



Lincoln's Legacy for Our Time

by James M. McPherson

The Legacy of Lincoln:
U.S. History in American Schooling
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When Abraham Lincoln breathed his last at 7:22 a.m. on April 15, 1865, Secretary of War Edwin M. Stanton intoned: "Now he belongs to the ages."

Stanton's remark was more prescient than he knew, for Lincoln's image and his legacy became the possession not only of future ages of Americans, but also of people of other nations. On the centenary of Lincoln's birth in 1909, Leo Tolstoy described him as, "a Christ in miniature, a saint of humanity." An Islamic leader, whom Tolstoy met in a remote part of the Caucasus, projected a more militant image of Lincoln, declaring that America's sixteenth president "spoke with a voice of thunder... and his deeds were as strong as the rock." When Jacqueline Kennedy lived in the White House, she sought comfort in the Lincoln Room in times of trouble. "The kind of peace I felt in that room," she recalled, "was what you feel when going into a church. I used to feel his strength, I'd sort of be talking to him."

Martin Luther King, Jr., tried to persuade Jacqueline Kennedy's husband to issue a second Emancipation Proclamation on the hundredth anniversary of the first. John Kennedy demurred. So King went ahead on his own. When he stood on the steps of the Lincoln Memorial in August 1963 to deliver his "I Have a Dream" speech, King declared: "Fivescore years ago, a great American, in whose shadow we stand today, signed the Emancipation Proclamation. This momentous decree came as a great beacon of hope to millions of Negro slaves who had been seared in the flames of withering injustice."

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Lincoln could not anticipate the reverence that millions would feel for him in future ages. But he *was* intensely aware, as he told Congress in December 1861 when America was engulfed in a tragic Civil War, that this struggle to preserve the Union “is not altogether for today—it is for a vast future also.” More than any other President of the United States, except perhaps Thomas Jefferson and Woodrow Wilson, Abraham Lincoln had a profound sense of history. He did not acquire it by formal education. Unlike Woodrow Wilson, Lincoln did not have a Ph.D. He did not study history in college or high school; indeed, he did not study it in school at all, for he had less than a year of formal schooling, which included no history courses. The only work of history Lincoln seems to have read as a boy was “Parson” Weems’s famous filiopietistic biography of George Washington, with its apocryphal story of the hatchet and cherry tree.

That book made a lasting impression on Lincoln. Forty years after he first read it, President-elect Lincoln addressed the New Jersey legislature in Trenton, near the spot where George Washington’s ragged troops had won a victory the day after Christmas 1776 that saved the American Revolution from collapse. Lincoln told the legislators: “I remember all the accounts” in Weems’s book “of the battle-fields and struggles for the liberty of the country, and none fixed themselves upon my imagination so deeply as the struggle here at Trenton... The crossing of the river; the contest with the Hessians; the great hardships endured at that time, all fixed themselves on my memory more than any single revolutionary event... I recollect thinking then, boy even though I was, that there must have been something more than common that those men struggled for.”

These words were not merely an exercise in nostalgia. As always, Lincoln invoked the past for a purpose. On this occasion he shifted from the Revolution to the present and future. Prospects for the United States in that present and future were dark. The country of which Lincoln would become President eleven days later was no longer the United States, but the dis-United States. Seven slave states, fearing for the future of their peculiar institution in a nation governed by the new antislavery Republican Party,

had seceded from the Union in response to Lincoln’s election. Several more slave states were threatening to go out. Even as Lincoln spoke in Trenton, delegates from those first seven states were meeting in Montgomery, Alabama, to form the independent nation of the Confederate States of America. Civil War, or a permanent division of the country with its dire precedent for further divisions, or both, loomed on the horizon. Thus it is not surprising that when Lincoln shifted from his discussion of the Revolution to the present, he “began: “I am exceedingly anxious” that what those men fought for, “that something even more than National Independence; that something that held out a great promise to all the people of the world for all time to come; I am exceedingly anxious that this Union, the Constitution, and the liberties of the people shall be perpetuated in accordance with the original idea for which that struggle was made.

