

Their Souls Are Marching On: What Abraham Lincoln and John Brown Have in Common

MAX SMITH

ABSTRACT

This article compares Abraham Lincoln's and John Brown's justifications for violently confronting slavery during the Civil War and the raid at Harpers Ferry, respectively. Though significant differences existed between these two men, I argue that there is a surprising and often overlooked convergence. Both Brown and Lincoln rooted their opposition to slavery in their belief that it threatened the possibility of free self-government. Both concluded that violence was the only effective way to fight slavery. Finally, both argued that their violence was justified by democratic procedures and principles. In making this comparison, this article offers three contributions to the study of American political thought and political theory more broadly. First, it challenges the historical consensus that portrays these men as radically opposed exemplars. Second, it rehabilitates John Brown's political thought. Third, through the comparison, it surfaces a democratic approach to the complex relationship between violence, democracy, and racism.

INTRODUCTION

This article compares Abraham Lincoln's and John Brown's justifications for violently confronting chattel slavery during the Civil War and the raid at Harpers Ferry, respectively. Though significant differences existed between these two men, I argue that there is a surprising and often overlooked convergence between

Max Smith is the Earl S. Johnson Instructor of Political Science in the Masters of Arts Program in the Social Sciences and the College at the University of Chicago, Chicago, IL 60637, USA (Max5470@uchicago.edu).

I would like to thank Michael Zuckert, Mary Keys, Evelyn Behling, Mary Ryan, Sam Piccolo, Luke Foster, Ramon Lopez, Meghan Hassett, Chuck Smith, the anonymous referees, and the editors of *American Political Thought* for helpful comments on drafts and valuable conversations on Abraham Lincoln's political thought. I would also like to thank the organizers of APSA 2021 and the organizers of the panel "Lenses on White Nationalism and Political Violence in the United States" for providing a space to present this work in an earlier stage.

American Political Thought: A Journal of Ideas, Institutions, and Culture, volume 12, number 4, fall 2023.

© 2023 The Jack Miller Center. All rights reserved. Published by The University of Chicago Press for the JMC and in association with the American Political Thought organized section of the American Political Science Association. <https://doi.org/10.1086/727130>

them. Brown and Lincoln rooted their opposition to slavery and, in Brown's case, white supremacy in their belief that these institutions threatened the possibility of free self-government. Both concluded that violence was the only effective way to fight slavery. Finally, both argued that their violence was justified by democratic procedures and principles.

In making this comparison, this article offers three contributions to the study of American political thought and the history of political thought more broadly. First, in arguing for a convergence between Lincoln and Brown, this article challenges a long-standing consensus that portrays the two figures as radically opposed exemplars of moderate antislavery politics and radical abolitionism, respectively. These contrasting legacies have been repeatedly marshaled on behalf of moderate and radical antiracist activism throughout American history. By uncovering a convergence between these exemplars, this article provides an impetus to rethink the differences between these versions of white antiracism.

The second contribution that this article makes is its reconstruction of John Brown's political thought. Brown is too often treated as a religious fanatic or enthusiast. Though several contemporary historians have challenged that caricature (Oates 1970; Stauffer 2002; Reynolds 2006; Horwitz 2011; T. Smith 2015), little attention has been paid to his political thought.¹ However, his radical abolitionism, egalitarianism, and democratic praxis represent a fascinating moment in the history of American political thought. By offering a careful reconstruction of Brown's writings, this article rehabilitates the political thought of a critical antebellum figure.²

Finally, through the comparison, this article surfaces two powerful attempts by Americans to address, both in theory and in practice, a basic problem in democratic theory: the role of violence in politics. This problem is of particular importance in both American political thought and American politics given the ongoing struggle against racism. Racism and violence are deeply connected. Violence is used in the day-to-day operation of racist institutions and in defense of those institutions (Mills 1997); however, it is also often implicated in the

1. In the most influential works of political theory on the period, Brown hardly appears (Jaffa 1959). When political theorists discuss Brown, he is frequently treated as a Thoreauvian figure (Rosenblum 1981; Turner 2005; S. B. Smith 2018; Scheuerman 2021). He becomes a vehicle for exploring Thoreau's theories of expressive individuality, moral courage, and self-abnegation and analogized to figures like Socrates and Jesus (Turner 2005, 460–67). This approach fails to address the democratic aspects of his life and thought. Among historians, Brown has received more substantial attention, though their emphasis has been on his life (Reynolds 2006) and legacy (Gilpin 2011), not his political thought.

2. One exception to this is Balfour (2011), who dedicates a chapter to Du Bois's biography of Brown. While Balfour calls for renewed attention to Brown's thought, her chapter focuses on Du Bois's reception of Brown, not Brown's thought. Much of the chapter distances Du Bois's appreciation of Brown from his violent politics.

fight against those institutions.³ Confronting racism requires a sophisticated understanding of the relationship between violence and democratic politics.⁴ Identifying the injustices of racism requires us to be able to see unjust violence for what it is—even when that violence is cloaked in the garb of law—while overcoming racism requires each of us to be able to determine when extralegal violence is or is not justified. The convergence between Brown’s and Lincoln’s approaches to this problem, I will suggest, can help us navigate these challenges.

We will begin by considering why the contrasts between them have dominated their legacies, what it will take to overcome this consensus, and what precedent there is for other perspectives. From there, we will turn to the substantive analysis of Lincoln’s and Brown’s speeches and writings to demonstrate the surprising convergence in their justifications for waging their wars. We will first consider each of their critiques of slavery, then how each defended his decision to take up arms, and finally how each attempted to legitimize that decision. In the conclusion we will consider what these convergences might mean.

LINCOLN AND BROWN: LEGACIES IN CONFLICT

There are no two figures in the history of white America’s opposition to racist institutions that are remembered as differently as John Brown and Abraham Lincoln. American tradition presents Lincoln as the savior of the nation, the man who gave us a “new birth of freedom.” Brown is depicted as a misguided idealist (Brookhiser 2016), or more often as a lunatic and religious terrorist.⁵ However, Black authors and many radicals, both Black and white, have taken the almost opposite tact. For them, Brown was a martyr of the highest order, while Lincoln was, at best, a morally complex figure. For W. E. B. Du Bois, Brown was “the man who of all Americans has perhaps come nearest to touching the real souls of black folk” (1909/1997, xxv), while “Abraham Lincoln was a Southern poor white, of illegitimate birth, poorly educated and unusually ugly” (1922, 103).⁶

3. Resistance to racism constantly raises the question of the appropriateness of violence. Whether violence is defended (Newton 1967) or rejected (King 1960), the question cannot be avoided.

4. The recent critical dialogue between Paul Passavant and Erin R. Pineda over her book *Seeing Like an Activist* in *Perspectives on Politics* exposes how the question of legitimate violence stalks accounts of antiracist politics (Pineda 2021; Passavant and Pineda 2022). Pineda writes about theory articulated by people who chose nonviolence, yet she is confronted with questions about violence.

5. Benfey and Reynolds (2013) debate this point.

6. Du Bois (1922, 103) ends these reflections on a more positive note, appreciating Lincoln for being “big enough to be inconsistent,” for “despising Negroes and letting them fight and vote,” and for “protecting slavery and freeing slaves.” Compared to Brown, however, Lincoln is still damned with faint praise.

On the surface, the distance placed between the two men makes sense. Lincoln acted as the head of state, Brown as a renegade. Lincoln was “the Great Emancipator”;⁷ Brown’s raid at Harpers Ferry freed no one and killed an unarmed free Black man. Lincoln opposed immediate emancipation until late 1861; Brown lived and worked on terms of equality with Black people. Lincoln often suggested deporting formerly enslaved people to Africa (Oakes 2008); Brown believed in universal human equality and building an integrated, free, and democratic state (Stauffer 2002).

