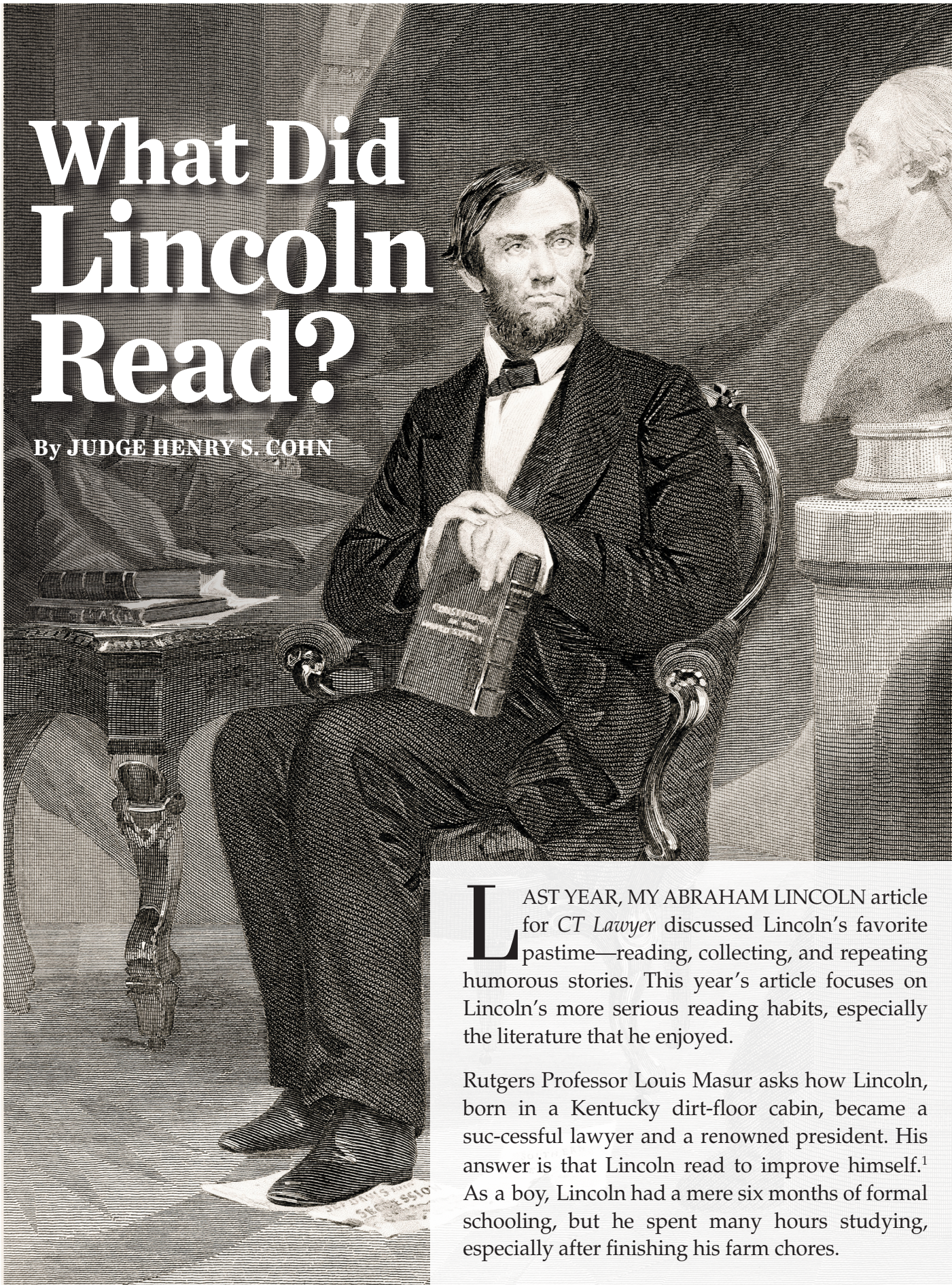


What Did Lincoln Read?

By JUDGE HENRY S. COHN



LAST YEAR, MY ABRAHAM LINCOLN article for *CT Lawyer* discussed Lincoln's favorite pastime—reading, collecting, and repeating humorous stories. This year's article focuses on Lincoln's more serious reading habits, especially the literature that he enjoyed.

Rutgers Professor Louis Masur asks how Lincoln, born in a Kentucky dirt-floor cabin, became a successful lawyer and a renowned president. His answer is that Lincoln read to improve himself.¹ As a boy, Lincoln had a mere six months of formal schooling, but he spent many hours studying, especially after finishing his farm chores.

