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Article

"John Burt's Lincoln and Process Thought"

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Abstract: The purpose of the present article is to examine the *processual* character of Abraham Lincoln's politically liberal thought. This examination will attempt to build on the magisterial study of Lincoln by John Burt and on Burt's use of the thought of John Rawls and H. L. A. Hart. Lincoln will also be compared and contrasted with process thinkers like Charles Hartshorne and Alfred North Whitehead, especially in terms of Lincoln's capacity for *growth* in his ethical and political thought.

Keywords: Abraham Lincoln; John Burt; John Rawls; H. L. A. Hart; political philosophy; process thought; Charles Hartshorne; Alfred North Whitehead

1. Introduction

From a philosophical point of view, John Burt's (2013) *Lincoln's Tragic Pragmatism: Lincoln, Douglas, and Moral Conflict* is the most important treatment of Abraham Lincoln since Harry Jaffa's work in the 1950s. Whereas Jaffa analyzed Lincoln from the perspectives of Plato and Leo Strauss (see Jaffa 1959, 2000; Plato 1999; Strauss 1953), Burt examines Lincoln from the perspectives of liberal political thought, especially the perspectives of John Rawls and H. L. A. Hart. Although Burt does not explicitly mention liberal process philosophers like Alfred North Whitehead and Charles Hartshorne, he frequently refers to the importance of *becoming* in Lincoln's thought. The purpose of the present article is to call attention to the *processual* character of Lincoln's politically liberal thought and to emphasize the importance of this character as an antidote to the contemporary resurgence of dogmatism both on the left and the right. I will not be disagreeing with Burt. Rather, I will be making some needed friendly amendments to his magisterial book.

It might initially seem that Lincoln's theology is at odds with a process orientation to the world. Lincoln seems to have believed (as is evidenced in the "Second Inaugural Address" and elsewhere) that divine omniscience means that God knows with absolute assurance, and in minute detail, everything that will occur in the future, hence the Civil War would end when God, who is also omnipotent, decided it would end. This view, according to Hartshorne (Hartshorne 1984b, pp. 24–25), should lead to a belief in a block universe, a necessitarian universe bereft of human freedom. At times Lincoln indicates support for this sort of necessitarianism or fatalism, in that human beings could never perform anything other than what God already knew they would do. But because he thought that, despite the versions of divine omniscience and omnipotence presupposed in his thought, we can never *really* know God's nature and decisions, we must act in light of our own knowledge and convictions. It is here where the processual elements of Lincoln's thoughts can be found (Burt 2013, p. 684).

The problem with Lincoln's theology, from a process point of view (see Hartshorne 1984b, pp. 24–25), is that he is not really a consistent negative theologian in that he professes greater ignorance of divine omnibenevolence than of divine omnipotence and omniscience. That is, the problem is not with the *via negativa* per se but with Lincoln's inconsistent use of it. But the present article is not primarily about Lincoln's explicit religious beliefs, which have been explored in detail elsewhere (see Carwardine 2006; Guelzo 1999; Winger 2003; Wolf 1959). Rather, I would like to examine the processual character of Lincoln's moral and political thought and action, which are implicit in his religious beliefs and which have not

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received sufficient attention. Much scholarly attention has been given to the deepening and darkening of Lincoln's religious views during the Civil War, such that the God of love defended by process thinkers, to the extent that it ever existed in Lincoln' mind, receded into the background (Burt 2013, pp. 216–17, 448, 703). Hartshorne finds it ironic that Lincoln, who claimed that he would want to be neither a slave nor a slavemaster, adhered to the sort of theism wherein God is a glorified master (Hartshorne 1984b, p. 58).

Whereas the historical process *must* unfold in time, as God wills it, as Lincoln sees things, local developments are unpredictable from our point of view, hence we are left to think and act according to our own devices. Lincoln did claim to know that God could not positively support slavery, but, beyond that, Lincoln seems to have remained largely agnostic about divine omnibenevolence. At all costs, Lincoln avoided Christian triumphalism. He had (like Whitehead) an understandable reaction against a vindictive and self-righteous moral style and almost always showed a generosity toward fallen human beings, including his political opponents. Throughout the present article I will be examining these commendable features of Lincoln's view in light of processual or procedural political philosophers like Rawls and Hart, who are also among Burt's favorites (Burt 2013, pp. 673, 675, 682, 685, 699).

2. Lincoln's Growth

A key theme among Lincoln's many biographers is his remarkable power of *growth*. He grew tremendously in intellect and sympathy over the course of his life, such that it should be with trepidation that one speaks at all of "Lincoln's mind" as a static phenomenon (see Tackach 2002; Current [1958] 1968). Although he appears to have had a lifelong moral opposition to slavery, Lincoln initially seems to have been an opponent of racial equality, then he gradually warmed to the idea, and only eventually explicitly advocated it along with a commitment to full citizenship for Black people. From the most confrontational Lincoln speech ("House Divided" in 1858) to the "Second Inaugural Address" in 1865, Lincoln had to resist the attractions of rage, culminating in the latter speech, which is at once "the greatest elegy and the most profound political speech in the American tradition", according to Burt. As is well known, in the 1850s the Western territories were theaters of a proxy war over slavery, with the first Missouri Compromise of 1820 prohibiting slavery north of the southern border of Missouri. These theaters of a proxy war provided many opportunities for Lincoln to be angry (Burt 2013, pp. x-xi, 25, 28, 94, 343; also Lincoln 1989).

