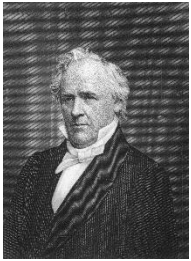
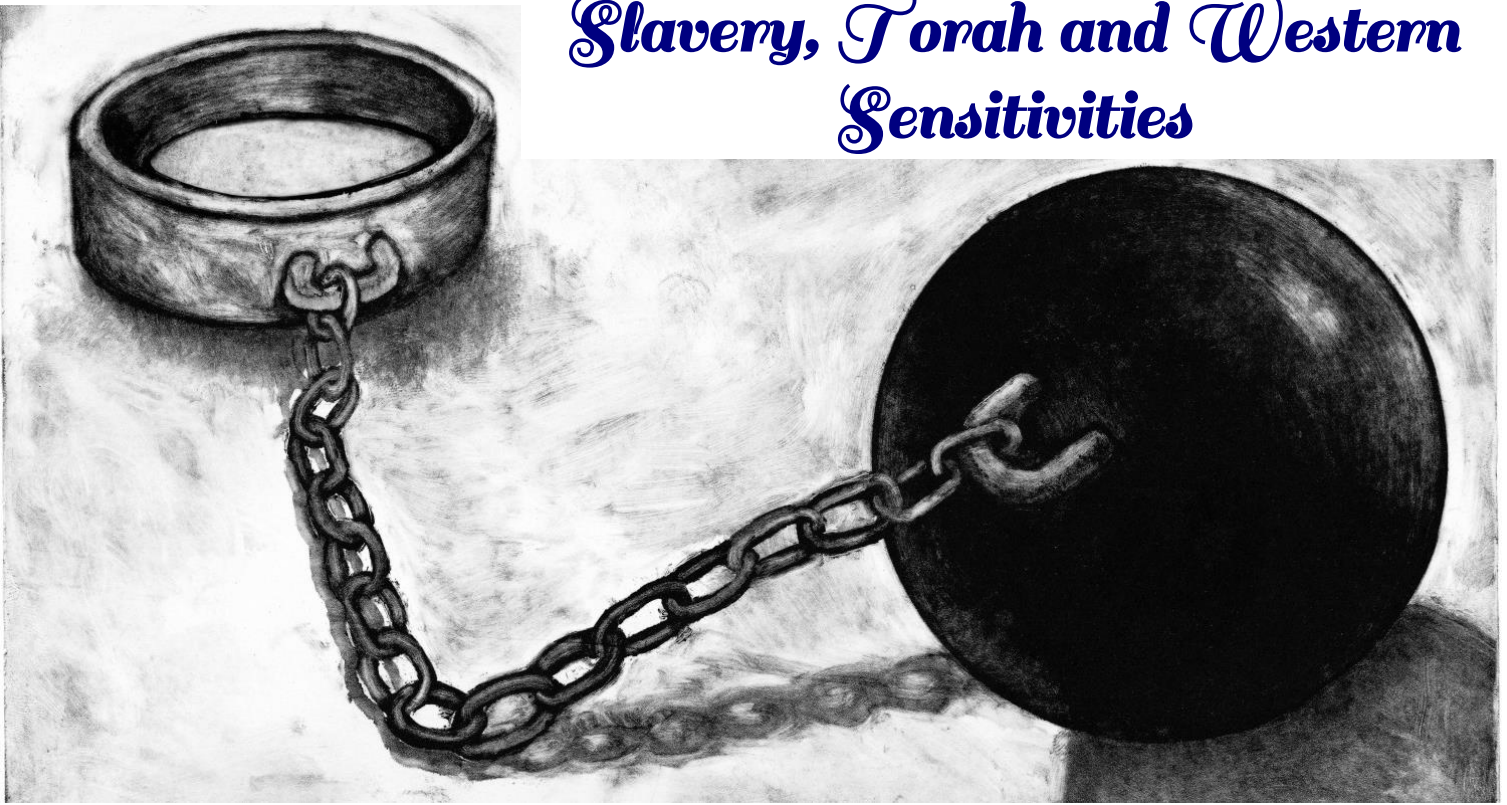


Slavery, Torah and Western Sensitivities



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 assemble on that day, according to their several forms of worship, to keep it as a solemn Fast.

The Union of the States is at the present moment threatened with alarming and immediate danger; panic and distress of a fearful character prevails throughout the land; our laboring population are without employment, and consequently deprived of the means of earning their bread. Indeed, hope seems to have deserted the minds of men. All classes are in a state of confusion and dismay, and the wisest counsels of our best and purest men are wholly disregarded. In this the hour of our calamity and peril, to whom shall we resort for relief but to the God of our fathers? His omnipotent arm only can save us from the awful effects of our own crimes and follies -- our own ingratitude and guilt towards our Heavenly Father.

Let us, then, with deep contrition and penitent sorrow, unite in humbling ourselves before the Most High, in confessing our individual and national sins, and in acknowledging the injustice of our punishment. Let us implore Him to remove from our hearts that false pride of opinion which would impel us to persevere in wrong for the sake of consistency, rather than yield a just submission to the unforeseen exigencies by which we are now surrounded. Let us with deep reverence beseech him to restore the friendship and good will which prevailed in former days among the people of the several States; and, above all, to save us from the horrors of civil war and "blood-guiltiness." Let our fervent prayers ascend to His Throne that He would not desert us in this hour of extreme peril, but remember us as he did our fathers in the darkest days of the revolution; and preserve our Constitution and our Union, the work of their hands, for ages yet to come. An Omnipotent Providence may overrule existing evils for permanent good. He can make the wrath of man to praise Him, and the remainder of wrath he can restrain. -- Let me invoke every individual, in whatever sphere of life he may be placed, to feel a personal responsibility to God and his country for keeping this day holy, and for contributing all in his power to remove our actual and impending calamities.

James Buchanan.
Washington, Dec. 14, 1860.

The Wars of the Lord

By Rabbi Bernard Illowy (1814-1875).

