

The Debate on Slavery: David Einhorn and the Jewish Political Turn

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Image of David Einhorn (1809–1879) from his *Selected Sermons and Addresses*, edited by K. Kohler

On the eve of the Civil War, President James Buchanan called for a national day of “humiliation, fasting, and prayer.” In response, the prominent New York rabbi, Rev. Morris Raphall (1798–1868), delivered an address that reiterated his defense of slavery as biblically permitted, among other things, by the curse of Ham. Raphall’s sermon, “The Bible View of Slavery,” significantly divided Reform rabbis. Rabbi Isaac Mayer Wise in Cincinnati, for example, dismissed the curse of Ham as a precedent and chose not to consider it as a possible halachic basis for slavery. Although he opposed a westward expansion of slavery, Wise made a political case for accepting slavery in those states where it already existed.

Rabbi David Einhorn had a very different response. Einhorn, who had emigrated from the German states in 1855, was the first spiritual leader of Har Sinai Congregation in Baltimore, Maryland—a slave state. In a sermon delivered from his bimah and published in his journal, *Sinai*, Einhorn used painstaking interpretation of relevant portions of Exodus to assert the inadmissibility of a Jew condoning chattel slavery. Taking this public stand on the issue of slavery was something of a departure for Einhorn, who was progressive and reform-minded but had not made political advocacy his central task. In fact, he had been hesitant and sometimes even apologetic about appearing to have a political role in the first place.

To say that Einhorn’s sermon—a refutation of Raphall’s sermon, both of which we will examine more closely—was unpopular among his congregants in Baltimore would be a gross understatement. Weeks following its delivery, a riot broke out on 19 April 1861; Einhorn’s press was destroyed, and he was forced to flee his congregation, his home, and his adopted town. He would resettle in Philadelphia, where he became rabbi of Congregation Knesset Israel in August of the same year.

Einhorn’s response to slavery can be understood when placed into the context of his earliest priorities as a rabbi. He revealed his vision of a progressive, moral, and self-conscious Judaism in a sermon he delivered on 4 September 1847, at the Schwerin synagogue in Mecklenburg-Schwerin where he served as chief

rabbi. His nominal subject was Leviticus 24:1–4, even though it was not the standard Torah portion for this part of the Jewish liturgical year. The relevant portion reads as follows: “And the Lord spoke to Moses, saying, Command the children of Israel, that they bring thee pure olive oil beaten for the light (*k’tit l’meor*), to cause the lamps to burn continually.”¹ Einhorn used this passage to find a metaphor for his wider message: Judaism, like the pure olive oil, needed continual purification if it were to light the world like a Temple lamp. He feared that the light was flickering and might go out if Judaism were overtaken by progress, though it could burn all the more brightly if Judaism itself became progressive. His message was driven, possibly, by the liberal ferment in the German states occasioned by the convening of a United Diet in Prussia.

His decorous abstractions portrayed Judaism as a progressive religion: Just as pure oil for the temple light required a “press,” so Judaism required the “continuing impact of world history, the pressure of an unceasing historical development.” Einhorn took as his topic the definition of the right “method that his Divine Will has indicated for a teacher of the Israelite people seeking blessed achievement in the present.” Einhorn promised to explain first the “objective,” then the “means,” and finally the “manner” of this “effort:” “The goal of this effort for the present-day teacher of the Israelites is to acknowledge the *religious* and *political ennoblement* (*religiöse und bürgerliche Veredlung*) of his fellow believers, the means to his goal is *Word and Deed* (*Wort und That*), and the manner is *circumspection and strength* (*Besonnenheit und Kraft*)” [Einhorn’s emphasis].² This was no recent shift; it had been in process for “millennia” because Judaism could only remain “true to its assigned task of historical development” by continually adapting the “exterior of Judaism” to the “prevailing religious necessities of the age.” This adjustment and readjustment, Einhorn explained, were nothing new in Jewish practice. This process had a clear direction that steadily permitted “the eternal, living spirit of Judaism to emerge from its enclosure, continually to free itself from the shell of literalism and ceremony.”³

Einhorn was stating his belief in historical progress as a necessary movement from good to better. He did not deny the past virtues of the traditions he now wanted to abandon. His stress on the claim that rabbis had always made progressive changes was a reassuring promise of moderation: Progress was a continuation of the past by other means, not a break with it. In fact, Einhorn was making the same case that Protestant liberal nationalists like J. G. Droysen were also urging, namely asserting that a “right of history” had an edge over mere “historical rights.” There was an undeniable right to profound change, though that right was to be exercised through evolutionary rather than revolutionary means.⁴ His ally Felsenthal made the distinction nicely in 1859 *Kol Kore Bamidbar* by contrasting recognition of “what came to be” (*Gewordenes*) with recognition of the “right of becoming” (*Recht des Werdenden*).⁵ This rhetoric was, chimerically, bold yet apologetic.

Einhorn's program called for a greatly improved program of Jewish education so that the next generation would escape the limitations of the present generation. Although this seems moderate enough, its implicit radicalism becomes clear in what follows: Jews were in a "prison" whose "darkness" was a "blessing" insofar as it kept them from seeing the "chains" that bound them. Education had to be gradual because "sudden light" would be "unbearable after so long a darkness." "Thanks be to Heaven," he averred, "a better time has come!" It was a better time because, first, the heaviest shackles had been removed.⁶ Second, and more important, fundamental change was now in the offing. These facts had a clear meaning for Jews in the present:

...we neither need nor may permissibly avoid the light of religious improvement any longer. But now it is also, and for the sake of our religion, our most sacred duty to strive for civic improvement, for an ever greater common utility for, and participation in, the general interests of the Fatherland. As long as Israel remains determined to stay sundered from all the peoples of the earth, and even to return to the celebrated land for the re-establishment of the former Israelite state, it will naturally regard spotless adherence to state laws and ... reverence for state authorities ... as a betrayal of the holiest religious injunctions ... [It must be] ... that we of course remember Jerusalem with piety and love, but only in the way that one recalls a deceased whom one loved and whom the Lord took from us so that we can join ourselves to humanity and everywhere bring divine blessing (*Heil*). We would betray our holy mission (*göttliche Sendung*) if we did not do everything in our power to erase the last traces of foreignness that alienate us from those with whom, in accordance with God's holy will, we should be entering into the closest bonds. In that right, which we fight to obtain for ourselves, we must joyously witness the victory of the religious impulse that makes brothers of those divided by severing confessions.⁷

Change was urgently needed, and Jews had to do the changing. By metaphorical extension, Einhorn's intent was to ensure a supply of oil clear and pure enough to provide a bright, illuminating flame. Judaism had a message for all the world, though Jews also had ethical and specifically political tasks to perform.

