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## Divided by the Sermon on the Mount

David Skeel<sup>1</sup>

Donald Trump has created—or the least, has exposed—a deep fault line in American evangelicalism, with enthusiasts defending the president despite his unsavory behavior while critics wonder aloud whether they should continue calling themselves evangelical given the widespread support of evangelicals for Trump.<sup>2</sup> The Trump debate is the most visible evangelical squabble, but it is not the only one. A group of evangelical pastors recently released a set of thirteen principles criticizing fellow evangelical pastors for venturing into political terrain, and calling them to stick to the traditional doctrines of Christianity.<sup>3</sup>

The usual lens on the debates is political. Although Trump is no traditional conservative, he is, according to the conventional view, conservative enough in his stance toward regulation, abortion and his judicial nominations to attract the fealty of most evangelicals, who are closely

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<sup>1</sup> University of Pennsylvania Law School. I am grateful to Barbara Armacost, Nathan Chapman, Michael McConnell and participants in the celebration of Bob Cochran's work for helpful comments and conversation; and to the University of Pennsylvania Law School for generous summer funding.

<sup>2</sup> For enthusiasts, think Liberty University president Jerry Falwell, Jr. and Dallas pastor Robert Jeffress. *See, e.g.,* <https://www.newsweek.com/pastor-robert-jeffress-evangelicals-support-trump-not-extra-matril-affairs-1092241>. Eric Metaxas, another well-known evangelical, also supports President Trump but not quite as unequivocally. The most persistent and vocal evangelical critics are Michael Gerson and Peter Wehner, commentators who each worked for President George W. Bush. *See, e.g.,* Michael Gerson, *Evangelicals have hired their own Goliath*, WASH. POST, Jan. 3, 2019; Peter Wehner, *Trump's White House is a Black Hole*, N.Y. TIMES, March 3, 2018. The prominent evangelical author and teacher Beth Moore has also been a major critic. *See, e.g., Will Beth Moore Lose Her Flock?*, ATLANTIC, Oct. 2018.

<sup>3</sup> John MacArthur et al, *The Statement on Social Justice & the Gospel*, available at <https://statementonsocialjustice.com/>.

linked to the Republican party.<sup>4</sup> Many evangelical supporters also feel besieged in the current social and political environment, and welcome his belligerent defense of their religious freedom. Evangelical critics, by contrast, a much smaller group, tend to be more politically moderate or liberal,<sup>5</sup> along with a few who are conservative but nevertheless find the president's behavior disqualifying.<sup>6</sup> The critique of politically tinged sermons has also been construed in political terms, as a jab at moderate and liberal evangelicals by pastors with more conservative inclinations.<sup>7</sup>

The squabbles clearly do have a political dimension, but politics cannot be the whole story. Evangelicals hold a distinctive cluster of beliefs: that the Bible is authoritative, that Jesus's death on their behalf is the only way they can be reconciled with God, and that they are called to share the good news of this reconciliation with others.<sup>8</sup> Unless these beliefs are malleable enough to accommodate whatever political inclinations an evangelical might have, they must be shaping the debates in some way. Some critics of religion do contend that religious believers simply adapt their beliefs to prevailing mores,<sup>9</sup> but the claim is highly implausible, at

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<sup>4</sup> See, e.g., Tim Morris, *Evangelical leaders have sold their souls to Donald Trump*, NOLA.com, Sept. 2, 2018 (saying evangelical support is “no mystery,” given that “Trump pledged during his campaign to defend religious liberty, stand up for the rights of the unborn and appoint conservative jurists to the Supreme Court and federal appeals courts. And he has done exactly that.”)

<sup>5</sup> Gerson and Wehner are both conservatives, but with a moderate bent. A cri-de-coeur by Wehner lamenting the current tendencies of evangelicalism and of the Republican party has been widely discussed and debated by other evangelicals. Peter Wehner, *Why I Can No Longer Call Myself an Evangelical Republican*, N.Y. TIMES, Dec. 10, 2017, at SR4.

<sup>6</sup> Marvin Olasky, the creator of “compassionate conservatism,” is a salient example. See, e.g., Marvin Olasky, *Unfit for power*, WORLD MAG., Oct. 29, 2016.

<sup>7</sup> See, e.g., Michael Gerson, *Christians are suffering from complete spiritual blindness*, WASH. POST, Sept. 18, 2018 (speculating that “this statement was created in outraged response to another group of evangelical Christians—the Gospel Coalition—that held a conference on the 50<sup>th</sup> anniversary of the Rev. Martin Luther King Jr.’s assassination”). The two debates only partially overlap. MacArthur’s critique of politically inflected sermons applies not just to liberal evangelicals, but also to pastors who defend President Trump in their sermons.

<sup>8</sup> This is a slightly compressed version of the “Bebbington Quadrilateral,” the most widely accepted definition of “evangelical.” DAVID W. BEBBINGTON, *EVANGELICALISM IN MODERN BRITAIN: A HISTORY FROM THE 1730s TO THE 1980s* (2004).

<sup>9</sup> Steven Pinker, for instance. See, e.g., STEVEN PINKER, *THE BETTER ANGELS OF OUR NATURE: WHY VIOLENCE HAS DECLINED* 11-12 (2011) (claiming religious people “pay [the Bible] lip service as a symbol of morality, while getting their actual morality from more modern principles”).

least in its strong form. Evangelical beliefs are quite demanding—indeed, the constraints these beliefs impose on their adherents are often seen as a key factor in the evangelicalism’s success in America’s religious marketplace.<sup>10</sup> It is hard to believe the beliefs have no gravitational pull.

A subtler version of the malleability claim is not so easily dismissed. The Bible clearly calls its adherents to take action against poverty and to pursue justice, but it does not say whether, for instance, governmental or private initiatives are the best means of fulfilling these mandates.<sup>11</sup> Perhaps evangelicals agree about the core principles, whereas their disputes, as heated as they are, center largely on pragmatic issues that the Bible does not address. The participants in the debates do indeed agree about core principles, and disputes about pragmatic issues figure prominently. But the fissures run deeper than disagreements about politics or pragmatic issues alone. There is a crucial theological dimension, or so I will argue in this Essay.

The key to the recent debates can be found in a surprising place: the Sermon on the Mount, where Jesus told his disciples to turn the other cheek when struck, love their neighbor as themselves, and pray that their debts will be forgiven as they forgive their debtors.<sup>12</sup> In the past generation, divergent interpretations of these teachings have given rise to competing visions of justice. President Trump’s supporters invariably hold one Biblical conception of justice, and his critics the other.

I recognize that the importance of the Sermon on the Mount may not be obvious to close observers of current American life. Jesus’s most famous teachings are rarely mentioned as a key

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<sup>10</sup> Christian Smith makes the case most compellingly. CHRISTIAN SMITH, *AMERICAN EVANGELICALISM: EMBATTLED AND THRIVING* (1998).

<sup>11</sup> Timothy Keller, who will feature prominently in the second half of this Essay, frequently makes this point. *See, e.g.,* Timothy Keller, *Christians Don’t Fit in Political Boxes*, N.Y. TIMES, Sept. 30, 2018, at SR 9.

