

Teaching American History  
2010-2011  
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Final Project

Foner, Eric. *The Fiery Trial*. New York: W.W. Norton & Company, Inc., 2010.

Studying the Civil War era without reading Eric Foner would be akin to investigating the American Revolution without reading Gordon Wood. While it is not accurate to define Foner as a radical, he is perhaps the preeminent liberal American historian of our time, who had the courage, in a 2006 *Washington Post* opinion column, to label George W. Bush as “the worst president in U.S. history.” (WASHINGTON POST) Foner, the DeWitt Clinton Professor of History at Columbia University, personifies the word “scholarship,” yet believes it is as important for historians to appear on *The Colbert Report* and *The Daily Show* as *Bill Moyers Journal*. (Columbia NEWS) My personal introduction to Foner was through his 1988 *Reconstruction: America's Unfinished Revolution, 1863-1877*, and I have found *Who Owns History?* valuable in helping me explain to my students why their study of history is so important.

*The Fiery Trial*, Foner’s examination of Lincoln’s approach to the possibility of emancipation before and during the Civil War, won the Bancroft (Foner’s second) and Lincoln prizes, and the 2011 Pulitzer Prize for history. No less an authority on this period than David Brion Davis calls *The Fiery Trial* “the definitive account of this crucial subject.” (SUDHIR) I chose to review *The Fiery Trial* because I had never read a work devoted solely to Lincoln and slavery, yet I wondered why Foner, with his voluminous work in the period, decided to write it. Foner addressed this question in an interview with the Columbia NEWS: “I have touched on Lincoln in a number of my books...But I personally have never really written directly about Lincoln.” In *The Fiery Trial* Foner offers the general readership, students of history, and even professional historians an exquisitely lucid contextual analysis of Lincoln’s beliefs about race and solutions for the problem of slavery. Foner keeps the focus on Lincoln the public man, relying on Lincoln’s speeches as well as the assessments and reactions of Lincoln’s political colleagues, opponents, and abolitionists. What becomes clear is how consistent Lincoln’s views on slavery and race were, changing little over time, and that Lincoln was, above all else, a consummate politician.

*The Fiery Trial*, is organized, straightforward, and lucid. Foner’s prose is fluid, his transitions smooth. Each chapter contains an encapsulated introduction and a concluding summary which reinforces the major ideas. There is no equivocation: the American South had “the most powerful slave system” (17) in the world; the Civil War was fought over slavery; Lincoln was, by our definition, a racist. Foner’s clarity informs his thesis, whereas many historians seem to purposefully obfuscate their main point in murky prose intended only for other historians. Foner states that he chose to write *The Fiery*

*Trial* “without engaging in debates with other historians” and producing an “extremely tedious narrative.” (xvii)

In the Preface Foner states his intent “to situate Lincoln within...the ‘antislavery enterprise’” (xvii) and follow how his beliefs about race and ideas regarding emancipation evolved over time. Aware that Lincoln did not shape the anti-slavery debate, but operated within it, Foner seeks to locate where Lincoln’s views on slavery originated; what were his convictions and who and what influenced him? Foner’s scholarship is impeccable. Since Lincoln did not keep a diary or journal and we have few of his personal letters, Foner bases much on recollections of Lincoln’s contemporaries, but only if they are “clearly identified as such” and corroborated in writing. He consistently refers to earlier speeches or experiences to make the connections that trace the development of Lincoln’s position on slavery. This is done to great effect when he traces Lincoln’s use of the “house divided” metaphor, first “anticipated” in 1838, “employed...as early as 1843,” (101) and used of course to great effect in Springfield in the 1858 speech that has come to be known by the famous phrase. Foner uses Lincoln’s legal and voting records as a public reflection of his private views, analyzing some of Lincoln’s cases, such as *In Re Bryant*, in which the future “Great Emancipator” was willing use the law to retard rather than extend legal precedent for emancipation. In an era when public opinion and public debate were fluid, Foner believes that “what Lincoln did not say...is as important as what he did.” (121) He disputes interpretations of Lincoln “as born...ready to sign the Emancipation Proclamation” - too often the impression of Lincoln we leave with our students - as well as those who present him as a man of “no deep convictions of his own.” (xix) Foner believes that “if Lincoln achieved greatness, he grew into it.” (xx)

