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"A History of the Anglican Church—Part XXV:
An Essay on the Role of Christian Lawyers and Judges within the Secular State"©

By

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PREFACE

The organized Christian church of the Twenty-First Century is in crisis and at a crossroad. Christianity as a whole is in flux. And I believe that Christian lawyers and judges are on the frontlines of the conflict and changes which are

today challenging both the Christian church and the Christian religion. Christian lawyers and judges have the power to influence and shape the social, economic, political, and legal landscape in a way that will allow Christianity and other faith-based institutions to evangelize the world for the betterment of all human beings. I write this essay, and a series of future essays, in an effort to persuade the American legal profession to rethink and reconsider one of its most critical and important jurisprudential foundations: the Christian religion. To this end, I hereby present the thirty-ninth essay in this series: "A History of the Anglican Church—Part XXV."

INTRODUCTION[1]

HEREIN lie buried many things which if read with patience may show the strange meaning of being a Christian here at the close of the second decade of the Twenty-First Century. This meaning is not without interest to you, Gentle Reader; for the problem of the Twentieth-First Century is the problem of the Separation of the Church from the secular State,-- the relation of the Christian faith to American law and constitutional jurisprudence.

A phase of this crisis first erupted in the Massachusetts Bay Colony, during the 1630s, when Roger Williams, an erudite Puritan theologian and scholar, first insisted that the secular State should have no authority to enforce the first table of the Decalogue, which the colonists believed to be the universal moral law of God. Over a century later, the Founding Fathers rightly understood that the second table of this Decalogue was the primary province of the secular State, and not merely of the Church, and that this second table was deeply rooted in natural justice, the laws of nature and of Nature's God.[2] The American *Declaration of Independence* (1776) reflected this understanding, and the lawyers and jurists in the eighteenth century grounded American law and constitutional jurisprudence upon the Christian idea of natural law.[3] This system of natural law thus became the watchtower of ancient Anglican liberties and rights,[4] nay, the hope of freedom for

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[1] This paper is presented in honor of **Dr. Henry Louis Gates, Jr**., whom I met in 2012 at an academic conference on "Race and Employment," sponsored by Harvard University's W.E.B. Du Bois Research Institute for African and African American Studies, in Martha's Vineyard, Massachusetts. It was my distinct honor to meet with him personally, and to secure his personal autograph of his book *The Henry Louis Gates, Jr. Reader*, which contained therein an interesting article on the role of Africans in the transatlantic slave trade. Over the years, I have enjoyed his commentaries, essays, articles, and thoughts upon race, ethnicity, and the African origins of humankind.

[2] See **Appendix C**, Ancient Anglican System of Natural Law, Customary or Common Law, and Rights

[3] Ibid.

[4] Ibid.

millions of African slaves who had reached America's shores through the middle passage and the transatlantic slave trade, and for their descendants.[5]

When the United States Supreme held in *Dred Scott v. Sanford* (1857) that black slaves had no rights that white citizens were bound to respect, all those who loved liberty looked to this ancient Anglican system of natural justice for hope.[6] The New England abolitionists looked to it; Frederick Douglass and scores of African American pastors relied upon it; Abraham Lincoln read it into the Republican Party platform in 1860[7]; and, finally, the new Civil War Amendments incorporated it into the United States Constitution in 1865, 1868, and 1870.[8] But with the downfall of Reconstruction in 1877 and the emerging materialism from the Gilded Age during the late nineteenth and early twentieth centuries, came a new judicial philosophy known as *legal positivism*, which in turn laid the foundations of the present crisis of today, -- the doctrine of survival of the fittest (i.e., Social Darwinism), secular humanism, materialism, and the judicial nullification of natural law.[9] Pomeroy's *Equity Jurisprudence* was initially written and published during the 1880s in order to restate the case for equity and natural

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[5] See, e.g., W.E.B. Du Bois, "The Conservation of Races," Writings (New York, N.Y.: The Library of America, 1986), p. 815 **("For it is certain that all human striving must recognize the hard limits of natural law, and that any striving, no matter how intense and earnest, which is against the constitution of the world, is vain.")**

[6] See **Appendix C**, Ancient Anglican System of Natural Law, Customary or Common Law, and Rights.

[7] The Civil War Amendments, U.S. Constitution may be said to have been derived from natural law. See, e.g., the Lincoln-Douglas Debate, Ottawa, Illinois, August 21, 1858, with **Abraham Lincoln** stating: **"I hold that… there is no reason in the world why the negro is not entitled to all the natural rights enumerated in the Declaration of Independence, the right to life, liberty, and the pursuit of happiness. [Loud cheers.] I hold that he is as much entitled to these as the white man. I agree with Judge Douglas he is not my equal in many respects-certainly not in color, perhaps not in moral or intellectual endowment. But in the right to eat the bread, without the leave of anybody else, which his own hand earns, he is my equal and the equal of Judge Douglas, and the equal of every living man."** And see the Lincoln-Douglas Debate, Charleston, Illinois, September 18,1858, with Lincoln stating: "I say upon this occasion I do not perceive that because the white man is to have the superior position the negro should be denied everything. I do not understand that because I do not want a negro woman for a slave I must necessarily want her for a wife. My understanding is that I can just let her alone. I am now in my fiftieth year, and I certainly never had a black woman for either a slave or a wife. So it seems to me quite possible for us to get along without making either slaves or wives of negroes."

[8] See, e.g., Timothy Tyndale Daniell, *THE LAWYERS: The Inns of Court: The Home of the Common Law* (Dobbs Ferry, New York: Oceana Publications, Inc., 1976), pp. 65-66.("The mantle of the English Common Law," writes Mr. Daniell, "was decisively dyed with the colour of the Civil War. That period, an adolescent conflagration, ennobled the country towards maturity, but weakened the distinctive character of the southern states. Reference to the XIV amendment, adopted in 1868, well illustrates the subtle transition made by the Supreme Court and which guaranteed its throne in the young democracy. This principle was firmly laid down: That citizens of the United States are protected by their common rights, as enshrined in the constitution, against state legislature. **The year 1868 marked the watershed of the devolutionary system of American jurisprudence and heralded the beginnings of a Supreme Court which reenforced its infinite residuary power over the definitive jurisdictions of the various states**. From then onwards, to the present day, the Supreme Court became the bastion of personal liberty and sectarian rights in the community. **Of historic interest was the cause of the nineteenth century Negro who found refuge within the portico of the Supreme Court in the Capital**.")

[9] See **Appendix C**, Ancient Anglican System of Natural Law, Customary or Common Law, and Rights

justice,[10] but its appeal fell largely by the wayside upon stony ground. All of this has significantly brought into disrepute the Christian Church and its belief in the universal moral law.

Today, the story of the New England Puritans (including the Society of Friends) is the story of Christianity at its best, particularly with regards to their treatment of slavery and the slave trade. Not only did they tend to adopt the traditional Christian view of slavery, but they also incorporated that traditional view into the New England slave code, treated their slaves humanely, and manumitted their slaves typically after a term of service on fair and just terms.[11] When the ideals and principles which were enunciated in the *Declaration of Independence* (1776) and the *U.S. Constitution* (1787) became apparent, these New Englanders simply outlawed both the institution of slavery and the slave trade. Their actions were consistent with their religious beliefs, and this speaks to the authentic Christian spirit which guided men's hearts and taught them that chattel slavery was against both the Gospel and the law of nature.

This story about the Puritans, however, is a tale that is seldom told, and when told, it is seldom appreciated and almost never presented as the foundation of American constitutional law and civil rights. Two sons of New England—Harvard men—immersed me in Puritan ideas and thinking during the late 1980s. First, Emerson's "Fugitive Slave Law," next Du Bois' *The Suppression of the African Slave Trade*, then came an avalanche of British philosophy and Anglican theology: Bacon, Hobbes, Locke, Berkeley, Hume, and Wesley. See Appendix A.[12] That the English Common Law was the alpha and omega of American jurisprudence was unquestioned within my mind during the early 1990s. And then I had reasoned that the English Common Law had been extracted out from the Decalogue and the Law of Christ; that these two sacred laws were coterminous with the universal moral laws of nature; and that these universal moral laws of nature were the province of the American secular state, as so decreed in the *Declaration of Independence* (1776). Upon this foundation, I began to build my arguments in my juris doctor

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[10] Ibid.

[11] On this very point, W.E.B. Du Bois has thus observed: "The early Biblical codes of Massachusetts confined slavery to 'lawful Captives taken in iust warres, & such strangers as willingly selle themselves or are sold to us.' The stern Puritanism of early days endeavored to carry this out literally, and consequently when a certain Captain Smith, about 1640, attached an African village and brought some of the unoffending natives home, he was promptly arrested." *The Suppression of the African Slave Trade* (New York, N.Y.: The Library of America, (1986), p. 37.

[12] Appendix A, "Remanences on Academic Studies on Slavery and Transatlantic Slave Trade during the late 1980s and early 1990s."

thesis *The American Jurist: A Natural Law Interpretation of the U.S. Constitution, 1787-1910.*

But even before I had attained this knowledge, and many years before it became organized in my mind, I had endeavored to live my life as a born-again Christian, in the rural farming communities of northern Florida. For it was there where I learned that the Christian faith was the essence of true life; that Christ came that men might have life and have it more abundantly; that he came to call, not the righteous, but the sinners to repentance and he freely intermingled with these sinners; and, that he came to save those who were lost, and that he would come again to judge the world—separating the just from the unjust—at the Last (Final) Judgment. I carried this fundamental Christian worldview into the university during the fall of 1987, and there the liberal arts and sciences opened up new intellectual vistas—philosophy, advanced mathematics, economics, history, and political science. My collegiate education was supplemented with readings in Christian philosophy and theology: St. Paul, Augustine of Hippo, and Thomas Aquinas. But in addition to the Christian writings, my collegiate education and social environment also challenged and solidified the foundations of my Christian beliefs: there was Islam and the Black Muslims,[13] there was Marxism and atheism, and there was secularism, anti-imperialism, and Pan-Africanism[14]. This paper memorializes what I thought in law school and why I thought what I thought about the United States Constitution, civil rights, race, and a host of other related issues. It explains why I took issue with, and argued against, non-Christians, atheists, the Black Muslims,[15] and the bourgeoisie view of secular materialism and humanism. And, finally, it explains too why in law school I never rejected the Christian faith, though its essential role and function within American jurisprudence seemed to have fallen into the state of desuetude.

SUMMARY

The official position of the Church of England, which had been inherited from the Roman Catholic Church, was that some forms of slavery were lawful and other forms—particularly chattel slavery—were both unchristian and unlawful. In colonial America and in the new United States of America, both forms of slavery were practiced. In New England, where the influence of the Church and the Christian faith were strong, the milder form of slavery, patterned after the Law of Moses in the Old Testament was practiced. In the British West Indies and the

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[13] Ibid.

[14] Ibid.

[15] Ibid.

Mid-Atlantic and Southern colonies, however, slavery descended into the organized human atrocity known as chattel slavery. Even prior to the founding of the American colonies, England had outlawed chattel slavery as being contrary to the Gospel and to the Common Law of England, since the early half of the twelfth century. Eventually, England tolerated no forms of slavery at all, although feudalism and indentured servitude were arguably close cousins of slavery. Hence, the Common Law of England simply did not recognize slavery; and the peculiar institution which came to dominate the American South was expressly unlawful under the English common law. The authentic Christianity which undergirded English common law simply did not support slavery; and its later influence upon the laws of New England early and largely compelled the Puritans to provide humane treatment towards, and Christian education to, their African slaves. So that, by the time of the *Declaration of Independence* (1776) and the ratification of the *United States Constitution* (1787), the Puritans of New England had universally determined that slavery should be abolished, because slavery was inconsistent with the ideals of the late American Revolution (1775-1783).[16] In the American South, where the influence of the established Church of England and Puritanism was weakest, and where the economic interests and motives for slavery and slave-trade were greatest, the institution of slavery continued despite the noble ideals of the American Revolution.[17]

Part XXV. Anglican Church: "Puritanism, Slavery and the Slave Trade (1600-1750)"

A.   Origins of Puritan Theology on Slavery and the Slave Trade

The Puritans (who were the English wing of the international Calvinist movement) were members of the Church of England. For the most part, the Puritans took the Bible very seriously and they believed strongly in the idea of holiness. For this reason, they tried to pattern themselves, their laws, and their local governments after ancient Israel and the Law of Moses. In America, their objective was to build a "New Jerusalem." For these reasons, New England's ideas and ideals of slavery took on a deeply religious character that was patterned after the

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[16] Unfortunately, not until 1865 did the remaining regions of the United States officially adopt the same conclusion.

[17] In defense of those true, authentic Christians who lived in the antebellum South, I wish here to stress the fact that, based upon my experiences with southern whites in Alabama, Georgia, Florida, the Carolinas, Virginia, Tennessee, and Kentucky, I have no reason to disbelieve that there were individual slave-holding families in the deep South, who nevertheless treated their slaves humanely and taught them the true Christian faith. Such individual efforts among southern whites ought not to be deprecated, especially in light of the fact that for all practical purposes many skilled slaves on the southern plantations lived better than free African Americans in some northern cities who found it difficult to earn a living as a free laborer in competition with native and foreign-born white workers.

Law of Moses. The most influential and leading Puritan theologian of the seventeenth century was Rev. Richard Baxter. His ideals and ideas accurately reflect the official positions of colonial New England on most issues that involved Christian theology, social morals, ethics, and law. As explained below, Rev. Baxter's ideals of slavery closely mirrored those of St. Augustine of Hippo and John Calvin. For this reason, we may conclude that New England's conception of slavery was an accurate reflection of the Christian ideal of lawful slavery.

(1).   St. Augustine of Hippo (354-430 A.D.) on Slavery

St. Augustine of Hippo, the father of Christian theology in the Western Church, laid the theological foundation on the condition of slavery that ultimately became the official position of the Roman Catholic, Anglican, and Reformed churches. Augustine's understanding was that all men are born free and equal under God's laws of nature. These laws of nature did not permit, justify, or authorize any human being to enslave another human being, without a proper justification that is punishment for grievous crimes. St. Augustine believed that slavery was a violation of the laws of nature, "unnatural," and as "penal servitude," which is the product of "sin."[18] St. Augustine also wrote that human slavery does not comport with God's will. "He did not intend," he wrote, "that His rational creature, who was made in His image, should have dominion over anything but the irrational creation—not man over man, but man over the beasts."[19] But St. Augustine reasoned that when sin entered the world, some men became criminals (i.e., "the servant of sin"), and this unfortunate condition which oftentimes led to their "penal servitude" to the others. Thus viewed from St. Augustine's perspective, lawful slavery originated "with justice" in hand, as a form of criminal punishment. "But by nature," St. Augustine wrote, "as God first created us, no one is the slave either of man or of sin."[20] Today, this Augustinian or natural-law view of slavery can be found within the text of section one of the Thirteenth Amendment, U.S. Constitution: "Neither slavery nor involuntary servitude, *except as a punishment for crime whereof the party shall have been duly convicted*, shall exist within the United States, or any place subject to their jurisdiction."

(2).   John Calvin (1509-1564) on Slavery

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[18] St. Augustine, *The City of God* (New York, NY: The Modern Library, 1950), pp. 693-694.
[19] Ibid, p. 693.
[20] Ibid, p. 694.

John Calvin, whose theology the Puritans adopted, agreed with St. Augustine's position on lawful slavery. Calvin believed that slavery was unnatural; that all human beings are by nature free and equal; that slavery came into the world as an unfortunate consequence of Original Sin; and that for so long as human beings remain in their current miserable state, the master-slave relation should be equitably regulated with the view toward ultimate manumission of the slave. Calvin wrote:

> Soon after the deluge it happened that most of the human race lost the freedom that was by nature common to everyone. Now, whether the first enslaved humans had been crushed by the conquest or compelled by poverty, the natural order had certainly been corrupted by violence; for human beings had been created to have and sustain society to their mutual advantage. And although it is necessary for some to have stewardship over the others, we ought rather to maintain equality among brethren.

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> For each human being is a reasonable creature. And this derived from sin, as one evil triggers another, until things descend into utter confusion. But if we examine the rights which masters had, we shall conclude every time that this is something which is contrary to the whole order of nature. For we are all fashioned after the image of God, and it was thus altogether too exorbitant that a reasonable creature upon whom God has stamped his mark should be put to such insulting condition. But such are the fruits of the disobedience and sin of our first father Adam: it has resulted in all things being turned upside down.

Calvin was very careful to point out the distinction between lawful slavery, such as punishment for crimes, and unlawful slavery, such as men-stealing and enslaving persons on the basis of entrapment and false-pretenses. Calvin acknowledged, too, that lawful slavery has its limitations, such as the natural rights of slaves and their humane treatment while in slavery.

> The same punishment [death] is here deservedly denounced against man-stealers as against murderers; for, so wretched was the condition of slaves, that liberty was more than half of life; and hence to deprive a man of such a great blessing, was almost to destroy him. Besides, it

is not man-stealing only which is here condemned, but the accompanying evils of cruelty and fraud, i.e., if he, who had stolen a man, had likewise sold him….

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But now, seeing that human beings cannot get used to acting properly towards their neighbors, and would not willingly abandon their rights when they have the advantage, while only with great difficulty can one force them to do what they ought, our Lord therefore made this proposal to them, saying, Behold, those who release their slaves will render me a service I appreciate and I give you as a sign of this … the day of rest. Know then, that when that sign is given you are giving relief to your slaves at my behest, and I am there in the midst, overseeing that act; and you are doing it because of me.

And in a sermon on Paul's letter to Philemon, Calvin lucidly described the type of slavery which Christians might recognize as lawful and just, as follows:

Paul therefore reminds Philemon that he ought not to be so greatly offended at the flight of his slave, for it was the cause of a benefit not to be regretted. So long as Onesimus was at heart a runaway, Philemon, though he had him in his house, did not actually enjoy him as his property; for he was wicked and unfaithful, and could not be of real advantage. He says, therefore, that he was a wanderer for a little time, that, by changing his place, he might be converted and become a new man.

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He next brings forward another advantage of the flight, that Onesimus has not only been corrected by means of it, so as to become a useful slave, but that he has become the "brother" of his master… Hence (Paul) infers that Philemon is much more closely related to him, because both of them had the same relationship in the Lord according to the Spirit, but, according to the flesh, Onesimus is a member of his family. Here we behold the uncommon modesty of Paul, who bestows on a worthless slave the title of a brother, and even calls him a dearly beloved brother to himself. And, indeed, it would be excessive pride, if we should be ashamed of acknowledging as our brother those whom God accounts to be his sons.