This sermon anticipated Einhorn's later political behavior, even though these effects were not felt at first. Mecklenburg-Schwerin was actually less promising ground for Jewish civic evolution than Einhorn at first believed, and he left for a pulpit in Hungary in 1852 where he prudently said nothing about political activities. That proved to be little more than a stopover before leaving for America, however, as the failed revolutions of 1848–1849 made central Europe a poor choice for civic transformation. Upon his arrival to the pulpit in Baltimore, Einhorn delivered a sermon that was discreet, though he made clear by the conclusion that he expected religious reform to have major, and positive, effects in the wider civil society.⁸

Einhorn's congregation in Baltimore was composed of recent immigrants who, evidently, were comfortable with a rabbi who gave sermons only in German and prepared a radically reformed prayer book (*Olat Tamid*) of his own in opposition to the *Minhag America* prepared by Wise of Temple B'nai Jeshurun in Cincinnati.⁹ Every week Einhorn read long and quite literary sermons; these then became the lead articles in his journal *Sinai*, which his temple underwrote.¹⁰ It is possible that Einhorn chose more than a merely conventional title in naming the journal "*Sinai*": In his reading of Jewish history, monotheism began with Adam, but only at *Sinai* did Jews become a religious people.¹¹ *Sinai* was a challenge to Wise's *The Israelite*, published in Cincinnati. Both journals, like other rabbis' journals of the period, were more than ego gratifications for rabbis. The publications served to keep American Jews—who were often scattered so widely that they were the only Jews in a town—in touch with the latest reports about the most advanced Judaism. Typically, issues of *Sinai* included sermons, serialized works of Jewish scholarship, news about Jews from all over the world, and occasional serialized fiction. Einhorn in 1861 would use his journal to nationalize his polemic about Jews and slavery. It is not actually clear whether the members of Einhorn's congregation endorsed, merely condoned, or even read what their rabbi had to say about slavery within a year of his arrival in the United States.

Einhorn questioned whether slavery was right in any sense in *Sinai* as early as October and December, 1856, and again in July 1857.¹² In 1858, Einhorn linked his critique of slavery to his advocacy in the Mortara case, which had become an international scandal, by showing the relevance of the slavery question to the security of the Jews. Buchanan refused to speak out on behalf of the release of Mortara, who had been secretly baptized as an infant, arguing that the United States had "neither the right nor the duty... to express a moral censorship over the conduct of other independent governments." The president feared that foreign governments might link the Mortara affair to American slavery, which similarly turned a blind eye to the forcible separation of slave children from their parents.¹³ This legalized kidnapping struck the American imagination in part because Sir Moses Montefiore (1784–1885), a prominent and articulate British Jew, was a forceful advocate who was practiced in reaching American audiences. The precedents for this advocacy had been set by Jewish mobilization in support of the victims of the alleged Damascus Blood Libel case of 1840.¹⁴ Isaac Leeser of Philadelphia, who had keen political sense despite his skepticism about rabbis becoming politically active, saw that the Mortara case would interest gentiles in ways that other Jewish issues—notably, the anti-Jewish provisions of the American Swiss Commercial Treaty—did not.¹⁵ Leeser reasoned that the Mortara case was about Jews, but not only about Jews. Thus, it might touch the affections of otherwise indifferent gentiles.¹⁶ That is, anyone could feel sorry for the parents and the child. Anyone who was at all

anti-Catholic, or at least opposed the rigid policies of Pope Pius IX, could find here an abuse to denounce. The Republican Party, popular among Jewish and gentile German immigrants, was also critical of papal actions in the affair, so the way seemed open for Jewish activism on behalf of the unfortunate Mortaras.

Even with an issue like this, however, rabbis found it hard to organize. They were divided on theological lines that would shape the denominational map of American Judaism, so that a traditionalist like Leeser found it hard to work with a moderate and pragmatic Reform rabbi like Wise and impossible with a radical like Einhorn. The Reform rabbi whose opposition to slavery was as fierce as Einhorn's was Bernhard Felsenthal, but the Mortara case coincided with Felsenthal's leaving the (Orthodox) synagogue in Madison, Indiana, for a few years' employment as a bank clerk for the Greenebaum Brothers' bank in Chicago. Felsenthal wrote for *Sinai* and organized the Chicago Reform Association during his spare time, before he became first rabbi at the new Temple Sinai in June of 1861.¹⁷ He could have remained a rabbi by taking a position in Mobile, Alabama, but he refused a position that required condoning slavery. Even in Madison, Indiana, a town on the Ohio River, he had joined German-speaking Republicans and spoken against slavery.¹⁸

There were also competing views as to who should speak for the Jews. It is hard to convey clearly the failure of early attempts at comprehensive Jewish organization in the United States. While Leeser and Samuel Isaacs, minister of the Orthodox Congregation Shaaray Tefila in New York, preferred delegates from lay boards of synagogues, Wise wanted the congregations themselves represented, and Einhorn preferred a union of (right-minded!) rabbis.¹⁹ Isaacs called for a union of congregations, and nine New York and thirteen other congregations joined together in a Board of Delegates of American Israelites. Reform rabbis, however, hesitated to join traditionalists, and the adherence of Leeser prevented even the moderate reformer Wise from joining; not without reason Wise feared that the Board, like its English counterpart, would seek to marginalize nascent Reform Judaism. This was similar to the failed Cleveland Conference of 1855, in which a compromise hammered out in all-night bargaining between Wise and Leeser failed when other rabbis studied it and, in fact, as its authors reconsidered it.²⁰ In the Mortara case, Raphall, whose views on slavery would later galvanize Einhorn, succeeded in organizing a bloc of congregations to lobby President Buchanan, but even this group was local and not representative.²¹ This did not mean, however, that individual congregations and rabbis did not themselves take positions. Of all the Jews who spoke or wrote about the Mortara case, Einhorn (alone among American rabbis) publicly took the abolitionist position of openly identifying Mortara's case with the case against slavery.²² Einhorn then lapsed into silence until January 1861, when President Buchanan's call for a national fast day on 4 January 1861 inspired Raphall to defend slavery on biblical grounds.

