

# Looking Forward, Looking Backward

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Those of you who love Sherlock Holmes will remember that, in cataloguing his quirks after their initial meeting, Watson noted with amazement, “Upon my quoting Thomas Carlyle, he asked in the naivest way who he might be and what he had done.” Watson was stunned. Holmes was a weirdo; no educated person in Victorian England could fail to know Carlyle’s work.

I recently thought about Carlyle – if briefly – after seeing Steven Spielberg’s film on Abraham Lincoln. *On Heroes and Hero-Worship*, one of Carlyle’s best-known books, offers the theme that the history of the world “is at bottom the History of the Great Men who have worked there.” Carlyle’s test for political greatness was simple, if not simplistic:

Find in any country the Ablest Man that exists there; raise *him* to the supreme place, and loyally reverence him: you have a perfect government for that country . . . . The Ablest Man; he means also the truest-hearted, justest, the Noblest Man: what he *tells us to do* must be precisely the wisest, fittest that we could anywhere or anyhow learn . . . .

Of course, finding the Ablest and Noblest person is not easy, which brings me back to “Lincoln.” The film portrays him as almost unbelievably wise, patient, tolerant, determined, manipulative, and principled. A sort of political rendering of the Boy Scout oath.

Which raised a question in my somewhat cynical mind. Lincoln was, by near universal acclaim, our greatest president. In poll after poll of scholars and politicians going back more than 50 years, he takes the top score.

So my perhaps slightly cynical question is this: how is it that, faced with secession and the Civil War – by far our nation’s most desperate crisis – we just happened to elect our greatest president? How is it that, in the moment of our country’s greatest need, we were able to find Carlyle’s Ablest and Noblest person?

No, as another great detective, Father Brown, said, it’s all too neat to be true. We needed our greatest president and, sure enough, we got him. But it’s one thing to say, with Carlyle, that we should *choose* the Ablest and Noblest person. How do we *recognize* that person?

It cannot be open to question that, looking back, the voters of 1860 who gave Lincoln his plurality chose wisely and well. But looking forward, what evidence was there that would – as we lawyers say – “tend to prove” Lincoln would become a great president?

Before I get to that, we might perhaps pause to consider what Lincoln’s greatness was if we want to know what signs he gave of it before 1860. After all, Lincoln’s immediate predecessors, James Buchanan, Franklin Pierce, and Millard Fillmore, at least managed to avoid both secession and civil war on their respective watches. Yet they are universally regarded as among our very worst presidents.

I don’t think it’s unfair to say that a real hero elected in 1860 would have figured out a way to resolve the nation’s differences without a war. You don’t need to be a pacifist to understand that over a million casualties, including 600,000 to 750,000 deaths (according to recent estimates), could never be considered a good thing. But if you considered war as inevitable, a great hero surely would

have persuaded Robert E. Lee to side with the Union instead of with his home state. Without doubt, that would have shortened the war and reduced its human cost. And if you considered Lee as unpersuadable, a great hero surely would have found generals willing to lead the North's vastly superior numbers and resources toward a swifter and far-less bloody victory. By most accounts, McClellan's reluctance to engage with and pursue Lee's army wasted real opportunities to end the war. Still, if you considered a long and deadly war unavoidable, a great hero surely would have issued a proclamation freeing all slaves as soon as the South abandoned the authority of the United States Constitution, which had protected slavery. By waiting almost two years, and by pitching the Emancipation Proclamation as a necessity of war, Lincoln showed he was able, but not necessarily that he was noble.

One could go on in that vein, but of course, as Carlyle himself warned of hero-worship, "Ideals must ever lie a very great way off; and we will thankfully content ourselves with any not intolerable approximation thereto!"

So what did the voters of 1860 know about Lincoln that might have given them hope that he was the man for the moment? I put aside as nearly irrelevant most of the external facts – the log-cabin birth, the rail splitting, the self-education, the successful legal career – because they don't tell us much in the context of a time when those features were not so uncommon. And I ignore the fact that, for a future war president, he had no real experience serving in the military. Neither did Woodrow Wilson or Franklin Roosevelt.

