

FOR WHAT SHALL WE REPENT? REFLECTIONS ON THE AMERICAN BISHOPS, THEIR TEACHING, AND SLAVERY IN THE UNITED STATES, 1839–1861

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[The author explores the intersection of history and theology, focusing on a theological analysis of the American Catholic response to slavery. The article places 19th-century episcopal Catholic teaching and practice on slavery in the context of memory and repentance. Using current papal documents calling for repentance of the Church's past failings, the article reflects on American Catholic responses to slavery and draws out the religious and moral implications of American episcopal teachings on slavery, with an emphasis on the relationship between inadequate or false teaching and church practice. The topic has implications for studies on the development of moral doctrine.]

WHEN MEMBERS OF THE hierarchy of the Catholic Church in America in the 19th century looked at Catholic involvement in slavery and determined that slavery must be handled politically, and not morally, they assumed that slavery was not necessarily immoral.¹ To us that approach seems grossly inadequate. Our reaction to the bishops' action raises a series of questions about the accuracy of the Church's teaching on slavery, or the American bishops' interpretation of that teaching. Whether one judges inadequate the teaching (as expressed, for instance, in Pope Gregory XVI's *In supremo apostolatus*, 1839) or the bishops' interpretation of that teaching, a teaching authority of the Church appears to have misled Catholics about the morality of slavery. If the teaching was incorrect, then, we are forced to ask whether incorrect teaching that contributes to improper Christian behavior is something for which the Church must repent. I pursue

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¹ My thanks to Joseph Komonchak, Jean Porter, and John Quinn, and to the helpful comments of the anonymous reviewers at *Theological Studies*.

this question's answer at the intersection of history and theology; focusing in particular on a theological analysis of the American Catholic hierarchy's response to slavery. I frame this pursuit in the architecture of recent papal and theological reflection on memory and repentance. Reflecting on the history within this framework can help draw out the religious and moral implications of the American episcopal teachings on slavery—with a special emphasis on the relationship between inadequate or false church teaching and church practice.

Before proceeding to ask this question, I must distinguish the pursuit of its answer from erroneous deductions about the implications of possible responses. If, as I shall argue in this article, John Paul II believes erroneous teaching is suitable for apology and repentance, that should not be understood to undermine church teaching in general, nor to commit us to assuming crass political machinations for any particular erroneous teaching. Actually, a study like this will show the opposite; that despite good faith, teaching can be erroneous. Likewise, it is false to equate errors in some teachings with the possibility, probability, or existence of error in all teaching. Doctrine develops, and one responsibility of theologians is to scrutinize church teaching and make the necessary distinctions between development and departure. The notion of doctrinal development entails a notion of doctrinal continuity. And, finally, it is wrong to identify the teaching authorities of the Church, or any single person or group of persons, with the Church. That some Church teaching may have been erroneous, or that some Catholics (individuals, popes, even religious orders) may have bought or held slaves, does not mean the Church erred, or the Church held slaves.² Whatever rhetorical advantages arise from such assertions as “the Church held slaves,” do so at the expense of common sense and ecclesiological precision.

PAST WRONG AND REPENTANCE

In his 1994 apostolic letter, *Tertio millennio adveniente*, John Paul II says the Church must “become more fully conscious of the sinfulness of her children, recalling all those times in history when they departed from the spirit of Christ and his Gospel and, instead of offering to the world the witness of a life inspired by the values of faith, indulged in ways of thinking and acting which were truly forms of counter-witness and scandal.”³ The

² Of course this raises controversial issues in ecclesiology, none of which I can pursue here. The point is merely to note the distinction between the Church as corporate entity and specific levels of agency within the Church. See Vatican II, the Dogmatic Constitution on the Church, *Lumen gentium* no. 8.

³ Translated as “On the Coming of the Third Millennium,” no. 33. Latin original

subject of past wrong and repentance informs much current popular and academic discussion. Some argue that we are in the “Age of Apology.”⁴ Recently, the historian Garry Wills challenged the Catholic Church’s “deep structures of deceit” and, in his words, its inability to come clean and admit past error.⁵ Wills believes the Church constitutionally incapable of truth, creating in Catholics “a habit of skepticism or secret infidelity as regards all dogmatic truth.” Most Catholics, or most Catholics Wills knows, do not believe a word the pope says. If Wills’s dour remarks are within a sniff of the truth, then the pope’s encouragement to repentance comes at a good time indeed.

Wills represents one side of a recent two-sided discussion within Catholicism that centers on appropriate ways to read history in the Church. On the one hand, there are those such as Wills who condemn those in the past who failed to see moral issues as clearly as they do. On the other, there are those unwilling to make any moral judgments about past actions and beliefs. Unfortunately, the parties rarely engage each other and often speak on different levels or about different subjects. The pope’s recent pronouncements are compelling the parties to confront each other. His statements reject both alternatives, and encourage the sympathetic and unsentimental engagement of history. John Paul II invites us to judge our predecessors, but in humility. The way out of the apparent impasse that separates the parties involves a deeper appreciation of the complexities and ambiguities of history that render all quick judgments suspect. Our connection with the past makes judgment possible and necessary if we are to appropriate our past as a living part of our heritage.

The pope’s challenge to Christians requires that we ascertain where the Church departed from Christ’s spirit, and where it did not. I question whether the U.S. Catholic bishops departed from the spirit of Christ and his gospel by not condemning slavery in America.⁶ Because it seems to have been largely ignored in responses to the challenge of *Tertio millennio*

in *Acta apostolicae sedis [AAS]* 87 (1995) 5–41. I cite from John Paul II, *On the Coming of the Third Millennium: Apostolic Letter “Tertio Millennio Adveniente”* (Washington: USCC, 1994). Hereafter, *Tertio*.

⁴ Roy L. Brooks, “The Age of Apology” *When Sorry Isn’t Enough*, ed. Roy L. Brooks (New York: New York University, 1999) 3–12.

⁵ Garry Wills, *Papal Sin: Structures of Deceit* (New York: Doubleday, 2000). For a more general discussion of institutional repentance, see Elazar Barkan’s *The Guilt of Nations* (New York: Norton, 2000).

⁶ On “slavery,” I follow Orlando Patterson’s definition of slavery as “the permanent, violent domination of natally alienated and generally dishonored persons.” See Orlando Patterson, *Slavery and Social Death: A Comparative Study* (Cambridge, Mass.: Harvard University, 1982) 13; emphasis in original. Catholic Theologian Michael J. Baxter, C.S.C., alleges the bishops departed from the “spirit of Christ” in his “Writing History in a World Without Ends: An Evangelical Catholic

adveniente, I am most interested in attending to the relationship of church teaching to church action: is it possible that erroneous, unclear, or incomplete teaching led and leads to Christian behavior worthy of regret or even apology?

AN OVERVIEW

My article proceeds in three parts. First, I explore recent church documents that support concluding that teaching errors have contributed to climates in which children of the Church did what was objectively wrong.⁷ Secondly, I turn to the specific case of slavery in the United States. I analyze the American bishops' reception of Gregory XVI's apostolic letter *In supremo apostolatus* (1839). I then focus primarily on Bishop John England of South Carolina. Bishop England defended Catholicism against accusations that it opposed every form of slavery. Recently, there has been much criticism of the bishops' (in)action. This criticism provides the opportunity to exhibit the difficulty, of understanding and evaluating past errors. Thirdly, I make some final comments and raise questions.

The promulgation of *Tertio millennio adveniente* on November 10, 1994 was a critical event in John Paul II's papacy. Joseph Komonchak calls it one of the "most remarkable documents of the pontificate."⁸ The text calls on the Church to prepare for the new millennium.⁹ This "can only be expressed in a renewed commitment to apply, as faithfully as possible, the teachings of Vatican II to the life of every individual and of the whole Church" (no. 20). The document describes the examination of conscience that the Church had to make at the end of the millennium. This preparatory step may lead to greater unity among Christians. The pope hoped that

Critique of United States Catholic History," *Pro Ecclesia* 5 (1996) 440–69, at 441. Baxter's sights are set on "Americanist" historians, among whom he counts John Tracy Ellis. According to Baxter, evidence of Ellis's Americanism comes in the historian's inability to see either that slavery violates the law of Christ, or if Ellis does see it, to "write it into his account, with the judgment that the bishops and laity who supported the institution of slavery were in error."

