

Progress or Return? The American Founders,
Abraham Lincoln, and the Bioethics of Slavery¹

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We hold these truths to be self-evident that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.

Declaration of Independence, 1776

Introduction

The CRIS Lecture Series has this year offered consideration of some of the present day's most significant ethical questions and crises. Tonight we pause to consider crisis that emerged in our nation's past, but one from which I think we can learn a great deal as we face the problems of our time. On the surface the particulars of our crises may sound different—they concern, some of them, matters of great scientific complexity—yet ultimately they grow out of the same larger human questions. The crisis we'll remember tonight concerns the approach of the Civil War during the 1850s, and concerned the great national debate over slavery, and how that institution's existence should be resolved—should the nation accept slavery everywhere, or nowhere? In his June 16, 1858 speech at Springfield, Lincoln would state,

If we could first know where we are, and whither we are tending, we could better judge what to do, and how to do it. We are now far into the fifth year since a policy was initiated with the avowed object, and confident promise, of putting an end to slavery agitation. Under the operation of that policy, that agitation has not only not ceased, but has constantly augmented. In my opinion, it will not cease, until a crisis shall have been reached and passed. "A house divided against itself cannot stand." I believe this government cannot endure permanently half slave and half free. 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. Either the opponents of slavery will arrest the further spread of it, and place it where the public mind shall rest in the belief that it is in the course of ultimate extinction; or its advocates will push it forward, till it shall become alike lawful in all the States, old as well as new—North as well as South.

¹ My title alludes to an essay entitled "Progress or Return?" by Leo Strauss, reprinted in Thomas Pangle, ed., *The Rebirth of Classical Political Rationalism: An Introduction to the Thought of Leo Strauss* (Chicago: University of Chicago Press, 1989).

The moral or philosophical question from which the crisis ultimately emerges concerns our founding document, the Declaration of Independence, and its core principle, that “self-evident” truth “that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.” Who exactly is included by the word “men”? Did Jefferson mean to include those people who were held as slaves in colonial and antebellum America? That question, in turn, raised others, namely, are there permanent truths and reference points to which we can look for our answers to the great moral questions, or are we destined to rely only on what feels right or appears expedient at the moment? Is there an immutable human nature, or do human beings—and by implication, their morals and politics—evolve over time?

Alumni of my American Government class may well recall our discussions of African slavery as it existed in the United States, from 1619 to 1865. I’ve frequently asked my students to imagine themselves living in the year 1850, and to explain to me how they might try to persuade their neighbor, a Christian slave-owner whose livelihood depends on slaves to care for field crops, that slavery is wrong? This is harder than it might sound. To argue that slavery *should be* against the law is no argument. Slavery was of course perfectly legal in the southern states, and indeed had been legal and accepted in all states at the time of the Revolution. Several southern delegates to the Constitutional Convention had spoken favorably about slavery at the Constitutional Convention in 1787, and they made compromise with slavery the price for their willingness to support the new constitution.² Thus positive law as well as legal and cultural tradition supported the existence of slavery in North America. Indeed, one might say that slavery was accepted as a cultural norm in almost all places in the world in 1850s. Slaves imported to Jamaica, Santo Domingo, and Brazil far outnumbered the relatively few slaves imported to the colonies that would comprise the United States since 1619. And, needless to say, slavery was well-known among those classically educated to have existed at all times in previous civilization, dating back to the earliest recorded history.³

Christian students, I’ve learned over the years, are quite likely to assume that surely somewhere, somehow, there must be an explicit Biblical condemnation of slavery. But 19th century abolitionists were unable to find a decisive passage that could persuade southern Christians, and strange though it seems today, a significant numbers of southern antebellum Christians and preachers had built biblical and even Christian arguments that they understood, apparently quite sincerely, to favor institutionalized slavery. Not only is slavery mentioned frequently in both Old and New Testaments, the Bible appears to encourage all of us, including slaves, to accept our position in life, and respect those in authority. Some even pointed to the potential for the slaves’ conversion to Christianity.

² “South Carolina and Georgia cannot do without slaves. . . . The importation of slaves would be for the interest of the whole Union. The more slaves, the more produce to employ the carrying trade; the more consumption, the more revenue for the common treasury.” Charles Cotesworth Pinckney, Constitutional Convention, 1787. Max Farrand, ed., *Records of the Constitutional Convention*, (New Haven: Yale University Press, 1966), II: 371.

³ Charles Pinckney, at the Constitutional Convention in 1787 noted that slavery existed in “Greece, Rome and the other ancient States” and is “justified by the example of all the world.” See Max Farrand, ed., *Records of the Constitutional Convention*, II: 371.

