

Lincoln and the “Necessity” of Tolerating Slavery before the Civil War

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Abstract: In an unsent 1860 letter, Abraham Lincoln mocked Sidney Fisher’s claim that the “institution [of slavery] is a necessity imposed on us by the negro race.” And yet, Lincoln himself had often said that while slavery was an evil, the founders had to tolerate it where it existed owing to “necessity.” This raises the questions: What kinds of arguments about slavery and “necessity” did Lincoln find legitimate, and what kinds did he find to be illegitimate? In Lincoln’s view, what exactly was it that necessitated the toleration of slavery where it existed at the time of the founding and into the 1850s? Lincoln’s answers to these questions depart from the answers offered by Fisher, Thomas Jefferson, and Henry Clay; this departure helped pave the way not only to Lincoln’s later embrace of emancipation, but also his eventual movement toward the position that African-Americans would and should be full citizens.

One of the most perplexing concepts in the thought of Abraham Lincoln, one that appears and reappears, is the concept of “necessity.” It is a leitmotif that takes various forms at different points in Lincoln’s political career. First, in his “Handbill Replying to Charges of Infidelity,” which was written during his 1846 congressional race, Lincoln stated 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.”¹ Then, in the 1850s, when arguing against the expansion of slavery, Lincoln often said that the founders were opposed to slavery in principle, but were forced to tolerate its existence where it already existed owing to “necessity.”² Later, Lincoln declared that while his Emancipation Proclamation was “an act of justice,” its constitutional justification was “military necessity.”³ Finally, when reflecting on the astonishing consequences of

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¹Abraham Lincoln, “Handbill Replying to Charges of Infidelity,” 31 July 1846, in *The Collected Works of Abraham Lincoln*, ed. Roy P. Basler et al., 9 vols. (New Brunswick, NJ: Rutgers University Press, 1953), 1:382. Hereafter CW.

²See, for example, Lincoln, Speech at Peoria, 16 October 1854, in CW, 2:274.

³Lincoln, Emancipation Proclamation, 1 January 1863, in CW, 6:30.

the Civil War, Lincoln may have again invoked the idea of necessity when he made such statements as “I claim not to have controlled events, but confess plainly that events have controlled me.”⁴

Despite the frequency with which Lincoln appealed to the concept of “necessity” throughout his life, only a relatively few scholars have given sustained attention to the concept as a recurring theme in Lincoln’s thought. Two notable exceptions are Allen Guelzo and David Bromwich.⁵ For Guelzo, Lincoln’s “necessity” is a fusion of Benthamite utilitarianism and Calvinist providentialism.⁶ Bromwich, on the other hand, associates Lincoln’s “necessity” with the materialistic philosophies of Holbach, Helvetius, and Priestley.⁷ But if they disagree about the intellectual roots of Lincoln’s belief in necessity, Guelzo and Bromwich both emphasize that despite his fascination with “necessity,” Lincoln still maintained a belief in the power of the human will. As Guelzo puts it, Lincoln’s “doctrine of necessity” paradoxically “promote[d] action rather than passivity” and “persistence rather than hopelessness.”⁸ Similarly, Bromwich argues that “one way to think about the greatness of Lincoln—it was his usual way of reflecting on himself—is to see his career as a joining of necessity and personal resolve.”⁹

In this essay, I do not aim to provide a comprehensive discussion of the variegated ways in which Lincoln used the concept of “necessity” throughout his life. Instead, I aim to shed new light on Lincoln’s understanding of “necessity” by focusing on one very important chapter in the history of Lincoln’s use of the concept—namely, the argument that he often made before the Civil War that “necessity” demanded the toleration of slavery where it already existed.

My point of departure is an unsent letter that Lincoln wrote to Charles H. Fisher, a prominent businessman from Philadelphia. In August of 1860, Fisher had sent Abraham Lincoln, then the Republican nominee for president, an article as well as a book written by his brother, the author Sidney G. Fisher. The book was called *The Law of the Territories* (1859) and the article was a recent clipping from the *North American and U.S. Gazette* titled “Mr. Dallas and Lord Brougham.”¹⁰ In the article, Sidney Fisher describes the speech

⁴Lincoln to Albert G. Hodges, 4 April 1864, in *CW*, 7:282.

⁵Important insights into the ways that Lincoln invoked “necessity” are also found in Steven B. Smith, “How to Read Lincoln’s Second Inaugural Address,” in *The Writings of Abraham Lincoln*, ed. Smith (New Haven: Yale University Press, 2012), 483–85.

⁶Allen Guelzo, *Abraham Lincoln as a Man of Ideas* (Carbondale: Southern Illinois University Press, 2009), 34, 37–38.

⁷David Bromwich, “Lincoln’s Constitutional Necessity,” *Raritan* 20 (Winter 2001): 7.

⁸Guelzo, *Lincoln as a Man of Ideas*, 41.

⁹Bromwich, “Lincoln’s Constitutional Necessity,” 1.

¹⁰According to an editorial note in Basler’s *Collected Works of Abraham Lincoln*, the book was probably either *Kansas and the Constitution* (1856) or *The Law of the Territories* (1859). See editorial note 1 in *CW*, 4:101. However, Basler and his editorial team should have definitively identified the book as *The Law of the Territories*, for

that he thought George M. Dallas, the US minister to England, *ought* to have made after Lord Henry Brougham delivered some brief remarks that were widely viewed as an effort to chastise the United States for its continuation of slavery. Both in “Mr. Dallas and Lord Brougham” and in *The Law of the Territories*, Fisher argues that blacks are an inferior race, and he defends the continued necessity of maintaining slavery where it already exists. After receiving the article and the book, Lincoln composed a reply to Charles Fisher on August 27, 1860. This letter, which Lincoln never sent, is a remarkable example of Lincoln’s characteristic ability to attack proslavery arguments in a way that simultaneously combines playful wit with deep moral seriousness. In its entirety, the unsent letter reads as follows:

Dear Sir: Your second note, inclosing the *supposed* speech of Mr. Dallas to Lord Brougham, is received. I have read the speech quite through, together with the real author’s introductory, and closing remarks. I have also looked through the long preface of the book to-day. Both seem to be well written, and contain many things with which I could agree, and some with which I could not. A specimen of the latter is the declaration, in the closing remarks upon the “speech” that the institution is a *necessity* imposed on us by the negro race. That the going many thousand miles, seizing a set of savages, bringing them here, and making slaves of them, is a *necessity* imposed on us by *them*, involves a species of logic to which my mind will scarcely assent.¹¹

Lincoln scholars have given very little attention to this letter, and when they have done so, they usually simply mention it in passing as a typical example of Lincoln’s antislavery sentiments.¹² It seems that no Lincoln scholars, though, have offered any discussion of the *content* of the two works by Sidney Fisher which drew Lincoln’s ire. Moreover, no Lincoln scholar has explored in depth what I take to be the most fascinating issue prompted by this letter. In the letter, Lincoln mocks Sidney Fisher’s claim that the “the institution [of slavery] is a *necessity* imposed on us by the negro race.” However, Lincoln himself had often said that while slavery was an evil, the founders had no choice but to tolerate it where it existed owing to “necessity.” For instance, in his speech at Peoria on the Kansas-Nebraska Act, Lincoln said that “the argument of ‘Necessity’ was the only argument” that the founders “ever admitted in favor of slavery.”¹³ This raises the questions: What kinds of

Lincoln would refer to “the long preface of the book,” and *Kansas and the Constitution* lacks any preface. See Lincoln to Charles H. Fisher, 27 August 1860, in *CW*, 4:101. The only one of Fisher’s books with a lengthy preface is *The Law of the Territories*.

¹¹Lincoln to Fisher, in *CW*, 4:101 (emphases in the original).

¹²See, for example, Michael Burlingame, *The Inner World of Abraham Lincoln* (Champaign: University of Illinois Press, 1994), 32, and Burlingame, *Abraham Lincoln: A Life*, vol. 1 (Baltimore, MD: Johns Hopkins University Press, 2008), 476.

¹³Lincoln, Speech at Peoria, in *CW*, 2:274.

arguments about the “necessity” of slavery did Lincoln find legitimate, and what kinds did he find to be illegitimate and even worthy of mockery? In Lincoln’s view, what exactly was it that necessitated the toleration of slavery where it existed at the time of the founding? And, in the same vein, why exactly did Lincoln think it necessary to tolerate slavery where it already existed in the years leading up to the Civil War?

