

ABRAHAM LINCOLN AS A LEGAL WRITER

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ABSTRACT

Abraham Lincoln wrote renowned speeches, yet he had only about a year of formal schooling. How did he become such an eloquent writer? Drawing on the recent collection of his legal papers as well as on secondary sources, this article discusses how Lincoln developed his craft as a writer by diligently studying great speeches and writing. It then discusses characteristics that made Lincoln's writing so eloquent. It concludes that today's lawyers might profitably emulate Lincoln's close study of great literature as well as his clear, succinct writing style.

I. INTRODUCTION

Abraham Lincoln wrote two of the most acclaimed speeches in American history, the Gettysburg Address and his Second Inaugural Address, yet he had only about a year of formal schooling.¹ How did he become such an eloquent writer? This article discusses how Lincoln developed his genius as a writer by immersing himself in great literature and diligently honing his speaking and writing abilities, eventually becoming “an artist with words.”² He applied that genius to his legal writing, as a practicing lawyer, as a member of the Illinois legislature, and as the President of the United States.

The recent Papers of Abraham Lincoln Project has greatly enhanced the ability of scholars to scrutinize Lincoln's legal writing. For that project, researchers scoured Illinois courthouses and other sites for Lincoln documents, collecting papers that had previously been scattered and difficult to access.³ The collected documents are available in an online repository,⁴ and selected documents have been published in a four-volume print edition.⁵ Several recent

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¹ 1 MICHAEL BURLINGAME, ABRAHAM LINCOLN: A LIFE 19, 30 (2008) [hereinafter 1 BURLINGAME].

² RONALD C. WHITE, JR., THE ELOQUENT PRESIDENT: A PORTRAIT OF LINCOLN THROUGH HIS WORDS 101 (2005).

³ *About the Project*, THE PAPERS OF ABRAHAM LINCOLN, http://www.papersofabrahamlincoln.org/about_the_project.htm (last visited Nov. 9, 2010).

⁴ *The Law Practice of Abraham Lincoln*, THE PAPERS OF ABRAHAM LINCOLN, <http://www.lawpracticeofabrahamlincoln.org/Details.aspx> (last visited Nov. 9, 2010).

⁵ 1-4 THE PAPERS OF ABRAHAM LINCOLN: LEGAL DOCUMENTS AND CASES (Daniel W. Stowell ed., 2008).

books have drawn on this collection, including studies of Lincoln as a writer⁶ and as a lawyer.⁷ Along with older scholarship, these sources show that Lincoln diligently familiarized himself with the English language by studying great literature and English grammar and applied that knowledge to achieve his renowned eloquence.⁸ Lincoln's practices provide a model for those who strive to excel at legal writing today.

II. LINCOLN'S DEVELOPMENT AS A WRITER

Perhaps because Lincoln's lack of formal schooling is so well known, it is less known that "[h]is background in writing . . . began in his childhood and was far more extensive than is usually recognized."⁹

Lincoln's education began in Kentucky, where he attended two schools for short periods that may have totaled only three months.¹⁰ At that time, the Bible and *Dilworth's Speller*, a popular textbook, were probably the only books in the Lincoln home.¹¹ In school, Lincoln studied from the *Speller*, which included spelling and grammar lessons and reinforced "Protestant due diligence" through short selections from the Bible and *Aesop's Fables*.¹² The biblical quotations fed Lincoln's lifelong love of biblical language.¹³

In 1816, a dispute about the title to the family's Kentucky land prompted Lincoln's father to move the family to Indiana.¹⁴ Abe's mother died not long after the move, when he was only nine years old.¹⁵ His father soon returned to Kentucky to bring home a new bride, Sarah, and her three children.¹⁶ Fortunately, for the intellectually curious Abe, Sarah brought new books with her, including *The Pilgrim's Progress* and William Scott's *Lessons in Elocution*,¹⁷ a book of literary excerpts.¹⁸ Lincoln eagerly read these and other books, including *Arabian Nights* and *Robinson Crusoe*.¹⁹ His cousin reported that during this period Lincoln was "always reading—scribbling—writing."²⁰ He managed to do this despite having little solitude for reading in the family's one-

⁶ See, e.g., WHITE, *supra* note 2; FRED KAPLAN, *LINCOLN: THE BIOGRAPHY OF A WRITER* (2008); DOUGLAS L. WILSON, *LINCOLN'S SWORD: THE PRESIDENCY AND THE POWER OF WORDS* (2006).