In the process philosophies of Hartshorne and Whitehead, the basic units of the real are momentary experiences or actual occasions which come to be out of numerous causal influences from the past, both the distant past and the most recent actual occasions. This assimilation involves a decision (not necessarily conscious) regarding which causal influences will be retained and which will be largely ignored; hence, such a decision is literal: a cutting off of some possibilities for the future so that others remain. As Whitehead famously put the point, the many become one and then are increased by one (Whitehead [1929] 1978, p. 21). This processual view of reality is integrally connected to an asymmetrical view of time. That is, although an experience in the present is internally related to (is causally affected by) events in its past, it is only externally related to what will happen in the future in that these future events are not here yet to exert causal influence. If they were here already, they would not be future but present. Strictly speaking, there are no future events, only the possibility or probability of such.

Burt's emphasis on *becoming* (rather than static *being*) in Lincoln's life is prescient due to the cumulative nature of the real, which means that Lincoln was a *somewhat* different person late in life than he was early in life. But he was not a *completely* different person due to the fact that the influences and decisions from his early life endured in who he was later on. His character grew out of both the constant influx of causal influences on him as well as decisions that he made. Although *growth* is a basic feature of a temporal world, wherein at each moment something partially new comes into reality, *progress* characterizes

only some growth. In effect, sometimes bad decisions or overwhelming causal influence leads to either moral regress or tragedy.

Just as the United States Constitution involves a concession to slavery without actually defending it, so also Lincoln accepted the compromise involved in the Fugitive Slave Act of 1850 as the price to be paid to have California admitted as a free state. Lincoln's attempt at persuasive engagement with slaveowners, an engagement opposed by hardcore abolitionists, rested on a distinction between slaveowners who disagreed with slavery in principle but who did not see any immediately available practical way to eliminate it, on the one hand, and those who saw slavery as a positive good, on the other. Only the former were seen by Lincoln as constructive dialogue partners. These included the famous Virginians at the time of the founding: George Washington, Thomas Jefferson, and James Madison. Indeed, active efforts to end both the slave trade and slavery itself had occurred throughout the eighteenth century in Virginia. These points are not made to wallpaper over Lincoln's own racism, but it should also be noted that Lincoln was not proud of his racism. In fact, he saw it as irrational, even if he felt the pull of this irrationality himself. Burt makes the claim that Lincoln actually felt guilty because of his racism, in contrast to most racists. In contrast to his famous debate partner Stephen Douglas, Lincoln consistently denied that the otherwise commendable doctrine of popular sovereignty can include the freedom to deny other people of freedom without their consent (Burt 2013, pp. 51, 64–66, 137, 230, 301, 344, 348, 370, 420, 524, 542, 570, 580, 603, 629).

At no point in Lincoln's career were his views characterized by an ideologically charged will to power or oratorical bombast, but at times he is criticized for being too accommodating. Likewise, Lincoln never went on the attack with his racist views in that he used them defensively to immunize himself against attack so as to win voters' approval, especially in border states or border counties. It is telling that, even if Lincoln did not always defend racial equality, Douglas, who knew Lincoln's views as well as anyone, insisted that not only emancipation but also equal rights for Blacks were Lincoln's ultimate agenda items and were implicit in everything Lincoln said and did. It may be, as Burt urges, that Lincoln only gradually discovered the implications of his own views after Douglas discovered them in Lincoln at an earlier date. That is, Lincoln's virtues were often entangled with his vices in the arduous process of character development. Such development was in dialectical tension with the rapid flux of events in the Civil War period. For example, it was not clear to anyone what would happen to former slaves after the war was over. In the midst of such indeterminacy, Lincoln, along with several Black leaders, toyed rhetorically with the idea of Black colonization of parts of Africa or the Americas so as to establish a homeland. But, it is not readily apparent how serious Lincoln was in this regard. Lincoln never, however, endorsed involuntary colonization (Burt 2013, pp. 179, 205, 211, 225, 290, 351, 362, 443, 446, 546, 749). Hartshorne is instructive in wondering how much better reconstruction would have gone if it had occurred under Lincoln; perhaps it would have been as successful as the reconstruction of Japan and Germany after World War Two, he thinks. In part, Hartshorne's optimism here is fueled by his observation that, although Lincoln was deeply religious and had a positive view of life, he was by no means a fundamentalist (Hartshorne 1987, pp. 46, 135, 139; 1984b, p. 44; 1984a, p. 287).

Lincoln's fear before the Civil War was that the wrong sort of eradication of slavery could lead to further bloodshed, given the hatred and wounded pride of the defeated party. Whatever one makes of Lincoln's own views regarding racial equality, political compromises, and possible post-war colonization, there is no reason to suspect his own anti-slavery convictions, which were based on moral rather than on merely prudential considerations. In a remark quoted by Rawls, Lincoln claimed that "If slavery is not wrong, nothing is wrong" (see Rawls 2001, p. 29). This is an example of a Rawlsian considered judgment that is theoretically open to critique, even if it is not likely to be refuted. The reason for this is that, if this judgment is thrown out, many of our other considered judgments in political philosophy are put into a dangerous state of disequilibrium. Moral aims in politics, however, must be realized through complex institutions. Lincoln's negotiation through

political institutions goes hand-in-glove with Burt's stance that Lincoln's final views were implicit in earlier ones rather than constituting a complete reversal of principles. Those who remain morally neutral about slavery have already compromised democracy. Even reluctantly tolerating slavery risks the survival of democracy, as Lincoln (and Jefferson) realized. The processual character of Lincoln's thought is also evidenced in the relationship he saw between the lives of the living and the dead in the "Gettysburg Address". The Whiteheadian prehension or grasp of the past by those in the present is precisely what motivates action both in the present and in the future. In fact, the "Gettysburg Address" is rife with organic metaphors that are congenial to process thought: the United States as "conceived" and "brought forth" in the quest of a "new birth" of freedom. Democracy is a transformative, unfinished project, and the Civil War was something of a second revolution in that project, a life-threatening trauma that would either kill or radically transform the national organism (Burt 2013, pp. 355, 382–83, 417, 441, 549, 645–46, 650–54, 704, 771).