As we shall see, Lincoln’s answers to these questions differed from the answers of Sidney Fisher. For Fisher, it was the alleged natural inferiority of blacks that made slavery a necessity. But for Lincoln, it was not nature, but rather only certain historical and political circumstances that made it necessary to tolerate slavery where it existed. Because slavery was not for Lincoln a necessary product of any natural (and thus fixed) laws, he could work to put slavery on the “course of ultimate extinction.”

I will argue that Lincoln’s ideas on the “necessity” of tolerating slavery differ not only from the ideas of Fisher, but also from those of Thomas Jefferson and Henry Clay. According to Jefferson, the maintenance of slavery was a necessary evil, for if the slaves were freed the result could be race war as well as the “staining” of white blood.¹⁴ Similarly, Clay warned that while slavery was “a great evil,” its “immediate abolition” would produce “frightful consequences” including “shocking scenes of rapine and carnage.”¹⁵ As we shall see, Lincoln agreed with both Jefferson and Clay that tolerating slavery where it already existed was an unfortunate necessity; however, Lincoln tended to avoid the incendiary claims made by Jefferson and Clay regarding *why*, exactly, slavery needed to be maintained. I conclude this essay by arguing that this departure from Jefferson and Clay helped prepare the ground not only for Lincoln’s later embrace of emancipation, but also his eventual movement toward the position that African-Americans would and should be full citizens.

Sidney Fisher on the Necessity of Slavery

In this section, I discuss the content of the two works by Sidney Fisher that Lincoln read, and I explore the likely reasons why Lincoln rejected Fisher’s understanding of the “necessity” of slavery. Who, though, was Sidney Fisher? The brothers Charles (1814–1862) and Sidney Fisher (1809–1871) came from a wealthy Philadelphia family. Charles used his inheritance to establish a business that made him a millionaire, whereas Sidney lived off of his sizable fortune in order to pursue the life of a leisured thinker and

¹⁴Thomas Jefferson, *Notes on the State of Virginia*, Query XIV, in *Thomas Jefferson: Writings* (New York: Library of America, 1984), 270.

¹⁵Henry Clay, Speech in Lexington, Kentucky, 13 November 1847, in *The Papers of Henry Clay*, vol. 10 (Lexington: University Press of Kentucky, 1991), 372–73.

writer.¹⁶ The brothers are described well in a letter that the Philadelphia newspaperman James E. Harvey—who would later become Lincoln’s ambassador to Portugal—sent to Lincoln on October 6, 1860. Concerned that Lincoln had not shown sufficient gratitude to Charles Fisher for sending him the works by his brother Sidney, Harvey wrote to Lincoln as follows:

I heard casually a few days ago . . . that Mr. Charles Henry Fisher of this city had sent you some time ago, an address or publication by his brother, Mr. Sydney Fisher, & which was acknowledged in rather curt terms by your secretary. Mr. C. H. Fisher is our most prominent capitalist, & a gentleman of the highest social position. He belongs to a class most desirable for us to cultivate, & is now acting from principle, against the prejudices of most of his personal friends. His liberality & sympathy in our cause, & in your election particularly, have been practically illustrated. His brother Mr. Sydney Fisher, is a gentleman of very cultivated tastes & rare ability, & is ardently with us. . . . I have thought, you might be glad of an opportunity to correct a mistaken impression of discourtesy, and at the same time by a brief recognition, to gratify an earnest and disinterested friend, as I know Mr. Fisher to be.¹⁷

Harvey was clearly worried that Charles Fisher—who had apparently donated a significant amount of money to the Lincoln campaign—may have felt slighted by the lack of a personalized reply from Lincoln; imagine his horror if Harvey had known that Lincoln had actually contemplated sending Charles Fisher a witheringly sarcastic letter that blasted his brother’s views on slavery!

It should also be noted that Harvey was exaggerating (probably unknowingly) the degree to which Sidney Fisher was “ardently with” the Republican Party. It is true that Fisher had an elitist disdain for the Democrats, which he saw as the party of the rabble, but as I will discuss below, Fisher ended up not voting for anyone at all in the 1860 election.¹⁸ Beginning with his inaugural address, though, Fisher quickly came to greatly admire Lincoln’s handling

¹⁶Sidney Fisher’s life and writings are discussed in Nicholas Wainwright, “Sidney George Fisher—The Personality of a Diarist,” *Proceedings of the American Antiquarian Society* 72 (April 1962): 15–30, and Jonathan White, introduction to *A Philadelphia Perspective: The Civil War Diary of Sidney George Fisher*, ed. Jonathan White (New York: Fordham University Press, 2007), 1–13.

¹⁷James E. Harvey to Abraham Lincoln, 6 October 1860. Available at Abraham Lincoln Papers at the Library of Congress, Manuscript Division (Washington, DC: American Memory Project, 2000–2001), <http://memory.loc.gov/ammem/alhtml/alhome.html>.

¹⁸In a diary entry from 1834, Fisher called President Jackson “the head of the democratic party, in other words, the chieftain of the lower orders.” See Sidney Fisher, *A Philadelphia Perspective: The Diary of Sidney George Fisher Covering the Years 1834–1871*, ed. Nicholas Wainwright (Philadelphia: Historical Society of Pennsylvania, 1967), 6–7.

of the secession crisis.¹⁹ In November of 1862, Fisher published a book, *The Trial of the Constitution*, which praised Lincoln's words and deeds thus far in the Civil War, including Lincoln's suspension of habeas corpus. Indeed, Mark Neely writes that with his 1862 book, Fisher became "the first in a long line of Lincoln worshippers."²⁰ During the Civil War, Fisher modified his views on slavery to a degree. He continued to believe that blacks were by nature inferior to whites and thus destined to always be subjugated by them; however, he came to believe that as a consequence of the war, this subjugation would no longer be able to take the form of slavery. Fisher hoped that after the Civil War, the freed slaves would become a "servile class" of menial laborers without any political rights.²¹ Today, Fisher is probably best known for *The Trial of the Constitution* and for his diary, which he kept from 1834 to 1871.²²

Lincoln no doubt would have appreciated certain aspects of *The Trial of the Constitution* (if he ever read it), but Lincoln's response to the two works by Sidney Fisher that were sent to him in August of 1860 was caustic, as we have seen. "Mr. Dallas and Lord Brougham," the essay by Fisher which Lincoln read, was published in the *North American and U.S. Gazette* on August 18, 1860, and it was prompted by an incident at the International Statistical Congress in London earlier that summer.²³ Included at this gathering of scientists was the African-American abolitionist, author, and physician Martin Delany. According to *The Manchester Weekly Advertiser*,

Lord Brougham, seeing Mr. Dallas, the American minister, present said: I hope my friend Mr. Dallas will forgive me reminding him that there is a negro gentleman present, a member of the congress. (Loud and vociferous cheering.) After the cheering had subsided, Mr. Dallas made no sign; but

¹⁹Immediately impressed with Lincoln's inaugural address, Fisher declared: "He who wrote it is no common man." See Fisher, diary entry of 5 March 1860, in *Civil War Diary of Sidney George Fisher*, 78.

²⁰Mark Neely, *Lincoln and the Triumph of the Nation: Constitutional Conflict in the American Civil War* (Chapel Hill: University of North Carolina Press, 2011), 105.

²¹Sidney Fisher, *The Trial of the Constitution* (Philadelphia: J. B. Lippincott, 1862), 309.

²²A number of historians have found Fisher's diary to be useful. Eric Foner, for example, quotes from it a handful of times in Foner, *The Fiery Trial: Abraham Lincoln and American Slavery* (New York: Norton, 2011), 142, 160, 162, 172, 265. Fisher's diary was first published in book form in 1967, and an abridged version focused on the Civil War period was published in 2007. On Fisher's *The Trial of the Constitution*, see, inter alia, Neely, *Lincoln and the Triumph of the Nation*, 100–107, 110–11, and William H. Riker, "Sidney George Fisher and the Separation of Powers during the Civil War," *Journal of the History of Ideas* 15 (June 1954): 397–412.

²³The essay was published under the pseudonym "Cecil." It was reprinted in October of 1860 in a brief book by Fisher. See Sidney G. Fisher, "Mr. Dallas and Lord Brougham," in *The Laws of Race, as Connected with Slavery* (Philadelphia: W. P. Hazard, 1860), 53–70.

