Jews, Slavery, and the Meaning of Freedom

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Freedom in world history and American history is tied to slavery. Slavery and the exodus from slavery are central to Judaism. Many cultures, do, or have, celebrated emancipation. But only Jews have a major religious holiday that is focused on enslavement and an escape from enslavement.

My main focus here will be on Jews and slavery in what became the United States, from the seventeenth century to 1865, when the United States ratified the Thirteenth Amendment, which prohibited slavery "within the United States, or any place subject to their jurisdiction." However, to understand this very important topic, we need a longer historical perspective for world history and Jewish history.

I. Slavery and Freedom in Global Perspective

Slavery has been present in almost every human society, since at least the Neolithic period of pre-history. People of virtually every climate and culture have been masters and slaves, without regard to race, religion, or ethnicity. As the Harvard scholar Orlando Patterson observed, "There is nothing notably peculiar about the institution of slavery. It has existed from before the dawn of human history right down to the twentieth century, in the most primitive of human societies and in the most civilized." Patterson found slavery in every "region on earth" and concluded that "probably there is no group of people whose ancestors were not at one time slaves or slaveholders."[1] Indeed, it is likely that almost all people today have ancestors who were both slaves and slaveowners.

Slavery has differed from place to place. In some cultures, slaves had rights or protections that slaves in other cultures did not have. In ancient Rome, for example, slaves could own some personal property, but in the United States (except in Louisiana) a slave could legally own nothing. Even their clothing belonged to the master. But whatever the differences, slavery was always predicated on the domination of some people by others, with the power of the state (or its equivalent in less formal settings) to support that domination.[2] It always involves force, violence, the dishonoring of those enslaved, the denial of basic human rights to those held in bondage, and the commodification of people as property. As Aristotle noted, the "the slave is not merely the slave of the master but wholly belongs to the master. These considerations therefore make clear the nature of the slave and his essential quality: one who is a human being belonging by nature not to himself but to another is by nature a slave, and a person is a human being belonging to another . . . is an article of property."[3] Similarly, in discussing what penalties a Jewish master might face for punishing a slave—whether a fellow Jew or foreigner—to the point of death, the Torah notes that the law should not presume a master intentionally killed a slave "because he [the slave] is his [the master's] property."[4]

Many people assume that slavery in Europe died out after the fall of Rome and was somehow revived in the Americas, after the European expansion into the New World. But, in fact slavery existed in parts of Europe from ancient times until at least the eighteenth century. The very term "slave" comes from the Slavic peoples, captured by Norsemen (the Vikings) and sold in the slave markets of southern Europe after the collapse of the Roman Empire. Throughout this period the Roman Catholic Church and all established Protestant Churches in Europe supported slavery and approved the enslavement of various classes of people. Systems of slavery operated on the southern rim of the Mediterranean from antiquity into the twenty-first century.[5] Slavery was endemic to Africa, the Middle East, south Asia, and found in many indigenous cultures of the New World before the arrival of Europeans at the end of the fifteenth century.

European nations formally rejected slavery at the Berlin Conference in 1884 and in the Berlin Act of 1885, declaring that slave trading was "forbidden in conformity with the principles of international law." Five years later The Brussels Act "was the first comprehensive multilateral treaty directed specifically against the African slave trade."[6]

The League of Nations pushed hard to end human bondage with the Slavery Convention of 1926, mobilizing international cooperation for the "abolition of slavery in all its forms." Slavery was now broadly defined as "the status or condition of a person over whom any or all of the powers attaching to the rights of ownership are exercised." The Convention and the League of Nations had some successes, such as pressuring Nepal and Burma to formally end slavery.[7]

But this accomplishment was short lived. Slavery reemerged in the 1930s in the Soviet Gulag, the German Third Reich, and the Japanese empire. From 1939 to 1945, Germany transported some 12 million foreigners to the Reich proper as forced laborers. In the mid-1940s there would be as many people enslaved inside Germany as there had been enslaved in all of the Americas at the highpoint of slavery in the nineteenth century. In addition, millions of Eastern Europeans, especially Jews, Roma, and captured Soviet prisoners of war, some of whom were Jewish, would be used as slave labor both outside and inside Germany, often in inhuman, barbaric conditions where they were literally worked to death. Enslavement was one of the crimes against humanity for which Nazi leaders were prosecuted and hanged at Nuremberg. After the War, the United Nations forcefully condemned slavery in the Universal Declaration of Human Rights (1948) and subsequent documents. By 2013, every nation on earth had formally prohibited slavery, and numerous international agreements and treaties had also forbidden it.[8]

II. Slavery in the Ancient and Early Modern World

Slavery was common throughout the world when the descendants of Abraham morphed from being Hebrews to Jews. Not surprisingly, these ancient people had slavery. This would matter for Jews in British North America because on its face Jewish law permitted slavery.

Most ancient cultures and communities preferred to enslave foreigners—the ancient Greeks considered all foreigners to be "barbarians," ripe for enslavement, while biblical law made it far easier to enslave a stranger than a fellow Jew. But members of both societies ended up in bondage in their own countries. As the historian Moses I. Finley observed, while most classical slaves were foreigners, there were "Greek slaves in Greece [and] Italian slaves in Rome."[9] Similarly, there were Chinese slaves in China, Russian slaves in Russia, and Muslim slaves in Islamic societies. And there were Jewish slaves in ancient Israel.