The person most responsible for the preeminence of these contrasting legacies may well be Lincoln. He took pains to distinguish himself from Brown because many of the Republican Party’s most prominent members’ electoral fortunes had suffered from association with Brown (Reynolds 2006, 360–62). Lincoln first addressed Brown’s legacy while on a speaking tour in Kansas. Speaking before audiences that had already suffered a violent dispute over slavery, Lincoln denounced Brown’s lawlessness, endorsed Brown’s execution, reaffirmed his own public commitment to a peaceful settlement, and compared Southern secessionists to Brown (Basler 1953, 3:502). Months later, in his Cooper Union address during 1860, Lincoln addressed Brown’s actions again. While taking a gentler tone, he drew influential distinctions:

John Brown’s effort was peculiar. . . . It was an attempt by white men to get up a revolt among slaves . . . it was so absurd that the slaves, with all their ignorance, saw plainly enough it could not succeed. That affair, in its philosophy, corresponds with the many attempts, related in history, at the assassination of kings and emperors. An enthusiast broods over the oppression of a people till he fancies himself commissioned by heaven to liberate them. He ventures the attempt, which ends in little else than his own execution. Orsini’s attempt on Louis Napoleon, and John Brown’s attempt at Harper’s Ferry were, in their philosophy, precisely the same. . . . And how much would it avail you [Southern Democrats] if you could, by the use of John Brown . . . break up the Republican organization? There is a judgement and feeling against slavery in this nation, which cast at least a million and a half votes. You cannot destroy that judgement and feeling—by breaking up the political organization which rallies around it . . . how much would you gain by forcing the sentiment which created it out of the peaceful channel of the ballot box . . . ? Would the number of John Browns be lessened or enlarged by the operation? (Basler 2001, 531–32)

7. Though slavery was not abolished until the ratification of the Thirteenth Amendment, many used this title well before (Wheeler 2001).

Whereas in both speeches he distinguished himself and the Republican Party from Brown, in Kansas Lincoln portrayed Brown as the equal of secessionists, while in New York he acknowledged a shared sentiment with Brown, suggested that the South bore the blame for the attack, and emphasized Brown's futility. Finally, Lincoln presented himself and the Republican Party as the last peaceful alternative to the proliferation of John Browns. Within these two speeches, Lincoln presents three clear distinctions between himself and Brown that we must discuss. Lincoln criticized Brown for lawlessness, for foolishness, and for acting like a lone assassin moved by "brooding" and religious enthusiasm. While Lincoln's judgment is not dispositive of their similarity—especially considering the political necessity of distancing himself from Brown and that this comparison came before the Civil War—his opinion surely matters. However, at Cooper Union, Lincoln also clearly recognizes that there were similarities between himself and Brown worth addressing. While today they may be contrasting archetypes, for Lincoln the matter was clearly more complicated.

As stark as the contrasts from before and after the war are, during the war many saw things quite differently. Charles Sumner declared that the North was following the path Brown had laid out (Stauffer and Trodd 2012, 471). Many Southerners readily assented to the comparison as well.⁸ Union soldiers sang "John Brown's Body," the predecessor to "Battle Hymn of the Republic," as they mustered for war, and Union generals proclaimed their unity with Brown (Reynolds 2006, 462–69). As the war escalated, Lincoln even compared the Northern war effort to Brown's raid.⁹ During the war, the North and South seemed to agree on Brown's place at the head of the Union war effort. However, the idea that tied Brown to Lincoln and the Northern war effort did not survive Reconstruction.¹⁰

Today their legacies remain in conflict. John Stauffer's book on Brown, from which this article draws substantially, discusses Brown's thoughts on racism and white supremacy. However, it barely discusses Lincoln and is surprisingly uninterested in Brown's justifications for violence (Stauffer 2002, 27, 59, 151).¹¹

8. Southern politicians argued that, like Brown, Lincoln and the Republicans wished to attack the South violently, illegally, and illegitimately (Reynolds 2006, 360–65). This article could be read as an endorsement of the logic of such arguments; however, in my argument, Brown's and Lincoln's commitment to democracy plays the decisive role, something that these critics denied.

9. In his memoirs, John Eaton recounted a conversation with Lincoln during the war in which Lincoln criticized Brown's methods and timing but suggested that the Union should imitate him (Eaton and Mason 1907).

10. Brown's reputation immediately suffered after the war ended, which led Frederick Douglass, in 1881, to remind the nation of his greatness and contributions (Douglass 1881). On this basis, Buccola (2013) argued that Douglass saw Brown and Lincoln as complementary yet radically different figures.

11. Stauffer (2002, 27) does note a connection between Lincoln's invocation of war powers and Brown's but does not pursue the line of reasoning. In his book comparing Lincoln

Lincoln scholarship remains voluminous, and Brown is often mentioned because Lincoln contended with Brown's actions. However, Brown, with his lawless violence and idealism, still serves as a point of contrast to Lincoln's statesmanship, prudence, or prejudice.¹² The only monograph dedicated to comparing Brown and Lincoln, H. W. Brands's *The Zealot and the Emancipator*, echoes the traditional white reception of Brown and Lincoln by heralding Lincoln for his political savvy and denigrating Brown for his violent enthusiasm (Brands 2020).¹³

Before we turn to challenging this consensus, I must offer clarifications about the interpretations that will follow. First, in elucidating Lincoln's arguments and comparing them to Brown's, we will consider whether Lincoln intentionally provoked the South to start the Civil War, the status of slavery in his initial war aims, the legality of his actions during the war, and his views on the relationship between executive power and the law. Given that our purpose is to compare Lincoln and Brown and that each of these topics is the subject of substantial scholarly debate, we will not be able to present definitive accounts of them.¹⁴ Further, because the thesis of this project directly challenges the historical consensus about these two figures, it is almost certain that every reader will find at least one aspect of the interpretation of Lincoln or Brown objectionable. When engaging with these questions, therefore, I will endeavor to show that there is scholarly support for the reading in question, even when it is controversial. Second, I will not argue that there are no important differences between John Brown and Abraham Lincoln. A full study of the two men would have to confront differences in how they thought about race, the Constitution, religion, and other important matters. However, what made them different has dominated the conversation for too long; I aim to show what made them similar and what we can learn from that similarity. Finally, we must remember that neither Lincoln nor Brown thought themselves to be offering general propositions about violence in politics or how to fight racist institutions. It is not my project to attribute such doctrines

and Douglass, Stauffer (2008, 129–213) discusses how both men reacted to Brown, but he never draws a comparison between Lincoln and Brown.

12. While Reynolds (2006) defends his subject in his biography of Brown, in his book on Lincoln (Reynolds 2020) Brown merely serves as a point of historical contrast.

13. One notable exception is Mark Graber, who argues that we should view Lincoln either as a tactically sophisticated, equally lawless John Brown or as merely “haggling over the price” of preserving the Union with Stephen Douglas (2010, 50). Graber's treatment of Lincoln and Brown fails to address their views on the relationship between slavery and democracy. He neglects this question in his monograph as well (Graber 2006, 230–36). As we will see, this is the critical question that reveals both the important similarities and differences between the two men.

