



Slavery on the Jodensavanne (continued)

1. Roles of (some) slaves in Jewish communities in the 17<sup>th</sup> and 18<sup>th</sup> century
  - Resting from work on the Sabbath (1669)
  - Ritual slaughter of fowl, under supervision (1696)
  - Ushers to maintain synagogue decorum (1772)
  - *Shemirah* vigil over the dead before burial (1774)
  - Observed *niddah* practices (date unclear)
  - Mezuzah cases on their doors, with varying contents (date unclear)
  - Used the term *treef* for their own forbidden foods (date unclear)

2. The “Darchei Yesharim” Centre/Synagogue

Treatment of Slaves: Theory and Practice

3. R' Joseph Caro/R' Moshe Isserless (16<sup>th</sup> c. Israel/Poland), Code of Jewish Law Yoreh Deah 267:3-5

3: R' Caro: For an *eved* purchased from *akum*, we say to him: Do you wish to enter the ranks of *avadim* of Israel and be among the kosher, or not? If he wishes, we inform him of the essentials of law and some of the lighter and more severe laws, and their penalties and rewards, as we inform a convert. And we immerse him like a convert, and we inform him [of the laws] when he is in the water.

4: R' Caro: If one purchased an adult *eved* from an *akum* and the *eved* refuses to be circumcised, then one deals with him for twelve months. Beyond that one may not maintain him uncircumcised; one must re-sell him to an *akum*.

R' Isserless: This is specifically where one purchased him in order to convert him as an *eved*, but if one made an explicit condition not to circumcise him, and so in these lands where one is not permitted to convert any non-Jew, it is as though one had stated a condition not to circumcise him. One may maintain him, uncircumcised, as long as one chooses. This is the common practice.

5: R' Caro: If one circumcises his *eved* and immerses him as an *eved* against his will, he has achieved nothing.

4. Exodus 21:20

And if one should strike his *eved* or *amah* with a rod, and they die under his hand, he shall be avenged.

5. Rabbi Avraham Ibn Ezra, Extended commentary to Exodus 21:21

The *kutim* said that “he shall be avenged” means great revenge, to punish him. But if he stands for a day, the vengeance shall be less. And for two days, no vengeance at all. Their proof is that we don't find the word “vengeance” with any of the court's capital punishments... All of this was difficult for them, that a master should be killed for his *eved*'s death. But I would reply to them: Then why didn't the text specify this greater or lesser revenge?...

6. Exodus 21:26-27

And if one should strike the eye of his *eved* or *amah* and destroy it, he shall send him away free in place of his eye. And if he should knock out the tooth of his *eved* or *amah*, he shall send him away free in place of his tooth.

7. For more regarding Jewish and Non-Jewish slaves <https://www.yutorah.org/lectures/lecture.cfm/946400/>

8. R' Ahron Soloveichik (20<sup>th</sup> c. USA), *Civil Rights and the Dignity of Man*, Logic of the Heart, Logic of the Mind

From the standpoint of the Torah, there can be no distinction between one human being and another on the basis of race or color. Any discrimination shown to a human being on account of the color of his or her skin constitutes loathsome barbarity... The Torah says in Genesis, “In the image of Gd He created Man” (1:27). This metaphysical idea leads to the *halachic* principle of *k'vod habriyos*, the dignity of Man....

It must be conceded that the Torah recognizes a distinction between a Jew and a non-Jew. This distinction, however, is

not based upon race, origin, or color, but rather upon *k'dushah*, the holiness endowed by having been given and having accepted the Torah. Furthermore, the distinction between Jew and non-Jew does not involve any concept of inferiority but is based primarily upon the unique and special burdens that are incumbent upon the Jews.

