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Abraham Lincoln's Commentary on the 'Plain Unmistakable Language' of the Declaration of Independence

Diana J. Schaub

Chief Justice Taney, in his opinion in the Dred Scott case, admits that the language of the Declaration [of Independence] is broad enough to include the whole human family, but he and Judge Douglas argue that the authors of that instrument did not intend to include negroes, by the fact, that they did not at once, actually place them on an equality with the whites. Now this grave argument comes to just nothing at all, by the other fact, that they did not at once, or ever afterwards, actually place all white people on an equality with one or another. And this is the staple argument of both the Chief Justice and the Senator, for doing this obvious violence to the plain unmistakable language of the Declaration. I think the authors of that notable instrument intended to include all men, but they did not intend to declare all men equal in all respects. They did not mean to say all were equal in color, size, intellect, moral developments, or social capacity. They defined with tolerable distinctness, in what respects they did consider all men created equal – equal in 'certain inalienable rights, among which are life, liberty, and the pursuit of happiness'. This they said, and this meant. They did not mean to assert the obvious untruth, that all were then actually enjoying that equality, nor yet, that they were about to confer it immediately upon them. In fact they had no power to confer such a boon. They meant simply to declare the right, so that the enforcement of it might follow as fast as circumstances should permit. They meant to set up a standard maxim for free society, which should be familiar to all, and revered by all; constantly looked to, constantly labored for, and even though never perfectly attained, constantly approximated, and thereby constantly spreading and deepening its influence, and augmenting the happiness and value of life to all people of all colors everywhere.¹

Abraham Lincoln is best known as the sixteenth, and arguably the greatest, president of the United States – the statesman who freed the slaves, saved the Union from dismemberment and, in the immortal phrases of his Gettysburg Address and Second Inaugural, explained the meaning of the war and the nature of republican self-government. Lincoln's performance of these consequential deeds was prepared for during the tumultuous decade that preceded the American Civil War. In his antebellum speeches and debates, Lincoln often invoked the Declaration of Independence. By reminding citizens of 'the principles of Jefferson', he tried to rescue 'the definitions and axioms of free society' from the oblivion into which they were falling.² In the excerpted passage, written in response to the Supreme Court's 1857 ruling in the *Dred Scott* case (which, among other outrages, decided that blacks had no rights which whites were obliged to respect), Lincoln offered a commentary on the foundational clause of the nation's founding charter.

What does it mean to declare that 'all men are created equal'? What does politics based on such a declaration look like? In answering these questions, Lincoln aimed to correct a dangerous misreading of the declaration put forth by his political opponents. Lincoln's generation, no less than our own, struggled to make sense of the stark contrast between the declaration's ringing endorsement of mankind's natural equality and the existence and persistence of the institution of chattel slavery. Some, like Roger B. Taney (chief justice of the Supreme Court and author of the *Dred Scott* ruling) and Stephen A. Douglas (leading Democrat and long-time Lincoln rival), sought to free the Founders from the charge of hypocrisy by simply reading blacks out of the declaration. They narrowed the application of the declaration's 'all men' to 'all white men'. Lincoln rejected that exclusionary reading as nonsensical. He reiterated the original, expansive and inclusive reading of the declaration. Instead of denying the gap between theoretical principles and political practice, Lincoln honestly acknowledged the gap and the obstacles to closing it. He emphatically reminded his audience that democratic statesmen – constrained as they always are by tradition and public opinion – are not free to 'place' folks, whether black or white, instantly on a footing of full equality. Nonetheless, the words of the declaration are not empty platitudes. Properly understood, they vitalize and guide political life. Lincoln's refutation of his opponents highlights the role that logic and common sense can play in resolving disputed questions. Not all interpretations of the declaration are created equal.

Lincoln begins his explication with a certain narrowing of his own. Human beings are equal, but they aren't equal every which way.³ They are equal only in

a highly specific way. Before specifying that way, however, Lincoln first details some of the manifold ways in which humans are unlike one another. The list he constructs is intriguing. It begins with two visible natural differences: colour and size. If we think about how contemporary liberal society approaches human difference, the first two categories that spring to mind are probably 'race and gender'. Lincoln's categories may have some connection to those, but they are definitely not identical to them.

