"A Sacred Effort": Lincoln’s Second Inaugural and the Problem of Justice

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Abstract: Lincoln’s Second Inaugural has both impressed and perplexed audiences since its initial delivery. While most have been deeply moved by his call for “malice toward none” and “charity for all,” they have often been equally puzzled and even put off by the stern religiosity on display in the paragraph prior to his peroration. He was even accused, at the time, of “substituting religion for statesmanship.” I argue that it is his statesmanlike use of religion—indeed, of a new hybrid (still unnamed) religion, Judeo-Christianity—that provided the moral and psychological ground for overcoming the “malice” that so often attends the end of wars. Unlike the post religious (and uncharitable) statesmanship of the Allies in World War I that contributed to the outbreak of World War II, Lincoln’s statesmanship in the Second Inaugural provides a model for how to keep the “settling of scores”—the desire for punitive justice—from snatching defeat from the jaws of victory.

The various modes of worship, which prevailed in the Roman world, were all considered by the people, as equally true; by the philosopher, as equally false; and by the magistrate, as equally useful.”

—Edward Gibbon, *Decline and Fall of the Roman Empire* 1.2

Meet with mixed reviews and some perplexity at the time, the Second Inaugural was thought by Abraham Lincoln to be perhaps his best speech. While the Gettysburg Address long held that place, scholarly consensus today is moving in the direction of Lincoln’s high evaluation of the effort. For its accomplishments are indeed extraordinary. In remarkably short compass (its length is barely 2½ times that of the Gettysburg Address), Lincoln (1) ensures that—in contrast to His fate at the end of the comparably horrific First World War—God would not, for Americans, die on the battlefields of the Civil War; (2) prepares the requisite ground for “binding the nation’s wounds” (beyond those sustained in battle); (3) seeks to limit the vindictiveness with which victors all too often treat the vanquished; and (4) constructs a new religion—later to be called “Judeo-Christianity”—that, I argue, provides the best basis on which to solve what I will call the problem of justice.

Grasping Lincoln’s approach to treating human wrongdoing may provide guidance for us today. How precisely are people responsible for the wrongdoings and evils they commit? If culpable, how can reconciliation be advanced—and cycles of violence or revenge be restricted? Is there an alternative to the moral denunciation we are often tempted to employ—and which Lincoln was convinced was wrong and largely ineffective?

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1 Bray (2007, 34, 50), in his “evaluative” list of what Lincoln read, judges it “very likely” that Lincoln had read Gibbon.

2 Letter to Thurlow Weed (Lincoln 1992 [1865], 450–51).

3 A fine recent analysis of Lincoln’s statesmanship calls it “[t]he most remarkable speech ever given by an American President” (Miller 2008, 397). By contrast, none of the authors in Fehrenbacher’s excellent 1970 edited volume *The Leadership of Abraham Lincoln* mentions the speech. See Goodwin (2005, 700–701) for (what she argues is) Seward’s view: “one of the most sublime utterances ever spoken by man.”

4 Lincoln had spoken in his important earlier Lyceum Address of the need for a “political religion” (Lincoln 1992 [1838], 17). There, however, he was speaking of a “reverence for the laws” of the nation, a reverence drawn from the “solid quarry of sober reason.” The Second Inaugural’s political religion is fashioned directly from the biblical tradition (see also Morel 2000, 2). I will try to show that Lincoln requires biblical religion to supply the one defect of a religion of “sober reason”: its inability to address our love of punitive justice.

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Can we steer between two opposing views that deny personal moral responsibility: the view that rejects all moral responsibility on the grounds there is no “free will” and the view that blames God or “systemic ideologies” with determining human will and action?

The speech is a marvel of construction, tone, and profundity. In it, Lincoln addresses the “causes” of the war; examines the respective responsibility of both halves of the country for the “offence” of “American slavery”; demonstrates how the awful slaughter and sufferings of the war—which, Lincoln notes, had been sought by neither party—could be understood as evidence for the continued existence of “the Living God”; and compellingly describes the national attitude necessary to prevent further war.

Most important, as many commentators have noted, is Lincoln’s refusal to engage in any hint of “vindication,” “condemnation,” “triumph,” or insistence on “the rightness of [the Union’s] cause” (Miller 2008, 399–400). Indeed, the chief evidence of Lincoln’s extraordinary humaneness is his insistence on “malice toward none” in the speech. Lincoln surely wished to deny to white Northerners and to black ex-slaves any temptation to seek vengeance on their former enemies. Yet, Lincoln also advanced the positive argument of “charity toward all.” I take this addition to mean Lincoln, who was already planning on some sort of Reconstruction, was not engaging (as the New York World claimed at the time) in the “substitution of religion for statesmanship” (see Goodwin 2005, 700) but very much using religion as an element of his statesmanship. To understand how, we must grasp how Lincoln’s powerful conclusion “gained power from”—or, as I will argue, psychologically and morally depended upon—“what came before” (Miller 2008, 401), namely, the very religious penultimate paragraph invoking God’s (harsh) justice. Lincoln could have simply invoked Matthew 5:38–39 and urged his audience to “resist” the temptation of vengeance and instead to “turn the other cheek.” That he did not do so requires a full analysis of the speech. George Kateb (with whose resolution I disagree) states the central puzzle of the speech well: Despite introducing “providential deter-

The Causes of the War and Its Continuation

Like the Greek historian Thucydides, Lincoln wishes to understand the cause or causes of the war. And, like Thucydides, Lincoln hesitates to employ denunciation when he uncovers them. He understands the concept of “cause” in a dual sense. First, there is the social scientific sense that seeks to isolate the actions and (unavoidably) self-interested concerns that occasioned the war. Second, there is the moral sense that seeks to assign blame or responsibility for the war’s occurring. This sense is largely ignored by contemporary political science on the grounds that all actors are “rational actors” who cannot, strictly speaking, be “blamed” (save for “mis-
calculation”). Lincoln’s ability to sympathize with those who blame makes him a genuinely democratic leader, while his ability to attain the loftier former view makes him a humane, forgiving, farsighted statesman. And, in combining the two senses, Lincoln (like Thucydides) confronts the possibility that justice may itself be a, if not the, cause of war (along with various kinds of wrongheaded selfishness).

