EVANGELICALS, JUSTICE, AND THE CIVIL WAR

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Abstract: The intimate relationship between justice and liberty in the early US republic has been well documented by historians. However, less understood is how these patriotic arguments were co-opted by pro-slavery theologians using the same republican principles, and, in turn, how concepts of justice developed within the evangelical community before and after the Civil War. This article explains how Northern and Southern evangelicals adapted and applied their concepts of justice to suit their beliefs about slavery. It also demonstrates how the fractured nation after 1865 eventually forced theologians to pursue other models of justice that de-emphasized the common good. The result was the end of public justice as it had been traditionally conceived in the revolutionary and post-revolutionary generations.

Key words: evangelicals, justice, public justice, slavery, abolitionism, American Revolution, Civil War

In 1853, one year after her wildly successful Uncle Tom's Cabin awakened the American conscience to the evils of slavery, Harriet Beecher Stowe prepared to meet the man southern evangelicals referred to as "the father of New England abolition," William Llovd Garrison.¹ Although partners in the anti-slavery cause, the Quaker Garrison and the daughter of famed Presbyterian minister Lyman Beecher had significant theological differences that worried Stowe, whose abolitionism was not as extreme as Garrison's. Consequently, upon their meeting, Stowe immediately addressed her concerns with the fiery editor of the weekly newspaper The Liberator. She asked abruptly, "Mr. Garrison, are you a Christian?" He replied that her question was too vague. "Well," she persisted, "are you such a Christian as I am?" But Garrison replied that this question was even more vague. Finally, Stowe struck at the heart of what she perceived to be the essence of her Christian faith: "Well, Mr. Garrison, do you believe in the atonement?"² While Garrison hardly expounded upon the penal substitutionary nature of Christ's death, his answer nevertheless satisfied Stowe. Further, it demonstrates just how important were concepts like sin, guilt, and especially justice to American evangelicals in the years before and after the Civil War.³ After all, if abolitionists could not acknowledge the demands of

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¹ P. H. Mell, *Slavery. A Treatise, Showing That Slavery Is Neither a Moral, Political, nor Social Evil* (Penfield, GA: Benj. Brantly, 1844), 15n1.

² Nancy Koester, Harriet Beecher Stowe: A Spiritual Life (Grand Rapids: Eerdmans, 2014), 188.

³ Although Harriet Beecher Stowe eventually joined the Episcopal Church, she apparently retained many ideals from her Puritan upbringing.

divine justice, how could they be expected to enforce human justice for the rest of the nation?

The evangelical mind had embraced the intimate relationship between justice and liberty since at least the days of the Revolution, when British injustices against the colonists sparked the War of Independence. Rooted in the idea that a virtuous government should promote the common good (*res publica*), republicanism merged concepts of personal and public justice. True justice included both goodness (public justice) and fairness (distributive justice). An action was deemed just not simply when a person received his or her due (retributive justice), but also when the happiness of all was achieved (public justice).⁴ In other words, justice was as much about equilibrium as it was about equity. As one frontier missionary wrote in his diary in 1824 after watching the execution of a criminal who had accepted Christ, justice was "but a modification of goodness."⁵

From the beginning of the early republic, black and white theologians seized upon this republican concept of justice to condemn the hypocrisy of a nation that insisted upon its own right to happiness while it simultaneously denied an entire race of people the pursuit of theirs. For instance, in 1774, Congregationalist pastor Levi Hart denounced the injustices of slavery to an audience in Farmington, Connecticut, in a sermon titled Liberty Described and Recommended. Hart condemned "those who prefer some private benefit to the public welfare," insisting that a slaveholding society was guilty of "taking away the liberty or property of those who have done nothing against the public interest." Such a society, he argued, "connives at injustice, and is so far guilty of tyranny and oppression."6 In short, white Americans were seeking their own liberty but stealing it from others. Lemuel Haynes, the first African American to be ordained by any religious denomination, also linked freedom and justice in Liberty Further Extended (1776). His "main proposition" was that "a Negro may Justly Chalenge, and has an undeniable right to his Liberty." The Congregationalist preacher contended that "when, instead of contributing to the well Being of the community, [a law] proves banefull to its subjects over whome it Extends, then it is hygh time to call it in question."7 According to Hart and Haynes, slavery was unjust because it harmed souls and the soul of the community.

These kinds of patriotic arguments have been well documented by American religious historians. However, less understood is how these arguments were coopted by pro-slavery theologians using the very same republican principles, and, in turn, how concepts of justice developed within the evangelical community before and after the Civil War. Historians Mark Noll and James P. Byrd have captured the

⁴ In his "Discourse on the Atonement," Rhode Island College President Jonathan Maxcy wrote, "Public or general justice, respects what is fit or right, as to the character of God, and the good of the universe." Jonathan Maxcy, "A Discourse on the Atonement," in *The Literary Remains of the Rev. Jonathan Maxcy, D.D.*, ed. Romeo Elton (New York: A. V. Blake, 1844), 75.

⁵ John Mason Peck, "Thursday, February 12, 1824," in *Forty Years of Pioneer Life: Memoir of John Mason Peck, D.D.*, ed. Rufus Babcock (Philadelphia: American Baptist Publication Society, 1864), 191.

⁶ Levi Hart, Liberty Described and Recommended (Hartford: Eben Watson, 1776), 15.

⁷ In Ruth Bogin, "Liberty Further Extended': A 1776 Antislavery Manuscript by Lemuel Haynes," *The William and Mary Quarterly* 40.1 (1983): 95–96.

biblical and theological crisis of the war, but they have not contributed a significant treatment of the evangelical theology of justice in the antebellum and postbellum years.8 It is the aim of this article to explain how Northern and Southern evangelicals adapted and applied their concepts of justice to suit their beliefs about slavery and to demonstrate how the fractured nation after 1865 eventually forced theologians to pursue models of justice that de-emphasized the common good. From the Revolution to the Civil War, personal and public justice did not normally compete with one another in the evangelical mind, but rather reinforced one another, as the well-being of the individual was inextricable from the good of the community. In the antebellum period, for example, even Southern theologians who did not incorporate public justice into their doctrine of atonement or their moral philosophy were nevertheless bending their own views of justice to accommodate their belief that slavery was the best possible outcome for society. However, after the country was torn asunder, personal justice and public justice were not as consonant as they had been in a more unified, optimistic society. The result, with the addition of other social and theological factors, was the end of public justice as it had been traditionally conceived in the revolutionary and post-revolutionary generations.