Let's take colour first. Given that Lincoln's dispute with Taney and Douglas concerned the Founding era's view of black people, it isn't surprising that Lincoln begins by acknowledging a difference that presents itself to all eyes. Human beings don't look the same; they come in different colours. Lincoln, however, does not endorse the essentialism of 'race' as a category permanently fixed (or nearly so) by either nature or history. Instead, Lincoln presents the difference between blacks and whites as a purely superficial difference of skin tone. Moreover, in other writings, he points out that skin tone is not binary (black and white) but a matter of degree (lighter and darker). Thus, he warns slaveholders that if they regard whiteness as a title to mastery, they can't escape the logical conclusion that they themselves should be enslaved to the first person who comes along with paler skin than their own.⁴ By speaking of colour rather than race, Lincoln suggests the existence of a spectrum of infinite gradations. Although he highlights the visible difference of colour among human beings, he hints at its individual rather than class character. He bridges the racial divide with a rainbow, such that by the end of this passage he is able to envision 'all people of all colors everywhere' enjoying the inestimable benefits of 'free society'.

What about size? Whereas an individual's 'colour' remains constant, 'size' changes dramatically over the lifecycle. Each of us starts as an extraordinarily tiny, indeed embryonic, being, only gradually attaining our mature form. Even in adulthood, weight (unlike height) is subject to fluctuation. Differences in size are not purely individual since they can be correlated with certain category differences. For instance, adults are generally larger than children; males, on average, are larger and stronger than females. However, mostly what we see is an array of individual differences from short to tall and light to heavy. Size, like colour, is spread along a continuum. Compounded from these two properties, the visible spectacle of humanity is astonishingly varied. What we experience is not sameness, but diversity.

The next (and central) item on Lincoln's list is 'intellect'. He has moved from external to internal differences among human beings. He has also moved from

qualities that are given by nature to a quality that is perhaps more complex and ambiguous inasmuch as intellect has long been thought to have both natural and acquired components. Differences with respect to intellect can also be a very significant driver of economic and social inequality. We know that Lincoln's overall aim in this passage is to define and defend the self-evident truth of equality. What we note is that equality, in the sense intended by the declaration, can be upheld while at the same time acknowledging the range of intellect among human beings, a range that presumably entails differences in degree of intellect (from dumb to brilliant) as well as differences in type of intellect (as, for instance, verbal as compared to spatial abilities).

The fourth item on the list is 'moral developments'. The phrase is interesting since it suggests that good morals must be instilled and promoted. Even if there is such a thing as a conscience or an inborn moral compass, it requires support and development. Lincoln perhaps agrees with Aristotle who, quite sensibly, attributed ethical excellence to the combined operation of nature, habit and reason.⁵ Because of the effects of early habituation on our moral formation, institutions like the family, the church and the political order itself can profoundly influence, if not determine, the degree of one's moral development. Unfortunately, those institutional influences can be deleterious as well as salutary. Thus, the long-continued existence of an unjust practice like slaveholding (a pertinent example for both the Founders and Lincoln) might compromise one's moral development. Slaveholding had the power to corrupt family life, religious faith and fidelity to the principles of republican self-government. Certainly, Thomas Jefferson worried about the effects of slavery on the moral character of both masters and slaves. In his *Notes on the State of Virginia*, he noted ruefully that 'the man must be a prodigy who can retain his manners and morals undepraved' when faced with the daily temptation to behave as a tyrant.⁶ Meanwhile, for slaves, the institution had effects reaching well beyond the immediate loss of liberty and danger to life. Slavery could be expected to lessen the attachment of its victims to the rule of law, private property and patriotism, since those good things had been long misaligned on the side of oppression. By his mention of 'moral developments', Lincoln indicates his acute awareness that human differences are not simply individual in nature, manifesting a range of virtue and vice; rather, those differences can assume intractable social and political shapes which can imperil the achievement of a liberal order.

