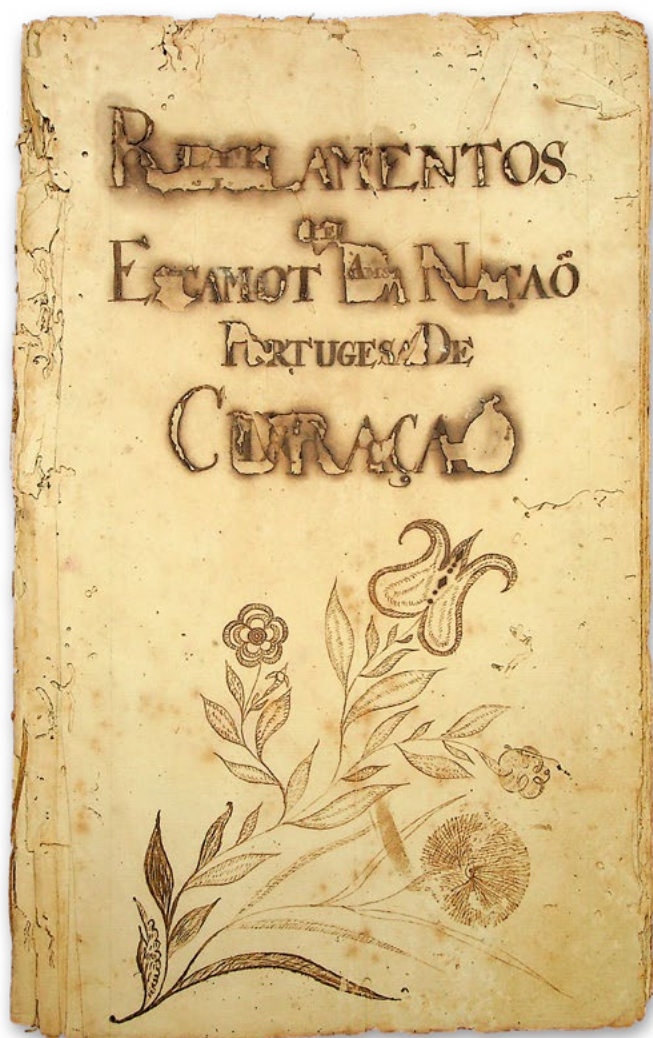


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Archives  
Journal



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The  
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Journal

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Andrew Rehfeld, Ph.D., President

**On the cover:**

1756 regulations of Curaçao's Mikvé Israel.

Courtesy Mikvé Israel-Emanuel archives, Mongui Maduro Library, Curaçao

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The *haskamoth* of historic Mikvé Israel congregation are important to understanding the history of the Jews of Curaçao. The *haskamoth* established extensive powers of the mahamad that led, well into the nineteenth century, to contentiousness and numerous conflicts with religious leaders. In 1863 a schism led to the formation of a Reform community with more equal distribution of communal authority. The two communities would eventually merge and adopt modern principles of congregational governance. A unique blend of traditional Sephardic with Reform liturgy has ensured the survival of this Jewish community for more than 365 years.

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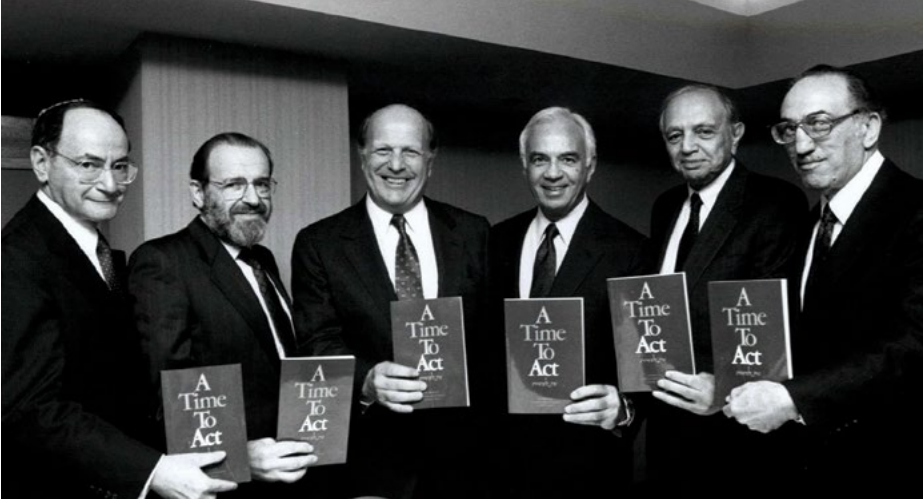
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# The Jack, Joseph and Morton Mandel Foundation Records Now Available on AJA's Website



From left: Rabbi Ismar Schorsch, Chancellor, Jewish Theological Seminary; Rabbi Norman Lamm, President, Yeshiva University; Rabbi Alfred Gottschalk, President, Hebrew Union College-Jewish Institute of Religion; Morton L. Mandel, Chairman of the Commission on Jewish Education in North America; Mandell L. Berman, President, Council of Jewish Federations; and Bennett Yanowitz, President of JESNA. ©Photograph by Robert A. Cumins

The Jacob Rader Marcus Center of the American Jewish Archives (AJA) is pleased to announce that its Jack, Joseph and Morton Mandel Foundation Records have been digitized and are available online. The collection documents the work of the Foundation through two of its innovative initiatives launched during the 1980s: The Commission on Jewish Education in North America and the Council for Initiatives in Jewish Education. This project was made possible by a generous grant from the Jack, Joseph and Morton Mandel Foundation.



<https://Mandel.AmericanJewishArchives.org>



## TO OUR READERS . . .

The first attempt to reconstruct the history of Jewish life in America may be traced back to a little-known Hebrew oration written and delivered by Sampson Simson (1780–1857), a reclusive lawyer and philanthropist, who was one of the founders of New York’s “Jews’ Hospital,” the progenitor of today’s Mt. Sinai Hospital. Those assembled at St. Paul’s Church on that August day in 1800 heard Simson deliver a Hebrew speech titled, “The Historical Traits of the Jews, from their First Settlement in North America.”<sup>1</sup>

Simson’s Hebrew oration consisted of a concise historical retrospect on how it came to be that Jews were among the earliest ethnic groups to settle in North America, having migrated when the city, New Amsterdam, was still under Dutch sovereignty. According to Simson, the first Jews to settle in North America promptly resolved to make this new land their permanent home because their fellow citizens treated them kindly<sup>2</sup> and because they found the colony to be commodious.<sup>3</sup> The Jews, he continued, began establishing useful businesses and, of course, their own house of worship, which they voluntarily supported generously. Simson took care to stress that these pioneering Jews were also true American patriots who willingly joined with their fellow citizens in throwing off the “yoke of [English] subjection.”<sup>4</sup> This short historical précis concluded with the hope that God would “extend His mercies” on the United States and that “love and fellowship” would reign among all of America’s citizens.<sup>5</sup>

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1 Simson was one of fifteen graduates selected to deliver learned talks. Three students spoke in a classical language: Simson’s address was in Hebrew, Peter Wilson spoke “On Friendship” in Greek, and George Wilson delivered the “salutatory address” on “Hope” in Latin. Cf., Isidore S. Meyer, “Sampson Simson’s Hebrew Oration, 1800,” in *Publications of the American Jewish Historical Society*, no. 37 (1947): 430–433.

2 For the Hebrew text of Simson’s oration, see Isidore S. Meyer, “The Hebrew Oration of Sampson Simson, 1800,” *Publications of the American Jewish Historical Society* 46, no. 1 (September, 1956): 51–58.

3 Ibid.

4 Ibid.

5 Ibid.

Twelve years later, a pioneering American author named Hannah Adams (1755–1831) published *The History of the Jews: From the Destruction of Jerusalem to the Present Time*, wherein she briefly described the character of Jewish life in New York, Philadelphia, and Charleston.<sup>6</sup> Most of Adams's data came from a report sent to her by the much-respected Gershom Mendes Seixas (1745–1816), the spiritual leader of New York's Sherith Israel Congregation.

The efforts of writers such as Simson and Adams, along with the historical writings of many others who attempted to memorialize various aspects of Jewish life in America during the first half of the nineteenth century, primarily consisted of personal reflections, remembrances, and memoirs. Yet a new and significant historical methodology was emerging at this time. The towering German scholar, Leopold von Ranke (1795–1886), developed and promoted a dynamic new approach to the historical enterprise—historical reconstruction based on *primary sources*. Ranke believed that the most accurate and authentic histories were based on data gleaned from a diverse array of primary source documents, including “memoirs, diaries, personal and formal missives, government documents, diplomatic dispatches and first-hand accounts of eye-witnesses.”<sup>7</sup> As Ranke famously asserted, the historian should have no desire to judge the past or to confuse fact and fable. The historian's task, he insisted, was to use data that would enable the historian to describe “‘*wie es eigentlich gewesen*’ [how it actually was].”<sup>8</sup> This new method of historical research spread to many German universities and, in time, the modern academic study of history was born.

The need to collect and preserve primary source documents so that scholars of history could make use of these materials was one of many important consequences that resulted from the popularization of Ranke's historical methodology during the last half of the nineteenth century.

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6 Hannah Adams, *The History of the Jews: From the Destruction of Jerusalem to the Present Time* (Boston: John Eliot, Jr., 1812).

7 Glen Cunningham, *History and Historiography* (Waltham Abbey Essex, UK: ED-Tech Press, 2018), 79.

8 Ernst Breisach, *Historiography: Ancient, Medieval and Modern* (Chicago: University of Chicago Press, 1983), 233.

Large archival centers dedicated to preserving primary source documents that would enable scholars to reconstruct a nation's or a region's past began to appear. As one archival historian observed, "Archives came to be foundations of national identity. State archives were founded or reorganized [during the nineteenth century] as institutions dedicated to preserving the histories of nation-states.... The archive grounded the nation firmly in shared historical memory."<sup>9</sup>

Like many other Americans at the end of the nineteenth century, Jews were affected by this new impulse to find, collect, and preserve the primary sources that would provide researchers with the materials they needed to authenticate and document the history of Jewish life in America. The first step on the road that led to the establishment of a Jewish archives that would preserve the records of American Jewry may have been taken in 1886, when Abram S. Isaacs (1852–1920) called for the publication of a new and complete history of American Jewry.

Isaacs, a rabbi, scholar, and educator, spent much of his career teaching German literature and Semitic languages at New York University. His father, the prominent American Jewish religious leader Samuel M. Isaacs (1804–1878), had founded a weekly paper in 1857, *The Jewish Messenger*, which Abram took over after his father died. By 1886 Isaacs realized that many Americans were beginning to plan for a national commemoration in 1892 that would mark the four-hundredth anniversary of Christopher Columbus's historic voyage. Isaacs suggested that "a complete history of the Israelites in America would be a timely work to produce in connection with the [anniversary]." This history, he asserted, should trace Jewish life back to the "early Jewish settlements," and it should also contain "biographies of American Israelites prominent in all professions." Isaacs's appeal concluded with an enthusiastic flourish: "*A memorial history of the Jews in America would be one fitting way to mark the four hundredth anniversary of America's discovery. It can be done.*"<sup>10</sup>

Two years later, Leo Napoleon Levi (1856–1904), a prominent lawyer and Jewish communal leader who would eventually become the president

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9 Elizabeth Yale, "The History of Archives: The State of the Discipline," *Book History* 18 (2015): 341.

10 *Jewish Messenger* (12 November 1886): 4.

of B'nai B'rith International, seconded Isaac's recommendation in the pages of *The Menorah*. Yet Levi also pointed out that "The history of the Jews in America cannot easily be written. No one has charged himself or been charged by others with the duty of collecting or preserving the data necessary for the construction of such a history." Although Levi had no experience writing history, his analysis of the problem American Jewish historians would face was astonishingly prescient:

The entire absence of any accurate statistical information either of the past or present condition of the Jews in the United States of America, most certainly presents an evil condition of affairs which a hasty analysis can formulate as follows, to-wit: First, we have no data upon which can be based a veracious history of the Jewish people in America; second, we have no data upon which to give the best possible direction to philanthropic aspirations; and thirdly, we are wanting in the facts which more than all rhetoric or sentiment will refute the slanders upon the Jews and establish their claim to social and political and religious tolerance, in the highest meaning of that word.<sup>11</sup>

Only a few months later, the pioneering Jewish reformer Rabbi Bernhard Felsenthal (1822–1908) reinforced Levi's concerns and called for the establishment of a "Jewish Historical Society" in a letter written to a young and promising scholar, Cyrus Adler (1863–1940). In 1888, Adler had just received the very first American doctorate in Semitics from Johns Hopkins University. Having taken note of both Isaac's and Levi's calls for a history of American Jewry, Adler elected to publish Felsenthal's personal communication in *The Menorah* to stimulate interest in this important project. Adler was undoubtedly impressed with Felsenthal's insightful observations concerning the need to collect and preserve historical data:

In the archives in Washington, and in the capitals of the older colonies and states, also in the records of the older Jewish congregations of our

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11 *The Menorah*, vol. 5 (1888): 122–123. *The Menorah*, a monthly magazine, was the official organ of B'nai B'rith. The periodical began publication in 1886 and its original editor was Benjamin F. Peixotto (1834–1890).

country, and elsewhere, interesting documents may be found, and if not *in extenso*, at least digests of these should be published and thus the material should now be gathered from which a future historian might construct a history of American Israel.<sup>12</sup>

There can be little doubt that Felsenthal was cognizant of Ranke's new source-based methodology for writing history, for he emphasized in his letter to Adler that the historical "researches should be made in some systematic manner, by men who know what a scientific method is, and what is to be understood by the term *objectiv Geschichtsschreibung*."<sup>13</sup>

The suggestions of men such as Isaacs, Levi, and Felsenthal persuaded Adler that the time was ripe for the creation of the American Jewish Historical Society (AJHS). Convinced that there was sufficient interest in creating a historical society that would collect and disseminate archival resources, Adler convened a meeting of interested leaders in the spring of 1892. Under his leadership and with the support of numerous Jewish philanthropists, the AJHS came into existence. It soon began collecting and preserving primary source materials that enabled scholars to conduct historical research and publish their document-based articles in the AJHS's journal. The creation of the AJHS was a watershed event for the American Jewish historical enterprise.<sup>14</sup>

In announcing his decision to establish an American Jewish Archives (AJA) on the campus of Cincinnati's Hebrew Union College in 1947, Jacob Rader Marcus (1896–1995) praised the AJHS's "pioneering" achievements that laid a "foundation for scientific scholarship in the field [that] no historian or sociologist who attempts to understand the American Jew can afford to neglect." Yet by the middle of the twentieth century, Marcus contended, "almost one-half of the 11,000,000 [Jews] who have survived the Hitler era" were living in

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12 Ibid., 191.

13 Ibid.

14 George Alexander Kohut, "The Contributions of Cyrus Adler to American Jewish History," *Publications of the American Jewish Historical Society*, no. 33 (1934): 39–40. On Adler, see also Jonathan D. Sarna, "Cyrus Adler and The Development of American Jewish Culture: The 'Scholar-Doer' as a Jewish Communal Leader," *American Jewish History* 78, no. 3 (1989): 382–394.

the United States. "American Jewry [had] become the 'center' of world Jewish spiritual life."<sup>15</sup>

These facts convinced Marcus that additional archival centers were desperately needed to gather source materials that were in danger of disappearing. One Jewish archives on the East Coast was insufficient to the task, and he would launch a new archival center that would supplement the efforts already underway. Marcus also wanted to document history in real time. He believed that American Jewish historians were conducting "a post-mortem autopsy" on Jewish life in America. "We propose," Marcus declared, "to collect the records of this great Jewish center, not after it has perished, but while it is still young, virile, and growing." In this sense, Marcus wanted the AJA to procure an even larger pool of documents that needed to be preserved to provide for an authentic historical accounting of the American Jewish experience, which had become the largest Jewry in the Diaspora. This task was and is, as Marcus put it, "a remarkable opportunity and challenge."<sup>16</sup>

The three research articles appearing in this issue of our journal validate the dedicated efforts and farsighted vision of all those who struggled to create and maintain the important archival research centers that, to this day, continue to store, organize, and offer up the materials that bring American Jewish history to life. Readers will note that these fine essays pertain to topics that have been examined previously and extensively. Yet new archival research and resources have enabled these authors to delve more deeply into their subject matter and provide us with new data and insights. The breadth of topics covered by these three articles will take the reader from the beginnings of American Jewish history in the seventeenth century transatlantic colonial period to the dawn of the twenty-first century.

Ron Gomes Casseres' essay titled "Concerning the Political Government of the Portuguese Jewish Nation of Curaçao" ("Tocante O Governo Politico da Nação Judaica Portuguesa de Curaçao") examines the development of the statutes and ordinances enacted by the

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15 Jacob Rader Marcus, "The Program of the American Jewish Archives," *American Jewish Archives* 1, no. 1 (June 1948): 2.

16 Ibid., 3.

Jews of Curaçao from the community's beginnings up to today. These documents shed light on how the Jewish community in Curaçao responded to the ever-changing conditions that occurred over the centuries. Lawrence Freund's interesting account of Levi Cohn, a little-known Jewish bureaucrat from Albany who ends up being accused of committing ballot fraud in the 1864 presidential election, provides us with a captivating (and frustrating) look at the underbelly of political partisanship. Cohn's inexplicable and lengthy incarceration as well as his struggles to prove himself innocent constitutes a newly discovered episode in the well-documented relationship between Abraham Lincoln and American Jewry. Finally, Monty Penkower penned an essay on Judah L. Magnes' unswerving commitment to the belief that Jews and Arabs would be able to live together peacefully and respectfully in a bi-national state, if they were only given an opportunity to do so. By examining the final year of Magnes's life—a year that coincided with ongoing political turbulence culminating in Israel's Declaration of Independence—Penkower enhances our understanding of Magnes's ideological principles, which seemed to be a unique commixture of cultural Zionism and progressive universalism.

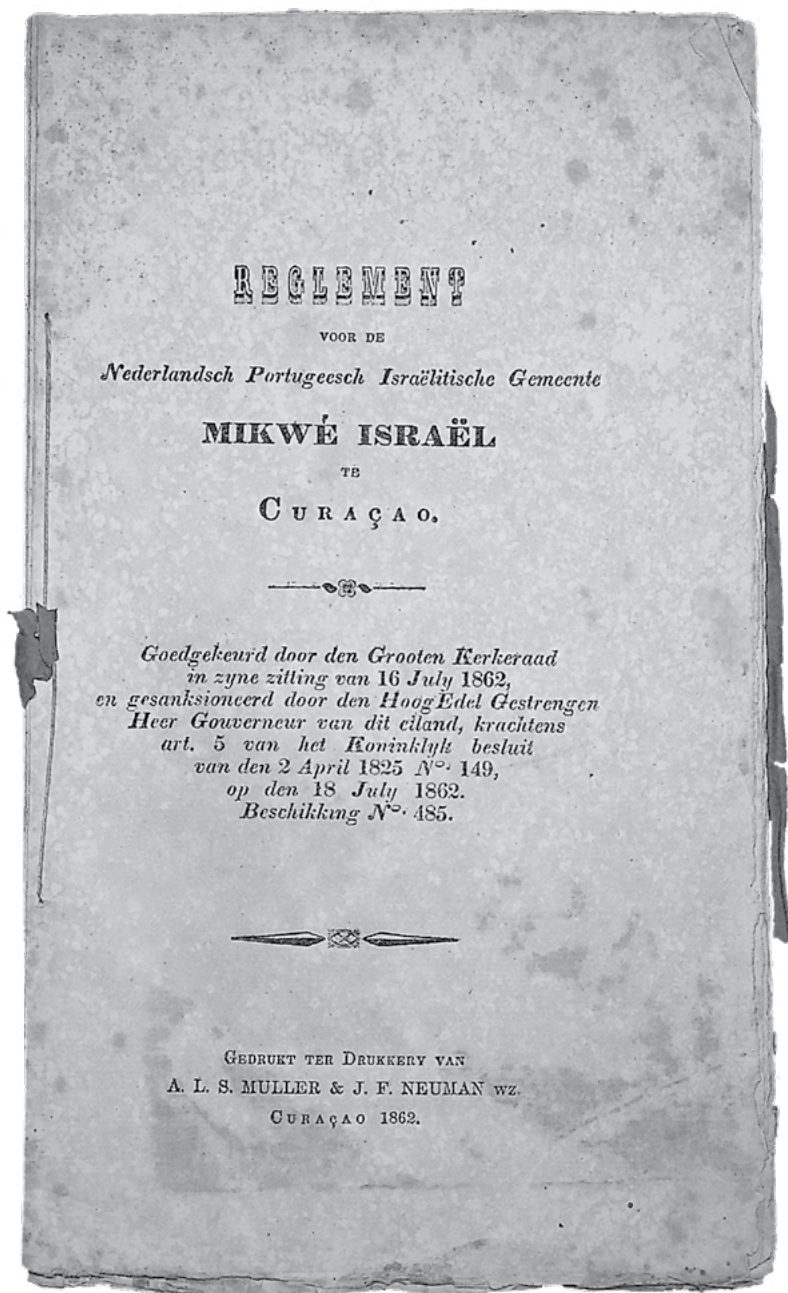
Jacob Rader Marcus contended that like any archival research center, the American Jewish Archives possessed a twofold mission: (a) "to ascertain the facts as they actually are; and (b) to promote the study of those materials which will further a knowledge of the American Jew."<sup>17</sup> This issue of the journal—in truth, *every* issue of this journal—places the results of this vitally important quest on full display for all of us to see and enjoy.

G.P.Z.

Cincinnati, Ohio

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17 Ibid., 5.



1862 regulations of Curaçao's Mikvé Israel.

(Courtesy Mikvé Israel-Emanuel archives, Mongui Maduro Library, Curaçao)

# “*Tocante O Governo Politico da Nação Judaica Portuguesa de Curaçao*”

## Leading and Ruling the Jews of Curaçao from 1651 to Today

RONALD GOMES CASSERES

The formal regulations of Curaçao’s Portuguese Israelite congregation, Mikvé Israel,<sup>1</sup> are important to understanding the more than 365-year history of the Jews of Curaçao. Elements of these seventeenth- and eighteenth-century regulations, or *haskamoth*—and of Jewish practices inside and outside the historic congregation—can be traced back to those of the Portuguese communities of Amsterdam and Venice and are found also in the *haskamoth* of other Caribbean communities.<sup>2</sup> A number are reproduced in the authoritative *History of the Jews of the Netherlands Antilles* by Isaac S. Emmanuel and Suzanne A. Emmanuel,<sup>3</sup>

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1 Mikvé Israel was founded by Spanish and Portuguese Sephardic Jews in 1651. Since 1964, the originally Orthodox congregation has followed a liberal ritual. Western Sephardic Jews are referred to as Spanish and Portuguese Jews, or often simply as Portuguese Jews. This nomenclature distinguishes these Jews from Eastern Sephardic Jews, who are found in Northern Africa, Greece, and Turkey.