The next day, Washington’s birthday, Lincoln spoke at Independence Hall in Philadelphia where he spelled out more clearly what he believed was at stake both in the Revolution and in the crisis of 1861. “I have often inquired of myself,” said Lincoln, “what great principle or idea it was that kept this Union so long together. It was not the mere matter of the separation of the colonies from the mother land, but that sentiment in the Declaration of Independence which gave liberty, not alone to the people of this country, but hope to the world for all future time.” At this point in Lincoln’s remarks, the newspaper text indicated “Great applause” from the audience, which included the city council and leading citizens of Philadelphia. Lincoln told them: “I have never had a feeling politically that did not spring from the sentiments embodied in the Declaration of Independence” (“Great cheering,” according to the press). The ringing phrases that “all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness,” said Lincoln in 1861, “gave promise” not just to Americans, but “hope to the world” that “in due time the weights should be lifted from the shoulders of all men, and that all should have an equal chance. (Cheers.)”

The sincerity of some in the audience who cheered Lincoln's egalitarian sentiments might be questioned. But Lincoln was quite sincere in his endorsement of them. Lincoln was, of course, painfully aware that many Americans enjoyed neither liberty nor equality. Four million were slaves, making the United States—the self-professed beacon of liberty to oppressed masses everywhere—the largest slaveholding country in the world. Lincoln grasped this nettle. “I hate... the monstrous injustice of slavery,” he had said in his famous Peoria speech of 1854. “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.”

As for equality, said Lincoln on another occasion, the author of the Declaration of Independence and the founding fathers who signed it clearly “did not intend to declare all men equal *in all respects*.” They did not even “mean to assert the obvious untruth” that all men in 1776 were equal in rights and opportunities. Rather, “they meant to set up a standard maxim for free society, which should be... constantly looked to, constantly labored for, and even though never perfectly attained, constantly approximated, and thereby constantly spreading and deepening its influence, and augmenting the happiness and value of life to all people of all colors everywhere.”

Like Thomas Jefferson, Lincoln asserted a universality and timelessness for the principles of liberty, equal rights, and equal opportunity on which the nation was founded. And Lincoln acknowledged his intellectual debt to Jefferson—not Jefferson the slaveholder, not Jefferson the author of the Kentucky resolutions of 1799 asserting the superiority of state over federal sovereignty, not even Jefferson the President—but Jefferson the philosopher of liberty, author of the Northwest Ordinance that kept slavery out of future states comprising 160,000 square miles at a time when most existing states of the Union still had slavery, and the Jefferson who, even though he owned slaves, said of the institution that “he trembled for his country when he remembered that God was just.” This was the Jefferson, said Lincoln in 1859, who “in the concrete pressure of a struggle

for national independence by a single people had the coolness, forecast, and capacity to introduce into a merely revolutionary document”—the Declaration of Independence—“an abstract truth, applicable to all men and all times.”

Universal and timeless this truth may be, but in Jefferson's time it remained mostly as Lincoln described it—abstract. Fate decreed that it fell to Lincoln, not Jefferson, to give substance and meaning to what Jefferson had called a self-evident truth. Ironically, it was the slaveholders who provided Lincoln the opportunity to do so, for by taking their states out of the Union they set in train a progression of events that destroyed the very social and political order founded on slavery that they had seceded to preserve.

Secession transformed the main issue before the country from slavery to disunion. When Lincoln became President, he confronted the question not what to do about slavery, but what to do about secession. On this question, Lincoln did not hesitate. Branding secession as “the essence of anarchy,” he insisted in 1861 that “the central idea pervading this struggle is the necessity that is upon us, of proving that popular government is not an absurdity. We must settle this question now, whether in a free government the minority have the right to break up the government whenever they choose. If we fail it will go far to prove the incapability of the people to govern themselves.”

Lincoln had come a long way in his understanding of history since his boyhood reading of Weems's biography of Washington. Like other thoughtful Americans, he was acutely conscious of the unhappy fate of most republics in the past. The United States stood almost alone in the mid-nineteenth century as a democratic republic in a world bestrode by kings, queens, emperors, czars, petty dictators, and theories of aristocracy. Some Americans alive at midcentury had seen two French republics rise and fall. The hopes of 1848 for the triumph of popular government in Europe had been shattered by the counterrevolutions that brought a conservative reaction in the Old World. Would the American experiment in government

of, by, and for the people also be swept into the dustbin of history?

Not if Lincoln could help it. "Our popular government has often been called an experiment," he told a special session of Congress that met on July 4, 1861. "Two points in it, our people have already settled—the successful establishing, and the successful administering of it. One still remains—its successful maintenance against a formidable internal attempt to overthrow it." If that attempt succeeded, said Lincoln, the forces of reaction in Europe would smile in smug satisfaction at this proof of their contention that the upstart republic launched in 1776 could not last.

