An Honest Calling: The Law Practice of Abraham Lincoln and Lincoln the Lawyer

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Virgil J. Vogel’s *Iowa Placenames of Indian Origin* (1983) is now out of print. The chances are good that the name is based on a Native American name or term. Iowa—and indeed every state—is replete with such place names. Here at long last is a comprehensive, up-to-date, scholarly inventory of such names for each of the 50 states. Iowa is of course a prominent contributor to that inventory, for the Indian tribes that lived here provided a long register of place names, beginning with the state’s namesake. The Sauk and Meskwaki are of course represented in those names, specifically by Keokuk, Keosauqua, Keota, and Tama, but greater numbers are based on sources from outside the state. The Algonquin Mascouten and Potawatomi are represented in county names, but there are numerous and unlikely entries that include such alien ones as Camanche, Chillicothe, Dakota City, Hiawatha, Mineola, Mingo, Nodaway, Okoboji, Rock River, Shenandoah, Titonka, and Wahpeton, to name only a few. Many of these are based on words in eastern languages, but some are based, for example, on Dakota Sioux terms. The entries are alphabetized in one unit, for any breakdown by state would have been impossible. This scholarly book is eminently usable by anyone seeking to understand the cultural setting of a geographic place name. You will find the book an education in itself.


Reviewer Kenneth Winkle is the Thomas C. Sorensen Professor of American History at the University of Nebraska–Lincoln. He is the author of *Young Eagle: The Rise of Abraham Lincoln* (2001).

Abraham Lincoln practiced law for a quarter-century and considered it his primary profession, yet we know relatively little about his legal career and its impact on his political views and his presidency. Most biographers have slighted or even ignored this dimension of Lincoln’s life simply because they lacked sufficient documentation of the thousands of legal actions that involved him in some way. Previous studies typically highlighted a few memorable but unrepresentative cases, including the famous “almanac trial,” the wreck of the steamboat *Effie Afton*, the Manny Reaper patent case, the notorious Matson slave case, and Lincoln’s litigation for the Illinois Central Railroad. The result was a fragmentary and skewed portrait of Lincoln the lawyer that often
misrepresented the scope of his practice and clientele, the principles behind his legal philosophy, and the social and political context of his role within the antebellum legal system. With the publication of *The Law Practice of Abraham Lincoln: Complete Documentary Edition* on CD-ROM in 2000, however, historians gained digital access to more than 100,000 documents detailing more than 5,000 cases involving Lincoln and his partners. Mark E. Steiner and Brian Dirck have tapped this significant new resource to begin the process of rendering a more comprehensive, systematic, and accurate portrait of Lincoln as a lawyer. Both have produced essential studies on Lincoln’s legal career while pursuing dramatically different approaches to the subject.

Steiner, professor of law and legal historian at South Texas College of Law and former associate editor of the Lincoln Legal Papers, provides a firm foundation for understanding antebellum legal culture and the scope and import of Lincoln’s law practice. He begins by evaluating Lincoln’s education, including Lincoln’s declaration that he “studied with nobody,” within the broader context of antebellum legal training. Rather than attending a law school (there were none in Illinois) or pursuing law-office study along with most of his peers, Lincoln chose to study alone and taught himself to read law. Within a legal culture that relaxed entry standards to facilitate admission to the bar, Lincoln’s self-education proved no deficiency at all and supported a “relatively ordinary law practice” (55). After gaining experience in brief partnerships with John Todd Stuart and Stephen Logan, Lincoln settled into longtime practice with a junior partner, William Herndon, who performed the essential but tedious legal research—in the firm’s library of 200 treatises, digests, law reviews, and legal reporters—while Lincoln argued the cases and rode the circuit.

The bulk of Steiner’s book surveys and contextualizes the kinds of cases that Lincoln handled during his 25-year career, primarily suits over land, animals, assault, slander or libel, and debt, befitting a largely agricultural and rural society. He argues that as a typical Whig Lincoln viewed the legal system primarily as a mechanism to uphold the rule of law by resolving disputes. To that end, he was willing to represent any and all clients regardless of the character or validity of their grievances or his own personal beliefs about the issues at stake. Viewing himself as a mediator as much as an advocate, his highest goal was not winning judgments but rather maintaining community order, and he frequently urged clients to avoid litigation by settling out of court.