In sum, Calvin clearly adopted St. Augustine's viewpoints on human slavery. "Despite his reticence or lack of interest in speaking to the European institution of slavery, Calvin does address slavery in a principled manner when the biblical text calls for it. Logically prior for Calvin is the fact that slavery is not rooted in the natural order of things (nor any principle of natural law), but rather is a detestable postlapsarian phenomenon, a consequence of sin, the fall of humankind, and the marred *imago Dei*. Consider his sermon on Ephesians 6."[21] And "[b]y way of summary: (1) Calvin has a negative view of slavery overall because it is contrary to the created order, but (2) he supports its divine mandate and regulation in the Old Covenant, as a safeguard against sin and abuse. (3) Calvin believes that slaves should be treated with equality, but this does not mean abrogating the master-slave relationship. If we may also make some broader theological observations: Calvin aims to exegete the text on its own terms and within its original historical context."[22] From this perspective, Calvin did not support slavery and seemed to conclude that it was a necessary evil due wholly to Original Sin and the Fall of Man.[23]

(3).   Richard Baxter (1615-1691) on Slavery

Finally, the theological positions on slavery held by St. Augustine and John Calvin were embraced by one of the most influential Puritans of the seventeenth Century, Rev. Richard Baxter. Rev. Baxter has been described as the "Chief of the Puritan Schoolmen," and as "the most prominent English churchman of the 1600s."[24] Rev. Baxter's writings on slavery certainly reflected the official theological viewpoint of Puritans and New Englanders regarding slavery.

According to Rev. Baxter, there were three basic types of slaves: slaves for life by voluntary consent due to poverty; slaves for a limited period of time by voluntary contract; and slaves as a result of punishment for crime.[25] The slavery due to poverty carries with it expressed "limitations of God and nature", as follows:

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[21] "All Things Turned Upside Down"—Calvin on Slavery" https://politicaltheology.com/all-things-turned-upside-down-calvin-on-slavery/
[22] Ibid.
[23] It is important here to point out that, "[i]n the nineteenth century, the churches that were based on Calvin's theology or influenced by it were deeply involved in social reforms, e.g. the abolition of slavery (William Wilberforce, Harriet Beecher Stowe, Abraham Lincoln, and others), women suffrage, and prison reforms. Members of these churches formed co-operatives to help the impoverished masses. Henry Dunant, a Reformed pietist, founded the Red Cross and initiated the Geneva Conventions." https://en.wikipedia.org/wiki/Calvinism
[24] https://www.christianitytoday.com/history/people/pastorsandpreachers/richard-baxter.html
[25] Ibid.

The limitations of a necessitated slavery by contract or consent through poverty are these: (1). Such a one's soul must be cared for and preserved, though he should consent to the contrary. He must have time to learn the word of God, and time to pray, and he must rest on the Lord's day, and employ it in God's service; he must be instructed, and exhorted, and kept from sin. (2) He may not be forced to commit any sin against God. (3.) He may not (though he forcedly consent) be denied such comforts of this life, as are needful to his cheerful serving of God in love and thankfulness, according to the peace of the gospel state; and which are called by the name of our daily bread. No man may deny a slave any of this, that it is not a criminal, punished slave.[26]

Therefore, Rev. Baxter held that *lawful slavery constituted a Christian stewardship and trusteeship*. He reminded Christian slave-owners to treat their slaves with humanity and decency, while keeping in mind that only God is their true owner. "Remember that you are Christ's trustees, or the guardians of their souls," Rev. Baxter wrote "and that the greater your power is over them, the greater your charge is of them, and your duty for them. … As Abraham was to circumcise all his servants that were bought with money, and the fourth commandment requireth masters to see that all within their gates observe the Sabbath day; so must you exercise both your power and love to bring them to the knowledge and faith of Christ, and to the just obedience of God's commands…. Those therefore that keep their negroes and slaves from hearing God's word, and from becoming Christians, because by the law they shall then be either made free, or they shall lose part of their service, do openly profess rebellion against God, and contempt of Christ the Redeemer of souls, and a contempt of the souls of men; and indeed they declare, that their worldly profit is their treasure and their god."[27]

Rev. Baxter believed that the chief objective of slave-ownership among Christians is charity, education, aid, assistance, and conversion to Christ. Rev. Baxter insisted that "even a slave may be one of these neighbors that you are bound to love as yourselves, and to do to as you would be done by, if your case were his. Which if you do, you will need no more direction for his relief."[28] Masters should "prefer God's interest" in the care of slaves; they must work towards the slaves' "spiritual and everlasting happiness. Teach them the way to heaven, and do all for their souls which I have before directed you to do for all

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[26] Ibid., p. 92.
[27] Richard Baxter, *A Christian Directory: Part 2 (Christian Economics)*,[publisher/ publication date omitted] p. 90.
[28] Ibid. p. 93.

your other servants."[29] Furthermore, Rev. Baxter held that slaves are "as good a kind" as the master[30]; slaves are "born to as much natural liberty" as the master[31]; and "nature made them… equals" of the master.[32] Therefore, the master classes have "no power to do anything which shall hinder [the slaves'] salvation."[33] All slaves have an inherent right to free worship and religion.

Rev. Baxter applauded Christians who purchased slaves in order to save their souls and win them to Christ or purchase their liberty. "Make it your chief end in buying and using slaves, to win them to Christ," Rev. Baxter wrote, "and save their souls."[34] "[L]et their salvation be far more valued by you than their service: and carry yourselves to them, as those that are sensible that they are redeemed with them by Christ from the slavery of Satan, and may live with them in the liberty of the saints in glory."[35]

According to Rev. Baxter, innocent slaves, such as persons born into slavery, should be treated no differently than free laborers. "Remember that you may require no more of an innocent slave, than you would or might do of an ordinary servant,"[36] wrote Rev. Baxter. "There is a slavery to which some men may be lawfully put," he insisted, "and there is a slavery to which none may be put; and there is a slavery to which only the criminal may be put, by way of penalty."[37] Rev. Baxter thus admonished slave-holders to: "[u]nderstand well how far your power over your slaves extendeth, and what limits God hath set thereto."[38] God alone is the "absolute owner" of the slaves; slave masters "have none but a derived and limited propriety in [the slaves]. [The slaves] can be no further yours, than [the slave master] have God's consent, who is the Lord of [the slaves] and the [slave masters]."[39] Further, Rev. Baxter held the slaves are "the redeemed ones of Christ, and that he hath not sold [the slaves] to [the slave masters] his title to them."[40] Slave owners may "use" the slaves, but only "as to preserve Christ's right and interest in them."[41]

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[29] Ibid., p. 92.
[30] Ibid., p. 90.
[31] Ibid.
[32] Ibid.
[33] Ibid.
[34] Ibid., p. 93.
[35] Ibid.
[36] Ibid.
[37] Ibid., p. 91.
[38] Ibid., p. 90.
[39] Ibid.
[40] Ibid.
[41] Ibid.

Rev. Baxter expressly prohibited slavery based upon men-stealing. "To go as pirates and catch up poor negroes or people of another land, that never forfeited life or liberty, and to make them slaves, and sell them, is one of the worst kinds of thievery in the world; and such persons are to be taken for the common enemies of mankind; and they that buy them and use them as beasts, for their mere commodity, and betray, or destroy, or neglect their souls, are fitter to be called incarnate devils than Christians, though they be so Christians whom they so abuse."[42]

Rev. Baxter also disdained the idea of "chattel slavery" as unchristian, and against the laws of nature, because even slaves have immortal, rational souls. Therefore, Rev. Baxter concluded that slavery which is not permitted, under any circumstances, is "such as shall injure God's interest and service, or the man's salvation,"[43] because there is "[s]ufficiently difference between men and brutes."[44] Rev. Baxter was aware of the nature of inhumane treatment of African slaves throughout North America and the West Indies. And he inveighed against this inhumane treatment. To the slave owners of the British West Indies, Rev. Baxter asked:

> How cursed a crime is it to equal men and beasts! Is not this your practice? Do you not buy them and use them merely to the same end, as you do your horses? To labour for your commodity, as if they were baser than you, and made to serve you? Do you not see show you reproach and condemn yourselves, while you vilify them as savages and barbarous wretches? Did they ever do any thing more savage, than to use not only men's bodies as beasts, but their souls as if they were made for nothing but to actuate their bodies in your worldly drudgery? Did the veriest cannibals ever do any thing more cruel or odious, than to sell so many souls to the devil for a little worldly gain? Did ever the cursedest miscreants on earth, do any thing more rebellious, and contrary to the will of the most merciful God, than to keep those souls from Christ, and holiness, and heaven, for a little money, who were made and redeemed for the same ends, and at the same precious price as yours? Did your poor slaves ever commit such villanies as these? Is not the basest wretch and the most barbarous savage, who committeth the greatest and most inhuman wickedness? And are theirs comparable to these of yours? Do not the very example

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[42] Ibid., p. 92.
[43] Ibid., p. 91.
[44] Ibid., p. 90.

of such cruelty, besides your keeping them from Christianity, directly tend to teach them and all others, to hate Christianity, as if it taught men to be so much worse than dogs and tigers?[45]

According to Rev. Baxter, under the Mosaic Law (i.e., the law of nature), slaves are equally "under the government and laws of God" as are the master classes.[46] Therefore, "all God's laws must be first obeyed by [the slaves], and [the master classes] have no power to command them to omit any duty which God commandeth them, nor to commit any sin which God forbiddeth them; nor can [the master class], without rebellion or impiety, expect that your work or command should be preferred before God's."[47] In other words, Puritan or Christian slave owners are to function as "Christ's trustees" and as "the guardians of" the souls of the slaves.[48]

(4).   New England Theology and General Attitude against Chattel Slavery

In seventeenth-century New England, the Puritan ideal was never extinguished and it eventually laid the foundation, first, of the abolition movement in New England and, second, for the abolition movement throughout the entire United States during the eighteenth and nineteenth centuries. (There, the great Frederick Douglass, for example, came into his own, in Massachusetts, as an anti-slavery orator and agitator.) In other words, the ideas of John Calvin and Richard Baxter, that slavery was limited to a form of Christian stewardship and that "chattel slavery" was expressly prohibited as "unchristian," took root in New England. An example of this can be observed in Lorenzo Greene's work, *The Negro in Colonial New England*, where he writes:

> Because of complaints that both real and personal property had been assessed unfairly throughout the province, the Assembly on June 1, 1728, passed a new tax bill by which assessments on horses, oxen and cows were reduced, and an average valuation of £ 20 per head was placed on every male Negro, Indian and mulatto slave. The revised valuation of domestic animals, Indian and Negro slaves read:
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> Each ox…………….. £ 3

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[45] Ibid., pp. 90-91.
[46] Ibid. p. 90.
[47] Ibid.
[48] Ibid.

Each cow …………… £ 2

Each horse ………….. £ 3

Each hog …………… £ --: 10

Each Negro, Mulatto
and Indian Slave being male…… £ 20

Negro and Indian males were thus given an assessed valuation of more than six times that of an ox or a horse, and ten times that of a cow.

It was this inclusion of Negroes and Indian in the tax lists along with domestic animals that moved humanitarians like Judge Samuel Sewall and the Reverend John Eliot to protest against slavery, and led Sewall at the time when Massachusetts was contemplating a revision of its tax list in 1706, to attempt, albeit vainly, 'to prevent Indians and Negroes being rated with horses and hogs.' Negroes continued to be included in this category until slavery was abolished….

The more intimate association of masters and slaves in New England, necessitated by the diversity of New England's economic life, also made for kinder treatment of the slaves. Religion, as already pointed out, played an important role. The fact that the New Englanders regarded the slaves as persons divinely committed to their stewardship developed a patriarchal conception of slavery, which along with other factors, went far to mitigate the unhappy condition of their bondmen. Congregational ministers and magistrates like John Eliot, Cotton Mather, Exra Stiles, Edward Holyoke, and Samuel Sewall, who wielded a powerful influence in shaping the thought of colonial New England, helped through precept and example to foster this benign paternalism. No better spokesman for this viewpoint could be cited than the erudite Cotton Mather who wrote:

> I would always remember, that my servants are in some sence my children, and by taking care that they want nothing which may be good for them, I would make them as my children; and so far as the methods of instituting piety in the mind which I

use with my children, may be properly and prudently used with my servants, they shall be partakers in them—Nor will I leave them ignorant of anything, wherein I may instruct them to be useful to their generation.

Mather not only treated his own slaves kindly but also expressed concern about slaves in general. He formed a Negro Society, which met in his home, and wrote pamphlets advocating the Christianization and humane treatment of the slaves. In November, 1716 he wrote to Thomas Prince, asking whether the African slaves were 'treated according to the rules of humanity.' Mather also was anxious to know whether the Negroes were regarded as 'those that are of one blood with us'… who 'have immortal souls in them and are not mere beasts of burden.'[49]

If, then, we trace the theological roots of American Christianity to the Church of England, then we shall find no more purer expression of that theology than in New England, where the Puritans laid its foundations. There we shall find a Christianity that was imperfect but simple, honest, and pure. Without a doubt it established the institution of African slavery within its own midst, and it engaged in the African slave trade. But it did so largely with the theological understanding that slavery had to regulated by the Law of Christ, or else it should be uprooted and abolished. Today, this Puritan or New-Englander view of slavery can be found within the text of section one of the Thirteenth Amendment, U.S. Constitution: "Neither slavery nor involuntary servitude, ***except as a punishment for crime whereof the party shall have been duly convicted***, shall exist within the United States, or any place subject to their jurisdiction."

As W.E.B. Du Bois observed in his classic work, *Suppression of the African Slave Trade*, New England completely abolished slavery along with its ratification of the *Declaration of Independence in 1776* and adoption of the U.S. Constitution in 1787, because it reasoned that the principles set forth in that *Declaration* and advanced during the American Revolution were completely incompatible with the institution of African slavery and the trade in men.[50] New England's Puritanism had logically led it to this conclusion. And American abolitionism, relying upon the natural-law and natural-rights traditions of Roman Catholicism, Anglicanism, and Calvinism, early and largely kept these Puritan ideals alive throughout the

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[49] Greene, *The Negro in Colonial New England*, pp. 171, 219-220.
[50] Du Bois, *The Suppression of the African Slave Trade*, pp. 34-44.

eighteenth and nineteenth centuries. Not until 1865, did the rest of the remaining parts of United States of America come to the same conclusion that slavery was incompatible with the United States Constitution.

B.   Church of England's Policy and Regulation of Slavery and the Slave Trade (1600-1750)

The general attitude of the seventeenth-century Church of England toward slavery and the slave-trade was greatly influenced by the economic interests of merchants, traders, and financiers. With the death of Elizabeth I in 1603 came the rise of unprincipled economic interests in England. For a quick overview of how these economic interests arose in England, see Table 1., "W.E.B. Du Bois' doctoral dissertation: *The Suppression of the African Slave Trade to the United States of America*. These economic interests competed with the Church of England for influence over England's commercial policy, including the slave trade and practices and policies regulating slavery.

In *The Suppression of the African Slave Trade*, Du Bois describes these "economic interests" as being more powerful than the "moral movement" to end the slave-trade. For these reasons, Du Bois concluded that both colonial America and the new United States of America failed to abolish slavery and the slave-trade- - root and branch -- during the period of the American Revolutionary War (1775-1783). Table 1., "W.E.B. Du Bois' doctoral dissertation: *The Suppression of the African Slave Trade to the United States of America*.[51]

W.E.B. Du Bois' doctoral dissertation:
"The Suppression of the African Slave Trade"

Quick Summary of the Rise of the English Slave Trade

*   Sir John Hawkins celebrated voyage in 1562

*   1631 First Chartered Company to "undertake to carry on the trade" in slaves.

*   Company of Royal Adventurers trading to Africa, charted in 1662 by Charles II (to supply the West Indies with 3,000 slaves)

*   1672 Royal African Company, chartered by Charles II took over from the old company, "and carried on a growing trade for a quarter a century."

*   1698 Parliamentary interference with the slave trade began Statute 9 and 10 William and Mary,

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[51] W.E.B. Du Bois, *Writings* (New York, N.Y.: The Library of America, 1986), p. 9-14.

declared the trade highly beneficial and advantageous to England

*	English merchants sought to exclude other nations by securing a monopoly of the lucrative Spanish colonial slave-trade. Assiento in 1713, secured for 30 years a monopoly; England would supply 144,000 slaves, at the rate of 4,800 per year. Kings of Spain and England profited.

*	Under the Assiento of 1713, the Royal African Company was allowed to import and sell "as many slaves as they wished above the specified number in the first twenty-five years."

*	English merchants imported about 15,000 slaves annually to the Americas, where from between 1/3 to ½ when to the Spanish colonies

*	1729-1750, Parliament assisted the Royal African Company "by annual grants" but this proved a failure, but in 1750 the Royal African Company went bankrupt.

*	1750 Statute 23 George II, Chapter 31, "Company of Merchants trading to Africa" was established. Any merchant could engage in the slave-trade for duties. The monopoly in the slave-trade was broken.

*	Colonial governors in America asked not to lay duties upon the slave imports.

*	"The exact proportions of the slave-trade to America can be but approximately determined. From 1680 to 1688 the African Company sent 249 ships to Africa, shipped there 60,783 Negro slaves, and after losing 14,387 on the middle passage, delivered 46,396 in America. The trade increased early in the eighteenth century, 104 ships clearing for Africa in 1701; it then dwindled until the signing of the Assiento, standing at 74 clearances in 1724. The final dissolution of the monopoly in 1750 led— excepting in the years 1754-57, when the closing of Spanish marts sensibly affected the trade—to an extraordinary development, 192 clearances being made in 1771. The Revolutionary War nearly stopped the traffic; but by 1786 the clearances had risen again to 146."