Many in the North shared Lincoln's conviction that democracy was on trial in this war. "We must fight," proclaimed an Indianapolis newspaper two weeks after Confederate guns opened fire on Fort Sumter. "We must fight because we *must*. The National Government has been assailed. The Nation has been defied. If either can be done with impunity neither Nation nor Government is worth a cent... War is self preservation, if our form of Government is worth preserving. If monarchy would be better, it might be wise to quit fighting, admit that a Republic is too weak to take care of itself, and invite some deposed Duke or Prince of Europe to come over here and rule us. But otherwise, *we must fight*."

The outbreak of war brought hundreds of thousands of Northern men to recruiting offices. A good many of them expressed a similar sense of democratic mission as a motive for fighting. "I do feel that the liberty of the world is placed in our hands to defend," wrote a Massachusetts soldier to his wife in 1862, "and if we are overcome then farewell to freedom." In 1863, on the second anniversary of his enlistment, an Ohio private wrote in his diary that he had not expected the war to last so long, but no matter how much longer it took it must be carried on "for the great principles of liberty and self government at stake, for should we fail, the onward march of Liberty in the Old World will be retarded at least a century, and Monarchs, Kings, and Aristocrats will be powerful against their subjects than ever."

Some foreign-born soldiers appreciated the international impact of the war more intensely than native-born men who took their political rights for granted. A young British immigrant in Philadelphia wrote to his father back in England explaining why he had enlisted in the Union army. "If the Unionists let the South secede," he wrote, "the West might want to separate next Presidential Election... others might want to follow and this country would be as bad as the German states." Another English-born soldier, a 40 year-old corporal in an Ohio regiment, wrote to his wife in 1864 explaining why he had decided to re-enlist for a second three-year hitch. "If I do get hurt I want you to remember that it will be not only for my Country and my Children but for Liberty all over the World that I risked my life, for if Liberty should be crushed here, what hope would there be for the cause of Human Progress anywhere else?" An Irish-born carpenter, a private in the 28th Massachusetts Infantry of the famous Irish Brigade, rebuked both his wife in Boston and his father-in-law back in Ireland for questioning his judgment in risking his life for the Union. "This is the first test of a modern free government in the act of sustaining itself against internal enemys," he wrote almost in echo of Lincoln. "If it fail then the hopes of millions fall and the designs and wishes of all tyrants will succeed the old cry will be sent forth from the aristocrats of Europe that such is the common lot of all republics." It is worth noting that the both this Irish-born private and the English-born Ohio corporal were killed in action in 1864.

The American sense of mission invoked by Lincoln and by these soldiers—the idea that the American experiment in democracy was a beacon of liberty for oppressed people everywhere—is as old as the Mayflower Compact. In our own time, this sentiment sometimes comes across as self-righteous posturing that inspires more resentment than admiration abroad. The same was true in Lincoln's time, when the resentment was expressed mainly by upper-class conservatives, especially in Britain. But many spokesmen for the middle and working classes in Europe echoed the chauvanistic Americans. During the debate that produced the British Reform

Act of 1832, the London Working Men's Association pronounced "the Republic of America" to be a "beacon of freedom for all mankind," while a British newspaper named the *Poor Man's Guardian* pointed to American institutions as "the best precedent and guide to the oppressed and enslaved people of England in their struggle for the RIGHT OF REPRESENTATION FOR EVERY MAN."

In the preface to the twelfth edition of his *Democracy in America*, written during the heady days of the 1848 democratic uprisings in Europe, Alexis de Tocqueville urged the leaders of France's newly created Second Republic to study American institutions as a guide to "the approaching irresistible and universal spread of democracy throughout the world." When instead of democracy France got the Second Empire under Napoleon III, the republican opposition to his regime looked to the United States for inspiration. "Many of the suggested reforms," wrote the historian of the French opposition, "would have remained utopic had it not been for the demonstrable existence of the United States and its republican institutions." The existence of the United States remained a thorn in the side of European reactionaries, according to a British radical newspaper, which stated in 1856 that "to the oppressors of Europe, especially those of England, the United States is a constant terror, and an everlasting menace" because it stood as "a practical and triumphant refutation of the lying and servile sophists who maintain that without kings and aristocrats, civilized communities cannot exist."