As early as 1701, for example, the wealthy farmer and Massachusetts judge John Saffin defended slavery in a publicly distributed tract in response to one published by his colleague, Judge Samuel Sewall. To Sewall's Biblical arguments, Saffin countered that many African slaves had been captured in intra-African wars, and that they were brought "out of their own Heathenish Country [to a place] where they may have the Knowledge of the True God, be Converted, and eternally saved."⁴ He concludes his pamphlet this way:

By all which it doth evidently appear both by Scripture and Reason, the practice of the People of God in all Ages, both before and after the giving of the Law, and in the times of the Gospel, that there were Bond men, Women and Children commonly kept by holy and good men, and improved in Service; and therefore by the Command of God, Lev. 24:44, and their venerable Example, we may keep Bond men, and use them in our Service still; yet with all candour, moderation and Christian prudence, according to their state and condition consonant to the Word of God.⁵

Biblical arguments in any case are less useful for us in American political debate and discourse because we have grounded our politics on certain principles, including no established church—that is to say, no formal connection between any one variety of religious faith and our government—expressed in constitutional measures including the "no religious test" clause, and the First Amendment protections.

We live today—and have for well over a century—in an age fascinated by technological progress. Many of our secular colleagues tend, overwhelmingly, I think, to assume that technological progress is mirrored by moral/political progress as well. In other words, just as science provides us with ever faster and more elaborate scientific tools (translated into ever better medicines, safer travel, quicker and clearer communication and entertainment gadgets—I-Pod, MP3, what will they think of next!), so also goes the assumption that we are improving morally as well, and that this improvement promises the steady betterment of the human condition. And, we can see with ease how these same ideas emerge from the commonly held perceptions about evolution of species, and you might keep in the back of your minds that Darwin's classic expression of the concept *On the Origin of Species* was published in Nov. 1859.

If you don't believe me, consider this: It's not unlikely that the most frequently heard phrase in Congress is some variation of, "We must move forward, not back." A proposed new law is always promoted as "a step forward for the nation," or at least, "a useful first step." Democratic strategists like Donna Brazile argue that after the Presidential loss of 2004 the Party needed to be "brought into the 21st century." A bad bill in Congress is decried as one that "holds the nation back," or, worst of all, "would turn back the clock." And no one wants to be "on the wrong side of history." Or consider the names of popular websites like "Moveon.org," the think-tanks like the Center for American Progress, or magazines like the *Progressive*. If there were a theme lyric for modernity, I expect it

⁴ John Saffin, *A Brief and Candid Answer to a late Printed Sheet, Entitled [sic], "the Selling of Joseph."* (1701), as reprinted in John C. Chalberg, ed., *Opposing Viewpoints in American History* (San Diego: Greenhaven Press, 1996), I: 69-72.

⁵ *Ibid.*, 72.

would be a song from the Beatles: “I’ve got to admit it’s getting better, a little better all the time . . .”

This pervasive assumption about moral/political progress dates back to—surprise!—the Progressive Era, the period in our history that we might date between 1880 and 1920, which in turn stems from philosophical changes in Europe a century earlier, those of the German philosopher Hegel (1770-1831) in particular. Woodrow Wilson, the only President who was also a modern academic, gave eloquent expression to this idea in his 1918 essay, “What is Progress?”

Progress! Did you ever reflect that that word is almost a new one? No word comes more often or more naturally to the lips of modern man, as if the thing it stands for were almost synonymous with life itself, and yet men through many thousand years never talked or thought of progress. They thought in the other direction. Their stories of heroism and glory were tales of the past. The ancestor wore the heavier armor and carried the larger spear. ‘There were giants in those days.’ Now all that has altered. We think of the future, not the past, as the more glorious time in comparison with which the present is nothing.⁶

During the Progressive era in America, there emerged whole new schools of thought in education theory, politics, and law, reflected within the academy by the re-invention of the great human questions as the “social sciences.”⁷ Indeed, much of the secular academic world owes its character and patterns of operation to this sense of moral/political progress, reflecting it in all manner of ways.⁸

Because so many modern Americans tend to assume the existence of this moral/political progress, it’s rather difficult for us to comprehend the need to argue against slavery. Slavery, according to the progressive view, would have gone away on its own given enough time. And it’s due to this emphasis on progress that the Declaration’s famous phrase, “the Laws of Nature and Nature’s God” is so jarring to so many people today, for “laws of nature” and God are decidedly permanent things. And it is the reason that the Declaration is typically taught in American political science classes as a dead document, that did nothing more than effect the separation of the colonies of Britain.

So on what ground *is* institutionalized slavery wrong, and how did Lincoln persuade the nation of the wrongness of slavery?

The Slavery Debate to 1850

⁶ Woodrow Wilson, “What is Progress?” in *The New Freedom* (New York: Doubleday, Page & Company, 1918), 42.

⁷ See Dennis J. Mahoney, *Politics and Progress: The Emergence of American Political Science* (Lanham, MD: Lexington Books, 2004).

⁸ ACLU founder Roger Baldwin’s first wife, Madeline, explained their separation after only three years of marriage by noting “I no longer thought the world was evolving and gradually growing better; that material advancement was improving mankind.” As quoted in Robert C. Cottrell, *Roger Nash Baldwin and the American Civil Liberties Union* (New York: Columbia University Press, 2000), 114.

