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## Covenant in Crisis: Orthodox Reactions to Slavery in Antebellum America, 1848-1861

Samuel Strickberger  
sstrick@sas.upenn.edu

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## **Covenant in Crisis: Orthodox Reactions to Slavery in Antebellum America, 1848-1861**

### **Abstract**

This thesis provides an intellectual history of Orthodox reactions to slavery in the antebellum United States. It situates the Orthodox discourse within a dynamic mid-nineteenth century, including Judaism's schism in Europe, Jewish migration to the United States, and the Protestant American religious debates about slavery. This paper highlights a key but under-examined moment in the development of American and post-Enlightenment Jewish thought.

### **Keywords**

Orthodox, slavery, religion, human dignity, politics, Judaism

### **Disciplines**

Arts and Humanities | History | History of Religion | Intellectual History | Jewish Studies | United States History

COVENANT IN CRISIS:  
ORTHODOX REACTIONS TO SLAVERY IN ANTEBELLUM AMERICA, 1848-1861

Samuel Strickberger

AN HONORS THESIS

in

History

Presented to the Faculty of the  
Department of History of the University of Pennsylvania  
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Bachelor of Arts with Honors

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Kathy Peiss, Honors Seminar Director

Sarah Gordon, Thesis Advisor

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Ramya Sreenivasan, Undergraduate Chair, Department of History

To Mom and Dad, Forever my Teachers

*“And You Shall Teach Your Children”*

Daily Prayers, The Shema

## **Abstract**

This thesis provides an intellectual history of Orthodox reactions to slavery in the antebellum United States. It situates the Orthodox discourse within a dynamic mid-nineteenth century, including Judaism's schism in Europe, Jewish migration to the United States, and the Protestant American religious debates about slavery. This paper highlights a key but under-examined moment in the development of American and post-Enlightenment Jewish thought.

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## Forward: “[This] is Not the Study of Torah”

*There is a Hasidic tale about a leading Talmudist who – as Rabbi Jonathan Sacks tells it – “was once so intent on his studies that he failed to hear the cry of his baby son. His father...heard [the cries], and went down and took the baby in his arms until he went to sleep again. Then he went into his son, still intent on his books, and said, ‘My son, I do not know what you are studying, but it is not the study of Torah if it makes you deaf to the cry of a child.’<sup>1</sup>*

This story, where religious devotion overwhelms worldly compassion, provides an apt metaphor for understanding, or beginning to understand, Orthodox reactions to slavery in antebellum America. The Orthodox leadership was largely pro-slavery by white-hot January 1861, a moment marked by South Carolina’s secession. The metaphor helps connect this historical moment to the present. It compels us – Jewish or not, religious or not – to ask a core question. What socio-political conditions, theologies, and religious philosophies activate action in the realm of human rights and which do the opposite?

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<sup>1</sup> Jonathan Sacks, *To Heal A Fractured World: The Ethics of Responsibility*. Schocken, 2007, 141.

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## Introduction

### **A New Theological Crisis**

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“The Israelites were groaning under the bondage and cried out; and their cry for help from the bondage rose up to God.” *Exodus 2:23-25*

“Generation by generation, each person must see himself as if he himself had come out of Egypt, as it is said: ‘You shall tell your child on that day.’” *Passover Haggadah*<sup>2</sup>

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On the early morning of Shabbat, January 12, 1861, Sabato Morais began his familiar journey through the cobble stone streets of Philadelphia to Mivkeh Israel, a dignified Spanish-Portuguese synagogue in the shadow of City Hall. As Morais thought through his contentious sermon against slavery, he may have caught a glimpse of Marry Woodward through a neighboring townhouse window. An African American woman with graying hair, she set a breakfast table dressed in her standard servant attire. Woodward worked for the merchant Samuel Perry, his wife Mary, and their three children. Like many of the city’s vibrant African American community, she had not always been a *free* paid laborer. Woodward was born enslaved in 1810 in Virginia.<sup>3</sup>

The inhuman bondage of four million people embodied *the* moral crisis of antebellum America. While there is little documentation of Woodward’s experiences with enslavement, the personal narratives of her contemporaries may shed some light on her own story:

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<sup>2</sup> Jonathan Sacks, *Haggada* (Jerusalem: Koren Publishers, 2003), 88.

<sup>3</sup> “United States Federal Census, 1860,” database with images, *Ancestry*, database entry for Sabato Morais, 1860.

[https://www.ancestrylibrary.com/imageviewer/collections/7667/images/4292178\\_00148?usePUB=true&\\_p\\_hsrc=Zuo4&\\_phstart=successSource&usePUBJs=true&pId=4547272](https://www.ancestrylibrary.com/imageviewer/collections/7667/images/4292178_00148?usePUB=true&_p_hsrc=Zuo4&_phstart=successSource&usePUBJs=true&pId=4547272)

**I have often been awakened at the dawn of day by the most heart-rending shrieks of an own aunt of mine, whom [Master] used to tie up to a joist, and whip upon her naked back till she was literally covered with blood. No words, no tears, no prayers, from his gory victim, seemed to move his iron heart from its bloody purpose...It was the first of a long series of such outrages, of which I was doomed to be a witness and a participant. It struck me with awful force. It was the blood-stained gate, the entrance to the hell of slavery, through which I was about to pass. It was a most terrible spectacle...[one] of the bloody scenes that often occurred on the plantation.<sup>4</sup>**

This was the first-hand account of Fredrick Douglass, born eight years after Woodward and about 250 miles northward in Talbot County, Maryland. Douglas witnessed the regular humiliations, brutality and sexual assault that accompanied enslavement. He published his narrative in 1845, when ardent pro-slavery politicians, like John C. Calhoun, vociferously defended slavery.

When Sabato Morais finally arrived at Mivkeh Israel, he argued forcefully against southern slavery on Biblical grounds. He preached that “Mosaic Law taught that no Jew could decide to resign his liberty nor suffer his fellow-being to deprive him thereof.” Morais attempted to refute the remarks of Morris Raphall of New York’s Bnei Jeshurun synagogue. A few days earlier, on January 4, 1861, Raphall argued the opposite point, that “[No] text of scripture [exists] which directly or indirectly denounces slaveholding as a sin.” It was ultimately Raphall who won the day. His Biblical defense of slavery, which

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<sup>4</sup> Frederick Douglass, *Narrative of the Life of Frederick Douglass* (New York: Dover Publications, 1995), 3-5. The choice to place Douglass’s witness testimony in bold type is intentional. While this thesis largely provides an intellectual history of Orthodox reactions to slavery, it is critical to remember that these rabbinical discussions had real implications for enslaved people. Douglas’s testimony should be centered, as it represents the stakes of this historical moment. The stylistic decision finds inspiration in Terrence Des Pres’s *Survivor: An Anatomy of Life in the Death Camps* (New York: Oxford University Press: 1976).

included a sharp critique of the abolitionist movement, became the most widely circulated Jewish sermon on the subject. Other Orthodox leaders, like Isaac Leeser of Philadelphia and Bernard Illowy of Baltimore, supported his position with their own defenses of slavery. Few Orthodox leaders were publicly anti-slavery, like Morais. Not a single Orthodox Jew was an avowed abolitionist.<sup>5</sup>

I provide an intellectual history of this moment. The defensive, conservative theology and insular culture of mid-nineteenth century Orthodox Judaism helped facilitate its predominantly pro-slavery position. In particular, I contextualize Orthodoxy's position within its polemic against the rise of Reform Judaism. Opposition to Reform turned into opposition to another progressive movement, abolition. I argue that Italian-born Morais was able to overcome these pressures because of his Sephardic humanist tradition. Unlike the Ashkenazi Orthodoxy of his peers, Morais's Sephardic-Italian religious tradition enabled greater flexibility when encountering issues of human dignity and new notions of morality.

To understand American Orthodoxy's reactions to slavery, we must trace its European roots. During and following the Enlightenment, most of Europe's Ashkenazi Jews witnessed two trends. First, there was accelerated questioning of long-held religious assumptions. The Enlightenment's focus on reason displaced Biblical authority as the

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<sup>5</sup> Jayme A. Sokolow, "Revolution and Reform: The Antebellum Jewish Abolitionists," in *Jews and the Civil War: A Reader*, eds. Jonathan Sarna and Adam D. Mendelsohn (New York: New York University Press, 2010), 139. Sokolow seems to indicate there was one Orthodox abolitionist: Sabato Morais. However, there is no documentation to support this view, according to Arthur Kiron, the leading expert on Morais. See his description of Morais's politics: Arthur Kiron, "Golden Ages, Promised Lands," 197-265.

sole arbiter of truth. The change set in motion a tumultuous mid-nineteenth century for religious groups. Feuerbach relegated theology to anthropology; Darwin dislodged Genesis; and Nietzsche ultimately declared God dead. Second, Jewish assimilation became easier. Jews slowly garnered increased, albeit limited, political freedoms. Napoleon's "Jewish emancipation" exemplified this trend, increasing Jewish access to public life, including elite universities and professions. The social and political ghetto walls were locked less frequently from the outside. The combination of these two trends accelerated Jewish secularization and exposure to new ideas.<sup>6</sup>

The Reform Movement represented one reaction. It emerged during the Jewish Enlightenment, the *Haskalah*, which spanned much of the nineteenth century. Movement leaders sought to integrate the ideas and values of the Enlightenment, principally increased reliance on reason and adaptation to modernity, into Judaism's fabric. Ultimately, a centralized Reform body formulated its principles in the 1885 Pittsburgh Platform, stating "modern discoveries of scientific researches in the domains of nature and history are not antagonistic to the doctrines of Judaism." It renounced a more literalist relationship to the Bible and tradition, as "the Bible [reflects] the primitive ideas of its own age." It sought to eliminate particularistic rituals, like dietary restrictions, in the name of more universal values such as peace and justice. The movement "offered the new assimilating Jews an attractive deal," argues Micah Goodman, a scholar of Jewish

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<sup>6</sup> For an extensive overview on this period, see Jacob Katz, *Out of the Ghetto: The Social Background of Jewish Emancipation, 1770-1870* (New York: Syracuse University Press, 1998).

history and philosophy, “instead of abandoning Judaism for modernity, they could modernize Judaism.”<sup>7</sup>

The Orthodox Movement embodied a counterreaction. For much of the nineteenth century, its details were fluid, but its defining features were clear. Its goal was the preservation of tradition. The dangers were assimilation and the Reform Movement. There was Hungarian ultra-Orthodoxy, where Rabbi Moses Schreiber (referred to as *Chasam Sofer*, 1762-1839) argued that “everything new is forbidden by the Torah.” His Judaism would not integrate new moralities, new social concepts, or new values. Disciples of Moses Schreiber promoted new, more severe restrictions on their communities, such as banning ritual circumcision of Jewish children born to assimilated parents and sharing ritual slaughterhouses with less observant Jews. There was also the “Enlightened Orthodoxy” of German’s Rabbi Samuel Raphael Hirsch, who accepted some changes in aesthetics, such as synagogue decorum and introducing a male choir into services. Like Schreiber, he opposed allowing new morals to dictate Jewish theology and its fundamental rituals.<sup>8</sup> He critiqued Reform Judaism for this transgression precisely in

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<sup>7</sup> Micah Goodman, *The Wondering Jew: Israel and the Search for Jewish Identity* (New Haven: Yale University Press, 2020), 32.

<sup>8</sup> Micah Goodman, *The Wondering Jew*, 33. Allan L. Nadler, “The War on Modernity of R. Hayyim Elazar Shapira of Munkacz,” *Modern Judaism* (1994): 233-264. For a study on Samuel Hirsch see: Ted Chertok, “Person, Family and Community — The Individual and the Collective in Rabbi Samson Raphael Hirsch’s Biblical Commentary,” *Jewish Studies Quarterly*, no. 4 (2011): 402–20. For a broader history, see also: Jacob Katz. “Orthodoxy and Schism in Nineteenth-Century Central European Jewry,” trans. Ziporah Brody (Hanover, NH: Brandeis University Press, 1998): 204-44.

his essay *Religion Allied with Progress*, where he argued that Reform accepted “[traditional] religion as long as it does not hinder progress.”<sup>9</sup>

Sephardic and Mizrahi (Middle Eastern) Jewish authorities permitted greater flexibility because these communities experienced more intellectual and cultural exchange with their non-Jewish neighbors. Broadly speaking, rabbinical authorities lacked the same Ashkenazi fears because modernity did not threaten to eclipse their way of life. There was no need to fundamentally save or change Judaism. They simply integrated and rejected certain ideas on a case-by-case basis as usual, maintaining many aspects of their premodern form. As a result, “since premodern Judaism permitted halakhic innovations,” Sephardic and Mizrahi Judaism “preserved the possibility of making innovations in halakha,” Micah Goodman contends. This trend contrasted starkly with Rabbi Moses Schreiber’s notion that “everything new is prohibited by the Torah.” These communities could focus more on facilitating a living and responsive Judaism than defining the meanings of traditional and non-traditional streams.<sup>10</sup>

Sabato Morais’s Jewish community of Livorno, Italy embodies this trend. The city had long welcomed Jews and Jewish practice. It offered a home to Jewish conversos who fled the Inquisition as well as other religious refugees, including Morais’s ancestors. In the seventeenth century, Jews formed the *Accademia de Los Sitibundos*, a literary society that explored matters of science, humanist philosophy, and Hebrew and Italian

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<sup>9</sup> Samson Raphael Hirsch, “Religion Allied to Progress,” ed. David Biale and Jack Miles, *Judaism* (New York: W.W. Norton & Company, 2015), 153.

<sup>10</sup> Goodman, 135.

poetry. Since Jews in Livorno were never forced to choose between their religion and their broader society, they could integrate both into their lifestyle and ideology. The environment enabled a “seemingly paradoxical openness to general culture and political radicalism among some of the city’s most religiously conservative Jewish members.” The Talmudic dictum of *these and these are the words of the living God* encapsulated the state of Livorno Jewry. Two ostensibly competing narratives could concurrently be true. This helped facilitate the emergence of “Sephardic-Italian humanism,” a term coined by Morais scholar Arthur Kiron.<sup>11</sup>

When Morais stepped off of the newly minted, hulking *Asia* steamship for the port of Philadelphia in 1851, his physical journey represented that of 100,000 other European Jews. These immigrants tripled the size of America’s Jewish population from 1848 to the Civil War. Many – though not Morais with his integrated Livorno upbringing – encountered their first site of political emancipation in America, free from the ghettos and overt religious discrimination that permeated much of Europe at the time.<sup>12</sup> Many believed America to be their Promised Land. Extensive scholarship portrays the dynamic cultural, political, and religious attitudes of this period. It works to answer renown mid-

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<sup>11</sup> Kiron, “Golden Ages,” 28. Moreover, the tendrils of this tradition may even reach the peak of the Renaissance period (late sixteenth century), where Italy’s religious tolerance of Jews constituted a European aberration. Intellectual interfaith exchanges, such as those between Jews and Christian Hebraists, developed “an image of a universal culture transcending both Christianity and Judaism in their present forms,” argues David Ruderman, “At the Intersection of Cultures: The Historical Legacy of Italian Jewry Prior to the Emancipation,” in *Gardens and Ghettos: Art and Jewish Life in Italy*, ed. Vivian Mann (Berkeley, CA: University of Berkeley Press, 1989), 15. See also: *ibid.*, 14-16.

<sup>12</sup> Bertram Wallace Korn. *American Jewry and the Civil War* (Philadelphia: Jewish Publication Society, 2009), 1-3.

twentieth century historian Bertram Korn's question: "What, if any, kind of Jewish life should [these] immigrants establish in the new land?"<sup>13</sup>

The 100,000 Jewish immigrants brought Europe's Jewish schism to America.<sup>14</sup> America exacerbated the schism in some ways and altered it in others. Newfound freedom eased moves toward assimilation. The Reform Movement enticed many former traditionalists. The intellectual movement of the Jewish Enlightenment, inserted liberalism, rationalism, and other products of the Enlightenment, into the Jewish mainstream. In 1848, Reform and Orthodox leaders organized the Cleveland Conference, which "originally intended to unify American Judaism, [but] ironically marked the beginning a new era of religious divisions."<sup>15</sup>

The underlying approach of American Orthodoxy reflected its European origins, especially Enlightened Orthodoxy. Immigration led to a proliferation of Orthodox congregations, from thirteen before 1840 to over 200 by the Civil War. It also provided Orthodoxy's new crop of leadership; Samuel Isaacs, Abraham Rice, Isaac Leeser, Morris Raphall, Bernard Illowy and Sabato Morais were all trained in Europe, and engulfed in the fierce debates there. While American Orthodoxy's details were still developing, its leaders sought to "develop a cogent statement of traditional Jewish principles" and vigorously oppose the Reform Movement. Like their European teachers, they erected

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<sup>13</sup> Bertram Korn, *American Jewry and the Civil War*, 3. See also: *ibid.*, 1-17; Jonathan Sarna, *American Judaism* (New Haven: Yale University Press, 2004), 62-102; Jeffrey S. Gurock, *Orthodox Jews in America* (Bloomington: Indiana University Press, 2009), 48-83.

<sup>14</sup> Steve R. Weisman, *The Chosen Wars: How Judaism Became an American Religion* (New York: Simon & Shuster, 2019), xxiii.

<sup>15</sup> Gurock, *Orthodox Jews in America*, 82.



new fences to keep out forces of assimilation. This included, in remarkable imitation, a local prohibition on shared ritual slaughterhouses and banning, in New Orleans, the circumcision of assimilated Jewish babies.<sup>16</sup> Nonetheless, these leaders were generally not like the “fervent Orthodox rabbi who resisted changes of any kind.” Instead, they “championed a modernized, accommodationist Orthodoxy that focused on preaching, education and aesthetics but made no fundamental alterations to Judaism itself.”<sup>17</sup>

Despite the detailed studies of antebellum American Judaism and Orthodoxy, there exists limited scholarship on the American Orthodox community’s reactions to slavery. Historian Jeffrey S. Gurock authored two seminal works on American Orthodoxy, *American Jewish Orthodoxy* and *Orthodox Jews in America*, which provide the cultural and intellectual context of this thesis. Neither work discusses slavery. Beltram Korn and Jonathan Sarna, scholars of American Judaism, produced formative studies on the Jewish debates about slavery, as featured in *American Jewry and the Civil War*, *American Judaism, Lincoln and the Jews*, *Jews and the Civil War*.<sup>18</sup> These studies unearth and connect a wide variety of helpful primary source materials, from sermons to newspaper articles. Each study, to differing degrees, integrates Orthodox voices into its discussion. However, neither offers an explicit treatment of the Orthodox community’s

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<sup>16</sup> Gurock, 48-82.

<sup>17</sup> Sarna, *American Judaism*, 95. Charles Liebman summarizes early American Orthodoxy as a group of leaders “from Sephardic, Western and Central European backgrounds” who “were vigorously concerned with the growth of the Reform movement” and “sought to develop a cogent statement of traditional Jewish principles.” See: Charles S. Liebman, “Orthodoxy in Nineteenth Century America,” *Tradition: A Journal of Orthodox Jewish Thought* (1964): 138.