Unlike David Hume, who (in)famously denied that we can have knowledge of causal influence from the past (see Hume 1993), process thinkers claim that we have a direct *grasp* of such causal influence, especially through memory: an experiential "prehension" rather than an intellectual "apprehension". This occurs at both the microscopic level of cells, at the very least, as we learn in the experience of localized pleasure and pain, as well as at the macrolevel of ourselves as distinct individuals, and this is due to the presence of a central nervous system, or something like it, that takes microscopic experiences and conveys them to us as wholes. In Lincoln's case, he *felt* intensely in the marrow of his bones the influence of the past while at Gettysburg even if he could not, due to the aforementioned asymmetricality of time, predict in any accurate detail what would happen in the future.

Given the asymmetrical nature of time in a process worldview, it is not surprising that Lincoln saw us as internally related to our pasts and as externally related to our futures, which are not here yet for us to know (in contrast to God, in Lincoln's view). Those in the past who have sacrificed for our sake should not be easily forgotten, Lincoln thinks. His commemoration of the dead at Gettysburg provides a model for how we today should commemorate Lincoln. It should be remembered that the least possible outcome of a plebiscite in 1860 would have been emancipation, much less political rights, for Black people. But Lincoln brought about both of these results. Granted, hagiography is problematic, but so is a failure to give due regard to those who have contributed enormously to the Hart-like concepts of democracy, equality and justice. Lincoln is admirable *precisely because* he awoke from self-deception at several points over the course of his life, with awakening from self-deception itself being one of the major themes of the "Gettysburg Address" (Burt 2013, pp. 662–64, 669–70), which, although not law, is nonetheless a major part of the public political culture in the United States (Rawls 2007, p. 6).

Once again, we want to avoid hagiography with respect to Lincoln, but we should also note, as Hartshorne points out, the *sui generis* or unique contributions made by Lincoln. In particular, Hartshorne has us notice the unselfish longing that Lincoln had that slaves be free. That is, there is no need to trivialize Lincoln's accomplishments by succumbing to the psychological egoist's thesis that he must have freed the slaves in order to satisfy some selfish motive, say by being able to see himself as a savior. There is no evidence that Lincoln was this sort of moral agent (Hartshorne [1953] 1971, pp. 87, 142). Another version of such trivialization occurs when his *moral* opposition to slavery is reduced to an opposition to slavery due to mere economic interests (Burt 2013, pp. 84, 219). Even if Lincoln had acted out of mixed motives, this would not necessarily diminish his achievement as an opponent to slavery on moral grounds, an opposition that surely was his dominant motive.

3. Jeffersonian Background

The moral problems faced by Lincoln, and his character development in response to them, must be understood against the background provided by Jefferson, who both did and did not end slavery. His failure to end it is now well known, but, from Lincoln's perspective, the Declaration of Independence, written by Jefferson, logically entailed the

end of slavery, whatever Jefferson's own beliefs or failings may have been. One of Burt's favorite metaphors is that the United States whistled its way through the graveyard in thinking that the concept of inalienable rights to life, liberty and the pursuit of happiness did not logically entail the eventual destruction of slavery. Although Jefferson had an explicit denunciation of slavery in the original draft of the Declaration, its implicit denunciation in the final draft makes him a major figure in the elimination of the horrors of slavery, again whatever his own thought and practice may have been. That is, the Declaration functions as a startling rebuke from a better self (despite the morally troublesome things in the Declaration about indigenous peoples). The fact that Jefferson could not imagine a satisfactory way to end slavery immediately exhibits his less-than-ideal self, but his dislike of slavery in principle forces us to be nuanced in what we say about Jefferson and his influence on Lincoln. The meaning of the Declaration is one of the most important issues to consider when coming to terms with Lincoln's growth. Further, Jefferson was not a defender of the extreme view of slavery as a positive good. The importance of Jefferson in the effort to eliminate slavery is ironically put into sharp relief when it is realized that the most important nineteenth century positive good theorist, John Calhoun, denies the allegedly self-evident propositions about universal human rights found in the Declaration. From Calhoun's perspective, Jefferson *did* end slavery, at least implicitly (Burt 2013, pp. 3, 60, 70–71, 98, 101, 190, 258). In fact, Calhoun is ironically like King (1992) in thinking that it was Jefferson who ended slavery in theory.

When Lincoln imagined slaveholders with whom he could engage in persuasive conversation, he had Virginians like Jefferson in mind. But the positive good theory of slavery became increasingly popular in the South in the nineteenth century. The views of the Virginia founders were replaced with hostility toward compromise. Indeed, Calhoun thought that Jefferson's claim that all men (or humans) were created equal was a sophomoric mistake. Trying to cope with an existing institution seen as immoral is quite different from refusing to see it as evil. Jefferson took what could be seen as a culturally limited conception—the rights of Englishmen—and used this conception to frame a universal conception of human rights. Of course, he did not get there, but the promises of the Declaration had hardly even been made before, not even as idle promissory notes. In aspiration, at least, the Declaration rises above local political culture. As Burt puts the point, the increased stridency of the racism of the positive goodists is due to the pressure of the views found in the Declaration, a pressure applied above all else by Lincoln himself. The Jefferson loved by Lincoln is the one who trembled for his country. If Lincoln is to be faulted in his assessment of Jefferson, it is in thinking that the Jeffersonian view would ultimately overcome without war the Calhounian version of the South. For Jefferson, as for Lincoln, slavery was not only unjust but a type of atavism that the United States had to outgrow in order to survive (Burt 2013, pp. 274–76, 287, 306–7, 311, 317, 395, 437, 659).

