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Slavery, human dignity and human rights

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KEY WORDS: Slavery, abolition movement, human rights, natural law, Neo-Kantianism, Enlightenment, Ronald Dworkin, abortion, right-to-life.

I. The paradox

When, a quarter century ago, I taught at the International School of Law, Washington, D.C., we lived in Falls Church, Virginia. I could always get a laugh at Commonwealth parties (Virginia must be so designated – never as a mere ‘State’) by observing that I was having great difficulty finding slaves to proofread my book manuscripts. In today’s climate of political correctness, such attempts at humour would be regarded as offensive at best, obnoxious at worst.

In the modern world, everyone, everywhere condemns slavery. The formal opposition to it is as powerful as is the universal acclaim for human rights (which are lauded both by doctrinaire liberals and by the worst of dictators). Indeed, the international legal instruments could not be more specific – from the Slavery Convention of the League of Nations, which entered into force 9 March 1927, through Article 4 of both the Universal Declaration of Human Rights and the European Convention of Human Rights, to the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, adopted in 1956 under UN sponsorship to reinforce and augment the 1927 Slavery Convention. Not only is traditional, chattel slavery declared to be unqualifiedly illegal (‘No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms’ – Universal Declaration of 1948), but the category of slavery is expanded (1956-1957 Supplementary Convention) to include:

- a. Debt bondage, that is to say, the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and

1 This paper was presented by invitation at the 4th Annual Lilly Fellows Program National Research Conference (‘Christianity and Human Rights’), held at Samford University, 11-14 November 2004; and at the 57th Annual National Meeting of the Evangelical Theological Society, Valley Forge, Pennsylvania, 17 November 2005. It is here published for the first time.

- nature of those services are not respectively limited and defined;
- b. Serfdom, that is to say, the condition or status of a tenant who is by law, custom or agreement bound to live and labour on land belonging to another person and to render some determinate service to such other person, whether for reward or not, and is not free to change his status;
 - c. Any institution or practice whereby:
 - i. A woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or any other person or group; or
 - ii. The husband of a woman, his family, or his clan, has the right to transfer her to another person for value received or otherwise; or
 - iii. A woman on the death of her husband is liable to be inherited by another person;
 - d. Any institution or practice whereby a child or young person under the age of 18 years, is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labour.

The countries ratifying these international treaties cover virtually the entire globe. Thus – to take but one example – the Supplementary Convention just quoted has been ratified by 119 States-parties, from Afghanistan in 1966 (!) to Zimbabwe in 1998 (!). The *de jure* situation, then, appears entirely unambiguous: slavery, direct or indirect, anywhere and everywhere, is a legal wrong in every respect, whatever the terminology applied to it.

Paradoxically, however, things are much different *de facto*. Responsible anti-slavery organisations cite innumerable instances of the continuing enslavement of human beings by their fellows. The American Anti-Slavery Group (<http://www.iabolish.com>) cites the documented prevalence of carpet slaves (especially child labourers in the weaving trade) in India;² debt slavery in Haiti's sugar industry; sex slaves in Southeast Asia; and even literal chattel slavery persisting in Mauritania and Sudan. From the website just given, here is a sobering list of 'slavery hotspots':

Thailand: Women and children forced to work as sex slaves for tourists

Ivory Coast: Boys forced to work on cocoa plantations

India: Children trapped in debt bondage roll beedi cigarettes 14 hours a day

Sudan: Arab militias from the North abduct black African women and children in slave raids

Dominican Republic: Haitians lured across the border are forced to cut cane on sugar plantations

2 Cf. Joanna Watson, 'Modern Day Slavery,' *The Christian Lawyer: The Journal of the Lawyers' Christian Fellowship* [U.K.], Summer, 2004, 10-11; Peter Hammond, 'Slavery Today and the Battle over History', 16 November 2006 (www.frontline.org.za). A useful popular article on the continuing problem of slavery ('21st Century Slaves'), with bibliographical references, may be found in *National Geographic* (September 2003). For a scholarly journal devoted to studies in the field of the present paper, see *Slavery & Abolition: A Journal of Slave and Post-Slave Studies* (Routledge).

Albania: Teenage girls are tricked into sex slavery and trafficked by organised crime rings

Brazil: Lured into the rainforest, families burn trees into charcoal at gunpoint

United Arab Emirates: Little Bangladeshi boys are imported to be jockeys for camel racing

United States: 50,000 trafficked in each year, as sex slaves, domestics, seamstresses, and agricultural workers

Burma: The ruling military junta exploits civilian forced labour for infrastructure projects

Ghana: Families repent for sins by giving daughters as slaves to fetish priests

Pakistan: Children with 'nimble fingers' are forced to weave carpets in dark looms

Mauritania: Arabo-Berbers buy and sell black Africans as inheritable property

That this catalogue of inhuman activities is by no means exaggerated is illustrated by a 21 February 2004 *Times* (London) news article, 'Brazilian Slaves Are Freed in Jungle Raid':

Forty-nine men, women and children, who had been subjected to months of enforced labour, clearing jungle vegetation from the Fazenda Macauba cattle ranch were freed after telling inspectors that they had spent at least 80 days working 10 hours a day, without pay...

The raid on the Fazenda Macauba was triggered after {an escapee} reported the conditions to the Pastoral Earth Commission, a Roman Catholic organisation that campaigns against slavery in Brazil...

The raid... is the latest in a recent crackdown on modern slavery, a practice still common in Brazil, especially in the cattle ranches of the Amazon and sugar and coffee plantations in the states of Bahia and Maranhao...

President da Silva has pledged his Government to freeing at least 25,000 people estimated to be in slavery. 'A modern Brazil cannot tolerate such an archaic practice,' he said.

Slavery, in short, is by no means a dead issue. Such statistics as 'the sixty-six slaveholding societies in the Murdock world sample' and the classification of 'the large-scale slave systems' presented by sociologist Orlando Patterson, though valuable historically, do not by any means exhaust the subject.³

The widespread continuation of slavery practices, paradoxically combined with universal condemnation of the phenomenon, is highlighted by a passage at the end of one of the works of the most distinguished English-language historian of slavery, David Brion Davis of Yale University:

3 Orlando Patterson, *Slavery and Social Death: A Comparative Study* (Cambridge: Harvard University Press, 1982), 345-64.