The Church of England's role in slavery and the transatlantic slave-trade must thus be viewed within the context of the economic development of the seventeenth-- and eighteenth centuries. The authentic Christian faith[52] which the

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[52] This premise regarding the "true, authentic Christian faith" is based largely upon the historical assessment of the Church of England as presented in the work *Africa and America: Addresses and Discourses* (Springfield, MA: Wiley & Co., 1891), by Rev. Alexander Crummell, an 1854 graduate of Cambridge University, an ordained Anglican Priest, and Pan-Africanist who later influenced W.E.B. DuBois and many others. In his "Eulogium on the Life and Character of Thomas Clarkson, Esq. of England," Rev. Crummell, states: "[a]t the commencement of the sixteenth century, after the slavery of Africans had been allowed in the Spanish settlements, we find one Cardinal Ximenes, then holding the reigns of government, (previous to the accession of Charles the Fifth,) refusing his permission for the establishment of a regular system of commerce, in the persons of Native Africans. When Charles [V] came to power, he acted contrary to the course of the Cardinal. But by a good Providence he was afterward brought to see his error and to repent of it. In the year 1542, he made a code of laws, prohibiting the slave trade and emancipating all slaves in his dominions. About the same time, Leo 10th, the Pope of Rome, denounced the whole system, declaring, 'That not only the Christian religion, but that nature herself cried out against a state of slavery.' In England, in 1562, we find Queen Elizabeth anxious, lest the evils of the slave trade should be entailed upon Africa by any of her subjects, declaring that if any of them were carried off without her consent, 'It would be detestable,

Church of England reflected should not be implicated in the endorsement of slavery and the slave trade. For instance, Rev. Alexander Crummell said of both Thomas Clarkson and the British Abolition movement:

> This moral effort establishes the principle, to use the words of Mr. Clarkson, **'That commerce itself shall have its moral boundaries.'** This result is of the last importance. Too long has religion been abstracted from the lives and business pursuits of men. Too long has Christianity been isolated, yea almost localized to the Minister, the Cathedral, the Cloister or the Church! That day is past, and the usages therewith connected, are numbered with the things that were. Christianity henceforth permeates all the relations of life, and sits in judgment upon all its moral concernments.[53]

Rev. Crummell's thesis also is perfectly aligned with R.H. Tawney's theory regarding the resistance of capitalism to Church teachings.[54] Hence, influential and powerful British merchants, traders, financiers, capitalists, etc. simply disdained this authentic Christian faith, and fought to overthrow the Church of England's influence over secular commercial affairs. The tension between the Church of England and the merchants was reflected in the policy of slavery and the slave-trade: the merchants wanted the law of Christ curtailed, the church on the other hand wanted it enforced.[55] In the end, the Church of England simply acted in the defensive and attempted to regulate and ameliorate this unfortunate human condition of slavery.[56] At its very best, certain ministers within the Church of England continued to stress the theological understanding that "slavery" reflected the condition of human sin and should be abolished at the earliest possible

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and call down the vengeance of Heaven upon the undertakers.' From this time, we find a continual testimony, ever and anon, borne against the system of slavery, by men of every profession and of every rank:-- MILTON; Bishop SANDERSON; Rev. MORGAN GODWYN, an episcopal clergyman, who wrote the first work ever undertaken expressly for this cause; RICHARD BAXTER, the celebrated divine published upon it; STELLE; the Poet THOMPSON; Rev. GRIFFITH HUGHES, another Episcopal clergyman; SHENSTONE, the Essayist and Poet; Dr. HUYTER, Bishop of Norwich; STERNE; Bishop WARBURTON, author of the Divine Legation, who preached a sermon before the Society for the Propagation of the Gospel, in 1766, in which he scouts the idea of man holding property in rational creatures. The DISSENTERS of all names, especially the FRIENDS, distinguished themselves beyond all others, in their early interest in the cause, and their clear, earnest, and explicit disapprobation of it. Latterly, GRANVILLE SHARP, the Father of the more modern Abolitionists, appeared upon the stage. And to him belongs the distinguished honor of having brought about the glorious decision in the case of Somerset, which COWPER has rendered immortal in the noble lines:-- 'Slaves cannot breathe in England: if their lungs receive our air, that moment they are free; they touch our country and their shackles fall.'" *Africa and America*, pp. 218-219.

[53] Alexander Crummell, *Africa and America: Addresses and Discourses* (Springfield, MA: Wiley & Co., 1891), p. 246.

[54] R.H. Tawney, *Religion and the Rise of Capitalism* (New York, N.Y.: Mentor Books, 1954).

[55] Ibid.

[56] Ibid.

convenience, during the meanwhile elevating slaves to the status of Christian brotherhood.[57]

From the beginning, this policy of elevating slaves to Christian brotherhood and, eventually, preparing them for liberation, was the official Christian canon and policy on slavery as it existed throughout the ancient Roman world, Medieval Europe, and the early Renaissance period—a policy that had been applied to the slaves of central Europe since about 450 A.D.[58] And a policy which the Church of England inherited from the Roman Catholic Church and thoroughly embraced.

Hence, from the beginning of England's encounter with African slavery and the African slave-trade, the great Christian Queen Elizabeth I (1558-1603) early and largely opposed these institutions, which did not appear in the English colonies until later during the reign of King James I (1603-1625). Anglican deacon Thomas Clarkson, an influential seventeenth- and eighteenth-century English abolitionist, has reported that *slavery and the slave-trade were never lawful under English common law or the law of the Church (i.e. the parameters of the Christian faith or the "Law of Christ")*[59] and that when Queen Elizabeth I first learned of attempts by English merchants to engage in the Spanish slave-trade, she early lodged her objections against the practice:

> And as the right to slaves, because they were born slaves, cannot be defended either upon the principles of reason or of justice, so this right absolutely falls to pieces, when we come to try it by the touchstone *of the Christian religion*. Every man who is born into the world, whether he be white or whether he be black, is born, according to Christian notions, a free agent and an accountable creature. This is the Scriptural law of his nature as a human being. He is born under this law, and he continues under it during his life…. It has now

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[57] For John Calvin's views on slavery, see, generally, the web link: https://politicaltheology.com/all-things-turned-upside-down-calvin-on-slavery/.

[58] Thus commenting on this subject, the great French social theorist Alex De Tocqueville opined that "[a]ntiquity could only have a very imperfect understanding of this effect of slavery on the production of wealth. Then slavery existed throughout the whole civilized world, only some barbarian peoples being without it. **Christianity destroyed slavery by insisting on the slave's rights; nowadays it can be attacked from the master's point of view; in this respect interest and morality are in harmony."** Alexis de Tocqueville, *Democracy in America* (New York, N.Y.: Harper Perennial, 1988), p. 348.

[59] The Law of Christ is to "love ye one another" (John 15:12); to do justice and judgement (Genesis 18:18-19; Proverbs 21: 1-3); to judge not according to appearance but to judge righteous judgments (John 7:24); and to do justice, judgment, and equity (Proverbs 1:2-3).

appeared, if I have reasoned conclusively, that the West Indians have no title to their slaves on the ground of purchase, nor on the plea of the law of birth, nor on that of any natural right, nor on that of reason or justice, and that Christianity absolutely annihilates it. It remains only to show, that they have no title to them on the ground of original grants or permission of Governments, or of Acts of Parliament, or of Charters, or of English law.

With respect to original grants or permissions of Governments, the case is very clear. History informs us, that neither the African slave trade nor the West Indian slavery would have been allowed, had it not been for the misrepresentations and falsehoods of those, who were first concerned in them. The Governments of those times were made to believe, first, that the poor Africans embarked voluntarily on board the ships which took them from their native land; and secondly, that they were conveyed to the Colonies principally for their own benefit, or out of Christian feeling for them, that they might afterwards be converted to Christianity. Take as an instance of the first assertion, the way in which Queen Elizabeth was deceived, in whose reign the execrable slave trade began in England. This great princess seems on the very commencement of the trade to have questioned its lawfulness. She seems to have entertained a religious scruple concerning it, and indeed, to have revolted at the very thoughts of it. She seems to have been aware of the evils to which its continuance might lead, or that, if it were sanctioned, the most unjustifiable means might be made use of to procure the persons of the natives of Africa. And in what light she would have viewed any acts of this kind, had they taken place to her knowledge, we may conjecture from this fact—that when Captain (afterwards Sir John) Hawkins returned from his first voyage to Africa and Hispaniola, whither he had carried slaves, she sent for him, and, as we learn from Hill's Naval History, expressed her concern lest any of the Africans should be carried off without their free consent, declaring, *‘that it would be detestable and call down the vengeance of Heaven upon the undertakers*.’ Capt. Hawkins promised to comply with the injunctions of Elizabeth in this respect. But he did not keep his word; for when he went to Africa again, he seized many of the inhabitants and carried them off as slaves, ‘Here (says Hill) began the horrid practice of forcing the Africans into slavery, an injustice and barbarity, which, so sure as

there is vengeance in Heaven for the worst of crimes, will sometimes be the destruction of all who encourage it.'

Take as an instance of the second what Labat, a Roman missionary, records in his account of the Isles of America. He says, the Louis the Thirteenth was very uneasy, when he was about to issue the edict, by which all Africans coming into his colonies were to be made slaves; and that this uneasiness continued, till he was assured that the introduction of them in this capacity into his foreign dominions was the readiest way of converting them to the principles of the Christian religion. ***It was upon these ideas then, namely, that the Africans left their country voluntarily, and that they were to receive the blessings of Christianity, and upon these alone, that the first transportations were allowed, and that the first English grants and Acts of Parliament, and that the first foreign edicts, sanctioned them***.[60]

In *The Suppression of the African Slave-Trade to the United States of America 1638-1870,* W.E.B. Du Bois writes, "Sir John Hawkins's celebrated voyage took place in 1562, but probably not until 1631 did a regular chartered company undertake to carry on the trade. [Footnote: African trading companies had previously been erected (e.g. by Elizabeth in 1585 and 1588, and by James I in 1618); but slaves are not specifically mentioned in their charters, and they probably did not trade in slaves. Cf. Bandinel, Account of the Slave Trade (1842), pp. 38-42]."[61]

Hence, Spain (King Charles V), France (King Louis XIII), and England (Queen Elizabeth I) naturally received the idea of African slavery and the slave-trade as revolting to the Christian faith.[62] Protestant leader and lawyer John

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[60] Thomas Clarkston, "Thoughts on the Necessity of Improving the Condition of the Slaves in the British Colonies With a View To Their Ultimate Emancipation; and on the Practicability, the Safety, and the Advantages of the Latter Measure" (1823)(New York, N.Y.: Aeterna Pub., 2010), pp. 8-10.

[61] W.E.B. Du Bois, *Writings* (New York, N.Y.: The Library of America, 1986), pp. 9-10.

[62] According to the great English Abolitionist Thomas Clarkson, the European powers initially engaged upon the African slave-trade and slavery upon receiving receiving false and deceiptful information from European merchants and investors. Mr. Clarkson writes, "[t]ake as an instance of the second what Labat, a Roman missionary, records in his account of the Isles of America. He says, that Louis the Thirteenth was very uneasy, when he was about to issue the edict, by which all Africans coming into his colonies were to be made slaves; and that this uneasiness continued, till he was assured that the introduction of them in this capacity into his foreign dominions was the readiest way of converting them to the principles of the Christian religion. It was upon these ideas then, namely, that the Africans left their own country voluntarily, and that they were to receive the blessings of Christianity, and upon these alone, that the first transportations were allowed, and that the first English grants and Acts of Parliament, and that the first foreign edicts, sanctioned them. We have therefore the fact well authenticated, as it relates to original Government grants and permissions, that the owners of many of the Creole slaves in our colonies have no better title to them as

Calvin's biblical interpretations and views on slavery, as it existed in the bible and as it then existed in the sixteenth-century Spanish Empire, certainly reflected the conventional Christian perspective throughout Europe that slavery was unnatural and un-Christian.[63] But the marked shift in Europe's general official policy on African slavery occurred during the late sixteenth and early seventeenth centuries. Anglican priest Alexander Crummell and Anglican deacon Thomas Clarkson have both attributed this shift in policy to the powerful European merchants, whose false reports, subterfuge, and political influence compelled European monarchs to consent to congenial African commercial policy that had Christian evangelization as a primary objective. But in reality, the merchants' programmes were a subterfuge for slavery and the cruelty of the African slave trade. According to Clarkson, the European and English merchants deceived European Christendom with materialism, greed of gold, and profit. Beginning in the mid-1500s, this subversion of Christian principle and doctrine became established economic policy for three hundred years, until such time as Christian abolitionists, such as William Wilberforce, John Wesley, Thomas Clarkson, and Frederick Douglass were able to re-establish the Christian foundations of the secular law.[64] What those "Christian foundations" of Europe's and England's secular laws entailed, was deeply rooted in Thomist legal doctrine and natural-law theory, as was, perhaps, best expressed by Rev. John Wesley in his tract, "Thoughts Upon Slavery" (1792), where he said:

> The grand plea is, '[Slavery and the transatlantic slave-trade] are authorized by law.' But can law, Human Law, change the nature of things? Can it turn darkness into light, or evil into good? By no means. Notwithstanding ten thousand laws, right is right, and wrong is wrong still. There must still remain an essential difference between justice and injustice, cruelty and mercy. So that I still ask, who can

property, than as being the descendants of persons forced away from their country and brought thither by a traffic, which had its allowed origin in fraud and falsehood." Thomas Clarkson, "Thoughts on the Necessity of Improving the Condition of the Slaves in the British Colonies"
http://www.bookrags.com/ebooks/10386/14.html#gsc.tab=0.

[63] See, generally, the web link "Calvin on Slavery": https://politicaltheology.com/all-things-turned-upside-down-calvin-on-slavery/.

[64] Rev. Alexander Crummell said of both Thomas Clarkson and the British Abolition movement: "This moral effort establishes the principle, to use the words of Mr. Clarkson, 'That commerce itself shall have its moral boundaries.' This result is of the last importance. Too long has religion been abstracted from the lives and business pursuits of men. Too long has Christianity been isolated, yea almost localized to the Minister, the Cathedral, the Cloister or the Church! That day is past, and the usages therewith connected, are numbered with the things that were. Christianity henceforth permeates all the relations of life, and sits in judgment upon all its moral concernments." *Africa and America: Addresses and Discourses* (Springfield, MA: Wiley & Co., 1891), p. 246.

reconcile this treatment of the negroes, first and last, with either mercy or justice?[65]

Hence, Christian Europe's initial impression of African slavery reflected the "Law of Christ" [66] and slavery was of widespread disapproval. Indeed, the "Law of Christ," had been sewn into the legal codes of England and Europe through the Roman Catholic Church.[67] From the very beginning, the Bible did not seem to

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[65] John Wesley, *Thoughts Upon Slavery* (London, England: G. Paramore, 1792), p. 14. See www.forgottenbooks.com.

[66] The Law of Christ is to "love ye one another" (John 15:12); to do justice and judgement (Genesis 18:18-19; Proverbs 21: 1-3); to judge not according to appearance but to judge righteous judgments (John 7:24); and to do justice, judgment, and equity (Proverbs 1:2-3).

[67] Perhaps most representative of the viewpoint on Slavery of most Christians who lived during the early sixteenth century was that of John Calvin's. See, generally, **John Calvin (1509-1564) On Slavery:** "…but they were slaves, of the kind that are still used in some countries, in that after a man was bought the latter would spend his entire life in subjection, to the extent that he might be treated most roughly and harshly: something which cannot be done amidst the humanity which we keep amongst ourselves. Now it is true that we must praise God for having banished such a very cruel brand of servitude." Calvin, Sermon XLVI on 1 Timothy 6:1–2. II. "For each human being is a reasonable creature. And this derived from sin, one evil triggers another, until things descend into utter confusion. But if we examine the rights which masters had, we shall conclude every time that this is something which is contrary to the whole order of nature. For we are all fashioned after the image of God, and it was thus altogether too exorbitant that a reasonable creature upon whom God has stamped his mark should be put to such insulting condition. But such are the fruits of the disobedience and sin of our first father Adam: it has resulted in all things being turned upside down." Sermon, Ephesians 6:5-9, also cit Kayayan. III. "Soon after the deluge it happened that most of the human race lost the freedom that was by nature common to everyone. Now, whether the first enslaved humans had been crushed by the conquest or compelled by poverty, the natural order had certainly been corrupted by violence; for human beings had been created to have and sustain society to their mutual advantage. And although it is necessary for some to have stewardship over the others, we ought rather to maintain equality among brethren." OT Commentaries (Harmony of the Law), op. cit. Genesis 12:5. IV. "The same punishment [death] is here deservedly denounced against man-stealers as against murderers; for, so wretched was the condition of slaves, that liberty was more than half of life; and hence to deprive a man of such a great blessing, was almost to destroy him. Besides, it is not man-stealing only which is here condemned, but the accompanying evils of cruelty and fraud, i.e., if he, who had stolen a man, had likewise sold him." Commentary Deuteronomy 24:7. V. "Paul therefore reminds Philemon that he ought not to be so greatly offended at the flight of his slave, for it was the cause of a benefit not to be regretted. So long as Onesimus was at heart a runaway, Philemon, though he had him in his house, did not actually enjoy him as his property; for he was wicked and unfaithful, and could not be of real advantage. He says, therefore, that he was a wanderer for a little time, that, by changing his place, he might be converted and become a new man. He next brings forward another advantage of the flight, that Onesimus has not only been corrected by means of it, so as to become a useful slave, but that he has become the "brother" of his master… Hence (Paul) infers that Philemon is much more closely related to him, because both of them had the same relationship in the Lord according to the Spirit, but, according to the flesh, Onesimus is a member of his family. Here we behold the uncommon modesty of Paul, who bestows on a worthless slave the title of a brother, and even calls him a dearly beloved brother to himself. And, indeed, it would be excessive pride, if we should be ashamed of acknowledging as our brother those whom God accounts to be his sons." Commentary, Philemon, 15-17. It thus appears quite ironic that during the seventeenth century, certain New England Puritans who subscribed to Calvinist theology and theocracy, readily participated in the African slave-trade. But from the beginning, the original Calvinist position on slavery and the slave-trade was that these institutions were un-Christian and should be forbidden.

support fifteenth and sixteenth-century African slavery or the transatlantic slave trade. As Professor Guest has noted "[t]he Old Testament form of [slavery] was particularly mild and humane. In theory, at least, a slave was a member of his master's household…."[68] During the time of the first Apostles of Christ, the early church was admonished to preach a doctrine of equity, justice, and love, which extended even to slaves. The implication was that, as Ralph Waldo Emerson would later observe in his famous speech, "The Fugitive Slave Law," the "law of Christ"[69] could not sanction the brutal injustice of the African slave trade and slavery which the English and Americans perpetuated in the Western hemisphere. Professor Guest writes:

> [I]n Deuteronomy, 23:15, a fugitive slave was to be protected when he fled from his master. St. Paul, on the other hand, sent back Onesimus to his master Philemon, though with an injunction to treat him kindly, and in his Epistle to the Ephesians exhorted slaves to be obedient to their masters. Yet in numerous as passages he speaks of the distinction between slave and freeman as having no meaning in their relationship to God. He himself was a bond to Christ. The condition of slavery in other words was only external, having no existence in the spiritual life 'where there is neither Greek nor Jew, bond or free, but Christ is all and in all.'… The early Fathers and the Church down to modern times recognized slavery in the same way. St. Gregory repeated the theory inherited from the Greek philosophy that all men are by nature equal, and reconciled it with the institution of slavery by holding the latter to be a concession to necessary conditions of human life and one of the consequences of servant sin. He who commits sin is the servant of sin. In the bitter controversies over slavery and the Fugitive Slave Laws which preceded our Civil War, no authority was quoted with greater confidence than was St. Paul, and he who argued against the injustice of slavery was held to be an opponent of the revealed will of God; while on the other hand **Emerson in his speech on the Fugitive Slave Law unhesitatingly affirmed that an immoral law was void and appealed for support to the Bible, which he said was a part of every technical law library.[70]**

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[68] John Marshall Guest, "The Influence of Biblical Texts Upon English Law" (An address delivered before the Phi Beta Kappa and Sigma Xi Societies of the University of Pennsylvania on June 14, 1910)(pages 15-34), p. 22.

[69] The fundamental "Law of Christ," to wit, is to "love ye one another" (John 15:12); to do justice and judgement (Genesis 18:18-19; Proverbs 21: 1-3); to judge not according to appearance but to judge righteous judgments (John 7:24); and to do justice, judgment, and equity (Proverbs 1:2-3).

[70] John Marshall Guest, "The Influence of Biblical Texts Upon English Law" (An address delivered before the Phi Beta Kappa and Sigma Xi Societies of the University of Pennsylvania on June 14, 1910)(pages 15-34), pp. 22-23.

