

## Rules, Rights and Religion: The Abyssinian Baptist Church and the Quest for Community, 1808–1810

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### I. INTRODUCTION

“Liberation versus Oppression: The Role of Religious Morality in Shaping Legal Freedoms.” When I first heard this would be the topic of my panel I thought perhaps whatever gods may be, they were playing a cruel joke on me. Certainly, I thought everyone knew that throughout American history religious morality has been both a help and hindrance to legal freedoms. Indeed, religious arguments were used in many southern states prior to *Loving v. Virginia*<sup>1</sup> to prevent blacks and whites from marrying, just as they are being used today to block efforts at removing barriers to marriage among gay, lesbian, bisexual, and transgendered Americans.<sup>2</sup> Conversely, religious morality was employed to explain the necessity of ridding the country of slavery.<sup>3</sup> Acerbic as usual, I wondered what the point of this exercise was. Was I expected to fly halfway across the country to state the obvious?

Desperate for some new angle of vision, I found inspiration in a hot cup of coffee—more accurately *on* a hot cup of coffee. While drinking a

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1. *Loving v. Virginia*, 388 U.S. 1 (1967), was a landmark Supreme Court ruling which removed all barriers to marriage based on race. Groups on both sides employed biblical interpretations to support their positions. See *id.* at 3 (quoting the trial judge’s religious justification); Brief for John J. Russell, Bishop of Richmond et al. as Amici Curiae Supporting Appellants, *Loving v. Virginia*, 388 U.S. 1 (1967) (No. 395), 1967 WL 93613 (providing religious support for interracial marriage).

2. Prior to the passage of the Civil Rights Act, public opinion in the South about interracial marriage was frequently couched in religious terms. For Christian, Bible-centered arguments against interracial marriage, see RENEE C. ROMANO, *RACE MIXING: BLACK-WHITE MARRIAGE IN POSTWAR AMERICA* 50 (2003). For an excellent study of the role of religion both in support of same-sex civil unions and opposition to same-sex marriage, see JANET R. JAKOBSEN & ANN PELLEGRINI, *LOVE THE SIN: SEXUAL REGULATION AND THE LIMITS OF RELIGIOUS TOLERANCE* (2004).

3. See *RELIGION AND THE ANTEBELLUM DEBATE OVER SLAVERY* (John R. McKivigan & Mitchell Snay eds., 1998).

morning brew from my local retail coffee giant, I read a quote on the cup which helped me see this old question of liberation versus oppression in a new way. It read:

The law, for all its failings, has a noble goal—to make the little bit of life that people can actually control more just. We can’t end disease or natural disasters, but we can devise rules for our dealings with one another that fairly weigh the rights and needs of everyone, and which, therefore, reflect our best vision of ourselves.<sup>4</sup>

Normally I find these quotes rather corny, but the last phrase—“our best vision of ourselves”—led me to think not about how religious morality often took contradictory positions on matters of legal freedoms, but about a common project of religion and law. At their base, both are about community formation and identity.

With this in mind, the question becomes how religion and law define and redefine who we think we are, as well as who we think we ought to be. It is a question of community and how one understands the relation between rights and responsibilities. In my opinion, all of these questions and subsequent answers hinge on narratives. A religious community’s moral reasoning and its stance on legal freedoms may be seen most clearly in the stories it chooses to remember and recall. If nothing else, narratives and the meanings derived from them make statements—some bold, some weak—about how a religious community understands its norms.<sup>5</sup> But, just as those narratives work to define what is normal for community *insiders*, they also draw boundaries around what should be normal for *outsiders*. The goal, of course, is to make real its vision of a better world. Robert Cover made this same point about legal communities:

If law reflects a tension between what is and what might be, law can be maintained only as long as the two are close enough to reveal a line of human endeavor that brings them into temporary or partial reconciliation. All utopian or eschatological movements that do not withdraw to insularity risk the failure of the conversion of vision into reality and, thus, the breaking of the tension.<sup>6</sup>

Religion then, as with law, is partially about bringing together opposing narrative interpretations in order to better understand what believers feel

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4. This quote by Scott Turow was found on the back of a Starbucks coffee cup. It is a part of a larger company project to use inspirational and provocative sayings as a way of igniting conversation.