As Conor Cruise O'Brien has pointed out, the United Nations is political theater dominated by an institutional tone of 'lofty morality' perfectly suited for the dramatic exploitation of guilt – in particular, 'Western guilt feelings toward the non-white world'. The influx of new African states enabled the nonwhite members to win hegemonic control over the 'moral conscience of mankind'. Unfortunately, condemnations of colonialism and apartheid as the twentieth-century equivalents of slavery sometimes served to shield forms of oppression for which whites bore no responsibility. In a complacent report of 1965, the Republic of Mali contended that a benign, paternalistic servitude had preceded European colonization and that national independence, accompanied by genuine social democracy, had brought the final abolition of slavery and similar institutions. Yet slave-trading continued to flourish in Mauritania, Mali, Niger, and Chad, along the drought-stricken southern fringe of the Sahara. Historical mythology minimizing or denying African and Arab involvement in the slave trade has fostered the false assumption that slavery depended for its survival on colonial regimes.⁴

The source of the paradox of continuing slavery is not 'colonialism' or any other related stereotype; its roots lie much deeper, in the conceptions of the human person and in the *Weltanschauungen* which inform those conceptions. In a syllabus for a graduate course in 'Slavery As a Critique of the Concept of Human Rights', Professor Raymond Fleming of Florida State University's Department of Modern Languages and Linguistics, put it well:

Our attention to the various forms of slavery will enable us to focus upon what Western culture wishes to affirm or deny about the notion of a human subject. Whether it is the Scholastics in the Middle Ages affirming man as a *res sacra*, a sacredness, or Pico della Mirandola in the Renaissance asserting the dignity of man, or Thomas Jefferson proclaiming the self-evident character of specific human rights, we will note along this continuum just how society and *Realpolitik* invariably undermine such declarations. We will see how slavery provides us with an effective critique of the rhetoric of 'high culture', and also how the existence of slavery in the face of such sentiments reveals what these utterances leave out of their formulations. What are often left out, what Roland Barthes terms, 'what goes without saying', are the ideologies informing such declarations.

Though we shall certainly not engage in the deconstruction here suggested, we shall indeed focus upon the 'ideologies' which underlie both the attitudes

4 David Brion Davis, *Slavery and Human Progress* (New York: Oxford University Press, 1984), 318-19. Cf. David Brion Davis, *Challenging the Boundaries of Slavery* (Cambridge: Harvard University Press, 2003), and Thomas Bender (ed.), *The Antislavery Debate: Capitalism and Abolitionism As a Problem in Historical Interpretation* (Berkeley, Ca.: University of California Press, 1992) [with contributions by David Brion Davis].

and the declarations relating to slavery. Our purpose will be to discover what kind of foundation, if any, can put paid to the hypocrisy so often met with in treatments of the phenomenon of slavery.

II. Philosophical opposition to slavery

The chief modern philosophical arguments against slavery have been those of Enlightenment natural law theory and Kantian and neo-Kantian universalism. These, alone or in combination, have provided the underpinning for most contemporary human rights philosophies and their opposition to all forms of slavery. The question remains, however: Are these theories adequate?

The jusnaturalism of the French *philosophes* and American 'founding fathers' such as Jefferson maintained that there is a built-in ethic of human dignity which all must recognise. The human person benefits from 'certain inalienable rights', including the rights to 'life, liberty, and the pursuit of happiness'. Both the French Declaration of the Rights of Man and the American Bill of Rights endeavoured to summarise the essential civil liberties of the citizen. These rights were supposed to be justified by the agreement of all rational persons. After all, did not the eighteenth-century Enlightenment usher in an 'Age of Reason' (Thomas Paine's profoundly influential book title), elevating mankind beyond prior centuries of theological superstition?

Unhappily, this humanistic version of jusnaturalism was – and is – incapable of providing the needed bulwark against slavery. In classical Roman jurisprudence, to which the Enlightenment advocates of the viewpoint frequently turned for their main historical precedent, slavery was allowed by way of the *Ius gentium* ('law of nations/international law') even though it was directly contrary to the natural law: 'Slavery is the only case in which, in the extant sources of Roman law, a conflict is declared to exist between the *Ius Gentium* and the *Ius Naturale*. It is of course inconsistent with that universal equality of man which Roman speculations on the Law of Nature assume.'⁵

The same ambivalence was present in the thinking versus the practice of French and American Enlightenment revolutionaries. The Marquis de Condorcet, biographer of Voltaire and committed anti-Christian progressive, ruefully admitted that 'only a few *philosophes* have from time to time dared raise a cry in favour of humanity [over against slaveholding]'.⁶ Thomas Jefferson's views of equality did not preserve him from antisemitism⁷ – much less from a quietist maintenance of the status quo where slaveholding was concerned. It appears

5 W. W. Buckland, *The Roman Law of Slavery: The Condition of the Slave in Private Law from Augustus to Justinian* (reprint ed.; Cambridge: Cambridge University Press, 1970), 1.

6 M. J. A. Condorcet, *Remarques sur les Pensées de Pascal*, in Condorcet's *Oeuvres* (12 vols.; Paris: Firmin-Didot, 1847-1849), III:649.

7 Cf. Arthur Hertzberg, *The French Enlightenment and the Jews* (New York: Columbia University Press, 1990).

likely that he fathered illegitimate children whose mother was one of his slaves.⁸ Even a Jefferson hagiographer has to write:

Jefferson's perception of slavery was determined by several ambivalent circumstances: he was a planter-slaveowner, a Virginian whose strongest allegiance, when the test came, was to his state and section, and withal a man of the eighteenth-century Enlightenment. This circumstance created in Jefferson's mind an ambiguity and a dissonance which he never succeeded in resolving to his own satisfaction. While Jefferson regarded slavery as a 'hideous evil', the bane of American society, and wholly irreconcilable with his ideal of 'republican virtue', he was never able wholly to cast aside the prejudices and the fears which he had absorbed from his surroundings toward people of color; he did not free himself from dependence upon slave labor; and, in the end, he made the expansion of slavery into the territories a constitutional right, and a *conditio sine qua non* of the South's adherence to the Union.⁹

I have pointed elsewhere to law professor and distinguished Federal judge John T. Noonan's demonstration that 'Jefferson and his legal mentor George Wythe aided in perpetuating a forensic vocabulary that classed blacks as transferable property, thereby permitting whites to carry on slavery while "democratically" supporting human freedom and dignity in the founding documents of the nation.'¹⁰

Why did these Enlightenment thinkers suffer from such a disparity between their principles and their practice? As with the Roman jurists, the reason lies surely in the vagueness and ambiguity of their 'natural law' principles.¹¹ Nowhere is the content of the natural law set forth with sufficient explicitness to counter the indignities suffered by those in slavery. Thus rationalisation could easily enter the picture when concrete questions were raised as to the ethical treatment of slaves and the proper criteria of manumission.

