The History of Jews in the American South

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[00:00:03.4] Jeffrey Rosen: Hello, friends. I'm Jeffrey Rosen, President and CEO of the National Constitution Center, and welcome to We the People, a weekly show of constitutional debate. The National Constitution Center is a nonpartisan nonprofit supported by Congress to increase awareness and understanding of the Constitution among the American people. In celebration of Jewish-American Heritage Month, I'm pleased to welcome Richard Kreitner, author of, *Fear No Pharaoh: American Jews, the Civil War, and the Fight to End Slavery*, and Shari Rabin, author of, *The Jewish South: An American History*, for a conversation about the Jewish experience in the South, from the Revolutionary Era, to the Civil War. This conversation was presented in partnership with our friends at the Weitzman National Museum of American Jewish History. Enjoy the show.

[00:00:54.0] Jeffrey Rosen: Welcome. Thank you so much for joining, Richard Kreitner and Shari Rabin. Shari, let's start with you. First of all, congratulations on your book. This is the first comprehensive history of American Jews in the South, and it's an invaluable book and contribution. You begin with the Constitution of the Carolinas, which were written by John Locke, of all people. They included a degree of civil equality for non-Christians, including Jews, and this prompted some Jewish migration to the South in the 17th century. Tell us about the Constitution of the Carolinas and that first wave of Jewish migration to the South.

[00:01:39.3] Shari Rabin: Yeah, thank you so much for having me. I'm excited for this conversation. So yeah, The Fundamental Constitutions of Carolina are a fascinating document written in 1669 before the colony's really established. It's sort of a blueprint for what the colony's going to look like, and it offers freedom of worship to, the exact line is, "Jews, heathens, and other dissenters from the purity of the Christian religion," which of course is the Church of England, which is going to be the official church of the colony. And of course, this toleration is being extended, explicitly, in the hopes that it will encourage people to eventually come over to the Church of England. But it's a form of toleration, nonetheless, that's notable in this period. Only around 15 years earlier, had Jews tacitly been allowed to come back into England itself, after being expelled in 1290. And of course, in other places in the Americas under Spanish and Portuguese rule and French rule, Jews as Jews, were not allowed to settle at all. So it's a remarkable document in imagining a Jewish presence in this colony before it's even established.

[00:02:51.9] Shari Rabin: And we do start to see Jewish settlers in Carolina in the 1690s, they start to pop up in the records. And it's a gradual arrival into the 18th century. The community is large enough to support a congregation by 1749. There's also an early, and very different, and

also interesting, migration into Savannah, a group migration of Jews in 1733. So those are the earliest migrations. It's mostly Spanish and Portuguese Jews whose families had fled Spanish or Portuguese rule, or who had harbored secret Jewish identities under Spanish and Portuguese rule for some amount of time. And of course, they were in search of a comfortable place to settle, a place where they could make their fortunes.

[00:03:43.7] Jeffrey Rosen: Thank you so much for that and introducing that remarkable story. Richard Kreitner, what can you tell us about the initial wave of Jewish immigration to the North, and maybe introduce us to what was going on in Philadelphia and Pennsylvania? There's the famous letter from Jonas Phillips to George Washington during the Constitutional Convention, where he objects to a provision that would have required swearing allegiance to the divine truth of the New Testament, and invokes freedom of conscience. Washington, of course, has a series of responses to the Jews, both of Newport, of the South. But what led Jews to come to the North and what was their legal status at the time of the founding?

[00:04:32.4] Richard Kreitner: Sure. I mean, I think most people know that the very beginnings of the American Jewish community are in the arrival of a few dozen migrants, refugees really, from Dutch Brazil to Manhattan Island in 1654. And that really begins the American Jewish story. And that's, of course, a story in the North. And these communities develop in New York and Philadelphia, right around the same time as in the South, and in Charleston and Savannah through the 18th century. The Jonas Phillips letter is coming out of the American Revolution, where I just reviewed a great book by Adam Jortner, about Jews in the American Revolution, in which he's arguing that Jews were among the prime beneficiaries and leading participants in the American Revolution, precisely because the new republic offered a religious equality that had to be built and secured over time. But that was totally different from what existed in the British North American colonies before 1776. And so that the very few American Jews that there were at the time, really benefited from the American Revolution. What I'm trying to do in my book is to join together two stories.

[00:05:37.8] Richard Kreitner: One is this American Jewish story, that has been told and retold and new details have come to light, and entwine that with the story of American slavery in this country, which has... They interacted, from the very beginning. Some of those early Jewish refugees in Manhattan, owned enslaved people, within a few years of their arrival. And one of the great features of life in America for Jewish refugees and arrivals and immigrants, was that they were able to participate in this system in which they were not at the very bottom of the social and economic ladder, as they very much had been in Europe, and particularly in Spain and Portugal. So those two stories are related to one another very much in the South, as in Professor Rabin's book, and also I try to show in the North as well.

[00:06:28.3] Jeffrey Rosen: You both tell that story so powerfully and emphasize that the most important legal status that Jews had, was that they were considered white, and in that sense, were entitled to those privileges. Professor Rabin, tell us about the fights for religious equality during the early Republic. George Washington has a series of famous letters to the Newport congregation, but also to Charleston and Southern congregations. There are fights over office holding, and laws excluding Jews from holding office remain on the books until the late 19th century in some states. And I learned in your book and elsewhere, that there was an effort for

Jews to be able to hold office in Maryland embodied in the memorably named, Jews Bill. But tell us about those fights in the North and South, and in particular, in the South.

