

Abolitionist Political Theology

Vincent Lloyd

Historically, in the United States, Christianity played an enormously important role in fueling abolitionism. Today, abolitionists have little use for Christianity, and Christians have little use for abolitionism. Yet many religious communities, of various types, continue to profess a commitment to social justice, and many abolitionists profess a commitment to coalition-building. What is needed to bring these communities together, and to tap into the energy of nineteenth century abolitionism, is abolitionist political theology. By this I mean a set of ideas and practices with both religious and political resonances. I also mean to evoke Carl Schmitt's popularization of the term political theology. Schmitt pointed to the way that religious ideas underlying contemporary political ideas are repressed, and he suggested that the return of the repressed holds critical potential. Once those underlying religious ideas are named, they can be contested, and they can give rise to new ways of thinking about, and practicing, politics. In the first part of this paper, I will turn to the moment when abolitionist political theology was lost: the moment when Martin Luther King's religious ideas no longer found traction. Then, I will turn to a moment when abolitionist political theology flourished: when Frederick Douglass invoked God's law in response to slavery. The juxtaposition is meant to be evocative rather than conclusive, encouraging us to think critically about connections between religion and politics and to explore what it would mean to imagine those connections differently.

On November 26, 1960, Martin Luther King, Jr. stood in front of a live audience in a New York City television studio. At the podium across from him was James J. Kilpatrick,

editor of the *Richmond News Leader*, author, and public intellectual. Kilpatrick was the serious, learned, respectable face of segregation, the polar opposite of men in white robes and hoods. Kilpatrick was nervous. He had been on a television program with King and other guests in April, and it had gone badly. This time, it would only be King and Kilpatrick, and each would have plenty of time to develop their arguments. The studio audience was a mix of civil rights supporters and opponents, along with mayors from around the country who happened to be in town for a convention.

The debate turned out to be a disaster for King. Some of the leaders of the nascent Student Nonviolent Coordinating Committee, meeting in Atlanta, walked away from their television in disgust. King himself was well aware of his defeat. It would be easy to attribute the civil rights icon's unpersuasive performance to the venue. King captivated audiences with his oratory, but he was a preacher: he excelled at monologue. The problem of form was secondary, however. As King himself acknowledged, his arguments hadn't worked; they hadn't persuaded – in future speeches, he would change them. More to the point, the problem was not so much King's arguments as what appeared to be his lack of arguments. In contrast to Kilpatrick, who spoke with sober and reasoned concern about the rule of law and the need to respect it, King relied instead on a mysterious-sounding "moral law." This evoked both the "Laws of Nature and of Nature's God" of the U.S. Declaration of Independence and the "natural law" of Augustine and Aquinas. It was an appeal to a belief that human beings have access to moral truths through reflection on human nature, specifically, on the image of God imprinted on human nature. This moral law was once second nature to the American public, integral to the nation's civil religion, but now it rang hollow. In short, it was not King's style but his theology that didn't catch.

During the summer of 1960, the sit-in movement had spread rapidly throughout the South, and this was the proximate cause of the King-Kilpatrick debate. King defended the students. As a practice of non-violence, sit-ins were intended to bring about a better democracy, a democracy that would finally put into practice the sacred principle that all men are created equal. To achieve these ends, the demonstrators tapped into the “moral sense” that each human has, prompting witnesses to realize the injustice of segregation and to take action against segregation. As King put it, the sit-ins were “crusades” seeking “conversion,” and they should be lauded for their pursuit of democratic ideals without the use of violence. They showed their respect for the law by trying to make the law better, by trying to make it more just, and to bring it “in line with the moral law of the universe.”

Kilpatrick saw things differently. Looking at the situation with far less explicit sentiment, for the white southerner, the sit-in demonstrations were essentially about breaking the law. As much as King would have liked to paint a picture of angelic youths singing hymns in Woolworth’s, Kilpatrick asserted that, in reality, the demonstrations approached and sometimes reached violence. The demonstrations, like all instances of law-breaking, resulted in “riot and disorder.” This is the centerpiece of the segregationist argument, and it would become, a few years later, a leitmotif in American political rhetoric: “law and order” as opposed to “riot and disorder.” To this day, the figure of “law and order” persists; its opposite, “riot and disorder,” an appellation originally affixed to civil rights protestors, has been forgotten. To Kilpatrick’s charge that the sit-ins brought “riot and disorder,” King responded that if such disorder existed it was brought about by defenders of segregation; the protesters were trained and disciplined. Yet King’s words were likely little match for the images of force and violence broadcast across the country from the demonstrations. The power of these images

overwhelmed any attempt to isolate their cause.

