

***Black Natural Law* and the Complexity of Black Christian Political Engagement**

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Review: Vincent W. Lloyd, *Black Natural Law* (Oxford University Press, 2016). Hardcover; E-Book, 200 pp., \$72.00.

In the spring of 1963, Dr. Martin Luther King Jr. participated in civil rights demonstrations in Birmingham, Alabama that landed him in prison. While serving his sentence, he penned an open letter to “My dear Fellow Clergymen” who had published an editorial pleading with King and his associates to steer clear of the city. They did not aim to keep King safe from ruthless segregationists, but to preserve the peace in a city that had come to be known as “Bombingham.” King defended the campaign in part by describing the invalidity of the laws they protested. “To put it in the terms of Saint Thomas Aquinas, an unjust law is a human law that is not rooted in eternal and natural law.”¹ By appealing to natural law, King placed himself within a vast tradition of political theology, including, as recently argued by Vincent W. Lloyd, the Black natural law tradition.

Lloyd published *Black Natural Law* with the intent of pluralizing the natural law tradition by introducing readers to the ways that African American political leaders drew on European natural law traditions and the Black experience in America to “formulate a largely autonomous natural law tradition” (vii). The book examines the rhetoric of four key African American political leaders who exemplified Black natural law to establish the key characteristics of this tradition. This review argues that Lloyd’s Black natural law lacks proper engagement with the religious and philosophical context of his central figures, which results in a theory of natural law grounded not in transcendent truth but in immanent humanity. Without this transcendent grounding, Black natural law fails to attain what Augustine considered true and lasting peace and justice. After a brief review of Lloyd’s theory presented in *Black Natural Law*, this paper offers a critique of Lloyd’s use of the background and religious thought of one of his exemplary figures, Frederick Douglass. As the valence of Black natural law depends on uncovering the power of Black Christian political engagement,

¹ Martin Luther King, Jr., *A Testament of Hope: The Essential Writings and Speeches*, ed. James M. Washington (San Francisco, CA: HarperOne, 2003), 293.

it stands to reason that it cannot do so without proper understanding of the historical context of that engagement.

Situating Black Natural Law

Vincent Lloyd identifies Black natural law as a distinct tradition of African American political philosophy with a unique contribution to make to contemporary conversations on natural law and political philosophy; he aims to pluralize the natural law tradition by demonstrating how key African American leaders in the last two centuries developed, articulated, and performed Black natural law.² He chooses four African American political thinkers—Frederick Douglass (1817–1895), Anna Julia Cooper (1858–1964), W.E.B. Du Bois (1868–1963), and Martin Luther King Jr (1929–1968)—to serve as his *loci classici* for Black natural law. These figures appealed to natural law to object to a status quo of marginalization and oppression against African Americans.³

Lloyd does not offer an explicit definition but instead identifies the essential characteristics of Black natural law through the writings of these figures. Black natural law upholds a holistic view of human nature, its first characteristic. Lloyd finds natural law theories that focus on the role human reason plays in discerning natural law to be too restrictive. In contrast, he suggests Black natural law utilizes a more expansive view that depicts human nature as irreducibly complex; reason works with, not above, emotion, imagination, experience, and more in order to access natural law (158). The second characteristic emphasizes the epistemic privilege of African Americans. African Americans can refer to their experiences of oppression and marginalization and then reason that the laws of the land are incongruent with God’s natural law (150). This leads to the third characteristic and ultimate purpose of Black natural law: ideological critique and movement organization. Black natural law remains incomplete without taking the knowledge gained from discerning natural law to address and correct human laws (119, 146).

Black natural law also counters the trend of secularization in the public square by attempting to make space for religious considerations within the political sphere (150-52),

² Lloyd, *Black Natural Law*, 149: “Explicating black natural law is meant, in part, to loosen the dominance of one approach to this rich vein of ethical and political thought.”

³ For more on the complexities of the intersection between Black religion and Black politics, see Barbara Dianne Savage, *Your Spirits Walk Beside Us: The Politics of Black Religion* (Cambridge, MA: Belknap Press, 2012).