<sup>18</sup> Korn, *American Jewry and the Civil War*; Sarna, *American Judaism*; Jonathan Sarna, *Lincoln and the Jews* (New York: Macmillan, 2015); Jonathan Sarna and Adam D. Mendelsohn, eds. *Jews and the Civil War: A Reader* (New York: NYU Press, 2010).

attitudes toward slavery.<sup>19</sup> Some may argue that Jewish historians Lance Sussman, Moshe Davis, and Arthur Kiron broached the subject of Orthodoxy and slavery in their respective studies, *Isaac Leeser and the Making of American Judaism*, *The Emergence of Conservative Judaism*, and *Golden Ages, Promised Lands*.<sup>20</sup> Yet, only Yaakov Weinstein, a physicist by training, writes directly on the subject.<sup>21</sup> His study is brief and, following the existing historiography, Weinstein does not contextualize Orthodox sentiments within the broader American religious debates.<sup>22</sup> Furthermore, like the others, his analysis omits the role of Orthodoxy's culture, European history, and enduring theological crisis.<sup>23</sup> Overall, an implicit but clear message of the scholarship is that Orthodox Jews' reactions to slavery arose independently of their Orthodoxy. In other words, the scholarship privileges the literal text over the religious context of the debates.

One scholar bucks the trend. Focused on the Reform Movement, historian Jayme Sokolow contextualizes Jewish positions on slavery through a religious lens. "Many strains of Western and Jewish thought converged in the mid-nineteenth century," argues

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<sup>19</sup> More broadly speaking, these works focused more on the text than the context of the debates. Even the provided context often, but not always, explained the Jewish opinions independent of their European origins and the broader Protestant debates.

<sup>20</sup> Lance J. Sussman, *Isaac Leeser and the Making of American Judaism*, (Detroit, Michigan: Wayne State University Press, 1995); Moshe Davis, *The Emergence of Conservative Judaism: The Historical School in 19<sup>th</sup> Century America*, (Philadelphia: The Jewish Publication Society, 1963); Arthur Kiron, "Golden Ages, Promised Lands: The Victorian Rabbinic Humanism of Sabato Morais" (PhD diss., University of Pennsylvania, 2013).

<sup>21</sup> Yaakov S. Weinstein, "The Biblical View of Slavery, Then and Now," *Hakirah*, (2012): 273–83. Liebman in *Nineteenth Century American*, would contend that Weinstein's treatment of Raphall, Illowy, and Leeser accounts for a treatment of Orthodox views on slavery. See: Liebman, "Orthodoxy in Nineteenth Century America."

<sup>22</sup> Sarna provides a deviation from this norm in a brief remark. "Raphall's address echoed familiar Protestant arguments," he contends in *Lincoln and the Jews*, p. 69-71.

<sup>23</sup> Arthur Kiron's *Golden Ages, Promised Lands* is a clear exception to this trend, as he provides explicit theological and cultural context in an analysis of Morais's anti-slavery position.

Jayme Sokolow, “to produce the particular emotional and intellectual intensity of the Jewish antislavery movement.” He cites Jewish political emancipation, the Jewish enlightenment, and the radical ideologies of Jewish 1848-revolutionaries. He adds that “Reform Judaism absorbed elements from all these movements and added to them a moral, crusading fervor.” Sokolow critiques historical analyses that dismiss the importance of religious influences, emphasizing that European intellectual and theological developments impacted Jewish American responses to chattel slavery.<sup>24</sup>

While Sokolow’s scope was limited to the Reform Movement, it gestures to a similar analysis of the Orthodox Movement. If intellectual and theological trends in Europe – and the cultural and political incentives in the United States – facilitated an abolitionist culture among members of the Reform Movement, could these developments have produced a similar yet opposite reaction among some Orthodox Jews? This question underlies our current study, which applies Sokolow’s analytical framework to understand why not a single American Orthodox Jew was an avowed abolitionist and why only one Orthodox leader was publicly and consistently anti-slavery.

This thesis examines Orthodox elites as a proxy for the broader community. Because Orthodoxy was centralized in major East Coast cities, the thesis focuses on leaders from Baltimore, Abraham Rice and Bernard Illowy; from Philadelphia, Isaac Leeser and Sabato Morais; and from New York, Samuel Isaacs and Morris Raphall. They were all entrepreneurs, building key Orthodox newspapers, charities, synagogues,

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<sup>24</sup> Jayme A. Sokolow, “Revolution and Reform: The Antebellum Jewish Abolitionists,” 126.

religious guidelines, and more. So central were they to developing American Orthodoxy and American Judaism that each of the six men was dubbed “*the* recognized leader of the Orthodox party in the Jewish Church” by their contemporaries and modern scholars.<sup>25</sup> In truth, these men fostered Orthodox Judaism together as “friendly opponents.”<sup>26</sup> They were rivals because they maintained competing visions of Judaism; they were partners because they worked to advance tradition and oppose the Reform Movement. For instance, following congregational turmoil, Raphall assumed Isaacs’ pulpit in 1848 and Morais replaced Leeser in 1851. On the other hand, Isaacs and Raphall jointly published a polemic against Reform Judaism, Illowy frequently wrote for Leeser’s paper, and Morais even delivered Isaacs’s eulogy.

This study analyzes primary sources from sermons and letters to published articles in leading American Orthodox newspapers, including *The Occident* and *The Jewish Messenger*, which Leeser and Issacs edited, respectively. It weaves together

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<sup>25</sup> Moshe Sherman argues that “while the numbers of Orthodox clergy in the United States at that time were few, in contrast to the distinguished community of European rabbis and scholars, there were several notable individuals who shaped the early development’ of traditional religious life in America. Some of these clergymen were ministers, that is pastors and preachers, rather than ordained rabbis. Samuel Isaacs of Congregation Shaarey Tefila, New York, Isaac Leeser of Congregation Mikveh Israel, Philadelphia and Morris Raphall of Congregation Bnai Jeshurun, New York, were some of the talented Orthodox ministers who made valuable contributions to American Jewish life in general and Orthodox Jewish life in particular. In addition to ministers, there were a few Orthodox rabbis in mid-nineteenth century America who had studied at European yeshivot and were well-grounded in traditional religious literature. Rabbi Abraham Rice, a student of Rabbi Abraham Bing of Wurzburg, Germany, emigrated to America in the early 1840s and was highly regarded by Jews throughout the United States. Bernard Illowy came to Philadelphia in the early 1850s after studying Talmud at Rabbi Moshe Sofer's yeshivah in Pressburg and earning a Ph.D. at the University of Budapest.” Sherman, Moshe. “Struggle for Legitimacy: The Orthodox Rabbinate in Mid-Nineteenth Century America.” *Jewish History* (Spring 1996): 63.

<sup>26</sup> This framing belonged to Abraham De Sola, as he welcomed Sabato Morais to America on April 2, 1851. “Letter from De Sola, Abraham to Morais, Sabato. Montreal, Canada; Apr 1851,” *Sabato Morais Digital Repository*, accessed December 20, 2021, <http://morais.exhibits.library.upenn.edu/items/show/6782>.

statements on slavery and theological musings to craft a holistic examination. A limitation is the study's focus on elite and English-speaking actors, not the broader community, including a significant portion of those who only spoke German. Given Orthodoxy's ongoing development, however, elites were likely the only segment of the population with a somewhat coherent, classifiable, and defined Orthodox theology. What is more, these newspaper articles, and to a lesser extent sermons, attained wide reach and thus had considerable impact on the lay community.

In *Chapter One*, I explore the silence of Orthodox leaders from 1848 to 1861. I argue that immigrant status, battles with the Reform Movement, and concern over Jewish oppression abroad, such as the Vatican's kidnapping of a Jewish baby in the Mortara Affair, preoccupied Orthodox leaders. The community's motivating principal was self-preservation. The most well-trained member of Orthodoxy, Abraham Rice of Baltimore, epitomized this position, never speaking on the issue of slavery.

The immanence of civil war challenged Orthodoxy's silence in 1861. American religious leaders addressed chattel slavery with more fervor and frequency. As they grappled with questions of theodicy, they addressed whether or not slavery was "a sin before God," as Morris Raphall put it. In *Chapter 2*, I argue that Orthodox leaders' defensive worldview cultivated their pro-slavery attitudes. Morris Raphall, Bernard Illowy, and – to a lesser extent – Isaac Leeser defended slavery in an attempt to defend a more traditional, literalist, and "common-sense" reading of the Bible. They argued that the Bible sanctioned slavery because it never condemned it, including when the Patriarchs enslaved people and when the text of the Ten Commandments categorized

enslaved people with other forms of legal private property. They mimicked their anti-Reform Movement rhetoric to decry abolitionist arguments, which they characterized as arrogant and irreverent to tradition. These rabbis' traditional approach, however, also impeded more radical pro-slavery arguments, such as labelling slavery as a "positive good." Biblical and Rabbinical literature made no such claim and neither did the antebellum rabbis.

In *Chapter Three*, I demonstrate how two Orthodox leaders, Samuel Isaacs and Sabato Morais, navigated around this dominant view. Isaacs tried to separate religion and politics. He would critique slavery as a private citizen and defend Judaism as a theologian. On the other hand, Sabato Morais's united both fronts and combated human cruelty with scripture. Distinct from Ashkenazi history, Morais's Sephardic Italian-Humanist tradition encountered "modernity" – Enlightenment ideals and freedoms of emancipation – at a much slower pace. It was consequently less defensive and more responsive to changing historical realities. Empowered by his tradition, Morais did not need to compromise his religious observance or moral sensibilities when discussing slavery. He applied them concurrently in his critique of slavery. Nonetheless, fear of the Reform Movement still limited the tenacity of Morais's advocacy for similar reasons as discussed above.

This thesis tells the story of Orthodox Jews who grappled with America's original sin. Many accounts depict how the community's ongoing religious crisis *distracted* powerful leaders from the inhumanity of chattel slavery and prompted some to defend brutality in the name of God. This thesis, however, also highlights the conditions in

which Orthodox Judaism and spiritual traditions more may *disturb* – awakening individuals to engage in the drama of justice-minded citizenship.

## Chapter I

### Silence: The Orthodox and Slavery, 1848-1861

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“Let the proud oppressor of the poor, and the hard-hearted avaricious man, who both look upon the distresses of their fellow-beings with indifference; let them, I say, reflect that retribution will come...for He who punished Pharaoh, and the guilty Egyptians, can even now smite the sinner...no matter how much he may have fortified himself by silencing his conscience.” *Isaac Leeser, Passover 1843, Philadelphia (emphasis, added).*

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Silence is sin. This was the message of Isaac Leeser’s 1843 Passover sermon.

Leeser employed the ancient Israelite freedom narrative to critique present-day bystanders, who were “indifferent” to oppression. To silence one’s “conscience” means so support the perpetrator. As Leeser explained to the Orthodox congregants of Mikveh Israel in downtown Philadelphia, God “punished Pharaoh” and “can even now smite the [silent] sinner.”

The irony, however, was profound. Leeser was intentionally silent about his era’s most contentious human rights issue. “We do not mean to...take sides with either of the parties who are now engaged in discussion of the lawfulness [of slavery],” he stated in 1850.<sup>27</sup> Leeser’s sermon did not mention America’s “Peculiar Institution,” nor make the connection between Jewish freedom and Black emancipation. This sentiment was striking since Philadelphia was an abolition stronghold.

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<sup>27</sup> Isaac Leeser, “A Survey of the Field,” *The Occident*, January 1, 1850. From the National Library of Israel, <https://www.nli.org.il/en/newspapers/occ/1857/01/01/01/article/1/?srpos=41&e=-1848--01-1861--en-20-occ-41-byDA-img-txIN%7ctxTI-slavery-----1>.



Leeser's understanding of Passover further accentuates his silence. "[The Exodus] was the dawning of freedom for every member of the human family, since it is the first on record of the unjust power of tyranny broken," he wrote. Jewish tradition has a second name for Passover: The Festival of Freedom. The narrative affords an obvious religious and Biblical allegory, a launching point to discuss liberation and oppression. Black evangelicals recognized the connection, as did other Black and abolitionist Christian groups. The Exodus story was central to their liberation theology.<sup>28</sup> While Leeser vocalized the through-line, he did not realize it through action. Was his silence an exception or the rule within Orthodoxy?

Leeser's silence was typical. I demonstrate in this chapter that the emerging Orthodox leadership replicated his stance in the buildup to the Civil War. I focus on the years between 1848 and January 1861, the period bookended by a major wave of Jewish immigration began and South Carolina's secession from the union, which intensified a nationwide religious reckoning on the morality of slavery. I argue that *Orthodox silence stemmed from fear*. Orthodox leaders were fearful of anti-Semitism, locally and globally. They also emphasized preserving ritual observance within the United States in contrast to the fast-growing Reform Movement, which sought to abandon ancient rituals for universal values more in accordance with "modern" life. These fears muffled Orthodox

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<sup>28</sup> "Many [Black evangelicals] who were enslaved gravitated with expectation to Old Testament stories of emancipation rather than to New Testament stories of redemptions," argues Charles Irons. See: Charles Irons, *The Origins of Proslavery Christianity: White and Black Evangelicals in Colonial and Antebellum Virginia* (Chapel Hill: University of North Carolina, 2008), 5. See also: David Kling, *The Bible in History: How the Texts Have Shaped the Times* (New York: Oxford University Press, 2004): 193-230.

debates over enslavement. They also bolstered pro-slavery attitudes among Orthodox Jews, a theme that pervades this chapter. Strengthening Jewish security and preserving Jewish tradition led to defending the *status quo*, whether deriding anti-slavery sentiments in the political realm or opposing abolitionist interpretations of scripture in the religious one. Silence protected Orthodoxy.

### **An Overview of Antebellum Silence**

Antebellum Jews largely maintained silence on the issue of slavery. “Their European experiences and religious traditions, their lowly economic and educational backgrounds, and the fear of antisemitic backlash,” argues historian Jayme Sokolow, “made them politically conservative and detached from controversial causes outside the scope of Judaism.” As an immigrant community and religious minority, American Jews were vulnerable politically, economically, and culturally. Conservative politics – or silence on contentious issues – seemed to promise safety.<sup>29</sup>

Leading Orthodox Rabbis rarely, if ever, addressed Black enslavement in recorded sermons, lectures, and editorials before January 1861. Morris Raphall of New York, Bernard Illowy of Baltimore, and Isaac Leeser of Philadelphia – were silent on the issue through much of the 1850s. Samuel Isaacs of New York and Sabato Morais of Philadelphia, the only Orthodox rabbis to express anti-slavery sentiments before the Civil War, were no different. Abraham Rice of Baltimore did not say anything, before or after

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<sup>29</sup> Sokolow, 126.

1861. His historical record is generally more scant than the others, yet it is unlikely that any statement on slavery would have escaped press coverage.<sup>30</sup>

The Hebrew Bible is replete with stories of enslaved people. Genesis features the concubines of the forefathers. Joseph's brothers sold him to Ishmaelites. Exodus chronicles the enslaved Jewish nation's quest for freedom. Given the centrality of enslavement through the 1850s, these passages should have been resources for rabbis and their congregations. Yet, silence was the default – even during the Civil War.<sup>31</sup>

Leading Orthodox newspapers, the *Occident* and *Jewish Messenger*, followed suit. Editors Leeser and Isaacs had two primary personal and professional mandates: preserve traditional Judaism and counter anti-Semitism. Isaac and Leeser published the work of Orthodox rabbis, including Illowy, Morais, Rice, and Raphall. Subscribers included Jews across the United States and – in the case of the *Occident* – Australia, New Zealand, and the Caribbean. The *Jewish Messenger* was dubbed the “organ” of Orthodoxy.<sup>32</sup>

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<sup>30</sup> Moshe Davis argues a similar point in *The Emergence of Conservative Judaism*, a study that includes many from our cast of characters, including Raphall, Illowy, Leeser, Isaacs, and Morais. He argues that not a single “ordained Jewish clergyman” offered a pro-slavery argument before Morris Raphall on January 4, 1861, when President Buchanan declared a national fast day. According to Davis, Raphall was an exception among an otherwise largely anti-slavery Jewish landscape. This is not supported by a closer historical analysis, especially of newspaper archives. Clergymen did convey pro-slavery sympathies, albeit in abbreviated form, before 1861. Leeser's *Occident* published a few, as we will explore in *Chapter 2*. More broadly, the statement unfairly skews the reader's historical perception. Raphall did not simply break the pro-slavery silence. He pierced the Jewish silence – and Orthodox silence – on enslavement. See: Davis, 110.

<sup>31</sup> Orthodox leaders only broke their silence on a few occasions. January 1861 was one of those times. Raphall, Illowy, Isaacs, Leeser, and Morais all broke their silence after President Buchanan called for a National Fast Day on January 4, 1861.

<sup>32</sup> “Second Obituary of Rev. Samuel M. Isaacs,” May 1878, Myer S. Isaacs, P-22, Box 1, Folder 1, Collection of the American Jewish Historical Society, New York, NY.

The *Occident* occasionally reported on American slavery, but of over 7,000 pages of articles published in the *Occident* between 1848 and 1861, the word “slavery” appeared 59 times and the word “slave” occurred 58 times.<sup>33</sup> Moreover, this term rarely referred to Black enslavement. The main subjects fell into three categories: Biblical themes of enslavement, such as God’s redemption of the Israelites from Egypt; global anti-Semitism, from Roman oppression at the turn of the common era to the contemporary Mortara Affair, when Vatican officials kidnapped a baptized Jewish baby; and religious degradation related to idolatry and atheism, termed “spiritual slavery.” About 75% of the articles found with the term “slave” or “slavery” fit within these categories. Mentions of American slavery were limited to less than 5% of cases, the majority were mere references and did not offer a religious ruling or moral judgement. Prior to 1861, the *Occident* published one article that offered an in-depth, religious treatment of enslavement in the United States. It promoted a pro-slavery viewpoint.

The *Jewish Messenger* mirrored the *Occident*’s near silence despite its slight anti-slavery leanings. Between its founding in 1857 and 1861, it published over 1,630 articles.<sup>34</sup> The word “slavery” appeared in only 67 instances. Half of all instances including the word “slavery” related to contemporary issues of anti-Semitism, including the Jews of Kurdistan, Russian Jewish Emancipation, oppression in Persia, or other historical explanations. The *Jewish Messenger*’s greater focus on anti-Semitism was not

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<sup>33</sup> I administered a keyword search on the National Library of Israel database, <https://www.nli.org.il/en/newspapers/occ>.

<sup>34</sup> I administered a keyword search on ProQuest for the word “slavery.” See: <https://www.proquest.com/results/7A1C45B1E15F4E34PQ/1?accountid=14707>.

surprising because Isaacs dedicated himself, more so than Leeser, to defending Jews around the world from anti-Semitism. Like the *Occident*, many of the instances also related to Biblical references, such as the Exodus from Egypt, and moral corruption, including references such as “slave of passion.” In total, there were seven articles that tackled US slavery head on, many of them anti-slavery. There were also two minor but sympathetic references to abolition, discussed further in *Chapter 3*. Thus, while the *Jewish Messenger* did speak on the issue of enslavement with slightly more frequency than the *Occident* and most leading Orthodox Rabbis, it also predominantly opted for silence.

### **Examining Scholarly Responses**

Historians offer various explanations for this silence. Scholars David M. Cobin, Earl Schwartz and Dorothy Roberts provide two.<sup>35</sup> Ignorance is their first explanation. Orthodox leaders may not have “foreseen” the imminence of the Civil War and slavery as its root cause. The rabbis did not grasp the gravity of the moment and thus did not respond to it.<sup>36</sup> These rabbis were too conversant in American politics, however, to have been ignorant of the moment’s intensity and critical importance of enslavement, especially in the months leading up to January 1861 when debates over slavery were

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<sup>35</sup> The scholars focused on Morais’s silence, in particular, but the findings also apply to Isaacs, Leeser, Illowy, Raphall, and Rice.