Fast Day Sermon

at Baltimore, Jan. 4, 1861

This sermon, given at "National Fast Day" services at the Lloyd Street synagogue in Baltimore, proved so popular among the Jewish secessionists that Rabbi Illowy was invited to become the spiritual leader of Congregation Shaarei Hessed in New Orleans.



But who, for example, can blame our brethren of the South for their being inclined to secede from a society, under whose government those ends cannot be attained, and whose union is kept together, not by the good sense and good feelings of the great masses of the people, but by an ill-regulated balance of power and heavy iron ties of violence and arbitrary force? Who can blame our brethren of the South for seceding from a society whose government can not, or will not, protect the property rights and privileges of a great portion of the Union against the encroachments of a majority misguided by some influential, ambitious aspirants and selfish politicians who, under the color of religion and the disguise of philanthropy, have thrown the country into a general state of confusion, and millions into want and poverty? **If these magnanimous philanthropists do not pretend to be more philanthropic than Moses was, let me ask them, "Why did not Moses, who, as it is to be seen from his code, was not in favor of**

slavery, command the judges in Israel to interfere with the institutions of those nations who lived under their jurisdiction, and make their slaves free, or to take forcibly away a slave from a master as soon as he treads the free soil of their country? Why did he not, 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? Where was ever a greater philanthropist than Abraham, and why did he not set free the slaves which the king of Egypt made him a present of?"

Why did Ezra not command the Babylonian exiles who, when returning to their old country, had in their suit seven thousand three hundred and thirty-seven slaves, to set their slaves free and send them away, as well as he commanded them to send away the strange wives which they had brought along? It is an historical fact, that even the Therapeutae and Essenes, two Jewish sects, who with a kind of religious frenzy, placed their whole felicity in the contemplation of the divine nature, detaching themselves from all secular affairs, entrusted to their slaves the management of their property.

All these are irrefutable proofs that we have no right to exercise violence against the institutions of other states or countries, even if religious feelings and philanthropic sentiments bit us disapprove of them. It proves furthermore, that the authors of the many dangers, which threaten our country with ruin and devastation, are not what they pretend to be, the agents of Religion and Philanthropy.

Therefore, my friends, there is only one rampart which can save our country from degradation and ruin, and shield it against all the danger arising within and threatening from without. This is, the good will, the good sense and feelings of the great mass of the people. They must have no other guide than the book of G-d and the virtues which it teaches, and make their hearts inaccessible to the pernicious influence of some individuals who exert all their efforts to mislead them, under the disguise of Religion and Philanthropy, from the TRUE PATH OF TRUE RELIGION.

The foundation of all the happiness of a country must be laid in the good conduct of the mass of the people, in their love of industry, sobriety, justice, virtue, and principally in their unfeigned religious feelings. Such virtues are the sinews and strength of a country: they are the supports of its prosperity at home and of its reputation abroad. Righteousness and justice will ever exalt a nation.

שמרו משפט ויעשו צדקה כי קרבה ישעותי לבה וצדקתי להגלות

Thus saith the Lord, "Keep ye justice and do equity, for near is my help to come, and my righteousness to be revealed." Keep justice and truth in your gates, and the merciful Father will graciously answer our prayers and save us forever and ever--*Amen*.

"A Biblical View of Slavery"

New York, Jan. 15th, 1861.

Congregation B'nai Jeshurun
New York City

R. Morris Jacob Raphall (October 3, 1798 – June 23, 1868) was a rabbi and author born at Stockholm, Sweden.



In compliance with that request, and after humbly praying that the Father of Truth and of Mercy may enlighten my mind, and direct my words for good, I am about to solicit your earnest attention, my friends, to this serious subject. My discourse will, I fear, take up more of your time than I am in the habit of exacting from you; but this is a day of penitence, and the having to listen to a long and sober discourse must be accounted as a penitential infliction.

The subject of my investigation falls into three parts: — First, How far back can we trace the existence of slavery? Secondly, Is slaveholding condemned as a sin in sacred Scripture? Thirdly, What was the condition of the slave in Biblical times, and among the Hebrews; and saying with our Father Jacob, "for Thy help, I hope, O L-rd!" I proceed to examine the question, how far back can we trace the existence of slavery?

[How far back can we trace the existence of slavery?](#)

Noach and Cham

1. Bereishis 9:24-27

24 And Noah awoke from his wine, and knew what his youngest son had done unto him.
כד ויִקְוֹץ נֹחַ, מִיַּיְנוֹ; וַיֵּדַע, אֶת אֲשֶׁר-עָשָׂה לוֹ בְּנוֹ הַקָּטָן.

25 And he said: Cursed be Canaan; a servant of servants shall he be unto his brethren.
כה וַיֹּאמֶר, אֶרְוֹר כְּנָעַן: עֶבֶד עֲבָדִים, יִהְיֶה לְאֶחָיו.

26 And he said: Blessed be the LORD, the God of Shem; and let Canaan be their servant.
כו וַיֹּאמֶר, בְּרוּךְ יְהוָה אֱלֹהֵי שֵׁם; וַיְהִי כְנָעַן, עֶבֶד לָמוֹ.

27 God enlarge Japheth, and he shall dwell in the tents of Shem; and let Canaan be their servant.
כז וַיִּבָּרַךְ אֱלֹהִים לְיַפֶּת, וַיֵּשְׁבֶן בְּאֶהֱלֵי-שֵׁם; וַיְהִי כְנָעַן, עֶבֶד לָמוֹ.

It therefore becomes evident that Noah's acquaintance with the word slave and the nature of slavery must date from before the Flood, and existed in his memory only until the crime of Ham called it forth. You and I may regret that in his anger Noah should from beneath the

waters of wrath again have fished up the idea and practice of slavery; but that he did so is a fact which rests on the authority of Scripture.