The cause of the war, Lincoln suggests, was somehow slavery. But Lincoln knew the moral/political universe differed in one important aspect from the physical one: Removing the cause of the war would not in itself end the hostility that occasioned it. And he feared that continued hostility could emerge if the war and its meaning were not adequately dealt with in his speech. It is, then, the cause of the hostility’s continuing that Lincoln must isolate and whose influence on postwar Americans he must limit.

Lincoln’s treatment of the question of blame or responsibility for the war is remarkably subtle. For it not only distinguishes the question of “who is responsible unassisted human reason” (Fornieri 2003, 10, 39, 58). I attempt a different explanation.

5Frederick Douglass, responding to Lincoln’s request for his thoughts on the speech, gives the more accurate description of it as a “sacred effort.”

6Kateb rightly notes Lincoln did not rely on the classical “tragic” resolution. Some scholars seek consistency by arguing that Lincoln promoted a “Judeo-Christian God” that was “concordant with
for the war” from “should the responsible party be punished,” but it also offers a remarkably philosophic or “Socratic”9 analysis of why it “must needs be that offences come”—that is, why people commit wrongdoing.10 The analysis of “responsibility” moves through three distinct phases. First, insofar as neither side sought the war (each hoping to gain its end without war), Lincoln begins by suggesting that neither side was responsible—or can be blamed—for the war. This implies the war was a classic case of “miscalculation” and was in no one’s self-interest. Second, however, he suggests that a national offense, “American slavery,” was “somehow the cause of the war, meaning that both sides were responsible for it.11 (Note that while not seeking the war exculpates both sides from responsibility for it, simple complicity in slavery—chiefly by reinstating the Fugitive Slave Act and purchasing cotton and other products—does not exculpate the North.) Yet, third, in the final passage, Lincoln calls for “malice toward none” and “charity toward all”: No retribution ought to be visited even on responsible parties. How are we to understand this? How can Lincoln claim both that “neither side” and that “both sides” are responsible? Above all, what is the specific moral thought linking the penultimate paragraph (regarding God’s harsh justice) to the final one (calling for “charity for all”)?

The contrast between these two paragraphs has left commentators perplexed. Many, noting Lincoln’s own distaste for vengeance, have simply omitted from their summaries of the speech all but the final mentions of charity and malice. Others have stressed the unifying political purpose to which Lincoln puts God, finding both North and South to blame for “American slavery.” But no commentator has yet discerned what I will call the moral dependence of Lincoln’s summary call of “malice toward none, charity toward all” on the prior paragraph outlining God’s justice.

9 I mean “Socratic” in the sense of recognizing that people often misunderstand the good they inevitably seek.

10 This analysis is missed by those who take “offences” to refer to sins, such as the American “sin” of slavery (Fornieri 2003, 138). But Lincoln pointedly avoids the use of the word sin—and “offences,” as we will see, refers to “stumbling blocks” (Kateb 2015, 204–5; White 2002, 144) or notions (e.g., vengeance) that obscure from us what should be done.

11 Lincoln even seems to assign a portion of the blame for the war to himself. As he notes in passing, “insurgent agents” were in Washington, DC, seeking to “destroy [the Union] without war.” That is, the Confederates were willing to negotiate a settlement—amounting to a division of the Union—to avoid war. And it was Lincoln himself who refused this overture. He was then among those who “would accept war rather than let [the Union] perish.”

Forgiveness and Its Discontents

Charity is perhaps the central Christian virtue (see 1 Corinthians 13:13).12 Accordingly, many summarize Lincoln’s views, at this late stage of life, as giving “sincere expression and devotion to the Christian faith” (Randall 1947, 204). Though edifying, this view (recently elaborated by White 2002) seems unpersuasive for several reasons. First, Lincoln never mentions Jesus, Christianity, or faith in the speech. Second, Lincoln was suspected, from the moment he entered public life, of being “unchurched” and at the least not a “sincere” Christian.13 Third, and crucially, the penultimate (and longest) paragraph showcases the “punitive” God long associated with the Old, not the New, Testament. This paragraph argues that “offences” must be avenged and that God (alone) will be the agent of vengeance.

In accepting the need to see vengeance done, Lincoln makes an extraordinary course correction toward the sober Lockean liberalism on which he elsewhere depends. Locke, in his discussion of the state of nature, twice alerts the reader to a “very strange Doctrine” of his (Second Treatise, secs. 9, 13): the view that “every man hath a right [in that State] to punish the Offender [against the Law] and be Executioner of the Law of Nature” (sec. 8). Locke’s readers would consider this a “strange Doctrine” because of the biblical teaching that punitive vengeance belongs not to man but to God. Moreover, Locke then removes vengeance from the purpose of punishment altogether. The punishment of a “Criminal,” says Locke, shall not be “according to the passionate heats, or the extravagancy of [the captor’s] own will, but only to retribute to him … so much as may serve for Reparation and Restraint” (sec. 8, first italics added).14 The only rational purpose of punishment, then, is to correct the situation as far as possible and to ensure it does not recur. Only the irrational (inspired, Locke suggests, to some extent by their God) go further and seek vengeance. Lockean liberalism, then, depends on a cool, rational populace that will


13 Niebuhr (1965, 172) in fact argues that Lincoln’s reference to the “divine attributes” that “the believers in a Living God” have always “ascribed” to Him leaves Lincoln himself not among them.

14 Guelzo (2009, 38–39) suggests that Lincoln came to learn this argument regarding punishment through the influence of Bentham’s utilitarianism on the American legal community of his day.
consider the very desire for vengeance to be a relic of a more primitive, bygone era.