[Delany] rose amid the cheers and said: I pray your Royal Highness will allow me to thank his lordship, who is always a most unflinching friend of the negro, for the observation he has made, and I assure your Royal Highness and his lordship that I also am a man.²⁴

The American delegate to the Statistical Congress, a South Carolinian, walked out in protest after this event, but Dallas, the American ambassador to England, remained and offered no response to Lord Brougham. In “Mr. Dallas and Lord Brougham,” Fisher suggests that Lord Brougham, a well-known abolitionist, had drawn attention to Delany in order to disparage the United States for its failure to end slavery. According to Fisher, Dallas *should* have replied by giving a speech that would have presented the argument that while slavery may be wrong in the abstract, it remains necessary and valuable as long as blacks live in the United States in substantial numbers.

To help establish his main theme, Fisher uses as an epigraph for his article a line from Shakespeare’s *Henry IV, Part II*: “Are these things necessities? Then let us meet them like necessities.”²⁵ As a great admirer of Shakespeare, Lincoln may have appreciated Fisher’s nod to the Bard, and Lincoln himself had found it highly useful to discuss slavery in terms of necessity.²⁶ For instance, in an 1858 speech at Springfield, Lincoln said:

When our Government was established, we had the institution of slavery among us. We were in a certain sense compelled to tolerate its existence. It was a sort of necessity. We had gone through our struggle and secured our own independence. The framers of the Constitution found the institution of slavery amongst their other institutions at the time. They found that by an effort to eradicate it, they might lose much of what they had already gained. They were obliged to bow to the necessity. They gave power to Congress to abolish the slave trade at the end of twenty years. They also prohibited it in the Territories where it did not exist. They did what they could and yielded to the necessity for the rest. I also yield to all which follows from that necessity.²⁷

But if both Lincoln and Fisher used the language of necessity in connection with slavery, Lincoln found Fisher’s particular way of doing so to be highly objectionable. As we have seen, Lincoln objected strongly to “the declaration, in the closing remarks upon the ‘speech’ that the institution is a *necessity*

²⁴The *Manchester Weekly Advertiser’s* account of this incident is found in Robert Levine, *Martin Delany, Frederick Douglass, and the Politics of Representative Identity* (Chapel Hill: University of North Carolina Press, 1997), 187.

²⁵Fisher, “Mr. Dallas,” 53.

²⁶Discussions of the impact of Shakespeare on Lincoln include William L. Miller, *Lincoln’s Virtues: An Ethical Biography* (New York: Alfred A. Knopf, 2002), 50–51, 81–82, and Smith, “Lincoln’s Second Inaugural Address,” 490–91.

²⁷Lincoln, Speech at Springfield, Illinois, 17 July 1858, in *CW*, 2:520–21.

imposed on us by the negro race." Lincoln here uses some of Fisher's exact words, for in the last paragraph of his article Fisher wrote: "the institution [of slavery], if not, as some assert a positive blessing, is a necessity, imposed on us by the negro race, and therefore no reproach."²⁸ To this, as we have noted, Lincoln responded: "That the going many thousand miles, seizing a set of savages, bringing them here, and making slaves of them, is a *necessity* imposed on *us* by *them*, involves a species of logic to which my mind will scarcely assent."

Now, strictly speaking, Lincoln is here attacking a straw-man argument, for Fisher never argues in his essay that there was anything "necessary" about the original slave trade or the initial enslavement of Africans. Instead of arguing that it was necessary for whites to go thousands of miles to enslave Africans, Fisher's argument is that once large numbers of blacks are here in America, then there is no choice but to maintain them in slavery. To do otherwise, Fisher argues, would be to invite violence and social disorder. As Fisher puts it, "The presence of the negro race in vast numbers among us, renders slavery a necessity, not a choice."²⁹

But if Lincoln has mischaracterized—or rather satirized—the specifics of Fisher's argument, he does so in order to strike effectively at the essence of Fisher's argument. For as Lincoln correctly notes, what Fisher does in his article is to claim that slavery is "a *necessity* imposed on *us* by *them*," which is to say that Fisher strives to put the responsibility for slavery not squarely on whites, but rather on the persons whom they have enslaved.

It is this attempt by Fisher to absolve whites of any moral responsibility for slavery that seems to have most irked Lincoln. According to Fisher, blacks "constitute . . . a vast mass of ignorance and barbarism, which cannot govern itself, either for their good or ours—which, therefore, we *must* govern."³⁰ For Fisher, it is the alleged natural inferiority of blacks that necessitates that they be subjugated by whites whenever they live among them. As Fisher puts it,

The race is not gifted with the force of character or intellect that fits it to originate or sustain a native, independent, civilization. It does not produce artists, poets, and philosophers—not even soldiers, orators, lawyers and statesmen. . . . Even in the humbler spheres of business and industry, the negro is disqualified *by nature* to conduct the commerce, the manufactures, or the mechanic arts of a civilized community. All these require for their management, mental powers which the negro does not possess. As a general rule, he is fit only for manual labor that requires but little thought; and to achieve in this, valuable results, he must be directed by superior intelligence.³¹

²⁸Fisher, "Mr. Dallas," 70.

²⁹*Ibid.*, 58.

³⁰*Ibid.*, 57 (emphasis added).

³¹*Ibid.*, 56 (emphasis added).

Because slavery in America is thus rooted in nature rather than convention, Fisher suggests that it is highly unlikely to disappear any time soon, which means that there is no reason to look forward to "its ultimate extinction." As Fisher puts it, "slavery exists [in America], and must exist in some form or other for many years to come, *perhaps forever*, by reason of the natural laws of race."³²

Whereas Fisher thereby seeks to place the onus for slavery onto the enslaved, Lincoln often reminded his audience that slavery is the product of greed and selfishness on the part of the *slave owner*. In other words, slavery does not emanate from the alleged deficiencies of the slaves, as Fisher would have it, but from the moral failings of the masters. As Lincoln summed this up at Peoria, "Slavery is founded in the selfishness of man's nature."³³ Lincoln readily granted that Southern slaveholders were not by nature any more self-seeking or avaricious than other Americans; however, as Lincoln noted at New Haven, the "immense pecuniary interest" that the Southern masters have in "this species of property" corrupts their moral sense, and makes them try to convince themselves "that Slavery is right."³⁴ In the same vein, Lincoln argued that "pro-slavery theology" is designed to make slavery *appear* to be "the will of God," whereas in fact slavery simply stems from the master's selfish desire to avoid "delv[ing] for his own bread."³⁵ It is obvious to Lincoln that moral responsibility for slavery lies with the masters and not with the slaves.

While Fisher claimed that the alleged deficiencies of blacks were to blame for slavery, he also claimed that slavery was to their benefit. As Fisher put it in the long preface to *The Law of the Territories* which Lincoln read, "Under [slavery's] generally kind and wholesome rule, the Negro flourishes, is industrious, temperate, orderly, and well cared for. . . . He could not take as good care of himself."³⁶ Just as Aristotle argued that the slave is much better off under the guidance of a master, Fisher argued in "Mr. Dallas and Lord Brougham" that "slavery, which gives [the Negro] a governor and care-taker, does not depress, but elevates him. It supplies the want of his nature, a directing mind. Without slavery, he would fall into a state far worse for him, that of a slave without a master."³⁷ When he came across Fisher's arguments about

³²Ibid., 57 (emphasis added).

³³Lincoln, Speech at Peoria, in *CW*, 2:271.

³⁴Lincoln, Speech at New Haven, 6 March 1860, in *CW*, 3:416.

³⁵Lincoln, Fragment on Pro-slavery Theology, [1 October 1858?], in *CW*, 3:204. For an illuminating discussion of Lincoln's critique of biblical justifications for slavery, see Joseph Fornieri, *Abraham Lincoln's Political Faith* (DeKalb: Northern Illinois University Press, 2003), chap. 3.

³⁶Fisher, *Law of the Territories* (Philadelphia: C. Sherman, 1859), xiii.

³⁷Fisher, "Mr. Dallas," 66. Aristotle maintained that for those who "are by nature slaves . . . it is better for them. . . to be ruled by a master." See Aristotle, *The Politics of Aristotle*, ed. Ernest Barker (New York: Oxford University Press, 1958), 13.

the supposed advantages of slavery for the slaves, one can be confident that Lincoln would have had little patience with them. For in an 1859 fragment, Lincoln had offered the definitive response to these types of claims: "Nonsense! Wolves devouring lambs, not because it is good for their own greedy maws, but because it [is] good for the lambs!!!"³⁸ Clearly, this was another warped "species of logic" to which Lincoln could "scarcely assent."

