

## I

**Introduction**

Unlike most other important leaders and historical figures, Abraham Lincoln is generally regarded as a singularly good and virtuous human being. The mythical Lincoln many Americans learn about as schoolchildren is “Honest Abe,” who walked many miles from his store to return a few pennies to someone who had been overcharged and, at great difficulty to himself, faithfully paid off his debts from his failed store. He was a self-made man who was almost completely self-educated. His family was shockingly poor and lived one winter in a three-sided cabin, with the fourth side open and exposed to the elements.<sup>1</sup> He was a “rail splitter” who did hard manual labor and was a man of the people with a great sense of humor – everyone loved to hear his stories and jokes. He was a kind and patient husband to a difficult and troubled woman. He was an exceptionally kind and compassionate person who was deeply distressed by his first encounter with slavery in New Orleans as a young man. Later, he was moved by his deep compassion and strong sense of justice to become the Great Emancipator. He was a resolute and

<sup>1</sup> Burlingame, *Abraham Lincoln: A Life*, I, pp. 20–1.

determined commander in chief despite his great compassion for the immense suffering caused by the Civil War.

This narrative of Lincoln's life is a wonderful national myth that exalts genuinely good and admirable qualities. The mythical Lincoln is a thoroughly marvelous and lovable human being and an excellent model for people to admire and emulate.

But we must ask, is this myth *true*? In particular, how much of the myth about Lincoln's moral goodness is true? It is the aim of this book to show that the myth is accurate for the most part: cynics would be surprised and confounded by how much truth there is in the myth. And, in some important ways, it even *understates* his goodness and virtue.

This book addresses central ethical issues regarding Lincoln's actions and character. I believe that philosophers can shed considerable light on these issues.<sup>2</sup> Part I discusses his policies concerning slavery and the rights of African Americans and his actions and policies as commander in chief during the Civil War. Part II discusses his character.

## Part I

The first part of the book addresses moral questions raised by some of Lincoln's most controversial actions and policies. Some consider Lincoln to have been immoral because he was not an abolitionist until 1864, late in his presidency. When he ran for the Senate in 1858 and for president in 1860, he

<sup>2</sup> Many books about Lincoln discuss ethical questions, but none of these books was written by a philosopher. The only other book about Lincoln written by a philosopher, Elton Trueblood's *Abraham Lincoln: Theologian of America's Anguish*, discusses Lincoln's religious views, not ethical questions. William Lee Miller's *Lincoln's Virtues: An Ethical Biography* and *President Lincoln: The Duty of a Statesman* are among the very best books written on Lincoln's ethics. Although Miller was an important historian, he received his doctorate in religious ethics.

opposed any further extension of slavery, but did not advocate its immediate abolition. In his First Inaugural Address, he made many concessions to slaveholding interests to try to placate the South and avert a civil war: he promised to enforce the Fugitive Slave Law (which provided for the capture and return of escaped slaves), not to interfere with the institution of slavery where it existed, and not to oppose a proposed “irrevocable” constitutional amendment that would have prohibited the federal government from interfering with slavery in the states. Many say that his initial war aims were misplaced; he put preserving the Union ahead of abolishing slavery. He rescinded General Fremont’s order for partial emancipation for the state of Missouri in September 1861; he also revoked a broader order for emancipation by General Hunter for the states of South Carolina, Georgia, and Florida in May 1862. When the Emancipation Proclamation was issued in 1863, it was half-hearted: it did not free slaves in the border states, Tennessee, or in most of the Confederate territory occupied by the Union Army when it went into effect. It also gave the Confederate states the option to keep slavery if they rejoined the Union within one hundred days. Some critics indeed said that the Emancipation Proclamation freed no one: “It applied where the Union had no power and did not apply where it did.”<sup>3</sup>

President Lincoln suspended habeas corpus during the Civil War and imprisoned thousands of people without due process of law. Many contend that these actions were unconstitutional and that he greatly abused and exceeded the powers of his office. He supported the colonization of African Americans outside of the United States and was a member of the American Colonization Society. Many take this to be evidence of his racism and his desire to “cleanse” America of black people. During his long political career in Illinois

<sup>3</sup> Miller, *President Lincoln: The Duty of a Statesman*, p. 269.

before becoming president, he never publicly opposed the state's black exclusion laws, which were designed to prevent blacks from settling in the state. He publicly endorsed other unjust laws that were part of Illinois's "black codes," including laws forbidding blacks to vote, serve on juries, or marry white people. He never supported granting full political and civil rights to all African Americans: even at the end of his life, he supported giving voting rights to just some black men.

Some contend that, largely because of his lack of concern for the rights and interests of African Americans, the situation of black people after the Civil War was not significantly better than it had been under slavery. If this is true, his justification for fighting the war was much weaker than is generally thought. His actions and policies as commander in chief can be questioned because their moral status depends on the justice of the Union cause in the American Civil War, which itself is open to question. Given that the abolition of slavery was not a Union war aim in April 1861, there are reasons to question whether the Union was morally justified in fighting the Civil War at its beginning. Even if the Union had just cause for fighting the war, it is debatable whether it fought the war justly. Lincoln bears considerable personal responsibility for the conduct of the war and the Union Army's treatment of Confederate civilians.