Lincoln came, by the end of the war, to doubt that many of his fellow citizens would ever give up demanding punitive vengeance as a central part of justice. Lincoln rejects as overly optimistic Locke’s expectation of weaning them altogether from that moral taste. Rather than push God’s (still valid) right to punitive vengeance into the shadows as Locke does, Lincoln enlists God and His vengeance as the ground on which to make acceptable a more-than-liberal forgiveness. Only after seeing punitive justice done, that is, can human beings hope to indulge in “charity for all.”

Lincoln knew that both Testaments contain the “vengeance is Mine” argument. In the Hebrew Bible, God says, “to Me belongeth vengeance, and recompense” (Deuteronomy 32:35, emphasis in original). And in the New Testament, we hear “Vengeance is mine; I will repay, saith the Lord” (Romans 12:19, emphasis in original). It was the Old Testament, however, that was generally understood, in Lincoln’s time, to be the source of the vindictive “measure for measure” principle. And it is clearly this principle that Lincoln invokes in the shattering penultimate paragraph of his speech: “If God wills that … every drop of blood drawn with the lash, shall by paid by another drawn with the sword,” we could not doubt His judgments were altogether “righteous” (Lincoln 1992 [1865], 450). It is God’s justice, then, that rendered punishment to both North and South. Lincoln not only accepts the long-standing Christian view that the Old Testament God is “harsh,” but he also insists that enlisting that God’s justice is the essential precondition for securing compliance with his more Christian peroration. We cannot hope to model the Christian virtue of charity, Lincoln implies, unless or until we are satisfied that the Jewish God has enforced justice. Had he instead anticipated the post—World War I approach of silently ushering God offstage, our thirst for justice to be done would remain unslaked—and, consequently, the North would (as the victorious Allies did) insist on enforcing it, vindictively, themselves. In his speech, Lincoln forges a new, hybrid “Judeo-Christian” religion (then unnamed) and does so emphasizing that the two parts complement and do not merely echo one another.

Lincoln, then, forges this new alliance between the Old and New Testaments on the basis of a specific political need. He even quietly reminds his Christian audience that their Testament too supports Divine vengeance. He recognized that civil wars often recur. As he notes, the Civil War was continuing on even after the “cause” of it (slavery) had (on paper) ceased to exist. Both sides, that is, were now fighting over the need to punish the other, not only for their original stands, but also for what each in the offering had done to the other. Lincoln foresaw that this desire for payback would not easily subside after the war ended. The human need to see punitive justice done would somehow have to be satisfied if postwar malice was to be limited.

Who should see to it that punitive or restorative justice be done? The allied leaders at the end of the First World War answered: the Allies themselves. In his address to Congress at the end of the Great War, President Woodrow Wilson—no doubt inspired by his hero, Lincoln—spoke of the need to satisfy “the longing of the whole world for disinterested justice.”

Vindicativeness, specifically the harsh punishment of Germany as the sole cause of the war, should play no role in the disposition of the peace. Yet, French Prime Minister Georges Clemenceau, in his speech opening the Paris Peace Conference in January 1919, stated the principle that would in fact drive the negotiations: “The greater the sanguinary catastrophe which devastated and ruined … France, the more ample and more splendid should be the reparation.” Clemenceau then asserted, “If we [viz. the victorious allies] wish to establish justice in the world we can do so now, for we have won victory and can impose
the penalties demanded by justice.” Wilson’s effort to promote Lincolnian forgiveness, that is, had no effect. That, I suggest, is because he (unlike Lincoln) was silent on the role of God and His punitive justice. Accordingly, Clemenceau’s “rabid anti-clericalism” (Horne 1962, 334) could look nowhere but to the Allies themselves to demand a vengeance-oriented justice. And that role was in Lincoln’s view essential to providing the ground for a policy of charity.

Another reason that Christianity alone could not be relied upon to provide the moral outlook needed after the war was its decidedly mixed record on slavery ante bellum. Most strikingly, Christianity, as a rather antinomian and apolitical religion, had not taken one consistent view of slavery. One portion of Christianity actually defended slavery; another fueled the abolitionist movement; and a third, the largest, left the majority of Americans with a vague sense of the wrongness of slavery without any clear guidance as to what to do about it. And these differing opinions arose, Lincoln notes, among those who “read the same Bible.” Perhaps worst of all, some (including Stephen A. Douglas, through his doctrine of popular sovereignty) denied slavery was a political question at all. Lincoln, in writing his speech, would not have forgotten that at least one strain of Christianity had promoted slavery and another argued that politics had no business in dealing with it.

Lincoln in some ways went further than Douglass in his criticisms of Garrisonian abolitionism. More than for its apolitical character, Lincoln denounced abolitionist Christianity for its antinomian character. Identifying radical abolitionists as no less mob-like than their persecutors, Lincoln (in his early Lyceum Address; 1992 [1838], 12–21) argued that the wild passion for justice could only tempt people to trample on the law (because or where it was unjust)—and that the quiet and orderly law-abiding majority would, in response, turn to a “towering genius,” a “member of the family of the eagle and the tribe of the lion” and ask him to assume dictatorial powers in order to restore civil society. So dangerous was Christianity’s antinomian approach to seeking justice—because, in part, it was so likely to invite a Napoleonic response—that Lincoln developed lifelong doubts about the passion for justice and, in the Lyceum Address, called for a “political religion” (i.e., not Christianity) that taught the sober, rational dedication to the law, including the constitutional ways of changing it. It is thus striking that Lincoln does not, in the Second Inaugural, renew his call for this “political religion.” Evidently, neither Christianity nor “cold, sober Reason” would be adequate to the postwar task of both satisfying and taming the wild passion for justice.