Once the war broke out, French republicans, some of them in exile, supported the North as "defenders of right and humanity." In England, John Stuart Mill expressed the conviction that the American Civil War "is destined to be a turning point, for good and evil, of the course of human affairs." Confederate success, said Mills, "would be a victory for the powers of evil which would give courage to the enemies of progress and damp the spirits of its friends allover the civilized world."

Some European monarchists and conservatives did indeed make no secret of their hope that the Union would fall into the dustbin of history. The powerful

Times of London considered the likely downfall of "the American colossus" a good "riddance of a nightmare... Excepting a few gentlemen of republican tendencies, we all expect; we nearly all wish, success to the Confederate cause." The Earl of Shrewsbury expressed his cheerful belief "that the dissolution of the Union is inevitable, and that men before me will live to see an aristocracy established in America." In Spain the royalist journal *Pensamiento Espanol* found it scarcely surprising that Americans "were butchering each other, for the United States, it declared editorially, "was populated by the dregs of all the nations of the world... Such is the real history of the one and only state in the world which has succeeded in constituting itself according to the flaming theories of democracy. The example is too horrible to stir any desire for emulation." The minister to the United States from the Czar of all Russians echoed this opinion in 1863. "The republican form of government, so much talked about by the Europeans and so much praised by the Americans, is breaking down," he wrote. "What can be expected from a country where men of humble origin are elevated to the highest positions?" He meant Lincoln, of course. "This is democracy in practice, the democracy that European theorists rave about. If they could only see it at work they would cease their agitation and thank God for the government which they are enjoying."

Clearly, opinion in Europe supported Lincoln's conviction that the very survival of democracy was at stake in the Civil War. But in the first year and one-half of the war, the problem of slavery muddled the clarity of this issue. The Confederacy was a slave society, which should have strengthened the Union's image abroad as the champion of liberty and equal rights. As Lincoln put it in a private conversation in January 1862: "I cannot imagine that any European power would dare to recognize and aid the Southern Confederacy if it became clear that the Confederacy stands for slavery and the Union for freedom." The problem was, at that time the Union did not yet stand for the freedom of slaves. Constitutional constraints plus Lincoln's need to keep Northern Democrats and the border slave states in his war coalition inhibited efforts to make it a war

against slavery. This restraint puzzled and alienated many potential European friends of the Union cause. An English observer asked in September 1861: Since “the North does not proclaim abolition and never pretended to fight for anti-slavery,” how “can we be fairly called upon to sympathize so warmly with the Federal cause?”

Lincoln recognized the validity of this question. In September 1862 he agreed with a delegation of antislavery clergymen that “emancipation would help us in Europe, and convince them that we are incited by something more than ambition.” When he said this, Lincoln had made up his mind to issue an emancipation proclamation. The balance of political forces in the North and military forces on the battlefield had shifted just enough to give this decision the impetus of public support. Basing his action on the power of the commander in chief to seize enemy property being used to wage war against the United States—slaves were property and their labor was essential to the Confederate war economy—Lincoln issued a preliminary Emancipation Proclamation in September 1862 and the final Proclamation on January 1st, 1863, justifying it as both a “military necessity” and an “act of justice.”

The Emancipation Proclamation not only laid the groundwork for the total abolition of slavery in the United States, which was accomplished by the Thirteenth Amendment to the Constitution in 1865. It also emancipated Lincoln from the contradiction of fighting a war for democratic liberty without fighting a war against slavery. Emancipation deepened Lincoln's sense of history. As he signed the Proclamation on that New Year's Day 1863, he said to colleagues who gathered to witness this historic occasion: “I never, in my life, felt more certain that I was doing right than I do in signing this paper. If my name ever goes into history it will be for this act, and my whole soul is in it.”