This is a long list of possible moral criticisms of Lincoln. Given the tremendous evil and injustice of slavery, there is a strong case for thinking that he should have been an abolitionist earlier and that he acted wrongly in pursuing the policies set forth in his First Inaugural Address, in pursuing his initial war aims, and in his actions regarding Fremont and the Emancipation Proclamation. Nonetheless, I defend him against all these criticisms. My arguments are broadly utilitarian. Roughly, utilitarianism holds that the rightness or wrongness of an action is determined solely by its consequences and that a person's action is morally right, provided

that it has better consequences than any alternative course of action that he or she could have taken instead. I argue that his policies and compromises concerning slavery while he was president were morally justified because they were necessary for him to have enough public support to fight and win the Civil War. I therefore claim that he opposed and limited slavery as much as possible. Even at the beginning of the war, he was fighting slavery – not to completely abolish it, but to prevent it from spreading.

The criticisms about his war aims and the Emancipation Proclamation are also mistaken for another reason: they rest largely on historical misunderstandings. The claim that he cared only about preserving the Union and not about fighting slavery ignores the *many* strong measures that he took against slavery before he issued the Emancipation Proclamation. The criticism that the Emancipation Proclamation was half-hearted overlooks the fact that many of the slaves in areas exempted by the proclamation had already been made free or effectively free by other actions taken by the president and his administration.

In connection with these issues, I also offer an interpretation of Lincoln's moral views. *In practice*, he was a utilitarian, and he would have defended his actions in these five cases (his policies on slavery prior to 1861, his policies in his First Inaugural Address, his initial war aims, and his actions regarding Fremont and the Emancipation Proclamation) on utilitarian grounds. So not only were his actions justified on utilitarian grounds but he himself would also have given a utilitarian defense of these actions. But utilitarianism is a very controversial view. So I also try to show that his actions can be defended independently of the truth of utilitarianism.

The utilitarian tradition has developed since Lincoln's lifetime. Since the early twentieth century, philosophers have commonly distinguished between two versions of utilitarianism: one holds that the moral rightness of actions depends on

their actual consequences; the other holds that moral rightness depends on the antecedently probable consequences of actions. This distinction sheds light on moral issues, but it also complicates our analysis considerably. The actual consequences of Lincoln's actions were not what he expected them to be: they were both much better and much worse than he anticipated. He did not believe that the war would be so terrible, nor did he think that it would end slavery. Not only did he and others fail to foresee many of the consequences of his actions but also those consequences could not have been reasonably predicted. Thus, the antecedently probable consequences of his actions were quite different from the actual consequences.

I argue that Lincoln's policies about habeas corpus and colonization were largely, if not entirely, justified. The criticisms of these two matters are often overstated in ways that distort the historical record. But his support for or silence about many provisions of Illinois's extremely unjust black codes is much more difficult to justify. Still, it is doubtful that he could have been a viable politician in central Illinois had he spoken out against these laws. Another criticism is that, even at the end of his life, he did not publicly support giving full political and civil rights to all African Americans. He supported giving voting rights to some, but not all, black men. On its face, this was very unjust, but his support for extending voting rights to many black men was also a radical change for the better and something that enraged John Wilkes Booth just three days before he assassinated the president. In this book I argue that, during his lifetime, Lincoln was justified in moving slowly and cautiously about such matters and in focusing on winning the Civil War and ending slavery. However, had he lived out his second term of office, he should have pushed hard for equal rights for African Americans. For the purposes of assessing his morality, it is important to ask whether he would have done this, but the answer is that we

do not know. Everything we say about his policies concerning the rights and status of African Americans in post-Civil War America needs to be hedged in light of this uncertainty.

President Lincoln's actions as commander in chief of the U.S. military during the Civil War and the justice of the Union cause in the war are central to any moral assessment of his life. They are particularly important because he played a decisive role in determining that the North would fight a civil war rather than allow the Confederate states to secede peacefully. Many people in the North, including many abolitionists, preferred to "let the South go in peace." Lincoln chose to fight a civil war rather than allow the country to fall apart without waging war, and he knowingly risked provoking the Confederates into beginning the war when he resupplied Fort Sumter. Lincoln's actions during the Fort Sumter crisis were taken against the advice of almost all his close military and civilian advisors. Yet the Confederate attack on Fort Sumter united the North to fight the war. He clearly bore great personal responsibility for the outbreak of the American Civil War. He also bore great responsibility for the conduct of the U.S. military during the war. He approved of the "Lieber Code," rules of war for the Union military, which permitted much harsher treatment of civilians than the rules they replaced. It also permitted much harsher treatment of civilians than the rules of war initially endorsed by the leaders of the Confederacy.