⁷ I use "doctrine" throughout to refer to church teaching broadly considered and not limited either to dogma or to papal pronouncements. Church teaching can thus be understood as dominant theological opinion, or the teaching of individual or collected bishops speaking on behalf of the Church. On these and similar points, see Francis Sullivan, *Magisterium: Teaching Authority in the Catholic Church* (New York: Paulist, 1983), especially chap. 7.

⁸ Joseph A. Komonchak, "Preparing for the New Millennium," *Logos* 1:2 (1997) 34–55, at 34.

⁹ John Paul II refers to preparation for the year 2000 as the "hermeneutical key" of his pontificate (no. 23). See also Komonchak, "Preparing for the New Millennium" 34.

“the Jubilee will be a promising opportunity for fruitful cooperation in the many areas which unite [Christians]” (no. 16).

In *Tertio millennio adveniente* (no. 23) John Paul II emphasizes the task of spiritual preparation.¹⁰ The Jubilee is a special time for the Church, distinct from other times and different from other anniversaries. The Jubilee is “a ‘year of the Lord’s favor,’ a year of the remission of sins and of the punishments due to them, a year of reconciliation between disputing parties, a year of manifold conversion and of sacramental and extra-sacramental penance” (no. 14). The Jubilee of the year 2000, which the Church celebrated as a Great Jubilee, is “aimed at an increased sensitivity to all that the Spirit is saying to the Church and to the Churches. . . . The purpose is to emphasize what the Spirit is suggesting to the different communities, from the smallest ones, such as the family, to the largest ones, such as nations and international organizations . . .” (no. 23). The entire community of Christians was called upon to undergo self-examination and penance: no one and no community is exempt. Thus, the pope: “. . . the Church should become more fully conscious of the sinfulness of her children, recalling all those times in history when they departed from the spirit of Christ and his Gospel and . . . indulged in ways of thinking and acting which were truly forms of counter-witness and scandal” (no. 33). The pope bases the joy of the Jubilee on this process of conversion from sin.

Confession, forgiveness, and reconciliation have been recurring themes of this present pontificate. Luigi Accattoli’s *When a Pope Asks Forgiveness: The Mea Culpa’s of John Paul II* collects 94 quotations in which John Paul II asks forgiveness or pardon for the Church.¹¹ In 1984 he issued the apostolic exhortation “Reconciliation and Penance” devoted to this theme and in which he announced his intention to make reconciliation the theme of the Jubilee.¹² His encyclical letter *Ut unum sint* (1995) asks forgiveness from other Christians for those sufferings brought on by Catholics.¹³

Often, however, friends and foes misinterpret the pope’s bold moves toward honest confession of Christian sinfulness. Those fashioning themselves supporters of the Church mute the challenge. Critics, like Wills, miss the boldness because of the prominence of their own agendas and timetables. One party criticizes the pope for acting at all; the other criticizes him for not acting swiftly or comprehensively enough. One way that the challenge is muted is through failing to attend to the relationship of mistaken

¹⁰ I follow Komonchak, “Preparing for the New Millennium” 36–37.

¹¹ Luigi Accattoli, *When a Pope Asks Forgiveness: The Mea Culpa’s of John Paul II*, trans. Jordan Aumann, O.P. (Staten Island, N.Y.: Alba, 1998).

¹² John Paul II, apostolic exhortation on *Reconciliation and Penance in the Mission of the Church Today*, December 2, 1984, AAS 77 (1985) 257–67.

¹³ John Paul II, encyclical letter *Ut Unum Sint*, May 25, 1995, AAS 87 (1995) 921–82.

or incomplete teaching to formerly accepted practices we now condemn. The pope provides grounds for considering the possibility those past failings are not merely moral, sinfully falling short of what Christians ought to do. The failings may also be doctrinal—mistakes about what Christianity ought to require. Well-meaning church leaders precisely in fulfillment of their official duties, including speaking on behalf of the Church, may have made these errors. What grounds does the pope provide for considering that these errors may have been doctrinal?

The evidence against extending consideration of failure beyond individual actions to doctrinal error appears strong. Cardinal Avery Dulles explicitly denies that the pope asks for the admission of doctrinal error. He thinks “the Pope is not proposing confessions of doctrinal error, but only confessions of failure *to act* according to the Church’s standards of belief and conduct.”¹⁴ Dulles offers this interpretation in response to criticisms of the pope’s agenda for the Jubilee. He notes in particular the objection of Cardinal Giacomo Biffi of Bologna who worries that the “young or less educated” may be scandalized and confused by calls for ecclesiastical penance.¹⁵ “The proposal,” continues Dulles in his response, “does not call into question the holiness of the Church or the reliability of its message. . . . [T]he Church has always admitted that its members, whether ordained or lay, commit sins and practical blunders.”¹⁶ And at no point in *Tertio millennio adveniente* does the pope refer explicitly to doctrinal error. So, is the text just continuing the age-old practice of admitting the sins and blunders of its children?

The pope means more than Dulles’s interpretation allows. John Paul II refers to the “ways of thinking” for which the Church must repent (no. 33). Thus, where Dulles restricts the confessions to actions, the pope’s reference to “ways of thinking and acting” opens wider possibilities for consideration. The phrase urges us to consider the distinction between “ways of thinking” and “ways of acting.” Might the Pope be referring merely to some of the ways individual Christians thought about certain issues? Is there any basis for construing “ways of thinking” as pertaining to the teaching of the Church?

In the opening of the third section of *Tertio millennio adveniente*, John Paul II writes of the Second Vatican Council as a “providential event” (no. 18). At the council the Church showed how “the ‘old’ and the ‘new’ are always closely interwoven. The ‘new’ grows out of the ‘old,’ and the ‘old’ finds a fuller expression in the ‘new.’ What [he and Popes John XXIII, Paul VI, and John Paul I] have accomplished during and since the Council, in

¹⁴ Dulles, “Should the Church Repent?” *First Things* 88 (December 1998) 36–41; emphasis mine.

¹⁵ *Ibid.*

¹⁶ *Ibid.*

their Magisterium no less than their personal activity, has certainly made a significant contribution to the preparation of that new springtime of Christian life which will be revealed by the Great Jubilee . . .” (no. 18). The papal magisterium of the last half of the twentieth century prepared, through its teachings and actions, the grounds for reconciliation. From the “old” grew the “new:” “No Council had ever spoken so clearly about Christian unity, about dialogue with non-Christian religions, about the specific meaning of the Old Covenant and of Israel, about the dignity of each person’s conscience, about the principle of religious liberty” (no. 20). In this passage, John Paul II connects “speaking clearly” about these issues to the grounds of reconciliation. The efforts of the Church’s magisterium have clarified teaching on these issues, producing “new” insights from the “old.” The popes themselves have contributed to this growth in clarity of teaching.

One would go too far if one concluded on this basis alone that John Paul II believes errant or incomplete teaching responsible for contributing to the commission of objective wrongs by Catholics in the past. His comments here are suggestive, though, of the signal importance of the clarity with which the Second Vatican Council spoke on matters such as religious liberty and the dignity of each person’s conscience. His examples are instructive. The emphasis on clarity of expression connects with frank acknowledgments of poor Christian behavior.¹⁷ The kinds of failures for which the Church must beg God’s forgiveness include the use of violence in the service of the truth (no. 35). That is, he ties his examples of past failings in behavior directly to those areas where Church teaching has attained greater clarity.¹⁸ About such failings the pope writes:

It is true that an accurate historical judgment cannot prescind from careful study of the cultural conditioning of the times, as a result of which many people may have held in good faith that an authentic witness to the truth could include suppressing the opinions of others or at least paying no attention to them. Many factors fre-

¹⁷ See Vatican II, *Dignitatis humanae*, Declaration on Religious Liberty, no. 12. *Vatican Council II: The Conciliar and Post Conciliar Documents*, ed. Austin Flannery, O.P., inclusive language rev. ed. (New York: Costello, 1996).