What Did Lincoln Read?

Lincoln's mother died when he was nine. One year later, his father remarried, and his stepmother, Sarah, brought some books with her to Indiana. Several of the books of Lincoln's youth have been identified.²

1. He constantly read the family Bible. Lincoln became quite familiar with its text and quoted from it frequently as an adult. A famous example is Lincoln's quoting of Psalm 19:9 in his second inaugural address.³
2. He learned elementary spelling and rhetoric from Thomas Dilworth's *New Guide to the English Tongue*, Noah Webster's *American Speller*, and William Scott's *Lessons in Elocution*, one of the books that Sarah Lincoln brought with her to her new home.⁴
3. Lincoln enjoyed the mysteries of the *Arabian Nights*, the lessons of *Aesop's Fables*, and the thrills of *Robinson Crusoe*.
4. Lincoln considered John Bunyan's *Pilgrim's Progress* a treasure, and, according to Professor David James Harkness, this religious allegory influenced his second inaugural address.⁵
5. Lincoln read biographies of American heroes, including Parson Weems' *The Life of Washington*.

When Lincoln left his father's farm at age 21, he settled in New Salem, IL. As a shopkeeper with few customers, he had time to read. He purchased a copy of Blackstone's *Commentaries on the Laws of England* and pored over it. He also read other legal books, including Joseph Story's *Commentaries on Equity Jurisprudence* and James Kent's *Commentaries on American Law*.

As a lawyer in Springfield, IL, he also had time to read as he traveled through the 8th Judicial Circuit. Much of his reading was nonfiction. One book he carried was a summary of Euclid's *Elements*. Carl Sandberg relates that Lincoln read Euclid as he dropped off to sleep, intending to sharpen his reasoning skills.

Both as a lawyer and while president, Lincoln read political books and tracts. These

included Edward Gibbon's *Decline and Fall of the Roman Empire*. Lincoln admired Henry Clay; he read multiple volumes of his speeches. Lincoln purchased a copy of his friend Theodore Parker's speeches in 1858. A subsequent pamphlet by Parker led to the famous phrase in the Gettysburg Address: "government of the people, by the people, for the people."

Lincoln used Daniel Webster's "Reply to Hayne" in writing his famous "House Divided" speech at the Republican State Convention of 1858. Lincoln relied on Jonathan Elliott's *Journal and Debate of*

quotation from *Othello* in an 1847 trial in Tazewell County, IL.

Homer's works were also a Lincoln favorite. He checked out a book of Homer's writings from the Library of Congress in 1864, but he had also read *The Iliad* and *The Odyssey* in other versions for many years. In 1860, according to Julius A. Royce, Lincoln told Royce's father-in-law that he should read Homer: "He has a grip and he knows how to tell a story."⁸

Lincoln liked Edgar Allan Poe's short stories, especially his detective stories. Wil-



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"Don Juan" by Lord Byron: "If I laugh at any mortal
thing/'Tis that I may not weep."*

the Federal Constitution to prepare his Cooper Union address, considered to be the speech that led to his nomination for president in 1860.⁶ Lincoln also paid close attention to Henry Ward Beecher's editorials during the war years, exploding sometimes over Beecher's criticism of his administration.⁷

From New Salem through his presidency, Lincoln made time for fiction, but not to any great degree. He told one biographer that he never read a complete novel in his life.

Of course, as I indicated in last year's article, Lincoln relied on books like Joe Miller's *Jests* for his "little stories." Among his more serious reading were Shakespeare's plays. Lincoln carried a collection of the plays in his pocket while he was riding the circuit.

Which plays were his favorites? He thought "nothing equaled" *Macbeth*, and he enjoyed *Hamlet*. He owned a well-worn book of the plays that included *Henry IV*. Records show that he once attended the play *Merry Wives of Windsor*. He used a

liam Dean Howells, in an 1860 campaign biography, noted that Lincoln appreciated Poe's "absolute and logical method."⁹ In 1846, Lincoln himself wrote a short story, published in a local newspaper, based on his successful defense in 1841 of a man accused of murder. Lincoln's sole witness at the trial had been a physician who testified that the so-called victim had suffered some years before a traumatic brain injury and was being treated for a renewal of the condition at the physician's home. He was very much alive, and had not met with foul play from the defendant.