Eighteenth-century secular jurnaturalism was later to suffer a devastating blow when in the nineteenth and twentieth centuries anthropologists demonstrated the wide diversity of cultural patterns in non-Western societies. Ap-

8 Cf. Lucia Stanton, *Slavery at Monticello* (Monticello, Virginia: Thomas Jefferson Memorial Foundation, 1996), 20-22, 50 (note 21 and the literature there cited). In his Preface to this monograph, Julian Bond writes that the 'gross imbalance he [Jefferson] represents between national promise and execution remains our greatest state embarrassment today.'

9 John Chester Miller, *The Wolf by the Ears: Thomas Jefferson and Slavery* (New York: Free Press, 1977), 2-3. Cf. Matthew T. Mellon, *Early American Views on Negro Slavery* (Boston: Meador, 1934), especially 120-22.

10 John Warwick Montgomery, *The Shaping of America* (revised ed.; Minneapolis: Bethany, 1981), 54. See Noonan's *Persons and Masks of the Law* (New York: Farrar, Straus & Giroux, 1975).

11 John Warwick Montgomery, *The Law Above the Law* (Minneapolis: Bethany, 1975), especially 37-42.

parently, not everyone agreed with the 'rationality' of enlightened Europeans. Slavery was practised and condoned in many cultures; was it therefore really contrary to the 'natural law'? And suppose everyone *had* been against it – would general agreement (*consensus gentium*) suddenly have become a satisfactory test of truth?

As for the ethical theories deriving from Immanuel Kant's Categorical Imperative ('act only on that maxim which you can will to be a universal law'), they have fared no better as a bulwark against slavery. When neo-Kantian John Rawls tells us that we should act under a 'veil of ignorance' as to our special advantages and therefore follow utilitarian 'principles of justice', treating our fellowmen as equal in rights and dignity, the historical response has generally been that our special advantages are precisely our ground for *not* treating others (such as potential or actual slaves) as we would want to be treated. When Alan Gewirth insists that you rationally 'act in accord with the generic rights of your recipients as well as of yourself', not because you are someone special ('Wordsworth Donisthorpe'), the slaver will invariably respond that it is precisely because he is 'Wordsworth Donisthorpe' – or someone else of superior power, influence, or connections – that he is in a position to function as slavetrader or slaveowner. The Ghengis Khans of this world have seldom been impressed by arguments of rationalistic universalisation.¹²

Kantian and neo-Kantian arguments suffer from the same difficulty as claims made on the basis of humanistic jusnaturalism: they do not define adequately the content of ethical action; they do not specify *which* specific actions and activities are good and *which* are bad. Recently, the international press has had a field day with the trial of one Armin Meiwes, who advertised on the net (his occupation was computer programmer) for those who would like him to eat them. After having consumed a number of willing victims, Mr Meiwes was arrested on the charge of having murdered at least one of them. However, he was not convicted of murder but was sentenced by a Kassel court to a mere eight-and-a-half year prison term on the ground that – to quote the judge – 'this was an act between two... people who both wanted something from each other.'¹³ Suppose that we grant that the eater would have been willing to become the eatee, or vice-versa; would such universalisation of cannibalism therefore establish the ethics of anthropophagy? Surely not; but this means that one must be able to set forth and justify solidly grounded ethical strictures against cannibalism – and slavery – in order to oppose those practices. Merely stating a formal principle of 'generic consistency' will hardly be adequate.

12 On the neo-Kantian attempts to establish a foundation for ethics, see our detailed critiques in John Warwick Montgomery, *Human Rights and Human Dignity* (rev. ed.; Edmonton, Alberta: Canadian Institute for Law, Theology and Public Policy, 1995), especially 92-98, 183; and *Tractatus Logico-Theologicus* (rev. ed.; Bonn: Verlag für Kultur und Wissenschaft, 2003), 171-74 (para. 5.5 – 5.6).

13 *Washington Times*, 31 January 2004 (UPI dispatch).

Moreover, even supposing that one could successfully demonstrate the correctness of a natural-law ethic or categorical imperative, would this mean that people would necessarily follow it? Must one be rational, when rationality goes against self-interest? History certainly does not support the view that just because one can show that a course of action is right, people will take that route. Quite clearly, to deal with the issue of slavery, one must *change the slavetrader's or slaveowner's value-system*. His or her motivations must undergo radical alteration. In traditional terminology, what is required is *conversion*. But this is precisely what – in spite of all the good will exercised – humanistic ethics has never been able to produce. Doubtless this is why the abolition of slavery, insofar as it has been accomplished, stemmed not from Roman law, naturalistic ethics, or the Enlightenment, but from the impact of Christian faith.

III. Slavery and Christian witness

Christianity – Orthodox, Catholic, and Protestant – has always maintained that (1) God has spoken revelationally, providing absolute standards for human conduct, and (2) through a personal relationship with Jesus Christ, the Son of God, who died on the Cross to expiate human sin and selfishness, one can be transformed ethically, receiving a 'new spirit' and a new value-system which will result in treating the neighbour as oneself. In principle, therefore, the revealed Christian gospel has the needed answer to the slavery problem. Has this been the case in practice?

Jewish scholar E. E. Urbach asserts that neither 'in classical Greek literature, in the writings of the Stoics, and in the Christian Scriptures... nor in the Jewish sources is there the slightest suggestion of any notions of the abolition of slavery.'¹⁴ We would agree as to all of the above – save 'the Christian Scriptures'. To be sure, no call to social revolution occurs there (and the immediate elimination of slavery in the Roman world would have produced just that). But the central teaching of Jesus as to 'treating the neighbour as oneself', coupled with the changed hearts of those who came to believe in him, meant the eventual death of a system based on treating the slave as a chattel and not as a human being worth as much as his master.