What is important, I think, lies in what Lincoln believed and in what he planned to do if elected. The best guide to that must be in his many speeches over the 25 years or so before he became President. Of course, we have by now developed a justified skepticism regarding political speeches. But in Lincoln's case they're almost the only evidence we have to go on, and as evidence goes it's remarkably consistent – which, as any lawyer knows, means it *tends* to be true.

So, based on his speeches dating back to the 1830s, if you were voting for Lincoln in the 1860 election, here is who you might think you were getting.

Lincoln hated slavery. I imagine that is no surprise to anyone here. His earliest public expression on the subject was a brief statement in 1837. The Illinois General Assembly had passed a resolution condemning abolitionists and affirming the constitutional right to own slaves. Lincoln voted against the resolution. But after the vote, he wanted to stake out the position – perhaps too subtle for us today – that both slavery and abolitionism were wrong. “The institution of slavery is founded on both injustice and bad policy,” he wrote, “but the promulgation of abolition doctrines tends rather to increase than abate its evils.” Lincoln firmly believed that the Constitution barred Congress from interfering with slavery where it already existed. For him, the key political question was then – and remained through 1860 – whether Congress had the power to prohibit the spread of slavery to new territories. He thought that it did and that it must.

Lincoln's political hero was Henry Clay, the senator from Kentucky who had engineered passage of the Missouri Compromise of 1820, in which Congress admitted Missouri as a slave state but barred slavery in the remaining part of the Louisiana Purchase north of a latitude line at 36-and-a-half degrees. Though North and South bitterly debated whether the federal government had the power to prohibit slavery anywhere, the Compromise calmed the waters by giving half a loaf to each side in the short term and – as the saying goes – kicking the can down the road.

Lincoln greatly admired that solution. In his view, Clay rightly opposed the abolitionists, who would, in Lincoln's words, "shiver into fragments the Union of those States; tear to tatters its now venerated constitution; and even burn the last copy of the Bible, rather than slavery should continue a single hour . . . ." But Clay also opposed what Lincoln called the "increasing number of men, who, for the sake of perpetuating slavery, are beginning to assail and to ridicule the white-man's charter of freedom – the declaration that 'all men are created free and equal.'"

The Missouri Compromise was repealed by the Kansas-Nebraska Act of 1854, brainchild of Lincoln's rival, Senator Stephen Douglas. Under Douglas' leadership, Congress erased the Missouri compromise line and left it up to the new states themselves to decide whether to permit or prohibit slavery – the so-called doctrine of "popular sovereignty."

Lincoln's key statement against the Kansas-Nebraska Act was his "Peoria speech" of 1854. There, he distinguished between maintaining "the existing

institution” of slavery and permitting “the extension of it.” He was willing to accept the former but not the latter. The Missouri Compromise, he believed, had successfully saved the Union by balancing the two interests.

Lincoln rejected Douglas’ “popular sovereignty,” and not just because he saw it as a pretext for extending slavery. Lincoln agreed that the doctrine of self-government is “absolutely and eternally right,” but he said there was no “popular sovereignty” if the white voters determined the slaves’ fate. As Lincoln put it: “When the white man governs himself that is self-government; but when he governs himself, and also governs *another* man, that is *more* than self-government – that is despotism.”

Stirring words. But, as I have already noted, Lincoln was no abolitionist, nor did he favor giving blacks the right to vote. Indeed, in his Peoria speech he immediately retreated from his grand sentiment by conceding, “Let it not be said I am contending for the establishment of political and social equality between the whites and the blacks. I have already said the contrary.” But if freed slaves couldn’t vote, they would still be governed by other men. Lincoln left that contradiction unresolved.