2 Arnold Wiznitzer, *The Records of the Earliest Jewish Community in the New World* (New York: The American Jewish Historical Society, 1954): 9, 10. “The regulations of Amsterdam which served as a model for ... Mikveh Israel of Curaçao and many others ... had in turn been patterned after those of the Portuguese Congregation Talmud Torah of Venice ... and certainly those of the Lisbon community during the fifteenth century.”

3 Isaac S. Emmanuel and Suzanne A. Emmanuel, *History of the Jews of the Netherlands Antilles*, 2 vols. (Cincinnati: American Jewish Archives, 1970). The *haskamoth* of Mikvé Israel, Emanu-El and/or Mikvé Israel-Emanuel referred to by these authors and/or reviewed for the first time in this article can mostly be found at one or more of the following: the Mongui Maduro Library in Curaçao (hereafter “MML”); the American Jewish Archives (AJA) in Cincinnati, Ohio; and Leiden University in the Netherlands. *Haskamoth* commented upon by Emmanuel and Emmanuel but not available at any of these libraries or archives are presumably in the Old Archives of Curaçao (OAC) in The Hague (NL-HaNA).

who discuss them from a religious/historical perspective. In his *Jews of the Dutch Caribbean*,<sup>4</sup> Alan Benjamin includes Mikvé Israel's *haskamoth* in his analyses of the social and religious fabric of Jewish life in Curaçao. Bastiaan van der Velden focuses on the lay leadership's judiciary powers in the Jewish community in his review of historical legal practices in Curaçao.<sup>5</sup>

This article differs from earlier analyses and reviews by examining how the governance stipulations in the *haskamoth* of Mikvé Israel were used for over three centuries to lead and rule firmly over the Jews of Curaçao, both in the synagogue and in Jewish society at large, and how this helped shape the history of the Jewish community. Several of these *haskamoth* have not been available, reviewed, or analyzed before; together, they complete the regulations that over the past 365-plus years have governed the Jews of Curaçao.

The dominance exercised by the lay leaders of this historic Sephardic Jewish congregation led to a number of conflicts between lay and spiritual leaders during the first two and a half centuries of Mikvé Israel.<sup>6</sup> Curaçao's regulations of 1756,<sup>7</sup> from which the title of this article is borrowed, stated that the mahamad<sup>8</sup> had "full authority and superiority in the government of the Congregation" and could be neither "contravened

4 Alan F. Benjamin, *Jews of the Dutch Caribbean* (New York and London: Routledge, 2002).

5 Bastiaan van der Velden, *Ik lach met Grotius en alle die prullen van boeken* (Amsterdam: Carib Publishing, 2011).

6 Emmanuel and Emmanuel, *History of the Jews*; "Dissension, Conflict and Schism" in *Connecting the Lights*, ed. Michèle Russel-Capriles and Ron Gomes Casseres (Willemstad, Curaçao: Congregation Mikvé Israel-Emanuel and the Jewish Cultural Historical Museum of Curaçao, 2016); also described by Jessica Roitman and Hilit Surowitz-Israel in *The Jews in the Caribbean*, ed. Jane S. Gerber (Portland, OR: The Littman Library of Jewish Civilization, 2014).

7 An original version is found in the archives of Congregation Mikvé Israel-Emanuel, MML, Curaçao.

8 *Ma'amad* or *mahamad* was the governing authority of the Jewish community. The composition and authority were first stated in Curaçao's 1671 regulations. In Dutch documents, the lay leadership is also described as *kerkbestuur* or *kerkraad*, while in today's Mikvé Israel-Emanuel, the Spanish term *directiva* is used. In this article I will use *mahamad* to refer to all of the above.

nor contradicted.” One might wonder: Why did the congregational membership repeatedly ratify *haskamoth* that gave such extensive powers to the mahamad? This article examines what gave the mahamad the power to exercise such dominant governance and religious control from the seventeenth to the nineteenth centuries.



1732 Mikvé Israel-Emanuel synagogue, the oldest in continuous use in the Americas.  
(Courtesy Natalia Morón)

### **The *Haskamoth* of Mikvé Israel, 1671 to 1896**

The first Jews settled in Curaçao from Amsterdam in 1651. They were led by Joao d'Yllan under license from the Dutch West India Company (WIC). The charter granted to d'Yllan in 1651 promised the Jewish settlers “the same freedoms as were given to the [Jewish] settlers in New Nederland,” meaning the freedom to practice their religion.<sup>9</sup> To have an orderly settlement and religious practices, d'Yllan's group of twelve families likely made their own regulations upon arrival. Those

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9 Quoted by Jessica Roitman, “Mediating Multiculturalism: Jews, Blacks, and Curaçao, 1825–1970,” in *The Sephardic Atlantic*, ed. S. Rausenbach and Jonathan Schorsch (New York: Palgrave, 2018), 92.

first regulations surely addressed the need for order in their settlement at Plantation “De Hoop” as well as in religious life. The regulations of 1651, which have not survived, were gradually extended in the next twenty years to include synagogue regulations.<sup>10</sup>

Mikvé Israel had no shortage of *haskamoth* in the first three hundred years of its existence. These *haskamoth* were extensive and detailed, and they included punishment for any noncompliance with the regulations or the mahamad’s directives. The *haskamoth* were variously written in Portuguese, Dutch, or Spanish, depending on the common language used by members of the Jewish community. Portuguese was the dominant language<sup>11</sup> among Curaçao’s Sephardic Jews, who came principally through Amsterdam. Portuguese ceded to Spanish in the middle of the nineteenth century and to Dutch and English in the twentieth century.<sup>12</sup>

The regulations of 1671 are the earliest set that have survived.<sup>13</sup> The religious stipulations are said to be based on those in the mother community Kahal Kados Talmud Torah in Amsterdam but adapted to local conditions. These regulated the control that the mahamad had over settlers and congregants, which was also common in the seventeenth century in many other Western Sephardic communities. Ruderman wrote that in Livorno, a bustling port city in Italy with a significant

10 Emmanuel and Emmanuel, *History of the Jews*, 52.

11 Bart Jacobs, “A New Perspective on the Linguistic Profile of the Curaçaoan Sephardim, 1650–1750,” *Journal of Jewish Languages* 4 (2016): 141–165. Jacobs argues that Spanish prevailed in secular realms, whereas in the seventeenth and eighteenth centuries Portuguese was used in the religious and ceremonial domains of Curaçao’s Sephardim. Charles Gomes Casseres wrote in his *Istoria Kòrtiku di Hudiunan di Kòrsou* (translated from the original Papiamentu: *A Brief History of the Jews of Curaçao*) (Kòrsou: Drukkerij Scherpenheuvell, 1990), 11, “These Sephardim, whose ancestors had lived as *marranos* for three generations in Portugal, attending Portuguese schools and universities, had adopted Portuguese as their daily language. They wrote their letters and the minutes of their congregation in Portuguese, and had their rabbis preach in that same language.” The last sermon in Portuguese was delivered by Chief Rabbi Hakham Aaron Mendes Chumaceiro, who served from 1856 to 1868. The last Portuguese epitaph in the old Beth Haim cemetery dates from 1865.

12 Aviva Ben-Ur, “The cultural heritage of Eurafrican Sephardi Jews in Suriname,” in *The Jews in the Caribbean*, 179.

13 Emmanuel, Appendix I, 541–617, includes a discussion of the *haskamoth* of Mikvé Israel from 1671 through 1897 from a religious-historical perspective.

Sephardic population, “on matters pertaining to religious law,” the mahamad “might consult the rabbis for their expert opinions but ultimately they had the sole prerogative to decide these matters as well.”<sup>14</sup> This was also the case elsewhere in the Caribbean. Of the Jewish community of Barbados, which looked to London for religious guidance, Watson wrote that “the mahamad kept a firm hand on the Yehidim.... The mahamad, in some cases more so than the religious functionaries, were the final arbiters of Orthodoxy and the maintainers of the spirit of Sephardic identity.”<sup>15</sup> Yosef Kaplan goes a step further and states: “In no other Jewish communities have we found such widespread use of excommunication as in the Sephardic communities of Amsterdam and Hamburg. In London, too, and even in some of the colonies in the New World, such as Curaçao and Suriname, efforts were made to install strict methods of communal discipline. Discipline as a supreme social goal existed in all these communities.”<sup>16</sup>

In the absence of a religious authority, and notwithstanding the stipulations in the *haskamoth*, there were some religious punishments and deeds the mahamad in Curaçao was not empowered to exercise. For divorces, for example, competent religious authority was required, as two *parnasim*<sup>17</sup> complained in 1674 to the authorities of the Amsterdam community.<sup>18</sup> This was likely one reason why, in 1674—twenty-three years after the first Jews settled in Curaçao—the lay leaders felt the need for rabbinic authority. They brought Hakham Josiau Pardo, the first spiritual leader of the Mikvé Israel congregation, to Curaçao from Amsterdam. Pardo served Curaçao’s Sephardim until 1683, when he left to serve as hakham of the community in Jamaica. It was an unusual

14 David B. Ruderman, *Early Modern Jewry* (Princeton, NJ: Princeton University Press, 2010), 66, 68.

15 Karl Watson, “Shifting Identities, Religion, Race and Creolization among the Sephardi Jews of Barbados, 1654–1900,” in Gerber, *The Jews in the Caribbean*, 203.

16 Yosef Kaplan, “Preface,” in *Religious Changes and Cultural Transformations in the Early Modern Western Sephardic Communities*, ed. Yosef Kaplan (Leiden: Brill, 2019), xviii.

17 The members of the mahamad were often referred to as *parnasim* or *senhores do mahamad*. Together they constituted the mahamad.

18 Emmanuel and Emmanuel, *History of the Jews*, 55.

move, as the Curaçao community was larger and economically better off than the Jamaica community, and it was customary for the rabbinate to “ascend and not descend.”<sup>19</sup> Emmanuel and Emmanuel speculate that his departure might have arisen from misunderstandings with the mahamad when he proposed several amendments to update the community’s regulations.<sup>20</sup> If this was the reason for Pardo’s departure, it would, as early as 1683, be the first of several conflicts with serious consequences between the powerful mahamad and the subordinated spiritual leadership of Curaçao’s Jewish community.

The 1671 *haskamoth* were gradually expanded until 1688, when they were ratified by the community’s membership. The 1688 ratification further enhanced the powers of the mahamad, which were not to be limited to synagogue life but extended to the daily life of the Jewish settlers. These now included disciplining members for disturbances created in the synagogue and for arguing on the street in the district of the synagogue. The 1688 regulations prohibited the founding of another synagogue—perhaps a prescient rule, given events that would occur over the next two centuries. The early Jewish settlers were obliged to submit personal disputes to arbitration by the mahamad. Opening another’s mail; leading a scandalous way of life; writing sonnets, satires, or injurious verses; or discussing religious subjects with a non-Jew could all result in severe punishment. The *haskamoth* were to be read every six months in the synagogue, likely to ensure that no member or Jewish settler could claim to be unaware of their contents.

In addition to financial penalties, the mahamad was empowered to seek the intervention of the governor to banish a member from the island, require civil punishment, impose “a small ban,”<sup>21</sup> or even

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19 Ibid., 60.

20 Ibid; Mordechai Arbell, “Early Relations between the Jewish Communities in the Caribbean and the Guianas and Those of the Near East 17<sup>th</sup> to 19<sup>th</sup> Centuries,” *Los Muestrros* 38 (March, 2000): 1–36.

21 The “small ban,” also referred to as “the pain of *Benaha*,” was the lightest of the religious penalties. Henri Méchoulan, “Le Herem à Amsterdam et l’excommunication de Spinoza,” *Cahiers Spinoza* 3 (1979–1980): 117–134, argues that a *herem* or ban was not necessarily a severe measure and sometimes meant only a day’s ban or barring a man from the Torah for a limited period of time.

demand their fellow Jew's excommunication.<sup>22</sup> Excommunications and bans flourished in Curaçao in the eighteenth century because of the power of the mahamad.<sup>23</sup> Sometimes the mahamad exercised these powers—in both religious and civil cases—simply to demonstrate its political might to its adversaries. The mahamad also used these punishments—which often sounded more severe than they actually were—to suppress critical opinions. In each revision or renewal of the *haskamoth* for the next 145 years, until 1833, penalties such as these would remain intact.

Pardo's proposed changes and additions, which the mahamad had rejected initially, were eventually enacted between 1691 and 1751, well after Pardo had left for Jamaica. They resulted in no fewer than forty-eight new resolutions. They also firmed up the mahamad's control over religious services and acts, including the frequency of sermons by the chief rabbi, the approval process for a marriage, the requirement that the chief rabbi or a member of the mahamad be present before services could start, the order of services, and the decisions about which mitzvot were to be granted. It is clear from the post-1688 resolutions that the mahamad was flexing its muscles toward the clergy. It was, for instance, on the strength of these regulations that Hakham Samuel Mendes de Sola in 1745 was forced to change the sequence of directions in which he waved the *lulav* during Sukkot. This conflict eventually led Mendes de Sola to submit his resignation.

The *lulav* incident was just the first of several bitter conflicts during Mendes de Sola's rabbinate. A number of these conflicts involved or were appealed to the governor, to the WIC, to the mahamad of the

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22 Jonathan Sarna, "Colonial Judaism," in *The Cambridge History of Religions in America*, vol. 1, ed. Stephen J. Stein (New York: Cambridge University Press, 2012), 399: "Synagogue leaders threatened herem, or excommunication, against recalcitrant members, but they seldom invoked it. The effectiveness of this traditional sanction in a society in which Jews and Christians mixed freely was highly dubious, and there was always the danger that it would backfire and bring the whole Jewish community into disrepute." There seem not to have been such fears in Curaçao or in Amsterdam in the eighteenth century as excommunications were carried out in both communities.

23 Roitman, "A Flock of Wolves instead of Sheep," in *Jews in the Caribbean*, 85.

Amsterdam community, and even to the States General, the highest authority of the Dutch Republic. As other historians have commented, the overlapping authorities of these and other entities—including local Dutch authorities, the WIC directors, the governing board of the Amsterdam community, and local Dutch royalty—did not make for an effective and transparent governing structure.

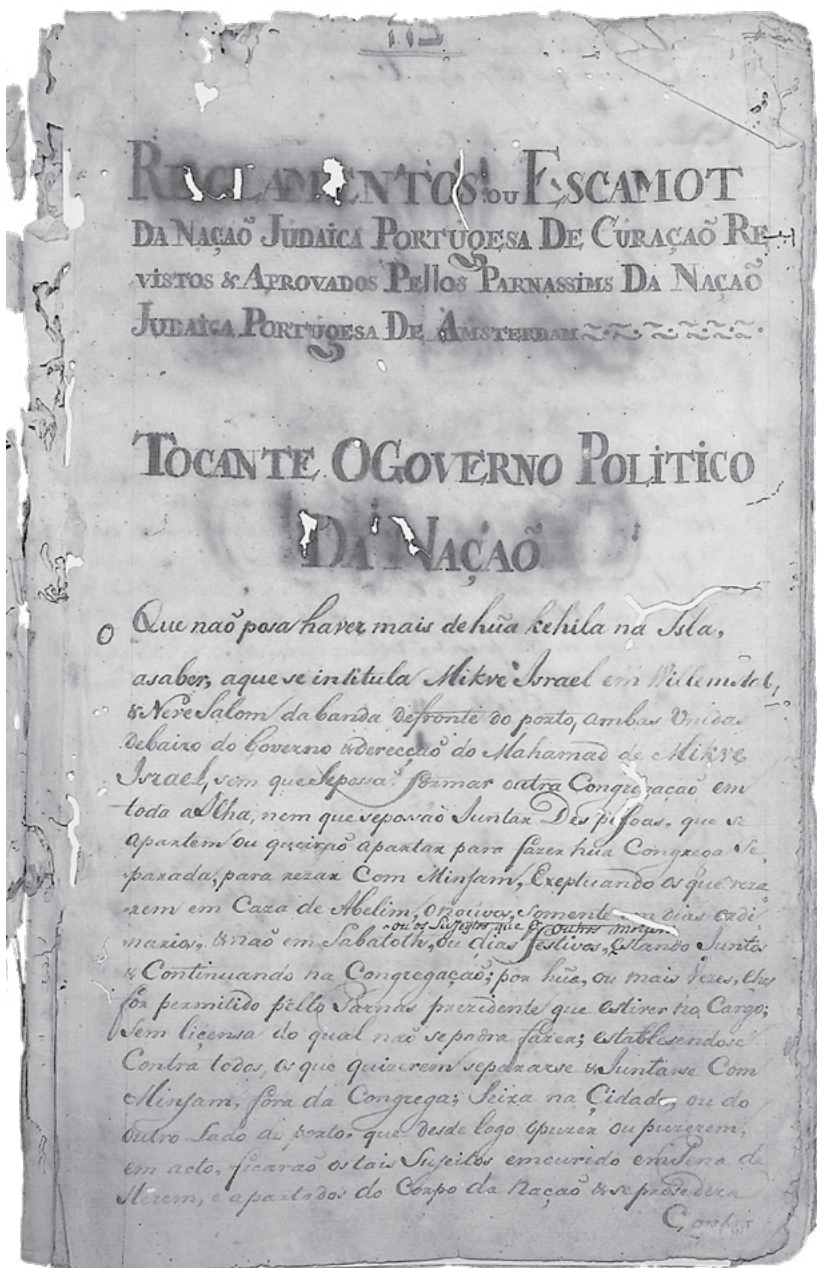
In 1739 the mahamad decided to order the review of all resolutions effected after 1691 and to incorporate these in a new *haskamoth*, which was finally ratified by the membership in 1756. This *haskamoth* did not have a long life; it was soon amended and a new version ratified in 1786. The 1756 and 1786 *haskamoth* had in common a (re)confirmation of the mahamad's firm control over synagogue life. For example, the 1756 *haskamoth* called for the mahamad to impose a fine or a small ban on any member who did not carry out an assigned mitzvah in the synagogue. This measure of discipline was expanded in 1786 to include a fine for refusing to accept or complete a term of elected office or for simply being late to a meeting.

Amendments to the 1786 *haskamoth*, drafted in 1809, further expanded the number of misdemeanors that led to fines—which now benefited the poor. One of the 1809 changes aimed to maintain order in the synagogue, adding a “most serious admonition to maintain proper decorum ... and not assemble behind the Thebá.”<sup>24</sup> This *haskamoth* removed the penalty of excommunication and replaced it with a fine. This version, which was officially approved by Dutch governmental authorities in 1811, confirmed that “Respecting marriages, divorces and other rites and Ceremonies of the Holy Law, the decisions of the Rabino<sup>25</sup> shall be followed”; but two articles further stated, in an apparent contradiction, that “The Rabino cannot grant a divorce ... nor can he marry any person without the permission of the mahamad.”

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24 A wooden platform near the middle of the synagogue from which the rabbi or cantor leads the service.

25 The word *rabino* was likely inserted in 1809 by the translator of the 1756/1786 document. In the original Portuguese-language version, this section is headed *Tocante OHaham*, using the then-more-common title “*hakham*” for the spiritual leader of the community.



1756 regulations of Curaçao's Mikvé Israel.

(Courtesy Mikvé Israel-Emanuel archives, Mongui Maduro Library, Curaçao)

The power of the mahamad over the religious leadership was demonstrated a few years later in what has become known as the ‘Piza affair.’<sup>26</sup> From the start of his tenure in 1815 on the Mikvé Israel pulpit, Hazzan Jeosuah Piza clashed with the mahamad over innovations he wanted to introduce. The one that led to his suspension, however, was rather insignificant—he changed the pronunciation of the last word of the blessing of the wine to *haguefen* instead of the more common (but equally correct) *hagafen*. This minor issue and Piza’s subsequent suspension were likely just a cover for strife between congregational families and personal rivalry between two congregational leaders. Emmanuel and Emmanuel also conclude that peace could have been re-established several years earlier “if the Parnassim had been more farsighted and less dictatorial.”<sup>27</sup> A separation followed by members who wanted nothing to do with Piza; that separatist faction went as far as acquiring a separate burial ground that adjoined at the southeast corner of Mikvé Israel’s Beth Haim cemetery at Bleinheim.

In addition to the arguments detailed by Emmanuel and Emmanuel, there was another important fundamental issue. Immediately after the purchase of the separate burial ground, the separatists requested permission to establish their own congregation. This was refused in 1820 not only by the congregational leadership but also by the official colonial council and the colony’s governor. The refusal was based on article 1 of the *haskamoth* of 1756, 1786, and 1809, which stated that there “shall be only one Chief Congregation ... Mikvé Israel ... without it being allowed to form any other Congregation in the said Island.” In an 1820 petition through the governor to King Willem of Holland, the separatists state that they had demanded “the enactment of a new communal constitution in keeping with the enlightened age in which we live.”<sup>28</sup> Peace was finally established without changing the *haskamoth* to allow more than one Jewish congregation but, interestingly, this did not happen right away. The stipulation was in fact eliminated in 1833, but it was not until the 1860’s—forty years after the Piza affair—that the

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26 Emmanuel and Emmanuel, *History of the Jews*, 305–327.

27 Ibid., 327.

28 Ibid., 319.

Jewish separatists would establish their own congregation, which would become the Reform Temple Emanu-El. The emphasis in later regulations would be on following the rites and liturgy of the Portuguese Israelite community in Amsterdam.

The Piza conflict finally came to a formal end when Piza agreed in 1824 to a dismissal package and left Curaçao for Saint Thomas. The small separatists' cemetery, eventually transferred by its owners to Mikvé Israel, to this date attests to a conflict with the spiritual leadership on the basis of powers the *haskamoth* granted to the mahamad.

In the aftermath of the Piza affair, internal as well as external occurrences would lead to new versions of the *haskamoth*. The 1825 regulations further expanded upon the mahamad's control over the community's spiritual leader by stating, "In his sermons the rabbi was not to speak against government nor against the administration of the community by the Parnassim nor against the members for their conduct whether in religious or civil matters."

Despite the extensive powers of the mahamad, there were few formal qualifications to be elected to that governing body. As far back as 1756 and 1786, the only requirements were a minimum age (generally twenty-five) and a maximum age (seventy, in 1833), with restrictions to the family interrelationships of the members. The mahamad was simply composed of the elite and wealthier members of the congregation, who also likely provided the largest financial support. In addition, while women had a role in Orthodox Judaism, governance of the Curaçao Jewish community was reserved for its male members until the last quarter of the twentieth century. Leadership, therefore, was not the result of religious devotion or governance ability but simply of wealth and gender.

From its earliest days, Mikvé Israel considered itself to be a branch of the Portuguese community of Amsterdam, a relationship that was strengthened through the decades by various Dutch royal proclamations and rulings by the Amsterdam Jewish community's mahamad and *beit din*. Kaplan writes that "the regulations of the 'Mikveh Israel' community were laid down in accordance with the style of the holy

congregation of Amsterdam.”<sup>29</sup> As a result of the 1825 emancipation decree of the Jews of Curaçao, discussed below, the governance power of the Amsterdam community was even further enhanced. The subsequent 1833 version of the *haskamoth* dictated simply that Jewish religious practices in Amsterdam were to be upheld in Curaçao as well.