¹⁸ See also *Dei Verbum*, Dogmatic Constitution on Divine Revelation, no. 8, which reads in part: “The tradition that comes from the apostles makes progress in the church, with the help of the holy Spirit. There is a growth in insight into the realities and the words that are being passed on. This comes about through the contemplation and study of believers who ponder these things in their hearts (see Lk. 2:19, and 51). It comes from the intimate sense of spiritual realities which they experience. And it comes from the preaching of those who, on succeeding to the office of bishop, have received the sure charism of truth. Thus, as the centuries go by, the church is always advancing towards the plenitude of divine truth, until the words of God are fulfilled in it.”

quently converged to create assumptions which justified intolerance and fostered an emotional climate from which only great spirits, truly free and filled with God, were in some way to break free (no. 35).

This beautiful and challenging passage indicates the complex work required to reach a judgment about the fault of the past, and hints at the many factors that may have led Christians of "good faith" to objective error. By linking specific faults to his judgment about the clarity of teaching provided by Vatican II, the Pope suggests these factors included the need for clarity in church teaching about the use of violence in the service of truth, or about the dignity of the human conscience. Indeed, in a brief discussion of Christian responsibility for the appeal of atheism, *Gaudium et spes* makes the connection of teaching and "good faith" explicit: "believers themselves often share some responsibility for this situation. . . . To the extent that they are careless about their instruction in the faith, or present its teaching falsely, or even fail in their religious, moral, or social life, they must be said to conceal rather than to reveal the true nature of God and of religion."¹⁹

Further, when speaking about the blunders made by the Church's members, the pope and Dulles include previous popes, bishops, and other teachers within the Church. Whether there have been doctrinal errors that the Church should regret or even repent cannot be limited to whether popes or other Roman authorities taught error. Bishops too must be included, because, according to *Lumen gentium* no. 25: "Bishops who teach in communion with the Roman Pontiff are to be respected by all as witnesses of divine and catholic truth; the faithful, for their part, should concur with their bishop's judgment, made in the name of Christ, in matters of faith and morals, and adhere to it with a religious docility of spirit."²⁰ There are two points to be made here. First, among the things bishops and other ecclesiastical teachers do is teach. The distinction between action and teaching is faulty if it presupposes that teaching does not fall under a kind of action. Second, the matter cannot be resolved merely by looking at the papal record. What Rome said is of critical importance, perhaps especially when considering whether teaching is dogmatic, but it alone is not sufficient. The teaching of the entire Church informs the action of all its members.

Criticisms such as Cardinal Biffi's, then, may not so easily be rebuffed by Dulles's distinction between doctrinal and individual error. Cardinal Biffi's concern implies that Catholics (and non-Catholics) would have difficulty separating the mistakes of individuals from the Church's mistaken apprehension of the requirements of the gospel. The failures of the student very

¹⁹ Vatican II, *Gaudium et spes*, Pastoral Constitution on the Church in the Modern World, no. 19.

²⁰ Vatican II, *Lumen gentium*, Dogmatic Constitution on the Church, no. 25.

often do reflect failings of the teacher, either genuine or merely perceived. Certainly some of those whom Biffi refers to as “the young and simple faithful” may understand these admissions of error to impugn the teaching authority of the Church,²¹ especially in a culture receptive to such charges. The question for the Church, then, is whether to build the process of confession, penance, and reconciliation on Dulles’s distinction between doctrine and action, or to acknowledge that the perception of a relationship between individual failure and inadequate teaching on some scores is an insight the Church must face.

Purification of the Church’s memory requires more than vague acknowledgment of sinfulness. It requires specificity about what sins were committed by whom. This leads directly to the historical aspect of the process of reconciliation. Genuine repentance roots itself in acknowledgement of specific guilt. Recognizing this, “Memory and Reconciliation,” a document produced by the International Theological Commission, states:

Responsibility for what was said and done has to be precisely identified, taking into account the fact that the Church’s request for forgiveness commits the single theological subject of the Church in the variety of ways and levels in which she is represented by individual persons and in the enormous diversity of historical and geographical situations. Generalization must be avoided. Any possible statement today must be situated in the contemporary context and undertaken by the appropriate subject (universal Church, bishops of a country, particular Churches, etc.).²²

CATHOLIC ATTITUDES TOWARD SLAVERY

One candidate for repentance is the Church’s role in Black slavery in the United States. Theologians and historians criticize the American Catholic bishops’ failure to condemn slavery in the middle of the 19th century. There are different versions of just who is at fault for what all apparently agree was the failure of the American Catholic hierarchy to condemn slavery sufficiently. Joel Panzer accuses the American bishops of “explaining away” papal teaching.²³ Historian Cyprian Davis, O.S.B., offers one explanation for the bishops’ failings: “The Roman Catholic bishops in the United States long avoided the issue of slavery. They practiced a form of denial and refused to concede that it was a moral issue. They were opposed to any effort to subvert the system.”²⁴ John Maxwell argues that the

²¹ See Accattoli, *When a Pope Asks Forgiveness* 62.

²² International Theological Commission, “Memory and Reconciliation: The Church and the Faults of the Past,” (published March 2000) section 4.2. Published in *Origins* 29 (March 16, 2000) 656.

²³ Joel Panzer, *The Popes and Slavery* (Staten Island, N.Y.: Alba House, 1996) 71. See also Hugh Thomas *The Slave Trade* (New York: Simon and Schuster, 1997) 666.

²⁴ Cyprian Davis, O.S.B., “Freedom and Slavery: The American Catholic Church

Church—including Roman authorities—failed to condemn slavery sufficiently.²⁵ And John Noonan offers the most accusatory (yet still respectful) claim against the pope at that time: “Gregory XVI condemned the slave trade, but not so explicitly that the condemnation covered occasional sales by owners of surplus stock.”²⁶ Noonan thus questions whether the condemnation of the slave trade was unambiguous. These authors condemn the Church’s teaching on slavery, implicating Pope Gregory and the American hierarchy. And still others are implicated: Michael Baxter, C.S.C., chastised historian John Tracy Ellis for his failure to criticize the bishops.²⁷

These condemnations provide an excellent test case for investigating the relationship of church teaching to believers’ behavior. The condemnations reveal as well the difficulties involved in making these kinds of judgments of our ancestors. Each expresses a different form of condemnation. Baxter believes slavery clearly and always violates the law of Christ. The bishops deserve Ellis’s condemnation for their failure to see this. Ellis’s failure to condemn them itself merits condemnation. Maxwell finds the entire Church culpable. The Church allowed and even favored slavery in certain contexts. The doctrine was just wrong.²⁸ Panzer’s allegation presupposes a clear doctrine the bishops ignored: the bishops knew that the papal magisterium condemned slavery, but chose to ignore it. For Panzer, the American bishops are culpable precisely because they set aside the consistent teaching of the Church on the immorality of chattel slavery. Davis does not share that presupposition: his allegation acknowledges a possible doctrinal ambiguity; and yet he is highly critical of the bishops’ behavior. These accusations provide an acid test for the kind of historical faults for which repentance is required. They all allege that, in the person of the U.S. bishops, the Church failed sufficiently to teach the immorality of slavery. In the cases of Panzer and Davis, the bishops deliberately led their flock away from sound church teaching. But Maxwell’s allegation suggests the bishops merely followed what they took to be the Church’s doctrine. They were being faithful to church teaching and transmitted it to their flock. None-

before the Civil War,” in *Christian Freedom: Essays by the Faculty of the Saint Meinrad School of Theology*, ed. Clayton N. Jefford (New York: Peter Lang, 1993) 81–100, at 82.

²⁵ John Francis Maxwell, *Slavery and the Catholic Church: The History of Catholic Teaching Concerning the Moral Legitimacy of the Institution of Slavery* (Chichester: Barry Rose, 1975).