In such an economic context [that of the Roman Empire] it was virtually impossible for anyone to conceive of abolishing slavery as a legal-economic institution. To have turned all the slaves into free day laborers would have been to create an economy in which those at the bottom would have suffered even more insecurity and potential poverty than before. To be sure, according to all known traditions, neither Jesus nor His immediate followers owned slaves; nor did Paul, Barnabas, or Timothy. So both the example of Jesus and His great concern for the poor proved to be a challenge for

14 E. E. Urbach, *The Laws Regarding Slavery: As a Source for Social History of the Period of the Second Temple, the Mishnah and Talmud* (New York: Arno Press, 1979), 93-94.

many early Christians to conceive of themselves as living already among themselves in an alternative social-legal environment (note how Paul appeals to Philemon to release Onesimus sooner than he may have planned). For the author of 1 Clem. 55:2 Christ's love working through humble spirits has motivated some Christians to sell themselves in order to have money to buy the freedom of others (see Shep. Herm. Mand. 8:10; Sim. 1:8; Ign. Polyc. 4:3).¹⁵

Le maître devait ménager les esclaves comme ses égaux en liberté; il devait les ménager encore comme étant lui-même leur frère en servitude; c'est une autre face de la vérité chrétienne que les Pères développent à l'envi, pour mieux faire entrer dans les âmes le sentiment des devoirs de l'égalité. Nous sommes tous nés en servitude, nous sommes tous rachetés en Jésus-Christ...

Ainsi, du moment où le christianisme eut révélé sa doctrine, la cause de la liberté avait vaincu. Le jour du triomphe devait se faire attendre, il est vrai; et déjà le signe du salut dominait dans le monde, qu'on l'attendait encore. Mais pendant ces retards forcés l'Eglise n'oublia point les esclaves; et, en même temps qu'elle leur préparait des ressources désormais honorables après l'affranchissement, elle prétendait leur faire donner une place au foyer domestique, dans l'éducation de la famille, dans l'estime publique; elle réclamait pour eux tous les droits et les traitements de l'homme libre, sauf le droit de disposer de soi, que l'homme libre d'ailleurs cessa bientôt presque généralement d'avoir lui-même.¹⁶

True, professing Christians have not always condemned slavery and some (for example, in the pre-Civil War South of the United States) have supported it and even attempted to justify their actions in that regard. But when they have done so, they have acted contrary to the faith they profess, not in response to

15 S. Scott Bartchy, 'Slavery,' *International Standard Bible Encyclopedia*, ed. Geoffrey W. Bromiley (rev. ed., 4 vols.; Grand Rapids: Eerdmans, 1979-1988), IV:546. See also Markus Barth and Helmut Blanke, 'The Social Background: Slavery at Paul's Time,' in their *The Letter to Philemon: A New Translation with Notes and Commentary* (Grand Rapids: Eerdmans, 2000), 1-102.

16 Henri Wallon, *Histoire de l'esclavage dans l'Antiquité*, ed. Jean Christian Dumont (Paris: Robert Laffont, 1988), 801, 835. This magisterial nineteenth-century work remains of immense importance on the subject of slavery in the ancient world and the Christian impact upon it. On the reference in the first quoted paragraph to redemption from slavery in Jesus Christ, see an important study of the New Testament use of slavery motifs to characterise every human being's bondage to sin and the primary need to be freed from it: Dale B. Martin, *Slavery As Salvation: The Metaphor of Slavery in Pauline Christianity* (New Haven: Yale University Press, 1990). In the second quoted paragraph, Wallon's reference in the final two lines is to the soon-to-come barbarian invasions of the Roman Empire and the establishment of feudal serfdom as a desperate attempt at economic stability in the decentralised chaos of the early Middle Ages.

the teachings of its Founder. Indeed, it is an unarguable historical fact that the abolition of slavery in modern times stems directly from Christian influence.¹⁷ We shall briefly review the pertinent ideological background, with special reference to the Anglo-American struggle against slavery and its world-wide repercussions.

The stage was set for the British outlawing of the slave trade and American abolition by Christian theologians, pamphleteers, and preachers from Reformation times to the 19th century. The distinguished German Lutheran theologian J. F. Buddeus (1667-1729), author, *inter alia*, of *Selecta juris naturae et gentium*, argued that even if some blacks were legally captured or received criminal convictions leading to slavery, their offspring should not be subject to bondage by inheritance.¹⁸

Quakers were especially strong in condemning slavery per se. Benjamin Lay declared in 1736: 'As God gave his only begotten Son, that whosoever believed in him might have everlasting Life; so the Devil gives his only begotten Child, the Merchandize of Slaves and Souls of Men, that whosoever believes and trades in it might have everlasting Damnation.'¹⁹ Quaker John Woolman, in his *Journal* and his *Some Considerations on the Keeping of Negroes* (1754, second part, 1762), devastatingly set forth as a Christian argument the selfishness, immorality and greed inherent in the slave trade and prophetically predicted dire consequences for the future of America if slavery was not eliminated.²⁰

In England, Bishop Warburton likewise condemned slavery in the American colonies. Before the Society for the Propagation of the Gospel he declared: 'Gracious God! To talk (as in herds of Cattle) of Property in rational Creatures!'²¹ Christian apologist William Paley characterised slavery as an 'abominable tyranny' and 'an institution replete with human misery' which could no longer possibly be justified, even on utilitarian grounds.²²

John Wesley, the Anglican founder of Methodism, asserted that 'the dreadful consequence of slavery is the same amongst every people and in every nation

17 Alvin J. Schmidt, *Under the Influence: How Christianity Transformed Civilization* (Grand Rapids: Zondervan, 2001), chap. 11 ('Slavery Abolished: A Christian Achievement'), 272-91.

18 See the biographical article in the *Allgemeine Deutsche Biographie*.

19 Benjamin Lay, *All Slave-keepers that Keep the Innocent in Bondage...* (Philadelphia, 1737), 10-13.

20 David Brion Davis concludes his magisterial study, *The Problem of Slavery in Western Culture* (Ithaca, N.Y.: Cornell University Press, 1966), with 'Epilogue: John Woolman's Prophecy' (483-93).

21 William Warburton, *A Sermon Preached Before the Incorporated Society for the Propagation of the Gospel in Foreign Parts* (London, 1766), 25-26. The Warburton Lectures, devoted by the terms of Warburton's bequest to the defense of the Christian faith, continue today at Lincoln's Inn (one of the four barristers' Inns of Court), London.