The 1833 *haskamoth* differed in several other ways from its predecessors and, importantly, reduced the chief rabbi’s authority.<sup>30</sup> At the same time, the authority of the mahamad was diminished, as it was made subject to instructions by the Amsterdam community. The *haskamoth* regulated not only subjects that the rabbi was forbidden to preach about but also those that he was required to preach about once a month; he was not allowed to bless a marriage without prior consent of the mahamad; he was prohibited from interfering in the private matters or behavior of the members, even those of a religious nature; and he was not allowed to involve himself with the administration or “police” (i.e., discipline) of the synagogue. The mahamad’s power, which was common also in Amsterdam and in the Suriname Jewish community, was most explicitly stated in article 60<sup>31</sup> of the 1833 *haskamoth*, which reads that “the rabbi, as church official, is completely subordinate to the synagogue’s board and will comply with all directions except those that are in contravention with his instructions or religious principles.” In 1833 the mahamad ruled both the synagogue and the rabbi with a heavy hand. No such dominance of lay leadership existed in the Roman Catholic Church in Curaçao in the mid-nineteenth century. Whereas Mikvé Israel’s 1833 *haskamoth* stated that “the rabbi, as church official, is completely subordinate to the synagogue’s board,” Roman Catholic Bishop Monseigneur Martinus Nieuwindt in 1826 fired the entire church council—that is, the group of lay leaders—of the most important church of the diocese, Saint Anna Church. The powerful

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29 Yosef Kaplan, “The Curaçao and Amsterdam Jewish Communities in the 17th and 18th Centuries,” *American Jewish History* 72, no. 2 (1982): 193–211.

30 Emmanuel and Emmanuel, *History of the Jews*, 336.

31 Artikel 60 in the original Dutch language: “*De opper Rabbijn of Rabbijn is als Kerkelijk Ambtenaar aan het kerkbestuur geheel ondergeschikt en zal alle bevelen aan hetzelfde die met zijn instructie of godsdienstige instellingen niet strijdig zijn, nakomen en ten uitvoer brengen.*”

bishop followed in 1835 with the liquidation of the institution of the church council. Niewindt was clearly of the opinion that spiritual leaders should not be accountable to lay leaders.<sup>32</sup>

The 1833 *haskamoth* included one additional stipulation, found in two different articles, that would be important as far as 130 years into the future. Article 59g stated that the rabbi would ensure that no other rituals or liturgies be introduced, while article 124 stated that no other rituals or liturgies would be permitted than that of the Dutch Portuguese Israelites.<sup>33</sup> These stipulations would persist in all future *haskamoth* of Mikvé Israel and would be used as a fundamental argument by opponents of the merger with Reform Congregation Emanu-El in 1964.

After Piza left Mikvé Israel in 1824, the congregation could not find a competent candidate interested in its pulpit. Over the next thirty years, the mahamad appointed qualified members of the congregation as “assessores”—i.e., substitute spiritual leaders. In fact, some members of the community even felt that “there was absolutely no need”<sup>34</sup> for a rabbi. In the absence of a strong religious leader, successive mahamads used this period to strengthen their grasp on the congregation until the arrival of the new chief rabbi, Hakham Aron Mendes Chumaceiro, in 1856. Mikvé Israel had been without a rabbi for over thirty years, during which the synagogue was ruled in every respect by its mahamad on the basis of powers granted it in the *haskamoth*.

The 1860s were very turbulent for Mikvé Israel. However, despite serious dissension and conflicts within the community, there was no discord between the mahamad and the highly respected Mendes Chumaceiro. The community was delighted to have a religious leader who was both

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32 R.H. Nooyen, *Tot Memorie* (Willemstad, Curaçao: Drukkerij O.H. Zalm, 1974); Hubert Cabaña, “Mgr. Martinus Joannes Niewindt, De Emancipator,” *De Archiefvriend* 24, no. 2 (June 2018).

33 Artikel 59 in the original Dutch language: “De pligten en werkzaamheden van den opper Rabbijn of Rabbijn zijn” (in 59g) “Te zorgen dat geen andere Ritus of Liturgie worden ingevoerd.” Artikel 124 “Binnen de gemeente zal geen andere Ritus of Liturgie toegestaan worden dan die der Nederlandsche Portugeesche Israeliten.”

34 Emmanuel and Emmanuel, *History of the Jews*, 339.

enlightened and Orthodox.<sup>35</sup> The mahamad was composed of the more Orthodox members of the community, who generally supported Mendes Chumaceiro's strenuous objections to reforms that a vocal minority of members demanded. This schism ultimately led twenty-five<sup>36</sup> members of Mikvé Israel to found the "Dutch Reform Jewish Congregation," which would be known later as Temple Emanu-El.

The 1862 *haskamoth* was replaced by an 1875 version, which itself was replaced in 1885. This latest version was, with its 96 articles, significantly shorter than both the 1833 version (133 articles) and the 1862 version (217 articles.) The 1885 *haskamoth* came into force in 1886 and was principally directed toward the secular governance of the congregation. The laundry list of the rabbi's obligations and the mahamad's power to impose upon the rabbi was gone, substituted by extensive descriptions of how the congregation should be administered and what the responsibilities of each member of the mahamad were. Only three stipulations remained under the heading "Of the Chief Rabbi or Preacher," compared to some fifteen stipulations in 1833, indicative of greater independence then being granted to the rabbinate.

The differences between the 1833 regulations and the 1875, 1885, and a subsequent 1896 *haskamoth* are remarkable. In comparison to its predecessors, the 1885 *haskamoth*, in wording and governance, is more consistent with sound, objective principles of administration. The contents and style of the 1833 regulations were likely motivated by the events leading to the schism of 1864, which created the Reform community and which have been attributed to an unwillingness to consider a more flexible style of governance. One other noteworthy change in the 1896 *haskamoth* is that Mikvé Israel for the first time published it in Spanish, after having it written in Portuguese only for more than two hundred years and in Dutch only as of 1825. The Spanish version made the regulations more readily accessible to its membership.

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35 Ibid., 354.

36 This number quickly grew to over one hundred Mikvé Israel members leaving to become members of Emanu-El.

## The 1825 Emancipation of the Jews

Since the seventeenth century, the Jews of Curaçao had accepted that the mahamad was empowered to seek the intervention of the Dutch powers. In fact, they had become accustomed to the mahamad's ability to submit disputes and undesirable turns of events to the Amsterdam Portuguese community for adjudication and, at the same time, appeal decisions—from frivolous ones to excommunication—to the Dutch governor. The governor, in turn, had the ability to appeal such decisions to the WIC. This happened in 1748 when then-governor Isaac Faesch was asked to intervene in incidents between two Jewish factions that ended up in street brawls. Faesch appealed to the governing WIC, which administered the colonies in the Americas and issued a number of proclamations ordering that there be peace within the Jewish community.<sup>37</sup> Ultimately that peace came about only by a royal proclamation from Prince Willem IV, Prince of Orange-Nassau of the United Provinces, in 1750.

The hands of the colonial powers reached deeply into the community's regulations. When in the 1740s the mahamad wished to update the community's *haskamoth*, its draft had to be submitted to Willem IV for approval in 1750. Reactions to the draft flowed to and fro between Amsterdam and Curaçao, and in 1756 the membership drafted and ratified the amended regulations. This final version significantly stated on its cover page *Revistos & Aprovados Pellos Parnassims Da Nação Judaica Portuguesa De Amsterdam*.<sup>38</sup> This attests to the firm control that the Amsterdam Jewish community exercised over its offshoot in Curaçao as well as the very close relationship between the Portuguese community in Amsterdam and Dutch royalty.

The Jews of Curaçao must have considered their access to the WIC and royal authorities to be a significant privilege. In the early 1800s, the fact that a community of only about one thousand could have its disputes adjudicated by an objective party some 8,000 kilometers away

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37 Emmanuel and Emmanuel, *History of the Jews*, 190–194.

38 Translated: "Reviewed and Approved by the Parnasim of the Portuguese Jewish Nation of Amsterdam."

must have been a source of comfort. This privilege was not to last, however, as in 1825 the official equal rights decree by King Willem I of the Netherlands would bring fundamental changes to the Curaçao Jewish community. That proclamation, which is referred to as “Jews obtain equal rights”<sup>39</sup> or “the emancipation of the Curaçao Jews,”<sup>40</sup> did more to abolish the freedoms that Curaçao’s Jews had enjoyed since 1659—and that the Netherlands itself had allotted to Jews in 1796—than to grant new ones. The equal rights decree also stated significantly that “all privileges, licenses, and exceptions that have been granted ... to believers of the Israelite religion ... are withdrawn, abolished and destroyed.” Further, it stated that there would follow “immediate cessation of any assistance that civil authorities may grant to judgments provided by the Israelite’s religious board”<sup>41</sup> and that “the application, as much as possible, of the Israelite religious organization in the mother country” would follow “the abolition of the privileges granted to Jews.”

Curaçao’s Jews likely considered this a double whammy: Dutch authorities would no longer intervene on request of the mahamad, while at the same time the Amsterdam mother community was granted new powers to ensure that its practices were properly followed in Curaçao. Objections voiced on the island were only successful in delaying for a few years the execution of this decree.

Jews in Jamaica, Barbados, and Suriname were similarly emancipated in the first half of the nineteenth century. The consequences of obtaining legal equality, however, differed between the Jewish communities in the Dutch and British colonies. Jamaican Jews were granted full political rights in 1831, twenty-seven years before Jews in England obtained voting rights. Mordechai Arbell noted: “From 1831 Jews began to play a more active role in the social, political and economic development of Jamaica. In 1849, 8 of the 47 members of the Assembly were Jews. The House adjourned on Yom Kippur. In 1866 there were 13 Jews of

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39 Emmanuel and Emmanuel, *History of the Jews*, 335.

40 Van der Velden, *Ik lach met Grotius*, 231.

41 “Religious board” refers to the mahamad and its members, who were assigned religious duties.

the 47 Assembly members.”<sup>42</sup> Harry Ezratty similarly commented that “by 1849, Jamaica’s Jewish community had taken full advantage of its political freedom,”<sup>43</sup> including significant membership in the legislature, Jewish mayors, members of the privy council, and the founding of the country’s oldest newspaper.

Laura Arnold Leibman and Sam May in their review of Barbados Jews in the age of emancipation commented: “In Barbados, the Jewish community’s response to emancipation was mixed. Emancipation became a lightning rod for defining Jewish communal identity”<sup>44</sup> and for full civil and political rights, which at the time had been restricted to the vestries (legislative assemblies of parishioners) of Anglican churches. It consequently took from the 1820s until 1858, when the first Jew took his seat in the House of Commons, for full emancipation to be achieved for Barbadian Jews.<sup>45</sup>

In Suriname, like Curaçao a Dutch colony, equal rights were similarly granted in 1825. This emancipation went hand-in-hand with an end to privileges formerly granted to Jews there. While Curaçao’s Jews argued for several years against the abolishment of religious and other privileges, in Suriname emancipation was seen to simplify “civil law and even more significantly, it removed the barriers of a career in the colonial system. It signaled the start of a new prosperity for the Jews of Suriname and a greater social integration than ever before.”<sup>46</sup> And it did not take long for Jews in Suriname to flex their political muscles and be appointed to the highest colonial administrative organ, the colonial council.

Curaçao’s Jewish community was one mainly of traders, shipbuilders, shipowners, and financiers, many of whom were among the wealthiest

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42 Mordechai Arbell, *The Jewish Nation of the Caribbean: The Spanish-Portuguese Jewish Settlements in the Caribbean and the Guianas* (Jerusalem: Gefen Publishing, 2002), 250.

43 Harry Ezratty, *500 Years in the Jewish Caribbean: The Spanish & Portuguese Jews in the West Indies* (Baltimore, MD: Omni Arts, Inc., 2002), 49–50.

44 Laura Arnold Leibman and Sam May, “Making Jews: Race, Gender and Identity in Barbados in the Age of Emancipation,” *American Jewish History* 99, no. 1 (2015): 1–2.

45 *Ibid.*, 5.

46 Alex van Stipriaan, “An unusual parallel, Jews and Africans in Suriname in the 18<sup>th</sup> and 19<sup>th</sup> centuries,” *Studia Rosenthaliana* 31, nos. 1 and 2 (January 1997): 90–91.

people in the colony. They had been excluded by law from positions in civil government, which was considered to be the responsibility of the Protestant community.<sup>47</sup> Curaçao's Jews may therefore have been less eager than might have been the case in Jamaica, Barbados, and even Suriname to take advantage of the political and career opportunities that were created by the new equal rights decree. With their business backgrounds, however, they did realize the benefits of the new positions that had not been accessible to them previously. Although to a lesser degree than in Jamaica, Barbados, and Suriname, Curaçao's Jews were soon appointed to the highest governing and advisory councils of the Dutch colony.

From 1844, nineteen years after emancipation, through 1933, there was a virtually uninterrupted stream of Jewish members appointed to the Curaçao Colonial Council, including on four occasions and for several years as president. In 1918 five of the eighteen members of Curaçao's Colonial Council were Jews. Similarly, from 1867 to 1951 Jews were members of the island's governing council. All were appointed offices. After an elected parliament was created in 1937—initially with limited representation and not yet universal suffrage—there were one or two Jewish members every year until 1949. Forty-five years would pass before a Curaçao Jew would be popularly elected to the now-autonomous country's parliament in 1994.

### Sources of the Mahamad's Power

In Curaçao, the 1825 emancipation decree and ensuing 1833 *haskamoth* clearly reduced the power of the mahamad both religiously and secularly. First, it stipulated that the religious practices in the mother country and the mother congregation in Amsterdam were also to be practiced in Curaçao, and second, it meant that the Curaçao community would be placed under "the vigilance of the High Commission of Israelite Affairs in Holland, which had been established in 1817." In 1826, a member of the Curaçao community was appointed the first corresponding member of the High Commission of Israelite Affairs in Holland and

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47 René A. Römer, *De Curacaose Samenleving* (Willemstad, Curaçao: Amigoe NV, 1998), 19.

“as such ranked higher than the president of the communal hierarchy [the mahamad], and was the most powerful Jew in the community.”<sup>48</sup>

In the Dutch colony of Suriname, Jews enjoyed rights and privileges similar to those in Curaçao, including a largely self-governing Jewish community. The Dutch had occupied the then-British Suriname and took possession of the country after the Anglo-Dutch War of 1665 to 1669. Already in 1669, the Dutch Governor Philippe Julius Lichtenberg provided the Suriname Jewish community religious and judicial freedom to deal with litigations among Jews. These rights and privileges were confirmed in 1685 by then-Governor Cornelis van Aerssen van Sommelsdijck, a very observant Protestant. The community’s 1787 *has-kamoth*, one hundred years later, again confirmed that all “religious, political and civil matters in the Jewish Nation in the (Suriname) Colony belong irremovably to the College of the mahamad.”<sup>49</sup>

Aviva Ben-Ur studied Jewish political autonomy in the Caribbean extensively, and especially in Suriname. Ben-Ur wrote that “there are many reasons to compare Curaçao to Suriname where the power of the mahamad is concerned.” She went on to list several similarities and links between the two colonies.<sup>50</sup> In fact, Ben-Ur wrote, “Jewish self-rule achieved its fullest expression in Suriname.”<sup>51</sup> In another writing<sup>52</sup> Ben-Ur expanded specifically on Jewish political autonomy in the extensive territory of the “Joden Savanne”; she also discussed the architecture of synagogues, cemeteries, and the development of real estate. The similarities of Jewish rights and privileges in Curaçao and Suriname, described above, strongly point to a common application of Dutch colonial policies, an aspect that will be further expanded upon.

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48 Emmanuel and Emmanuel, *History of the Jews*, 335–336.

49 Arbell, *Jewish Nation*, 96–103.

50 Aviva Ben-Ur, “Archival Practices: The Creation of a Portuguese Jewish Identity,” *Kristòf* XVI, no. 2 (2015): 17–18.

51 Aviva Ben-Ur, “Jerusalem on the Riverside: Jewish Political Autonomy in the Caribbean,” in *A Sefardic Pepper-Pot in the Caribbean*, ed. Michael Studemund-Halévy (Barcelona: Tirocinio, 2016), 31.

52 Aviva Ben-Ur, “Een Joods dorp in een slavenmaatschappij: Jodensavanne in de Nederlandse kolonie Suriname,” in *Joden in de Cariben*, ed. Julie-Marthe-Cohen (Amsterdam: Walburg Pers, 2015), 133–137.

The Sephardic Jews in Curaçao were just one settlement in a network of Spanish and Portuguese communities in Bordeaux, Amsterdam, Hamburg, and London, as well as the Caribbean and the American colonies. This “strong network of Sephardic families and communities, bound together by a shared ethnic identity, even characterized itself as Nación or *Nação*.”<sup>53</sup> In the Caribbean the *Nação* consisted of settlements on different islands with differing socioeconomic and historical development of the colony or country and of the specific Jewish community. There was, however, one aspect that these communities had in common: Amsterdam was the informal capital of the *Nação*, with London in the eighteenth century gaining importance for the English-speaking Jewish communities. It was the mahamad of the Amsterdam Portuguese community that defined Sephardic policies, its *beit din* that controlled *halakha* (Jewish law or jurisprudence based on the Talmud), and its rabbis and *hazzanim*, trained at Amsterdam’s Ets Haim, that taught Jewish customs and traditions—often in several non-Dutch Caribbean communities successively. Amsterdam was simply the authority on all matters that concerned the Spanish and Portuguese *Nação* in the Caribbean.<sup>54</sup>

In the seventeenth century there was no question but that the mahamad in Amsterdam was all powerful. Ruderman quoted from the Amsterdam community’s first charter in 1639: “The mahamad will have authority and superiority over everything.”<sup>55</sup> This was in fact no different than in Western Sephardic communities in London, Hamburg, Livorno, and the Americas, wrote Ruderman. And so it would also be in Curaçao’s nascent Jewish community.

There is, however, yet another fundamental aspect to the power of the Curaçao mahamad. The first settlers in 1651 were joined in 1659 by a larger group of families, counting some seventy adults and children, under the leadership of Isaac da Costa. The WIC issued a license to the

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53 B.T. (Bart) Wallet, “Transformation of a Diaspora: The Western Sephardic Diaspora in the Nineteenth Century (1815–1914),” *Judaism in the Mediterranean Context, Ninth Congress of the European Association of Jewish Studies* (Ravenna, Italy, 2010).

54 Ibid.

55 Ruderman, *Early Modern Jewry*, 68.

da Costa—led Jewish settlers in 1659<sup>56</sup> that expanded upon the rights and privileges that had been granted to d'Yllan in 1651. In its 1659 charter to this second group, the WIC stated that it would provide privileges to these settlers as had previously been granted to settlers in Nieuw Nederland<sup>57</sup> under a new colonization mandate. Under this mandate the formation of patroonships was possible.<sup>58</sup> This 1659 charter now empowered the new Jewish community to adjudicate limited civil disputes itself and provided its leaders the right to request the WIC to assist in the disciplining of the Jewish settlers where it pertained to both criminal offenses and non-compliance with religious obligations.<sup>59</sup> The patroonship model established a degree of authority to the leaders of the community—and the mahamad—that future settlers would likely have found difficult to ignore.

In fact, in the preface to “Religious Changes and Cultural Transformations in the Early Modern Western Sephardic Communities,” well-known historian Yosef Kaplan remarks that “it is doubtful whether any Jewish communities in the early modern period maintained such a strong hierarchal structure as the Sephardic community of Amsterdam and imposed such rigorous communal discipline.” He goes on to say that in Sephardic communities in New World colonies “such as Curaçao and Surinam ... discipline existed as a supreme social goal.”<sup>60</sup> And that discipline was, of course, dictated by the powerful mahamad.

Amsterdam fully supported this hierarchal structure. An original document held in the Curaçao Jewish Community Collection of the American Jewish Historical Society<sup>61</sup> provided an early assurance to the new Jewish settlers that their Dutch rulers in Amsterdam would not

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56 S. Kalf, “Joden op het eiland Curaçao,” *De West-Indische Gids* 8 (1926–1927): 69–84.

57 The area in which Nieuw Amsterdam (now New York) was located.

58 A patroonship referred to a landholder who, under Dutch colonial rule, was granted proprietary and self-governing rights to a large tract of land in exchange for bringing fifty new settlers to the colony. The patroonship was responsible only to the director-general of the colony.

59 Van der Velden, *Ik lach met Grotius*, 216–217.

60 Yosef Kaplan, ed., *Religious Changes* (Leiden: Brill, 2019), xviii.

61 “Document from the city government to the Jewish community,” undated, 1672–1982, I-112, Series I, 1683–1934, box 1, folder 1, Center for Jewish History, New York.

interfere in their religious affairs. This document is a 14 May 1683 extract of a writing in custody of the “secretary of the City of Amsterdam” in which a certain Witsen referred to an Amsterdam City Council resolution of 27 January 1683. The resolution contained complaints about “excesses in the decreeing of a ban or excommunication by the Jewish nation.” Witsen commented that no such excessive practices were known and that “all freedoms that have been enjoyed by the Jewish nation regarding the religious administration will remain unaffected and untouched.” The document continued to state that there is “confidence that the Parnassim will ensure that exercising the religious ban will continue to be as before and not more than is necessary and fair.” Witsen did not provide his first name or initials on the document, but a fair guess is that the statement was by Nicolaes Witsen (1641–1717), who was the mayor of Amsterdam during ten (non-consecutive) years between 1682 and 1699.

The mahamad of the Curaçao community therefore derived its power not only from the practices of its Portuguese Israelite mother congregation in Amsterdam but also from Dutch colonial policies. The Curaçao mahamad had absolute authority over the island’s Jewish community religiously, and it had far-reaching authority civilly. Both Jessica Roitman and Hilit Surowitz-Israel argue that the mahamad’s power in Curaçao exceeded even that of several other Sephardic communities because it could petition the governor to banish from the island those who lived immorally, and more often than not the civil authorities of the WIC would comply with such petitions.<sup>62</sup> The Sephardic community of Suriname had a similar power of banishment, which was clearly rooted in Dutch colonial policies.<sup>63</sup>

If the powers of the Amsterdam mother community and WIC’s stipulations of the patroonships were not enough to establish the mahamad’s early control, there was one more aspect that gave absolute legitimacy to the mahamad’s authority. As mentioned above, this authority flowed

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62 Roitman, “A Flock of Wolves,” 89–91 and Surowitz-Israel, “Religious Authority, A Perspective from the Americas,” 109–111, both in *The Jews in the Caribbean*.

63 Robert Cohen, *Jews in another environment. Surinam in the Second Half of the Eighteenth Century* (Leiden: E.J. Brill, 1991), 138.

from the congregational *haskamoth*, which needed approval not only from the Dutch or WIC governor but also from Dutch royalty in both 1754 and 1833. The mahamad's control over community life was therefore also an extension of the indisputable authority that Dutch royalty exercised over its Caribbean colony. And finally, the authority that flowed from colonial policies included the power that the mahamad derived from the Amsterdam mother community; it was recognized as the central governance authority for the *Nación*, and Curaçao's mahamad was obliged to follow it closely.