I. PUBLIC JUSTICE AND ABOLITIONISM IN AMERICA

If the United States was indeed an experiment, it was arguably an experiment into the true nature of justice. After declaring their independence from the tyranny and oppression of the British Empire and establishing the so-called "Empire of Liberty," some evangelicals immediately applied the same ideals of justice to the issue of slavery.⁹ For Samuel Hopkins, the enslavement of Africans not only violated rules of personal fairness, it also indicted the entire nation and infected all Americans with its cruelty and evil. In his mind, slavery was *America's* sin, "and we have no way to exculpate ourselves from the guilt of the whole." Justice could not be confined to individuals; it was rather a collective principle. Therefore, just as the Puritans had long understood the national covenant, and as patriots had preached countless times over the course of the Revolution, an entire body of people could be addressed as one unit.¹⁰ Therefore, in 1776, when Hopkins urged the Continen-

⁸ Mark A. Noll, *The Civil War as a Theological Crisis* (Chapel Hill: University of North Carolina Press, 2006); James P. Byrd, *A Holy Baptism of Fire and Blood: The Bible and the American Civil War* (New York: Oxford University Press, 2021).

⁹ "Empire of Liberty" is an expression Thomas Jefferson used to describe the role of the United States in spreading freedom to the rest of the world. For instance, in 1809, Jefferson wrote to James Madison, "We should then have only to include the North in our confederacy, which would be of course in the first war, and we should have such an empire for liberty as she has never surveyed since the creation: & I am persuaded no constitution was ever before so well calculated as ours for extensive empire & self government." Thomas Jefferson to James Madison, 27 April 1809, *Papers of Thomas Jefferson, Retirement Series, Volume 1: 4 March 1809 to 15 November 1809*, ed. J. Jefferson Looney (Princeton: Princeton University Press, 2005), 160.

¹⁰ As Byrd has shown, even ministers in the South did the same during the Civil War: "New England Puritans may have introduced the jeremiad to colonial America, but southern preachers tried to perfect it." Byrd, *A Holy Baptism of Fire and Blood*, 10.

tal Congress to repent of the "very great and public sin" of slavery, he was speaking not to one person or even a single group of people, but to the infant nation, with "regard to justice, humanity, and mercy."¹¹ His disciple Jonathan Edwards Jr. argued similarly in *The Injustice and Impolicy of the Slave Trade and of Slavery* (1791), a work that would eventually convert John Brown's father to abolitionism.¹² In this sermon preached for the founding of the Connecticut Society for the Promotion of Freedom, Edwards shed light on the inevitably corporate nature of slaveholding.¹³ Pointing to war in Africa that made slave-trading possible, Edwards beseeched, "Does not justice, does not humanity, shrink from the idea, that in order to procure one slave, to gratify our avarice, we should put to death ten human beings? Or that, in order to increase our property, and that only in some small degree, we should carry on a trade, or even connive at it, to support which, sixty thousand of our own species are slain at war?"¹⁴ For Edwards, the numbers did not add up. The injustice done to one slave was the consequence of injustices done to a multitude.

As Hopkins and Edwards demonstrated, theologians during the revolutionary period often applied the same notions of justice to both the issue of slavery and the problem of sin. For instance, citing texts like Psalm 85:10 ("Mercy and truth are met together, righteousness and peace have kissed each other"), Edwards insisted that the cross did not satisfy commutative justice (i.e., property) or distributive justice (personal conduct), but rather "general or public justice."¹⁵ Christ did not pay a kind of debt to the Father nor were his sufferings the result of individual punishments or rewards. Instead, he sought the good of the entire moral universe, thereby fulfilling true justice. Hopkins and Edwards saw in the crucified Christ what they believed was so desperately lacking in their own communities. In the Edwardsean tradition, it is no coincidence of history that the men who condemned slaveholders for serving their own interests, selling human beings as property and harming the welfare of the entire community, also vehemently rejected the idea that the atonement was a private exchange of goods between a divine Creditor and an elect people. In their minds, abolition and atonement served the same end: public justice.

However, the concept of public justice did not die out with the revolutionary era. In fact, as the so-called "negro question" further divided the church and the nation, the idea gained even more popularity among evangelicals of different denominations, especially among anti-slavery theologians. In his *Elements of Moral Sci*

¹¹ Samuel Hopkins, "A Dialogue Concerning the Slavery of the Africans, Showing It to Be the Duty and Interest of the American Colonies to Emancipate All Their African Slaves," in *The New England Theology: From Jonathan Edwards to Edwards Amasa Park*, ed. Douglas A. Sweeney and Allen C. Guelzo (Eugene, OR: Wipf & Stock, 2006), 152–56.

¹² See James P. Byrd, "We Can If We Will: Regeneration and Benevolence," in *After Jonathan Edwards: The Courses of the New England Theology*, ed. Oliver D. Crisp and Douglas A. Sweeney (New York: Oxford University Press, 2012), 63–77.

¹³ Edwards's sermon was derived from a series of sermons he preached in 1773.

¹⁴ Jonathan Edwards Jr., "The Injustice and Impolicy of the Slave Trade and of Slavery," in Sweeney and Guelzo, *The New England Theology*, 161.