Foner makes it clear that we can not judge Lincoln by the standards of our time: “race is our obsession, not Lincoln’s.” (120) In Lincoln’s time racism and outright “hostility” (7) to black Americans, slave or free, existed alongside anti-slavery beliefs. Lincoln lived in a slave state, Kentucky, until he was twenty-one, and although his family was anti-slavery, his in-laws the Todds, and his close friend Joshua Speed, were slave owners. Lincoln’s Illinois was one whose constitution prohibited slavery, but allowed the “indenture” of imported blacks; its black codes outlawed miscegenation and harboring fugitive slaves. Lincoln had little personal contact with slaves or free blacks until he made two trips down river to New Orleans where he first encountered institutionalized slavery. The younger Lincoln accepted slavery as an abhorrent practice in which he would not participate, but about which he could do nothing. At no time did Lincoln identify himself as an abolitionist, and “came perilously close to moral and ideological neutrality regarding slavery,”(50) but did not seem to exhibit prejudice in his personal life, doing legal work for blacks and employing black domestic servants. Yet a year before his election to the presidency he had established only a “five-year record of public opposition to the expansion of slavery,” (112) primarily through his speeches of 1858-1859 which “offered the first full airing of Lincoln’s views.” (117) On his notes for one of those speeches, made in 1858, Lincoln jotted “‘Negro equality! Fudge!’” (122) It is simply a fact that “for most of his life Lincoln shared many of the racial prejudices” of his time. (14)

In Lincoln's time, even those who believed in abolition did not necessarily believe in equality. Illinois, a key state politically then as it is now, was divided into a northern population who hailed mostly from New England and who were strongly anti-slavery, a moderate "Old Whig" middle, and a southern population bordering Kentucky who were far more sympathetic to slaveholders. Lincoln became skilled at navigating these political waters and developed his public approach to the question of slavery within a context of shifting views and stands on abolition. The "new, militant abolitionism" (19) of the mid-nineteenth century escalated the public debate within a "broad spectrum of ideas," (22) and most certainly influenced Lincoln to address the question politically, which he did for the first time a mere eight years before he was elected to the presidency. He adopted a strictly legalistic approach to the issue: the federal government had the authority under the Constitution to stop slavery from spreading to the territories, but the Constitution must be upheld regarding rights of property and enforcement of the Fugitive Slave Law. Lincoln's deviations from his legalist approach stand out, such as his reference to slavery as a "monstrous injustice" in the Peoria Speech (1854), his first public statement that because of the "moral gravity" (66-67) of slavery its extension should be determined by the nation, not local jurisdiction. Foner makes clear the extent to which the politics and personal beliefs of Henry Clay and Thomas Jefferson informed Lincoln's. Lincoln adopted Clay's solution of gradual abolition combined with compensation and colonization, and shared Jefferson's belief that blacks were inherently inferior. Lincoln said in 1860 that his views on slavery had not changed since 1837, which is borne out by the evidence presented in *The Fiery Trial*. Lincoln's ideas on slavery and race were incredibly consistent throughout his political career, and he comes across as a reflection, not a shaper, of the American "public mind." (106) The man who freed America's slaves was not a risk taker: "I fear to do any thing; lest I do wrong." (76)

Foner does a brilliant job of delineating where Lincoln stood among the confused political scene of antebellum America. Lincoln, the self-made man, and the Whigs were a perfect fit since Whig philosophy stood for individual advancement in a government-sponsored climate that favored business and industry built on free labor. Throughout the 1840s Lincoln viewed slavery as a "distracting question" (55) and would only speak about slavery within the confines set by his party. His avoidance is reminiscent of John F. Kennedy's avoidance of the Civil Rights Movement. After the Dred Scott decision of 1857 which denied citizenship - and thus the basic rights of citizenship - to blacks, Lincoln at last made a public statement of his position on racial equality in his Springfield and Chicago speeches of 1858. Although he urged Americans to "re-adopt the Declaration of Independence" (69) which grants "certain inalienable rights...life, liberty, and the pursuit of happiness." (96) to all men, Lincoln went to great lengths to stress that he did not believe blacks to be part of the "political nation." Lincoln made it clear to his audiences that he did not believe blacks were the equal of whites in any sense, and believed this so deeply that he saw colonization as the only viable solution following emancipation. What lingers is how Lincoln played to the crowd. The "principled affirmation of equality" in his Chicago speech, "that blacks were entitled to the kind of equality outlined in the Declaration" (108) was dropped from a speech given in Charleston. While Foner stresses Lincoln's fallibility, he does not lay blame, pointing out that Lincoln's lack of a "direct personal connection to the abolitionist movement" (31-32) may have weakened his political stand. "Lincoln had no real contact with politically active free blacks before the Civil War"