<sup>12</sup> The Sermon on the Mount is recorded in chapters 5, 6, and 7 of Matthew, and in a slightly different form in chapter 6 of Luke. Theologians have long debated whether it was a single sermon or is pieced together from multiple sermons. I’m not a theologian, and it is not especially relevant to this Essay, but the Sermon reads to me like a stump speech—a sermon Jesus might have given in multiple versions in different locales.

factor in any of the current evangelical debates, even by evangelicals themselves. Yet their influence is profound.

To explain why this is so, I will begin with a brief foray back to the 1880s, a period when the influence of the Sermon on the Mount was quite direct.<sup>13</sup> During this era, Jesus's teachings were at the center of an optimistic Christian vision of American society first called Applied Christianity and later known as the Social Gospel. Advocates of this vision, including Washington Gladden, a Columbus, Ohio pastor, and Rochester Seminary professor Walter Rauschenbusch, imagined that an approximation of the Kingdom of God that Jesus calls for in the Sermon could be achieved in American society. Traditionalist critics, many of whom later were called fundamentalists, insisted the Social Gospellers were misinterpreting the Sermon on the Mount and Jesus's other teachings about the Kingdom of God. Jesus is a savior, not a social guide, according to the traditionalists; his teachings were intended only for the church.

This earlier debate is the well-spring of the current divide in evangelicalism, although the channels are not entirely direct. One side of the current divide can be traced back to the fundamentalist critics of the Social Gospel—indeed, its advocates are the theological heirs of the earlier evangelicals. The other side does not trace back to the Social Gospellers, however; instead, it has important points of contact with another famous evangelical of that era, William Jennings Bryan. Bryan was not a Social Gospeller—Jesus was the Savior, in his view-- but his vision of justice was closer to the Social Gospellers than to his fellow traditionalists.<sup>14</sup> Bryan straddled the divide. The echoes between Bryan and the emerging alternative to the religious right are so striking I will refer to the new perspective as neo-Bryanite.

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<sup>13</sup> This Essay is part of a larger work-in-progress tentatively entitled *The Sermon on the Mount in American Law*.

<sup>14</sup> The similarities are nicely analyzed in Willard H. Smith, *William Jennings Bryan and the Social Gospel*, 53 J. AMER. HIST 41 (1966).

The Sermon on the Mount seems a fitting theme for a celebration of the scholarly contributions of Bob Cochran. Bob not only has been the great convener of evangelical and theologically conservative Catholic law professors for the past generation and has been a great friend to many of us; more importantly for this Essay, he also has written eloquently about the implications of Sermon on the Mount for American law, especially in his important recent work on the relationship between love and justice.<sup>15</sup> I have learned a great deal from this work and will refer to it with some frequency in the pages that follow.

## **I. The Debate in Historical Perspective**

Sometime around 1880, the Sermon on the Mount emerged as the central text of American public Christianity. The rest of Bible did not sink into the sea, of course. Lawmakers and writers still compared America to the Promised Land of the Old Testament and referred to any number of other Biblical texts, as they had in earlier eras. But the Sermon on the Mount took on particular importance.

The father of the Christian movement spurring this shift was Washington Gladden, pastor of a large church in Columbus, Ohio.<sup>16</sup> Gladden insisted the Golden Rule—Jesus’s admonition to love our neighbors as ourselves—should serve as the guiding principle for all of American life, not just as a command for individual Christians. “Do you know what a change would pass

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<sup>15</sup> Especially Robert F. Cochran Jr. & Dallas Willard, *The Kingdom of God, Law, and the Heart: Jesus and the Civil Law*, in *LAW AND THE BIBLE: JUSTICE, MERCY AND LEGAL INSTITUTIONS* 151 (Robert F. Cochran & David VanDrunen eds. 2013); Robert F. Cochran Jr., *Jesus, Agape, and Law* in *AGAPE, JUSTICE, AND LAW* 13 (2018).

<sup>16</sup> The details of Gladden’s life can be found in the standard biography, *JACOB HENRY DORN, WASHINGTON GLADDEN* (1968).

upon all this scene of tumult,” he asked, “if good will could take the place of greed, and we could all try, even for a while, to love our neighbors as ourselves?”<sup>17</sup> The intense labor strife afflicting the nation would quickly come to an end, Gladden predicted in 1894, the year of the Pullman Strike, if the warring parties “heard the good news ... that employers might find their highest pleasure in turning their gains into helpful ministries to the welfare of their men[;] that employees might be as loyal to their employers as soldiers to a trusted leader or pupils to a beloved and honored teacher[;] that factory and workshop might thus become the very house of God and the gate of heaven.”<sup>18</sup> Gladden called his vision of a society governed by the Gold Rule “Applied Christianity.”<sup>19</sup>

In the 1890s, a group of younger men-- and one woman-- who would carry this vision into the next generation began meeting in New York. Under the moniker “Brotherhood of the Kingdom” or simply the “Brotherhood,” they committed themselves to eight core principles.<sup>20</sup> “Every member shall by personal life exemplify obedience to the ethics of Jesus,” according to the first of the principles.<sup>21</sup> “Each member shall lay special stress on the social aims of Christianity, and shall endeavor to make Christ’s teachings concerning wealth operative in the church,” according to the third.<sup>22</sup>

The brightest star to emerge from the Brotherhood and from the larger movement, which became known as the Social Gospel, was Walter Rauschenbusch. During the early years of the Brotherhood, Rauschenbusch was the pastor of a hardscrabble Baptist church in the Hell’s

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<sup>17</sup> Washington Gladden, *The Church and the Kingdom* (1894), reprinted in ROBERT T. HANDY, *THE SOCIAL GOSPEL IN AMERICA: 1870-1920* at 102, 116 (1966).

<sup>18</sup> *Id.*

<sup>19</sup> WASHINGTON GLADDEN, *APPLIED CHRISTIANITY: MORAL ASPECTS OF SOCIAL QUESTIONS* (1886).

<sup>20</sup> The principles are quoted in *SOCIAL PROGRESS: A YEAR BOOK AND ENCYCLOPEDIA OF ECONOMIC, INDUSTRIAL, SOCIAL AND RELIGIOUS STATISTICS* 213 (ed. Josiah Strong 1904).

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

Kitchen neighborhood of New York City; he later settled at Rochester Seminary and remained there until his death in 1917.<sup>23</sup> In 1907, Rauschenbusch published his best-known book, *Christianity and the Social Crisis*.<sup>24</sup> The purpose of Christianity, he proposed, is to transform society. This objective got pushed in the background by the early Christian church, but it was central to Jesus’s teaching and the prophets before him.<sup>25</sup> “Jesus worked on individuals and through individuals,” Rauschenbusch wrote, “but his real end was not individualistic, but social, and in his method he employed strong social forces.”<sup>26</sup> The good news, Rauschenbusch argued, was that many institutions of American life had the “communistic” quality social Christianity called for. The family, schools, and churches were run on cooperative principles as, increasingly, was the state itself.<sup>27</sup> The outlier was the business world, which was tainted by monopoly and destructive competition.<sup>28</sup>

Like Gladden, Rauschenbusch favored public ownership of corporations in industries that tend toward monopoly, and sought a cooperative solution to tensions between management and labor. The most notable difference was Rauschenbusch’s greater enthusiasm for legal reform, rather than relying primarily on reformed hearts. Chastened by economic travails of his former congregants in Hell’s Kitchen, Rauschenbusch favored wage reforms to counteract the severe income inequality of the Gilded Age.<sup>29</sup> He supported the “single tax”—a pervasive,

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<sup>23</sup> The best biography of Rauschenbusch is CHRISTOPHER H. EVANS, *THE KINGDOM IS ALWAYS BUT COMING: A LIFE OF WALTER RAUSCHENBUSCH* (2004).