¹⁵ Jonathan Edwards Jr., "Grace Consistent with Atonement," in *The Atonement: Discourses and Treatises by Edwards, Smalley, Maxey, Emmons, Griffin, Burge, and Weeks*, ed. Edwards Amasa Park (Boston: Congregational Board of Publication, 1859), 21, 24.

ence (1837), Brown University president Francis Wayland, one of the foremost moral philosophers in the antebellum period, believed that people are obligated to speak of the fault of others primarily "to promote the ends of public justice. He who conceals a crime against society, renders himself a party to the offence. We are bound here, not merely to speak of it, but also to speak of it to the proper civil officer, in order that it will be brought to trial and punishment."16 For Wayland, whose debates with Southern Baptist Richard Fuller on the problem of slavery would prove to be one of the most publicized and civilized discourses in American history on the issue, questions of right and wrong ultimately encompassed the entire society, not simply one or two people.¹⁷ In his Appeal to the Coloured Citizens of the World (1829), abolitionist David Walker had stressed a similar point when he linked the ideal of justice with that of peace. He declared, "Is not God a God of justice to *all* his creatures? Do you say he is? Then if he gives peace and tranquility to tyrants, and permits them to keep our fathers, our mothers, ourselves and our children, in eternal ignorance and wretchedness, to support them and their families, would he be to us a God of justice?"18 For Walker and other African Methodist Episcopal leaders like Bishop Richard Allen, justice was not peace for only some. It concerned fairness and harmony for all.19

At a chapel address on July 18, 1847, Francis Wayland took stock of a tumultuous decade riven by slavery and spoke of the nation itself as if it were an organic whole, with each person bearing the penalty for the great Southern evil. He recalled,

A few years since it was believed that this whole country was about to disavow its solemn obligations. What American did not feel humbled when he contemplated the prospect? And there was reason for this feeling of humiliation. Wherever an American traveled over the face of the earth, he heard of nothing but Repudiation. It mattered not from what part of the Union he derived his origin; it was of no consequence whether he had or had not been a party to the acts in question. He was an American citizen, and he must bear his part of the odium, and suffer his part of the social punishment which was inflicted on those who were believed to be the ill-doers.²⁰

From the Nullification Crisis to the Mexican War, the events of the 1830s and 1840s highlighted the growing sectionalism and atomization of American society and the volatility of the slavery issue. Like Abraham Lincoln years later, despite his anti-slavery convictions, Wayland was attempting to preserve an increasingly fragile

¹⁶ Francis Wayland, The Elements of Moral Science (Boston: Gould, Kendall, and Lincoln, 1841), 273.

¹⁷ Noll, The Civil War as a Theological Crisis, 36–37.

¹⁸ David Walker, Walker's Appeal in Four Articles, together with a Preamble, to the Colored Citizens of the World, But in Particular, And Very Expressly to Those of the United States of America, 2nd ed. (Boston: David Walker, 1830), 8.

¹⁹ Richard Allen often presented himself as a republican leader, seeking the interests of his own community as well as the good of the nation at large. See Richard S. Newman, *Freedom's Prophet: Bishop Richard Allen, the AME Church, and the Black Founding Fathers* (New York: New York University Press, 2008), 149.

²⁰ Francis Wayland, A Memoir of the Life and Labors of Francis Wayland, Vol. I, ed. Francis Wayland and H. L. Wayland (New York: Sheldon & Company, 1867), 277.

union by reminding his countrymen of their common citizenship. With the concept of public justice supporting his moral and political philosophy, Wayland inculcated into his students that even something as seemingly individualized as punishment could be endured by more than one person in a union of states.

In the west, Charles Finney adhered to the same kind of corporate thinking. During a sermon in 1841 on a national day of fasting, Finney, who accepted students at Oberlin College regardless of race or sex, sounded remarkably like a Puritan when he insisted that God "deals with nations.... Each nation is regarded by God as a unit. Nations are regarded as public persons." Exhorting "public confession of national sins," Finney attacked the institution of slavery as well as "the outrageous injustice with which this nation has treated the aborigines of this country." The arch-revivalist even went so far as to condemn the "hypocrisy" of the American Revolution!²¹ Not surprisingly, Finney strongly affirmed the notion of public justice in his systematic theology and in his doctrine of atonement, quoting from passages such as Romans 3:24–26 and Isaiah 53:10–12, and evincing once again the tight link between the republican concept and the abolitionist cause in the evangelical mind.²² In fact, his definition of public justice exhibited a noticeably more political connotation than his evangelical forebears. After emphasizing the lawgiver's pledge to "support the public order" and promote "public morals," he explained,

There is an important distinction between retributive and public justice. Retributive justice consists in treating every subject of government according to his character. It respects the intrinsic merit or demerit of each individual, and deals with him accordingly. Public justice, in its exercise, consists in the promotion and protection of the public interests, by such legislation and such an administration of law, as is demanded by the highest good of the public. It implies the execution of the penalties of the law where the precept is violated, unless something else is done that will as effectually secure the public interests. When this is done, public justice demands, that the execution of the penalty shall be dispensed with, by extending pardon to the criminal. Retributive justice makes no exceptions, but punishes without mercy in every instance of crime. Public justice makes exceptions, as often as this is permitted or required by the public good. Public justice is identical with the spirit of the moral law, and in its exercise, regards only the law. Retributive justice cleaves to the latter, and makes no exceptions to the rule, "The soul that sinneth, it shall die."²³

So seriously did Finney consider slavery to be a threat to the "public interests" and "highest good of the public" that he refused communion to slaveholders, whom he might possibly have associated with the merciless, stricter rule of retributive justice.

Regardless, one cannot help but note the striking similarities between the way that Finney conceived of Christ's death and how he envisioned the manumission of slaves in America. An important feature of Finney's doctrine of atonement (one he

²¹ Charles E. Hambrick-Stowe, *Charles G. Finney and the Spirit of American Evangelicalism* (Grand Rapids: Eerdmans, 1996), 200.

²² Charles Finney, Finney's Systematic Theology (Minneapolis: Bethany House, 1976), 207.