Lincoln no doubt also had little patience for Fisher's argument that slavery was necessitated by the alleged natural inferiority of blacks. According to Fisher, "We . . . maintain slavery, not because we do not love liberty, but because we believe the negro unfit for it, and because we believe slavery [is] in harmony with *natural laws*."³⁹ In contrast to Fisher, when Lincoln suggested that the framers had to tolerate slavery out of necessity, he never claimed that natural differences were the reason for the necessity. Granted, Lincoln did explicitly contemplate the possibility that blacks are by nature inferior in certain respects to whites when he said: "I agree with Judge Douglas [that the negro] is not my equal in many respects—certainly not in color, perhaps not in moral or intellectual endowments."⁴⁰ However, unlike Jefferson, Lincoln never suggests that this supposed inequality in color has any great significance; and, the word "perhaps" obviously leaves open the possibility that "moral [and] intellectual endowments" do *not* actually differ among blacks and whites, contrary to the claims of Fisher.⁴¹ Moreover, as Terence Ball has pointed out, this sentence from Lincoln could be seen as a brief "pander" to his audience, a pander which served as "a prelude to a ringing affirmation of the rights of all human beings, regardless of race." For immediately after mulling over the possibility that blacks may be inferior in their capacities to whites, Lincoln declared: "But in the right to eat the bread, without leave of anybody else, which his own hand earns, *he is my equal and the equal of Judge Douglas, and the equal of every living man*." And, earlier in the paragraph, Lincoln said that "there is no reason in the world why the negro is not entitled to all the natural rights enumerated in the Declaration of Independence, the right to life, liberty and the pursuit of happiness." Without the brief "pander," to use Ball's term, Lincoln's audience may have been less inclined to listen seriously to what Ball calls the "then-radical and quite daring" claim that blacks are included within the meaning of the Declaration of Independence.⁴² In short, whereas Fisher cites "nature" and "natural laws" to make claims about innate black

³⁸Lincoln, Fragment on Pro-slavery Theology, in *CW*, 3:205.

³⁹Fisher, "Mr. Dallas," 68 (emphasis added).

⁴⁰Lincoln, First Debate with Stephen A. Douglas at Ottawa, Illinois, 21 August 1858, in *CW*, 3:16.

⁴¹Jefferson claims that whites possess "superior beauty" and that this is a matter of "importance" in Query XIV, 264–65.

⁴²Terence Ball, introduction to *Abraham Lincoln: Political Writings*, ed. Ball (New York: Cambridge University Press, 2013), xxvii.

inferiority and the consequent necessity of slavery, Lincoln instead looks to “nature” — that is, to “natural rights” — in order to claim that blacks are in fundamental respects *equal* to whites and thus slavery is always a great wrong. For Lincoln, then, even if it *were* the case — and Lincoln never expressed anything close to certainty that it was — that blacks were inferior to whites in “moral or intellectual endowments,” this would never justify slavery, contrary to the claims of Fisher.

As we have seen, Lincoln *did* think that slavery was “natural,” but only in the particular sense that it stems from “the selfishness of man’s nature.” Of course, by this definition, theft and assault can also be called “natural,” insofar as these crimes emanate from dark passions that are found (but usually held in check) within all people. For Lincoln, slavery is rooted in dangerous impulses that exist *universally*. In contrast, Fisher suggests that slavery is the product of natural *differences* between the races. As Fisher puts it in “Mr. Dallas and Lord Brougham,” “We, the superior race, have the right, by reason of our superiority, to govern them for our own safety and interest, not neglecting at the same time their well-being.”⁴³ When Lincoln read this, he must have found it appalling, for Fisher’s claim flew in the face of what Lincoln asserted at Peoria — namely, that “no man is good enough to govern another man, *without that other’s consent*,” and so slavery is always a moral wrong.⁴⁴

Because he viewed slavery as always “a great moral, social and political evil,” Lincoln could also never have agreed to adopt the position urged by Fisher in the long preface to *The Law of the Territories*.⁴⁵ Fisher there argues that Northerners must cease to criticize slavery, lest these criticisms be heard by the slaves. According to Fisher, “Should the idea that he is *wrongfully* a slave, and with it the spirit of insubordination, ever enter that dim region, the Negro intellect, and pervade it,” then the result could be a catastrophic “servile insurrection” in which “the tropical fury of the negro, of the mere animal man” would be “let loose upon the wealth and refinement of a civilized and polished community.”⁴⁶ Whether or not a “servile insurrection” takes place thus “depends on the opinion which the Northern people may have of [slavery]. If they thought about it as the Southern people do, [slavery] would be in no danger whatever.”⁴⁷

Writing less than one year after John Brown’s raid at Harper’s Ferry, Fisher was suggesting that Southern whites would not be safe until Northerners joined them in publicly affirming that Southern slavery contains a great

⁴³Fisher, “Mr. Dallas,” 57.

⁴⁴Lincoln, Speech at Peoria, in *CW*, 2:266 (emphasis in the original).

⁴⁵Lincoln, Speech at New Haven, in *CW*, 4:16.

⁴⁶Fisher, *Law of the Territories*, xiii, xi.

⁴⁷*Ibid.*, xvi.

deal of “actual, practical good” for both the slaves and their enslavers.⁴⁸ But, as Lincoln insisted in his Cooper Union address, members of the Republican Party could do no such thing, for even if they had wanted to do so, they could never rid themselves of their “judgment and feeling” against slavery. Contrary to the desires of writers such as Fisher, the Republican Party would *never* be cowed into silence regarding their core “belief that slavery is wrong.”⁴⁹

While many of Fisher’s proslavery arguments were similar to those made by other defenders of slavery, Fisher’s overall position was distinctive insofar as he was opposed to slavery’s expansion into the territories. As Fisher noted in his diary, his views were unusual because he took “the northern ground of opposing the increase of slavery,” while “at the same time” he “justifie[d] and advocate[d] slavery” where it already was.⁵⁰ Hence, in the long preface read by Lincoln, Fisher presents himself as a nuanced moderate who was opposed both to “the fanatics of Slavery” who were trying to force the institution into places for which it was naturally unsuited, and to “the fanatics of anti-Slavery” who sought to abolish the institution everywhere.⁵¹

At first glance, Fisher’s position might seem to have something in common with Lincoln’s position, for Lincoln said that he opposed slavery’s spread, but would not strike at it where it exists. However, a fundamental difference is that even though Lincoln was not an abolitionist, he still publicly condemned slavery as an evil and looked forward to its eventual end. In contrast, Fisher sometimes expresses considerable enthusiasm for Southern slavery. Because of this key difference between his own position and that of Lincoln, Fisher chose to not vote for anyone at all in the election of 1860. In his diary, Fisher explained that if the Republicans had hoped not just “to restrain slavery within its present limits, *but heartily to maintain it within those limits*, I would vote for Lincoln. But [the Republican Party] is leavened largely with a different feeling, a blind, reckless & enthusiastic hatred of slavery, without regard to the character of the Negro race, or to the consequences of abolition.”⁵² Fisher here is perceptive insofar as he correctly notes that while Republicans said they would “restrain slavery within its present limits,” they did not seek “*heartily to maintain it within those limits*.” Instead, they denounced it and hoped to put it on the course of “ultimate extinction,” as Lincoln put it.

⁴⁸Ibid., xiii.

⁴⁹Lincoln, Address at Cooper Institute, New York, 27 February 1860, in CW, 3:542, 539.

⁵⁰Fisher, diary entry of 27 October 1860, in *Civil War Diary*, 54.

⁵¹Fisher, *Law of the Territories*, xxiv.

⁵²Fisher, diary entry of 6 November 1860, in *Civil War Diary*, 56–67 (emphasis added).