Therefore, Lincoln concluded, a division of labor between man and God was required. Man could act in the spirit of forgiveness and charity only if God were understood first to have acted in the spirit of punitive justice. To permit God to die on the battlefield (and in the hearts of Americans) would amount to a failure of statesmanship. To the contrary, Lincoln argued “the Living God” had been involved. But to what degree? Kateb suggests Lincoln—deploying a “savage but scarcely detectable irony”—implicitly blames God for both slavery and the war that became necessary to end it (2015, 211, 215). But Lincoln states that God’s “will” was apparent only in “remov[ing] … this terrible war.” The war’s “woes” were punishments “to those by whom the offence came,” that is, the human beings who (“in the providence of God”) brought about both slavery and war. Not God’s will, but His Providence, permitted human actions to bring about such wrongs. I suggest it is in his understanding of “God’s Providence” that Lincoln’s irony can be found. For, in Lincoln’s view, Providence determines nothing. It permits humans to pursue the good as they understand it. Only their inadequate understanding can be blamed for their bad choices. In stating God

22 http://www.firstworldwar.com/source/parispeaceconf_clemenceau.htm; emphasis added.

23 This may have owed, in part, to Wilson’s “theological or Presbyterian temperament,” according to John Maynard Keynes (1920, 56). As Lincoln had suspected, the purely Christian appeal to forgiveness would fail.

24 While I mean apolitical chiefly in the sense that Christianity is a moral discipline inclined to “render unto Caesar what is Caesar’s,” it also—above all in Garrisonianism—can become a fiercely anti-political stance, refusing to solve moral problems through immoral politics.

25 This began in earnest with John C. Weems’s claim (in 1829) that slavery was “justified by the Almighty” (see Fehrenbacher 2001, 69–70). Foremost here perhaps was Fitzhugh, who, in “Slavery Justified,” argued that only a slaveholding society—and not the capitalist, free-labor one of the North—could support the central Christian tenet of “love thy neighbor” (Fitzhugh 2015 [1854], 235, 247).

26 Frederick Douglass, heretofore a strong Garrisonian, broke with him over Garrison’s washing one’s hands of complicity in slavery and walking away from it. “No union with slaveholders,” he said, would end “by leaving the slave to free himself” (Douglass 1999, 324).

27 In “The Anti-Slavery Movement,” Frederick Douglass recounts various churches’ abandonment of their earlier anti-slavery positions throughout the 1850s (Douglass 1999, 311–22).

28 For this reason, I disagree with those like Miller who suggest Lincoln is alluding to a “Calvinistic providential history-arranging God” (Miller 2008, 408).
“gives this terrible war” to both North and South, and would be altogether justified in continuing the war to a devastating end, Lincoln means that God (no less than Thucydides’ war itself) is a harsh teacher. With Lincoln’s clarification, then, the war was not meaningless. It constituted just punishment for Americans “offences.” And, because the suffering had been shared, justified, and extensive, there would be no reason to heap more of it on Americans when it finally ended. The moral luxury of charity and forgiveness would have its psychological place prepared.

The Problem of Justice

Although Lincoln presents his solution to the problem of justice in the Second Inaugural, we must look elsewhere to see what he took that problem to be. Lincoln revealed his understanding of this problem only in some earlier, prepresidential speeches, his “Young Men’s Lyceum” (1838) and “Temperance Society” (1842) addresses. First, Lincoln did not view the “problem of justice” as consisting in the failure of law or policy to live up to a (clear and indisputable) standard of justice. Like medieval theorists citing “natural law” to correct actual law or Martin Luther King Jr. justifying his refusal to obey “unjust laws,” we reserve the right not only to question the law but to act “according to discretion, for the public good, without the prescription of the Law, and sometimes even against it” (Locke, Second Treatise, sec. 160). This latter notion is, of course, the power of prerogative, which Locke assigned exclusively to the executive. A young Lincoln confronted the illegitimate “democratization” of prerogative power in the form of mob rule. For Lincoln, then, the problem of justice consists in the widespread belief (especially in a self-governing democracy) that we can (relatively easily) know what justice is—and that, knowing it, we have a right to act “without the prescription of the Law, and sometimes even against it.” Lincoln understood the statesman’s task to include securing justice (by ending slavery), but he wanted those pursuing justice to beware self-righteousness in pursuing it.29

There is a second, perhaps deeper, meaning to the problem of justice that Lincoln delicately touches on in the Second Inaugural itself. To what extent could Lincoln turn to God for guidance on the meaning of justice? Scholars like Fornieri (2003, 58, 169) argue that Lincoln’s faith “deepened with maturity,” and so the Second Inaugural reveals his “biblical faith in a living and personal God.” But Fornieri (along with scholars like White) takes Lincoln’s statement that “the Almighty has his own purposes” to imply the “ultimate inscrutability of the divine will” (170). Lincoln seems to have determined that God’s will is not wholly inscrutable—and furthermore to know that His acts have all been just. Even Fornieri turns out to be certain that God’s actions in the Civil War were just by the “standards of natural right” (173). Lincoln implies that citizens can only believe in a God who is just. Making certain He seems so appears to be a chief purpose of the speech.

Lincoln confronted this deeper problem of the knowability of God’s justice only in an unpublished Fragment on Slavery (1992 [1858], 175–76). In the Fragment, Lincoln took issue with the Rev. Frederick A. Ross, author of Slavery Ordained of God (1857). Ross was perhaps the clearest contemporary proponent of what Plato called the pious “Euthyphro” position. Ross asserted that “right and wrong are … made to exist solely by the will of God,” and it is only “atheism” that sees “right and wrong” as “eternal facts … exist[ing] per se in the nature of things” (cited in Morel 2000, 184). While other Christians responded to Ross by arguing that God’s will was in fact anti-slavery, Lincoln, in his Fragment, observes that this response leads only to a “squabble” and cannot be resolved. Were Lincoln, however, to assert publicly that reason alone could establish what was just, he would be branded as an atheist—and thereby unable to contribute meaningfully to resolving the “squabble.” It may, then, not have been Lincoln’s “faith” that deepened in the course of the war so much as his need to find a place for God’s justice in it. We are now in a position to understand what might be called the “pious irony” of Lincoln’s statement in the Second Inaugural:

It may seem strange that any men should dare to ask a just God’s assistance in wringing their bread from the sweat of other men’s faces; but let us judge not that we not be judged. (Lincoln 1992 [1865], 450; emphasis added)

Lincoln (unlike Rev. Ross) can “judge” God to be just because he knows what justice is and demands independently of God’s ambiguously expressed will.30

Early in his Lyceum Address, Lincoln had spoken of the problems inherent in the love of justice itself.