The viewpoint of Emerson that Christianity could not support the institution of American slavery had been the original theological position of the Church of England, and that positon was lucidly set forth in the writings and sermons of the Anglican priests Richard Baxter, John Wesley, Alexander Crummell, and many other Anglican dissenters as to the practice of slavery in America. [71]

During the mid-1800's, the Reverend William Goodell, who as a staunch abolitionist in the United States, held firmly to the position that English common law and the Christian faith did not, and could not, uphold or validate the institution of American slavery. For Rev. Goodell, the Bible did not support American slavery, and neither did the English common law since, according to Rev. Goodell, it was based upon the Christian faith. "Another important circumstance," wrote Rev. Goodell, "is the colonial charters, which were their constitutions of government, expressly provided **that the Colonies should enact no laws contrary to the common law, the Constitution and the fundamental laws of Great Britain.** But these [legal opinions] (as decided by Lord Mansfield, and as attested

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[71] This assertion that the Anglican Church's original theological position was against African slavery and the African slave trade is based largely upon the historical assessment of the Church of England as presented in the work *Africa and America: Addresses and Discourses* (Springfield, MA: Wiley & Co., 1891), by Rev. Alexander Crummell, an 1854 graduate of Cambridge University, an ordained Anglican Priest, and Pan-Africanist who later influenced W.E.B. DuBois and many others. In his "Eulogium on the Life and Character of Thomas Clarkson, Esq. of England," Rev. Crummell, states: "[a]t the commencement of the sixteenth century, after the slavery of Africans had been allowed in the Spanish settlements, we find one Cardinal Ximenes, then holding the reigns of government, (previous to the accession of Charles the Fifth,) refusing his permission for the establishment of a regular system of commerce, in the persons of Native Africans. When Charles [V] came to power, he acted contrary to the course of the Cardinal. But by a good Providence he was afterward brought to see his error and to repent of it. In the year 1542, he made a code of laws, prohibiting the slave trade and emancipating all slaves in his dominions. About the same time, Leo 10th, the Pope of Rome, denounced the whole system, declaring, 'That not only the Christian religion, but that nature herself cried out against a state of slavery.' In England, in 1562, we find Queen Elizabeth anxious, lest the evils of the slave trade should be entailed upon Africa by any of her subjects, declaring that if any of them were carried off without her consent, 'It would be detestable, and call down the vengeance of Heaven upon the undertakers.' From this time, we find a continual testimony, ever and anon, borne against the system of slavery, by men of every profession and of every rank:-- MILTON; Bishop SANDERSON; Rev. MORGAN GODWYN, an episcopal clergyman, who wrote the first work ever undertaken expressly for this cause; RICHARD BAXTER, the celebrated divine published upon it; STELLE; the Poet THOMPSON; Rev. GRIFFITH HUGHES, another Episcopal clergyman; SHENSTONE, the Essayist and Poet; Dr. HUYTER, Bishop of Norwich; STERNE; Bishop WARBURTON, author of the Divine Legation, who preached a sermon before the Society for the Propagation of the Gospel, in 1766, in which he scouts the idea of man holding property in rational creatures. The DISSENTERS of all names, especially the FRIENDS, distinguished themselves beyond all others, in their early interest in the cause, and their clear, earnest, and explicit disapprobation of it. Latterly, GRANVILLE SHARP, the Father of the more modern Abolitionists, appeared upon the stage. And to him belongs the distinguished honor of having brought about the glorious decision in the case of Somerset, which COWPER has rendered immortal in the noble lines:-- 'Slaves cannot breathe in England: if their lungs receive our air, that moment they are free; they touch our country and their shackles fall.'" *Africa and America*, pp. 218-219. Rev. Crummell's assessment of the original position of the Church of England on the question of African Slavery is similar to Rev. William Goodell's overall assessment, which he articulated in *The American Slave Code* (New York, N.Y.: American and Foreign Anti-Slavery Society, 1853).

by Coke, Fortescue, and Blackstone) are incompatible with the existence of slavery."[72]

Thus contending that American slavery was illegal from the very beginning of its appearance in the American colonies, Rev. Goodell wrote:

> Sir John Hawkins obtained leave of Queen Elizabeth, in the year 1562, to transport Africans into the American colonies with their own free consent, a condition with which he promised to comply. But he forfeited his word, and forced them on board his ships by acts of devastation and slaughter. For this he was denominated a murderer and a robber, even by the historian Edwards, an advocate of the slave-trade. (Vice Clarkson's History, p. 30); and Edwards' Hist. W. Indies, vol. 2, pp. 43-4.) This was the beginning of the slave-trade by Englishmen.
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> By Act of 23 George II, the 'trade to Africa' was 'regulated,' including a strict prohibition, under penalties, of the taking on board or carrying away any African 'by force, fraud, or violence,' (Vide Clarkson,p. 314. See also Spooner's Unconstitutionality of Slavery.) Under no other legal sanction than this, the forcible and fraudulent seizure and transportation of slaves from Africa to the British-American Colonies was carried on till the West India and North American Colonies were stocked with slaves, and many were introduced into England, held as slaves there, and the tenure accounted legal! But in 1772 it was decided by Lord Mansfield, in the case of James Somerset, a slave, **that the whole process and tenure were illegal; that there was not, and never had been, any legal slavery in England.** This decision was understood by Granville Sharpe, the chief agent in procuring it, to be applicable to the British Colonies, as well as to the mother-country, and undoubtedly it was so. The United States were then Colonies of Great Britain. But the slaves in the Colonies had no Granville Sharpe to bring their cause into the Courts, and the Courts were composed of slaveholders.
> In the great struggle, afterwards, in the British Parliament for abolishing the African slave-trade, William Pitt cited the Act of 23 George II., (which we have already mentioned,) and declared that

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[72] William Goodell, *The American Slave Code* (New York, N.Y.: American and Foreign Anti-Slavery Society, 1853), p. 270.

instead of authorizing the slave-trade, as was pretended, it was a direct prohibition of the whole process, as it had actually been carried on by fraud, force, and violence. An elaborate investigation by Parliament sustained the statement; and, after a long struggle, the doctrine prevailed, and the traffic was expressly and solemnly abolished, though it has been secretly carried on to the present day, and is prosecuted still. There is reason to believe that great numbers are still smuggled annually into the United States, as it is known that numerous plantations in the States bordering on the Gulf of Mexico are stocked with slaves, evidently African, and unable to speak English. The whole process is, and has been, illegal, from the beginning to end….[73]

Such was the origin, and such are the legal foundations of the 'legal relation of master and slave' in this country; just as 'legal' now, and no more so--- just as 'innocent' now, and no more so, than in the person of John Hawkins, when he first forced a band of naked Africans on board his slave-ship, on the coast of Africa, or when he first offered them for sale in the Colonies; quite as cruel, Heaven-defying, and murderous now as it was then, and involving its present perpetrators in the same condemnation with John Hawkins, at the bar of impartial posterity, **and at the bar of God. 'Where the foundation is weak,' says the common law, 'the structure falls.' 'What is invalid from the beginning, cannot be make valid by length of time.' (Noyes' Maxims.) 'He that stealeth a man and selleth him,' says Moses, 'or if he be found in his hand, he shall surely be put to death.' 'The law was made for men-stealers,' says Paul. 'Stealers of men,' said the Presbyterian General Assembly of 1794, 'are those who abduct, keep, sell, or buy slaves or freemen.' 'To hold a man in a state,of slavery,' said Dr. Jonathan Edwards, 'is to be, every day, guilty of robbing him of his liberty, or of man-stealing.' 'Men-buyers,' said John Wesley, 'are exactly on a level with men-stealers.' We might quote similar language from Dr. Porteus, Bishop of London, Bishop Warburton, Macknight, Abraham Booth, and other eminent writers.**[74]

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[73] Ibid., pp. 258-260.
[74] Ibid., pp. 270-271.

However, scores of English merchants and a host of opportunistic Anglican chaplains and theologians stood ready to sacrifice the "law of Christ" upon the altar of greed, gold, and treasure. Simultaneously, we shall also observe that true, authentic Christianity, operating within and alongside the Church of England, laid the groundwork for the abolition of African slavery and the slave-trade, during the seventeenth and eighteenth centuries.

C.   Biblical Influences upon the New England Slave Code (1620-1750)

The "Law of Christ"[75] and its influence upon North American slavery should not be understated. Where the slave masters took Christianity seriously, the institution of slavery was humane, reasonable, and premised upon a factual basis. But in parts of the Western Hemisphere where Christianity was not taken seriously, the institution of slavery was characterized by rebellion, war, murder, genocide, concubinage, and sexual debauchery. Records are clear: Christianity elevated the dignity of the slave and promoted religious salvation and manumission. On the other hand, the profit-motive amongst overseas investors and merchants often led to the dehumanization, exploitation, and genocide of slaves. New England's colonies tended more towards a slavery based upon the parameters of the Christian faith, whereas the southern colonies such as South Carolina and the British West Indies tended more towards unprincipled economic exploitation of African slaves and severe slave codes on the basis of the widespread fear of slave insurrections. For example, in his doctoral dissertation, "The Suppression of the African Slave Trade," W.E.B. Du Bois noted the differences in the severity of slave codes and regulations on the basis of region, stating, to wit:

> In colonies like those in the West Indies and in South Carolina and Georgia, the rapid importation into America of a multitude of savages gave rise to a system of slavery far different from that which the last Civil War abolished. The strikingly harsh and even inhuman slave codes in these colonies show this. Crucifixion, burning, and starvation were legal modes of punishment. The rough and brutal character of the time and place was partly responsible for this, but a more decisive reason lay in the fierce and turbulent character of the imported Negroes. The docility to which long years of bondage and strict discipline gave rise was absent, and insurrections and acts of violence were of frequent occurrence. Again and again the danger of planters

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[75]   The Law of Christ is to "love ye one another" (John 15:12); to do justice and judgement (Genesis 18:18-19; Proverbs 21: 1-3); to judge not according to appearance but to judge righteous judgments (John 7:24); and to do justice, judgment, and equity (Proverbs 1:2-3).

being 'cut off by their own negroes' is mentioned, both in the islands and on the continent. This condition of vague dread and unrest not only increased the severity of laws and strengthened the police system, but was the prime motive back of all the earlier efforts to check the further importation of slaves.

On the other hand, in New England and New York the Negroes were merely house servants or farm hands, and were treated neither better nor worse than servants in general in those days. Between these two extremes, the system of slavery varied from a mild serfdom in Pennsylvania and New Jersey to an aristocratic caste system in Maryland and Virginia.[76]

In addition, Du Bois observes that the Christian or Biblical culture of New England contributed to the early and rapid abolition of the institution of slavery. In other words, the strict Puritan moral code of New England disfavored the institution of African slavery, notwithstanding the potential of commercial profits that could potentially be extracted. The institution of slavery as practice under the Law of Moses simply could not render slavery profitable. And the Puritan conscience in New England simply could not divorce itself from the Laws of Moses and Christ. For this reason, African slavery in New England was pretty certainly doomed to steady, if not rapid, extermination. During the period of the American Revolution, New England had pretty much associated the abolition of African slavery with the very principles enunciated in the American *Declaration of Independence*. On this very point, W.E.B. Du Bois has thus observed:

19. Restrictions in Massachusetts. The early Biblical codes of Massachusetts confined slavery to 'lawful Captives taken in iust warres, & such strangers as willingly selle themselves or are sold to us.' The stern Puritanism of early days endeavored to carry this out literally, and consequently when a certain Captain Smith, about 1640, attached an African village and brought some of the unoffending natives home, he was promptly arrested. Eventually, the General Court ordered the Negroes sent home at the colony's expense, 'conceiving themselues bound by yc first oportunity to bear witness against yc haynos & crying sinn of mansealing, as also to P'scribe such timely redresse for what is past, & such a law for yc future as

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[76] W.E.B. Du Bois, pp. 13-14.

may sufficiently deter all oth's belonging to us to have to do in such vile & most odious courses, iustly abhorred of all good & iust men.' The temptation of trade slowly forced the colony from this high moral ground. New England ships were early found in the West Indian slave-trade, and the more the carrying trade developed, the more did the profits of this branch of it attract Puritan captains. By the beginning of the eighteenth century the slave-trade was openly recognized as legitimate commerce; cargoes came regularly to Boston, and 'The merchants of Boston quoted negroes, like any other merchandise demanded by their correspondents.' At the same time, the Puritan conscience began to rebel against the growth of actual slavery on New England soil. It was a much less violent wrenching of moral ideas of right and wrong to allow Massachusetts men to carry slaves to South Carolina than to allow cargoes to come into Boston, and become slaves in Massachusetts. Early in the eighteenth century, therefore, opposition arose to the further importation of Negroes, and in 1705 an act 'for the Better Preventing of a Spurious and Mixt Issue,' laid a restrictive duty of 4 [pounds] on all slaves imported. One provision of this act plainly illustrates the attitude of Massachusetts: like the acts of many of the New England colonies, it allowed a rebate of the whole duty on the re-exportation. The harbors of New England were thus offered as a free exchange-mart for slavers. All the duty acts of the Southern and Middle colonies allowed a rebate of one-half or three-fourths of the duty on the re-exportation of the slave, thus laying a small tax on even temporary importation.

The Act of 1705 was evaded, but it was not amended until 1728, when the penalty for evasion was raised to 100 [pounds]. The act remained in force, except possibly for one period of four years, until 1749. Meantime the movement against importation grew. A bill 'for preventing the Importation of Slaves into this Province' was introduced in the Legislature in 1767, but after strong opposition and disagreement between House and Council it was dropped. In 1771 the struggle was renewed. A similar bill passed, but was vetoed by Governor Hutchinson. The imminent war and the discussions incident to it had repeated attempts to gain executive consent to a prohibitory law. In 1774 such a bill was twice passed, but never received assent.

The new Revolutionary government first met the subject in the case of two Negroes captured on the high seas, who were advertised

for sale at Salem. A resolution was introduced into the Legislature, directing the release of the Negroes, and declaring 'That the selling and enslaving the human species is a direct violation of the natural rights alike vested in all men by their Creator, and utterly inconsistent with the avowed principles on which this, and the other United States, have carried their struggle for liberty even to the last appeal.' To this the Council would not consent; and the resolution, as finally passed, merely forbade the sale or ill-treatment of the Negroes. Committees on the slavery question were appointed in 1776 and 1777, and although a letter to Congress on the matter, and a bill for the abolition of slavery were reported, no decisive action was taken.

All such efforts were finally discontinued, as the system was already practically extinct in Massachusetts and the custom of importation had nearly ceased. Slavery was eventually declared by judicial decision to have been abolished. The first step toward stopping the participation of Massachusetts citizens in the slave-trade outside the State was taken n 1785, when a committee of inquiry was appointed by the Legislature. No act was, however, passed until 1788, when participation in the trade was prohibited, on pain of 50 [pounds] forfeit for every slave and 200 [pounds] for every ship engaged.[77]

Historian Lorenzo Greene reached the same conclusions. He has observed that the Puritan or Christian character of New England significantly influenced the institution of slavery in New England. As result of this Christian influence, New England developed a far more milder form of slavery than in other parts of British North American and the West Indies. The following exert from Greene's masterpiece, *The Negro in Colonial New England 1620-1776,* sheds light on the role of Puritanism and Christianity in setting the parameters of the institution of slavery in the New England colonies. Here we find that the Mosaic legal code (i.e., the Old Testament and ancient Jewish tradition) was the supreme law in colonial New England.   Greene thus explains:

The Negro slaves of New England occupied a dual status: they were considered both as property and as persons before the law. The lines were not rigidly drawn between these two categories, whoever, largely because of the peculiar relgio-social philosophy of the Puritans regarding slavery. Migrating to America with the avowed purpose of

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[77] W.E.B. Du Bois, Writings (New York, N.Y.: The Library of America, 1986), pp. 37-39.

founding a Bible Commonwealth in the New World, seventeenth century New Englanders modelled many of the institutions on the pattern outlined in the Old Testament. [Footnote: '1 A splendid example of this is the code of laws prepared by Nathaniel Ward. Vide Colonial Laws of Massachusetts (Reprinted from Edition of 1672), pp. 14-16; *Conn. Acts and Laws*, pp. 12-13.]. Especially was this true in regard to slavery. In the law legalizing slavery in 1641, the Massachusetts legislature expressly stated that the slave should 'have all the liberties and Christian usages which the law of God established in Israel doth morally require.'

The law, in practice, went far toward bettering the legal position of the New England slave. The slavery of the Old Testament was patriarchal, with two recognizable classes of bondmen. One group of slaves, Jews, commonly referred to a 'servants,' were to serve their masters for six years, after which they were to go free, unless they voluntarily chose to remain with their masters. The Jewish slave was in reality 'a poor brother,' who had lost his liberty but not his civil rights. In essence the Jewish slave was part of the master's family. The second class of slaves were non-Jewish—Gentiles or 'strangers'—who were sold to the Jews. These were 'bond-servants' or slaves for life. Although their lot was more difficult, bondservants were protected by the Mosaic Law from extreme mistreatment. Should their yoke become unbearable, they might run away, and later legislation even forbade the return of the fugitive to his master. The bondmen were considered members of the master's family and were to be 'brought to God' by their owners. Neither of these forms of bondage was adopted without change by the Puritans. They apparently developed a slave system under which the status of bondman was something between that of the Jewish 'servant' and the Gentile 'slave.' As such the Negro was considered a part of the Puritan family and, in keeping with the custom of the Hebraic family, was usually referred to as servant, rarely as 'slave.' In accordance with the Jewish conception of slavery, especially in the seventeenth century, many slaves were freed after six years of faithful service.[78]

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[78] Lorenzo J. Greene, *The Negro in Colonial New England 1620-1776* (Eastford, CT: Martino Fine Books, 2017), pp. 167-168.

Like Du Bois, Professor Greene notes that the character of North American slavery can be distinguished on the basis of region, due in large measure to the influence of the Christian religion. For example, in *The Negro in Colonial New England 1620-1776,* Greene compares the mild form of New England slavery, which was governed by Puritan laws and interpretations of the Old Testament, to the commercialized slavery that developed in the West Indies and the American South, as follows:

> Slavery was considerably milder in New England than elsewhere in colonial America. Negroes were brutally treated in the West Indies and in parts of South America, areas where absentee ownership, industrialized slavery with its emphasis upon profit, the overwhelming proportion of blacks to whites, and the masters' constant fear to Negro uprisings, all made for harsher treatment of the slaves. Notorious for brutality toward their Negroes were the Dutch; rivalling them were the Portuguese and the French. In the plantation colonies of English America slaves were often flogged, mutilated and tortured and the killing of a slave by the master in the colonial South was not a crime punishable at law.[79]

The form of slavery expressly permitted and authorized under the "Law of Christ,"[80] and which was practiced in New England from about 1620 until about 1776, should not be confused with the institution of chattel slavery that emerged in the several Southern States which came under the Old Confederacy, the state of Maryland, and West Virginia in 1860, and which is lucidly described in William Goodell's *The American Slave Code*. The later form of chattel slavery was thoroughly unchristian and had been formed by merchants, investors, capitalists, and the like, who were indifferent to any religious constraints, let alone the Law of Christ. For this reason, Frederick Douglass, and nearly every African American Christian before and after him, has correctly distinguished the authentic Christian faith from the hypocritical Christianity of the slaveholders. He wrote that "most unhesitatingly, that the religion of the south is a mere covering for the most horrid crimes,–a justifier of the most appalling barbarity,–a sanctifier of the most hateful frauds,–and a dark shelter under, which the darkest, foulest, grossest, and most

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[79] Ibid., p. 218.