<sup>36</sup> David M. Cobin, Earl Schwartz, and Dorothy Roberts, “The Encrypted Sermons of Sabato Morais,” *Journal of Law and Religion* (2007): 167.

white hot. Raphall and Morais were part of New York's political elite. Leeser and Isaacs edited national newspapers. Their silence was not based on lack of knowledge.

The scholars' second explanation is that the rabbis' economic insecurity allowed their congregations the power to silence political statements. In the 1850s, American rabbis received modest salaries and had limited job security. Synagogue presidents and lay boards, historian Jonathan Sarna argues, had significant power in determining the direction of the community and the actions of their rabbi.<sup>37</sup> Four of our six main rabbis, Isaacs, Raphall, Leeser and Morais, were either fired or hired following a congregational dispute.<sup>38</sup> These rabbis understood that controversial conversations carried significant economic risk.

Cobin, Schwartz, and Roberts argue that Morais must have "felt constrained" by "political forces" in his congregation. Congregants, many of whom were recent immigrants, sought to fit in and avoid controversial topics.<sup>39</sup> Moreover, because Philadelphia (Morais and Leeser) and New York (Raphall and Isaacs) were all port towns, congregants maintained ties and interests that transcended sectional norms. Influential members of Philadelphia and New York synagogues had pro-slavery leanings. Morais was aware of the pro-slavery constituency within his congregation, which would

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<sup>37</sup> Jonathan Sarna, *American Judaism*, 94.

<sup>38</sup> In 1847, Samuel Isaacs sided with a minority faction of Congregation B'nai Jeshurun during a community disagreement. The majority fired him, replacing Isaacs with Morris Raphall. In 1851, Congregation Mikveh Israel denied Isaac Leeser's request for life-tenure as *hazzan*. As debate ensued, they replaced him with Sabato Morais. See: "First Obituary of Rev. Samuel M. Isaacs," May 1878, Myer S. Isaacs, P-22, Box 1, Folder 1, Collection of the American Jewish Historical Society, New York, NY

<sup>39</sup> Sokolow, 126.

later prevent Morais from preaching for three months in 1864.<sup>40</sup> Morais's offense was a Thanksgiving Day sermon; he brazenly asked his congregants: "What is the Union with human degradation? Who would again affix his seal to the bond that consigned millions to [slavery?]." <sup>41</sup> Leading New York rabbis faced similar constraints from their congregations. Isaacs limited his pulpit discussions on slavery in deference to his synagogue's board.<sup>42</sup> Thus, any position on slavery would alienate a portion of the congregation. Silence was safer.

We need additional, and perhaps more thoughtful, explanations of Orthodoxy's silence. All six rabbis were trailblazers and nation builders. Some founded congregations, Jewish hospitals, Jewish relief organizations. Isaacs and Leeser had relatively stable financial situations, too. They maintained additional incomes from their publishing services. I argue that *fear dictated silence*. Orthodox leaders decided to compartmentalize external issues they considered to be *politics* – such as geopolitical divisions over slavery. As Leeser explained in 1863, "our magazine is not a political one, and we shall carefully avoid all matters having such a tendency, unless they have a bearing on religion."<sup>43</sup>

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<sup>40</sup> Morais once termed this portion of his congregation, "copperheads," a derogatory word that referred to Peace Democrats during the antebellum and Civil War era. David M. Cobin, Earl Schwartz, and Dorothy Roberts, "The Encrypted Sermons of Sabato Morais," 167. See also: *ibid.*, 159.

<sup>41</sup> Cobin, 159; Davis, 111.

<sup>42</sup> Davis, 110.

<sup>43</sup> "A MINISTERIAL AMENDMENT TO THE CONSTITUTION," *The Occident*, August 1, 1863. From the National Library of Israel, <https://www.nli.org.il/en/newspapers/occ/1863/08/01/01/article/4/?e=-01-1861--12-1865--en-20-occ-21-byDA-img-txIN%7ctxTI-slavery-----1>. Arthur Kiron contends that "Leeser's views on religion and culture shaped his political neutrality towards matters not affecting Jews. While individual Jews might hold strong political opinions about non-Jewish matters, they ought not to voice them as members of a particular religious group." See: Arthur Kiron, "Golden Ages, Promised Lands: The Victorian Rabbinic Humanism of Sabato Morais," 281.

Instead, they focused on defending religious and social goals critical to this young, vulnerable, and growing community.

Passover sermons offer a case study to better understand Orthodox silence. There were dozens of published and recorded Orthodox Passover sermons from 1848 to 1861. None connected Israelite freedom to Black freedom, nor did a single Passover themed article in the *Jewish Messenger* or *Occident*. In this regard, there was no distinction between the anti-slavery of Morais and Isaacs and the pro-slavery of Raphall, Leeser, and Illowy. They all made the same choice. A quantitative analysis of the newspapers' content highlight how two fears, relentless anti-Semitism and the rise of the Reform Movement, eclipsed an Orthodox focus on slavery.

### **The Socio-Political Fear: Anti-Semitism**

There were several high-profile, global incidents of anti-Semitism at the end of the 1850s. Two in particular gained attention within the United States Orthodox press and community. First was the Mortara Affair in 1858. The Papal States abducted a Jewish baby, Edgardo Mortara, after a housemaid secretly baptized him. The local laws at the time, said that anyone baptized was a Christian, and a Christian child could not be raised by a Jewish family. This led state officials to kidnap the child and place him in a Catholic convent to be raised. The event horrified Italian Jews and alarmed Jewish communities elsewhere. Morais, Isaacs, and other prominent rabbis spoke out about the event and lobbied elected officials to take action. Despite widespread sympathy, even beyond the Jewish community, the United States took no official stand. Second was the forced



conversion of Jews in Tangier, Morocco in 1859. These Jews were “most distressingly situated” because local authorities coerced them to “pronounce a profession of the Mahomedan faith,” reported the *Occident* in June and December 1859.<sup>44</sup> Spanish diplomats ultimately offered protection to these Moroccan Jews, but their plight also highlighted the intense insecurity of Jewish communities abroad, in stark contrast to the Jewish life in America.

These events captured the attention of the Orthodox leadership much more often than issues of enslavement. For example, Passover 1860 fell between the Republican National Convention in mid-May and the Democratic National Convention in mid-April. Both featured a heated debate on enslavement. Yet, an April 6, 1860 Passover sermon published in the *Jewish Messenger* avoided the issue entirely. It chose instead to focus on Jewish emancipation, noting “the kidnapping of Edgar Mortara” and “the expatriating of our brethren from Tangiers.”<sup>45</sup> The sermon ultimately the ancient Israelites’ celebration of freedom to the fight for Jewish liberty in the present day, adding that this Passover “our subscribers...will be engaged celebrating the anniversary of *our* Exodus from Egyptian bondage” (emphasis added). “Our” is the key modifier. It narrows the

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<sup>44</sup> “A Letter from Tangier to La Presse, Under Date of 13th of March,” *The Occident*, June 16, 1859. Retrieved from the National Library of Israel, <https://www.nli.org.il/en/newspapers/occ/1859/06/16/01/article/7/?srpos=2&e=-1848--01-1861--en-20-occ-1-byDA-img-txIN%7ctxTI-Tangier-----1>. *The Occident*, “Morocco,” December 22, 1859. Retrieved from the National Library of Israel, <https://www.nli.org.il/en/newspapers/occ/1859/12/22/01/article/8/?srpos=4&e=-1848--01-1861--en-20-occ-1-byDA-img-txIN%7ctxTI-Tangier-----1>.

<sup>45</sup> *The Jewish Messenger*, “THE FESTIVAL OF PASSOVER,” April 6, 1860. Retrieved from ProQuest, <https://proxy.library.upenn.edu/login?url=https://www.proquest.com/historical-newspapers/festival-passover/docview/870947612/se-2?accountid=14707>.

implications of the Biblical Exodus from a universal story about liberation to a commemoration of the Jewish quest for freedom.

Leeser articulated a moving call for action following the Mortara Affair that evoked similarly tribal tones. “We Israelites should not stand idle, but appeal, as becomes freemen, to our civil rulers, to urge them to aid those who are with us of the same descent and faith,” he wrote in February 1859.<sup>46</sup> To him, American Jews must fight against the oppression of Jews abroad because they shared the “same descent and faith.” Global anti-Semitism preoccupied the author of this sermon – and other *Jewish Messenger* Passover sermons.

On March 23, 1861, the Shabbat that preceded Passover, Morais spoke powerfully on the Mortara Affair. “Pharaohs of all ages, those tyrants, whose iron rods scourged our fathers, will present themselves before our vision.” He particularly deemed Pope Pius IX a “pharaoh” as he ultimately directed the kidnapping. Morais added that “not only one has arisen against us, in all ages men have risen against us to exterminate us,” quoting from the Passover Haggadah.<sup>47</sup> Morais set the affair within a long history of Jewish oppression. He felt that the Jewish community was continuously threatened existentially, from ancient days until the present.

This fear of eradication sidelined his discussions of slavery. Nonetheless, his silence is striking. Earlier that month, on March 4, 1861, Lincoln delivered his inaugural

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<sup>46</sup> *The Occident*, “The Mortara,” February 1, 1859. Retrieved from the National Library of Israel, <https://www.nli.org.il/en/newspapers/occ/1859/02/01/01/article/2/?srpos=3&e=-1848--01-1861--en-20-occ-1-byDA-img-txIN%7ctxTI-%22civil+rulers%22-----1>.

<sup>47</sup> Cobin, 168.

address, saying “One section of our country believes slavery is right, and ought to be extended,” he explained, “while the other believes it is wrong, and ought not to be.”<sup>48</sup>

Tensions over slavery monopolized the national discourse.

Many Orthodox leaders also feared that discussing slavery would promote local anti-Semitism. Samuel Isaacs consistently referred to the debate over slavery as a “controversy.” For example, when Jews began publicly discussing the issue in 1861, he wrote: “we have been called upon to publish [a] reply...but must decline...as we have no desire to take part in a controversy of this nature.”<sup>49</sup> Controversy implied danger. For a religious minority and immigrant community, which was already caricatured in the mainstream press and culture, intense socio-political positions would only breed more stereotypes. These fears did, in fact, materialize. When Jewish leaders ultimately did weigh in on the issue of slavery, the *New York Tribune* “unsuitably [held] the Jewish community responsible for the opinions of individuals,” wrote Leeser. He added, “Israelites, as Israelites, have no politics.”<sup>50</sup>

### **The Theological Fear: Rise of Reform Movement**

The Orthodox had a second fear. The Reform Movement was gaining influence and followers in America. Orthodox leaders fought back. They derided Reform’s

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<sup>48</sup> Abraham Lincoln, “Inaggural Address,” Marach 4, 1861 in *Abraham Lincoln Online*, [www.abrahamlincolnonline.org/lincoln/speeches/1inaug.htm](http://www.abrahamlincolnonline.org/lincoln/speeches/1inaug.htm).

<sup>49</sup> *The Jewish Messenger*, “Correspondence: An American Jew,” January 18, 1861. Retrieved from ProQuest, <https://www.proquest.com/historical-newspapers/correspondence/docview/870944961/se-2?accountid=14707>.

<sup>50</sup> *The Jewish Messenger*, “Jewish Politics,” January 25, 1861. Retrieved from ProQuest, <https://www.proquest.com/historical-newspapers/jewish-politics/docview/870943770/se-2?accountid=14707>.

disregard for tradition and called reformers arrogant. “Shall we continue to worship God, as our fathers have worshipped him,” asked Morais, “or shall we follow the bend of our minds, and introduce into the Synagogues customs foreign to its origin and purposes?”<sup>51</sup> He believed that Reform leaders did not respect the generations of Jews who worshiped, ate, studied, and lived according to traditional Jewish law. “The reform element...is always actively at work to undermine the principles of Judaism,” Morais argued.<sup>52</sup> Raphall agreed. He called Reform leaders and laypeople “innovators” who endangered Jewish tradition.<sup>53</sup> Isaacs and Raphall wrote a letter “to the Jewish public,” calling innovators “destroyers of all that is sacred.”<sup>54</sup> Illowy argued that Reform Rabbi Isaac Meyer Wise had “sinned” in the “sight of Israel” with his book *History of the Israelitish Nation*. Wise rejected the importance of traditional rituals and prophecy. Leeser published Illowy’s critique in May 1854 in the *Occident*.<sup>55</sup> He did the same for many other anti-reform writings.

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<sup>51</sup> Sabato Morais, “A Discourse Regarding Reform,” Sabato Morais Collection, Box 17, Folder 16, Herbert D. Katz Center for Advanced Judaic Studies, University of Pennsylvania, Philadelphia, Pennsylvania.

<sup>52</sup> Sabato Morais, “On Radicalism,” Sabato Morais Collection, Box 17, Folder 37, Herbert D. Katz Center for Advanced Judaic Studies, University of Pennsylvania, Philadelphia, Pennsylvania.

<sup>53</sup> “Having thus explained the cause which prevented the literature of the Hebrews from being generally known, we owe it to ourselves to declare that we are neither innovators nor reformers. We do not presume to guide the opinions of our readers, or to arrogate to ourselves any right of dictation; but, as the humble interpreters of the great lights of Israel, our duty is to interpret truly; to give their very words whenever the idiom of the language permits and in no case to obtrude our own opinions under the cloak and cover of theirs.” See: Morris Raphall, “Introduction,” *The Hebrew Review and Magazine of Rabbinical Literature* (London: Simpkin and Marshall, 1834), 3.

<sup>54</sup> Elijah M. Holzman, Morris J. Raphall, and Samuel Myer Isaacs, “Preface,” *Sefer ‘Emek refa’im. Nu York: Be-vet uvi-defus Leyb Hayim Frank*.

<sup>55</sup> Bernard Illowy, *The Occident*, “Dr. Illowy to Dr. Wise,” May 1, 1854. Retrieved from the National Library of Israel, <https://www.nli.org.il/en/newspapers/occ/1854/05/01/01/article/3/?e=-1850---1861--en-20-occ-1-byDA-img-txIN%7ctxTI-passover-----1>

These leaders were often on the defensive. “There is no doubt that in the next generation Reform Judaism will gain the upper hand and that Judaism will be transformed,” predicted European-Jewish reporter I. J. Benjamin in 1862 – a correct prediction.<sup>56</sup> Rabbi Abraham Rice of Baltimore lived through this transformation first-hand. His son-in-law, Joseph Leucht, went from being Rice’s cantor at Orthodox Congregation Nidche Israel to directing Congregation Bnai Jeshurun in Newark, New Jersey towards the Reform Movement.<sup>57</sup> In 1872, just ten years after Rice’s death, Nidche Israel became a Reform temple, and in 1878, Raphall’s synagogue, Bnei Jeshurun, also affiliated with the Reform Union of American Hebrew Congregations. Samuel Isaacs’s *Jewish Messenger*, once the organ of Orthodoxy, switched to supporting Reform Judaism by the turn of the twentieth century. The Orthodox leadership’s concentration on this trend prevented attention on other timely matters, including slavery.

A study of the *Occident* and *Jewish Messenger* provides a quantitative substantiation of this preoccupation. The *Occident* spoke of the Reform Movement 329 times between 1848-1861.<sup>58</sup> The *Jewish Messenger* mentioned the Reform Movement 126 times during the time period.<sup>59</sup> The dominant tone of both papers was similar: articles derided the Reform Movement as a danger to Judaism.

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<sup>56</sup> 101, Sarna.

<sup>57</sup> Ibid.

<sup>58</sup> I administered a key word search of “Reform” on the National Library of Israel’s online archive of *The Occident*. <https://www.nli.org.il/en/newspapers/?a=q&hs=1&r=1&results=1&txq=reform&dafyq=1848&dafmq=&dатыq=1861&datmq=&req=&laq=&puq=occ&ssnip=img&oa=1&e=-----en-20-occ-1-byDA-img-txIN%7CtxTI-reform-----1>

<sup>59</sup> I administered a key word search of “Reform” on the National Library of Israel’s online archive of *The Jewish Messenger*. <https://www.proquest.com/results/69B7B37A628449BAPQ/1?accountid=14707>

Antebellum Passover sermons exemplified this trend of fear. Isaac's 1857 sermon included an overview of different forms of Passover observances, arguing that "real orthodoxy [must be] distinguished from that spurious article, which is passed off as current, but is in reality but a miserable counterfeit." Isaacs did not simply critique what he saw as mistakes in ritual observance. To Isaacs, Reform Judaism was a threat to the preservation of true Jewish observance. He followed a similar script during in 1860, once again demonstrating how defense against Reform Judaism displaced discussions of slavery.<sup>60</sup>

Leeser made comparable remarks in 1843. He, too, focused on explaining and defending the ceremonial aspects of the holiday. The sermon started by recounting the Biblical command to relate the events of the exodus to children. He explained the importance of the rituals: "To keep this event fresh in the memory of all, particular ceremonies were instituted." Their "peculiarity" aims "to arrest the attention of the young" and induce inquiry regarding the "meaning of what they see." Leeser argued that idiosyncratic rituals made the past "fresh." In fact, Leeser contended, without ancient rites, there would be no collective Jewish memory, nationhood, or theology. The ceremonial rituals, "link Israel together in all...of their dispersion" and "perseveres" the "doctrines of the revelation on Sinai."<sup>61</sup> Defense of the rituals left no room to discuss

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<sup>60</sup> *The Jewish Messenger*, "THE FESTIVAL OF PASSOVER," April 6, 1860. Retrieved from ProQuest, <https://proxy.library.upenn.edu/login?url=https://www.proquest.com/historical-newspapers/festival-passover/docview/870947612/se-2?accountid=14707>.

<sup>61</sup> Isaac Leeser, "Passover Sermon, 1843" Isaac Leeser Collection, Box 5, Folder 10, Herbert D. Katz Center for Advanced Judaic Studies, University of Pennsylvania, Philadelphia, Pennsylvania.

modern instances of slavery and how ancient Jewish memory may (or may not) demand a response. The word “slavery” itself did not appear in this Passover sermon. The threat of the Reform Movement was everything.

Morris Raphall of New York followed suit with his own Passover sermon on the topic. He cast American religious freedom as a double-edged sword, a blessing and a curse for traditional Judaism. In contrast to many severe religious restrictions across Europe, the “modernity” and liberalism of the United States opened up space for Orthodoxy to flourish. “Here we can keep the Passover...as it was instituted.” Yet, this openness bred assimilation. “Let us not be carried away from the land-marks of our faith, and adopt every new road that may be pointed out to us as leading to Heaven.”<sup>62</sup> Raphall worried that the freedoms of this “modern” society threatened to modernize Judaism.

### **Abraham Rice: The Epitome of Orthodox Silence**

Abraham Rice never spoke publicly about slavery. Born in Bavaria, Rice (1802-1862) studied in leading Orthodox academies and received rabbinical ordination from Abraham Hamburger and Abraham Bing. Impoverished and without university credentials, Rice emigrated in America in 1840 to “establish a pure Orthodox belief in this land.” Rice represented the “fervent Orthodoxy” end of America’s spectrum of Jewish life, contends historian Jonathan Sarna. His focus was decidedly blinkered. He

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<sup>62</sup> *The Jewish Messenger*, “THE FESTIVAL OF PASSOVER,” April 6, 1860. Retrieved from ProQuest, <https://proxy.library.upenn.edu/login?url=https://www.proquest.com/historical-newspapers/festival-passover/docview/870947612/se-2?accountid=14707>.

was a warrior against Reform Judaism. He railed against Jews who violated Sabbath rules, dietary restrictions, prohibitions against intermarriage, and more. Obstinacy against assimilation and new ideologies demanded the majority of his professional energy. For instance, he resigned from his Baltimore pulpit in 1849 because his congregation rejected his strict adherence to traditional Jewish law, and he would not compromise his beliefs. It was his “rabbinic responsibility,” he argued, “to teach the right path of our religion, regardless of the consequences.” He continued to stay active in the city’s Jewish life, albeit, in a private fashion. His resignation demonstrated the limits of economic and congregational pressures. When Rice disagreed with certain positions, he spoke against them. The threat of losing his pulpit, apparently, did not intimidate Rice from advancing his anti-Reform mission and his inflexible traditionalism. In fact, Rice gained respect and renown for these actions.<sup>63</sup>

So why did Rice omit slavery, the most pressing moral issue of his day? Fear. Preoccupations with assimilation and anti-Semitism are the keys to his insular approach, which underlay his silence on Black enslavement.<sup>64</sup>

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<sup>63</sup> Jonathan Sarna, *American Judaism*, 91-94.