²⁶ John T. Noonan, “Development in Moral Doctrine,” *Theological Studies* 54 (1993) 662–77, at 666.

²⁷ See n. 6 above.

²⁸ See also Seán Fagan, *Does Morality Change?* (Collegeville: Liturgical, 1997) 98–99.

theless, all the accusations agree that the Catholic population in the United States received erroneous teaching on the morality of slavery.

Let us allow the possibility—that error in church teaching may inform error in church practice—guide us through some historical reflections on slavery and U.S. Catholicism in the nineteenth century.

POPE GREGORY'S LETTER AND ITS RECEPTION

On December 3, 1839, Pope Gregory XVI promulgated his brief apostolic letter *In supremo apostolatus*, in which he condemned all involvement in the slave trade.²⁹ He wrote: “We warn and adjure earnestly in the Lord faithful Christians of every condition that no one in the future dare to vex anyone, despoil him of his possessions, reduce to servitude, or lend aid and favour to those who give themselves up to these practices, or exercise that inhuman traffic by which the Blacks, as if they were not men but rather animals . . ., are, without any distinction, in contempt of the rights of justice and humanity, bought, sold, and devoted sometimes to the hardest labour.”³⁰ Gregory added that no ecclesiastic or layman should defend the “traffic in Blacks” in any manner and without fearing the gravest penalties. About a year after its promulgation, John Forsyth of Georgia, Martin Van Buren’s secretary of state, used the letter to fan the embers of anti-Catholicism.³¹ He argued that British abolitionists, the papacy, and other sinister forces conspired to support the candidacy of William Henry Harrison, thus forcing Harrison upon the Southern Whig party to undermine Southern society. These same British abolitionists had pressured Pope Gregory into writing the anti-slavery letter *In supremo*. Forsyth hoped that Southern voters would associate papists and British abolitionists.³²

The association was false and misrepresented Catholicism. Bishop John England of Charleston, South Carolina, composed 18 lengthy letters responding to Forsyth’s accusation.³³ The first is dated September 29, 1840. On Forsyth’s motives, England wonders: “Do I venture a rash opinion, when I say that your object was, to show a union of sentiment, if not a

²⁹ A translation of the complete Latin text can be found in Maria Genoio Caravaglios, “A Roman Critique of the Pro-Slavery Views of Bishop Martin of Natchitoches, Louisiana,” *Records of the American Catholic Historical Society* 83 (1972) 72–75.

³⁰ Pope Gregory XVI, *In supremo apostolatus* (December 3, 1839).

³¹ Or so Bishop England claimed. Forsyth, a Democrat, relied upon Catholic votes.

³² See John Tracy Ellis, *American Catholicism*, 2nd ed. (Chicago: University of Chicago, 1956 and 1969) 77.

³³ See *ibid.* Ellis explains that England strove to avoid partisanship, despite taking issue with Forsyth’s allegations about Catholic slave doctrine.

co-operation hostile to southern interests, between the supporters of General Harrison, the British government . . . and his holiness the Pope? And that, therefore, all these should be held in fear and detestation by the South?"³⁴ England then set out to reject Forsyth's insinuation of undue influence on the Pope. "No, sir, I am of opinion that British influence has had as little connexion with this letter as Georgian influence had. . . ."³⁵ There is no novelty, England argued, in a pope issuing a letter on slavery, nor in the contents of Pope Gregory's letter. The pope, Bishop England insisted, condemns the slave trade and makes no reference to "domestic slavery."³⁶ Forsyth's concern rests primarily on a misinterpretation of the document's meaning, attributable to his desire to smear Catholics and confuse the electorate.

England distinguishes the slave-trade, "the sale or purchase in the inhuman commerce by which negroes are sometimes devoted to intolerable labor," from domestic slavery.³⁷ American law already forbade the former, according to England. Pope Gregory's letter concurred with this judgment. Domestic slavery, of the type existing in the United States, was left "untouched" by the Pope's letter.³⁸

According to England, Pope Gregory's letter merely stated that domestic slavery was a permissible, if not commendable, social arrangement. England believed the American bishops unanimously interpreted the letter this way. As England says:

. . . if [the Pope's letter] condemned our domestic slavery as an unlawful and consequently immoral practice, the bishops could not have accepted it without being bound to refuse the sacraments to all who were slaveholders unless they manumitted their slaves; yet if you look to the prelates who accepted the document . . . you

³⁴ *The Works of the Right Reverend John England, First Bishop of Charleston*, ed. Sebastian G. Messmer, 7 vols. (Cleveland: Arthur H. Clarke, 1908) vol. 5, 183–87. I cite by reference to the letter and the page number in *Works*. Thus, here, "Letter I," (184). I make no attempt to present England's analysis in its entirety. Though his letters merit such attention, I refer primarily to the first two. The other letters explain in great detail the theological, philosophical, and canonical sources for his interpretation of Pope Gregory's letter. Further, my article is not concerned with the accuracy of Bishop England's interpretation of Pope Gregory.

³⁵ England, "Letter I," 185. Bishop England may have been wrong about this as the letter was written in response to a request made by the British government.

³⁶ The subtitle of the English translation of the letter is "Apostolic Letter on the Slave Trade." Bishop England criticizes Forsyth's reference to "an apostolic letter on slavery." England, "Letter I," 187. In "Letter II," Bishop England refers to a conversation he and the pope had on the subject of Haiti. According to England, the pope stated: "Though the Southern States of your Union have had domestic slavery as an heirloom, whether they would or not, they are not engaged in the negro traffic; that is, the 'slave trade'" (192).

³⁷ England, "Letter I," 188.

³⁸ England, "Letter II," 191.

will find, 1st the Archbishop of Baltimore . . . , 2d, the Bishop of Bardstown . . . [and other bishops] in charge of all the slaveholding portion of the Union. . . . Nor did the other six prelates, under whose charge neither slaves nor slaveholders are found, express to their brethren any new views upon the subject, because they all regarded the letter as treating of the “slavetrade,” and not as touching “domestic slavery.”³⁹

Because domestic slavery was not inherently evil, slaveholding was not necessarily sinful. Slaveowners and slaves could behave in sinful ways, but their relationship did not necessarily constitute sin. Slaveowners thus could not be denied the sacraments. Many slaveholders were “pious” in “performing all their Christian duties,” according to England.⁴⁰ England simultaneously stressed the sinfulness of the slave trade—the violent removal of persons from a state of freedom to a state of enslavement.⁴¹ The responsibility of slaveowners and decent citizens, Bishop England wrote, was to criticize and reform slavery on the basis of this doctrine. The natural law amply governs the institution of slavery, not merely forbidding certain means by which persons become slaves.⁴²

England did not advance a “pro-slavery” argument as much as an “anti-abolitionist” one.⁴³ As England stated: “I would never aid in establishing

³⁹ Ibid. 190–91

⁴⁰ Ibid.

⁴¹ In “Letter II,” England defined the slave trade as “the compulsory slavery of an invaded people.” The distinction between reducing free persons to slavery and defending the obligation of slaves to obey their masters is old, predating Christianity, but also stated in early Christian theology. See for instance Saint Augustine, *Letter 24*, in *Lettres 1–29, Oeuvres de Saint Augustin*, vol. 46b, ed. Johannes Divjak (Paris: Etudes Augustiniennes, 1987). The distinction lasted well beyond Pope Gregory’s letter and Bishop England’s interpretation of it. See, for instance, “Slavery,” *The Catholic Encyclopedia* 14 (New York: The Universal Knowledge Foundation, 1913) 40; “Slavery,” *The Encyclopedia Britannica: A Dictionary of Arts, Sciences, and General Literature*, 9th edition, American Reprint, vol. 23 (1888) 137, 143; “*Esclavage*,” *Dictionnaire de théologie catholique*, tome 5 (Paris: Letouzey et Ané, 1924) col. 457–520; among others. In addition to making the moral distinction between the trafficking in slavery and merely owning slaves, these and similar encyclopedia entries support Bishop England’s position that slavery is not inherently evil.

