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Educational Materials for Abraham Lincoln Subtopic

INTRODUCTION TO ABRAHAM LINCOLN

In this article, Herman Belz examines the political career of one of America's greatest leaders: Abraham Lincoln. Situating Lincoln within the natural law tradition, Belz argues that Lincoln's deliberations about the contentious and sectional conflict over slavery as well as his understanding of the correct exercise of his executive power as President were informed by the natural law. Lincoln's arguments against slavery, immortalized in the famous Lincoln-Douglas debates, were grounded on both natural-law and natural-right principles. He asserted classical natural-law notions of the nature of the human person and the teleological principle of political or legislative prudence as striving toward the good of the individual and the common good of society. Concomitantly, Lincoln drew on the modern natural-rights theories that were foundational to the American political experiment and constitution through such doctrines as the right to labor and the goods produced by labor and the right to self-government. With a combination of sarcastic humor and careful philosophy, Lincoln affirmed, clarified, and vindicated the unique amalgam of classical natural law and modern natural rights that defined American republicanism. In-so-doing, Lincoln not only brought about the emancipation of the slave population of America, but also preserved the integrity of the Union and the imperative for earnest public deliberation on issues of great moral import.



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ABRAHAM LINCOLN

Abraham Lincoln was born on the 12th of February, 1809 in a log cabin in Kentucky, the second child of pioneer farmers. As a young child, Lincoln attended school briefly with this elder sister. Due to a lawsuit over the title of his land, Lincoln's father was forced to move his family to a backwoods community in Indiana. Lincoln was accustomed to a hard life of labor, but he found time to receive a little more schooling, to read the Bible, and to borrow books whenever possible. On August 4th, 1834 Lincoln was elected as a Whig to the Illinois House of Representatives. It was during this year that he met Stephen A. Douglas, a twenty-one-year-old lawyer active in Democratic party politics. Douglas was to become Lincoln's most important opponent in debates on slavery.

Lincoln was married to Mary Todd on November 4th, 1842. Together, they had four sons (three of whom died at young ages).

On May 22nd, 1854 Congress passed the Kansas-Nebraska Act, which repealed antislavery restriction in the Missouri Compromise. Lincoln was elected to the legislature, but chose to decline in order to remain eligible for election to the United States Senate. Six years later, Lincoln won the nomination for the presidency to become the first Republican president of the United States. His was a Presidency of great turmoil because of the sectional conflict over slavery, the threats to the integrity of the Nation through the secession of eleven States from the Union, the formation of the Confederacy, and the Civil War. However, Lincoln is remembered for issuing the Emancipation Proclamation, which freed all slaves in Confederate-held territory, for his famous dedicatory address at Gettysburg, and for his many passionate speeches and debates on slavery, citizenship, and natural rights.

On April 14th, 1865, while watching a performance of the comedy *Our American Cousin* at Ford's Theater, Lincoln was shot in the head by the well-known actor John Wilkes Booth. Lincoln died the next morning. He is buried in Oak Ridge Cemetery, outside Springfield, Illinois.

To read more about Lincoln's life and political addresses, please click [here](#).



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GLOSSARY OF TERMS FOR LINCOLN

divine providence:

In Christian thought, the manner in which God orders the universe in accordance with his loving nature

divine right of kings:

a political and religious doctrine of royal absolutism; here, Lincoln uses the phrase to denote the principle by which one person works and another person receives the benefit from that work

doctrine of self-government:

the belief that people are free to do whatever they wish with their own property. Lincoln supported this idea, but suggested that it did not apply to slaves, as human beings could not be property.

federalism:

a system of government where local or regional governments are assigned some functions and a single broader government is assigned other functions. In the American context, the states control most functions of government, while a broad group of functions, including regulating interstate commerce and providing for national defense, are given to the federal government of the United States.

free-labor argument:

the argument Lincoln used to assert that every person should be able to control the benefits derived from his or her own work

idealism:

also called POLITICAL IDEALISM. The pursuit of, by means of the powers of a government, an ordering of all of a society toward an ideal state.