14. Scholarly opinion is highly divided. For example, Belz (1988) defends the constitutionality of Lincoln's most controversial actions. Burt (2013) and Kleinerman (2005) argue that Lincoln maintained fidelity to the law despite violating some particular laws. On the other hand, Kateb (2015) argues that Lincoln did violence to the Constitution itself, and Johnston (2016, 2018) argues that Lincoln held a Schmittian view of sovereignty that placed him above the law.

to them. Rather, I will argue that by understanding the similarities between them we can come to a better understanding of the political moment in which violence is chosen, a better understanding of why these two white men chose to attack slavery, and an alternative to the tradition that has set these figures at odds.

LINCOLN AND BROWN AT WAR

On July 4, 1861, Lincoln spoke to a special session of Congress to justify the actions he had taken at the outset of the war. In this speech, he laid out the causes of the war, explained why the war was necessary, and defended the already controversial decisions he had made in executing the war. He spoke to defend the justness of the cause of the war and the legitimacy of the means he had chosen to fight it. With the former, he presented his account of why slavery needed to be confronted and destroyed. With the latter, he defended his legal authority to wage the war. By comparing John Brown's reasoning, laid out in letters and documents drafted prior to the raid, with Lincoln's reasoning in the Fourth of July address and in some supplementary material, we will be able to see their important similarities. As we proceed through Lincoln's argument, beginning with his arguments for the war's justness and then turning to the question of the legitimacy of his decision to fight, we will compare each with Brown's actions and the defenses Brown gave.

LINCOLN'S WAR

The first argument that Lincoln made in his Fourth of July address to justify the war is perhaps the most problematic for this project. He began by arguing that violence was thrust upon the Union, not chosen by it. The argument is straightforward: the South shot first. Secession, he explained, had already begun by the time he took office. He reported that, with few exceptions, "all the forts, dockyards, custom-houses . . . had been seized" by the seceding states. The United States' property, weapons, and money, he explained, had been taken by an organized hostile force that had "taken up arms against the Government" (Basler 2001, 595). Had a foreign power taken any one of these actions, he argued, war would have already commenced. However, he said that none of those actions were sufficient to necessitate war. Rather, he said that he had insisted on "the exhaustion of all peaceful measures" and "sought only to hold the public places and property not already wrested from the Government" (595). Though secession had begun, according to Lincoln, he sought to rely on "time, discussion, and the ballot-box," not warfare, to preserve the Union.

The attack on Fort Sumter prior to its reprovisioning marked the exhaustion of those peaceful means. South Carolina's attack on Fort Sumter was, Lincoln

clarified, “in no sense a matter of self-defense” but an effort to “drive out the visible authority of the Federal Union, and thus force it to immediate dissolution.” With the attack, Lincoln continued, “the assailants of the Government began the conflict of arms, without a gun in sight or in expectancy to return their fire” (Basler 2001, 597). According to this line of reasoning, Lincoln neither chose to go to war nor began the war to destroy slavery. He was forced by the South to defend the Union’s land and soldiers. Lincoln appears to have justified his war on the basic grounds of self-defense. This argument would seem to rule out any comparison with Brown, who certainly chose to attack Harpers Ferry.

However, Lincoln’s policy of defending Fort Sumter held greater meaning. Lincoln observed that the “Government desired to keep the garrison in the fort . . . merely to maintain visible possession, and thus preserve the Union from actual and immediate disillusion” (Basler 2001, 597). In his first inaugural address, Lincoln had made maintaining the Union’s forts integral to his plan for contesting secession by portraying them as symbolic evidence that the federal government was still the sovereign authority (583). The reprovisioning of Fort Sumter was, in effect, a denial of South Carolina’s claim of secession. As William Seward, Lincoln’s secretary of state, had warned him the month prior, by contesting Fort Sumter Lincoln was escalating the conflict (Seward 1861).¹⁵

Moreover, Lincoln on the Fourth of July portrayed South Carolina’s attack as having raised a more general issue than the sovereign right to self-defense. “Is there in all republics,” he asked, “this inherent and fatal weakness? Must a Government of necessity, be too *strong* for the liberties of its own people, or too *weak to maintain* its own existence?” It is this question, striking at the heart of republican government, that he said left him with “no choice . . . but to call out the war power of the Government” (Basler 2001, 583). The defense that the attack called forth was not merely the physical self-defense of the Union but a defense of the idea of republican government. Lincoln’s war was defensive, but it was waged in defense of an idea. The Union’s job was not simply to reclaim their territory and avenge the violence done but to defend the viability of republican government itself.

Placing Lincoln’s defense of the Union at the heart of his justification for the war leads to another major challenge for this project: Lincoln’s claim that he fought the Civil War to save the Union and not to end slavery. Traditionally, Lincoln is presented as having undergone a transformation from a narrow focus on reasserting federal authority in 1861 to pursuing the end of slavery by late 1862. Lincoln made this priority explicit in a letter to Horace Greeley: “If I could save the Union without freeing any slaves, I would do it” (Basler 2001, 652). While

15. Stamp (1950, 285) makes a detailed case for reading Lincoln’s actions as intentionally provocative.

the simplest way to account for this statement is to credit it to Lincoln's need to keep the slaveholding border states in the Union,¹⁶ once we understand that Lincoln's defense of the Union was not simply a physical defense of the state but a defense of the ideal of free government, we have a better path to resolve the issue of slavery in Lincoln's initial justification for the war.

For Lincoln, saving the Union, ending slavery, and fighting a war were inextricably linked. In a private letter from 1855, prefiguring his "House Divided" speech, he wrote to George Robertson that he no longer believed that the country could remain "half slave and half free," nor that there could be a "peaceful" resolution to slavery (Basler 2001, 331). While not part of his public justification for the war, his belief that a peaceful resolution to slavery was impossible, that the Union could not persist with slavery, and that preserving the Union justified violence, taken alongside his decision not to de-escalate the situation at Fort Sumter, suggests that his fight to preserve the Union was always also a fight to end slavery.¹⁷

In the years between the letter and his election, Lincoln developed an argument that tied the end of slavery and the preservation of democracy even closer together. In a fragment of writing from 1858, Lincoln connected his concern for democracy and his antislavery politics: "As I would not be a *slave*," he wrote, "I would not be a *master*. This expresses my idea of democracy. Whatever differs from this, to the extent of the difference, is not democracy" (Basler 2001, 427). If democracy means a world without either master or slave, then the South posed an acute problem to the possibility of democracy. In his "House Divided" speech, Lincoln built on these private thoughts and argued in public that the Union, and therefore free government, could not persist "half slave and half free" (Basler 2001, 372). As president, in his Fourth of July address, he built on these themes when he turned to explaining exactly what about free government he sought to defend: "On the Side of the Union it is a struggle for maintaining in the world that form and substance of government whose leading object is to elevate the condition of men; to lift artificial weights from all shoulders; to clear the paths of laudable pursuit for all; to afford all an unfettered start and a fair chance in the race of life. Yielding to partial and temporary departures, from necessity, this is the leading object of the Government for whose existence we contend" (607).

16. This is the argument Graber (2010) uses to justify his more modest comparison of Lincoln and Brown.

17. Zuckert (2022) demonstrates the continuity between Lincoln's commitment to democratic government, his antislavery politics, and his actions in the lead-up to the Civil War in part through a reading of the "House Divided" speech. Zuckert argues that Lincoln's actions reflected his belief that war was necessary to overcome slavery.

The reason to save the Union was to save free government. The purpose of the Union, the purpose of free government, was the welfare and betterment of everyone. Lincoln saw slavery as a “partial and temporary departure” from this fundamental purpose. Moreover, by arguing that the purpose of free government was “to afford all an unfettered start and a fair chance,” Lincoln was opening the door toward racial equality. Considering this defense of free government, Lincoln’s prioritization of the Union over the issue of slavery makes moral sense. Saving the Union meant saving free government; saving free government ultimately meant the end of slavery.¹⁸ While he could emphasize saving the Union in his public speeches to allay the border states, it was not a deception but a rhetorical sleight of hand—one that provided valuable political cover without diluting the true meaning of the war.