Raphall's Argument

Raphall's sermon deserves discussion. Though what follows here does not appear in standard histories of events leading to the Civil War, Raphall's remarks and the response it provoked were noteworthy factors in the American Jewish experience of the coming of war. Raphall was a prominent man; he served a major congregation in New York, America's largest Jewish community, and his remarks were published in the general press, where gentiles and Jews alike would read about his support of slaveholders. Raphall delivered his sermon on the national fast day and hurried it into print at the request of supporters, after he found himself attacked for giving it. He seemed to be spoiling for a fight. He claimed to write "under a strong sense of duty" and to offer only a "sober statement" that would, of course, prove "very unpalatable to men of extreme views."²³ This equation of abolitionism with extremism dovetailed with the widely held view of abolitionists as extremists, and it was characteristic of anti-abolitionist tracts that can seem as much an act of cultural warfare against abolitionists as an honest attempt to defend slavery.²⁴ Raphall began his sermon by decrying "rationalists" who believed that "thought is king." Instead, he urged belief in God and scripture not only on "a handful of peaceable Union loving Hebrews" (his congregants at New York's Greene Street Temple) but also on the whole people throughout the United States. Raphall's moral argument was also a hermeneutical one. Belief meant assuming that biblical meanings could easily and cogently be established and that, once established, those meanings were binding on Jews in the present.²⁵

In order to guide the present, Raphall addressed three questions: (1) How ancient were the origins of slavery? (2) Was or was not slavery a sin in the Bible? (3) In what condition were slaves held in biblical times? He answered the first question by citing the so-called curse on Ham by his father, Noah (Genesis 9: 18–28).²⁶ The effect of the curse on the "unfortunate negro," he claimed, was the "inferiority of his intellectual powers" so that no "negro" ever achieved "mental or moral" eminence.²⁷ Raphall did not question this assumed inferiority. He then answered his second question by citing the fourth and eighth of the Ten Commandments (Exodus 20: 10, 14) that, respectively, required Sabbath rest for servants and banned the coveting of a neighbor's servants. Since these verses speak of slavery as a fact, he reasoned, they also accept it as a right. This line of argument enraged Einhorn, although Raphall was actually arguing against Christian abolitionists rather than addressing his co-religionists. To the "reverend gentleman of Brooklyn," Henry Ward Beecher, he apostrophized, in view of the "sanction and protection" offered to slavery in the Ten Commandments, "how dare you denounce slaveholding as a sin?"²⁸ Raphall's biblical literalism was as profound as that of Christian biblicists who wrote on slavery, and he used it to anticipate objections from Reform Jews by asking, "When and with what authority do you draw the line? Tell us the precise time when slaveholding

ceased to be permitted and became sinful?”²⁹ This rhetorical question shows nicely how inextricably linked were textual hermeneutics with political advocacy: Literalism precluded any reference to changing times, just as Reform’s belief in historical progress inevitably limited biblical authority.

The most forceful of Raphall’s arguments appeared in answering these first two questions. His answer to the third question about the treatment of slaves was more apologetic. He admitted that biblical slaves did not look much like those he termed “southern bondsmen,” though he insisted that “their condition was analogous to that of their Southern fellow sufferers.” His language was almost sympathetic, as he pointed out that even pagan slaves in ancient Israel had “rights” as “persons,” as American slaves did not.³⁰ That is, he conceded that Southern slavery was worse than biblical slavery. Given his earlier statements, these reservations seem incongruous. In fact, they follow from Raphall’s deep ambivalence. In the middle of his sermon he confided rhetorically: “My friends, I find, and am sorry to find, that I am delivering a pro-slavery discourse. I am no friend to slavery in the abstract, and still less friendly to the practical working of slavery.” He claimed, however, that as a “teacher in Israel” he had to tell the whole truth about what Mosaic law stipulated.³¹ He later disclosed that he had a political program as well. He wanted to avoid civil war, so he proposed a compromise—one that many in the Democratic party embraced: Let the North accept the legality of slavery because it had always existed, was not sinful, and could exist with rights for slaves as “persons”; and let the South truly adopt the “Bible code of slavery.” Then slave masters would behave like benevolent ancient Hebrews rather than pagan Romans. Raphall confessed that at present “a few bad men . . . throw a stigma and disgrace on the whole body of slaveholders.”³² He closed with a supplication to God either to spare the nation “the calamity of civil war” or, if God had decreed that end of the Union, “then we beseech thee let the separation be peaceable that no human blood may be shed.”³³ These disjointed claims actually undergirded the more tightly argued biblical case that preceded them.

Rabbinic Reactions

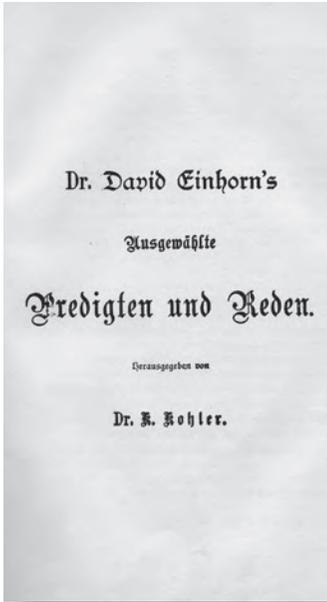
Various rabbis were quick to point out the weaknesses of Raphall’s argument. Raphall, it should be said, was neither afraid of a fight nor embarrassed about being a Jew. In his 1849 book *Jewish Dogma*, written in England, he carried on a vigorous defense of Jewish rectitude and probity with a very judaeophobic Member of the British Parliament, C.N. Newdegate, and did not defer either to Newdegate’s obvious contempt or to his splendid manners.³⁴ Jewish emancipation as well as good name seemed at stake. In his 1855 three-volume *Post-Biblical History of the Jews*, Raphall showed himself to be a lucid narrator and stubborn advocate for modern Jewish rights. Interestingly, he described the Jews as the only unchanged ancient people, which may explain why he found

biblical accounts sufficient reason to justify slavery in general.³⁵ Of course, from the view of Einhorn and others like him, Raphall's literary success was all the more reason to worry about the impression his January sermon made.