Lockean prerogative:

the authority of an executive to ensure the safety and common good of a state's citizens.

mud-sill theory:

the idea that every society has to have a class of workers who do not benefit from their own work. The term comes from the "mud sill" that is the lowest foundation of a building. The other parts of the building are analogized to higher social and economic classes, in the theory.

natural law:

The knowledge of the Eternal Law that humans come to know from within, grasping its precepts as self-evident, reasonable, and good. In Lincoln's thought, a law above the laws that could be enacted democratically.

natural rights:

a collection of personal entitlements to act or be acted upon in a certain way such that others have a duty not to deny that entitlement. Natural rights pre-exist the establishment of government and are said

to derive from the nature, or constitution, of the human being. See also [RIGHT](#).

popular sovereignty:

the belief that the legitimacy of the state is conferred through the will or consent of the people for whom that government is established. In Lincoln's thought, the idea that laws for the establishment or abolition of slavery should be decided by the will or consent of the people of the various states.

pragmatism:

1) a practical approach to problems; 2) a philosophical tradition originating in the United States around 1870 propounded by Charles Sanders Peirce, William James and [John Dewey](#), marked by the doctrine that the contents of hypotheses must refer to their 'practical consequences,' and that the function of thought is to guide action.

prudence:

an important virtue in many natural law and natural right theories; the virtue that allows people to make practical decisions through the use of both abstract ideas (reason) and experience and knowledge.

right:

a personal entitlement to act or be acted upon in a certain way such that others have a duty not to deny that entitlement. Natural rights are those entitlements that pre-exist the establishment of government and inhere in the nature, or make-up, of the human person. Political rights are those entitlements that individuals have with respect to government simply because they are human beings. Positive rights are those entitlements that are created and protected by the authority of human government alone.

social contract:

an implicit or explicit agreement to which each individual must consent to give authority to the government. The purpose of the contract is to safeguard the rights of each citizen.

state of nature:

a hypothetical condition in which all individual human beings lived separately from one another before coming together in society.

teleological:

oriented in essence or action towards a particular goal or end. Natural law is said to be teleological because it defines what is right or wrong as that which is conducive or detrimental to human flourishing—the telos, or "goal," of human beings.



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OUTLINE OF ESSAY ON LINCOLN

I. Introduction—Lincoln's natural-law approach to slavery controversy

A. Natural law an objective and universal moral order

i. Christian perspective: natural law participates in the order of divine providence; emphasis on duty and obligation with respect to politics and society

ii. Modern secular perspective: natural law provides account of human condition in the 'state of nature.' Social contract theory emphasizes rights and liberties.

B. History of natural-law thinking in America

i. European settlers bring natural law thinking to North America

ii. United States founded as "natural rights republic."

iii. 19th-century federalist adaptations of natural law and natural rights norms

iv. Civil War prompted by natural-law moral controversy over slavery

C. Lincoln's statesmanship

i. Preserved the natural rights republic through natural-law reason of state

ii. Appealed to "principles of true republicanism"

iii. Affirmed classical natural-law and modern natural-rights thinking that defined American republicanism

II. Slavery and Labor

A. Slavery violates the natural law:

i. Legal tradition justified slavery not on natural law principles, but on 'right of conquest.'

ii. Slavery as a system of labor and social institution

iii. Recognition that slavery is a violation of natural law gives rise to duty to secure natural rights of liberty and equality for slaves.

B. Natural right to labor and to goods produced by labor:

i. Lincoln provides scriptural grounding for the natural-right principle that 'all such things of right belong to those whose labor has produced them.'

ii. Historical imbalance: goods produced by labor appropriated by others.

C. Slavery violates natural right to labor and to the goods produced by labor:

i. Slavery is therefore a case of categorical moral injustice.

ii. Kansas-Nebraska Act an opportunity for Lincoln to apply natural-law reasoning in the sectional conflict over slavery and to perfect the natural-right principles of American national union.

III. Lincoln's Political Action

A. [Peoria address](#):

i. Clarified Republican platform for renewal of natural rights republicanism

ii. Opposed popular sovereignty policy allowing spread of slavery in Sen. Douglas's Kansas-Nebraska Act

- iii. Denounced slavery as contrary to principles of civil liberty in the Declaration of Independence
- iv. Asserted right of republican self-government as foundational to justice
- v. Unjust application of doctrine of self-government in Kansas-Nebraska Act due to faulty reasoning about status of the black slave
- vi. Lincoln's logic: Men entitled to right of self-government. Slaves are men. Slaves are entitled to govern themselves.
- vii. Conclusion: Summary of Founding principle: 'all men are created equal.'