Slavery existed among the ancient Hebrews and the post-Sinai Jews. Abraham, like masters in almost every slave culture, fathered children with his female slaves Hagar and Keturah. His grandson, Jacob, had children with his two wives, Leah and Rebecca, and with two slaves, Bilhah and Zilpah.[10] Throughout the ancient world, the children of a slave woman and her owner were often considered the children and heirs of their father. Jacob's sons with his slaves, like those with his wives, were his heirs, and the founders of the Twelve Tribes of Israel. Thus, at least in theory, all Jews are the descendants of slaveowners (Abraham and Jacob) and their slaves, as well as the descendants of those enslaved in Egypt.

The story of Hagar illustrates the unpleasantness of slavery and the desire of slaves to escape their bondage. For nineteenth-century U.S. slaveowners it also supported the rights of masters to recover their fugitive slaves. After all, if God could send an angel as a slave catcher to recover Abraham's property, then surely the United States could send a federal marshal.

The story of Joseph underscores the acceptance of slave status across the ancient world. The favored and clearly spoiled youngest son of the patriarch Jacob, who had given his son "a coat of many colors" the 17-year-old Joseph relished his father's favoritism, bragging to his older brothers that one day they would be subservient to him. Given this favoritism combined with the teenager's arrogance, it is perhaps not surprising that his older brothers "hated him . . . [and] could not speak a friendly word to him." When their hatred boiled over, the brothers "sold Joseph for 20 pieces of silver to the Ishmaelites, who brought Joseph to Egypt." [11] For Jacob's sons, this was a plausible solution to sibling rivalry.

The Ishmaelites accepted Joseph as they found him: a youth devoid of any trappings of his status as the favored son of an elite family. He appeared to be a slave, and those who sold him clearly held him in captivity. The Ishmaelites never asked how or why Joseph became a slave or who his family was. They took Joseph as they found him—a teenager in bondage. The Ishmaelites later sold Joseph in Egypt. No one in this story doubted he had been legitimately reduced to the status of a slave by the people who sold him to the Ishmaelites. The fact of Joseph's slave status—and its acceptance by the Ishmaelites and later the Egyptians—is emblematic of the law and international practice at the time.

The Hebrews would later be enslaved in Egypt, and in the Exodus story—the central story of Jewish identity—they escaped their bondage, received the law at Mt. Sinai, and then moved into ancient Israel. Significantly, their Egyptian bondage did not turn them into abolitionists. The Ten Commandments admonishes the Hebrews—who are becoming Jews—to allow their slaves to rest on the Sabbath and also reminds them not to "covet" their neighbor's male or female slaves.[12] The

Sabbath provision suggests a level of humanity in Jewish slaveholding that was not found in some other slave cultures. But the language of both commandments also demonstrates that slaveholding itself was theologically and culturally acceptable.

The very next chapter (Exodus 21) contains rules on how to enslave fellow Hebrews or foreigners, how to sell one's daughter into bondage, and how to treat slaves. The language (at least in English translation) in both chapters uses the words slave and "servant" interchangeably. This resembles the practice of the antebellum South, where some slaveowners referred to their slaves—people they bought, sold, and often whipped—as their servants. Similarly, the Latin term for a slave—*servus*—could also mean a "servant."

Biblical law gave slaves some legal protections. For example, slaves severely injured by their owners might be emancipated, which is unusual in slave societies. And, unlike Roman law, biblical law did not allow masters to kill their slaves on a whim. American law would follow this biblical rule. But the text here is ambiguous. Throughout Exodus 21 the text provides that for various crimes the persons convicted "shall be put to death," "die," or in one case be exiled.[13] But here the text says only that "should a man strike his manservant or his maidservant with a rod, and [that one] die under his hand, he shall surely be avenged." It is not clear what "avenged" would mean, given that the dead slave might have no kinfolk to avenge the crime, receive compensation for the death, or even seek some sort of punishment or fine by the government that would constitute "avenged." Even here, the punishment (whatever it might be) was only for a slave who died while being punished. Under biblical law, a master was not liable for the death of a slave who survived a severe punishment but died a day or two later from his injuries. A master would not be punished for the subsequent death of a slave from injuries because "because he is his property."[14] Like the later American law, a slave had no control over his children, who belonged to the master, and could marry only with the master's permission.

III. Jews and Slaveholding in the Early Colonial Period

Before 1500 Jews in Europe and the Middle East were slaveowners, just like Christians and Muslims. Many scholars have argued that Jews were also active slave traders from the fall of Rome into the early modern period. In 452 ce Pope Gelasius permitted Jews to transport heathen slaves to Christian countries, and according to the first edition of the Jewish Encyclopedia, "From the 8th century until at least the 11th century Jews were particularly active in selling Christians into the Muslim world, as well as bringing Slavs overland into the northern rim of the Mediterranean." More recently, the Israeli scholar Michael Toch has challenged this argument. But, all scholars seem to agree that Jews themselves in Europe and the Middle East owned slaves, bought and sold them, and sometimes converted them to Judaism.[15]

Throughout this period the Catholic Church authorized the enslavement of heathens, some Christians who were captured in inter-European wars, and others. Columbus brought enslaved Carib Indians back to Spain after his first trip to the New World.[16] Thus, the initial Atlantic slave trade went from West to East. The direction of the Atlantic slave trade quickly changed, as European diseases, overwork, and savage Spanish treatment of natives led to massive deaths of Indians in the Caribbean and elsewhere. The Spanish and Portuguese insatiable desire for labor to support for sugar cultivation and mining led to the African slave trade.