29Yet Lincoln was no legal positivist. Consider his reaction to the Dred Scott decision: Abide by it, but work to overturn it (as an altogether unjust decision).

30Morel seems to miss the gravity of Rev. Ross’s challenge (that he himself just quoted). For Morel’s approval of Lincoln’s “use of reason to determine the merits of a religion” contradicts his general claim that Lincoln’s faith deepened during the war (Morel 2000, 187).
For that love of justice—promoted in both Jewish and Christian thought as an unqualified good—is presented by Lincoln as problematic. As noted above, Lockean liberalism inclined to the view that the longing for justice was largely a product of a world mired in scarcity and “endless dangers” (Locke, Second Treatise, sec. 123). Ending scarcity, however, turns on granting property, not to the “quarrelsome and contentious” (who devise endless and conflicting “just claims” to it) but to the “rational and industrious” (sec. 44). Under his new liberal regime, Locke expects, the entrepreneurial spirit will flourish, the economic pie will grow, and the pressures on the have-nots to gain what they need through quarrelsome and contentious appeals to justice will subside. The longing for justice will wither away.

American liberalism, from the founding, rejected such expectations. Publius believed that even liberal citizens would continue to love justice. “Justice is the end of government. It is the end of civil society. It ever has been and ever will be pursued until it be obtained, or until liberty be lost in the pursuit” (Federalist No. 51). If Locke viewed justice as an unnecessary evil, Publius viewed it as something of a necessary one. It could not be placated or co-opted or simply replaced by the cool, sober accumulation of possessions and comfort. It would remain the “ruling passion” of society. And, Publius quietly warns, the pursuit of justice—perhaps the most self-certain of passions—poses a distinct threat to liberty.

Lincoln elaborates on the problem with justice alluded to by Publius. The Lyceum Address is dedicated to the theme of the “perpetuation of our political institutions.” Lincoln identifies two domestic threats to such perpetuation and then provides the best manner of meeting them. Lincoln’s pairing of the threats, one emanating from the people and the other from the rare few of “towering genius” and burning ambition, suggests that the chief threat for democracy is the ineradicable fact of human inequality. Lincoln seeks to warn his listeners that they might manufacture—and not the “towering genius” who will merely cleverly exploit—the crisis that looms. And they do so through their unrestrained love of justice.

Lincoln begins by arguing that the “increasing disregard for law,” coupled with the disposition to indulge the “wild and furious passions,” renders the resulting mobs “worse than savage” (Lincoln 1992 [1838], 14). Merely savage humans, that is, are less threatening than are mobs of democratic citizens. What constitutes or drives the “wild and furious passions” that transform relatively harmless savages into terrifying, lawless mobs? The answer emerges only through analyzing the examples of mob behavior listed by Lincoln: the fierce desire for justice. The mobs discussed may break the law, but they do so on behalf of justice—not only as they understand it, but also as Lincoln himself does. Only the antinomian manner in which the “gamblers” were hung by a mob can be condemned (as setting a “pernicious example”): Insofar as gamblers are “worse than useless in any community,” their death “is never matter of reasonable regret with any one” (15). Even the horrifying lynching of a “mulatto” must be conceded at one level to be justified; as Lincoln reveals only after he has stated his “very short” story, the lynched man was himself a murderer. The “wild and furious passions” that led in both cases to such horrific behavior turn out to have been the love of punitive justice, of wishing to see the wicked punished.

Most complex—and hence most revealing—of all is the only political example of mob justice that Lincoln discusses: that of the killing of the abolitionist Rev. Elijah Lovejoy. Lincoln speaks of mobs that “throw printing presses into rivers [and] shoot editors” without yet mentioning that these actions involved Rev. Lovejoy, a local abolitionist editor with whom Lincoln’s Springfield audience would be thoroughly familiar (Lincoln 1992 [1838], 16). Lincoln begins, then, by condemning a mob, seeking to protect slavery itself, for being willing to break the law in order to punish one denouncing them. Only later does he turn our attention to the fact that “abolitionism” had itself felt justified in acting against the law on behalf of justice. For either “the thing is right in itself, and therefore deserves the protection of all law and good citizens; or, it is wrong, and therefore proper to be prohibited by all legal enactments” (Lincoln 1992 [1838], 18). Lincoln’s use here of the vague phrase “the thing” appears to be a case of studied ambiguity. First, of course, he is condemning the pro-slavery mob that interfered with Lovejoy’s legal behavior (and ultimately his life). But he seems also to be suggesting that Lovejoy’s abolitionism, though legal itself, encouraged the mobocratic spirit, insofar as slavery, though clearly “wrong in itself,” was yet protected by law. It must therefore, in order to maintain the rule of law, be overturned, not by moral denunciation (apt to inspire illegal acts), but by revised “legal enactments.” Ending it in any other way (e.g., slave rebellions, John Brown) would, however much it might free the enslaved, provide a “pernicious example” of achieving a moral good through non-illegal means. Having undermined the rule of law, such an achievement would, Lincoln predicts, risk subverting itself, by inspiring calls for the type of strong leadership that enforces the rule of law in most undemocratic ways.
**The Doctrine of Necessity**