9. Rabbi Yaakov Kamenetsky (20<sup>th</sup> century Canada, USA), *Emet l'Yaakov* to Genesis 9:25

Some of our enemies among the nations of the world claim that the nation of Israel is a racist nation, for the Torah says that Canaan is cursed and will be a slave of slaves to his brethren. The Torah lowered the race of Canaan to the stature of slaves. But the truth is certainly not so, for it is clear that the Torah's view is against racism, as I have already proved earlier from the language of Sanhedrin 37a, "Why was humanity created as an individual? Lest one say to another, 'My ancestor was greater than your ancestor.'" We see that Gd specifically altered the human species from other species, creating only a single male, so that people would not come to this ugly trait! But because of this [apparent racism], we must explain Noach's action, in degrading Canaan to the level of a slave and lowering him from the status of the rest of humanity. This seems to be an act of pure racism! But in truth, this has no relationship with racism, for racism means that one race elevates itself over another race because of its origin and lineage, as though it were formed of higher and better "material" and the like. But here, the reason Noach distinguished them was because of the corrupt traits of Cham, and his son Canaan, traits which he taught to his descendants after him, as our Sages said (Pesachim 113b), "Canaan instructed his children five items, etc."...

10. Rabbi Moshe Feinstein (20<sup>th</sup> century USA), Published Letter

And I was very pained to hear that there are such people in Israel who refrain from drawing near [the Ethiopians] in spiritual matters, causing them – Gd forbid – to be lost from Judaism. It appears to me that they do this only because their skin is black. It is obvious that one must draw them close, not only because they are no worse than other Jews and there is no legal distinction due to their blackness...

11. Rabbi J. David Bleich (20<sup>th</sup>-21<sup>st</sup> century USA), *Black Jews: A Halakhic Perspective*, Tradition 15 (1972)

Judaism is color blind; skin pigmentation is unknown as a halakhic concept. The problem of determining the status of the various communities of Black Jews is totally unrelated to color. The sole issue is that of Jewish identity.

12. Dissertation of Jonathan Schorsch, *Jews and Blacks in the Early Modern Mediterranean and Atlantic Worlds, 1450-1800*, pg. 685

Yet Jews made good, kind masters and maintained the loyalty of their Blacks, according to the authors of the *Historical Essay on Surinam*. Several pages were devoted to describing the warm reception given to a party of Jews chasing runaways from the La Parra plantation, who visited a village of the Juka Maroon, with whom a peace treaty had just been signed. These runaways from Jewish homes "entertained these Jews in every possible way, and each one hastened to lavish foodstuffs upon them and to offer them, as a mark of unlimited affection, their own wives and daughters."

13. Professor Salo Wittmeyer Baron, *Economic History of the Jews*, pg. 270

Jews engaged in the slave trade – although they never played a prominent role in it – from the early Middle Ages to the early modern period....

14. Dissertation of Jonathan Schorsch, *Jews and Blacks in the Early Modern Mediterranean and Atlantic Worlds, 1450-1800*, pg. 4

Even scholars steeped in the archival material speak in the language of circumlocution. "We do not have any source about the treatment given by Jewish colonists to their slaves," wrote Chilean historian Gunter Bohm (in 1992!). Earlier scholar Wilfred S. Samuel's language reveals much about the lack of solid evidence on which to base analysis and about the ways this absence of knowledge so often became filled in by wishful thinking: "*It is to be supposed* that the Barbados Jews were kindly masters to their negroes," or: "Whilst positive evidence is lacking, *it seems probable* that the Jews joined with the Quakers in humanely treating their black people, and that they ever heeded the reminder 'for ye were bondsmen in the land of Egypt.'"...

15. Dissertation of Jonathan Schorsch, *Jews and Blacks in the Early Modern Mediterranean and Atlantic Worlds, 1450-1800*, pp. 717-719

The taking on of Judaism by a few Blacks or Jewish affinities among small groups of Blacks or mulattos is often held up as proof of the kindness of Jewish masters. Too little information exists about the handful of Black and mulatto Judaizers in Iberian territories to adequately characterize their reception in what passed for crypto-Jewish communities. They seem to have faced no barriers. In nearly every other significant concentration of Black or mulatto Jews – Amsterdam, Cochin, Surinam – they faced collective discrimination, erasure, with or without *halakhic* worries. At the same time, individual Blacks and mulattos clearly found a reception within various communities...

If Jews are said to be so benign toward their slaves, on what basis? It is doubtful that the few Jewish or crypto-Jewish slave traders functioned any differently than their non-Jewish competitors, for instance.