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albeit without exclusive reference to a particular religious tradition.⁴ However, Lloyd's approach presents certain problems to the reader.

Lloyd intentionally sequesters his subjects from their historical contexts. He argues that secondary literature that views the limitations and contexts of individuals "nearly forecloses their humanity" (xiv); understanding his figures requires taking their writings and speeches in totality and isolation. To his credit, Lloyd acknowledges that his approach can have "potentially problematic effects," but he sees those effects as giving his subjects the appearance of perfection or essential similarity (xiii-xiv). Rather than seeing the removal of his historical subjects from their context as contributing to these effects, he sees removal as the means to combat them.

When Lloyd separates his key figures within the Black natural law tradition from their historical contexts, he also separates them from their theological contexts, rendering their ideas less intelligible. This means that, whatever effort Lloyd puts into taking these thinkers on their own terms, he leaves readers without the necessary handholds that allow them to understand the words of a particular thinker and how they responded to issues of their time. For example, without establishing the broad intellectual context of natural law, readers cannot make sense of King's appeal to natural law in his famous Birmingham letter above. Lloyd's engagement with Frederick Douglass, his "paradigm for the black natural law tradition" (2), provides a potent example of some of these faults in his ahistorical method, which have implications for the viability of his project.⁵

Black Natural Law and Frederick Douglass

According to Lloyd, Frederick Douglass established his natural law theory on the cornerstone of "our common humanity" (3). Douglass favored an anthropology of holistic unity that included human reason, but added speech, knowledge, hopes, fears, and prophecies, which together he Lloyd calls "irreducible mystery" (21), as essential

⁴ For a sustained engagement of this worthy aspect of Lloyd's approach, see Richard Kent Evans, "Redeeming the Human: Black Natural Law, Secularism, And Human Rights," *Politics, Religion & Ideology* 20, no. 2 (June 2019): 265.

⁵ Good historical thinking involves considering the context and causality of a moment or figure under study. Citing the work of Thomas Andrews and Flannery Burke, John Fea, *Why Study History?: Reflecting on the Importance of the Past* (Grand Rapids: Baker Academic, 2013) lists the "five Cs of historical thinking" as change over time, context, causality, contingency, and complexity. The five C's help a historian think about the past in a way that stewards their responsibilities as chroniclers of the past well.

characteristics that separated humans from animals but also rendered all humans equal, regardless of race or status.⁶ But Douglass placed a high premium on the truth evident to all, discernable through reason.⁷ While slavery distorted the proper perception of human nature, Douglass believed people could still be shown the great evil inherent in slavery by demonstrating the horrors of the practice.⁸ He appealed to natural law because he considered it “on our side, and co-operates, with all honest efforts, to lift up the down-trodden and oppressed in all lands.”⁹ Douglass found an ally in natural law, which could help him correct unjust and inhumane laws because humans at their core cannot deny the objective truths of natural law given by a God who acts in history.¹⁰ While Douglass articulated an anthropology of complexity, as an abolitionist trained in the Garrisonian tradition, he returned to reason as his primary buttress in his arguments against white supremacy.

Douglass often wrapped his appeals to truth and reason within tightly packed prophetic oratory that delivered an emotional punch.¹¹ Perhaps his most famous speech, “What to the Slave is the Fourth of July?,” contained “biting ridicule, blasting reproach, withering sarcasm, and stern rebuke” for the ways America had perpetuated slavery, which Douglass considered “crimes against God and man.”¹² Douglass, the prophet, delivered these rebukes to call the nation to greater faithfulness to the law of God. The punch, however, was not the point; no matter how well Douglass played on the emotions of his listeners to gain a hearing, his invocations of natural law did not appeal to infinite complexity within humanity or the epistemic privilege of slaves, but to the logical and moral contradiction of man living in perpetual bondage to another man. Douglass’s ability to lay bare that contradiction relied on what he considered the innate moral sense of right and wrong within all people, from the

⁶ Writing in 1854, Douglass, *The Frederick Douglass Papers: Series One: Speeches, Debates, and Interviews*, ed. John W. Blassingame and John R. McKivigan (New Haven: Yale University Press, 1979), 2:502, used these differences to cast the theory of evolution as a “scientific moonshine that would connect men with monkeys.” The significance of common humanity could not be diminished for Douglass.