If toleration of a slavery that is inherited is morally permissible, it can only be if one works toward its extinction. Otherwise, one risks outright contradiction with the ideals of the Declaration. The problematic status of slavery in Jefferson is found when we notice that, in a sense, Jefferson both knew and did not know that slavery was wrong, in Burt's interpretation, just as Lincoln both knew and did not know that racial inequality was wrong (in different senses of these key designations, so as not to violate the law of noncontradiction). The sense in which Jefferson *did* intellectually abolish slavery and *did* know that slavery was wrong is clear when it is considered that he did not have to make promises about universal equality before the law and inalienable rights in order to justify the independence of the United States from Great Britain, a justification that was the prime purpose of the Declaration. That Jefferson felt compelled to include these ideas in the Declaration when they were not required indicates how important they were to him. It is nothing less than tragic to see founders like Jefferson opposing slavery yet finding themselves unable (as they saw things) to eradicate it immediately. They left both Lincoln and us room to grow (Burt 2013, pp. 539, 607, 610, 689, 764, 767).

And Lincoln *did* both grow and improve. Before he joined the Republican Party in 1858, Lincoln was a Whig who saw political problems in terms of animal passions that had to be held in check by reason and good habits. "Reason" here does not refer to rational self-interest but the ability to reflect on moral principles. Although habit is a bit like setting one's life on autopilot, as Aristotle in effect argued over two-thousand years ago (his word for habit, *ethos*, is also the etymological root of our word "ethics"), we can, over the long-term, choose our habits in light of reason. The Whigs had a vision of ideal human behavior that involved discipline and self-reflection. All of this served Lincoln well throughout his life, but Whiggish orthodoxy also included the idea that the cultural preconditions for developing a life of reason are not evenly distributed throughout society. In many ways Lincoln took the best from the Whigs and then gradually tried to eliminate the worst through the egalitarian implications of emancipation and distribution of political rights to all people (Burt 2013, pp. 213–14, 221, 511).

4. Rawls and Political Liberalism

A powerful tool used by Burt to understand Lincoln's liberal thought and actions is the political philosophy of the greatest political liberal of the twentieth century: John Rawls. It is crucial for present purposes to also note that Rawls helps us to understand the *processual* character of Lincoln's views, given the fact that the overall Rawlsian method of reflective equilibrium is itself a process whereby reasonable–rational agents weigh reasons and adjudicate disputes over time. Although Rawls is best known for the relatively ahistorical device of deliberating about justice behind a veil of ignorance so as to mitigate bias, it is not as well known that the results of deliberating behind a veil of ignorance must be subjected to the back-and-forth criticism over time that occurs in something like Aristotelian dialectic, which Rawls calls reflective equilibrium. This is what makes Rawls into a type of process philosopher, in that the contours of a just society are not arrived at instantaneously (see Dombrowski 2019, chp. 1; also Burt 1994).

Whereas the great studies of Lincoln by Jaffa interpreted Lincoln in terms of Platonic wisdom, Burt interprets Lincoln as a political liberal. The most general hope of liberal political philosophers is to establish a tradition of fair dealing among people with quite different identities and views, including quite different religious and moral views. In Rawls' magnum opus, *A Theory of Justice*, he develops his famous thought experiment regarding rational contractors who construct the broad conceptual outlines of a just society. This requires that they legislate principles of justice in an "original position" behind a "veil of ignorance". A just society is one where you would be willing to parachute in at any spot because you would know that you would be treated fairly no matter where you landed, no matter what your religious beliefs, race, or class background might be. No rational agent would ever, behind a veil of ignorance, agree to slavery being part of a just society. That is, all defenders of slavery presuppose knowledge that one personally would not be a slave. One wonders how defenders of the positive good theory, like Calhoun, can consistently hold their view when they would never choose slavery for themselves: wherein lies the alleged positive good (Burt 2013, pp. 7, 10, 15, 17, 385–90; also Dombrowski 2011)?

According to Burt, Lincoln is like Rawls in having a realistic hope that there could be an *overlapping consensus* among people in a democratic society who come from different religions, races, class backgrounds, etc.; this is a list that would now include different genders and sexual orientations (see Dombrowski 2015). Although we might not agree on what *the* good life consists of, we can nonetheless agree on justice as fairness in our relations with each other. In contrast, in Burt's interpretation, Douglas was not optimistic regarding overlapping consensus and assumed that the best we could hope for in a democracy is a *modus vivendi* or a temporary truce among people whose interests conflict, a truce that could fall apart at any time as interests change or as these interests crash against each other. Lincoln is like Rawls in demanding more than a *modus vivendi* in a just society, although it must be admitted that enflamed moral conflicts seem to lend themselves in the short run only to *modus vivendi* solutions. What Lincoln means by "democracy" is roughly what

Rawls means by "political liberalism". People do not need to agree on all that ultimately matters to them so long as they agree on procedural fairness when disputes arise—and here there *is* a meeting of minds in democracies that function well. By contrast, outlaw societies are those that cannot resolve disputes in a fair manner and resort instead to authoritarian solutions. In Lincoln's day, the South flirted with outlaw status, but it was a peculiar sort of borderline outlaw society because it retained remnants of democratic institutions (Burt 2013, pp. 59, 61, 90–91, 252–54, 258, 291, 394).

