

Slavery and Sacred Texts

In the decades before the Civil War, Americans appealed to the nation's sacred religious and legal texts – the Bible and the Constitution – to address the slavery crisis. The ensuing political debates over slavery deepened interpreters' emphasis on historical readings of the sacred texts, and in turn, these readings began to highlight the unbridgeable historical distances that separated nineteenth-century Americans from biblical and founding pasts. While many Americans continued to adhere to a belief in the Bible's timeless teachings and the Constitution's enduring principles, some antislavery readers, including Theodore Parker, Frederick Douglass, and Abraham Lincoln, used historical distance to reinterpret and use the sacred texts as antislavery documents. By using the debate over American slavery as a case study, Jordan T. Watkins traces the development of historical consciousness in antebellum America, showing how a growing emphasis on historical readings of the Bible and the Constitution gave rise to a sense of historical distance.

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Slavery and Sacred Texts

*The Bible, the Constitution, and Historical
Consciousness in Antebellum America*

JORDAN T. WATKINS

Brigham Young University, Utah



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*To Micah,
not because you'd care to read it,
but because I love you so much.*

Contents

| | |
|---|---------------|
| <i>Acknowledgments</i> | <i>page</i> x |
| <i>Prologue</i> | xiv |
| Introduction | i |
| 1 “Recourse Must Be Had to the History of Those Times” | 28 |
| 2 “The Ground Will Shake” | 69 |
| 3 “Texts . . . Designed for Local and Temporary Use” | 109 |
| 4 “The Further We Recede from the Birth of the Constitution” | 134 |
| 5 “The Culture of Cotton Has Healed Its Deadly Wound” | 183 |
| 6 “Times Now Are Not as They Were” | 229 |
| 7 “We Have to Do Not . . . with the Past, but the Living Present” | 262 |
| 8 A “Modern Crispus Attucks” | 300 |
| Conclusion | 329 |
| <i>Epilogue</i> | 345 |
| <i>Index</i> | 356 |

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¹ Ralph Waldo Emerson, “Quotation and Originality,” in *The Complete Works of Ralph Waldo Emerson*, ed. Edward Waldo Emerson, 12 vols., Centenary Edition (Boston, 1903–4), 8:200.

Acknowledgments

xi

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Acknowledgments

xiii

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Prologue

Black Lives Matter. One of the most enduring meanings of this phrase is that our laws, institutions, and policies lay bare the awful fact that in American society black lives have less value than white lives. Much of this meaning depends upon an understanding of how the past – including black enslavement and its afterlives – has shaped and continues to shape the present. As historian Joseph Ellis noted, “while all problems in American society have a history, none of them is as incomprehensible, when viewed myopically or ahistorically, as our racial dilemma.”¹ In 1857, Chief Justice Roger B. Taney asserted that blacks were not citizens based on what he described as a founding-era axiom: the view that blacks “had no rights which the white man was bound to respect.”² The Fourteenth Amendment struck down the *Dred Scott* decision, but it did not expunge the racist ideas that had shaped America’s institutions, nor did it keep white Americans from inventing new means of reinforcing the social and economic gap between blacks and whites.³ Certainly writer James Baldwin had much of this – and much else, no doubt – in mind when he wrote that “the great force of history comes from the fact that we carry it within us, are unconsciously controlled by it in many ways, and history is literally *present* in all that we do.”⁴ As a whole, Americans have

¹ Joseph J. Ellis, *American Dialogue: The Founders and Us* (New York, 2018), 50.

² *Dred Scott v. Sandford*, 60 U.S. (19 Howard) 393, 408 (1857).

³ On these developments, see, for example, Heather Cox Richardson, *How the South Won the Civil War: Oligarchy, Democracy, and the Continuing Fight for the Soul of America* (New York, 2020).

⁴ “Other Essays: The White Man’s Guilt,” in *James Baldwin: Collected Essays* (New York, 1998), 723, emphasis in original.

Prologue

xv

failed to come to terms with the ways in which the past has unconsciously controlled us, in part, perhaps, because we have been too busy using the past to try to control our present.