⁷ See, e.g., BRIAN DIRCK, *LINCOLN THE LAWYER* (2007); ALLEN D. SPIEGEL, *A. LINCOLN, ESQUIRE: A SHREWD, SOPHISTICATED LAWYER IN HIS TIME* (2002); MARK E. STEINER, *AN HONEST CALLING: THE LAW PRACTICE OF ABRAHAM LINCOLN* (2006).

⁸ See WHITE, *supra* note 2, at 308 (stating that "Lincoln's eloquence may prove to be his most lasting legacy").

⁹ WILSON, *supra* note 6, at 4.

¹⁰ RICHARD LAWRENCE MILLER, *LINCOLN AND HIS WORLD: THE EARLY YEARS: BIRTH TO ILLINOIS LEGISLATURE* 26 (2006).

¹¹ KAPLAN, *supra* note 6, at 7.

¹² *Id.* at 7-9.

¹³ See *id.* at 70.

¹⁴ DAVID HERBERT DONALD, *LINCOLN* 23-24 (1995).

¹⁵ MILLER, *supra* note 10, at 42.

¹⁶ *Id.* at 45.

¹⁷ DONALD, *supra* note 14, at 30-31.

¹⁸ KAPLAN, *supra* note 6, at 32.

¹⁹ *Id.* at 18.

²⁰ DONALD, *supra* note 14, at 26, 29, 33.

room cabin, which now had eight occupants.²¹ Sarah recalled that young Abe would often go outdoors to read.²²

In Indiana, Lincoln spent short periods at two more schools,²³ but it was probably outside school that Lincoln first encountered Shakespeare, through his stepmother's copy of *Lessons in Elocution*.²⁴ Among its literary selections, the book contained dialogues and speeches from several of Shakespeare's plays, including Henry V's speech before the battle of Agincourt.²⁵ Shakespeare became a Lincoln favorite;²⁶ later, when he rode circuit²⁷ as an Illinois lawyer, he carried with him an edition of Shakespeare's works.²⁸

In his teen years, Lincoln continued reading poetry, including works by Thomas Gray, Alexander Pope, and John Milton.²⁹ He also studied the history of his young nation³⁰ and eagerly read biographies of Benjamin Franklin and George Washington.³¹ A discriminating reader, he politely declined to borrow books that did not seem worthwhile.³² And he did more than read: his stepmother recalled that he would commit passages to memory through repeated recitation.³³ He even memorized Henry Clay's speeches and delivered them for the amusement of his friends.³⁴ Clay was everything the young Lincoln wanted to be—"an articulate master of language, reason, and logic."³⁵

When Lincoln was almost twenty-one, his father moved the family to south-central Illinois,³⁶ and Lincoln moved out of the family home.³⁷ He soon ran for the state legislature, winning a seat on his second try, in 1834.³⁸ During this period, he continued to read Shakespeare and developed a love for the poetry of Burns and Byron.³⁹ He also undertook a study of English grammar in order to hone his speaking and writing skills.⁴⁰

Lincoln even wrote a few creditable poems.⁴¹ One was a melancholy reflection on returning to his boyhood home in Indiana, where his mother and sister were buried.⁴² This stanza illustrates the poem's emotional impact:

²¹ KAPLAN, *supra* note 6, at 19.

²² *Id.*

²³ *Id.* at 22-23.

²⁴ WHITE, *supra* note 2, at 102.

²⁵ KAPLAN, *supra* note 6, at 41.

²⁶ DONALD, *supra* note 14, at 569 (stating that "Shakespeare's wit delighted [Lincoln], and he was enchanted by the magic of his language").

²⁷ In Lincoln's time, some lawyers would "ride circuit": that is, they traveled with groups of judges and other lawyers to cover cases at various county seats. DIRCK, *supra* note 7, at 44.

²⁸ KAPLAN, *supra* note 6, at 59, 145.

²⁹ *Id.* at 29.

³⁰ *Id.* at 25-26.

³¹ *Id.*; DONALD, *supra* note 14, at 31.