[00:07:35.1] Shari Rabin: Yeah. So my favorite of these letters is the Savannah letter, which predates Newport by several months. Newport just has better PR. But I think the Savannah letter is also really fascinating, and it's earlier, and it talks memorably about incorporating Jews into the mass of the legislative mechanism of the country, and speaks powerfully about citizenship. And yeah, what's happening is, of course, there's the First Amendment and the 1790 Naturalization Bill, which together give Jews a lot of confidence in their status as white citizens. But of course, right, the first word of the First Amendment is, Congress, right. It's a federal principle at that point. And the states are a different story. So there's the gradual legal disestablishment, but then the continuation of what historian David Sehat calls, "a moral establishment," that intensifies as evangelical Christianity strengthens in the early 19th century. Probably the most frustrating to Jews, up until the New Deal, is the Sunday closing laws. And so there's fascinating cases from the Antebellum South of a Jew being arrested for selling gloves to a black man on a Sunday, for instance. So that's kind of an ongoing struggle that Jews push back against, and have to struggle with, because, of course, they observe a Saturday Sabbath.

[00:09:04.7] Shari Rabin: And this is a period where everybody's working six days a week. So to forfeit... You can only forfeit one day of labor. And when it's legally mandated as Sunday, that's a problem for Jews. Then another, the office holding, is another branch of this moral establishment that Jews have to fight against. Maryland has an important fight. There's a fight in North Carolina. There's a powerful statement by a Jewish legislator in North Carolina who wants to push back against this. It doesn't get removed until 1868, when North Carolina, like other southern states, has to draft a new constitution. And Jews do celebrate that as a victory, that that was eliminated in the North Carolina Constitution. And there's also moments where religion, Christianity in particular, pops into public life in other ways. There's governors declaring days of fasting in the name of Jesus Christ. And in 1812, South Carolina Jews protest and they get a concession. In 1844, they protest such a declaration. And at that point, the governor says basically like, "That's your problem. We are a Christian country." So it's not a story of upward, inexorable progress towards greater inclusion of non-Christians. It's a messy and ongoing struggle that Jews are constantly being forced to grapple with, and to make the case for the inclusion of Jews within a Christian majority society.

[00:10:52.0] Jeffrey Rosen: You tell so well the story of that messy and uneven struggle. And you mentioned the evangelicals, and you point out that it was fear of constantly being evangelized and pressured to convert, that created tensions between the growing evangelical movement and Jews. And yet, civil rights slowly progressed. Richard, you begin your book with the great migration from Europe, fleeing the revolutions of 1848. And you talk about the reports of, "Undreamt-of prosperity in America, unlike in most of Europe." You write, "Jews in the United States could own property, homes, and businesses without having to seek permission from the state. They could marry whomever they wish, live where they wanted, and would not be pressed into military service. They served in high public offices," and so forth. How were those achievements brought into being in the early 19th century, legal fights, legislative efforts, calls for freedom of conscience? And to what degree did that relative civil equality attract immigrants from Europe by 1848?

[00:12:04.7] Richard Kreitner: Yeah. I think a lot of it had to do with the very beginnings that we're talking about that Professor Rabin mentioned, the 1790 Naturalization Law, from the very beginning, accepted Jewish immigrants as white, as legally white. And socially, they weren't necessarily always considered as white. There are many documents that show that that was not the case. But for the most part, they were accepted and really needed, in many parts of the country, especially in the South, as part of the white population. Because in many places, as in South Carolina, there were more African-Americans enslaved or free, than there were white people. And so, white Christians needed all the allies that they could get. A lot of this back and forth, I think, legislative fights over who could hold office, and who could vote, and things like that, is a big question of which is going to define American life more, race or religion? So Jews wanted, I think, race to define it more, for the most part, and especially in the South. So long as they were accepted as white, maybe the Jewish versus Christian opposition doesn't quite matter as much.

[00:13:04.2] Richard Kreitner: And any moment where they feared that that's going to change, that's when they get very upset and start sending petitions and delegations to state capitals and to Washington. So I think that's part of what's going on. And that goes into the Civil War period, where they start to see the racial status quo come under threat, and they start to get very nervous and fear that religion is going to replace race as the dividing line in American life. So I think for the most part, because Jews in America are accepted as this white dominant population, it's a very nice place to be. That's not to say it's easy to make a living, there's all kinds of letters going back to Europe from peddlers hoofing it across the backcountry saying, "This is terrible. The people are unfriendly. I'm cold, I'm hot. It's a lot of work." But within a few years, they tend to set up their store and it's a pretty good life.

[00:13:52.9] Richard Kreitner: One of my favorite quotes that I came across in the research for my book is from an anti-slavery rabbi who refers to the United States as, "This otherwise blessed land." And that's otherwise, except for slavery. So that's a blot on the landscape, on the political landscape, on the moral landscape. And once that is gotten rid of, it's believed, we can really enjoy this land, without some kind of stain on our conscience, that others are suffering what we have suffered so often in the past.