<sup>64</sup> The modern-day slogan “silence is violence” provides a critical framework for understanding rabbinical silence. The framework draws from popular refrains, including those by Elie Wiesel (e.g., “Neutrality helps the oppressor, never the victim. Silence encourages the tormentor, never the tormented”) and Martin Luther King, Jr. (e.g., “In the End, we will remember not the words of our enemies, but the silence of our friends.”) It echoes Leeser’s sentiments in the epigraph. All contend that silence is active. This framework collapses pro-slavery, anti-slavery, and silence into two categories: pro-slavery and anti-slavery. The decision to remain quiet on the antebellum era’s most contentious issue was itself a pro-slavery stance. This framework yields a harsh assessment of Orthodoxy’s silence. In this view, Raphall’s sermon did not signify a change within the community, from silence to pro-slavery, but a continuation of the same.



## Chapter II

### “An Israelite with Egyptian Principles”: Pro-Slavery Orthodoxy, 1861

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“[No] text of scripture [exists] which directly or indirectly denounces slaveholding as a sin.” *Morris Raphall of New York, January 4, 1861.*<sup>65</sup>

“The Rev. Dr. Raphall is a burning and a shining light in our New-York Israel. As Senator Wade said of his co-religionist, Judah P. Benjamin, he is ‘an Israelite with Egyptian principles.’” *New York Daily Tribune, New York, Jan 7, 1861*<sup>66</sup>

“Whether one wishes it or not, the state of the country demands of all who habitually employ the pen or speech to touch on the momentous events which are passing before our eyes. No one can be an indifferent spectator when he beholds the splendid structure of the American union tottering to its basis.” *Front Page Editorial of The Occident, January 17, 1861.*<sup>67</sup>

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Abraham Lincoln won a hard-fought presidential election in November 1860. His victory raised questions about the future of slavery, increasing sectional tensions and fears of violence. That December, South Carolina seceded from the Union. By January 4, 1861, outgoing President Buchanan declared a national fast day. He hoped reflection and prayer – and ultimately God – would heal his fractured nation:

Numerous appeals have been made to me by pious and patriotic associations and citizens, in view of the present distracted and dangerous condition of our country, to recommend that a day be set apart for Humiliation, Fasting and Prayer throughout the Union.

In compliance with their request and my own sense of duty, I designate Friday, the 4th of January 1861, for this purpose, and recommend that the People

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<sup>65</sup> Morris Raphall, “The Bible View of Slavery,” *Fast Day Sermons: or, The Pulpit on the State of the Country* (New York: Rudd & Carleton, 1861), 238.

<sup>66</sup> *New York Daily Tribune*, “DR. RAPHALL’S BIBLE,” January 7, 1861, Retrieved from ProQuest, <https://proxy.library.upenn.edu/login?url=https://www.proquest.com/historical-newspapers/dr-raphalls-bible/docview/570508064/se-2?accountid=14707>.

<sup>67</sup> Isaac Leeser, *The Occident*, “The Prospect,” January 17 1861. Retrieved from the National Library of Israel, <https://www.nli.org.il/en/newspapers/occ/1861/01/17/01/article/1?&srpos=2&e=-01-1861--12-1865-en-20-occ-1-byDA-img-txIN%7ctxTI-slavery-----1>.

assemble on that day, according to their several forms of worship, to keep it as a solemn Fast.<sup>68</sup>

The day prompted thousands of clergymen from across the nation to discuss the state of the union, and especially the state of slavery. During the dark winter of 1861, Orthodoxy's foundation of silence began to crumble. "[No] text of scripture [exists] which directly or indirectly denounces slaveholding as a sin," proclaimed Rabbi Morris Raphall of New York.<sup>69</sup> Bernard Illowy argued that if slavery was a sin, "why did [Abraham] not set free [his] slaves?"<sup>70</sup> Isaac Leeser and his weekly paper, *The Occident*, lauded the two leaders' perspectives. Leeser printed Illowy's sermon and commented largely approvingly of Raphall's remarks. More, in stark contrast to his pre-1861 silence, Leeser published five pro slavery articles within in January issues.

In this chapter, I examine pro-slavery Orthodoxy. The socio-political situation of this immigrant community *nurtured* pro-slavery tendencies. In particular, the Orthodox community was grateful for American religious tolerance and spurned the antisemitism of some abolitionists. The *nature* of Orthodoxy – its conservative, and sometimes reactionary religious philosophy – solidified this pro-slavery position. Orthodox leaders categorized abolitionism as a progressive movement, which necessitated opposition.

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<sup>68</sup> James Buchanan, "Day of Fasting, Recommended by the President of the United States" *The Pilot*, January 1, 1861. From Boston College Libraries, <https://newspapers.bc.edu/?a=d&d=pilot18610105-01.2.6&e=-----en-20--1--txt-txIN----->.

<sup>69</sup> Morris Raphall, "The Bible View of Slavery," *Fast Day Sermons: or, The Pulpit on the State of the Country* (New York: Rudd & Carleton, 1861), 231.

<sup>70</sup> Bernard Illowy, "Speech of Reverend Dr. Illowy," *The Occident*, January 24, 1861. From the National Library of Israel, <https://www.nli.org.il/en/newspapers/occ/1861/01/24/01/article/5/?srpos=4&e=-01-1861--12-1865--en-20-occ-1-byDA-img-txIN%7ctxTI-slavery-----1>.

Orthodoxy's conservative approach to Jewish law, which demanded traditionalist and often literalist reading of the Bible, emphasized that Biblical law tolerated slavery. Some leaders may not have intended to defend slavery, even as they strove to defend the authority of the Bible. By focusing so intently on their religious crisis, however, they lost sight of inhumane bondage's moral crisis – America's original sin.

### **America's Nurturing: Politics of Immigration and Anti-Semitism of Abolition**

It is important to provide a brief review of the socio-political factors that undergirded the pro-slavery stance. Two key factors stand out. Orthodox leaders sought to maintain the political *status quo*. "Israelites have a particular interest in the preservation of the franchises of the country," argued a January 24 article, "[because] on the ruins of the republic, petty states [may] be founded, which might impose the medieval yoke again on the children of Israel." Maintaining the *status quo* previously drove Orthodox silence because discussions on slavery accelerated tensions. Now, defending slavery protected the *status quo*, which represented peace, security, and religious freedom for these Jewish immigrants. Moreover, according to Leeser, it was Northern abolitionists that initiated the war, because "the ruthless spirit of [Northern] intermeddling in matters which concern them not...has unduly excited the partisan leaders of the opposite

section.”<sup>71</sup> Leeser and his peers consequently needed to counteract abolitionist actions with their own pro-*status-quo*, pro-slavery activity.

The second factor was that anti-Jewish sentiments of abolitionists caused anti-abolitionist sentiments among Orthodox Jews. In one front-page editorial, the *Occident's* editor, Rabbi Isaac Leeser of Philadelphia reported that Massachusetts Senator and abolitionist Charles Sumner supported a “Christian” amendment to the constitution. It declared the United States a country under “the authority of God and Christ” and was “clearly adverse to slavery.” Leeser and his peers responded by charging that progressive movements, including abolition, hurt the Jewish community. For example, he wrote that “the unduly extensive missionary...enterprises...[and] the raging against the Southern slavery...[are] mere forerunners to the [fight]...against the liberty of thought and action.”<sup>72</sup> In this view, exclusionary, anti-Jewish laws were inherently linked to anti-slavery laws. Many Jews began to defend slavery openly or keep silent at the onset of the Civil War.<sup>73</sup>

### **Orthodoxy’s Nature: Abolition and “Everything New is Forbidden by the Torah”**

Morris Raphall’s Biblical defense of slavery, entitled “The Bible View of Slavery,” typified American Orthodox reactions to slavery. Raphall (1798-1868) led

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<sup>71</sup> Isaac Leeser, *The Occident*, “The Prospect,” January 17, 1861. Retrieved from the National Library of Israel, <https://www.nli.org.il/en/newspapers/occ/1861/01/17/01/article/1?&srpos=2&e=-01-1861--12-1865--en-20-occ-1-byDA-img-txIN%7ctxTI-slavery-----1>.

<sup>72</sup> Ibid.

<sup>73</sup> Ken Yellis, “Jews Mostly Supported Slavery - or Kept Silent - during Civil War,” *The Forward*, July 1, 2013, <https://forward.com/opinion/179441/jews-mostly-supported-slavery-or-kept-silent-d/?p=all#ixzz326OPEy5Q>.

B'nai Jeshurun Congregation in New York City. Born to a Jewish banker in Stockholm, Raphall received a University of Erlangen doctoral degree and Orthodox rabbinical ordination. He worked under England's Chief Rabbi Solomon Hirschel and led a Birmingham synagogue before coming to the United States in 1849. Raphall became the first "glamour-rabbi in American Jewish history." He was an impressive speaker, was the highest paid American rabbi, and commanded large audiences at his weekly sermons and public lectures. He constituted the Orthodox establishment.<sup>74</sup>

His pro-slavery response focused on three rhetorical questions. One, "How far back can we trace the existence of slavery?" According to Genesis, Raphall argued, the tendrils of slavery extended to the dawn of humanity. Two, "Is slaveholding condemned as a sin in sacred Scripture?" No, Raphall contended. The text of the Ten Commandments, specifically where Sabbath laws required rest for all enslaved people, "recognized and sanctioned [slavery] as an integral part of the social structure." And, "Abraham, Isaac, Jacob, Job—the men with whom the Almighty conversed" all enslaved people. Slavery was thus condoned during the most holy occasion and through the actions of history's holiest individuals, according to Raphall, and so the Bible tolerated slavery. Three, "what was the condition of the slave in Biblical times, and among Hebrews?" This answer was more complicated for Raphall. There was the "Hebrew bondman," he argued, who was analogous to an indentured servant. Jewish law required humane – and even familial treatment – of this individual. On the other hand, there was the "heathen slave,"

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<sup>74</sup> Sarna, *American Judaism*, 95.

who was “analogous” to enslaved people in the South. Israelites could treat the Heathen slaves as their “absolute” property and enslave them for perpetuity. Raphall admitted that “the [Heathen] slave is a person in whom the dignity of human nature is to be respected,” unlike the South’s “heathen slave code,” which “reduces the slave to a *thing*.” Nonetheless, Raphall ultimately affirmed that the Bible sanctioned Southern slavery by creating clear parallels between the situation of the Black enslaved person and the Bible’s Heathen slave.<sup>75</sup>

Raphall’s words were read widely. As a leading Orthodox Rabbi, his opinion carried exceptional weight because most laws pertaining to slavery – even for Christians – were found in the Hebrew Bible. In 1861, his sermon was published in newspapers and pamphlets across the country. Rudd & Carleton, a New York City publishing house, collated the sermon alongside those of leading theologians. These included abolitionist and Congregationalist preacher Henry Ward Beecher of Brooklyn and ardently pro-slavery Presbyterian J.H Thornwell of South Carolina. An advertisement at the back of the publication offered readers the chance to buy two sermons in individual pamphlets; one of these was Raphall’s sermon. Southern clergymen, in particular, were interested in Raphall’s perspective.<sup>76</sup>

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<sup>75</sup> Morris Raphall, “The Bible View of Slavery,” *Fast Day Sermons: or, The Pulpit on the State of the Country*. New York: Rudd & Carleton, 1861: 227-246.

<sup>76</sup> Jonathan Sarna, *American Judaism*, 112. Many non-Jewish readers believed that Raphall’s stance was the authoritative Jewish perspective on slavery (Moshe Davis, *The Emergence of Conservative Judaism*, 110). There was no Jewish consensus on the topic, however, even though some scholars point out a pro-slavery tendency. Jews divided largely along geographical lines. Those in the South were predominantly silent or pro-slavery; Jews in the North were just silent. Yet, some Reform Jews became abolitionists, at least in part, because of their Judaism (Sokolow, 126). The second assumption was that Raphall was ardently pro-slavery (Moshe Davis, *The Emergence of Conservative Judaism*, 110). One introduction

Bernard Illoy of Baltimore authored a similar, albeit less popular, sermon on January 4. Illoy (1814-1871) was also among the most well-known and learned Orthodox rabbis of his day, serving congregations in Philadelphia, New York, Baltimore, and New Orleans.<sup>77</sup> Born in Bohemia, he received his early Jewish education from his father and then rabbinical ordination from Rabbi Moses Schreiber, a towering figure of Hungarian Orthodoxy. He went on to receive a doctorate in philosophy from the University of Budapest. Illoy emigrated to the United States after local authorities suspected that he supported activities of the 1848 Revolution.<sup>78</sup>

Illoy argued that human bondage was a morally acceptable form of property.

Illoy pointed towards three Biblical examples:

1. “Why did [Abraham] not set free the slaves which the king of Egypt made him a present of?”
2. “Why did not Moses...when he made a law that no Israelite can become a slave, also prohibit the buying and selling of slaves from and to other nations?”
3. “Why did Ezra not command the Babylonian exiles...to set their slaves free and send them away?”<sup>79</sup>

Abraham had slaves. Moses, the Hebrew Lawgiver, had every opportunity to denounce slavery in his legal code but chose to actively refrain. Ezra followed suit when, after the

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painting Raphael as arguing “for the ancient Hebrew slavery, as ordained of God, and thus justifying the same institution in later ages” (“Preface,” *Fast Day Sermons: or the Pulpit on the State of the Country* (New York: Rudd and Carleton, 1861), viii). Raphael’s argument did, of course, permit slavery. The introduction, however, omitted Raphael’s critique of Southern slavery, that the Southern institution had total disregard for the enslaved persons’ human dignity. This introduction, thus, simplified Raphael’s argument, interpreting acceptance of slavery as fervent advocacy.

<sup>77</sup> Sarna, *American Judaism*, 100, 130.

<sup>78</sup> Henry Illoy, *Sefer Milkhamot Elohim* (Berlin, 1914), 12-16.

<sup>79</sup> Bernard Illoy, “Speech of Reverend Dr. Illoy,” *The Occident*, January 24, 1861. From the National Library of Israel, <https://www.nli.org.il/en/newspapers/occ/1861/01/24/01/article/5/?srpos=4&e=-01-1861-12-1865--en-20-occ-1-byDA-img-txIN%7ctxTI-slavery-----1>.

Babylonian exile, he reinvigorated Jewish life in the Land of Israel but did not demand the liberation of enslaved people. This silence, according to Illowy, endorsed slavery.<sup>80</sup> At the same time, Illowy briefly recognized that the Bible maintained an unfavorable spirit towards slavery. “[Moses], as it is to be seen from his code, was not in favor of slavery,” he argued. There was no specific sentence within scripture where Moses condemned slavery, according to Illowy, yet the spirit of Moses’s law was generally averse to it. Almost paradoxically, Illowy reasoned that if Moses was against slavery but still tolerated it, then modern-day religious activists must do the same.

Isaac Leeser amplified Raphall and Illowy’s sermons on slavery while also tempering them. Isaac Leeser (1806-1868) is considered one of, if not *the*, most influential Orthodox leader of the antebellum era. Born in Westphalia, Leeser emigrated to Richmond, Virginia at eighteen years old. Leeser brought with him his Jewish and general German education. He quickly garnered attention as an emerging Jewish scholar and defender of Jewish tradition, and the Mikveh Israel Congregation of Philadelphia hired him as its *hazan*.<sup>81</sup> He soon expanded his role by delivering Sabbath morning sermons in English, which was a novelty in America and one of many initiatives he ultimately employed to strengthen traditional Judaism while reconciling it with nineteenth-century aesthetics. “Practically every form of Jewish activity which supports

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<sup>80</sup> As the Talmudic dictum goes, “Shtika Kehoda'a Damya,” or “silence is acceptance.” See: Yevamot 87b.

<sup>81</sup> Sussman, Lance J. “Another Look at Isaac Leeser and the First Jewish Translation of the Bible in the United States.” *Modern Judaism*, vol. 5, no. 2 (Oxford University Press, 1985), 159–90.



American Jewish life today was either established or envisaged by this one man,” argues Bertram Korn.<sup>82</sup>

Leeser circulated Illowy and Raphall’s works in the *Occident*. On January 17, 1861, Leeser published Illowy’s defense of slavery. He offered limited explanatory context or commentary, only noting that “our readers will find [Illowy’s sermon] in the present issue.” The silent reception of Illowy’s work demonstrated Leeser’s agreement. In contrast, just preceding this promotion of Illowy, Leeser wrote that “we cannot sanction the tone of bitterness which pervades Mr. [Michael Heilprin’s anti-slavery] remarks.”<sup>83</sup> Leeser made his preferences clear.

On January 31, 1861, Leeser published his commentary on Raphall’s sermon. Leeser observed that overall “we share nearly all that the eloquent divine says on this subject.” “It is, to our mind, proof enough in favor of the legality of human involuntary bondage,” wrote Leeser, “that our forefathers were permitted to acquire perpetual servants.” In the Hebrew Bible, Abraham, Isaac, and Jacob enslaved people, and yet Biblical narration did not condemn these actions. “It is therefore clear, that, if the Bible did not directly recommend [as some abolitionists might say], it at the same time did not prohibit the maintenance of involuntary bondage.” Leeser then highlighted the humanity

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<sup>82</sup> Jonathan Sarna, *American Judaism*, 76, 87. In 1843, he founded the *Occident and American Jewish Advocate*, the first “successful” Jewish newspaper. In 1853, Leeser published his Hebrew-English translation of the Hebrew Bible, which rapidly became American Jewry’s primary version. In 1867, he founded Maimonides College, the first American rabbinical school. More, “almost every kind of publication which is essential to Jewish survival was written, translated or fostered by him.”

<sup>83</sup> “News item,” *The Occident*, January 17, 1861. From National Library of Israel, <https://www.nli.org.il/en/newspapers/occ/1861/01/24/01/article/7/?srpos=5&e=-01-1861--12-1865--en-20-occ-1-byDA-img-txIN%7ctxTI-slavery-----1>

that the Bible afforded “Hebrew bondsmen.” He echoed Raphall’s argument, saying that “the Law prohibited a Hebrew being thus subjected to endless servitude.” He likewise distinguished “the condition of the Canaanite servant among the Hebrews...from that of the Africans in America.”<sup>84</sup> Leeser similarly emphasized that the Bible implemented restrictions on servitude to uphold human dignity. Finally, Leeser qualified or refuted a few of Raphall’s more extreme pro-slavery statements. His commentary demonstrates the spectrum of opinions available to Orthodox leaders with different personal experiences and perspectives, while also underlining that a defense of slavery was the Orthodox default position.<sup>85</sup>

### **Orthodoxy Joins the Debates: The Leading Question of National Religious Leaders**

These Orthodox sermons fell squarely within the broader religious discourse of the period. “I was requested by prominent citizens of *other* denominations that I should on this day examine the Bible view of slavery,” Raphall noted (emphasis added).<sup>86</sup> Importantly, Raphall, Illowy, and Leeser hardly mentioned the particulars of Southern slavery but spoke about the institution “in the abstract,” a decision which followed the national trend of prominent religious leaders. For example, Pro-slavery South Carolina Presbyterian preacher James Henley Thornwell contended, “the argument cannot turn

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<sup>84</sup> Ibid.