³² 1 BURLINGAME, *supra* note 1, at 34-35.

³³ KAPLAN, *supra* note 6, at 32.

³⁴ *Id.* at 24.

³⁵ *Id.*

³⁶ 1 BURLINGAME, *supra* note 1, at 50.

³⁷ *Id.* at 51.

³⁸ KAPLAN, *supra* note 6, at 59.

³⁹ *Id.*

⁴⁰ WHITE, *supra* note 2, at 103-04.

⁴¹ MILLER, *supra* note 10, at 67.

⁴² KAPLAN, *supra* note 6, at 156, 158.

O Memory! Thou midway world
‘Twixt earth and paradise,
Where things decayed and loved ones lost
In dreamy shadows rise. . . .⁴³

Lincoln thus matured into a man who saw language as “the supreme tool of civilized discourse”;⁴⁴ a man whose “facility with [language] gave him pleasure.”⁴⁵ His reading had infused him with the rhythms of great writers, which permeated his own writing.

As a young man, Lincoln began reading law by borrowing and studying a Springfield lawyer’s treatises by influential legal authorities Blackstone, Storey, and others.⁴⁶ In 1836, he was admitted to the practice of law in Illinois.⁴⁷ Later, Lincoln wrote letters to aspiring lawyers that provided insight into his approach to studying law. One such letter went to a young man who had asked to read law under Lincoln’s tutelage. Lincoln wrote that he could not accommodate the man, but he advised private study: “The mode is very simple, though laborious, and tedious. . . . Work, work, work, is the main thing.”⁴⁸ To another aspirant, Lincoln wrote that he should “get books, sit down anywhere, and go to reading for yourself. That will make a lawyer of you quicker than any other way.”⁴⁹

The “logic, oratory, and . . . native intelligence” of Lincoln’s legal work, along with his political activities, contributed to his reputation as a “leading attorney” in Illinois.⁵⁰ A newspaper account from 1859 describes Lincoln as possessing “candor, good nature, and shrewdness,” as well as “a noble heart [and] an elevated mind.”⁵¹ The account states that, unlike some lawyers, Lincoln would not fight over inconsequential points.⁵² Consistent with his belief that lawyers should act as peacemakers,⁵³ in one speech Lincoln advised a group of lawyers to “[d]iscourage litigation,”⁵⁴ and he wrote a letter urging another client to drop a doubtful case.⁵⁵ Lincoln eventually became a success-

⁴³ *Id.* at 158.

⁴⁴ *Id.* at 201.

⁴⁵ *Id.* at 156.

⁴⁶ STEINER, *supra* note 7, at 32.

⁴⁷ SPIEGEL, *supra* note 7, at 22.

⁴⁸ Letter from Abraham Lincoln to John M. Brockman (Sept. 25, 1860), in 1 THE PAPERS OF ABRAHAM LINCOLN: LEGAL DOCUMENTS AND CASES 20 (Daniel W. Stowell ed., 2008) [hereinafter 1 LEGAL DOCUMENTS].

⁴⁹ Letter from Abraham Lincoln to William H. Grigsby (Aug. 3, 1858), in 1 LEGAL DOCUMENTS, *supra* note 48, at 10.

⁵⁰ SPIEGEL, *supra* note 7, at 19; see also KAPLAN, *supra* note 6, at 232 (stating that Lincoln’s “logical analysis, his folksy language, and his anecdotal persuasiveness,” along with his involvement in politics, “made him well known in the legal profession throughout the state”).

⁵¹ Newspaper Report (Except) (June 25, 1859), in 1 LEGAL DOCUMENTS, *supra* note 48, at 16-17.

⁵² *Id.* at 16.

⁵³ STEINER, *supra* note 7, at 84.

⁵⁴ Abraham Lincoln, Notes for a Law Lecture (1859), in 1 LEGAL DOCUMENTS, *supra* note 48, at 12.

⁵⁵ STEINER, *supra* note 7, at 86.

ful lawyer whose brief-writing ability “may have been more impressive” than his considerable trial skills.⁵⁶

III. CHARACTERISTICS OF LINCOLN’S WRITING STYLE

Because Lincoln wrote his speeches himself, even after he became President,⁵⁷ and because he preferred to speak from a written text,⁵⁸ his writing style lives on through his speeches. They, along with his other documents, demonstrate the traits that sustained his reputation for eloquence: careful drafting and revision, succinct and precise language, persuasion through logic, sincerity, use of rhetorical devices, and poetic expression.