It was an advance in technology—Eli Whitney’s 1793 invention of the cotton gin, accomplished while the young Yale graduate was commencing his study of the law while visiting family in Georgia—that would make cotton the huge cash crop it became. Cotton was, however, like rice, tobacco and indigo, a crop requiring a tremendous investment in slave labor to bring to market. But just as the demand for slaves was increasing, the importation of new slaves from Africa to the United States was halted by act of Congress in 1807, though illegal importation of slaves did continue in the South for some years.⁹

If institutionalized slavery was affected by this and related changes in technology, it was affected as well by political and territorial issues. Indeed, the struggle over slavery became most animated where its expansion westward was concerned. The Northwest Ordinance in 1787 had included a provision prohibiting slavery in all of the Northwest Territory while compromising by guaranteeing the return of escaped slaves.¹⁰ The Louisiana Purchase of 1803 raised again the question of slavery in newly admitted states. The 1820 Missouri Compromise settled that question, providing that Missouri might enter the Union as a slave state if slavery were prohibited north of 36-30 north latitude. New territory added after the Mexican War in 1848—which included California, Utah, Nevada, and large parts of Colorado, Arizona and New Mexico—brought the question of slavery’s expansion up yet again, with the North hoping to forbid slavery in the potential new states, the south ever more aware that without maintaining equal numbers of slave and free states in the U.S. Senate, the days of the “peculiar institution” were limited.

The Compromise of 1850 was the legal measure that resolved the question of these territories, and was summed up by Lincoln thus:

The south got their new fugitive slave law; and the North got California, (the far best part of our acquisition from Mexico,) as a free State. The south got a provision that New Mexico and Utah, *when admitted as States*, may come in *with* or *without* slavery as they may then choose; and the north got the slave trade abolished in the District of Columbia. The north got the Western boundary of Texas, thence further back eastward than the south desired; but, in turn, they gave Texas ten millions of dollars, with which to pay her old debts. This is the Compromise of 1850.¹¹

There things stood for three years, but in 1853 Nebraskans applied to the Union for organization as a territory in preparation for their eventual admission as a state. It was Senator Stephen A. Douglas representing his state of Illinois who introduced legislation in 1854, the Kansas-Nebraska Act, to give the two future states territorial status, and

⁹ The slave trade was made illegal by Great Britain the same year, and Parliament made slavery itself illegal within the British Empire in 1833.

¹⁰ “There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes whereof the party shall have been duly convicted: Provided, always, That any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid.” Northwest Ordinance, 1787, Article 6.

¹¹ Abraham Lincoln, Speech at Peoria, Illinois, Oct. 16, 1854, in Roy P. Basler, ed., *The Collected Works of Abraham Lincoln* (New Brunswick, New Jersey: Rutgers Univ. Press, 1953), II: 253-4.

adding an amendment repealing the 1820 Missouri Compromise, allowing those states' inhabitants to decide by referendum whether their states would be free or slave.

Now let us turn to the two extreme positions in the debate, the Southern proponents of slavery and their anti-slavery counterparts. The defenders of slavery during the first half of the nineteenth century became increasingly vocal in their defense of the institution. Not only did they continue to revise and restate the arguments made by John Saffin referenced above. Increasingly, their defense of slavery went on the offense, so to speak, arguing that slavery was a "positive good" not only for the masters but for the slaves themselves. Senator John C. Calhoun gave this sentiment its name and classic expression in his remarks to the U.S. Senate on Feb 6, 1837:

I hold that in the present state of civilization, where two races of different origin, and distinguished by color, and other physical differences, as well as intellectual, are brought together, the relation now existing in the slaveholding States between the two, is, instead of an evil, a good—a positive good. . . . I hold then, that there never has yet existed a wealthy and civilized society in which one portion of the community did not, in point of fact, live on the labor of the other.¹²

Calhoun would, eleven years later, expound further on the nature of the southern regime that was taking shape in his 1848 *Disquisition on Government*. The Union, as laid down by Thomas Jefferson in the Declaration of Independence, he argued, was built upon certain errors which "have their origin in the prevalent opinion that all men are born free and equal;—than which nothing can be more unfounded and false, [resting] upon the assumption of a fact, which is contrary to universal observation . . ." In other words, not on religious grounds as Saffin had argued but on scientific grounds—note his reference to "universal observation"—the equality of rights in the Declaration is a fallacy, and that slavery is beneficial for Africans.

Calhoun's "positive good" defense of slavery had its polar opposite in the abolitionist movement. We can only begin here by noting that opposition to slavery had grown dramatically from humble beginnings during the colonial era when the anti-slavery cause was limited to Quakers and some few others.¹³ The early 19th century had become a period of intense social reform, and the anti-slavery organizations worked alongside hundreds of local and national groups devoted to temperance, work for the blind, rights for women, prison reform, the death penalty, and child welfare.¹⁴ The anti-slavery cause in the U.S. enjoyed the leadership of Theodore D. Weld until his retirement in 1844.