Every European colony in the western hemisphere adopted slavery. With a few exceptions—most notably in Suriname—most New World Jews lived in urban places—usually

ports—and few engaged in agriculture. They owned slaves to serve them in their houses and businesses. Some Jews were involved in the African slave trade, although in very small numbers. An extensive study by Eli Farber found that of 45,224 slaves imported into Barbados, only 128 of them were on ships in which Jews had invested in the voyage. No Jews actually owned any of these ships or were actively participating in the trade on a personal level. Farber's research showed similar results for other Caribbean colonies.[17]

While Jews generally shied away from the brutal and horrible Atlantic slave trade, they were not squeamish about buying African slaves. Most of these early Jewish migrants had a Sephardic-Portuguese heritage. Slavery was a thriving institution in both Moorish and Christian Iberia from ancient times to the sixteenth century and beyond. Thus, Jews of the Portuguese Nation (as they called themselves) came from a culture where slavery was normal, common, and unexceptional. When they were expelled from Iberia, Jews brought their slaves to the southern rim of the Mediterranean.[18] As Orlando Patterson observed, for most of world history there was nothing *peculiar* about slavery.

Suriname and Barbados had the first two synagogues in the New World. Many urban Jews in both places owned some slaves, a few Barbadian Jews owned sugar plantations with many slaves. There were a significant number of Jewish plantation owners in Suriname. Jews in both places were pretty much like their Christian neighbors, eagerly purchasing Africans brought to the colonies. In Kingston, Jamaica, urban Jews were more likely to own slaves than Christians, but they owned fewer of them.[19]

In her superb recent book, *Once We Were Slaves*, Laura Arnold Leibman shows that in Barbados and Suriname—the two largest early New World Jewish communities—Jewish men often fathered children with slave women. Sometimes they acknowledged their paternity and even manumitted their concubines and raised their children as Jews. Sometimes they did not. Some of the mixed-race children and grandchildren of these relationships would marry into some of the leading families of Jewish America. Sarah Rodrigues Brandon, a mixed-race woman who was born a slave in Barbados, formally converted to Judaism, and married Joshua Moses, whose father was at one point the richest Jew in Philadelphia, a founder of Mikveh Israel, and later a leader of Shearith Israel. Their mixed-race son, Lionel Moses, married Selina Seixas, the granddaughter of Gershom Mendes Seixas.

IV. Jews and Slavery in the New Republic

By the eve of the American Revolution the New World Jewish community was shifting to the mainland colonies. When the Revolution began, slavery was legal in every one of the thirteen colonies, as well as in every other New World colony. There were thriving Jewish communities in New York, Philadelphia, Newport, Charleston, and Savannah, and slavery was important in all these places. Charleston was at the center of the slave trade into the mainland colonies. Its wealth was predicated on slavery. Jews there, and in Savannah, like those in the Caribbean, owned slaves in their urban households and businesses and on the few rural plantations some of them owned. These southern Jews and their descendants would remain committed to slavery until the U.S. army, President Lincoln, Congress, and the Thirteenth Amendment ended slavery.

While the British overwhelmingly dominated the African slave trade into the mainland colonies, a small amount of slaving was done by Rhode Islanders, mostly out of Newport. The city's most important slaver (and its wealthiest resident) was Aaron Lopez, a Jewish refugee from Portugal. Another Portuguese Jew in the city, Rodrigues Rivera (whose daughter Lopez would marry) was also a

slaver. Lopez and Rivera probably brought about 3,000 slaves to the New World, while four other Jewish men in Newport invested in a few slaving voyages but were not the principal importers.[20]

In colonial Philadelphia and New York almost all whites—Gentiles and Jews—who could afford to owned slaves. It was simply part of their culture. For example, both the future president of the Pennsylvania Society of the Abolition of Slavery (Benjamin Franklin) and the future president of the New York Manumission Society (John Jay) owned slaves. After the Revolution they would become dedicated abolitionists. Jews, like their urban Christian neighbors, owned slaves as well. In a world without electricity, refrigeration, running water, or indoor plumbing, urban life required an enormous amount of labor. Slaves also provided the labor to run many businesses, as black slaves did the heavy lifting for Jewish merchants.

Before 1775 there was no organized opposition to slavery in the Anglo-American world. A few dissenting Christian faiths—Quakers, Mennonites, Methodists, and some Baptists (and some Congregational and Unitarian ministers)—had identifying slavery as sinful, and urged or even required their members to give-up slaveholding.[21] But, except for the Society of Friends, all major Christian denominations and established churches accepted slavery and many of their clergy and individual churches as corporate entities owned slaves. English and Anglo-American Protestants defended slavery, even as they baptized their human property. In the mid-eighteenth century, Rev. George Whitefield, the most famous Anglican preacher of the Great Awakening, believed in converting slaves to save their souls, but he also found biblical support for slavery and owned a Georgia plantation with about 75 slaves.[22]

In this environment no Jewish leaders opposed, although a few individual Jews did. As David Brion Davis, the great Pulitzer Prize winning historian of slavery, noted: “The small number of Jews who lived in the Atlantic community took black slavery as much for granted as did the Catholics, Muslims, Lutherans, Huguenots, Calvinists, and Anglicans. And while at least one Jewish merchant joined New York’s first antislavery society in the 1790s, Judaism was as resistant as other tradition-oriented religions to such intellectual and moral innovations.”[23] In this sense Jews in colonial America were like the vast majority of other whites in the colonies.