A. Careful Drafting and Revision

Lincoln worked at his writing; he was “a careful and conscientious draftsman, who knew the value of revision.”⁵⁹ Contrary to myth, he did not compose the Gettysburg Address on the backs of envelopes on the way to deliver it. Instead, he obtained background information about the topography of Gettysburg,⁶⁰ “carefully calibrated his text,”⁶¹ and wrote out much of it before leaving the White House.⁶² This was consistent with his usual practice of beginning his speeches early⁶³ and revising and editing them “right up to the moment of his delivery.”⁶⁴

B. Succinct Language

Those unfamiliar with Lincoln’s legal writing may assume he wrote in dense legalese. After all, legalese was rampant at the time. During Lincoln’s practicing years, Ohio lawyer Timothy Walker wrote sardonically that a lawyer might hand someone an orange with these words: “I give you all and singular my estate and interest, right, title, and claim, and advantage of and in that orange, with all its rind, skin, juice, pulp, and pips”⁶⁵

Instead of falling into similar habits, Lincoln preferred “spare, clean” expression.⁶⁶ His legal documents are remarkably free of legalese, considering the time in which he wrote. To be sure, he did use some legalisms. For exam-

⁵⁶ WILSON, *supra* note 6, at 4-5.

⁵⁷ KAPLAN, *supra* note 6, at 294-356.

⁵⁸ *Id.* at 168, 219.

⁵⁹ WILSON, *supra* note 6, at 5.

⁶⁰ DONALD, *supra* note 14, at 460-61.

⁶¹ KAPLAN, *supra* note 6, at 219.

⁶² WHITE, *supra* note 2, at 235.

⁶³ *Id.* at 232.

⁶⁴ *Id.* at 236-37.

⁶⁵ Mark E. Steiner, *Heroes of the Revolution: Henry D. Sedgwick and Timothy Walker*, 3 SCRIBES J. LEGAL WRITING 43, 49 (1992) (quoting Timothy Walker, *Miscellaneous: Law Phraseology*, 5 W. L.J. 574, 574 (1848)). Steiner later traced Walker’s satiric quotation to its English originator, Arthur Symonds. Marc E. Steiner, *The Empire Strikes Back: A Postscript to “Heroes of the Revolution,”* 4 SCRIBES J. LEGAL WRITING 133, 133 (1993) (citing ARTHUR SYMONDS, *THE MECHANICS OF LAW-MAKING* 75 (1835)).

⁶⁶ WHITE, *supra* note 2, at 15. See also KAPLAN, *supra* note 6, at 103; Julie A. Oseid, *The Power of Brevity: Adopt Abraham Lincoln’s Habits*, 6 J. ASS’N. LEGAL WRITING DIRECTORS 28, 29-30 (2009) (lauding the brevity of Lincoln’s writing).

ple, he drafted a judgment that began with the old-fashioned “This day came the Petitioners”⁶⁷ and he frequently used *said* as a demonstrative adjective (as in “said defendants”).⁶⁸ Aside from these common phrases of his day, however, his writing was notably concise and lucid. Nineteenth-century biographer Isaac Arnold wrote of “the great number of short and simple words in [Lincoln’s] writings and speeches.”⁶⁹ Even when Lincoln presented a complicated case, he “would disentangle it, and present the real issue in so simple and clear a way that all could understand.”⁷⁰ In a debate with Stephen Douglas about the economy, Lincoln demonstrated this ability by clarifying “a subject prone to jargon and opacity.”⁷¹ In logical order, with careful attention to the facts, he responded to Douglas’ points, precisely explaining the state’s current budgetary problems.⁷² Another example of Lincoln’s succinctness is this short letter to a client: “Allow me to suggest that it is not safe to regard the case too lightly. A great stake is involved, and it will be fiercely contended for. I think we shall carry it; but I have a suspicion that the *feeling* of some of the Judges is against us.”⁷³

The Emancipation Proclamation was direct, “concise, and unliterary.”⁷⁴ Extremely sensitive politically, the document operated as a weapon of war by allowing shelter in the North for the Confederacy’s slaves.⁷⁵ Its words were stunning enough without ornament: “I do order and declare that all persons held as slaves within [Confederate areas] are, and henceforth shall be free”⁷⁶ Recognizing that the occasion called for plainness, Lincoln wisely let his words’ simplicity be their strength.