Professor Robert Bray rejects as lacking adequate foundation the claim that Lincoln read books by James Fenimore Cooper or Sir Walter Scott. Lincoln's law partner William Herndon wrote that Lincoln had begun Scott's *Ivanhoe*, but did not finish it. It is unlikely that Lincoln read Harriet Beecher Stowe's *Uncle Tom's Cabin*, but he did skim her 1853 reference work, *The Key to Uncle Tom's Cabin*.

Lincoln loved poetry and enjoyed memorizing poems. His favorite poet was Robert Burns. Lincoln spoke to Robert Burns

societies in Springfield in 1859 and in Washington in 1865.¹⁰ Other than Burns, he frequently recited William Knox's "Mortality," with its melancholy opening line: "Oh! Why should the spirit of mortal be proud?" When facing troubles, Lincoln would quote from "Don Juan" by Lord Byron: "If I laugh at any mortal thing/ 'Tis that I may not weep." He was touched by Oliver Wendell Holmes' "The Last Leaf," with its famous line: "The mossy marbles rest/ On the lips that he has prest/ In their bloom."

What did Lincoln read by Charles Dickens, the most popular author of the 19th century? Lincoln and Dickens lived approximately the same years, Lincoln from 1809 to 1865 and Dickens from 1812 to 1870. Lincoln once said, according to Professor Harkness, that he admired Dickens' ability to capture "actual life."

Lincoln's first inaugural address included the phrase "the better angels of our na-

ture." This phrase is found in both *Hard Times* and *David Copperfield*.¹¹ Lincoln also appreciated the wit of Mr. Micawber from *David Copperfield*. A Dickens novel that Lincoln may well have read more thoroughly was his first, *The Pickwick Papers*, one of the most popular books of the Victorian era.¹² In 1864, Lincoln checked it out from the Library of Congress.

There were several reasons for Lincoln to have enjoyed *The Pickwick Papers*. First is the humorous Sam Weller, who was Mr. Pickwick's valet, and whom a Lincoln acquaintance said amused Lincoln. Sam Weller was the "Sancho Panza" of the book, always ready with a story or proverb.

The Pickwick Papers also reflects Dickens' reminiscences of his years as a court stenographer in the "Doctor's Commons," a court that dealt with family and probate matters. Lincoln would have loved Dickens' portraits of bumbling judges and magistrates. One highlight of the book

is the trial of Mr. Pickwick for breach of promise.¹³ Famously, the plaintiff's barrister, Sergeant Buzfuz, finds proof against Mr. Pickwick in a note that he left for the plaintiff asking her to purchase "chops and tomato sauce."

Perhaps Lincoln also read *The Pickwick Papers* because of Mr. Pickwick himself. Lincoln was a Whig at heart, believing in the value of peacemaking, including resolving legal disputes out-of-court.¹⁴ The jovial and amiable Mr. Pickwick, always looking for conciliation, was Lincoln's ideal person.¹⁵ ■

Judge Henry S. Cohn is a judge trial referee of the Connecticut Superior Court.

NOTES

1. See internet talk by Mazur, Imagine Solutions Conference, March 28, 2019. See also D.J. Harkness, "Lincoln, the Reader," reprinted in Congressional Record, March 3, 1969 at page 5078. Harkness quotes Lincoln:

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President's Message

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- Justice Gorsuch is the first to have served as a member of the Supreme Court alongside a justice for whom he clerked.
- www.archives.gov/founding-docs/constitution-transcript
- William H. Rehnquist, 2004 Year-End Report on the Federal Judiciary, January 1, 2005, available at www.supremecourt.gov/publicinfo/year-end/2004year-endreport.pdf.
- www.supremecourt.gov/publicinfo/year-end/2007year-endreport.pdf
- www.ctbar.org/about/diversity-equity-inclusion/pathways-to-legal-careers

Lincoln

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"My best friend is the man who will get me a book I have not read."

- See Michael Burlingame, *Abraham Lincoln: A Life*, Volume 1, p. 36 (2008).
- "The judgments of the Lord are true and righteous altogether."
- See Robert Bray's comprehensive study, "What Abraham Lincoln Read," *Journal of the Abraham Lincoln Association*, Volume 28, No. 2 (2007), and Bray's *Reading with Lincoln* (2010).
- Harkness, supra note 1.
- Harold Holzer, *Lincoln at Cooper Union: The Speech that Made Abraham Lincoln President* (2006).
- Professor Masur points out that Lincoln had little military experience, but, as president, he read several treatises on warfare to improve his knowledge of tactics.

Technology and Ethics

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Connecticut Appellate Courts and the Second Circuit Court of Appeals. Along with his appellate work, he represents attorneys before grievance panels and in public hearings before the Statewide Grievance Committee and also represents candidates for bar admission before the Bar Examining Committee.