The Revolution changed American thinking on slavery. Even before the war began, slaves in Massachusetts petitioned the colonial legislature for their freedom. The first person to die in the Boston Massacre in 1770 was Crispus Attucks, was either a former slave or a runaway slave (the evidence is not clear). His status and race illustrated the problematic nature of white Americans wanting their liberty, while enslaving others. During the Revolution the English Tory Samuel Johnson ironically wondered, “How is it that we hear the loudest *yelps* for liberty among the drivers of negroes?”[24] By the time he asked this, many white Americans, mostly in the North, but also some in the South, were addressing the issue.

On April 14, 1775—just five days before the Battle of Lexington and Concord, twenty-four Philadelphia men (seventeen of whom were Quakers) formed The Pennsylvania Society for the Relief of Free Negroes Unlawfully Held in Bondage. This was the first organization in the world dedicated to ending slavery. However, because of the war with Britain, the Society dissolved itself after just four meetings. In 1780, Pennsylvania passed a gradual abolition law, which would lead to the end of slavery by providing that the children of all slave women would be born free, subject to an indenture. Those already enslaved were not freed. This was the first law in world history to begin to formally end slavery. By 1804, Connecticut, Rhode Island, New York, and New Jersey had passed similar laws. Meanwhile Massachusetts, New Hampshire and the new states of Vermont and Ohio simply abolished slavery in their first constitutions. In 1817, New York passed legislation freeing all slaves in the state on July 4, 1827.

Under the gradual abolition laws the slave population in the North plummeted as many masters simply freed their slaves. For example, from 1800 to 1820 the New York the slave population declined from 21,000 to 10,000, while the free black population grew from 10,000 to 29,000. In the same period Pennsylvania's free black population went from 15,000 to 30,000, while the slave population dropped from 4,000 to just 800.

After the war, the opponents of slavery in Philadelphia reorganized themselves as The Pennsylvania Society for Promoting the Abolition of Slavery and the Relief of Free Negroes Unlawfully Held in Bondage (usually called the PAS) and shortly thereafter Benjamin Franklin became its president. In 1785, New Yorkers, led by John Jay and Alexander Hamilton, formed The New-York Society for Promoting the Manumission of Slaves, and Protecting Such of Them as Have Been, or May be Liberated. The PAS was heavily Quakers, with some deists (like Franklin, Dr. Benjamin Rush, and Thomas Paine) and other Christians. The New York society was led by Episcopalians such as Jay and Hamilton. However, a few Jews also joined. Moses Judah, a leader of Shearith Israel, joined the New York Society in 1799 and served on numerous committees. In Philadelphia, Benjamin Nones, who had owned slaves most of his adult life, freed his slaves and joined the PAS. Other members of Mikveh Israel, including Mordecai M. Mordecai, Jonas Phillips, Moses Myers, and Isaac Moses freed their own slaves and were involved in the manumission of other slaves.

These early anti-slavery Jews were a minority within their community. Most northern Jews, like most other northern whites, ignored the issue of slavery, especially because the gradual abolition laws and state constitutions had set northern slavery on the road to extinction. As slavery died out in the North, many masters manumitted their slaves, but some Jews held on to their slaves as long as possible. While Moses Judah in New York was actively fighting slavery, his hazzan at Shearith Israel, Emanuel Nunes Carvalho, owned three slaves, and bought at least one more when he moved to Charleston.[25]

Jewish southerners, like their white Christian neighbors, usually supported slavery, although there are records of individual owners manumitting particular slaves.[26] In 1961, Bertram W. Korn detailed southern Jewish slave owning from the Revolution to the Civil War in his presidential address to the American Jewish Historical Society. Korn found that most middle class and affluent urban Jewish southerners owned slaves who worked in their houses and businesses, but fewer than a dozen Jews owned plantations, with large numbers of slaves. He identified eight Jewish firms engaged in professional slave trading, buying slaves in the upper South and transporting them to the Gulf Coast states where when could be sold at huge profits. He found other Jewish mercantile and auction houses that sold slaves along with other merchandise.[27] The bottom line here is that Jewish southerners actively and with very few (if any) qualms, participated in the South's most important economic and social institution—owning human beings and exploiting their labor. Freedom, for Jewish Southerners included the freedom to own, buy, and sell other people. Almost no Jewish southerners even blinked at the irony of black slaves serving food and clearing dishes at a Passover Seder celebrating the Exodus.[28]

V. Jews, Politics, and Slavery

A few Jews held various political offices in the new nation, starting with Francis Salvador, a slaveowner in South Carolina elected to the colony's pre-Revolutionary provisional Congress in 1774. From the early national period to the Civil War there may have been more Jews elected to office in the South than the North, although the numbers for either section were small. But, whether northern or

southern, until the Civil War most Jewish political leaders were either proslavery or silent on the issue.