B. Address to the Wisconsin State Agricultural Society

- i. Criticized "mud-sill" theory of society, which regarded hired or slave labor as a 'fixed condition for life' and which advocated the separation of 'head from hand'.
- ii. Asserted free labor argument in favor of uniting head and hand and laborer and goods.

C. Lincoln-Douglas Debates

- i. Decried Douglas's doctrine of popular sovereignty for indifference to corrupting effect of slavery.
- ii. Admonished Douglas for illogical ambivalence toward vote on slavery.
- iii. Lincoln's logic: People do not have the right to do what is wrong. Slavery is wrong. People do not have a right to own slaves.
- iv. Argued against Douglas's belief that slave owners have a right to transfer property to new territory on the grounds of defining slaves as property.
- v. Established opposition between right and wrong, where right is the equality of humanity and common natural rights and wrong is the tyranny of slavery and the violation of the natural right to labor and its goods.

IV. Conclusion: Natural Law and the [American Constitution](#)

A. Natural-law thinking grounded Lincoln's deliberation about slavery and guided his exercise of presidential power

- i. Adherence to natural law reflected in human laws

B. Opponents to natural-law thinking:

- i. Modern consent-based social contract theories of human will
- ii. Idealism and pragmatism, which developed later.

C. Lincoln's exercise of executive power satisfied the moral standard of the natural law tradition according to the following logical claims:

- i. Natural law is teleological.
- ii. Political or legislative prudence direct a community toward a political end.

- iii. U.S. Constitution delegates legislative powers to Congress and executive power to the President.
- iv. The president, as commander-in-chief, makes rules of action for the common good in times of war or emergency, or in cases that lie beyond the legislative power of Congress.
- v. Hence: Lincoln correctly exercised his executive power through strengthening of civil liberties, slave emancipation, conferral of citizenship and equal civil rights on freed slaves.
- vi. Lincoln's acts of executive statesmanship confirmed the presence and importance of the natural law tradition in American constitutionalism.



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STUDY GUIDE FOR LINCOLN

Part I. Basic Interpretation of Lincoln

If you are interested in the thought of Abraham Lincoln after reading Belz's essay, please go to the [Primary Source Documents](#) to read some of the essential passages of Lincoln's addresses that relate to the article. Please also refer to the biography of Abraham Lincoln. As you go back to the primary sources, keep in mind the following questions:

1. Describe Lincoln's understanding of natural law. What is the relationship between divine law, human nature and natural law?
2. Describe Lincoln's understanding of the relationship between natural law, natural rights and human or positive law. What do documents like [the Declaration of Independence](#) and the [Constitution of the United States](#) contribute to his understanding? What role does self-government play in Lincoln's thought?
3. In your own words, how does natural law relate to slavery? Why is natural law important for arguing against slavery? What would an argument against slavery look like without an appeal to the natural law? What were Lincoln's reasons for opposing slavery?
4. How are natural law and natural rights different in Lincoln's thinking? How do they relate to questions about property and labor? According to Lincoln, what is wrong with a muddsill view of society?
5. Why does Lincoln understand slavery to be detrimental to the common good?
6. As president, how did Lincoln exercise extra-Constitutional powers?

Part II. Connections to Other Thinkers

In order to understand Lincoln's thought more completely, it is important to place him in his proper context. Lincoln ranks among the greatest of our political leaders. The victory of the emancipation of slaves was wrought in no small measure by his appeal to the natural law, and to the natural-rights inflection of natural-law thinking that influenced the framing of the U.S. Constitution. As you look deeper into Lincoln's thought and contribution to political history, consider these questions in order to see how he fits into the broader history of ideas:

1. According to [Machiavelli](#), a ruler may have to perform unjust acts and enact brutal measures in order to maintain the stability and security of the state. In what sense is Machiavelli's view similar to Lincoln's broader use of presidential powers to preserve the union? While Machiavelli acknowledges that a ruler may have to violate the natural law, does Lincoln also hold this? Or does Lincoln think that a ruler may only violate the positive law?
2. For Aquinas, the first precept of the natural law is that "good is to be done and pursued, and evil avoided." ([I-II. Q. 94, a. 2](#)). Is Lincoln's argument that people cannot "have a right to do wrong" a restatement of this precept? Or does it compare only with the rights language of social contract theorists like [Hobbes](#) and [Locke](#)? How does the concept of "rights" relate to the moral

framework articulated by Aquinas?