and his “lack of involvement in the abolitionist movement affected his point of view.” It is obvious, however, that Lincoln made no effort to establish such connections. Foner believes that had Lincoln worked with leaders of the free black intellectual community, especially abolitionists, that personal interaction in pursuit of a common goal may have erased some of his inherent prejudice. It was when Lincoln finally came “into contact with black Americans of political experience and wide-ranging accomplishment” during the Civil War that “his outlook regarding...blacks in American society” (131) changed. The “turning point” (64) for Lincoln and the slavery question came when he was out of office and used the issue as a way to keep his name before the public. He also began to use Stephen Douglas as his foil, a stroke of brilliance that culminated in his series of debates with the nation’s leading Democrat, events that raised Lincoln’s public profile to a national level.

Lincoln was a politician to the bone, loyal nearly to a fault to his party, first the Whigs, then the Republicans. It is incredible that “from 1842...until he assumed the presidency in 1861, he held no public office with the exception of a single term in Congress.” (41) “Lincoln’s rise coincided with that of Illinois” (83) and the new Republican Party. He carved out a space for his arguments within a spectrum of Republican opinion on slavery and race that “occupied the middle ground,” (123) focusing on the expansion of slavery in the territories rather than on the evils of the institution or the immorality of slaveholders, which set him apart from the radical wing of the party. Lincoln, “had found his life’s purpose,” (90) and by the time of his senatorial nomination was directing party policy and orchestrating the Republican press. By “occupying the Republican middle ground ideologically and geographically...acceptable to all wings of his party” Lincoln presented himself as the most viable presidential candidate. He worked to keep the party unified and victorious in 1860 by advising it to focus only on “the ‘*spread and nationalization of slavery.*’” (132) During his campaign he “said virtually nothing about race or colonization” and was cautious that the party not “become identified with ‘Negro equality.’” (133) Yet Foner offers evidence that Lincoln really did not want to be president, preferring another term in the Senate, and stating “I do not think myself fit for the Presidency.” (135) The presidency, however, was the only option for Lincoln at that time, and he was ambitious. In the end, he won his party’s nomination because all the other possible candidates had serious drawbacks on the national stage. A man who always made sure he occupied the middle ground, Lincoln was ““the second choice of everybody.”” (139)

Once in office Lincoln remained consistent in his stand against the extension of slavery, but “struggled to develop a consistent policy” (145) on it. In his First Inaugural, in front of Judge Taney, Lincoln suggested legislation that would recognize free blacks “as citizens under the comity clause,” (158) a repudiation of the *Dred Scott* decision. Unlike his political idol Henry Clay, who would have been working to bring the seceded states back to the union, Lincoln did not seem at first to realize the severity of the secession crisis, calling it ““artificial,”” (151) yet once war broke out Lincoln’s obsession with keeping the border states in the union seemed to cloud his ability to see their overarching self interest as they rejected every plan he offered them. Lincoln did seem to grow during his presidency, especially in his understanding of the power of the executive, and in extending and wielding it. Foner calls

Lincoln's immediate actions following Ft. Sumter "among the boldest unilateral exercises of executive authority in American history." (162)

Insofar as slavery was concerned, however, Lincoln always seemed to be approving or building upon the braver actions of others, whether they were in Congress or in the field. Even though Lincoln personally believed that slavery was the cause of the war he "sought the lowest common denominator of public sentiment." (163) He referred to the war as an insurrection by individuals and, since "secession was illegal, determined that the Confederate states remained in the union with all their constitutional rights intact." (165) Therefore, Lincoln would not interfere with Confederate property, including slaves. Throughout 1861 and 1862 Lincoln presented several versions of gradual emancipation which he hoped would be enacted in the border states. Although they were significant in that "never before had a president committed the federal government to promoting abolition," (183) seen in hindsight his drawn-out plans for gradual emancipation, compensation to slave owners, and vague ideas for colonization in Latin America seem like too little too late given the exigencies of the war. The thousands of slaves who ran away from their masters and took refuge behind union lines; constant pressure from Congress, especially the Republicans, who had the majority in both houses; and an increasingly vocal public who wondered why "we fight the slave interest...and sustain slavery" (178) forced Lincoln to make decisions he would have preferred to avoid. Although Lincoln signed much legislation that in hindsight can be viewed as smaller victories along the road to emancipation, Lincoln acted concurrently *with* or *after* Congress by signing legislation which originated there, not change instigated by the executive. For example, Lincoln signed the Confiscation Act "with great reluctance" although it was a significant piece of legislation that referred to slaves as "persons" rather than lumping them in with chattel property. (175) Foner does not blame Lincoln for having no policy to deal with slavery, but neither does he create an apologia for him; Foner simply sets the series of events in logical order in the historical context and allows the reader to decide. What comes through is a hard and calculating Lincoln who seemed to respond to the tenor of public opinion rather than stick to his long held belief in the inviolacy of the constitution or the moral implications of inaction.