⁷ Douglass, *The Frederick Douglass Papers*, 3:462, believed it “better remain dumb than utter a falsehood—better repeat the old truth forever than to spin out a pure fiction.”

⁸ Douglass, *The Frederick Douglass Papers*, 4:94–95.

⁹ Douglass, *The Frederick Douglass Papers*, 5:61, quoted in Lloyd, *Black Natural Law*, 23.

¹⁰ Blight, *Frederick Douglass*, 52, 349, 419, 432–34.

¹¹ Douglass biographer David W. Blight, *Frederick Douglass: Prophet of Freedom* (New York: Simon & Schuster, 2018), 156, 179, 228, 515, 558, 681, highlights Douglass’s affinity for the Hebrew prophets Isaiah and Jeremiah and describes many of Douglass’s speeches as jeremiads against a nation steeped in hypocrisy.

¹² Douglass, *The Frederick Douglass Papers*, 2:371.

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slaveholder to the abolitionist and everyone in between. Douglass's explicit references to God's higher law carried with them confidence in God's ultimate purposes being fulfilled.¹³

Frederick Douglass's Christianity and the Natural Law

Douglass derived that innate moral sense from his conception of a transcendent lawgiver willing to intervene in history. Lloyd acknowledges that Douglass drew his natural law from Christian convictions (4, 12), but often characterizes Douglass's faith in anthropocentric, rather than theocentric, terms. For example, Lloyd interprets Douglass's persistent critique of hypocrisy within American Christianity to mean that Douglass considered "real religion is a religion of humanity, turned inward first and then manifested in social action" (15). Yet his hope in the true "Christianity of Christ" led Douglass to critique "slaveholding religion."¹⁴ Douglass's use of and appreciation of Christian Scripture demonstrates the source of this hope. He soaked his writings and speeches with biblical references and allusions,¹⁵ and he tied his belief in the Bible to his confidence in the Constitution's declarations of equality, eventually coming to interpret both according to the overriding spirit of the text rather than the specific letter.¹⁶

Douglass held more than mere appreciation for the Bible. On his trip to Italy and Greece in 1888, Douglass focused intently on the path of Paul through Rome and the fate of Christians in ancient Greece, and the superiority of Christianity over Catholicism or Islam in Egypt.¹⁷ In the weeks following his death, many personal friends and pastors eulogized Douglass with frequent reference to his devotion to Christ and his teachings, even though he

¹³ For example, the "monstrous" decision in the Dred Scott case "may be one necessary link in the chain of events preparatory to the downfall and complete overthrow of the whole slave system" (*The Frederick Douglass Papers*, 3:168-69). For more on how Douglass's optimism translated into an aspirational view of America with regard to slavery and Black oppression, see Lucy Williams, "Blasting Reproach and All-Pervading Light: Frederick Douglass's Aspirational American Exceptionalism," *Journal of American Political Thought* 9, no. 3 (June 2020): 369-95.

¹⁴ The classic statement of Douglass's critique of religious hypocrisy comes from his first autobiography, *The Narrative of the Life of Frederick Douglass*, in Frederick Douglass, *Frederick Douglass: Autobiographies*, ed. Henry Louis Jr. Gates (New York: Library of America, 1994), 97-98. Published in 1845, Douglass distinguishes between "slaveholding religion" and "the true Christianity of Christ," and the "necessity" to "recognize the widest possible difference" between the two.

¹⁵ In addition to the speeches referenced above, "Slavery and the Slave Power," *The Frederick Douglass Papers*, 2:249-260, also contained much biblical language, especially in Douglass' use of "the image of God." For more on Douglass's familiarity with Scripture, see Blight, *Frederick Douglass*, 33, 122, 237, 677.

¹⁶ Douglass, *The Frederick Douglass Papers*, 3:182. See also D. H. Dilbeck, *Frederick Douglass: America's Prophet* (Chapel Hill: University of North Carolina Press, 2018), 75-79.

