹⁰ Jason Jivden says, “Thus, according to Wilson, if we are truly to understand the Declaration we must read it in a strictly historical context, in isolation from the document’s own fundamental statements on equality and

³⁸⁷ Woodrow Wilson, “The Authors and the Signers of the Declaration of Independence,” *The Essential Political Writings*, ed. Ronald Pestritto, 97.

³⁸⁸ *Ibid.*, 2.

³⁸⁹ Woodrow Wilson, “Address to the Jefferson Club of Los Angeles,” May 12, 1911.

³⁹⁰ James W. Ceaser, *Nature and History in American Political Development*.

natural rights.”³⁹¹ But what Wilson actually says in this address is that abstract statements of natural rights need application: “That was the theoretical expression [the early paragraphs of the Declaration] of the views of which the rest of the document was meant to give teeth and substance to. The Declaration of Independence is a long enumerated of the issues of 1776 ...the things which they meant to remedy, to remedy in the spirit of the introductory paragraphs, but which the introductory paragraphs did not contain.”³⁹² Wilson sees most of text of the Declaration of Independence pointing out specific complaints that are violations of the principles set forth in the second paragraph. But their awareness of these violations arises out of English common law and English Constitutional traditions. This is not to say that right comes from history, but rather that natural rights are secured in history. James R. Stoner points to the practical application of natural rights when he remarks, “To speak only of the federal level, nearly every grievance detailed in the Declaration is addressed and prevented by a specific provision of the Constitution and the Bill of Rights.”³⁹³

Wilson understands the Declaration of Independence as expressing a trans-historical idea of natural right while citing specific violations of English liberty. This does not seem at all different from Lincoln’s understanding of the Declaration in his Speech on the Dred Scott Decision, “The assertion that ‘all men are created equal’ was of no practical use in effecting our separation from Great Britain; and it was placed in the Declaration, nor for that, but for future use. Its authors meant it to be, thank God, it is now proving itself, a stumbling block to those

³⁹¹ Jivden, *Claiming Lincoln*, 70.

³⁹² Wilson, “Address to the Jefferson Club.”

³⁹³ James R. Stoner, “Is there a Political Philosophy in the Declaration of Independence?” *Intercollegiate Review*, Vol. 40, No. 2 (Fall/Winter 2005), 3-11.

who in after times might seek to turn a free people back into the hateful paths of despotism.” Lincoln’s claim is that the Colonies could have simply revolted without any reference to universal principle. They could have had a revolution because their rights as English men were violated and now they intend to govern themselves. But instead, Jefferson had “the coolness, forecast, and capacity to introduce into a merely revolutionary document, an abstract truth, applicable to all men and all times.”³⁹⁴ Wilson is not asking his readers to abandon the principle of all men being created equal, rather he is asking them to use it today, “Now, the business of every true Jeffersonian is to translate the terms of those abstract portions of the Declaration of Independence into the language and the problems of his own day. If you want to understand the real Declaration of Independence, do not repeat the preface. Make a new table of contents, make a new set of counts in the indictment, make a new statement of the things you mean to set right, and then call all the civilized world to witness, as that great document does, that you mean to settle these things in the spirit of liberty, but also in the spirit of justice and responsibility.”³⁹⁵

The better way to understand Woodrow Wilson is as a follower of Edmund Burke, a thinker he makes continual direct reference to. While it is disputed whether Burke believes in natural rights³⁹⁶ there is no question that he finds abstract thinking and speculative talk about rights dangerous. Thus Wilson does not seem radically different from the Framers in insisting on specific complaints as James Stoner describes them, “The bill of grievances, in other words, adds gravity and substance to the abstract principles formulated in the ‘self-evident truths’ and thus

³⁹⁴ Lincoln, III:376.

³⁹⁵ Wilson.