<sup>24</sup> WALTER RAUSCHENBUSCH, *CHRISTIANITY AND THE SOCIAL CRISIS* (1907).

<sup>25</sup> *See, e.g., id.* at 53-61.

<sup>26</sup> *Id.* at 59.

<sup>27</sup> *See, id.* at 391 (describing home, school and church, “[t]he three great institutions on which we mainly depend to train the young to moral life and to make us all good, wise and happy, [as] essentially communistic).

<sup>28</sup> *Id.* at 395-98.

<sup>29</sup> *See, e.g.,* WALTER RAUSCHENBUSCH, *CHRISTIANIZING THE SOCIAL ORDER* 197 (1913) (calling for industrial democracy and criticizing “liberty of contract” as a means of enslavement).



redistributive tax on property advocated by social reformer Henry George—for the same reason.<sup>30</sup>

On study leave in Germany when *Christianity and the Social Crisis* first came out, Rauschenbusch was unprepared for the reaction to the book. His passionate but scholarly call for social Christianity triggered an outpouring of grateful praise.<sup>31</sup> The success of *Christianity and the Social Crisis* convinced Rauschenbusch that the church was, as he put it, “hot” for social Christianity.<sup>32</sup> Seeking to mold the molten metal, Rauschenbusch quickly published a “theology” of the Social Gospel, a collection of Social Gospel prayers, and a series of studies of Jesus’s social teachings for college students and Sunday school classes.<sup>33</sup> If he were writing today, there would no doubt be Social Gospel tee-shirts, coffee mugs, and tattoos.

Like his predecessors, Rauschenbusch directly challenged traditional Christians’ understanding of the Sermon on the Mount. In the traditional view, Jesus’s teachings are intended for individual believers and the church, not for society as a whole. When Jesus tells his disciples that looking at a woman with lust is adultery, and anger is tantamount to murder, he is setting standards that are impossible to meet.<sup>34</sup> Confronted with his or her inability to live a truly blameless life, the reasoning goes, a person will recognize the need for the forgiveness and reconciliation with God that Jesus offers. Dwight Moody, the best known late nineteenth century revivalist, summed up the “wonderful sermon on the mount” by quoting Jesus’s admonition to “lay not up for yourself treasures upon earth, where moth and rust doth corrupt, and where

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<sup>30</sup> *Id.* at 212 (decrying resistance to the single tax). Henry George outlined and defended the single tax in HENRY GEORGE, *PROGRESS AND POVERTY: AN INQUIRY INTO THE CAUSE OF INDUSTRIAL DEPRESSIONS AND OF INCREASE OF WANT WITH INCREASE OF WEALTH* (1879).

<sup>31</sup> *See, e.g.*, EVANS, *supra* note 23, at 193-94.

<sup>32</sup> RAUSCHENBUSCH, *CHRISTIANIZING THE SOCIAL ORDER*, *supra* note 29, at [chapter 2, about 10].

<sup>33</sup> *See, e.g.*, WALTER RAUSCHENBUSCH, *PRAYERS OF THE SOCIAL AWAKENING* (1910); RAUSCHENBUSCH, *CHRISTIANIZING THE SOCIAL ORDER*, *supra* note 24; WALTER RAUSCHENBUSCH, *A THEOLOGY FOR THE SOCIAL GOSPEL* (1917);

<sup>34</sup> *See infra* notes 40-45 and accompanying text (traditional view as espoused by J. Gresham Machen).

thieves break through and steal; but lay up for yourselves treasures in heaven, where neither moth nor rust doth corrupt, and where thieves do not break through and steal.”<sup>35</sup>

In the opening decades of the twentieth century, the traditionalist and Social Gospel perspectives on the Sermon on the Mount were subsumed in a larger debate over theological modernism. The brainchild of early nineteenth century German theologians, modernist theology raised questions about the Bible’s authorship and the veracity of its miraculous events; its American adherents also embraced evolutionary theory.<sup>36</sup> Traditional evangelicals resisted modernist theology and affirmed Christian doctrines such as Jesus’s virgin birth. In the 1910s, traditionalists published a series of pamphlets called *The Fundamentals*, which gave rise to the term “fundamentalist.”<sup>37</sup>

In 1922, Harry Emerson Fosdick, a well-known modernist pastor in New York City, preached a sermon entitled “Shall the Fundamentalists Win?” Fosdick warned that fundamentalists sought to drive the theologically liberal modernists out of evangelical churches, and defended modernists who questioned the virgin birth and did not interpret Christ’s promise to return literally.<sup>38</sup> The following year, J. Gresham Machen, a theologian at Princeton, penned a spirited rejoinder to Fosdick and other modernists.<sup>39</sup> Because modernists denied core Christian beliefs, Machen suggested, the religion they espoused was not really Christianity at all. Machen aimed an especially sharp dart at modernists’ use of Jesus’s teachings in Sermon on the Mount. “It is the fashion now,” Machen wrote, “to place the Sermon on the Mount in contrast with the rest of the New Testament”:

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<sup>35</sup> DWIGHT LYMAN MOODY, *THE NEW SERMONS OF DWIGHT LYMAN MOODY* 86 (1880).

<sup>36</sup> For Rauschenbusch’s studies in Germany and the influence on him of theological modernism, see EVANS, *supra* note 23, at \_\_\_ [about 22 ff].

<sup>37</sup> See R.A. TORREY, *THE FUNDAMENTALS: A TESTIMONY TO THE TRUTH* (1915)(collecting the essays).

<sup>38</sup> Harry Emerson Fosdick, *Shall the Fundamentalists Win?* (1922).

<sup>39</sup> J. GRESHAM MACHEN, *CHRISTIANITY & LIBERALISM* (1923) (reprinted 1992). Note that Machen’s book was based on a 1921 talk, and thus in a sense predated Fosdick’s sermon.