Roger Taney's infamous statement in *Dred Scott* was part of his attempt to use the past to control the present. In his decision he noted, "It is difficult at this day to realize the state of public opinion in relation to that unfortunate race which prevailed . . . at the time of the Declaration of Independence and when the Constitution of the United States was framed and adopted." In pointing out the challenge before him, Taney acknowledged historical distance, or the perception of a temporal gap between past and present. He then set about solving the historical challenge he had raised. He explained that by the late 1800s blacks "had for more than a century before been regarded as beings of an inferior order, and altogether unfit to associate with the white race either in social or political relations, and so far inferior that they had no rights which the white man was bound to respect, and that the negro might justly and lawfully be reduced to slavery for his benefit." Taney described this opinion as "fixed and universal in the civilized portion of the white race."⁵ The chief justice was not simply providing a historical account; he was lecturing his contemporaries, especially antislavery individuals and groups who clamored for change, on the clear relevance of the past's status quo in the present. In hopes of addressing the undesirable abolitionist agitation and resolving the crisis over southern slavery, Taney acknowledged and then set aside historical distance to recover and apply straightforward original meanings from the founding-era past. These meanings relegated blacks to the status of noncitizens in his nineteenth-century present.

Like Taney, Americans continue to appeal to the founding era in an effort to control the present.⁶ Faced with unwanted change, many groups aver allegiance to static truths from the founding past. In a recent example, the Tea Party movement aligned itself with revolutionary tradition and promoted a kind of popular originalist appeal.⁷ Capitalizing on this development, political commentator Glenn Beck insists that founding-era documents, including the Federalist Papers,

⁵ *Scott v. Sandford*, 408.

⁶ On the history of such uses, the beginnings of which are coeval with the founding itself, see David Sehat, *The Jefferson Rule: How the Founding Fathers Became Infallible and Our Politics Inflexible* (New York, 2015).

⁷ See Jill Lepore, *The Whites of Their Eyes: The Tea Party's Revolution and the Battle over American History* (Princeton, NJ, 2007).

contain eternal truths “that apply to today’s world just as much as they did in the eighteenth century.”⁸ To combat claims that the Papers are “outdated and irrelevant,” Beck offers a twenty-first-century “translation” of the Papers even as he also urges readers to be cautious of those “who want to speak in place of those documents.”⁹ Such efforts to recover – and revise – founding-era texts with timeless meanings recall the antebellum appeals of Taney and others who often set aside historical distance in using founding-era words and deeds to combat unwanted developments. As seen by Taney’s decision, such appeals can have far-reaching legal, social, and political implications.

Donald Trump’s slogan “Make America Great Again” seems to speak to people’s deep-seated desire to cast off alleged national regression; some want to restore the United States to a pristine past that never existed. This slogan, which Bill Clinton also used, originated with Ronald Reagan in the 1980s, the same decade in which some conservatives embraced jurisprudential originalism to combat the judicial activism of the 1960s. Prior to this, constitutional interpreters had used originalist arguments, but it had not been since the slavery debates of the 1840s and 1850s – detailed in Chapters 4 through 7 herein – that readers had so earnestly worked to wrest original intent from the Constitution. Late twentieth-century debates over whether or not one could discern consensus among the framers shifted originalists’ focus from original intent to original meaning. Historian Daniel Rodgers suggests that these originalists from the 1980s did not desire to return to the founding past; they wanted instead to escape the complexities of history and the limitations of time.¹⁰ This effort to lay claim to an ideal past in order to transcend history’s constraints rests on a facile distinction between contemporary politics (seen as temporary and corrosive) and founding-era principles (seen as timeless and redeeming). As this book shows, participants on all sides of the antebellum debates over slavery, including Taney, worked with similar assumptions. In the face of unwanted change, they, too, tried to silence and banish historical distance.

⁸ Glenn Beck, *The Original Argument: The Federalists’ Case for the Constitution, Adapted for the 21st Century* (New York, 2011), xxvi. See also Glenn Beck’s *Common Sense: The Case against an Out-of-Control Government, Inspired by Thomas Paine* (New York, 2009); and Glenn Beck and Kevin Balfe, *Being George Washington: The Indispensable Man, As You’ve Never Seen Him* (New York, 2011).

⁹ Beck, *Original Argument*, xxxi.

¹⁰ Daniel T. Rodgers, *Age of Fracture* (Cambridge, MA, 2011), 241.