³⁹⁶ Leo Strauss, NR and H. and Russell Kirk Review of Politics Vol 13, Oct, 1951

guards against arbitrary recourse to rebellion.”³⁹⁷ Burke says in the *Reflections*, “Government is not made in virtue of natural rights, which may and do exist in total independence of it; and exist in much greater clearness, and in a much greater degree of abstract perfection: but their abstract perfection is their practical defect.”³⁹⁸ Wilson, following Burke, sees all governments as having to adjust the tensions between liberty and order based on circumstances on the ground. Wilson states clearly what he thought the aim of the framers was in 1776: “No one now needs to be told what the principle of the American Revolution was: it was the principle of individual liberty. . . They believed government to be a means by which the individual could realize at once his responsibility and his freedom from unnecessary restraint.”³⁹⁹ Wilson sees the framers as practical men who wanted to secure their liberty through law; as he puts it, “liberty consists in the best possible adjustment between the power of the government and the privilege of the individual.”⁴⁰⁰ The framers believed in the liberty and protection of the individual and he agrees with them. But Wilson believes that substantial changes have occurred that have caused the country to lose the idea of individual liberty.

Most notably the rise of giant corporations are destroying the American idea of liberty. Corporations allow investors to act as a single person while at the same time limiting their liability. Wilson’s complaint is that financiers have gotten control of these companies and have wreaked havoc on markets and ordinary citizens. “The elaborate secret manipulation by means of

³⁹⁷ Stoner, 6.

³⁹⁸ Burke.

³⁹⁹ Woodrow Wilson, *The Essential Political Writings*, “The Authors and the Signers of the Declaration of Independence.” 99. Ronald Pestritto, editor.

⁴⁰⁰ *Ibid*, 101.

which some of our so-called ‘financers’ get control of a voting majority of the stock of great railroad or manufacturing companies, in order to effect vast combinations of interest or properties...involve first or last acts which are in effect sheer thefts, making property of thousands of stockholders so much waster paper.”⁴⁰¹ Wilson believes that the individual has been lost. Individuals have been harmed by corporations and have not been made whole. Individuals have harmed through corporations and have gotten away with it. Rather than government controlling and regulating corporations, corporations have controlled government. Wilson points to the tariff that Taft has defended as just such an instance: “As a result, there have grown up vicious systems and schemes of governmental favoritism (the most obvious being the extravagant tariff), far reaching in effect upon the whole fabric of life, touching to his injury every inhabitant of the land, laying unfair and impossible handicaps upon competitors, imposing taxes in every direction, stifling everywhere the free spirit of American enterprise.”⁴⁰²

The emergence of giant corporations have changed the nature of employment. As Wilson describes it employees no longer interact with the decision makers in corporations. Employees are told to do things by other employees who are told to do things. Nor do they directly negotiate their salaries and the risks they take man to man. Wilson stresses that new rules are needed to manage these new relations: “we must not pit power against weakness. The employer is generally, in our day, as I have said, not an individual, but a powerful group; and yet the workingman when dealing with his employer is still under our existing law, an individual”⁴⁰³

⁴⁰¹ Wilson, (Pestritto, 104)

⁴⁰² Wilson, New Freedom, 114.

⁴⁰³ Wilson, New Freedom, 109.

Wilson calls for new laws to secure the old idea of individuals getting the value of their labor. Wilson's own understanding of what he is doing is adapting to new circumstance to preserve what had been accomplished in past generations. Much of what Wilson says seems in agreement with many of the things Lincoln stated about the value of free labor and how it produces prosperity. Wilson says in *The New Freedom*, "The originative part of America, the part of America that makes new enterprises, the part into which the ambitious and gifted workingman makes his way up, the class that saves, that plans, that organizes, that presently spreads its enterprises until they have a national scope and character—that middle class is being squeezed out by the process which we have been taught to call the processes of prosperity."⁴⁰⁴ Wilson maintains intelligent change must come or full blown socialism⁴⁰⁵ will occur.

When Wilson speaks of Abraham Lincoln it is of someone who is continuously improving himself and the nation through deliberation. Lincoln is unique in his ability to listen to what citizens in the country are saying about the conditions on the ground and then come up with steps to address those concerns. Wilson says of Lincoln, "The quiet voices of sentiment and the murmurs of resolution that went whispering through the land, his ear always caught, when others could hear nothing but their own words."⁴⁰⁶ Here, Jivden's description of Wilson and his calling for Presidential leadership seems correct, "Wilson argued that American democracy required progressive visionary leadership if it was to overcome the stifling spirit of checks and balances and open itself to progress."⁴⁰⁷ Indeed, Wilson sees in Lincoln's most dramatic moments of

⁴⁰⁴ Ibid., 112.