Given Rawls' distinction between the "reasonable" and the "rational", we can see why Burt sees Lincoln as eminently reasonable. To be rational is to be able to pursue one's interests intelligently and to be able to follow arguments. But to be reasonable is to be *willing* to abide by fair terms of agreement. The Rawlsian cliché is that it takes a reasonable person to be willing to enter the original rule-making position behind a veil of ignorance, but it takes a rational person to deliberate there, from the Latin *deliberare*: to weigh evidence in mind, as if on a scale. Reasonable people resist the temptation to see one's opponent as a "straw man" or, worse, as inherently evil. Fanatics like Calhoun, in contrast, abandon reasonableness even if they remain quite rational. It is for this reason that Burt can legitimately claim that it is only philosophy that offers any alternative to force. Lincoln never, in Burt's reading, freed himself from the necessity of persuasively engaging his interlocutors, even those who defended comprehensive doctrines quite different from his own and who even had religious views that were dogmatic in the pejorative sense of the term. Lincoln's moral autonomy involved all three: thinking on his own, thinking rationally, and thinking reasonably. The processual character of political liberalism—whether Lincoln's nascent version of this position or Rawls' more developed version—should now be apparent. Seemingly intractable conflicts can evolve into a *modus vivendi* (as in the end of the wars of religion in the early modern period), and a *modus vivendi* can evolve into an overlapping consensus. Unfortunately, the reverse process is also a possibility (Burt 2013, pp. 282–90, 331, 392, 508, 704, 751). Once again, growth is not to be equated with progress.

From Rawls' point of view, the work of abstraction in political philosophy (as in developing a defensible theory of justice) is set in motion by deep political conflicts of the sort with which Lincoln was familiar. But Rawls, like Lincoln, was cautiously optimistic regarding progress, in that the promises of the Declaration logically entail both the end of slavery and the elimination of the oppression of women. Lincoln was not, in Rawls' estimation, merely a politician who looked to the next election but a true statesperson who looked to future generations that would benefit from the conditions that would characterize a well-ordered society. Further, Lincoln was a statesperson in part because his political views were built on a certain confidence in reasonableness (Rawls [1993] 1996, pp. xxxi, 44–45, 420; 1999, pp. 97, 123).

5. Hart's Crucial Distinction

If Rawls' *A Theory of Justice* is one of the most influential works in political philosophy in the twentieth century, H. L. A. Hart's *The Concept of Law* is one of the most influential works in philosophy of law. Both thinkers, along with Ronald Dworkin, make a basic distinction between primary and secondary principles of justice. Burt relies heavily on this distinction found in all three thinkers under different labels. One way to phrase Hart's distinction (but in Rawlsian language) is to distinguish between a *concept* and a *conception*. This distinction operates as a heuristic device that helps us to understand at a deeper level the processual character of Lincoln's thought and action. A concept is an abstract ruling value, whereas a conception is a concrete political manifestation of an abstract concept. Historical experience articulates the becoming of conceptions in the attempt to embody the full meaning of a concept. There is an implicit quality of concepts like freedom, equality, and democracy such that loyalty to the founders is not expressed well in terms of mere repetition but, rather, in terms of a creative advance in finding better and better conceptions that asymptotically approach a concept. Burt calls this approach a sort of "reverse Burkeanism". Whereas a conservative like Edmund Burke tries to return

to revered meaning from the past (see Burke 1955), Lincoln was in contrast haunted by *problems* inherited from the past, which acted as spurs in the development of improved conceptions, in Burt's view. The promise of the concept of equality continues to require of us new layers of obligation. Traditional concepts impose obligations that *become*, a word used often by Burt without making any explicit reference to process philosophy. We should not so much imitate the founders as live into the consequences of their ideas so as to try to improve on them, to do a better job of delivering on their promises. In effect, justice consists of two parts: a universal or constant feature (as in the concept "treat like cases alike") and a shifting feature used in determining when, for any given purpose, cases are alike or different (Burt 2013, pp. 3–4, 70, 301–2, 499; also see Hart 1961, pp. 155–59; and Dworkin 1986).

Just as we are still in the process of trying to understand William Shakespeare, as is evidenced in new productions of his plays that explore the implications of race and gender in his works (see Akhimie 2024), so also we are still (as was Lincoln) in the process of interpreting the concepts of freedom, equality and democracy. Further, we in the present are not in a good position to understand how our current conception of equity, say, will be assessed by future interpreters. Consistent with the theme of the implicitness of concepts, conceptions of value become. Often our conceptions change when, a la Socrates, a *daimon* (or conscience) trips us up when we realize that our previously held conceptions were mistaken. Lincoln was intellectually honest enough to admit when this had occurred. Additionally, our concepts can change when the pressure of events (like a war) force us to reconsider cherished concepts as embodied in current conceptions. Fleeting insights (as in William Wordsworth's "spots of time", which had a profound influence on Whitehead and Hartshorne—see Wordsworth 1981) provide occasions for genuine growth and progress. Conceptions are re-evaluated in light of their concepts, even if, at times, we are lulled into mistakenly thinking that fleeting conceptions are permanent. As Burt succinctly puts the point, in Kantian fashion, "Concepts without conceptions are blind; conceptions without concepts are morally empty" (Burt 2013, p. 308, also see pp. 302–306; Kant 1996).

