Review Essay

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Great debate is altogether fitting and proper, especially concerning a man who reserved the right to learn essential things from anyone—even from his bitterest adversaries. But this book is unnecessary. It is unnecessary not because Lincoln does not deserve (or in some circles require) vindication, but because others continue to vindicate Lincoln with much more attention to historical context and sources, and with so much less distortion. Allen Guelzo, for instance, has recently contributed mightily to the field of Lincoln studies in mounting much more original and historically grounded defenses of Lincoln, especially in Lincoln’s Emancipation Proclamation (2004). And in Lincoln Emancipated: the President and the Politics of Race (2007), Brian Dirck has assembled a set of essays defending Lincoln as well. Readers interested in tackling current disputes about Lincoln should start there.

But unlike Guelzo and others, Krannawitter makes little pretense of bringing new sources to bear on his topic. That might not be fatal were he engaged in a significant and original reinterpretation of Lincoln and his time. But there is nothing new about Lincoln here. As the introduction and chapter 4 make clear, Krannawitter instead uses recent controversies surrounding Lincoln as a launch pad for a set of op-ed pieces promoting the cultural politics of the followers of Leo Strauss. The book reveals more about them than it does about Lincoln. As it relates to Lincoln, the standard Straussian polemic was articulated most clearly by Harry Jaffa in the 1950s, has remained essentially unchanged since, and hardly needs rearticulating now. Following Jaffa in the 1950s, who scooped an historical profession then mired in the “revisionist school” by reclaiming Lincoln’s principled politics, Krannawitter denounces the historical profession for its continued failure to adequately emphasize how and why Lincoln was right and everyone around him was wrong. Though Krannawitter correctly detects persistent revisionism in David Donald and Michael Holt, it
is hardly news, and he slights the work of the historical profession by inadequately surveying current views before writing his criticisms.

In typical Straussian fashion, Krannawitter shadowboxes with an imaginary fifth column of nihilists. The book is replete with straw men whom Krannawitter sets up as representatives of the standard view. In fact Krannawitter has barely even touched the standard historiography on the founding, the Civil War, and even Lincoln. This literature is far richer, more nuanced, and more truthful than he imagines. He would do well to purchase The Blackwell Companion to the Civil War and Reconstruction, read it, and follow its leads through the literature. He would doubtless find the “historicism” intolerable, but at least he would then be arguing with the leading literature rather than flailing at randomly chosen scholarship that is often marginal and frequently out of date. The first chapter of the Blackwell volume would help him immensely with the founding, for example, about which he is not so much wrongheaded as impossibly superficial. He might start with the recognition that each of the founders had profoundly different notions that changed significantly over the course of their respective lives. Mastering that complex terrain would take work, but it ought to be a pleasure for someone who would take these men all in all. Much in the founding is inspiring, but it was also a flawed human process, and unfortunately any richness of detail remains entirely occluded by the hagiographic haze in which Krannawitter envelops it. Are we really so weak in our sense of nationality that the slightest whiff of ambiguity regarding Lincoln or the founding fathers will leave us morally rudderless as a nation? Apparently.

Chapter 4 erects a straw man, “the historicist.” Krannawitter exaggerates and simplifies the very real moral challenge of historical thinking in order to reject it altogether as morally unworkable because it denies us immediate and easy access to timeless moral truths. Krannawitter thus presents us with a false choice and an excluded middle. On these philosophical points he should have reviewed philosophers of history rather than historians busy writing history. His treatment of Phillip Shaw Paludan’s work borders on the offensive. Not only was Paludan’s focus not on laying out a theory of historical ethics, but Krannawitter mistakes Paludan’s treatment of Calhoun for Paludan’s own thought. Yes, Paludan was probably an historicist of some sort or other. It does not follow that he could not have defended his political positions on moral grounds. Straussians are just wrong about that. And even if it did, the man was writing history. Karranwitter salutes the belief that “‘public right’ is natural right, itself rooted in unchanging and eternal human nature that can be discerned by unassisted
human reason anywhere and at anytime” (133). Given the persistent inability of human minds to agree, his problem is not so much with the historical profession as with historical reality.