⁴⁰⁵ See Wilson (Pestritto), 103 and 115.

⁴⁰⁶ Wilson (Pestritto), 89.

⁴⁰⁷ Jivden, *Claiming Lincoln*, 86.

leadership during the Civil War unified power, not separation of powers: “After that came the Civil War and Mr. Lincoln’s unique task and achievement, when the executive seemed to become by the sheer stress of circumstances the whole government.”⁴⁰⁸ It is critical to note here Wilson’s observation that circumstances will always shape what happens in our government rather than what is specifically written in the Constitution. Similarly, Wilson thinks that actions must be taken to preserve the liberty that America has achieved in this new industrial age. Following Burke, he sees change as the means of preservation of the country, but remembers that Burke was ineffective in actually producing the wise things he was calling for.⁴⁰⁹ This is where Wilson’s notions of presidential leadership come from.

Although he for a time considers looking for leadership out of Congress in a system more like England’s parliament, Wilson ultimately calls for the President to assume a new role. He does see Lincoln as someone who maintained the perspective of the whole nation while leading the country through his speeches and deeds. But ultimately, Wilson is aware that he is asking for new cooperation between Congress and the Executive rather than separation. Thus he recommends a new way of viewing the Constitution: “Our statesmen of the earlier generation quoted no one so often as Montesquieu, and they quoted him always as a scientific standard in the field of politics. Politics is turned into mechanics under his touch. The theory of gravitation is supreme. The trouble with the theory is that government is not a machine, but a living thing. It falls, not under the theory of the universe, but under the theory of organic life. It is accountable to Darwin, not to Newton.”⁴¹⁰ Several interpreters⁴¹¹ have seen Wilson’s advocating for

⁴⁰⁸ Wilson, (Pestritto), 177.

⁴⁰⁹ Wilson (Pestritto), 214.

⁴¹⁰ Wilson (Pestritto), 177.

understanding the Constitution in a Darwinian model as advocating for a “living constitution” that completely abandons the traditional notion of individual rights and checks and balances. For example, Ronald J. Pestritto says, “Wilson certainly does sound Darwinian themes in his call for a constant adaptation to the changing historical environment and an interpretation of the American Constitution according to the ‘Darwinian principle.’”⁴¹² However, the better way to understand Wilson talk of Darwin is not as simply as a normative recommendation—meaning one should read the Constitution and adapt its meaning to circumstances. Rather, Wilson is giving a descriptive account of what happens to a people’s understanding of a constitution—under radically new circumstances new possibilities are allowable or the constitution dies. For Wilson, there is always a survival of the fittest in political arrangements.

Harvey Mansfield writes this description of Edmund Burke’s view of constitutions, but it seems perfectly applicable to Woodrow Wilson. “For Burke, however, ‘the circumstances and habits of every country . . . decide upon the form of its government.’ When circumstances change, forms change. ‘A state without the means of some change is without the means of its conservation.’ Not a fixed form but precisely the contrary, ‘a principle of growth,’ preserves states.”⁴¹³ Mansfield continues to describe Burke’s view of political harmony resulting from the give and take of compromise and a downplaying of rights talk: “A safer, truer compromise will result from deflecting claims of rights to matters of convenience, so that ‘whole organization of

⁴¹¹ See Bradley C.S. Watson, *Living Constitution* 104-105, Jivden *Claiming Lincoln* 66-67, Ronald J. Pestritto, “Woodrow Wilson, the Organic State and American Republicanism,” 550 in *History of American Political Thought*.

⁴¹² Ronald J. Pestritto, “Woodrow Wilson, the Organic State and American Republicanism,” *History of American Political Thought*, 550.