16. Dissertation of Jonathan Schorsch, *Jews and Blacks in the Early Modern Mediterranean and Atlantic Worlds, 1450-1800*, pp. 699

Only the most minimal expression of opposition to Black slavery or trade in it by Jews before 1800 can be found, despite the existence of such opposition among Quakers and various women's groups in England.

17. Rabbi Yaakov Avraham (18<sup>th</sup> century Cracow), *Nachlat Yaakov* page 10b

I would have said that one may not free an *eved kenaani*, because this joins a *shor* and *chamor* (משוחרר = שור וחמור), but we now see that... even the *shor* and *chamor*, which are of impurity, convert to holiness and their freedom is good, for the *shor* [*Yosef*] and *chamor* [*Yissachar*] enter holiness together among the descendants of Avraham.

#### Review questions

- Why did Jews come to (Dutch) Surinam?
- What is a *ma'amad*?
- What was the level of religious observance in Surinam in the 17<sup>th</sup> and 18<sup>th</sup> centuries?
- From the Torah's guidance, what sort of treatment would we expect for slaves?
- Were Jews good to slaves they held?
- Were there abolitionist Jews?
- Did Jews free their slaves?

#### So why did Jews hold slaves? Where were the rabbis?

18. Encyclopedia Britannica, 3<sup>rd</sup> edition 1792, regarding West Africans

Vices the most notorious seem to be the portion of this unhappy race: idleness, treachery; revenge; cruelty; impudence; stealing; lying; profanity; debauchery; nastiness and intemperance all said to have extinguished the principles of natural law, and to have silenced the reproofs of conscience.

19. Genesis 9:25

And he said: Cursed is Canaan! A slave of slaves, he shall be to his brethren.

20. Dissertation of Jonathan Schorsch, *Jews and Blacks in the Early Modern Mediterranean and Atlantic Worlds, 1450-1800*, pp. 419, 423-4

Some Black and Christian and Black Christian scholars had laid the blame for this curse of Ham at the feet of Jewish biblical interpretations...

The notion of a curse on Ham played very little role in Jewish discourse during this era; certainly only with great rarity was it connected to Blacks. The overwhelming majority of exegetes from the fifteenth through the seventeenth centuries made no comment whatsoever on Noah's cursing of Ham or Canaan when glossing the *parshah* in which it appeared...

21. Isaac de Pinto (18<sup>th</sup> century Amsterdam), cited in Jonathan Schorsch pg. 9

The Jew is a chameleon, everywhere taking on the colors of its surroundings.

22. Dissertation of Jonathan Schorsch, *Jews and Blacks in the Early Modern Mediterranean and Atlantic Worlds, 1450-1800*, pg. 712

I have tried to show that Jewish slave-holding in the Americas bore few Jewish particularities; indeed, it comes across as identical phenomenologically in so many ways to slave-holding among surrounding non-Jews. While one might have expected Jews to have always behaved like Jews, an assumption that depends on the positing of a constant, homogeneous "Jewish tradition" or practice, the early modern history of Jewish slave holding shows that the surrounding culture of slave owning proved itself far more influential...

23. Dissertation of Jonathan Schorsch, *Jews and Blacks in the Early Modern Mediterranean and Atlantic Worlds, 1450-1800*, pg. 622

Having never seen a text which discusses the *halakhot* of slaves in the Americas, I can only assume that the Sephardic laypeople and rabbis, insofar as they considered the issue at all, chose to follow those rabbinic opinions that obviated the Jewish slave-owner from the necessity of following slave-related *halakha*.

24. Dissertation of Jonathan Schorsch, *Jews and Blacks in the Early Modern Mediterranean and Atlantic Worlds, 1450-1800*, pg. 721

*Halakhic* slave law in its maximal, inclusive version, on the other hand, probably appeared positively medieval in its ceremonial aspects to Jews desperate to prove their modernity... and it posed huge inconveniences to the cold calculation seemingly necessary for the profitable use of slaves.

25. Rabbi David ibn Abi Zimra (16<sup>th</sup> century Spain, Israel, Egypt), Responsum 4:50

A slave who is not circumcised and does not immerse, and worships idolatry, may not be maintained in Israel, even for one day. But outside of Israel one may maintain him.