⁴² The distinction remains in the 1997 *editio typica* of the *Catechism of the Catholic Church* (no. 2414): “The seventh-commandment forbids acts or enterprises that for any reason—selfish or ideological, commercial, or totalitarian—lead to the *enslavement of human beings*, to their being bought, sold and exchanged like merchandise, in disregard for their personal dignity. *It is a sin against the dignity of persons and their fundamental rights to reduce them by violence to their productive value or to a source of profit. . . .*” The second italic sentence is mine. That is no bugle blast for abolition, but a statement strikingly similar to Bishop England’s distinctions.

⁴³ On pro-slavery arguments, see William Sumner Jenkins, *Pro-slavery Thought in the Old South* (Chapel Hill: University of North Carolina, 1935); H. Shelton

[slavery] where it did not exist.”⁴⁴ Pope Gregory XVI, England stated, condemned only the slave trade. He could condemn only the trade, because Scripture, tradition, and practice so dictated. As England pointed out, Catholics throughout the land held slaves. Not just the laity, but ecclesiastics held slaves.⁴⁵

England regards as incomprehensible the view that *In supremo* could be understood as condemning domestic slavery. In his second letter to Forsyth he shows that domestic slavery has a variety of forms. If a specific case is proven false, then the general premise will be false as well. Beginning with what should be the easiest case, he discusses voluntary slavery. The abolitionists oppose voluntary slavery. Carelessly the abolitionists “assert, generally, that slavery is contrary to the natural law. The soundness of their position will be tried by inquiring into the lawfulness of holding in slavery a person, who has voluntarily sold himself.”⁴⁶ England shows that Scripture and the natural law support voluntary self-enslavement. The theological tradition, England notes, follows Exodus 21:5 and Leviticus 25:47, according to which “man in his natural state is master of his own liberty, and may dispose of it as he sees proper.”⁴⁷ As master of one’s liberty, a person may preserve his or her life by sale into slavery. “Life and its preservation are more valuable than liberty.”⁴⁸ England accepts the implicit presupposition that the natural law and Scripture cannot contradict each other. Scriptural evidence alone proves “the natural law then does not prohibit a man from bartering his liberty and his services to save his life” for all his life.⁴⁹

So the natural law does not prohibit slavery. But neither does it establish slavery. In a “state of pure nature all men are equal.”⁵⁰ The “speculative philosophers” forget the consequences of the Fall. The “original transgression” explains the existence of slavery among men. The equality of all men does not preclude dominion among men, as long as the dominion is

Smith, *In His Image, But . . . : Racism in Southern Religion, 1780–1910* (Durham, N.C.: Duke University, 1972); Larry E. Tise, *Pro-Slavery: A History of the Defense of Slavery in America, 1701–1840* (Athens, Ga.: University of Georgia, 1987); Eugene D. Genovese, *The Slaveholders’ Dilemma: Freedom and Progress in Southern Conservative Thought, 1820–1860* (Columbia: University of South Carolina, 1992); and Peter Kolchin, “In Defense of Servitude: American Proslavery and Russian Proserfdom Arguments, 1760–1860,” *The American Historical Review* 85, no. 4 (October, 1980) 809–27.

⁴⁴ Bishop England, “Letter II,” 194.

⁴⁵ *Ibid.* 190–91.

⁴⁷ *Ibid.* 193.

⁴⁶ *Ibid.* 192.

⁴⁸ *Ibid.*

⁴⁹ *Ibid.* On the natural law and slavery, see Richard Tuck, *Natural Rights Theories: Their Origin and Development* (New York: Cambridge University, 1979), and Jean Porter, *Natural and Divine Law: Reclaiming the Tradition for Christian Ethics* (Grand Rapids: Eerdmans, 1999).

⁵⁰ Bishop England, “Letter II.”

founded on a just title. England dares his abolitionist opponents to refute Thomas Aquinas's distinction between changing and adding to the natural law.⁵¹ God permitted humans to add to natural law those things necessary for human society but not explicitly prohibited by His law. Slavery and other forms of dominion over property did not contravene the law. Therefore, though man did not necessarily have to embrace slavery or private property, he could. Principled opposition to slavery was therefore no more justifiable than principled opposition to accumulation of wealth. Thus England: "As well may the wealthy merchant then assert, that it is against the law of nature that one man should possess a larger share of the common fund belonging to the human family for his exclusive benefit, as that it is against the law of nature for one man to be the slave of another."⁵²

England's evaluation of Pope Gregory's letter represented the dominant ecclesial position in America.⁵³ Prominent Catholics North and South adopted his argument in pieces and in full to defend the Church against accusations from all sides.⁵⁴ It not only held the day. Historians of the period agree that England offered the standard interpretation. So, historian Patrick Carey: "Many Catholics not only accepted the American institution of slavery, they also found support for it in Catholic teaching, justifying it on biblical, historical, and theological grounds. In the 1840s . . . Bishop England gave what amounted to a practical defense of American slavery. . . . Catholics throughout the South and many in the North periodically repeated England's arguments. . . . The overwhelming majority of Catholic newspapers, both in the North and South, supported slavery and

⁵¹ Thomas Aquinas, *Summa theologiae* 1–2, q. 94, a. 5, ad 2.

⁵² Bishop England, "Letter II," 193–94.

⁵³ See Joseph E. Capizzi, "A Development of Doctrine" (unpublished dissertation, University of Notre Dame, 1998) 237–38. See Robert Emmett Curran, "Rome, the American Church, and Slavery," *Building the Church in America*, Melville Studies in Church History (Washington: Catholic University of America, 1999) 30–49.

⁵⁴ Theologian Francis Patrick Kenrick's *Theologia moralis* (Philadelphia, 1841) agreed that slavery is not *malum in se*. Like England in "Letter III," Kenrick argued slavery was licit if based on just titles of enslavement, such as capture in war, natality (being born into slavery), punishment for crime, and self-sale or sale of one's children. May Catholics hold slaves? Kenrick asked. "The answer seems to be in the affirmative, for the defect of the title must be considered as healed by the lapse of a very long time, since the condition of society otherwise would always be uncertain. Indeed they sin who by force take unwilling men as slaves, but it does not seem unjust to hold the descendants of these slaves in slavery, namely, a condition in which they were born and which they are not able to leave." Quoted in Hugh J. Nolan, *The Most Reverend Francis Patrick Kenrick, third Bishop of Philadelphia, 1830–1851*, Studies in American Church History, vol. 37 (Washington: Catholic University of America, 1948) 242.

generally accepted England's argument."⁵⁵ Robert Joseph Murphy, who composed a detailed study of the Church during the Civil War agrees. "The fact that these letters to Forsyth met with no protest from Dr. England's fellow prelates is an evidence that this was the sense in which they all understood the papal document and the Catholic teaching."⁵⁶ The official interpretation, judged by numbers of adherents as well as by influence, was England's.

The Catholic hierarchy in America did not consider slavery an urgent moral issue. Historian Cyprian Davis explains that slavery was "the issue that dominated the national scene because it permeated all other questions." Yet, the American Catholic bishops did not pursue the slavery problem.⁵⁷ Bishop England's interpretation of Pope Gregory's letter permitted the bishops to continue to hold that slavery was not sinful *in se*.⁵⁸ The late historian James Hennesey, S. J., wrote: "Opponents of slavery found slight support in official church teaching. Pope Gregory XVI in 1839 condemned the slave trade, but not slavery itself."⁵⁹ The doctrine left individual Catholics free to determine the prudent response to slavery and abolitionism.

In fact, "Catholics North and South opposed the abolition movement."⁶⁰ By and large, Catholics viewed abolition as an ideologically driven and dangerous position. It was contrary to received church wisdom both about the nature of slavery and the process of social transformation. The appro-

⁵⁵ Patrick Carey, *The Roman Catholics*, no. 6 of *Denominations in America*, series ed. Henry Warner Bowden (Westport, Conn.: Greenwood, 1993) 43. James Hennesey, S.J. echoed that judgment in *American Catholics: A History of the Roman Catholic Community in the United States* (New York: Oxford University, 1981) 145.