Concepts, somewhat like Platonic forms, at the oddest moments are revealed to us, as it were, when we least expect it. But the pressure of the concept of justice on a particular conception of it is not merely the pressure of an abstraction over a particular, it is also the pressure concepts place over our hubris. There are certainly debates regarding the origin and ontological status of concepts. At one end is Whitehead, who calls them "eternal objects" and who defends a view that is often interpreted as close to Plato's, with both thinkers heavily influenced by the sense that mathematical concepts are not of our own making. At the other end are Rawls and Hart, who view concepts as being of human origin, even if concepts somewhat elude us and challenge us once they are constructed. Hartshorne offers a view in between these two extremes in his use of "emergent universals", which, in a sense, have a life and a history of their own, in partial contrast to Whitehead's less processual view. Hartshorne's concepts nonetheless require (as in Whitehead's "eternal" objects) *some* sort of concrete instantiation so as to avoid the sense that they are free-floating entities with no home in the real world. From a theological point of view, Whitehead and Hartshorne together defend an intradeical stance wherein concepts are housed in the mind of God, whereas Rawls and Hart take an agnostic stance on this, thereby implying an extradeical approach. It seems safe to assume that Lincoln would have held an intradeical view regarding concepts, if not conceptions, the latter of which are of obvious human origin (Whitehead [1933] 1967).

The *living* transformation of conceptions means that inevitability is available only in retrospect. Lincoln's wartime speeches indicate the frequent burden of this transformation of conceptions. He ended up not only as an opponent of slavery but also as a defender of the legal equality of Blacks, who deserved the rights to vote and to own property and to be treated fairly in every area. The obscure unfolding of the concepts of freedom, equality and democracy is precisely what Lincoln meant by "history". Lincoln's conceptions not only become, in Burt's view: they *restlessly* become because the concepts of freedom, equality,

and democracy *provoke* repeated transformation. But Lincoln always sought to deal with the disquiet brought about by these concepts in strictly legal ways consistent with the Constitution. The contrast between concept and conception is not to be equated with the contrast between a higher (divine) law and a mere positive law wherein the higher law could trump the lower one. This is because he was a political liberal. The concept–conception distinction is promising because it puts all of us in discourse with each other, which is in contrast to the higher law–positive law contrast, where some are allowed to think of themselves as above others in moral status (Burt 2013, pp. 309, 312–16, 719).

The process of history is at least partially dark because it is hard for us, in the present, to decipher the logical entailments of a concept as they are both revealed and obscured by our conceptions. Lincoln came to see, and we today are able to see even more clearly, that implicit in the Declaration was commitment to nonextension of slavery into the territories, and implicit in opposition to extension of slavery into as many as seventeen new territories in the West was emancipation itself, and implicit in emancipation was racial equality before the law. But retrospective knowledge is never enough to give us confidence regarding prospective plans. This is because the future implications of ideas can overrun the intentions of those who defend them. History can be interpreted, but it cannot be predicted in any detail. No doubt some critics will see Burt's use of Hart's concepts as needless brooding omnipresences or mystifications that are remnants of an outdated Platonic ontology. But these critics have the burden of trying to explain why we have the not-infrequent experience of discovery (in addition to experiences of invention or construction) in our moral lives, of having a vague sense that something is unfair even though it is permitted in a contemporary *Weltanschauung*, and of being struck with pangs of guilt when we have performed some wrong even though our actions meet apparent approval by others. In Lincoln's case, there was a sense that people in his society *already* darkly knew better than to practice or permit slavery (Burt 2013, pp. 443, 447, 500, 553, 582–83).

In broad outlines, it can be said that the concept of liberty was stated in the Declaration, whereas this concept was realized only through the conceptions found in the Constitution. Here, we are reminded again of the importance of Jefferson and of Calhoun's rebuke of Jefferson when Calhoun rejected the major ideas of the Declaration. Lincoln, it should be emphasized, saw the Declaration as a foundational document, as he counted back four score and seven years from Gettysburg to that document, not three score and sixteen years to the date of the Constitution. As democracy unfolds, there is the possibility that the next layer of implications will gradually become clearer in the public mind. The Declaration can be seen as providing the underlying moral insights (equality of moral status before the law, inalienable rights, consent of the governed) while the Constitution provides the relatively more concrete workings-out of the meanings of the concepts. But concepts are always at least partially betrayed by articulation, which is why moral agents are often characterized by unease (Burt 2013, pp. 651, 762–63).

Rawls helps us to respond to those critics who are fearful of the aforementioned metaphysical implications of the concept–conception distinction, with both of these terms being placed under the umbrella designation "ideas". As Rawls interprets Hart semantically (rather than metaphysically), a concept deals with the meaning of a term whereas conceptions involve the principles used to apply the meaning. People can agree on the concept and still be at odds with each other regarding how to apply it. That is, people can disagree about either concepts or conceptions. Again, Rawls has us notice that a concept can be seen as identifying what all conceptions have in common regarding a given subject matter (Rawls [1971] 1999, pp. xii, 5; Rawls [1993] 1996, p. 14; cf., Hart 1961, p. 234 on general terms and common qualities).

6. The Dred Scott Decision

It is instructive to see how Lincoln reacted to the infamous Dred Scott decision on the part of the United States Supreme Court in 1858. This response helps us to see the depth of Lincoln's commitment to the process of democratic government and the fruitfulness

of Burt using Rawls and Hart as interpretive lenses through which to view Lincoln. This complicated case involved Dred Scott, a slave in Missouri (a slave state) who moved with his master to Illinois and Minnesota (free states) and thereby gained his freedom. When he and his family returned to Missouri, there was an effort to reattach him to slavery despite the fact that Missouri had a tradition opposed to reattachment. The case eventually reached the Supreme Court, where a 7–2 decision, led by the notorious racist judge Roger Taney, went against Scott. Much of the discussion around this landmark case involves a distinction between being a slave who is a temporary "sojourner" in a free state and a slave who takes up "true residence" in a free state. There is the further question as to whether a former slave who gains freedom in the North can be "reattached" to slavery when stepping back into a slave state at a later date. These difficulties are complicated by the fact that there was a confusing array of statutes in the various states on the length of sojourn and the meaning of residency and reattachment. For example, New York freed slaves who entered the state even in transit, whereas other states had long residency requirements. In fact, almost all slave law was at the state level, except for challenges to interstate trade and comity, which involved federal law (Burt 2013, pp. 457, 459, 462, 466–79).