“We will have nothing to do with theology,” men say in effect, “we will have nothing to do with miracles, with atonement, or with heaven or with hell. For us the Golden Rule is a sufficient guide of life; in the simple principles of the Golden Rule we discover a solution of all the problems of society.”<sup>40</sup>

This “fashionable” understanding of the Sermon on the Mount was, in Machen’s view, woefully misconceived: “Strange indeed is the complacency with which modern men can say that the Golden Rule and the high ethical principles of Jesus are all they need.”<sup>41</sup> In reality, no one can satisfy these standards: “if the requirements for entrance into the Kingdom of God are what Jesus declares them to be, we are all undone,” Machen wrote.<sup>42</sup> “The Sermon on the Mount, rightly interpreted, then, makes man a seeker after some divine means of salvation by which entrance into the Kingdom can be obtained.”<sup>43</sup> It shows men and women their need for Jesus, and is intended to make and instruct his disciples. “[F]rom them the great world outside is distinguished in the plainest possible way,”<sup>44</sup> Machen insisted, tartly dismissing the Social Gospel contention that the Sermon on the Mount applies to society as a whole.<sup>45</sup>

Traditional evangelicalism and the Social Gospel seemed irreconcilable. Certainly Fosdick and Machen both thought so, Fosdick decrying the purging of modernists from

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<sup>40</sup> *Id.* at 35.

<sup>41</sup> *Id.* at 38.

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

<sup>44</sup> *Id.* at 37.

<sup>45</sup> This interpretation of the Sermon on the Mount bears a family resemblance to Martin Luther’s Two Kingdoms theory. See, e.g., Martin Luther, *Secular Authority: To What Extent It Should be Obeyed*, in MARTIN LUTHER: SELECTIONS FROM HIS WRITINGS 363 (John Dillenberger, ed., 1961); Martin Luther, *Sermon on “The Sermon on the Mount,”* in FROM IRENAEUS TO GROTIUS: A SOURCEBOOK IN CHRISTIAN POLITICAL THOUGHT, 100-1625, at 599 (Oliver O’Donovan & Joan Lockwood O’Donovan, eds. 1999). Variation on this perspective can be found throughout Christianity’s history.

evangelical churches and Machen insisting the modernists were not really Christian. These debates made their way through the Protestant denominations. Machen later abandoned Princeton as a result, decamping to the suburbs of Philadelphia and founding a new seminary.<sup>46</sup>

Even at the height of the acrimony, however, there was one serious contender for a marriage between the clashing perspectives: William Jennings Bryan. Like Barack Obama in a later era, Bryan made his name with a galvanizing speech at the Democratic national convention—in Bryan’s case, his “Cross of Gold” speech in 1896.<sup>47</sup> Bryan’s central theme was the need for relaxed monetary policy—bimetallism or “free silver” rather than gold alone as the basis for the currency—to protect the interests of ordinary Americans. If the conservative advocates of the gold standard “dare to come out in the open field and defend the gold standard as a good thing,” Bryan thundered as he brought his address to its conclusion and the convention to its feet, “we shall fight them to the uttermost ... by saying to them, you shall not press down upon the brow of labor this crown of thorns. You shall not crucify mankind upon a cross of gold.”<sup>48</sup>

The “Cross of Gold” speech garnered “the Great Commoner,” as Bryan was known, the Democratic nomination in 1896, the first of his three unsuccessful campaigns for President.<sup>49</sup> Bryan later served as Woodrow Wilson’s initial secretary of state, and he was a major presence in American public life throughout this period.<sup>50</sup>

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<sup>46</sup> Machen’s battles within the Presbyterian Church, which led to his resignation from Princeton, and his founding of Westminster Seminary, are recounted in D.H. HART, *DEFENDING THE FAITH: J. GRESHAM MACHEN AND THE CRISIS OF CONSERVATIVE PROTESTANTISM IN MODERN AMERICA* (1994).

<sup>47</sup> William Jennings Bryan, “The Cross of Gold,” available at <http://historymatters.gmu.edu/d/5354/>

<sup>48</sup> *Id.*

<sup>49</sup> The other two nominations were 1900 and 1908.

<sup>50</sup> The standard recent biography of Bryan is MICHAEL KAZIN, *A GODLY HERO: THE LIFE OF WILLIAM JENNINGS BRYAN* (2006).

Unlike the Social Gospellers, who viewed Jesus’s teachings as a call to social action, for Bryan, as for traditional evangelicals, they were in the first instance the blueprint for a personal relationship with God. In “The Prince of Peace,” a speech Bryan gave numerous times at Chautauqua, a popular upstate New York summer speaking venue, he extolled a personal relationship with Jesus as the key to inner peace. “[M]an recognizes how limited are his own powers and how vast is the universe,” Bryan said, “and he leans upon the Arm that is stronger than his. Man feels the weight of his sins and looks for the One who is sinless.”<sup>51</sup>

Yet Bryan, like the Social Gospellers and unlike traditional evangelicals, consistently treated the Sermon on the Mount as addressed to society as a whole as well. “[W]hat is justice?,” Bryan asks in his book *In His Image*.<sup>52</sup> “We are familiar with this word but how shall it be interpreted in governmental terms? Christ furnished a solution—He presented a scheme of Universal Brotherhood in which justice will be possible.”<sup>53</sup> For Bryan, pursuit of brotherhood and the Golden Rule called for Prohibition—the ban on manufacturing or selling alcohol—since this would protect vulnerable Americans. He also was a fervent advocate for women’s right to vote. Bryan vigorously promoted both in speeches and in the pages of *The Commoner*, a popular magazine he and his brother Charles edited from 1901 to 1919.

Bryan’s vision of social reform coupled with traditional Christian beliefs came to a jarring halt in the final year of his life. In the 1920s, attacking evolutionary theory had become his signature issue.<sup>54</sup> Bryan wasn’t unequivocally opposed to evolution, as many traditional evangelicals were then and are today; his particular concern was the origin of human beings. “I

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<sup>51</sup> William Jennings Bryan, *The Prince of Peace*, at 8, available at <http://trisagionseraph.tripod.com/Texts/Prince.html>.

<sup>52</sup> WILLIAM JENNINGS BRYAN, *IN HIS IMAGE* 221 (1922).

<sup>53</sup> *Id.*

<sup>54</sup> *See, e.g.*, GEORGE M. MARSDEN, *UNDERSTANDING FUNDAMENTALISM AND EVANGELICALISM* 174-75 (1991)(describing Bryan’s involvement and its importance for the anti-evolution movement).

do not carry the doctrine of evolution as far as some do, he said in his “Prince of Peace” speech.<sup>55</sup> “I am not yet convinced that man is a lineal descendant of the lower animals.”<sup>56</sup> Bryan objected less to the logic of evolutionary theory than to its practical implications: “The Darwinian theory represents man as reaching his present perfection by the operation of the law of hate—the merciless law by which the strong crowd out and kill off the weak. If this is the law of our development,” he worried, “we shall turn backward toward the beast in proportion as we substitute the law of love.”<sup>57</sup> Bryan was implacably opposed to Social Darwinism and the eugenics movement, which had attracted a following among the elites of the era.