Lincoln here connected the act of emancipation with the future, as he had earlier connected the war for the Union with a past that had given Lincoln's generation the legacy of a united country. Just as the sacrifices of those who had fought for independence

and nationhood in 1776 inspired Lincoln and the people he led, their sacrifices in the Civil War would leave a legacy of democracy and freedom to future generations. In his first annual message to Congress—we call it today the State of the Union Address—Lincoln declared that “the struggle of today is not altogether for today—it is for a vast future also.” Lincoln sent his second annual message to Congress in December 1862, just before he issued the final Emancipation Proclamation. On this occasion he defined the war's meaning by linking past, present, and future in a passage of unsurpassed eloquence and power. “Fellow-citizens, we cannot escape history,” he said. “We of this Congress and this administration, will be remembered in spite of ourselves. The fiery trial through which we pass, will light us down, in honor or dishonor, to the latest generation... We shall nobly save, or meanly lose, the last best, hope of earth... The dogmas of the quiet past, are inadequate to the stormy present... In giving freedom to the slave, we assure freedom to the free... We must disenthral ourselves, and then we shall save our country.”

I said a moment ago that Lincoln's eloquence in this passage was unsurpassed. But he did surpass himself nearly a year later, in the prose poem of 272 words that we know as the Gettysburg Address. In this elegy for Union soldiers killed at the battle of Gettysburg, Lincoln wove together past, present, and future with two other sets of three images each: continent, nation, battlefield; and birth, death, rebirth. The Gettysburg Address is so familiar that, like other things that people can recite from memory, its meaning sometimes loses its import. At the risk of destroying the speech's poetic qualities, let us disaggregate these parallel images of past, present, future; continent, nation, battlefield; and birth, death, rebirth. To do this will underscore the meaning of the Civil War not only for Lincoln's time but also for generations into the future.

Four score and seven years in the past, said Lincoln, our fathers brought forth on this continent a nation conceived in liberty. Today, in 1863, our generation faces a great test whether a nation so conceived can survive. In dedicating the cemetery on this battlefield,

the living must take inspiration to finish the task that those who lie buried here so nobly advanced by giving their last full measure of devotion. Life and death in this passage have a paradoxical relationship: men died that the nation might live, yet the old Union also died, and with it would die the institution of slavery. After these deaths, the nation must have a “new birth of freedom” so that government of, by, and for the people that our fathers conceived and brought forth in the past “shall not perish from the earth” but live into the vast future, even unto the next millennium.

Although Lincoln gave this address at the dedication of a cemetery, its rhetoric was secular. As the war went on, however, Lincoln’s efforts to come to grips with the mounting toll of death, destruction, and suffering became more infused with religious inquiry. Perhaps God was punishing Americans with “this terrible war” for some great sin. By the time of his inauguration for a second term, Lincoln believed he had identified that sin. “Fondly do we hope—ferently do we pray—that this mighty scourge of war may speedily pass away,” said Lincoln in his second inaugural address. “Yet, if God wills that it continue, until all the wealth, piled by the bond-man’s two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash, shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said ‘the judgments of the Lord, are true and righteous altogether.’”

Fortunately, the war lasted only another few weeks after Lincoln’s second inauguration. In this new millenium, we may well wonder if we are still paying for the blood drawn with the lash of slavery. But the impact abroad of Union victory was almost immediate. In Britain a disgruntled Tory member of Parliament expressed disappointment that the Union had not broken in “two or perhaps more fragments,” for he considered the United States “a menace to the whole civilized world.” A Tory colleague described this menace as “the beginning of an Americanizing process in England. The new Democratic ideas are gradually to find embodiment.” Indeed they were. In 1865 a liberal political economist at University College London, Edward Beesly, who favored the

expansion of voting rights in Britain, pointed the moral of Union victory across the Atlantic. “Our opponents told us that Republicanism was on trial” in the American Civil War, said Beesly. “They insisted on our watching what they called its breakdown. They told us that it was forever discredited in England. Well, we accepted the challenge. We staked our hopes boldly on the result... Under a strain such as no aristocracy, no monarchy, no empire could have supported, Republican institutions have stood firm. It is we, now, who call upon the privileged classes to mark the result... A vast impetus has been given to Republican sentiments in England.”

Queen Victoria’s throne was safe. But a two-year debate in Parliament, in which the American example figured prominently, led to enactment of the Reform Bill of 1867, which nearly doubled the eligible electorate and enfranchised a large part of the British working class for the first time. With this act the world’s most powerful nation took a long stride toward democracy. What might have happened to the Reform Bill if the North had lost the Civil War, thereby confounding liberals and confirming Tory opinions of democracy, is impossible to say.

The end of slavery in the re-United States sounded the death knell of the institution in Brazil and Cuba, the only other places in the Western Hemisphere where it still existed. Commending the Brazilian government’s first steps toward abolition of slavery in 1871, an abolitionist in that country was glad, as he put it, “to see Brazil receive so quickly the moral of the Civil War in the United States.”