[80] The Law of Christ is to "love ye one another" (John 15:12); to do justice and judgement (Genesis 18:18-19; Proverbs 21: 1-3); to judge not according to appearance but to judge righteous judgments (John 7:24); and to do justice, judgment, and equity (Proverbs 1:2-3).

infernal deeds of slaveholders find the strongest protection."[81] Douglass also said in one of his many great speeches that:

> …. between the Christianity of this land, and the Christianity of Christ, I recognize the widest possible difference–so wide, that to receive the one as good, pure, and holy, is of necessity to reject the other as bad, corrupt, and wicked. To be the friend of the one, is of necessity to be the enemy of the other. I love the pure, peaceable, and impartial Christianity of Christ: I therefore hate the corrupt, slaveholding, women-whipping, cradle-plundering, partial and hypocritical Christianity of this land. Indeed, I can see no reason, but the most deceitful one, for calling the religion of this land Christianity. I look upon it as the climax of all misnomers, the boldest of all frauds, and the grossest of all libels.[82]

For Douglass and other Abolitionists, true Christianity-- one based upon God's natural moral law-- was reflected in the American *Declaration of Independence* and formed the foundation of the legal and constitutional basis for the abolition of American slavery. According to Douglass, American slavery was a crime against humanity and against God, and had no valid basis in law. The tenets of true Christianity (i.e., the Law of Christ)[83] was in Douglass' mind the valid justification or proscription for slavery, and the American South's version of chattel slavery violated every tenet of humanity known to humankind.[84] For Douglass and other abolitionists, American slavery was legalized theft, legalized battery, legalized slander and libel, and legalized murder and, as such, American slavery should be overthrown. Douglass saw no difference between the American colonists' rights to be free from the British, and between the American slaves' rights to be free from American slavery.[85] And Douglass's views were widely shared among nearly every major African American leader and Abolitionist leader of his day.

The commonly shared opinion that Christianity was the cause of African slavery and the slave-trade must therefore be rejected as untenable. Nearly every

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[81] See, generally, Frederick Douglass, *Autobiographies* (New York, N.Y.: The Library of America, 1995).
[82] Ibid.
[83] The Law of Christ is to "love ye one another" (John 15:12); to do justice and judgement (Genesis 18:18-19; Proverbs 21: 1-3); to judge not according to appearance but to judge righteous judgments (John 7:24); and to do justice, judgment, and equity (Proverbs 1:2-3).
[84] See, generally, Frederick Douglass, *Autobiographies* (New York, N.Y.: The Library of America, 1995).
[85] See, generally, Frederick Douglass's speech "What to the Slave is the Fourth of July," at https://en.wikipedia.org/wiki/What_to_the_Slave_Is_the_Fourth_of_July%3F

Christian theologian, from St. Augustine of Hippo to Richard Baxter, would have rejected as "unchristian" the form of chattel slavery that was practiced in the American South and in the British West Indies. Christianity has never condoned any form of slavery as being the normal or natural state of human beings, but rather Christianity has always treated slavery as a defection away from natural law that was caused by Original Sin.

Generally, St. Paul and other Christians such as Rev. Richard Baxter, expressly admonished Christian masters to treat their slaves with dignity, respect, and Christian stewardship. Christian masters were not permitted to define their slaves as "property" or as livestock or as subhuman animals. Instead, Christian slave masters were obligated to treat slaves no differently than they treated regular free laborers, and to make provision for their religious education, salvation, and general welfare. In New England, where Puritans had expressly professed to established a Biblical commonwealth that was based upon the idea of a "New Jerusalem," the ancient Christian idea of slavery was carried out to the letter of the Gospel. However, in other parts of North America, such as South Carolina and Georgia, and in the British West Indies, slavery took on a whole different character that expressly treated African slaves as subhuman chattel. Unfortunately, the worst forms of human treatment ever inflicted upon human beings in the history of the world emerged under these racist regimes in the American South. And because the physical and psychological damage done to African slaves, who lived under these regimes, were so devastating, many the descendants of these slaves have inaccurately associated these human atrocities with the Christian faith. Hence, just as the seventeenth-century theologian Richard Baxter had forewarned, the unjust deeds of the racist monsters who concocted chattel slavery were bound to cause the African slave and his descendants to curse the Christian religion. The slogan "Christianity is a white man's religion" was derived from these circumstances. In truth, the type of chattel slavery that was abolished after the U.S. Civil War in 1865 was never the type of slavery which St. Augustine, John Calvin, Richard Baxter, or any other honest or sincere Christian theologian would have approved or labeled as "Christian."

CONCLUSION

W.E.B. Du Bois' doctoral dissertation, *The Suppression of the African Slave Trade*, distinguishes between the moral movement (i.e., the Christian church); the political movement (i.e., the State); and the economic movement (i.e., Capitalism) in its analysis of American slavery and the transatlantic slave trade. Du Bois' description of the tension between the moral movement to end slavery and the

slave trade, and the economic motives resisting the abolition of these institutions, supports R.H. Tawney's theory regarding the resistance of capitalism to Church teachings.[86] See, e.g., Table 1, "The Anglican Church and the Rise of Secular Materialism."

Table 1. The Anglican Church and the Rise of Secular Materialism

<u>MAJOR TIME PERIOD</u>	<u>MAJOR CONFLICT</u>
Prior to the Sixteenth Century (Late Middle Ages)	Church ←--------→ State
After the Sixteenth Century (Early Modern Period)	Church ←--------→ State ←-------→ Capitalism

Du Bois' description of the moral movement to end slavery also supports Rev. Alexander Crummell's thesis that the Christian abolitionists fundamentally sought to check the spread of predatory capitalism. For instance, Rev. Alexander Crummell said of both Thomas Clarkson and the British Abolition movement:

> This moral effort establishes the principle, to use the words of Mr. Clarkson, 'That commerce itself shall have its moral boundaries.' This result is of the last importance. Too long has religion been abstracted from the lives and business pursuits of men. Too long has Christianity been isolated, yea almost localized to the Minister, the Cathedral, the Cloister or the Church! That day is past, and the usages therewith connected, are numbered with the things that were. Christianity henceforth permeates all the relations of life, and sits in judgment upon all its moral concernments.[87]

Rev. Crummell's thesis also is perfectly aligned with R.H. Tawney's theory regarding the resistance of capitalism to Church teachings.[88]

In *The Suppression of the African Slave Trade*, Du Bois concluded that the moral movement to end slavery and the slave trade was too often overshadowed by the economic motives in favor of keeping them; and that in New England, where the Puritan moral movement was strongest, the economic interests in favor of slavery were weakest. On the other hand, in the American South, the reverse had

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[86] R.H. Tawney, *Religion and the Rise of Capitalism* (New York, N.Y.: Mentor Books, 1954).
[87] Alexander Crummell, *Africa and America: Addresses and Discourses* (Springfield, MA: Wiley & Co., 1891), p. 246.
[88] R.H. Tawney, *Religion and the Rise of Capitalism* (New York, N.Y.: Mentor Books, 1954).

been true: where economic interests in favor of slavery had been strongest, the moral movement to end slavery was weakest. Unprincipled economic greed was therefore the primary cause of African slavery and the slave trade—not the Christian religion.

In any event, those persons who associate Christianity with slavery and the slave trade often fail to look beyond the surface into the more complex relationship between capitalism and religion. In England and the United States, this relationship was initially orchestrated by the Puritans (i.e., the English Calvinists) who attempted to establish the parameters of business ethics (including the practices of slavery and the slave trade) along the lines of Christian ideals. If the writings of the Rev. Richard Baxter can be taken as the Puritan model, then chattel slavery, as practiced in the American South and in the British West Indies, was clearly unchristian and did not represent the true authentic Christian faith. For it was believed among the Puritans that God had made from one blood all nations. According to the Puritan model, slavery was to be a form of Christian stewardship and trusteeship, and nothing more. The slaves were to be treated no less favorably than free laborers; they were to be viewed as equal human beings with natural rights, as set forth in the Old Testament; and chattel slavery—the notion that Africans were apes and beasts and subhuman—was utterly rejected as unchristian. Hence, the slavery which appeared in the Massachusetts Bay Colonies, Pennsylvania and New Jersey during the seventeenth and eighteenth centuries, for example, was based upon the Puritan model of Christian trusteeship and stewardship. These colonies early and largely determined that African slavery was ultimately disadvantageous and abolished the institution within only a few generations.

In the American South and the British West Indies, however, chattel slavery became the unchristian species of commercial agriculture and plantations, international investing, and finance capital. In order to justify this system, both Christianity and the Christian church needed to conform to the economic motives of the slave traders: the Bible had to be interpreted in a manner that justified slavery, and stories about the Hamitic curse[89] were concocted and spread

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[89] "Misconception, Racism and Slavery.

"In the past, some people have claimed the "curse of Ham" as a biblical justification for imposing slavery or racism on black people, although this concept is essentially an ideologically driven misconception. Regarding this matter, the Christian leader Martin Luther King Jr. called such attempt "a blasphemy" that "is against everything that the Christian religion stands for." Nonetheless, elite intellectuals were "successful" in establishing the Hamitic misconception as a valid justification for slavery and racism within a wide sphere of public thought. For Southern slave owners faced with the abolitionist movement to end slavery, the Curse of Ham was among the only grounds upon which Christian slave owners could formulate an ideological defense of slavery. Even before slavery, in order

throughout the Western Hemisphere. For it is this phenomenon which the enemies of the Christian faith often rely upon in order to condemn Christianity and is what has led many Africans and African Americans to incorrectly conclude that Christianity is a "white man' religion." But nothing could be further from the truth, given the true origins and practices of slavery throughout human history (i.e., slavery has existed among many nations and racial or ethnic groups throughout the world). On the British Isles, a distinctly Christian ideal of slavery eventually led to the abolition of slavery during the twelve century, so that by the time of the rise of the sixteenth-century transatlantic slave-trade, England had already abolished slavery and considered that institution to be unchristian. Moreover, there were Africans living throughout Europe and in Elizabethan England, and they were not construed to be subhuman chattel. And so the idea of African slavery was not

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to promote economic motivations within Europe associated with colonialism, the Curse of Ham was used to shift the common Aristotelian belief that phenotypic differentiation among humans was a result of climatic difference, to a racialist perspective that phenotypic differentiation among the species was due to there being different racial types. This latter effort started in England. Englishmen were widely afraid to further the colonial efforts of The Crown and begin a new life in lower latitude colonies for fear of becoming black. In 1578, George Best, a sea captain who was a member of the Elizabethan court, first popularized the myth of racial differences within what would be a widely read book on the search for a Northwest passage to Asia. Best uses careful ethnographic descriptions to portray the indigenous peoples of the North West as being sophisticated hunters and gatherers, not different in spirit than the white Englishmen, at the same time he presents a scathing account of Africans, saying of them that they are a "black and loathsome" people on account of being descendants of the "cursed chus". Interestingly, Best doesn't mention the curse as lying upon Ham, but rather Chus. The fact is is that there is no indication in Genesis proper to justify racism and slavery, but the vagueness of Genesis 9-11 coupled with a damning curse from an important biblical patriarch could be used as propaganda to influence popular belief by cunning intellectuals trying to further particular agendas. The historian David Whiteford writes of a "curse matrix" being derived from the vagueness of genesis 9 such that it didn't matter who was cursed or what people they were suppose to have been the originators of, all that mattered was that there was a vague reference to a generational curse that could be exploited any which way by agenda-driven intellectuals like George Best. Pro-slavery intellectuals were hard pressed to find any justification for slavery and racism within Christian theology which taught that all humans were descendants of Adam and therefore one race, possessed of equal salvation potential and deserving of being treated as kin. The Curse of Ham was used to drive a wedge in the mythology of a single human race, as elite intellectuals were able to convince people that the three sons of Noah represented the three sects of Man and their respective hierarchy of different fates. Leading intellectuals in the south, like Benjamin M. Palmer, claimed that White Europeans were descendent from Japhet who was prophesied by Noah to cultivate civilization and the powers of the intellect, while Africans, being descendants of the cursed Ham, were destined to be possessed by a slavish nature ruled by base appetites. The Curse of Ham, as construed by agenda driven, pro-slavery intellectuals like Palmer, gave a biblical depth to the justification of slavery that couldn't be found anywhere else within the Christian Framework. Palmer cited the Germanic philosophical position put forth by thinkers like Friedrich Von Schlegel, that there are different "historic peoples," with different roles to play in the unfolding of history. These philosophies gave the common pro-slaver their only sense of profound justification for their behavior. As Palmer liked to preach, the southern slave owners were just continuing the pattern set forth by the great biblical patriarch Noah. Palmer taught that slave owners should appraise their own actions for that they were planters of the land as was Noah, and that the enslavement of the Africans was making good upon the great patriarch's righteous curse. Pro-Slavers could make connections between the ancient rabbinical tradition that interpreted the mysterious wrong doings of Ham as being sexually deviant in nature with their own racialized, hyper-sexualized conception of Africans. Thus southern slave owners could convince themselves of a perverse natural order that set them at the top. The Curse of Ham itself gives no grounds for such gross misuse, and misinterpretation, as the majority of Christian Theologians have always argued, yet agenda-driven intellectuals found ways to exploit the vagueness and mystery of Genesis 9-11 to further their own ends."
https://en.wikipedia.org/wiki/Curse_of_Ham

initially well-received in Europe's capitals during the fifteenth and sixteenth centuries. Slavery was established, at least initially, by European explorers, traders and merchants, through subterfuge. This subterfuge was necessary in order to pacify Europe's distinctly Christian conscience and belief that "man-stealing" violated the Law of Christ.

In British North America, the Puritans laid the Christian foundations for society, law, and order. Through them, British culture and the Christian faith came to North America; through them, biblically-based colonial governments first established and were based upon the hope that a "New Jerusalem" would be built, and that they were a Chosen People called of God; through them, the original interpretation of the Bible and its application to the institution of slavery occurred. What eventually distinguished this "New Jerusalem" which became New England from the American South? It was no doubt New England's Puritan conscience and piety. They were careful that the slavery which existed amongst them did not violate human rights or the Law of Christ, which required humane treatment, a Christian education, and, ultimately, the manumission of slaves. The profit-motive and capitalist greed did not dominate the institution of slavery in seventeenth-century New England as it would later do in the eighteenth- and nineteenth-century American South and British West Indies. Thus, to sum things up, true and authentic Christianity would be found among the Puritans and, a century later, among the Methodists, and it was deeply anti-slavery. On the other hand, the profit-motive and capitalist greed created and orchestrated slavery, the transatlantic slave trade, and a pro-slavery Christian heresy which gave the whole system of chattel slavery the false appearance of Christian civilization.

THE END

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APPENDIX A

Remanences on Academic Studies on Slavery and Transatlantic Slave Trade during the late 1980s/ early 1990s

By

Roderick O. Ford, D. Litt.

This paper on "*Puritanism, Slavery, and the Transatlantic Slave Trade*" commemorates three aspects of my intellectual and spiritual development when I was a young man during late 1980s and early 1990s: first, my introduction to the life, times, and philosophy of W.E.B. Du Bois; second, my interactions with the Black Muslims within the Nation of Islam; and, third, my interactions with fellow college students who, along with the Black Muslims, held that "*Christianity is the White Man's religion*!" The ideas presented herein are largely the culmination of academic research on the subject of African slavery and the transatlantic slave trade when I was an undergraduate student at Morgan State University during the 1988-'89, '89-'90, and '90-'91 academic years.

A. W.E.B. Du Bois on Slavery and the Transatlantic Slave Trade

During this period, I first attained a copy of W.E.B. Du Bois' classic work *The Suppression of the African Slave Trade*, which I still own today, and upon which I have relied in my defense of the Christian faith ever since. As I now recall, my defense of the Christian faith revolved largely around the ever-present accusations that Christianity was the chief cause, or at least a major contributor of, black slavery and the transatlantic slave trade. That argument has been relied upon as the primary excuse among African Americans for excluding Christianity from serious academic discussions as a viable source of solutions to many social problems plaguing the African American community, and for deprecating the Christian faith and especially the African American Church. For the reasons stated in this paper, I believe this attitude toward the Christian faith is tragically short-sighted and misguided.

When I was an undergraduate student at Morgan State University in Baltimore, the word "Christianity" was almost synonymous with "white imperialism" and "white racism." The collegiate culture there was thoroughly Afrocentric and secular. The Morgan Christian Center sat upon a little hill away from the main campus and subdued, like a relic to a distant past when the Black

Church was at the center of African American life. During the 1980s, this was no longer the case. As a consequence, we African American Christian students remained somewhat on the defensive, or else we also remained subdued and tucked away within the shadows of fraternities, sororities, and the social scenes.[90]

But I was determined to know more about the Christian religion when I was an undergraduate student, and this led me to St. Augustine's classic work *The City of God*, which I independently studied. I also paid careful attention to religious references in my course materials. An example is when I first reviewed Du Bois' *The Suppression of the African Slave Trade*, I paid careful attention to the role which the Christian Church played in suppressing both slavery and the slave trade. According to Du Bois, there had always been within America's conscience a very strong moral movement against slavery and the slave trade. For Du Bois, that moral movement was designed to promote a universal moral law that could preserve the nation-state and protect it from disastrous consequences.[91] Du Bois' description of the tension between the moral movement to end slavery and the slave trade, and the economic motives resisting the abolition of these institutions, supports R.H. Tawney's theory regarding the resistance of capitalism to Church teachings.[92] See, e.g., Table 1, "The Anglican Church and the Rise of Secular Materialism."

Table 1. The Anglican Church and the Rise of Secular Materialism

MAJOR TIME PERIOD	MAJOR CONFLICT
Prior to the Sixteenth Century (Late Middle Ages)	Church ←--------→ State
After the Sixteenth Century (Early Modern Period)	Church ←--------→ State ←-------→ Capitalism

Du Bois' line of thinking in *The Suppression of the African Slave Trade* was not much different from those warnings of the ancient Hebrew prophets in the Old Testament. (And Du Bois' 1903 classic, *The Souls of Black Folk*, echoed a similar prophetic theme. In fact, Du Bois was himself, at least during the early stages of

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[90] At Morgan State University, some of my closest friends became the founders of a Christian organization known as the Alpha Nu Omega college fraternity/ sorority, which was founded on the campus of Morgan State University in 1988. (My roommate, Thayer Robinson, a native of Baltimore, was one of the original founders.)