After Tennessee passed a law forbidding the teaching of human evolution, and advocates of evolution prepared to challenge it, Bryan eagerly joined forces with the prosecution.<sup>58</sup> At the end of the trial of John Scopes, who had agreed to violate the law to create a test case, Clarence Darrow, one of the lawyers for the defense, challenged Bryan to defend the literal accuracy of the Bible. Bryan agreed to submit to Darrow’s questioning, deeming it a matter of religious honor. The faceoff embarrassed Bryan, who stumbled in his attempts to explain, among other things, how the sun stood still as described in a passage in the Old Testament. “As Darrow pushed various lines of questioning,” as a leading historian puts it, “increasingly Bryan came to admit that he simply did not know the answers.”<sup>59</sup> His performance was gleefully ridiculed by H.L. Mencken and others. On July 26, 1925, only a few days after the trial, Bryan died, while his humiliation was still fresh.<sup>60</sup>

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<sup>55</sup> Bryan, *supra* note 51, at 14.

<sup>56</sup> *Id.*

<sup>57</sup> *Id.*

<sup>58</sup> The best account of the Scopes trial—a bracing corrective to some of the misconceptions about Bryan—is EDWARD L. LARSON, *SUMMER OF THE GODS: THE SCOPE TRIAL AND AMERICA’S CONTINUING DEBATE OVER SCIENCE AND RELIGION* (1997).

<sup>59</sup> *Id.* at 189.

<sup>60</sup> *Id.* at 199.

These events are often cited as the moment when traditional evangelicals disappeared from American public life, not to return for decades.<sup>61</sup> The claim is overstated in many details, as such claims usually are.<sup>62</sup> But Bryan's death and the unhappy circumstances surrounding it were momentous. They brought to a premature end his vision of Jesus's teachings as applying principally to individual Christians and the church, but also having relevance for society as a whole.

After his death, Bryan enthusiasts began raising money to start a university in his name. As reflected in their choice of locale-- Dayton, Tennessee, the site of the Scopes trial—the founders of the university were inspired more by Bryan's defense of literalist Christianity than by his vision of social reform. They asked J. Gresham Machen to serve as the university's president.<sup>63</sup> It is hard to imagine a better choice for pursuing Bryan's traditionalist evangelical commitments, or a clearer departure from Bryan's social vision. (Machen opposed Prohibition and criticized key early progressive reforms such as child labor legislation as, in his view, an interference with freedom.)<sup>64</sup> Machen was a major scholar, who could bring immediate intellectual credibility to the new university. Machen declined, however. His current professorship at Princeton was an important platform for propagating traditional Christianity, he

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<sup>61</sup> Some accounts include a scandal involving Pentecostal evangelist Aimee Semple McPherson as another precipitating factor. For a thoughtful discussion of developments in evangelicalism during the ensuing period, see MARSDEN, *supra* note 54, at 62-78 (1991).

<sup>62</sup> For example, Carl Henry issued a call to Christian social engagement, Fuller Seminary was founded in California and evangelicals (including Billy Graham) launched the popular magazine *Christianity Today*. *Id.*

<sup>63</sup> [CITE to Machen archives, Box 1926-27/A-M, Westminster Seminary, Glenside, PA].

<sup>64</sup> See, e.g., J. Gresham Machen, Letter, *Child Labor and Liberty*, THE NEW REPUBLIC, Dec. 31, 1924, at 145 (complaining that, with federal child labor legislation, the "federal agents would be economically benefitted; but American liberty and the sanctity of the American home would be gone").

said; he was not fit to serve as president; and he was loathe to abandon distinctively Presbyterian work for a position that did not have the same denominational tie.<sup>65</sup>

## II. The Sermon on the Mount in Current Evangelicalism

In the decades after Bryan's death, evangelicals hewed to the traditional understanding of the Sermon on the Mount—that it applied only to individual believers and the church.<sup>66</sup> When the religious right emerged in the 1970s, it held firmly to this perspective, even as its leaders devised and pursued a political vision for achieving a more just American society. Since the turn of the new century, several alternative perspectives have jostled for attention. The most important is anchored in an alternative interpretation of the Sermon on the Mount.

### A. The Religious Right from a Sermon on the Mount Perspective

A sermon by Jerry Falwell, the jowly, smiling face of the early religious right, is a typical evangelical limning of the Sermon on the Mount.<sup>67</sup> Falwell started by summarizing Jesus's most famous teachings as “the life Jesus wants to live out through us every day, for the Kingdom of

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<sup>65</sup> Machen's emphasis on the benefit of his Princeton platform has a tinge of irony in retrospect. Two years after the Bryan University offer, Machen left Princeton in the midst of an internal battle over orthodoxy and founded Westminster Seminary outside of Philadelphia.

<sup>66</sup> *The Sermon on the Mount in America Law*, the larger work in progress from which this Essay is drawn, explores in detail the mid twentieth century period I have skipped over here. The preeminent influence in Mainline Protestantism was Reinhold Niebuhr, whose starkly different understanding of the Sermon on the Mount was influenced by Albert Schweitzer's theory that Jesus mistakenly believed the end of history was near. *See also* David Skeel, *The Empty Pews in Niebuhr's Theory of Justice* (unpublished manuscript, 2009)(written for St. Thomas conference on Reinhold Niebuhr).

<sup>67</sup> The sermon aired on “The Old Time Gospel Hour,” the cable television show affiliated with Falwell's church, on February 23, 1975.



Heaven is within you.”<sup>68</sup> The beatitudes at the beginning of the Sermon are, as Falwell interprets them, reminders of his listeners’ personal sinfulness and need for reconciliation with God. Until they see their sinfulness—and thus are poor in spirit, as Jesus says—they are destined for damnation.<sup>69</sup>

The religious right pressed for legal reform, but the reforms were designed to make America safe for Christians, not to extend the Golden Rule to all of American life. The “Christian Bill of Rights,” which Falwell promoted in the early 1980s, called for bans on abortion and for opposition to homosexuality and pornography.<sup>70</sup> It also advocated a robust military and safety at home, as well as protections for Christians such as the rights to voluntary prayer in schools, to attend Christian private schools, and to continued tax exemption for religious institutions.

This vision of justice, as with other initiatives associated with the religious right, has often been perceived as harsh and judgmental. The sharp edge was perhaps inevitable given the changes in American culture that spurred the religious right’s emergence. Starting in the 1960s, evangelicals experienced a cultural version of the phenomenon psychologists call the “endowment effect”—the tendency each of us has to place a higher value on items we already own than those on items someone offers to sell to us.<sup>71</sup> As a series of Supreme Court decisions barred prayer and Bible reading in the public schools, evangelicals were forced to give up public

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<sup>68</sup> *Id.*

<sup>69</sup> *Id.*

<sup>70</sup> According to Falwell, the “Christian Bill of Rights” was distributed to 18.5 million homes. [CITE to Falwell Archives].