C. *Precise Language*

In speeches and in writing, Lincoln used direct,⁷⁷ precise, lucid language,⁷⁸ valuing “the right word in the right place.”⁷⁹ Indeed, it was not his “reedy tenor” but his careful word choice that made him a successful speaker.⁸⁰ His precision as a writer also prompted his colleagues in the Illinois legislature

⁶⁷ Judgment, *Welles v. Hofferkamp* (Mar. 28, 1856), in 3 *THE PAPERS OF ABRAHAM LINCOLN: LEGAL DOCUMENTS AND CASES* 63 (Daniel W. Stowell ed., 2008).

⁶⁸ *Id.*

⁶⁹ ISAAC N. ARNOLD, *THE LIFE OF ABRAHAM LINCOLN* 84 (Univ. of Neb. Press 1994) (1884).

⁷⁰ *Id.*

⁷¹ KAPLAN, *supra* note 6, at 112.

⁷² *Id.* at 111-12.

⁷³ Letter from Abraham Lincoln to James F. Joy, in 2 *THE PAPERS OF ABRAHAM LINCOLN: LEGAL DOCUMENTS AND CASES* 388 (Daniel W. Stowell ed., 2008).

⁷⁴ KAPLAN, *supra* note 6, at 339.

⁷⁵ 2 MICHAEL BURLINGAME, *ABRAHAM LINCOLN: A LIFE* 361 (2008).

⁷⁶ Abraham Lincoln, Final Emancipation Proclamation, in *ABRAHAM LINCOLN: SPEECHES AND WRITINGS 1859-1865*, at 425 (Don E. Fehrenbacher ed., 1989) (hereinafter *SPEECHES AND WRITINGS*).

⁷⁷ KAPLAN, *supra* note 6, at 103.

⁷⁸ *Id.* at 112.

⁷⁹ *Id.* at 165.

⁸⁰ *Id.* at 168.

to call on him “for more than his fair share of drafting.”⁸¹ One product of his craft there, a committee report in Lincoln’s handwriting, displays a “sharpness of diction and phrasing” that makes it “unmistakably his.”⁸²

D. Persuasion Through Logic

Lincoln’s legal arguments were “clear, vigorous, and logical.”⁸³ He displayed this logical approach in his cogent presentation of evidence in a committee report to the Illinois legislature.⁸⁴ He displayed it again when phrasing his First Inaugural Address, where he consciously chose to argue the cause of the Union by speaking rationally rather than emotionally.⁸⁵ His “confidence in reason” permeated the text, as he intentionally avoided emotional references to slavery and religion.⁸⁶

E. Sincerity

Lincoln’s sincerity lent persuasiveness to his arguments, impressing spectators with his straightforwardness, candor, and directness.⁸⁷ A newspaper editor of the day wrote that Lincoln’s power was “not in his presence or in his speech,” but rather in his “honesty and gloriously refreshing sincerity.”⁸⁸ That sincerity came across in his farewell to the people of Springfield when he left for the White House. Lincoln told those assembled, “To this place, and the kindness of these people, I owe every thing. Here I have lived a quarter of a century, and have passed from a young to an old man. . . . I bid you an affectionate farewell.”⁸⁹ The speech’s sincere emotion moved many in the crowd to tears.⁹⁰

Lincoln’s sincerity was also evident in his letters of sympathy to the survivors of fallen Union soldiers, which were “heart-wrenching in their combination of empathy and precision, the exact word and the plain style.”⁹¹ Perhaps the best known, the letter to Mrs. Lydia Bixby, illustrates Lincoln’s sincerity and careful word choice: “I feel how weak and fruitless must be any words of mine which should attempt to beguile you from the grief of a loss so overwhelming.”⁹²

⁸¹ *Id.* at 106. See also RICHARD LAWRENCE MILLER, LINCOLN AND HIS WORLD: PRAIRIE POLITICIAN 30 (2008) (stating that Lincoln “drafted measures introduced by other members”).

