

A NEW BIRTH OF FREEDOM: STUDYING THE LIFE OF LINCOLN Lincoln's Legacy: Ethics and Politics

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Feature Essay

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Paludan, Phillip Shaw, ed. *A NEW BIRTH OF FREEDOM: STUDYING THE LIFE OF LINCOLN Lincoln's Legacy: Ethics and Politics*. University of Illinois Press, \$30.00 hardcover ISBN 9780252032233

Lincoln and the Risks of Democracy

Following his untimely death on August 1, 2007, Phillip Shaw Paludan left his own legacy as editor in this slim but thought-provoking volume that contains four new essays depicting major problems confronted by the sixteenth president. Along with the editor, three other distinguished Lincoln scholars — William Lee Miller, Mark E. Neely, Jr., and Mark Summers — portray Abraham Lincoln and how he contended with questions of politics, law, constitutionalism, patronage, and democracy. They represent an outstanding assessment of Lincoln's virtues as president.

The essays examine the conflicted democratic leader ahead of those being led. But isn't a democratic leader also supposed to be a follower — obeying the will of the people? We desire strong leaders and justly fear them. We desire wide-spread democracy and justly worry about the consequences. After all, Abraham Lincoln suspended habeas corpus during the Civil War, yet is credited with preserving the Constitution.

This oxymoron is clearly seen in Lincoln's 1838 Lyceum speech in which the future president condemned mob violence and racial lynching but also considered the tension between a constitutional order and ambitious individuals who seek to transcend its restrictions. Such challenges, Lincoln wrote, aspire to greatness, and seem to come from the family of the lion or the tribe of the eagle. How does a democratic order contain such ambition? And how can such ambition find satisfaction in democratic statesmanship?

These essays demonstrate that this is not an incidental tension in democratic political life but may be the essential one, defining democracy's risk and

responsibilities. Powerful political leadership almost always contains within itself a challenge to democracy. It asserts prerogatives. It takes liberties. It even emerges most clearly at times when the democratic order itself is under threat as with Abraham Lincoln, or Winston Churchill, and Franklin Delano Roosevelt.

Statesmanship, arises at disruptive times while being potentially disruptive itself. Yet somehow, these disruptions must be absorbed within that threatened order.

Phillip Shaw Paludan was the Naomi B. Lynn Distinguished Chair of Lincoln Studies at the University of Illinois û Springfield and author of *The Presidency of Abraham Lincoln* among other books, and was a recipient of The Lincoln Prize from the Soldiers and Sailors Institute, Gettysburg College. His essay, *Lincoln and Democracy* challenges the clich  of Lincoln the democrat. Paludan is, . . . struck by the fact that what faith he [Lincoln] had in people was interwoven with respect for political û constitutional institutions. It is, after all, government *of the people* . . . that shall not perish from the earth.' Lincoln did have respect for democratic government but believed that of the two words, government was the more important.

In *The Exacting Legacy of a Virtuous President*, philosopher of ethics William Lee Miller, author of *Lincoln's Virtues: An Ethical Biography and, more recently, President Lincoln: The Duty of a Statesman*, discusses Lincoln's moral determination to break the Confederate rebellion in order to uphold the Union as he believed the breakup of the United States threatened the very existence of democracy throughout the world. Lincoln viewed the perpetuation of the Union as his greatest moral charge. To Lincoln, his oath as president, I do solemnly swear that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect, and defend the Constitution of the United States, explains his alleged tardiness in acting on emancipation (Lincoln's second great moral issue) or his reticence to act at all.

Pulitzer Prize winning historian (for his *Fate of Liberty: Abraham Lincoln and Civil Liberties*) Mark E. Neely, Jr. discusses northern state courts presided over by judges with sympathy for the Confederacy and who attacked the President's conduct of the war. He points out in *Seeking a Cause of Difficulty with the Government': Reconsidering Freedom of Speech and Judicial Conflict Under Lincoln* that there was a fifth column in the North with enemies that were within Union lines as well as those within Confederate lines. While Lincoln

thought that the Constitution allowed him to suspend the precious writ of habeas corpus in Civil War, his opponents in the judicial branch thought otherwise.

Lastly, Professor Mark W. Summers, who teaches at the University of Kentucky, discusses, for the first time in ten years, patronage in Lincoln Spoils the War. For Summers, President Lincoln was placed in an almost untenable position as leader of his victorious party where it was expected that party faithfuls would receive all of the spoils. In a brilliant exposition, Summers describes the interplay between Lincoln and the patronage system as Presidents must not only be commander-in-chief but politician-in-chief. In large part, presidential leadership in war time was directed and driven by the political party system.

What is evident throughout this volume is that political leaders, in seeking the public good, as John Locke recognized long ago, possess a prerogative to act even against the law itself.

History, though, has amply displayed the dangers of that principle. American constitutionalism created a new kind of arena for statesmanship û the lion and eagle tamed by checks and constitutional balances.

There is something sober rather than idealistic in this arrangement as it acknowledges human weakness and ambition. But it does not solve the problem û it only postpones it, creating obstacles for statesmanship's ambitions, demanding that, at least at times, the leader must follow.

Lincoln's Legacy is one of the many books that continue to flow in anticipation of the 2009 bicentennial of Lincoln's birth û but few will be as relevant to today's presidential leadership. This volume is a treasure for readers interested in the dynamics of the presidency in Lincoln's time. It is worth its hefty price.

Frank J. Williams is Chief Justice of the Rhode Island Supreme Court and founding Chair of The Lincoln Forum. He serves on the United States Abraham Lincoln Bicentennial Commission and is a regular contributor to Civil War Book Review.