<sup>71</sup> In a famous study of the endowment effect, subjects who owned coffee mugs demanded a substantially higher price to part with it than mug-less subjects were willing to pay for them. *See* Daniel Kahneman, Jack L. Knetsch & Richard H. Thaler, *Experimental Tests of the Endowment Effect and the Coase Theorem*, 98 J. POL. ECON. 1325 (1990).

expressions of Christianity they were long accustomed to.<sup>72</sup> They resisted these developments with much more fierceness than they might have shown if they were campaigning to introduce prayer or Bible reading in the first instance. Their public face was unyielding. “We showed up with a lawyer and a baseball bat,” as a former evangelical foot soldier puts it.<sup>73</sup>

The traditional evangelical understanding of the Sermon on the Mount invites this stance. A movement that applies the Sermon on the Mount to its own members and looks for principles of justice elsewhere in the Bible will be tempted to emphasize forgiveness internally—striving for high standards of love and faithfulness but showing leniency when fellow believers fall short (forgiving one another not seven but seventy-seven times, as Jesus commanded)<sup>74</sup>—while adopting a combative ethic outside the church. Evangelical activism on abortion and homosexuality has reflected this tendency, sometimes coming across as judgmental. The rhetoric of the pro-life movement more often centers on stopping the slaughter of unborn babies, for instance, than on saving the culture.<sup>75</sup>

Combativeness is not an inevitable feature of the religious right’s understanding of the Sermon on the Mount. It is a temptation or tendency, like the side effects of a drug that may otherwise be beneficial. One also can imagine a softer and less purist vision of justice accompanying this perspective, together with higher expectations for life within the church.<sup>76</sup>

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<sup>72</sup> The landmark cases were *Engel v. Vitale*, 370 U.S. 421 (1962) and *Abington School District v. Schempp*, 374 U.S. 203 (1963).

<sup>73</sup> Interview with Missy DeRegibus (July, 2011).

<sup>74</sup> Matthew 18:22.

<sup>75</sup> Bill Stuntz and I wrote about this tendency elsewhere. David A. Skeel, Jr. & William Stuntz, *The Criminal Law of Gambling: A Puzzling History* in *GAMBLING: MAPPING THE AMERICAN MORAL LANDSCAPE* 257, 282-84 (Alan Wolfe & Erik C. Owens, eds, 2009).

<sup>76</sup> David VanDrunen has been developing and defending just such a conception over the past decade. *See, e.g.*, David VanDrunen, *Bearing Sword in the State, Turning Cheek in the Church: A Reformed Two-Kingdom Interpretation of Matthew 5:38-42*, 34 *THEMELIOS*, 322 (2009). His contribution to this volume is very much in this vein. David VanDrunen, *Jesus Came Not to Abolish but to Fulfill: Matthew 5:17-48 and Its Implications for Contemporary Law*, *PEPPERDINE L. REV.* (forthcoming, 2019).

But the religious right took shape as Christianity’s grip on American culture seemed to be eroding, and the movement quickly established a reputation as aggressive and unforgiving.

This pugilistic tendency and sense of a culture that has slipped away has not received as much attention as it deserves, in my view, as an explanation for evangelicals’ embrace of President Trump, despite his obvious flaws and evangelicals’ insistence two decades ago that a president’s character is essential. The usual explanation describes the alliance in standard interest group terms: Trump has seduced evangelicals by attending to their most pressing concerns, such as protecting religious freedom, discouraging abortion, and nominating judges who are likely to share their perspective on these issues.<sup>77</sup> The interest group explanation does not seem mistaken, but there is more to many evangelicals’ allegiance than the benefits the president hands out. Many evangelicals also like the president’s style.<sup>78</sup> Falwell, father of the current Trump enthusiast, often insisted America had lost its moorings and needed to return to the values of the Founders. President Trump’s promise to “make America great again” echoes these rallying cries. And although Trump’s evangelical supporters acknowledge Trump’s twitter tirades are often intemperate, they see him as a guard dog, defending their religious freedom at a time when religious freedom is under siege.<sup>79</sup>

## B. The Benedict Option

Shortly after President Trump’s election, conservative social commentator Rod Dreher published a book called *The Benedict Option*, which crystalized a vision he had developed on his

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<sup>77</sup> See, e.g., Morris, *supra* note 4.

<sup>78</sup> I am making a different point here than Katherine Stewart’s claim—quite mistaken, in my view—that evangelicals would like an authoritarian leader who shares their values. Katherine Stewart, *Why Trump Reigns as King Cyrus*, N.Y. TIMES, Jan. 1, 2019, at A19.

<sup>79</sup> For a somewhat similar argument, though framed differently, see Gerson, *supra* note 2. Michael McConnell used the guard dog metaphor in a discussion of this Essay; I have borrowed it here.

widely read blog over the previous decade, as the Supreme Court strengthened protections for gays and lesbians and created a right to same-sex marriage; as battles erupted over transgender rights; and as the national media started encasing “religious freedom” in scare quotes.<sup>80</sup> Dreher proclaimed that, from a cultural perspective, all is lost. The values ascendant in American culture are corrosive to Christianity. *The Benedict Option*—named for the sixth century priest who started the monastery movement-- was his proposed response.<sup>81</sup>

Dreher calls Christians to live in small, intentional communities where possible, to put their children in classical Christian schools that teach the Bible and classics of Western civilization, and to create a “parallel polis,” as Czech dissidents tried to do during the Soviet occupation. Although Dreher does not discourage Christians from voting or participating in conventional politics—indeed, he praises the efforts of a former Indiana politician to lobby for religious freedom—he urges “a strategic withdrawal—a limited kind of culture-war Dunkirk operation” during which Christians pay “deeper attention to spiritual discipline and building resilient Christian community.”<sup>82</sup>

The Benedict Option is a startling—and much debated—departure from the political tactics of the religious right in the last generation. Dreher does not, however, question the

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<sup>80</sup> ROD DREHER, *THE BENEDICT OPTION: A STRATEGY FOR CHRISTIANS IN A POST-CHRISTIAN NATION* (2017).

<sup>81</sup> Dreher was inspired to make Benedict the namesake of his response to a hostile culture by the final paragraph of an influential book by the (now) Catholic philosopher Alasdair MacIntyre, which condemned contemporary life, lamenting that “the barbarians are not waiting beyond the frontiers; they have already been governing us for quite some time,” and appealing to “another—doubtless very different—St Benedict.” ALASDAIR MACINTYRE, *AFTER VIRTUE* (1981).

<sup>82</sup> The Benedict Option bears a superficial resemblance to the theology of Stanley Hauerwas, who argues that Christians are called to form a distinctive, “alien” community, and to show by example what Christianity is. *See, e.g.,* Stanley Hauerwas & William H. Willimon, *Peculiar People*, *CHRISTIANITY TODAY*, March 5 1990, at 16. The basis of their emphasis on the church is profoundly different, however. Hauerwas believes the church must permanently separate itself from a world that will never embrace its values. The church is ever and always alien. For Dreher, the separation is intended to be temporary.

religious right’s underlying vision of justice. He assumes the validity of the vision itself—which treats the Sermon on the Mount as intended for Christ’s disciples and the church, and derives its principles of justice from elsewhere in the Bible. If the Benedict Option succeeded, it presumably would eventually lead to a society whose laws reflected the principles advocated by the religious right.