[91] See, e.g., W.E.B. Du Bois, "The Conservation of Races," Writings (New York, N.Y.: The Library of America, 1986), p. 815 **("For it is certain that all human striving must recognize the hard limits of natural law, and that any striving, no matter how intense and earnest, which is against the constitution of the world, is vain.")**

[92] R.H. Tawney, *Religion and the Rise of Capitalism* (New York, N.Y.: Mentor Books, 1954).

his long career, an advocate of the natural moral law.[93]) In *The Suppression of the African Slave Trade*, Du Bois seemed to conclude that the American Civil War was the result of America's abject failure to adhere to the natural law (i.e., God's moral law).[94] For example, Du Bois wrote:

> In the individual efforts of the various colonies to suppress the African slave-trade there may be traced certain general movements. First, from 1638 to 1664, there was a tendency to take a high moral stand against the traffic. This is illustrated in the laws of New England, in the plans for settlement of Delaware and, later, that of Georgia, and in the protest of the German [Society of Friends]….[95]

> *The Moral Movement*. For the solution of this problem there were, roughly speaking, three classes of efforts made during this time,-- moral, political, and economic: that is to say, efforts which sought to directly to raise the moral standard of the nation…. Unfortunately, this can seldom be realized in real life; for the very existence of the evil usually argues a moral weakness in the very place where extraordinary moral strength is called for….[96]

> *The Lessons for Americans*. It may be doubted if ever before such political mistakes as the slavery compromises of the Constitutional Convention had such serious results….

> It is neither profitable nor in accordance with scientific truth to consider that whatever the constitutional fathers did was right, or that slavery was a plague sent from God and fated to be eliminated in due time. We must face the fact that this problem arose principally from the cupidity and careless of our ancestors….[97]

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[93] See, e.g., W.E.B. Du Bois, "The Conservation of Races," Writings (New York, N.Y.: The Library of America, 1986), p. 815 **("For it is certain that all human striving must recognize the hard limits of natural law, and that any striving, no matter how intense and earnest, which is against the constitution of the world, is vain.")**

[94] For anyone who has read African American culture and social history will recognize that this had been a theme that characterized black song, poem, and sermon prior to the Civil War, so that when the Union Troops finally came South, the hand of God had moved. W.E.B. Du Bois vividly described this history in his classic work, *The Souls of Black Folk*.

[95] W.E.B. Du Bois, "The Suppression of the African Slave Trade," *Writings* (New York, N.Y.: The Library of America, 1986), p. 45.

[96] Ibid, p. 194.

[97] Ibid., p. 196.

The most obvious question which this study suggests is: How far in a State can *a recognized moral wrong* be compromised?[98]

… No persons would have seen the Civil War with more surprise and horror than the Revolutionists of 1776; yet from the small and apparently dying institution of their day arose the walled and castled Slave Power. From this we may conclude that it behooves nations as well as men to do things at the very moment when they ought to be done.[99]

As an undergraduate student, I was reading the doctoral dissertation of Black America's foremost intellectual,-- and the moral tone of that doctoral dissertation sounded eerily similar to the timeless, universal messages of the Old Testament prophets: to wit, *the failure to do the right thing, to adhere to the God's moral directives, and to put an end evil (i.e., slavery and the slave-trade during the Revolutionary period of the 1770s and 80s), had led to God's punishment (i.e., the American Civil War in 1860!)* For this reason, Du Bois' doctoral dissertation remained with me as I prepared for and entered law school. Indeed, it reaffirmed in my mind the same moral lessons which Ralph Waldo Emerson had advanced in his speech "The Fugitive Slave Law," to wit, that the failure to do the right thing, and to adhere to moral laws, would bring with it the disciplining hand of God's punishment. Could both Emerson and Du Bois—two great Harvard-trained men—be wrong about the natural moral law?[100]

For this reason, when I entered law school at the University of Illinois during the fall of 1991, I could not easily jettison the idea of natural law.[101] Nor did I intend to do so. I thus turned to England (i.e., the British philosophers), the History of England, and to the Church of England, where I found not simply imperial greed and empire, but also many nuggets of authentic Christian truth—both the "good" and the "evil" intermixed together, as St. Augustine had accurately described the human condition in *The City of God*. For even prior to coming to law school, I had traced the common law of the United States to England and to the Church of England. The Church of England had nourished all of the fundamental laws of England which later became the foundation of American constitutional

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[98] Ibid., p. 198.
[99] Ibid.
[100] In truth, W.E.B. Du Bois, who was a pioneering social scientist, had also set forth in his monumental work *Black Reconstruction in America* very detailed economic reasons for the cause of the American Civil War.
[101] See, e.g., W.E.B. Du Bois, "The Conservation of Races," *Writings* (New York, N.Y.: The Library of America, 1986), p. 815 ("For it is certain that all human striving must recognize the hard limits of natural law, and that any striving, no matter how intense and earnest, which is against the constitution of the world, is vain.")

jurisprudence. As a Christian undergraduate and law student, the Christian origins of that jurisprudence remained of significant interests to me. The Christian lawyers and ministers who carried the English legal tradition from Britain to the American colonies were, to say the least, my role models. I could easily envision myself as carrying on their legacy. I was in many ways a Protestant Christian with a "Puritan" attitude when I was law student. The Puritans had come out of the Church of England, and had laid the foundations of New England, which was the cornerstone of American constitutional democracy. I thus reasoned that the *Declaration of Independence* and the *U.S. Constitution* were extracted out from the British legal tradition, and so natural law had been sewn into American jurisprudence. Much of this reasoning, I owe to W.E.B. Du Bois' *The Suppression of the African Slave Trade*.

B. Elijah Muhammad and the Black Muslims

Secondly, this paper is also a reflection of many conversations and debates which I have held over the past thirty years with my dear African American brothers within the Nation of Islam. In truth, during the sixteenth-,seventeenth- and eighteenth centuries, many honorable white Christians had unwittingly predicted the rise of the Nation of Islam, when they forewarned that the affixing of the "Christian label" upon the institutions of chattel slavery and the transatlantic slave trade would cause the Africans to learn to hate the Christian religion. Many thus view the Nation of Islam's troubling theological doctrines of black racial superiority as sheer self-defense against white racist aggression and oppression. But I have never found any such justifications of black racial superiority to be justifiable or plausible.

On the other hand, against the conventional wisdom of many in my social class, that is to say, African American lawyers, such as Thurgood Marshall, who opined that the Nation of Islam was run by thugs and common criminals,[102] I have

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[102]See, e.g., "Elijah Muhammad Dead; Black Muslim Leader, 77" New York Times (February 26, 1975)("Many blacks did not buy that explanation. Supreme Court Justice Thurgood Marshall, a black liberal and a civil rights lawyer in 1959, said then that Mr. Muhammad's organization was 'run by a bunch of thugs organized from prisons and jails and financed, I am sure, by Nasser [Gamal Abdel Nasser of Egypt] or some Arab group." Justice Marshall added that followers of Mr. Muhammad were 'vicious' and a threat to the Federal Bureau of Investigation and state law enforcement agencies. The negative view was shared by most blacks described by the press as "black leaders.' But a black conservative, George Schuyler, a columnist for The Pittsburgh Courier, held the view more common to many among the black masses. 'Mr. Muhammad,' Mr. Schuyler wrote in 1959, 'may be a rogue and a charlatan, but when anybody can get tens of thousands of Negroes to practice economic solidarity, respect their women, alter their atrocious diet, give up liquor, stop crime, juvenile delinquency and adultery, he is doing more for Negroes' welfare than any current Negro leader I know.' There were thugs, dope addicts and prostitutes in the Nation of Islam. But their conversion from criminal to believer was viewed in black communities as a near miracle. Blacks were awed by the discipline, and admired the orderliness the followers displayed. Where home, school and church had failed many

always highly appraised the self-help efforts of the Honorable Elijah Muhammad, who had only a third-grade education and a rural upbringing in Georgia, and who inspired millions of African Americans, both Muslim and non-Muslim, to overthrow their inferiority complex that had been inherited from chattel slavery and the transatlantic slave trade. Elijah Muhammad's spiritual heirs were Malcom X, Louis Farrakhan, and Muhammad Ali, who are just a few examples of the transforming power of his spiritual programmes. Muhammad simply exposed injustices which even the Black Church in America had been reluctant to address:

> The Monroe, Louisiana, Southern Courts with their southern judges of hatred are thirsty to take their own law of justice, twist it up and throw it back upon the shelf. And when they look they see a poor, innocent so-called Negro begging for justice, as his grandparents and their grandparents before as justice, as his grandparents and their grandparents before as far back as 400 years ago, who receive nothing but the spitting of anger and threats of murder from the judges throughout the Courts of America. Just to mention 'justice' for a so-called Negro in the South is an insult to the judge, who is supposed to be the judge of right and wrong between the state and opposing attorneys. He becomes a more vicious enemy against the poor so-called Negro than the prosecuting attorney when he sees a so-called Negro before him. The so-called Negroes do not have justice under the law, not only in the South, but anywhere in America…. The Justice Department in Washington, the churches, the priests, and the preachers have all failed the so-called Negroes.[103]

Hence, the social and historical foundations upon which Elijah Muhammad built his pro-black Islamic theology were fact-based and credible. Next to that, Elijah Muhammad fearlessly said that he loved poor, marginalized, and dejected black men and women, and his theology and social programmes were narrowly tailored to uplift this part of the American population —something that not even the Black Churches had dared to do. For this reason, James Baldwin said: "Elijah Muhammad has been able to do what generations of welfare workers and committees and resolutions and reports and housing projects and playgrounds have

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of the followers, Mr. Muhammad had succeeded. The opportunity to be "somebody" was one of Mr. Muhammad's major offerings to black men and women who joined the Black Muslims--the name given the group by Dr. C. Eric Lincoln, chairman of the department of religion and philosophical studies at Fisk University and author of 'The Black Muslims in America.' Dr. Charles V. Hamilton, a political scientist and member of the Columbia University faculty, said Elijah Muhammad "was one of the few who has been able to combine religion and race with a rather continuing economic influence.")

[103] Elijah Muhammad, *Message to the Blackman* (Phoenix, AZ: Secretarius MEMPS Pub., 1973), pp. 209-210.

failed to do…. He has done all these things, which our Christian church has spectacularly failed to do."[104]

Hence, whereas the Christian faith—as I learned it in the black Baptist and Methodist churches of rural northern Florida—did not emphasize secular politics, economics, and black nationalism, Elijah Muhammad's central focus was "theology—race—politics—economics— black nationalism." The sermons of Malcolm X or Louis Farrakhan, for instance, exemplify a brand of preaching seldom heard in black Christian pulpits. "We are a Nation in a nation!" Elijah Muhammad proclaimed. "Why not use these 22 million people's power for their eternal salvation instead of temporary enjoyment with the same wicked people who murder our people? (Let us build our own political machine.) Unite with me and with the help of Allah I will get you what you want. And I know what you want for I am your brother."[105] And, "[t]he unity of 22 million so-called Negroes up from slavery is the answer to our salvation."[106] Muhammad criticized college educated and professional African Americans as "disgraceful 'Uncle Toms' in a world of freedom, learning an advanced science in every branch of study. How long shall we seek the white men's education to become their servants instead of becoming builders of a progressive nation of our own on some of this earth that we can call our own?"[107] For this reason, during the late 1980s and early 90s, when I was a college student at Morgan State University, Elijah Muhammad's theology had continued to fill a huge void which no other religion within Black America had filled.

Now my first introduction to Islam and to the Black Muslims thus came in 1988. It appeared to me as a revolt against the Christian faith. For example, in his book *Message to the Blackman*, Elijah Muhammad had written:

> There is no hope for us in Christianity; it is a religion organized by the enemies (the white race) of the Black Nation to enslave us to the white race' rule.[108]

> The basic aim and purposes of the religion, Christianity, was to deceive other races, namely, the black, brown, yellow and red, to make an easy prey for the white race.[109]

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104 Ibid., p. [back cover jacket].
105 Ibid., p. 218.
106 Ibid., p. 220.
107 Ibid., p. 221.
108 Ibid., p. 221.
109 Ibid., p. 222.

This thesis of the Honorable Elijah Muhammad's, I early and largely took issue with and felt compelled to launch, within a reasonably respectful manner, my apology of the Christian faith against it, during my informal debates, discussions, and communications with the Black Muslims. Hence, through sheer necessity, the history of the Roman Catholic, Anglican and Calvinist (Puritan) churches' role and participation in African slavery and the slave-trade became extremely important.[110]

The Muslim men with whom I lodged my questions and counter-arguments certainly enriched my understanding with their own counter-arguments, ancient wisdom, and age-old knowledge. But I rejected the Nation of Islam and the theological conclusions of the Honorable Elijah Muhammad, not because I did not prefer black interests over white interests, or because I loved white people more than I loved black people. Rather, I rejected the Honorable Elijah Muhammad's theology because it did not, as far as I could see, clearly address or successfully refute the cogent, erudite, and powerful theological conclusions that were presented in St. Augustine's *Confessions* and *The City of God*.

And aside from the fact that even Malcolm X had called St. Augustine a "black African saint who saved Catholicism,"[111] there was nothing in the

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[110] In his landmark work, *The Negro*, W.E.B. Du Bois had opined that "As Mommsen says, 'It was through Africa that Christianity became the religion of the world.'" Indeed, not only does Christianity pre-date Islam by several centuries, but when the first Christian churches were formed, and the first Christian pastors and elders began to define the parameters of the Christian faith— i.e., Origen of Alexandria, Augustine of Hippo, Thomas Aquinas, etc., —they did so many centuries before the advent of African slavery in the New World, the transatlantic slave trade, and European imperialism. Indeed, nearly every fundamental tenet of the official Christian religion was developed before 100 A.D., and by 500 A.D., the entire Catholic Christian faith had come into existence.

[111] **Was St. Augustine of Hippo a black or dark-skinned man?** For an interesting comment on this question, see the following blog: "The Roman Catholic Church teaches that Saint Augustine was from Thagaste in Africa and that Saint Augustine was, by today's racially-charged language, Black. Saint Augustine confesses in many of his homilies that he was a sexually-charged youth espousing socially deleterious political philosophies before his conversion; what mattered was not skin tone but scholastic achievement and adherence to the then-current, fanciful, anti-Catholic, political philosophies in Rome. Augustine also was noted for the difference in his skin coloration (Black) by his Roman peers with whom he was openly, fiercely promiscuous and with whom he was strongly part of that day's youthful student intelligentsia. Augustine's skin color was a problem for some in Europe; the problem was that he did not blend with the hoi polloi in the locale and was even ridiculed and stigmatized for his darker skin by some residents where he studied. Augustine paid no attention to the ethnocentric racism he experienced as a student during those Roman times because his sexual drive eclipsed the paltry arguments for a comfortable phenotypical blend among the general population. Augustine's darker skin coloration became a scapegoat problem when authorities discovered that he molested a young girl who later became pregnant with their child. At this time, his mother, Monica was known to have prayed for twenty years for her son, Augustine, who she loved very much, that he may be converted from his excessive hedonism and his repugnant political philosophies. As she died, Augustine converted back to Catholicism. The girl who Augustine molested became a nun; their child became a religious as well. Augustine refers to himself many times being African with dark skin in his homilies as bishop. On the current understanding of Augustine, much has been ascertained that Augustine was Black (by the racially-charged vernacular of today). The term, "Black" is an Anglicized expression of the Portuguese-Spanish term, "Negro," which is used in a derogatory way to describe dark-skinned Africans during those embarrassing times of the Atlantic Slave

Honorable Elijah Muhammad's version of Islam that came close to refuting Augustine's fundamental view of human history, that is to say, the City of God (Abel) co-existing with, and struggling against, the City of Man (Cain). The Honorable Elijah Muhammad seemed to agree with Augustine's fundamental view of human history, but Elijah Muhammad would assign to the "City of God" all black Africans as God's chosen people, and he would leave out of the "City of God" the entire white race, since he considered white people to be incorrigible devils. Muhammad's fundamental theological conclusion, I rejected. To be sure, I would not require that a Muslim accept Jesus Christ as the Son of God, but I would require a Muslim to accept the fundamental Christion precept that "from one blood God created all nations"—this, the Honorable Elijah Muhammad did not seem to do. His *Message to the Blackman* seems to exclude all white people from St. Augustine's "City of God," and for this reason, I never embraced the Honorable Elijah Muhammad's theology. I could not go so far as to label all white persons as incorrigible devils, since my own personal experiences with many white persons had refuted this false notion of white people.

Moreover, within the history of England, as I have outlined in this series, for example, I found countless examples of white persons whom I believed were members of the proverbial "City of God": St. Anselm, Elizabeth I, John Wesley, Charles Wesley, William Wilberforce, just to name a few examples. See Table 2, General Assessment of the Nation of Islam's (e.g., the Black Muslim's Attitude Toward White Christians). See Table 2, General Assessment of the Nation of Islam's (e.g., the Black Muslim's Attitude toward White Christians), below. In fairness, I gave the Nation of Islam credit where credit was due, but also harsh condemnation where it was appropriate.

Table 2. General Assessment of the Nation of Islam's (e.g., the Black Muslim's Attitude Toward White Christians).

Trade in which Great Britain, Spain, Portugal, The Netherlands, France, Germany, and others bought and sold slaves as purchased and groomed for slavery primarily from West Africa. Moreover, the Roman Catholic Church already had two Black African popes who were later sainted, so understanding that Augustine was "Black" was not hard to fathom as he was from Africa as well. But for sure, Augustine gave his own accounts, making his own testimony as a primary source, that he was an African with way way darker skin than most European Romans. As some spinmeisters try to Whitewash Augustine in order to align his stellar philosophies with a European phenotype, Augustine gives first-hand accounts dealing with nebulous racism, again, during his younger, much more wilder, days. Thagaste today is still "Black". While not everyone in Africa is "Black," the Muslim conquest in the early centuries circa 7 AD were predominantly at the hands of BLACK West Africans who adopted the Islamic faith and spread it across three African empires. Bottom line, any argument for Berber-ethnicity may be more European aspirational than actual: Augustine of Hippo was Black. God does not see color, so "race" does not matter in Christendom-- only love of God and of neighbor matter as Jesus welcomes the sheep into the home of His Father for their LOVE not their hospitality toward a preferred race. #AugustineIsBlack."
https://christianity.stackexchange.com/questions/13851/what-color-was-augustines-skin

Nation of Islam's (i.e., Black Muslim's) General Attitude Toward White Christians	My Final Assessment of the Nation of Islam's (i.e., Black Muslim's General Attitude Toward White Christians)
White Christians who engaged in or profited from the transatlantic slave trade for the objective of establish chattel slavery (i.e., reducing human beings to the status of domestic animals; subjecting them to the severest slave codes known to the history of man)	Justified
White Christians who engaged in "men-stealing" on the continent of Africa	Justified
White Puritans and others (e.g., the Society of Friends) who argued against chattel slavery and the cruel, inhumane treatment of Africans	Unjustified
New England's form of domestic slavery that was based upon the Mosaic slave code and the Law of Christ, which was designed with altruistic objectives to elevate the status of slaves	Unjustified
18th and 19th Century White Abolitionists who fought to end chattel slavery and the slave trade	Unjustified
White-owned commercial enterprises which profited from slavery and the slave-trade and prevented the emancipation of the slaves.	Justified

Nor did it help Elijah Muhammad's or the Nation of Islam's cause in my mind, when Malcolm X himself (including the boxing champion Muhammad Ali) accepted what was essentially the fundamental viewpoint of St. Augustine of Hippo and of the Christian faith: that "from one blood God hath created all nations." In the end, I rejected Elijah Muhammad's' theology of race and his race

theories. They immediately appeared to me as suspiciously unscientific and ahistorical. (Some time, during the late 1980s, I also met two white Mormon missionaries on the campus of Morgan State University, and I got pretty much the same uncomfortable feelings about the *Book of Mormon* as well—the stories of Joseph Smith seemed suspect, ahistorical, and unscientific: therefore, I rejected Mormon theology—but without condemning or hating Mormons-- for pretty much the same reasons that I rejected Elijah Muhammad's theology).[112]

On the other hand, it would have been very hard for me to ignore the power of the Honorable Elijah Muhammad's leadership upon the underclass African American community. He had done a lot of great things: he had convinced the downtrodden, the rejected, and the distraught to pull themselves up and to turn their lives around. More and more, as I learned of Islam and of the unique problems plaguing America's inner cities, the more I recognized that the likelihood that blacks who lived in the inner cities would encounter racially-prejudiced, mean-spirited, unprincipled and unscrupulous white persons (including, in some instances, police officers) was far greater than any other group of African Americans, including those from far-away rural areas such as my village in Northern Florida.

