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Daniel W. Stowell, ed. *The Papers of Abraham Lincoln: Legal Documents and Cases.* 4 vols. Charlottesville: University of Virginia Press, 2008. Illustrations. 2,328 pp. $300.00 (cloth), ISBN 978-0-8139-2606-3.

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Abraham Lincoln and the Rule of Law

Historians have examined almost every nook and cranny of Abraham Lincoln's life regaling us with stories of Lincoln as a toddler in Kentucky, his struggling youth in Indiana, his legal career, and his tenure as our president during a time when the Republic was in peril. The reason for this, of course, is that the public's interest in Lincoln is nigh inexhaustible and people remain deeply interested in Lincoln as a human being as well as a politician and statesman. This high interest suggests that Lincoln does matter and he continues to resonate with us deep into the twenty-first century.

While Lincoln expired in 1865, he has been kept alive in the hearts of the American people. There seems to be a belief that Lincoln not only explains American national history, but also, in a broader sense, is a global figure representing the liberal democratic tradition. For those who dislike Lincoln, whether they be ardent neo-Confederates or those who see Lincoln as crafting an all-powerful nation-state, it is the very reverence held for Lincoln that they dislike as much as they oppose his policies. Thinking about Lincoln as a historical figure thus becomes difficult, for his life is bound up in the country he loved and those for whom he surrendered his life to keep it safe.

For many years, Lincoln's law practice was so bound up with the romanticized image that it was hard to approach, in a sustained way, Lincoln as a practicing lawyer. When older historical studies examined Lincoln's study of law it often became a tug of war between those examining Lincoln as a legal theorist and those who pursued a more anecdotal approach to Lincoln as he practiced on the circuit. Yet presenting a more analytical approach to Lincoln's legal career was often difficult due to a lack of access to the relevant sources. Some were provided in *The Collected Works of Abraham Lincoln* (1951), edited by Roy Basler, but they were only a slight selection of a much larger legal correspondence that was largely buried in Illinois country archives. This deficiency was finally resolved by a massive publication of Lincoln's legal correspondence in 2000 of a three CD-ROM collection, *The Law Practice of Abraham Lincoln: Complete Documentary Edition* (2000), edited by Martha Benner and Cullom Davis. The last few years have also seen an expansion of interest in Lincoln's legal career, with a very useful study of Lincoln's years as a lawyer by Brian Dirck, *Lincoln the Lawyer* (2007). Dirck's study was but part of a larger reexamination of Lincoln's years as a practicing lawyer, and his legal career has been receiving renewed attention from a growing number of scholars.

While *The Law Practice of Abraham Lincoln* was an exceptional work, it was no substitute for a letterpress edition that could put these documents into book form. Nevertheless, the letterpress edition edited by Daniel Stowell, *The Papers of Abraham Lincoln*, in no way is intended to surpass the original collection. Rather, it represents an effort to select a small sampling of the original collection, and to present it to a wider audience that may not

have examined *The Law Practice of Abraham Lincoln.* It includes, therefore, not all of the documents, but a representative sample that is presented largely in a case by case method that provides a wealth of information about Lincoln as a working lawyer.

The edited collection is a remarkable production that is presented in four published volumes. The volumes offer a wealth of material that documents Lincoln's working life as a lawyer: letters, depositions, affidavits, requests for court orders, in some cases question and answer from the legal proceedings in court, and a considerable amount of other materials that document life in the antebellum Illinois court system. The collection is heavily annotated in a manner that should not overwhelm the reader but rather simply familiarizes the audience with the key facts in specific cases. The editors also seamlessly weave their own narrative throughout the account, which is essential as the minutiae of Illinois antebellum law in property disputes would otherwise be hopelessly confusing. The narrative will be especially useful when professors assign readings from the collection to students who have only a vague understanding of the procedure process in that era. The collection will be useful in American legal and constitutional history courses.