However, if the preservation of the Union and the end of slavery were so closely connected for Lincoln, and if he believed that violence would likely be necessary to resolve the problem as early as 1855, why did he entertain a constitutional amendment formalizing the protection of slavery in the South in his first inaugural address (Basler 2001, 587)? If the South were to have accepted the offer, slavery would have persisted far longer, and the Union would have persisted at the expense of free government. For many, that Lincoln offered such a deal is enough to prove that he prioritized the Union over abolition and certainly enough to distinguish Lincoln from John Brown.

For that interpretation to be plausible, first, Lincoln would have had to believe both that the South might accept the amendment and that it would have led to the survival of slavery. On the first matter, there is ample evidence that neither Lincoln nor the political leaders of the South believed that the deal was credible. In his Cooper Union address, Lincoln discussed what compromise he believed the South would accept: “This and only this: cease to call slavery *wrong*, and join them in calling it *right* . . . in acts as well as words. . . . Douglas’s new sedition law must be enacted and enforced suppressing all declarations that slavery is wrong. . . . We must arrest and return their fugitive slaves with greedy pleasure. We must pull down our Free State constitutions. . . . Holding as they do that slavery is morally right, and socially elevating they cannot cease to demand a full national recognition of it as a legal right, and a social blessing” (Basler 2001, 535).

Ultimately, part of why Lincoln saw that slavery and democratic government were incompatible was that slavery drove the South to refuse such political accommodations. In the South, the inaugural address was widely interpreted as a call to arms, not an offer of peace (Farber 2003, 14–15). Given this, Lincoln’s

18. Doyle (2014) shows not only that Lincoln portrayed the war this way but also that this view was widely shared, even internationally.

apparent openness to such an amendment was likely a political maneuver meant to highlight the South's extremism, not a capitulation.

The second question, whether the deal would have ultimately preserved slavery, raises a critical difference between Brown and Lincoln (at least prior to the attack on Fort Sumter). Until the onset of the war, Lincoln constantly argued that he only sought to restrict slavery's expansion peacefully and legally, which he believed would ultimately result in the South voluntarily ending slavery. He believed that if slavery were prevented from expanding, the economics of the system would eventually force the South to abandon it.¹⁹ This raises the difficult question of when exactly Lincoln abandoned this hope. The letter to Robertson, the rhetoric of the "House Divided" speech, and his claim at Cooper Union that the South would never assent suggest that by the latter half of the 1850s he did not believe in its viability, though he continued to speak about it until the war began.

The fact that Lincoln suggested a compromise before the outbreak of war should not be taken to mean that he thought that the issue of slavery could be resolved peacefully, nor that he thought that slavery was compatible with free government. He believed neither that the South would accept the deal nor that the deal would preserve slavery. Ultimately, however, it was only with the attack on Fort Sumter that we can say that Lincoln definitively abandoned any last hope that slavery could be overcome without violence. The attack was the moment when the threat slavery posed to republican government became imminent. The crisis forced Lincoln to reckon with what John Brown had long known. The peculiar institution was not just a threat to republican government; it made its actual practice impossible.

JOHN BROWN'S WAR

John Brown's war started long before Lincoln's, but his also began when he saw an enslaver strike first. In a letter addressed to the 12-year-old son of an abolitionist, Brown explained the origins of his war against slavery. As a boy, while traveling with his father during the War of 1812, Brown befriended a young boy about his age who was enslaved by the landlord with whom Brown was staying. The landlord had been kind to Brown but beat the other young boy with an iron shovel without reason. He recounted watching the child he had befriended being beaten, writing, "This brought John to reflect on the wretched, hopeless condition, of *Fatherless & Motherless slave children*." These events, he writes,

19. The theory was that if slavery did not expand, then the increasing population of enslaved people would render the system uneconomical. Graber doubts that this was plausible (2010, 59), while Buccola defends its place in Lincoln's politics (2016, 110–28).

“led him to declare, or *Swear: Eternal war with slavery*” (Stauffer and Trodd 2012, 20).

While Brown did not take up arms as a young boy, the letter in which he recounted this episode was part of his effort to explain to his supporters why he was going to take up arms in Kansas. Brown emphasized the defenselessness of enslaved people, invoking their suffering and their neediness, to justify his decision to take up arms. This view of defensive war is quite different from Lincoln’s. Brown’s war was not in defense of the property of a state or an idea but in defense of the defenseless. While Lincoln expressed some sympathy for this sort of violence, he also saw it as largely futile in the face of the South’s massive political power (Basler 2001, 530).

In preparing for the raid on Harpers Ferry, years later, a different kind of defense came to the fore in Brown’s writing. Prior to the attack, Brown helped draft two documents that outlined the reason behind the raid and the provisional government that was to be established in its aftermath. The documents were modeled on the American Declaration of Independence and Constitution and were titled *A Declaration of Liberty by the Representatives of the Slave Population of the United States of America* (Stauffer and Trodd 2012, 38–43) and *Provisional Constitution and Ordinances for the People of the United States* (26–37). Brown drafted these documents with Frederick Douglass and had them ratified at a convention of Black men and women in Canada, many of whom had been enslaved and some of whom would take part in the raid (26). In these documents, Brown put slavery and the issue of self-defense in a broader context.

For Brown and the Black and white abolitionists with whom he worked, slavery was not a “temporary departure” for the otherwise free and democratic Union. Rather, slavery amounted to an ongoing war waged by some citizens on other citizens; its existence made free government impossible.²⁰ In the preamble to his provisional constitution, Brown connected this idea to the raid: “Whereas slavery throughout its entire existence in the United States is none other than the most barbarous unprovoked and unjustifiable War of one portion of its citizens upon another . . . in utter disregard and violation of those eternal and self-evident truths set forth in our Declaration of Independence” (Stauffer and Trodd 2012, 38).

While Lincoln and many others agreed that slavery was a violation of the principles of the Declaration, by describing it as an ongoing civil war, Brown and his allies framed their violent actions as defensive. If a war is being waged against a group, then the simple right to self-defense would seem to justify a violent

20. Rosen (2022, 319) discusses how New York abolitionists, including John Brown, saw slavery as an ongoing war. Of Brown specifically, she reports that he was known to have said that “slaves . . . were prisoners of war” and that enslavers were “tyrants” who “had taken up the sword and must perish by it.”

response. In fighting this war, Brown and his allies, like Lincoln, sought to defend the principles of free government.

In his declaration, Brown connected his war against slavery not to the fate of republican government in the future but to the existence of such government in America. Brown wrote, “Our *servants, or Law makers* are totally unworthy of the name *Half civilized men*. All their National acts (which apply to slavery) are false to the words, spirit, and intention of the Constitution of the United States and the Declaration of Independence. *They say by word and act, That their own children or any faithful citizen may be legally robbed of every Natural and Sacred Right, and that we have no rights whatever*” (Stauffer and Trodd 2012, 40–41; italics in the original). The first sentence damns the whole government, while the second redeems the idea behind the nation. The lawmakers were illegitimate—not because the Constitution was illegitimate but because the Constitution and the Declaration could not be realized while slavery existed. To destroy slavery was, then, to defend the Constitution. The third sentence explains why. The enslaver cannot respect anyone’s rights, even if only certain people are enslaved, because the principle that underwrites slavery threatens everyone. Therefore, slavery threatened the freedom of all people. A country where anybody might be enslaved is a country where no one possesses rights.