Political theology helps us unpack the King-Kilpatrick debate. A style of analysis that attends to the theological background to ostensibly secular political concepts, political theology has recently moved from the domain of intellectual history to become a scholarly method deployed throughout the critical humanities. The paradigmatic case is sovereignty, a concept that appears to be simply part of a secular political vocabulary; in fact, its political meaning has changed depending on contemporaneous religious beliefs, for sovereignty is a theological concept as well. How Christians understood the sovereignty of God in early modern Europe, for example, influenced how Christians intellectuals, thinking politically, conceived of the sovereignty of the nascent nation-state.⁶ Political theology is particularly attentive to the work that the repression of the religious does, and to the transformative political potential that the recovery of the religious has. What if we use this style of analysis to interpret the King- Kilpatrick debate, attending to the way concepts of law and justice secularize at a crucial moment in American political history?

The natural law argument that King made – human nature, imaging God, gives us access to principles of justice that trump worldly law – was secularized and individualized by Kilpatrick. Where access to higher law, for King, involved a disciplined process of discernment, for Kilpatrick it was reduced to personal choice. King himself helped along this secularization, sometimes referring to his natural law argument simply as “conscience,” bracketing reference to God or to the Christian natural law tradition. On Kilpatrick’s view, King was arguing that we should be able to choose which laws to follow and which laws we can ignore because we feel they are wrong. If we feel they are wrong because we believe God says they are wrong, that is private business, not public business. Religion is private business,

not public business. The way we can all live together, each with his or her own religious convictions, is to follow religiously neutral laws – that is, to follow American laws.

Convictions about higher laws, about justice prescribed by God, are convictions that should be confined to the individual's heart, and to the afterlife. In contrast to this individualizing account of higher law, when King was pressed to elaborate on his understanding of “conscience,” he appealed to “the insights of the ages through saints and prophets.” For King, history and tradition inform our own moral instincts to help us discern what the higher law is.

Kilpatrick accepted the importance of equality in voting and education, but he argued that eating arrangements did not have the same magnitude of importance. If they are only a marginal site for the principle of equality, then another American ideal took precedence. That principle was the right to private property. The owners of department stores ought to be able to use their property as they like, to serve who they like at their lunch counters. The rule of law protects private property. King agreed that property rights were “sacred,” but he charged that the supposedly private property of the department store lunch counters was in fact a mix of private and public, privately owned but publicly supported. Kilpatrick pushed further, asking whether the right to boycott, that King clearly supported, might be analogous to the right of a store owner to decide which customers to serve. Time ran out before King could respond.

Understanding Kilpatrick's logic and why it carried the day goes a long way in helping understand the pivot between the civil rights era and the conservative epoch that would follow on its heels. Kilpatrick's move, in short, was to uncouple justice and law and then to link law with private property. This conceptual framework continues to inform American politics. It is not just that law and order became an unquestionable slogan, but important also is the nearly

holy importance of the free market, of business owners' right to conduct business as they please. The King-Kilpatrick debate took place just as one configuration of religious and political concepts, one political theology, was being eclipsed by another, with the two engines of American history fueling the change: the problem of race and the problem of the free market. Just a few years earlier, the debate would have looked quite different, with segregationists defending the right to civil disobedience, specifically, the right to ignore the Supreme Court's school integration rulings. But to justify their civil disobedience segregationists appealed to a higher law and to higher ideals of justice as well: it was an idiom potentially persuasive to the American public. Just a few years later, justice and higher law were no longer central to the political vocabulary of the left, surpassed first by revolutionary fervor, then domesticated into the language of human rights.