Even without Northern victory in the war, slavery in the United States, Brazil, and Cuba would have been unlikely to survive into the next millennium. But it might well have survived into the next century. And without the Fourteenth and Fifteenth Amendments to the U.S. Constitution, which like the Thirteenth were a direct consequence of the war, and which granted equal civil and political rights to African-Americans, the United States might have developed into even more of an apartheid society in the twentieth century than it did.

These Amendments consummated a new interpretation of liberty in the American polity, an interpretation that may be the most important legacy of the Civil War for the new millennium. Lincoln played a crucial role in the evolution of this new concept of liberty. In April 1864 he chose the occasion of a public speech in Baltimore to define the difference between two meanings of this word that is so central to America's understanding of itself. "The world has never had a *good* definition of the word liberty," Lincoln declared in that state of Maryland, which still had slavery but was about to abolish it. "We all declare for liberty, but in using the same *word* we do not mean the same *thing*. With some the word liberty may mean for each man to do as he pleases with himself, and the product of his labor; while with others the same may mean for some men to do as they please with other men, and the product of other men's labor. Here are two, not only different, but incompatible things, called by the same name—liberty." As he often did, Lincoln went on to illustrate his point with a parable. One of the first books he had read as a child was *Aesop's Fables*, and throughout his life Lincoln told apparently simple stories about animals to make subtle and profound points about important matters. "The shepherd drives the wolf from the sheep's throat," he said, "for which the sheep thanks the shepherd as a *liberator*, while the wolf denounces him for the same act as a destroyer of liberty, especially as the sheep is a black one. Plainly the sheep and the wolf are not agreed upon a definition of the word liberty; and precisely the same difference prevails to-day among us human creatures, even in the North, and all professing to love liberty. Hence we behold the processes by which thousands are daily passing from under the yoke of bondage, hailed by some as the advance of liberty, and bewailed by others as the destruction of all liberty."

The shepherd in this fable was, of course, Lincoln himself; the black sheep was the slave, and the wolf was the slave's owner. The point of the fable was similar to a barbed comment Lincoln had made a decade earlier about Southern rhetoric professing a love of liberty. "The perfect liberty they sigh for," said Lincoln on that occasion, "is the liberty of

making slaves of other people." More subtly, Lincoln in this parable was drawing a distinction between what the late philosopher Isaiah Berlin described as "negative liberty" and "positive liberty." The concept of negative liberty is perhaps more familiar. It can be defined as the absence of restraint, a freedom from interference by outside authority with individual thought or behavior. Laws requiring automobile passengers to wear seatbelts or motorcyclists to wear helmets are a violation of their liberty to go without seatbelts or helmets. Negative liberty, therefore, is best described as freedom *from*. Positive liberty can be defined as freedom *to*—freedom to live longer and better because wearing a seatbelt or helmet has saved one from death or injury.

The example of freedom of the press perhaps provides a better illustration. This freedom is usually understood as a negative liberty—freedom from interference with what a writer writes or a reader reads. But an illiterate person suffers from a denial of positive liberty. He is unable to enjoy the freedom to read or write whatever he pleases not because some authority prevents him from doing so, but because he cannot read or write anything. The remedy lies not in removal of restraint but in achievement of the capacity to read and write.

Another way of defining the difference between these two concepts of liberty is to describe their relation to power. Negative liberty and power are at opposite poles; power is the enemy of liberty, especially power in the hands of a central government. Negative liberty was the preeminent concern of Americans in the eighteenth and first half of the nineteenth centuries. Many feared the federal government as the main threat to individual liberty; some still do today. Americans fought their Revolution against the overweening power of King and Parliament. In the Constitution, they fragmented power among the three branches of the federal government, between the two houses of Congress, and between the national and state governments. But even this was not enough, in James Madison's words, to prevent "tendency in all Governments to an augmentation of power at the expense of liberty." So the founders wrote a Bill of Rights which, in the first ten amendments

to the Constitution, imposed limits on the power of the federal government.