⁵⁶ Robert Joseph Murphy, "The Catholic Church in the United States During the Civil War Period," *Records of the American Catholic Historical Society* 39 no. 4 (December 1928) 281.

⁵⁷ At the Ninth Provincial Council of Baltimore in 1858, the bishops issued a pastoral letter that stated: "Our clergy have wisely abstained from all interference with our judgment of the faithful which should be free on all questions of polity and social order, within the limits of the doctrine and law of Christ." Quoted in Robert Joseph Murphy, "The Catholic Church in the United States During the Civil War Period (1852-1866)," *Records of the American Catholic Historical Society* 39, no. 4 (December 1928) 275-76.

⁵⁸ See also Capizzi, "A Development of Doctrine" 238; Hennesey, *American Catholics*; Carey, *The Roman Catholics* 45; Cyprian Davis, *The History of Black Catholics in the United States* 65; and Curran, "Rome, the American Church, and Slavery" 33.

⁵⁹ Hennesey, *American Catholics* 145.

⁶⁰ Curran, "Rome, the American Church, and Slavery" 40. Many, though not all, abolitionists were openly anti-Catholic, as well.

priate way to end slavery was gradual emancipation, not abolitionism.⁶¹ The bishops believed the gospel gradually transformed culture. Christ, England wrote, “enforced principles that, by their necessary operation and gradual influence, produced an extensive amelioration.” The ameliorative view predominated, as Bergier’s *Dictionnaire théologique* article, “*Esclavage*” shows. Bergier, quoted by England, stated: “The divine legislator . . . disposed the minds of people by his maxims of charity, of meekness, of fraternal love between men, to perceive that slavery . . . was getting into opposition to the natural law.”⁶² The abolitionists, England threatened, had no friends in Southern Catholics or Protestants. “I know no Carolinian,” he wrote, “who more sincerely deplores, more fully condemns, or more seriously reprobates the conduct of those men, who, by pouring [abolitionists] in upon us, are destroying our peace, and endangering our safety.” The abolitionist position was unchristian. The Christian position, articulated and defended by England, contends that “domestic” slavery is permissible as a social order in consequence of sin.

This theological view informed the Catholic ecclesial response to the political problem. The bishops were unwilling to take sides in what their doctrine led them to perceive as a political, and not a religious or a moral, dispute.⁶³ In the nine bishops’ councils held between 1829–1849, the issue of slavery went virtually unnoticed. Though read, Pope Gregory’s letter was not discussed at the 1840 Council.⁶⁴ Even with great American expect-

⁶¹ England considered himself a gradualist, “that the process of change should occur slowly and that the impetus for change would have to come from Southerners themselves” (Joseph Kelly, “Charleston’s Bishop John England and American Slavery,” *New Hibernia Review* 5:4 [Winter, 2001] 48–56, at 53).

⁶² England, “Letter IV,” 204–5. See also Archbishop John Hughes of New York, “The Influence of Christianity on Social Servitude” [1843], *Complete Works of the Most Reverend John Hughes, D.D.*, vol. 1, ed. Lawrence Kehoe (New York: Lawrence Kehoe, 1865) 371–85, at 374. In basic agreement, see as well, Phillip Schaff, D.D., “Slavery and the Bible: A Tract for the Times,” (Chambersburg, Penn.: M. Kieffer & Co’s Caloric Printing Press, 1861) 19–20: “The position of the New Testament is neither anti-slavery nor pro-slavery in our modern sense of the term, but rises above all partisan views. . . ; it never meddles with its political and financial aspects and leaves the system as to its policy and profitableness to the secular rulers. But it recognizes, tolerates, and ameliorates it as an existing and then universally established fact. . . .”

⁶³ England writes to the *U.S. Catholic Miscellany*, in which his letters originally appeared, that he has been “asked by many, a question which I may as well answer at once, viz.: Whether I am friendly to the existence or continuation of slavery? I am not—but I also see the impossibility of now abolishing it here. When it can and ought to be abolished, is a question for the legislature and not for me” (February 25, 1841) (England’s *Works* vol. 5, 311).

⁶⁴ See Capizzi, “A Development of Doctrine,” 223–24 and Peter Guilday, *A History of the Councils of Baltimore* (New York: MacMillan, 1932) 122–23.

tation that the bishops would have something to say about slavery at their First Plenary Council, held in 1852, they said nothing. As always they exhorted the faithful to obedience to civil institutions. The bishops' gradualist preferences were evident even after the Civil War. In their pastoral letter closing the Second Plenary Council (1866), they wrote:

We must all feel, beloved Brethren, that in some manner a near and most extensive field of charity and devotedness has been opened to us, by the emancipation of the immense slave population of the South. We could have wished, that in accordance with the action of the Catholic Church in past ages . . . a more gradual system of emancipation could have been adopted, so that they might have been in some measure more prepared to make better use of their freedom. . . .⁶⁵

FOUR CONTRIBUTING FACTORS

Four factors provide a partial explanation for the bishops' interpretation of the doctrine on slavery. First, the bishops' view of slavery as not inherently sinful depends in part on their theological commitments, including their understanding of the immutability of Catholic doctrine. At the session prior to the one at which Pope Gregory's letter on slavery was read, Bishop England preached "on the unchanged and unchangeable doctrine of the Church."⁶⁶ England's lecture reflected the state of doctrinal reception. No one at the Council contested the permanence of Catholic teaching. John Henry Newman's *Essay on the Development of Doctrine* was published later, in 1845. And upon initial publication, the *Essay* met a largely critical response. The bishops were not prepared to see such a critical teaching changed as substantially as a move toward abolition implied. And they believed Scripture provided the basis for the Catholic doctrine. Scripture, as Bishop England pointed out, did not condemn slavery. How could Catholics depart from Scripture?⁶⁷

Second, the bishops believed that slavery was a political problem. As a

⁶⁵ "Pastoral Letter," section XII, "The Emancipated Slaves," quoted in Cyprian Davis, O.S.B., "Black Catholics in Nineteenth Century America," *U.S. Catholic Historian* 5, no. 1 (1986) 1–17, at 10–11.

⁶⁶ Guilday, *A History of the Councils of Baltimore* 122–23 and Guilday, *Life and Times of John England*. 2 vols. in one (New York: Arno and the New York Times, 1969) 511.

⁶⁷ Historian Mark Noll describes the Bible's authority in the 19th century. "If the Bible was God's revealed word to humanity, then it was the duty of Christians to heed carefully every aspect of that revelation. If the Bible tolerated, or actually sanctioned, slavery, then it was incumbent upon believers to hear and obey. The logic was inescapable." Mark Noll, "The Bible and Slavery," in *Religion and the American Civil War*, ed. Randall M. Miller, Harry S. Stout, and Charles Reagan Wilson (New York: Oxford University, 1998) 43. Regarding respect for the Bible's authority, Catholics did not depart from Protestants. Noll shows how instead they departed in traditions of interpretation.

political and not strictly a moral question, the bishops embraced nonpartisanship. In part, again, the doctrine supported the view that slavery was a political question. Because slavery was not in se contrary to the natural law, specific determinations were subject to the political process.⁶⁸ The volatile social climate buttressed this doctrinal view that Catholics should stay out of the slavery question. According to historian Peter Guilday, the “foremost political problem of the day had become too complex and was being too bitterly discussed to permit any hope that the moral distinction between slavery and the slave trade (as made clear by Gregory XVI in his letter of 1839 and by Dr. England’s *Letters to Forsyth*) could be made.”⁶⁹ The bishops could, and did, continue to advise the conduct of individual slaveowners. Their 1852 letter does contain a subtle response to the country’s troubles. In the section on civil allegiance the bishops write: “Attachment to the civil institutions under which you live, has always marked our conduct: and if we address you on this subject, it is not from any apprehension that you are likely to vary from the conduct which you have hitherto pursued.”⁷⁰ The bishops obviously identified pressure on the laity to depart from past “conduct.” That pressure, “the idle babbling of foolish men,” the bishops call it, included abolitionists.