While some twenty-first-century Americans work to restore mythic pasts by applying sacred historical texts to contemporary problems, many of their critics dismiss these attempts as either ahistorical political presentism, by which appellants force a false uniformity on complicated founding figures, or as naïve appeals to obsolete artifacts.¹¹ Of course, such critics cannot help but use the past for their own purposes as well; however, in doing so, they approach historical distance differently. For example, in legal scholar Louis Michael Seidman's 2012 *New York Times* op-ed, provocatively titled "Let's Give Up on the Constitution," Seidman harnessed historical distance by condemning his contemporaries' obedience to "a group of white propertied men who have been dead for two centuries, knew nothing of our present situation . . . and thought it was fine to own slaves."¹² While many anxious respondents chastised Seidman – some claimed that Madison had far more to teach us "than his modern critics" – others agreed with him.¹³ New York's Steven Berkowitz bemoaned "how 'bizarre' adherence to the Constitution has become."¹⁴ And Lois Taylor of Connecticut wrote, "Finally! Someone with the courage to stop genuflecting before the Constitution!"¹⁵ But Seidman, of course, was not the first American critic of the Constitution.¹⁶

Like Beck's founding-era appeals, Seidman's historically oriented critique of the Constitution has antebellum parallels. For example, abolitionist William Lloyd Garrison appealed to the Revolution to challenge his contemporaries' allegiance to the nation's legal creed. These critiques not only demonstrate the founding era's persistent allure even among the Constitution's most strident critics but also reveal the enduringly complex nature of American historical awareness. Throughout US history, the fractured experience of American political

¹¹ See, for example, Daniel A. Farber and Suzanna Sherry, *Desperately Seeking Certainty: The Misguided Quest for Constitutional Foundations* (Chicago, 2002); and Michael Austin, *That's Not What They Meant! Reclaiming the Founding Fathers from America's Right Wing* (Amherst, NY, 2012).

¹² Louis Michael Seidman, "Let's Give Up on the Constitution," *New York Times*, December 31, 2012.

¹³ Richard A. Epstein, "Our Obsolete Constitution?" *Defining Ideas*, January 8, 2013.

¹⁴ Steven Berkowitz, letter to the editor, *New York Times*, January 3, 2013.

¹⁵ Lois Taylor, letter to the editor, *New York Times*, January 3, 2013.

¹⁶ In a book published less than a month after his op-ed appeared in print, Seidman himself traced the origins of similarly minded critiques back to the founding era. Louis Michael Seidman, *On Constitutional Disobedience* (New York, 2012). Some recent critiques include Sanford Levinson's call for a new constitutional convention. Sanford Levinson, *Our Undemocratic Constitution: Where the Constitution Goes Wrong (and How We the People Can Correct It)* (New York, 2006).

culture has generated varying historical sensibilities. Political debates about sacred texts, in particular, have cultivated layered historical thinking, from shallow to deep.

And yet, while these varied approaches to the past persist, the contours of our historical consciousness have changed; our period is characterized by greater self and societal historical awareness. Some Americans still ignore or discard historical distance, particularly in political debates surrounding a favored past like the founding era or a sacred text like the Constitution. However, their conscious or unconscious disregard of historical distance occurs in an intellectual and political environment in which many of their contemporaries readily call out their reasoning as ahistorical or anachronistic. This signals a reversal of sorts: although many antebellum Americans viewed readings that used historical distance as heretical (even though they rarely, if ever, recognized or described the use of distance as the problem), many in our time see the failure to take distance into account as dangerous, especially in readings of sacred texts from favored pasts. This reversal began to emerge in the antebellum era.

Antebellum thinkers' attention to historical distance stemmed from the debates over slavery's constitutionality, which encouraged a new awareness of historical change and a growing recognition of the temporal separation historical change created. The challenge of calling on a historical text to answer a current crisis began to indicate to some that historical differences set off their present from a favored past, making the founding era more foreign than familiar. In particular, many antislavery agitators began to recognize the existence of a temporal divide between the late eighteenth century and the mid-nineteenth century and to acknowledge that such a divide undercut traditional approaches to the Constitution.