Cursed nationalities

Among the many prophecies contained in the Bible and having reference to particular times, persons, and events, there are three singular predictions referring to three distinct races or peoples, which seem to be intended for all times, and accordingly remain in full force to this day. The first of these is the doom of Ham's descendants, the African race, pronounced upwards of 4,000 years ago. The second is the character of the descendants of Ishmael, the Arabs, pronounced nearly 4,000 years ago; and the third and last is the promise of continued and indestructible nationality promised to us, Israelites, full 2500 years ago. It has been said that the knowledge that a particular prophecy exists, helped to work out its fulfillment, and I am quite willing to allow that with us, Israelites, such is the fact. The knowledge we have of G-d's gracious promises renders us imperishable, even though the greatest and most powerful nations of the olden time have utterly perished. It may be doubted whether the fanatic Arab of the desert ever heard of the prophecy that he is to be a "wild man, his hand against every man, and every man's hand against him." But you and I, and all men of ordinary education, know that this prediction at all times has been, and is now, literally fulfilled, and that it has never been interrupted. Not even when the followers of Mahomet rushed forth to spread his doctrines, the Koran in one hand and the sword in the other, and when Arab conquest rendered the fairest portion of the Old World subject to the empire of their Caliph, did the descendants of Ishmael renounce their characteristics. Even the boasted civilization of the present century, and frequent intercourse with Western travellers, still leave the Arab a wild man, "his hand against everybody, and every man's hand against him," a most convincing and durable proof that the Word of G-d is true, and that the prophecies of the Bible were dictated by the Spirit of the Most High. But though, in the case of the Arab, it is barely possible that he may be acquainted with the prediction made to Hagar, yet we may be sure that the fetish-serving benighted African has no knowledge of Noah's prediction; which, however, is nowhere more fully or more atrociously carried out than in the native home of the African. Witness the horrid fact, that the King of Dahomey is, at this very time, filling a large and deep trench with human blood, sufficient to float a good-sized boat; that the victims are innocent men, murdered to satisfy some freak of what he calls his religion; and that this monstrous and most fiendish act has met with no opposition, either from the pious indignation of Great Britain, or from the zealous humanity of our country.

[Is slaveholding condemned as a sin in sacred Scripture?](#)

The Ten Commandments

2. Shmos 20:9

ט ויום, השביעי--שבת, ליהוה 9 but the seventh day is a sabbath unto the LORD thy God, in it
אלהיך: לא-תעשה כל-מלאכה אתה thou shalt not do any manner of work, thou, nor thy son, nor thy
ובתך, עבדך ופדוה, ובהמתך, daughter, nor thy man-servant, nor thy maid-servant, nor thy cattle,
וגרך, אשר בשעריך. nor thy stranger that is within thy gates;

3. Shmos 20:13

13 Thou shalt not covet thy neighbour's house; {S} thou shalt not covet thy neighbour's wife, nor his man-servant, nor his maid-servant, nor his ox, nor his ass, nor any thing that is thy neighbour's. {P}

יג לא תחמד, בית רֵעֶךָ; {ס} לא-
 תחמד אִשְׁתֵּי רֵעֶךָ, וְעַבְדוֹ וְאִמְתּוֹ וְשׂוֹרוֹ
 וְחֲמֹרוֹ, וְכֹל, אֲשֶׁר לְרֵעֶךָ. {פ}

Last Sunday an eminent preacher is reported to have declared from the pulpit, "The Old Testament requirements served their purpose during the physical and social development of mankind, and were rendered no longer necessary now when we were to be guided by the superior doctrines of the New in the moral instruction of the race." I had always thought that in the "moral instruction of the race," the requirements of Jewish Scriptures and Christian Scriptures were identically the same; that to abstain from murder, theft, adultery, that "to do justice, to love mercy, and to walk humbly with G-d," were "requirements" equally imperative in the one course of instruction as in the other. But it appears I was mistaken. "We have altered all that now," says this eminent divine, in happy imitation of Molière's physician, whose new theory removed the heart from the left side of the human body to the right.

...

That the Ten Commandments are the word of G-d, and as such, of the very highest authority, is acknowledged by Christians as well as by Jews. I would therefore ask the reverend gentleman of Brooklyn and his compeers—How dare you, in the face of the sanction and protection afforded to slave property in the Ten Commandments—how dare you denounce slaveholding as a sin?

What was the condition of the slave in Biblical times and among the Hebrews.

Eved Ivri

Ways to Become a Slave

Poverty

4. Vayikra 25:39

39 And if thy brother be waxen poor with thee, and sell himself unto thee, thou shalt not make him to serve as a bondservant.

לט וכי-ימוך אחיך עִמָּךְ, וַיִּמְכַר-
 לָךְ--לא-תַעֲבֹד בוֹ, עַבְדֵּי עָבָד.

Theft and Poverty

5. Shmos 22:2

2 If the sun be risen upon him, there shall be bloodguiltiness for him--he shall make restitution; if he have nothing, then he shall be sold for his theft.

ב אם-זָרַח הַשֶּׁמֶשׁ עָלָיו, דָּמִים
 לוֹ: שְׁלֵם יִשְׁלַם--אם-אֵין לוֹ,
 וַיִּמְכַר בְּגִבְתּוֹ. be sold for his theft.

Time Frame

Only 6 years

6. Shmos 21:2

ב כי תקנה עֶבֶד עִבְרִי, שֵׁשׁ שָׁנִים יַעֲבֹד; 2 If thou buy a Hebrew servant, six years he shall serve;
 וּבִשְׁבַעַת--יֵצֵא לְחֵפְשִׁי, חֵנָם. and in the seventh he shall go out free for nothing.

Limitations of Usage

7. Vayikra 25:42-43

מב כִּי-עֲבָדֵי הֵם, אֲשֶׁר-הוֹצֵאתִי אֹתָם מֵאֶרֶץ מִצְרָיִם; לֹא יִמָּכְרוּ, מִמִּכְרַת עֶבֶד. 42 For they are My servants, whom I brought forth out of the land of Egypt; they shall not be sold as bondmen.

מג לֹא-תִרְדֶּה בוֹ, בְּפֶרֶךְ; וְיִרְאתָ, מֵאֱלֹהֶיךָ. 43 Thou shalt not rule over him with rigour; but shalt fear thy God.