Throughout early American history, political leaders remained vigilant against concentrations of power. Andrew Jackson vetoed the charter renewal of the Second Bank of the United States in 1832 because, he said, such a combination of private wealth and government power would cause “our liberties to be crushed.” In 1854 the famous reformer of mental hospitals, Dorothea Dix, persuaded Congress to pass a bill granting public lands to the states to subsidize improved facilities for the mentally ill. President Franklin Pierce vetoed the bill because, he wrote in his veto message, if Congress could enact such a law, “it has the power to provide for the indigent who are not insane, and thus...the whole field of public beneficence is thrown open to the care and culture of the Federal Government.” This would mean “all sovereignty vested in an absolute consolidated central power, against which the spirit of liberty has so often and in so many countries struggled in vain.” Therefore a law to improve mental hospitals, concluded Pierce, would be “the beginning of the end...of our blessed inheritance of representative liberty.”

Owners of slaves also relied on this bulwark of negative liberty to defend their right of property in human beings. John C. Calhoun and other Southern political leaders constructed an elaborate structure of state sovereignty and limitations on national power. No exercise of federal power escaped the censure of these proslavery libertarians. As Senator Nathaniel Macon of North Carolina explained: “If Congress can make banks, roads, and canals under the Constitution, they can free any slave in the United States.”

The ultimate manifestation of negative liberty was secession. Southern states left the Union in 1861 because they feared that sometime in the future the growing Northern antislavery majority embodied in the Republican Party would exercise its power to free the slaves—a form of positive liberty that might even go as far as to empower those freed slaves to read and write, to vote, and to aspire to equality

with whites—a truly frightening scenario of positive liberty. Yet ironically, by seceding and provoking a war, Southern whites hastened the very achievement of positive liberty they had gone to war to prevent.

By 1864, when Lincoln told his parable about the shepherd protecting the black sheep from the wolf, that shepherd wielded a very big staff as commander in chief of the largest army yet known in the United States. It took every ounce of this power to accomplish the “new birth of freedom” that Lincoln invoked at Gettysburg.

Tragically, Lincoln did not live to oversee advancement toward that goal. His earlier definition of equality as a “maxim for free society...even though never perfectly attained...constantly labored for...and thereby constantly spreading the deepening its influence, and augmenting the happiness and value of life to all people of all colors” suggests the policies of positive liberty he would have pursued had he lived. But at Ford’s Theatre, John Wilkes Booth ended that possibility as he shouted Virginia’s state motto—*sic semper tyrannis* (thus always to tyrants)—the slogan of negative liberty.

But Lincoln’s party carried on the tradition of positive liberty, with its efforts to legislate and enforce equal civil rights, voting rights, and education during Reconstruction. As Republican Congressman George Julian noted in 1867, the only way to achieve “justice and equality...for the freedmen of the South” was by “the strong arm of *power*, outstretched from the central authority here in Washington.” Or as Congressman James Garfield, a future Republican president, put it also in 1867, “we must plant the heavy hand of...authority upon these rebel communities, and...plant liberty on the ruins of slavery.”

That is what the Thirteenth, Fourteenth, and Fifteenth Amendments to the Constitution tried to do. These amendments radically transformed the thrust of the Constitution from negative to positive liberty. Instead of the straitjacket of “thou shalt nots” imposed on the federal government by the Bill of Rights, the Civil War amendments established a precedent whereby nine of the next fourteen

Constitutional amendments contained the phrase “Congress shall have the *power*” to enforce their provisions. Lincoln himself set this precedent by helping to draft the Thirteenth Amendment, which was the centerpiece of the platform on which he was re-elected in 1864.

Lincoln's party continued its commitment to positive liberty at least through the presidency of Theodore Roosevelt. In the twentieth century, however, the two major parties gradually reversed positions. The Democratic Party, once the bastion of negative liberty, state's rights, and limited government, donned the mantle of positive liberty while most Republicans invoked the mantra of negative liberty. And now it is the Democratic Party that has brought Lincoln's legacy full circle with the election and reelection of our first African American president, who first announced his candidacy in 2007 in the old Illinois State House where Lincoln gave his famous House Divided Address in 1858, took his oath of office both times on the same Bible that Lincoln used for that purpose in 1861, made the new birth of freedom that Lincoln had invoked at Gettysburg the theme of his first inaugural address, and in his second inaugural address echoed Lincoln's statement that it is the responsibility of government to help people do what they cannot do entirely by themselves—a central tenet of positive liberty. Lincoln's legacy will persist as the tensions between positive and negative liberty continue to play out in the American political process.



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