22 William Paley, *The Principles of Moral and Political Philosophy* (London, 1785), 196-98 (cf. 'Introduction').

where it prevails.' To the slaveowner he declared: 'Thy hands, thy bed, thy furniture, thy house, thy lands are at present stained with blood' as a result of using slave labour, and only repentance before God and emancipation could put things right.²³

John Newton's dramatic conversion from slave trader to clergyman had tremendous impact in changing the English climate of opinion. It was Newton who not only composed such classic hymns as 'Amazing Grace', 'How Sweet the Name of Jesus Sounds', and 'Glorious Things of Thee Are Spoken',²⁴ but who also spoke uncompromisingly against the unchristian activity with which he had formerly been connected.²⁵ Newton's autobiography was circulating in a cheap, popular edition in France in the years immediately prior to the abolition of slavery in the French colonies (1848).²⁶ Wesley and Newton are excellent illustrations of what David Brion Davis has termed the 'important connection between evangelical religion and antislavery'.²⁷

These believers from a wide variety of confessional traditions provided the backdrop for the political action that finally succeeded in destroying slavery in England and America.²⁸ The chief names associated with that activity in England

23 John Wesley, *Thoughts upon Slavery* (Philadelphia, 1774), especially 39-55.

24 On Newton's hymnody, see my former professor Erik Routley's *I'll Praise My Maker: Studies in English Classical Hymnody* (London: Independent Press, 1951), 145-78. The most accessible primary source on Newton's life is the contemporary biography by Richard Cecil; it has been responsibly edited and updated by Marylynn Rousse: *The Life of John Newton* (Fearn, Ross-shire: Christian Focus Publications, 2000). The Cowper and Newton Museum in Olney, Bucks, is well worth visiting; Newton was pastor in Olney 'near sixteen years' (Newton's epitaph).

25 John Newton, *Thoughts Upon the African Slave Trade* (2d ed.; London, 1788); Newton's *Journal of a Slave Trader* (1750-54) and *Thoughts Upon the African Slave Trade* were reprinted in one volume by Epworth Press in 1962. Cf. Gail Cameron and Stan Crooke, *Liverpool – Capital of the Slave Trade* (Liverpool: Picton Press, 1992), and James Walvin, *Black Ivory: Slavery in the British Empire* (2d ed.; Oxford: Blackwell, 2001).

26 *Récit authentique de la Vie de J. Newton... écrit par lui-même dans une suite de lettres adressées au Docteur Haweis* (Toulouse: J.-M. Corne, 1835). Copy in the author's personal library.

27 Davis, *The Problem of Slavery in Western Culture*, 388-90. See also D. Bruce Hindmarsh, *John Newton and the English Evangelical Tradition* (Grand Rapids: Eerdmans, 2001), and Adam Hochschild, *Bury the Chains: Prophets and Rebels in the Fight to Free an Empire's Slaves* (New York: Houghton Mifflin, 2005).

28 Cf. Thomas Clarkson, *The History of the Rise, Progress, and Accomplishment of the Abolition of the African Slave-trade by the British Parliament* (2 vols., reprint ed.; London: Frank Cass, 1968), especially I:5-192 and II:570-87. This classic work by one who devoted his life to opposing slavery internationally was originally published in 1808, immediately following the British Parliament's outlawing of the slave trade. Clarkson declares (I:8-9): 'Among the evils, corrected or subdued, either by the general influence of Christianity on the minds of men, or by particular associations of Christians, the African Slave-trade appears to me to have occupied the foremost place.' Cf. Melvin D. Kennedy, *Lafayette and Slavery: From His Letters to Thomas Clarkson and Granville Sharp* (Easton, Pa.: American Friends of Lafayette, 1950).

were Granville Sharp and William Wilberforce. Both of them were directly and centrally motivated by their Christian convictions.

Granville Sharp (1735-1813) is still a household name in New Testament scholarship, for he formulated the rule bearing his name which recognises that 'when two personal nouns of the same case are connected by the copulate *kai*, if the former has the definite article and the latter has not, they both belong to the same person.' This rule is of tremendous theological importance, for it establishes, in passages such as 2 Thess. 1:12, the identity of Jesus Christ with God the Father.²⁹ Sharp was one of the founders of the British and Foreign Bible Society and of the Society for the Conversion of the Jews.

But Granville Sharp's undying fame rests on his success in abolishing the slave trade. As the inscription on his monument in Poets' Corner, Westminster Abbey has it:

He took his post among the foremost of the honourable band
Associated to deliver Africa from the rapacity of Europe,
By the abolition of the Slave Trade.
Nor was death permitted to interrupt his career of usefulness,
Till he had witnessed that Act of the British Parliament
By which the abolition was decreed.

In 1767, Sharp encountered a West Indian planter's slave named Jonathan Strong who had been brought to London and badly beaten by his master; once recovered, he was sold by the master to a third party. Sharp was so incensed by this that he examined the legal situation for himself and finally, five years later, in the *Somerset* case, succeeded in obtaining Lord Mansfield's judgment: 'The state of slavery is so odious that nothing can be suffered to support it but positive law, and there is no law.'³⁰ This meant, in effect, that a slave must forthwith receive freedom the moment he or she set foot on English soil.³¹

The forty-year-long, ultimately successful struggle of William Wilberforce (1759-1833) to obtain a Parliamentary act abolishing slavery is too well known

29 Granville Sharp, *Remarks on the Uses of the Definitive Article in the Greek Text of the New Testament, Containing many New Proofs of the Divinity of Christ....*, ed. William David McBrayer (reprint ed.; Atlanta/Roswell, Ga.: Original Word, 1995).

30 Cf. Steven M. Wise, *Though the Heavens May Fall: The Landmark Trial That Led to the End of Human Slavery* (Boston: Merloyd Lawrence, 2005).