Raphall was not the only rabbi to accede to the South or to defend it though with deep reservations. And it is useful to review some other rabbinic responses before turning to Einhorn's. Rabbi Samuel Isaacs, in New York, worried more about how the Union could be preserved than about slavery. James K. Gutheim, a Southern rabbi, was more unabashedly in favor of the Southern cause.³⁶ The more pacific-minded Isaac Mayer Wise of Cincinnati, whom Einhorn detested as a rival for leadership of Reform and customarily called "the Great Humbug," was a Democrat who thought preserving the Union easily worth the price of temporizing with slavery. Wise did not defend slavery as such and he expressly disagreed with Raphall's claim that the curse of Ham justified chattel slavery. He believed that slavery should be kept from the new western states, but he distrusted the new Republican Party and wished that a constitutional compromise might preserve the Union. Such compromise, inevitably, would have preserved slavery where it already existed.³⁷ Isaac Leeser was a defender of Jewish traditionalism and mindful of his former congregation in Richmond, Virginia, where his relatives lived. He urged Jews to be politically quiet. Specifically, he agreed with Raphall about the legality of slavery, though he disagreed that the curse of Ham was relevant. He felt most strongly, however, that it was wrong to raise this matter in a sermon in a synagogue.³⁸ These arguments seem scattered at first, but they share a common fear, very understandable among first-generation Americans who were enjoying full political rights for the first time, that the polity they had adopted as their own must be preserved lest their new-found rights be lost.

The outcome of this American crisis in general, and the question of slavery's permissibility by Jewish standards, seemed important even to some rabbis in Europe. Their views deserve discussion before turning to Einhorn's attack on Raphall's sermon. Both of the rabbis to be discussed here—Moses Mielziner (1828–1903) and Gustav Gottheil (1827–1903)—immigrated to America soon after the Civil War ended. Mielziner was a teacher at the Jewish School in Copenhagen and published his doctoral dissertation from the University of Giessen as a little treatise in 1859. Cautiously titled *Slavery among the Hebrews* in its English translation and reprinted by abolitionists because of its careful and detailed use of scripture, the work was both textual analysis and moral critique. Mielziner was a great textual scholar, and he knew Torah thoroughly. He left no room for the use of the Books of Moses as a defense of slavery. He began with the assertion that, "Among the religions and legislations of antiquity none could exhibit a spirit so decidedly averse to slavery as the religion and legislation of being created in the image of God, a legislation which bases its laws upon the dignity of man, and which enjoins, in all its enactments, not

only the highest justice, but also the most tender kindness.” All that follows supports this initial thesis. I.M. Jost, the first modern historian of the Jews, praised the work as the best thing written on Jews and slavery.³⁹ Professor Francis Lieber of Columbia University read it, saw its relevance, and passed it on to abolitionists who later published it in the *American Theological Review* as rebuttal of Raphall. So, probably without intending to do so, Mielziner backed into a moral political argument in the United States, where he would later serve as professor of Talmud at Hebrew Union College in Cincinnati.⁴⁰



Compared to Mielziner's work, there was a much sharper edge to Gottheil's *Moses versus Slavery*. Gottheil would later become rabbi at Temple Emanu-El in New York and was an early Zionist. In 1861 he was still a rabbi in Manchester, England, who knew about America from the newspapers. Gottheil

read Raphall's remarks, gave two angry sermons on 26 January and 2 February 1861, and hurried into print with a slender volume of his refutations.⁴¹



Top: Cover Page of Einhorn's Selected Sermons and Addresses, edited by K. Kohler (New York: Bloch Publishing, 1911) Left: Page from Einhorn's prayerbook, Olat Tamid; Right: Cover Page of Olat Tamid: Book of Prayers for Jewish Congregations, Baltimore, 1858

(All courtesy Klau Library)

He began with an apology for bringing controversy to the synagogue on the Sabbath. Gottheil opined that, though such occasions normally call for bringing “our thoughts into communion with the things of eternity—nevertheless it can at no time be wrong to speak even here of the interests of the world of time.” This was a matter vital to the future of the Jews, and the Jews’ future was at stake in America. There, “the destinies of members of our race” were being decided “under a thundercloud of war” that darkened the “great Republic to which men looked as the start of freedom.”⁴² The language is highly rhetorical, as fitted the occasion, and its meaning was clear enough. Jews had much to gain from American success and much to lose by failure. The crisis of 1861 called for good Jewish citizenship and a right perspective on events.

Gottheil’s specific worry, however, was less about the general political crisis than the impression made by Raphall’s remarks. Gottheil complained that “we had to learn, by reports in the public journals, that a Teacher in Israel, a man to whom people would look as having a right to speak with authority, and at a time when any utterances on the slave question could not fail to be listened to, did from the pulpit maintain that slaveholding is no sin according to scripture.”⁴³ The American crisis was bad enough, and its outcome was important to Jews: Raphall was making matters worse by inculcating Jewish scripture in the atrocity of chattel slavery. The duty of Jews was plain: “But how can we be silent when we find him using his statements ... as an argument to show that the people of the Northern States of the republic are wrong in condemning and denouncing the slavery of the South?” Gottheil expected more than discreet silence. Emancipation was his grand objective: “in relation to our religion ... emancipation of the slave has always been deemed one of the greatest achievements of our time.”⁴⁴

These statements had both a narrower and a wider meaning. In the former regard, Gottheil celebrated England’s legislating slavery out of existence, and he returned to that point several times in his remarks. In the latter respect, he implied that, given the irreversible and progressive movement of history, slavery had once, long ago, been an inevitability, but now it was wrong and had to be ended. Gottheil devoted most of the first sermon (evidently composed before he had actually read Raphall’s remarks verbatim) to expatiating on this idea of progress. He urged that Jews had, like American slaves, formerly been despised and downtrodden: “Yet, in the face of boundless contempt ... the Jew never for a moment lost heart or hope. He believed in the Progress of the human race.”⁴⁵ In point of fact, Jews had not always believed in progress, but Gottheil’s argument had a political logic. Since Jews had gained by past progress, they would not lose by future progress. Moreover, though Christian judaeophobes considered Jews an archaic remnant bypassed by history, Jews were in fact relentlessly progressive. If Raphall were right, however, Jews would be like a fixed object on a riverbank as a vessel passed, and his “immobility would serve merely to indicate

the rate of the life movement of nations.”⁴⁶ So, a Jewish defense of slavery was bad because, as Jews should know, slavery was bad. Such a defense was even worse because it sought to vindicate the claims of Jewish archaism that Reform Judaism meant to combat while remaining proudly Jewish.