¹⁷ Blight, *Frederick Douglass*, 671-75.

eschewed formal church membership later in life.¹⁸ The anthropocentric faith Lloyd describes cannot account for Douglass's Christianity as revealed in his writings and by those who knew him best.¹⁹ Removing Douglass from his historical and theological context hampers Lloyd's interpretation of Douglass's use of natural law.

Removing Douglass from the context of the secondary literature also risks misunderstanding the man. A long historiographical debate has centered on just what characterized Frederick Douglass's Christianity. Was it of a more nineteenth-century Evangelical variety, or did he fall in a more religious liberal camp?²⁰ Lloyd, perhaps unintentionally, wades into this debate. He presents Douglass's faith in anthropocentric terms, along the lines of what one might expect from a religious liberal in the nineteenth (or twenty-first) century. This approach makes it possible to situate Douglass's appeals to natural law alongside Anna Julia Cooper, W.E.B. Du Bois, and Martin Luther King Jr., or at least insofar as Lloyd depicts them. But this approach also risks appropriating historical figures for particular agendas rather than taking them on their own terms.

Perhaps Lloyd sides with Waldo Martin and William Van Derberg in tracing Douglass's faith development from traditional evangelicalism to religious liberalism, downplaying God's providential role in his philosophy and theology.²¹ However, David Blight, both in *Frederick Douglass' Civil War* (1989) and in his recent prize-winning biography, emphasizes the providential view of history that Douglass held throughout his life.²²

If Douglass's conception of God had a more interventionist, millenarian character, then his appeals to natural law must be interpreted according to that view. To be sure, Douglass's views of Christianity and its relationship to the American Church developed and changed over time. Many of his interlocutors within the Black community were pastors, such as Henry Highland Garrett and Francis Grimké, but he also maintained a deep connection with Otilie

¹⁸ Dilbeck, *Frederick Douglass*, 78-80, 160-63.

¹⁹ Lloyd has since suggested that perhaps a greater emphasis on the concept of the *imago dei*, or the image of God in man, might bridge the chasm between anthropocentric and theocentric religion. Indeed, Lloyd engages this concept well in his consideration of Martin Luther King, Jr in the book.

²⁰ In many ways these two categories exist more as ends on a spectrum rather than discrete religious options. However, they do offer a helpful categorization for understanding the shape of nineteenth-century American Christianity in order to help us understand Christian figures of the era.

²¹ William L. Van Deburg, "Frederick Douglass: Maryland Slave to Religious Liberal," *Maryland Historical Magazine* 69, no. 1 (Spring 1974): 27-43; Waldo E. Martin, *The Mind of Frederick Douglass* (Chapel Hill: University of North Carolina Press, 1984).

²² David W. Blight, *Frederick Douglass' Civil War: Keeping Faith in Jubilee* (Baton Rouge: Louisiana State University Press, 1989).

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Assing, who often sought to convert Douglass to atheism.²³ While Douglass often thundered with language drawn from the biblical text in his denunciations of hypocritical or complacent Christianity, his references to God's providential action on behalf of African Americans decreased after the Civil War and especially after the overthrow of Reconstruction. He continued to suspect the ways the American Church, both black and white, displayed complicity in upholding the racial status quo, and he often resorted to natural law language to denounce such a tendency (as Lloyd rightly highlights). But Douglass aspired to a nation and church that held firmly to its professed convictions as stated in their foundational documents.

D.H. Dilbeck attributes these changes to Douglass's shifting goals after emancipation.²⁴ Douglass desired his fellow African Americans to stand on their own, convinced that were the rest of the nation to give the freedmen an equal chance, they would prove the lie of white supremacy.²⁵ He did not want members of his race to complacently lean on God's providential action to bring about the necessary changes in America but should consider it part of their duty to follow God's eternal law to bring about a nation committed to its stated ideals. Like many nineteenth-century Protestants, Douglass held to a millenarian hope in the eventual realization of God's heavenly city.