Lincoln did not respond to the Dred Scott decision in a manner which common anti-slavery forces thought he should. He did not propose disobedience or popular acts of resistance to the decision, nor did he attack the court's power or propose changing the number of justices. This was because he was thoroughly committed to (Rawlsian) democratic process and procedures. His displeasure with the decision was manifest in his desire to change the Supreme Court's point of view, which would follow from political control over the confirmation of new justices, one at a time. Further, he refused to engage in higher law opposition to the decision that would, in effect, trivialize the legal system. Of course, by not defying the court, Lincoln received criticism from certain abolitionists. From Lincoln's point of view, however, the questions in Dred Scott were still open ones that were subject to further legal testing. That is, the Dred Scott decision was one (unfortunate) moment in the overall process of trying to approximate the concept of justice. Lincoln was afraid that certain ways of objecting to the court's decision could threaten the constitutional order itself or, even worse, could contradict the noble ideals of the Declaration. Constant refinement characterizes Lincoln's mode of response to the Dred Scott decision and the effort to understand the promises of the Declaration. As before, *conceptions* of justice can diverge from the *concept* of justice. When this occurs, there is a need to reorient ourselves to that concept (Burt 2013, pp. 480–83).

In one sense, a legal decision's authority is won not retrospectively, in terms of its history back to precedents, but prospectively, in terms of its ties forward to the consent it wins from later judges. Lincoln correctly thought that the latter would be unlikely in the case of Dred Scott. The gradual shift in the membership of the court would require, according to Lincoln, a gradual shift in the convictions of citizens generally as the democratic ethos was incrementally perfected. It was not merely formal rules but people's *feelings* that had to change by way of persuasive engagement. The slavery as a positive good attack on the Declaration, however, was the strongest evidence that there had been a deterioration of the feeling of a common human project. Taney seemed intent on enforcing the view that Blacks should have no citizenship rights at all. But the way to combat such a view in a democracy, Lincoln thought, was not to appeal to a higher-level tribunal. One could try to win some time, Lincoln thought, so as to persuade a significant portion of the population that Taney's views were deeply problematic (Burt 2013, pp. 484–90, 495–96, 498, 547, 638–39). Prevailing conceptions like Taney's turned out to be fleeting. Legal culture evolves such that, although precedent is important, precedents can be re-evaluated in that they are merely conceptions that may or may not adequately embody the concepts of justice, liberty, equality, and democracy. In addition, trying to establish the Dred Scott decision as precedent, as Taney tried to do, both completely trivializes the key promises of the Declaration and ignores decades of legal tradition that state that residence in a free state emancipates slaves (Burt 2013, pp. 173, 762).

There are no grounds on which to reach the conclusion that Lincoln underestimated the threat posed by the Dred Scott decision. In fact, Lincoln feared a "second Dred Scott decision" that would make the legality of slavery not merely a state law but a federal law. This fear led to Lincoln's own version of a conspiracy theory that the defenders of slavery were trying to make slavery legal in all of the states and territories. The institutional arrangements among the three branches of government gave Lincoln confidence that a second Dred Scott decision could be avoided (Burt 2013, pp. 165, 548–49). As Rawls puts the point regarding Lincoln's view, although there is a sense in which court decisions are binding, the ultimate power is with the three branches of government working together *over time*. The idea that claims regarding justice are temporally indexed is crucial from a process point of view (Rawls [1993] 1996, pp. 232–33; 2001, p. 147).

7. Homeric Myth

One of the most helpful figures of speech used by Burt in his beautifully written book involves an appeal to Book 12 of Homer's *Odyssey* (see Homer 1937). The hero Odysseus must negotiate his way between two monsters: Scylla, who can crush Odysseus' ship against the rocks, and Charybdis, who can destroy his ship in a whirlpool. Taken metaphorically, the point seems to be that success in life, in general, and in political life, in particular, requires that we wisely steer between the twin evils of moral rigidity and pigheaded permanence on the one hand and relativism and mindless flux on the other. Even if Lincoln was tempted by rigid crusader politics, he never succumbed to this temptation. Likewise, in Burt's reading, Douglas was tempted by relativism and Thrasymachean interest politics, but he never succumbed to these views. Douglas' view is useful as a foil to isolate the process of Lincoln's decision-making. The danger of a crusading rigidity, as Douglas realized, was that moral passions would be inflamed and complex political problems would never be resolved; in fact, they would get worse. Crusader politics cannot free itself from the delusion that one's own moral views are like divine commands. The task for Lincoln was to wisely mediate in Aristotelian fashion between apocalyptic moral stringency and craven expediency (Burt 2013, pp. 20–21, 73, 88; also see Hart 1961, p. 144).

The tension between Scylla and Charybdis surfaces in the debate between those who advocated a federal prohibition of slavery no matter what those in the states thought and those like Calhoun or Jefferson Davis, who advocated for a strict states' rights view. Lincoln clearly leaned in the direction of the former, but he also realized that leaning too far in this direction threatened the union. That is, alleged moral purity comes with a price. Douglas constantly reminded Lincoln that higher law arguments amounted to little more than incitements to bloodshed. Higher law arguments are also fertile ground for deadly conspiracy theories. The point here is not to cave in to Douglas' reasoning but to notice that *both* Scylla and Charybdis are dangerous. From Douglas' point of view, evangelists for *the* truth are rightly portrayed as con men who are not far removed from horse traders or professional gamblers. Further, the apodictic style of argument found at the Scylla end of the spectrum is often contaminated with moral narcissism, dogmatism and fanaticism. Those who defend crusader politics often kill what they love. This is relevant when considering those abolitionists who wanted Lincoln to be more like the abolitionist John Brown, whose raids in Kansas and at Harpers Ferry involved brutal murders. There are slippery slopes for both crusader politics and expediency politics. This is why Lincoln was skittish about encouraging slave revolts which would, he thought, lead to the slaughter of Blacks who would have been outgunned by the slaveowners. It is not at all easy to be a moral politician (Burt 2013, pp. 113–14, 125, 161, 185, 194, 271–72, 294–96, 374, 502).