After this spirited attack on not just what Raphall said but also on what he, perhaps unintentionally, implied, Gottheil’s second sermon seemed more ordinary. He discussed in succession Raphall’s three questions about whether slavery was permitted, how old it was, and in what condition it kept slaves. He systematically refuted all of Raphall’s claims through a counter-reading of Torah that was sometimes by turns etymological and more moral in tone. After arguing about passages himself, Gottheil told his hearers (and readers) to move beyond particular passages: “The Bible, even the whole Bible, is one grand consistent utterance of condemnation.”⁴⁷ Much of what Gottheil said may also be found in Einhorn’s statements. That is unsurprising because they started from similar premises, although Einhorn spoke and wrote in a slave state while Gottheil commented as a sympathetic onlooker.

Einhorn’s Response

Einhorn’s polemic takes its meaning from the longer arc of his career, in which he juxtaposed and recombined many of his ideas about religion and politics. He had long argued that modern, emancipated Jews had a duty to speak and to act as good citizens. That is what he did in rebutting Raphall: He attacked not only slavery but also what he saw as rabbinic misuse of the Torah and the misalignment of American Judaism with history’s enslavers and persecutors. Einhorn had strong advice on the American future, but he gave it as angry commentary on how progressive Jews should think and behave. Einhorn argued that Jews should act in ways progressive, moral, and self-consciously Jewish. Jews should speak as full citizens about large political matters, but they had to speak in a way that revealed clearly the deep morality of progressive Judaism. The sermon that angered the Baltimore mob, therefore, had to be published for the larger Jewish public in an issue of *Sinai* published in Philadelphia after his press in Baltimore had been destroyed but before he became rabbi at Philadelphia’s Knesseth Israel in August, 1861.⁴⁸

Einhorn started with characteristic irony by noting Raphall’s “originality.” Those Christian clergy who opposed abolition, Einhorn explained, excused slavery either by pointing to the vast disorder that its immediate abolition would cause or by claiming that individual slaveholders were often nice and moral people. Einhorn found neither argument compelling, but his real anger was at a fellow Jew, Raphall, who made the most consistent argument in defense of slavery:

The question before us is exclusively this: Is the institution of slavery, in itself, a moral evil or not? And it is Dr. Raphall, a Jewish preacher, who has the sorry

distinction of proclaiming, on the basis of God's authority, the rightness and the morally unobjectionable nature of slavery and to read the text diligently to Christian clergy of the opposite persuasion! A Jew, a twig on the stem that God everyday requires to praise its own liberation from Egypt and that today in most states of the Old World bends under the yoke of servitude and cries to God, has undertaken to defend slavery as a completely blameless institution sanctioned by God and to accuse those who do not believe this of fanaticism!⁴⁹

Any Jew should know better, Einhorn asserted, and Raphall was demeaning Judaism and distorting God's word. Most of the rest of Einhorn's argument was a clear analysis of the text of Genesis that refuted Raphall's interpretation. This refutation deserves discussion. Raphall's argument angered Einhorn. The argument was not only factually and morally wrong; it was, to his mind, disgracefully wrong, and wrong in a way that any literate and morally decent Jew should have known to avoid. Einhorn continued this disapprobation through an ironic use of hyperbolic politeness in references to the "honorable speaker" and the "pious speaker" in the text that would follow.⁵⁰

For part of his refutation, Einhorn showed that there was no mention of slavery before the flood. (Like Gottheil, Einhorn followed Raphall's outline, but loosely and without listing its sections). He conceded that the curse on Canaan (Genesis 9: 23–24) indeed made Canaan "a servant of servants" (*eved avadim*) to his brothers; however, this was not prophecy but an outraged Noah speaking in the heat of anger, Einhorn said.⁵¹ Einhorn found it "most interesting" that "the great theologian" Raphall identified Canaan with sub-Saharan Africans. Einhorn supposed that Egyptians were the heirs of Canaan, so that Noah, "who produced wine but not cotton," could not have condemned Africans from farther south to slavery.⁵² Einhorn's contentions, like Raphall's, rested on unquestioned use of scripture, but Einhorn made a few heuristic moves that Raphall did not. Einhorn used modern scholarly sources to distinguish Egypt from sub-Saharan Africa, and he invoked a notion of historical progress to dismiss claims that whatever ancient Israelites formerly did must still be right. Progress meant not just that things improve; it also meant that what once existed now had no right to continue. More important, Einhorn cited scripture to weaken a quietist use of scripture.

Einhorn then turned to Raphall's explication of the Ten Commandments, in which he inferred a legal sanction for slavery from the injunction against Sabbath labor for "thy manservant" and "thy maidservant" (*avadekha, amatekha*) (Exodus 20:10; Deuteronomy 5:14). It seemed absurdly wrong to draw that conclusion, Einhorn asserted, since a subsequent commandment (Exodus 20:14) told the Israelites not to covet "thy neighbor's wife, nor his manservant, nor his ox, nor his ass." Because the same verb applied to a wife, who is surely not property, as to an ox or an ass that of course are, it was impermissible to define servants as property. Einhorn was pedantically angry because, in the

same city and on the same day that a “Jewish clergyman” justified slavery with the Ten Commandments, a Christian preacher explained that Jews treated slaves as human beings with legal rights while Romans regarded slaves as mere property.⁵³ Raphall, he charged, was wrong, and at the same time was making Judaism look bad.

Einhorn also dismissed Raphall’s argument from precedent. He conceded that Raphall could certainly find patriarchs who held slaves—Abraham, for example. The proper question, however, was not whether “the Bible considered the institution of slavery as existing as a legal fact.... It is solely a question of deciding whether scripture treats this institution as an unavoidable evil that it merely *tolerates* [Einhorn’s emphasis] and therefore seeks to mitigate in a spirit tending toward eventual abolition or whether it *approves, permits, in moral regard* justifies and sanctions.”⁵⁴ The correct answer, he insisted, was that one could no more justify slavery on biblical precedent than one could defend bigamy because Abraham had two wives. Before Einhorn concluded this part of his argument, he had damned Raphall for unintentionally helping “rationalists” dismiss Torah as archaic and actually harmful and labeled Raphall a “heretic” (German: *Ketzer*)!⁵⁵

Einhorn next attacked Raphall’s moral logic. Raphall, no doubt trying to soften the sentence of hereditary servitude, had claimed that Jewish law required treating slaves as persons: “How lovely, how apposite these words, were it not the case that everything, everything that we have learned from Herr Raphall up to this point stands in the sharpest contradiction!”⁵⁶ Had Raphall really searched the word of God, Einhorn assures us, he would have gone back to the account of creation and noted that “God created man in his own likeness. This blessing of God has higher standing” than the flood and Noah’s curse.⁵⁷ Einhorn’s case now became explicitly what it had been implicitly from the start: a massive indictment of another Jew who abused the Judaic tradition by citing it for “regressive” purposes when it so easily lent itself to a “progressive” reading.