Michael Taylor is a partner at Horton, Dowd, Bartschi & Levesque, P.C. He handles all aspects of appellate civil litigation in the Connecticut Appellate and Supreme Courts, and in the Second Circuit Court of Appeals. He also counsels clients and attorneys at the trial stage regarding the identification and preservation of issues for appeal.

- Bray, p. 56.
- Poe had published "The Murders in the Rue Morgue" in 1841, and this story and subsequent Poe works appealed to Lincoln.
- He would recite "A Man's a Man for A'That" and "Auld Lang Syne."
- See Burlingame, Vol. 2, p. 47, who assumes that Lincoln relied on Dickens for the phrase.
- Bray is not sure of how much Lincoln read of *The Pickwick Papers*, but Harkness states that Lincoln read the book.
- This was a "heart balm" suit that Connecticut abolished in 1967. See General Statutes Sec. 52-572b. England followed the American trend by ending such suits in 1970. Gilbert and Sullivan's *Trial By Jury* also satirized a breach of promise action.
- See Mark E. Steiner, *An Honest Calling* (2006).
- Mr. Pickwick became the central figure in the Broadway play *Pickwick*, with its hit song, "If I Ruled the World."

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- womenlawyersonguard.org/wp-content/uploads/2020/07/Still-Broken-Full-Report.pdf; "First Phase Findings From a National Study of Lawyers With Disabilities and Lawyers Who Identify as LGBTQ+" (2020), www.americanbar.org/content/dam/aba/administrative/commission-disability-rights/bbi-survey-accessible.pdf; International Bar Association, "Us Too? Bullying and Sexual Harassment in the Legal Profession" (May 2019) www.ibanet.org/bullying-and-sexual-harassment.aspx
- Lauren A. Rivera, András Tilcsik, "Class Advantage, Commitment Penalty: The Gendered Effect of Social Class Signals in an Elite Labor Market," *American Sociological Review*, Vol. 81, No. 6 (2016)
- Dr. Arin N. Reeves, *Written in Black and White: Exploring Confirmation Bias in Racialized Perceptions of Writing Skills* (2014) nexions.com/wp-content/uploads/2017/05/written-in-black-and-white-yellow-paper-series.pdf
- You Can't Change What You Can't See: Interrupting Racial and Gender Bias in the Legal Profession* (ABA, MCCA 2018) (Executive Summary) www.americanbar.org/content/dam/aba/administrative/women/Updated%20Bias%20Interrupters.pdf
- See e.g., Destiny Peery, Paulette Brown, and Eileen Letts, *Left Out and Left Behind: The Hurdles, Hassles, and Heartaches of Achieving Long-Term Legal Careers for Women of Color* (2020), www.americanbar.org/content/dam/aba/administrative/women/leftoutleftbehind-int-f-web-061020-003.pdf; Chung, et al. *A Portrait of Asian Americans in the Law*, Yale Law School/National Asian Pacific American Bar Association (2017) APortraitofAsianAmericansintheLaw.apaportraitproject.org

Supreme Deliberations

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solved because of Mr. Foisie's death and by operation of Conn. Gen. Stat. § 46b-40 (a marriage is dissolved by "the death of one of the parties"); and 3) if the marriage was automatically dissolved based on the death of Mr. Foisie, the court could not then re-dissolve it based on the motion to open. "That's some catch...."

The flaw in the trial court's analysis was, according to the Court, in step number one, because a motion to open a dissolution judgment only for the limited purpose of reconsidering the financial orders does not reinstate the parties' marriage.

The motion to substitute was controlled by Conn. Gen. Stat. § 52-599, which states, with three exceptions, that a civil action will not abate upon the death of one of the parties. The exception at issue in *Foisie* applied to any proceeding, "the purpose or object of which is defeated or rendered useless by the death of any party...." Getting to the meat of the matter, the Court noted that it has permitted substitution where the death of a party would have "no effect on the continuing vitality of the proceeding because the estate could fill the shoes of the decedent, such as when the pending civil case sought monetary damages...." Contrast this to cases where the action "sought specific relief that was

unique to the parties, such as seeking an injunction for specific performance" and, in which case, substitution would not be appropriate.

Within these contours, the Court had little trouble concluding that Ms. Foisie's motion to open sought only reconsideration of the financial orders and not reinstatement of the marriage. And because the end result would involve only money, the action would not be "defeated" or "rendered useless" by the death of Mr. Foisie. Thus, once the map became clear, the end result became obvious. ■