The editors are also to be commended for including a wealth of visual material that help situate the reader within the era. Modern photographs showing the courtroom where these cases were argued allow one to comprehend the visual space, while maps and other illustrations show the location of the circuit Lincoln traveled, as well as the circuits of other long forgotten judges and lawyers. These visual materials aid in the reconstruction of a lost legal world that Lincoln knew very well and we understand only in part.

Historians and students of Lincoln's legal career who read all four volumes to their conclusion will see Lincoln become an increasingly adept advocate. By the time of Lincoln's elevation to the presidency he was perhaps the leading attorney in the state. These volumes make it clear that his ascent was not simply due to Lincoln's gift for oral argument. Lincoln clearly excelled in the courtroom in the force of his argument, in his skill in questioning witnesses, and in comprehending the spirit as well as the letter of the law. Yet what is often unappreciated about Lincoln is how hard he worked at the practice of law and the diligence with which he sought to understand even the most technical of points. Indeed, the documents included in this collection demonstrate that William Herndon's claim that Lincoln knew nothing about the technical requirements of law is simply untrue. Of course, a close study of Lincoln's famous "Notes for a Law Lecture" (1859) ought to have suggested that to us already. Lincoln begins with a typical assertion of humility and the claim that he was not an accomplished lawyer. He then asserts that "the leading rule for the lawyer, as for the man of every other calling, *is diligence*" (vol. 1, pp. 12-13). Lincoln then goes on to recite a dizzying list of highly detailed requirements one must fulfill to be a good lawyer. This list reveals a man who was methodical in researching legal evidence before he ever stepped into a courtroom.

Reading many of these documents also reminds us of the points that historians have made about Lincoln in other aspects of his career. Lincoln was a hard worker. He was something more than the spinner of amusing stories. What audiences saw as extemporaneous speaking were carefully planned addresses in which he was precise as to his meaning and purpose. The documents are also suggestive of the older anecdotal tradition that spoke of Lincoln's skill in dissecting the opposition's argument before they made it and of understanding the heart of the case that would lead him to victory. In this Lincoln often had a very practical understanding of law, and as someone who tried numerous cases, saw his purpose less in advancing abstract legal theory, but focusing on the issues that directly applied to a specific case. Yet all of Lincoln's efforts at preparation were to allow him at specific moments in the case to present his argument in the best possible light. Law to Lincoln was thus connected to a particular case within the context of a particular community.

To a modern eye most of the cases will seem fairly boring if not downright tedious. Lincoln as a lawyer took nearly every kind of imaginable case; it need not matter how small or petty the case in question might be. Over time as Lincoln's legal career prospered he could be more selective, but in the earlier period of his career even a dispute over the ownership of a horse could fall within his purview. Most of these cases were property disputes and Lincoln often excelled in understanding the minutiae of these proceedings. It is easy to dismiss most, although by no means all, as minor arguments about property and of no lasting importance. Yet Lincoln clearly viewed these cases as more than a fee. They represented the way that law helped to order the workings of the community. They functioned as a way of ensuring justice and creating community and societal cohesion.

The larger question that these documents answer is how Lincoln's legal career affected his later political ca-

reer. The collection connects his career as a lawyer with his involvement in the political world. Lincoln would perhaps find it odd to think of law and politics as being separate entities, for through his early service in the state legislature he came to clearly understand how law was created. As a member of a distinct political minority within the state, Lincoln's understanding of law was also a reflection of the way things were and not how he necessarily wished them to be. For all of Lincoln's reverence for the Constitution and precedent, this spirit of innovation would play a role in his conduct as president where he would help to inaugurate a legal revolution. That Lincoln never saw the Emancipation Proclamation as a permanent act suggests the importance he placed on law. Lincoln thus was part of the revolutionary tradition of Reconstruction whose influence continues to exert its impact on American life.

For both historians and those interested in Lincoln as a subject these volumes will be of immense interest. They are an exceptional collection and I recommend them most highly.

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