²³ Finney, Finney's Systematic Theology, 195.

shared in common with most Edwardsean abolitionists) is that he did not believe Christ to have suffered under the law itself. While he satisfied public justice and thus maintained "the spirit of the moral law," his saving work did not meet the literal demands of the law. In Finney's words, "something else is done" that does not take place under the law but will nonetheless "effectually secure the public interests." In other words, Christ solves our sin problem by dying outside the law. In Finney's words, he "makes exceptions," upholding the spirit of the moral law without bearing its exact punishment. In essence, this is how Finney rationalized the abolition of slavery in the antebellum period. Although certain state laws legalized slavery (and in the case of the Fugitive Slave Act of 1850 compelled non-slave states to be complicit in it), abolitionists like Finney, who assisted in the Underground Railroad in Oberlin, could still uphold the spirit of the moral law and exercise public justice even though they were violating the law itself. At such a critical period in American history, when so many evangelicals felt they could not obey the law of the land due to their own conscience and the Word of God, the concept of public justice allowed them to "make exceptions" to unjust laws yet still believe themselves to be promoting the common good. According to Carwardine, for many Finneyite evangelicals, a group who "profoundly influenced" the American Anti-Slavery Society (AASS), "slavery was far more than a social evil to be endured stoically until it naturally withered away. It was a sin that corroded the moral fiber of everyone it touched, directly or indirectly. Every individual, slaveholder or otherwise, had a compelling moral obligation to sever all ties with the institution and begin immediately to work for its removal."24 Justice for one was in fact justice for all. Whether these anti-slavery evangelicals consciously justified their efforts by drawing from the exact nature of Christ's death is difficult to say, but public justice served as an impetus for both. With such republican reasoning, Landmark Baptist James Madison Pendleton could later confess that "with the exception of wars waged by command of God, of which we are told in the Old Testament, history contains no account of any war more justifiable than that waged by the United States against the Confederacy."25 For Pendleton, who pastored churches in Kentucky, Ohio, and Pennsylvania, Appomattox did not signal a Northern victory or a Southern defeat so much as a moral and military triumph of union over disunion.

II. PUBLIC JUSTICE AND THE DEFENSE OF SLAVERY

The "gentleman theologians" of the South were no less concerned with the beau ideal of public justice.²⁶ For Presbyterian James Henley Thornwell, justice was "the Soul of the state, and the life-blood of freedom."²⁷ Therefore, if Northern

²⁴ Richard J. Carwardine, *Evangelicals and Politics in Antebellum America* (New Haven: Yale University Press, 1993), 134–35.

²⁵ J. M. Pendleton, Reminiscences of a Long Life (Louisville: Press Baptist Book Concern, 1891), 121.

²⁶ E. Brooks Holifield, *The Gentlemen Theologians: American Theology in Southern Culture*, 1795–1860 (Durham: Duke University Press, 1978).

²⁷ J. H. Thornwell, *The Rights and the Duties of Masters* (Charleston: Steam-Power Press of Walker & James, 1850), 17.

evangelicals used the principle of public justice to condemn the institution of slavery, Southern evangelicals proved that they could weaponize the very same concept in their defense of slavery. In the South, preachers and theologians emphasized the "cement of justice" and the "preservation of public order" that they believed was vital to their slaveholding civilization.²⁸ The societal and political nature of justice also found its theological counterpart. In 1822, William B. Johnson preached to the Charleston Baptist Association that individual sin was "ill will to the good of the whole" and constituted "a rebellion in a part of God's moral system." In turn, Christ died to keep "good order" and to "execute the best system for the general good." His atonement, exhorted Johnson, "is not the payment of the sinner's debt on the principles of pecuniary or commercial justice, but a satisfaction to moral justice, to open the way for the consistent exercise of mercy."²⁹ Decades later, Southern Baptist and native South Carolinian Richard Fuller declared to his congregation that if Christ had not suffered on the cross, "the whole economy of justice would be demolished."³⁰

In the minds of Johnson and Fuller (who each became leaders in the Southern Baptist Convention in 1845), much like the institution of slavery, the cross was about preservation of government, law, and prosperity of the people. While the public justice of the cross had provided a theological incentive for abolitionists to contend for the freedom of slaves for the good of society, it did the opposite in the hands of Southern Baptists, who were convinced that emancipation endangered the very law and order for which Christ had died. In A Brief Examination of Scripture Testimony on the Institution of Slavery (1841), Baptist Thornton Stringfellow addressed the "question of such vital importance ... to the peace and safety of our common country, as well as to the welfare of the church." Citing examples from the Old Testament and Christ's own relative silence on the issue of abolitionism, Stringfellow concluded, "It must, therefore, in its moral nature, be in harmony with those moral principles which he requires to be exercised by the law of Moses, and which are the principles that secure harmony and happiness to the universe, viz: supreme love to God and the love of our neighbor as ourself."31 In some sense, abolitionists and slavery advocates utilized different aspects of the cross to make their cases for or against emancipation. While both claimed to be fulfilling the command to love one's neighbor, one group stressed that Christ had become a slave to uphold the

²⁸ Thornwell contended, "The social fabrick is made up of divers ingredients, and the cement which binds them together in durability and unity is the cement of justice." Thornwell, *Rights and Duties of Masters*, 41–42. Similarly, Mell argued, "No state of society is so well adapted to the preservation of public order, as that of which slavery is component part." Mell, *Slavery. A Treatise*, 31.

²⁹ William B. Johnson, "Love Characteristic of the Deity," in *Southern Baptist Sermons on Sovereignty and Responsibility*, ed. Tom Nettles (Harrisonburg, VA: Gano, 2003), 52, 55, 60. Jonathan Maxcy, Johnson's mentor in Columbia, South Carolina, also subscribed to public justice. Maxcy drew his ideas directly from Hopkins and Jonathan Edwards Jr.

³⁰ Richard Fuller, The Sermons of Richard Fuller (New York: Sheldon & Co., 1860), 316.

³¹ Thornton Stringfellow, A Brief Examination of Scripture Testimony on the Institution of Slavery (Richmond: Office of the Religious Herald, 1841), 10.

law, while the other emphasized that Christ upheld the law that condoned slavery. According to either logic, public justice was satisfied and God glorified.