The intermingling of various colonial and religious institutions that in one way or another influenced the power of the mahamad also brought contention within the Jewish community. Ben-Ur wrote that "many Jewish laymen and leaders behaved as if Jewish communal authority existed in order to be undermined.... The colonial government also helped to destabilize Jewish autonomy by periodically rescinding privileges it had officially conceded."<sup>64</sup> The resulting conflict and its consequences are a singular aspect of the history of the Curaçao Jewish community.

Last but not least, the mahamad's power also originated from the fact that the Curaçao *haskamoth* required approval at the highest level of civil authority in the Netherlands, including that of Dutch princes, and that royal decrees required the Jewish community to follow the style of the holy congregation of Amsterdam. Dutch colonial governance and traditional Western Sephardic authority flowing from Amsterdam for almost three centuries gave the mahamad extensive powers to rule over every aspect of Jewish life in Curaçao.

### Temple Emanu-El Regulations, 1864–1964

The events that led to the schism in Mikvé Israel and the founding of the Reform congregation have been explained in different ways. Isaac S. Emmanuel wrote that the causes were "personal and economic rivalries rather than religious differences."<sup>65</sup> Langenfeld and Langenfeld referred

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64 Ben-Ur, "Jerusalem on the Riverside," in *A Sefardic Pepper-Pot*, 32.

65 Isaac S. Emmanuel, *Precious Stones of the Jews of Curaçao* (New York: Bloch Publishing Co., 1957), 462–463.



Temple Emanu-El, 1864-1964. Currently not used as a house of worship.  
(Courtesy Natalia Morón)

to “religious differences of opinion of one of the two major separatist families” and “purely economic and personal motives” of the other family.<sup>66</sup> Circumstances clearly show that Mendes Chumaceiro, Mikvé Israel’s highly respected Orthodox rabbinic authority, also played a major role in this event, although that is not generally acknowledged. Mendes Chumaceiro was in frequent contact with Dutch civil authorities, urging them not to grant the reforms that the separatists demanded.<sup>67</sup> It is likely he argued that such reforms would be in conflict with the style and practices of the Israelite organization in Amsterdam as stipulated in the emancipation decree of 1825. Maurits Goudekot, the lay spiritual leader who served the Reform congregation from 1946 to 1960 and had been active in the Reform community in the Netherlands, wrote that “originally” the cause of the schism was “entirely outside religious” considerations but that “in parallel there was an influx of newly imported Jewish ideas with which especially younger Jews were getting acquainted to Europe and wanted to see adopted also in Curaçao.”<sup>68</sup> This “influx of newly imported ideas” was not limited to religious practices but also concerned changes to organizational governance. These were subsequently incorporated in the *haskamoth* of the new Dutch Reform community of Curaçao—some forty years after the 1820 separatists in the Piza affair had argued similarly for “a new communal constitution in keeping with the enlightened age in which we live.”

The new congregation was officially named the Dutch Reform Jewish Community but was widely known as Temple Emanu-El. It drew up its bylaws in 1865 and modified them in 1880. In the second article of the regulations, it abandoned the Orthodox ritual and liturgy of the Dutch Portuguese Israelites and determined to follow the liberal ritual of Temple Emanu-El in New York City, one of the first Reform congregations in the United States. In light of the members’ adopting “a rite different” from that of Mikvé Israel—and in accordance with Mikvé

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66 Els Langenfeld and Henk Langenfeld, *Tussen Dood en Recht* (Willemstad, Curaçao: Stichting Curaçao Style, 2000), 62.

67 Emmanuel and Emmanuel, *History of the Jews*, 374–377.

68 Dr. M. Goudekot, “De Vrijzinnig-Israëlitische Gemeente ‘Emanu-El,’” *Christoffel* 1, no. 5 (December 1955): 153, 155.

Israel's 1875 and 1885 *haskamoth*—members of the new temple were barred from membership in the synagogue of their forefathers. Mikvé Israel did not tolerate double membership.<sup>69</sup>

The 1880 Reform community enacted governance, administrative, and financial regulations that could have applied to virtually any association governed by a board of directors. The preacher and other spiritual staff were appointed and could be terminated only by the general meeting, not by the board of directors. Contrary to the Mikvé Israel *haskamoth*, the Reform community's regulations did not mention specific instructions to or obligations of the spiritual leadership. The religious leadership did not require prior board approval for any function, such as the blessing of a marriage, nor did it receive instructions regarding the contents of sermons or involvement in matters concerning the congregation and/or its members. The 1880 regulations stated unequivocally that "the congregation is governed by the Board and the General Meeting" and that the "General Meeting was the legislative entity of the congregation." Unlike the immense powers of the mahamad at Mikvé Israel, the intent at the Reform community was to stipulate that policy issues be determined by members (that is, the general meeting), and only the execution thereof would be in the hands of the board of directors.

The reforms introduced by the Reform community were thus not only in the ritual and liturgical aspects of the congregation but also in governance and in the relationships between lay and religious leaders, who were now virtually equals, each with their specific responsibility in congregational affairs and each appointed or voted in by the general meeting. Beyond introducing Reform Judaism to Curaçao's Jews, the reforms in 1880 went much further than the modernization already noted in Mikvé Israel's 1885 *haskamoth*. For example, while the island's official language was Dutch, the regulations of 1880 and 1897 were printed in both Dutch and Spanish, on facing pages of the booklets. This acknowledged that during the early years of the Reform community, from 1864 to the 1930s, the Reform congregation mostly spoke Spanish and Papiamentu, the local vernacular. The bilingual publication

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69 Temple Emanu-El would introduce a similar regulation in 1897.

of regulations, in addition to the powers granted to the general meetings, presents a more democratic entity than the Mikvé Israel of that period, which first published its *haskamoth* in Spanish in 1896.

The 1897 Reform regulations were noteworthy in several ways. They prohibited members up to the second degree of sanguinity from being on the board simultaneously, a stipulation that Mikvé Israel had in place since the early eighteenth century. The 1897 version required that the congregation remove from its rolls any member who affiliated with another religious entity, including another Jewish entity. This stipulation was likely intended to stop potential leakage of members back to Mikvé Israel; it was in fact the mirror image of the stipulation in Mikvé Israel's 1875 and 1885 regulations to stop its members from also becoming members of the Reform community. This Reform regulation was amended in 1950 to prohibiting only a member's affiliation to a non-Jewish religious entity, and thus made double membership possible from the Reform community's perspective. In 1950 the Reform community opened up burial in its cemetery to any Jew using any Jewish ceremony, which might also include Mikvé Israel's Orthodox ritual. At Mikvé Israel, article 7 of its 1896 *haskamoth*, stipulating that any member adopting a ritual different from that of Mikvé Israel would lose membership, continued in force until the merger with Emanu-El in 1964.

In 1950 the Dutch Reform Jewish Community formally adopted the name of Temple Emanu-El, the New York City congregation it had emulated since its founding almost one hundred years earlier. It was also in that year that the community broadened its objectives from simply following the ritual of the New York congregation to following the principles of Reform Judaism. Curaçao's Temple Emanu-El had spiritually come of age.

### **Ashkenazi Membership in Mikvé Israel**

As was the case in other Spanish and Portuguese Jewish congregations, membership in Mikvé Israel was restricted to those who followed the same ritual as in the Amsterdam Portuguese Israelite synagogue. This stipulation, stated somewhat obscurely, followed the established practice of the Amsterdam mother community. Arnold Wiznitzer wrote that "the regulations of the Union of the three Amsterdam congregations provide

that their community was founded for the Jews of the Portuguese and Spanish nation,” and that Jews of any other “nation may ... by no means [gain] admission to membership of the Sephardic congregation.”<sup>70</sup> In Curaçao, this obligation became even more stringent after the 1825 royal emancipation decree. In fact, the 1875 and 1885 *haskamoth* of Mikvé Israel went so far as to state that any changes of established religious uses, customs, or authority needed to be approved by the rabbi and in the absence thereof by “three Orthodox rabbis of Holland.”

The Dutch Reform community did not have a similar restriction on its membership. By stating that it would follow the liberal ritual of New York’s Temple Emanu-El, its members, perhaps unwittingly, adopted an Ashkenazi liturgy. The New York congregation had been established in 1845 by thirty-three Ashkenazi Jews from Germany. In fact, the spiritual leader of Curaçao’s Temple Emanu-El from 1946 to 1960 was a Dutch Ashkenazi Jew, Dr. Maurits Goudekot, and from 1962 until the 1964 merger with Mikvé Israel an American Ashkenazi Jew, Rabbi Simeon J. Maslin. While proud<sup>71</sup> of their Sephardic heritage, the lay leadership of Temple Emanu-El was more interested in religiously following the principles of Reform Judaism than in preserving the Sephardic style of the Israelite community of Amsterdam.

For 275 years, since its founding in 1651, there had been very few Ashkenazi Jews in Curaçao.<sup>72</sup> That would change in the late 1920s and early 1930s in the aftermath of World War I and even more so with the foreboding and the anxiety of what might—and did—come in the not-too-distant future under Nazism. The subject of Ashkenazi membership became an important and documented topic of discussion in Mikvé Israel during the 1940s. Since its founding in 1864, Temple Emanu-El had never made Sephardi or Ashkenazi heritage an issue for membership, exemplified by its fifteen years of spiritual leadership under Goudekot.

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70 Wiznitzer, *Records of the Earliest Jewish Community*, 11.

71 In 2006, Charles Gomes Casseres, longtime president and board member of Temple Emanu-El and a driver of the merger, was awarded the coveted Silver Carnation by the Prince Bernhard Culture Fund of the Netherlands for his efforts to protect and document the Sephardic lifestyles of the Jews of Curaçao.

72 Emmanuel and Emmanuel, *History of the Jews*, 496.



Three hundredth anniversary celebration of Mikvé Israel, 1954.  
(Courtesy of author. Photo by Fred Fischer)

It may well be that this view of the Reform congregation, coupled with the settlement of a larger number of Ashkenazi Jews, stimulated Mikvé Israel to seek a solution regarding Ashkenazi membership that better reflected the times.

An undated and unsigned typed proposal,<sup>73</sup> likely written in 1948, explained that the stipulation in the *haskamoth* to restrict membership to those who follow “the same ritual as Mikvé Israel” was meant to restrict membership to Jews of Portuguese descent, the same practice as the Amsterdam mother congregation. This proposal stated that for Mikvé Israel to maintain its Portuguese traditions, it must be governed by Jews of Portuguese Sephardic descent. The paper therefore proposed

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73 Mikvé Israel Archives Part I, index p. 25, dossier 93, MML, Curaçao. It is a typed, undated, and unsigned document, without letterhead or any other identification of its author. The name of the congregation is unusually spelled “Mikweh Jisrael,” possibly indicating that the author was European Dutch.

that Mikvé Israel create a category of “extraordinary members”<sup>74</sup> for all Jews who were not of Portuguese descent. These members would not be able to vote in board elections, occupy positions on the board, or vote on any changes in the regulations governing the community.

In a letter dated 12 January 1949,<sup>75</sup> written in Spanish, Mikvé Israel’s council of elders, or *consejo de ancianos*,<sup>76</sup> informed the board that it preferred to see regulatory changes made as per the 1948 proposal, referred to above, prior to admitting<sup>77</sup> Ashkenazi members. The council of elders referred specifically to membership requests by A. Wiznitzer, Salomon Wiznitzer, Samuel Fruchter, Sh. Milstein, and Bernardo D. Metch. Membership was denied to these five men, all of whom would become respected leaders of the Curaçao Ashkenazi Jewish community. Interestingly, in this same letter the council of elders also stated that it approved the membership of seven other new members with Ashkenazi-sounding last names, “following the tradition to accept all Dutch citizens”!

The timing of these membership requests is interesting, given the concurrent birth of a thriving Ashkenazi community. Starting in 1930, the Ashkenazi community used a rented house as its synagogue on Saturdays and holidays. In 1932 the community founded a social-cultural association, “Club Union,” and in 1949 bought a building within walking distance from the abovementioned synagogue to be its new Jewish Center and to house Club Union. A few years later the

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74 In its original Dutch language: “Met ingang van 1 Januari 1949 kunnen Israëlieten die niet van Portugese afstammeling zijn slechts als buitengewone leden worden aangenomen, echter hebben zij geen stemrecht, noch zijn zij voor lidmaatschap van het college van Parnassim of enig andere functie verkiesbaar.”

75 Written in Spanish, this letter was sent by the council of elders to the mahamad. Mikvé Israel Archives Part I, index p. 23, dossier 74, MML, Curaçao.

76 The Council of elders or *consejo de ancianos* is composed of members who had been a board member for at least two years. It is an advisory entity which by congregational regulation is to approve or provide its advice i.c.w. certain actions to be taken by the board.

77 In its original Spanish language: “este Consejo preferiría ver cambiados los reglamentos de la Sinagoga antes, para poder aceptar a los extranjeros como miembros sin voz ni voto y para tal efecto urge .... de tomar los pasos necesarios para hacer los cambios necesarios en los mencionados reglamentos.”

Ashkenazim bought a house adjoining the Jewish Center and converted that it into the synagogue,<sup>78</sup> which it named Shaarei Tsedek.<sup>79</sup> One is left to wonder why five leading Ashkenazim would request membership in the Sephardic Mikvé Israel while all of this was going on.

The discussion within Mikvé Israel of Ashkenazi membership did not end there. A letter dated 29 July 1957,<sup>80</sup> written by lawyer D.S. Jessurun Cardozo, referred to the wish of then-president Otto Senior to effect a “partial change” in the *haskamoth* to make membership of Jews who were not of Spanish and Portuguese ancestry possible. Jessurun Cardozo was a brother of Mikvé Israel’s Rabbi Isaac Jessurun Cardozo, and in 1956 he followed his brother as spiritual leader of the congregation. While arguing that the 1896 regulations were outdated, Jessurun Cardozo agreed with Senior’s request for a partial amendment of the sixty-year-old *haskamoth*. Jessurun Cardozo proposed to amend article 4 to stipulate that “*miembros contribuyentes*”<sup>81</sup> who were not of Spanish and Portuguese ancestry would have the right to vote just as all other members and could be elected to honorary positions after having been registered as a member for five years. In that same letter, Jessurun Cardozo further proposed restricting the rabbinate and other religious functions at Mikvé Israel to Jews of Spanish and Portuguese descent to ensure that the Sephardic liturgy and customs would be maintained.

These 1948 and 1957 proposals do not seem to have led to a formal change of policy, as Mikvé Israel did not issue a new *haskamoth* until the 1964 merger with Temple Emanu-El. However, it is noteworthy that the 1948 proposal sought a solution for an “incorrect situation ... due to members who had wrongly been accepted such that these would not have to resign as members.”<sup>82</sup> This wording alludes to the non-Sephardic

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78 The new synagogue would seat 188 persons, indicating that the number of Ashkenazim on the island at that time was well over 100.

79 Emmanuel and Emmanuel, *History of the Jews*, 497.

80 D.S. Jessurun Cardozo to Otto Senior, in its original Dutch language. Mikvé Israel Archives Part I, index p. 25, dossier 93, MML, Curaçao.

81 “Contribuerende leden” or “contributing members.”

82 In its original Dutch language: “oplossing te vinden voor deze onjuiste situatie .... waardoor wordt bereikt, dat de ten onrechte aangenomen leden zich niet behoeven terug

members, mentioned above, that the synagogue had accepted prior to 1948, despite what its outdated *haskamoth* stipulated.

### **Congregation Mikvé Israel-Emanuel Articles of Association, 1964 to Today**

November 1964 saw the union of two quite different institutions of the same parentage: congregations Mikvé Israel and Emanu-El. With the formal merger came the need for new regulations to rule the life of the united liberal congregation. If the parentage, culture, and ethnic backgrounds of the members were similar, their established religious regulations and practices were very different. Merging the two would require a 'Jewish matchmaker' of sorts, which came in the form of a young rabbi from a small congregation in upstate New York. Rabbi Simeon J. Maslin was inspired by President John F. Kennedy's encouragement to young Americans to go overseas for a few years of service. He became Temple Emanu-El's rabbi in 1962 and made it his challenge to unite the two congregations.<sup>83</sup>

Mikvé Israel was still formally—even if not in actual practice—governed by the 1825 royal decree and the 1833 *haskamoth* that said no other ritual or liturgy would be "permitted than that of the Dutch Portuguese Israelites." Article 7f in its 1875 *haskamoth* charged the rabbi with the obligation to see to it that this Orthodox Sephardic ritual would be followed strictly. Mikvé Israel's 1886 and 1896 regulations were somewhat liberalized, but any changes in ritual would be subject to the approval of three Orthodox rabbis if there was not a local religious authority. Emanu-El's regulations, on the other hand, had stated since 1865 that it would follow the Reform ritual of Temple Emanu-El in New York; and its 1950 version had replaced this with the broader objective of following the principles of Reform Judaism. Reconciling these widely different liturgies, each with centuries-long historical significance, was a monumental task in negotiating the merger.

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te trekken en toch de bedoeling van de statuten wordt gerespecteerd."

83 Rabbi Simeon J. Maslin, "The How and Why of the 1964 Reunion," *Kristòf* XVI, no.2, (2015): 6–16.

The merged community, Mikvé Israel-Emanuel,<sup>84</sup> has had three versions of its regulations, now referred to as its “articles of association.”<sup>85</sup> These versions were adapted and amended as circumstances within the organization changed—for instance, amendments were required for both the adoption of equal rights for women in congregational governance in the 1990s and full egalitarianism in 2000. In each of the three versions—1965, 1998, and 2015—article 2 reads that the congregation would follow the Jewish Reconstructionist Foundation’s rituals. Adopting the liberal Reconstructionist ritual, a decision led by Maslin and endorsed by the lay leadership and memberships of both congregations, appealed to both the Reform and the Orthodox sides of the newly united congregation.<sup>86</sup> The same article 2, however, also stated that the new congregation would, as much as possible, respect traditions and customs of Sephardic origin in which historically both congregations were rooted. The Sephardic Jews of Curaçao had found a way in the regulations of the merged congregation to satisfy the large majority of each constituent community while at the same time honoring its Sephardic history. The Reform liturgy in Emanu-El’s regulations was replaced by the theology and ritual of the Reconstructionist Foundation, while the Sephardic traditions and customs of Dutch Portuguese Israelite Mikvé Israel would, as much as possible, be respected and maintained. Mikvé

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84 The merged congregation maintained the names of both of its ‘ancestral congregations’ but changed the hyphenated Emanu-El to Emanuel, likely for ease of nomenclature.

85 The “Guiding Principles” of the merger, both administrative and religious, can be found in Appendix I of Jane Gomes Casseres, *Generation to Generation—The Continuing Story of Congregation Mikvé Israel-Emanuel 1963–2000* (Amsterdam: Drukkerij Arno van Orsouw BV, 2003).

86 The objectives of Reconstructionism were described by Joseph Gaer and Rabbi Alfred Wolf in their *Our Jewish Heritage* (New York: Henry Holt and Co., 1957) to be “to revitalize the Jewish religion and to enrich the Jewish tradition so that Jews in a modern ... society can give greater meaning to their lives while contributing to the cultural life of the great community. The objectives are based on the belief that Judaism can be reinterpreted to meet the intellectual and spiritual needs of contemporary life.” Maslin added that, in the reunification discussions, Mikvé Israel’s representatives were encouraged that “a few prayers in the Reconstructionist prayer book had been taken from the British Sephardi prayer book.” Maslin, “How and Why,” 14.

Israel-Emanuel would not differentiate as to the ancestry, Sephardic or Ashkenazi, of its membership. The merged congregation installed its first Ashkenazi *rosh kahal*, or president, in 1979. Today, 54 percent of the membership of Mikvé Israel-Emanuel is of Sephardic descent.

The articles of the new, united congregation did away with any hint of Mikvé Israel's 1833 *haskamoth* that imposed numerous prohibitions and instructions on the rabbi and subordinated him to the mahamad. The 1965 Mikvé Israel-Emanuel regulations ended up being very similar to Emanu-El's 1950 regulations. They have only two specific governance responsibilities of the religious leader: one, to determine whether a prospective member is Jewish in any cases in which doubt exists; and two, to advise the board and membership on any cases in which they might contemplate incisive changes in ritual. Mikvé Israel-Emanuel's lay leadership in 1965 recovered the authority to establish the "ceremonial order of the services" but required the approval of the spiritual leader where religious matters were concerned. The merger thus undertook to follow a more modern system of governance in which those responsible were given decision-making leeway within established policies rather than attempting to describe the specifics of every circumstance that might arise and how these circumstances were to be dealt with.

Emanu-El's stipulation that "the congregation is governed by the Board and the General Meeting" was replaced in the merged congregation by an article that stated that "the congregation is governed by a Board and a Council of Elders." The council of elders assumed some of the responsibilities that the general meeting had borne at Emanu-El. The authority to appoint a spiritual leader had not been the same at the two congregations; the new procedure, perhaps a compromise, called for the board to appoint the spiritual leadership, but only after consulting with the council of elders. The general meeting, which had been responsible for direct-governing and "legislative" functions, was now responsible for supervision and reporting to the membership about general and financial affairs once or twice a year, a practice that is fully consistent with twenty-first-century governance principles. As an unintended consequence of the merger, governance practices that had been in use for three centuries were thus discarded and replaced by modern governance principles.

## Conclusion

This article studies in some detail how the governance of Curaçao's historic Sephardic congregation developed from 1651 to today, and how this has driven numerous changes in the Curaçao Jewish community during more than three and a half centuries.

In a 2016 book review, Rabbi Lance J. Sussman refers to a “well-established hegemony in the congregationalist policy of the American synagogue” and to “lay leaders being firmly in control of their congregations” in nineteenth-century American Jewish communities.<sup>87</sup> Quite clearly, this was also true about Mikvé Israel's mahamad. Lay leaders had founded Curaçao's synagogue and were firmly in control of it for over two hundred years. During that time religious functionaries risked losing—and, in fact, did lose—their pulpit by failing to follow even the smallest detail of the mahamad's ritual and liturgical instructions.

The mahamad ruled the synagogue and congregants, in no small measure as a result of Dutch colonial mandates and the policies of the West India Company (WIC), which provided the early Jewish settlers with special powers and privileges. While some of these were diminished or abolished after the emancipation of Curaçao's Jews in 1825, the firm control of the mahamad continued late into the nineteenth century. The Amsterdam Portuguese Israelite community, Mikvé Israel's mother community, was also able to exercise control over religious matters in Curaçao—control that was partially imposed by decrees of the Dutch royalty.