Ironically, Lincoln himself came to that same conclusion in the Second Inaugural. Even as he reprimanded his earlier self and asserted that, after all, there can be no certain knowledge of God’s will, he nevertheless urges “firmness in the right as God gives us to see the right.” Upholding morality remained a duty for Lincoln in spite of a lack of moral certitude, which is one of the reasons historicism does not necessarily entail nihilism. Straussians have not begun to plumb the wisdom of Lincoln.

Krannawitter shows no evidence that he is at all current in philosophic debate, and if he wants to play at philosophy, he needs to improve his game. His single citation of Nietzsche and Heidegger would not pass muster for undergraduate course work. What we have here is an amateur philosopher teasing philosophic principles from an historian who was not writing philosophy. I’m not sure what could be more maddening. Krannawitter uses a surface-level reading of Thomas Jefferson’s Preamble to the Declaration as the sole authoritative source for both the Enlightenment and the American founding. That forces him to spend pages exculpating Jefferson’s Enlightenment-based scientific racism as somehow untrue to the Enlightenment. He then far too quickly and with little evidence blames the positive-good defense of slavery on imported German ideas. This simply mischaracterizes Southern evangelicals, who while racist, remained children of the Enlightenment almost untouched by Romantic thought. Krannawitter needs an unambiguously good Enlightenment because he wants to appeal to some version of the Enlightenment as the cure to all our intellectual ills. Unable to tolerate even the slightest moral uncertainty, he distorts the historical record, both of Enlightenment and nineteenth-century thought.

Ironically, Krannawitter would also do well to look more carefully at the history of his beloved natural law tradition. It is simply not the case, as he asserts, that the ancient philosophers all began with the assumption of human equality: Aristotle did not. And the case becomes far worse for Krannawitter when one descends to the application of natural law. Often cited out of context by conservatives, Jonathan Winthrop’s “Model of Christian Charity” posited that inherited hierarchy was natural. (By the way, Winthrop also saw economic individualism as the greatest threat to a Christian life, whereas Adam Smith explicitly rejected as unreliable the same “charity” Winthrop relied on. So much for the monolithic consistency of the natural law tradition.) As it was
for most pre-modern Christians, equality was a spiritual matter for Winthrop. Thus when one examines the natural law tradition at any level of detail beyond the golden rule, its content has changed dramatically. On the issue of the assumption of human equality, it has reversed itself more than once. On the issue of racial equality, Jefferson began reversing himself as early as 1785. While historicism raises interesting challenges to a grounding of morality, it cannot be dismissed as easily as Straussians like Krannawitter presume because natural law itself has a history. If homosexuality is unnatural, why does it occur so frequently in nature? It depends on whom one asks, and thus it becomes an argument from power of the kind Krannawitter pretends to detest. Aquinas thought life began at quickening, which was the Christian position inherited by Lincoln and the common law, but apparently Krannawitter and some elements in the pro-life movement are now sure they know better.

Fortunately, the Straussian hysteria about creeping nihilism is rooted in a false premise; there have always been sources of morality outside the natural law tradition, such as revelation, tradition, and providentialist thought including various kinds of dispensationalisms, as well as more secular evolutionary and progressive thought, at which Krannawitter only sneers. To express skepticism of natural law claims and to historicize them is hardly to embrace nihilism. It is to embrace the virtue of intellectual honesty and humility.

The other characteristic of Straussian analysis is the promise that a careful reading of the words of a great thinker can resolve seeming contradictions and provide profound new insights, which of course is sometimes actually the case. In Krannawitter’s hands, however, this often amounts to little more than according full faith and credit to intentionally shrewd and legalistic technicalities made necessary in any era by political necessity. As his title implies, Krannawitter sees himself a lawyer for Lincoln and the founders. But not every argument that can be made deserves to be made, and scholars have the duty to be judge and prosecutor as well as jury. Krannawitter neglects these latter roles.