Table 3. The Social Reality of Urban Blacks who appeal to the Nation of Islam's Programmes[113]

White Americans (or other non-blacks, such as Asians or Jews) who are more likely to provide a negative experience for Blacks who live in urban areas	General experiences of under-privileged African Americans who live in inner cities who have encounters with white American or other classes of non-black.
Public school teachers and administrators	Negative; very negative; or indifferent.
Police Officers	Very negative; negative.
Store-owners and shopkeepers (i.e., convenience stores, small grocery stores, independently-owned restaurants, etc.)	Indifferent; negative.

[112] See, e.g., "Historicity of the Book of Mormon,"
https://en.wikipedia.org/wiki/Historicity_of_the_Book_of_Mormon
[113] This table does not represent a scientific study, but is the author's own account of client interviews and informal communications with blacks who live in the inner city.

Employers	Negative

Not until after the Million Man March in 1995 did the realization occur to me that Louis Farrakhan and the Nation of Islam were actually reaching out mostly to urban African Americans, whose reality was far different than mine or most other groups or classes of African Americans. Thus, for the underclass, urban African American, the Honorable Elijah Muhammad's theology that "the white man is the devil" is "truth," in the sense that their communities are filled with dirt and filth that is sponsored by unscrupulous white merchants and hustlers (including, in some instances, corrupt police officers and predatory Asian-American and Jewish-American merchants)[114] who dominate the economic structure of these communities. Such unscrupulous whites do sponsor prostitution and illegal drugs, so that the "white devils," whom the Honorable Elijah Muhammad refers to in his theological tracts, do actually exist. These are the "white devils" with whom underprivileged African Americans in urban communities have the most direct contact, and these underprivileged African Americans are the Nation of Islam's largest constituency. The Honorable Elijah Muhammad did bring a positive theological approach that is especially designed to counter-attack this unique set of evil influences, and to address the psychological despair of poor African Americans in urban communities whom most people had neglected. The Honorable Elijah Muhammad's programmes were never designed specifically for middle class African Americans.[115] Nevertheless, I insist that the faith of Abraham and the Law of Moses, which binds Judaism, Christianity, and Islam, proscribes referring to any racial or ethnic group as "devils" [116]; and despite the fact that underprivileged African Americans may find psychological solace in hearing such descriptions of their white oppressors, I have argued against it in my communications with the Black Muslims, because such racial descriptions or stereotypes are counterproductive, do not represent true religion, and simply do not tell the whole "truth."

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[114] This reference is not meant to assail Asian or Jewish small business owners who establish stores in majority black neighborhoods. It is rather a general description of a widely-held description of the phenomenon of economic exploitation and financial oppression which African American inner-city dwellers have frequently complained about.

[115] And yet, I should qualify this statement by pointing out that, as I discovered from reading *The Final Call* during the late 1980s and 90s, the Nation of Islam also addresses the sober realities of global racism on a most sophisticated international level, which also fills another void that has been neglected and left open by both the Black church and the African American middle class.

[116] Elijah Muhammad, *Message to the Blackman*, pp. 100-102 ("The origin of sin, the origin of murder, the origin of lying are the deceptions originated with the creators of evil and injustice—the white race.")

But the Nation of Islam did a lot of other positive things. And despite their rhetoric on race, they were also very peaceful and civil. For instance, I especially noticed that in local communities such as Southside Chicago, Baltimore, and Miami, the Black Muslims helped to publicize racial injustices within the African American community in a manner that few other organizations and groups had. They certainly dignified young African American men. During the 1980s and 90s, the Black Muslim's *The Final Call* newsmagazine help to educate me on issues facing many local African American communities which I likely would have never learned from any other source. On that basis alone, I likely would have counseled Malcolm X to walk away quietly from the Nation of Islam, rather than speak publically against Elijah Muhammad. My problem with the Honorable Elijah Muhammad and the Nation of Islam revolved largely around their official position on race and of the Christian faith.[117] Without question, the Black Muslim's slogan, *"Christianity is the White Man's religion!"* was the most heart-wrenching challenges to my spiritual and emotional constancy when I was an undergraduate student. In truth, the Black Muslims were not the only group which used this slogan; however, they certainly received the most notoriety. I could not allow such a disturbing proposition to sit unresolved in my mind. What to do? I resolved to research, study, and know the problem of African slavery and the slave trade.

As I can now recall, I was learning about the Honorable Elijah Muhammad and the Nation of Islam during the late 1980s and early 1990s (outside of the college classroom), about the same time when I was conducting serious research on the life and times of W.E.B. Du Bois (inside of the college classroom). In addition, inside of the college classroom, I also faced the exact same challenge to my Christian faith: this came from African Americans who were non-Christians and who said candidly that the participation of Christians in African slavery and the slave trade had seriously undermined (if not completely obliterated) the authenticity of the Christian faith. They also went so far as to conclude that African American Christians, with me included, were delusional!

To these objections from the Black secularists and others, I could not rest without lodging the following counter-argument: there was the "true Church" and the "authentic Gospel of Jesus Christ"; and there was the physical Church that had

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[117] I note here that the **American Jewish community** has had a long on-going dispute with Minister Louis Farrakhan. The nature of this dispute, I have never adequately understood. In law school, at the University of Illinois, I made many dear Jewish friends and found absolutely no fault with the Jewish community. The dispute between the Black Muslims and the American Jewish community is one area of the Nation of Islam's practices that I did not research or discuss in great detail with either Muslim or Jew.

church members, clergymen, buildings, money, political connections and the like, which was not always a reflection of the "true Church" or the "authentic Gospel of Jesus Christ." Without Frederick Douglass, I likely could not have made this argument make sense, but it is quite clear that Douglass' numerous writings solidly agreed with my position; and, in truth, no African American—not a Black Muslim, a Pan-Africanist, a Black Atheist, etc. – was willing to refute Frederick Douglass. If Frederick Douglass could embrace Christianity and, simultaneously, attack Christian slave-holders and Christian hypocrisy, then my fundamental understanding of the nature of the Christian religion had merit. To this defense of the Christian faith, the men of the Nation of Islam and other sects lodged no meaningful response. And so I have remained within the Christian wing of the Pan-African liberation movement.

In truth, during my college years, I admired the Black Muslims' work in the inner cities more than any other religious group—even the Christians! First and foremost, they looked good and carried themselves very well. Second, they were highly intellectual, philosophical, and religious. They could speak in great details about the Old and New Testament, which I found to be quite pleasing to my tastes. They could also speak in great detail about religion, politics, history, and sociology, which in my mind rivaled my Roman Catholic literature which I had been studying. And, thirdly, they were strong advocates for the plight of the African American community. Within the African American religious community, I found no Christian counterpart to the Nation of Islam. By comparison, at least during the 1980s and early 90s, Minister Louis Farrakhan had sucked all of the air out of the room, and the Black Muslims were beating the Christian pastors at recruiting new converts among African American males. Young black men everywhere were reading and studying Islam during the 1980s. And I suspect that a few of my cousins, friends, and classmates were reading *The Holy Koran* and learning about Islam. Most black men had read, or were reading, the *Autobiography of Malcolm X*; and Malcolm X's philosophy overshadowed the ideals of the more traditional leaders such as Booker T. Washington, W.E.B. Du Bois, Martin Luther King, Jr., and even Marcus Garvey. In Baltimore and Chicago, the black men of the Nation of Islam were very well respected and highly regarded. I respected them, and agreed with much of their social programmes. And had it not been for my Christian upbringing in rural, northern Florida and the *Autobiography of Malcolm X*, there was the very real possibility that I could have joined the Muslims: I liked Malcolm X; *The Final Call* made a lot of sense; Louis Farrakhan was a dynamic speaker; the Muslim men fit my idea of true brotherhood; and I especially admired how the Muslim women dressed and carried themselves! But

the Muslims could never fully explain to me their theological justifications or theories on "race."

Nor did the Muslims adequately explain why they considered Jesus of Nazareth to be a prophet but not the Son of God. My question to them was this: if Jesus was a Muslim, then why did the Muslims reject his testimony of himself as being the Son of God? Moreover, if the New Testament was altered and modified, then where were the correct texts of the Gospels to show the alteration? And, moreover, who preserved the copies of these authentic ancient texts? How likely is it, that all of the Apostles who left first or second-hand accounts (Matthew, Mark, Luke, Peter, John, Paul) of Jesus' teachings and deeds would have incorrectly labeled him as the Messiah? Additionally, if the word Muslim means "to submit to the God of Abraham," then were not the most pious and holiest of Jews and Christians—children of Abraham-- already in submission to the God of Abraham? And, finally, did not Arabic Muslims also enslave Africans, and did not a fellow Muslim assassinate Malcom X? These were very tough questions for Black Muslims, but in defense of the Christian faith I had no choice but to present my best possible defense, in order to fully understand the Muslim position on Christianity. By no means did I loose respect for Islam or begin to disrespect my Black Muslim brothers; but I did gain a deeper understanding as to the meaning of true religion and the need for ecumenical dialogue. In the end, I became a much better and devout Christian! But at the same time, I felt that I was gaining more credibility within the inner cities of Black America, because through the Black Muslims I was learning why the Black Church had become marginalized and almost irrelevant in the lives of the black poor and particularly young black men. This, to my mind, needed to change.

C.   Non-Christian Perspectives on Christianity's Role in Slavery and the Slave Trade

Thirdly and finally, this paper commemorates my general defense of the Christian faith against non-Christian fellow students inside of the university. For as I have mentioned in earlier papers within this series, it was during my undergraduate collegiate years when I first began to defend the Christian faith against characterizations that it was "a white man's religion" and an imperial tool of subjugation against peoples of color around the world in Africa, India, the Americas, and the Far East. I have always felt an urgent need to make such a defense, because I have always felt that the Christian faith is the most viable solution to many of the social problems currently plaguing the African American community—even if that solution were to include (as the Nation of Islam has

proposed) separating from white people, since even then the "Law of Christ"[118] would remain as equally binding and valid!

In college, during the 1980s, the notion that Christianity was "a white man's religion" was predominant at Morgan State University. As I can recall, I attended Afrocentric lectures on campus which stressed this conclusion. I was presented Afrocentric pamphlets, booklets, books, and other reading materials which were used to raise the Afrocentric consciousness of African American college students. A few of my college professors even reinforced these ideals, and during the 1980s, I got the impression that, on most college campuses, including the historically black colleges and universities, the Christian faith was frowned upon, taken as unserious and without merit, and labelled as unworthy of serious academic discussion. In fact, knowledge of traditional African religion received more credit among academic scholars than traditional Christianity. Even Islam, because it had been associated with Malcolm X and the Nation of Islam, was more respectable on college campuses than the Christian faith and the Black Church. And the same may arguably be said of the Egyptian mystic religion—the tombs, pyramids, and hieroglyphics of ancient Egypt were popular symbols of black African pride during the 1980s!

Black liberation movements were studied from a secular point of view. Martin Luther King, Jr., as I can recall, was very well respected, but nobody seemed to acknowledge the fact that he held three divinity degrees and was an ordained Baptist minister. That St. Augustine of Hippo might have been a member of the darker races and had been described in Malcolm X's autobiography as a "black African saint" went largely unnoticed. That Frederick Douglass, Harriet Tubman, and Nelson Mandela were Methodists, or that Bishop Desmond Tutu was an Anglican, were highly inconsequential. Moreover, that Christianity and the church lay at the very foundations of most of the historically black colleges and universities was not stressed and, in fact, suppressed. And I found it strange that the starting point for most academic discussions was that Christianity had been deadly destructive to the black community; that it had created the parameters whereby the entire black world was subjected to white supremacy; and that any black person who accepted the story of Abraham, Moses, and Jesus was susceptible to race-treason and manipulation by white imperialism. At the same time, Islam and Atheism were not treated as harshly as Christianity. Even Christians, such as me, were careful not to proselytize other students on campus, or

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[118] The fundamental "Law of Christ," to wit, is to "love ye one another" (John 15:12); to do justice and judgement (Genesis 18:18-19; Proverbs 21: 1-3); to judge not according to appearance but to judge righteous judgments (John 7:24); and to do justice, judgment, and equity (Proverbs 1:2-3).

even to admit that they were "born-again" believers, lest they be subjected to severe ostracism. For this reason, my Christian walk of faith during my college years was mostly private and personal.

I never proselytized fellow students and professors during my undergraduate collegiate years, but I did have close Christian friends, some of whom became the founders of a Christian organization known as the Alpha Nu Omega college fraternity/ sorority, which was founded in my dormitory on the campus of Morgan State University in 1988. (My roommate, Thayer Robinson, a native of Baltimore, was one of the original founders.) As to those college students who disdained Christianity, I frequently debated with them during casual conversations and inside the classroom. Like Socrates, I tried to present them with intriguing questions in order to prove Christ's innocence, the absolution of the Christian Church, and the integrity of the Christian faith. My objective then was to show that the true, authentic Christian faith could not be convicted of any wrong-doing regarding slavery and the slave trade.

During those years, I was reading St. Augustine of Hippo's *The City of God*. My Christian intuition had also encouraged me to ask much more deeper and fundamental questions about the people who were the subject matter of history: were they truly born-again Christians? Or were they only nominal Christians? Was it fair for non-Christians to blame Jesus Christ, and the entire Christian faith for the crimes committed by persons who were really only nominal Christians, or corrupt Christian clergymen and corrupt lay Christian members within the Christian church? My debates with fellow students who maintained a more black-nationalist, atheistic, pan-Africanist viewpoint always revolved around these intriguing and important questions.

During these college years, I admired many devout Christians who were also white; and I probably spent more time reading their writings than I did reading the writings of others. But this was sheer happenstance. I was studying Christian thought—not race, not white people. And I admired many white Puritan pastors, lawyers, politicians, and theologians—again, not because they were white, but because they were striving towards Christian perfection, trying to build a "New Jerusalem." All of this: I loved. Nor did a second pass by, when I studied these Puritans, that I did not also think about the plight of African Americans in the United States. I reasoned that the Puritans had what African Americans needed: holiness, independence, and education. *Since the early 2000s, I reached the conclusion that the black church needed ministers trained like the Puritan ministers; and that the black family needed to be guided by Puritan standards of*

morality and discipline. And about the year 2009 or 2010, the Puritan ideals of slavery and the slave-trade became more clairvoyant within my mind. This came about inadvertently, following a conference on the Thirteenth Amendment (U.S. Constitution) which I attended at the University of Chicago's School of Law, where a presenter (a Yale historian) suggested that reparations *might not* be justified, where the slaves had been lawfully attained from African chieftains who had attained them from just wars, enslaved them, and (or) sold them to Europeans as just punishment for their crimes! This comment jolted me! What on earth was this Yale history professor talking about? I had to know more about the character and the institutions of slavery as a whole, not just American slavery. Up to that point, I had always simply assumed that all forms of slavery had been universally condemned as morally wrong under every standard of law, and that the Christians who had engaged in it had simply committed grievous crimes against humanity. But the idea of a lawful slavery, one justified by Christian morals and ethics, was suddenly introduced to me. My defense of the Christian faith thus became much more mature than what it had been during my undergraduate and law-school years. In 2009, while at the University of Chicago, I heard things that I had never before heard about the institution of slavery, leading up to the enactment of the Thirteenth Amendment, U.S. Constitution. That conference, among other things, enabled me to trace the Christian regulation of the African Slave-Trade to the Church of England and to the Puritans.

Appendix B

A Christian Interpretation of American Slavery and the Transatlantic Slave Trade

By

Roderick O. Ford, D.Litt.

How do true Christians view the Christian Church's role in orchestrating American slavery and the transatlantic Slave Trade? The answer to this question is complex, because Christians have a very unique perspective of both the Christian faith and the institution of the Church. This unique perspective affects how they interpret the events leading up to the establishment of the sixteenth-century African slave trade and the subsequent perpetuation of slavery in the United States. But as a fellow Christian who shares this same unique perspective, I can only give my own personal analysis and understanding of slavery and the slave trade.

A. The Christian Worldview

Being a Christian today is not easy. Indeed, the Christian faith is purely a privilege that cannot be earned, purchased, or inherited; for it is a matter of pure grace. Through a course of many years, I have recognized that the Christian faith is actually revelation that comes to the human understanding through *life-long experiential learning*,-- Christianity is not an academic exercise, a homily, a Sunday sermon, a Bible study, or a degree in theology. Nor is the Christian faith wholly subsumed in church membership or regular attendance at worship services. But instead the Christian faith is, among other things, a very careful reflecting upon life's lessons and insights, which the whole process of sanctification brings to the human understanding. For this reason, only a born-again Christian who has experienced many years of sanctification can rightly interpret the thoughts and actions of other true Christians. True Christians know other true Christians! Non-Christians, who have never experienced sanctification, simply cannot know the real differences between true Christians and mere nominal Christians. This is one of the reasons why non-Christians dismiss the entire Christian faith, on the basis of the Christian Church's alleged involvement in slavery and the slave–trade.[119] But

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[119] Interestingly, these non-Christians are quick to point out all of the precise details of how Christianity and racism were responsible for African slavery and the slave trade and of how Christian slave masters taught their slaves the Christian religion in order to gain mind-control over the slaves. But these non-Christians are always very forgetful or loathe to acknowledge that predatory capitalist greed and the predatory profit-motives and self-interests of

non-Christians do not have the requisite capability of discerning the difference between a true Christian and a mere nominal Christian (i.e., a Christian heretic or a Christian hypocrite). And non-Christians simply do not have the same degree of understanding as true Christians do, of the internal workings of the Christian Church, or of the Church's schisms which often are the result of heresies and heretics who are hidden within the Church's members. Non-Christians seldom appreciate that often within the Christian Church are holy wars between good and evil; and that if Satan himself could take over the Church's reigns, he certainly would. Non-Christians do not understand what baptism, receipt of the Holy Spirit (i.e., to become born-again), and sanctification does to the human conscience. To the true Christian, the Holy Spirit bridles the human conscience and makes him love and cleave to righteousness! It is a strange phenomenon which Saint Augustine described best, where he says the following in the *Confessions*:

> Fire inclines upward; a stone, downward. They are moved by their weights; they seek their places. Oil poured out below water rises above the water; water poured on oil sinks beneath the oil. They are moved by their weights; they seek their own places. When not well ordered, they are restless; when they are in order, then they are at rest. My weight is my love; by it I am carried wherever I am carried. By Thy gift we are inflamed and we are carried upward; we are set on fire and we go.