5. Robert Cover’s seminal work on the matter of narrative is the source of my thinking about narrative as it relates to religious communities. See generally Robert M. Cover, *Foreword: Nomos and Narrative*, 97 HARV. L. REV. 4, 7–8 (1983).

6. *Id.* at 39.

is real. This morning I will show how narratives and their various interpretations display how communities bound by laws and morality express their understanding of who they are called to be.

## II. NARRATIVE: FACT AND FICTION

To support the claim that religion and law share a common goal of establishing a sense of community that is both liberating and oppressive, I want to draw upon some of my most recent research. For the past year, I have been writing, along with two other scholars, the history of the Abyssinian Baptist Church in New York City. The Church was founded in 1808 when a group of Ethiopian coffee merchants arrived at the port of New York to sell their product. After inquiring about a place to worship on the Sabbath, they were directed to the First Baptist Church, a predominantly white congregation with a little more than a dozen African members. When they arrived at the worship service they were directed to the section of the sanctuary designated for Africans. Such treatment was anathema and unacceptable to them, so they walked out of the service in protest. Feeling empowered by their African brothers' example, all sixteen of First Baptist's black members—the majority of whom were the property of white church members—left the congregation immediately, never to return.<sup>7</sup> The defectors formed a new church controlled completely by blacks; in honor of their benighted siblings, they named the congregation the Abyssinian Baptist Church.<sup>8</sup>

This is an uplifting narrative about African American perseverance, protest, and power. While it is central to Abyssinian's identity, it is not unique to the founding of this congregation. In fact, the formation of several early black congregations share a similar founding narrative.<sup>9</sup>

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7. This account of Abyssinian's origins is told in many places. The earliest written source of the founding myth may be found in ADAM CLAYTON POWELL, *UPON THIS ROCK* 2 (1949). The story is recounted nearly verbatim in his son's autobiography. ADAM CLAYTON POWELL, JR., *ADAM BY ADAM: THE AUTOBIOGRAPHY OF ADAM CLAYTON POWELL, JR.* 46 (1971). There is no way of knowing how long (if at all) this story circulated as oral history before finding its way into the historical record.

8. Abyssinia is the ancient name used for the region now known as Ethiopia. African Americans have historically used Ethiopia as a way to support claims of an African presence in the Bible and to thwart European ethnocentrism. One passage in particular, "Princes shall come out of Egypt; Ethiopia shall soon stretch out her hands unto God," *Psalms* 68:31 (King James), has long been a favorite of African Americans for its suggestion of an African relationship with Yahweh long before the arrival of slave catchers. For a historical overview and analysis of this interpretation, see VINCENT L. WIMBUSH, *THE BIBLE AND AFRICAN AMERICANS: A BRIEF HISTORY* (2003). For an important synopsis and critique of Afrocentric biblical hermeneutics, see MICHAEL JOSEPH BROWN, *BLACKENING OF THE BIBLE: THE AIMS OF AFRICAN AMERICAN BIBLICAL SCHOLARSHIP* (2004).

9. The most famous of these is the withdrawal of Africans from Philadelphia's St. George's Methodist Episcopal Church in 1787. Blacks were supposedly pulled from their knees during prayer and escorted to the section of the church reserved for Africans. The accuracy of this narrative, in-

While this story might warm the hearts of members who take pride in their church's origins, it is my duty to inform the congregation, and anyone else who will listen, that almost nothing about this particular story is factual. It is a fact that Abyssinian Baptist Church of New York City grew out of First Baptist Church, but that's about it. There were no Ethiopian coffee merchants. And most likely, the name of the church was derived from a more generic meaning of Abyssinian as "African" rather than a particular meaning as "Ethiopian." The recent discovery of historical evidence sheds new light on the subject. The evidence provides the following:

New York June 26<sup>th</sup> 1809

We the Baptist Brethren and Sisters of Colour, being at Present members of the Baptist Church of Jesus Christ in Gold Street being the first Baptist Church in this city, feel our duty to address you in the following manner—