[00:14:18.5] Jeffrey Rosen: "Otherwise blessed land," what a vivid phrase. Well, that brings us up to the Antebellum period, and the question that both of you addressed so powerfully, which is the relationships of Jews and slavery. And you both teach us that it was a complicated story, and Jews were all over the debate, as were non-Jewish white Americans. And there's no single narrative. Shari, how would you introduce the question of the relationship of Jews and slavery in the years leading up to the Civil War, and what were the variety of positions that Jews took?

[00:14:59.1] Shari Rabin: Yes. So dating back to the 17th century context that we talked about earlier, Jews participated in slavery as enslavers, as traders in enslaved people. They fully were part of this system that was emerging as the core of the social and economic life in southern slaveholding societies. So they participate in slavery fully. They do tend to live in cities, and so there's fewer examples of southern Jews who are owners of large plantations, which we typically think about when we think about southern slavery in the Antebellum period. So it's more like a

storekeeper in Charleston with three or four enslaved people who help in the store and in the household, or who are rented out to other people and bring in an income to the household. So absolutely, they are participating in slavery and enslaved people. I think we have to consider are part of the economic success and everyday life of Jewish people in these southern states. You don't see a lot of public discussion amongst southern Jews about slavery.

[00:16:20.2] Shari Rabin: I think we always, contemporary American Jews especially, want there to have been a lot of hand-wringing, and soul-searching, and angst, and moral... What we would now see as moral uprightness in this horrible system of exploitation. But you don't see a lot of that in the documentations. And it's hard to know exactly, were they fully part of the society, and just fully accepted the premises of white supremacy underlying slavery, or were they, especially in the Antebellum period when so many were recent arrivals from Europe, from places where their own rights had been so severely restricted, were they just trying to go along to get along, and not attract negative attention. It's hard to tell. But you do see... So you don't see a lot of opposition, at least among southern Jews, to slavery in the Antebellum period. You do see more... And I think this is one of the contributions of my book is highlighting that there were more Jews than had been remembered, who were ambivalent about secession and the project of the Confederacy.

[00:17:35.5] Jeffrey Rosen: Fascinating. And that's such an important distinction. Richard, you begin, among others, with Judah Benjamin, the most famous Jew in the Confederacy. He was a U.S. Senator from Louisiana, a member of the Confederate States Cabinet, and he twice turned down U.S. Supreme Court appointments by Fillmore and Pierce, which would have made him the first Jewish Supreme Court justice. Tell us about Judah Benjamin and what he can teach us about Jews and slavery.

[00:18:11.1] Richard Kreitner: Yeah, sure. I wanted to feature him in the book because he is, I think mostly, what people think of when they think of Jews and slavery or Jews in the Civil War. And he's a fascinating character. He's born in the Caribbean in around 1810. He moves with his family to Charleston in 1822, right after the Denmark Vesey slave rebellion. And it is believed that his family could see the bodies of the hanging conspirators from the top floor of their house. So he's growing up in a Charleston that's really scarred by slavery, and really by fears of some kind of Haiti-style uprising. And that imbues him with a fierce conservative streak early on. He goes to Yale, is only the second Jewish student in history there. Has to leave under some kind of mysterious circumstances, might involve gambling or other kind of ill behavior. He finds his way to New Orleans, which is a much more conducive place for an ambitious young Jewish lawyer to rise in society than Charleston, which was more hidebound and controlled by a very not-Jewish planter elite. In New Orleans, there's more of a racial mixture that he is able to glide his way to power.

[00:19:22.3] Richard Kreitner: He's appointed to the United States Senate in 1852. I should mention he owned a plantation for about a decade before that, where there's not a lot of records, especially of his moral qualms about that. He left nothing of the sort at all, though he did burn his papers twice. So it's hard to say what we're missing. I think it is interesting that he sells the plantation immediately after he's appointed to the Senate, almost as if it had served the purpose for which he bought it, which was to smooth his way into political power. And then he is a

United States Senator from Louisiana, and one of the most rhetorically gifted defenders of slavery in the crucial decade before the Civil War breaks out. When the war breaks out or when secession is declared in South Carolina and then later in Louisiana, he goes with the tide, even though I think there's some hints that he himself might have been, if not an altogether reluctant confederate, he had some doubts about the wisdom of making a break from the industrial mighty North.

[00:20:28.1] Richard Kreitner: And then throughout the war, he ends up becoming Jefferson Davis's right-hand man, chief speechwriter, main advisor, de-facto President when Jefferson Davis is too ill to fulfill the duties of office. And a really powerful figure behind the scenes, such that he ends up getting the blame for many Confederate setbacks, diplomatically, militarily. For a brief period, he's the Secretary of War, which is interesting because he'd never been anywhere near a battlefield. And the Confederate generals would write to each other and to Davis, complaining about the fat Jew sitting at his desk, I believe one called him. And he's just a fascinating person. My editor actually commented that he thought that by the end of the book, it seemed like I had come to like Benjamin more than any of my other characters, which politically very much not the case. Personally, he's a charming fellow. I do admire his gumption, and he constantly reinvents himself. So after the war, he's really the only Confederate statesman to not get captured. And while Jefferson Davis is languishing in a dank federal prison, Benjamin survived something like three shipwrecks and makes it to London where he rises through the English legal ranks and becomes a very prominent lawyer in England, and lives this whole second, or really third life for himself.