Lincoln on the Necessity of Tolerating Slavery

As we have seen, Lincoln found highly objectionable Fisher’s particular claims about why slavery in the Southern states was a “necessity.” At the same time, Lincoln himself argued that the framers were correct that tolerating slavery where it existed was a “necessity.” Why, though, was this the case, in Lincoln’s view? First, it should be noted that Lincoln was rather vague on this point—much more vague, as we shall see, than were Jefferson and Clay. Lincoln claimed that the founders saw slavery as unjust, sought to stop its spread, and looked forward to its extinction; at the same time, they found it necessary to tolerate it where it already existed. As to *why* it had to be tolerated, though, Lincoln says rather little.⁵³

But if Lincoln said little on this matter, he was not entirely silent. For he does repeatedly imply that the main reason that the framers of the Constitution had no choice but to tolerate slavery where it existed is that it would have been politically impossible to forge “a more perfect union” if that union did not guarantee to slaveholders that they could keep their slaves. That is, Southerners would never have agreed to ratify a new constitution that did not offer some protections to the slaveholders’ “immense pecuniary interest” in their human property. One can see this argument in a speech that Lincoln gave in Chicago in 1858. “It may be argued,” Lincoln said,

that there are certain conditions that make necessities and impose them upon us, and to the extent that a necessity is imposed upon a man he must submit to it. I think that was the condition in which we found ourselves when we established this government. We had slavery among us, *we could not get our constitution unless we permitted them to remain in slavery, we could not secure the good we did secure if we grasped for more,* and having by necessity submitted to that much, it does not destroy the principle that is the charter of our liberties.⁵⁴

Lincoln is suggesting that if the framers had “grasped” for a constitution that disallowed slavery, then the Union, and all of the principles that it embodied

⁵³The fact that Lincoln was somewhat reticent regarding why the founders had to tolerate slavery was, no doubt, a deliberate choice on Lincoln’s part, for as Smith has noted, “Lincoln’s statesmanship consisted in a carefully modulated sense of what to say but also of what should be left unsaid.” See Steven B. Smith, introduction to *Writings of Abraham Lincoln*, xxiii. According to Smith, Lincoln refrained from calling attention to the ways in which his return to the principles of the founders—and especially the principles of the Declaration of Independence—actually involved a crucial reformulation of those principles (xx–xxiii). Similarly, I want to suggest that even as Lincoln departed from the specific arguments that Jefferson and Clay made about the necessity of tolerating slavery, Lincoln found it prudent not to call attention to that departure.

⁵⁴Lincoln, Speech at Chicago, 10 July 1858, in *CW*, 2:501 (emphasis added).

and promoted, would have fallen apart. “Necessity” demanded that slavery had to be tolerated, then, not because “nature” dictated that blacks must be enslaved, but simply because the political circumstances were such that slaveholders happened to have considerable clout. If the founders had *not* given in to the slaveholders’ demands, then the Union “dedicated to the proposition that all men are created equal” would never have gained the constitutional framework—the “picture of silver” as Lincoln once put it—that was needed for it to “long endure.”⁵⁵

These ideas can also be found in Lincoln’s Peoria Address, when Lincoln said:

[The fathers of the republic] found the institution [of slavery] existing among us, which they could not help; and they cast blame upon the British King for having permitted its introduction. BEFORE the constitution, they prohibited its introduction into the north-western Territory—the only country we owned, then free from it. AT the framing and adoption of the constitution, they forbore to so much as mention the word “slave” or “slavery” in the whole instrument. . . . Thus, the thing is hid away, in the constitution, just as an afflicted man hides away a wen or a cancer, which he dares not cut out at once, lest he bleed to death; with the promise, nevertheless, that the cutting may begin at the end of a given time. . . . Thus we see, the plain unmistakable spirit of that age, towards slavery, was hostility to the PRINCIPLE, and toleration, ONLY BY NECESSITY.⁵⁶

Here, Lincoln suggests that while the framers sought to restrict slavery’s spread, “necessity” demanded that they tolerate its existence where it already was, for any attempt to remove it would destroy the nation. Lincoln does not spell out why this is the case, but presumably he means that any effort to actually abolish slavery would have been met with such massive resistance in the South that the Union would have fallen apart if it were attempted. This would have meant the end of the democratic republic that Lincoln would call the “last best hope of earth.”⁵⁷

While Lincoln thought that the founders had no choice but to tolerate slavery where it existed, he believed the same was true in his own day. In other words, it was his understanding of “necessity” that made it impossible for him to be an abolitionist, despite his conviction that slavery is a “monstrous injustice.”⁵⁸ As Lincoln put it in an 1845 letter, “I hold it to be a paramount duty of us in the free states, due to the Union of the states, and perhaps to liberty itself (paradox though it may seem) to let the slavery of the other

⁵⁵See Lincoln, Fragment on the Constitution and the Union, ca. January 1861, in *CW*, 4:169, and Lincoln, Gettysburg Address, 19 November 1863, in *CW*, 7:23.

⁵⁶Lincoln, Speech at Peoria, in *CW*, 2:274–75.

⁵⁷Lincoln, Annual Message to Congress, 1 December 1862, in *CW*, 5:537.

⁵⁸Lincoln, Speech at Peoria, in *CW*, 2:255.

states alone.”⁵⁹ But why, exactly, would striking at slavery in the states threaten “liberty itself”? Lincoln does not spell out the answer, but Foner provides the most plausible one. “The paradox” for Lincoln, Foner writes, is “that to agitate against slavery endangered the preservation of the Union and Constitution that themselves embodied freedom.”⁶⁰ Of course, the most obvious reason that Lincoln eschewed abolitionism was his fidelity to law; in his view, the Constitution protected slavery in the South.⁶¹ But, as Foner suggests, another reason that he was not an abolitionist was his belief that any effort to stamp out slavery would produce so much conflict that it would tear apart the nation, just as the Union would have collapsed in 1787 or shortly thereafter if slavery had not been tolerated at the Philadelphia Convention. Short of a destructive civil war, there was no way that slave owners would give up the institution of slavery. As Lincoln put it in an 1855 letter, “The Autocrat of all the Russias will resign his crown, and proclaim his subjects free republicans sooner than will our American masters voluntarily give up their slaves.”⁶²

For Lincoln, then, it was necessary to tolerate slavery because of the greed of the slave owners, and not because of any negative traits found in the persons who were enslaved. As I have already noted, Lincoln certainly never suggested that it was necessary to tolerate slavery because of any alleged *natural* inferiority on the part of blacks. Even more striking, though, is the fact that Lincoln never said—as did Henry Clay and others—that it was necessary to maintain slavery because of the *condition* (as opposed to the nature) of those who were enslaved. In other words, despite the availability of the argument, Lincoln never said that it was necessary to tolerate slavery where it already existed because slavery itself had rendered the slaves unsuited (at least for the time being) for liberty.

To be sure, Lincoln did believe that slavery brutalizes and degrades, to a degree, those whom it enslaves. One speech where we can see Lincoln suggest that slavery has degraded the condition of those who are subjected to it is his 1862 address on colonization that he delivered to a committee of free African-Americans. Lincoln told his audience:

If we deal with those who are not free at the beginning, and whose intellects are clouded by Slavery, we have very poor materials to start with. If intelligent colored men, such as are before me, would move in this matter, much might be accomplished. It is exceedingly important that we have

⁵⁹Lincoln to Williamson Durley, 3 October 1845, CW, 1:348.

⁶⁰Foner, *Fiery Trial*, 42.

⁶¹On the ways that Lincoln’s understanding of the Constitution precluded him from becoming an abolitionist, see Douglas L. Wilson, *Lincoln’s Sword: The Presidency and the Power of Words* (New York: Alfred A. Knopf, 2006), 107–8.

⁶²Lincoln to George Robertson, 15 August 1855, in CW, 2:318.

men at the beginning capable of thinking as white men, and not those who have been systematically oppressed.⁶³

Lincoln here clearly suggests that slavery itself has degraded “the intellects” of the slaves. However, while Lincoln believed that slavery is damaging to the minds of the enslaved, he never cited this as a barrier to emancipating them. Indeed, in a fragment that he wrote on slavery, Lincoln suggests that even in cases where people have had their capacities degraded by oppression, the solution is to start *including* them as citizens rather than to continue to exclude them. As Lincoln put it,

*Most governments have been based, practically, on the denial of equal rights of men . . . ; ours began, by affirming those rights. They said, some men are too ignorant, and vicious, to share in government. Possibly so, said we; and, by your system, you would always keep them ignorant, and vicious. We proposed to give all a chance; and we expected the weak to grow stronger, the ignorant, wiser; and all better, and happier together.*⁶⁴

The logic of Lincoln’s argument here suggests that even if it *is* the case that slavery has made the slaves “ignorant” and “vicious,” the solution is not to keep them in slavery but rather to ensure that they gain the education and the self-development that only freedom can provide. The fact that the slaves may currently be in a degraded condition, then, in no way renders the toleration of slavery a “necessity.”