Before concluding this section, we must address one objection to my characterization of Brown’s war: Brown was neither Black nor enslaved. While Lincoln was the president, sworn to defend the Union, Brown was merely a free white man. Furthermore, while the enslavement of mixed-race children born of rape and the kidnapping of free Black people from the North were terrible violations of the rights of those people, they did not in practice threaten the rights of all people in the United States. Put simply, while the formal structure of their arguments may have been similar, it appears that in substance Brown’s claims were much flimsier than Lincoln’s. While Lincoln had a duty to defend what he defended, Brown was merely an interloper.

However, Brown’s efforts were not simply the efforts of a white man with a savior complex but rather undertaken with Black people, including many who had been enslaved. While Brown was white, he was not an outsider in the struggle against slavery. More importantly, Stauffer, in his book *The Black Hearts of Men*, argues that Brown worked to “blur racial categories” (2002, 6). Brown and his allies consistently refused to use racial categories as a basis of distinction. For Brown, nothing could threaten Black people and not also threaten white people because race was not a coherent distinction between people. He saw the racial caste system as arbitrary because the people who were supposedly separated by it were indistinguishable except for their different statuses within the system. We can see this aspect of Brown’s thought in his declaration’s claim that the existence of slavery made it so that “*any faithful citizen may be legally robbed of every*

Natural and Sacred Rights, and that we have no rights whatever.” Injustice against Black people, for Brown, was a threat to justice for all.²¹ This commitment is reflected in the quote Stauffer chose for his book’s title. For Brown and his colleagues, “the black hearts of men” meant nothing less than the realization that fighting slavery and white supremacy required the abandonment of their own whiteness. Given Brown’s understanding of race and his collaboration with formally enslaved people, we can see why the objection fails.

Brown and Lincoln, then, both saw their wars as defensive in the narrow sense: the South shot first, and enslaved people were assaulted constantly. Both also had broader ideas of what it meant to be fighting a defensive war. For both, war was needed to defend the possibility of self-government. Brown’s and Lincoln’s justifications for war were not identical. Lincoln did not agree with all of Brown’s thoughts on race. But as they took up arms, their reasoning converged. Lincoln’s justification progressed from the physical defense of the Union to a defense of the idea of free government and from there to the necessity of abolition. Brown’s argument progressed from the physical defense of enslaved people to the defense of universal equality and then ultimately to the defense of free government. While Lincoln may not have seen that slavery made republican government impossible until the onset of the Civil War, for both men it was the struggle between free government, with its promise of freedom for everyone, and the evil of slavery that justified their decisions to wage war.

THE INDISPENSABLE MEANS

Few people today doubt the righteousness of either man’s cause. However, when it comes to the means they chose, both still face significant challenges.²² More importantly, it is the contrast between their chosen means—Lincoln’s thoughtful statesmanship and fidelity to the law and Brown’s reckless and lawless violence—that most often sets them apart. To sustain this article’s argument about the similarity of their turn to violence, we must now compare their justifications for the still controversial means they chose.

21. In a private note Lincoln seems to have come close to this argument. In a fragment thought to be from the summer of 1853, Lincoln reasoned that every argument used to justify slavery, including race-based distinctions, could be turned against the enslavers and used to justify their enslavement. Lincoln concluded that enslavement was arbitrary because it was the result of power, not a coherent racial classification scheme (Basler 2001, 278).

22. For example, Johnston (2016) argues that Lincoln’s use of executive power was tyrannical, while Stauffer (2002) takes pains to distance his work from defending Brown’s illegal violence.

LINCOLN'S MEANS

In his Fourth of July address, Lincoln made three main arguments to defend the authority he used in calling forth the military to begin the war without congressional approval and in suspending habeas corpus. First, he argued that his actions were legal. Second, he presented a legal theory that would justify his actions even if they violated the letter of the law. Third, he offered a political theory to justify the authority he claimed. As the war continued, he used the same strategy to justify the Emancipation Proclamation. In taking these actions, Lincoln stretched the authority of the presidency and authorized violence to be used against citizens who were not in open rebellion. Though he used the arguments in several contexts, he most thoroughly developed them in response to controversies around the suspension of habeas corpus.²³ Therefore, to understand Lincoln's justifications for the means he chose to wage his war, we will begin by considering how he justified the suspension of habeas corpus.

The legal argument Lincoln offered in the Fourth of July address to defend the constitutionality of his suspension was simple: he claimed that the Constitution authorized the president to suspend habeas corpus during a domestic insurrection if necessary (Basler 2001, 601). Unfortunately for Lincoln, Chief Justice Taney had already rejected this logic in *Ex Parte Merryman*.²⁴ Even if Lincoln's argument was legally sound, his decision to ignore Taney's court order was not.²⁵

Lincoln himself seemed to find his legal argument insufficient, as he chose to add two more arguments to justify his actions. The next argument he presented in the Fourth of July address was based on a theory of necessity. Lincoln posed the issue in stark terms: "are all the laws *but one* to go unexecuted, and the Government itself go to pieces, lest that one be violated?" (Basler 2001, 601). If saving the government required a law to be broken, Lincoln argued, then that law could be broken. Summarizing this argument at the end of his speech, he explained that "when an end is lawful and obligatory, the indispensable means to it are also lawful and obligatory" (609).

23. The legal controversy around Lincoln's suspension of habeas corpus and his exercise of other executive power during the Civil War began immediately. Neely (2011, 63–159) details the contemporaneous legal arguments employed both for and against Lincoln's actions. Neely concludes, contra James Randall's influential account (1926), that the Constitution was generally on Lincoln's side and an aid in fighting the war. For contemporary defenses, see Farber (2003, 2018), Benedict (2008), and Tillman (2016). For criticisms, see Elsea (2003), Graber (2006), and Prakash (2010). For more mixed verdicts, see Kleinerman (2005) and Burt (2013).

24. *Ex Parte Merryman*, 17 F. Cas. 144 (1861).

25. Tillman (2016) argues that Taney did not order Lincoln to take any action in *Merryman* and thus let Lincoln off the hook. However, this ignores the oral statement Taney issued from the bench, which included a more explicit order (Simon 2006, 189).

Later in the war, this doctrine provided Lincoln his legal justification for the Emancipation Proclamation. Freeing enslaved people in the rebellious states, he argued, was indispensable to successfully prosecute the war. The danger of this logic was quickly noticed by Lincoln's political opponents, who argued that it could be used to justify almost anything Lincoln wished. In response to this criticism and a crisis provoked by an Ohio politician, Lincoln provided his third argument for why he thought that he personally had the authority to exercise the extreme powers that could be justified by this doctrine.

In May of 1863, an Ohio politician named Clement Vallandigham was arrested for giving antiwar speeches and interfering with the draft. He was tried and convicted in a military court. The Supreme Court refused to hear his appeal, allowing his sentence of deportation to the Confederacy to stand.²⁶ These actions caused many in the North to accuse Lincoln of abusing his war powers. Lincoln responded to these accusations in a letter to several congressional representatives from Ohio:

You ask, in substance, whether I really claim that I may override all the guaranteed rights of individuals, on the plea of conserving the public safety. . . . This question . . . is either simply a question who shall decide, or an affirmation that nobody shall decide, what the public safety does require, in cases of Rebellion or Invasion. The constitution contemplates the question as likely to occur for decision, but it does not expressly declare who is to decide it. . . . I think the man whom, for the time, the people have, under the constitution, made the commander-in-chief, of their Army and Navy, is the man who holds the power, and bears the responsibility of making it. If he uses the power justly, the same people will probably justify him; if he abuses it, he is in their hands, to be dealt with by all the modes they have reserved to themselves in the constitution. (Basler 1953, 6:303)

Lincoln rests his claim on his position as the elected commander in chief. His election provided the authorization to decide what public safety required. His justification for making an exception was that he would stand for reelection and was subject to impeachment and other congressional checks. It is in these matters that Lincoln and Brown seem farthest apart. Throughout the war, Lincoln insisted that he did not violate the law. Even when he appeared to have crossed a line, he insisted that he had not. He never rested his actions on a pure idea of sovereign right or the moral purity of his cause. And he grounded any potential trespass in the principles of free democratic government and his office.