Beloved Bretheren: wishing Grace, Mercy and Peace from God our Father and from the Lord Jesus Christ—

Believing that glorious prediction of the Holy Prophet that "Ethiopia shall stretch out her hand unto God," we whose names are under written attempt to lift our feeble hands to the most high, humbly feeling it our duty to ask a dismissal<sup>10</sup> from you, together with your approbation that we may be regularly imbodyed a Church of our Lord Jesus in full fellowship with you, together with all our sister churches in the same Faith and Order, humbly asking an interest in your prayers to him who presides Governor of the nations that he would graciously crown our feeble efforts with his divine presence, and that declarative glory may resound to his blessed name.

Dear Bretheren, should you see cause to grant our request we should still feel it our privilege to look up to you for instruction, that through Sovereign Power and Electing Love we may be found steadfast and immovable, always abounding in the work of the Lord—

Though separated in places of worship, yet we trust not in the object of worship, and believing that the Great Head of the Church will lead us to Fountains of Living Water, and that God will 'ere long

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cluding its date, is widely disputed. For a contextualization of these religious protest narratives, see EDDIE S. GLAUDE, JR., *EXODUS!: RELIGION, RACE, AND NATION IN EARLY NINETEENTH-CENTURY BLACK AMERICA* 21–30 (2000). For a challenge to the facts of this narrative, see ALBERT J. RABOTEAU, *A FIRE IN THE BONES: REFLECTIONS ON AFRICAN-AMERICAN RELIGIOUS HISTORY* 79–81 (1995).

10. This was the commonly used term in the period, although its meaning is the same as dismissal. See *BLACK'S LAW DICTIONARY* 503 (8th ed. 2004).

wipe away all tears from our eyes, and that we shall behold him,  
whom our souls love in

Unclouded Day—May God grant it for Jesus sake, Amen and  
Amen.<sup>11</sup>

So, instead of storming out of the sanctuary in protest of segregation in God's sacred house, African members of First Baptist asked for and were granted "dismissal," which meant withdrawal in good standing. The fact that they left on amicable terms with whites at their mother-church gave them the right to maintain Christian fellowship with First Baptist, join another congregation, or start one of their own.

My purpose in reading this letter and telling this story is not merely to point out the historical inaccuracies that often find their way into narrative, but to set the loom for a richer reading of African American religious history that demonstrates the liberating and oppressive impulses explicit in the ways believers define community. To properly understand the meaning of this in relation to our broader point about religious morality and legal freedom, one must place this narrative in historical context.

### III. SLAVERY, EMANCIPATION: THE LAW AND THE CHURCH

At the time Abyssinian was formed, there was no getting around the issue of slavery. The state of New York passed a law of gradual emancipation in 1799; in effect, however, the only slaves that would actually gain freedom would be children.<sup>12</sup> Moreover, even after freedom, the measure gave all power over former slave children to their former masters. Certainly, in the wake of the American patriots justifying their break with England by claiming to seek freedom from the bondage of political and economic subjugation, it was disappointing to New York blacks that the new law outlined such a slow pace for manumission.<sup>13</sup> With Great Britain's abolition of their trans-Atlantic slave trade in 1807,<sup>14</sup> the seeming contradiction between American rhetoric and reality only exacerbated black agitation for freedom. Most white members of First Baptist recognized their contradiction. On the one hand, they supported a view of Christian community that embraced their African broth-

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11. Records from First Baptist Church, Minutes from 1762 to 1812 49–50 (on file in First Baptist Church in New York) [hereinafter Minutes].

12. LESLIE M. HARRIS, *IN THE SHADOW OF SLAVERY: AFRICAN AMERICANS IN NEW YORK CITY, 1626–1863*, at 11 (2003).

13. *See generally* SLAVERY IN NEW YORK 124–25 (Ira Berlin & Leslie M. Harris eds., 2005); LESLIE M. HARRIS, *IN THE SHADOW OF SLAVERY: AFRICAN AMERICANS IN NEW YORK CITY, 1626–1863*, at 70–71 (2003).