3. What would Lincoln think of the theory of the right of self-preservation in the state of nature? Consider his quip in the Hartford address of 1860: "As the learned Judge of a certain Court is said to have decided—'When a ship is wrecked at sea, and two men seize upon one plank which is capable of sustaining but one of them, either of them can rightfully push the other off!'" How does this apparent irony about the right to do wrong compare to the theories of Hobbes and Locke? In the [Second Treatise of Government](#), Locke says that the individual has a duty to respect others' rights only when "his own preservation comes not in competition." How do you think Lincoln would respond to this claim?
4. One of Lincoln's arguments against slavery was to insist that the right of self-government applied as much to the black slave as to the white citizen of the United States. Lincoln writes: "If he is not a man, why in that case, he who is a man may, as a matter of self-government, do just as he pleases with him. But if the negro is a man, is it not to that extent, a total destruction of self-government, to say that he too shall not govern himself?" Consider Lincoln's argument in light of Locke's chapter on slavery in the [Second Treatise of Government](#). Do you think Lincoln would agree with Locke that slavery is nothing else but "the state of war continued, between a lawful conqueror and a captive"? Why or why not?
5. Contrast Locke's understanding of law as limiting freedom through the consent of the governed and Aquinas's understanding of law as directing the governed toward virtue. Does Lincoln's understanding of law correspond with one or the other, or both? In what ways?
6. Lincoln often returns to the issue of labor in arguing about slavery. He argues that the right to labor and to the fruits of labor is both a precept of the natural law—intrinsic to the way we were created as human beings—as well as a natural right. In Belz's essay, we see Lincoln first refer to the scriptural passage that declares: "In the sweat of thy face shalt thou eat bread." Lincoln continues by saying that it follows that "all such things of right belong to those whose labor has produced them." Compare this line of logic to Aquinas's argument for the derivation of human law from divine law and Locke's argument that right proceeds from the natural law. In your own words, describe how rights, positive law and natural law relate to one another.
7. One of the main contentious points in the debate over slavery is whether each state has the right to vote on whether they will be part of the Union as a slave or a free state. Belz argues that, in exercising executive power to disallow this sectional particularity, Lincoln used natural law thinking to look out for the common good of the Union. Consider this move in light of Montesquieu's [argument](#) that there is no universal "best" form of government: Montesquieu believed that "the government most in conformity with nature" is the government that related best to the geographical and economic character of the region as well as the pre-existing laws and particular disposition of the people for whom it is to be established. Does this argument provide the foundation for the American principle of federalism? Does this argument provide persuasive evidence for why the South ought to have had the right to develop different laws regarding slavery? How would Lincoln have responded?
8. Montesquieu also wrote that "greatness of genius consists more in knowing in what case uniformity is needed and in what case differences are required." How did natural law, natural rights, and the conception of the common good and the good of the Union influence Lincoln in making the decisions he did?
9. Montesquieu emphasizes the importance of a ruler who is guided by the virtues of prudence and moderation. Does Lincoln embody these characteristics? How so? Can you point to arguments in his speeches and specific policies he advocated that demonstrate prudence and moderation? If you see areas where he diverged from this principle of moderation, what were the reasons? Was he justified?
10. When [Cicero](#) writes that "not every law is indeed a law," he seems to be saying that laws that go contrary to the natural law are not actually laws. Aquinas argues something similar. Professor D'Andrea in his [essay](#) on Aquinas points to Questions 93 and 96 in the Treatise on Law to argue that "any human law that directly contravenes a dictate of the natural law *ipso facto* fails as a law and has the status of an irrational command instead. Such commands ought only be observed for prudential reasons, such as to avoid some greater harm that might arise in the social order from the failure to observe what is really only a pseudo-law." Compare these

arguments with Lincoln's argument against the laws allowing slavery. Lincoln explicitly states that slavery contradicts the laws of nature. However, do you think Lincoln holds that the laws allowing slavery are "irrational commands"? Does he think there might be prudential reasons to uphold certain laws regarding slavery? Point to specific passages to illustrate his arguments.