The most important early Jewish politician was Mordecai Manuel Noah. Born in Philadelphia, he grew up in South Carolina, where he studied law, fully embracing southern views on race and slavery. While not apparently a slaveowner, he became a vigorous opponent of black rights and black freedom, and a supporter of slavery. He briefly served as a diplomat in Tunis, where he tried, and mostly failed, to liberate about a dozen captured American merchant sailors being held as slaves in Algeria. He did manage to help ransom two of these sailors. Noah's acts illustrate his support for freedom for white people. He then moved to New York, where he was a Democratic Party leader, and held various offices, including sheriff of New York and a judgeship. At this time, the Democratic Party was dominated by slaveholding presidents—Thomas Jefferson, James Madison, James Monroe, and later Andrew Jackson—and was aggressively proslavery and anti-black. Noah embraced this ideology. His newspaper, the *National Advocate*, railed against free blacks. In 1821, New York Democrats, led by Martin Van Buren, who had grown up in a slaveholding Dutch family outside of Albany, wrote a new state constitution which eliminated property requirements for white voters, but not for blacks. In the 1830s Democrats in Pennsylvania simply prohibited blacks from voting. Noah, as a Democratic Party leader, supported these policies.[29]

In the southern states there was no movement to end slavery, and Jews in Charleston, Savannah, Baltimore, Richmond, New Orleans, Mobile, and elsewhere owned slaves and supported the system. Despite antisemitic claims, southern Jews were rarely involving in the interstate slave trade. And, since few Jews owned plantations, they were rarely owners of large numbers of slaves.

In the 1830s a new abolitionist movement developed across the North, starting with the publication of William Lloyd Garrison's newspaper, *The Liberator* in 1831, and his founding of the American Anti-Slavery Society in 1833. The Revolutionary-era organizations, such as the PAS and the N.Y. Manumission Society, had focused on ending slavery in their own states. The new movement focused on ending slavery throughout the United States. By the 1850s tens of thousands of northerners would be engaged in antislavery agitation. Much of the movement was rooted in evangelical Protestant theology and many of the movement's leaders were clergymen. Many abolitionists were anti-Catholic, as well as anti-slavery, and a few articulated hostility toward Jews.

The abolitionist movement also undermined and altered many traditional roles. For the first time in U.S. history, significant numbers of women participated in public meetings and demonstrations and sent petitions to Congress. The movement was racially integrated, with African Americans—most famously Frederick Douglass—addressing integrated anti-slavery meetings.

During this period the first dedicated opponents of slavery were elected to Congress, initially from New England, New York, Ohio, and Pennsylvania. So too were the first Jews. Until the Civil War began, all the Jews in Congress were either aggressively proslavery, or passively supported the institution. In 1844, Pennsylvania elected Lewis Charles Levin, the first Jew to serve in Congress. Raised in South Carolina and always connected to the South, he was a member of a fringe, anti-immigration party. In the 1850s, he would oppose the Republican Party, in part for its stand against slavery. His main political interest was reducing Catholic immigration into the United States. In 1845, the new state of Florida sent David Levy Yulee to the Senate. He was a staunch defender of slavery and would leave the Senate in 1861 to support secession. Elected in 1850, Emanual Hart was a proslavery northern Democrat from New York. He served one term in Congress and then held patronage positions in the proslavery Pierce and Buchanan administrations. In 1852, Alabama elected Philip Phillips to the House of Representatives. He was a native of South Carolina and had attended Kahal Kadosh Beth Elohim in Charleston as a child. His wife, Eugenia Levy, was from a distinguished slaveholding Jewish family in Charleston. Phillips supported slavery, and helped draft the Kansas-Nebraska Act, which allowed slavery in most of the existing federal territories. But while always a

supporter of slavery, Phillips was also a unionist in this period. At the beginning of the Civil War, he was practicing law in Washington, D.C., and wanted to remain there. He was one of many southern leaders who remained loyal to the Union. However, his wife was a rabid secessionist and allegedly a Confederate spy. Thus, he was forced to return to the South.

The most important antebellum Jew in American politics was Judah P. Benjamin of Louisiana. Like Phillips, he was raised in Charleston and attended Kahal Kadosh Beth Elohim. Benjamin made his living as a lawyer but purchased a sugar plantation with 140 slaves on it, making himself a proper southern gentleman, and the largest Jewish slaveowner in the country. He entered the U.S. Senate in 1853 (the same year Phillips entered the House), where he vigorously defended slavery. Senator Benjamin Wade of Ohio, who was vigorously anti-slavery, correctly referred to Benjamin as an "Israelite with Egyptian principles."

Benjamin resigned from the Senate when Louisiana seceded and became a Confederate leader, holding three different positions in Jefferson Davis's cabinet, where he vigorously defended slavery. After the War, Benjamin fled to England, where he was an enormously successful attorney, and where he continued to defend Southern slavery, even though the system no longer existed.[30]

While Benjamin was the highest-ranking Jew in the Confederacy many other Jewish southerners served in the Confederate army, with some rising to the rank of colonel, lieutenant colonel, and major. Jewish southerners killed, and were killed, trying to create a nation, as the Confederate Vice President Alexander Stephens put it, whose "foundations are laid, its corner-stone rests, upon the great truth that the negro is not equal to the white man; that slavery subordination to the superior race is his natural and normal condition. This, our new government, is the first, in the history of the world, based upon this great physical, philosophical, and moral truth."[31] Jewish Southerners, from the Revolution to the Civil War, were in the end, *southerners* who supported and profited from slavery. Freedom for them was the "freedom" to treat other people as property and commodities, to be bought, sold, and treated, or mistreated, with impunity.