31 See Granville Sharp, *A Tract on the Law of Nature, and Principles of Action in Man* (London: B. White, and E. and C. Dilly, 1777), and *Tracts on Slavery and Liberty: The Just Limitation of Slavery in the Laws of God... The Law of Passive Obedience... The Law of Liberty...* (reprint ed.; Westport, Conn.: Negro Universities Press, 1969). Cf. Edward C. Lascelles, *Granville Sharp and the Freedom of Slaves in England* (London: Oxford University Press/Humphrey Milford, 1928) [with extensive documentation and illustrations]; Oliver Ransford, *The Slave Trade: The Story of Transatlantic Slavery* (Newton Arrot, Devon: Readers Union, 1972), 178 ff.; and Daniel B. Wallace, 'Granville Sharp: A Model of Evangelical Scholarship and Social Activism,' *JETS* 41 (1998), 591-613.

to require detailed discussion here; the literature is extensive.³² What needs to be stressed is Wilberforce's root motivation in engaging in this formidable task: his Christian conviction that slavery was an offense to almighty God and a detriment to the effective spread of Christ's gospel.³³ Wilberforce experienced evangelical conversion in his 20s and came under the influence of former slave trader John Newton. In 1787, he declared: 'God has set before me two great objects: the abolition of the slave trade and the reformation of manners.' From that point he never looked back. As one of the leaders of the so-called 'Clapham Sect' – evangelicals who promoted political, philanthropic, and ethical causes – he championed prison reform, Bible distribution, missionary endeavour, and charitable work of many kinds. In his crusade against slavery as a Member of Parliament, he first succeeded after eighteen years in seeing the slave trade outlawed (1807-1808), and then, after another twenty-six years, the passing of the Emancipation Bill (in 1833, just three days before his demise).

The efforts of Wilberforce and likeminded English opponents of slavery had an impact far beyond Great Britain. Their 'transcendent belief stirred abolitionists in the United States during the antebellum and Civil War periods, in France during the 1840s, in Cuba during the Ten Years' War (1868-78), and in Brazil during the 1880s.³⁴

In America, the English evangelical impact is clear, for example, in the writings of Thomas Branagan of Philadelphia (1774-1843), like Newton personally involved in slaving and subsequently converted to Christian belief.³⁵ In his essay on 'Human Slavery', he refers specifically to Wilberforce's Parliamentary struggles and declares: 'Slavery, hateful to God and man, and the greatest evil and sum-total of all evils under the sun, and inflicted by Americans, the most favoured people, and, may I not say, the most enlightened and highest in profession of liberty and Christianity, must render us the most inexcusable, and draw down, unless expiated by sincere repentance and undoing heavy burdens, the just indignation of Him who does not even let a sparrow fall without his notice.'³⁶

32 Leonard W. Cowie, *William Wilberforce, 1759-1833: A Bibliography* (Westport, Conn.: Greenwood, 1992).

33 See especially: John Pollock, *Wilberforce* (London: Constable, 1977); David J. Vaughan and George Grant, *Statesman and Saint: The Principled Politics of William Wilberforce* (Nashville, Tenn.: Cumberland House, 2001); Kevin Belmonte, *Hero for Humanity: A Biography of William Wilberforce* (Colorado Springs, Colo.: Navpress, 2002) – and, to be sure, Leslie Stephen's classic article on him in the *Dictionary of National Biography*.

34 Davis, *Slavery and Human Progress*, 280-81.

35 On Branagan, see Lewis Leary, 'Thomas Branagan,' in his *Soundings: Some Early American Writers* (Athens, Ga.: University of Georgia Press, 1975), 229-52; and Leary, 'Thomas Branagan,' in James A. Levernier and Douglas R. Wilmes (eds.), *American Writers Before 1800: A Biographical and Critical Dictionary* (Westport, Conn.: Greenwood Press, 1983), 195-96.

36 [Thomas Branagan], *The Guardian Genius... or, Patriotic Admonitions... in relation to... Human Slavery... By a Philanthropist* (New York, 1839), 25 ff.

The American abolition movement drew its power directly from Christian sources. Harriet Beecher Stowe, the author of *Uncle Tom's Cabin* (1851-52), the most influential anti-slavery fiction ever written, selling on publication a half a million copies in the United States and double that number in Great Britain, was the daughter of the Revd Lyman Beecher, president of Lane Theological Seminary, wife of a Lane Seminary professor, and sister of the celebrated preacher Henry Ward Beecher. She began writing her novel following a church service in which she had a mystical experience; afterwards she said that 'The Lord himself wrote', i.e., was the real author, of her book.³⁷

The impact of the Lane Theological Seminary on the abolition movement was considerable.

In 1833 Oberlin College was founded in northern Ohio. Into some of the first classes there women were admitted on equal terms with men. In 1835 the trustees offered the presidency to Professor Asa Mahan, of Lane Seminary. He was himself an abolitionist from a slave State, and he refused to be President of Oberlin College unless negroes were admitted on equal terms with other students. Oberlin thus became the first institution in the country which extended the privileges of the higher education to both sexes of all races. It was a distinctly religious institution devoted to radical reforms of many kinds.³⁸

Far less well known than Harriet Beecher Stowe were an influential number of Christian writers who condemned American slavery. As early as 1816, George Bourne posed the rhetorical question, 'Can you conscientiously believe, that a slaveholder exhibits that assimilation to the meek and lowly Jesus, which is indispensable to an enjoyment of the inheritance of the Saints in light?'³⁹ Slavery was also to be condemned, argued Bourne, because it undermined the God-given institution of marriage.⁴⁰

Charles Elliott (1792-1869), Methodist missionary to the Indians, abolitionist and sometime president of Iowa Wesleyan University, maintained that (1) slaves could not help but hate their oppressors and therefore slavery promoted hate-

37 Ransford, *The Slave Trade*, 235-43.

38 Jesse Macy, *The Anti-Slavery Crusade: A Chronicle of the Gathering Storm* (New Haven, Conn.: Yale University Press, 1920), 50-51. Fascinatingly, the radical anti-slavery activism of many Lane theological students was more than even that institution could tolerate; a considerable number of students (the so-called 'Lane Rebels') decamped to Oberlin in 1834; see Stuart C. Henry, 'Lane Theological Seminary,' in *Dictionary of Heresy Trials in American Christianity*, ed. George H. Shriver (Westport, Conn.: Greenwood Press, 1997), 214-21.