[00:21:47.4] Richard Kreitner: So he's threaded throughout the book, but I didn't want to only focus on him. There have been some wonderful biographies of him, most recently by James Traub. But I wanted to put him in conversation with others in the period, other Jews in the period, who took very different tacks, both in the South and in the North. You know, Benjamin had very little Jewish identity and seemingly no religious belief. So I wanted to put him in conversation with somebody like Ernestine Rose, a Polish-born feminist, women's rights activist, socialist, abolitionist, who shared similar religious sentiments with Benjamin, she was a little more assertive about her atheism, but had completely opposite politics from him, totally anti-slavery. And I think there's a lot that we can learn by not focusing on these individuals in isolation, but by putting them in conversation with one another.

[00:22:35.3] Jeffrey Rosen: Absolutely. And it's so vivid to tell their stories through the stories of these individuals. And I'll ask you more about Rose in a moment. Professor Rabin, tell us more about Charleston. You focus on it. It was the largest Jewish community. There were a series of Jews there in the Antebellum period who took important positions, including Samuel Gilman, the Unitarian minister, and others. I'm struck by how central South Carolina was, both to the Constitutional Convention, where it was the opposition of South Carolina and Georgia to restricting the international slave trade that led to the most important compromises over slavery; to secession, where South Carolina is the first to secede. It's just absolutely the central state in the controversy over slavery. Tell us about Jews in Charleston, and how they contributed to that debate.

[00:23:35.5] Shari Rabin: Yeah. Charleston is present throughout the book because it is this

continuous, longstanding, and important Jewish community. And I see in the book already, some distinctiveness in the Charleston Jewish expression, already in the middle of the 18th century. And it peaks as a community in the 1820s, which is also where you see the first seeds of religious reform happening. There's young Jewish men in Charleston petition the congregation to modernize Jewish worship in various ways, to make it more compatible with white urban genteel life. They want more English, they want a shorter service. So it's important in Jewish history as a site, where you see these early ripples of religious reform. There's a fascinating fight in the 1840s over whether to have an organ in the synagogue, which some members of the congregation see as utterly not permissible, in violation of Jewish law. Others, again, are trying to adapt Judaism to life in this very particular slaveholding, sweaty, important city. It's interesting.

[00:25:00.9] Shari Rabin: By the 1820s, though, it peaks, and then the city starts to become less important as a Jewish center. There's migration to New Orleans, to New York and other places. The reform group dies out in part because the leader up and moves to New York. But yeah, by the 1850s, it's a smaller community, but still a very, very proud one and an old one. And so, yeah, when the the Civil War breaks out, starting in Charleston, Charleston Jews also have to figure out how to react. And it tends to be amongst the most ardent 'Jewish Confederates,' which is the name of a book by a Charleston resident, Robert Rosen. Amongst the most ardent Jewish Confederates, are South Carolinians, whose families have been there for generations, and who fully are identifying with the slaveholding project and with the project of states rights as it's developing.

[00:26:13.8] Jeffrey Rosen: Absolutely fascinating. Richard, tell us more about Ernestine Rose. You mentioned her, the daughter of a Polish rabbi. She condemns women's subjugation, economic inequality, organized religion, and slavery. And she's often seen as the rare Jew, among abolitionists and atheists, among feminists.

[00:26:32.6] Richard Kreitner: Sure. Yeah. She's born in Poland, like I said, around 1806, something like that. It gets a little fuzzy; she also liked to burn her papers. There have been a couple of great biographies and some good subsequent genealogical research which turned up some interesting information just in the past few years, which is, she always told the story about fleeing Poland when she was about 15 or 16 because her father, an Orthodox rabbi, tried to arrange a marriage with her to somebody who she did not love and she did not want to marry. And so she fled to Berlin. And that may have been the case, but in Berlin, she seems to have married somebody and had a child and converted to Christianity. And I think that her later atheism, is a rebellion, not only against the Judaism of her childhood, but also against the Christianity that she was forced to adopt in Europe. That's a sideline. Anyway, she moves to London in the 1830s and becomes a socialist in the Robert Owen vein, and then moves to New York in 1836, ostensibly to start a commune of some kind. But then she and her husband, not the guy in Germany, a silversmith that she met in England, they decide to leave that group and start their own family in New York.

[00:27:54.4] Richard Kreitner: And immediately upon arrival, she starts barnstorming the country, advocating for women's rights, and specifically for a law in New York State that would allow women to maintain the property that they had before marriage; a landmark piece of legislation, 12 years before the Seneca Falls Convention really kickstarted the women's rights

movement. And she was already at it for a decade at that point. She was probably the only Jewish person known to William Lloyd Garrison, who was otherwise a bit of an anti-Semite and did not have kind words to say about modern Jews, even though he was constantly invoking the prophets. And there's a whole story there about the aggressively Christian nature of the abolitionist movement, probably keeping some Jews, many Jews, away from abolitionism. But Ernestine Rose was not one of them. She was deeply involved in the abolitionist movement. She knew and spoke at conventions with Frederick Douglass. She was good friends with Walt Whitman. And she was, probably, the most famous woman orator of the United States in the period before the Civil War. She embarked on speaking tours, even in the South, and denounced slavery in the South with Susan B. Anthony. But Ernestine Rose was the headliner of that.