Steiner devotes two chapters to case studies of lawyer Lincoln’s attitudes toward slavery and the railroads to emphasize his commitment to represent all interests equally without reference to his per-
sonal and political beliefs. He portrays Lincoln’s role in the Matson case as an extreme example of his willingness to suspend his own moral judgment in the impartial service of a client. Similarly, far from acting as a “railroad lawyer,” Lincoln took no consistent stand for or against railroads, including the Illinois Central, which he successfully sued on his own behalf. Unlike some lawyers, he compartmentalized his legal and political careers, never using his practice to pursue political ends. Simply put, Lincoln was committed to representing all of his clients as faithfully as possible without reference to his own moral principles, in the name of the rule of law, which he revered above all else.

Steiner’s last chapter ruminates on the shifting legal environment of the 1850s, when an emerging national economy put new demands on lawyers to represent out-of-state clients to the detriment of local community values. Lincoln disliked these increasingly impersonal proceedings that emphasized winning judgments rather than resolving disputes. He avoided the new corporate mentality to the point of turning down attractive career opportunities in Chicago and New York in favor of continuing his more mundane, community-centered practice in Springfield.

In *Lincoln the Lawyer*, Brian Dirck, a history professor at Anderson University, fleshes out a more personal and social perspective on lawyer Lincoln, plumbing the impact of his legal practice on his broader development as a person, a politician, and a president. In the process, Dirck ponders Lincoln’s motives for pursuing a legal career, puts a very human face on his three law partners, paints a vivid portrait of the everyday workings of the Lincoln-Herndon law office, assesses Lincoln’s oratorical skills in the courtroom, and follows him across the Eighth Judicial Circuit, where he spent up to three months at a stretch arguing and sometimes judging law cases. Recreating the contours of courtroom culture as Lincoln knew it, Dirck examines the role of economic development in reshaping the legal, political, and social terrain of antebellum Illinois. While concluding that “Lincoln was not a ‘corporate lawyer,’ at least not on a regular basis” (91), Dirck nevertheless portrays him as a consistent champion of the railroads. In this respect, he is more willing than Steiner to connect Lincoln’s political interest in economic development with his legal support for corporate capitalism. Overall, Dirck joins Steiner in depicting Lincoln as “a pretty ordinary attorney” (142) yet draws more links between Lincoln’s legal career and his presidency, particularly his ability to defuse emotional conflicts, such as the debate over slavery, through legalistic language, his renowned penchant for magnanimity as commander-in-chief, and his desire to mediate rather than to escalate disputes whenever possible.
Dirck postulates that Lincoln and other antebellum lawyers performed a vital social and economic function, mediating conflicts by providing personal, emotional, and legal “distance” between contending interests. In this sense, Lincoln and the legal system represented a form of “grease” that allowed America’s moving parts to mesh more efficiently as the country developed and grew. Dirck agrees with Steiner that Lincoln the lawyer’s greatest achievement was to mediate minor disputes on a daily basis before they could become major ones, and Dirck argues that Lincoln’s legal instincts and his personal demeanor helped him fulfill that function.

Rarely are two books so complementary in rounding out a neglected subject to such good effect. Steiner’s *An Honest Calling* offers a legal historian’s soundest judgments about the foundations of Lincoln’s legal philosophy and law practice. Dirck’s *Lincoln the Lawyer* puts a more social, political, and personal face on Lincoln’s legal career and the antebellum legal fraternity writ large. Together, they set the stage for the further task of connecting Lincoln’s political and legal careers more seamlessly together within an overarching social, economic, and cultural portrait of antebellum America.


Reviewer Rebekah Mergenthal is a Ph.D. candidate in history at the University of Chicago. She is working on a dissertation titled “The People of the Lower Missouri River Valley and the Expansion of the United States, 1803–1855.”

On the night of March 10, 1854, Joshua Glover was arrested in Racine, Wisconsin, for being a fugitive slave. Glover, who had run away from Missouri two years before, was taken to a Milwaukee jail. As Glover’s master sought to regain his property, a crowd in Milwaukee helped Glover escape from jail and flee to Canada.

This thrilling story is the common point of departure for two recent books, *The Rescue of Joshua Glover*, by H. Robert Baker, and *Finding Freedom*, by Ruby West Jackson and Walter T. McDonald. But the approaches to Glover’s story in the two books are vastly different. For Jackson and McDonald, Glover himself is the primary focus, and they