39 George Bourne, *The Book [i.e., the Bible] and Slavery Irreconcilable* (Philadelphia: J. M. Sanderson, 1816), 196.

40 Ken Glover, 'Jesus on American Slavery: What He Said, What He Did Not Say, and What He Was Said To Have Said,' Unpublished Paper Presented at the 55th Annual Meeting of the Evangelical Theological Society, Atlanta, Ga., 20 November 2003.

ful and murderous thoughts – directly contrary to Jesus' teachings (e.g., Matt. 5:21-22);⁴¹ (2) slaveholders break up families and necessarily maltreat little children – one of the most heinous of sins according to Jesus (Matt. 18:2-6; cf. Rev. 18:21);⁴² (3) slavery keeps the blacks in ignorance, whereas the gospel message requires Christian education (Luke 11:52; John 5:39);⁴³ (4) Christ – in Luke 4 – effectively incorporated into his teaching and expanded upon the Old Testament special year of Jubilee (when slaves were freed), such that he 'established, in his public administrations, a foundation for the universal emancipation of slaves';⁴⁴ and, most important of all, (5) since Jesus redeemed everyone, there can be no justification for one person's enslaving another:

All men are redeemed by the same blood of Christ; and therefore, this common and general redemption by the blood of Christ is at variance with slavery... The same great sacrifice has been made for the slave as for the master; and therefore, the soul of the slave is worth as much as the soul of the master.⁴⁵

The collected volumes of American slave cases also evidence the profound influence of the Christian message on the institution of slavery in the years preceding the American Civil War and emancipation. For example, one Thomas Reynolds of Virginia, a Methodist believer, prepared a testamentary instrument in which he declared that 'for certain good causes, but more especially that it is contrary to the command of Christ to keep my fellow creatures in bondage, I do hereby liberate all my slaves.' When the slaves in question ultimately sued for their freedom, the lower court refused on the ground that the instrument had not been proved and recorded in a proper court. The case then went to Virginia's Court of Appeals, and its President, the great Henry St. George Tucker (1780-1848) spoke for a unanimous court: 'It would be monstrous to say that where a testator retained, till his last breath, the anxious purpose to give effect to a previous deed of emancipation, that purpose should be defeated by his casual

41 Charles Elliott, *Sinfulness of American Slavery: Proved from Its Evil Sources; Its Injustice; Its Wrongs; Its Contrariety to Many Scriptural Commands, Prohibitions, and Principles, and to the Christian Spirit*, ed. B. F. Tefft (2 vols.; Cincinnati, Ohio: Swormstedt & Power, 1850), II:25. This edition was reprinted by Negro Universities Press in New York in 1968.

42 *Ibid.*, I:87.

43 *Ibid.*, I:126.

44 *Ibid.*, II:265-66.

45 *Ibid.*, I:303-305. On Charles Elliott, see the biographical article in the *Dictionary of American Biography*. Another of Elliott's works was entitled, *The Bible and Slavery: in which the Abrahamic and Mosaic Discipline is Considered in Connection with the Most Ancient Forms of Slavery, and the Pauline Code on Slavery as Related to Roman Slavery and the Discipline of the Apostolic Churches* (1857).

death before the session of the probate court.' The former slaves were granted their freedom.⁴⁶

The historical and ideological background of such cases is clarified by Philip J. Schwarz:

Quakers and their associates provided an even better method of escape for some slaves in 1782 when they successfully lobbied in the Old Dominion's legislature for the law that thereafter allowed white emancipators to free any slaves they wanted to by deed without having to petition the state government for a private law. As Quakers, Methodists, and others began to take advantage of this legislation, they created one more ambiguous situation for slaves. The increasing number of individual manumissions for slaves encouraged early abolitionists to put more effort into advocating a general emancipation of the state's slaves.⁴⁷

IV. Concluding caveats

What do we learn from history for our continuing battle against contemporary forms of slavery? At least four important truths:

First, *we must oppose, root and branch, all forms of modern relativism.* For the post-modern relativist, there are, a priori, no absolutes. Therefore, there is nothing inherently wrong with slavery – though it may be evaluated and perhaps critiqued on (fluctuating) sociological grounds. This will simply not do. Was it not the Third Reich that endeavoured to justify its enslavement (and worse) of Jews by claiming Aryan superiority and therefore a sociological, Nietzschean, *Uebermensch* exemption from proper humanitarian standards? Sobering is an argument presented by the eminent Ugaritic scholar Cyrus Gordon:

... that it was no crime for men to copulate with animals in Ugarit is indicated by the fact that the favorite god Baal impregnated a heifer (67 : V : 17-22), a myth, which, for all we know, may have been enacted ritually by reputable priests. To the Hebrews, on the other hand, copulation with beasts was a heinous crime calling for the death penalty (Ex. 22:18; Lev. 18:23 ; Deut. 27:21). Moreover, the Bible tells us that the Hebrews' pagan

46 *Manns v. Givens*, 7 Leigh 689 at 718-19 (July 1836): *Judicial Cases concerning American Slavery and the Negro*, ed. Helen T. Catterall (5 vols.; Washington, D. C. : Carnegie Institution, 1926-1937), I:183-85. Cf. also: Barnett Hollander, *Slavery in America: Its Legal History* (London: Bowes & Bowes, 1962); Paul Finkelman, *Slavery in the Courtroom: An Annotated Bibliography of American Cases* (Washington, D. C.: Library of Congress, 1985); and William E. Wiethoff, *A Peculiar Humanism: The Judicial Advocacy of Slavery in High Courts of the Old South, 1820-1850* (Athens, Ga.: University of Georgia Press, 1996). On Tucker, see, *inter alia*, the *Biographical Directory of the United States Congress* and the *Dictionary of American Biography*.

47 Philip J. Schwarz, *Twice Condemned: Slaves and the Criminal Laws of Virginia, 1705-1865* (Baton Rouge, La.: Louisiana State University Press, 1988), 193.

neighbors practised bestiality (Lev. 18:24), as we now know to be literally true from the Ugaritic documents. All this implies that if we discuss Hebrew criminology, we should include bestiality, for in Hebrew society it was a crime. However, there is no basis for including bestiality in a treatment of the criminology of Ugarit, since it was not a crime there... The test of the significance of a social phenomenon is this: Does the group in question make an issue of it?⁴⁸

This may well serve as an adequate description of social phenomena; it is certainly *not* an adequate way of handling serious ethical issues. If bestiality is wrong, it is wrong under *all* conditions and in *any* society. If slavery is to be condemned, it is to be condemned wherever it occurs. Though tolerated (like divorce) 'for the hardness of hearts' under certain past circumstances (Mark 10: 2-9), a moral evil does not become a moral good owing to such concessions. Wrong is wrong, and sociological considerations do not change that fact.