26. See Johnston (2016) for a more detailed discussion of the case and its implications.

Both the democratic and legal justifications that Lincoln defended himself with seem foreclosed to Brown. Brown, after all, was not the president.

BROWN'S MEANS

John Brown, like Lincoln, argued that his decision to use violence was legal and democratically legitimate. Relying on an interpretation of the Constitution developed by Gerrit Smith, one of his financiers, and Frederick Douglass, Brown held that the Constitution as it existed in 1859 banned slavery.²⁷ They argued that, taken together, the preamble to the Constitution and its lack of explicit authorization for slavery made slavery illegal. Based on this interpretation, Brown's militant actions were not insurrectionary but restorative. It was the government of Virginia that was engaged in an act of sedition by enforcing slavery. On this account, far from acting lawlessly, Brown was intervening to prevent lawless violence. Whatever one thinks of the validity of either Lincoln's or Brown's constitutional arguments, neither was willing to subject their theory to judicial review. Both maintained that what they were doing was legal, and both rejected the normal process for validating those claims. And, like Lincoln, Brown was not satisfied with this legal argument to rest his claim to legitimacy on it. Instead, like Lincoln, he turned his attention to a broader foundation in democratic norms.

Here we must consider the specifics of how the political community Brown helped establish acted to justify his violence. Brown's provisional constitution established legislative, judicial, and executive branches but separated the positions of commander in chief and president. While Brown's constitution provided that the commander in chief be appointed by the president, who was to be elected, Brown himself was elected to the position of commander in chief by the constitutional convention that was convened to debate and ratify the draft he and Douglass had prepared. Black men, many of whom were formerly enslaved, filled the other offices.²⁸ While some refused their posts, others accepted roles in the provisional constitution. Included in the constitution were provisions for future elections and for impeaching any officeholder—including John Brown—if the other officers decided it was necessary (Stauffer and Trodd 2012, 27–30).

It seems outrageous to compare Brown's election by 35 unelected delegates to Lincoln's. However, these two elections are closer in their legitimacy than we might be comfortable admitting. Lincoln's election excluded enslaved people, women, and many free people (specifically Black people). Similarly, Brown's election was not open to everyone. However, it was open to those whose Lincoln's

27. For a discussion of Douglass and Smith's argument about the Constitution, see Oakes (2008). Stauffer (2002) demonstrates that Brown took up these arguments. Ives (2017) contextualizes this constitutional theory in modern debates over constitutional interpretation.

28. Tsai (2010) shows that Brown's constitution was a serious legal effort.

election excluded. This suggests that Brown's commitment to democracy was not merely pretextual. While enslaved people themselves were unable to participate, Brown vested his legitimacy in the consent of those who were closest to the people he sought to defend. Moreover, this constitution did not claim to govern everyone. It was explicitly provisional, providing a government for those who chose to join in their efforts at Harpers Ferry and after (Stauffer and Trodd 2012, 26–27). It was not meant to replace the American Constitution and specified as much in Article XLVI (37). The constitution was to be used for his army of liberation in Appalachia until slavery was abolished.²⁹ The limited ends of Brown's project thus matched its limited democratic legitimacy.

Brown never had the chance to put his provisional constitution into action. The failure of the raid meant that he never was able to hold another election. However, at his trial, and while awaiting his execution, Brown again chose to emphasize the importance of popular judgment. Both the speech he gave at the end of his trial and the letters he wrote while in prison were direct attempts to transform northern opinion of his actions, underscoring the democratic values he held. He defended his actions not only because he thought he served a higher power but also because he believed they would be validated by other citizens.³⁰ He emphasized this point in a prison letter: "The great bulk of mankind estimate each other's actions *and motives* by the measures of success or *otherwise* that attends them through life. By that rule I have been one of the *worst* and one of the *best* of men. I *do* not claim to have been one of the latter; I leave it to an impartial tribunal to decide whether the world has been the *worse* or the better of my *living* and *dying* in it" (Stauffer and Trodd 2012, 69; italics in the original).

Even in the end he placed the final judgment of his actions not in the hands of God but in the hands of the people who could only judge actions and consequences. Brown was elected, subject to democratic control, and was willing to place his actions before the people for judgment. He was not, then, the lone brooding assassin Lincoln portrayed. Like Lincoln, he acted with democratically constituted compatriots and through a democratic system.

In his declaration, Brown also invoked the idea of necessity on which Lincoln relied. Brown, quoting from Thomas Jefferson's Declaration, wrote, "They have been deaf to the voice of Justice and Consanguinity. We must therefore acquiesce in the necessity." Departing from Jefferson, he continues, "which denounces their Tyranny and unjust rule over us. Declaring that we will serve them

29. Here we can see the limits of Thoreauvian accounts of Brown (Turner 2005, 458). Brown's actions rested not solely on his individual conscience but on the authorization of a portion of the political community whose liberation he was aiding.

30. The traditional view of John Brown as a religious fanatic who believed himself to be sent by God is not without merit (for a good discussion of the role of religion in Brown's thinking, see Stauffer 2002). The important detail is that Brown's politics informed his religion as much as vice versa.

no longer as slaves” (Stauffer and Trodd 2012, 42). Only after generations of peaceful abolitionists had failed did John Brown draw the sword. Brown’s actions do raise one issue with respect to the necessity doctrine that Lincoln’s actions do not. Where Lincoln’s military campaign was successful, Brown’s was a failure. Many critics of Brown, including Lincoln at Cooper Union, have leapt on the futility of Brown’s attempt to condemn him. After all, how can an act that is futile be necessary?

The simplest response to this argument is to insist that Brown’s raid was neither insane nor futile. David Reynolds (2006) provides a detailed account of the planning and execution of the raid. Reynolds shows that Brown based his plan on other successful slave revolts, that he worked closely with Harriet Tubman and others with relevant experience to develop the plan, and that, had it not been for a few unexpected accidents, he might have been significantly more successful. Failure is not the same as futility, and there are good reasons to think that Brown’s attempt was not futile.

Perhaps more importantly, neither Lincoln nor Brown overemphasized this practicality criterion. Rather, as Lincoln declared at the close of his Cooper Union address, “Let us have faith that right makes might, and in that faith, let us, to the end, dare to do our duty as we understand it” (Basler 2001, 536), while as John Brown and his allies often said, “whatever was right was practicable” (Stauffer 2002, 22). What does might do but make a thing practicable?

Nevertheless, there does seem to be an unbridgeable gap between Lincoln’s activity as the head of a republic acting on behalf of millions, supported by widely acknowledged laws and institutions and subject to legal control by established courts, and Brown’s rather haphazard constitutional convention supported by a few dozen men and women. From Lincoln’s perspective, in the absence of the authority of the state, the best justification that Brown could claim would have been that of a revolutionary.