11. According to Oliver Wendell Holmes, judicial (and political) decisions are not based upon reasons but rather on "felt necessities"—the current standards and sentiments of the day. Those who adhere to a rational, natural law-based morality (like Lincoln) are often placed in contrast to those who hold a more progressive, feeling-based morality (like Holmes). But the distinction between Lincoln and Holmes seems to be a thin one. While holding that slaves should be free, Lincoln also says that "[his] own feelings will not admit of" making freed slaves politically and socially equals of whites. "Whether this feeling accords with justice and sound judgment," says Lincoln, "is not the sole questions, if indeed, it is any part of it. A universal feeling, whether well or ill-founded, can not be safely disregarded." How is Lincoln's emphasis upon feelings consistent with his views on natural law? How similar is Lincoln's position to that of [Holmes](#)?

Part III. Critical Interpretations of Lincoln

With a basic understanding of Lincoln's thought, let us examine his work more critically. Are his arguments persuasive? Can we expand Lincoln's thought to determine what he would say about issues that he did not directly address? Use the questions below as your guide:

1. Belz argues that Lincoln's "signal achievement was to preserve the natural rights republic" of the United States and to affirm, clarify and vindicate "the unique amalgam of classical natural law and modern natural rights that defined American republicanism." In your own words, describe this "unique amalgam." What influential thinkers or works from the classical natural law tradition appear in Lincoln's thought? Where do you see the influence of modern natural rights thinkers in Lincoln's thought? Many scholars believe that the differences between classical natural law and modern natural rights make the two systems of thought incompatible. Are they irreconcilable? How do they work together in the constitution of the United States? Did Lincoln present a distinct way of bringing the two into harmony?
2. Today, few believe that a person has a fundamental right to own slaves, yet at the time, it was not easy for Lincoln to convince everyone that slavery contradicted the natural law. If there is a deep disagreement among people concerning what is right or wrong, does that mean that no one has the authority or legitimacy to enforce any moral legislation? How is it that natural law is known by some but not all? Is this a decisive indictment against the usefulness of natural law? Why or why not? Furthermore, if the goal of political or legislative prudence is to direct the people of a particular community to a political end (i.e. the common good of that political community), how can the common good be discerned and agreed upon when the very principles of natural law are not agreed upon? How might Lincoln's concern about the centrality of public opinion relate to these questions?
3. While he was in favor of recognizing slaves' natural right to liberty, Lincoln was opposed to granting to freed slaves the same social and civil privileges that white citizens had. But a problem arises here. For it would seem that denying social privileges to freed slaves is the same as denying them freedom, for while freed slaves would have a right to the products of their own labor, they would be barred from participating fully and equally in society—a distinct lack of freedom. Was Lincoln's project of recognizing slaves' natural rights inconsistent with his refusal to grant them civil or social rights? More broadly, what civil rights does the possession of natural rights entail?
4. The existence of slavery in America, according to Lincoln, violated the natural law in a variety of ways. He mentions labor and self-government. How else might slavery violate the natural law? How does Lincoln's appeal to the positive law of the country also aid in his argument against the extension of slavery into newly acquired American territory? Are you persuaded by Lincoln's arguments relating to labor and self-government? Why or why not?
5. In his [Ohio address in 1859](#) Lincoln draws a distinction between "Douglas Popular Sovereignty" and "genuine popular sovereignty." What are the differences and why are they important? As

Belz notes of Lincoln's strategy in isolating Douglas's doctrine of popular sovereignty, the point was to show that "indifference to the corrupting effect of slavery in republican society" was a form of "moral dereliction." When we talk about attitudes towards the natural law, we think of either acting for or against a good (think of Aquinas's first precept, mentioned above). How does indifference factor in? Does Lincoln even think that indifference is possible where right and wrong are concerned?