That is the true essence of the Christian faith! The true Christian cleaves to justice and right actions, even to the point of great sacrifice and death. That is his "weight" and his "love" which carries him upward— a phenomenon that is quite legible to the true Christian, but yet completely obscure to the non-Christian.

Non-Christians who have not had a sanctifying experience with the Holy Spirit, simply cannot know what it means and feels like to be a true Christian. Such knowledge (i.e., the work of the Holy Spirit) is beyond the grasp of a scientific experiment, a passage in a book, or study lesson at a university or school of

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investors— which were aided and abetted by the unscrupulous lawyers and judges who represented or protected these so-called property interests—also played a very huge role in establishing, orchestrating, and promoting both African slavery and the transatlantic slave trade! In fact, I have never heard a university lecturer or professor admit that slavery and the transatlantic slave trade were the results of predatory capitalism (i.e., a system of unprincipled, unchristian commercial farmers, traders, investors, financiers, etc.) at its worst. The men who designed this predatory economic system were often quick to deprecate the influence of the Christian Church in shaping society's moral values. Today, the Christian religion still receives unfairly much of the blame for promoting slavery and genocide in Africa, North and South America, East Asia, and the entire Third World. See, generally, R.H. Tawney, *Religion and the Rise of Capitalism* (New York, N.Y.: Mentor Books, 1954); and John Kenneth Galbraith, *The Economics of Innocent Fraud: Truth For Our Times* (Boston, M.A.: Houghton Mifflin Co., 2004).

divinity. And it comes into the human understanding only through *experiential learning* made possible only after Christ has been allowed to dwell into the human heart for many years—i.e., the entire process of sanctification.[120] For one thing, the true Christian loves and cleaves to truth; and he will fight to the death for truth. For the true Christian commits his life to the truth, and he is carried away with the truth. When one observes, for example, the natural force and trajectory of a John Locke, or of a John Wesley, or of a William Wilberforce, or of a Frederick Douglass, one sees the natural force and weight of what a true Christian truly loves, which is Christ, who, as St. Augustine teaches us, is within himself the embodiment of all "truth."[121]

Nor does the true Christian divide science from natural law, which he believes to be the "Law of Christ,"[122] or distinguish between the theologian and the scientist, whom he believes to be a "philosopher of natural law." Indeed, for the true Christian, all truth is both secular and sacred. As Locke teaches us, "For, to this crying up of faith, in opposition to reason, we may, I think, in good measure ascribe those absurdities that fill almost all the religions which possess and divide mankind…. He that would seriously set upon the search of truth, ought in the first place prepare his mind with a love for it. For he that loves it not, will not take much pains to get it, nor be much concerned when he misses it."[123] For these reasons, my secular training in law, economics, philosophy, and history were conjoined with my knowledge of the Holy Scriptures and love for Christ and have become one science (i.e., truth) that is both secular and sacred. For when "God said, Let us make man in our image, after our likeness…,"[124] "the god who is god with you—which is spoken eternally and by which all things are spoken

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[120] Hence, as an African American Christian, I have experienced the same sanctification process as all other true Christians, regardless of their race or sex or nationality—this is why the Christian faith is truly holy, universal, and catholic. In other words, as a "catholic" Christian, I am uniquely well qualified to interpret the thoughts and actions of white Christians who owned slaves over two or three hundred years ago, and to opine as to whether they were acting with a whole Christian conscience and a human heart. My own life-long experiences as a Christian make me uniquely qualified to fulfill this task. That is to say, the Holy Spirit which speaks to the individual Christian mind and heart, speaks the same truths to all Christians, and it also speaks the same truths to my mind and heart as well. This is how St. Augustine's writings continue to inspire Christians who live eighteen hundred years after his death! This is how I am able to fairly adjudge and assess the lives of white Christians who lived two or three hundred years before I was born, even they may have lived in a different part of the world, and were of a different race. Again, this is why the Christian church is holy, universal, and catholic.

[121] And if we embrace the teachings of Justin Martyr that Pagan men such as Socrates, Plato, and Aristotle (and I would add Malcolm X to this list) were "Christians" without knowing it, because the sought the "truth," then we must admit that the idea of Christ as the divine *Logos* is truly universal, holy, and catholic.

[122] The fundamental "Law of Christ," to wit, is to "love ye one another" (John 15:12); to do justice and judgement (Genesis 18:18-19; Proverbs 21: 1-3); to judge not according to appearance but to judge righteous judgments (John 7:24); and to do justice, judgment, and equity (Proverbs 1:2-3).

[123] John Locke, "An Essay Concerning Human Understanding," *The English Philosophers From Bacon to Mill* (New York, N.Y. The Modern Library, 1967), pp. 395-396.

[124] Genesis 1:26.

eternally,"[125] was "[i]n the beginning… the Word, and the Word was with God, and the Word was God. The same was in the beginning with God. All things were made by him; and without him was not any thing made that was made."[126] And the Word was the man Christ Jesus, who "[f]or by consulting the Gospel we learn that Christ is Truth,"[127] and his spirit, "his promised paraclete, the spirit of truth."[128] "For where I found truth, there found I my god, who is the truth. From the time I learned this I have not forgotten."[129] And these have been my keys to the Truth of God to the unlocking of the door to the mysteries of African slavery and the transatlantic slave trade.

My Christian experience thus largely consists of thirty years of defending the Christian faith with the truth; first, beginning with my rebuttals to non-Christians inside of the university, and also with my debates with the Black Muslims outside of the university. What I have discovered in the writings of men such as Catholic theologian St. Augustine of Hippo is that the gifts of the Holy Spirit render fairly uniform truths regarding the interpretation and application of the "Law of Christ."[130] This is especially true with respect to the application of the "Law of Christ" to special and unique set of challenges and circumstances, such as chattel slavery, men-stealing, and trafficking in human beings.

B. How Christians today Might Perceive Christian Slave-Holders

And setting aside the fact that I am myself an African American Christian, I have had to also ask, "If I was a white Christian who lived in England or colonial North America during the seventeenth or eighteenth century, could I own an African slave or participate in the African slave-trade?" My initial answer to that question has always been: "What does the Bible say?" Thus viewed from that perspective, I have also asked, "What did the great theologians—St. Paul, St. Augustine, St. Thomas Aquinas, Martin Luther, John Calvin, etc.--   say about slavery?" Similarly, I have inquired into the question: "what was slavery like in the ancient world?" and "how did the Medieval and Early Modern mind view slavery and race?" And finally, "how did the native Africans view slavery and what was their role, if any, in the transatlantic slave trade?"

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[125] St. Augustine, *Confessions* (New York, N.Y.: Barnes & Noble Classics, 2007), p. 189.
[126] John 1:1-3.
[127] Saint Augustine, *The City of God* (New York, N.Y.: The Modern Library, 1950), p. 645.
[128] St. Augustine, *Confessions* (New York, N.Y.: Barnes & Noble Classics, 2007), p. 132.
[129] Ibid., p. 166.
[130] The fundamental "Law of Christ," to wit, is to "love ye one another" (John 15:12); to do justice and judgement (Genesis 18:18-19; Proverbs 21: 1-3); to judge not according to appearance but to judge righteous judgments (John 7:24); and to do justice, judgment, and equity (Proverbs 1:2-3).

These important questions have taught me over the years that the traditional "Christian" conception of slavery was, and still is, thoroughly humane and designed for altruistic purposes. *In fact, the Thirteenth Amendment, U.S. Constitution is essentially a codification of this traditional "Christian" view of slavery.*[131] And to the extent that England and colonial North America honestly believed that they were participating in and establishing the Christian ideal of slavery, for the objective of effectuating the moral elevation of their African captives, then their practices were arguably justifiable under the highest of Christian standards, and might have been carried out with the clearest of human consciences. I believe that there were white American slave-holders who were Christians and who held African slaves under such humane conditions, with the conditional caveat that African enslavement be limited by the parameters of the Christian faith. I believe that there were individual white Christians who inherited slaves due to no fault of their own, and who held them in bondage for the purpose of elevating their status to Christian brotherhood and equality. W.E.B. Du Bois and Booker T. Washington, for instance, noted case after case, following the American Civil War (1861-1865), where former masters were committed to helping their former slaves to rise in stature, education, and wealth. This was largely true in New England prior to the American Revolutionary War (1775-1783), and afterwards this may also have been true in southern states like Maryland and Virginia, and to a lesser degree in South Carolina and Georgia.

Indeed, following the U.S. Civil War (1861-1865), the Black Church, together with tremendous aid from white Christian philanthropists, laid the foundation for black elementary, high school, industrial, and college education in the United States. The significance of the Christian spirit should not be diminished, since during the 19th Century, many people believed that Africans and African Americans were too intellectually inferior to master "European" standards of learning. And so the positions taken by several white Christian groups-- especially the Quakers, Presbyterians, and United Methodists-- in favor of educating African Americans, were both laudatory and extraordinary! The Black Baptist Churches, with the cooperation from the white-run American Baptist Home Mission Society, established some eighty elementary and high schools between 1865 and 1900. The Black Baptist Churches also established eighteen colleges or semi-colleges

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[131] Today, this Augustinian or natural-law view of slavery can be found within the text of section one of the Thirteenth Amendment, U.S. Constitution: "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."

designed for African Americans in South. The Black Methodists established 11 colleges between 1870 and 1900, as follows:

The African Methodist Episcopal Church founded six colleges;
The Colored Methodist Church founded four colleges;
The Zion Methodist Church founded 1 college.

These African American Methodist denominations received support from the white Methodists through the "Freedmen's Aid Society of the Methodist Church," which was an auxiliary of the Methodist Episcopal Church. By 1878, the Freedmen's Aid Society of the Methodist Church founded five colleges, two theological seminaries, and two medical schools. Similarly, the white Presbyterians founded Lincoln University in Pennsylvania in 1854, and, after the Civil War, Johnson C. Smith University in 1867; Scotia Seminary in 1870; and Knoxville College in 1872. And the Catholic Church has been notable for educating northern black children in inner city communities and southern blacks primarily in the state of Louisiana. In 1915, it established the only black catholic university in the United States: Xavier University of Louisiana. What this reveals is that the white Christian philanthropists and churches—North and South—extended their hands to assist the black freedmen following the U.S. Civil War, and this was especially true during the period of Reconstruction (1865-1877).

Based upon my experiences with southern whites in Alabama, Georgia, Florida, the Carolinas, Virginia, Tennessee, and Kentucky, I have no reason to disbelieve that there were individual slave-holding families in the deep South, who nevertheless treated their slaves humanely and taught them the true Christian faith. Such individual efforts among southern whites ought not to be deprecated, especially in light of the fact that for all practical purposes many skilled slaves on the southern plantations lived better than free African Americans in some northern cities who found it difficult to earn a living as a free laborer in competition with native and foreign-born white workers.

On the other hand, the wickedness which became known as "chattel" slavery in the United States—and especially that system as I first learned of it in the three biographies of Frederick Douglass-- was altogether revolting to the Christian conscience! And as a fellow Christian to those white slave owners who engaged in this chattel slavery, I could not imagine how these white slave owners (men or women) could revere the Holy Spirit, the parables and teachings of Christ, the stories of the apostles in the Book of Acts, and the letters of St. Paul, and,

simultaneously, conclude that they still get to Heaven while holding their fellow human beings as domestic animals.

Another question that intrigued me was this: "How could learned and esteemed Christian theologians, Christian lawyers, Christian philosophers, Christian doctors of theology and divinity, bishops, archbishops, and chaplains study the Bible and the writings of great theologians such as St. Augustine and St. Thomas Aquinas and, simultaneously, justify the brutal enslavement of Africans?" The Roman Catholic, Anglican, Congregational, Calvinistic Baptist and Methodist churches have never officially adopted the racist ideologies which justified chattel slavery, but many members of their congregations turned a blind eye to brutal and unjust slavery practices. At the same time, the most racist ideologies that were used to justify slavery and the transatlantic slave trade were known *Christian heresies* – such as the Hamitic curse – which used the Christian church and the Christian faith as window-dressing in order to appease the Christian world.[132] Thus, capitalism's influence upon the Christian Church and slavery is a chapter in economic history which is ugly and brutal.[133] Here we find in application and example the reasons for St. Paul's admonition, "For the love of money is a root of all *kinds of* evil, for which some have strayed from the faith in their greediness, and pierced themselves through with many sorrows."[134]

C. Abolitionism and the Underground Railroad as the True Christian Faith

Finally, while today's Christians are more likely than non-Christians to forgive those Christians who were former slave-holders, but who also inherited their slaves due to no fault of their own, who treated their slaves humanely in accordance with the Law of Christ, and who made provision for their spiritual edification and growth (including manumission from slavery), today's Christians are also more likely than non-Christians to consider those non-slave-holding Christians who were abolitionists or participants of the Underground Railroad to have represented the "true, authentic Christian faith" during the sixteenth, seventeenth, eighteenth, and nineteenth centuries. Today's Christians are also more likely to hold men such as Richard Baxter, John Wesley, William Wilberforce,

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[132] The Church of England still claimed its dominance over social morals and ethics and the Christian worldview was still dominant. See, e.g., R.H. Tawney, *Religion and the Rise of Capitalism* (New York, N.Y.: Mentor Books, 1954).

[133] For these reasons, I have over my lifetime defended the Christian faith against naysayers and doubters, against heretics and atheists, against agnostics and secular humanists, who charge: "The Christian Church is an evil which has, among other things, supported the enslavement of African Americans. The Christian faith is therefore nothing more than a delusion and 'criminous' idolatry!"

[134] 1 Timothy 6:10

Thomas Clarkson, William Goodell, Frederick Douglass, and Alexander Crummell as the true sons of the Church and as the true followers of Christ.

Conclusion

For these reasons, I believe that it is safe to conclude that Christians have a radically different view of the role of the Christian Church in slavery and the slave trade than do most non-Christians. Christians view this history from the perspective of church membership and of being church insiders. Christians understand that not all Christians are the same, even within the same Church denominations, where there may be schisms and factions. Hence, a true Christian will likely not consider Christian slave-holding to tarnish the true, authentic Christian faith, because he is poignantly aware that not every person who wears the label "Christian" is actually a true Christian. With non-Christians, however, such clairvoyance is not present. Most non-Christians will view Christian slave-holding as evidence that the entire Christian faith is flawed and the message of Jesus of Nazareth is hypocritical or overly idealistic. And finally, a true Christian (much more than non-Christians) is more apt to construe the Thirteenth Amendment, U.S. Constitution as a codification of the Augustinian, Puritan, and Christian view of slavery.[135] For these reasons, this paper on *Puritanism, Slavery and the Transatlantic Slave Trade* helps to shed light upon why the Christian viewpoint on American slavery and the slave trade offers not only a unique perspective but also one that is most accurate and closer to the truth.

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[135] Today, this Augustinian or natural-law view of slavery can be found within the text of section one of the Thirteenth Amendment, U.S. Constitution: "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."

Appendix C

Ancient Anglican system of Natural Law, Common Law, and Rights

By

Roderick O. Ford, Litt.D.

The English Common Law (which comprises its full body of laws, including customary and constitutional laws) is founded upon the Greco-Roman idea of natural law and natural justice, as supplemented by the Catholic-Anglican-Christian religion. The common law which came from Great Britain to colonial America was unmodified and unbroken, as American lawyers and clergymen were trained in the same institutions and subject to the same discipline as their English counterparts during the seventeenth and eighteenth centuries. This fact is particularly significant when interpreting words such as "the Law of Nature" or "the Laws of … Nature's God," which are found within the eighteenth-century *Declaration of Independence* (1776). What did this terminology mean, within an eighteenth century context and from the perspective of standard Anglo-American jurisprudence during this period? As I have commented throughout this series, St. Thomas Aquinas' legal philosophy of law (Eternal Law----> Divine Law ----> Natural Law ---->Human Law) remained predominant throughout England and continental Europe. Natural law was determined to be the "Law of God" or the "Law of Reason," to which all other human laws remained subordinate, including the English common law and statutory law. In fact, the Laws of Nature were coterminous with England's unwritten constitution, and constituted its "fundamental law."

For a clearer explanation of the English legal system, Thomas Woods' classic work, *Institutes of the Laws of England* (1720) provides a detailed analysis of how English law (customary or common law, ecclesiastical law, and natural law) incorporated all of its several component sub-parts and sub-branches that made up the collective law of eighteenth-century Great Britain, as follows:

"As Law in General is an Art directing to the Knowledge of Justice, and to the well ordering of civil Society, so the Law of England, in particular, is an Art to know what is Justice in England, and to preserve Order in that Kingdom: And this Law is raised upon fix principal Foundations.

1. Upon the Law of Nature, though we seldom make Use of the Terms, *The Law of Nature*. But we say, that such a Thing is reasonable, or unreasonable, or against the Law of *Reason.*

2. Upon the revealed Law of God, Hence it is that our Law punishes Blasphemies, Perjuries, & etc. and receives the Canons of the Church [of England] duly made, and supported a spiritual Jurisdiction and Authority in the Church [of England].

3. The third Ground are several general *Customs*, these Customs are properly called the *Common Law*. Wherefore when we say, it is so by Common Law, it is as much s to say, by common Right, or of common Justice.

Indeed it is many Times very difficult to know what Cases are grounded on the *Law of Reason*, and what upon the *Custom* of the Kingdom, yet we must endeavor to understand this, to know the perfect Reason of the Law.

Rules concerning *Law*

The *Common Law* is the absolute Perfection of *Reason*. For nothing that is contrary to Reason is consonant to Law

Common Law is common Right.

The Law is the Subject's best Birth-right.

The Law respects the Order of Nature…."

Source: Thomas Wood, LL.D., *An Institute of the laws of England: or, the Laws of England in their Natural Order* (London, England: Strahan and Woodall, 1720), pp. 4-5.

From this description of English law, it is quite clear that Natural Law or the Laws of Nature constituted a pivotal and key component of English jurisprudence. And it is clear that the English Common Law, proper, was believed to be a combination of various component laws, including the "fundamental law" of the realm, the law of reason, the law of nature, customary law, ecclesiastical law, the

law of God, and the "Law of Christ."[136] In many respects, these various laws simply applied different labels to the exact same concept or understanding of law.

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[136] The fundamental "Law of Christ," to wit, is to "love ye one another" (John 15:12); to do justice and judgement (Genesis 18:18-19; Proverbs 21: 1-3); to judge not according to appearance but to judge righteous judgments (John 7:24); and to do justice, judgment, and equity (Proverbs 1:2-3).