At times, the first three parts of Einhorn’s sermon seem like the traditional biblical commentary (*parshanut*) that he learned in the yeshiva, adjusted, to be sure, by a notion that even early Jewish history moved from good to better. In this conclusion, it was evident that (as he averred in his 1847 entrance sermon at Schwerin) “word and deed” must come together. The word of scripture was progressive and supported progressive deeds. Political citizenship was enabled, not inhibited, by Judaism. Einhorn’s detestation of Raphall was continually evident because Raphall threatened everything Einhorn cared about, notably, the emancipation of Jews as progressive citizens. In Einhorn’s terms, Raphall really was a “heretic.”

After concluding his detailed critique of Raphall’s case about halfway through the sermon, Einhorn turned to more general topics. He warned that “storm clouds” now “conceal the future of our dear land.” Only at so critical

a moment would he have presumed to “have stated so outspokenly ... my convictions about what Moses teaches about slavery”.⁵⁸ Here he struck the same apologetic note that Raphall and Gottheil struck when they addressed this matter in their synagogues. Einhorn, however, assumed more of a critical distance than they had and used his apology to state his defiance:

For sufficient reason, the Jew is everywhere conservative, and he is very naturally that way ... in a country that materially and spiritually guarantees everything that he can wish for. He wants peace at any price.⁵⁹

Cautious Jews might deplore his candor, and he could not fault Jewish caution. The real danger was “that the holiness of our teaching” would be dragged “into the fray” and thus compromised. Mindful as ever of the risk of seeming too secular to some Jews and too Jewish to some gentiles, and genuinely desiring to make the world a better place, Einhorn insisted that rejecting Raphall’s advice and supporting the American Union by opposing slavery were the truly Jewish things to do:

The spotless morality of Mosaic principles have been our pride and our fame and our defense for millennia. We cannot surrender this weapon without pushing a mighty sword into the hands of our enemies. We must never let ourselves be despoiled of this fame, the only one we have. This would be conscienceless, the greatest triumph of our enemies, and our certain ruination. ... Wouldn’t one then be completely justified in saying, as in fact has been said since the preceding affair, ‘That’s the way the Jews are. There, where they are the oppressed, they cannot say too much about the humaneness of their religion. But there they are free, their clergy proclaim through appeal to the celebrated act of revelation at *Sinai* that slavery is a sacred institution.’⁶⁰

Einhorn’s plea was cogent and apposite. To eschew political advocacy in the synagogue, he reflagged political advocacy as moral advocacy. There was no slyness in this, because Einhorn understood that the two were indistinguishable: Jews as Jews must accept and proclaim that the Jewish law does not condone, much less approve, chattel slavery. Confusion on this point invited trouble from “enemies.” Einhorn was at his sarcastic best in imaging the reproaches for hypocrisy that Raphall’s pleading invited.

This argument no doubt came easily to Einhorn, who was good at imagining what Christian judaeophobes would say and surely felt that their reproaches would be deserved if more Jews felt as Raphall did. He described these as American, rather than specifically Jewish, dangers. This was appropriate in the concluding section of his sermon, where Einhorn connected America with universal values and portrayed it as the culmination of history. America was a “work of immortal fame” supported by a “pillar of the inherent equality of all human beings.” It was, in fact, an “Eden,” which meant that it, too, could be

lost through human weakness and error. Einhorn therefore cautioned against becoming “fat and saucy (*fett und feist*) and focusing too narrowly on material success.”⁶¹ We deeply misunderstand Einhorn, and the larger Reform Jewish project that he represented, if we doubt that he believed profoundly that history was inspired by God and morally progressive and that Judaism, rightly understood, was the most progressive of religious traditions. That meant that Judaism could, in a critical situation such as the present, supply the right words to enable the right deeds.

Accordingly, Einhorn warned against “pretended religion” (*Scheinreligion*): “Humanity becomes an empty phrase when it ceases to be filled with divinity.” “Justice” itself was hobbled if it could not “find its balance in divine universal justice.” Human affairs, he continued, are run by “unbridled passions” and “animal wildness” unless controlled by “God’s hand.”⁶² Thus, religion in general and Reform Judaism in particular were evidently indispensable in the present crisis. They promised and provided “reason illuminated by God” (*gotterleuchtete Vernunft*), which was the true “President of the United States” and which continually “made peace among body, understanding, heart, and imagination.” By contrast, “reason torn asunder from God is a rebel and stokes rather than extinguishes the flame of division.”⁶³ These statements are both highly rhetorical and highly revealing: Einhorn allowed no clear division between religion and morality or between morality and politics.

Einhorn took an exceptionalist view of American history. Democracy failed in France, he insisted, because it was vested only in the people. America, he insisted, possessed a Franklin rather than a Voltaire. That meant that public affairs could be conducted under God’s guidance and on the “basis of pure morality.” Thus, Einhorn explained the then-present crisis as the result of moral decay: “There are enough churches and synagogues and temples, but there is little religion, little morality. Or is it erroneous to insist that demoralization has seized all public life?”⁶⁴ This meant that it was necessary, and not merely permissible, for him to address these matters before his congregation. Einhorn went beyond his refutation of Raphall’s arguments to urge particular policies. Since “God created man in his own likeness,” the institution of slavery was wrong, and its expansion to new territories was impermissible. Condoning the evil of slavery was morally corrupting and, so, led to a moral depletion that brought further political error in its train.

These prospects were less dismal than they seemed, however, because the crisis was actually a time of rebirth for America at large and for Jews in particular. Einhorn concluded his remarks, somewhat mysteriously, by citing a *midrash* on Genesis 14:13, in which an escaped slave tells Abraham of the captivity of his brother Lot. In the *midrash* the escaped slave was really the guardian angel Michael, who was both countering the rebel angel Samael and ensuring Israel’s future.⁶⁵ Einhorn used this bit of rabbinic lore to associate fugitive slaves with

divine warnings and morally renewed Jews with America's redemption. There is no way of telling whether his congregants and readers appreciated this allusion from their voluble rabbi, but it was surely appropriate, and not just because it allowed Einhorn to display erudition during a crisis. Rather, it let him signify that irreducible Jewish particularity was an active agent of universal, and moral, progress.