[00:29:05.7] Richard Kreitner: And there's some amazing documents about them going through the South. She's interesting. As I say, she was a very dogmatic atheist in an almost Christopher Hitchens way, a new atheist, where she wasn't simply skeptical of religion. She was aggressively anti-religion. And she talked all the time about how you can interpret the Bible any way you want, to defend slavery or to oppose slavery. During the Civil War, is really the one time in her life, where she actually embraces Judaism; not Judaism as a religion, but Jewish-ness, as part of her own identity. And I'm sure we'll get to it. There's a huge wave of anti-Semitism that washes over the country, both parts of the country, the North and the South, during the Civil War that takes some different forms but has certain qualities in common. And it's in response to that wave of anti-Semitism that Rose, for really the first and only time, spoke out in defense of Jews and evinced a real knowledge of what was going on in Judaism at the time, what was going on in reform circles, and really defends Jews against these attacks by people within her free thought or atheist community. I think it's kind of interesting that it took the Civil War to bring that out in her.

[00:30:21.3] Jeffrey Rosen: Remarkable. Well, Professor Rabin, tell us about that wave of anti-Semitism that swept over the South during the Civil War. How did Jews react and how did it affect the different reaction of Southern Jews to the conspiracy, which as you describe, ranges from resistance, to reluctance, acceptance?

[00:30:43.7] Shari Rabin: Yeah. So it's not present, at least in the South, from the jump, from Fort Sumter. It's as the war drags on longer than many initially thought it would take, there starts to be dissatisfaction, grumbling, there's battle... The South is losing battles. And as people get frustrated, they start to draw on very old anti-Semitic tropes of Jewish disloyalty, Jewish extortion. So you see various kinds of anti-Semitic rhetoric, and also several attempts, both North and South, to eject Jews from places where they're conflated with any form of improper economic or political behavior. So very famously, Ulysses S. Grant expels the Jews, as a class, from the Department of Tennessee. You also see some less known examples of this. In Thomasville, Georgia, for example, there's an effort to expel local Jewish families who are seen as enemies of the Confederacy. And in response to that particular moment, there's an outpouring amongst different groups of Jews in Georgia, who push back and publish letters making the case for their own loyalty and commitment and for the impropriety of excluding Jews from Confederate identity. So there is this, as the war drags on, this increasing suspicion of Jews. But they really push back in a strong way to say, "No. We are fully part of the Confederacy and it's wrong to suggest otherwise."

[00:32:38.8] Jeffrey Rosen: Absolutely remarkable. Richard, can you tell us more about that anti-Semitic wave, the sources of Grant's order? You mentioned the Christian anti-Semitism that influenced people like Garrison. What were the sources of this anti-Semitism and what were its effects?

[00:32:58.0] Richard Kreitner: Right. Well, during the war in the North and in the South, it had a lot to do with economic shortages, with complaints about losses on the battlefield. People were dying. And there was a fear, and this had existed before and would very much exist afterwards, that Jews were profiting over the war rather than participating in it. And that's an anti-Semitic slur. There are a few instances in which that was the case, where people decided that it was worth their while to try to make uniforms for the Union Army, rather than serve in one of those uniforms themselves. I can't say I would make a different choice. In Grant's case, there was this fear that Jews were being these, 'predatory capitalists,' I guess would be the word, in parts of the South that had been taken by the Union Army. So the idea... The Union established a blockade on cotton leaving the South in order to starve the Southern economy into submission. But when the Union Army took parts of the South, starting in 1862, there was a question of what do you do with those territories. Do you allow them to export cotton?

[00:34:03.7] Richard Kreitner: And while Washington was figuring this out, there were smugglers and speculators, Jews and non-Jews, who got involved themselves and tried to get cotton out of the South in order to turn it over and send it to Europe where it could actually be made into finished goods; and even in the North, into Union Army uniforms, like I mentioned. So Grant's order comes out of, it seems, an effort by his father, this kind of enterprising, slightly unsavory character, who was working with a Jewish clothing manufacturer in Cincinnati, named Henry Mack. And they proposed this scheme to Grant where he would grant them passes in order to conduct this semi-legal business in Grant's military district. Grant believed that all this cotton that was leaving the South was only giving the Confederates gold and money in order to buy weapons to kill his soldiers. So he wanted to cut off all the trade. So first, he blocked Jews from traveling by railroad in his district. And then he, in the end, issued this order that was never really fully put into effect, but it was in some places, like in Paducah, Kentucky, to evict all Jews from his district, not just traders and speculators and merchants.

[00:35:12.4] Richard Kreitner: Now, this story has been told by Jonathan Sarna in his book and by many others. What's really interesting to me, is that the order is issued at the end of December of 1862, and a delegation travels to Washington to meet with Lincoln to ask him to overturn it, which he does immediately. But what happens in the meantime is that Lincoln issues the Emancipation Proclamation on January 1st of 1863. And these two documents, these two events, are received by the American Jewish community at the same time. In some newspapers, they're published on the same page. And what several Jewish leaders, like Isaac Mayer Wise, get from this coincidence, is that black fortunes are rising at the same time that Jews are coming under threat as they never have before in the United States. And I believe that if the fight against Grant's order represents some kind of beginning of American Jewish politics, we find our interests injured, we're going to send a delegation, we're going to get it overturned. It happens at this moment of real insecurity and fear that there's some kind of zero-sum nature to black and Jewish relations. And I think that we can kind of see that in this moment during the Civil War.