Therefore it is not for him or his that the Ten Commandments stipulated for rest on the Sabbath of the L-rd; for his employer could not compel him to work on that day; and if he did work of his own accord, he became guilty of death, like any other Sabbath-breaker. Neither does the prohibition, "thou shalt not covet the property of thy neighbor," apply to him, for he was not the property of his employer. **In fact, between the Hebrew bondman and the Southern slave there is no point of resemblance.**

Eved Canaani

Being Property

8. Vayikra 25:44-46

מד וְעַבְדֶּיךָ וְאִמְתֶּיךָ, אֲשֶׁר יְהִיוּ-לְךָ: מֵאֵת הַגּוֹיִם, אֲשֶׁר סְבִיבֹתֶיכֶם--מֵהֶם תִּקְנֶנּוּ, עֶבֶד וְאִמָּה. 44 And as for thy bondmen, and thy bondmaids, whom thou mayest have: of the nations that are round about you, of them shall ye buy bondmen and bondmaids.

מה וְגַם מִבְּנֵי הַתּוֹשָׁבִים הַגֵּרִים עִמָּכֶם, מֵהֶם תִּקְנֶנּוּ, וּמִמִּשְׁפַּחְתָּם אֲשֶׁר עִמָּכֶם, אֲשֶׁר הוֹלִידוּ בְּאֶרֶצְכֶם; וְהָיוּ לָכֶם, לְאִחְזָה. 45 Moreover of the children of the strangers that do sojourn among you, of them may ye buy, and of their families that are with you, which they have begotten in your land; and they may be your possession.

מו וְהִתְנַחַלְתֶּם אֹתָם לְבָנֵיכֶם אַחֲרֵיכֶם, לְרֵשֶׁת אִחְזָה--לְעֹלָם, בְּהֵם תַּעֲבֹדוּ; וּבְאַחֲיֵיכֶם בְּנֵי-יִשְׂרָאֵל אִישׁ בְּאָחִיו, לֹא-תִרְדֶּה בוֹ בְּפֶרֶךְ. {ס} 46 And ye may make them an inheritance for your children after you, to hold for a possession: of them may ye take your bondmen for ever; but over your brethren the children of Israel ye shall not rule, one over another, with rigour. {S}

Over these heathen slaves the owner's property was absolute; he could put them to hard labor, to the utmost extent of their physical strength; he could inflict on them any degree of chastisement short of injury to life and limb. If his heathen slave ran away or strayed from home, every Israelite was bound to bring or send him back, as he would have to do with any other portion of his neighbor's property that had been lost or strayed. (Deut. xxii. 3.)

Limitations of Treatment

No sexual control

9. Devarim 21:14

יד וְהָיָה אִם-לֹא חָפְצָת בָּהּ, וְשָׁלַחְתָּהּ לְנַפְשָׁהּ, וּמָכַר לֹא-תִמְכְּרָנָהּ, בְּכַסֵּף; 14 And it shall be, if thou have no delight in her, then thou shalt let her go whither she will; but thou shalt not sell her

לא-תתעמר בה, תחת אֶשֶׁר at all for money, thou shalt not deal with her as a slave,
{ס} עֲנִיתָהּ because thou hast humbled her. {S}

Penalty for Mutilation

10. Shmos 21:26

כּוּ וְכִי-יִכֶּה אִישׁ אֶת-עֵינַי עֶבְדּוֹ, אוֹ-אֶת-עֵינַי 26 And if a man smite the eye of his bondman, or the eye
אֶת-עֵינַי וְשִׁחַתָּהּ: לְחַפְּשֵׁי יִשְׁלַחֲנֹהּ, תַּחַת of his bondwoman, and destroy it, he shall let him go
עֵינָיו. free for his eye's sake.

And while thus two of the worst passions of human nature, lust and cruelty, were kept under due restraint, the third bad passion, cupidity, was not permitted free scope; for the law of G-d secured to the slave his Sabbaths and days of rest; while public opinion, which in a country so densely peopled as Palestine must have been all-powerful, would not allow any slave-owner to impose heavier tasks on his slaves, or to feed them worse than his neighbors did. This, indeed, is the great distinction which the Bible view of slavery derives from its divine source. The slave is a *person* in whom the dignity of human nature is to be respected; *he has rights*. Whereas, the heathen view of slavery which prevailed at Rome, and which, I am sorry to say, is adopted in the South, reduces the slave to a *thing*, and a thing can have no rights.

Fugitive Slave Law

11. Devarim 23:16-17

טוּ לֹא-תִסְגִּיר עֶבֶד, אֶל-אֲדֹנָיו, 16 Thou shalt not deliver unto his master a bondman that is
אֶשֶׁר-יִנְצַל אֵלֶיךָ, מֵעַם אֲדֹנָיו. escaped from his master unto thee;
יז עִמָּךְ יָשֵׁב בְּקִרְבְּךָ, בְּמִקוֹם אֶשֶׁר- 17 he shall dwell with thee, in the midst of thee, in the place
בָּחַר בְּאַחַד שְׁעָרֶיךָ--בְּטוֹב לוֹ; לֹא, which he shall choose within one of thy gates, where it liketh
תִּוְנָנוּ. {ס} him best; thou shalt not wrong him. {S}

Now, you may, perhaps, ask me how I can reconcile this statement with the text of Scripture so frequently quoted against the Fugitive Slave Law...

the slave who ran away from Dan to Beersheba had to be given up, even as the runaway from South Carolina has to be given up by Massachusetts; whilst the runaway from Edom, or from Syria, found an asylum in the land of Israel, as the runaway slave from Cuba or Brazil would find in New York.

Conclusion

The result to which the Bible view of slavery leads us, is—1st. That slavery has existed since the earliest time; 2d. That slaveholding is no sin, and that slave property is expressly placed under the protection of the Ten Commandments; 3d. That the slave is a person, and has rights not conflicting with the lawful exercise of the rights of his owner. **If our Northern fellow-citizens, content with following the word of G-d, would not insist on being "righteous overmuch," or denouncing "sin" which the Bible knows not, but which is plainly taught by the precepts of men—they would entertain more equity and less ill feeling towards their Southern brethren. And if our Southern fellow-citizens**

would adopt the Bible view of slavery, and discard the heathen slave code, which permits a few bad men to indulge in an abuse of power that throws a stigma and disgrace on the whole body of slaveholders—if both North and South would do what is right, then "G-d would see their works and that they turned from the evil of their ways;" and in their case, as in that of the people of Nineveh, would mercifully avert the impending evil, for with Him alone is the power to do so. Therefore let us pray.