The voice of concepts, in partial contrast to that of conceptions, is that of a whispering scruple rather than that of a roaring imperative. Although, as a religious believer, Lincoln felt the power of the higher law arguments of the abolitionists, he kept his idealistic commitments in check—and admirably so, in Burt's Rawlsian reading. His inclination initially was neither (Churchillian) confrontation nor (Chamberlain-like) appeasement but (George F. Kennan-like) containment of slavery in the expectation of its elimination.

Later, of course, it became clear that the fire-eaters in the South got the upper hand over reasonable voices such that emancipation and citizenship rights for Blacks were required in order to save the union. What drove the South to succession was no concrete policy advanced by Lincoln. Although Lincoln was not much tempted by the relativism of interest politics that strongly tempted Douglas, he did have to struggle with a temptation posed by higher law rigidity, a temptation that he heroically resisted. In one of Burt's most memorable quotations, Lincoln's struggle was that between "the Scylla of a principled politics that hastens the descent into war and the Charybdis of spineless compromises that hollow out the value of peace" (Burt 2013, p. 558). Political wisdom consists of bringing about some sort of harmony between, or of threading the needle between, these contrasting forces. Scylla-style politics are not motivated by the desire to persuade but by the desire to drive one's opponents to the wall or to drive them out of the *polis* altogether. But Lincoln was no enthusiast willing to subvert the Declaration or the Constitution in the name of a higher law. He knew that it was those who climb a moral high horse who are most likely to fall (Burt 2013, pp. 309, 318, 332, 391, 558, 563, 598, 624, 666, 701–4, 706, 759). Rawls notices Lincoln's restraint here by arguing that he did not violate public reason, even when he invoked God in his two Thanksgiving Day proclamations in 1863–1864. This is because such invocations were not used unreasonably as clubs against anyone; rather, the point of these invocations was to support basic justice for *everyone* (Rawls [1993] 1996, p. 254; 1999, p. 174).

The import of the Scylla–Charybdis contrast for the present article should be clear. Negotiating through the narrow passageway between these two monsters is a *painstaking process* that involves practical wisdom that was called *phronesis* by Aristotle (see Aristotle 1984). This is somewhat different from theoretical wisdom or *sophia*. *Phronesis* is a process that includes intuition and is not as precise as, say, deductive arguments found in logic or mathematics. It is the fruit of experience and involves the messy effort to muddle through difficult obstacles at every turn. It is evidenced in the wisdom found in locating the proper balance between both deontic, Kantian imperatives (see Kant 2002) and (utilitarian) concern for consequences. There is a family resemblance between this processual practical wisdom and what is often called "pragmatism". But it is a tragic pragmatism that is involved here, as is evidenced in the title of Burt's book, given the fact that lives are at stake at every decision point. This tragedy is especially apparent in Lincoln's "Second Inaugural Address" (Burt 2013, pp. 5, 7, 8, 292, 680, 694, 703, 705). Hartshorne is perceptive in noting that Lincoln's attempt to combine balance with definiteness is especially commendable in light of the intellectual laziness exhibited when one gives in to the temptation to allow lack of balance to have the upper hand (Hartshorne 1970, p. 93).

8. The Better Angels

For the purposes of the present article, it is crucial to note that the famous better angels of our nature mentioned in the "First Inaugural Address" are not so much invoked out of a timeless vacuum as they are *discovered over time* in the phronetic process of conversation and running into apparent dead ends. The better angels of our nature, as it were, are like a rebuke from a forgotten self or from a Socratic *daimon*. Failures have consequences, including the 623,000 Americans who killed each other in the Civil War. One of the amazing things about Martin Luther King, Jr. was his Lincolnian ability to awake in his interlocutors their own best selves. This ability is important in Lincoln's case due to his belief that the North and the South were mutually imbricated in slavery, hence one's interlocutor's best self was similar to one's own. As far back as Sophocles, there has been the belief that the most difficult knowledge to obtain is not so much advanced mathematics as self-knowledge (see Sophocles 2002). Such knowledge would include a conscious awareness of the habits and values against which our lives have their meaning over the long haul. As Burt puts the point, the better angels of our nature provide the "gravitational field" within which our momentary action-shards are held together. We are transformed in the ever-changing becoming of our lives. In this process, we should not, in Lincoln's view,

drive our opponents to the wall, nor should our opponents act as if every concession on their part, however minor, is an example of being driven to the wall (Burt 2013, pp. 92–93, 298, 444, 642–47).

Lincoln's belief in entangling complicity is what motivated his generosity toward his enemies and his refusal to demonize them, as in the well-known words of the "Second Inaugural Address" regarding "with malice toward none". Further, this entangling complicity means that we should be hesitant to conclude that *we* are always on the side of the better angels. Burt has us notice that Robert Penn Warren (1953) temporalizes the point toward the end of his work, *Brother to Dragons*, when he says that recognition of complicity is the *beginning* of innocence (Burt 2013, pp. 445, 680, 694, 698–99, 703).

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