We can begin to comprehend Lincoln’s seemingly odd stance of promoting justice by fighting against its excesses if we return to an early position of his that, upon its landing him in political hot water, Lincoln claimed to have abandoned: his “Doctrine of Necessity,” taken by many to mean he was a nonbeliever. In July 1846, while engaged in his (ultimately successful) run for Congress, Lincoln had to issue a “Handbill Replying to Charges of Infidelity.” Denying he was an “open scoffer at Christianity,” Lincoln traces the suspicion that he might be one to the fact that “in early life [he] was inclined to believe in ... the 'Doctrine of Necessity’—that is, that the human mind is impelled to action, or held in rest by some power, over which the mind itself has no control” (Lincoln 1992 [1846], 55). Like contemporary claims that human actions are necessitated by nonconscious urges, this Doctrine of Necessity was taken to be anti-Christian, not on account of denials of any particular doctrines or miracles, but of its denial of “free will.” If we are compelled to do what we do, and therefore cannot be said to “choose” to do it, there can be no distinction of moral or immoral acts, hence no sin and hence no salvation.\(^{31}\)

Lincoln’s Doctrine of Necessity differs, however, from contemporary views in one profound way. He speaks of the “human mind” and how it is impelled to act (or held at rest). What, then, is the “power” that influences it? Many commentators understand Lincoln to be referring here to some form of “fatalism”\(^{32}\) or to the “radical predestinarian doctrine” of the Primitive Baptists among whom he was raised (White 2002, 134).\(^{33}\) But this would not account for Lincoln’s (or his opponent’s) placing the Doctrine of Necessity in direct contrast to Christianity. For it would then merely be a radical, unorthodox form of Christianity. And while “fatalism” is “fairly vague in its connotations,” it seemed to imply (in nineteenth-century America) that “fate” or some form of “necessity” determined our actions, depriving us of “freedom of the moral will” (Guelzo 2009, 28–29). Lincoln appears to think that “some form of necessity” other than fate is at work. Kateb offers two “Kantian” views of what that “necessity” might be. First, he considers whether Lincoln at times turned “military expediency” into “necessity.” Kateb rejects this move on the grounds that “expediency,” akin to “self-interest,” needs to be understood in contrast to necessity (2015, 136). I call this “Kantian” because it treats the moral imperative (what we ought to do) as necessity (“categorical”) and self-interest as freely chosen.\(^{34}\) Instead, Lincoln was searching for “something” that determines, at any given moment, whether we will do what is “expedient” or what is “morally demanded.” Second, Kateb suggests that the human “passions and appetites” overturn both our selfish calculations and our “rational will” (which Kateb seems to identify with our moral intentions; 186). But Lincoln—who overcame his passion for drink by becoming a teetotaler—would never identify the passions as the ultimate compulsion. For rather than pointing to the passions (much less to fate), Lincoln held that the mind is determined in its movement or rest by some opinion or belief that it cannot help but respond to. And that opinion is the mind’s understanding (for that moment) of the good or what will, given the available plausible alternatives at the time, bring it enjoyment (material or psychological), or the least pain or harm. Recognizing this possibility, we can see how Lincoln may have continued to abide by the Doctrine of Necessity, at least through his Lyceum Address\(^{35}\) — and perhaps even through the Second Inaugural. All humans act from “motive” (as Lincoln referred to it in his conversations with Herndon; Guelzo 2009, 30). And at the basis of all “motive” lay some form of self-interest (material or psychological). Of course, people may misunderstand their self-interest. But, as Socrates observed long ago, that entails that wrongdoers deserve education and not moral denunciation and punishment.\(^{36}\) If both North and South were compelled to act as they did by the good as they understood it, it would indeed become difficult to rank one as acting more morally than the other. This is true even when the position of one side was clearly (to Lincoln as well as to us) more just than the other. One side believed it best to treat all people equally, on the grounds that doing so dignified the free life they themselves sought to live; the other, though it “may seem strange,” believed it best to “[wring] their bread from the sweat of other men’s faces” (Lincoln 1992 [1865], 450). Lincoln’s “charity for

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\(^{31}\) Lincoln would have abandoned the Doctrine of Necessity had he called slavery a “national sin” (Fornieri 2003, 138). But Lincoln never uses the word sin in the Second Inaugural.

\(^{32}\) See also the various comments by Lincoln, his wife, his friends, and his law partner William Herndon to the effect that Lincoln was indeed a “fatalist” (Guelzo 2009, 27).

\(^{33}\) White follows an explanatory tradition that extends back to Lincoln’s law partner Herndon (see Guelzo 2009, 29).

\(^{34}\) See Guelzo (2009, 99) for a discussion of Lincoln’s rejection of such “romantic Kantianism.”

\(^{35}\) Lincoln wrote in his “Handbill” that he had left off “arguing” the Doctrine of Necessity “for more than five years,” suggesting he was still doing so in 1838 when he gave the Lyceum Address—and might still have silently held it years later (Lincoln 1992 [1846], 55).

\(^{36}\) See Plato (Republic 337d; Gorgias 488a, 509e).
all” was not only compatible with his continued belief in the Doctrine of Necessity—it was dependent on it.

This line of thought might seem to imply that Lincoln was a moral relativist, viewing life as a power struggle between equally self-interested individuals, each seeing right in their own way. But Lincoln does not deny the existence of right and wrong.\(^{37}\) He only denies that there is a “moral high ground” to be occupied by anyone in the dispute over their meaning. Thus, Lincoln’s distaste for what he took to be the moralizing self-congratulatory character of the Garrisonian abolitionists was wholly consistent with his view that “slavery is a moral, political, and social wrong” and that he “cannot remember when he did not so think” (Lincoln 1992 [1859], 210; [1864], 419).

And yet his understanding of the Doctrine of Necessity evolved. As a younger man, Lincoln had (in private) cited “self-interest” as the “power … over which the mind has no control.” Everything we choose is selected on the grounds that it will somehow redound to our benefit. Even when choosing what appears to be self-sacrifice, we do so in the belief that sacrifices are rewarded in the end. This is not only a ruthlessly secular accounting of religion; it denies the possibility of the central act of all religion. The religious are to do the will of God as an “end-in-itself” and not for any reward (here or in the hereafter). Religions encourage believers not to ask “why,” not because they might discover no justification, but because they will—and that justification (that abiding by God’s will is good for them) should not be considered.