While some antislavery forces joined Garrison in dismissing the Constitution as outdated, others interpreted it based on claims about the framers' own expectations of abolition. In other words, instead of damning a proslavery Constitution, these abolitionists used historical distance to argue for new antislavery readings. All of this drew more attention to temporal distance. And even when figures like Taney tried to set aside distance, their interpretations made its presence undeniable. Thus, as founding-era appeals cultivated an awareness of historical distance, this distance encouraged rather than hindered innovative efforts to interpret the Constitution. This book details the ways in which the interpretive debates over slavery inspired arguments that gave rise to

an emerging sense of historical distance and shows how that awareness inspired innovative readings of sacred texts.

Antebellum constitutional debates over slavery followed from and overlapped with similar debates about the Bible, another sacred text, and the much more distant era from which it emerged. Although the founding era has a singular place in the nation's imagination today, the biblical past has garnered at least as much attention; Americans have consistently turned to modern translations of ancient Hebrew and Greek texts to address momentous moral, social, and political issues. During the first half of the nineteenth century, many Americans believed the national crisis over the southern institution – along with many of the other salient issues of the day – should be resolved through a proper interpretation of the Bible.

Anticipating later developments in the constitutional realm, the biblical debate over slavery cultivated a sense of historical distance. In this debate as well, participants recognized and then set aside that distance. For example, in 1850, the eminent biblical scholar Moses Stuart used historical context to distinguish Mosaic servitude from southern slavery and to argue – as many antislavery writers did – that both Mosaic law and Christ's dispensation in the New Testament had started the process of ending slavery as a practice and institution. At the same time, however, he then disregarded the very distance his reading revealed by translating an ancient endorsement of servitude into a modern injunction to obey the Fugitive Slave Law.

Even though readers such as Stuart ignored the sense of distance that their historical readings produced, those readings nonetheless made the temporal gap between favored pasts and present times hard to ignore. Like Taney, who tried to rescue timeless truths from the founding era, Stuart attempted to unmoor universal principles from biblical contexts. Influenced, in part, by the historical lessons of European biblical criticism that had begun to spread across the Atlantic, these readings brought new attention to the vast historical differences between past and present. In the resulting intellectual environment, some antislavery readers voiced a Garrisonian-like willingness to dismiss the once enlivening but increasingly lifeless Bible. Others, however, highlighted distance not to reject the Bible but instead to find in its pages evidence that the first Christians had planted antislavery seeds meant to flower in later eras – and to insist that era had arrived. These distinct antislavery readings of the Bible, which foreshadowed similar developments in the constitutional debates, accelerated a growing awareness of the historical distance separating Americans from their favored pasts.

That sense of distance has increased in the twenty-first century, becoming more widespread even as many Americans continue to use the Bible as a central source of moral guidance. A 2018 survey commissioned by the American Bible Society suggested that the majority of American adults view the Bible as sacred and that more than half believe it to be inspired and inerrant. The survey also indicated that about forty percent of American adults agree that the Bible has too little influence in our society and the same number strongly agree that it contains all the information needed to conduct lives of meaning and purpose. From one vantage point, these numbers attest to the ancient book's staying power in modern times. However, when viewed from a historical perspective, the numbers indicate that the Bible no longer orients Americans as it once did.¹⁷ The online query "Is the Bible still relevant?" yields a multitude of defensive articles, perhaps indicating that twenty-first-century Christians are more anxious about its status than were their antebellum predecessors.

As in constitutional interpretation, the fractured nature of our political culture continues to yield biblical readings that exhibit varieties of historical thinking. In this arena, too, unwanted change often shapes the effort to reclaim past truths. For instance, in a series of recent books political commentator Dennis Prager aims to address what he sees as our societal ills by helping "make the Bible America's book once again."¹⁸ Prager, a conservative Jew, insists that the ten "commandments are as relevant today as when they were given over three thousand years ago."¹⁹ While answering contemporary concerns, Prager also applies the commandments to the issue of slavery, arguing that "kidnapping people and selling them into slavery, as was done to Africans and others throughout history, is forbidden by the Eighth Commandment."²⁰ Furthermore, Prager explains that biblical slavery was usually a form of indentured servitude and suggests that the laws governing the institution were "more humane than laws that prevailed until the abolition of slavery in the West thousands of years later."²¹ This reading echoes those of

¹⁷ Barna Group, *State of the Bible 2018: Bible Engagement Segmentation* (Philadelphia, 2018), 17–22.