¹² John C. Calhoun, Speech of Feb. 6, 1837. Another well-known defense of slavery was that produced by the Congregationalist minister Nehemiah Adams in his 1854 book, *A South-Side View of Slavery* (Boston: Marvin & Mussey, 1854). See Paul Finkelman, ed., *Defending Slavery: Proslavery Thought in the Old South: A Brief History with Documents* (New York: Bedford/St. Martin's Press, 2003).

¹³ Space does not permit here discussion of the many significant statements and efforts against slavery at the time of the Founding by signers of the Declaration of Independence and Constitution, and their generation. These are discussed at length in Thomas G. West, *Vindicating the Founders: Race, Sex, Class, and Justice in the Origins of America* (Lanham, Maryland: Rowman & Littlefield Publishers, Inc. 1997), 1-36.

¹⁴ Louis Filler, *The Crusade Against Slavery, 1830-1860* (New York: Harper Torchbooks, 1960), 37.

Emerging during the same time was William Lloyd Garrison, who founded his anti-slavery newspaper *The Liberator* in 1831, and two years later the American Anti-Slavery Society. The abolitionist cause had for some time been a risky one to embrace, and not only in the South: Garrison had been beaten and dragged through Boston by an Anti-Abolition mob in 1835. And the movement was characterized by several difficult schisms and disagreements among its members. But by 1850 the movement's disparate and often disorganized parts had nonetheless grown into a national and international cause.

An outgrowth of the Abolitionists were a few radicals, exemplified chiefly by John Brown, working from the understanding that slavery was so great an injustice as to justify the murder of slave-owners and their families—a concept not far removed from the extreme methods some (anti-abortionist Paul Hill and Michael Griffin, for example) have employed against abortion clinics and their personnel in our time.¹⁵ Brown's intense hatred of slavery was informed by his understanding that he had been divinely commissioned to lead the violent overthrow of institutionalized slavery. That he attempted to do, first in Kansas in 1856, by murdering five pro-slavery settlers in reprisal for the murder of five anti-slavery settlers, and then three years later in the October 1859 raid to take arms from the federal arsenal at Harper's Ferry, Virginia.

Lincoln's Return to Politics in the 1850s

To this point we have considered the important events through the Kansas-Nebraska Act of 1854, and the two extremes—the positive good and abolitionist causes. We turn now to consider the eye of the hurricane which was anything but calm. For it was here that Lincoln and his opponents, Senator Douglas in particular, gave the question respecting slavery and its connection to the principles of the Declaration their most clear illumination.

Biographers have written hundreds of pages analyzing Lincoln's early years in search of the sources of his thinking about slavery, and his actions that might give us clues as to its development. Benjamin Quarles, author of *Lincoln and the Negro*, writes that,

Lincoln's hatred of slavery was no sudden conversion, the consequence of a single experience or event. It was, rather, a slow growth, as difficult to pinpoint as the merging of one season into another. Although he did not denounce slavery in forthright language until the mid-fifties, his dislike for it may well have been fermenting in his mind for ten or fifteen years.¹⁶

Though his own parents owned no slaves at their first home, their neighbors in Hardin County, Kentucky did, on average two per household. During his youth in Indiana and Illinois—free states but bordering slave states or territories—and several flatboat trips to the South and especially New Orleans, he had ample opportunity to see slavery and slave

¹⁵ Abolitionist leader Wendell Phillips wrote that Brown understood himself to have “letters of marque from God.” See “John Brown” in *Encyclopedia Britannica* (11th ed., 1910), IV:661.

¹⁶ Benjamin Quarles, *Lincoln and the Negro* (New York: Oxford University Press, 1962), 31.

auctions up close.¹⁷ And his attitude about it becomes apparent in that during his four terms of service in the Illinois legislature between 1834 and 1842, he twice opposed significant measures advancing slavery. In one of these, Lincoln was one of only six state legislators to vote against a measure supporting the existence of slavery, with 83 of his elected colleagues favoring the resolution, so he was no shrinking violet when it came to the issue. But at the same time, he also saw danger in the growing abolition movement, which he did not support when its followers advocated breaking existing law. Lincoln always preferred to bring about change through legal means rather than its violent overthrow, something tantamount to revolution.