As slavery intensified its hold in the 1850s, Lincoln might appear to have abandoned the Doctrine of Necessity. Instead, I suggest, he came to appreciate an additional determinant of our will beyond self-interest: the “moral sense” or justice. There was, he came to believe or argue, something at work in our decision making that was distinct from and could even overrule our self-interest. Thus, in his 1854 Speech on the Kansas-Nebraska Act, Lincoln would argue: “Slavery is founded in the selfishness of man’s nature—opposition to it, in his love of justice. These principles are an eternal antagonism” (Lincoln 1989 [1854], 334). This remark suggests Lincoln abandoned the Doctrine of Necessity. But are these principles in such stark contrast? Does not each side in the dispute act for what it believes to be best? Although Lincoln may have learned from his “Handbill” days that it is never good politics to undermine appeals to justice, it seems here that he still saw self-interest and justice to be necessarily linked. That is, one could act on what Lincoln here denounces as “selfishness” only to the extent that one believed that selfishness to be justified. Thus, even where the slaveholders could not quite bring themselves to call it right, they were certain that it was “not Wrong.”

Even during the war, Lincoln appears not to have abandoned the Doctrine of Necessity but to have deepened his understanding of it. As he says in the final paragraph of the Second Inaugural, we act on “firmness in the right, as God gives us to see the right” (Lincoln 1992 [1865], 450). It is not so much self-interest, then, that necessitates our decisions and actions as our understanding of what is right or best. The Enlightenment (including Locke) taught both that humans always pursue their self-interest (which Lincoln stressed in his initial understanding of the Doctrine of Necessity) and that they cannot be blamed for doing so. We can be compelled to act in our (hopefully enlightened) self-interest only if we first accept that it is just (or, in Lockean language, we have a “right”) to do so. The revised Doctrine of Necessity might read: Human beings can only do what they think is best (or the lesser of two evils) “as God gives us to see” what is best at the time.

Are Both Sides Guilty—or Neither?

It remains to consider the paradox at the heart of the Second Inaugural: Why does Lincoln present the case finding each side guilty and the case finding neither side guilty? The case against both sides has both the South (by instituting and maintaining slavery) and the North (by aiding and abetting it) as indeed guilty of having “brought” the “offense in to the world.” Yet, through avoiding the words sin or evil, Lincoln guides the listener to a view of human vice that is, quite simply, Socratic: Vice (or wrongdoing) is ignorance. As explained in his “Temperance” speech (1842), we must resist the temptation (which Lincoln slyly compares to the temptation of alcohol) to label our enemies as “evil” or as pursuing evil. He claims it is both “impolitic” and “unjust” to use “denunciation” against drinkers. It is impolitic because denounced people are “slow, very slow, to acknowledge the truth of such denunciations” (Lincoln 1992 [1842], 35–36; italics in original). And it is unjust because intemperance (with regard to drink) is not “the use of a bad thing; [it is] the abuse of a very good thing” (37–38). All people pursue the good—they divide into opposing and even violent camps over their (or at least

\(^{37}\) Consider Lincoln’s objection to Secretary of War Edwin Stanton’s proposal that each new soldier take an oath that “he has not done wrong.” Instead, proposed Lincoln, they should swear to do no wrong “hereafter.” Wrong should be admitted and subject to the “Christian principle of forgiveness” (Lincoln 1992 [1864], 416).
one side’s) “abuse” of that good. As Lincoln made clear only at the close of the speech, his moral analysis was meant to apply to slaveholding as much as to alcoholism. That is, contrary to the views of the radical abolitionists (for whom the denunciatory Washingtonian reformers are a stand-in), who hold that the slaveholders are evil people to be denounced and abandoned (Garrison’s position), Lincoln holds (very quietly) the view that the slaveholders are, instead, abusing a “good thing,” namely, not drink but “self-government.” All wish for the good of self-government (it is, after all, a “self-evident truth”), but some err in thinking either that some are incapable of it (needing a master) or that one can best enjoy the fruits of labor by profiting from the labor of others. The self-indulgence of the slaveholders is, of course, utterly wrong (“if slavery is not wrong, nothing is wrong”), but the moral self-indulgence of the radical abolitionists (treating others as “moral pestilences”; 36) is no way to address it. Far better is the “sober” view of Lincoln: The slaveholders should be befriended and encouraged to reform, especially by ex-slaveholders or those who can find it in themselves to express some sympathy for the slaveholders, and not simply be denounced and abandoned.

An old French proverb states, “to understand all is to forgive all.” In the “Temperance” speech, Lincoln deftly satirizes his Christian audience for their sanctimonious superiority to “drinkers,” going so far as to suggest that, in their expansive warmth, drinkers may even be morally superior to those who would reform them. (So, once again, law—here, the social law frowning on drunkards—trumps morality. Lincoln never denies that society ought to restrain drunkenness, even where it can be understood as moral.) Lincoln would reform the reformers, freeing them from their addiction to moral superiority.

It is according to human justice (understood through the Doctrine of Necessity) that neither side is responsible for the war; it is according to divine justice (and its reliance on the Doctrine of Free Will) that both are responsible for the war. As Lincoln said privately after giving the speech, people “are not flattered by being shown that there has been a difference of purpose between the Almighty and them” (Lincoln 1992 [1865], 451). But this should not be understood as implying that God’s purposes are simply mysterious to us—or that ours are perfectly clear to us. God’s way is punitive. The human way, at least as directed by Lincoln, is not.