⁴¹³ Mansfield, *History of Political Philosophy*, 698.

government becomes a consideration of convenience.”⁴¹⁴ One can nicely see the Burkean organic view of constitutions and compromise in this quotation of Wilson: “I understand the biologists to say that all growth is a process of compromise: a compromise of the vital forces within the organism with the physical forces without, which constitutes its environment.”⁴¹⁵

For Woodrow Wilson, the US Constitution begins in maturity having adapted the political teaching of England. In his “A Calendar of Great Americans Speech” he even describes men like Hamilton and Madison as having a “thoughtful English genius for affairs.” But the government that exists under the Constitution does not remain exactly the same; statesman add and adjust as needed. For example Wilson describes Daniel Webster and John Marshall as seeing the Constitution “as a great organic product, a vehicle of life as well as a charter of authority; in disclosing its life they did not damage its tissue.”⁴¹⁶ Certainly, Marshall as justice recognized new national actions as permissible under the Constitution and Webster advocated for such actions. Some changes are good and continue, and some are bad and die. In this way Wilson views the Constitution as Darwinian. For Wilson, evolutionary mutations occur all the time, here he describes some that have occurred within the Presidency ; “In view of the makers of the Constitution the President was to be legal executive; perhaps the leader of the nation; certainly not the leader of the party, at any rate while in office. But by the operation of forces inherent in the very nature of the government he has become all three.”⁴¹⁷

Wilson, in asking for the Constitution to be read in light of the “Darwinian principle,” is not asking to be able to do fundamentally unconstitutional things. For example, in his description

⁴¹⁴ Ibid, 699.

⁴¹⁵ Wilson, (Pestritto) “Leaders of Men,” 224.

⁴¹⁶ Ibid, 83.

⁴¹⁷ Wilson, 188.

of a new leadership role for the President he describes certain potential actions as illegitimate and immoral, including “arbitrary acts which ignore the laws or virtually override them” or substituting “his own orders for acts of Congress which he wants but cannot get.”⁴¹⁸ Rather he is asking to be allowed to innovate within the bounds of the Constitution. Does the President promoting a legislative agenda to the public to pressure Congress violate the Constitution? Perhaps, it violates the spirit of the separation of powers⁴¹⁹ but it does not violate the letter of the law. It is not what Lincoln with his Whig view of the Presidency advocated in his day, but as Wilson would have stressed it is not Lincoln’s day.

Woodrow Wilson has been viewed as a destroyer of the natural rights tradition of the Framers and Abraham Lincoln, but it is argued here that he understood himself as a preserver of that tradition. Rather than a Hegelian who argues for truth unveiling itself in the course of History, Wilson is a follower of Burke who thinks political arrangements must be adjusted to preserve the truth of the individualism of the Declaration of Independence. The Framers gave the United States a government of separated powers to preserve liberty but in a time when governmental action is needed rhetorical leadership might be used to close the gap. While originally, Wilson followed Burke⁴²⁰ in thinking that a legislature could unify the branches, he later sees that possibility in the Presidency. This is because of the unique perspective of the Presidency being a national office that can take in and refine the perspective of the nation. Wilson sees Abraham Lincoln as such a unifier who preserved the Union partially through his

⁴¹⁸ Ibid., 184.

⁴¹⁹ Note that the Constitution does speak of the President recommending to Congress “such measures as he shall judge necessary and expedient.” Article II, Section 3, Clause 1.

⁴²⁰ Burke, *Thoughts on the Present Discontents*, 100, “every sort of Government, ought to have its Administration correspondent to its Legislature. If it should be otherwise things must fall into an hideous disorder.”

speeches. Wilson has this right regarding matters of war and is incorrect when it comes to non-war domestic legislation where Lincoln follows Congress.

Wilson saw himself as a preserver heading off socialism, saying, “I am, therefore, forced to be a progressive, if for no other reason, because we have not kept up with our changes of conditions, either in the economic field or in the political field.”⁴²¹ Wilson, at least presented an alternative to Theodore Roosevelt’s New Nationalism in the Election of 1912, one that advocated for anti-trust laws over bureaucratic regulation, advocated for the importance of political parties, and supported local government as Abraham Lincoln might have appreciated. Still, in actual governance Sidney Milkis notes Wilson’s deeds did not match his words: “Wilson whose New Freedom campaign was far more sympathetic to the decentralized state of courts and parties than TR’s, felt compelled—or saw the opportunity—as president to govern as a New Nationalism Progressive.”⁴²²

Conclusion: WWLD? What would Lincoln do?