By 1854, Lincoln was already a man who had made a name for himself in Illinois state politics, having served four two-year terms a state representative and briefly, from 1849-1851, as a member of the U.S. House of Representatives. But now he had returned to his law practice in Illinois, and, as one biographer has put it, “Politics received from him only the attention which any public spirited citizen without personal ambition should give.”¹⁸

Those who favored neither side, or simply saw this as an issue for local politicians to sort out, had the Democrat Stephen A. Douglas, the “Little Giant.” Lincoln’s worthy opponent in the debates for the U.S. Senate seat from Illinois in the campaign of 1858 is typically described as the proponent of “popular sovereignty,” that is, allowing each state to determine by state referendum whether slavery would be legal within its boundaries or not. Judge Douglas had become well-known for this position since his backing of the Kansas-Nebraska Act. This position might well appear to us an amoral position on one of the gravest of issues. Yet, argues Lincoln scholar Harry V. Jaffa, we ought not sell Douglas short. Jaffa argues that “If one expression were needed for Douglas’s policy, it would not be “popular sovereignty” but “expansion.”¹⁹ In other words, Douglas likely saw in national expansion the best solution to the slavery problem—that national growth would lead in time to the disappearance of this deeply divisive issue. As he wrote in a private letter to the son of an old friend,

I am not pro-slavery. I think it is a curse beyond computation to both white and black. But we exist as a nation by virtue only of the Constitution, and under that there is no way to abolish it. I believe that the only power that can destroy slavery is the sword, and if the sword is once drawn, no one can see the end.²⁰

So in the interest of avoiding civil war, Douglas thought it better to allow the nation to expand itself out of slavery.

¹⁷ The often repeated tale about youthful Lincoln’s 1828 flatboat trip and time in New Orleans, when he’s alleged to have said about slavery that if he got the chance, he’d “hit it and hit it hard,” is probably apocryphal. Benjamin Quarles, *Lincoln and the Negro* (New York: Oxford University Press, 1962), 18.

¹⁸ Ida M. Tarbell, *The Life of Abraham Lincoln* (New York: Lincoln Memorial Association, 1900), I: 279.

¹⁹ Harry V. Jaffa, *Crisis of the House Divided: An Interpretation of the Lincoln-Douglas Debates* (Chicago: University of Chicago Press, 1982), 48.

²⁰ Douglas as cited in Jaffa, 47.

Lincoln's "intense study" of slavery begins with the 1854 Kansas Nebraska Act referenced above, which had the effect of repealing the 1820 Missouri Compromise. It was the single event that brought him charging back into politics, and where we see the first clear indications about the basis for his opposition to slavery. And Douglas's speeches in Illinois in 1854 to gather public support for the law afforded Lincoln an opportunity to make public his return to political life. In his Peoria speech of Oct. 16, 1854, his thinking about slavery and why it is problematic becomes clear:

Equal justice to the south, it is said, requires us to consent to the extending of slavery to new countries. That is to say, inasmuch as you do not object to my taking my hog to Nebraska, therefore I must not object to you taking your slave. Now, I admit this is perfectly logical, if there is no difference between hogs and negroes. But while you thus require me to deny the humanity of the negro, I wish to ask whether you of the south yourselves, have ever been willing to do as much? It is kindly provided that of all those who come into the world, only a small percentage are natural tyrants. That percentage is no larger in the slave States than in the free. The great majority, south as well as north, have human sympathies, of which they can no more divest themselves than they can of their sensibility to physical pain. These sympathies in the bosoms of the southern people, manifest in many ways, their sense of the wrong of slavery, and their consciousness that, after all, there is humanity in the negro. If they deny this, let me address them a few plain questions. In 1820 you joined the north, almost unanimously, in declaring the African slave trade piracy, and in annexing to it the punishment of death. Why did you do this? If you did not feel that it was wrong, why did you join in providing that men should be hung for it? The practice was no more than bringing wild negroes from Africa, to sell to such as would buy them. But you never thought of hanging men for catching and selling wild horses, wild buffaloes or wild bears.²¹

Here Lincoln put his finger on the essence of the great national debate in a way that no one else had. Slavery in the United States amounted simply to some human beings treating other human beings like animals, in fundamental denial of human equality. He recognized what few other political figures at the time, and few of the abolitionists as well, had recognized: namely that the great wrong in slavery was its denials of the slaves' equal human rights. The importance of this point lies in its political significance to other Americans. If the rights to life, liberty and the pursuit of happiness were made unsafe for some, they could be made unsafe for others.

Lincoln's reference here to the "humanity of the negro" and "natural tyrants" reminds us all too well of Thomas Jefferson's letter to Roger Weightman, signed at Monticello ten days before his death on July 4, 1826. About the Declaration, and in particular its central thesis of human equality, Jefferson wrote,

May it be to the world, what I believe it will be (to some parts sooner, to others later, but finally to all), the signal of arousing men to burst the chains

²¹ Lincoln, Speech at Peoria, Oct. 16, 1854, reprinted in Basler, II: 264.

under which monkish ignorance and superstition had persuaded them to bind themselves, and to assume the blessings and security of self-government. That form which we have substituted, restores the free right to the unbounded exercise of reason and freedom of opinion. All eyes are opened, or opening, to the rights of man. The general spread of the light of science has already laid open to every view the palpable truth, that the mass of mankind has not been born with saddles on their backs, nor a favored few booted and spurred, ready to ride them legitimately, by the grace of God. These are grounds of hope for others. For ourselves, let the annual return of this day forever refresh our recollections of these rights, and an undiminished devotion to them.²²

In other words, for Jefferson, science was gradually revealing to all the world the obvious truth that we human beings are created equal to each other, no one of us by nature born with features that make us the clear and obvious natural rulers of others. The human being is born, however, with a brain that suits him to effectively enslave and ride the horse. We do not—most of us—regard horseback riding as a great crime against the horse, and this is because we know that our human action can use the horse’s energy to achieve ends higher than the horse herself, beautiful though she may be.