**David Einhorn's Response to
"A Biblical View of Slavery"**

(Translated from the German, in "Sinai," Vol. VI, p. 2-22,
Baltimore, 1861, by Mrs. Kaufmann Kohler)

A Question not of anachronism but objective morality



The question around which everything revolves is not whether the South ought or may possibly have its slaves taken away, as every truly moral being would consider such an exercise of force a crime in view of its horrible consequences. Nor is it a question whether the slave-holder as such, is or is not a moral monster with whom all association must be avoided. No thoughtful person would dare to doubt that men of highly honorable character can be slaveholders, having been raised under the influence of such an institution, and finding relief in the humane treatment of their slaves. In spite of its absolute force, the

moral sense is doubtless subject to all sorts of modifications in accordance with locality, customs, youthful impressions and the times.

Abraham was a slave-owner and possessed Hagar, his bondswoman; though even today we deem him a model of morality because we look upon him from the standpoint of his time. We do not call the Turk who today practises the immoral custom of polygamy, an immoral being, as this immorality has become a traditional custom to him; whereas, if not traditional, only a degenerate would be addicted to this immoral practice.

The question simply is: Is Slavery a moral evil or not?

Dr Raphall's Argument Summary

And it took Dr. Raphall, a Jewish preacher, to concoct the deplorable farce in the name of divine authority, to proclaim the justification, the moral blamelessness of servitude, and to lay down the law to Christian preachers of opposite convictions. The Jew, a descendant of the race that offers daily praises to God for deliverance out of the house of bondage in Egypt, and even today suffers under the yoke of slavery in most places of the old world, crying out to God, undertook to designate slavery as a perfectly sinless institution, sanctioned by God I And the impudent persons who will not believe this, are met with fanatical zeal, with a sort of moral indignation (!!!).

R. Einhorn's Arguments

Creation

12. Bereishis 1:26

כו וַיֹּאמֶר אֱלֹהִים, נַעֲשֶׂה אָדָם
 בְּצַלְמֵנוּ כְּדְמוּתֵנוּ; וַיְרִדוּ בְדָגַת הַיָּם
 וּבְעוֹף הַשָּׁמַיִם, וּבַבְּהֵמָה וּבְכָל-
 הָאָרֶץ, וּבְכָל-הָרֶמֶשׂ, הֹרֶמֶשׂ עַל-
 הָאָרֶץ.

26 And God said: 'Let us make man in our image, after our likeness; and let them have dominion over the fish of the sea, and over the fowl of the air, and over the cattle, and over all the earth, and over every creeping thing that creepeth upon the earth.'

Here no mention is made of dominion over the negro, who perhaps, according to the Raphall theory, was included with the animals that crawl and creep upon the earth,—though the antediluvian existence of slaves is clearly recognized in the words of Noah: "cursed be Canaan, a servant of servants shall he be unto his brethren." (Genesis IX 25.)

Noach

The First Slave: A Human Choice

Dr. Raphall will concede, though, that God did not accord a creature under the title of slave to Adam and Eve in the very beginning, as the Bible relates nothing about it, and the Mischnah does not count such a miracle among the ten things created in the dusk of the sixth day. Some one must therefore necessarily of his own volition—whether before or after the deluge—have started to use someone else as his slave.

God created man in His image. This blessing of God ranks higher than the curse of Noah.

The First Murder: A Human Choice

Whence then, we inquire with Dr. Raphall, does this gigantic thought emanate? Recollection of it could not have aided him any more than it did the fratricide Cain who without having a precedent, committed something even more heinous.

Slavery in the Backdrop of World Anarchy

Moreover, Dr. Raphall made an awkward blunder, at least in the estimation of the intelligent portion of his auditors, in his attempt to carry slavery back to the deluge, thereby proving the very contrary of what he aimed at. Does it not appear as a very doubtful compliment to the God-sanctioned institution of slavery to attribute it—as related in Holy Scriptures—to a world filled with robbery, and which owing to its viciousness was swallowed up by the deluge?

Curse of Race

Was it Really Prophecy or Anger?

For if Noah, as a prophet, had foretold the slavery of Canaan—would it not be ridiculous, even blasphemous, to inquire: what gave Noah the idea of slavery, unless he knew of it through his own perception of it? Who is it that speaks through the prophet? God! And should God not be able to proclaim something—whether good or evil—that had not existed before?

Not the Africans

Canaan signifies son of Ham i.e., Egypt: for he is looked upon as having emigrated from lower Egypt to Palestine. The negroes however are descended neither from Canaan nor Ham, but in accordance with the language in the torrid zone are scattered, original Semites or Turanians (East-Japhetites). Ham (Hebrew Cham) signifies the Egyptians, their country in 'Egyptian language is called Chami, the black (dark, black, sod) land." In the utterance of Noah, concerning Canaan, Phillipson sees no announcement of slavery, but reference to material interests of Canaan and all the nations belonging to Cham.

Ten Commandments

Above all, let us notice the wretched foolery enacted with the expression "property" in regard to the manservant and maid-servant of the Bible—or more correctly with the Bible itself! In order not to lessen this conception of property, only one half of the Biblical verse, Ex. 20, 14, and Deut. 5, 18, is given and the *preceding* sentence: "thou shalt not covet the *wife* of thy neighbor" is omitted; for by no means is the wife considered the mere property of the husband, like the ox and the ass, and thus the man-servant and maid-servant would in spite of the companionship with asses still have been able to pass as a tolerable *person*.

Prescribing or Describing?

Whom would it ever strike to assert that the Bible does not consider slavery in the judicial sense legal, and is thus referred to in the legislation? The question exclusively to be decided, is whether Scripture merely *tolerates* this institution as an evil not to be disregarded, and therefore infuses in its legislation a mild spirit gradually to lead to its dissolution, or whether it *favours, approves of* and *justifies* and *sanctions* it in its moral aspect?