But, secondly, this leads us to the vital point (made earlier) that *a transcendent source of ethical principles is the only adequate bulwark against the trivialising of slavery and comparable moral evils*. Any other attempted justification of anti-slavery will be no more than human opinion, which, if set forth by humans, can be revoked by humans as the sociological context changes. Thus, we need a religious foundation for our opposition to slavery – and not just any religion will do. David Brion Davis notes that when, in the 1840s, British civil servants told the Turkish sultan in no uncertain terms that slavery had to be eliminated or there would be negative political consequences, Viscount Ponsonby, the ambassador to Turkey, reported that the message was heard 'with extreme astonishment accompanied with a smile at a proposition for destroying an institution closely interwoven with the frame of society in this country, and intimately connected with the Law and with the habits and even the religion of all classes, from the Sultan himself down to the lowest peasant'.⁴⁹ A current website in defense of Islam (http://sdsd.essortment.com/educationfrom_rfxl.htm) readily admits that 'slavery is not prohibited in Islam'. Davis puts it starkly: 'Like algebra and knowledge of the Greek classics, racial slavery appears to have been one of the Arabs' contributions to Western civilization.'⁵⁰ In a word, one must choose one's transcendental foundation very carefully.⁵¹

Thirdly, even if one arrives at absolute moral principles, *one must discover a way of interiorising genuine human dignity*: the heart will need to be changed, or one will not regard one's neighbour as oneself and enslavement of the neighbour

48 Cyrus H. Gordon, *Ugaritic Literature: A Comprehensive Translation of the Poetic and Prose Texts* (Rome: Pontificium Institutum Biblicum, 1949), 8.

49 Quoted in Davis, *Slavery and Human Progress*, 302.

50 David Brion Davis, *Religion, Moral Values, and Our Heritage of Slavery* (New Haven: Yale University Press, 2001), 148.

51 Cf. Alvin J. Schmidt, *The Great Divide: The Failure of Islam and the Triumph of the West* (Boston, Mass.: Regina Orthodox Press, 2004), chap. 4 ('Slavery'), 100-22.

will remain a live possibility. In one of the most pregnant interchanges in Jesus' ministry, the following dialogue took place:

Then said Jesus to those Jews who believed in him, If you continue in my word, then you are my disciples indeed, and you shall know the truth, and the truth shall set you free.

They answered him, We are Abraham's seed, and were never in bondage to anyone: how do you say, You shall be made free?

Jesus answered them, Verily, verily, I say to you, Whosoever commits sin is the slave to sin – and the slave does not remain in the house forever; but the Son abides forever. If the Son therefore shall make you free, you will be free indeed. (John 8: 31-36)

Jesus' hearers, ironically, were in hopeless bondage to the Romans, who had subjugated Israel and would, in A.D. 70, destroy the Temple and cause the dispersion of the Jewish people for millennia. But their immediate problem was their lack of recognition that their worse slavery followed from their own self-centredness. They needed changed hearts – which Jesus offered to them as a entirely free gift. It is that transformation which alone can provide the essential motivation to give up slaving practices. No philosophy, ideology, or humanistic panacea can achieve this – and without it all the moralistic rhetoric in the world will achieve little, as past history has abundantly demonstrated.

Finally, *one must see the larger picture*. Slavery is but one affront to human dignity. Its basic error is not to recognise the humanity of all those who benefit from the same genetic-chromosomal nature. Slavery refuses to treat genuine human beings as such; it reduces them to things, to chattel. This is precisely what occurs in other realms, and we must see the pattern, so that we do not engage in limited crusades instead of fighting the problem at its core.

When legal philosopher Ronald Dworkin's book, *Life's Dominion*, was published, the author gave a public lecture, followed by discussion, in London. The argument of the book is that, owing to the need for the state to allow for religious differences, the civil law should stay clear of the abortion issue, since it is a religious matter (some arguing against it on the basis of their convictions, others arguing the other way according to their value-system). I posed the question: 'Like the slave, the fetus satisfies the entire genetic-chromosomal definition of a human being, but is incapable of defending his or her rights, including the right to life. I assume, therefore, on the basis of the argument in your book, that you would have stayed clear of the fight to emancipate the slaves and would have opposed efforts to legislate against slavery – since the acceptance or rejection of slavery likewise turns on conflicting ideological values?' Dworkin would not

accept the logic of the analogy – overwhelming as it is – so, needless to say, my question did not receive a satisfactory reply.⁵²

Fundamental moral questions are always interlocked. We must therefore fight modern variants of slavery with the clarity which comes from a transcendental perspective – and at the same time recognise the need simultaneously to battle against the multifarious parallel affronts to human dignity which mask as ‘choices’ rather than what they really are: devices to reduce human persons to the status of means rather than ends.

Abstract

Slavery continues to be practiced in many parts of the world: not only chattel slavery but also indirect varieties (enforced child labour, prostitution, debt enslavement, etc.). Secular organisations opposed to these practices seek to provide a suitable philosophical counter to those supporting or tolerating the evils.

The present paper considers natural law and neo-Kantian arguments and finds them wanting. It then looks at biblical principles and the history of the abolition of the slave trade in England and the emancipation movement in the United States (eighteenth and nineteenth centuries). From this ideological and historical survey, an attempt is made to discover why Enlightenment principles, as exemplified by the French *philosophes*, Thomas Jefferson, and other Revolutionaries, failed to impact, whilst evangelical Christians (Granville Sharp, John Newton, Wilberforce, et al.) succeeded in their hard-won crusade to outlaw slavery.

By way of conclusion, a parallel is drawn with the contemporary right-to-life movement and jurisprudent Ronald Dworkin’s position on abortion.

52 See John Warwick Montgomery, ‘New Light on the Abortion Controversy?’, *New Oxford Review* 60/7 (September 1993), 24-26; *Slaughter of the Innocents: Abortion, Birth Control and Divorce in Light of Science, Law and Theology* (Westchester, Ill.: Crossway Books, 1981); and ‘Human Dignity in Birth and Death: A Question of Values’ in his *Christ Our Advocate* (Bonn: Verlag für Kultur und Wissenschaft, 2002), 153 ff. Cf. John Warwick Montgomery, ‘Evangelical Social Responsibility in Theological Perspective,’ in Gary Collins (ed.), *Our Society in Turmoil* (Carol Stream, Ill.: Creation House, 1970), 13-23, 281-82.