Interestingly, changes of governance had also taken place since 1651 at the Portuguese-Israelite Congregation of Amsterdam, “Kahal Kados Talmud Torah,” Mikvé Israel-Emanuel's Orthodox mother community. While it continues to follow Orthodox ritual and preserve its Portuguese-Israelite religious liturgy, its regulations of 2010 include numerous modernizations. Membership at Kahal Kados Talmud Torah is now considered on the basis of *halakha*<sup>88</sup> and does not (also) require

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87 Lance Sussman's review of Zev Eleff's *Who Rules the Synagogue?* in *The American Jewish Archives Journal* LXVIII, no. 2 (2016): 119–123.

88 In its original Dutch language: “Artikel 04-1: Voor toelating tot het lidmaatschap komen in aanmerking joden die op grond van de halacha als zodanig worden erkend.”

Spanish or Portuguese ethnicity. Women can be elected to the *parnasim*, but the officer who presides during services must be male, and the majority must be so as well.<sup>89</sup> Perhaps most notably, the *parnasim* requires the approval of the general membership meeting to determine the responsibilities of the rabbi or the chief rabbi and to hire or fire the spiritual leader. This shows that governance traditions can and do change—not only at Curaçao's liberal Jewish congregation, but even in Amsterdam's Orthodox Jewish environment.

The second half of the nineteenth century was marked in Western Europe by reform movements and liberalism. This was the era of scientific discoveries, ranging from the telephone to the light bulb to an improved quality of life. This was also the period in which Reform Judaism was founded in Germany. Liberal ideas spread on many levels, and philosophies of equality and individualism grew across countries and continents. Younger members of Mikvé Israel aspired vocally and energetically to more liberalism in religious observance. They were likely also bothered by the straitjacket imposed by the emancipation decree's requirement to follow strictly the Israelite religious rulings coming from Amsterdam, a community and country that seemed to be ever farther away from their Caribbean island.

The resulting schism between the more conservative and the more liberal members, aided by commercial rivalry between Jewish families, led in 1864 to the founding of the Reform Israelite congregation Emanu-El. Its liberal philosophy and governance were clearly reflected in its regulations. Gone was the all-powerful mahamad, replaced by officers with specific responsibilities and a general meeting with clear mandates. Gone too was the subordination of the clergy to the secular leadership and the dictates from Amsterdam's Orthodox rabbis; these were replaced simply by the stipulation that the new congregation would follow the ritual of a Reform congregation in New York City that had been founded in 1845.

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89 In its original Dutch language: "Artikel 07-1: Een meerderheid van het College (van Parnassim) moet uit personen van het mannelijk geslacht bestaan.... De functie van voorzitter van het College, alsmede Parnas President (eredienst) kan alleen worden vervuld door personen van het mannelijk geslacht."

Twenty years after the schism, there were stark changes in Mikvé Israel's 1885 *haskamoth*. The new philosophies of liberalism, individualism, and equality were also gradually entering the venerable Orthodox synagogue, even if its rabbis and more religiously observant members still forcefully resisted them.

When Mikvé Israel and Emanu-El met in 1964, the main points of negotiation were not theological, nor liberal versus Orthodox philosophies, but rather how to maintain as much as possible the Sephardic traditions and customs of Dutch Portuguese Israelite origin. That principle was of cardinal importance to Mikvé Israel, and it was explicitly stated in the articles of the new congregation. At the same time, the regulations reflected Emanu-El's liberal philosophy and gender equality, which gained a first, even if very small, foothold in 1964.<sup>90</sup> It would take another thirty-six years for complete egalitarianism to be firmly embedded in the regulations and the religious customs of the united congregation.

As reflected from 1651 to 2017 in the *haskamoth*, regulations, and articles of the three Curaçao Jewish congregations, the hegemonic rule of a powerful and elitist mahamad over secular and religious life eventually led to a sharing of responsibility and to virtual equality within the merged congregation. Responsibility would be shared between officers and members for the secular aspects of the congregation and between lay leaders and religious leadership for the religious aspects; the subordination of one to the other that had existed for over two hundred years would be a thing of the past. Equality would also exist in terms of ethnic origin and genders. The merger between the Orthodox Mikvé Israel and the Reform Emanu-El had brought with it not only a liberal theology and ritual but also a modern style of governance and secular regulations.

All of the above have come together to shape today's Mikvé Israel-Emanuel, a unique blend of traditional Sephardic and liberal Reform liturgy. The congregation is affiliated with both the World Union for Progressive Judaism and the Reconstructionist movement. It is a Sephardic congregation that for decades has accepted Ashkenazim

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90 Emanu-El had been egalitarian from its very start in 1864. After the merger in 1964, men and women would sit together and women would be included in the *minyan*.

to membership and elected Ashkenazi Jews to its mahamad, now referred to as its directiva. Mikvé Israel-Emanuel prays from the Reform *Mishkan T'filah* siddur but carefully maintains in its Torah services its centuries-old Sephardic practices, including *Mi Shebeirach* formulations in Portuguese. The congregation's origin is clearly Sephardic, but the large majority of songs and chants are Ashkenazi, brought to Curaçao by Ashkenazi rabbis and cantors over the past fifty years. At the same time, the *Snoa*,<sup>91</sup> as the synagogue and the congregation are lovingly called, offers a unique blend of languages. It maintains Sephardic trope in the reading of the Torah and the *V'e'avavta* prayer after the Shema; announcements for Rosh Hodesh, the new moon, are said in Hebrew, English, Dutch, Spanish, Portuguese, and Papiamentu, the local vernacular; the accompanying prayers are chanted in Hebrew; and on Yom Kippur, *Yizkor*, the memorial service, includes a long prayer in Spanish, and the traditional reading of the Jonah *parashah* is in Papiamentu.

In Curaçao we like to say that our style of Judaism is "*krioyo*," a Creole version, which was shaped by its history into a form that enabled its survival for over three and a half centuries. It is a survival that defies the odds on a Caribbean island with a population of 150,000, of which Jews number fewer than 250 souls—less than one-quarter of 1 percent—a survival that perhaps teaches us that to survive we must adapt but at all times maintain the principles that are truly fundamental to our faith and our beliefs.

*Ronald Gomes Casseres descends from Sephardic Jews who first landed in Curaçao in 1690. He was born on the Dutch Caribbean island, where he is a leader of the historic Mikvé Israel-Emanuel community. Now retired, one of his interests is the history of his Jewish community and its practices. He has been active in numerous organizations and institutions and was awarded decorations by the Kingdom of the Netherlands and the government of Japan.*

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91 "Snoa," in the local vernacular Papiamentu, finds its origin in the Dutch word "Esnoga," meaning synagogue. It has been commonly used for many decades by the Curaçao Jewish community to its synagogue and congregation in both writing and speech. It is not a word used to denote synagogues elsewhere in the world.

## *Abraham Lincoln and Levi Cohn: Jewish Attitudes in the North During the Civil War*

LAWRENCE S. FREUND

On 1 December 1864, a young Democratic Party activist, the son of Jewish immigrants from Bavaria, found himself in the White House, face to face with President Abraham Lincoln. His name was Levi Cohn, and his conversation was of potentially enormous consequence for the twenty-three-year-old native of Albany, New York, as well as his immediate associates and family. The encounter also reflected a significant dimension of the attitude of the Jewish community of the North during the Civil War.

Levi Cohn was a first-generation American, born on 21 May 1841,<sup>1</sup> the son of Isaac and Amalie Cohn, newly arrived immigrants from Bavaria. The initial wave of Jewish immigrants from Germany, including nine men, according to one count, arrived in Albany in 1837. Two years later, another twenty-three men arrived in the New York capital, mostly from Bavaria; among them was Isaac Cohn, along with Gottlieb Schmidt (who later changed his name to Smith), Sampson Rosendale (later to become the father of Simon W. Rosendale), and Joseph Sporborg, soon to become a leader of Albany's small but growing Jewish community. The following year there were an estimated thirty Jewish families in Albany.<sup>2</sup> As Rudolf Glanz writes,

In the region of mass emigration, South and Southwestern Germany, the conditions Jews faced were nearly all the same. Legal restrictions

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1 Levi Cohn gravestone, Beth Emeth Cemetery, Loudonville, New York.

2 Isaac Markens, *The Hebrews in America: A Series of Historical and Biographical Sketches* (New York, 1888), 116.

against settlement by Jews, special taxes, and further discriminations continued well after 1848; in Bavaria, they remained as late as 1870. Such conditions produced everywhere the same pressure to emigrate as a means of escaping legal disabilities, social anti-Semitism, and economic frustration. German Jewish emigration represented the rationally planned transplantation of a generation of youth with the subsequent founding of a family on new soil.<sup>3</sup>

If encouragement to emigrate was needed, it came from German-Jewish newspapers such as the *Allgemeine Zeitung des Judentums*, which commented in 1839, the year of Isaac Cohn's emigration, "Why should not young Jews transfer their desires and powers to hospitable North America, where they can live freely alongside members of all confessions?..."<sup>4</sup> By the following year, 1840, about ten thousand Jews had emigrated from Bavaria, contributing to the fifteen thousand Jews living in the United States. This compared to thirty-five hundred twenty years earlier, in 1820.<sup>5</sup>

In 1838 the Jewish community in Albany, while still small—especially compared to the thriving Jewish community in New York City—had gathered enough strength to found the city's first synagogue, Beth El. Eight years later, the congregation appointed its first rabbi, Isaac Mayer Wise, a recent immigrant from German-speaking Bohemia. In his *Reminiscences*, Wise described the scene that greeted him.

Albany was poor. There were four firms; viz., Schloss, Blattner, Cohen, and Sporberg; two grocers, Schmidt and Schwartz, and several mechanics. All the other members of the congregation were peddlers. The yearly congregational dues amounted to six dollars, besides *shnoder* money.<sup>6</sup> There were but few families in Albany that had parlors furnished with carpets, cane-seated chairs, etc. The majority lived in two or three rooms.

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3 Rudolf Glanz, "The German Jewish Mass Emigration: 1820–1880," *American Jewish Archives* no. 22 (April 1970): 65–66.

4 Quoted in Howard M. Sachar, *A History of the Jews in America* (New York: Alfred A. Knopf, 1992), 39.

5 Ibid., 39, 41.

6 Donations pledged.



Isaac Mayer Wise with his wife, Therese, and their three children, 1850.  
(Courtesy American Jewish Archives)

A silk dress was a rarity among the women. The men smoked three-cent cigars, and drank beer at three cents a glass. They played dominoes for an hour in order to decide who was to pay the six, nine, or twelve cents.<sup>7</sup>

In 1849, according to Wise, Beth El had 150 contributing members.<sup>8</sup> The next year, tensions between Beth El's tradition-minded congregants and reformists led by Wise split the synagogue's membership, leading to a notorious physical disruption during Rosh Hashanah services. This was followed by the immediate founding of a new congregation, Anshe Emeth, under Wise's spiritual leadership and with Joseph Sporgborg as president. Schmidt (later Smith) was among Wise's supporters. In 1850, both Smith and Isaac Cohn were members of Anshe Emeth's building

7 Isaac Mayer Wise, *Reminiscences* (Cincinnati: Leo Wise and Co., 1901), 57. "Sporberg" refers to Joseph Sporgborg.

8 Isaac Mayer Wise, "The Congregation Beth-El, at Albany," *The Occident and American Jewish Advocate* 7, no. 8 (November 1849): 416.

committee, which would purchase a Baptist church the following year.<sup>9</sup> The 1850 federal census found the Cohn and Smith families living in a combined household with thirty-eight-year-old Isaac Cohn, identified as a dry good merchant, along with his thirty-six-year-old wife, Amalie, their New York-born children Levi (nine), Caroline (seven), Betsy (six), and Helen (one), together with “pedlar” Godlieb Smith (thirty-eight) and his wife Mary (thirty-two).<sup>10</sup>

### **Northern Jewish Response to the Civil War**

Albany’s Jewish community gradually emerged against a backdrop of increasingly turbulent national politics. In an effort to avoid conflict, Congress passed what became known as the Compromise of 1850, admitting California as a free state—that is, without slavery—but at the same time adopting the Fugitive Slave Law, requiring the return of escaped slaves from all jurisdictions North and South. While the compromise slapped a bandage over a festering wound, the national breach failed to heal and the debate continued. In Vermont, legal measures were taken to, in effect, nullify the Fugitive Slave Law. In 1851, the *Albany Argus*, the semiweekly newspaper that supported Albany Democrats, editorialized that the federal statute was

a law which every citizen is bound to obey, and the public authorities to enforce with all the power conferred upon them by the government—and that all persons concerned, directly or indirectly, in resistance to the execution of the law, or in any obstruction of its due execution, are guilty of an offence, and subject to heavy punishment, criminally, and also by civil damages to the aggrieved party.<sup>11</sup>

In 1853, the New York State Democratic Committee affirmed that “involuntary servitude ... is recognized by the Constitution” and that “the Democratic party of this State stands pledged ... that every law adopted by the constituted authorities of the United States, including

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9 Naftali J. Rubinger, “Albany Jewry of the Nineteenth Century,” doctoral dissertation, Yeshiva University, 1971, 62, 64.

10 U.S. Census Bureau, Sixth Census, 1850, Albany, New York (Third Ward).

11 “The Fugitive Slave Law—Charge of Judge Nelson,” *Albany Argus*, 6 June 1851, 2.

the Fugitive Slave law, shall be faithfully enforced within the limits of the State.”<sup>12</sup>

The New York State capital at the time was in large part the fiefdom of the Albany Regency, a political machine that one writer described as “a degenerate descendant of the famous clique” of New York State Democrats that included Martin Van Buren and William L. Marcy in the 1820s and 1830s. In 1860, the Regency’s leader was Dean Richmond, vice president of the New York Central Railroad and chair of the Democratic State Committee. Other members included Erastus Corning, an iron manufacturer, president of the New York Central Railroad and member of Congress; and Peter Caggar, a lawyer and secretary of the Democratic Central Committee.<sup>13</sup>

The Compromise of 1850, supported by Albany Democrats, failed to solve the growing national crisis; in fact, if anything, the Fugitive Slave Act exacerbated antislavery sentiment in the North, which in turn raised tempers in the South. While en route from Albany to Charleston, South Carolina in 1850, Wise made a stop in Washington, DC, and witnessed the debate over the Compromise from a perch in the Senate gallery. He would recall,

Both sides were greatly excited, the leaders inexorable, and the rebellion of 1860–61 threatened to break forth even then. The slavery question was debated thoroughly in Congress, the natural right to possess slaves, if there be such a right, and the Constitutional guarantees for the protection of the slaveholder, as well as the political issues involved were discussed from every standpoint.

Wise contrasted the proslavery arguments of Senator John Calhoun (“all territories of the United States must be opened to slavery,” in Wise’s summation) to those of New York Senator William H. Seward “that man was born free, and if the State sanctioned slavery, it did wrong.”<sup>14</sup>

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12 “Meeting of the Democratic State Committee, *Albany Argus*, 6 Sept. 1853, 2.

13 Sidney David Brummer, *Political History of New York State During the Period of the Civil War* (New York: Columbia University, 1911), 24–25.

14 Wise, *Reminiscences*, 132–133.

Wise departed Anshe Emeth and Albany in 1854. By the time the Civil War commenced in April 1861, he had been living in Cincinnati for seven years as rabbi of Congregation B'ne Jeshurun and was publishing *The Israelite*, a newspaper that became the voice of Reform Judaism in the United States. Writing in the newspaper, he declared his refusal to "choose sides" in the war. "We can not," he explained, "not only because we abhor the idea of war, but also we have dear friends and near relations, beloved brethren and kinsmen in either section of the country, that our heart bleeds on thinking of their distress, of the misery that might befall them."<sup>15</sup> Wise, however, was not being entirely truthful with his readers. As historian Bertram W. Korn observes, Wise "was not a neutral, a mere spectator, a fence-sitter, as his words might lead one to believe. He was a Peace Democrat..." According to Korn, Wise

was opposed to the ideas of both the extreme abolitionists and of the extreme secessionists. The Republican victory in the fall of '60 was, to his mind, a national calamity... Peace and Union at any cost were his objectives in the weeks before the outbreak of war, even if the price involved the everlasting legalization of slavery.

When the southern states seceded, one after the other, Wise concluded, "every state had the right to secede; and, further, that a resort to arms was illogical."<sup>16</sup>

The attitudes of American Jews during the Civil War have been the subject of considerable commentary. Rabbi Naphtali J. Rubinger, for one, explained,

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<sup>15</sup> Isaac Mayer Wise, "Silence, our policy," *The Israelite*, 19 April 1861, 344.

<sup>16</sup> Bertram W. Korn, "Isaac Mayer Wise on the Civil War," *Hebrew Union College Annual* 20 (1947): 636–637. In contrast, Rabbi David Einhorn of Baltimore's Har Sinai Congregation declared: "Judaism can never tolerate an attitude of indifference on this question ... whether the glorious institutions of our country, which had their very origins in the Torah's inmost essence of human equality and freedom—and have brought immeasurable blessings to mankind—are now to be laid in ruins by the rebels. To those who say that religion should not meddle in politics, we must respond: Slavery is not merely a political question—it is, above all else, a religious issue!" See Rabbi Howard A. Berman, "Jewish Reflections of the 150<sup>th</sup> Anniversary of the Civil War" (2013), <http://www.centralreformtemple.org/jewish-reflections-of-the-150th-anniversary-of-the-civil-war/> (accessed 12 December 2018).

Like the rest of the United States the Jewish people was strongly divided on the issues of “slavery” and the “Union.” This division was geographic, patterned after the classical antagonisms between the North and the South. Generally, the Jews of the North opposed slavery and professed the cause of the Union, while the Jewry of the South sanctioned the institution of slavery and upheld the doctrine of “States Rights.” This ideological conflict among the Jews of the United States may have been more than an accident of geography and may have reflected a difference of opinion arising from fundamental causes.<sup>17</sup>

Of all the Jewish men who served or sympathized with the Confederacy, Judah P. Benjamin was unquestionably the best known. As Gary Philip Zola points out, the Confederate secretary of war and then secretary of state “once described Lincoln as the candidate ‘who denies me all my rights, openly and fairly.’ As far as Benjamin and his peers were concerned, the die for secession had been cast once the nation elected a man who carried the banner of the Republican Party.”<sup>18</sup> And in contrast to Rubinger’s classic description of the attitude of Jews in the North and the South, Zola adds that Lincoln also had Jewish critics in the North, among them a triumvirate of rabbis—Wise, Morris J. Raphall, and Isaac Leeser—who

often spoke as though they were formally associated with the Copperheads—northern Democrats who opposed the government’s war policy in favor of a negotiated peace settlement. In their newspaper columns and from their pulpits, these men periodically berated the way Lincoln prosecuted the war, criticized his decision to suspend the writ of habeas corpus, and bemoaned his various political missteps.<sup>19</sup>

In advance of the Civil War, New York City’s Jewish leadership was in fact largely anti-abolitionist and to some degree proslavery.<sup>20</sup> The

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17 Naphtali J. Rubinger, *Abraham Lincoln and the Jews* (New York: Jonathan David Publishers, 1962), 43.

18 Gary Philip Zola, ed., *We Called Him Rabbi Abraham: Lincoln and American Jewry* (Carbondale, IL: Southern Illinois University Press, 2014), 4.

19 Ibid.

20 Deborah Dash Moore, Howard B. Rock, Annie Polland, Daniel Soyer, and Jeffrey S. Gurock, *City of Promises: A History of the Jews of New York*, vol. 3 (New York: New York

lower-rung Jewish community mostly tried to avoid the subject since many “worried that Jewish voting blocs would ignite Christian fears of Jews, leading to European-style anti-Semitism, even persecution.”<sup>21</sup> According to Rubinger, from the 1840s Albany’s Jews also “gravitated toward the Democratic Party,” possibly because of the “tradition of Jeffersonian and Jacksonian Democracy with its general liberal orientation,” but perhaps also because “Democratic Party leaders made every effort to ingratiate themselves with the new German arrivals.”<sup>22</sup>

One telling document sheds some light on the political attitude of the Jewish community in the North. In 1864, Samuel L. Lewis, a prominent Jewish political figure and philanthropist in New York City, wrote to Lincoln to assure him that “nothing shall be wanting on the part of your friends here towards carrying the Union Cause.” As Zola writes, Lewis’s letter immensely disturbed Myer Samuel Isaacs, a founder and editor with his father, Rabbi Samuel M. Isaacs, of the *Jewish Messenger*. “Although he was a Republican and a firm supporter of the Union,” notes Zola, “Isaacs was strenuously opposed to the suggestion that there was a ‘Jewish vote’ in America.” In his own letter to the president, Isaacs wrote, “There are a large number of faithful Unionists among our prominent coreligionists—but there are also supporters of the opposition; and, indeed the Israelites are not, as a body, distinctively Union or democratic in their politics.”<sup>23</sup>

An analysis of voting patterns in the 1864 presidential election concludes that in New York City, Jewish immigrants from Germany identified with non-Jewish Germans; and while it is impossible to determine precisely their votes, “it is probable that they voted in a similar pattern. If so, there was a similarly strong Jewish vote against Lincoln.” (Lincoln’s opponent, General McClellan, won 69 percent of the votes in the city’s German wards.)<sup>24</sup> Yet, with the outbreak of war, “Young Jewish New Yorkers responded to the martial spirit of spring 1861, serving with

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University Press, 2012), 233.

21 Ibid., 237.

22 Rubinger, “Albany Jewry,” 300–301.

23 Zola, *We Called Him Rabbi Abraham*, 64–66.

24 Moore, et al., *City of Promises*, 250–251.

distinction,” with one writer counting 1,996 known Jewish soldiers from New York State.<sup>25</sup>

Clement Vallandigham, a congressman representing Dayton, Ohio, was a leader of the Peace Democrats in the North and a harsh critic of the Lincoln administration. He was arrested for making incendiary remarks in May 1863 after leaving Congress and subsequently sentenced to prison by a military court. Vallandigham was then sent south to Confederate territory, after which he made his way to Canada, where he continued his invective against the Union government. In September 1863, the Ohio Democratic Convention, controlled by Peace Democrats, nominated Wise for a seat in the state senate. Trustees of Wise’s Cincinnati synagogue objected to the nomination (“You are hereby politely but most emphatically requested to decline the said nomination at once”), and Wise withdrew. “Wise’s association with the Vallandigham Democrats is a development of the attitude he expressed earlier towards secession and peace,” writes Wise’s biographer, Sefton D. Temkin, although he adds that some specifically Jewish issues may have drawn Wise to Vallandigham.<sup>26</sup>

Vallandigham’s arrest and trial on 6–7 May 1863 in Ohio ignited protests in the North, notably in Albany, where on 16 May a large crowd organized by the local Democratic Party gathered in a park in front of

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25 Rubinger, “Albany Jewry,” 241. Among those 1,996 soldiers were two sons of Albany peddler Sampson Rosendale and his wife Amalie: Silas, born in Germany in 1834, and Samuel, born in 1845 in Albany. On 15 April 1861, following the Confederate attack on Fort Sumter, Lincoln issued a call for 75,000 volunteers. Silas enlisted just a month later, on 14 May 1861, as a corporal in Company K of New York’s 32nd Infantry Regiment. According to one report, he was wounded at the Battle of Fair Oaks. *Elmira Telegram*, 12 April 1896. Silas died on 25 November 1871. A newspaper article headed “Hebrews Brave in War” suggests he died of his wound at Fair Oaks. *Elmira Telegram*, 12 April 1896. Samuel Rosendale followed his older brother Silas into the Union army, enlisting as a corporal on 14 October 1862, in Company D of the 177th New York Infantry Regiment. Samuel mustered out on 10 September 1863 when the 177th completed its nine months of service. New York Civil War Muster Roll Abstracts, 1861–1900, archive collection 13775-83, box 675, roll 331, New York State Archives, Cultural Education Center, Albany, New York.