The success of Kilpatrick in his debate against King was caused neither by his mastery of the medium nor by the objective persuasiveness of his arguments but rather by the alignment of Kilpatrick's arguments with his audience's expectations. Liberal Protestantism had peaked and was beginning its retreat. Evangelicalism and secularism were on the rise. The moral law language King employed was rapidly losing its persuasiveness. But the significance of the King- Kilpatrick debate is not just in what it says about American religion. Its significance also is in what it has to say about American prisons. The exponential growth of the US prison population began in the decade following the King-Kilpatrick debate. Many explanations have been advanced, but rarely is religion proffered. What if it was the triumph of Kilpatrick's political theology that made possible our current era of mass incarceration?

When the U.S. Supreme Court ruled in 1857 that Dred Scott was not a United States citizen, Frederick Douglass had a ready response. Although he believed that the Court's ruling rested on a misunderstanding of the Constitution and the Declaration of Independence—excluding blacks from the proclaimed equality of “all men”—the main thrust of his response did not have to do with interpretation. Douglass appealed to God's law:

The Supreme Court of the United States is not the only power in this world. It is very great, but the Supreme Court of the Almighty is greater. Judge Taney can do many things, but he cannot perform impossibilities. He cannot bale out the ocean, annihilate this firm old earth, or pluck the silvery star of liberty from our Northern sky. He may decide, and decide again; but he cannot reverse the decision of the Most High. He cannot change the essential nature of things—making evil good, and good, evil. (3:167)

With vivid imagery, Douglass evokes an authority beyond the world. It is a moral authority, one that names some things good and others evil, and it is an authority to which worldly authorities must be held accountable. The Supreme Court was wrong because of a moral absolute, not because of a flawed interpretation. There is truth beyond the world, beyond the beliefs of the day; in that we can have confidence, Douglass intones. It may be a sad day for the nation, but it is not a sad day for the universe. In that broader frame, slavery is wrong today, yesterday, and tomorrow.

Douglass has a political theology, one based on his account of God's law. He believes that unjust laws are no laws at all, that reflection on human nature (formed in the image of God) can help us identify just laws, and that our perception of human nature is often badly distorted. He offers suggestions on how human nature might best be perceived; he offers normative

implications of this reflection; and he offers thoughts on how natural law ought to be implemented. This is a robust theory, but it is not all found in one place. It underlies many claims that Douglass makes over the course of his long career as an advocate and organizer working on behalf of black Americans, and it partially surfaces in his speeches and writings.

One of the crucial, distinctive features of Douglass's account of God's law is the central role played by the emotions. To discern God's law rightly, both reason and emotion are needed; to implement God's law, both reason and emotion must again be mobilized. While this is a point that Douglass theorizes, it is also a point that he performs. Douglass was a great persuader, in his orations and in his memoirs. He persuaded by appealing to both the head and the heart, to reason and emotion. His auditors frequently mentioned this, and transcripts of his speeches are punctuated by his audiences' laughter, applause, and exclamation. One newspaper account noted, "Mr. Douglass made a speech of nearly two hours in length, marked by a singular power in argument, satire, humor, and pathos" (2:470), while another noted that Douglass "is a speaker of great ability, well calculated to interest the feelings and convince the judgment of his hearers" (1:36). This is already clear from the text of his speech on Dred Scott, with the evocative language of the "firm old earth" and "baling the ocean." Indeed, the speech begins with a long sentence that paints a picture quite different from the staid halls of the U.S. Supreme Court: "While four millions of our fellow countrymen are in chains—while men, women, and children are bought and sold on the auction-block with horses, sheep, and swine—while the remorseless slave-whip draws the warm blood of our common humanity—it is meet that we assemble as we have done to-day, and lift up our hearts and voices in earnest denunciation of the vile and shocking abomination" (3:163). We may be angry at the Supreme Court, Douglass is communicating to his listeners, but we must keep front and center those who suffer, those who

are enslaved. That is what the Court forgot to do, with its ostensibly careful but strikingly heartless reasoning.