On this point, Lincoln broke with Henry Clay, his “beau ideal of a statesman,” for Clay *did* often argue that the brutalized condition of the slaves made it highly dangerous to emancipate them. In 1798, a twenty-one-year-old Clay wrote that while “the rights of man . . . are immutable, cases may be conceived in which the enjoyment of them is improper. That of the present race of negroes is one. Thirty thousand slaves without preparation for enjoying the rights of freemen, without property, without principle, let loose upon society would be wretched themselves, and render others miserable.”⁶⁵ Clay here suggests that while blacks possess the same natural right to liberty held by all human beings everywhere, they are not in a condition to properly *exercise* this right. If suddenly given liberty, they would only abuse it, and become a dangerous menace to both themselves and to whites. In 1847, Clay similarly warned (in a speech that Lincoln attended) that while slavery is a great wrong, “collisions and conflicts between the two races would be inevitable” if the slaves were all freed at once.⁶⁶ And again, in

⁶³Lincoln, Address on Colonization to a Deputation of Negroes, 14 August 1862, in CW, 5:372–73.

⁶⁴Lincoln, Fragment on Slavery, [1 April 1854?], in CW, 2:222.

⁶⁵Scaevola [Henry Clay], “To the Citizens of Fayette,” February 1799, in *The Papers of Henry Clay*, vol. 1 (Lexington: University Press of Kentucky, 1959), 14.

⁶⁶Clay, Speech in Lexington, in *Papers of Henry Clay*, 10:372.

1849, he warned that “the immediate liberation of all the slaves . . . would lead to the most frightful disorders and the most fearful and fatal consequences.”⁶⁷ For Clay, then, slavery would remain a necessary evil unless some kind of safe and gradual plan for emancipation could be agreed upon and carried out.⁶⁸ In contrast to Clay, Lincoln never suggested that the slaves’ degraded condition would likely render them violent toward whites if they were liberated, and Lincoln never suggested that their degradation meant that their enslavement should be maintained.

Clay’s fear that wholesale emancipation would lead to chaos and even race war had a precursor in the ideas of Thomas Jefferson, the man to whom “all honor” was due, according to Lincoln. While insisting that slavery was an evil, Jefferson argued that if the slaves were emancipated but not removed from the United States, the result could be a devastating war between the races: “Deep rooted prejudices entertained by the whites; ten thousand recollections, by the blacks, of the injuries they have sustained; new provocations; the real distinctions which nature has made; and many other circumstances, will divide us into parties, and produce convulsions which will probably never end but in the extermination of the one or the other race.”⁶⁹ Unless and until there was a viable plan for the mass “expatriation” of emancipated slaves, it was necessary, in Jefferson’s view, to maintain slavery. As Jefferson put it, “as it is, we have the wolf by the ear, and we can neither hold him, nor safely let him go. Justice is in one scale, and self-preservation in the other.”⁷⁰ For Jefferson, then, necessity demanded that slavery be tolerated for the time being, lest the emancipated slaves engage in retributive violence on a mass scale. To use Jefferson’s terms, the masters’ fundamental right of “self-preservation” necessitated that “justice” for enslaved people would have to be deferred.

Given Lincoln’s great admiration for both Clay and Jefferson, it is notable that Lincoln did *not* invoke their specific arguments when Lincoln explained why the founding fathers found it necessary to tolerate slavery and when explaining why he himself could not be an abolitionist. As we have seen, Lincoln suggested that slavery had to be tolerated in the South because of the greed of the masters, and not because of any defects in the character of blacks. That is, he argued that slavery had to be tolerated because slave property was so valuable to the masters that they would never give it up without war. Lincoln did *not* argue, though, as Clay and Jefferson did, that slavery had to be maintained in the South because the slaves were so degraded and ill prepared for freedom that they would cause chaos or even a race war if

⁶⁷Clay to Richard Pindell, 7 February 1849, in *Papers of Henry Clay*, 10:576.

⁶⁸On Clay’s understanding of slavery as a necessary evil, see Harold Tallant, *Evil Necessity: Slavery and Political Culture in Antebellum Kentucky* (Lexington: University Press of Kentucky, 2003), 1–3.

⁶⁹Jefferson, Query XIV, 264.

⁷⁰Jefferson to John Holmes, 22 April 1820, in *Writings*, 1434.

emancipated. If Lincoln *were* going to have made such an argument, one might have expected him to do so during his Peoria Address, when he argues that the idea of freeing the slaves in the South does raise important difficulties:

When it is said that the institution [of slavery] exists; and that it is very difficult to get rid of it, in any satisfactory way, I can understand and appreciate the saying. I surely will not blame [Southerners] for not doing what I should not know how to do myself. If all earthly power were given me, I should not know what to do, as to the existing institution. My first impulse would be to free all the slaves, and send them to Liberia,—to their own native land. But a moment's reflection would convince me, that whatever of high hope, (as I think there is) there may be in this, in the long run, its sudden execution is impossible. . . . What then? Free them all, and keep them among us as underlings? Is it quite certain that this betters their condition? . . . What next? Free them, and make them politically and socially, our equals? My own feelings will not admit of this; and if mine would, we well know that those of the great mass of white people will not. Whether this feeling accords with justice and sound judgment, is not the sole question, if indeed, it is any part of it. A universal feeling, whether well or ill-founded, cannot be safely disregarded. We can not, then, make them equals.⁷¹

Because Lincoln here expresses a preference for the idea that blacks would simply leave the United States after emancipation, one might try to infer that Lincoln *must* think that blacks are unready for freedom and would run amok in dangerous ways if they were freed and then lived among whites. However, if Lincoln believed this, he never said it. In fact, whereas both Jefferson and Clay stoked fears that emancipated blacks would pose a grave danger to the well-being of whites, Lincoln actually shows more concern in this passage for the well-being of *blacks*. For Lincoln warns that rightly or wrongly, whites will not grant full social and political equality to blacks, which means that while freed slaves would be formally free, they would remain the “underlings” of whites. Whereas Jefferson and Clay ominously warned that freed slaves would threaten the self-preservation of whites, Lincoln never suggested that whites would be unsafe after emancipation; instead, the problem he cites is that emancipation might not “better the condition” of blacks. This means that while Lincoln’s ideas in the above passage may be objectionable in a number of ways, Lincoln at least did not fan the flames of racial fears in the ways that Clay and Jefferson arguably did when they discussed the notion of immediately abolishing slavery.⁷²

⁷¹Lincoln, Speech at Peoria, in *CW*, 2:255–56.

⁷²I here concur with Eric Foner, who writes that “unlike Jefferson, Lincoln did not seem to fear a racial war if slavery was abolished. . . . Lincoln never spoke of free blacks as a vicious and degraded group dangerous to the stability of American society.” See Eric Foner, “Lincoln and Colonization,” in *Our Lincoln: New*

Moreover, despite all of the ethical problems inherent in Lincoln’s support of colonization, one can argue that this support was premised on the idea that American blacks actually *were* ready for freedom, but would never be allowed to live as free and equal citizens in America, owing to the racism of whites. As George Frederickson put it, “The promise of colonization” for Lincoln “was that it would transplant blacks to regions where they could rule themselves and develop their own democratic institutions free of white interference.”⁷³

Significantly, Lincoln did *not* argue that colonization was necessary to prevent a future race war. Indeed, even as Lincoln said that he “strongly favor[ed]” colonization in an 1862 address to Congress, he also suggested that if freed blacks remained in America, they would *not* cause the kind of disorder feared by Clay and Jefferson. As Lincoln put it,

But it is dreaded that the freed people will swarm forth and cover the whole land. Are they not already in the land? Will liberation make them any more numerous? Equally distributed among the whites of the whole country, and there would be but one colored to seven whites. Could the one in any way greatly disturb the seven? There are many communities now having more than one free colored person to seven whites and this without any apparent consciousness of evil from it.⁷⁴

On the one hand, Lincoln continued to follow in Clay’s footsteps in this speech by endorsing the general goal of colonization; at the same time, in this particular passage Lincoln was clearly repudiating Clay’s assertion that emancipation without colonization would produce “frightful disorders and the most fearful and fatal consequences.”