* * * * *

By 1855, when questioned by his old friend Joshua Speed about his politics respecting slavery and the “Know-Nothings”—an anti-immigrant party—Lincoln had a concise and ready answer, and it related back to nothing other than the American founding principle of equality of rights.

I now do no more than oppose the extension of slavery. I am not a Know-Nothing, that is certain. How could I be? How can anyone who abhors the oppression of negroes be in favour 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 [the Declaration] “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.²³

Lincoln and the 1857 Dred Scott Decision

If passage of the Kansas-Nebraska Act discouraged those opposed to the spread of slavery, still worse was the 1857 Supreme Court decision in *Dred Scott v. Sandford*, with the Court’s determination that a black man cannot sue in court because he cannot be a

²² Thomas Jefferson, Letter to Roger Weightman, June 24, 1826, as reprinted in Merrill D. Peterson, *The Portable Thomas Jefferson* (New York: Modern Library, 1966), 584-85.

²³ Abraham Lincoln, Letter to Joshua F. Speed, August 24, 1855, reprinted in Basler, II: 323.

citizen, that indeed he has no rights. Wrote Justice Roger Taney, “It is true that every person, and every class and description of persons, who were at the time of the adoption of the Constitution recognized as citizens in the several States, became also citizens of this new political body; but none other; it was formed by them, and for them and their posterity, but for no one else.” In its additional finding the Court held that the Congress had lacked the power to forbid slavery from the territories, and that the 1820 Missouri Compromise had been unconstitutional all along. The Court had effectively forced acceptance of slavery by the North.

In his speech at Springfield on June 26, 1857, Lincoln spoke out passionately against the decision and the popular sovereignty position espoused by Judge Douglas. He begins by explaining exactly what Jefferson had in mind in writing “all men are created equal,” moving on to take apart Douglas’s reading of the document. It was important to do both; Lincoln knew that everything depended on how we define and think about those few words, “all men are created equal.” Lincoln is worth quoting here at length:

I think the authors of that notable instrument intended to include *all* men, but they did not intend to declare all men equal *in all respects*. They did not mean to say all were equal in color, size, intellect, moral developments, or social capacity. They defined with tolerable distinctness, in what respects they did consider all men created equal—equal in “certain inalienable rights, among which are life, liberty, and the pursuit of happiness.” This they said, and this they meant. They did not mean to assert the obvious untruth, that all were then actually enjoying that equality, nor yet, that they were about to confer it immediately upon them. In fact they had no power to confer such a boon. They meant simply to declare the *right*, so that the *enforcement* of it might follow as fast as circumstances should permit. 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. 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, not for that, but for future use. Its authors meant it to be, thank God, it is now proving itself, a stumbling block to those who in after times might seek to turn a free people back into the hateful paths of despotism. They knew the proneness of prosperity to breed tyrants, and they meant when such should reappear in this fair land and commence their vocation they should find left for them at least one hard nut to crack.

I have now briefly expressed my view of the *meaning* and objects of that part of the Declaration of Independence which declares that “all men are created equal.”

Now let us hear Douglas’ view of the same subject, as I find it in the printed report in his late speech. Here it is:

“No man can vindicate the character, motives and conduct of the signers of the Declaration of Independence, except upon the hypothesis that they

referred to the white race alone, and not to the African, when they declared all men to have been created equal—that they were speaking of British subjects on this continent being equal to British subjects born and residing in Great Britain—that they were entitled to the same inalienable rights, and among them were enumerated life, liberty, and the pursuit of happiness. The Declaration was adopted for the purpose of justifying the colonists in the eyes of the civilized world in withdrawing their allegiance from the British crown, and dissolving their connection with the mother country.”

My good friends, read that carefully over some leisure hour, and ponder well upon it—see what a mere wreck—mangled ruin—it makes of our once glorious Declaration

I had thought the Declaration promised something better than the condition of British subjects; but no, it only meant that we should be *equal* to them in their own oppressed and unequal condition. According to that, it gave no promise that having kicked off the King and Lords of Great Britain, we should not at once be saddled with a King and Lords of our own.

I had thought the Declaration contemplated the progressive improvement in the condition of all men everywhere, but no, it merely “was adopted for the purpose of justifying the colonists in the eyes of the civilized world in withdrawing their allegiance from the British crown, and dissolving their connection with the mother country.” Why, that object having been effected some eighty years ago, the Declaration is of no practical use now—mere rubbish—old waddling left to rot on the battlefield after the victory is won.