<sup>85</sup> Isaac Leeser, “Dr. Raphall’s Lecture on Bible Views of Slavery,” *The Occident*, January 31, 1861. From National Library of Israel, <https://www.nli.org.il/en/newspapers/occ/1861/01/31/01/article/6/?e=-----en-20--1--img-txIN%7ctxTI-----1>.

<sup>86</sup> In particular, Raphall was responding to Henry Ward Beecher, who delivered a fiery abolitionist sermon across town in Brooklyn only a few days before.

upon incidental circumstances of the system [of slavery]...It must turn upon the nature of the relation itself.” Thornwell highlighted the importance of asking whether the enslaver-enslaved relationship itself was sinful. Accordingly, radical abolitionist Amos Phelps of Connecticut argued that slavery “is sinful and always so.”<sup>87</sup> This national discourse was more theoretical than practical, and Orthodox leaders followed suit.

The source material of the Orthodox leadership further demonstrates their willing participation in these broader debates. Raphall referred to the Christian Bible (“I find that the New Testament nowhere...condemns slaveholding”). Illowy framed his argument within social contract theory (“The ends for which men unite in society and submit to government, are to enjoy security for their property and freedom...from all injustice or violence”), a view that reflected dominant ideologies of the South, lower North, and towering Enlightenment intellectuals, like John Locke.<sup>88</sup> Raphall, Illowy, and Leeser never once quoted explicitly from the Talmud, a source that would distance them from a

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<sup>87</sup> The argument that the predominant discourse of religious leaders focused on slavery in the abstract, along with the accompanying evidence, belongs to Molly Oshatz. See: Molly Oshatz, “The Problem of Moral Progress: The Slavery Debates and The Development of Liberal Protestantism in the United States.” *Modern Intellectual History*, 234-235.

<sup>88</sup> Illowy’s sermon began more like a political argument, particularly a defense of states’ rights. He believed that a state’s central duty was to protect citizen’s rights to “property and freedom,” echoing the sentiments of leading social contract theorists, such as Locke’s call for “life, liberty, and property.” Consequently, Illowy contended, no one “can blame our brethren of the South for their being inclined to secede from a society, under whose government those ends cannot be attained.” Employing Locke within a pro-slavery argument is unsurprising. Locke drafted The Fundamental Constitutions of Carolina, which permitted slavery. In particular, Illowy’s use of “property” provided scaffolding for his pro-slavery argument. It was unspoken but clear that “property” included enslaved people, a contention which vindicated South Carolina’s recent secession and furthered anti-abolition sentiments. See: Bernard Illowy, “Speech of Reverend Dr. Illowy,” *The Occident*, January 24, 1861. From the National Library of Israel, <https://www.nli.org.il/en/newspapers/occ/1861/01/24/01/article/5/?srpos=4&e=-01-1861--12-1865--en-20-occ-1-byDA-img-txIN%7ctxTI-slavery-----1>.

mixed religious audience. The Hebrew Bible provided a common language for answering the broader question of whether slavery in the abstract was a sin.

### **The Orthodox Response: Disempowered Covenantal Anthropology**

Orthodox religious philosophy shaped Raphall, Illovy, and Leaser's answer to the moment's pressing question. Their conservative theology bred blind obedience to God and skepticism of human reason. "The spirit of Judaism...is one of obedience to God above all else, even the social norms and convictions of the age," Raphall wrote as a young preacher in Birmingham, England. The devout Jew, according to Raphall, must understand that "Human Reason unaided by Revelation" is insufficient and rely more on tradition than personal volition.<sup>89</sup> Likewise, Leaser wrote in an 1850 editorial that he would not accept "doctrines which are derivable from Scripture [as] untrue."<sup>90</sup> These views represented a *disempowered covenantal anthropology*, a religious philosophy, which minimizes the individual's agency in relation to God. It can be characterized by one word: submission.

Orthodox leaders were consistent in implementing their religious philosophy and integrated it into their reactions to slavery. "I stand here as a teacher in Israel; not to place before you my own feelings and opinions, but to propound to you the word of G-d, the

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<sup>89</sup> Morris Raphall, "The Unity of God," 7. He added, "reason, the attribute of man, is, like himself, finite and limited."

<sup>90</sup> Leaser could only dismiss "some incongruities" within rabbinical thought given "modern scientific development," he added. See: Isaac Leaser, "Judaism and its Principles," *The Occident*, October 1, 1850. From the National Library of Israel, <https://www.nli.org.il/en/newspapers/occ/1850/10/01/01/article/1/?srpos=10&e--1848--01-1861--en-20-occ-1-byDA-img-txIN%7ctxTI-slavery-----1>

Bible view of slavery,” Raphall contended. Illowy agreed. He argued that individuals should not capitulate to their “good sense and feelings” regarding the morality of slavery. Instead, they should rely upon the “book of G-d and the virtues which it teaches.”<sup>91</sup> Both approaches privileged deference to revelation and tradition over individual empowerment.

This covenantal anthropology led to the Orthodox leadership’s pro-slavery, and often Biblical literalistic, approach. As we mentioned before, these men highlighted that history’s holiest individuals were all enslavers. This provided sufficient and “irrefutable proofs,” as Illowy put it, that the Bible sanctioned slavery.<sup>92</sup> More, each emphasized that the Bible never explicitly condemned slavery. In other words, if slavery was tolerated in Biblical times, then they could not deem the institution as sinful, and deserving of elimination in his own period. These leaders accepted that the literal text of the Bible applied directly to the present moment despite changing political, social, and technological contexts. As a result, they argued that neither could they or any other believer.

Raphall was particularly attached to a literalist approach. According to him, almost every Biblical reference to slavery had a contemporary parallel – many of which were pro-slavery. Most fundamentally, he argued that the Hebrew word “evved,” as it

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<sup>91</sup> Bernard Illowy, “Speech of Reverend Dr. Illowy,” *The Occident*, January 24, 1861. From the National Library of Israel, <https://www.nli.org.il/en/newspapers/occ/1861/01/24/01/article/5/?srpos=4&e=-01-1861-12-1865--en-20-occ-1-byDA-img-txIN%7ctxTI-slavery-----1>.

<sup>92</sup> Fein, 70. “Rabbi Illowy took this position with regard to minutest rituals: nothing was to be changed,” as Isaac Fine argues, “and he took a similar position in regard to the major social issue of the day—slavery.”

appeared in the Bible, referred to “slavery,” as understood in his time.<sup>93</sup> Noah’s curse of Ham’s descendants as the “servant of servants” applied directly to contemporary African slaves, Raphall claimed. The Biblical injunction to return a runaway enslaved person from one of the twelve Israelite tribes supported the Fugitive Slave Act of 1850, which commanded residents of northern states to send runaways back into slavery. Ancient Biblical text had clear instructions for the modern moment for Raphall.<sup>94</sup>

Reliance on tradition, however, also limited the available pro-slavery positions for Raphall and his Orthodox peers. For instance, some Christian communities argued that slavery was a “blessing.” Reverend Benjamin M. Palmer of New Orleans’s First Presbyterian Church claimed that the people he enslaved “[lean] upon me for protection, for counsel, and for blessing” in November 1860.<sup>95</sup> At a similar time, white Virginia Evangelicals believed that “God approved slavery” and no longer “hesitated to argue that slavery was a ‘positive good.’”<sup>96</sup> There was another more scientific trend in the air. Many

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<sup>93</sup> Interestingly, this translation not only opposes the one offered in the King James Bible, it also contradicts that of Raphall’s own English-Hebrew Bible, which translated “evved” as “servant.”

<sup>94</sup> Benjamin Palmer, a Presbyterian leader in New Orleans, propagated this idea exactly. “The outspreading landscape of all history is embraced within the camera of Noah’s brief prophecy; showing how from the beginning God not only distributed them [the races of man] upon the face of the earth, but impressed upon each branch the type of character fitting for its mission,” he preached. See: S. Adams, “Review of *The Curse of Ham: Race and Slavery in Early Judaism, Christianity, and Islam; Noah’s Curse: The Biblical Justification of American Slavery*, by D. M. Goldenberg & S. R. Haynes,” *Brigham Young University Studies* (2005): 157–169.

<sup>95</sup> Benjamin M. Palmer, “SLAVERY A DIVINE TRUST: DUTY OF THE SOUTH TO PRESERVE AND PERPETUATE IT,” *Fast Day Sermons: or, The Pulpit on the State of the Country* (New York: Rudd & Carleton, 1861), 57.

<sup>96</sup> It should be noted that White Evangelicals in Virginia, from the 1830s to 1850s, “accepted that God was using slavery to accomplish great and noble ends,” specifically missionary work. But, it was only by around 1860 that they assumed their most extreme position, claiming that slavery was a blessing. Charles Irons, *The Origins of Proslavery Christianity*: 209, 212. See Irons’s Chapter 5, “The Sectional Church, 1835-1856,” 169-209; and Chapter 6, “Reluctant, Evangelical Confederates, 1856-1861,” 211-246.

ethnologists, practitioners of a racialized pseudo-science, promoted the theory of polygenesis, which contended that Black and white people lacked a common ancestor. This idea helped justify Black enslavement and diminish concerns over its brutality.

Raphall and his Orthodox peers did not support either concept. In contrast to calling slavery a “blessing,” they demonstrated that the Biblical and Rabbinical traditions maintained discomfort with slavery. Raphall argued that the “Hebrew bondsman” attained tremendous protection and even respect:

[This individual] is fenced round with protection against any abuse of power on part of his employer; and tradition so strictly interpreted the letter of the law in his favor, that it was a common saying of Biblical times and homes, which Maimonides has preserved to us, that “he who buys a Hebrew bondman gets himself a master.”

These claims succinctly summarize millennia of Jewish commentaries on the Bible. The Babylonian Talmud, completed in approximately 500 CE, argued that “[a Hebrew Slave] should be eating with you and drinking with you, for you are not to eat fresh bread while he eats stale moldy bread, you drink aged wine while he drinks young wine, you bed down on feathers while he on hay.” This section of the Talmud concluded with the same refrain that Raphall quoted from Maimonides above, that “anyone who acquires a Hebrew slave is considered like one who acquires a master for himself.”<sup>97</sup> Leiser summarized this Talmudic literature by stating: “The multiplying of domestics, both male and female, was pointedly discouraged by no less an authority than the great Hillel.” Furthermore, Raphall was a translator of Maimonides’s codex of Jewish law, the

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<sup>97</sup> Kiddushin 20a.

*Mishneh Torah*, which collated, reiterated, and expanded upon these Talmudic laws.<sup>98</sup>

Raphall was thus familiar with the narrow circumstances under which a Hebrew may lose their freedom and the constraints on the type of work an enslaved Hebrew may perform. More contemporary rabbinical leaders, like Rabbi Samson Raphael Hirsch of Germany, argued that a clear boundary existed between Hebrew Bondsman and a modern slave.

It is also worth noting that rabbinical literature emphasized the inherent worth of the “Heathen slave.” The *Mishneh Torah*, for example, included a full chapter outlining their physical protection requirements.<sup>99</sup> This tradition led Raphall to express the most anti-slavery elements of his argument, that “the [Heathen] slave is a person in whom the dignity of human nature is to be respected.” Because the Southern system of slavery “reduces the slave to a *thing*,” it preserved a “heathen slave code.” This critique constituted a stinging insult to any Christian slaveholder.

A traditional and literalist Biblical interpretation also denied polygenism. Raphall called Adam and Eve “the first pair of human beings” in *The Sacred Scriptures in Hebrew and English*, his 1844 translation of and commentary on the Hebrew Bible. Further, the name “Adam” was “the generic name for the human species,” argued Raphall.<sup>100</sup> Samuel David Luzzatto of Italy, one of Illowy’s teachers, similarly explained

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<sup>98</sup> “One is not permitted to sell himself unless he has nothing left, not even clothing. Only then may he sell himself,” Maimonides, “Slaves,” *Mishneh Torah*, 1:1; “[A Hebrew slave should rather be sold privately and politely,” *ibid.*, 1:5; “It is forbidden to work a Hebrew slave ruthlessly,” *ibid.* 1:6.

<sup>99</sup> Maimonides, *Mishneh Torah* 5:1-17.

<sup>100</sup> Additionally, in Genesis, Adam was “created in the Image of God” (Genesis 1:27). Raphall followed a traditional (and metaphorical) interpretation of this description, arguing that humanity reflects God in terms of its “intellectual and spiritual” attributes. This likeness is an internal quality and eschews division of outward appearance, like skin color. Sola, D. A. de, I. L. Lindenthal, and Morris J. Raphall. 1844. *The*



that the name *Adam* did not refer to the first man, but rather: “the name of the species [of humanity], as in sheep or cattle.”<sup>101</sup> These contentions imply that every person – Black and white – can trace their lineage to Adam, a direct refutation of monogenesis. Despite this anti-slavery evidence, however, the Orthodox leadership made clear that slavery could not be considered a sin. It was permissible. At most, these men could critique Southern slavery as an imperfect institution.<sup>102</sup>

### **Opposing Progressive Religious Philosophy: Against Abolition and Reform**

We can see that Orthodox exegesis unearthed pro-slavery evidence and anti-slavery evidence. Yet, the Orthodox leadership centered the former. To understand this move, and its connection with the nature of Orthodoxy, we should recall that Orthodox religious philosophy was born out of a conservative reaction to the Enlightenment.

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*sacred scriptures in Hebrew and English. a new translation, with notes critical and explanatory Vol. I. Genesis. Vol. I. Genesis.* London: S. Bagster, vi.

<sup>101</sup> See Samuel David Luzzatto’s Commentary on Genesis 1:27, which states “And God created Adam in His image, in the image of God He created him.” Luzzatto explained that here the word *Adam* did not refer to the name of the first man, but rather: “[This is] the name of the species, as in sheep or cattle, and therefore, He said, “and let them have dominion,” in the plural. It appears that the name *adam* (man) is derived from *adom* (red), not from *adama* (ground), since the animals were also formed from the ground. But man is differentiated in his body from animals in that his body is not full of hair and his skin (in moderate climates) is reddish.”

<sup>102</sup>It is interesting to note that some pro-slavery Protestants also advanced interpretations that upheld human dignity. In 1850, Thomas Smyth of Charleston’s Second Presbyterian Church, argued that polygenesis “undermines altogether the authority of the Bible as an inspired book, and paves the way for that universal skepticism . . . which has been introduced in modern times by Rousseau and Voltaire.” Polygenism, he said, was antithetical to traditional belief – just like abolition. Both movements championed reason over a plain sense reading of the Bible. Therefore, Smyth “explicitly linked both the threat of abolitionism and polygenesis to a worldwide assault on the Christian foundation of Western society,” historian Christopher Luse argues. Christopher A. Luse, “Slavery’s Champions Stood at Odds: Polygenesis and the Defense of Slavery,” *Civil War History*, 53, no. 4 (2007): 379-412.

Modern movements that infringed on core Orthodox values prompted Orthodox community push back.

Take for example, Illowy. His leadership was one of defense against Reform Judaism, Jewish assimilation, and broader anti-religious trends.<sup>103</sup> Henry Illowy posthumously compiled and published his father's sermons and aptly named the collection: "Wars of God." Its Hebrew cover page depicted Bernard Illowy's ordination from Moses Schreiber of Hungary (referred to as *Chasam Sofer*, 1762-1839), who claimed that "everything new is forbidden by the Torah." Like Schreiber, Illowy argued that "change is to be regarded as in direct opposition to [our religion]."<sup>104</sup> Illowy subscribed to Schreiber's conservative religious philosophy of preservation and resistance to change. The approach inspired his recurrent public attacks on a prominent Reform Rabbi, Isaac Mayer Wise. In the February 1859 *Occident*, for example, Illowy claimed that Wise "turns like a bulrush in the direction of every wind, and reels to and for like an inebriate, and finds a firm footing nowhere" and "changes his position constantly."<sup>105</sup>

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<sup>103</sup> Sarna, *American Judaism*, 130.

<sup>104</sup> Bernard Illowy, *Wars of God*, 97.

<sup>105</sup> *Ibid.*, 96. Like other students of Schreiber, Illowy also focused on substantiating the observance of traditional laws relating to kashrut, ritual dietary standards, and divorce (Sarna, 130). Most famously – and like peers in Europe – Illowy banned ritual circumcision of Jewish baby boys born to Christian mothers and assimilated fathers. In his 1864 responsa on the matter, he asked rhetorically: "Can there be anything more detrimental to the cause of Judaism than to make such [baby boys into] Jews?" (Bernard Illowy, 199). The strategy was one of insularity, segregating religious Jews from assimilated Jews.

In many ways, the Orthodox leadership's opposition to abolition mirrored its members' life-long opposition to the Reform Movement.<sup>106</sup> Reform and abolition, according to Raphall, threatened religious authority because they followed the time's changing mores and emphasized the importance of individual conscience, sometimes even in the place of Biblical texts. Raphall described Reform leaders as full of hubris and deceit, coopting and corrupting tradition and replacing the Word of God with the Word of Man.<sup>107</sup> As Raphall argued, "the whole of these changes emanating from men who call themselves Doctors...are in fact destroyers of all that is sacred."<sup>108</sup> These sentiments are echoed in Raphall's critique of abolition, which he cast as arrogant and irreverent. Traditionally, for thousands of years, slavery was considered permissible, according to Raphall. Only now, was its morality questioned, because "[we live in a time when] we must not be surprised at anything." According to Raphall, the progressivism of abolitionism – its infringement upon tradition and Biblical morality – mirrored that of the Reform Movement.

Both movements, in Illowy's articulations, centered human reason and sidelined traditional faith. He argued that Wise changed Judaism to suit American culture and

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<sup>106</sup> "Morris Raphall...who was the Minister of the Birmingham Hebrew Congregation in the 1840s, was in his day the main and self-appointed defender of the rabbinic tradition against such detractors." See: Israel Fienstein, *Anglo-Jewry in Changing Times: Studies in Diversity, 1840-1914* (London: Vallentine Mitchell, 1999), 87.

<sup>107</sup> Morris Raphall, "Introduction," *The Hebrew Review and Magazine of Rabbinical Literature* (London: Simpkin and Marshall, 1834), 3. He contended that Reform leaders, "obtrude [their] own opinions under the cloak and cover of [ancient rabbinical texts]."

<sup>108</sup> Elijah M. Holzman, Morris J. Raphall, and Samuel Myer Isaacs, "Preface," *Sefer 'Emek refa'im. Nu York: Be-vet uvi-defus Leyb Hayim Frank*.

promote assimilation.<sup>109</sup> Similarly, anti-slavery activists misused and abused religion, as they exerted “pernicious influence” and “all their efforts to mislead [the masses], under the disguise of Religion and Philanthropy from the TRUE PATH OF TRUE RELIGION,” argued Illoy during his January 4, 1861 sermon. To him, these individuals employed religion as a vehicle to promote their own morals and values, instead of submitting themselves to God.<sup>110</sup>

In particular, Raphall and Illoy rejected the abolitionist “theory of moral progress” in the same manner as a piece of Reform doctrine. The theory argued that while slavery was not a sin in the times of the Bible, it had become a sin over time; while the Biblical text and spirit remained the same, humanity’s moral capabilities had developed. It was a cornerstone of the anti-slavery views of Liberal Protestantism.<sup>111</sup> Illoy’s Baltimore rival, Reform Rabbi David Einhorn, similarly argued that while the Bible may have tolerated slavery in the days of the patriarchs, its spirit demanded the liberation of slaves in the present.<sup>112</sup> Illoy did not respond publicly to this theory or Einhorn’s claim;

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<sup>109</sup> Illoy, 96.