Douglass's appeals to a transcendent natural law and lawgiver place him more comfortably within the Augustinian tradition. If our frame of reference for black natural law remains human centered, earthly peace represents our best and only hope, and even then, that hope remains very far off and tempered by the reality of opposition from the status quo.²⁶ But if there exists an external and eternal reference point, then both individuals and all humanity can look forward to an ultimate completion of justice and righteousness, as Frederick Douglass did. Indeed, the viability of any natural law theory depends at least in part on some grounding in the transcendent, since only a transcendent worldview can sustain

²³ Blight, *Frederick Douglass*, 515, considers any claims that Assing found success in this endeavor "dubious, at best."

²⁴ Dilbeck, *Frederick Douglass*, 142: "Yet any apparent changes in Douglass's later theology had less to do with some new understanding of God and far more to do instead with the new social and political challenges confronting African Americans after emancipation."

²⁵ See Blight's discussion of Douglass's "let alone" philosophy, seen most clearly in his "The Self-Made Man" speech. Blight, *Frederick Douglass*, 563-68.

²⁶ According to Augustine in *The City of God*, XIX.14, "In the earthly city ... all use of temporal things is directed to the enjoyment of earthly peace," whereas "in the heavenly city ... it is directed to the enjoyment of eternal peace."

such a burden, especially regarding Lloyd’s primary concerns of justice and the critique of idolatry.²⁷

Without an external reference point for natural law, theorists risk falling into a snare from which they cannot escape. Douglass, however, did not do so. His invocations and practice of natural law, whether Black or European, maintained connection to the Creator God who orders the universe. Even through the trials and travails of slavery, the Civil War, the dashed hopes of Reconstruction, and the rise of Jim Crow segregation, Douglass held onto hope in God’s eternal purposes.²⁸ Though those hopes may have flagged later in life in the face of such challenges, Dilbeck and Blight show that thinkers like Martin go too far in their characterizations of Douglass’s faith as anthropocentric. In any case, the debate itself contributes to a more accurate and nuanced understanding of Douglass’s religious and philosophical thinking. Lloyd’s approach forecloses such nuances and risks oversimplifying Douglass in order to fit his Black natural law thesis.

Conclusion

Efforts to place historical figures in their context with all their limitations do not “foreclose” their humanity but illuminate the complexity of their humanity. Considering historical figures requires recognizing that “human behavior does not easily conform to our present-day social, cultural, political, religious, or economic categories.”²⁹ Lloyd addresses the challenge of complexity by removing his subjects from their contexts and focusing on how each conforms to “Black natural law,” but he risks imposing categories foreign to their patterns of thought. Attending to the context and complexity of historical figures, how they changed over time, and the contingency of their actions and the causes and effects of their views forecloses our agendas with them without relegating them to the confines of historical antiquarianism. The past proves most useful when we think historically about people first, and only then attempt to interpret their lives and works within a particular framework. Douglass’s natural law

²⁷ Augustine, *The City of God*, XIX.4, 506: “And justice, whose office it is to render to every man his due, whereby there is in man himself a certain just order of nature, so that the soul is subjected to god, and the flesh to the soul, and consequently both soul and flesh to God—does not this virtue demonstrate that it is as yet rather laboring towards its end than resting in its finished work?”

²⁸ Augustine, XIX.14, 516: “But, owing to the liability of the human mind to fall into mistakes, this very pursuit of knowledge may be a snare to him unless he has a divine Master, whom he may obey without misgiving, and who may at the same time give him such help as to preserve his own freedom.”

²⁹ Fea, *Why Study History?*, 13.

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framework included the concept of God as transcendent lawgiver, and a failure to account for this aspect of Douglass's faith and philosophy poses questions to whether Black natural law can be sustained without explicit reference to the transcendent.

It is unfair to criticize non-historians for not being historians. But given Lloyd's expressed intention to purge the dross of context from his figures, we would do well to ask what might be lost in such a process. It seems to me that for Black natural law to be understood, we need to understand not only the various ways these thinkers invoked natural law but also what they had in mind and what sources they had in mind when they attempted to apply it. Can Lloyd draw upon Douglass's thought if he doesn't characterize him in a way the man himself would recognize? This stands as the perennial preoccupation and vexation of the historian. But it endures as a necessary question for anyone who wishes to resource the past.

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