If Brown were a revolutionary, then the fact that he acted without the backing of a state and relied on limited democratic foundations would not have been a problem for Lincoln. In 1848, in a speech on the Mexican-American War, Lincoln argued that “any people anywhere, being inclined and having the power, have the right to rise up . . . a right which we hope, and believe, is to liberate the world” (Basler 2001, 209). For Lincoln, then, state authority is surely not necessary to justify a war fought to liberate a people.³¹ Though Lincoln did not see Brown as a revolutionary, he was acting with a people who were inclined to rise up and bring about their own liberation. Lincoln and Brown, then, may both have been justified but for different reasons: Brown

31. During the Civil War, Lincoln remained committed to the legitimacy of revolutionary violence, as evidenced in an earlier manuscript of his Fourth of July address (Basler 1953, 4:434n83).

as a legitimate revolutionary and Lincoln as a legitimate president. However, while others may have seen him as a revolutionary, Brown himself denied that he was one. Like Lincoln, he maintained that his goal was merely to see that the founding promises of the Union were carried through. This may simply be one last similarity between Lincoln and Brown: both insisted that they were not revolutionaries, but both have been portrayed, by friends and detractors alike, as revolutionaries all the same.³²

Brown's and Lincoln's wars have now come together. By interrogating these two men who chose to violently attack slavery, we have found similarities in how they justified their violence. Theirs were defensive wars, fought aggressively to defend ideals. Both pushed the boundaries of the law but remained committed to the law and the idea of free government. Neither claimed to be overthrowing the government, but rather to be reforging it into a truly free republic. Most surprising, perhaps, was their mutual commitment to democratic norms. For both men, their violence was just because it was in the service of democracy and legitimized through democracy.

CONCLUSION

We turned to Brown and Lincoln to challenge the convention that portrays these two men as radically opposed figures. I argued that reading them beside one another could provide guidance in thinking about the relationship between violence and politics in our ongoing struggle against racism and a new perspective on the traditions in which these two men's legacies continue to play important roles. In comparing them, we found striking similarities in their justifications for violently confronting slavery, similar accounts of how slavery—and indeed racism more generally—undermined democracy, and a shared effort to ground their actions in democratic principles. What remains is to consider the implications of these long-ignored similarities for these broader questions.

When it comes to violence and politics, we can see that Brown's and Lincoln's justifications for fighting their wars converged on five principles. First, both argued that their violence was justified by the fact that their adversaries used violence first. Second, both rested their violent response to these attacks on the fact that they were defending the possibility of free government. Third, both argued that their violence was necessary for overcoming this threat. Fourth, both insisted on legal justifications for their violence. Finally, both rooted their justifications for violence in democratic values and democratic procedures. In drawing out these similarities, I have argued that these principles did indeed justify both Lincoln and Brown in their turn to violence.

32. For Lincoln as a revolutionary, see McPherson (1991).

However, our recent experience with violent attacks on the federal government done in the name of protecting democracy may leave us with serious doubts as to the legitimacy of private citizens ever taking up arms in defense of their own vision of democracy. It must be acknowledged that Brown's actions have inspired others to employ political violence for sinister ends. John Wilkes Booth claimed that he was inspired by Brown's actions when he assassinated Lincoln. Booth admired Brown before the war, even sneaking into the army regiment that observed Brown's execution to pay his respects to the martyr (*New York Times* 1865). Through his actions, Booth brought Brown and Lincoln together in a dramatic way. Booth's actions and the actions of people like him are why political violence done by private citizens, whether in the name of democracy or not, appears to require condemnation in all cases. If the closest connection between Brown and Lincoln is John Wilkes Booth, that would be a good argument against this comparison.

However, the convergence between Brown and Lincoln allows us to respond to violence committed to uphold racist systems whether it is done by a supposedly legitimate government or private citizens. By seeing how Brown's and Lincoln's justifications for their actions converged, we can see more clearly that people like Booth who act virtually alone,³³ do not subject themselves to democratic control, and have racist antidemocratic ends and governments that use violence to dominate citizens in the name of racial superiority both are distinct from Brown and Lincoln. For Brown and Lincoln, justified violence required a substantial threat to the possibility of free government and extraordinary effort, in the face of that threat, to establish democratic legitimacy. Learning from their examples shows that violence is not justified by either the mere fact of legality or the moral purity of the cause.

Beyond the issue of violence, this comparison has highlighted the integral connection between the pursuit of democracy, the maintenance of constitutional government, and the struggle against racism. Though the connection between these three ideas is long established (Allen 2004), showing that both Brown and Lincoln relied on it to justify their wars suggests that it is the connection between these three missions that binds rather than separates the radical and moderate traditions of white antiracism for which these two men serve as exemplars.

In recent years, the struggle against racism has played out in part as a struggle over American history. In offering a way to see both Brown's and Lincoln's justice and the connection between them, this article has tried, in a small way, to offer an alternative path to understanding these two important legacies. In drawing this comparison, I have tried to offer a new account of the political history of

33. Or those who act with groups that are exclusionary and antidemocratic like the Ku Klux Klan.

American democracy that connects the survival of the Union to radical opposition to white supremacy. While American tradition since the Civil War has set John Brown and Abraham Lincoln apart and, in so doing, has implied a tension between the pursuit of radical antiracism and the maintenance of the American project, in recovering their convergence this article has argued otherwise.

REFERENCES

- Allen, Danielle. 2004. *Talking to Strangers*. Chicago: University of Chicago Press.
- Balfour, Laurie. 2011. *Democracy's Reconstruction: Thinking Politically with W. E. B. Du Bois*. Oxford: Oxford University Press.
- Basler, Roy P. 1953. *The Collected Works of Abraham Lincoln*. 9 vols. New Brunswick, NJ: Rutgers University Press.
- . 2001. *Lincoln's Speeches and Writings*. Cambridge, MA: Da Capo.
- Belz, Herman. 1988. "Abraham Lincoln and American Constitutionalism." *Review of Politics* 50 (2): 162–97.
- Benedict, Michael Les. 2008. "The Perpetuation of Our Political Institutions: Lincoln, the Powers of the Commander in Chief, and the Constitution." *Cardozo Law Review* 29 (3): 927–60.
- Benfey, Christopher, and David Reynolds. 2013. "An Exchange on John Brown." *New York Review of Books*, May 9, 2013. <http://www.nybooks.com/articles/2013/05/09/exchange-john-brown/>.
- Brands, H. W. 2020. *The Zealot and the Emancipator: John Brown, Abraham Lincoln and the Struggle for American Freedom*. New York: Doubleday.
- Brookhiser, Richard. 2016. *Founders' Son: A Life of Abraham Lincoln*. New York: Basic.
- Buccola, Nicholas. 2013. *The Political Thought of Frederick Douglass: In Pursuit of American Liberty*. New York: New York University Press.
- . 2016. "What If Honest Abe Was Telling the Truth? Natural Rights, Race, and Legalism in the Political Thought of Lincoln." In *Abraham Lincoln and Liberal Democracy*, ed. Nicholas Buccola, 110–39. Lawrence: University Press of Kansas.
- Burt, John. 2013. *Lincoln's Tragic Pragmatism: Lincoln, Douglas, and Moral Conflict*. Cambridge, MA: Belknap.
- Douglass, Fredrick. 1881. "John Brown." In *The Essential Douglass: Selected Writings and Speeches*, ed. Nicolas Buccola, 258–76. Indianapolis: Hackett.
- Doyle, H. Don. 2014. *The Cause of All Nations: An International History of the Civil War*. New York: Basic.
- Du Bois, W. E. B. 1909/1997. *John Brown*. With primary documents and intro. by John David Smith. Repr. Armonk, NY: Sharpe.
- . 1922. "The World and Us." *Crisis* 24 (4): 103–24.
- Eaton, John, and Ethel Osgood Mason. 1907. *Grant, Lincoln, and the Freedmen: Reminiscences of the Civil War, with Special Reference to the Work for the Contrabands and Freedmen of the Mississippi Valley*. New York: Longmans, Green.
- Elsea, Jennifer, K. 2003. "Presidential Authority to Detain 'Enemy Combatants.'" *Presidential Studies Quarterly* 33 (3): 568–601.
- Farber, Daniel A. 2003. *Lincoln's Constitution*. Chicago: University of Chicago Press.
- . 2018. "Lincoln, Presidential Power, and the Rule of Law." *Northwestern University Law Review* 113 (3): 677–700.