From the 1820s to the very end of the Civil War, as charges that slavery violated the second commandment began to rise, Southern theologians increasingly relied upon public justice as a tool to defend the seemingly archaic and barbaric practice of human bondage. Slavery might appear injurious to the individual, they reasoned, but it was good for the whole. In 1822, months after a thwarted slave revolt threatened the "domestic peace of the State" of South Carolina, Richard Furman argued for the benefit of slavery "with a due regard to justice, propriety, and the general good."³² He too was concerned with principles like order and peace and stability, but in his mind, slavery upheld these ideals instead of impugning them. On one hand, Furman contended that God required "no more of the master, in respect to justice (whatever it may do in point of generosity) than what he, if a slave, could consistently, wish to be done to himself, while the relationship between master and servant should be still continued." For Furman, who even advocated for the religious education of slaves, justice was about giving each man his due insofar as it did not conflict with "the domestic and civil peace of the community," something he also equated heavily with justice. He deduced that "slavery, when tempered with humanity and justice, is a state of tolerable happiness; equal, if not superior, to that which many poor enjoy in countries reputed free."33 In essence, justice was a salubrious order of society-white society.34

Next to the more concrete laws of retributive justice that demanded each human being receive equal treatment, concepts like "peace" and "good" and "happiness" came with a degree of relativity, as they could be defined much differently by those who were not in chains. Pro-slavery theologians employed these abstract concepts to their advantage, much like generations of Americans had before them. The patriotic themes of commonwealth and happiness that buoyed the infant republic through two wars with Britain for the sake of liberty were now being wielded under the name of justice to justify the enslavement of blacks. This Southernstyle republicanism became *sine qua non* in the classic defense of slavery in the antebellum period and even the colonization effort. In an address to the American Colonization Society in 1851 in Washington, DC, before Henry Clay (president of ACS) and President Millard Fillmore, Richard Fuller asked, "Might we not hope that at length an equilibrium would be restored in our moral atmosphere, if these concessions were made?"³⁵ Even the ostensibly noble effort to return slaves to their native Africa was still undergirded by the self-serving principle of public justice. If an

³² Richard Furman, An Exposition of the Views of the Baptists Relative to the Coloured Population of the United States (Charleston: A. E. Miller, 1823), 9.

³³ Furman, An Exposition of the Views of the Baptists, 10, 17, 18.

³⁴ As James M. McPherson explains, most non-slaveholding whites in the South were convinced that "emancipation would produce economic ruin, social chaos, and racial war. Slavery was not the evil that Yankee fanatics portrayed; it was a positive good, the basis of prosperity, peace, and white supremacy, a necessity to prevent blacks from degenerating into barbarism, crime, and poverty." James M. McPherson, *Battle Cry of Freedom: The Civil War Era* (New York: Oxford University Press, 1988), 8.

³⁵ J. H. Cuthbert, Life of Richard Fuller (New York: Sheldon & Company, 1878), 196.

"equilibrium" could not be reached among white Americans with slaves on the continent, perhaps their departure would restore a "moral atmosphere." By the outbreak of the Civil War, Southern theologians were still clinging to the public justice of slavery. In his *Defence of Virginia*, written during the war, Robert Lewis Dabney argued that the institution was lawful because "the Word of God and publick justice authorize it," essentially advocating the position opposite to that of the Edwardsean abolitionists (whose theology he despised) but with similar logic.³⁶

Of course, not every pastor and professor in the South supported slavery (nor did every Northern evangelical stand against it).³⁷ In Kentucky, well-known Presbyterian minister Robert Jefferson Breckinridge was a slaveholder who came to oppose slavery, eventually voting for Abraham Lincoln in the election of 1860 against his very own nephew, Vice President John C. Breckinridge. As founder of Danville Seminary and with two sons on each side of the conflict, Robert Breckinridge thought deeply about the public nature of justice, initially supporting the North not because of his rejection of slavery, but due to his desire to preserve the union.³⁸ Breckinridge was aware of arguments for slavery on behalf of public justice, imploring in an 1833 issue of *The Biblical Repertory*,

Suppose it be right to deprive a man of liberty, in certain cases, for the public good, does that authorize society to stand by and see him robbed of his money; or does my being made his keeper, justify me in depriving him of the wages of his hard labour? Upon what possible ground can society, or any human creature, justify the act that compels me to labour without compensation for another individual? Every community is bound to administer justice between its citizens, and justice never can permit one man to take without return the labour of another, and that by force. Will the slaveholder say, he returns to his slaves in the long run, as much as he takes from them. If this were true, it is no answer; for society is bound to see the slave paid and righted, on fixed principles, and may not lawfully leave the subject to the owner's discretion. Again, justice has nothing to do with such lumping accounts.³⁹

Such a well-reasoned critique illustrates how the subject of slavery inevitably evoked a discussion of the exact nature of justice and why Southern theologians like William B. Johnson may not have been interested in likening the atonement to an exchange of wages or debts or commerce. First and foremost, Breckinridge argued, slavery was a wrong committed before God against each enslaved person. With such highly publicized rebukes against the unfairness of slaveholding even

³⁶ Robert L. Dabney, A Defence of Virginia, (And Through Her, of the South.) in Recent and Pending Contests Against the Sectional Party (New York: E. J. Hale & Son, 1867), 295. See Sean Michael Lucas, ""He Cuts Up Edwardsism by the Roots': Robert Lewis Dabney and the Edwardsian Legacy in the Nineteenth-Century South," in The Legacy of Jonathan Edwards: American Religion and the Evangelical Tradition, ed. D. G. Hart, Sean Michael Lucas, and Stephen J. Nichols (Grand Rapids: Baker Academic, 2003), 200–216.

³⁷ For instance, in *Conscience and Constitution* (1850), Andover professor and famous biblical scholar Moses Stuart argued that the Bible allowed the institution of slavery, but that slavery in America, as it was practiced, was morally wrong.

³⁸ Sean Michael Lucas, Robert Lewis Dabney: A Southern Presbyterian Life (Phillipsburg, NJ: P&R, 2005), 63.

³⁹ Robert J. Breckinridge, "Hints on Colonization and Abolition," The Biblical Repertory 3 (July 1833): 300.

from their own Southern camp, theologians who did not incorporate the doctrine of public justice into their systematic theology still found ways to integrate the concept into their thinking to justify their pro-slavery beliefs. Robert Lewis Dabney, for instance, who did not usually deviate from the pristine document of the Westminster Confession (and did not typically preach about slavery), nevertheless used public justice to reason that slavery was "promotive of publick prosperity."⁴⁰