¹⁸ Dennis Prager, "I'm Back. Here's Where I've Been," *National Review*, January 9, 2018.

¹⁹ Dennis Prager, *The Ten Commandments: Still the Best Moral Code* (Washington, DC, 2015), xvii–xviii.

²⁰ Dennis Prager, *The Rational Bible: Exodus; God, Slavery, and Freedom* (Washington, DC, 2018), 265.

²¹ *Ibid.*, 281.

antislavery interpreters who emphasized the differences between Mosaic servitude and southern slavery.

Prager also offers another idea with antebellum roots in suggesting that the Pentateuch's approach to abolishing all forms of slavery was evolutionary rather than revolutionary. He explains, "Given how entrenched [slavery] was in every human society, had the Torah banned every form of slavery, it is quite likely many Israelites would have simply opted out of the Torah system entirely." To support this reasoning, Prager provides an analogy: "had the founders of the United States banned slavery at the outset – something many of them wished to do – there would never have been a United States of America."²² Prager's interpretation is reminiscent of some antebellum readings of the Bible, including Moses Stuart's careful contextual reading, which highlighted historical differences and then set them aside to instruct his contemporaries on proper moral and political behavior.

Though similar antislavery readings of the Old Testament can be found among nineteenth- and twenty-first-century Americans, a sense of historical distance more fully shapes current American engagement – and disengagement – with the Bible. Whereas historical distance made the sin of slavery objectionable to some in the antebellum era, Americans now hold as axiomatic the idea that slavery is immoral. Consequently, whereas Stuart used the Mosaic example to instruct his contemporaries to obey the Fugitive Slave Law, Prager's reading suggests that the Pentateuch did not sanction the South's peculiar institution. Even as historical distance informs Prager's reading of the Bible, historical distance also has shaped the intellectual environment to which he is responding. For example, the same sense of distance that has helped make slavery's sin axiomatic has also made the Bible's relevance less obvious to modern Americans, many of whom disregard biblical interpretation as unimportant in ways that would have scandalized antebellum Americans.

A growing attention to historical distance from the biblical past can also be seen in a reordering of the nation's sacred texts: the Constitution, rather than the Bible, functions as the supreme text in American culture. The aforementioned 2018 survey published by the American Bible Society suggests that a majority of Americans "believe the U.S. Constitution itself is more important [than the Bible] for the moral fabric of our country."²³ While this development has antebellum origins, debate in the pre-Civil War era about biblical meaning held the nation's interest in a way that it

²² Ibid., 280. ²³ Barna Group, *State of the Bible*, 20.

no longer does. And so, when individuals in our era, such as Prager, earnestly plea for Americans to return to the principles outlined in a set of ancient texts, more Americans than ever before simply ignore the pleas – if they are aware of the conversation at all. That apathy depends, in part at least, on a widespread awareness of the profound temporal distinctions that divide the past and its prerogatives from the present and its needs.

While these realities make it clear that we approach the past from within an intellectual environment that is characterized by a greater overall awareness of historical change and distance, that environment has roots in the antebellum past. This book, then, provides a historical perspective from which to investigate how Americans confront their most favored pasts and sacred texts in light of historical awareness. Or, to put it differently, it shows that the intellectual roots of the call to read the Bible and the Constitution in light of historical distance and change stretch backward into antebellum soil. Our contemporary modes of historical thought were forged in antebellum fires.

While much more could be said about the ways in which the historical thinking of the past anticipated and diverges from the historical thinking of the present, this book tells a different story. This story is not about antebellum types and modern antitypes. Instead, it narrates how the biblical and constitutional debates over slavery in the decades before the Civil War gave rise to a new sense of historical distance in America. The chapters that follow show that antebellum Americans first began to sense temporal dislocation from their favored pasts in their debates over slavery. As they attempted to construct interpretive bridges to the biblical pasts and the founding era, their efforts began to suggest that the temporal gap between past and present might be unbridgeable. The interpretive debates over the peculiar institution gave rise to a new awareness of historical difference and change, and then historical distance itself became an interpretive problem. In short, slavery roused the American republic to historical consciousness.