⁸² KAPLAN, *supra* note 6, at 106.

⁸³ ARNOLD, *supra* note 69, at 84.

⁸⁴ KAPLAN, *supra* note 6, at 106.

⁸⁵ WHITE, *supra* note 2, at 97.

⁸⁶ *Id.*

⁸⁷ ARNOLD, *supra* note 69, at 83-84.

⁸⁸ WHITE, *supra* note 2, at 48 (quoting N.Y. TRIB., Feb. 17 or 18, 1861).

⁸⁹ Abraham Lincoln, Farewell Address at Springfield, Illinois (A. Version), in 4 THE COLLECTED WORKS OF ABRAHAM LINCOLN 190 (Roy P. Basler ed., 1953) (hereinafter 4 COLLECTED WORKS).

⁹⁰ WHITE, *supra* note 2, at 22.

⁹¹ KAPLAN, *supra* note 6, at 352.

⁹² Letter from Abraham Lincoln to Mrs. Lydia Bixby (Nov. 21, 1864) in SPEECHES AND WRITINGS, *supra* note 76, at 644. Some have questioned whether Lincoln actually wrote the Bixby letter. F. LAURISTSON BULLARD, ABRAHAM LINCOLN & THE WIDOW BIXBY 63

F. *Rhetorical Devices*

Lincoln effectively used rhetorical devices, including parallel structure,⁹³ balance, and antithesis.⁹⁴ For example, in one debate with Steven Douglas, Lincoln's argument against slavery repeated the phrase "let us" in a series of five sentences, building toward the exhortation, "[l]et us re-adopt the Declaration of Independence."⁹⁵ And Lincoln's Second Inaugural Address included parallelism in phrases like "[f]ondly do we hope—fervently do we pray" and "[w]ith malice toward none, with charity for all."⁹⁶ The parallel phrasing in the Gettysburg Address included phrases like "we cannot dedicate—we cannot consecrate—we cannot hallow—this ground."⁹⁷

Lincoln also liberally used allusions, often to the Bible⁹⁸ or Shakespeare.⁹⁹ The first words of the Gettysburg Address recall lines from Psalms 90: "The days of our years are threescore and ten . . ." ¹⁰⁰ And his Second Inaugural Address "is infused with biblical language"¹⁰¹ and a "Shakespearean inclusiveness."¹⁰²

Lincoln's editing process for his First Inaugural Address shows his skill with rhetorical devices. Lincoln's Secretary of State nominee, William Seward, suggested this language: "The mystic chords which proceeding from so many battlefields and so many patriot graves pass through all the hearts and all the hearths in this broad continent of ours will yet again harmonize in their ancient music when breathed upon by the guardian angel of the nation."¹⁰³ Lincoln edited this "flat" language to "transform . . . the adequate to the brilliant"¹⁰⁴: "The mystic chords of memory, stretching from every battle-field, and patriot grave, to every living hearth and hearthstone, all over this broad land, will yet swell the chorus of the Union, when again touched, as surely they will be, by the better angels of our nature."¹⁰⁵ The changes added "rhythm, alliteration, and balance to Stewart's banal phrasing."¹⁰⁶

(1946). But one scholar who studied the letter in depth concluded that Lincoln was probably its author. *Id.* at 143.

⁹³ WHITE, *supra* note 2, at 17.

⁹⁴ KAPLAN, *supra* note 6, at 219; WHITE, *supra* note 2, at 247.

⁹⁵ Abraham Lincoln, Speech at Peoria, Illinois (Oct. 16, 1854), in 2 THE COLLECTED WORKS OF ABRAHAM LINCOLN 247, 276 (Roy P. Basler ed., 1953).

⁹⁶ Abraham Lincoln, Second Inaugural Address (Mar. 4, 1865), in 8 THE COLLECTED WORKS OF ABRAHAM LINCOLN 332-33 (Roy P. Basler ed., 1953).

⁹⁷ WHITE, *supra* note 2, at 247. See also Abraham Lincoln, Address at Gettysburg, Pennsylvania (Nov. 19, 1863), in SPEECHES AND WRITINGS, *supra* note 76, at 536.

⁹⁸ KAPLAN, *supra* note 6, at 172, 288.