<sup>110</sup> Like some pro-slavery Protestants, Raphall equated abolition with other sinful progressive movements. The Reverend Palmer of New Orleans put it simply: “in this great struggle, *we defend the cause of God and religion*. The Abolition spirit is undeniably atheistic.” By defending slavery, he argued, he was defending the Bible. He then added, “The demon which erected its throne upon the guillotine in the days of Robespierre and Marat, which abolished the Sabbath, and worshipped reason in the person of a harlot, yet survives to work other horrors [against slavery].” Palmer connected the anti-religious spirit of abolition to the French Revolution. His own community – like that of Orthodox Jews – felt embattled by a mainstream that increasingly “worshipped reason.”

<sup>111</sup> Molly Oshatz, “The Problem of Moral Progress: The Slavery Debates and The Development of Liberal Protestantism in the United States.” *Modern Intellectual History*, 235-237. Oshatz argues that, according to the theory, “Christ decided that slavery should be tolerated for a while, but ‘took care to utter truths and establish principles, which in their gradual influence and operation would banish slavery from the face of the earth.’”

<sup>112</sup> David Einhorn, “Response to ‘A Biblical View of Slavery,’” *Sinai*, Vol. VI (Baltimore: 1861), trans.: Kaufmann Kohler, 2-22. Accessed from: [www.jewish-history.com/civilwar/raphall.html](http://www.jewish-history.com/civilwar/raphall.html).

however, another remark of Illowy's on progress and the Reform Movement may be sufficient to summarize his view. As he argued,

“If this were the case [that humans created Judaism] our religion could be justly changed and reformed, with the gradual progressive development of the mind...But what right has the human mind to meddle with the eternal, unchangeable, revealed word of God? Is man able, with all the progress of his spirit to introduce a reform in opposition to the word of Almighty Power in the laboratory of Nature? Assuredly not; why, then, should he be able to do this in religion, when we acknowledge and accept it likewise as a Divine revelation!”<sup>113</sup>

Raphall's response to the theory of moral progress echoed Illowy's sentiments. He asked articulators of the theory, “what right have you to place yonder grey-headed philanthropist on a level with a murderer?” and “when and by what authority do you draw the line [when replacing traditional morals with modern ones]?”<sup>114</sup> If one challenged the Biblical position on slavery, according to Raphall, then seemingly all Biblically derived commands were vulnerable. It was a slippery slope. Eventually, the Bible would merely reflect the whim of new eras, as individuals turned to human reason rather than to God for moral authority.<sup>115</sup>

### **Differences Among Pro-Slavery Leaders**

Raphall, Illowy, and Leeser all supported slavery. They aligned with mainstream Orthodox exegesis, conservative religious philosophy, and disempowered covenantal

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<sup>113</sup> Bernard Illowy, *Wars of God*, 94.

<sup>114</sup> Morris Raphall, “The Bible View of Slavery,” 238.

<sup>115</sup> While perhaps more implicit, he grouped these more moderate anti-slavery activists along with Radical abolitionists, such as Llyod Garrison, who explicitly urged Americans to follow their own reasoning regarding slavery's morality. See: Oshatz, “The Problem of Moral Progress,” 229.

anthropology. Each, however, inhabited a different part of the pro-slavery spectrum. Put simply, Illoy was the most pro-slavery, then Raphall, and finally Leeser.

Illoy emphasized Biblical arguments that supported slavery and elided anti-slavery elements noted by Raphall and Leeser. Illoy's pro-slavery leaning – even within pro-slavery Orthodoxy – demonstrates his southern sympathies. He was politically and socially predisposed to defend slavery. His bias was clear when he invoked the pro-slavery tropes of states' rights and federal protection of private property rights. But more, Illoy was a Baltimore clergyman. He lived in a city replete with slave pens and was intensely connected – geographically, culturally, and commercially – with the South. This was the city that forced Einhorn to flee. In fact, as the Civil War intensified, Illoy also relocated, but to the South. He assumed the pulpit of Congregation Shaare Hessed of New Orleans – a place more fitting for his southern sympathies.

On the other hand, Leeser challenged some of Raphall's defenses of slavery and downplayed the relevance of pro-slavery Biblical evidence to the contemporary debates. "The word *slave* [does] not [exist] in the Hebrew by any fair construction," Leeser argued, contradicting Raphall. The Bible only spoke of servitude. While Leeser's argument had become dated by the Civil War, it represented an attempt to distance the Bible a more stanch condonement.<sup>116</sup> Leeser negated Raphall on a further point. He opposed the notion that "the negro race [was consigned] to bondage through Noah's cursing Canaan." The Biblical text may condemn a certain person or lineage to

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<sup>116</sup> Harrill, 164.

enslavement, but Leeser rejected that such a curse extended to present day African Americans. This distinction also implied that Leeser “rejected racism as the basis for slavery,” as scholar Lance Sussman contends.<sup>117</sup>

The reason why Leeser tempered Raphall’s pro-slavery sermon is perplexing. As we saw in the beginning of the chapter, Leeser maintained strong southern sympathies, like Illowy. In January 1861, he blamed secession on the “meddling” of the North, and he believed mischievous actors were facilitating anti-slavery positions. Nevertheless, Leeser was a man who appreciated refuge in political neutrality, since he believed it advanced Jewish security. It likely unsettled Leeser when the *New York Daily Tribune* characterized Raphall as believing that “Human Slavery is sanctioned by Divine Law.”<sup>118</sup> The statement was short and fiery. He probably preferred a more moderated and nuanced understanding of Raphall’s words, and so he promoted that exactly.<sup>119</sup>

One could possibly characterize this chapter’s Orthodox reactions to slavery as ones of defense not advocacy. As Leeser argued, Dr. Raphall was not “an advocate of

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<sup>117</sup> Lance J. Sussman, *Isaac Leeser and the Making of American Judaism*, (Detroit, Michigan: Wayne State University Press, 1995), 222.

<sup>118</sup> “DR. RAPHALL'S BIBLE,” *New York Daily Tribune*, January 7, 1861. Retrieved from <https://proxy.library.upenn.edu/login?url=https://www.proquest.com/historical-newspapers/dr-raphalls-bible/docview/570508064/se-2?accountid=14707>

<sup>119</sup> Leeser’s analysis may also reflect the more liberal and egalitarian aspects of his theology. One can find such sentiments in an article of M. L. Munk which Leeser translated from French. It argued that “independence of woman was rooted deeply in Hebrew customs.” Munk emphasized aspects of the rabbinical tradition that discouraged polygamy, noted the “elevated position” of Hebrew women relative to many of their “Eastern” peers, and drew on Genesis to demonstrate the inherent equality of man and woman. Interestingly, Munk clarified that polygamy was “the exception” among the Hebrews. The statement paralleled Leeser’s historical analysis that “slavery was an exceptional thing among the Israelites.” In both cases, “exception” did not mean “forbidden.” However, the authors employed the classification to demonstrate Biblical deterrence. Leeser likely translated the piece in response to growing calls for women’s rights, such as Elizabeth Stanton’s “Declaration of Sentiments” (1848), which declared that “we hold these truths to be self-evident: that all men and women are created equal.”

slavery in the abstract” but only a defender of it. These men, for instance, never called slavery a ‘blessing.’ Yet, this distinction is and was largely pedantic. The 1861 debates over slavery were explosive. Nuanced pro-slavery theologies only supported the horrors of enslavement. Heat consumed nuance and the words of Raphall, Illowy, and Leeser.



### Chapter III

#### **“Good to God and Good to Man”: Anti-Slavery Orthodoxy, 1857-1861**

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“Some do succeed, I know it well, in winning a reputation for righteousness, without having afforded a practical test of their real mettle. They rather avoid the busy world...Their lips move in frequent prayer. Their eyes are upturned heavenward. Guarded is their speech....Not to such does the inspired son of Amos point. Not to such.”

“He bids us go in search of a man who...bends low before the majesty of the Creator, but who is seen also to bend as low by the wayside, listening to the piteous cry of human creatures, that he may lift up the fallen, rebuking the pitiless who pass on and give no help of a man.”<sup>120</sup>

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Sabato Morais preached these piercing words in 1878 at the Forty-Fourth Street Synagogue of New York City, an imposing stone building topped with a metallic cupola. The crowd was “too vast for the spacious Temple to comprise,” one observer noted, as men and women packed in to hear the words of the venerable rabbi.<sup>121</sup> Morais added, “*Tob lashamayim vetob labbiryot*,” “be good to God and good to man.”<sup>122</sup>

Morais was delivering the eulogy of Samuel Isaacs, the only other Orthodox rabbi who promoted anti-slavery activity before the Civil War. In fact, being *good to God and good to man* constituted the life philosophy of Isaacs and Morais. They worked to advance traditional Judaism and support the downtrodden.

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<sup>120</sup> Sabato Morais, “In Memoriam – Rev. S. M. Isaacs by Rev. S. Morais,” *Myer S. Isaacs Collection*, P-22, Box 1, Folder 1, Item 9, Collection of the American Jewish Historical Society, New York, NY, 3.

<sup>121</sup> E. Yechiel Simon, “Samuel Myer Isaacs: A 19th Century Jewish Minister In New York City” (PhD diss., Yeshiva University, 1974), 1.

<sup>122</sup> Sabato Morais, “In Memoriam – Rev. S. M. Isaacs by Rev. S. Morais,” 3.

Isaacs and Morais were thus focused on two battles, one religious and one humanitarian. Isaacs labored to keep the issues separate. He critiqued slavery as a citizen and defended traditional Judaism as a preacher. It was difficult for Isaacs to interpret the Bible as an anti-slavery text while still upholding Orthodoxy's Biblical literalism, conservative practice, and cultural opposition to with changing social mores. Instead of choosing one identity over the other – becoming a secular progressive or a religious conservative – Isaacs accepted both identities, mixing and matching different parts of himself. On the other hand, Morais's Sephardic tradition allowed him to embrace a single, holistic identity. He delivered American Orthodoxy's most forceful sermons against slavery before the Civil War – and the only one in the white-hot January 1861. Even for Morais, however, opposition to the Reform Movement tempered his critique of slavery.

### **Samuel Isaacs, An Early Critic of Slavery**

Samuel Myer Isaacs (1804-1878) was born in Leeuwarden, Holland to a Dutch banking family descended from Spanish-Jewish refugees. Before he turned eleven, his family fled to England following the French invasion. In England, he served as a “Professor of the Hebrew Language” and ran a Jewish elementary school. Isaacs developed life-long friendships with the renowned Jewish philanthropist Sir Moses Montefiore and the Chief Rabbi of England, Solomon Hirschel. After arriving in America in 1839, Isaacs became a leading advocate for vulnerable Jewish populations. In 1852, he helped found Mt. Sinai Hospital, which among other things, assured religious

accommodations for Jewish patients. In 1859, he founded the Board of Delegates of American Israelites, whose diverse mission included advocacy on behalf of oppressed Jewish communities abroad. A broader mandate underlined each institution's work. Isaacs was known as America's "father of Jewish orphans" as one 1878 obituary and a generous benefactor for newcomers. "Many of the wealthy Israelites of New York entrusted their contributions to him for distribution, and few poor foreigners ever came to New York without going to him for assistance."<sup>123</sup>

Alongside his Orthodox peers, Isaacs was also concerned with the growth of the Reform Movement. Isaacs published a harsh appraisal of the movement with Morris Raphall, and in its preface, called its leaders "destroyers of all that is sacred."<sup>124</sup> In an 1862 homage to the life of Baltimore's Abraham Rice, Isaacs praised the late rabbi because "nothing could move him from the inflexibility of his principles." Even though "all around him was indifference and innovation, he was unchangeable."<sup>125</sup> Isaacs also spoke with his actions. Given his stature as a leading Jewish figure, synagogues across the country requested his presence at their consecration ceremonies. He never condoned the creation of Reform congregations. In one instance, Isaacs agreed to attend one consecration ceremony because he believed the congregation was Orthodox. When he learned it had "mixed worship" of men and women, he cancelled.<sup>126</sup>

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<sup>123</sup> Simon, 1-5; "Second Obituary of Rev. Samuel M. Isaacs," May 1878, Myer S. Isaacs, P-22, Box 1, Folder 1, Collection of the American Jewish Historical Society, New York, NY.

<sup>124</sup> Elijah M. Holzman, Morris J. Raphall, and Samuel Myer Isaacs, "Preface," *Sefer 'Emek refa'im. Nu York: Be-vet uvi-defus Leyb Hayim Frank*.

<sup>125</sup> Sarna, *American Judaism*, 95.

<sup>126</sup> Simon, 66.

Isaacs's published subtle anti-slavery opinions before 1861, facilitating Orthodoxy's first public anti-slavery activities. He did so on four noteworthy occasions. On April 9, 1858, he broke his silence with an article that compared Jewish persecution to African American enslavement. "Can the European powers which have stamped slavery as one of the blackest crimes, which have made such extraordinary sacrifices for the abolition of slavery...quietly look on," asked *The Jewish Messenger*, "when a whole innocent population [of Jews in Teheran] is threatened with a fate more direful than death itself?" The article advocated for European assistance in stemming the abuse and imprisonment of Jews in Teheran. The comparison to slavery was intended more to benefit the Persian Jewish community than the enslaved Black population in America. Nonetheless, it underlined the horror of American slavery to the Jewish readership as "one of the blackest crimes." It aligned Jewish and African American suffering.<sup>127</sup>

On May 20, 1859, Isaacs republished an article from *The Jewish Chronicle*, which rebuked the slave holding Jewish community of Suriname. "The Jews distinguish themselves by cruelty no less than a want of dignity and inconsistency," it observed. "One moment they put themselves on a religious footing with them, and forget all distinction [and the next] day they lacerate their backs with the whip." The article highlighted the inhumanity of slavery, how the fate of the enslaved person rested solely on the whims of the enslaver. It told Jewish readers that the morally corrosive aspects of

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<sup>127</sup> "Sad News from Persia." *The Jewish Messenger*, April 9, 1858. From ProQuest, <https://proxy.library.upenn.edu/login?url=https://www.proquest.com/historical-newspapers/sad-news-persia/docview/870967792/se-2?accountid=14707>.

the institution extended to their co-religionists, not just Southern Christians. The article added that “the slaves hate and despise them. This hatred and this contempt are felt...principally by that colored race which has itself Israelitish blood in its veins.”<sup>128</sup> The point similarly demonstrated to its Jewish reader that sexual violence was not unique to Southern slavery but likely inherent in any enslaver-enslaved relationship.<sup>129</sup>

Another article depicted the brutality of the Atlantic slave trade. “Sabbath Lessons: The Path of the Upright,” was published on June 10, 1858. “The Bible teaches that whatever we do must produce results which cannot in any way be removed from existence,” observed P. M. G. of the *Jewish Messenger*. According to this attitude, individual actions live beyond the time of their creators. The statement approximated the rabbinical philosophy that “the real progeny of righteous people are their good deeds.”<sup>130</sup> Within this framing, P. M. G. noted the routine murders that existed on slave ships. One kidnapped individual “[with a] fettered body...was thrown into the sea to lighten the ship,” he explained. The ships were a “living charnel-house” as “profit had long gilded...atrocities.” Because greed and horror composed the founding of American slavery, the institution required purging. Otherwise, a religious concept akin to *karma*

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<sup>128</sup> “THE JEWS IN SURINAM,” *The Jewish Messenger*, May 20, 1859. From ProQuest, <https://proxy.library.upenn.edu/login?url=https://www.proquest.com/historical-newspapers/jews-surinam/docview/870941429/se-2?accountid=14707>.

<sup>129</sup> For more on the Surinam Jewish community, see: Laura Arnold Leibman, *Once We Were Slaves: The Extraordinary Journey of a Multi-Racial Jewish Family* (Oxford University Press, 2021).

<sup>130</sup> See Rabbi Shlomo Yitzhaki’s commentary on Genesis 6:9: “Another explanation is: since after stating “These are the progeny of Noah”, it does not at once mention the names of his children but declares that he “was a righteous man”, Scripture thereby teaches you that the real progeny of righteous people are their good deeds (Genesis Rabbah 30:6)” Translation by Sefaria. *Rashi, Commentaries on the Pentateuch*. <https://www.sefaria.org/Genesis.6.9?lang=bi&with=Rashi&lang2=en>.

would advance further violence against its perpetrators. The enslaved person thrown overboard would confront “his Christian master...the murderer with every corporeal atom of his immolated [self].”<sup>131</sup> This religious nature of this rhetoric is noteworthy. It implied that the slave trade was not only immoral from a humanist standpoint but sinful. It also implicated northern Jews. Even if they did not own slaves and had immigrated after the slave trade was banned, the ramifications of abuse permeated the entire American environment. Readers held a responsibility to right past wrongs and change current ones.

*The Jewish Messenger*'s most extensive critique of southern slavery came on October 22, 1858. “I deem it the duty of us, who look up to the [Hebrew Bible] alone as our guide to humanity, not to suffer others, without a protest, to...support...slavery,” wrote one reader, S. Newman, in a letter to the editor. He was responding to a recent debate “on the slavery question” in Philadelphia when Reverend and future-Tennessee Governor William Brownlow called slavery “a Divine institution.” Initially, Newman drew from the Christian Bible: “[Christ]...scrupulously adhered to the Mosaic law, and moreover enjoined his followers to love their enemies surely could not have given license to the owner of a human being to maim, cripple, flog within an inch of his or her life.”<sup>132</sup> Jesus was the prince of mercy, so Christian slave laws must reflect that virtue. Like

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<sup>131</sup> P. M. G., “Sabbath Lessons; OR, TRUE PIETY AS TAUGHT BY THE RABBIS: THE PATH OF THE UPRIGHT.” *The Jewish Messenger*, June 4, 1858, 91.

<https://proxy.library.upenn.edu/login?url=https://www.proquest.com/historical-newspapers/sabbath-lessons-true-piety-as-taught-rabbis/docview/870942935/se-2?accountid=14707>.

<sup>132</sup> S. Newman, “Letter to the Editor 1 -- no Title.” *The Jewish Messenger*, October 22, 1858, 74.

<https://proxy.library.upenn.edu/login?url=https://www.proquest.com/historical-newspapers/letter-editor-1-no-title/docview/870941224/se-2?accountid=14707>.

Raphall who quoted Christian sources, Isaacs's inclusion of this letter underlined how the Orthodox debates fit soundly within the broader religious conversation on slavery.

Newman then moved onto the Hebrew Bible. He depicted the Hebrew enslaver-bondsman relationship as merciful, listing several Biblical laws that outlined the relationship.<sup>133</sup> He thus explained that "it would be utterly revolting" to followers of the Mosaic law "to treat any slave in the manner Christian slaves are commonly treated by their fellow Christians [i.e. with no regard to compassion.]" A bible with "ordinances [of] mercy" regarding oxen and birds would set limits on "the power of the owner over the wretched slave."<sup>134</sup> This, too, was an argument that followed the *spirit of the law*.