There *appears to be* a strong case for the view that the Union did not have adequate moral justification for fighting the Civil War at its beginning. Arguably, it was not then a war to protect important human rights, such as the right to liberty. The good consequences of keeping the nation together were arguably not nearly enough to justify the immense evil of the death and suffering caused by the war. Further, the justification for fighting the war that President Lincoln stressed in his public statements – that disunion would create a

precedent for the further splintering of the United States and other democratic nations that would greatly harm the cause of democracy all over the world – is speculative and open to question.

But despite these considerations, in the chapters that follow I attempt to show that the Union *did* have just cause for fighting the war from the very beginning, because of the extremely bad consequences that would have resulted from Confederate independence. Slavery would probably have continued much longer in the American South, and it is very likely that the Confederate States of America (CSA) would have annexed parts of Latin America and prolonged slavery there. Further, the rights that blacks would have possessed in the CSA after such time as the CSA abolished slavery would probably have been considerably less adequate than those they actually possessed in the United States between 1865–1990. The actual consequences version of utilitarianism, the probable consequences version of utilitarianism, and standard versions of just war theory (which are decidedly non-utilitarian theories) all imply that the Union was justified in fighting the war from the very beginning. But that this is so is clear only in the case of the actual consequences version of utilitarianism. Because the Union's war aims changed significantly between the beginning of the war and the time of the Emancipation Proclamation, and again after Lincoln ran for reelection as a supporter of an amendment to abolish slavery, the case for the justice of the Union cause was much stronger at the end of the war than at the beginning. All three of these moral theories *clearly* imply that the Union had just cause for fighting at the end of the war.

President Lincoln's policies concerning the treatment of civilians during the war were largely, but not entirely, justified. It is widely thought that the Civil War was a "total war" that involved very harsh and ruthless treatment of Southern civilians on a very large scale. Some infamous statements by



various Union generals and certain provisions of the Lieber Code lend credence to this claim. But recent historical work on this topic thoroughly discredits this view. The number of civilians who died as a result of the war was quite small compared with other wars that are not generally regarded as total wars.

The actions of the Union army did not justify the extreme bitterness (a bitterness that lingers to this day) in the South after the war. This bitterness was fueled by distorted and dishonest accounts of the conduct of the Union Army. This dishonesty began near the beginning of the war in a speech by Confederate president Jefferson Davis. In July 1861, *before* the Union began its invasion of the Confederacy, Davis told the Confederate Congress that the United States was “waging an indiscriminate war on them all, with a savage ferocity unknown to modern civilization.”<sup>4</sup>

In connection with these issues, we need to discuss what philosophers call “moral luck.” Roughly, a person has good or bad moral luck provided that the moral rightness or wrongness of what she does (or the goodness or badness of her character) depends on things beyond her control that happen as a matter of chance. I argue that moral luck is a very widespread phenomenon, that Lincoln enjoyed very good moral luck in that the Civil War, and was lucky that his earlier policies and compromises about slavery turned out very well when they easily might not have. But he also had bad moral luck in that he lived in a time and place where strong racial prejudices were almost universal.

## Part II

The second part of the book discusses Lincoln the person and his moral character, as opposed to his actions and policies.

<sup>4</sup> Neely, “Was the Civil War a Total War?,” pp. 455–6.

He possessed many important moral virtues, some to a very high degree. Some of his virtues – his kindness, compassion, benevolence, mercy, courage, strong sense of justice and great concern with moral questions (without being self-righteous), honesty, magnanimity, and willingness to ignore personal slights for the sake of the greater good – are well known. He made his great personal ambition virtuous by acting in accordance with his oft-stated desire to gain the esteem of his fellows by making himself *worthy* of their esteem. Some less well-known virtues that he also possessed were his skepticism, nonconformity, independence of mind, and openness to criticism. He was, in many important respects, an extraordinarily good person.

Despite his great virtues, many people deny that he was an unusually good human being. There are at least seven reasons to question the goodness of his character. The most damning criticism is the charge that he was a racist. This issue looms very large in recent discussions of Lincoln. The second reason for questioning his goodness is surprising. Despite his reputation as “Honest Abe,” there are reasons to question his honesty. The third criticism is that he was ungrateful and cold-hearted. The fourth criticism is that, as a young man in his twenties and thirties, he was a very partisan politician who frequently attacked and ridiculed his political opponents. He often did this in ways that were unfair, underhanded, and even cruel. The fifth criticism concerns his decision to marry Mary Todd. Some contend that he entered into a loveless marriage because he wanted to marry a woman from a prominent family to help gain increased access to polite society. The sixth criticism is that because of his career and political ambitions he spent a great deal of time away from home and therefore neglected his family and did not do enough to protect his sons from Mary’s bad temper and harsh discipline. The seventh criticism stems from his very cold and strained relationship with his father, Thomas Lincoln.