I understand you are preparing to celebrate the “Fourth” tomorrow week. What for? The doings of that day had no reference to the present; and quite half of you are not even descendants of those who were referred to at that day. But I suppose you will celebrate; and will even go so far as to read the Declaration. Suppose after you read it once in the old-fashioned way, you read it once more with Judge Douglas’ version. It will then run thus: “We hold these truths to be self-evident, that all British subjects who were on this continent eighty-one years ago, were created equal to all British subjects born and then residing in Great Britain.”

And now I appeal to all . . . are you really willing that the Declaration shall be thus frittered away?—thus left no more at most, than an interesting memorial of the dead past? Thus shorn of its vitality, and practical value; and left without the *germ* or even the *suggestion* of the individual rights of man in it?²⁴

Note that for Lincoln there is indeed progress, but it is of a specific and limited nature. Real progress means simply moving from a condition of unequal rights before law to equal rights before law. The Court’s Dred Scott decision and Judge Douglas, he charges,

²⁴ Lincoln, Speech at Springfield, Illinois, June 26, 1857, as reprinted in Basler, II: 405-407.

are taking us away from that progress that was achieved in the Declaration. Their ruination of the Declaration can lead in only one direction: inequality before the law, and a grave danger to liberty for anyone, not just blacks. We might say that for Lincoln there is a single moment of progress that happens when one moves from political inequality to equality, but that that progress is not inevitable, or guaranteed, nor is it dictated by history. It can easily be lost, if those who enjoy it lose sight and begin to deny it to others.

Lincoln had ample opportunity during 1858 to explore these questions, and his disagreement with Judge Douglas about the meaning of the Declaration in his series of seven debates around Illinois in their contest of 1858 to the U.S. Senate. In that election, Douglas would emerge victorious. Lincoln however, had been brought to national attention and would run for President in 1860. In his one real campaign speech that year, at the Cooper Union for the Advancement of Science and Art in Manhattan, Lincoln would carefully explain the constitutional argument in the same fashion that he argued for the political principles of the Declaration. The South accused him and the Republican Party of bringing radical new ideas into the conversation about slavery, and that they, the Southern cause, were remaining true to the Founding. Lincoln would have none of that:

“ . . . you say you are conservative—eminently conservative—while we are revolutionary, destructive, or something of the sort. What is conservatism? Is it not adherence to the old and tried, against a 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. . . . Again, you say we have made the slavery question more prominent than it formerly was. We deny it. We admit that it is more prominent, but we deny that we made it so. It was not we, but you, who discarded the old policy of the fathers. . . . If you would have the peace of the old times, readopt the precepts and policy of the old times.”²⁵

Lincoln’s election to the White House in 1860 led to our great national crisis, the Civil War. In the South, the Confederacy’s Vice President, Alexander Stephens, gave most eloquent voice to the South’s position, and its rejection of the idea of human equality from which emerge our rights as citizens. It is the South, and not Lincoln and the Republicans, who have properly understood human nature, and built a government on that understanding. In the Confederacy, at long last in human history, there is a regime that allows the slavery of natural un-equals. The original founding of the United States by Jefferson was “fundamentally wrong. They rested upon the assumption of the equality of races. This was an error. It was a sandy foundation, and the idea of a Government built upon it—when the “storm came and wind blew, it fell.”

Our new Government is founded upon exactly the opposite ideas; its foundations are laid, its cornerstone rests, upon the great truth that the negro is not equal to the white man; that slavery, subordination to the superior race, is his natural and moral condition. This, our newer

²⁵ Basler, III: 537.

Government, is the first, in the history of the world, based upon this great physical, philosophical, and moral truth. This truth has been slow in the process of its development, like all other truths in the various departments of science. It is so even amongst us. Many who hear me, perhaps, can recollect well that this truth was not generally admitted, even within their day. The errors of the past generation still clung to many as late as twenty years ago. Those at the North who still cling to these errors with a zeal above knowledge, we justly denominate fanatics.²⁶

The Progressive Replacement of the Declaration

As we noted above, forty years after Lincoln's assassination in 1865, progressivism would be in full swing in the United States, bringing radical change to all aspects of American society, intellectual and political life. It was reflected as well in the thinking of progressive politicians of both Democratic and Republican parties, and new battle-lines were now drawn about the principles that Lincoln and Douglas had fought over years previously. Emerging from the progressive rejection of "laws of nature and nature's God" was a rejection of the old idea of government, built along Newtonian lines. Wilson finds this idea incorrect:

. . . 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. It is modified by its environment, necessitated by its tasks, shaped to its functions by the sheer pressure of life. It is modified by its environment, necessitated by its tasks, shaped to its functions by the sheer pressure of life. No living thing can have its organs offset against each other, as checks, and live. On the contrary, its life is dependent upon their quick cooperation, their ready response to the commands of instinct or intelligence, their amicable community of purpose. Government is not a body of blind forces; it is a body of men, with highly differentiated functions, no doubt, in our modern day, of specialization, with a common task and purpose. Their cooperation is indispensable, their warfare fatal. There can be no successful government without the intimate, instinctive coordination of the organs of life and action. This is not theory, but fact, and displays its force as fact, whatever theories may be thrown across its track. Living political constitutions must be Darwinian in structure and practice. Society is a living organism and must obey the laws of life, not of mechanics; it must develop.