In Georgia, Southern Baptist John Leadley Dagg attempted to drive a middle way when he acknowledged in his Manual of Theology (1859) that "some have admitted" of the concept of public justice. "It may be regarded as a question of definition," Dagg explained, "whether the existence and character of God's moral government shall be ascribed to his justice or his goodness. As this government tends to the greatest good in the universe, there appears to be no reason to deny that it originates in the goodness of God; and if it be ascribed to his Public Justice, that justice may be considered a modification of his goodness."41 In other words, for Dagg, justice and goodness were not synonymous, although he was willing to acknowledge that the two seemed to converge in something many people were calling "public justice." This principle, he confessed, touched at the heart of God's providence of the world. Nevertheless, in his mind, justice and goodness were not the same moral category and should not be treated as such. Public justice, he reasoned, was just another word for goodness. True justice was something different. Therefore, in his *Elements of Moral Science* (1860), which he intended as a pro-slavery alternative to Francis Wayland's work by the same name, Dagg recognized two distinct kinds of justice: distributive and commutative (both of which included, not surprisingly, the right of property). However, in his actual definition of justice, Dagg seems to blend elements of the personal and the public, emphasizing the distributive notion of personal conduct while acknowledging that all denizens in a community necessarily "share" in its happiness: "Justice is the disposition to give to every one his proper share of the enjoyments which God has provided for men, or it is the conduct which corresponds to this disposition."42 Dagg's philosophy of justice encompassed more than simply allotting to each person his or her due. Perhaps the most telling word in Dagg's definition is "proper." Though he acknowledged, at least tacitly, that slaves were members of society, they were only allotted a "proper share" of those societal privileges. They enjoyed certain advantages by virtue of their place in white society. Although it was mostly framed on an individual basis, justice was still a very social and political concept in Dagg's mind. This is consistent with his belief that "a state, consisting of persons qualified for a high degree of civil liberty, if it has in its midst an alien people who are not thus qualified, and whose unrestricted freedom would be injurious to the peace and happiness of the community, has a right to hold them in bondage by military force."43 Dagg

⁴⁰ Dabney, A Defence of Virginia, 331; Lucas, Robert Lewis Dabney, 52.

⁴¹ J. L. Dagg, *Manual of Theology* (Charleston: Southern Baptist Publication Society, 1850), 85.

⁴² J. L. Dagg, The Elements of Moral Science (New York: Sheldon & Company, 1860), 175.

⁴³ Dagg, The Elements of Moral Science, 343.

cited both the Constitution and the Scriptures in order to advance his opinions, but the republican ideals of commonwealth and happiness were the same.

Anti-slavery theologians more often tied the concept of public justice to love, as did Horace Bushnell in *A Discourse on the Moral Tendencies and Results of Human History*, given at Yale in 1843. "The ideal of the Greeks was beauty, that of the Romans law and scientific justice," he argued. While extolling the ancient republicans, Bushnell criticized the Roman version of public justice as a "colder principle" and "inflexibly rigid" in its execution.⁴⁴ Whereas the Greeks bestowed upon the world the ideal of beauty and the Romans law, Bushnell believed that Christianity introduced love, completing and "revising" the Roman notion of public justice. Christian republicanism was thus a moral improvement upon classical republicanism.

In pro-slavery hands, however, public justice often became a form of utilitarianism. For instance, in the 1840s, J. M. Pendleton exchanged a series of letters with a Rev. W. C. Buck, who argued that God approved of slavery because it is "best calculated to promote the holiness and happiness of men; and that which God approves is morally right."45 In short, because slavery benefited the majority of society, it must therefore be just. In terms of outlook, pro-slavery evangelicals were truly men and women of their time. Just as abolitionists believed that the end of slavery would advance humanity forward in love, Southern theologians often exhibited the same optimistic spirit, insisting they were on the side of progress. James Henley Thornwell thus framed the issue in the most urgent and ultimate of terms: "The parties in this conflict are not merely abolitionists and slaveholders-they are atheists, socialists, communists, red republicans, jacobins, on the one side, and the friends of order and regulated freedom on the other. In one word, the world is the battle ground-Christianity and Atheism the combatants; and the progress of humanity the stake."46 Public justice was not simply about the present state of society; it was about the future of America and indeed the world.

III. EVANGELICAL CONCEPTS OF JUSTICE AFTER THE CIVIL WAR

After 1865, however, the United States was a much less optimistic nation than the one that had defeated the British Empire in the Revolutionary War and the War of 1812.⁴⁷ After approximately 750,000 fatalities, the sense of national pride that had defined the early republic had been replaced with a feeling of distrust and division. In some ways, republicanism gave way to Reconstruction. Although Ameri-

⁴⁴ Horace Bushnell, *A Discourse on the Moral Tendencies and Results of Human History* (New York: M. Y. Beach, 1843), 23, 28, 30.

⁴⁵ J. M. Pendleton, Letters to W. C. Buck, in Review of His Articles on Slavery (Louisville: n.p., 1849), 3.

⁴⁶ Thornwell, Rights and Duties of Masters, 14.

⁴⁷ This is not to say that previous wars had not come at a cost. In his "Recollections," Jeremiah Bell Jeter compared the postbellum period to the financial aftermath of the War of 1812, both of which saw the "demoralization of society, especially in regard to the payment of debts." Jeremiah Bell Jeter, *The Recollections of a Long Life* (Richmond: The Religious Herald Co., 1891), 81. In Jeter's rural Virginia, farmers were hit especially hard after 1815. Nevertheless, Jeter's memory after a "long life" might have been somewhat hazy. He was only twelve years old at the end of the War of 1812, and the costs of the Civil War were much higher, especially to the South.

cans were a demoralized people, justice was no less important in the evangelical mind. After all, the cause of liberty had scored an epic victory in the Emancipation Proclamation of 1863. But in a fractured nation riddled with past sins and plagued with suspicion and uncertainty, the notion of public justice became increasingly difficult to reconcile with the carnage of civil war and its aftermath. A cleavage began to develop between the concept of true justice and the concept of happiness, between what was right and what was good. For instance, in an article in *The Princeton Review* just after Abraham Lincoln's assassination, Charles Hodge paid homage to the Great Emancipator and also tried to heal some of the country's wounds. In a moment of intense hatred between the North and the South, the theologian who had defended the biblical basis of slavery and denied the intrinsic evil of the institution addressed the controversial issue of justice in order to help repair the American soul.⁴⁸ However, to the question of the proper punishment of the rebels, Hodge first turned not to the general welfare of society, but to the individual conduct of the Confederates themselves. He wrote,

We abhor the cruelties, the murders, the confiscations, and violence of all kinds of which loyal men were made the victims; and we believe our late President would not have shielded any of the authors of these acts of cruelty and violence from the just punishment of their crimes. All this may be admitted, and it remains none the less true, that the political offence of rebellion is to be distinguished from these crimes by which it was attended. Good men shared in the rebellion, but not in these acts of violence. Mr. Lincoln's avowed purpose not to inflict the extreme penalty of the law upon political crimes was, therefore, perfectly consistent with his condemnation of the rebellion, and his abhorrence of the spirit and conduct of its authors.⁴⁹

Good men had done unjust things, Hodge argued, thus adding to the important distinction between justice and goodness. As a result, the Princeton theologian contended that the Confederacy itself should not be punished as a whole, but only persons who had committed "overt acts." Justice should be served on an individual basis, penalizing those who had engaged in especially egregious crimes. Unlike Samuel Hopkins who had called the entire nation to repent of the evil of slavery, Charles Hodge insisted that accountability lay with specific people, not the entire Confederacy.