⁹⁹ *Id.* at 269.

¹⁰⁰ WHITE, *supra* note 2, at 243 (quoting *Psalms* 90:10).

¹⁰¹ WILSON, *supra* note 6, at 266.

¹⁰² KAPLAN, *supra* note 6, at 354.

¹⁰³ *Id.* at 326 (Kaplan believes the First Inaugural Address is the only significant part of a Lincoln speech that Lincoln did not write himself.).

¹⁰⁴ *Id.*

¹⁰⁵ *Id.* See also Abraham Lincoln, First Inaugural Address—Final Text (Mar. 4, 1861), in 4 COLLECTED WORKS, *supra* note 89, at 262, 271.

¹⁰⁶ *Id.*

G. Poetic Expression

Although Lincoln could write plain prose,¹⁰⁷ his writing often took on the “color and cadence of poetry.”¹⁰⁸ His farewell address at Springfield drew its power partly from a rhythm that “came to life in moving, metered cadence.”¹⁰⁹ To highlight Lincoln’s poetic diction, Fred Kaplan laid out part of a speech in separate lines, like a poem, which begins as follows:

Every blade of grass is a study;
And to produce two,
Where there was but one,
Is both a profit and a pleasure.¹¹⁰

The entire poetic passage thus produced includes “sophisticated triadic phrases, alliteration and assonance.”¹¹¹

H. Humor

Lincoln loved humor, which he could use “with calculated restraint.”¹¹² He could employ satire to good effect. In one letter, he deftly skewered a political foe. When Lincoln was running for the Illinois state legislature, an opponent announced to residents of New Salem that he had information that would destroy Lincoln’s career, but he claimed to be too considerate to release it.¹¹³ Lincoln’s response expressed mock acknowledgement of this “favour,” adding, “No one has needed favours more than I . . . but in this case, favour to me, would be injustice to the public, and therefore I must beg your pardon for declining it.”¹¹⁴ Lincoln then called his opponent’s bluff by asking for a “candid statement of facts, on your part, however low it may sink me.”¹¹⁵ He was not sunk, of course; Lincoln won the election that year.¹¹⁶

IV. CONCLUSION

Abraham Lincoln’s eloquence as a writer was not acquired casually. He worked at it by familiarizing himself with great literature and carefully studying grammar to improve his writing. Contrary to the myths about the Gettysburg Address, he devoted considerable attention to planning and editing his writing. Today’s lawyers might profitably emulate these practices.

They might also adopt the characteristics of Lincoln’s writing. Commentators today recommend many of the traits Lincoln valued—succinctness, care-

¹⁰⁷ See, e.g., *supra* note 74 and accompanying text.

¹⁰⁸ WILSON, *supra* note 6, at 266. See also KAPLAN, *supra* note 6, at 165 (stating that Lincoln’s writing synthesized prose and poetry).

¹⁰⁹ WHITE, *supra* note 2, at 20.

¹¹⁰ KAPLAN, *supra* note 6, at 303. See also Abraham Lincoln, Address Before the Wisconsin State Agricultural Society, Milwaukee, Wisconsin (Sept. 30 1859), in 3 THE COLLECTED WORKS OF ABRAHAM LINCOLN 471, 480 (Roy P. Basler ed., 1953).

¹¹¹ *Id.* at 302.

¹¹² *Id.* at 277.

¹¹³ 1 BURLINGAME, *supra* note 1, at 105.

¹¹⁴ Letter from Abraham Lincoln to Robert Allen, in ABRAHAM LINCOLN: SPEECHES AND WRITINGS 1832-1858, at 6 (Don E. Fehrenbacher ed., 1989).

¹¹⁵ *Id.*

¹¹⁶ 1 BURLINGAME, *supra* note 1, at 112.

ful word choice, and a logical approach—for effective legal writing. And the rhetorical devices, poetic expression, and even humor that Lincoln employed may be effective for today’s legal writers in selected settings.

Through careful attention to literature and writing, Lincoln developed from “self-willed literacy, then into skill, and eventually into genius as an artist with words.”¹¹⁷ His commitment to mastering language and the characteristics of his writing remain worthwhile models for lawyers.

¹¹⁷ KAPLAN, *supra* note 6, at 2.