- Gilpin, Blakeslee R. 2011. *John Brown Still Lives! America's Long Reckoning with Violence, Equality, and Change*. Chapel Hill: University of North Carolina Press.
- Graber, Mark. 2006. *Dred Scott and the Problem of Constitutional Evil*. New York: Cambridge University Press.
- . 2010. "John Brown, Abraham Lincoln, Dred Scott, and the Problem of Constitutional Evil." In *The Dred Scott Case: Historical and Contemporary Perspectives on Race and Law*, ed. David Thomas Konig, Paul Finkelman, and Christopher Alan Bracey, 49–68. Athens: Ohio University Press.
- Horwitz, Tony. 2011. *Midnight Rising: John Brown and the Raid That Sparked the Civil War*. New York: Holt.
- Ives, Anthony Lister. 2017. "Frederick Douglass's Reform Textualism: An Alternative Jurisprudence Consistent with the Fundamental Purpose of the Law." *Journal of Politics* 80 (1): 88–102.
- Jaffa, Harry. 1959. *Crisis of the House Divided: An Interpretation of the Issues in the Lincoln-Douglass Debate*. Chicago: University of Chicago Press.
- Johnston, Steven. 2016. "Lincoln's Decisionism and the Politics of Elimination." *Political Theory* 45 (4): 524–51.
- . 2018. *Lincoln: The Ambiguous Icon*. Lanham, MD: Rowman & Littlefield.
- Kateb, George. 2015. *Lincoln's Political Thought*. Cambridge, MA: Harvard University Press.
- King, Martin Luther, Jr. 1960. "Pilgrimage to Nonviolence." In *The Papers of Martin Luther King, Jr.*, vol. 5, *Threshold of a New Decade, January 1959–December 1960*, ed. Clayborne Carson, Tenisha Armstrong, Susan Carson, Adrienne Clay, and Kieran Taylor, 419–25. Berkeley: University of California Press.
- Kleinerman, Benjamin. 2005. "Executive Power and Constitutional Necessity." In *Lincoln and Democratic Statesmanship*, ed. Michael Zuckert, 194–209. Lawrence: University of Kansas Press.
- McPherson, James. 1991. *Abraham Lincoln and the Second American Revolution*. New York: Oxford University Press.
- Mills, Charles. 1997. *The Racial Contract*. Ithaca, NY: Cornell University Press.
- Neely, Mark E. 2011. *Lincoln and the Triumph of the Nation: Constitutional Conflict in the American Civil War*. Chapel Hill: University of North Carolina Press.
- Newton, Huey P. 1967. "In Defense of Self Defense." *Black Panther*, July 3, 1967. <https://www.marxists.org/archive/newton/1967/07/03.htm>.
- New York Times*. 1865. "THE MURDERER OF MR. LINCOLN.; Extraordinary Letter of John Wilkes Booth Proof that He Meditated His Crime Months Ago His Excuses for the Contemplated Act His Participation in the Execution of John Brown. Commissioners of Public Charities and Correction. Fires. The Seventh Ward Fire Note from Chief Engineer Decker." *New York Times*, April 21, 1865. <http://www.nytimes.com/1865/04/21/news/murderer-mr-lincoln-extraordinary-letter-john-wilkes-booth-proof-that-he.html?pagewanted=all>.
- Oakes, James. 2008. *The Radical and the Republican: Frederick Douglass, Abraham Lincoln, and the Triumph of Antislavery*. New York: Norton.
- Oates, Stephen B. 1970. *To Purge This Land with Blood: A Biography of John Brown*. New York: Harper & Row.
- Passavant, Paul A., and Erin R. Pineda. 2022. "Critical Dialogue: Seeing Like an Activist: Civil Disobedience and the Civil Rights Movement." *Perspectives on Politics* 20 (2): 680–82.

- Pineda, Erin R. 2021. *Seeing Like an Activist*. New York: Oxford University Press.
- Prakash, Saikrishna Bangalore. 2010. "The Great Suspender's Unconstitutional Suspension of the Great Writ." *Albany Government Law Review* 3 (2): 575–614.
- Randall, James Garfield. 1926. *Constitutional Problems under Lincoln*. Champaign: University of Illinois Press.
- Reynolds, David S. 2006. *John Brown, Abolitionist: The Man Who Killed Slavery, Sparked the Civil War, and Seeded Civil Rights*. New York: Penguin Random House.
- . 2020. *Abe: Abraham Lincoln in His Times*. New York: Penguin.
- Rosen, Deborah A. 2022. "Slavery as a State of War: New York Abolitionists, the Laws of War, and the Right of Self-Emancipation." *New York History* 102 (2): 307–26.
- Rosenblum, Nancy L. 1981. "Thoreau's Militant Conscience." *Political Theory* 9 (1): 81–110.
- Scheurman, William E. 2021. "The Revival of Thoreauvian Resistance." *American Political Thought* 10 (1): 1–24.
- Seward, William H. 1861. "Memorandum (Typed Copy): Secretary Seward to President Lincoln, April 1, 1861." Allegheny College. <http://hdl.handle.net/10456/34007>.
- Simon, James F. 2006. *Lincoln and Chief Justice Taney: Slavery, Secession, and the President's War Powers*. New York: Simon & Schuster.
- Smith, Steven B. 2018. "Lincoln and the Politics of the 'Towering Genius.'" *American Political Thought* 7 (3): 375–99.
- Smith, Ted. 2015. *Weird John Brown*. Stanford, CA: Stanford University Press.
- Stamp, Kenneth. 1950. *And the War Came: The North and the Secession Crisis, 1860–1861*. Baton Rouge: Louisiana State University Press.
- Stauffer, John. 2002. *The Black Hearts of Men: Radical Abolitionists and the Transformation of Race*. Cambridge, MA: Harvard University Press.
- . 2008. *Giants: The Parallel Lives of Frederick Douglass and Abraham Lincoln*. New York: Grand Central.
- Stauffer, John, and Zoe Trodd. 2012. *The Tribunal: Responses to John Brown and the Harpers Ferry Raid*. Cambridge, MA: Belknap.
- Tillman, Seth Barrett. 2016. "Ex Parte Merryman: Myth, History, and Scholarship." *Military Law Review* 224 (2): 481–540.
- Tsai, Robert L. 2010. "John Brown's Constitution." *Boston College Law Review* 51 (1): 153–207.
- Turner, Jack. 2005. "Performing Conscience: Thoreau, Political Action, and the Plea for John Brown." *Political Theory* 33 (4): 448–71.
- Wheeler, Linda. 2001. "A Civil War Mystery: Who Named Lincoln the 'Great Emancipator?'" *Washington Post*, May 17, 2001. <https://www.washingtonpost.com/archive/local/2001/05/17/a-civil-war-mystery-who-named-lincoln-the-great-emancipator/339f3fc9-91fb-454a-ada0-d4a093d0812e/>.
- Zuckert, Michael. 2022. *A Nation So Conceived: Abraham Lincoln and the Paradox of Democratic Sovereignty*. Lawrence: University Press of Kansas.