Only after singling out the "conduct" of particular criminals did Hodge move to his next point: the punishment of individuals for individual crimes, instead of the punishment of an entire group for "political offences," is "indispensable to the well-being of society."⁵⁰ Like most Northern theologians, Hodge was still concerned for the unity of the country, but he made a very rigid distinction between personal justice and the public welfare. While one necessarily led to the other, they were not the same thing. In his *Systematic Theology*, published in the 1870s, Hodge

⁴⁸ For a brief examination of Hodge's nuanced views of slavery, see Noll, America's God, 515–16.

⁴⁹ Charles Hodge, "President Lincoln," Princeton Review (July 1865): 454.

⁵⁰ Hodge, "President Lincoln," 454.

was unequivocal: "It is, of course, to be conceded that the good of society and of the moral government of God, is one important end of punishment in all governments, human and divine. It is, however, rather an important collateral effect of the administration of justice, than its immediate design." He later added, "But justice cannot properly be merged into benevolence," listing twelve different reasons why these two concepts were distinct.⁵¹ Clearly, the issue of public justice had become somewhat of a cause célèbre, and from Hodge's vantage point, it was an attempt to fuse two moral categories that could not be consolidated.

Robert Russell Booth argued similarly at Mercer Street Presbyterian Church in New York just eight days after Lincoln's assassination. Having lost two young men who served during the war, and now a president, Booth's church understood the need for justice. In Personal Forgiveness and Public Justice, Booth realized that the nation had passed "through the Red Sea of rebellion and civil war" yet acknowledged that Americans needed to revisit the concept of justice, especially in the wake of "the cruel fate of our Martyr-President."52 According to Booth, the Civil War was a reminder that concepts like peace and prosperity and even the gospel itself found their basis in distributive justice. "In such a juncture," he reasoned, "our Government needed an infusion of the Old Testament severity rather than of the New Testament tenderness, and it seems clear that God has intended, by this sudden and appalling calamity, to bring to our remembrance those truths of distributive justice which stand out so clearly in his dealings with Israel of old, and which do indeed underlie the whole framework of Gospel salvation."53 Rather than diminishing the importance of public justice, Booth was calling his congregation to read their Bibles correctly and to respect "Old Testament ethics," namely distributive justice, even in the New. Without condign punishments under the law, there could be no such thing as public justice, he argued. "As members of a community, founded upon law, it is imperative upon us to demand the administration of justice according to law." With a renewed emphasis on the law and the proper distribution of punishments upon "deliberate sin," the nation could once again achieve the public good. Booth declared, "This is essential, as much in the interest of private security as of public justice. Unrestrained mercy to criminals is always cruelty to the innocent. It is necessary for us to make rebellion perilous and odious for all time to come. We cannot afford, as a people, to invite by our leniency a new assault upon our union and liberty."54 Only when an impartial government returned to war criminals their just deserts according to the law could it thereby promote the common good. To fulfill public justice, the nation needed distributive justice.

⁵¹ Charles Hodge, *Systematic Theology, Volume I* (New York: Charles Scribner's Sons, 1895), 419–20. Hodge also had theological reasons to oppose this concept. His opposition to the New Divinity, as well as his sensitivity to German theology, determined his view of justice. Annette G. Aubert, *The German Roots of Nineteenth-Century American Theology* (New York: Oxford University Press, 2013), 211.

⁵² Robert Russell Booth, *Personal Forgiveness and Public Justice* (New York: Anson D. F. Randolph, 1865), 4, 15.

⁵³ Booth, Personal Forgiveness and Public Justice, 7–8.

⁵⁴ Booth, Personal Forgiveness and Public Justice, 15-17.

The difference between what was just and what was best also began to widen in the South. In his Abstract of Systematic Theology (1887), James Petigru Boyce, Charles Hodge's former student, critiqued those who believed that "sin does not in itself intrinsically deserve punishment." The governmental theory of atonement, he opined, "places the punishment of sin on the wrong basis, namely the good of the universe ... and not because it deserves punishment as sin."55 In Boyce's view, sin should be punished for its own sake, not for the sake of others. Evil simply deserved to be punished. Like Hodge, Boyce found theories of justice that emphasized the greater good to be abstract, utilitarian, and inevitably un-Christian. His own definition of justice was "that rectitude of character which leads to the treatment of others in strict accordance with their deserts."56 A more succinct articulation of distributive justice could hardly be found. The repristinating of confessional Calvinism at the Southern Baptist Theological Seminary also coincided with the demise of the concept of public justice in the denomination, exacerbated by the exigencies of Reconstruction. For instance, at least some Southern Baptists utilized the doctrine of distributive justice to help them come to grips with a New South where blacks were their equals. Boyce's fellow professor at the Southern Baptist Theological Seminary, Basil Manly Jr., re-envisioned the very idea of fairness. In an 1889 article in Seminary Magazine titled "Our Brother in Black," Manly addressed those white Southerners who bemoaned the fact that Africans were ever brought to the American shores or who insisted that they would avoid blacks altogether. This kind of thinking, he admonished, was sinful and foolish. "What does he need?" Manly asked. "First and foremost, he needs to be fairly treated. To have the truth told about him, the whole truth if practicable, but at all events nothing but the truth: to have fair opportunity for labor, and to get honest pay for it; to have a chance to become educated, and to develop whatever there is in him, in good and noble directions; in short to have a fair field."57 In the postbellum years, most Southern white evangelicals were unwilling to acknowledge that emancipation was for the greatest good of society.58 Nevertheless, as Manly illustrates, many did believe that if blacks could simply be "fairly treated," there would be a "fair field" upon which the nation could once again flourish.

