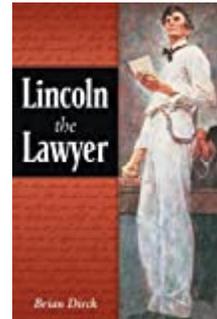


H-Net Reviews

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Brian Dirck. *Lincoln the Lawyer*. Urbana and Chicago: University of Illinois Press, 2007. xiv + 175 pp. \$29.95 (cloth), ISBN 978-0-252-03181-6.



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Brian Dirck does not come to the subject of Abraham Lincoln's legal career with a pre-determined conclusion in mind. He allows his research to guide his conclusions, and that, I believe, is the defining mark of a scholar. This book is well written and carefully researched. Dirck relies on some of the frequently cited "old" sources (e.g. William Herndon, 1889) and some of the newer material (e.g. *Lincoln Legal Papers*. DVD-ROM database. Urbana: University of Illinois Press, 2000). He does not manufacture evidence where none exists, and he is willing to admit that, at the present time, there are no clear cut answers to some of the questions surrounding the subject of Lincoln as lawyer, especially in regard to a definitive answer as to the exact moment when "he crossed the threshold from being New Salem's jack-of-all-trades to a focused student of the law" (p. 16).

The author gives a realistic portrait of the young man struggling to earn a living in New Salem while also studying law. The skeptical attitude of fellow villagers can be seen in a comment from local farmer Russell Godbey. When seeing Lincoln with a book, he asked what he was reading. When the young man answered that he was studying law, the astonished Godbey could only answer, "Great God Almighty" (p. 10).

Dirck relates the sad, but educational, story of the Lincoln-Berry store in New Salem, during which time

Lincoln learned the reality of debt, even to the extent of losing his horse, saddle, and surveying equipment as partial repayment of the debt incurred in purchasing the store (p. 55). In the end, it took him over ten years to repay his loans. The author contends that the failure of the store contributed both to Lincoln's awareness of the legal ramifications of promissory notes and to his ever-growing sense of proper conduct. In fact, in his future legal career, he would deal frequently with the resolution of debts. He "practiced law in a veritable shower of these little notes," more often representing the creditor than the debtor (p. 59).

Perhaps the most descriptive explanation of early to mid-nineteenth-century commerce on the frontier was: "Debt made the Market Revolution's wheels turn" (p. 156). Debtors frequently solved their problems by simply moving on to other sites and other schemes, and frontier lawyers spent much of their time in the pursuit of settlements which would benefit their clients.

The journey from reading on his own to studying with specific attorneys after Lincoln's move to Springfield is well documented. The young man was evidently very successful in attracting encouraging mentors. And once he obtained his license (in 1836), the story becomes one of clients, cases, and the circuit. The office that Lincoln shared with William Herndon became both a sanc-

tuary and an unofficial site for study, debate, and storytelling (pp. 37-39). However, a successful lawyer had to leave both his office and his home in order to ride the circuit. The reader is given a vivid picture of the lives of circuit riding lawyers, plying their trade on the frontier. It is difficult today to imagine the camaraderie which developed as these men shared meals, rooms, and, sometimes beds, but the author reaches the conclusion that "Lincoln was at his best and most comfortable on the circuit" (p. 52).

Although a number of legal cases are mentioned, the study is cursory. There is certainly not an in-depth explanation of the manner in which Abraham Lincoln prepared for trial; how he used legal precedents; how he met and interviewed clients; and how he continued his studies.

In a chapter titled "The Show," Dirck explores the drama of courtroom scenes, and the way in which they resonate with the American public. He then gives a marvelous account of the manner in which Abraham Lincoln appeared in court: his clothing, his physical appearance, his speech. Lincoln himself once advised Billy Herndon: "Don't shoot too high, aim lower, and the common people will understand you" (p. 102). A fellow attorney described Lincoln's appearance as that of a "rough, intelligent farmer" (p. 102). Perhaps Abraham Lincoln meant for his looks to cause opposing parties to underestimate him—until it was too late. This image of the rumped, plain-spoken underdog lawyer ultimately winning the huge case against his more sophisticated opponents continues to delight us.

In summarizing the legal career of Abraham Lincoln, Dirck refrains from using sweeping generalities and grand exaggerations. In fact, he uses the term "grease" as a metaphor for Lincoln's practice. "I would suggest that an appropriate metaphor is this: it taught him about the value of grease—that unglamorous, often overlooked but vital substance that lubricates and reduces friction to acceptable levels, that slips between the cogs and devices of machines and allows continuous movement without

malfunction" (p. 155).

There is not much evidence to portray Abraham Lincoln as a lawyer who was deeply involved with his clients on a personal level. He was much more personally connected to his fellow attorneys, and he "seemed comfortable in the law" and "could embed himself in the masculine world he preferred" (p. 165).

There are specific areas of the life of Abraham Lincoln on which historians have chosen to focus in an attempt to explain how a man of such humble origins became pre-eminent in the pantheon of American heroes. Brian Dirck recognizes the fact that, when studying Lincoln, we must always remember that he was a lawyer by trade. He thought, spoke, and wrote in legal terms, and he earned what eventually became a good living in this practice. In fact, when he was asked to submit an autobiography to the *Dictionary of Congress* in 1848, he simply wrote "Profession, a lawyer." However, Dirck makes no attempt to persuade the reader that understanding Lincoln's legal career leads to a complete understanding of the man himself. He simply states: "His ideas about manhood were formed within the context of the law as much as anywhere else" (p. 165). Historians who disregard this legal career can never capture the full essence of the man.

In the interests of full disclosure, I must admit that I was born and raised in Lincoln, Illinois. In 1853, my forefathers decided to name their small community after a circuit riding attorney who had caught their fancy. While advising against the decision because "Nothing named Lincoln ever amounted to much," the tall, gangly lawyer finally agreed to their request, and he christened the town by breaking open a watermelon and sprinkling the juice on the courthouse steps. Because of the circuit, so many small towns and larger cities in Central Illinois formed a connection to Abraham Lincoln, a connection which can still be felt today. I believe that Brian Dirck understands that connection, and his vivid portrait of the young prairie lawyer does full justice to the man, his contemporaries, and their understanding that the law had to be practiced if the frontier was to survive.

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