Review

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The editors of this extraordinary four-volume set have chosen roughly 50 cases from the legal career of Abraham Lincoln and presented them in chronological order, with the goal of offering “a broad overview of Abraham Lincoln’s law practice in both its complexity and its variety.” The editorial decision to choose a relatively small sample from the several thousand cases available to them allows for an in-depth consideration of these cases, and the volumes include lengthy and helpful annotations and commentary. The editors have “searched 88 of Illinois’s 102 county courthouses” and more than 60 different archives. Given the ongoing, passionate interest in all aspects of Lincoln’s life, and the fact that the bulk of his life was spent as a practicing lawyer in Illinois, these volumes are diligent, thoughtful, and informative. The *Papers* is without a doubt a major scholarly accomplishment and is certain to become an authoritative, even indispensable, source for those writing about Lincoln. Yet the volumes do raise a series of questions, some particular to the field of Lincoln studies and others about the ultimate purpose of edited collections.

The first question is, Who are the different audiences for these books, and can or should they all be satisfied? In the first place, it must be said that these volumes do fill a gap. Roy Basler in his *Collected Works of Abraham Lincoln* did not include Lincoln’s legal cases. In 2000 the Lincoln Legal Papers published *The Law Practice of Abraham Lincoln: Complete Documentary Edition* in a three-DVD set—now available on the Internet at www.papersofabrahamlincoln.org as *The Law Practice of Abraham Lincoln*, 2nd edition. This resource makes available nearly 100,000 documents from more than 5,000 cases spanning all of Lincoln’s career. But given the expert and careful work of the editors, these four hardbound volumes are now likely the best place to consult a discrete yet representative set of primary sources in order to learn deeply and broadly about Lincoln’s career as a lawyer.
Two sets of readers will benefit enormously from these volumes—professional historians writing on Lincoln and all those simply fascinated by all things Lincoln. In the first volume there is a terrifically informative historical introduction—a thoughtful and original collection of annotated sources entitled “Lincoln on Being a Lawyer.” In the fourth volume there are equally valuable essays on “Court Structure in Antebellum Illinois” and on “Pleading and Practice,” as well as a full biographical dictionary and a lucid and accessible legal glossary that will be particularly useful for non-lawyers. Throughout the volumes there are wonderful maps, and each case comes with extensive footnoting and extremely helpful introductory material. The important findings and analysis of books by scholars who have studied Lincoln’s legal career, including Mark Steiner, David Donald, Brian Dirck, and Daniel Stowell, will surely be updated and revised based on the new content revealed here. This is reason enough to publish these volumes, and one hope that libraries will buy them. But must the utility of these important new volumes largely end there?

Professional historians and dedicated amateur Lincoln scholars are, however, relatively small constituencies. Reading through the four volumes it is clear that much of this data speaks not only to Lincoln but to broader issues of legal and social history. In particular, the cases provide windows into our understanding of the legal profession, legal education, ethics, and the place of law and lawyers within communities. These close analyses of particular cases, most of which we know about in detail only because Lincoln was a lawyer attached to the case, are so rich and detailed that they almost amount to a kind of legal anthropology based in what Clifford Geertz famously called “thick description” of the meaning of ritual and custom in a particular time and place. In this light, the editors have provided a valuable new source base for social history that goes into such extraordinary depth in rural Illinois counties over two decades that the volumes are at points reminiscent of the work of some of the Annales school of thought in their meticulous attention and thorough delineation of a specific culture at work.

Put another way, the volumes may work best if readers pretend they are not about Abraham Lincoln at all, or at least that he never became president. That is, the books may be most useful to a broad swath of historians if, instead of turning to the cases for what they reveal about the future president, they look to Lincoln for what his professional life helps illustrate about antebellum courts and lawyers and their place in antebellum society. There is certainly ample material here for such research, and these volumes show in rich and telling detail the working life of a particularly skillful and ambitious lawyer.
in rural America before the Civil War. Daniel Stowell, the lead editor of the volumes, has expertly mined the Lincoln Legal Papers sources to produce just such an original and valuable 2002 book, his *In Tender Consideration: Women, Families, and the Law in Abraham Lincoln’s Illinois*, and one hope that the sources will be continually used in this way.

Yet this approach to these four volumes might ultimately prove difficult. In the first place, the volumes are organized chronologically, and they essentially present one case after another, with expert annotation and often considerable context and analysis to be sure, but with no thematic organization. It is simultaneously enormously rewarding and at points frustrating to try and read within the volumes. Rewarding because every cases offers riches of detail and grounds us within Lincoln’s world. Frustrating because unless a reader knows the cases already, it is quite hard to systematically explore the cases to show historical phenomena beyond Lincoln’s biography. This is not the fault of the editors, who were after all charged with producing volumes of Lincoln’s legal work and not a monograph.

But of course the selection of 50 cases from 5,000 carries with it an implicit editorial voice, criteria, or emphasis, and one is eager to know more about how the editors picked the cases. A five-page chapter on editorial methods offers tantalizing suggestions but nothing more about how the cases were selected. Why were some cases left on the cutting room floor? The emphasis was, the editors say, on “cases and not documents,” and the cases selected “offer a broad overview of Abraham Lincoln’s law practice in its complexity and variety.” In this they have surely succeeded, and the editors have faithfully included cases from different jurisdictions, different kinds of legal actions focusing on different areas of doctrine. Yet the question remains: What sets these cases apart? Could it have been any 50 cases that effectively depicted Lincoln’s law practice? I suspect not, and it seems that there is indeed an implicit thematic organization, an embedded thesis, based in the selection of the cases, and one reads the cases trying to crack the code, to find the common themes and ideas that link the cases and that motivated their inclusion. The editors do list as a criteria “Lincoln’s role and judgment” in these cases. Does this mean the cases in which Lincoln did his best lawyering, and if so what constitutes the best lawyering? Or does this criteria mean the importance of the cases inside their communities? A more complete discussion of editorial method would have been useful and would have put the cases into fuller context. This is not at all to say that the editors are disingenuous, but instead to suggest that they have chosen material for the volumes on stated criteria that leaves
largely implicit, perhaps necessarily, the reasons for the choices they have made in selecting these 50 cases.

I say *necessarily* because a reference work such as this must be, perhaps, framed entirely around Lincoln in order to meet its charge and also to fit within a set of ongoing projects on the life of Lincoln. The result, though, is a set of rich contradictions. In particular we have a potential new source for bottom-up social history in the form of high presidential biography. Without question the volumes work to enrich our understanding of the life of one of the central figures of American history, and it is a remarkable achievement. So much so that it should be widely read and consulted by historians across fields. Whether or not this is the case is doubtful, and while these volumes are essential to a small cadre of Lincoln scholars, one fears that for most historians outside the field the books will be largely admired but not read. This is a sad prediction for a truly important set of new books. The final irony may be that these volumes find a wide readership only if readers turn to them primarily to learn about things other than Abraham Lincoln.