14. JUNIUS P. RODRIGUEZ & ORLANDO PATTERSON, *CHRONOLOGY OF WORLD SLAVERY* 580 (1999).

ers and sisters. At the same time, they recognized slavery as a legal institution and, as such, believed they should not explicitly forbid slaveholding among church members. Yet, the mere presence of enslaved blacks in white churches kept alive the question of the morality of Christians owning slaves.

At this point, First Baptist's understanding of what it was, both as a Christian and an American institution, would not allow it to fully commit to immediate emancipation. They were not alone. In the first decade of the nineteenth century, most white churches in the United States were unwilling to condemn slavery. Nonetheless, they did believe that Christian slaveholders should be held to a higher standard of conduct. In this case, the leadership at First Baptist passed a resolution that required slaveholders in the church to vow they would treat their chattel in a humane manner and would devise a plan for manumission of all their slaves. Additionally, a committee was formed to interview each member who still possessed slaves and extract from them a promise to adhere to the congregation's new rule.<sup>15</sup> The church membership did all it could to hold competing notions of religious morality and legal freedom in tension so as to produce a better Christian community—one that took seriously the laws and norms of the land, while heeding the scriptural mandate to “be ye not conformed to this world.”<sup>16</sup>

As long as this tension did not break, First Baptist maintained its sense of community. But, when religious morality and the norms of the larger society seemingly could no longer coexist, a confrontation resulted which led to a rip in the fabric of the community. As I stated previously, the timing of the formation of Abyssinian was most likely related to their reaction to both the slow pace of emancipation in New York, as well as the abolition of the British trans-Atlantic slave trade. Africans in First Baptist were probably responding to the inability or unwillingness of their white Christian brothers and sisters to keep their Christian oath about slaveholding in the church. While one may only speculate, I would say this is a fairly reasonable guess because in the minutes, right next to the request for dismissal, was an account of the trials and tribulations of Maria Duffie—and I mean “trials” in a literal sense.

Maria Duffie was a white, slaveholding Christian and a member of First Baptist Church. She was one of about a dozen slaveholders in the congregation. Apparently, she also had the dubious distinction of being the only one who, in the eyes of some, openly violated the church's

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15. Minutes, *supra* note 11, at 251–54.

16. *Romans* 12:2 (King James) (“And be not conformed to this world: but be ye transformed by the renewing of your mind, that ye may prove what is that good, and acceptable, and perfect, will of God.”).



standing resolution against cruel treatment and perpetual bondage of slaves. Keep in mind Duffie had broken no laws, yet the church felt its sense of morality called members to go beyond what was acceptable in the eyes of the world. Some members believed the church was overstepping its boundaries, while others faulted it for not going far and fast enough. The attempt to be all things to all people left most parties dissatisfied. By the time Duffie was placed on trial, African members of the congregation had already withdrawn and asked for permission to form their own church. Nonetheless, the church leadership felt duty-bound to hold her accountable for violating the rules of the community.

On July 4, 1809, instead of celebrating American Independence, First Baptist Church held a special meeting to address a number of disciplinary matters; chief among them, the charge that Maria Duffie “having in the opinion of some members present, conducted improperly respecting her black boy, and being charged with not having manumitted him agreeably to promise and with having in a sinister manner conveyed him to her son.”<sup>17</sup> Duffie became the owner of her husband’s slaves upon his death and she claimed she assigned the boy to her son Cornelieus when her husband died, as was his wish.<sup>18</sup> Although New York law gave slaves freedom to negotiate manumission deals with their masters, there was no way to prevent the latter from reneging. To find her guilty of the charge, the investigating committee had to prove that her intent was to renege on manumission arrangements made by her husband. The church’s governing body was unable to make those charges stick. It ruled, however, that while she was within her legal right to pass the boy on to her son, she was in effect trafficking in slaves, which was contrary to the church’s resolution. The church took the boy from her and set him free.

The actions set off a firestorm within the congregation. Some members thought that, in an effort to adhere to the teachings of Jesus, the church’s leadership violated Duffie’s rights by taking her property without providing compensation. Clearly, religious morality and legal freedoms were in open conflict.