Newman employed Biblical literalism like Morris Raphall, but emphasized passages with anti-slavery implications while omitting those to the contrary. We can recall from *Chapter 2* that Raphall cited a similar list of laws that protected the Hebrew slave. Yet, Raphall dismissed their relevance when discussing the enslaved African Americans, who he aligned with the Bible's Heathen Slave, a category with limited Biblical protections. On the other hand, Newman completely omitted the Heathen Slave laws and focused almost entirely on those of the Hebrew Slave. He argued that if the Bible protected a Hebrew enslaved person from a Hebrew enslaver, then it would similarly protect a Christian enslaved person from a Christian enslaver. This application

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<sup>133</sup> For example: an enslaved person could only serve for six years; an enslaved person could go free if his master damaged his eye or tooth; upon release, an enslaver should provide resources to the formerly enslaved; God prohibited Hebrews from returning a runaway to their master.

<sup>134</sup>Exodus 21:2; Exodus 21:26; Exodus 21:2; Deuteronomy 23:15. See full sermon: S. Newman, "Letter to the Editor 1 -- no Title."

was not dissimilar from Raphall's alignment of the United States and the Biblical Land of Israel – both lent Biblical categories a direct modern corollary. Newman's sermon opposed the current southern regulations of slavery, yet briefly recognized slavery as a "natural or necessary evil." Thus, while Raphall emphasized the permissibility of slavery in the abstract and offered a subdued critique of southern slavery, Newman argued against Southern slavery and briefly noted that slavery was indeed legitimate.

Publishing these four articles comprised Isaacs's most potent critique of slavery. The articles on the Jews of Teheran and Surinam encouraged anti-slavery sentiments that challenged the prevailing Orthodox exegetical approach. These authors highlighted the horrors of the institution, building empathy among readers and providing ammunition for anti-slavery activities. Two of Isaac's articles advanced Biblical critiques of slavery. One was even called a "Sabbath lesson." Published on the most spiritual of days, the Sabbath, the lesson demonstrated the power of religious condemnations of slavery. It contradicted the prevailing position of Jewish leaders, including Samuel Isaacs, that the Sabbath pulpit should be separate from politics. P. M. G. and Newman's letters, however, were by no means radical or even abolitionist. Newman, for instance, implicitly defended slavery as a "natural or necessary evil." These sermons firmly anti-slavery fit safely within an Orthodox framework.

The secession of South Carolina in December 1860 initiated a more complicated phase of Isaacs's public attitudes toward slavery. Some articles that Isaacs published were explicitly pro-slavery. Isaacs published Bernard Illowy's sermon on December 14, 1860, which expressed sympathies with South Carolina's secession and called for a



return to the pre-1861 *status quo*.<sup>135</sup> Isaacs also published an article by Jewish Judakos, a pseudonym, which argued that “wherever slavery existed, it should be protected and not disturbed” on January 4, 1861.<sup>136</sup> These articles, and a few others, shared much in common with those we analyzed in *Chapter 2*. Namely, they defended a political *status quo* that offered safety because they feared what might follow. Isaacs’s about-face likely reflected his desire to protect the fledgling Jewish community – at all costs.

Nonetheless, Isaacs continued to promote anti-slavery sentiments in 1861. He published two critiques of Raphall’s pro-slavery sermon because it melded religion and politics, yet he omitted similar critiques of anti-slavery sermons. “It is no small degree of pain and regret that I call the attention...to the recent discourse delivered by Dr. Raphall,” wrote one reader under the pseudonym, An American Jew, on January 18. “The Israelites, I feel sure, do not wish to blend their religious doctrines either with anti-slavery or pro-slavery.” Isaacs published the letter because of its “respectful” tone. That it was written by someone of the same “stripes of politics” as Raphall likely helped, too. It was an attempt to mitigate the pro-slavery Jewish discourse within the Jewish press. Isaacs appeared intent on preventing a lone, pro-slavery Jewish voice from speaking for all Jews.<sup>137</sup>

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<sup>135</sup> Bernard Illowy, “Local Items: NEW YORK CITY MARYLAND PENNSYLVANIA ILLINOIS OHIO.” *The Jewish Messenger*, December 14, 1860, 179.

<https://proxy.library.upenn.edu/login?url=https://www.proquest.com/historical-newspapers/local-items/docview/870948225/se-2?accountid=14707>

<sup>136</sup>Jewish Judakos, “Thoughts on the Times.” *The Jewish Messenger*, January 4, 1861.

<https://proxy.library.upenn.edu/login?url=https://www.proquest.com/historical-newspapers/thoughts-on-times/docview/870943731/se-2?accountid=14707>.

<sup>137</sup> An American Jew, “Correspondence.” *The Jewish Messenger*, January 18, 1861.

Isaacs authored a similar response on January 25. *The New York Tribune* “unsuitably holds the Jewish community responsible for the opinions of [Morris Raphall],” contended Isaacs, “taking occasion to speak in harsh and disrespectful terms of Israelites generally, because sentiments of one are obnoxious.” Isaacs' primary concern appeared to be anti-Semitism. He alleged that the two *Tribune* responses to Raphall's sermon stereotyped Jews, when “no one man can express the sentiments of the entire community.”<sup>138</sup> This letter allowed him to argue publicly that Jews did not maintain a pro-slavery consensus. It also permitted Isaacs to critique such arguments, despite his outward calls for silence, as he called Raphall's beliefs “obnoxious.” In the last chapter, we recognized that pro-slavery Isaac Leeser critiqued reform Rabbi Michael Heilprin's anti-slavery sermon as too political, but did not make an initial comment on the remarks of Raphall. Isaacs flipped the script. He critiqued Raphall without condemning Heilprin.<sup>139</sup>

Isaacs also published a string of subtle critiques of slavery in the weeks preceding and following the shots at Fort Sumter in April 1861. Isaacs printed a review of “Slavery Among the Ancient Hebrews” by Dr. Moses Mielziner, a Jewish community leader in

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<https://proxy.library.upenn.edu/login?url=https://www.proquest.com/historical-newspapers/correspondence/docview/870944961/se-2?accountid=14707>.

<sup>138</sup> Samuel Isaacs, “Jewish Politics.” *The Jewish Messenger*, January 25, 1861.

<https://proxy.library.upenn.edu/login?url=https://www.proquest.com/historical-newspapers/jewish-politics/docview/870943770/se-2?accountid=14707>.

<sup>139</sup> There are two additional nuances to this story. First, the *New York Tribune* went to noteworthy lengths to limit a stereotypical caricature of Jewish perspectives on slavery. One of its articles was Heilprin's anti-slavery critique of Raphall, and the other explicitly noted “only a part of [the Jewish community] is thus perverted.” Second, it should be noted that Isaacs implicitly critiqued Heilprin but condemning the coverage of the *New York Tribune*. But, he did not do so by name – and not have even been referring to Heilprin's article – thus leaving the anti-slavery argument largely unscathed.

Copenhagen. Mielziner contended that the Hebrew Bible all but abolished slavery. He never mentioned American slavery and likely did not intend to influence American opinions on the subject. In fact, the work drew on Mielziner's doctoral dissertation at the University of Giessen. Christian abolitionists sought to publish the dissertation in response to Raphall's remarks. In May, *The Jewish Messenger* noted that the work had "a most praiseworthy tendency—to prove the humanity of the Jewish law on slavery."<sup>140</sup> But the paper did not mention "Rabbi Raphall's Fast-Day Sermon" pamphlet of Rudd & Carleton.<sup>141</sup> This one-sided coverage reflected Isaacs's subtle anti-slavery views.

Isaacs also tacitly linked the ancient Israelites' exodus story to the struggles of enslaved African Americans. "It is the season for returning our gratitude to Heaven, for the emancipation of our ancestors from slavery," Isaacs wrote in late 1861, shortly before Passover.<sup>142</sup> Leading up to Shavuot, a festival that commemorates the Bible's revelation, Isaacs wrote, "this declaration [of the Ten Commandments] was publicly made to six hundred thousand free men, just emancipated from slavery."<sup>143</sup> Isaacs's description of the Israelite exodus as "emancipation" was intentional and salient. It likely denoted the movement for African American liberation, thus linking Hebrew and African American

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<sup>140</sup> "Retrospective Glances." *The Jewish Messenger*, May 31, 1861.

<https://proxy.library.upenn.edu/login?url=https://www.proquest.com/historical-newspapers/retrospective-glances/docview/870945720/se-2?accountid=14707>.

<sup>141</sup> Bertram Wallace Korn, *American Jewry and the Civil War*, 23.

<sup>142</sup> Samuel Isaacs, "The Coming Passover." *The Jewish Messenger*, March 22, 1861.

<https://proxy.library.upenn.edu/login?url=https://www.proquest.com/historical-newspapers/coming-passover/docview/870945930/se-2?accountid=14707>

<sup>143</sup> Samuel Isaacs, "The Feast of Weeks." *The Jewish Messenger*, May 10, 1861.

<https://proxy.library.upenn.edu/login?url=https://www.proquest.com/historical-newspapers/feast-weeks/docview/870944253/se-2?accountid=14707>

freedom narratives. The terminology was novel within Orthodox spaces. Isaac Leeser never described the Biblical exodus as “emancipation” in the *Occident*, and Isaacs only used the term once before, during the 1860 Passover.<sup>144</sup>

These moments were at best implicit and subdued. Even though Isaacs’s Judaism intimately informed his activism, he preached as a Jew and fought slavery as a citizen. He would not outwardly meld the two spheres. Jewish American positionality and Orthodox conservatism compelled separation. He shared this imperative with other leading Jewish publishers, including Reform’s Isaac Wise, who said that “silence is our policy” on slavery, and Orthodoxy’s Isaac Leeser. Myer Isaacs, the son of Samuel Isaacs, remembered his father’s approach as precisely this. Myer called his father “a faithful preacher and teacher and a citizen of anti-slavery views.”<sup>145</sup>

### **The Sephardic Approach of Sabato Morais**

Sabato Morais was not so conflicted. In mid-January 1861, he delivered American Orthodoxy’s most anti-slavery sermon to date. “The Mosaic Law taught that no Jew could decide to resign his liberty nor suffer his fellow-being to deprive him thereof,” Morais began boldly. Morais’s usage of “fellow-being” was critical because it implied

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<sup>144</sup> This is according to key word searches of “emancipation” and “Passover” in the *Occident*: <https://www.nli.org.il/en/newspapers/?a=q&hs=1&r=1&results=1&txf=txIN%7CxtI&puq=occ&txq=%22emancipation%22+AND+%22passover%22+&e=-----en-20--1--img-txIN%7CxtI-----1>. See Isaacs previous mention: “THE FESTIVAL OF PASSOVER.” *The Jewish Messenger*, April 6, 1860. <https://proxy.library.upenn.edu/login?url=https://www.proquest.com/historical-newspapers/festival-passover/docview/870947612/se-2?accountid=14707>.

<sup>145</sup> Myer Samuel Isaacs, *The Old Guard: And Other Addresses* (New York: Knickerbocher Press, 1906), 151.

that the Bible condemned all forms of enslavement – the identity of the enslaved was irrelevant. Morais also cited passages on the Hebrew Slave that he said demonstrated that God “enjoins the Hebrews to love and not to lower the condition of him whom chance had placed beneath their control.” Unlike Raphall, Morais hardly mentioned the Heathen Slave, whose situation was “certainly hard,” according to Morais, but far from “despotic.” He then compared Hebrew slave laws to those of Ancient Rome and Sparta, emphasizing the immense humanity of Hebrew slavery. Morais concluded with a quote from the book of Job: “Did not He who formed me, make [the enslaved person] also?” Morais attempted to underline that all people, enslaved and otherwise, were created in the image of God.<sup>146</sup> His sermon directly attacked the system of southern slavery in the name of human dignity, but never called slavery a sin. Morais’s Italian-Sephardic roots heavily influenced his attack on slavery; his immersion in American Orthodoxy limited the denunciation.

Morais (1823-1897) was born to a Sephardic family in Livorno, Italy. He grew up in a time and place that valued tolerance, justice, tradition, and democratic revolution. Sabato Morais ultimately dedicated his life to service. He served as director of a Jewish school for orphans for five years as a young man in London. After his first year, the school administration praised his devotion to the children’s education. While in London he also befriended Giuseppe Mazzini, the exiled Italian revolutionary. Allegedly, Mazzini traveled across national borders with Morais’s passport. It is difficult to confirm the

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<sup>146</sup> Sabato Morais, decryption: Cobin, David M., and Earl Schwartz. “The Encrypted Sermons of Sabato Morais.” *Journal of Law and Religion* 23.1 (2007): 160-164.

rumor, yet the story illustrates their similar ideologies. Mazzini conceived of “humanity [as] a great army,” urging followers to “fight as Italians” but work for humanity.<sup>147</sup> Morais lived by a similar dictum save for one amendment: “fight as *Jews*” for humanity. In the United States, Morais worked on behalf of distressed Jewish communities and offered hospitality to Jewish immigrants. “Our actions [are our] merits, our actions will prove our [merit],” Morais reminded his congregation on the Shabbat preceding Passover 1861.<sup>148</sup>

Sabato Morais’s education united Jewish and secular thought. He studied traditional Jewish and Italian literature. In particular, under a leading Sephardic scholar, Abraham Baruch Piperno, Morais engaged thoroughly with the Sephardic rationalist tradition of Maimonides. He also studied the Babylonian Talmud, the main source of Judaism’s oral law. He received a form of rabbinical ordination in 1846 from Piperno and two other Rabbis, providing him with the credentials to enter professional life and a reservoir of mentors with whom he corresponded across his career. As a student, he also developed an appreciation for the prominent nineteenth-century Jewish Italian

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<sup>147</sup> Giuseppe Mazzini, “The Duties of Man,” in *European Romanticism: A Brief History with Documents*, ed. Warren Breckman (New York: Macmillan, 2008), 186.

<sup>148</sup> Sabato Morais, “Mr. Morais’s Address on the Shabbat Preceding Passover 5621,” in Cobin, David M., Earl Schwartz, and Dorothy Roberts. “The Encrypted Sermons of Sabato Morais.” *Journal of Law and Religion* 23.1 (2007), 170. See also: Cobin, “The Encrypted Sermons of Sabato Morais,” 149; Kiron, “Golden Ages,” 106; Moshe Davis, “Sabato Morais: A Selected and Annotated Bibliography of His Writings,” *Publications of the American Jewish Historical Society* 37 (1947), 57; Fierstien, Robert. “Sabato Morais, Solomon Schechter, and K'lal Yisrael.” *Conservative Judaism* 64.3 (2013): 37.

commentator, Samuel David Luzzatto. Morais became Luzzatto's primary translator in America.<sup>149</sup>

Humanism and Judaism were inextricably linked for Luzzatto. He emphasized interfaith comradery in the Bible to connect Sephardic-Italian humanism to traditional Jewish values.<sup>150</sup> He also claimed that certain instances of Jewish brutality in the Bible were due to foreign influences. In contrast to Moses Schreiber's ossification, Luzzatto contended that "the Torah was not like a book of the dead or a thing without the spirit of life, but rather the words of the Living God, beneficial and useful at all times, according to the needs of every generation."<sup>151</sup>

Italian-Sephardic humanism profoundly influenced Morais's approach to slavery. Morais stressed the protections of the Hebrew slave. No public auction: "[A slave] *could not* be exhibited at a public place." No abusive labor: "His task was assigned to him in accordance with his physical power, and on *no account* was it unlimited." No abusive punishment: a non-Israelite slave could sue for freedom if "the owner by striking him injured either his sight, or his teeth." No rape: a female Hebrew slave "*could not* in any way be compelled to marry her master." Morais concluded that the "nature of Hebrew

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<sup>149</sup> Kiron, "Golden Ages," 55-56. See also: Cobin, David M., Earl Schwartz, and Dorothy Roberts. "The Encrypted Sermons of Sabato Morais." *Journal of Law and Religion* 23.1 (2007): 149; Arthur Kiron, "Heralds of Duty: The Sephardic Italian Jewish Theological Seminary of Sabato Morais," *The Jewish Quarterly Review* 105.2 (2015): 211.

<sup>150</sup> For Luzzatto's emphasis on human life, see his commentary on Exodus 1:15 (available on sefaria.com). For his highlighting of non-Jewish saviors of the Israelites, see his commentary on Exodus 12:44. Here, he argues that the midwives, who disobeyed Pharaoh to save the Israelite boys, were in fact Egyptian. He does so, despite the majority of prominent scholars arguing to the contrary.

<sup>151</sup> Luzzatto, Samuel David, trans: Daniel A. Klein, *Shadal on Exodus*, New York: Kodesh Press (2015), 22.

Slavery *did not* mean [a] despotic [hold] over the life of human beings.”<sup>152</sup> Listing legal commands in the negative – i.e., “masters could not” – acknowledged that his listeners had preconceived notions of enslavement. Rape, public auction, abusive labor and punishment were all mainstays of American chattel slavery.

Morais highlighted the enslaved person’s dignity within Biblical law. The Bible “enjoins the Hebrews to love and not to lower the condition of [the slave] whom chance had placed beneath their control,” he argued. Enslavement may well be thought of as a series of unfortunate events. But it did not diminish the enslaved person’s innate human worth. The divine injunction to “love thy neighbor” applied to the slave.<sup>153</sup> “No distinction was to be made,” Morais explained, “either in the nature of kind of food given to him, or in the position between him and the rest of his master’s household, nor in the garments which he wore.” Equality – in life’s basic necessities including food, interpersonal relations, and clothing – and love – Morais’s concept of “brotherly comradeship” – underlay enslavement in the Bible. Additionally, Morais argued that the Biblical system of slavery paradoxically valued freedom. “No Israelite could part with his freedom, even temporarily, unless he was so destitute as to need a garment to cover his nakedness,” he said.<sup>154</sup> One may only give up freedom for the sake of basic necessities, or perhaps, life itself. Morais’s focus on “comradeship,” equality, freedom, and human dignity echo his early role models, from his father to Mazzini.

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<sup>152</sup> Morais, “On the Nature of the Slavery in the Bible,” ed. Cobin, et al. “The Encrypted Sermons,” 160-161.

<sup>153</sup> Leviticus 19:18

<sup>154</sup> Morais, “On the Nature of the Slavery in the Bible,” 160-161.



Morais never mentioned that Abraham, Isaac, and Jacob enslaved people. He thus averted the necessity to read against the letter of the law. Morais also hardly touched on any laws pertaining to the “Heathen Slave,” as Raphall terms it. Morais appeared to be uncomfortable with and sympathetic to this enslaved person’s situation, calling it “certainly hard.” Morais argued that the “brotherly comradeship” felt by the Hebrew slave is what illuminated the “severity” of the Heathen Slave’s situation. Morais exhibited another aspect of Biblical slavery to which Raphall only noted as an aside: the importance of upholding the enslaved person’s inherent human dignity.