VII. Jews, Anti-Slavery, and the Civil War

From 1840 to 1865, about 150,000 Jews moved to the United States, expanding the nation's Jewish population tenfold. Most came from Central Europe—Germany, Austria, Hungary, and what later became Czechoslovakia.[32] Many were fleeing the failed liberal revolutions of the 1840s and 1850s. Most went to northern cities, although some moved to the upper South—Baltimore, Louisville, and St. Louis. Educated, committed to liberty, and often idealistic, many gravitated to the Republican Party after 1854 and to the antislavery movement. When the Civil War began many of these new Jewish Americans served in the United States army, fighting against southern treason and for freedom. At least four Jews became generals—Frederick Salomon, Frederick Knefler, Edward S. Salomon, and Leopold Blumenberg—making them the first Jewish generals in any army in the western world. There would be a slew of other Jewish senior officers. These new immigrants universally supported the Union and opposed slavery. Illustrative of these new Jewish immigrants was the German-born teenager, Private Dankmar Adler, the son of a Rabbi, who served in the war and would later become one of the most important architects in American history, with his partnership of Sullivan and Adler in Chicago.

Even before the war, a few examples of Jewish immigrants, among many, illustrate the changing nature of the Jewish response to slavery.

When John Brown was trying to make Kansas into a free state—during the brief civil war there known as bleeding Kansas—his ragtag "army" of antislavery rough riders included Theodore Wiener a recent immigrant from Poland and August Bondi, a recent immigrant from Bohemia. They rode with John Brown and helped defeat the proslavery terrorists in Kansas. Bondi then served in the 5th Kansas Cavalry during the war.

While Kansas was in turmoil, Lewis Naphtali Dembitz moved from Prague to Louisville, Kentucky, with his brother-in-law and sister, Adolph Brandeis and Frederika Dembitz Brandeis. Dembitz was practicing Jew, a lawyer, and a Jewish scholar. In 1860, he was one of the very few slave state delegates to the Republican national convention.[33] He translated Harriet Beecher Stowe's antislavery novel, *Uncle Tom's Cabin*, into German. Although living in Kentucky, Dembitz was deeply antislavery. His greatest influence was on his nephew, Louis David Brandeis, who changed his middle name to Dembitz, to honor his uncle, and later become the first Jewish Supreme Court Justice and the president of the Zionist Organization of America (ZOA). Dembitz's son, Arthur A. Dembitz, would become the founding professor of Jewish history at Gratz College, in 1897. All of this subsequent important social activism began with Lewis N. Dembitz's opposition to slavery and his commitment to Judaism.

VIII. The Great Rabbinical Debate over Slavery

In February 1860, Dr. Morris Jacob Raphall, of New York's Congregation B'nai Jeshurun, became the first rabbi in American history to give the opening prayer at a session of Congress. A year later, in January 1861, with the Union dissolving, Raphall gave a sermon on slavery that was published in newspapers and reprinted as a pamphlet, as *A Bible View of Slavery*. Raphall's sermon was vigorously proslavery. Like most southern ministers, he asserted that Africans were the cursed descendants of Ham, from the story of Noah, and thus doomed to be the "meanest of slaves," although there is no scriptural support for this claim. He endorsed racist notions that blacks were mentally inferior to whites, and that blacks had never achieved "human excellence, either mental or moral." He mocked ministers and others who condemned slaveholding as "sin." Relying on both Jewish and Christian texts, he defended the system as ordained by God. He quoted the Ten Commandments to support his position. He claimed that Hebrew slaves were better treated than those in the South, but, using biblical analysis, he emphatically supported the fugitive slave laws. He concluded that slavery had "existed since the earliest time," that "slaveholding is no sin" and that "slave property is expressly placed under the protection of the Ten Commandments," and that the slave was "a person" who had some "rights not conflicting the lawful exercise of the rights of his owner." He condemned anti-slavery northerners for being "righteous overmuch" and "denouncing 'sin' which the Bible knows not." He suggested some unspecified reforms in southern slavery, while urging Jews and other northerners to accept its legitimacy.[34]

Two Jewish leaders answered Raphall. The first was an editorial in the *New York Tribune* by Michael Heilprin, a Jewish scholar and journalist who fled Hungary after the failed revolution of Lajos (or Louis) Kossuth. His own history reflected that of many other recent Jewish immigrants, who were appalled by slavery. In this relatively short piece, Heilprin denounced Raphall's notion that it was "his duty to proclaim from the pulpit that it is a sin to preach against Slavery in the South! I had read similar nonsense hundreds of times before; I knew that the Father of Truth and Mercy was daily invoked in hundreds of pulpits in this country for a Divine sanction of falsehood and barbarism; still, being a Jew myself, I felt exceedingly humbled, I may say outraged, by the sacrilegious words of the Rabbi. Have we not had enough of the 'reproach of Egypt?'"[35]

A more substantive rebuttal to Raphall came from David Einhorn, a German-trained Rabbi at Congregation Har Sinai in Baltimore. Einhorn preached in German, but the sermon was quickly translated.