Example: Polygamy

13. Devarim 21:15-17

15 If a man have two wives, the one beloved, and the other hated, and they have borne him children, both the beloved and the hated; and if the first-born son be hers that was hated;

טו כִּי-תִהְיֶינָה לְאִישׁ שְׁתֵּי נָשִׁים, הָאֶחָת אֲהוּבָה וְהָאֶחָת שְׂנוּאָה, וְיִלְדוּ-לוֹ בָנִים, הָאֶחָד הַבְּכֹר וְהַשְּׂנוּאָה; וְהָיָה הַבְּרִיחָה לְשֵׁנִיָּאָה.

16 then it shall be, in the day that he causeth his sons to inherit that which he hath, that he may not make the son of the beloved the first-born before the son of the hated, who is the first-born;

טז וְהָיָה, בְּיוֹם הַנְּחִילוֹ אֶת-בָּנָיו, אֶת אֲשֶׁר-יִהְיֶה, לוֹ-לֹא יוֹכֵל, לְבַכֵּר אֶת-בְּרִי-הָאֲהוּבָה, עַל-פְּנֵי בְרִי-הַשְּׂנוּאָה, הַבְּכֹר.

17 but he shall acknowledge the first-born, the son of the hated, by giving him a double portion of all that he hath; for he is the first-fruits of his strength, the right of the first-born is his. {S}

יז כִּי אֶת-הַבְּכֹר בְּרִי-הַשְּׂנוּאָה יִכִּיר, לָתֵת לוֹ פִּי שְׁנַיִם, בְּכָל אֲשֶׁר-לְמִצָּא, לוֹ: כִּי-הוּא רִאשִׁית אָנוּ, לוֹ מִשְׁפָּט הַבְּכֹרָה. {ס}

Can we conceive of a more decided recognition of polygamy or at least of bigamy? Does it make any difference whether the hated one, whose son was granted the rights of the first-born, had been wedded before or after the loved one? Is the *justification* of an institution, the immorality of which Dr. Raphall will scarcely deny, and whose propagation Rabbenu Gershom sought to check through a ban, not here affirmed in the most positive manner? With all the hollow clamor about the rationalism of our day, it must be conceded that the Mosaic law, as in the case of blood-vengeance and the marriage of a war-prisoner* here merely tolerated the institution in view of once existing deeply-rooted social conditions, or—more correctly—evils, and recognized it in reference to civil rights even (compare Exod. 21, 10, Levit, 18, 18), but never approved of or considered it pleasing in the sight of God, as polygamy is in direct contradiction to the Mosaic principle והיו לבשר אחד concerning marriage.

Example: Baseless Divorce

14. Devarim 24:1

א כִּי-יִקַּח אִישׁ אִשָּׁה, וּבִעְלָהּ; וְהָיָה אִם-לֹא תִמְצָא-חַן בְּעֵינָיו, כִּי-מָצָא בָּהּ עֲרוּת דָּבָר--וְכָתַב לָהּ סִפֵּר פְּרִיטָת וְנָתַן בְּיָדָהּ, וְשָׁלַחָהּ מִבֵּיתוֹ.

1 When a man taketh a wife, and marrieth her, then it cometh to pass, if she find n favour in his eyes, because he hath found some unseemly thing in her, that he writeth her a bill of divorcement, and giveth it in her hand, and sendeth her out of his house,

No matter what interpretation עדות דבר (Deuter. 24, 1.) is given here, that of the School of Shammai or Hillel it must be conceded that though opposed to Jewish practice the law considers a woman's divorce binding, when the husband has sent her forth without having found her to have done anything morally wrong, and a remarriage on her part is then not considered adultery.

15. Malachi 2:15-16

טו וְלֹא-אֶחָד עָשָׂה, וּשְׂאָר רִיחַ לוֹ, וּמָה הָאֶחָד, מִבְּקִשׁ זֶרַע אֱלֹהִים; וְנִשְׁמַרְתֶּם, בְּרִיחְכֶם, וּבְאַשְׁתֵי נְעוּרֵיכֶם, אַל-יִבְגְּדוּ.

15 And not one hath done so who had exuberance of spirit! For what seeketh the one? a seed given of God. Therefore take heed to your spirit, and let none deal treacherously against the wife of his youth.

טז כִּי-שָׂנֵא שְׂלַח, אָמַר יְהוָה אֱלֹהֵי
 יִשְׂרָאֵל, וְכִסָּה חֲמִס עַל-לְבוּשׁוֹ, אָמַר יְהוָה
 צְבָאוֹת; וְנִשְׁמַרְתֶּם בְּרוּחְכֶם, וְלֹא
 תִבְגְּדוּ. {פ}

16 For I hate putting away, saith the LORD, the God of Israel,
 and him that covereth his garment with violence, saith the LORD
 of hosts; therefore take heed to your spirit, that ye deal not
 treacherously. {P}

Example 3: Monarchy

16. Devarim 17:15

טו שׁוֹם תִּשֶׂים עֲלֶיךָ מֶלֶךְ, אֲשֶׁר יִבְחַר
 יְהוָה אֱלֹהֶיךָ בּוֹ: מִקְרֹב אַחִיךָ, תִּשֶׂים
 עֲלֶיךָ מֶלֶךְ--לֹא תוּכַל לָתֵת עֲלֶיךָ אִישׁ
 נָכְרִי, אֲשֶׁר לֹא-אַחִיךָ הוּא.

15 thou shalt in any wise set him king over thee, whom
 the LORD thy God shall choose; one from among thy
 brethren shalt thou set king over thee; thou mayest not
 put a foreigner over thee, who is not thy brother.