Lincoln also supported enforcement of fugitive slave laws, which required northerners to return escaped slaves to their southern masters. In one of the Peoria speech’s most revealing passages, Lincoln set out his basic political program:

Some men, mostly whigs, who condemn the repeal of the Missouri Compromise, nevertheless hesitate to go for its restoration, lest they be thrown into company with the abolitionist. Will they allow me as

an old whig to tell them good humoredly, that I think this is very silly? Stand with anybody that stands RIGHT. Stand with him while he is right and PART with him when he goes wrong. Stand WITH the abolitionist in restoring the Missouri Compromise; and stand AGAINST him when he attempts to repeal the fugitive slave law. In the latter case you stand with the Southern disunionist. What of that? You are still right. In both cases you are right. In both cases you oppose the dangerous extremes.

Of course, that was a bit of rhetorical deception. Abolitionists were not generally in favor of restoring the Missouri Compromise, which protected southern slavery. But for Lincoln, the Missouri Compromise was exactly the sort of half-a-loaf solution he liked to support.

I hear an objection. Wasn't Lincoln the man who said, in his 1858 "House Divided" speech, "I believe this government cannot endure, permanently half *slave* and half *free*"? To be sure. But from that statement, would his supporters have assumed his program was to eradicate slavery in the nation's half-slave section? I doubt that. Lincoln advocated no action to end slavery. Rather, he believed that, if left alone where it was, eventually, in the fullness of time, slavery would simply cease to exist. As far as I know, Lincoln never explained why he believed slavery would ultimately fade away. He did believe that the slave-holding framers of the Constitution, as well as the slave-holding Henry Clay, shared that view, and maybe for him that was proof enough.

So what Lincoln said in his "House Divided" speech was this: "I do not expect the Union to be *dissolved*— I do not expect the house to *fall*— but I do expect it will cease to be divided. It will become *all* one thing, or *all* the other."



The Kansas-Nebraska Act and the Supreme Court's *Dred Scott* decision suggested to him that the tendency was heading toward all slave. The proper way to prevent that, in Lincoln's view, was to halt the spread of slavery, not to abolish it. Go back to the Missouri Compromise, and one of these days the house will be all free.

As to abolitionism, Lincoln clearly reaffirmed his view while debating Douglas in 1858: "Now I have upon all occasions declared as strongly as Judge Douglas against the disposition to interfere with the existing institution of slavery."

Of course we never got the chance to see whether slavery would die out as Lincoln had hoped. But before we get to that, it is important to understand clearly whether the voters of 1860 would have thought that – other than opposing the spread of slavery and hoping that, confined to its 1820 boundaries, slavery would perform a gradual disappearing act – Lincoln had any larger social program. The answer seems to be he did not. To him, as to most anti-slavery Americans of his day, ending slavery and according political equality to blacks were very different things. Indeed, in his last debate with Douglas, Lincoln strongly denied Douglas' accusation that Lincoln believed blacks should be citizens or have the rights of citizens. Toward the end of the debate, Lincoln summed up the major agreements and differences between him and Douglas:

On the point of my wanting to make war between the free and the slave States, there has been no issue between us. So, too, when he assumes that I am in favor of introducing a perfect social and political equality between the white and black races. . . . There is no foundation in truth for the charge that I maintain either of those propositions.

Lincoln's speeches gave few hints of any other actual plan. Indeed, in his first inaugural address – where one might have expected him to lay out a program of some sort – he said again, clearly enough, “I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists. I believe I have no lawful right to do so, and I have no inclination to do so.”

Lincoln really believed that his positions should not worry southern leaders. In that, he badly misjudged them. Despite his stated disinclination to interfere with slavery where it already existed, the South just didn't believe him. On December 20, 1860, South Carolina became the first state to secede from the Union. In its formal Declaration of Causes of Secession, it protested that the northern states had

united in the election of a man to the high office of President of the United States whose opinions and purposes are hostile to slavery. He is to be intrusted with the administration of the common Government, because he has declared that “Government cannot endure permanently half slave, half free,” and that the public mind must rest in the belief that Slavery is in the course of ultimate extinction.