Because Douglass's language is at times so ornate, it is tempting to read it exclusively as rhetoric intended to evoke the emotions. It is tempting to stop paying attention to Douglass's ideas, to stop looking for his ideas. But they are here: In the first sentence, he begins building an argument that will continue throughout his speech; indeed, the argument is encapsulated in the first sentence. The key to following the argument is focusing on the phrase "our common humanity." This is the cornerstone of Douglass's natural law theory: It is reflection on the human nature that each of us shares that will allow us to appeal beyond the Supreme Court to a higher court—to the Supreme Court of the Almighty. The violence of slavery that Douglass describes is an abomination: It runs against God's law. This is self-evident, understood by all when we are attuned to the facts—when we approach them with open hearts and minds. When we do this, a normative response will naturally follow. We will denounce the purported law of slavery as unjust, as no law at all. In other words, we will critique the wisdom of the world. Also in this first sentence, just as importantly, Douglass calls attention to the appropriateness of the setting. It is a gathering of those who share a concern about the injustice of slavery. Along with critique come assembly, organization, and a social movement demanding change. Once we recognize our common humanity and recognize how it is being offended by slavery, we must come together to build a movement that will end slavery. In other words, God's law is not the abstract exercise of academics in their studies, checking this law or that against one that is higher. For Douglass and the tradition of abolitionist political theology in which he participates, God's law is less a proposition than a movement of people toward a more just world.

Douglass argues that reason and emotion together are necessary to discern the God's law, and he evokes both reason and emotion in his audiences by finely crafting his rhetoric for these purposes. This is another important point to note. Once one has discerned the natural law, it is to be shared. But to share it, one cannot just point to it. Allowing others to see what is ultimately self-evident to them, just obscured by the ways of the world calcified in their lives, requires craftsmanship. Similarly, to get from the world we have to a world based on God's law takes practical skill. It takes a careful knowledge of the world as it is, strategic political maneuvering, provisional alliances, and, most importantly, mass mobilization to hold the powers that be accountable. In a sense, Douglass has no interest in persuading the Supreme Court justices that his interpretation of the Constitution, or the higher law, is correct. Douglass's interest is in catalyzing a social movement that will push for justice wherever the push will be most effective—the Supreme Court, electoral politics, or even war.

In the initial aftermath of the Civil War, Frederick Douglass had urged blacks to work hard. With legal obstacles removed, there was no reason blacks could not advance in the world like whites. There was no reason they could not accumulate wealth, excel in education, and become leaders in all fields. Twenty years later, in 1883, Douglass no longer believed that hard work was enough. Even though slavery was abolished, many obstacles to black advancement, both those imposed by law and those imposed by social norms, remained. Today, half a century after the civil rights movement ostensibly ended legal segregation, Douglass's words are remarkably resonant:

It is a real calamity, in this country, for any man, guilty or not guilty, to be accused of crime, but it is an incomparably greater calamity for any colored man to be so accused. Justice is often painted with bandaged eyes. She is described in

forensic eloquence, as utterly blind to wealth or poverty, high or low, white or black, but a mask of iron, however thick, could never blind American justice, when a black man happens to be on trial. Here, even more than elsewhere, he will find all presumptions of law and evidence against him.

In one sense, Douglass is simply describing one among many enduring problems faced by blacks living in the United States, whether they live in the post-Reconstruction era or in the era of mass incarceration. Yet there is something special and especially troubling about the issues to which Douglass draws our attention. The injustice he describes is not confined to a single law or a set of laws that are morally wrong, that are out of harmony with God's law. He describes, rather, an entire system of laws that is unjust.

Here, Douglass is pointing us to an expansive, abolitionist account of political theology. Like Angela Davis, W. E. B. Du Bois, and others, Douglass has come to understand abolitionism as more than just opposition to this or that unjust law. Douglass has come to understand that racial injustice is a systemic problem, and that it requires systemic transformation. This transformation can only take place when we recognize that the laws and norms of the world are not ultimate, that there is a higher authority to which we have access. This is not the Bible or the teachings of a religious community. Rather, it is an authority defined in the negative, that which exceeds the world, that which the best efforts of humans can never attain. But Douglass does not take this to be discouraging, for he is confident that is through social movement organizing that we are able to move toward God's law, and toward earthly justice. Reforms of this law or that may be demanded, but such demands are instrumental, tools of the movement toward justice; they do not represent the actualization of justice. This should be a message that both religious communities and secular abolitionists can affirm: first, that worldly laws and institutions are

fundamentally flawed and must be fundamentally transformed, and second, that the way to achieve such transformation is not through the intellectual work of academics or the reforms of NGO professionals, but through grassroots mobilization.