But a contemporary atheist might object that the belief in God (and that “God is on our side”) only increases human vindictiveness and amplifies the punitive nature of our desire to assign responsibility. It does so by over-ruling the easily silenced human inclination not to punish but to forgive. Lincoln’s avoidance of the word sin in the speech attempts to ensure that God’s justice not be used that way. Moreover, he implicitly denies that God’s presence in politics can only enflame vindictiveness— he merely responds to it and, as interpreted by Lincoln, can dampen rather than enflame it. Humans, by nature, wish to see evil identified and punished. Lincoln appears to argue that if God is not seen to punish human offenses, human beings will have to take on the role of punisher themselves. There is a quantum, so to speak, of vindictiveness in the world or in the human heart: Either God responds to it or we will have to do so. Human forgiveness presupposes a prior recognition and acknowledgment of God’s wrath. If the guilty have not already been punished, then we would be less, not more, inclined to heed Lincoln’s call of “charity toward all.”

God is more moral than human beings, but not in an altogether positive sense. God’s taking upon Himself the duty of punitive justice (or Lincoln’s statesmanlike ability to assign that duty to Him) might offend Lincoln’s hearers. First, he indicates to his largely Christian audience that the supposedly Jewish (vengeful) God is the true God. It would certainly be just for that God to take back all the “wealth piled up by the bondsman’s 400 years of unrequited toil.” This God’s mercy is revealed in limiting the punishment to the horrors of the Civil War. Second, he suggests that human purposes differ from God’s in that ours should complete, rather than imitate, His. We cannot do so, Lincoln teaches, with “firmness in the right as God has given us to see the right,” unless and until God has been seen to carry out His task.

The most obscure—and least commented upon—passage in Lincoln’s speech is the biblical quote with which he attempts to explain his central thesis, that “the Almighty has His own purposes” (450). Right after speaking of God’s “own purposes,” Lincoln quotes Matthew 18:7 (cf. Luke 7:1): “Woe unto the world...
because of offences! for it must needs be that offences come; but woe to that man by whom the offence cometh!” Implicit in this brief, dense statement is a three-fold claim: (1) this world is such that it will never be free of wrongdoing and injustice; (2) this is either because we have free will, enabling our purposes to diverge from God’s, or we often mistake what is good, even for us; and (3) while this might seem to excuse wrongs on the grounds that they are inevitable (“must needs be”), humans cannot rely on that general inevitability to permit them to choose to be the wrongdoer. This argument is most powerfully illustrated in a biblical passage (never alluded to by Lincoln) in the account of the slavery of the Jews in Egypt. However much people are not flattered by what Lincoln says, they would be still more insulted if compared to Pharaoh. Yet, if there is wrong in “American slavery,” the American people can indeed be compared to Pharaoh. The biblical Pharaoh argued that if God’s justice calls for the punishment of wrongdoing—and “offences,” we recall, refers both to wrongs and the punishments for them—he himself could hardly be blamed for enslaving the Jews. After all, God Himself cursed the “seed” of Abraham with 400 years in which they would “serve” and be “afflict[ed]” in a “land that is not theirs” (Genesis 15:13). How could Pharaoh be blamed for aligning himself with God’s purpose (in afflicting the Jews)? Lincoln highlights the divine response to this argument: “Woe to that man by whom the offence cometh.” That wrongdoing is inevitable in our world does not justify anyone’s choice to partake in it.

Conclusion: Healing the Wounds through Avoiding Recidivism

We can now resolve our initial puzzle. Why does Lincoln present two apparently opposed claims, arguing first that neither side is to blame for the war and then that both sides are to blame? And why does he not explicitly say which claim he sides with? The answer, I suggest, is that both are, in their way, true. From the strict point of view of the (elaborated) Doctrine of Necessity, neither side is responsible for the wrong, as both sides cannot help but seek the good (whether their own good or a common good required by justice). But from the political point of view—the view held by the majority of Lincoln’s audience—only if both sides are held responsible for the war can there be any hope of reconciliation, reconstruction, and true equality.

Lincoln wished to encourage sharp-eared and big-hearted listeners to consider that his necessity theory would pay considerable political dividends. For Lincoln’s Doctrine of Necessity will not only provide grounds for forgiveness and “charity for all”; it will also better situate morality within the framework of self-governing democratic politics. For this moral teaching of Lincoln’s will, insofar as it becomes widespread, militate against the moralizing that all-too-often often tempts democratic politicians and democratic citizens.

Lincoln consistently opposed a slavery that had been legal in at least a number of states since the founding. He had seen it denounced openly but to no avail. He had witnessed a basic inconsistency in the attitude of American churches toward it, one that steadily abandoned the anti-slavery stance in the 1850s. The only peaceful avenue toward ending slavery that he could see was to change its legal status. And, believing in democratic self-government, this would entail changing or educating public opinion. Nothing in his Doctrine of Necessity precluded such education. In fact, the doctrine teaches that the only way in which we can be dissuaded from pursuing a false good—or from abusing the use of a good thing—is through such education. He continued to believe this even after the highest arbiter of American law, the Supreme Court, ruled in favor of slavery and against citizenship for black Americans.

The Civil War, which “neither side” wanted, obviously derailed this plan. But war can be, in Thucydides’ words, a “harsh teacher.” While it may or may not have taught the South that slavery (or racism) was wrong, it did ensure that the Union would prevail undivided on the legal question. At the same time, however, the war introduced a new threat to the Union: the longing for punitive justice that would, in licensing both white Northern and black Southern vengeance, undermine the fruits of victory. Lincoln’s mission in the Second Inaugural was to quell that punitive longing. To do so, I have tried to show, Lincoln engineered in all but name a Judeo-Christian religion that would identify the war and its sufferings as the divine punishment that, having been spent, freed Americans to indulge in “charity to all.” Although his assassination precluded Lincoln’s ability to oversee, through a proper Reconstruction, America’s repaying the debt it owed to the freed enslaved people, his inaugural went a long way toward ensuring that the mood of abandonment by God and of human vindictiveness that characterized post–World War I Europe (and led, in some measure, to the even more catastrophic World War II) would not plague post–Civil War America.

40Kateb rightly notes this passage is “perhaps more Greek than Calvinist.”
References