6. While Lincoln held firmly to a republican conception of government, he also believed strongly in the natural law. But yet it seems that these two views produce a contradiction. On the one hand, Lincoln advocated a republican form of government in which the people, through elected representatives, have the power to vote on political measures. On the other hand, however, Lincoln ultimately did not want the states to decide for themselves whether or not to have slavery. For Lincoln, since slavery is objectively immoral according to natural law, the issue should not be up to the people to decide. But if the people cannot decide the issue, is that not the negation of republicanism? Can this conflict between republicanism and natural law be resolved?
7. At the end of the essay, Belz describes how Lincoln's exercise of presidential power coincided with the moral standard of the natural law. He particularly points out how, as commander-in-chief, Lincoln used legislative prudence for its proper end (the guiding of a people of a community toward a political end) and did so constitutionally under the "Lockean prerogative" of imposing rules of action for the common good of the nation as a whole during a time of war or other emergency. Is there a contradiction in the teleological understanding of law and the Lockean prerogative? If a ruler imposes laws on a people against their consent, but the laws are good and in accordance with the natural law, is the ruler a tyrant? What is the American constitutional understanding?

Part IV. Contemporary Connections

Lincoln has left an indelible mark on the political history of the United States and has forever influenced the U.S. constitutional tradition. Therefore, let us now turn to some contemporary issues and see how Lincoln's thought might be applied to them:

1. Much political debate has focused on whether the good of the individual or the good of the state should be given priority. On the one hand, the impetus to prioritize the individual focuses on the inherent worth of the human person. On the other hand, those who prioritize the state argue that they are concerned with the good of all in society and aim at the greater good. What would Lincoln say about this debate? What did he himself contribute to this discussion in his words and actions? Are the goods of the state and the good of the individual necessarily in conflict? Does Lincoln propose a way to mediate this potential conflict?
2. As the world becomes more globalized, the issue of international relations becomes increasingly important. What role ought the United States to play in international conflicts where there is an issue of natural law at stake? Consider the following words from Lincoln's [Peoria address](#): "This declared indifference [toward slavery]...I can not but hate. I hate it because of the monstrous injustice of slavery itself. I hate it because it deprives our republican example of its just influence in the world—enables the enemies of free institutions, with plausibility, to taunt us as hypocrites—causes the real friends of freedom to doubt our sincerity, and especially because it forces so many really good men amongst ourselves into an open war with the very fundamental principles of civil liberty—criticizing the Declaration of Independence, and insisting that there is no right principle of action but self-interest." What do you think Lincoln meant by our "just influence in the world"? To what extent is Lincoln critical of self-interest? Self-interest is certainly an important concept within modern natural rights based theories of social contract. Does this criticism of self-interest expose a contradiction between natural rights and natural law? Or does the critique of self-interest derive from elsewhere? Is it evidence of Lincoln's Christian faith?
3. According to the "Lockean prerogative," the leader of a state has the authority to take out-of-the-ordinary measures to preserve the safety and security of his citizens. Lincoln exercised this emergency presidential power in his efforts to preserve the Union, most notably

through the Civil War. In contemporary politics, the question of the extent of presidential power is again an issue, especially in light of the controversial war in Iraq. Both the Civil War and the Iraq War raise interesting questions. Can the president exercise powers that are neither granted nor prohibited by the Constitution? Can the president exercise powers that are prohibited in the Constitution in times of dire need?

4. In his debates with Douglas, Lincoln criticized his opponent for being against slavery but yet in favor of letting states decide whether or not to permit slavery. This has parallels in modern society in the divorce between personal beliefs and public actions. Some politicians, for instance, are personally opposed to abortion, but yet do not allow that personal opposition to influence their political and legislative decisions. What would Lincoln say about this? Would he have the same critique as he did for Douglas, or would the issue of abortion crucially differ from that of slavery?
5. Throughout his political career, Lincoln [denounced](#) the Dred Scott decision and warned against the abdication of constitutional interpretation into the hands of the [Supreme Court](#) alone. He believed that the Dred Scott decision was an evil both because it expanded the scope of slavery and because it established the judiciary as the supreme, or only, authority in matters of constitutional interpretation. He considered that a balance had to be struck between the principles of democratic self-government, an earnest desire to uphold the truths of the natural law, and respect for the positive law of the land. Consider some of the most divisive moral issues of our time, such as abortion or same-sex marriage. Do you see similar conflicts in law-making around these issues because of a difference in the popular vote versus the legislative acts of the Supreme Court or other legislative bodies? What would Lincoln say about these issues? What role should the states play in making political decisions?

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