South Carolina saw in Lincoln's election the inevitable end of its existence as a slave state. His election catalyzed secession. The South saw in him the President he would become.

Lincoln did have a plan that didn't feature much in his speeches and that, in retrospect, seems almost grotesque. He thought the government could end slavery by buying up all the slaves and setting them free. Lincoln supported that plan for many years, even after the war was well under way. At one point, he calculated that the cost of buying up all the slaves at the reasonable price of \$400 each would

cost less than pursuing the war. But except for a small experiment in the District of Columbia, the idea was unanimously rejected by his Cabinet and gained no traction South or North. Lincoln dropped it.

There is one more facet of Lincoln's political personality that may have seemed plausible to him but that, looking back, is hard to understand. We know that Lincoln hated slavery. But he did not hate slave holders – without whom, of course, there could be no slavery. He often said that slave-holders would have preferred not to hold slaves. As he stated in his 1854 Peoria speech:

I think I have no prejudice against the Southern people. 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.

I wonder what support Lincoln had for the proposition that southern slave holders would not introduce slavery if it did not already exist. It seems his main authority was Henry Clay, who said:

I look upon [slavery] as a great evil, and deeply lament that we have derived it from the parental Government, and from our ancestors. But . . . [i]f a state of nature existed, and we were about to lay the foundations of society, *no man would be more strongly opposed than I should be, to incorporating the institution of slavery among its elements.*

In other words, the slave-holders were trapped by their ancestors and lacked the power to wriggle free of the golden handcuffs bequeathed to them, much as they wished they could. Lincoln believed that.

What the South would have done if slavery never existed is a thought experiment with no satisfactory resolution. Despite its rhetorical appeal to Lincoln

himself, most southern slave holders were not about to give up the slaves they had. But the belief that most southerners wished they didn't need slaves seems to have enabled Lincoln to avoid thinking of them in the same stark moral terms he reserved for the existence of slavery itself.

That strange view, if shared by any significant number of his countrymen, must have become much harder to hold once the war began and the slaughter mounted. It is hard not to hate the enemy who kills hundreds of thousands of your people to keep slavery safe. Yet that seems to have remained one of Lincoln's most remarkable ideas. His second inaugural address sounded an odd note of moral ambiguity. North and South, he said, "read the same Bible, and pray to the same God; each invokes His aid against the other. It may seem strange that any men should dare to ask a just God's assistance in wringing their bread from the sweat of other men's faces; but let us judge not that we be not judged."

Then, as he closed, Lincoln uttered the words all of us remember: "With malice toward none, with charity for all." What a remarkable idea! No malice toward generals who led a war leading to the slaughter of over 600,000? Charity toward politicians who tried to destroy the Union?

It seems far too much to ask of a people reeling from the carnage. It apparently *was* too much to ask, as events later showed. If Lincoln thought Americans on either side of the Mason-Dixon Line were brimming with forgiveness, once again he badly misjudged them.

In his book on hero-worship, Carlyle says it is a mistake to think that heroes have a grand plan to become great. Looking back, heroism can *seem* predestined, but looking forward, it's more about how you play the hand you're dealt.

The hand Lincoln was dealt differed enormously from anything any other American president has faced, before or since. He didn't get to finish playing his hand. But by the time he was assassinated, more than 600,000 were dead, the Union remained intact, and slavery was abolished. Would the voters of 1860 have seen that coming in this man? I think the best evidence is no.

Even "malice toward none," given enough time, has become a weird reality. In 1975, Congress restored full citizenship posthumously to Robert E. Lee, the enemy general responsible for so many American deaths. And in 1978, it did the same for Jefferson Davis, his boss, the man who headed a rebellious and – it must be said – treasonous government. So both are now great Americans.

If we look back from a distance far enough, we can see astonishing things.