### C. The Neo-Bryanite Alternative

Another recent development, less focused but increasingly influential, offers a genuine challenge to the vision of justice long promoted by the religious right. In the past decade or so, a group of prominent evangelicals have attracted attention for their shift in tone from the traditional religious right. Russell Moore, the current head of the public engagement arm of the Southern Baptist Church, has called for a softer approach to immigration and other politically vexing issues than his predecessor.<sup>83</sup> In New York City, Presbyterian pastor Timothy Keller, who built a diverse church with over 5,000 weekly attendees in three locations, has questioned the strong ties between evangelicals and political parties. “[W]hile believers can register under a party affiliation and be active in politics,” he wrote in a recent op-ed, “they should not identify the Christian church or faith with a political party as the only Christian one.”<sup>84</sup> In Charlotte, North Carolina, Bishop Claude Alexander, the pastor of an 8,000 person church, has built

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<sup>83</sup> See, e.g., Kelefa Sanneh, *The New Evangelical Moral Minority*, NEW YORKER, Nov. 7, 2016 (stating that Richard Land, Moore’s predecessor, “often trained his fire on “homosexual activists” and other political enemies, but Moore tends toward introspection, admonishing Southern Baptists to think first—and often—about their own sins”). In his book *Onward*, Moore argues, among other things, that there is no single Christian position on gun control and that Jesus’s teachings are a call both for personal salvation and social justice. RUSSELL D. MOORE, *ONWARD: ENGAGING THE CULTURE WITHOUT LOSING THE GOSPEL* (2015).

<sup>84</sup> Keller, *supra* note 11, at SR 9. Keller notes in the book from which the column was derived that many readers assume he has the white evangelicals and the Republican party in mind, but that a somewhat similar bond links black evangelicals and Democrats. TIM KELLER, *THE PRODIGAL PROPHET: JONAH AND THE MYSTERY OF GOD’S MERCY* (2018).

relationships with a wide variety of local civic organizations, serving as a board member of the Urban League of Central Carolinas, United Way, and the Harvey B. Gantt Center for African-American Arts and Culture.<sup>85</sup>

These leaders are sometimes associated, especially by unsympathetic evangelicals, with the Social Gospellers of the early twentieth century. Such a link seems to be implied, for instance, by the recent “Statement on Social Justice & the Gospel” released by John MacArthur and a group of other evangelical pastors, whose signers condemn suggestions that “political or social activism should be viewed as integral components of the gospel or primary to the mission of the church.”<sup>86</sup> If this statement is aimed at leaders like Moore, Keller and Alexander, it is a case of mistaken identity. Each of these leaders does assert that Jesus’s teachings have implications for secular justice.<sup>87</sup> But they hold firmly to the traditionalist belief that the Sermon on the Mount is intended primarily for Jesus’s disciples.<sup>88</sup> Unlike the Social Gospellers, they identify Jesus as Savior, not just a teacher, exemplar or social entrepreneur; and understand the Sermon as instructing his disciples how to live together.<sup>89</sup>

Although the new leaders are not progeny of the Social Gospel, their understanding of the Sermon on the Mount as intended primarily for individuals and the church, but also having implications for secular justice, does find an echo in that earlier era. Rather than Gladden or

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<sup>85</sup> See, e.g., *The Park Church Ministry Team: Bishop Claude Richard Alexander, Jr.*, available at <https://theparkministries.org/index.php/who-we-are/team>.

<sup>86</sup> John MacArthur et al, *supra* note 3.

<sup>87</sup> See, e.g., MOORE, *supra* note 83; TIMOTHY KELLER, GENEROUS JUSTICE: HOW GOD’S GRACE MAKES US JUST 54 (2010) (commenting that in the Sermon on the Mount, “Jesus weaves into a whole cloth what we would today call private morality and social justice”).

<sup>88</sup> For an example of an evangelical who has in fact embraced the Social Gospel vision, see DAVID P. GUSHEE & GLEN STASSEN, KINGDOM ETHICS: FOLLOWING JESUS IN CONTEMPORARY CONTEXT (2003).

<sup>89</sup> See, e.g., Timothy J. Keller, *Life in the Upside-Down Kingdom*, 17 J. BIBLICAL COUNSELING 48, 49 (1999) (describing the Sermon on the Mount as “a picture of what it means to live as a Christian in the world”).

Rauschenbusch, it harkens back to the forgotten path of William Jennings Bryan. So much so that I will refer to their vision of justice as neo-Bryanite.

A more just society, from the neo-Bryanite perspective, is one characterized by proper relationship. Although neo-Bryanites tend to be skeptical about law as a means of addressing social concerns—changing hearts is the primary focus, changing laws secondary—they believe that legal reform can sometimes promote Golden Rule virtues. The great civil rights laws are the classic illustration.<sup>90</sup> The Civil Rights Act of 1964 and Voting Rights Act of 1965 did not throw violators in jail. They sought, instead, to make it possible for blacks and whites to live, work, and vote side-by-side. They helped create relationships that often had not been possible before.<sup>91</sup>

It should be noted that neo-Bryanites do not call for pastors or their churches to engage directly in legal reform or political activity. A church should teach its members about the Bible’s concerns about poverty and justice, as well as other social issues, Keller has argued, but “when we get to the more ambitious work of social reform and the addressing of social structure, believers should work through associations and organizations rather than through the local church.”<sup>92</sup>

The neo-Bryanites differ from Bryan himself in a few important respects. Although Bryan was not unlearned by the standards of his time—he had a college degree and worked

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<sup>90</sup> Russell Moore delivered an eloquent keynote address praising Martin Luther King at the MLK50 conference held by The Gospel Coalition, a leading neo-Bryanite website. Russell Moore, *King and Kingdom: Racial Justice and the Uneasy Conscience of American Christianity* (April 10, 2018), transcript available at <https://www.russellmoore.com/2018/04/10/king-and-kingdom-racial-justice-and-the-uneasy-conscience-of-american-christianity/>.

<sup>91</sup> My characterization of the Civil Rights laws is drawn from David A. Skeel, Jr. & William J. Stuntz, *Christianity and the (Modest) Rule of Law*, 8 U. PA. J. CONST. L. 809, 829-30 (2006).

<sup>92</sup> KELLER, *supra* note 11, at 145-46. On this issue, the neo-Bryanites agree with the evangelicals who signed “The Statement on Social Justice & the Gospel” and part ways with the movement in some precincts of the religious right to relax the obstacles to direct political engagement by churches. For a description of this movement—known as “Pulpit Freedom Sunday”—see Eugene Scott, *Pastors take to the pulpit to protest IRS limits on political endorsements*, CNN.COM, Oct. 1, 2016, available at <https://www.cnn.com/2016/10/01/politics/pulpit-freedom-sunday-johnson-amendment/index.html>.

briefly as a lawyer—he was often hostile to intellectuals, whom he saw as indifferent or even opposed to the interests of ordinary Americans. (Bryan was a focus of Richard Hofstadter’s scathing Cold War best seller *Anti-Intellectualism in American Life*).<sup>93</sup> The neo-Bryanites do not share this antipathy. The leaders I have mentioned—Moore, Keller and Alexander—could be characterized as intellectuals themselves. Keller, for instance, is known for the cultural and scholarly references in his sermons and talks.