[00:36:21.2] Jeffrey Rosen: Absolutely remarkable. It shows, so powerfully, that the interests of blacks and Jews did not align for much of this period, or at least they're not perceived to. And these tensions persist, of course, throughout the following century. Professor Rabin, talk about the participation and active support of Jews for the Confederacy, for the slave trade. How many Jews were involved? In fact, despite anti-Semitic propaganda, it was a tiny percentage of all the white people involved in the slave trade. But were the Jews who supported slavery in the Confederacy more enthusiastic than other non-Jews or not?

[00:37:14.9] Shari Rabin: Yeah. That last part is hard to know for sure. And in terms of proportionality, Jews tended to enslave, roughly, in proportion to their size of the population, which was very small, even in urban centers. This has remained a very small population. And so their patterns of slaveholding were consistent with their amount of the population. But yeah, there are certainly a lot of Jews, especially those like I mentioned, from South Carolina, those who'd been in the US for several generations. And one metric of this is, when the war breaks out, who volunteers? Who enlists? And so, there certainly are Jews amongst those early soldiers in the Confederate Army. And more, then, later are conscripted, after the Confederacy needs to conscript soldiers in order to fill their army. So, more participate then. Others, they're... Not everybody is onboard. Some people leave the South and go to the North to wait out the war because they don't want to fight. Others participate in the war in other ways. And some seem to have been, from some documents that I found, seem to have been, 'reluctant Confederates,' we might call them. And this is a set of documents I found, that is from people who were not granted the automatic amnesty that President Johnson offered to Southerners after the end of the war, after Appomattox.

[00:39:00.0] Shari Rabin: There was certain categories of Southerners who had to write him letters specifically requesting the return of their citizenship. It's a fascinating set of documents, well known to Southern historians. But to my knowledge, nobody has noticed the Jews in there before. You have to be looking for these particular people because it doesn't mention their Jewish identity. And it's a sour space that only exists for former Confederates. And some of them, there's Benjamin Mordecai, who's a prominent supporter of secession. He donates $10,000 to the Confederacy very, very early on. He writes a letter to Johnson and just says, "I was raised in the South. My sympathies were with the South. I'm a son of South Carolina. That's that." Johnson was known to be generous with amnesty. So as long as you wrote the letter, you would get your citizenship rights back. So Benjamin Mordecai says, "I supported the secession. That's that." But there's other letters which reveal a lot more ambivalence.

[00:40:04.7] Shari Rabin: There's one in particular from Jacob de Cordova, who was an early settler and booster in Texas. And he says, basically, "As soon as the war started, I regretted it. And I wish that I had never supported the... That I never stayed in the South. And I'm so glad now that this war is over and that I'm back in the Union." Other people say explicitly, like, "I was against secession, but I felt compelled to stay where my financial assets were, and I had dependents to support and I couldn't abandon everything. And so I was stuck." And I think, because of this anti-Semitic discourse of Jewish disloyalty, American Jews have been very quick and eager to say, "Oh, no, no, Jews are always loyal. Wherever they're living, they're loyal to that, to that government." But I think that papers over a much more complicated and messy story.

And Jews were not alone in having doubts about the Confederacy. Other Southerners, too, had complex and shifting loyalties. And there was good reasons to be skeptical of this project of the Confederacy. So yeah, there are... Certainly, it seems that the majority went with the secession and allied with the Confederacy. But at least some, when push came to shove and they had the opportunity to express what their feelings on this subject had been, more than have been remembered, expressed more ambivalence.

[00:41:39.4] Jeffrey Rosen: Thank you for that. Richard, you have some statistics about Jewish involvement in the Atlantic slave trade. You say it's been wildly exaggerated by anti-Semites of all stripes. "Groups, for their own warped reasons," you write, "have blamed the slave trade solely on Jews." Whereas, in fact, even if Jewish traders were responsible, as one estimate has it, for a fraction of 1% of the roughly 12 million people seized from Africa, that still amounts to tens of thousands of individuals. Tell us about the numbers, and then perhaps, introduce the story of another really vivid character in your book, August Bondi.

[00:42:16.3] Richard Kreitner: Oh, sure. Well, as far as the numbers go, these have been massively exaggerated, as I say, by both white nationalists, as I could tell, dating back to the 1960s, and by black nationalists more famously. The Nation of Islam put out a book called, The Secret Relationship Between Blacks and Jews, in the early 1990s, which blamed the slave trade almost exclusively on Jews, and was debunked thoroughly by numerous historians: Eli Faber, Saul Friedman, many scholars have crunched the numbers. I rely on their numbers to show that Jewish involvement, in both the slave trade and then also Antebellum slavery in the United States, was not at all disproportionate to the overall white population. Now, that's kind of where the story stopped until recently, where, I think, American Jews were eager not to probe too deeply into the stories of those who were involved for fear of playing into those kinds of distortions. And while I totally understand that impulse, I think we also miss some very important stories and very important dynamics that shaped the early American Jewish community, such as those that we were talking about earlier. That our good fortune in this country, was really only possible because we benefited, even indirectly, from the institution of slavery, quite apart from those American Jews who were directly involved in profiting off of it. So, it's a very important part of the American Jewish story that I think has been skipped over forever, really, until recently. And it's very important that we fold back into the overall American Jewish story, which is why I'm so excited about this program and Professor Rabin's book and other people's work; Adam Mendelson has also done a great job with this.