Notes

**"The Debate on Slavery: David Einhorn and the Jewish Political Turn"* is the last manuscript that Robert Fairbairn Southard completed before he died on November 6, 2007, of sudden cardiac arrest. Dr. Southard, Professor of History and Jewish Studies at Earlham College, was teaching a research course that he called "Words and Deeds" at the Newberry Library in Chicago through the Great Lakes Colleges Association/Associated Colleges of the Midwest while on sabbatical from Earlham College.

The power of words to affect political action had always been Bob's concern from Teaneck High School to his studies at Columbia College, New York, where he received his B.A. in history in 1966 and his Ph.D. from the University of Chicago in 1974. He was deeply influenced by questions implied by European Jewish intellectuals who had emigrated around World War II and he was part of the generation that questioned the Vietnam War. He studied with Peter Gay, Fritz Stern, Leonard Krieger, Emile Karafiol, and was graduate assistant at the University of Chicago to William H. McNeill, whose approach gave him a global perspective. I might have had an influence, too, as part of an immigrant family—his in-laws were European Jews and Holocaust survivors.

His doctoral dissertation on the rise of the Prussian School of History and the German unification movement of 1848 dealt with the historiographical and religious undertones that shaped the thoughts and actions of Johann Gustav Droysen and his colleagues, Duncker, Sybel, and Haym. Bob showed how their conviction about God working through history was formed. He developed these ideas in "Theology in Droysen's Early Political Historiography: Free Will, Necessity, and the Historian," *History and Theory* (XVIII, no. 3, 1979) and in *Droysen and the Prussian School of History* (University Press of Kentucky, 1995).

Bob taught at Earlham College for thirty-seven years. From the 1970s he was the advisor to the Jewish students and taught courses on Jewish history and the Holocaust. In the early 1990s, he completed four years of post-graduate work at Hebrew Union College—Jewish Institute of Religion (HUC-JIR) in Cincinnati, while teaching full-time. We celebrated his conversion to Judaism and his bar mitzvah between those of our two sons. At HUC, he studied ancient languages, Hebrew, and Yiddish, and taught Yiddish language and jokes to Earlham students.

It was not such a great jump from German to Jewish history. Bob gave papers at Jewish Studies conferences on such topics as Theodor Mommsen, Treitschke and antisemitism, Kaufmann Kohler, Heinrich Graetz, Emil Hirsch, and David Einhorn. He published on Jewish thinkers, among them Kohler (Platforms and Prayer Books, ed. Dana Evan Kaplan, 2002).

This paper was part of a larger topic on how Reform rabbis (including rabbis Felsenthal, Kohler, and Hirsch of Temple Sinai in Chicago) redefined the role of rabbi into public intellectual and advocate for social justice. "This redefinition is in marked contrast to the traditional rule of *dina de malkhuta dina*. I see in this a case in point of the special character of emancipation American-style," he wrote. Attending services at Sinai in Chicago was doing research, I reminded him. We did not know then that our sons and I would be saying kaddish for him there so soon.

The last version of this paper is dated October 31, 2007. Bob was scheduled to present the paper at the Newberry Library Fellows' seminar on November 26. With the support of the Newberry Library's director of research, Dr. James Grossman, and in the presence of nearly forty students, Newberry and GLCA/ACM staff, former students and his University of Chicago faculty advisor, we presented the paper and took suggestions and comments. I incorporated the few editorial suggestions made and am grateful especially to Drs. James Grossman, Emile Karafiol, Alice Fahs, Shannon Dawdy, Denver Brunzman, Janet Johnson, Giuseppe Gerbino, and Osvaldo Pardo.

During his sabbatical year from Earlham, Bob had intended to complete the project with trips to HUC in Cincinnati, and complete his and my joint research project on “Museums and Sites of Memory in the Baltic Countries,” a project about divided memory that I must now complete alone. I am deeply grateful to Rabbi Gary Zola and Dr. Dana Herman for their encouragement and enthusiasm in bringing Bob’s article on the debate on slavery, Reform rabbis, and political action to light.

—Edna Kantorovitz Carter Southard

¹The translation is from the Jerusalem *Tanakh: The Holy Scriptures* (Jerusalem: Koren, 1998), 147.

²Kaufmann Kohler, ed., *Dr. David Einhorn’s Ausgewählte Predigten und Reden* (New York: Steiger, 1880), 5. All translations are mine unless otherwise specified.

³*Ibid.*, 6.

⁴See Robert Southard, *Droysen and the Prussian School of History* (Lexington: Kentucky, 1995), 33–38.

⁵Bernhard Felsenthal, *Kol Kore Bamidbar. Ueber jüdische reform* (Chicago, 1859), reprinted in Dr. B. Felsenthal, *The Beginnings of the Chicago Sinai Congregation* (Chicago, 1898), 48.

⁶David Einhorn, “Antrittspredigt gehalten am 4. September 1847 in der Synagoge zu Schwerin,” in K. Kohler., ed., 8–9.

⁷*Ibid.*, 10. Because these passages are important and hard to locate even in the original, I have quoted at some length.

⁸“David Einhorn’s “Antrittspredigt gehalten am 27. September 1855 im Tempel des Har-Sinai-Vereins zu Baltimore,” in Kaufmann Kohler, ed., 41–43.

⁹This is how the book is usually referred to in modern scholarship, though “Olat Tamid” is actually a superscription in Hebrew characters above the printed German title. To find the text, look for David Einhorn, *Gebetbuch für israelitisch Reformgemeinden* (Baltimore: Schneidereith, 1858).

¹⁰Kohler, *Einhorns Predigten*, 22.

¹¹Michael A. Meyer, *Response to Modernity: A History of the Reform Movement in Judaism* (Oxford and New York: Oxford University Press, 1988), 246.

¹²See Bertram Korn, *American Jewry and the Civil War* (New York: Atheneum, 1970), 20–21.

¹³A Jewish family in Rome, the Mortaras had their six-year-old son seized by the papal guard in 1858 because the family’s Catholic nurse had him secretly baptized during an illness when he was an infant, and canon law forbade Jews to raise a baptized person. The child was never returned to his family. See Jonathan D. Sarna, *American Judaism: A History* (New Haven: Yale University Press, 2004), 110–111; and n.22 below.