The neo-Bryanites also are far more comfortable with pluralism. Bryan lived in an era of “Protestant consensus” and exhibited some of the biases of his times, such as occasional anti-Catholicism and racial insensitivity, though far less so than many other early twentieth century leaders.<sup>94</sup> The neo-Bryanites, by contrast, embrace and in many instances reflect the pluralism of contemporary American life. Indeed, a celebration of the fiftieth anniversary of Martin Luther King Jr.’s “I Have a Dream” speech is thought to have prompted the broadside fired against the neo-Bryanites by fellow evangelical pastors.<sup>95</sup>

Despite these differences, the neo-Bryanites’ understanding of the Sermon on the Mount is deeply Bryanite in spirit. Their insistence that Jesus’s most famous teachings have relevance for society as well as the church—that the implications for the church and for society more broadly need to be held in creative tension, as Keller has put it-- is a significant departure from the religious right’s perspective.

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<sup>93</sup> RICHARD HOFSTADTER, *ANTI-INTELLECTUALISM IN AMERICAN LIFE* (1962).

<sup>94</sup> See, e.g., KAZIN, *supra* note 50, at \_\_\_\_.

<sup>95</sup> See, e.g., Gerson, *supra* note 7. Neo-Bryanites also are not quite as optimistic as Bryan, and most do not share his postmillennialist inclinations (postmillennialists interpret the reference to a thousand-year reign in the book of Revelation as occurring before the return of Jesus, and thus as implying that human society will be perfected). But here the differences are not as stark.



### III. The Future of the Current Divide

It would be premature to describe the neo-Bryanites and religious right as engaged in a struggle for the soul of evangelicalism. Whether or not they support President Trump, a large majority of evangelicals continue to identify with the religious right.<sup>96</sup> But evangelicalism is not static. During the early nineteenth century, evangelicals were associated with the abolition movement, for instance, which should dispel any notion that the prevailing evangelical conception of justice is inevitable.<sup>97</sup> Three factors may determine whether American evangelicals seriously reconsider their current vision of justice.

The first is politics, or more precisely, political salience. Evangelicals are a political interest group—a quite powerful one, given that 25% of Americans describe themselves as evangelicals. The standard account of political influence predicts that discrete, cohesive groups are more likely to be effective than more diffuse groups.<sup>98</sup> If this is so—and very strong evidence confirms that it is—it bodes well for the continued influence of the religious right’s conception of justice. Due to its close links to the Republican party, and to its clear positions on issues ranging from abortion to immigration, the religious right is highly cohesive. Neo-Bryanites, by contrast, are less likely to identify with a particular party and may disagree even among themselves about the best strategy for addressing a particular social issue.<sup>99</sup>

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<sup>96</sup> This is reflected to some extent by the large percentage of evangelicals who describe themselves as conservative in polls, but conservatism is a messy proxy, since neo-Bryanites include political conservatives as well as moderates and liberals.

<sup>97</sup> See generally MARK A. NOLL, AMERICAN EVANGELICAL CHRISTIANITY: AN INTRODUCTION 197-198 (2001)(describing formalist, anti-formalist and African American evangelicals, and characterizing formalist abolitionists such as Lyman Beecher, Henry Ward, and Harriet Beecher Stowe as having the highest public profile).

<sup>98</sup> See MANCUR OLSON, THE LOGIC OF COLLECTIVE ACTION (1965).

<sup>99</sup> As Keller has noted, “there are many possible ways to help the poor,” as the Bible commands, but “[t]he Bible does not give exact answers” as to which approach is best for any given time or place. Keller, *supra* note 11, at SR 9.

Demographics, by contrast, could weaken the hold of the religious right’s conception of justice. Younger evangelicals and evangelical immigrants from developing countries are less conservative than the past generation of evangelicals, especially on social issues other than abortion. Evangelical millennials are more likely to believe “bigger government and more services are preferable” (41% vs 27% of older evangelicals), for instance, and “stricter environmental laws are worth the cost” (55% vs 43%).<sup>100</sup> They may be drawn to the neo-Bryan understanding of the implications of the Sermon on the Mount, since it does not come with the implicit ties to the Republican party that the religious right vision of justice has in the current environment.

Politics and demographics are not everything, however. Theology matters too, especially for Christians who treat Biblical teaching as the ultimate authority on all issues, as evangelicals do. This should be obvious to evangelicals themselves, but theology has figured much less prominently in the debate thus far than in previous generations. Some Christians who do not identify themselves as evangelical have focused intensely on the implications of the Sermon on the Mount for justice.<sup>101</sup> Evangelicals, much less so. But this will need to change if evangelicals are serious about the Biblical basis for their vision of justice. The distinctions between the religious right and neo-Bryanite conceptions of justice are rooted in sharply divergent understandings of the Sermon on the Mount. Even if each is a plausible understanding of Jesus’s teachings—as seems likely, given that both have long histories in Christian theology—they are not likely to prove equally compelling. Is it plausible, neo-Bryanites might ask, to construe the Sermon on the Mount as directed only to individual Christians and the church given that Jesus

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<sup>100</sup> See Jeff Diamant & Becka Alper, *Though still conservative, young evangelicals are more liberal than their elders on some issues*, PEW RESEARCH CENTER, May 4, 2017.

<sup>101</sup> The most salient example is anabaptist theologians such as Stanley Hauerwas and John Howard Yoder. See, e.g., Hauerwas & Willimon, *supra* note 82; JOHN HOWARD YODER, *THE POLITICS OF JESUS* (1972).

begins the Sermon speaking exclusively to his disciples but by the end of the Sermon a massive crowd is listening, and is astonished at the power of his teaching?<sup>102</sup> Are Jesus's statements that anger is murder and lust adultery bereft of any implications for the secular law?<sup>103</sup> Advocates of the religious right might ask how neo-Bryanites explain the features of the Sermon that do seem directly exclusively to Jesus's followers. Jesus tells them to love their enemies, for instance, "so that you may be sons of your father who is in heaven."<sup>104</sup> The more compelling the answers to these questions, the more promising the vision of justice that emerges will be.

The participants in this evangelical debate would do well to pay close attention to Bob Cochran's often pioneering work. Although Bob comes from squarely within the tradition of the religious right, he develops a thoughtful case in his recent work for the perspective I have called neo-Bryanite. "In our view," he and theologian Dallas Willard have written, the suggestion that the Golden Rule applies only within the church "too neatly avoids the difficult work of determining the implications for the state of Jesus's teaching on love. There is no basis for such a division of authority in Jesus's teaching. Indeed, he taught that love is the framework on which law hangs."<sup>105</sup> This may not be the last word in the coming debate, but it is a good and thoughtful word, a word that gets to the very heart of the evangelical divide on questions of justice.

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<sup>102</sup> Matthew 5:1 (Jesus with his disciples); 7:28 (the crowds are astonished).

<sup>103</sup> Matthew 5:21-23 (anger); 5: 27-28 (lust).

<sup>104</sup> Matthew 5:45.

<sup>105</sup> Cochran & Willard, *supra* note 15, at 173. Cochran and Willard go on to suggest that Jesus's teaching in the Sermon on the Mount may have implications for modern divorce law, perhaps "warrant[ing] laws that discourage divorce without demanding God's ideal of permanent marriage." *Id.* at 179.