All that progressives ask or desire is permission — in an era when 'development,' 'evolution,' is the scientific word — to interpret the Constitution according to the Darwinian principle; all they ask is recognition of the fact that a nation is a living thing and not a machine. . . . Some citizens of this country have never got beyond the Declaration of Independence, signed in Philadelphia, July 4th, 1776. . . . The Declaration of Independence did not mention the questions of our day. It is of no consequence to us unless

²⁶ Excerpt from Confederate Vice-President Alexander Stephens' Cornerstone Speech, March 21, 1861 as printed in the *Savannah Republican* March 22, 1861.

we can translate its general terms into examples of the present day and substitute them in some vital way for the examples it itself gives, so concrete, so intimately involved in the circumstances of the day in which it was written. It is an eminently practical document, meant for the use of practical men.; not a thesis for philosophers, but a whip for tyrants; not a theory of government, but a program of action.²⁷

An answer to the challenge of progressivism was made forcefully by one of the least appreciated of American Presidents, Calvin Coolidge. Speaking at Independence Hall on the 150th anniversary of the Declaration, July 4, 1926, Coolidge About the principles of the founding as expressed in the Declaration, he wrote,

there is a finality that is exceedingly restful. It is often asserted that the world has made a great deal of progress since 1776, that we have had new thoughts and new experiences which have given us a great advance over the people of that day, and that we may therefore very well discard their conclusions for something more modern. But that reasoning can not be applied to the great charter. If all men are created equal, that is final. If they are endowed with inalienable rights, that is final. If governments derive their just powers from the consent of the governed, that is final. No advance, no progress can be made beyond these propositions. If anyone wishes to deny their truth or their soundness, the only direction in which he can proceed historically is not forward, but backward toward the time when there was no equality, no rights of the individual, no rule of the people. Those who wish to proceed in that direction can not lay claim to progress. They are reactionary. Their ideas are not more modern, but more ancient, than those of the Revolutionary fathers. . .

²⁸

Conclusion

It is hardly surprising that the Progressive Republican President Theodore Roosevelt would re-interpret Abraham Lincoln as something other than the conservative that Lincoln considered himself to be. Writing in 1917, Roosevelt's assessment of his White House predecessor was that,

Lincoln was a great radical. He was of course a wise and cautious radical—otherwise he could have done nothing for the forward movement. But he was the efficient leader of this forward movement. To-day many well-meaning men who have permitted themselves to fossilize, to become mere ultraconservative reactionaries, to reject and oppose all progress, but who still pay a conventional and perfunctory homage to Lincoln's memory, will do

²⁷ Woodrow Wilson, *The New Freedom* (New York: Doubleday and Company, 1913), 46-49.

²⁸ Calvin Coolidge, "The Inspiration of the Declaration" Speech at Philadelphia, July 5, 1926. *Foundations of the Republic* (New York: Scribner's, 1926), 450-51.

well to remember exactly what it was for which this great conservative leader of radicalism actually stood.²⁹

But if Lincoln may be called a radical, it is only in the sense that he was willing to take the dramatic step in defense of those permanent ideas set in the Declaration. To defeat slavery, Lincoln looked not forward but backward to something permanent, the Declaration's principle of equality before law. He understood quite well that scientific as well as moral/political progress might lead in any direction whatsoever, including support for slavery. And it should not surprise us at all that many of the most monstrous evils of the 20th century, Nazism and Communism in particular, often had fervent support from those arguing that progress and science demanded we move in those directions.

Earlier I noted that there is, to my knowledge, no explicit Biblical rejection of slavery. Literally speaking, that may be so. On the other hand, there is the Golden Rule. And it has been said that the principle of equal rights before law as expressed in the Declaration of Independence is not much more than the political application of that idea. Lincoln, for his part, provided us with a simple reminder of that when he remarked, "although volume upon volume is written to prove slavery is a very good thing, we never hear of the man who wishes to take the good of it, by being a slave himself." In thinking through the moral and bioethical dilemmas of our time, we might do enough to keep this simple idea in mind.

²⁹ Theodore Roosevelt, *The Foes of Our Own Household* (New York: George H. Doran Company, 1917), as reprinted in Hermann Hagedorn, ed., *The Americanism of Theodore Roosevelt: Selections from his Writings and Speeches* (Boston: Houghton Mifflin Company, 1923), 148.