One example will have to suffice here. Krannawitter promises that a careful reading of Lincoln’s words absolves him of the charge of being “racist.” Countering Lerone Bennett’s charge that Lincoln was a racist in part because he supported the Fugitive Slave Act of 1850, Krannawitter finds fully exculpatory the explanation that Lincoln counseled obedience to all laws (until they could be changed) and that for this reason he supported the Fugitive Slave Act of 1850. But Lincoln positioned himself, not just in favor of obedience to the Act while it
remained on the books, but against its repeal as well. And more than anything else, this made Lincoln more attractive than Seward to the “lower North” (practically a euphemism for the racist vote) in 1860. (Krannawitter is simply incorrect to assume that because of the Fugitive Slave Clause, obedience to the Constitution required support for the Fugitive Slave Act of 1850 (36), and this was not Lincoln’s position.) This does not make Lincoln himself a racist, but (as opposed to Krannawitter) Phillip Shaw Paludan, David Donald, and James McPherson rightfully hold that Lincoln quite deliberately pandered to racism, and he was successful in doing so in part because his chief opponent was busy claiming that he was not racist enough. So even if Krannawitter successfully vindicates Lincoln here, 1850s America as a whole remains in the dock. Lincoln’s support of the Fugitive Slave Act might be defended as superb political positioning by an essentially antislavery and perhaps even cryptically antiracist candidate, but it cannot be defended as simple adherence to the immutable moral principle that existing laws ought always to be obeyed. That marble Lincoln just won’t get up and walk, nor should anyone very much regret it.

Endlessly rehashing Jaffa, Straussian love to yank Lincoln’s Lyceum Address out of its context and apply it timelessly as a measure of the mature Lincoln. But this “law and order” defense of Lincoln’s support of the Fugitive Slave Act falters for other reasons. With the probable complicity of the court, Lincoln almost certainly obstructed justice in counseling a client, a battered woman, to escape rather than to face a near certain murder conviction in the absence of what we have since come to call the “battered woman’s defense.” Stacy Pratt McDermott has found that in divorce cases at the circuit court level, opposing counsel and judges in the circuit courts routinely ignored the Illinois Supreme Court and the legislature by simply stipulating drunkenness or cruelty without proof in order to grant what were, in fact, no-fault divorces. And President Lincoln suggested he might have broken the letter of the Constitution to save the whole of it. In the end, Lincoln’s own friend and former campaign manager wrote the Supreme Court opinion taking Lincoln to task for relying on military commissions when civilian courts were available. And just to be clear, Lincoln accepted the verdicts of those commissions in at least one case knowing that the due process rights of the accused to present a self-defense argument had been denied. David Minton Wright might well have been convicted and executed by a civilian court had he been retried. Be that as it may, no responsible historian can present Lincoln as absolutely law-abiding in the simple naïve sense. Lincoln
spent too much time before the bar and in positions of real political responsibility to put any stock in grammar-school notions of univocal legal meaning. As he made clear many times, public opinion ultimately determined legal meaning whether anyone liked it much or not. He was willing to restore seceded states to their “practical relations” in the union without settling the theoretical legal questions involved. While he fought the Civil War on the grounds that secession was illegal, thus committing himself rhetorically to a legally bound strategy for Civil War and Reconstruction, and while he remained lawyerly to say the least, he also remained pragmatic, flexible, and open to innovation. A loose analogy to Lincoln’s position in other legal frameworks might be to say he was more like the Hasidim than the Haredim within Judaism, or more like the Mujtahid of Shi’ism than like the Sunni within Islam. The former are examples of moral traditions that openly acknowledge historical change without being nihilist. (The freedom of a Christian is, of course, another matter altogether). The mature Lincoln was simply too experienced, too wise in the law, and too religiously thoughtful for the idolatry of the law so explicit in his earlier Lyceum Address.

All this leaves us with the problem raised by Lerone Bennett: Why not “obstruct justice” in the case of the Fugitive Slave Act? Or at the very least, why not advocate its repeal? And the answer is obvious: Some 70 percent of Illinois voters opposed black settlement in Illinois. Reversing himself and essentially returning to McPherson, Paludan, and Donald, Krannawitter correctly observes that Lincoln knew that public opinion had to be shaped. But in the meantime, pandering to racism was necessary even for antislavery forces to triumph. Moral life can be tragic that way.