The Progressives raise an interesting theoretical question that ultimately cannot be answered, given the rise of a new industrial economy dominated by giant corporations, what would Lincoln do? Lincoln’s policies such as the promotion of free labor and ambition, education, the tariff, and internal improvements unleashed the very world that the progressives are trying to respond to.

Lincoln held several ideals that the progressives drew upon whenever they evoked his name. He did not believe that property rights meant that one could do whatever one wanted with what is his, free from regulation. Lincoln believed in aiding the less fortunate both through

⁴²¹ Wilson.

⁴²² Sidney Milkis, “Theodore Roosevelt, The Progressive Party, and the Transformation of American Democracy,” 25.

government action and through social action, especially securing to men the fruits of their labor. He argued for the promotion of human capabilities, thorough education, and scientific knowledge. Also, Lincoln believed it was appropriate to bring religion and morality into the public sphere; upon nominating Theodore Roosevelt the Progressive party began singing “Onward Christian Soldiers.”

But Lincoln never abandoned his “Ancient Faith” that people own themselves and the fruits of their labor. Lincoln believed in political parties and the patronage despite the risks of corruption. He maintained that legislatures should take the lead in law making and while he thought the powers of the Presidency might increase during war time, said nothing about those powers during economic difficulties.

Each of the Progressives reviewed here, have to varying degrees imagined a Lincoln who changes under changed circumstances. Thus, much of what the Progressive movement has said about Lincoln is speculation. However, it must be said that when some of them move completely away from traditional notions of property and the right to rise, they have imagined a Lincoln with no connection to his speeches and deeds.

The difference between Lincoln and the progressive movement can be seen in the prominence given to the idea of “liberty to all” and “the right to rise.” Some progressives believed that changing circumstances did not allow for trans-historical truths, like the natural right of all men to the fruits of their labor; other progressives thought this idea should be downplayed to allow for an adjustment between individual liberty and the need for more government action. By contrast, Lincoln said that he, “never had a feeling politically that did not spring from the sentiments embodied in the Declaration of Independence.”⁴²³ The consequences

⁴²³ Lincoln, IV: 241.

of this difference might best be seen by looking at what happened to African Americans in the Civil Service during Woodrow Wilson's administration.

It would be incorrect to say the idea of "liberty to all" made Lincoln a lifelong advocate of full social equality for African Americans in the United States. Throughout most of his political career Lincoln advocated for the immediate cessation of the expansion of slavery, to be followed by a program of compensated emancipation, and ultimately, colonization of African Americans back to Africa. Lincoln always insisted that, by nature, Black Americans owned themselves, but that did not necessarily mean there was a place for them here in the United States. As Fredrick Douglass said of him in his *Oration in Memory of Abraham Lincoln*, "He was the white man's President, entirely devoted to the welfare of white men."⁴²⁴ But the idea and full meaning of "liberty to all" deepened in his mind during the course of the war and his Presidency. Manisha Sinha describes this development in Lincoln, "Lincoln's antislavery evolution at the end of his life encompassed black rights and citizenship, questions he had shied from or explicitly repudiated before the war. With the failure of his many wartime colonization schemes, and no doubt in response to the goading and criticisms by abolitionists and radicals in his own party, Lincoln moved from colonization to black citizenship."⁴²⁵ No doubt the deeds of African Americans in fighting for the Union also helped Lincoln to understand that the equality of all men meant that these men should vote and be a part of the government as well. The full logic of his opposition to the *Dred Scott* decision meant that African Americans were citizens and needed to be treated as such.

⁴²⁴ Fredrick Douglass, *Fredrick Douglass: Selected Speeches and Writings*, ed. Philip S. Foner (Chicago: Lawrence Hill, 1999) 618.

⁴²⁵ Manisha Sinha, "Did He Die an Abolitionist? The Evolution of Abraham Lincoln's Antislavery," *American Political Thought* 4, no. 3 (Summer 2015), 451.