The minority status of Catholicism contributed to a reluctance to enter political debate. The hostility of Protestant America, associated with notorious questions about Catholic dual allegiance to Pope and state and suspicions about the motives of immigration from southern Europe, are well known. Catholics repeatedly had to prove their loyalty to the state. The war with Catholic Mexico (1846–1848), for example, provided another opportunity for anti-Catholic sentiment to attach to concerns about popery and Catholic loyalty. Out of considerations for the Catholic place in society convert Orestes Brownson refused to speak about that war until 1847, at

⁶⁸ The bishops’ acceptance of a rigid separation between politics and religion resonated widely. On January 1, 1861, the New York *Herald* attributed “the gigantic portion” of the impending war to “the fact that the social institution of slavery has been made into a moral and religious question, and in that shape has entered deeply into the politics” of the United States. It continued, ominously, “when the institution of African slavery becomes—as it has become within the last quarter of a century—to be regarded as a great moral wrong—an iniquity crying to Heaven for vengeance—the question assumes at once the form and features of religious agitation . . . animating the same persecuting spirit as the religious warfare that dominated Europe for three centuries.” New York *Herald* (Oct. 1, 1860), the journal of Scotsman and Catholic, James Gordon Bennett. Quoted in “The Defense of Slavery in the Northern Press on the Eve of the Civil War,” Howard C. Perkins, *Journal of Southern History* 9, issue 4 (Nov. 1943) 501–31, at 507.

⁶⁹ Peter Guilday, *A History of the Councils of Baltimore (1791–1884)* 169.

⁷⁰ Peter Guilday, *The National Pastorals of the American Hierarchy, 1792–1919* (Westminster, Md.: Newman, 1954) 192.

which point he condemned it as “uncalled for, impolitic, and unjust.” Speaking any earlier, he wrote, would have been out of line. Denunciation of a war presently engaged in would have been a violation of the virtue of loyalty.⁷¹

The Catholic reluctance publicly to address social affairs affected the response to slavery. To some extent, this was a rationalization, as the bishops chose to speak on issues closer to their constituency (especially anti-Catholicism) or of keener personal interest (such as Bishop John Hughes’s activity in New York politics). Nonetheless, the Catholic hierarchy appeared indifferent to slavery. Protestant churches had been dividing along denominational and territorial lines between 1844 and 1852. Many Catholics were of the explicit view that the dilemma of slavery was not an ecclesial problem; each state should resolve it independently of hierarchical Catholic input. There was much public praise at the time for the bishops’ nonpartisanship. The *Dispatch* of Richmond, Virginia, paid tribute to “the Catholic Church throughout the United States for the entire abstinence of its clergy from all intermeddling, either one way or the other, with the national troubles. . . .”⁷² “Our clergy literally know no North, no South, no East, no West;” wrote the Louisville *Guardian*, “they are the same everywhere; and they attend everywhere to religion, and let the politicians take care of themselves.”⁷³ Brownson, in a statement of staggering audacity, commends the Catholic Church for its moderation: “Only the church, which can be surprised by no new moral or social question, which has nothing to learn from experience, and whose doctrines on all subjects are long ago determined and fixed, remains unaffected by the fanaticism around her, and pays no attention to the decisions of modern casuists.”⁷⁴ Historians commend the Catholic hierarchy for its nonpartisanship. Guilday, for instance, writes of the bishops’ “wisdom.”⁷⁵

Third, even though by this time slavery had been abolished in much of Western Europe slavery in the United States appeared intractable and abolition imprudent. Many Catholics often commented that church doc-

⁷¹ Orestes A. Brownson, “Slavery and the Mexican War,” *The Works of Orestes A. Brownson, coll. and arr. Henry F. Brownson*, 20 vols. (Detroit: T. Nourse, 1882–1887) XVI, 25–59.

⁷² Quoted in Joseph R. Frese, S.J., “The Catholic Press and Secession, 1860–1861,” *Records of the American Catholic Historical Society of Philadelphia* 45 (1957) 79–106.

⁷³ Quoted in *ibid.* 81.

⁷⁴ Brownson, “Slavery and the Mexican War,” 27. In a later essay Brownson boasts that “no man . . . has, since April, 1838, more strenuously opposed the abolition movement in the free states than we have. . . .” Brownson, “Slavery and the War,” *Works* vol. XVII 144–78, at 146.

⁷⁵ Guilday, *History of the Councils of Baltimore* 182. See also John Tracy Ellis, cited above.

trine did not require them to favor slavery, merely to acknowledge its “right” as a human institution. Generally, the Catholic hierarchy opposed the fanaticism, the anti-biblicism, and anti-Catholicism of abolitionism.⁷⁶ Also, they viewed abolitionism as imprudent. This view found support on both sides of the equation. On one side, White America was unprepared for freed slaves. Abolition, it was argued, would doom the American economy; the South would collapse without the free labor system. Militant abolitionists were assailed as well for their careless disrespect for Constitutional process. The consequences of social upheaval would far outweigh the benefits of emancipation.

Abolitionist theologians, according to those of this view, blurred the line between political and moral issues and thus perverted Scripture when they equated political issues with moral problems. William Sumner Jenkins explains that Southerners justified slavery as a political evil, appealing to the traditional excuses of “social and economic necessity.”⁷⁷ As a mere political evil, normal legislative processes needed space and time to resolve the matter. Allow each state to determine if the time was right, if the exigencies permitted, the end of slavery. Certain political evils were to be accepted; they lay beyond the sphere of the moral life to which the gospel directed itself. Moral evils were unacceptable. Men and women were responsible for their moral failings. Societal failings on the other hand were common.

On the other side, many believed the slaves ill-equipped for liberty. This conviction often entailed commitment to racial inferiority. Racist fear was a powerful antidote to anti-slavery. Even though most White Southerners did not own slaves, they continued to support slavery because of racist conceptions about Black inferiority.⁷⁸ But the idea that manumitted slaves would be a social nuisance is old.⁷⁹

Fourth, Catholicism did not regard itself as a society-reforming institu-

⁷⁶ Curran, “Rome, the American Church, and Slavery” 35.

⁷⁷ William Sumner Jenkins, *Pro-Slavery Thought in the Old South* (Chapel Hill: University of North Carolina, 1935) 55–56. He cites the “Petition of Remonstrance of the People of Louisiana to the prohibition of the importation of slaves,” *Annals of Congress*, 8th Cong., 2nd sess., Appendix 1606 (Dec. 31, 1800) as an example of the necessity justification.

⁷⁸ See Peter Kolchin, *American Slavery: 1619–1877* (New York: Hill and Wang, 1993) 179–80. But see his warnings not to overstate the influence of racism, at 192–93.

⁷⁹ The idea is that enforced dependency creates habits of dependency that must be overcome by education and training. Slaves are thus thought of as “childlike.” On paternalism and racism, see Eugene D. Genovese, *Roll, Jordan, Roll: The World the Slaves Made* (New York: Pantheon, 1972) 3–7; on the notion of slaves as children, see Anthony Pagden, *The Fall of Natural Man: The American Indian and the Origins of Comparative Ethnology*, 2nd ed. (New York: Cambridge University, 1986).

tion, especially in the South. Many Catholic theologians were content to take things as presented to them. Theologian Kenrick wrote: "As regards political institutions, [the Catholic Church] is wholly independent of any, and suited to all. It is not her province to model or fashion them; but being indifferent to each particular form of social organization, she studies only to infuse the spirit and maxims of Christ, and thus to modify and mitigate whatever may be exorbitant and unjust."⁸⁰ Catholics were encouraged to and did divide along sectional lines. Randall M. Miller writes, "In short, the church tolerated disunity in political matters so that it could concentrate on achieving ethnic unity in religious ones."⁸¹

Even in this condensed version of the history, it is possible to note that in their deference to the political nature of slavery the bishops followed what they believed to be church teaching. One could be a slaveowner and a good Christian, as long as one followed the moral exhortations contained in the doctrine. Yes, slavery was acceptable, but the doctrine emphasized the relationship between master and slave entailed a relationship of mutual duties.