26 Sefton D. Temkin, *Creating American Reform Judaism: The Life and Times of Isaac Mayer Wise* (Portland, OR: Littman Library of Jewish Civilization, 1998), 183–187.

the state capitol building. Presiding over the event as “president” was Erastus Corning, then a member of the U.S. House of Representatives and a leader of the Albany Regency. In a letter to the excited gathering, New York Governor Horatio Seymour proclaimed that the Lincoln administration’s action would “determine in the minds of more than half of the people of the loyal States whether this war is waged to put down the rebellion at the South, or to destroy free institutions at the North.” Jurist Franklin J. Williams writes that

pent-up feeling was expressed against the alleged arbitrary action of the Administration in suppressing the liberty of speech and the press, the right of trial by jury, the law of evidence and the right of habeas corpus, and, in general, the assertion of the supremacy of military over civil law.<sup>27</sup>

Among the fifty-one men listed as vice presidents of the gathering were two members of Albany’s Jewish community, Joseph Sporborg and Sigmund Adler; among the twenty-nine members of the committee on resolutions were Isaac Lederer and Wolf Simon.<sup>28</sup> The resolutions adopted by the meeting and sent to Lincoln promised that the Democrats would devote all their energies “to sustain the cause of the Union, to secure peace through Victory, and to bring about the restoration of all the States under the safeguards of the Constitution.” But they also denounced the seizure and trial of Vallandigham “for no other reason than words addressed to a public meeting, in criticism of the course of the Administration.”<sup>29</sup> The *Albany Argus* enthusiastically described the protest as “a meeting of freemen, in defence [*sic*] of the Constitution. It was composed of the intellect, the patriotism and the vigor of the city.”<sup>30</sup> In contrast, the Republican-leaning *Albany Evening Journal* sharply criticized the protest, calling it “a meeting to justify a bad

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27 Franklin J. Williams, “Abraham Lincoln, Civil Liberties and the Corning Letter,” *Roger Williams University Law Review* 5, no. 2 (Spring 2000): 332.

28 “The Vallandigham Outrage; Immense Meeting at the Capitol,” *Albany Argus*, 18 May 1863, 2.

29 Ibid.

30 Ibid.



Abraham Lincoln, 1863.  
(Courtesy Library of Congress)

man, and to denounce those who sought to punish him... It will stimulate other men to say and do what Vallandigham has said and done.”<sup>31</sup>

Historians have credited Lincoln’s widely published response to the Albany resolutions as one of his most effective public expressions during

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31 “The Vallandigham Meeting,” *Evening Journal*, 18 May 1863, 2.

the war. Vallandigham was not arrested simply because of his words, Lincoln wrote, but “because he was damaging the Army, upon the existence and vigor of which the life of the Nation depends. He was warring upon the Military, and this gave the Military constitutional jurisdiction to lay hands upon him.”<sup>32</sup>

### Politics, Imprisonment, and a Presidential Meeting

It was against this backdrop of mid-nineteenth-century Albany that Levi Cohn was born and raised. His parents, Isaac and Amalie, were newly arrived immigrants from Germany when Levi was born in Albany in 1841. By 1850, Isaac had already become a dry goods merchant,<sup>33</sup> a step up from the entry-level occupation of peddler that many members of Albany’s Jewish community had adopted to feed their families.<sup>34</sup> Also by 1850, Levi had been joined by three sisters: Caroline (Carrie), Betsy (Lizzie), and Helen. By about 1860, Levi was working in his father’s store as a bookkeeper,<sup>35</sup> and on 1 August 1864, at the age of twenty-three, he received a commission as paymaster of the New York National Guard’s 18<sup>th</sup> Brigade<sup>36</sup> with the rank of major, an appointment likely reflecting his bookkeeping skills as well as the influence of Albany’s Democratic Party. At the time of his appointment, campaigning for the 1864 presidential election was well underway, with Lincoln’s chances for reelection marginal in what was later viewed as “a referendum on an unpopular war and

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32 Geoffrey R. Stone, *Perilous Times: Free Speech in Wartime* (New York: W.W. Norton, 2004), 111.

33 U.S. Census Bureau, Sixth Census, 1850, Albany, New York, Third Ward.

34 William Kennedy, *O Albany: An Urban Tapestry* (New York: Viking, 1983), 218. According to Kennedy, there were 250 licensed peddlers in Albany in 1840, of whom 58 were Jews. In 1847, there were 269 peddlers, of whom 166 were Jews. “By 1875,” added Kennedy, “Jews operated 14 of the city’s clothing stores, 15 of the 34 dry-goods stores, 6 of the 9 millinery shops, 18 of the 55 tailor shops, and so on.” (Dry goods usually refers to a line of merchandise that includes textiles and ready-to-wear clothing.)

35 “Local News – The Trial of Col. North,” *Daily National Republican*, 15 November 1864, Washington, DC, 2.

36 *Annual Report of the Adjutant-General of the State of New York* I, no. 91, Albany, NY, 1866. Cohn’s total compensation for 1864 exceeded \$1,500, a not-inconsiderable sum at the time.

on the war-weary Northern public's view of secession and slavery."<sup>37</sup> New York's ballots were seen as critical both by the Republicans in Washington and by Democrats (their presidential candidate was General George B. McClellan), including Governor Seymour. Republican strategists in Albany saw an advantage in promoting the then-novel idea of allowing soldiers to vote; Democrats opposed the idea, with Seymour declaring, "It is possible that the next Presidential election may be decided by the vote of a single State" and that the questionable votes of soldiers deciding an election would be a "fearful danger."<sup>38</sup> However, New York, along with other states, approved soldier voting and the appointment of commissioners to distribute and then collect ballots in the field. Seymour sent two commissioners, Moses J. Ferry and Edward Donahue Jr., to Baltimore to collect ballots from New Yorkers serving there in the Army of the Potomac. On 27 October 1864, they were arrested by federal troops and accused of "falsely and fraudulently signing and forging names of officers and soldiers." Ferry confessed, while Donahue argued that the military commission before which he was tried had no jurisdiction in his case. Both were found guilty and sentenced to prison.<sup>39</sup> Seymour also appointed three men to serve the same ballot-distribution function in Washington, DC, along with assisting New York troops stationed in the capital with medical and pay issues. The three appointees were Samuel North, described as an "agent" for New York State in Washington and a Democratic Party activist and office holder from Otsego County; Morven M. Jones, an attorney from Utica, a lieutenant in the Army of the Potomac taken prisoner by Confederates at the Second Battle of Bull Run and later released and retired from the army (he was assigned to care for wounded soldiers as part of the three-man commission sent to Washington);<sup>40</sup> and Levi Cohn. According to a postwar publication

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37 Charles Bracelen Flood, *1864: Lincoln at the Gates of History* (New York: Simon & Schuster, 2009), 7–8.

38 Brummer, *Political History of New York State*, 281.

39 Oscar Osburn Winther, "The Soldier Vote in the Election of 1864," *New York History* 25, no. 4 (October 1944): 450–451.

40 M.M. Bagg, M.D., ed., *Memorial History of Utica, N.Y.: From Its Settlement to the Present Time* (Syracuse, NY: D. Mason & Co., 1892), 245.

describing “arbitrary arrests” by the Lincoln administration, Cohn was recommended for the position by the paymaster general of New York State and “stood high as a book-keeper and merchant’s cashier, and an accurate and trusted business-man.”<sup>41</sup> His nominal assignment: “to pay all back bounties, and whatever might be due soldiers from the State.”<sup>42</sup> On 27 October—the same day that Ferry and Donahue were arrested in Baltimore—federal authorities arrested Cohn, North, and Jones “by order of the President” and took them to Old Capitol Prison in Washington. They were charged with “conduct prejudicial to the military service of the United States and in fraud of the election rights of the soldiers and officers of said service” (specifically, signing blank ballots and sending them to New York as legitimate absentee ballots).<sup>43</sup> Word about the arrest of the three agents reached Seymour in Albany, and he dispatched another trio to Washington to investigate. They discovered that Cohn and North were being held in a room together.

[They] had not been permitted to leave it for the four days they had been prisoners for the purposes of answering the calls of nature. They had been supplied with meager and coarse prison rations, to be eaten in their room, where they constantly breathed the foul atmosphere arising from the standing odor. They had no vessel out of which to drink water, except the one furnished them for the purpose of urination. They had but one chair, and had to sleep three of the nights of their confinement on a sack of straw upon the floor. They had not been permitted to see a newspaper, and were ignorant of the cause of their arrest. All communications between them and the outer world had been denied them.<sup>44</sup>

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41 John A. Marshall, *American Bastille: A History of the Illegal Arrests and Imprisonment of American Citizens in the Northern and Border States on Account of Their Political Opinions During the Late Civil War* (Philadelphia: T.W. Hartley, 1884), 560. The paymaster general of New York State was John D. Van Buren, a Democratic member of the New York State Assembly from Orange County. Governor Seymour appointed him as paymaster with the rank of colonel in 1863.

42 Ibid.

43 Joseph George Jr., “The North Affair: A Lincoln Administration Military Trial, 1864,” *Civil War History* 33, no. 3 (September 1987): 200.

44 Marshall, *American Bastille*, 562.

On 1 November, the three commissioners Seymour sent to Washington to investigate the arrest of Cohn, North, and Jones wrote to Secretary of War Edwin Stanton objecting that they had been refused permission to see the charges against the men and that they were not aware of any law that would subject the agents to U.S. military laws. On 2 November they wrote again to Stanton claiming that the agents could not receive a fair trial at that time and asked for a postponement of their trial until after the 8 November presidential election. Despite their plea, the trial began the following day, 3 November 1864, before a military commission presided over by Major General Abner Doubleday. The judge advocate—in effect, the prosecuting attorney—was Colonel John A. Foster. On the first day of the trial Foster presented what he called a “deposition” based on a prison interview with Jones, in which Jones basically admitted the ballot fraud. The next day, the shorthand reporter who took notes on the prison interview admitted under defense questioning that the “deposition” was unsigned and that the reporter’s notes did not match the submitted document but, in fact, tended to exonerate Jones. The on-again off-again trial resumed ten days later, recessed on 18 November, then until 20 December and was held on-and-off again until 4 January 1865, as prosecutors attempted to gather evidence in New York of voter fraud. All this time, Cohn, North, and Jones remained in prison.

In the meantime, while charges were being brought and defenses mounted, Cohn took matters into his own hands. On 29 October, two days after his arrest, Cohn penned a neatly written letter on a sheet of blue-lined paper with the heading “Old Capitol Prison” and addressed to “Hon Abraham Lincoln—President of the United States.” Cohn then began his plea: “I am at present confined as a prisoner in the old Capitol on charge of election frauds in the state of New York with Col North and others. I would like to have a personal interview with you which I hope you will not refuse.” Cohn then added a postscript: “I desire to give you in detail all the matter in the above subject and believe it to be of much importance to you and your administration.”<sup>45</sup>

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45 Levi Cohn to Abraham Lincoln, “Wants to discuss his case,” 29 October 1864, Abraham

More than a month later, Cohn was escorted to a horse-drawn carriage and taken to the White House. The description of the visit that appears in *American Bastille*, a postwar compendium of Lincoln administration arrests, is written in the third person, but it is quite likely the testimony of Cohn himself. One morning, according to the narrative, Cohn's attorney spotted Judge Advocate Foster and his stenographer and repeated his earlier request to meet with Cohn but was refused. The account continues:

At that very moment the Superintendent of the prison had Major Cohn in a carriage, not over thirty feet distant, taking him to the President's [i.e., the White House], where the Judge Advocate and stenographer joined them. Major Cohn had been coaxed and threatened, and often told by prison officials while shut up alone, that he could be set free by coming out with a full statement of the whole matter. He consented to make such a statement, but only to the President.<sup>46</sup>

Now settled in a room with Lincoln (reelected the previous month), the judge advocate, and what seemed to be his stenographer, twenty-three-year-old Cohn, by his testimony, asked Lincoln if he would be released from prison after making his statement and "was assured by him that he should be discharged and not tried." So Cohn spoke directly to the president and declared, "he had never committed forgery or fraud upon any soldier." Questioned by prosecutor Foster about several specifics in the case, Cohn said neither he nor North had been involved in voter fraud. That ended the encounter between Cohn and Lincoln, who, as Cohn was leaving his office, told the young prisoner that "he saw no criminality in anything stated by Cohn" and that Cohn "would be discharged, only be required to remain on parole until after the trial."<sup>47</sup> However, Cohn was immediately returned to prison, and when the military commission resumed the trial nearly three weeks later, he submitted a sworn affidavit describing his White House meeting and

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Lincoln Papers: Series 1, General Correspondence, 1833 to 1916. Manuscript/Mixed Material. <https://www.loc.gov/item/mal3770100/> (accessed 15 April 2020).

46 Marshall, *American Bastille*, 571.

47 Ibid., 572.

requesting that he be set free as Lincoln had promised. More than two years after these events, several Democrat-supporting newspapers published a report providing additional details about Cohn's White House meeting. According to the story in the New York *World*:

[The] most persistent and despicable efforts were resorted to with Cohn, who was quite a young man, to induce him to make some sort of "confession," which would give justification to the proceedings. In the desperate extremity to which the administration was driven, Mr. Cohn was sent for by the President, who proposed to try on him the experiment of "my plan." An interview was had at the Presidential Mansion, in the presence of C.A. Dana, Assistant Secretary of War; J.A. Foster, Judge-Advocate of the Military Commission; and Wood, the keeper of the prison, when Cohn was first given to understand that if he would frankly state "all that he knew about the illegal transactions of Colonel North, Mr. Jones, and others, in connection with the soldiers' votes, no harm should come to him," and it was intimated that he might the sooner be in the enjoyment of liberty.... Under such trying and peculiar circumstances, Cohn deserves honor for resisting the tempter and adhering steadily to the truth...<sup>48</sup>

Despite Cohn's plea, the military commission refused to free him without a written order from either Lincoln or Stanton. The order never arrived. Earlier in the proceedings, the defense had brought several character witnesses who testified on behalf of Cohn. One of them was Dr. Joseph Lewi, Albany's first Jewish physician, who was born in 1820 in Radnitz (now Radnice), Bohemia (the same Austrian Empire town where Wise served as rabbi for two years before immigrating to the United States). Lewi, who arrived in the United States in 1848, was

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48 "Arbitrary Arrests," *The World: New-York*, 14 March 1867, 5. "C.A. Dana" was Assistant Secretary of War Charles A. Dana, a close confidant of Lincoln. Levi Cohn, in his affidavit describing his meeting with Lincoln, may have mistaken Dana for a stenographer. "Wood" was William P. Wood, the superintendent of the Old Capitol Prison who escorted Cohn to the White House (and back to the prison). Wood had close ties to Secretary of War Edwin Stanton.

Joseph Lewi.  
(Courtesy American Jewish Archives)



appointed district physician in Albany's Second Ward in 1854.<sup>49</sup> He was a supporter of the 1848 revolutions in Europe and was described as "an abolitionist before he came to America," a supporter of the Republican Party, and one of the first members of the Union League.<sup>50</sup>

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49 Rubinger, "Albany Jewry," 303.

50 "Notable Jews—No. XIV. Dr. Joseph Lewi, *Frank Leslie's Weekly*, 6 July 1893, 7. According to a biographer of Rabbi Isaac Mayer Wise, Dr. Lewi had been Wise's family physician in Radnitz and was "an intimate friend" in Albany. See Max Benjamin May, *Isaac Mayer Wise: The Founder of American Judaism; A Biography* (New York: G.P. Putnam, 1916), 89. Isidor Lewi, a son of Dr. Lewi, would recall that "When it became evident that the anti-Wise party (at Albany's Beth El synagogue) would continue its opposition, and that the reform measures would not be accepted by them, the Doctor's [i.e., Wise's] friends determined to form a new congregation, and a meeting was held for that purpose in the house occupied jointly by Dr. Wise and Dr. Lewi. A vacant loft in the business district was rented, and there the first religious service under the new regime was conducted.... Of the men who gathered at that service and helped to hold up the hands of the young rabbi, none remain. The last to pass away was Dr. Lewi, whose friendship for Dr. Wise began in the little town in Bohemia, where Dr. Wise first officiated, and where his oldest child—Mrs. Benjamin May of Cincinnati—was the young physician's first patient." See Wise, *Reminiscences*, 174–175.

In his testimony before the military commission on 15 November, Lewi said he had known Cohn “since I have been in Albany—over 16 years. Since he was a little boy.” Asked by a defense attorney how Cohn had been employed in Albany, Lewi explained, “He has been a bookkeeper in his father’s dry goods store. Less than two years ago he was in the paymaster’s office of the state of New York.” In answer to a question about Cohn’s character, Lewi said, “His character is good—very good,” adding that, “he is a young man of unblemished character, very sober, unassuming and good hearted.” Also testifying on behalf of Cohn that day was General George E. Danforth, commander of the New York National Guard’s 18<sup>th</sup> Brigade, where Cohn had served as paymaster. Danforth stated that Cohn’s “character, as far as I know, is perfectly unblemished” and that when he inquired about Cohn before hiring him, “He was described to me as a young man of good reputation, good habits and of as good standing as any young man in the city of Albany in the society in which he moved.” In cross examination, Foster asked Danforth who had recommended Cohn for his paymaster post. “Mr. Cagger,” Danforth replied, adding, “On looking over the records at Albany they saw that I had a vacancy and Mr. Cagger then wrote to me.” Danforth further explained that he had talked with “some of my friends in Albany.” “What friends?” asked Foster. “The uncle of Mr. Cohn. He presented the letter of Mr. Cagger to me,” Danforth answered. Asked whether Cagger had recommended Cohn “on political grounds,” Danforth replied succinctly, “Not at all.”<sup>51</sup> Cagger, however, was secretary of New York’s Democratic Central Committee, which threw some doubt on Danforth’s assertion.

John D. Van Buren, paymaster general of the State of New York, filed a deposition on behalf of Cohn, explaining that the young bookkeeper had been a clerk in Van Buren’s Albany office until, he said, “I detailed him to the New York State Agency in Washington for the purpose of receiving and facilitating the claims of New York sick and wounded

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51 Court Martial File of Samuel North, et al., NN3416, General Courts Martial, 1812–1938, Office of the Judge Advocate General, Record Group 153, National Archives & Records Administration, College Park, MD. The trial transcript spells Cohn’s name as “Cohen.”

soldiers in the hospitals here, in receiving their state bounty money." Van Buren characterized Cohn as "faithful and correct and zealous in his business while under my eye."<sup>52</sup>

After an unconvincing summation by the prosecuting judge advocate, the military commission began to consider its verdict in the trial of Cohn, North, and Jones. The closed-door not-guilty verdict, according to historian Joseph George, Jr., was reached 6 or 7 January 1865,<sup>53</sup> although North, the first of the three accused men, was not released from prison until 26 January and, even then, his release was accompanied by apparently leaked stories to the press that left ambiguous the reasons for his freedom: he had been convicted but nevertheless released or that there was simply no positive proof of his guilt. Finally, stories appeared on 31 January stating that North had been acquitted by the commission.<sup>54</sup> However, not a word appeared about the fate of Cohn or Jones. There was speculation published years later in *American Bastille* that the two men continued to languish in prison to create an opportunity for men in Washington

who made very large professions concerning their power and influence with the President and his Cabinet and their ability to procure pardons. Major Cohn's father and uncle were deemed rich merchants in Albany. The latter, when in Albany, and often when in Washington, was approached in mystic language in relation to the release of his nephew.<sup>55</sup>

Finally, on 27 February 1865, Cohn and Jones were allowed to exit the doors of Old Capitol Prison, without any explanation for either their release or the delay. Two years later, in January 1867, Representative Charles Goodyear, a Democrat from New York, wrote to the U.S. adjutant general's office requesting a copy of the still-hidden decision of the military commission. Eventually, a document was released stating that all three men had indeed been found not guilty.

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<sup>52</sup> Ibid.

<sup>53</sup> George, "The North Affair," 214.

<sup>54</sup> Ibid., 215.

<sup>55</sup> Marshall, *American Bastille*, 579.

Reporting on the belated release of the commission's verdict, the Democratic Party's voice in New York City, *The World*, commented that Cohn, North, and Jones

may proudly and exultantly rejoice. They have come out from the trying ordeal of proscriptive persecution like refined gold from the crucible.... What measure of judgment or punishment, corresponding to the enormity of the offence, shall be meted out to the concoctors of so foul a conspiracy against the liberties and reputation of innocent men?<sup>56</sup>

Jones sued the Republican-leaning *New-York Tribune* in 1866 for libel, citing the newspaper's false report in 1864 that Jones had confessed his guilt during the trial.<sup>57</sup> Cohn also began a lawsuit that year, charging Secretary of War Stanton with false imprisonment.<sup>58</sup> There is no evidence that either suit went to trial. However, in 1871, New York State awarded Cohn \$2,500 "for compensation, expenses, and witness fee, as agent and commissioned officer of the state of New York, while held in custody by the military authorities of the United States."<sup>59</sup>

## Conclusion

Just months after Cohn returned to Albany to resume his life, General Robert E. Lee surrendered his army to General Ulysses S. Grant at Appomattox Court House, and Abraham Lincoln was shot at Ford's Theater, dying the next day, 15 April 1865. Like Cohn, Isaac M. Wise had met Lincoln just once, also at the White House. Wise had arrived in Washington in January 1863 with a delegation of Jewish leaders from Cincinnati to protest Grant's order in December 1862 expelling all Jews "as a class" from Kentucky, Tennessee, and Mississippi. By the time the rabbi and his delegation met with Lincoln, the president had already taken steps to rescind Grant's order, but Wise deemed it "proper" to meet with the chief executive. Wise would write:

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56 "Arbitrary Arrests," *The World: New-York*, 14 March 1867, 5.

57 George, "The North Affair," 217.

58 "Personal," *The Troy Weekly Times*, 13 October 1866, 3.

59 John W. Edmonds and William Hildreth Field, eds., *Statutes at Large of the State of New York* IX, no. 145, "Titles of All the Laws Passed by the Legislature of New York at Its Ninety-Fourth Session, 1871" (Albany, NY: Weed, Parsons & Company, 1875).

The President, we must confess, fully illustrated to us and convinced us that he knows of no distinction between Jew and Gentile, that he feels no prejudice against any nationality, and that he by no means will allow that a citizen in any wise be wronged on account of his place of birth or religious confession.