The final item on Lincoln's list is 'social capacity'. What, one wonders, is this? Lincoln seems to be saying that human beings differ in their ability or power

or fitness for social interaction. We know, of course, that there are introverts and extroverts. Extremely shy individuals might find it hard to participate in social activities, while extremely overbearing individuals might find themselves less than welcome at social gatherings. We also know that some forms of social disability are so extreme as to be considered 'antisocial' pathologies. Whatever the range of individual possibilities, we might also wonder whether the notion of 'social capacity' implies that human beings are, by nature, social creatures. Aristotle famously argued that we are not only social, or gregarious, by nature, but political as well, by which he meant that we are justice-seeking beings who must live in political community in order to achieve our highest flourishing.⁷ Of course, other political theorists, especially those we term 'modern', have argued, contrarily, that human beings are originally asocial or apolitical, overwhelmingly, or maybe exclusively, concerned with individual self-preservation. Atomized individuals might be driven into political association out of desperation, but they are not drawn there. Lincoln's suggestive phrase does not tell us how he viewed this matter, other than that he thought human beings manifested some degree of difference with respect to social capacity, whether as a result of natural gifts or acquired sensibilities, whether as individuals or political collectives (which might be the beneficiaries of civilizational inheritance). We note also that the previous category of 'moral developments' might have some bearing on this ultimate quality of 'social capacity'. So, for instance, a people with a long history of living under the rule of law – and with the moral developments to match – might be more ready for the rigorous demands of self-government as compared to a people who have suffered under generations of tyrannical rule or a people who have grown used to ruling over others tyrannically. Neither mastery nor slavery prepares one for the peculiar self-restraint at the moral heart of 'government of the people, by the people, for the people'.⁸

A little reflection on Lincoln's list shows how carefully constructed it is – ascending from simpler, physical differences to more complex, multidimensional differences – and how it aims to be comprehensive, capturing the tremendous variety of humanity: in appearance, in faculties and in character. The list also hints at a difficult question: What account, if any, must be taken of these inequalities in a just political system?

Having acknowledged the scope of differences among men, Lincoln returns to the matter of our essential similarity. What is the precise respect in which all human beings are alike? Lincoln quotes directly from the declaration: we possess 'inalienable rights,' which is to say, rights that belong to us by virtue of the kind

of creature we are. According to Lincoln, there should be no confusion about the meaning of equality. Equality isn't some vague generality. Quite the contrary, the declaration offers a definition of its central concept. Equality means equality with respect to natural rights. Thus, Lincoln binds together the first two self-evident truths of the declaration. He understands the first ('created equal') in light of the second ('endowed ... with ... rights').

None of the significant differences among human beings, which Lincoln went to the trouble of listing, invalidates the equal entitlement to 'life, liberty, and the pursuit of happiness'. Lincoln's verdict echoes that of the declaration's main author. In a letter to the French abolitionist Henri Grégoire, Thomas Jefferson insisted on the irrelevance of intellectual differences to the truth of equal rights: 'Because Sir Isaac Newton was superior to others in understanding, he was not therefore lord of the person or property of others.'⁹ Rights are not contingent on anything but membership in what Lincoln calls the 'human family'. Another of Jefferson's letters, written just days before his death, makes a similar point through a memorable image. The declaration, Jefferson explains, was premised on 'the palpable truth, that the mass of mankind has not been born with saddles on their backs, nor a favored few booted and spurred, ready to ride them legitimately, by the grace of God'.¹⁰ There are no natural rulers – no queen bees or alpha wolves – among human beings. Each is a king onto himself. His 'life' and 'liberty' are his own, to be employed in the 'pursuit of happiness'. The declaration does not claim that its listing of rights is exhaustive; the three mentioned are said to be 'among' our inalienable rights. But like Lincoln's list of differences, the declaration's list of likenesses does aim to be both concise and reasonably comprehensive ('pursuit of happiness', after all, covers a lot of ground).

Lincoln's next step in his explication of the declaration is crucial to his moral vindication of the Revolutionary generation. He considers again what the authors did not intend to say. While they were deadly serious about the truth of human equality (after all, they were staking the justice of their cause on it), they knew full well that not all were, as Lincoln puts it, 'actually enjoying that equality'. Indeed, by their assessment – see the declaration's lengthy list of accusations against King George – they themselves were not enjoying equal rights. To be enjoyed, rights must be secured. The Creator who endowed us with rights did not, apparently, guarantee their actualization or protection. Human beings must perform their own act of creation: bringing into being governments founded on the consent of the governed (which just happens to be the third

of the declaration's self-evident truths). In the original liberal understanding, security of rights is the aim of legitimate government.