Lincoln acknowledges this fact by welcoming black citizens into government jobs through the Republican Party. This practice continued throughout the period of the Republican realignment until the election of Woodrow Wilson in 1912. Eric Yellin describes this tradition, “Perhaps most important for African Americans everywhere, Washington was distinguished by its integrated government offices. Black men and women, enslaved and free, had always worked as laborers for the government . . . But civil service after emancipation conferred new status and black Americans leaped at the opportunity. Solomon Johnson led the way when Lincoln arranged for Johnson, his barber during the war, to be placed in the Treasury Department in 1864.”⁴²⁶ Patronage for African American Republicans can be seen as an example of Lincoln’s tolerance of some degree of privilege if it serves the common good. While no one thought of it as a utopia of social equality, Washington DC was a city where African Americans could earn a middle class living in civil service jobs; where they sometimes supervised whites. The logic of the principle of equality of all men seemed to be playing out, along with an acknowledgment of the right to rise of ambitious African Americans serving in the government. The election of Woodrow Wilson and his emphasis on efficient government serving the entire nation destroyed this achievement.

Wilson was a Southerner from New Jersey. After a career as an academic and President of Princeton University, he served as governor of New Jersey and was elected on a reform platform. As described earlier, he argued for a more decentralized government than his radical opponent Theodore Roosevelt, but Wilson actually governed more progressively than he campaigned. More than anything Woodrow Wilson wanted a strong government to curb the

⁴²⁶ Eric S. Yellin, *Racism in the Nation’s Service: Government Workers and the Color Line in Woodrow Wilson’s America* (Chapel Hill: University of North Carolina Press, 2013), 22.

excesses of corporations. Good, efficient government was what was needed rather than the corrupt, inefficient government practices in the past.

African Americans in government were seen as being there solely because of their link to the patronage system. Additionally, white southern Democrats expressed their unwillingness to work with African Americans in government. Thus, Woodrow Wilson segregated the federal government in the name of good government. African Americans were separated, demoted, and their opportunities in civil service were diminished. Eric Yellin describes Wilson's thinking, "No one here was as important as Woodrow Wilson himself. At last, the elusive chief executive came clearly into the picture of federal discrimination when he explained the work of his subordinates in the terms of his progressive politics. Wilson had always maintained that the goals of his administration were fairness and efficiency, and, in response to protests, he proclaimed segregation and discrimination were *necessary* for modern government. The issue was not one of politics or rights. His managers, he said, were seeking only to 'prevent any kind of friction between the white employees and the Negro employees.'"⁴²⁷

Wilson, like many progressives, insisted that problems that confronted the United States were not problems to be solved through politics but were problems of administration. Partisan politics was a corrupt process and things like patronage jobs produced friction and inefficiency, making good government impossible. The progressive movement can be differentiated from the thought of Lincoln by understanding that they wanted to make social progress through efficient government that solved economic problems. By contrast, Lincoln thought progress meant continued dedication to the principles of the Declaration of Independence. Lincoln was a believer in politics and parties, especially when parties adhered to deep political principles like the equality of all men. When Lincoln saw that African Americans were here to stay, he took steps

⁴²⁷ Yellin, 135.

to integrate them into the government and political parties. They were ruled, but in turn, they ruled—the essence of citizenship and the full meaning of liberty to all.

CHAPTER 8. CONCLUSION

Abraham Lincoln is the statesman who finds a way to produce the public good of securing to all men the fruits of their labor, without losing the constitutional order he inherited. He did this by not letting the nation forget its foundational principle of natural right, but never going beyond what public opinion would allow. He argued for a robust national government that could facilitate exchange through internal improvements and national banks. Protective tariffs were enacted so that individuals would receive a just reward for their labor. He promoted education and the dispersing of scientific knowledge so that through hard work, men could rise. Slavery was a clear violation of Lincoln's central principle of "liberty to all." On the face of it, slavery suggested that it was acceptable to take from some people what they produced, but, additionally, slavery was a threat to the future of white Americans who wanted to rise. How was free labor supposed to compete in a market where forced labor was acceptable? How could people be expected to exhibit industriousness, if the culture associated work with what was considered a lower class of human beings?