When the news of Lincoln's assassination reached Wise, he chose words that contrasted with his characterization of the soon-to-be-inaugurated chief executive back in 1861. "We have no doubt he is an honest man," Wise wrote then, "and, as much as we can learn, also quite an intelligent man; but he will look queer, in the white house, with his primitive manner."<sup>60</sup> Now, in 1865, Wise described Lincoln as "the generous, genial and honest man, who stood at the head of our people in this unprecedented struggle for national existence and popular liberty."<sup>61</sup> Albany's Jewish community, like much of the country, found itself in mourning, as Wise's successor, Rabbi Max Schlesinger, spoke at Anshe Emeth, "and the Congregation Beth El held a special meeting at which elaborate resolutions were adopted."<sup>62</sup> To the south, in New York City, the Jewish community had been divided during the war, some subscribing to the pro-South, proslavery views of Rabbi Morris Raphall of B'nai Jeshurun congregation, others agreeing with the abolitionist and Union-supporting Rabbi Samuel Adler of Temple Emanu-El. As in Albany, the first reports of the murder of the president reached New York City on Shabbat, and synagogues filled with mourners. As the authors of a

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60 Isaac Mayer Wise, "No Life Without Humbug," *The Israelite*, 15 February 1861, 262. See also Zola, *We Called Him Rabbi Abraham*, 202–204.

61 Korn, "Isaac Mayer Wise," 647–648.

62 Markens, *Hebrews in America*, 42. Beth El's members declared that they "deeply feel the loss of him who has guided the nation through this great and terrible rebellion, and who, by his many virtues, his great wisdom and good counsel, has proved himself a patriot." See "Local Affairs, etc.," *Albany Argus*, 21 April 1865, 3. Rabbi Schlesinger revised the regular Shabbat services at Anshe Emeth to include a reading from Ezekiel 37 (the resurrection of dry bones) which, together with his sermon, was deemed by Albany's Democratic-leaning newspaper "of the most feeling and impressive character, and displayed the true patriotism and earnest sorrow of the Rabbi as well as of the congregation." See "Funeral Services in the Hebrew Church Yesterday," *Albany Argus*, 17 April 1865, 2.

study of the Jews of New York put it, “The profound reaction to the martyrdom of Abraham Lincoln provided the spark that ensured that the Civil War would be a transformational moment for the city’s Jewish community.”<sup>63</sup> The authors continued:

In the 1850s New York’s Jewish leaders [Democratic Party leader Emmanuel] Hart, [editor Mordecai M.] Noah, [editor Robert] Lyon, and [Rabbi] Raphall openly supported the southern cause, disdained the black race, and despised the Republican Party. Now the shepherds of the Jewish community uniformly mourned Lincoln and championed the “great emancipator.” It may have taken a long, dreadful war and the death of a beloved president, but in 1865 Jews began to join Dr. Adler in articulating a common bond between their Egyptian bondage and the plight of African-American slaves. The Civil War was a transformative moment in the Jewish community’s embrace of American democracy and Jews’ confidence that they had an increasingly secure stake in the growing Republic.<sup>64</sup>

Now once again a resident in the city of his birth, Cohn chose not to return to his father’s Albany dry goods store but instead to seek his fortune in the tobacco and cigar business. He established a store with Edward Friend at 21 Green Street.<sup>65</sup> He also maintained close ties with Albany’s Democratic Party, serving, for example, as a secretary of the Democratic General Committee.<sup>66</sup> In early 1868 he joined a group of men who continued to nourish their resentment of the Lincoln administration’s treatment of Northern dissidents during the Civil War. Led by Phineas C. Wright, a pro-Southern polemicist who was imprisoned without charges for fifteen months during the war, the group described

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63 Moore, et al., *City of Promises*, 252.

64 Ibid., 254.

65 “Tobacco, Segars, etc.” (advertisement), *Evening Times* (Albany), 18 Dec. 1867, 1.

66 “Meeting of the Democratic General Committee, *Albany Journal*, 21 July 1869, 3. In April 1870, Levi was elected as a secretary of the Democratic City Convention (called to nominate candidates for mayor, aldermen, etc.) and headed the delegation from Albany’s Fifth Ward. See “The Democratic City Convention—Great Excitement During Deliberations...,” *Albany Morning Express*, 4 April 1870 1.

themselves as “victims of despotism under the late Abraham Lincoln.” They met for the first time in New York City on 22 February 1868. The chief business of the meeting, they declared, was to plan a “mass convention of the ‘prisoners of state,’ and others, who suffered outrage to property or person at the behest of arbitrary power since the inauguration of the late war.” Cohn was appointed secretary of the meeting.<sup>67</sup> While the “mass convention” never took place, the group gathered for four days in New York City in July. This helped lay the groundwork for the 1869 publication of the more than seven-hundred-page *American Bastille*, chronicling the incarceration of more than a hundred “prisoners of state,” including Cohn.

On 11 May 1868, tragedy struck the Cohn family when Levi Cohn’s father, Isaac Cohn, committed suicide. The fifty-six-year-old had been a prosperous businessman who was involved in the Jewish community. According to a newspaper report, he removed his coat and hat, placed them, together with a card carrying his name and home address, on the edge of a dock in Greenbush, just across the Hudson River from Albany, and jumped into the water. The newspaper “surmised that he was laboring under insanity at the time, caused by sickness with which he has been afflicted for some months. He was respected by his acquaintances and was very well situated financially.”<sup>68</sup>

In February 1870 Helen Cohn, a daughter of Isaac Cohn and sister of Levi, married Simon W. Rosendale, the son of Albany immigrant Sampson Rosendale (and the brother of Civil War veterans Silas and Samuel). Albany-area newspapers reported that the wedding took place at “the Synagogue on South Pearl street”—that is, Anshe Emeth, the congregation once led by Wise before his departure for Cincinnati. The synagogue, according to one report, “was filled with ladies and gentlemen, including a number of State, county and city officials, who were present to witness the ceremony.... Among the numerous and costly

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67 “The Prisoners of State,” *The World: New-York*, 29 February 1868, 2. Cohn and his prison mates, North and Jones, are listed as members of the general committee at the meeting on 22 February 1868.

68 “Suicide By Drowning,” *The Daily Whig* (Troy, N.Y.), 12 May 1868. Isaac Cohn’s wife, Amalie, had died almost exactly seven years earlier, on 12 May 1861.

bridal presents was a \$700 piano—the gift of city officials.”<sup>69</sup> Journalist Isidor Lewi (a son of Dr. Joseph Lewi) would later write that Rosendale, born in Albany in 1842, was a student in Wise’s religious school before his parents sent him to a school in Vermont and then to law school in Albany. A year after his admission to the bar in 1863, Rosendale was appointed as an assistant district attorney of Albany and was elected recorder of the City of Albany in 1868. While clearly well connected with Albany’s Democrats, there is no evidence of his association with the party’s outspoken positions before or during the Civil War, nor is there evidence of his willingness to follow his brothers into battle. “Although an ardent party man,” Lewi explained, “he withdrew from political work to devote himself to a rapidly growing practice of his profession,” that is, his Albany law firm. In 1891 Rosendale was elected on the Democratic ticket as New York State Attorney General—the first Jewish candidate elected to statewide office—a position he filled for the next two years. As Lewi added,

Simon Rosendale was above all a Jew.... The American Jewish Historical Society was one of his great loves. He served as one of its vice-presidents from the first organization meeting in 1892 to his last day; he contributed learned papers on colonial New York in the early volumes and rarely missed an annual meeting. He made several gifts in funds and books to the Society, including the establishment of a permanent publication fund in memory of his wife [Helen Cohn Rosendale].<sup>70</sup>

There is no record of Rosendale’s thoughts on the incarceration of his brother-in-law, Levi Cohn.

In the years after his sister’s marriage, Levi Cohn continued his tobacco business in Albany, although there were signs of difficulties as early as 1875,<sup>71</sup> and by the end of 1882 it was reported that the business, with assets between about \$10,000 and \$20,000 and liabilities of

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69 “Fashionable Wedding,” *Albany Morning Express*, 10 Feb. 1870, 3.

70 Isidor Lewi, “Simon W. Rosendale,” *Publications of the American Jewish Historical Society*, no. 35 (1939): 320–22. Helen Cohn Rosendale died in 1922; Simon Rosendale died in 1937.

71 “Failures and Suspensions,” *The Commercial Bulletin* (Boston), 11 Sept. 1875, 2.

\$20,000, had closed.<sup>72</sup> Despite his business setbacks, Cohn maintained his ties with Albany's Democrats and in 1883 secured an appointment as a deputy clerk in the New York State Assembly.<sup>73</sup>

It is hard to determine cause and effect—whether Cohn's equilibrium had been upset by the failure of his business or whether his state of mind contributed to his business misfortunes—but by the next year, 1884, he had moved from his Albany home to what was then known as the Utica Lunatic Asylum, more formally as the New York State Lunatic Asylum at Utica, a state-financed institution for the mentally ill. Levi Cohn died there on 12 June 1884. A newspaper in Rome, New York, described him as “formerly one of the most promising men in Albany ... one of the most enthusiastic members of the Albany Burgesses Corps,<sup>74</sup> and was also one of the deputy clerks of the assembly in 1883.”<sup>75</sup> Adding to that, a Utica newspaper commented that Cohn “was possessed of a genial, generous disposition,”<sup>76</sup> while a follow-up article in an Albany newspaper by a pseudonymous contributor recalled Cohn “a few years ago, when he was in clover. Levi was a big gun in the Burgesses Corps. His money, his presence, and his influence—for he had influence those days—were always at their disposal.... Levi met with trouble and disaster and finally he died—away from home.”<sup>77</sup> On 24 June 1884, a weekly newspaper out of a small town west of Albany published a short item—sandwiched between stories about a thirteen-pound gold bar and a fist fight—noting the death of Levi Cohn and recalling that he had been imprisoned in Washington in 1864, along with Samuel North and Morven Jones. “They were Commissioners of the State to look after our soldiers at the Capital,” the newspaper concluded, “and were shamefully used.”<sup>78</sup>

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72 “A General Assignment,” *Albany Morning Express*, 23 Dec. 1882, 4.

73 “List of Senators, Members of Assembly, Officers and Reporters of the Legislature of the State of New York,” in *Documents of the Assembly of the State of New York*, vol. 4 (Albany, 1883), 9.

74 A volunteer militia and ceremonial parade unit.

75 “Utica,” *Rome Daily Sentinel*, 16 June 1884, 2.

76 “Died at the Asylum,” *The Utica Sunday Tribune*, 15 June 1884, 4.

77 “Levi Cohn's Death,” *Albany Sunday Press*, reprinted in *The Utica Observer*, 7 July 1884, 3.

78 “News From All Quarters,” *Stamford (New York) Mirror*, 24 June 1884, 2.

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Judah L. Magnes as a student at Hebrew Union College, 1898.  
(Courtesy American Jewish Archives)

## *Judah Leib Magnes: The Last Year*

MONTY NOAM PENKOWER

On 28 October 1948, one day after the passing of Judah Leib Magnes, a long obituary in the *New York Times* took note that he was one of the modern builders of the liberal tradition in America and for forty years “an outstanding cultural leader in American and world Jewry.” The obituary went on to mention his service as the spiritual leader of Temple Emanu-El (Reform) and Congregation B’nai Jeshurun (Conservative)—both of which he left because he preferred a more Orthodox Judaism; his chairing of the New York City Kehilla organization and its Board of Jewish Education; his association with American labor causes; and his vocal pacifism during World War I. In 1922 Magnes immigrated to Palestine, where he became chancellor of the Hebrew University three years later. The obituary noted that his hope was for the first Jewish university to serve as a permanent home for the tradition of science, learning, and ethical dedication among the Jews, “not to achieve nationalistic aims but to enable Judaism to carry on its historical role as an interpreter and mediator among nations.” This meshed with his calling for cooperation with the Arab population toward a bi-nationalist Palestine state, which would take its place within an Arab federation in the Middle East.<sup>1</sup>

Magnes’s proposal for Palestine was one of many competing positions during that time. In fact, Magnes had chosen not to join forces with the like-minded Brit Shalom (1925–1933), a small group founded by philosophers Samuel Hugo Bergman and Martin Buber, historian Hans Kohn, kabbalah scholar Gershom Scholem, and Palestine Land

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1 *New York Times*, 28 October 1948. For Magnes’s pioneering activities to establish a comprehensive communal structure for New York City’s Jewish community, see Arthur A. Goren, *New York Jews and The Quest for Community: The Kehillah Experiment, 1908–1922* (New York: Columbia University Press, 1970).

Development Company head Arthur Ruppin. This group advocated one state based on parity between the Arab and Jewish populations. Magnes favored the British mandatory's proposed scheme in 1936 for a legislative council, which Jewish Agency for Palestine political director Moshe Shertok (later Sharett) feared would give the Yishuv (Palestinian Jewish community) permanent minority status. In June of that year, together with a few other prominent individuals, Magnes drew up a Jewish-Arab agreement. This agreement included Arab nationalist Musa al-Alami's proposal that the Jews reach 40 percent of the total population after ten years. Subsequently, the British Peel Commission came forward with a plan to partition Palestine into an Arab and a Jewish state; Arthur Hays Sulzberger, publisher of the *New York Times*, objected to this, instead championing Magnes's plan. However, the Peel Commission plan was endorsed by First Palestine High Commissioner Herbert Samuel, former Palestine Attorney General Norman Bentwich, Kedma Mizraha founder Chaim Kalvariski-Margalioth, American philanthropist Felix Warburg, and a few other eminent figures, as well as the British Colonial and Foreign Offices. Yet the sustained Arab Revolt in Palestine (1936–1939), accompanied by slight prospects for true reconciliation from Grand Mufti Haj Amin al-Husseini and other leaders on the Arab side, soon put paid to any such hopes.<sup>2</sup>

"I am personally ready to yield Jewish political sovereignty in Palestine," Magnes wrote in October 1937 to Rev. John Holmes in New York City, "if through that I can secure—over a long period of years and over large stretches of the Arab world—the settlement of large numbers of Jews and their peaceful living and working together with the Arabs."

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2 Monty Noam Penkower, *Palestine in Turmoil: The Struggle for Sovereignty, 1933–1939* (New York: Touro University Press, 2014), vol. 1, "Prelude to Revolt, 1933–1936," 250, 292, 304; vol. 2, "Retreat from the Mandate, 1937–1939," 413, 418, 421, 438, 449–451, 455–460, 479–481, 490–491, 506, 535n31; Adi Gordon, ed., *Brith Shalom and Bi-National Zionism: "The Arab Question" as a Jewish Question* [Hebrew] (Jerusalem: Carmel, 2008); Dmitry Shumsky, *Between Prague and Jerusalem: Prague Zionists and the Origins of the Idea of a Binational State in Palestine* [Hebrew] (Jerusalem: Shazar Center, 2010). The eminent Yishuv leaders who endorsed Magnes's June 1936 Jewish-Arab agreement included Judge Gad Frumkin; Pinhas Rutenberg, founder of Palestine Electric Company; Moshe Smilansky, head of Farmers' Federation; and Moshe Novomeysky, Palestine Potash Ltd. founder.

He joined with leaders of some Yishuv parties, former Brit Shalom and Kedma Mizraha members, and others to establish the League for Jewish-Arab Rapprochement and Cooperation, whose March 1939 pamphlet, *Al Parashat Darkenu* (At Our Crossroads), embraced the bi-nationalist banner. Five months later, Magnes expressed his doubts to Edward Norman, an American Jewish philanthropist. Norman had proposed a plan to transfer a large number of Palestine Arabs to Iraq's unsettled, fertile valley between the Tigris and Euphrates rivers, thus facilitating considerable Jewish entry into the biblical Promised Land. That way, Magnes objected, "many more" Jews could be settled in Palestine "if we insist upon a Jewish state or a Jewish majority in Palestine," but certainly not in Arab lands. The German *Wehrmacht's* swift invasion of Poland, unleashing World War II, would not alter his overall perspective.<sup>3</sup>

Magnes's strictures aligned with those of Morris Lazon, rabbi of Baltimore Hebrew Congregation. Their opposition to militant Zionist nationalism—especially in light of the 1941 pro-Nazi revolt in Iraq and German General Edwin Rommel's grave threat vis-à-vis the Suez Canal—suited the anti-Zionist mandarins in the U.S. State Department's Near Eastern Division and its head, Wallace Murray. At the end of July, Sulzberger enthusiastically publicized Magnes's credo for a bi-nationalist Palestine within an Arab federation. This, in turn, evoked American Zionist elder and American Jewish Congress President Stephen Wise's lament that "we have a man of [Magnes's] influence and power more concerned with messianic union with the Arabs than insuring the little for which we ask and to which we are more than entitled."<sup>4</sup>

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3 Magnes to Holmes, 24 October 1937, SC-5164, American Jewish Archives, Cincinnati, OH (hereafter AJA); Susan Lee Hattis, *The Bi-National Idea in Palestine during Mandatory Times* (Haifa: Shikmona, 1970); Magnes to Norman, 15 August 1939, file P3/207, Central Archives of the History of the Jewish People, Jerusalem (hereafter CAHJP). For a broader, historical context of "transfer" solutions in the Middle East during the interwar period, see Laura Robson, *States of Separation: Transfer, Partition, and the Making of the Modern Middle East* (Oakland: University of California Press, 2017), particularly ch. 3.

4 Monty Noam Penkower, *Decision on Palestine Deferred: America, Britain and Wartime Diplomacy, 1939–1945* (London: Frank Cass, 2002), 75, 85–86.

Magnes signed the majority, bi-nationalist conclusions of the Jewish Agency's Committee on the Arab Question, remarking that "if there is no other way then the whole thing is not worthwhile." In August 1942 he led the way to the formation of the Ihud (Union) party, which continued his earlier efforts to create a religious society that would be politically engaged, focusing on shared moral sensibilities that could result in reconciliation between communities in conflict. At the Ihud's first meeting, Magnes condemned the Jewish Agency's embrace of the Biltmore Program, whose recent call for a Jewish state in Western Palestine would lead to a war that might destroy the Yishuv or create "a pagan state like all the nations." Joining Magnes's condemnation were many of his fellow League activists: Buber; Kalvariski; Farmer's Federation head Moshe Smilansky; educator Ernst Simon; Rabbi Binyamin (Yehoshua Radler-Feldman); the journalist Gavriel Stern; Justice A. Valero; Hadassah founder Henrietta Szold; and leaders of the left-wing Hashomer HaTsa'ir party. Lazon, active just then in the incipient formation of the anti-Zionist American Council for Judaism (ACJ), publicized—without authorization—Magnes's private letter to him critiquing current Jewish nationalism as "unhappily chauvinistic and narrow and terroristic in the best style of East European nations." Magnes's article a few months later in the prestigious journal *Foreign Affairs*, calling for an imposed Anglo-American bi-national solution, delighted the State Department's secret postwar planning staff, which worried about Arab unrest and was skeptical of Palestine's capacity for additional immigration.<sup>5</sup>

At the end of World War II in Europe, however, no responsible Palestinian Arab leader had ever endorsed a bi-nationalist state. Already in the 1930s, Palestinians al-Husseini, al-Alami, and Auni Bey Abd al-Hadi, together with Saudi Arabia's King Abdul Aziz Ibn Saud and other Muslim rulers, had voiced strident opposition to Zionism. In a letter

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5 Ibid., 121–123, 153–156, 202, 367; Paul R. Mendes-Flohr, "The Appeal of the Incorrigible Idealist," in *Like All the Nations? The Life and Legacy of Judah L. Magnes*, ed. W.M. Brinner and M. Rischin (Syracuse: Syracuse University Press, 1987), ch. 10; Judah Magnes, "Towards Peace in Palestine," *Foreign Affairs* 21 (1943): 239–249. Also see Yosef Heller, *MiBrit Shalom Le-Ihud* (Jerusalem: Magnes Press, 2003).

to Magnes one week after the Japanese surprise attack on Pearl Harbor, Rashid al-Haj Ibrahim, former leader of the Istiqlal Party (the first native Palestinian group to urge collaboration with Italy and Germany), dismissed even Magnes's solution by publicly listing his people's demands: "Non-recognition and cancellation of the Balfour Declaration, total opposition to Jewish immigration, non-recognition of any Jewish rights whatsoever, and further promotion of Arab aims at this time and at all times to come until our freedom and independence are fully restored." Haj Amin's alignment with Hitler during the war notwithstanding, an Arab League had been created with British encouragement, and five Arab independent nations could bring great weight to bear on Palestine's future. Seen in this context, Ihud's dream of peaceful coexistence in one small country increasingly appeared a chimera.<sup>6</sup>

The pressing plight of Holocaust survivors had a strong impact on Magnes, who in October 1945 flatly told U.S. Consul-General Lowell Pinkerton in Jerusalem that, counter to the stringent British quotas of the May 1939 White Paper, he would help "with all the means at his disposal" any Jewish refugees who arrived. Yet that same month, the Royal Institute of International Affairs's Chatham House—former home to Harold Beeley, Foreign Minister Ernest Bevin's chief advisor on Palestine—began preparing a paper for the Anglo-American Committee of Inquiry on Palestine that started with Magnes's bi-nationalist views coupled with an extension and adaption of the Ottoman millet system, which gave Arab and Jew a measure of autonomy. On the other hand, it was precisely the need to transfer Europe's Jews as soon as possible to Palestine and achieve a Jewish majority that led Eliyahu Epstein (later Eilat), the Jewish Agency's Washington representative, to urge Shertok in January 1946 to press for partition. Epstein argued that the partition was the only realistic alternative to the bi-nationalism that Magnes and HaShomer HaTsa'ir advocated, which would require a permanent international trusteeship or soon develop into an Arab state.<sup>7</sup>

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6 Penkower, *Decision on Palestine Deferred*, 209, 367. The Balfour Declaration of 2 November 1917 pledged that Great Britain would "facilitate the establishment of a Jewish National Home in Palestine."