As with historical reality, Straussians are unwilling to embrace tragedy. Krannawitter’s close read correctly suggests that Lincoln left himself wiggle room on racial equality, esoterically speaking of course. But the difference between an “appeaser” and an “esoteric writer” largely depends on his or her ultimate success or failure. Ignoring the problem of Reconstruction entirely, Krannawitter reads history backwards with knowledge of what he takes to have been a completely successful outcome. Had there been no war, which was possible and even likely at that point, or had the war not resulted in emancipation, which Lincoln himself found “astounding,” Lincoln’s intriguing and legalistic technical avoidance of fully endorsing racism would not appear so exculpatory. However overstated and even impolite, Bennett’s critique calls our attention to a certain coolness in Lincoln’s lawyerly approach. Lincoln’s family and friends felt slighted and left behind by Lincoln. One of Lincoln’s defining characteristics was his ability to
maintain a cool intellectual distance that bordered on the cruel, even on issues about which he was very passionate. In our zeal to defend him, we best not to lose sight of that salient characteristic.

Had Lincoln failed either to win the war or to lead a successful assault on slavery, it is hard to imagine Straussians going to such great lengths to defend him. In that case one can easily imagine them imagining Lincoln as appeaser-in-chief. By assuming Lincoln was always simply correct and destined to succeed and his detractors simply wrongheaded, Krannawitter not only obscures all historical contingency, but also prevents us from appreciating just how dicey Lincoln’s gambits were, both morally and politically. And this obscures Lincoln’s unique humanity as well as his unique heroism. It also leads us to misunderstand the nature of politics and statesmanship.

Krannawitter writes that “Bennett and those who share his critique of Lincoln are modern-day versions of abolitionists;” which for him is not a compliment. Krannawitter dismisses John Brown, William Lloyd Garrison, and abolitionists because they challenged the rule of law and because Lincoln’s political approach ultimately succeeded where theirs did not. (In fact one suspects that he dismissed them merely because they provide a foil for Lincoln.) Krannawitter fails to consider that, however unavoidable, Lincoln’s and the Republican Party’s pandering on race before the war contributed to the failures of Reconstruction afterwards. And Krannawitter’s logic runs counter to his beloved Declaration of Independence. As poor Stephen Douglas desperately attempted to point out, Lincoln’s position that blacks were included in the Declaration logically did imply full political rights for blacks, and so however cryptically, Lincoln can be read as a racial egalitarian. But if this is true, and I suspect it is, on what grounds could Republicans (or Krannawitter) deny blacks the right of revolution articulated in the Declaration, which John Brown merely attempted to put into practice? Nearly frantic, Democrats North and South pointed out that the Republican position on the Declaration logically endorsed Brown’s incendiary activity. Politically unable to survive and at the same time grant black people the right of revolution clearly warranted by Jefferson’s Declaration, Lincoln and the Republicans had no choice but to fudge the point. Since the epithet “appeasement” is such a favorite cudgel for them in other contexts, should not Straussians and other conservatives celebrate John Brown rather than Lincoln?

Ironically the anti-abolitionist line is a legacy of revisionism. But it takes nothing away from Lincoln. Indeed to my mind it adds to his greatness, to acknowledge that there was also great nobility in the militant abolitionists who sometimes opposed and sometimes supported
him. “Greater love hath no man” and all that. Had the war not turned out the way it did, Straussians would likely be far less sanguine about Lincoln’s “prudential” politics. There is a profound congruence between Brown’s last speech to the court and Lincoln’s Second Inaugural. But while Lincoln seems to have learned from Brown, Krannawitter’s marble Lincoln knew everything and learned from no one. Such are the pitfalls of reading history backwards, of giving lax attention to historical context and historiography, of using Lincoln casually in present cultural and political conflicts, and above all of insisting that moral life can be free of ambiguity and moral heroism free of anguish.