[00:44:01.8] Richard Kreitner: August Bondi is the character I do start and end the book with, and he's amazing. He left a memoir of his life, which is at the Center for Jewish History in New York, which I remember reading through, a little over a decade ago and being like, this is a movie. Something needs to be made of this. So, he's born in Vienna to fairly well-off middle-class Jewish parents, a business owner who falls into hard times in the 1840s, a period of economic depression in Europe related to the potato blight in Ireland. And Bondi, as a 15-year-old, participates in the revolution in Vienna in 1848, and claims to have been the first person to have suggested raising barricades using the sidewalks of the city's streets. And he borrows a neighbor's gun and he joins the battalion of the Faculty of Philosophy, which as a former philosophy major, I just like the thought of. And he fights in the revolution. When it starts to turn, his family decides to leave, like many in Vienna and in Europe, and Jews and non-Jews.

They leave for America and they take a steamship across the Atlantic and up the Mississippi river.

[00:45:07.1] Richard Kreitner: And that's where I start the book. That's where I introduce Benjamin because the tugboat that they are riding up the Mississippi to New Orleans, stops at a sugar plantation. And it's possible, I'm not at all saying it's definitely the case, but it's possible that it's Judah Benjamin's plantation. The geography works out. Not saying it's definite, but I just like that thought of that interaction. Bondi and his family then go to St. Louis, where he tries teaching, he tries sweeping a store. He laments in his memoir how sad it is for a former member of the Vienna Legion to be doing menial tasks like sweeping a floor. And in search of adventure, he goes to Kansas, which is in the throes of this massive struggle, which is really a proxy war between North and South, over whether slavery will expand to the new Western territories. And he ends up following him with John Brown, the freedom fighter and abolitionist who would eventually, more or less, trigger the Civil War with his raid on Harpers Ferry.

[00:45:58.6] Richard Kreitner: But before that, he was leading the Free State Forces in Kansas. And Bondi leaves in his memoir these incredible depictions of life in John Brown's camp, where they're attacking pro-slavery settlers and really fighting the first pitched battles between North and South where there were casualties, about 100 on each side. And he eventually joins the Union Army and he's badly wounded and he goes home. But he's just an amazing character. The memoir itself, is not a great read. It's kind of written in the clipped form of a diary. So, I use it, to bring to life, these incredible stories of Jews in odd places, Jews in bleeding Kansas, in the Union Army and fighting these guerrilla battles in Arkansas and Missouri. And then after the war, he lives this long life in which he actually begins to go back on some of those more idealistic political commitments and returns to the Democratic Party, which he had gotten his start in in St. Louis in the 1850s. And he ends up dying in, I think, 1907 of a heart attack in St. Louis. So, his story kind of bookends my narrative.

[00:46:57.5] Richard Kreitner: I just want to mention, just about something that Professor Rabin was talking about, the divisions within the Jewish community in the Civil War South, also existed in the Civil War North. It's not like all Jews who were in the North, were all abolitionists, or were all gung-ho about the Union Army. Many of them were Democrats before the war because that was the pro-immigrant party. Whereas the wigs, and then the Republicans, flirted with a certain nativism. And they were skeptical of the war and they didn't want to fight. They avoided the draft. There's an incredible character I talk about, Marcus Spiegel, who joined the war reluctantly. There was a law in Ohio that you weren't liable for any of your debts if you were serving in the armed forces. So he joins the war, he tries to get a desk job away from the battle. But his actual Civil War experiences end up converting him into abolitionism before he ends up getting killed in action. So there's a whole range of diverse Jewish responses to the struggle over slavery and the Civil War, in both parts of the country.

[00:47:51.0] Shari Rabin: And, yeah. One of the interesting things about this history too, is that two major American Jewish leaders at the time, Isaac Mayer Wise and Isaac Leeser, who are both in the North, both... Wise is in a border city, Cincinnati, just across the river from slavery in Kentucky. And Leeser had lived in his youth in Richmond, Virginia. So both of them, they're the editors of the two most important Jewish newspapers and the most important Jewish leaders.

They're both, technically, in the Union, but both of them have strong Southern sympathies as well, which is an interesting thing in this as well.

[00:48:23.6] Richard Kreitner: Absolutely. I was going to...

[00:48:24.2] Jeffrey Rosen: Professor Rabin... Oh, please go ahead.

[00:48:26.6] Richard Kreitner: We could talk for hours, I'm sure.

[00:48:27.9] Shari Rabin: Yeah, I'm sure.

[00:48:31.6] Jeffrey Rosen: I wondered if, Professor Rabin, you could just say a few more words about the arguments that Jews in the South made to oppose slavery. Several of our questioners ask the obvious and important question: For a people who came from slavery in Egypt, how could Jews own slaves in the South and support slavery? Did some Southern Jews invoke their Jewish experience in opposing slavery? And what were the range of arguments, on both sides, that people made?

[00:48:58.8] Shari Rabin: Yeah. Among southern Jews, you do not see a lot of robust discussion on this topic. One character who I think is really interesting is Alfred Mordecai, who'd been in the U.S. Army, was a West Point graduate. And he says in one of his letters around the time of sectional crisis, like, I almost, I never talk about that. I never talk about this. I rarely talk about it, let alone write about it. And he basically just says, like, this is a curse. So you do see... And that's in the context of this intensifying political conflict. And he's got a Northern wife, but Southern family, and ends up with relatives on both sides. So you see that kind of like... This has led to this cursed political quagmire that they find themselves in. You don't see, from southern Jews, and even from very few northern Jews. Richard's book talks about the few small number of Jews who did have more robust abolitionist principles. But yeah, again, I think we, as contemporary American Jews, see the irony and wish that there was more of drawing on those Jewish histories and values to inform their reaction to their political situation. But if there were southern Jews making that connection and opposing slavery on the basis of Jewish history and Jewish moral values, they didn't document it or it was not saved, unfortunately.