Was Lincoln ultimately responsible for emancipation or was it, as John Hay suggested, "the progress of ideas in a revolution"? (189) Lincoln was seen as "too cautious and irresolute" (190) by all wings of his party. While even mainstream journalists were writing that "slavery was 'the very *sole* cause of the war'" (191) Lincoln listened to all points of view but never committed himself. He quipped, "I never cross a river until I come to it." (193) After Union officer David Hunter declared all slaves under his protection "forever free" (206) in the spring of 1862 Lincoln revoked Hunter's edict, reserved to the executive the right to abolish slavery, and presented Congress another scheme for compensated emancipation, on which Congress took no action. Lincoln's Rubicon was formed by the actions of Congress, the poor progress of the war, and a meeting with General McClellan, after which Lincoln seemed convinced that he had to wage a tougher war. Lincoln switched course and, declaring that emancipation "was a military necessity absolutely essential for the salvation of the Union," (217) decided that emancipation must occur first in the rebel states, then in the border states. Yet he still could not bring himself to issue a broad executive order for emancipation.

It was Congress that declared emancipation first, at least for all slaves in Confederate states behind union lines, in the Second Confiscation Act of 1862. Although Lincoln ultimately signed the bill he sent a “veto message outlining his objections” (216) to Congress. Lincoln’s annual message to Congress in December 1862, “among the most eloquent ever composed by an American president,” outlined a “thirty-seven year plan of compensated abolition” (237-238) intended to affect a “compromise” between allowing freed blacks to remain in their country and colonization. But, to use Lincoln’s own words, “The dogmas of the quiet past [were] inadequate to the stormy present.” (237) The Union defeat at Fredericksburg a few days after Lincoln’s speech added to the impetus for emancipation. Lincoln again dragged his heels, offering suggestions as to how slave owners could avoid “the unsatisfactory prospect before them.” (238) On December 31, 1862, the same day that the new state of West Virginia was admitted to the union, with a plan of gradual emancipation as part of the deal, Lincoln signed an agreement to have black Americans transported to an island off Haiti. A day later, on New Year’s day 1863, he signed the Emancipation Proclamation.

Foner makes an excellent case that the legal opinion of Boston lawyer William Whiting, that the abolition of slavery under presidential war powers could withstand the Taney court, tipped the balance for Lincoln. The Emancipation Proclamation was issued by Lincoln as commander in chief, with no mention of Congress, a notable departure for Lincoln. Only the grounds of “military necessity” surmounted the roadblocks of Lincoln’s legalistic mind. To issue the proclamation on such grounds Lincoln had to exclude reference to any moral obligation, as well as his cherished ideas of gradual emancipation, compensation, and colonization from the declaration. Although it left nearly a million slaves in bondage, the executive order did encourage black enlistment in the Union Army.

*The Fiery Trial* reveals what a political player Lincoln was, and tears away the myth of the self-taught backwoods lawyer who rose to unexpected heights through his opposition to slavery. Ironically, it was a man who tried in every possible way to avoid emancipation with the stroke of a pen whom history has credited with freeing America’s slaves. Whether there was truly a “constant under-current in favor of freedom” (246) or whether Lincoln was, as he claimed, controlled by events, can not be determined by one volume. Foner recognizes Lincoln’s “miscalculations” but ultimately credits him with helping to “create the public sentiment that made emancipation possible.” (246)

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Some ideas on how I might use *The Fiery Sword* in the classroom:

- Select certain areas, especially the Preface, where Foner presents his thesis and method, as an example of good historical writing.
- Use Chapter 1 for its contextual discussion of the antebellum debate over slavery.
- Select portions of the final two chapters, which illustrate the "small victories along the road" to emancipation. These chapters illustrate the complexity of the situation, the balance of power in wartime, and especially the growing power of the executive, which could be compared with presidential actions during the Vietnam War and the current wars in Iraq and Afghanistan.