17. I Shmuel 8:6-17

ו וַיִּרַע הַדָּבָר, בְּעֵינֵי שְׁמוּאֵל, כִּאֲשֶׁר
 אָמְרוּ, תִּנְהַלְנוּ מֶלֶךְ לְשֹׁפְטֵנוּ; וַיִּתְפַּלֵּל
 שְׁמוּאֵל, אֶל-יְהוָה. {פ}

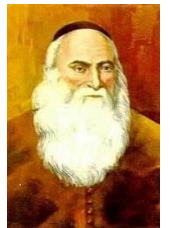
6 But the thing displeased Samuel, when they said: 'Give
 us a king to judge us.' And Samuel prayed unto the LORD.
 {P}

ז וַיֹּאמֶר יְהוָה, אֶל-שְׁמוּאֵל, שְׁמַע בְּקוֹל
 הָעָם, לְכָל אֲשֶׁר-יֹאמְרוּ אֵלֶיךָ: כִּי לֹא
 אֲתָדָּ מְאִסּוֹ, כִּי-אֲתִי מְאִסּוֹ מִמֶּלֶךְ
 עֲלֵיהֶם.

7 And the LORD said unto Samuel: 'Hearken unto the
 voice of the people in all that they say unto thee; for they
 have not rejected thee, but they have rejected Me, that I
 should not be king over them.

18. Abarbanel, I Shmuel 8 [R. Don Yitzchak b. R. Yehuda Abrabanel, born in Lisbon, died in in Venice, 1437- 1508]

הביטו וראו הארצות שתהיה הנהגתם על ידי מלכים, ותראו את שיקוציהם ואת גילוליהם¹⁶ איש מהם כל הישר בעיניו¹⁷ יעשה ומלאה הארץ חמס מפניהם¹⁸, ומי יאמר לו מה תעשה¹⁹? והיום הזה ראינו ארצות רבות תהיה הנהגתם על ידי שופטים ומושלים זמניים נבחרים ביניהם משלושה חרשים לשלושה חרשים ומלך אלקים עמהם²⁰, משפט נבחרה להם בסידור מוגבל והמה הורדים בעם העושים במלאכת²¹ המלחמות, לא יעמוד איש בפניהם²² אם לשכט אם לארצם, לא לחסד²³, ואם איש יחטא מהם בדבר מה, עוד מעט יבואו אחרים תחתיהם, ומי אשר חטא יקבל עונשו כראוי, באופן שלא יידון לעשות עוד²⁴. הלא ידעת אם לא שמעת²⁵ חזו רביעאה²⁶ דחילא רומי²⁶ רשיעא, היתה מושלת בכיפה²⁷ ואכלה כל ארעא ותדושינא ותדקינה²⁸, בהיות הנהגתה על ידי הקונשול²⁹ שלמים וכן רבים³⁰, ואחרי שמלך בה קיטר לבדו היתה למס³¹. ועוד היום מלכות ויניציא³² הגברת רבתי בגוים שרתי במדינות³², ומלכות פלורניציא³³ צבי הוא לכל הארצות³³, ומלכות גינוב³⁴ דחילא ותקיפא³⁴, ולוקה ושייני³⁵ וכולוני³⁵ ומלכויות אחרות, אין מלך בהם כי אם הנהגת המנהיגים הנבחרים מימים קצובים לימים קצובים כמו שזכרת, והמה המלכויות הישרות אין בהם נפתל ועקש³⁵, לא ירים איש את ידו ואת רגלו³⁶ על כל דבר פשע³⁷, והמה כובשות ארצות לא להם בחכמה בחבונה ובדעת³⁸.



Protection of Heathen Slaves

What? A person who is more than a thing and in whom the dignity of human nature must be respected, is the property*, the possession of some one else, like a field, an ox, an ass?

This is glorious dignity of human nature. We cannot even conceive that God, whilst granting human rights to the slave, would approve of depriving him against his will and with inflexible force of the most sacred of human rights, that of disposing of himself.

For the loss of such a human right, the mandate to treat a slave humanely, and not even to knock out a tooth of his, is indeed a poor equivalent. It is poor humanity to rob one of one's most cherished treasure, and to replace this by forbidding only *mildly boxing one's ears* or *omitting* to do so. We consider it an offense against the law of God to proclaim this kind of humanity in His Name,—as Dr. Raphall does.

Spirit of the Law

Disgracing the Staying Slave

A law, which recognizes slavery, in its present day meaning, *neither according to the conception of the institution of it, nor in its literal sense*, and prescribes that the Hebrew, who after six years will not cease from serving as a slave, must as a sign of shame, submit to having his ear pierced, considers no human being to be property.

Care About the Mother Bird

A religion which spares the feeling of the animal mother as the order regarding the bird's nest proves, certainly objects to having the human mother forcibly deprived of her child.

Exodus

The ten commandments, the first of which is: "I am the Lord, thy God, who brought thee out of the land of Egypt,—out of the house of bondage" can by no means want to place slavery of any human-being under divine sanction, it being furthermore true, what all our prophets have proclaimed and around which Israel's fondest hopes center, that all human beings on the wide globe are entitled to admittance to the service of God, וישתחוּ לַפְּנֵי כָל יְיָ אֱלֹהֵינוּ וְיֵעָשׂוּ כֹלם אֶגְרוּתָא אחת that in time to come *all created in the image of God will form one congregation of God*.

Dr. Raphall tells his hearers: cotton is not king nor is human thought the ruler, but ה' מלך ! We fully agree with him in this, but regret that here also only half of the quotation is given and the preceding words are forgotten: *ויאמר כל אשר נשמה באפו

Conclusion

In conclusion, there is just one thing to take into account: that even if Dr. Raphall's arguments concerning the Biblical law about slavery did not vanish in mist and vapor, he certainly thwarted the purpose of his address by his own presentation of it, and he would prove the worst kind of an advocate for the South. Dr. Raphall concedes that the Hebrew slave is not an actual slave and was not allowed to be looked upon as property, but by being the spokesman for American slavery, he thinks he has clearly proven that the divine Word sanctions slavery in reference to a heathen, and that the heathen slave is classed as the property of his master.

Only on one point has Dr. Raphall shown a friendly disposition towards the negro; at the expense of his holiest duty, he has failed to call to the attention of the Jewish slave-holders that they must have their slaves circumcised. Oh, ye pious gentlemen!!