Lincoln was born in a country that both praised "liberty to all" and enslaved men. The United States begins in 1776 with a statement about the natural right of all men to liberty and then it lists specific violations of these rights drawn from common law tradition. Still, just as the Second Continental Congress was declaring independence from England, based on this idea that all men were created equal, there was slavery throughout the United States. Jefferson tried to raise the issue in the Declaration saying this about the King of England: "he has waged cruel war against human nature itself, violating it's most sacred rights of life & liberty of a distant people

who never offended him,”⁴²⁸ but this was removed by the drafting committee because the colonies deeply tied to slavery could not agree. This spirit of compromise was also needed in 1787 where slavery is quietly dealt with in three provisions of the US Constitution: counting slaves at a rate of 3/5ths for purposes of taxation and representation, guaranteeing the return of fugitive slaves from free states, and preventing the banning of the importation of slaves for the next twenty years. Thus, the long term project for Lincoln was to move the nation completely in the direction of “liberty to all.” He did not think this could happen for a hundred years and at times he seems to not believe that the United States could be a multi-racial society. Yet, at the end of the Civil War, by adhering to the principle of liberty to all, Lincoln signed the Thirteenth Amendment and he wrote about letting African-American soldiers vote.

This dissertation primarily explores how Lincoln’s principle of liberty to all formed his politics in areas that do not have to do with slavery, especially his economic policies. But it shows the same idea that drove his opposition to the expansion of slavery, drove his desire for more action out of the national government. The Lincoln Presidency seems to have changed everything, but Lincoln is not a radical. Nor is he without political principle and simply a pragmatic political operator. Lincoln is what he calls himself, a conservative adhering to the political tradition set out by Hamilton, continued through the Whigs, and finally produced with the Republican realignment beginning with Lincoln’s election in 1860. There is another political tradition of strict constructionism of the Constitution and extreme state’s rights that Lincoln opposes. But he does take from the Democrat Party its notions that government should benefit everyone and the need for partisanship. Studying the speeches and deeds of Abraham Lincoln

⁴²⁸ The Works of Thomas Jefferson, Vol. II (in 12 volumes): Correspondence 1771-1779, the Summary View, and the Declaration of Independence, 210 (New York, Cosmio Classic, 2009).

reveals several conclusions about what the principle of liberty to all meant to him and to American political development.

Lincoln is remarkably consistent about securing to men the fruits of their labor and promoting the right to rise through hard work. He always maintained that this was the central object of the national government and that it could take action to promote prosperity. National action will necessarily favor some over others, but if it worked to promote the common good, some tolerance of privilege was acceptable. A transcontinental railroad must be put somewhere; where ever it is (the North, the South, etc) will benefit the surrounding area, but the exchange of goods ultimately brings benefit to the entire nation. A national bank privileges its shareholders but it is also the most secure method of treasury, and has the added benefit of circulating monies through lending it out. A national government that could not produce internal improvements, or promote commerce through the bank, could not clear the path for individuals to rise.

While believing in national action for public goods, Lincoln believed in individual enterprise. Once a country is dedicated to the equality of all men, progress is made through effort and education. Human innovation requires observation and reflection, and it also needs laws that protect innovation for a time, like patent laws. Free human beings are self-interested human beings, but moral education, brought about through reading scripture and adhering to the teaching of the Declaration of Independence, can produce order and wealth-producing competition.

Since people are self-interested, and generally do not agree on what can and should be done, Lincoln saw the need for partisanship. Political parties allow men who agree to fight for their cause. Originally, Lincoln joined the Whig Party -- the party that stood for national action in the economy and for the promotion of character and religion to moderate a commercial society.

But Lincoln saw the limits of the Whig Party. The Whig Party tried to avoid taking a stand on slavery in the name of national harmony. Often the Whig Party refused to define its principles at all and sought to have a President who would simply execute the laws in an “above party” manner. Lincoln saw the limitations of the approach and so he became a Republican. Lincoln ensured that the Republican Party treated slavery as a moral wrong and openly courted evangelical supporters. He brought the Whig economic agenda with him to the Republican Party and made sure that he used the tools of partisanship, especially the patronage, to support this agenda.

