Strategic Emancipation: Lincoln's Constitutional Reasoning and the 1863 Proclamation

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The Emancipation Proclamation has been read in two opposed ways by modern historians. The first reading treats it as the natural endpoint of a moral logic Abraham Lincoln had been working through since at least 1854, when the Kansas-Nebraska Act forced him out of his Whig torpor and back into public life on an antislavery platform. The second reading treats it as a strategic maneuver: Lincoln, by this account, framed emancipation as a war measure precisely because he understood that emancipation justified on military necessity could survive a Supreme Court that would have struck it down on moral grounds. Both readings have been advanced by serious historians working from substantially the same evidence. The disagreement is not about what Lincoln did. It is about what kind of politician he was when he did it.

This paper takes the second view. It argues, drawing on Eric Foner's reconstruction of Lincoln's evolving constitutional thought, that the strategic framing of the proclamation was not a betrayal of its moral content but the precondition for it. Lincoln understood that an emancipation grounded in moral argument alone would not have survived the postwar legal landscape. The military-necessity framing was what made permanent emancipation possible.

The strategic reading rests on three pieces of evidence. The first is Lincoln's own correspondence with Horace Greeley in August 1862, in which Lincoln stated that his paramount object was to save the Union, and that he would do it with or without slavery as the situation required.[1] This letter has often been read as a moral compromise. The strategic reading argues that it was a public-facing legal positioning: Lincoln was establishing the constitutional ground on which a war-power emancipation could later be defended.

The second piece of evidence is the timing. Lincoln drafted the preliminary proclamation in July 1862 but withheld it until September, after the Battle of Antietam, on Secretary of State William Seward's advice that issuing it during a string of military defeats

would make it look like an act of desperation rather than strength.[2] This is the move of a politician thinking about how the document will read after the war ends, not just during it.

The third piece of evidence is the proclamation's own language, which is conspicuously unemotional. There are no appeals to natural rights, no invocations of the Declaration of Independence, no soaring rhetoric. The document reads as a military order, because that is what it had to be in order to survive.

Foner's account develops this strategic reading at length. He argues that Lincoln's constitutional thought evolved across the war, and that the proclamation represents not a moment of moral conversion but the culmination of a multi-year process of legal positioning.[3] The proclamation, on this account, was the foundation that the Thirteenth Amendment was built on, and Lincoln understood from the beginning that the amendment was the actual goal.

This reading does not require us to think of Lincoln as cynical. It requires us only to think of him as a lawyer, which he was. The opposition between moral commitment and strategic positioning is largely a modern invention. For a nineteenth-century constitutional lawyer, the question was not whether emancipation was right but how to do it in a way that would hold up in court. Lincoln's answer was the war-powers framing, and the answer worked.

The Emancipation Proclamation succeeded as a piece of strategic legal craftsmanship. It survived the war. It was the foundation for the Thirteenth Amendment. It freed approximately three and a half million enslaved people in the rebellious states, and although it did not formally apply to the border states, the political momentum it created made universal emancipation politically inevitable within three years.

The strategic reading does not diminish the moral significance of the proclamation. It explains how that moral significance was made durable. A proclamation grounded only in moral argument would have been celebrated and then overturned. The proclamation we actually got was grounded in the war powers, written in the prose of military necessity, and was for that reason able to do what no purely moral document could have done. Understanding

why Lincoln chose this framing is the difference between admiring the proclamation and understanding it.

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[1] Abraham Lincoln to Horace Greeley, August 22, 1862, in Collected Works of Abraham Lincoln, ed. Roy P. Basler (New Brunswick, NJ: Rutgers University Press, 1953), 5:388-89.

[2] Doris Kearns Goodwin, Team of Rivals: The Political Genius of Abraham Lincoln (New York: Simon and Schuster, 2005), 463-65.

[3] Eric Foner, The Fiery Trial: Abraham Lincoln and American Slavery (New York: W. W. Norton, 2010), 240.

[4] James M. McPherson, Battle Cry of Freedom: The Civil War Era (New York: Oxford University Press, 1988), 558.

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Bibliography

Foner, Eric. *The Fiery Trial: Abraham Lincoln and American Slavery*. New York: W. W. Norton, 2010.

Goodwin, Doris Kearns. *Team of Rivals: The Political Genius of Abraham Lincoln*. New York: Simon and Schuster, 2005.

Lincoln, Abraham. *Collected Works of Abraham Lincoln*. Edited by Roy P. Basler. 9 vols. New Brunswick, NJ: Rutgers University Press, 1953.

McPherson, James M. *Battle Cry of Freedom: The Civil War Era*. New York: Oxford University Press, 1988.

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