Einhorn conceded that "slaveholders may be men of honor and character." He noted "Abraham was a slaveholder . . . any yet he is for us a model of virtue, when we take into consideration the age in which he lived." The central question was: "'Is the institution of Slavery, *per se*, a moral evil or is it not?'" Einhorn's unrestrained and sarcastic critique denounced Raphall's claim that it was not a sin:

> And here it is that Dr. Raphall, earned for himself the sorry reputation of declaring, on the authority of the divine law, the legitimacy of the moral rectitude of slavery, and inveighing sharply against Christian ministers who happen to differ from him. A Jew, the offspring of a race which daily praises God for deliverance form the bondage of Egypt, and whose fellow-believers are to this hour groaning under the have yoke of slavery in most of the cities of the old world and crying to the Almighty for help, undertakes to parade slavery as a perfectly sinless institution, sanctioned by God, and to confront those presumptuous people who will not believe it, with somewhat of an air of moral indignation! A more extraordinary phenomenon could hardly be imagined.

Einhorn denounced Raphall's use, or misuse of history "to invest his favorite institution with a halo of glory."[36]

Einhorn used various texts to refute Raphall, but the real thrust of his position was the spiritual and ethical nature of Judaism. He argued that since Jews had suffered under Egyptian bondage they had a special obligation to oppose slavery. Starting with the story of Adam, he argued that it was inherently sinful to enslave and mistreated people who were created in God's image.

Einhorn's sermon nearly cost him his life. A proslavery mob came for him, and he quite literally had to flee Baltimore (in the slave state of Maryland) in the middle of the night, taking a train to Philadelphia where he became the Rabbi at Congregation Keneseth Israel, which became known as the "Abolition Temple."

Einhorn's response to Raphall, and his escape to Philadelphia, is perhaps emblematic of the change in the Jewish American community on the eve of the Civil War. Southern Jews still embraced slavery. They rejected freedom. So did some northern Jews, like Rabbi Raphall. But most northern Jews had moved to support freedom. Many of these Jews were refugees from European autocrats and understood that freedom had to be for all people. Northern Jews would soon join in the crusade that would end slavery in the United States. Ironically, this would also enhance Jewish freedom. When the Civil War began, no Jew had ever been a general in a western world army, and in the United States all military chaplains were Protestant ministers. By the end of the war, there would be a handful of Jewish generals and a fair number of colonels and majors as well as Jewish chaplains. Thus, the freedom for African American slaves also furthered the freedoms of Jewish Americans. In Lincoln's words, this was a "new birth of freedom" for all Americans.

Notes

[1] Orlando Patterson, Slavery and Social Death: A Comparative Study (Cambridge: Harvard Univ. Press, 1982) vii.

[2] For a list of twelve components of slave systems, see Paul Finkelman and Seymour Drescher, "The Eternal Problem of Slavery in International Law: Killing the Vampire of Human Culture," *Michigan State Law Review*, 2017 (2018): 755, 768–770.

[3] Aristotle, *Politics*, 1258a http://www.perseus.tufts.edu/hopper/text?doc=Perseus%3Atext%3A1999.01.0058%3Abook%3D1%3Asection%3

[4] Ex. 21:20–21, 26–27, 4. https://www.chabad.org/library/bible_cdo/aid/9882/jewish/Chapter-21.htm . The English King James Bible translated this passage in this way, "he shall not be punished, for he *is* his money." The implication of this translation affected American slave law, as southern jurists assumed that since no many would intentionally destroy something of value, except in the most extreme and barbaric circumstances, the death of slave because of punishment was *always* accidental and not intentional.

[5] See Reuters, "Mauritania, Country with Most Slaves Per Capita, Must End Brutal Practice," UN**,** Huffington Post, (Oct. 31, 2013, 2:13 PM), http://www.huffingtonpost.com/2013/10/3 1/mauritania-slavery-un n 4182422.html [https://perma.cc/Q2TB-62GQ]; John D. Sutter, "Report: Mauritania In No Longer the World's Slavery Capital," CNN, http://www.cnn.com/2016/05/30/opinions/sutterslavery-index-mauritania/ [https://perma.cc/J655-9VXK] (last updated June 1, 2016).

[6] General Act of the Berlin Conference on West Africa, Art. 9, Feb. 26, 1885. 47; Seymour Drescher, "From Consensus to Consensus: Slavery in International Law," in Jean Allain, ed., *The Legal Understanding of Slavery: From the Historical to the Contemporary* 85, 98 (Oxford, Eng.: Oxford University Press, 2012), 85.

[7] *Id.* at 98–99; *see* Drescher & Finkelman, "The Eternal Problem of Slavery," at 907–913; Renee C. Redman, "Brussels Act (1890)," *in* Paul Finkelman & Joseph C. Miller, *Macmillan Encyclopedia of World Slavery*, (New York: Macmillan, 1998) 1:132.

[8] Finkelman and Drescher, "The Eternal Problem of Slavery," 765–766, 798–799.

[9] Moses I. Finley, Ancient Slavery and Modern Ideology (New York: Viking Press, 1980) 188.

[10] *Genesis* 16:1–5; 21:18–13; 25:1–5; Chronicles 1:32–33. "And the sons of Keturah, Abraham's concubine; she bore Zimran, and Jokshan, and Medan, and Midian, and Jishbak, and Shuah" https://www.chabad.org/library/bible_cdo/aid/16521 See also Gen. 25:1–5. On Jacob see Genesis 30:3–12.

[11] *Genesis* 37:3–4, 23–28. Those who sold him into slavery were actually his half-brothers, since the father, Jacob, had children with his two wives and two slaves.