In an undated Shabbat sermon, Morais also defended monogenism. “One universal Parent, and one common origin to man,” he wrote. “Do you now wish to learn from whence an ancient Rabbi derived the knowledge of that philosophy and of that science in Holy Writ?” he rhetorically asked his congregation. He answered that Genesis provided the “account of the genealogy of man,” when it explains that God created humanity “in the image of God.” It is significant that Morais took time on a Shabbat morning to defend monogenism. While Raphall focused solely on combatting the Reform Movement in his writing on slavery, Morais’s Italian-Sephardic tradition compelled him to defend tradition and human dignity.<sup>155</sup>

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<sup>155</sup> Among giants of the Sephardic-Humanist tradition, Morais’s method most mirrored that of Luzzatto. His arguments maintained striking similarities with those of Luzzatto, even citing the same medieval commentary during some of their discussions on slavery. Both theologians pull from Rabbi Shlomo Yitzchaki’s (Rashi) commentary on Leviticus 25:39. (See: Morais, *160*. For Luzzatto, see: his commentary on Exodus 22:1.) Luzzatto, too, underscored the dignity afforded to the slave in the Bible. (See: Samuel David Luzzatto’s commentary on Exodus 12:44 states, “This is the law of the Passover offering...any slave a man has bought may eat of it once he has been circumcised” (Exodus 12:44). The passage bars any non-Israelite from eating the ritual offering. Yet, it allows an Israelite slave the honor.) Luzzatto aided Morais in combating polygenism. Lastly, Luzzatto inspired Morais’s historical comparison between Biblical and

Morais's exegesis was selective. This was not a showing of inconsistency but of creativity in the name of human dignity, an aspect missing from the defensive approach of Raphall, Illowy, Leiser, and perhaps even Isaacs. What Morais omitted and included reflected his general belief that human dignity "is the broad principle on which Religion must stand," as he said in an undated sermon. "Judaism inculcates love and charity in the most unrestricted sense...it is our religious doctrines that have linked pure morality indispensably with religion."<sup>156</sup> Morais, a staunch defender of Jewish tradition, evidenced a strong desire to reconcile morality, modern and Biblical. In fact, he demonstrated that the Biblical system of slavery fulfilled humanism's highest ambitions more so than the Southern system of slavery.

Nonetheless, Morais could not fully escape the exegetical and cultural bounds of American Orthodoxy. The editors of Andover Theological Seminary's *Bibliotheca Sacra* resemble Morais's sensibilities. They revered tradition but were in touch with the needs and developments – socially, politically, and scientifically – of their time. Like Morais,

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ancient western slavery. "Romans were cruel to their slaves" and "did not consider slaves to be human," wrote Luzzatto. (See: Luzzatto on Exodus 12:44, translation: Klein, 155; Luzzatto on Exodus 21:2, ed. and trans.: David Klein, "Shadal on Exodus" (New York: Kodesh Press, 2015), 317. For comparison: See Morais, 163, 165) It is unclear whether Morais read the precise Luzzatto commentaries we explored above. Morais may have read a limited 1846 Luzzatto Exodus commentary in Hebrew. However, Luzzatto's full commentary was published posthumously in 1873, after Morais wrote his reflections on slavery.<sup>155</sup> In any case, Morais clearly drew inspiration from Luzzatto.

<sup>156</sup> Sabato Morais, "Bereshit, Undated. Morais, Sabato. Philadelphia, PA. Undated," *Sabato Morais Digital Repository*, <http://morais.exhibits.library.upenn.edu/items/show/5975>. Morais, adds an interesting point at the end of his argument. "[With] One God and One common cry extraction to man, it is at that has joined heaven to earth, or to speak more correctly has brought heaven upon earth." Here Morais harps on the Talmudic refrain that the Torah is "not in Heaven" but on earth. It is a meta-interpretive framework employed by progressive Orthodox Rabbis in the following century, too. See for example Eliezer Berkowitz's book by the same name: *Not in Heaven: the Nature and Function of Halakha* (New York: Ktaav, 1983).

*Bibliotheca Sacra* published many articles comparing Roman and Biblical slavery in the 1850s. They were scholarly but did little to move the overarching religious conversation, as became evident by the end of the 1850s. Consequently, *Bibliotheca* contributors E.P. Barrows and Horace Bushnell, among others, developed the “theory of moral progress.” It proceeds as follows: enslavement was once permitted by God. As with other inequities, like polygamy, God grudgingly accepted slavery until people possessed the capacities to reject it. By the mid-nineteenth century, enslavement had become a sin and necessitated abolition.<sup>157</sup>

Morais approximated the theory of moral progress but never fully articulated it.

He argued that the purpose of Biblical slave laws was as follows:

“At a period when the unfortunate doomed to servitude, because of public necessity, and his life afterwards were lived at the every whim or caprice of his owner, the Mosaic Law prescribed the exact relation that should exist between the servant and his master, immediately after it had proclaimed his duty to his God.”<sup>158</sup>

Morais turned toward historical context once again. The Torah’s laws did not emerge in a vacuum. They existed in a time when the enslaved person lacked all rights and protections. In response, God legislated the confines of slavery in the Bible. This historical context was critically important to Morais. He not only discussed it in his sermon on slavery. He dedicated an entire newspaper article to the subject.<sup>159</sup> Historical

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<sup>157</sup> Oshatz, 241-2.

<sup>158</sup> Morais, 161. Luzzatto’s advanced a very similar idea on the same question. Namely, why did God legislate about slavery immediately after offering the Ten Commandments, when the Israelites pledged themselves to God. Luzzatto answered, “the Torah, whose ways are of pleasantness and compassion, begins its laws [following the Ten Commandments] with the law of the manservant and maidservant, who in ancient times were considered as animals, and a judge would not adjudicate their case or plead their cause against their masters.” See: Luzzatto, 317.

<sup>159</sup> Morais, 165.

context helped him elucidate the essence of Jewish theology. Biblical laws stood to sanction human dignity, not slavery. God only tolerated slavery “out of [historical] necessity.” Morais’s argument fell short of a full throated attack on slavery. If he had argued that slavery was no longer a “necessity,” then the purpose of sanctifying a more humane, slavery legal system would dissolve. Slavery could be considered a sin. Morais never made that leap. He never called slavery a sin in and of itself. It was too radical of a move.

This conservative approach appears somewhat incongruous with Morais’s influences and beliefs. Regarding changes in prayer, he wrote, “were I convinced that [an] alternative would spiritually benefit the congregation of Israel, I would strive to school anyone to the required changes.”<sup>160</sup> Morais kept to his word. He ultimately agreed to changes in the prayer service for the sake of Jewish unity. Some could argue that this adherence to aesthetic changes but not fundamental ones followed the theology of Morris Raphall and Samuel Hirsch. However, Morais was “attached to the traditions of the fathers, but willing to concede when yielding nothing sacred was surrendered,” as scholar Arthur Kiron argues.<sup>161</sup> This attitude aligned strongly with the outlook of the “Positive Historical” school, which contended that the ancient rabbis legislated and changed aspects of Jewish law according to the needs of their time and, thus, so should modern scholars. In other words, new situations demanded novel solutions. Morais must have

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<sup>160</sup> Sabato Morais, “A discourse regarding reform,” *Sabato Morais Papers*, Katz Center for Jewish Studies, Box 17 Folder 16.

<sup>16147</sup> Arthur Kiron, “Heralds of Duty,” 218. On prayer changes, see: Robert Fierstien, “Sabato Morais, Solomon Schechter, and K'lal Yisrael,” 37; Kiron, “Golden Ages,” 168.

believed that something “sacred” would be “surrendered” by making the leap and claiming that slavery was no longer valid.<sup>162</sup>

Morais was also a staunch critic of Reform Judaism and defender of ritual observance. He dedicated lectures to disparaging the 1857 Reform prayer book and new liturgical tradition, *Minhag America*. He cautioned his congregants “not to keep Christmas” in another sermon.<sup>163</sup> “Shall we continue to worship God, as our fathers have worshiped him, or shall we follow the bend of our minds, and introduce into the Synagogues customs foreign to its origin and purposes?” Morais asked.<sup>164</sup> To Morais, the Reform movement sought to remake Judaism in the image of modern moral sensibilities.<sup>165</sup>

Morais opposed abandoning tradition as he believed the Reform Movement did. “The Sages recommended to their scholars extreme caution so as not to utter a word capable of misapprehension,” Morais argued in an undated sermon.<sup>166</sup> Morais feared that

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<sup>162</sup> Luzzatto would agree that such an interpretation was too liberal. In this regard, Luzzatto did not belong to the “Positive Historical” school to which Morais aligned himself. He believed, according to Klein, that “the Talmudic Sages [were] ‘reformers’ *par excellence*. But on the other hand, he is casting serious doubt on the qualifications and motives of their nineteenth-century would-be successors” (Klein, 25).

<sup>163</sup> It should be noted that Morais provided a caveat to this statement on change within Judaism. We shall explore Morais’s philosophy on change later in this chapter. Nonetheless, his caveat was as follows: “were I convinced that [a tradition’s new] alternative would spiritually benefit the congregation of Israel, I would strive to school anyone to the required changes; but as it does not become more endowed with intellect to remove even a stone from a fabric that has stood many ages, unless another can be placed in its stead, that will add to its beauty and stability, we will seriously enquire if the remodeling of our worship will be productive of.” Sabato Morais, “*On Reform*, Undated. Sabato Morais. Place of Composition Unknown. Date Unknown.” *Sabato Morais Digital Repository*,

<http://morais.exhibits.library.upenn.edu/items/show/3057>.

<sup>164</sup> Sabato Morais, “A discourse regarding reform.”

<sup>165</sup> Cobin, 151

<sup>166</sup> Morais likely was referring to Perkei Avot 1:9.

a false or unsubstantiated idea could spell the “ruin” of Judaism. He was careful, therefore, not to expand the meaning of the Bible beyond its reasonable limits.

It must also be stated that Morais had other political, economic and social constraints. In 1864, for example, his congregation punished him for preaching too fervently against slavery. There is little doubt that members discouraged him from discussing the morality of slavery beforehand. More, Morais had to respond accordingly, since in 1861 lay leaders determined their rabbis’ pay and rabbinical independence and power was quite limited.<sup>167</sup>

Morais stood on precarious, lonely ground. The American religious landscape proved much less open to the fluid mix of conservative religiosity and humanistic political ideology that blossomed in Livorno. In particular, stark lines demarcated the slavery debates within the Orthodox community. There was limited middle ground, but this is exactly where Morais stood, negotiating his humanistic values and reverence for tradition. His words and actions are his posterity.

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<sup>167</sup> Kiron, “Golden Ages,” 233. For more information on the moderate approach, see chapter 1. See also: Sokolow, 27-44; Robert Rockaway and Arnon Gutfeld, “Demonic images of the Jew in the Nineteenth Century United States.” *American Jewish History* 89.4 (2001): 355-381; Bertram W Korn, “Jewish 48'ers in America.” *American Jewish Archives* 2.1 (1949): 3-20.

## Conclusion

### **A Belated Turn Toward Freedom, 1861-1865**

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“We have in four years advanced intellectually, morally and politically more than other nations will in centuries to come. Four years ago, how many of us were Abolitionists? How many of us dreamt of the possibility that this sacred soil of liberty should be cleansed from the scourge of slavery? How many of us had moral courage enough to think that this great stain could be or should be removed from the brilliant escutcheon of the American people?” *Reform Rabbi Max Lienthal on, April 8, 1865, the Shabbat preceding Passover.*<sup>168</sup>

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We have come to understand that the relationship of Orthodoxy and slavery was complex, replete with religious, moral, social, political tensions. In many ways, the narrative is also quite straightforward. From their arrival in the 1840s until January 1861, Orthodox leaders generally remained silent on the issue of slavery. Many reasons underlie this trend. The Orthodox community was largely made up of immigrants, who navigated a precarious political and social situation of settlement. Orthodox leaders were concerned about Jewish oppression across the Atlantic. They also defended traditional Judaism against the Reform Movement. In other words, Orthodoxy’s gaze was inward, concerned primarily with survival. Its approach was a defensive one.

In late 1860, Orthodox leaders principally assumed a pro-slavery position. All but one Orthodox leader advanced pro-slavery sentiments in January 1861. Their defensive and conservative tradition facilitated this shift. Morris Raphall, Bernard Illowy, and even

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<sup>168</sup> Darcy Fryer, “Confronting Passover, 1865.” *Moment Magazine*, March 24, 2020. <https://momentmag.com/confronting-passover-1865/>.

Isaac Leeser argued that the Bible sanctioned slavery because it never deemed slavery a sin. Orthodox arguments against abolitionism often mirrored critiques of the Reform Movement, decrying both as irreverent to tradition and subservient to reason. Their literalist approach meant that rabbis could not call slavery a “blessing.” It nonetheless ensured that their default position was pro-slavery.

As the shelling of Fort Sumter was heard around the nation and the Civil War began, Orthodox leaders changed their tune. Except for Bernard Illowy, whose secessionist sentiments earned him a New Orleans pulpit, Orthodox leaders transformed into supporters of the Union. Even Morris Raphall of New York became one of Lincoln’s closest Jewish allies.<sup>169</sup> Samuel Isaacs delivered a eulogy at Lincoln’s New York funeral procession.<sup>170</sup> These political actions reflected a turn in Orthodox Biblical interpretations regarding slavery – a turn that may have been too late.

Leeser’s paper, *The Occident*, became markedly less pro-slavery as the war picked up. Social pressures surely played a role. In May 1861, Leeser criticized a pro-Union rally held at Hebrew Education Society school in Philadelphia for contributing to war fever. In response, Jewish lawyer, Moses Dropsie, accused Leeser of promoting secession. He warned Leeser, “You are already on the suspected list, and you may be compelled to quit the city before long.” Leeser was clearly shaken, and he wrote to Mayor Alexander Henry shortly thereafter to inquire of the fictitious “suspected list.” He

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<sup>169</sup> Jonathan Sarna, *Lincoln and the Jews*, 92-97

<sup>170</sup> Samuel Isaacs, “The President’s Death.” *The Jewish Messenger*, April 28, 1865.  
<https://proxy.library.upenn.edu/login?url=https://www.proquest.com/historical-newspapers/presidents-death/docview/884001542/se-2?accountid=14707>.



learned that open Southern sympathies, including pro-slavery sentiments, now carried social consequences.<sup>171</sup> Changing economic incentives also eroded Leeser's southern sympathies. Until the Civil War started, a large portion *The Occident's* readership resided in the South. During the war, however, Leeser found it increasingly difficult to deliver and collect payment from his Southern readers. The financial benefits for defending slavery evaporated.<sup>172</sup>

On November 1, 1861 – just six months after the war began – Leeser printed the *Occident's* most anti-slavery sermon to date. M. R. Miller, a Christian ally of Leeser, authored it. The article had three core points:

1. "It is a great error in the American mind that slavery is a sin in itself, a sin *per se*."
2. "It is a great error in the American mind that duty calls for the immediate emancipation of all slaves."
3. "It is another great mistake in the American mind, that slavery is essentially a beneficent institution."

The first two statements reflected the predictable pro-slavery of an Orthodox publication. The third, however, turned towards the theory of moral progress. As Miller added, "Polygamy is not a sin in itself...yet it is one of the greatest evils that can exist in people" and "as long as we hold polygamy, war, and despotism to be evils which are gradually coming to an end, we will hold the same view of slavery." This article decisively marked

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<sup>171</sup> Lance J. Sussman, *Isaac Leeser and the Making of American Judaism*, (Detroit, Michigan: Wayne State University Press, 1995), 220-221.

<sup>172</sup> *Ibid.*, 222-223.

a sharp reversal from Leeser's previous discussions on the subject.<sup>173</sup> Almost a year after the Emancipation Proclamation, Isaac Leeser was even more explicit, writing on August 1, 1863 that “*in the abstract* we are opposed to slavery and to all human bondage” (emphasis added).<sup>174</sup>

A month later, on October 9, 1863, Samuel Isaacs of New York published an article by Abraham Benisch in the *Jewish Messenger*. Like with Leeser above, Isaacs did not pen the sermon. Benisch was responding to Church of England Bishop John Colenso's Biblical defense of slavery. “[These] very humane laws [of the Bible], which gave such very efficient protection to the slave, whilst drying up the sources whence slavery was replenished, also serve to pave the way for its extinction,” he wrote. “[The] statement, therefore, that Moses gave his – that is, Divine—sanction to slavery, is altogether unfounded.”<sup>175</sup> The Bible only tolerated slavery to diminish it. Such was Benisch's central thesis.<sup>176</sup> Isaacs and Miller also had self-interested motives for

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<sup>173</sup> M. R. Miller, “The American Crisis.” *The Occident*, November 1, 1863. Retrieved from the National Library of Israel, <https://www.nli.org.il/en/newspapers/occ/1861/11/01/01/article/4/?srpos=10&e=-01-1861--12-1865--en-20-occ-1-byDA-img-txIN%7ctxTI-slavery-----1>.

<sup>174</sup> Isaac Leeser, “A ministerial Amendment to the Constitution.” *The Occident*, August 1, 1863. Retrieved from the National Library of Israel, <https://www.nli.org.il/en/newspapers/occ/1863/08/01/01/article/4/?e=-01-1861--12-1865--en-20-occ-21-byDA-img-txIN%7ctxTI-slavery-----1>.

<sup>175</sup> The same sermon interestingly ties in what Morais never did, the notion that slavery is inherently tinged because of the Biblical notion of everyone person being created “in the image of God.” It went as follows, “We admit at once that slavery, in the widest sense of the word, is a most heinous offence against the law of nature, since man can have no right of property in man, all men being alike created in the image of God.” Abraham Benisch, “The Bible and Slavery.” *The Jewish Messenger*, October 9, 1863. <https://proxy.library.upenn.edu/login?url=https://www.proquest.com/historical-newspapers/bible-slavery/docview/882782872/se-2?accountid=14707>.

<sup>176</sup> It constituted an extension of Copenhagen-based Dr. Moses Mielziner's “Slavery Among the Ancient Hebrews,” which reasoned that the Hebrew Bible restricted slavery so much that it nearly abolished the institution.

publishing the piece. With slavery increasingly demonized in the North and Britain, critiquing slavery was a method of defending the Hebrew Bible.

One hundred fifty years later, twenty-first century Orthodox leaders have continued the march towards abolition. This is especially true of Modern Orthodoxy: “There is little doubt that in terms of the Torah’s value system...[slavery] is a fundamental assault against human dignity,” wrote former Chief Rabbi of England Jonathan Sacks in 2012. He added that, “[God] wanted slavery abolished but he wanted it to be done by free human beings.”<sup>177</sup> In 2016, Nathan Lopes Cardozo, a leading progressive Orthodox rabbi in Jerusalem, advanced a similar notion. “Not only would the [Biblical] laws concerning sacrifices and slavery be totally abolished once the people outgrew the need for them,” Cardozo argued, “but they would actually not have appeared in the biblical text had it been revealed at a much later stage in Jewish history.”<sup>178</sup> Yaakov Weinstein, author of “The Biblical View of Slavery, Then [in 1861] and Now,” argues that most Orthodox leaders now agree. He cites, for example, Yeshivat Har Etzion’s Rabbi Elchanan Samet for the proposition that “the declaration that the Divine image in man is equivalent in a slave and a master is the beginning of the demise of the institution of slavery.”<sup>179</sup> Sacks, Cardozo, and Samet represent segments of the Modern

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<sup>177</sup> Jonathan Sacks, “Mishpatim (5772) – The Slow End of Slavery,” *Covenant and Conversation*, February 18, 1012: <https://rabbisacks.org/covenant-conversation-5772-mishpatim-the-slow-end-of-slavery/>.

<sup>178</sup> Cardozo did not stop there. He added, “This has enormous consequences for a proper understanding of what Torah, in essence, is all about. Just as slavery and the cult of sacrifices are compromises to human weakness would not have appeared in the text at a later stage, the same may be said for other problematic laws.” Nathan Cardozo, “The deliberately flawed divine Torah.” *The Times of Israel*, October 26, 2016. <https://blogs.timesofisrael.com/the-deliberately-flawed-divine-torah/>.

<sup>179</sup> Weinstein, 286.

Orthodox community. Seemingly, Orthodox Judaism has reconciled itself to the most pressing moral issue of antebellum America, the abolition of slavery. The question now becomes, can Orthodoxy respond with greater speed and force to the most pressing moral issues of its own time?

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