And now, a word to you, dear co-religionists, and particularly to you, members of my Congregation! At the moment that I am writing this down, January 9th, the thunder-cloud still hangs heavily over our head, and hides the future of our beloved land in dense mist. Perhaps some of you in our midst may consider it unjustifiable that at such a time I have thus unequivocally expressed my conviction in the foregoing regarding the law of Moses about slavery. The Jew has special cause to be conservative, and he is doubly and triply so in a country which grants him all the spiritual and material privileges he can wish for, he wants peace at every price and trembles for the preservation of the Union like a true son for the life of a dangerously sick mother. From the depth of my soul, I share your patriotic sentiments, and cherish no more fervent wish than that God may soon grant us the deeply yearned-for peace. Still—no matter which political party we may belong to—the sanctity of our Law must never be drawn into political controversy, nor disgraced in the interest of this or that political opinion, as it is in this instance, and with such publicity besides, and in the holy place! The spotless morality of the Mosaic principles is our pride and our fame, and our weapon since thousands of years. This weapon we cannot forfeit without pressing a mighty sword into the hands of our foes. This pride and renown, the only one which we possess, we will not and dare not allow ourselves to be robbed of. This would be unscrupulous, prove the greatest triumph of our adversaries and our own *destruction*, and would be paying too dearly for the fleeting, wavering favor of the moment. Would it not then be justly said, as in fact it has already been done, in consequence of the incident referred to: *Such* are the Jews! Where they are oppressed, they boast of the humanity of their religion; but where they are free, their Rabbis declare slavery to have been sanctioned by God, even mentioning the holy act of the Revelation on Sinai in defense of it. Whereas Christian clergymen even in the Southern States, and in presence of the nation's Representatives in

part, though admonishing to toleration—openly disapprove of it and in part *apologize* for it, owing to existing conditions!

I am no politician and do not meddle in politics. But to proclaim slavery in the name of Judaism to be a God-sanctioned institution—the Jewish-religious press must raise objections to this, if it does not want itself and Judaism branded forever. Had a Christian clergyman in Europe delivered the Raphall address—the Jewish-orthodox as well as Jewish-reform press would have been set going to call the wrath of heaven and earth upon such falsehoods, to denounce such disgrace, and חליל השם And are we in America to ignore this mischief done by a *Jewish* preacher? Only such Jews, who prize the dollar more highly than their God and their religion, can demand or even approve of this!

EINHORN

<http://biography.yourdictionary.com/david-r-einhorn>

Outspoken in his views that slavery was a moral sin, Einhorn took a firm stance against it. Although Einhorn preached in German—indeed, he continued to be a proponent of German as the language of biblical scholarship and criticism—his words nevertheless incited a riot on April 19, 1861. According to David E. Lipman of the Gates to Jewish Heritage, "a mob threatened to tar and feather him, and he was forced to flee north." He first fled to Philadelphia and became rabbi of Keneseth Israel Congregation. In 1866, he went to New York and became rabbi of the Congregation Adath Israel. The congregation eventually merged with an orthodox congregation and was renamed Beth El.

19. Mishpatim (5772) – The Slow End of Slavery, **Rabbi Jonathan Sacks**

Nowhere is this clearer than in the opening of today's parsha. We have been reading about the Israelites' historic experience of slavery. So the social legislation of Mishpatim begins with slavery. What is fascinating is not only what it says but what it doesn't say. It doesn't say: abolish slavery. Surely it should have done. Is that not the whole point of the story thus far? Joseph's brothers sell him into slavery. He, as the Egyptian viceroy Tzofenat Paneach, threatens them with slavery. Generations later, when a pharaoh arises who "knew not Joseph," the entire Israelite people become Egypt's slaves. Slavery, like vengeance, is a vicious circle that has no natural end. Why not, then, give it a supernatural end? Why did God not say: There shall be no more slavery? The Torah has already given us an implicit answer. Change is possible in human nature but it takes time: time on a vast scale, centuries, even millennia.....So slavery is to be abolished, but it is a fundamental principle of God's relationship with us that he does not force us to change faster than we are able to do so of our own free will.

20. Slave Code, Encyclopedia Britannica

<https://www.britannica.com/topic/slave-code>

All the slave codes, however, had certain provisions in common. In all of them the colour line was firmly drawn, and any amount of African heritage established the race of a person as black, with little regard as

to whether the person was slave or free. The status of the offspring followed that of the mother, so that the child of a free father and a slave mother was a slave. Slaves had few legal rights: in court their testimony was inadmissible in any litigation involving whites; they could make no contract, nor could they own property; even if attacked, they could not strike a white person. There were numerous restrictions to enforce social control: slaves could not be away from their owner's premises without permission; they could not assemble unless a white person was present; they could not own firearms; they could not be taught to read or write, nor could they transmit or possess "inflammatory" literature; they were not permitted to marry.

Inspection and Sale of a Negro
Inspection and Sale of a
Negro, engraving from the book *Antislavery* (1961) by
Dwight Lowell Dumond. Library of Congress,
Washington, D.C.

Obedience to the slave codes was exacted in a variety of ways. Such punishments as whipping, branding, and imprisonment were commonly used. Some slaves, especially those who committed violence against whites, were killed, although slaves' value to their owners as labour discouraged the practice. Slave codes were not always strictly enforced, but, whenever any signs of unrest were detected, the appropriate machinery of the state would be alerted and the laws more strictly enforced. ...

A major touchstone of the nature of a slave society was whether or not the owner had the right to kill his slave. In most Neolithic and Bronze Age societies slaves had no such right, for slaves from ancient Egypt and the Eurasian steppes were buried alive or killed to accompany their deceased owners into the next world. Among the Northwest Coast Tlingit, slave owners killed their slaves in potlatches to demonstrate their contempt for property and wealth; they also killed old or unwanted slaves and threw their bodies into the Pacific Ocean. An owner could kill his slave with impunity in Homeric Greece, ancient India, the Roman Republic, Islamic countries, Anglo-Saxon England, medieval Russia, and many parts of the American South before 1830. ...

It was not an axiom of the master-slave relationship that the former automatically had sexual access to the latter. That was indeed the case in most societies, ranging from the ancient Middle East, Athens, and Rome to Africa, all Islamic countries, and the American South. Places such as Muscovy, however, forbade owners to rape their female slaves, while the Chinese and the Lombards forbade the raping of married slave women.