[12] Ex. 20: 10, 14.

[13] Ex, 12, 14, 15,16,17, 29.

[14] Ex. 21:20–21, 26–27, 4. https://www.chabad.org/library/bible_cdo/aid/9882/jewish/Chapter-21.htm. The English King James Bible translated this passage in this way, "he shall not be punished, for he *is* his money." The implication of this translation affected American slave law, as southern jurists assumed that since no many would intentionally destroy something of value, except in the most extreme and barbaric circumstances, the death of slave because of punishment was *always* accidental and not intentional.

[15]Isadore Singer and Joseph Jacobs, "Slave Trade," The Jewish Encyclopedia (1906) available at https://www.jewishencyclopedia.com/articles/13798-slave-trade and Michael Toch, "Was There a Jewish Slave Trade (or Commercial Monopoly) in the Early Middle Ages?" in Stefan Hanß and Juliane Schiel, eds., *Mediterranean Slavery Revisited (500–1800)* (Zürich: Chronos, 2014) 421–444; S. Assaf, "Slavery and the Slave-Trade Among the Jews during the Middle Ages," *Zion*, (1939), available as s summary at: https://www.jstor.org/stable/23543801.

[16] On Catholic support of slavery, see Finkelman and Drescher, Finkelman and Drescher, "The Eternal Problem of Slavery," 759–761; 773–774.

[17] Eli Farber, *Jews, Slaves, and the Slave Trade: Setting the Record Straight* (New York: NYU Press, 1998) 181–183.

[18]S. Assaf, "Slavery and the Slave-Trade among the Jews during the Middle Ages," *Zion*, (1939), available as s summary at: https://www.jstor.org/stable/23543801.

[19] Farber, *Jews, Slaves, and the Slave Trade*, 129.

[20] William Pencak, *Jews & Gentiles in Early America, 1654–1800* (Ann Arbor: University of Michigan Press, 2005) 88–89.

[21] After the Revolution the Methodists and Baptists would partially or completely abandon their antislavery positions.

[22] David Brion Davis, *The Problem of Slavery in Western Culture* (Ithaca: Cornell University Press, 1966) 148.

[23] David Brion Davis, "The Slave Trade and the Jews," *The New York Review of Books*, Dec. 22, 1994. Available at: https://www.nybooks.com/articles/1994/12/22/the-slave-trade-and-the-jews/.

[24] Quoted in Paul Finkelman, *Slavery and the Founders: Race and Liberty in the Age of Jefferson* (New York: Routledge, 2014) 205.

[25] Leibman, Once We Were Slaves, 118; Emanuel Nunes Carvalho—Biography, https://www.jewage.org/wiki/he/Article:Emanuel_Nunes_Carvalho_-_Biography.

[26] Charles Reznikoff and Uraia Z. Engelman, *The Jews of Charleston: A History of An American Jewish Community* (Philadelphia: Jewish Publication Society of America, 1950) 76–77.

[27] Bertram W. Korn, "Jews and Negro Slavery in the Old South, 1789–1865," *Publications of the American Jewish Historical Society*, 50 (1961) 151–201.

[28] Korn found one exception to this. Joseph and Isaac Friedman of Tuscumbia, Alabama purchased a slave, Peter Still, and then took him to Cincinnati and emancipated him. This was an uncommon (but not unheard of) act of generosity. The Friedman brothers then relocated in Cincinnati and never returned to Alabama. Korn, p. 197.

[29] Jonathan D. Sarna, Jacksonian Jew: The Two Worlds of Mordecai Noah (New York: Holmes and Meier, 1981) 16–17, 108–114.

[30] For more on Benjamin, see Paul Finkelman, "An Israelite with Egyptian Principles," *Jewish Review of Books*, 12, No. 4 (Winter, 2022): 22–23.

[31] Alexander H. Stephens, "Cornerstone Address," March 21, 1861, available at https://sourcebooks.fordham.edu/mod/1861stephens.asp

[32] Library of Congress, "From Haven to Home: 350 Years of Jewish Life in America
A Century of Immigration, 1820–1924" https://www.loc.gov/exhibits/haventohome/haven-century.html#:~:text=Between%201840%20and%201860%20the,motivating%20factors%20for%20this%20migra
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[33] While not a delegate to the national Republican convention, Isador Bush, also a Jewish refugee from Prague was a Republican activist and an antislavery activist in St. Louis, another upper South city in a slave state.

[34] Rabbi Dr. M.J. Raphall, *The Bible View of Slavery* (New York: Rudd and Carleton, Printers, 1861), 23, 24, 28, and 38. Available at: http://www.jewish-history.com/civilwar/raphall.html

[35] http://www.jewish-history.com/civilwar/heilprin.html. Illustrative of the general problem of early Jewish scholars coming to terms with slavery is the fact in his entry on Heilprin in the *Jewish Encyclopedia*,, the great Jewish historian and scholar Cyrus Adler did not mention the controversy with Raphall or this famous editorial—for which Heilprin is most remembered. https://www.jewishencyclopedia.com/articles/7500-heilprin-michael.

[36] David Einhorn, *The Rev. Dr. M. J. Raphall's The Bible View of Slavery, Reviewed by Rev. D. Einhorn, D.D.* (New York: Thalmessinger, Cahn, and Benedicks, Printers, 1861) 5–6, 7.