Just as Lincoln set aside the argument of Clay and Jefferson that tolerating slavery was necessary in order to protect the physical security of whites against a people who are in no condition to be free, Lincoln also set aside Jefferson’s argument that slavery was necessary in order to maintain the racial purity of whites. Jefferson had argued that “a powerful obstacle to the emancipation” of the slaves was the likelihood of widespread sexual relations among freed blacks and whites, with deleterious effects on “the blood” of the white race. According to Jefferson, “Among the Romans emancipation required but one effort. The slave, when made free, might mix with, without staining the blood of his master. But with us a second is necessary, unknown to history. When freed, he is to be removed beyond the reach of mixture.” Given that no plausible plans for large-scale colonization were on the table,

Perspectives on Lincoln and His World, ed. Foner (New York: Norton, 2008), 146. While Foner notes, as I do, this departure from Jefferson, I seek to explore further the significance of this departure.

⁷³George Frederickson, *The Arrogance of Race: Historical Perspectives on Slavery, Racism, and Social Inequality* (Middletown, CT: Wesleyan University Press, 1989), 65.

⁷⁴Lincoln, Message to Congress, in *CW*, 5:534–35.

Jefferson was thus suggesting that slavery was an unfortunate necessity if “the dignity and beauty” of “human nature” was to be preserved.⁷⁵

In his speech on the *Dred Scott* decision, Lincoln accepts the premise of Jefferson (and, more immediately, of Stephen Douglas) that “amalgamation” is to be avoided; however, Lincoln then suggests that because of “the particular power” which masters “hold over their female slaves,” it is actually *slavery* which is “the greatest source of amalgamation.”⁷⁶ Taunted by political opponents who claimed that the Republican Party hoped to legalize intermarriage between blacks and whites, Lincoln denied this by “protest[ing] against that counterfeit logic which concludes that, because I do not want a black woman for a slave I must necessarily want her for a wife. I need not have her for either, I can just leave her alone.”⁷⁷ In this moment, Lincoln left the racial prejudices of his audience go unchallenged, for Lincoln agreed that one should be “horrified” at “the thought of mixing [of] blood by the white and black races.”⁷⁸ Nevertheless, it remains important to note that Lincoln here played off of his audience’s prejudices concerning “an indiscriminate amalgamation of the white and black races” not in order to claim, as Jefferson did, that slavery must be maintained, but rather in order to argue that the spread of slavery must be *thwarted*.⁷⁹ To help make his argument, Lincoln noted that

the proportion of free mulattoes to free blacks . . . is much greater in the slave than in the free states. It is worthy of note too, that among the free states those which make the colored man the nearest to equal the white, have, proportionably the fewest mulattoes. . . . In New Hampshire, the State which goes farthest towards equality between the races, there are just 184 Mulattoes while there are in Virginia—how many do you think? 79,775, being 23,126 more than in all the free States together. These statistics show that slavery is the greatest source of amalgamation; and next to it, not the elevation, but the degeneration of the free blacks. Yet Judge Douglas dreads the slightest restraints on the spread of slavery, and the slightest human recognition of the negro, as tending horribly to amalgamation.⁸⁰

This is a remarkable passage, for even though Lincoln does not challenge popular fears of “miscegenation,” he at the same time offers an implicit defense not just of the human rights, but also of the *political* rights of African-Americans. While Lincoln said repeatedly in the 1850s that he did not support “social and political equality” for free blacks, in this passage he

⁷⁵Jefferson, Query XIV, 270.

⁷⁶Lincoln, Speech at Springfield, Illinois, 26 June 1857, in *CW*, 2:408–9.

⁷⁷*Ibid.*, 405.

⁷⁸*Ibid.*, 407.

⁷⁹*Ibid.*, 405.

⁸⁰*Ibid.*, 408.

offers implicit praise to New Hampshire—a state where black men could vote—precisely for its moving “farthest towards equality between the races.” Thus, whereas Jefferson raised the specter of the “staining” of white blood in order to say that maintaining slavery in the South was a necessary evil, Lincoln, on the contrary, made reference to fears of “amalgamation” to attack slavery and even to compliment New Hampshire for its “elevation” of free blacks toward a condition of full citizenship.

Near the end of his life, Lincoln himself would come to argue that (at least some) blacks should be full citizens—with voting rights—in the United States. In the context of this essay, it is intriguing to note that Martin Delany—whose sensational appearance at the International Statistical Congress led Fisher to defend the “necessity” of slavery in “Mr. Dallas and Lord Brougham”—was among those who likely helped inspire Lincoln to move beyond his earlier statements against political equality for African-Americans. In February of 1865, Delany actually met with Lincoln in order to urge him to increase the use of black troops and to commence the commissioning of blacks as field officers. On February 8, 1865, Lincoln then wrote to Edwin Stanton, his secretary of war, regarding Delany. “Do not fail,” Lincoln told Stanton, “to have an interview with this most extraordinary and intelligent black man.”⁸¹ Shortly thereafter, Delany became the first African-American commissioned field officer.⁸² It is thus likely that Lincoln had in mind men such as Delany, whom he greatly admired, when he publicly suggested, two months later, that “very intelligent” blacks as well as “those who serve our cause as soldiers” should be granted “the elective franchise.”⁸³ In short, it was the courage and commitment of men like Delany who eventually convinced Lincoln that not only must the “promise of freedom” be upheld for black veterans, but also full political rights.⁸⁴

Conclusion

We have now seen that before the Civil War, Lincoln agreed with Fisher, Jefferson, and Clay that the toleration of slavery where it existed was a “necessity.” However, Lincoln’s argument was distinctive insofar as he defined this “necessity” in a very narrow way. Whereas Fisher argued that it was necessary to maintain slavery because of the natural inferiority of blacks, and whereas Jefferson and Clay suggested that slavery was necessary in order to prevent freed blacks from running amok and ultimately fomenting a

⁸¹Lincoln to Edwin M. Stanton, 8 February 1865, in *CW*, 8:272–73. Delany’s meeting with Lincoln is discussed in Levine, *Martin Delany*, 221–23.

⁸²See *Martin R. Delany: A Documentary Reader*, ed. Robert Levine (Chapel Hill: University of North Carolina Press, 2003), 378.

⁸³Lincoln, Last Public Address, 11 April 1865, in *CW*, 8:403.

⁸⁴Lincoln to James C. Conkling, 26 August 1863, in *CW*, 6:409.

race war, Lincoln simply suggested that the unwillingness of the slave owners to peacefully give up their highly valuable “property” rendered the toleration of slavery a necessity. (Of course, the fact that the Constitution protected slavery in the Southern states also rendered its toleration a necessity.) The main source of the “necessity,” then, was for Lincoln the intransigence of the slave owners, and not any defects in the nature or character of those whom they enslaved.

Importantly, Lincoln’s version of “necessity” does not actually entail the negation of choice.⁸⁵ For Lincoln knew that one *could* choose the course recommended by the abolitionists, which would be to attack slavery where it exists. However, in Lincoln’s view this choice would be highly imprudent, for the slave owners would sooner see the nation ripped apart than give up their slaves. There is here something reminiscent of Machiavelli in Lincoln’s understanding of necessity. For Machiavelli, one must do whatever is necessary to preserve the state.⁸⁶ In Lincoln’s view, tolerating slavery where it exists was precisely one of the things that was necessary if the state was to be preserved. But if there is something of Machiavelli in Lincoln’s thinking about necessity, one must quickly add that Lincoln departs from Machiavelli insofar as he not only wanted to save the state, but he wanted a state that was “worthy of the saving,” and that meant that in contrast to Machiavelli there were principled limits on what Lincoln would do to preserve the state.⁸⁷ Notably, Lincoln refused to compromise on the extension of slavery after he was elected to the presidency, even though a compromise could have conceivably prevented (or at least delayed) the dismemberment of the Union.⁸⁸ Similarly, he refused to suspend the election of 1864, even though losing to McClellan would likely have meant that the struggle to preserve the Union would have been lost.⁸⁹ Compromising on slavery extension in 1860 and suspending the election of 1864 were both arguably “necessary” to ensure the preservation of the state, but for Lincoln the damage that would have been done by either of these actions to the principles of self-government would have rendered the state unworthy of the saving. As these examples suggest, Lincoln may have used the language of “necessity,” but he did not succumb to the kind of fatalism and passivity that David Donald claims to find in Lincoln’s character.⁹⁰

⁸⁵In making the claim that despite his use of the language of “necessity,” Lincoln never abdicated the careful making of choices, I agree with—and seek to build on—Smith’s claim that “Lincoln’s appeal to necessity was not a general fatalism, much less quietism.” See Smith, “Lincoln’s Second Inaugural Address,” 484.

⁸⁶See, for example, Niccolò Machiavelli, *Discourses on Livy*, trans. Harvey Mansfield and Nathan Tarcov (Chicago: University of Chicago Press, 1996), bk. 3, chap. 41.