[00:50:45.5] Jeffrey Rosen: Thank you for that. Richard, you identify three rabbis who debated the Jewish view of slavery. Morris Raphall, the slavery defending traditionalist. Isaac Mayer Wise, who wanted Jews to stay out of the controversy so they didn't draw unwanted attention. And David Einhorn, the bold dissident who denounced the pro-slavery position and Wise's quietism. If you could distill those three positions for our audience so we understand them.

[00:51:12.9] Richard Kreitner: Sure. I mean, the book begins with this well-known speech that Morris Jacob Raphall gives in Manhattan at B'nai Jeshurun in January of 1861, right before the Civil War begins, in the middle of the secession crisis, in which he is intervening in this ongoing and intensifying debate over what the Bible says about slavery. Is it anti-slavery, as abolitionists like Garrison, Wendell Phillips argued? Or did it defend slavery, like Christian slave owners throughout the South had always claimed? And Raphall, although he lives in Manhattan, he's born in Sweden, lives for many years in London, develops this lush, posh accent. And he's

Orthodox, but he is interested in bringing a modern sensibility to Orthodox Judaism. And he intervenes and he says that the Bible endorses slavery, that it's actually blasphemy to suggest otherwise. That all the patriarchs owned slaves. That even though the Exodus is a story of the Hebrews escaping slavery, they don't then turn around and ban slavery in their own kingdom. And so it's blasphemy to say that the Bible is anti-slavery.

[00:52:23.1] Richard Kreitner: In response to that, David Einhorn, who is a Reform rabbi, fairly radical Reform rabbi from Germany, steeped in the Enlightenment, in the Haskalah, who has come to Baltimore, invited by a Reform temple there in 1855, and immediately begins denouncing slavery, which is a fairly bold thing to do in the largest city in a slave state. And he denounces Raphall's sermon and says that this is a shanda, this would be a terrible thing to allow the larger world to accept as the Jewish opinion on this. That would be handing... One of my favorite things that he says is that, it would be handing a gift to our enemies, a rhetorical gift, where they could turn around and they could say, "Ah, such are the Jews. Where they are oppressed, they denounce slavery and say that everybody should be free. Where they are free, they say that slavery is sanctioned by God." A damning quote.

[00:53:16.7] Richard Kreitner: And then in response, Isaac Mayer Wise, who as Professor Rabin mentioned, lives in Cincinnati, right on the border between slave states and free states, and half of the subscribers of his newspaper live in the South. He says, let's not get involved. Silence should be our policy. You're only going to read in my newspaper nothing about slavery, nothing about abolition. It seems that he himself had moral qualms with slavery, but did not think that Jews should, in any way, make a political issue out of it. And certainly not draw on their own history of oppression.

[00:53:42.0] Richard Kreitner: As Professor Rabin was saying, it's really our modern sensibility that sees any contradiction in this. Southern Jews sat down to Passover seders, served and cooked by their own enslaved servants. And the only people in that situation who were thinking about any modern echoes of the Exodus story, were the enslaved servants who saw themselves as the living inheritors of the Exodus story. And I believe that, to the extent that we see a contradiction in this, is because American Jews have reabsorbed that appropriation of our tradition by enslaved people in the South. And I think that that kind of explains why when we hear, "Let my people go," it calls to mind certain associations that would never have occurred to somebody sitting in Charleston in 1860.

[00:54:30.9] Jeffrey Rosen: Thank you so much for that. Well, it is noon and we always end on time. A complex topic like this can't possibly be summed up, but I can offer no higher praise for the discussion than to say that Justice Louis Brandeis, a great Southern Jew who always is gazing over my shoulder to ensure that I'm industrious, would have been pleased with today's discussion because you both cast so much light on the complicated, urgent, and necessary story of Jews and slavery. Thank you so much, Professor Shari Rabin and Richard Kreitner.

[00:55:07.0] Richard Kreitner: Thank you very much.

[00:55:07.5] Shari Rabin: Thank you.

[00:55:08.2] Richard Kreitner: This was great.

[00:55:10.9] Jeffrey Rosen: This episode was produced by Samson Mostashari and Bill Pollack. It was engineered by Bill Pollack and David Stotts. Research was provided by Samson Mostashari and Gyuha Lee. Please recommend the show to friends, colleagues, or anyone anywhere who is eager for a weekly dose of constitutional illumination and historical debate. Check out the Constitution 101 course that we launched in partnership with Khan Academy at constitutioncenter.org/khan101. Sign up for the newsletter at constitutioncenter.org/connect. And always remember, in your waking and sleeping moments, that the National Constitution Center is a private nonprofit. This podcast and all our work is made possible thanks to the generosity of people from across the country who are inspired by our nonpartisan mission of constitutional education and debate. Please consider supporting our efforts by donating today at constitutioncenter.org/donate. On behalf of the National Constitution Center, I'm Jeffrey Rosen.