MODERN ASSESSMENT

Today, however, the issue is framed so differently that the bishops' judgment is suspect.⁸² The bishops lived with slavery as an apparently intractable social condition, or one whose extraction could only come at great social cost. They did not advocate slavery as much as oppose abolitionism. This they judged the prudent response.

⁸⁰ Francis Patrick Kenrick, *A Vindication of the Catholic Church in a Series of Letters Addressed to the Rt. Rev. John Henry Hopkins, Protestant Episcopal Bishop of Vermont* (Baltimore: John Murphy, 1855) 332.

⁸¹ Randall M. Miller, "Catholic Religion, Irish Ethnicity, and the Civil War," in *Religion and the American Civil War* 261–96, at 263. One historian writes approvingly of the "patriotism" that "called Catholics to the service of both North and South. . . . Some record of the activities of Catholics will show why the Catholic Church came out of that war highly respected" (Murphy, "The Catholic Church in the United States During the Civil War Period [1852–1866]," 305).

⁸² A further and necessary project would involve specifying the grounds of the contemporary objection. I think today we judge as essential to slavery certain dehumanizing aspects they thought accidental. That is, the kind of power that masters held over slaves is itself a violation of their dignity, irrespective of the benevolence with which a particular master may treat his slave. As many abolitionists knew, a judgment that slavery is inherently evil cannot rest comfortably on scriptural grounds. Neither can the judgment rest easily on natural rights theories, as Alasdair MacIntyre suggested (see his "Are There Any Natural Rights?" Charles F. Adams Lecture, Bowdoin College, February 28, 1983). See also R. M. Hare, "What's Wrong with Slavery?" *Philosophy and Public Affairs* 8 (1979) 103–21. One can acknowledge this difficulty, as MacIntyre and Hare do, and yet also abhor slavery.

Yet, even if we accept the bishops' view of the teaching, we have grounds to question their action. While they could not condemn slavery in se as a violation of Christ's law, their understanding of the doctrine should have led them to greater criticism of the practice of slavery in the United States. This may console few of us, but the substantive point is significant. England, Kenrick, and others said church doctrine did not permit the absolute condemnation of slavery, supported the case for gradual abolition, and created space for discussion on the political solutions appropriate to slavery. But, to what extent did they participate in any of this? Bishop England's interpretation of Pope Gregory's letter contains very little of use to gradualists. Indeed, historian Joseph Kelley shows how England's efforts to distance the Church from abolitionism hobbled his capacity to voice a criticism of slavery and injustice toward Blacks to which gradualists could appeal. Thus Kelley's harsh judgment of Bishop England as a "good man who failed to be great."⁸³ Likewise, Kenrick's *Theologia moralis* is an unqualified pro-slavery argument.⁸⁴

The state of the doctrine compelled them to scrutinize the laws and practices of slavery more closely than they did. At one point, for instance, Bishop England acknowledged that Southern slavery cannot be compared to voluntary slavery, yet he dropped the matter before drawing any conclusions. John Hughes, Archbishop of New York, vigorously opposed abolitionism and non-abolitionist attempts to deal with slavery.⁸⁵ Constructively, he offered only "prayers, gave promises, and urged good will." These efforts prompted one writer to ask: "With such an alternative, one may question the meaning of the Archbishop's claim that he was no friend of slavery."⁸⁶

Did the doctrine that the bishops drew upon leave it at that? Doctrinal "indifference" to the political question should not have led to indifference to the state of American slavery and the physical and spiritual condition of American slaves.⁸⁷ The doctrine drew on a long history of treating the slave as a human person.⁸⁸ In areas colonized by the Spanish and Portuguese Roman and Catholic law recognized rights of the slave attending to him *qua man*. According to Frank Tannenbaum, in these areas "the slave had

⁸³ Kelley, "Charleston's Bishop John England and American Slavery" 56.

⁸⁴ See Joseph D. Brokhage, *Francis Patrick Kenrick's Opinion on Slavery* (Washington: Catholic University of America, 1955).

⁸⁵ See Walter G. Sharrow, "John Hughes and a Catholic Response to Slavery in Antebellum America," *Journal of Negro History* 57 (1972) 254–69, at 268.

⁸⁶ *Ibid.* 265.

⁸⁷ Catholic bishops did make appeals for the amelioration of slavery, usually focusing on the treatment of slave families, on the rupture of marriages, and on the sexual exploitation of slave women.

⁸⁸ See Aquinas, *Summa theologiae*, Suppl. q. 52, a. 2, ad 1.

a body of law, protective of him as a human being, which was already there when the Negro arrived and had been elaborated long before he came upon the scene.”⁸⁹ Catholic countries had a long history with slavery and a ready body of law articulating duties and responsibilities of masters to slaves. Bishop England, whose extensive knowledge of the tradition is so evident in his letters defending the distinction between domestic slavery and the slave trade, certainly was aware of these duties. The first duty, of course, the oft stated justification for colonization of the Western Hemisphere, was evangelization. In this regard there is evidence that Catholics failed. Emmett Curran has written a compelling essay on Jesuit slaveholding that shows the material and spiritual neglect of slaves in Jesuit care. The slaves were spiritually barren, illiterate and uneducated in the faith.⁹⁰ This is not, of course, a sufficient description of the relationship between Catholicism and slavery in the United States. Further historical work of the type begun by Cyprian Davis and Emmett Curran is necessary to judge the bishops by these—their own—standards.

This historical work is also necessary for us as we proceed in the purification of the Church’s memory called for by John Paul II. That historical work will show that repentance may be necessary for erroneous teaching that misled Catholics of good will in difficult circumstances. In our age of constant individual and social introspection, the Church subjects its memory to public evaluation and scrutiny. The public nature of this process is necessary today, but it is the source of anxieties.⁹¹ The fear is that public scrutiny tends to be uncontrollable; the effort to evaluate memory subject to forces alien and even hostile to the Church. This is most clearly the case in an age suspicious of all institutions of authority. The criticisms of institutions and their histories too often serve to defend the moral superiority of the present against the past.

One of the lessons of the foregoing historical study should also lead us to explore the ways our doctrinal commitments compel us into certain patterns of behavior. We saw how the doctrine supported the bishops’ view that slavery was not sinful in se. We saw, too, evidence that the doctrine led them to defend a slave system that failed by their own standards. Yet, because of doctrinal and cultural commitments, the latter failure went almost unnoticed. In striving to make a theoretical point (distinguishing

⁸⁹ Frank Tannenbaum, *Slave and Citizen: The Negro in the Americas* (New York: Alfred A. Knopf, 1947) 48.

⁹⁰ Emmett Curran, S.J., “‘Splendid Poverty’: Jesuit Slaveholding in Maryland, 1805–1838,” in *Catholics in the Old South: Essays on Church and Culture*, ed. Randall M. Miller and Jon L. Wakelyn (Macon, Ga.: Mercer University, 1983) 125–46.

⁹¹ See Mary Ann Glendon, “Contrition in the Age of Spin Control,” *First Things* 77 (November 1997) 10–12.

domestic slavery from the slave trade) the bishops backed themselves into an unnecessary complacency with a corrupt institution. Even if we allow that domestic slavery could be distinguished from the slave trade, we still must wonder in what ways, if at all, the slavery in the South met the standards of Christian domestic slavery that Catholic theologians described?

And yet that is not the entire story. Although the doctrine, as I have tried to show, contributed to the failure of the bishops to see slavery's full moral offensiveness, the doctrine takes away just as it gives. The traditional doctrine as stated and defended by England and other American Catholics condemns them for their failure to scrutinize slavery by its standards. The practice of slavery in the United States was immoral, occurring with little regard to the welfare of individual slaves or their families. By their own standard, the bishops missed an opportunity to show the American public the genius of their nonetheless flawed doctrine.