As President of the United States, at a time when much of his Southern Democrat opposition was gone, Lincoln signed into law the old Whig economic agenda. Lincoln produced a tariff to secure to the working man the fruits of his labor. This tariff was not simply for the collection of revenue but also for the promotion of American manufacturing. The Transcontinental Railroad and the Illinois-Michigan Canal were built. A national banking act was passed that created greenbacks as legal tender. Additionally, along with the 37th Congress, Lincoln created a new department—the Department of Agriculture for the promotion of scientific knowledge about farming. Lincoln called it “the people’s department,” but all of the national actions Lincoln advocated were for the people.

Lincoln’s administration represents a triumph of the nationalist take on the Constitution. This is not to say that he did not believe state governments did not have real powers; he certainly did. Lincoln always insisted that he had no Constitutional power to disturb slavery where it existed in the states. But for Lincoln, the national government had real powers that the states must recognize. They could have a national bank, establish a legal tender, and create internal improvements. The national government could also forbid slavery in the territories, while

looking forward to the ultimate extinction of it. Lincoln's Constitutional understanding can be traced back to Daniel Webster and further still to John Marshall in *McCullough v. Maryland*. This was because Lincoln firmly believed that the legitimacy of the Constitution rested on the fact that it was adopted by the people through ratifying conventions. The national government was not simply a creature of the states, but a real government that trumped the states when it came to concurrent jurisdiction.

Lincoln firmly asserted that *Dred Scott* was wrongly decided because it denied the national government a power designated to it, to regulate slavery in the territories. But he also opposed the decision because it denied the common law presumption of liberty expressed in *Somerset v. Stewart*: "The state of slavery is of such a nature that it is incapable of being introduced on any reasons, moral or political, but only by positive law, which preserves its force long after the reasons, occasions, and time itself from whence it was created, is erased from memory. It is so odious, that nothing can be suffered to support it, but positive law."⁴²⁹ When Lincoln issued the Emancipation Proclamation he declared the ex-slaves, "thenceforward and forever free" because the national government would have no implied power under traditional common law to re-enslave. At the heart of his self-education project, Lincoln was a Blackstone lawyer, and he would have learned about the principle of liberty to all just as much from his common law education. Future research should examine how Lincoln's legal education shaped his dedication to the principle of liberty to all.

Some political theory studies of the progressives and their relation to Lincoln have oversimplified the movement to show they were not carrying out the political philosophy of Lincoln. But Lincoln certainly believed that local government could regulate property for

⁴²⁹ *Sommerset's Case*,
http://press=pubs.uchicago.edu/founders/documents/a4_2_3s2.html.

purposes of health, safety, and morals. He also thought that the national government could promote education and could help secure to men the fruits of their labor. In this sense, the progressive movement could be said to be continuing Lincoln's tradition, as they often understood themselves. In so far as the progressives called for a radical reconsideration of property⁴³⁰ and a denial of natural rights, they were doing something different. Another full length treatment of Lincoln and the progressives is needed, one that would separate those who continued the traditions of Lincoln from those who did not, and how they understood him.

Abraham Lincoln, while speaking at the Cooper Union Institute, after having lost to Douglas in the 1858 Illinois Senate race but before their 1860 Presidential race, pointed to his traditionalism:

What is conservatism? Is it not adherence to the old and tried, against the new and untried? We stick to, contend for, the identical old policy on the point in controversy which was adopted by "our fathers who framed the Government under which we live;" while you with one accord reject, and scout, and spit upon that old policy, and insist upon substituting something new.⁴³¹

The old policy Lincoln stuck to was the principle of liberty to all. This did not mean that the national government could not do new things. Rather, like Edmund Burke, Lincoln too thought change was the means of preservation. Lincoln saw that liberty meant unleashing an energy that produced prosperity and he knew that the national government could do things to secure to individuals that bread which they earned with their own hands.

⁴³⁰ See for example, John Dewey, "Liberalism and Social Action" in Jo Ann Boydston, ed., *The Papers of John Dewey* The Later Works, 1925-1953, Vol. 11 (Carbondale, IL, Southern Illinois University, 1987).

⁴³¹ Lincoln, III:538.

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