⁸⁷Lincoln, Speech at Peoria, in *CW*, 2:276.

⁸⁸See Lincoln to Lyman Trumbull, 10 December 1860, in *CW*, 4:149.

⁸⁹See Lincoln, “Response to a Serenade,” 10 November 1864, in *CW*, 8:101.

⁹⁰David Donald writes that his biography of Lincoln “highlights a basic trait of character evident throughout Lincoln’s life: the essential passivity of his nature.” For

Instead, Lincoln was always making careful *choices* as a statesman regarding not only how to save the nation, but also how to save it, as he put it at Independence Hall, upon the basis of the principles of the Declaration.⁹¹

In contrast, Fisher's version of "necessity" *does* lead to fatalism and passivity, for in Fisher's view, slavery is necessitated by natural laws that are beyond human control. If for Lincoln the toleration of Southern slavery is simply the most prudent choice given the circumstances and is thus a kind of practical necessity, for Fisher the subordination of blacks is necessitated by nature itself. As Fisher put it in his book *The Laws of Race, as Connected with Slavery* (1860), "The white race must of necessity, by reason of its superiority, govern the negro, wherever the two live together." Rather than a choice, this is a "higher law, to which we must submit. . . just as we must submit to the laws of steam and electricity, of winds and waves, of earth and iron."⁹² Fisher's ideas on race were heavily influenced by Arthur de Gobineau, whose *Essay on the Inequality of Human Races* Fisher hailed as a "great work."⁹³ But as Tocqueville pointed out, Gobineau's racial determinism leaves little room for human agency, and the same can be said of Fisher's ideas on race and slavery. Tocqueville criticized Gobineau for suggesting that statesmen and citizens ultimately had no control over the destiny of their nations.⁹⁴ Like Tocqueville, Lincoln rejected this kind of fatalism insofar as he believed that the fate of liberty depended upon human effort. Whether the Americans would "nobly save" or "meanly lose" their republic would ultimately be determined by the choices and the exertions of the American people themselves.⁹⁵

It should be noted that if Lincoln *had* made the kinds of arguments that Fisher, Jefferson, and Clay had made about the alleged "necessity" of

critiques of Donald, see James McPherson, "A Passive President?," *Atlantic Monthly*, November 1995, 134–40, and Smith, "Lincoln's Second Inaugural Address," 488–89.

⁹¹Lincoln, Speech in Independence Hall, Philadelphia, 22 February 1861, in *CW*, 4:240.

⁹²Fisher, "Race," in *Laws of Race*, 11–12.

⁹³In his diary entry of 10 December 1869, Fisher writes that he arranged for *The Trial of the Constitution* to be sent to Gobineau, "as in it, his great work on Race was frequently quoted." Fisher notes that he received from Gobineau a "very cordial & gracious" reply which "approves the *Trial* & proposes a correspondence with the author. This is of course all very pleasant, tho I rather shrink from a correspondence with a person so gifted & learned and famous." See *Diary of Sidney George Fisher Covering the Years 1834–1871*, 555. Fisher also cited Gobineau's *Essay on the Inequality of Human Races*, as well as other works by the scientific racists Robert Knox, Josiah Nott, and George Gliddon, in Fisher, *Laws of Race*, 10.

⁹⁴Tocqueville to Gobineau, 17 November 1853 and 20 December 1853, in Alexis de Tocqueville, *Selected Letters on Politics and Society*, ed. Roger Boesche (Berkeley: University of California Press, 1985), 297–301 and 302–5.

⁹⁵Lincoln, Message to Congress, in *CW*, 5:537.

slavery, it is unlikely that it would have hurt him politically, and it might even have helped him. In other words, in his speeches in the 1850s, he could have argued that the spread of slavery must be stopped, but that it had to be tolerated where it existed because emancipation would mean that a people unfit for freedom (owing either to nature or to condition) would produce chaos and even mass bloodshed. If he had argued this way, he could have still opposed the spread of slavery while at the same time he may have become an even *more* attractive candidate to the many racist whites in Illinois who detested any ideas that smacked at all of abolitionism and who considered the capacities of blacks to be very limited.

Lincoln, then, might very well have benefited politically in the short term if he had suggested that the slaves themselves were to blame for the “necessity” of maintaining slavery where it existed. However, if he *had* argued in this way, it would have been much harder later on for him to argue in favor of the Emancipation Proclamation, then in favor of the Thirteenth Amendment, and, ultimately, in favor of full citizenship for (at least some) African-Americans. After all, if he had once argued that slavery had to be maintained in the South because freeing them (in the absence of colonization) would lead to chaos and race war, then later pushing for a constitutional amendment to ban slavery would hardly seem like a prudent course of action, especially since Lincoln ceased to give any serious attention to colonization once he issued the Emancipation Proclamation.⁹⁶ And, if Lincoln had argued in the 1850s that defects in the character or nature of blacks rendered it necessary to maintain them in slavery in the South, then it would have been harder for him to defend his later movement toward the position that blacks could and should be full citizens in America.

In other words, it appears that when arguing in the 1850s for the “necessity” of tolerating slavery in the South, Lincoln (whether consciously or not) always chose those arguments that would make it fairly easy later on for him to pivot toward arguments in favor of emancipation, and even in favor of full citizenship for blacks. And Lincoln ignored available arguments about the “necessity” of tolerating slavery that would have made this future pivot much more difficult to defend. Lincoln had suggested in the 1850s that it was necessary to maintain slavery where it existed because efforts to eliminate it would tear apart the nation. Once a civil war actually came, though, this argument for the necessity of tolerating slavery was now largely moot. In contrast, the concerns that Fisher had about the alleged

⁹⁶According to James Oakes, Lincoln may have supported the idea of colonization during the first two years of his presidency in part because it made the prospect of emancipation seem “more palatable” to racist whites. See Oakes, *Freedom National: The Destruction of Slavery in the United States, 1861–1865* (New York: Norton, 2013), 310. Oakes notes that after Lincoln issued the Emancipation Proclamation, “he stopped advocating” colonization, as it had “served whatever purpose it ever had” (282).

natural inferiority of blacks, that Jefferson had about the "staining" of blood, and that Clay had about the character and condition of the slaves would *not* necessarily have been rendered moot by the coming of the war.

My argument here in some ways parallels the argument that John Burt has recently made regarding Lincoln's rhetorical strategies in his battle against slavery extension. Burt argues that by 1858, it was clear that a majority of people in Kansas did not want slavery, and so Lincoln could have simply opposed the expansion of slavery by emphasizing this political fact. However, Lincoln instead chose to oppose the spread of slavery on *moral* grounds, "because that moral case was the argument most suited to making a case for the moral equality of black and white, and thus the argument most suited to making the case for black citizenship later."⁹⁷ Lincoln, of course, "repeatedly and plausibly denied having an investment in racial equality when Douglas accused him of it."⁹⁸ Nevertheless, when arguing against the extension of slavery, "Lincoln consistently chose the arguments that would lay the groundwork for racial equality later, and rejected arguments that would have supported preventing the spread of slavery into the territories but that would have ruled racial equality out."⁹⁹ Burt does not go so far as to suggest that Lincoln already "had a mature plan for racial equality" in 1858; the fact remains, though, that Lincoln, at considerable political cost, chose to make a *moral* argument against slavery expansion that could not help but ultimately "lend [the] idea of racial equality magnetic force."¹⁰⁰ In a similar vein, I want to suggest that even as Lincoln argued in the 1850s that "necessity" rendered emancipation impossible, the particular way in which he chose to make this argument helped render possible his later embrace of emancipation and even his later embrace of equal citizenship for blacks.

I have shown that Lincoln's particular arguments before the Civil War for *why* it was necessary to tolerate slavery differed greatly from the particular arguments made not only by Fisher, but also by Clay and Jefferson. Lincoln said that "all honor" should go to Jefferson; and yet, by departing from Jefferson's specific arguments about the "necessity" of tolerating slavery, Lincoln positioned himself to eventually take his own honored place as the statesman who would help usher America toward "a new birth of freedom."

⁹⁷John Burt, *Lincoln's Tragic Pragmatism: Lincoln, Douglas, and Moral Conflict* (Cambridge, MA: Belknap Press of Harvard University Press, 2013), xiii.

⁹⁸*Ibid.*

⁹⁹*Ibid.*, 335.

¹⁰⁰*Ibid.*, xiii.