By focusing on what the Founders did not mean to say, Lincoln reminds his audience of how insecure rights are and how often they are violated. It's not going too far to say that most people in most times and most places have not enjoyed the equality to which they are entitled. What did the authors of the declaration propose to do about this nearly universal disrespect for the rights of man? According to Lincoln, 'they had no power' to set the world (or even their own small portion of it) 'immediately' to rights. Remember, at the time, it was pretty unclear whether the colonists would have sufficient power to reclaim their usurped rights, much less anyone else's. It would take eight years of war against the British Empire to achieve 'the separate and equal Station to which the Laws of Nature and of Nature's God entitle them'.¹¹

Having tempered utopian hopes with a sobering observation, Lincoln concludes with two ringing sentences stating what the Founders did mean. They declared 'the right', and by doing so generated the expectation that 'the enforcement' would follow as soon as possible. Whereas the declaration of right is universal and absolute, enforcement is dependent on circumstances. To take the case of black slavery: by the premises of the declaration, it is undeniable that black persons possessed a natural right to liberty that was being wrongfully denied by the laws and practices of the colonists. The rectification of that injustice would prove no easy or quick matter. As it turned out, it required a civil war, followed by the 13th, 14th and 15th Amendments to the Constitution, and a long, torturous process of societal reconstruction stretching over the next century and into our own. Of course, President Lincoln's issuance of the Emancipation Proclamation in 1863 was a decisive moment in this stride towards equal freedom. But what must be stressed is Lincoln's own conviction that the declaration of right in 1776 was itself epoch-making. It established a lodestar – or what Lincoln calls a 'standard maxim' – guiding incremental improvement, or at least shining the torch of reason on oppression. Without that clearly articulated standard, there would be no inherent pressure for reform. This is a truly new thing: a government that has within it a principle of self-correction. Fidelity to the origins – indeed, fidelity to the point of reverence – becomes the engine of perpetual progress.¹² According to Lincoln, this asymptotic approach to a politically instantiated equality of rights is not limited to the United States. The Declaration of Independence is global in its reach, not because the United States will impose regime change by force, but because awareness of the foundations of

free society moves men longingly towards it. Knowledge of the truth ('familiar to all') produces attachment to the truth ('revered by all') which in turn produces action on behalf of the truth ('constantly labored for').

At the same time that the standard maxim catalyses liberal transformation, it also inspires a certain kind of conservatism, since the declaration posits a definition of equality that sets limits to the egalitarian impulse. Equality understood as equality of natural rights is proof against a results-based, homogenizing understanding of equality that aims to eradicate all significant differences among human beings. This is the democratic levelling of which Alexis de Tocqueville warned in *Democracy in America*, gloomily prophesying 'the spectacle of this universal uniformity'.¹³ According to Lincoln, holding to the self-evident truths of the declaration is our best resource against the tendency of democracy to degenerate into tyranny of one stripe or another, whether the majoritarian white supremacy of his day or the equal-every-which-way administrative despotism of our own.

Of course, even the 'plain unmistakable language' of the declaration does not settle all disputes. Indeed, the language could be said to prompt partisan struggle over the policy implications and precise boundaries of equality. However, that partisan contention is also moderated when it is structured around a shared vocabulary and an underlying agreement about the linkages between equality, rights and consent. Lincoln helps students of politics understand the partisan dynamic that animates liberalism. Just as important, by returning his audience, both then and now, to the text and its meaning, Lincoln does what he can to perpetuate the declaration's unique contribution to 'the happiness and value of life to all people of all colors everywhere'.

Abraham Lincoln was a statesman, not a political theorist; he spoke of liberty, not 'liberalism'; of equality, not 'egalitarianism'. But Lincoln was as philosophic a statesman as the world is likely to see – deeply thoughtful and truth-loving, and whose contributions to liberalism are significant. In the years of terrible crisis, Lincoln did what was necessary to ensure that democratic government 'shall not perish from the earth'.¹⁴ He also left us clarifying words as great as his deeds. Because liberal political orders depend on the sound understanding of ordinary citizens, Lincoln's speeches remain a permanent resource for liberalism, inviting renewed commitment to our political creed.