⁵⁵ James P. Boyce, *Abstract of Systematic Theology* (1887; repr., Escondido, CA: den Dulk Christian Foundation, n.d.), 309.

⁵⁶ Boyce, Abstract of Systematic Theology, 99.

⁵⁷ Basil Manly Jr., "Our Brother in Black," in *Soldiers of Christ: Selections from the Writings of Basil Manly, Sr., and Basil Manly, Jr.,* ed. Michael A. G. Haykin, Roger D. Duke, and A. James Fuller (Cape Coral, FL: Founders Press, 2009), 203–6.

⁵⁸ According to Lucius H. Holsey, bishop of the Colored Methodist Episcopal Church, who served a church in his native Georgia, "The war had changed the ancient relation of master and servant. The former, though divested of his slaves, yet carried with him all the notions, feelings and elements in his religious and social life that characterized his former years. On the other hand, the emancipated slave had but little in common with the former master. In fact, he had nothing but his religion, poverty and ignorance. With social elements so distinct and dissimilar, the best results of a common church relation could not be expected." Lucius H. Holsey, "The Colored Methodist Episcopal Church," in *African American Religious History: A Documentary Witness*, ed. Milton C. Sernett (Durham: Duke University Press, 1999), 252–53.

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Very few Southern Baptists were more conflicted during and after the Civil War than Richard Fuller, who pastored in the border state of Maryland and was initially critical of the war.⁵⁹ Although Fuller had argued in favor of slavery in his famous literary debate with Francis Wayland in the 1840s, many pro-slavery ministers considered his arguments "too moderate."⁶⁰ On the other hand, Northern newspapers labeled him "the most dangerous rebel in Maryland" for his involvement with the so-called "Savannah Resolutions" in 1861, which expressed support for the Confederacy on behalf of the Southern Baptist Convention.⁶¹ After the war, however, Fuller was inclined toward peace and came into conflict with his fellow Southern Baptists on the issue of treatment of blacks. In 1869, at the Southern Baptist Convention in Macon, Georgia, Fuller and A. M. Poindexter debated the relation of the Convention to the black population. The exchange became so heated that Poindexter, who had lost two sons during the war, began "walking from one side of the platform to the other like a chafed lion," launching *ad hominem* attacks at Fuller that finally prompted the Baltimore minister to exit offstage.⁶²

But Fuller was committed to reconciliation in the new American nation. He appealed to the Chicago Baptists in 1867 to attend the Southern Baptist Convention for the sake of Christian unity. Since it is "not to be denied that the differences which led to the late conflict were commenced in the churches," he pleaded, "does it not become the churches to commence the work of healing the wounds which have been inflicted upon our Zion?" In his mind, it was the church's responsibility to unify the country. According to Fuller, only the churches "can produce true union by infusing the principles of the gospel-its spirit of peace, forgiveness, love, harmony-into the heart of the nation." Likewise, he also pleaded to General Gillmore in 1865 for the presidential pardon of two former Confederate soldiers.⁶³ Ironically enough, Fuller signed the letter "Philemon," signaling a different interpretation of Paul's letter to the Colossian slave-owner. Before the war, the book of Philemon had become one of the primary New Testament texts to defend slavery. However, after the war, in the spirit of Philemon's reconciliation with the runaway slave Onesimus, Southern ministers were requesting that past Confederate sins be forgiven and criminals be returned to them as brothers. (Whether they would seek reconciliation with their black brethren was another matter.) Nevertheless, concepts of justice that had long been promoted for the sake of peace, public order, and paternalism were being overshadowed by themes of individual forgiveness, restitution, and making amends. When confronted with the guilt and bloodshed of the Civil War, the republican ideal of public justice seemed less practical and palpa-

⁵⁹ Cuthbert, Life of Richard Fuller, 260.

⁶⁰ Pendleton, Reminiscences, 126.

⁶¹ Cuthbert, Life of Richard Fuller, 264. Fuller's desire for unity can be seen in his sermon A City or House Divided Against Itself (Baltimore: J. F. Weishampel Jr., 1865).

⁶² Cuthbert, Life of Richard Fuller, 188–89.

⁶³ Cuthbert, Life of Richard Fuller, 269, 274–76. For an analysis of how churches in fact contributed to the events leading to the Civil War, see C. C. Goen, Broken Churches, Broken Nation: Denominational Schisms and the Coming of the Civil War (Macon: Mercer University Press, 1985).

ble in a nation that had pitted brother against brother. To love their new country, Americans were being forced to love their neighbor in a new way.

The pursuit of justice and the common good, however, remains today in one form or another. For instance, while the movement for "social justice" in contemporary evangelicalism is a somewhat novel development in the life of the church with many racial, cultural, political, biblical, and theological influences, its emphasis upon concepts like unity, peace, and the well-being of society are indeed similar to the republican ideal of public justice. As Molly Oshatz has shown, nineteenthcentury evangelicals like Francis Wayland, Edward Beecher, Horace Bushnell, and others described slavery as a "social sin." According to Oshatz, "In order to account for its unique moral nature, antislavery moderates labeled slavery a social sin. Slavery, they explained, was a sin for which society, rather than the individual, might be responsible."64 Today's evangelicals are not the first to think deeply about the relationship between justice, liberty, order, and happiness. In fact, one might say that to do so is an especially American enterprise. From the beginning of the republic, it seems, the subject of race has evoked discussion and division over these ideals more than any other issue, beckoning Christians to define the true nature of justice. If evangelicals are indeed to do justice, love kindness, and walk humbly with their God (Micah 6:8), they must consider the link between personal and public justice, between what is fair and what is good, and between what is best for the individual and society.

⁶⁴ Molly Oshatz, *Slavery and Sin: The Fight against Slavery and the Rise of Liberal Protestantism* (New York: Oxford University Press, 2012), 82. Oshatz later adds, "Abolitionists were aghast at the moderate idea of social sin, which they interpreted as a spineless means of weakening individual moral responsibility for sin" (91).