¹⁴See Jonathan Frankel, *The Damascus Affair. ‘Ritual Murder,’ Politics, and the Jews in 1840* (Cambridge and New York: Cambridge University Press, 1997), 109–147, 233–258, 311–329.

¹⁵First initialed by Millard Fillmore in 1851, the American Swiss Commercial Treaty was still under discussion during the Buchanan administration in 1857.

¹⁶For a brief account and a full text of the Jewish note to President Tyler, see Jonathan D. Sarna and David G. Dalin, *Religion and State in the American Jewish Experience* (South Bend, IN: University of Notre Dame Press, 1997), 126–129; Lance Sussman, *Isaac Leeser and the Making of American Judaism* (Detroit: Wayne State University Press, 1995), 212–213.

¹⁷Emma Felsenthal, *Bernhard Felsenthal: Teacher in Israel* (London and New York: Oxford University Press, 1924), 23–25.

¹⁸*Ibid.*, 22–23.

¹⁹Alan Silverstein, *Alternatives to Assimilation. The Response of Reform Judaism to American Culture 1840–1930* (Hanover, NH: University Presses of New England, 1994), 43–45.

²⁰Meyer, *Response to Modernity*, 243–245.

²¹*Ibid.*, 216.

²²See Korn, *American Jewry and the Civil War*, 10–11; idem., *The American Reaction to the Mortara Case, 1858–1859* (Cincinnati: American Jewish Archives, 1957), 109–110. For a very readable and comprehensive account of the affair, read David L. Kertzer, *The Edgardo Mortara Affair* (New York: Vintage, 1998).

²³Morris J. Raphall, *The Bible View of Slavery* (New York: Rudd & Carleton, 1861), i.

²⁴For two striking cases in point, see: Anon., *The South Vindicated from the Treason and Fanaticism of Northern Abolitionists* (Philadelphia: Manly, 1836), xiii–xiv; and Rev. Josiah Priest, *Bible Defence of Slavery to which is added a faithful Exposition of that System of Pseudo Philanthropy, or Fanaticism yclept Modern Abolitionism* (Glasgow, KY: Brown, 1851), vi. For more on abolitionist antisemitism, see Louis Ruchames, “The Abolitionists and the Jews: Some Further Thoughts,” in *A Bicentennial Festschrift for Jacob Rader Marcus*, ed. Bertram Wallace Korn (Waltham, MA and New York: American Jewish Historical Society and Ktav, 1976), 505–515.

²⁵Raphall, *The Bible View* 15; for a different view, see Jonathan D. Sarna, *American Judaism: A History* (New Haven: Yale University Press, 2004), 112.

²⁶See David M. Goldenberg, *The Curse of Ham. Race and Slavery in Early Judaism, Christianity, and Islam* (Princeton and New York: Princeton University Press, 2005).

²⁷Raphall, *The Bible View*, 2–4.

²⁸Ibid., 28–29.

²⁹Ibid., 29.

³⁰Ibid., 33, 38–39.

³¹Ibid., 30.

³²Ibid., 39.

³³Ibid., 40–41.

³⁴Morris J. Raphall, *Jewish Dogma. A Correspondence between Dr. Raphall, M.A. Preacher at the Hebrew National School in Birmingham and C.N. Newdegate, M.P.* (London: Seeleys, 1849), esp. 2–22.

³⁵Morris J. Raphall, *Post-Biblical History of the Jews from the Close of the Old Testament, about the year 420 B.C.E., till the Destruction of the Second Temple in the Year 70 C.E.*, 2nd ed., 2 vols. (Philadelphia, 1855), I:11.

³⁶Robert Rosen, “Jewish Confederates,” in *Jewish Roots in Southern Soil*, ed. Marcie Cohen and Mark L. Greenberg (Hanover NH: University Presses of New England, 2006), 125; Sussman, *Isaac Leeser*, 221.

³⁷Sefton D. Temkin, *Creating Reform Judaism. The Life and Times of Isaac Mayer Wise* (London and Portland, OR: Littman, 1998), 176–178.

³⁸Sussman, *Isaac Leeser*, 222–223.

³⁹Moses Mielziner, *The Institution of Slavery among the Ancient Hebrews* (Cincinnati: Bloch, 1894), 1–2. It was published in German in Copenhagen and Leipzig as *Die Verhältnisse der Sklaven bei den alten Hebräern, nach biblischen und talmudischen Quellen dargestellt*.

⁴⁰Kerry M. Olitzky, Lance J. Sussman, and Malcolm H. Stern, eds., *Reform Judaism in America. A Biographical Dictionary and Sourcebook* (Westport, CT: Greenwood, 1993), 146–148.

⁴¹Korn, *American Jewry and the Civil War*, 18–19. See Gustav Gottheil, *Moses versus Slavery: Being Two Discourses on the Slave Question* (Manchester: John Heywood, 1861); and E.M.F. Mielziner, *Moses Mielziner 1823–1903*. See generally, Richard Gottheil, *The Life of Gustav Gottheil: Memoir of a Priest in Israel* (Williamsport, PA: Bayard Press, 1936).

⁴²Gottheil, *Moses versus Slavery*, 3–4.

⁴³Ibid., 4.

⁴⁴Ibid., 5.

⁴⁵Ibid., 6.

⁴⁶Ibid., 7.

⁴⁷Ibid., 23.

⁴⁸It is well to remember that most of the evidence for this story is autobiographical. The best composite source was written by his grandson Max Kohler. See Max Kohler, "The Jews and the American Anti-Slavery Movement," *Publications of the American Jewish Historical Society* 5 (1897): 137–155.

⁴⁹David Einhorn, *Sinai* VI (1861): 3. This and the following excerpts are my translations.

⁵⁰Ibid., 4.

⁵¹Ibid., 5–6.

⁵²Ibid., 6–7.

⁵³Ibid., 9–10.

⁵⁴Ibid., 11.

⁵⁵Ibid., 11–13.

⁵⁶Ibid., 13–14.

⁵⁷Ibid., 16.

⁵⁸Ibid., 33.

⁵⁹Ibid.

⁶⁰Ibid.

⁶¹Ibid., 26–27, 30.

⁶²Ibid., 27–28.

⁶³Ibid., 28. These statements are highly rhetorical and highly revealing: Einhorn collapses any clear division.

⁶⁴Ibid., 29.

⁶⁵Ibid., 31.