Within a year, Duffie once more found herself in front of a church investigating committee. She was accused of mistreating her slaves in violation of church regulations, which was deemed “conduct unbecoming a professor of religion.”<sup>19</sup> The investigating committee ruled that her

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17. Minutes, *supra* note 11, at 280.

18. *Id.*

19. *Id.* at 281.

slaves would be taken from her until the conclusion of the full investigation.<sup>20</sup> At her hearing she was asked to respond to the charges:

*Are you willing to conform to the rules of this church respecting slave [sic]?*

I am willing to conform.

*Did you shut up your black girl in the stable for 3 days, flogging her every day and giving her no victuals as stated by Mr. Thomas?*

No. I did not.

*Did you take away the Bible from Jenny which her Master gave her?*

No. I certainly did not.

*Did you take away from Bet the shirts that her Master gave her?*

No. I never did, it is certainly a mistake.<sup>21</sup>

After Duffie begged for forgiveness for causing such a stir in the congregation, the church ruled “[t]hat contrary to the principles of humanity, as well as of those of the Gospel, she has lived in the practice of stinting her servants in food and clothing,” and that “[h]er crimes were so aggravated by circumstances that they were unpardonable by the church.” Duffie was voted out of the church, with only four members siding with her.

#### IV. RULES AND RIGHTS

There are two basic ways to understand our theme in relation to this narrative. One way is to think about precepts or rules. Recent developments of Baptists notwithstanding, they are notorious for opposing rigid doctrinal decrees. Nonetheless, they have historically outlined their core beliefs in confessional statements. These texts have provided the theological and disciplinary framework for Baptist believers. At the time of the formation of Abyssinian Baptist Church and the trials of Maria Duffie, the guiding document for Baptists in the United States was the Philadelphia Confession of 1742. The chapter titled, “Of the Law of God,” defines three types of laws. First, there is ceremonial law, which provides the rules for worship, but is no longer necessary because Christ has fulfilled the law. Second, is judicial law, which applied to the governance of the State of Israel. It was believed to be invalid because Israel, in 1742, was no longer in existence. Both judicial and ceremonial law ap-

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20. *Id.*

21. *Id.* (italics added to distinguish the investigator's comments).



plied only to ancient Israel. The third category, moral law, is the most important one for Baptists. Let me read aloud the section on moral law:

God gave to Adam a law of universal obedience written in his heart, and a particular precept of not eating the fruit of the tree of knowledge of good and evil; by which he bound him and all his posterity to personal, entire, exact, and perpetual obedience; promised life upon the fulfilling, and threatened death upon the breach of it, and endued him with power and ability to keep it.

The same law that was first written in the heart of man continued to be a perfect rule of righteousness after the fall, and was delivered by God upon Mount Sinai, in ten commandments, and written in two tables, the four first containing our duty towards God, and the other six, our duty to man.

The moral law doth for ever bind all, as well justified persons as others, to the obedience thereof, and that not only in regard of the matter contained in it, but also in respect of the authority of God the Creator, who gave it; neither doth Christ in the Gospel any way dissolve, but much strengthen this obligation.

One follows the precepts of moral law by yielding only to one's conscience, of which only God Almighty is Lord.

While First Baptist Church may have been on the progressive end of the slavery debate in 1809, their commitment to gradual emancipation placed them in violation of moral laws. The "law first written in the heart" required that they not cooperate with evil; yet their commitment to a reading of community, which held in tension multiple identities—Christian and American, black and white, free and slave, moral and legal—led them against what they most likely believed was the "right" thing. This resulted in an exodus on the part of those members who, in good conscience, could not remain in a body of believers who chose to be legally right, yet morally wrong. Just one year later, however, those same whites who were acting outside of God's will by not committing to full and immediate emancipation within the congregation concluded that Maria Duffie acted against God's laws.

The second way of reading these narratives is in relation to rights and responsibilities. There was little doubt in the mind of Maria Duffie and others that her individual rights under the law superseded the church's responsibility to make certain that members maintained fidelity to the rules. The issue so incensed her supporters that within a year of her removal from the church rolls, a groups of white members left First Baptist to form another congregation.