7 Hooper to Byrnes, 13 October 1945, report XL 24351, RG 226, State Department

Magnes appeared before the Anglo-American Committee of Inquiry on Palestine at Jerusalem's YMCA on the afternoon of 14 March 1946. His delivery, preceded by Buber's presentation of their Ihud Party's platform, appealed to most of the committee. His approach when calling for a bi-national state with Jewish and Arab parity held his audience "almost breathless"—U.S. member James G. McDonald's phrase—for more than two hours. All found his statement eloquent at times, deeply moving, and showing a moral courage that, according to a *Palestine Post* editorial, would not find its Arab counterpart. Many listeners had tears in their eyes, and U.S. Chair Joseph C. Hutcheson went up to congratulate him, quoting from John 1:47: "Here truly is an Israelite in whom there is no guile." However, some, including McDonald, thought Magnes's advocacy not at all practical—a "utopia," in British member Richard Crossman's judgment, unless all the Jews were as patient and rational as Magnes, the Arabs uncertain that the British were on their side, and all of His Majesty's Government's key Middle Eastern officials replaced by people who believed in the Jewish national home promised in the Balfour Declaration and in helping Arabs and Jews to work together. In fact, Magnes himself, in reply to British member Wilfrid Crick, objected to altering his institution's name to "the University of Palestine" and advocated continued Jewish immigration (much as Mordechai Bentov of HaShomer HaTsa'ir joined it to bi-nationalism in a private talk with the sympathetic Hutcheson). For Crossman, the difference between moderates, such as Magnes and World Zionist Organization President Chaim Weizmann, and militants, such as Jewish Agency Executive Chair David Ben-Gurion, was one of principle. (Arab representatives thought

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files, National Archives, Suitland, MD (hereafter NA); Epstein to members, 28 December 1945, L35/98, Central Zionist Archives, Jerusalem (hereafter CZA). For Magnes's support of the Anglo-American Committee, see Magnes to Hinden, 27 December 1945, folder 221, Judah Magnes MSS, Hebrew University, Jerusalem; Epstein to Shertok, 25 January 1946, Z4/30969, CZA. For the Anglo-American Committee of Inquiry on Palestine, see Monty Noam Penkower, *Palestine to Israel: Mandate to State, 1945–1948* (New York: Touro University Press, 2019), vol. 1, *Rebellion Launched, 1945–1946*, chs. 2–3. The 1939 White Paper limited Jewish immigration to Palestine to 75,000 in the next five years, thereafter only with Arab consent. Fearing what it called a "flood" of Jewish refugees, the Foreign Office doled out even these legal certificates, that number expiring in October 1945.

Magnes more dangerous than Ben-Gurion.) It was all, he concluded, a question of tactics.<sup>8</sup>

Magnes welcomed the Anglo-American Committee's recommendation of a bi-national state and the immediate admission of 100,000 Holocaust survivors to Palestine. At the same time, he cautioned Palestine's sympathetic high commissioner, Alan Cunningham, that the Yishuv could not be asked to renounce its right to self-defense—the proviso announced by Prime Minister Clement Attlee—if the report were to be accepted, given its “unhappy bitter experiences” of Arab attacks. Yet the public tide in America, as in Palestine, was steadily running against the moderation called for by Magnes and Weizmann; for example, Magnes was unable to persuade Eleanor Roosevelt to drop her sponsorship of Ben Hecht's pageant-drama *A Flag is Born*, a defiant call for Jewish statehood that was sponsored by the right-wing Irgun Tsva'i Leumi-allied American League for a free Palestine. Further, Magnes's testimony on 15 July 1947, before the UN Special Committee on Palestine (UNSCOP), made less of an impression than that of the Jewish Agency's Shertok, who noted that the two fundamental events in modern Jewish history—the destruction of European Jewry and the Yishuv's renaissance in Palestine—were “two poles which, between them, galvanized the Jewish national will into action.” Permanent stability in Palestine could only come, Shertok emphasized, by “satisfying the craving of the Jewish people” for sovereignty in their historic homeland. UNSCOP's majority partition report on 1 September—welcomed even by the dissenting HaShomer HaTsa'ir, Ahdut HaAvoda, and Revisionist Zionist parties as forming a basis for negotiation—brought Magnes to tears. It would

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8 Azriel Carlbach, *Va'adat HaHakira HaAnglo-Amerikanit L'Inyanei Eretz-Yisrael*, vol. 1 (Tel-Aviv, 1946), 386–403; William Phillips diary, MS Am 2232, 14–15 March 1946, Houghton Library, Harvard University, Cambridge, MA; Richard Crossman, *Palestine Mission: A Personal Record* (New York: Harper & Bros., 1947), 132–134; Mordechai Bentov, *Yamim Mesaprim: Zikbronot MeHaTekufa Hamachra'at* (Tel Aviv: Sifriyat Po'alim, 1984), 86–87; Ben-Tov interview with the author, 26 August 1976. Hutcheson would repeat his appreciation of Magnes's views while criticizing “Russian influence” in the kibbutzim. Lefever report, 30 March 1946, C25/6522, CZA. For Arab views of Magnes, see Teller report, 21 March 1946, Box 1534, Jewish Welfare Board Archives, New York; report, “Arab Political Life,” 20 March 1946, S25/22831, CZA.

mean war, he told a close friend, and the end of everything for which he and his followers stood against; the result would be a “dismembering” of the country.<sup>9</sup>

Seeking to secure Ihud’s political objectives, Magnes backed—with some revisions—the UNSCOP minority report of a unitary, confederated state with two autonomous areas as the basis of discussion. He listed these alterations in a letter to the *New York Times* at the end of September: The boundaries should constitute a form of partition, divided into counties for purposes of local administration. The two peoples should have political parity, and the Federal Court of Appeals on constitutional matters should be composed of an equal number of Jews and Arabs. Jewish immigration should be permitted in all parts of Palestine up to parity with the Arabs. His original draft added that Sami Taha and Fawzi Darwish al-Husseini, who had called for bi-nationalism before their assassination at Arab hands, reflected “the true vision of the Holy Land to guide the United Nations, not the despair of the defeatists and chauvinists.” “Give these two peoples the chance they never had of self-government *together*,” he asserted, “and through systematic work day by day, year by year, their response will be increasingly joyous and constructive.”<sup>10</sup>

In a letter to Cunningham, Magnes posited that Britain had a moral obligation not to leave with “nothing to replace her.” Together with Buber and Smilansky, he cabled General Assembly President Herbert Evatt of Australia to encourage work toward Ihud’s program for a bi-national Palestine in a league of Middle East states, which would be represented at the United Nations by an equal number of Jews and Arabs. That single, independent entity would offer complete political equality between Jew and Arab; Jewish immigration and continued settlement would be according to the country’s economic capacity, determined by a board of three Jews,

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9 Magnes to Hinden, 1 May 1946; Magnes to Cunningham, 5 May 1946; both in Magnes MSS, 249, CAHJP; *HaMashkif*, 5 December 1946; *Foreign Relations of the United States (FRUS)*, 1947, vol. 5 (Washington, DC, 1971), 1126–1129; *Jewish Telegraphic Agency* (hereafter *JTA*), 15 July 1947; Magnes draft statement, n.d., Magnes MSS, 138, CAHJP.

10 Magnes to Ernst Simon, 8 October 1947, file 4-1751/K4, Ernst Simon MSS, National Library of Israel, Jerusalem (hereafter NLI); Arthur Goren, ed. *Dissenter in Zion* (Cambridge: Harvard University Press, 1982), 451–456.

three Arabs, and three UN-appointed delegates; and it would allow for the fullest autonomy of both peoples. This would be preceded, the trio added, by “generous immediate immigration [of] Jewish displaced persons.”<sup>11</sup>

Magnes was convinced that attacks on British troops and Arab citizens by the dissident Irgun and Stern group forces were, as he put it to Simon, the “decisive factor” in the partition recommendation. He condemned these assaults that the extremists defended as an effective method of reestablishing a Jewish commonwealth. On 29 October, at the opening of the twenty-third year of the Hebrew University, Magnes condemned Zionist “totalitarianism,” which he said was trying to bring the entire Jewish people under its influence “by force and violence.” Those who did not speak out against the “foul deeds” of “this new pagan leadership” were also to be held responsible. He called for voices to raise the alarm, not because of anxiety for “the national discipline” but of anxiety concerning discipline to “the spirit of Israel and the timeless values of Israel’s tradition.” The *New York Times*, which had also declared that all Jews in the United States must share in this guilt, featured his condemnation.<sup>12</sup>

Simon, then on leave to teach at the Jewish Theological Seminary (JTS) in New York City, questioned the propriety of the individual dissenter continuing to attack the recommendation of the majority, even if it were “for the sake of Zion.” Such behavior, he wrote to Ihud member and veteran agricultural pioneer-pacifist Natan Hofshi (formerly Frankel) of Nahalal, that such tactics carried the quality of the “lyrical,” not reaching the realm of actuality. We have failed, he concluded, in that Ihud’s ideas were appropriated by the anti-Zionists; “we were wrong in depending upon them.” Magnes disagreed, asserting that as long as partition remained an uncertainty, his tactics were to oppose it—at the opportune moment publicly, and when times were not propitious, then privately.<sup>13</sup>

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11 Magnes to Cunningham, 10 October 1947, file P3-2/18, CAHJP; Cable to Evatt, 27 October 1947, file 4-1751/K4, Ernst Simon MSS, NLI.

12 Magnes address, 29 October 1947, Lewis Strauss MSS, box 1, P-632, American Jewish Historical Society, New York; *New York Times*, 30 Oct. 1947.

13 Goren, ed., *Dissenter in Zion*, 456–458. “For the sake of Zion” is taken from Isaiah 62:1. The phrase continues: “I shall not be silent.”

Accounts that the special session of the General Assembly might save his beloved Jerusalem from partition gave Magnes some hope in the third week of November. The city's "unifying influence" might in time heal the "surgical operation" on the rest of the country, he thought. "It has been a fearful experience for me all these weeks and days" that the "sacred land" was being bargained over and cut up "like a piece of beef," Magnes wrote to Maurice Hexter, Federation of Jewish Philanthropies executive in New York. It was not just a wound in his own heart, Magnes was certain, but in all of Jewish history. "Time will tell," he concluded wistfully.<sup>14</sup>

On 27 November Magnes cabled Sulzberger requesting that he distribute to the General Assembly delegates—without necessarily identifying himself with its message—a telegram in case deadlock over Palestine ensued, but not to publish the document without further approval. It read:

Listened attentively Palestine debate astonished contention that Arabs Jews cannot live together and that partition or Arab dominated state or chaos only alternatives. Jews and Arabs do live and work together today and despite all contrary statements don't desire separation but union. Real alternative bi-national united Palestine based upon equal political rights and national autonomy both peoples and Jewish immigration and settlement according economic capacity as determined and developed for entire population by economic board consisting three Jews three Arabs three United Nations appointees. If special U.S. status practicable for Holy City of Jerusalem with 200,000 Jews Arabs and others why not for whole undivided Holy Land? Meanwhile pending definitive arrangements homeless Jews yearning for Zion should be admitted without further delay. Such bi-national compromise would guarantee vital interests both peoples and would be accepted by them without bloodshed and welcomed by men of goodwill everywhere. Please cable.

Sulzberger chose not to distribute the telegram as requested.<sup>15</sup>

The next morning, Pakistan delegate Zafrullah Khan proposed a

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14 Magnes to Hexter, 20 November 1947, file 18/4, Jacob Billikopf MSS, AJA.

15 Magnes to Sulzberger, 27 November 1947; Magnes to Hexter, 1 December 1947; both in file 11/12, Billikopf MSS, AJA.

unitary federal state with cantons and praised Magnes's "noble and wise" steps in this respect. Former UNSCOP member Jorge García Granados of Guatemala rebutted immediately with an attack on the British mandatory's failures; charged that the Arab Higher Committee under Haj Amin would never agree to concessions; declared that the world had an obligation after the Holocaust to the Jewish people; and lauded the Zionist enterprise for already having laid the foundations for the spiritual, social, and political independence of a Jewish commonwealth in Eretz Israel. The die was cast the following day; the vote was thirty-three to thirteen in favor of partitioning Palestine into two independent states, with ten abstentions and one absent. "Any line of partition drawn in Palestine will be a line of fire and blood," shouted Arab League Secretary Azzam Pasha as the furious Arab delegations left the hall.<sup>16</sup>

"We have failed 'for all eternity,'" Magnes wrote to his Ihud colleagues on 30 November 1947. That sense of defeat, he explained, rested not only in the General Assembly's vote one day earlier to partition Palestine into two separate Jewish and Arab states. The committee's plan of championing Arab-Jewish reconciliation by means of a bi-nationalist Palestine had not even achieved the appointment of a special United Nations subcommittee to study this scheme and its implementation. In light of Ihud's failure to achieve its primary political objective, the committee now had to consider if it yet had special tasks, such as continued engagement in moral and educational efforts, to justify its existence. Magnes, who had led the organization's creation five years earlier and served as its chair, considered himself responsible for its failure. Although he would be happy to continue to work with such "dedicated, enlightened" friends should the organization continue, he no longer felt qualified to serve as its leader. He hoped that they would understand the validity of his next step: resignation.<sup>17</sup>

That same day, Palestine's Arabs launched a civil war. Unlike Magnes,

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16 Eliahu Eilat, *HaMa'avak 'al HaMedina*, vol. 2 (Tel-Aviv: Am Oved, 1982), 449–452; Ruth Gruber, *Witness* (New York: Schocken, 2007), 158.

17 Magnes to Ihud Political Committee, 30 November 1947, Ms.Var. 350/7, Martin Buber MSS, National Library of Israel (NLI), Jerusalem.

who stood ready to resign over the defeat of all for which he had stood, Ben-Gurion issued a statement declaring that the General Assembly's vote to give his people a sovereign commonwealth in part of its ancient homeland was "an act of historic justice, compensating at least partly for the unparalleled wrong to which the Jewish people were subjected for 1,800 years." It represented a "great moral victory" for the very conception of the United Nations, the international body standing for cooperation in the cause of peace, justice, and equality all over the world.<sup>18</sup>

### **After the Mandate: Backing a Trusteeship**

In the aftermath of the General Assembly's vote for two states in Palestine, Magnes wrote that the "political impotence" exhibited by Ihud, HaShomer HaTsa'ir, and particularly himself led to their suffering a defeat "for which we are hardly to be forgiven." The United States "pinch[ed] the arm" of enough dependent countries to have partition go through, and many delegates erred in averring that there were no alternatives to either partition or chaos; the minority report and bi-nationalism did offer other options, Magnes wrote. The British mistakenly pointed to the Arab Higher Committee as the authoritative representative of the Palestine Arabs; Cunningham threatened chaos; and London officials did not try to have the problem settled through the Trusteeship Council, as provided in the UN Charter. The Arabs' own "intransigence as usual" attitude—that Palestine must be an Arab state or nothing—contributed to the unfortunate result, while the Jewish Agency, which had placed "all its cards" on partition, was only too eager to have the delegates believe that chaos was the sole alternative to partition.<sup>19</sup>

Magnes, meanwhile, focused on another reason to blame himself for the failure of bi-nationalism. The previous February the seventy-year-old, who had been diagnosed with a heart condition, heeded doctors' orders not to travel. Therefore, he did not go to London, where he might have helped change the British attitude in favor of Ihud's bi-nationalism. Nor was he given the green light to travel to the United States in November

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18 *JTA*, 1 December 1947.

19 Magnes to Hexter, 1 December 1947, Ms. Var. 350/7, Buber MSS, NLI.

to participate in the General Assembly discussions, where bi-nationalism was omitted from the order of business, and country after country stated that there was no alternative to partition. To Magnes, a man trying to achieve political results “must kick the doctors into the pit and go,” and not having done so, he believed, constituted a failure on his part.

Despair seized the man as the “same business” began all over again in Palestine. Convoys continued to guard for potash lorries, stonings of the University-Hadassah Hospital bus to Har HaTsofim (Mount Scopus) went on, convoys were needed for funerals of those killed by Arab gunfire. Road blocks, children lifting closed fists, strikes—it all reflected “the same harbingers of a spring-time of blood.” As for Ihud’s future, Magnes acknowledged to Simon that it lacked administrative strength. Perhaps, he suggested, its ranks should now disband and seek other organizational venues.<sup>20</sup>

On 29 January 1948 Magnes, Buber, and David W. Senator, a former member of the Jewish Agency who had resigned years earlier to protest the increasing activist militancy of his colleagues, issued a ringing declaration of moral protest and an appeal to “the people of Jerusalem” and, particularly, “to our Jewish brethren” to desist from mob violence and reprisals. The *Palestine Post* considered their public *cri de coeur* “a Quislingism and a stab in the back of the Jewish cause” and refused to publish the following:<sup>21</sup>

Acts of barbarism have been multiplying with startling rapidity throughout the country. The aged, women, children have not been spared. Happily there are instances where Arabs have risked their lives to save Jews, and Jews to save Arabs. But men, women and children, innocent of all crime, are being murdered in increasing numbers before the very eyes of passers-by [sic]; and even in the presence of the security forces themselves.

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20 Magnes to Hexter, 1 December 1947, Ms. Var. 350/7, Buber MSS, NLI; Magnes to Simon, 11 December 1947, file 4-1751/K4, Ernst Simon MSS, NLI.

21 Simon to Magnes, 17 March 1948, file 4-1751/K5, Ernst Simon MSS, NLI. Vidkung Quisling was a Norwegian army officer whose collaboration with the Germans in their occupation of Norway during World War II established his name as a synonym for “traitor.”

We appeal, more particularly, to our Jewish brethren: do not desecrate our name and honor! If we also follow the rabble and the incited mob, not only shall we achieve nothing positive, but we shall only be contributing to the worsening of the situation, to an increase of hatred, and to reprisal after reprisal, without distinction and without mercy. We appeal to public opinion and to the Jewish leadership to take every possible step to prevent these vicious mob attacks. Let these recent regrettable incidents serve as a warning, not to let the mob rule us, not to destroy with our own hands the moral foundations of our life and our future.

Come February, Magnes mused to Buber that the current tragedy did not reside in “confusion and sorrow, the loss of precious, irretrievable human lives, struggles and more struggles whose end cannot be foreseen”; it lay in the fact that, as in the days of the prophet Micah (3:9–10), “the rulers of the House of Jacob and the chiefs of the House of Israel ... build Zion with blood.” Throughout human history, states were almost invariably created with blood and injustice, he continued, and the terrible sufferings that Jews have had to endure have been so unbearable “that they have deprived us the capacity to be patient. We have been incapable of contenting ourselves with daily creative work for a prolonged period of time, and we have fallen prey to the Fata Morgana of the state, as though it were a shield that could defend us against the enmity of the peoples.” In Magnes’s 9 February letter to the editor of the *New York Times*, he called for the UN Security Council to demand a truce and mediate between the two sides.<sup>22</sup>

Across the Atlantic, Ernst Simon viewed the Palestine situation as dangerous not only for those living in Palestine but for the whole of world Jewry. He sought to form a group that would endorse the Magnes-Buber-Senator proclamation. In early March he held almost daily conferences with a range of Jewish leaders—psychologist Erich Fromm, biochemist David Nachmansohn, Freeland League of the Jewish Territorial Organization founder Isaac. N. Steinberg, *Commentary* founder-editor

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22 Nahum Glatzer and Paul Mendes-Flohr, eds., *The Letters of Martin Buber: A Life of Dialogue*, trans. Richard and Clara Winston and Harry Zohn (Syracuse: Syracuse University Press, 1991), 528; *New York Times*, 9 February 1948.

Elliot E. Cohen, and political scientist Hannah Arendt—to produce a religious and moral statement signed by the spiritual leaders of American Jewry. Albert Einstein signed the draft, and prominent Holocaust survivor and Reform theologian Leo Baeck agreed to join the group in a meeting at Fromm's home on 24 March. JTS President Louis Finkelstein agreed “emphatically” with the draft but did not feel that he could sign any pronouncements in view of his special position as head of the Conservative movement. Leon Simon, chair of Hebrew University's Executive Council, did not agree with the whole matter, however. He warned Magnes not to support the Committee for Justice and Peace in the Holy Land, which had been founded in February by Kermit Roosevelt and former Barnard College Dean Virginia Gildersleeve and was considered anti-Zionist and pro-Arab.<sup>23</sup>

Prior to the meeting at Fromm's home, Ernst Simon sought Magnes's reaction on 17 March to this joint endeavor. Simon explained that the same group, which was prepared to identify itself with Magnes's name on a more moral than political matter, might be ready to do so even on a political level if the time arose. The declaration would oppose methods by groups in Palestine that threatened Jewish settlement and conflicted with the fundamental spiritual and moral principles of the Jewish heritage. Only methods that were defensible on moral grounds, his draft statement went on, could reinforce “the peaceful tendencies in the Arab population” and thus prepare the cooperation of Jewish and Arab groups in Palestine—a necessary condition for a “peaceful and productive development of and for further large-scale Jewish immigration into the Holy Land.” Simon thoroughly opposed any political step that might counteract the Jewish Agency's endeavors to secure an international police power for Palestine, yet he thought that the group he had assembled had to prepare for the moment when partition and its international implementation failed. At that moment, he concluded, Magnes should be in America, if his health permitted it. Hexter had spoken with Magnes by telephone, expressing the hope that he would

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23 Simon to Finkelstein, 10 March 1948, file 4-1751/S1/A.F.; and Finkelstein to Simon, 22 March 1948, file 4-1751/K5; both in Ernst Simon MSS, NLI; Goren, ed., *Dissenter in Zion*, 467–472.

come to America to campaign for this end, and Simon continued to believe that was possible.<sup>24</sup>

Two days later, UN Ambassador Warren Austin announced that the U.S. delegation would retreat from partition in favor of a temporary Palestine trusteeship. This move shocked the Zionists and their supporters worldwide but found a few adherents. Loy Henderson, head of State Department's Near Eastern desk, urged the leaders of the American Council for Judaism to send a strong letter of support to Secretary of State George Marshall. The council's president, Lessing Rosenwald, wrote to Austin; Lazon spoke on radio across the country and shared his views with the receptive Samuel McCrea Cavert, general secretary of Federal Council of the Churches of Christ in America. The Committee for Justice and Peace in the Holy Land, which advocated the resettlement of Holocaust survivors in the United States and elsewhere, stepped up its lobbying against partition in the belief that it went against America's national interests and common justice. Jacob Rosenheim, president of the ultra-Orthodox Agudath Israel, urged his followers in Palestine not to participate in "an illegal Jewish government of an illegal state" opposed to religious tradition, and to favor trusteeship "without the frivolous game with statehood." Neither Robert Weltsch, former *Jüdische Rundschau* editor and ex-Jewish Agency Executive member, nor Yale University law professor Eugene Rostow favored trusteeship, but they believed that the American switch necessitated a change to the Zionist helm: They advocated the return of Weizmann and his associates, who had been deposed at the December 1946 World Zionist Congress in place of the more militant David Ben-Gurion and American Zionist Emergency Council Chair Abba Hillel Silver.<sup>25</sup>

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24 Simon to Magnes, 17 March 1948, file 4-1751.S1/A,F, Ernst Simon MSS, NLI. Magnes had been suffering from a heart condition for the last two years.

25 Thomas A. Kolsky, *Jews Against Zionism* (Philadelphia: Temple University Press, 1990), 184; Rosenwald to Austin, 23 March 1948, file 124, American Council for Judaism (hereafter ACJ) MSS, University of Wisconsin Library, Madison, WI; Lazon address, 31 March 1948, RG18, 16/13, Presbyterian Historical Association; file 6044, Morris Lazon MSS, AJA; Virginia Gildersleeve, *Many a Good Crusade* (New York: MacMillan, 1959), 409, 186; Gildersleeve to Taft, 30 March 1948, Virginia Gildersleeve MSS, Special Collections,

Magnes, for his part, wrote to Hans Kohn that the United States was finally “on the right track,” and he urged Austin to “keep up your valiant efforts” in giving Arab and Jew the “great opportunity” of self-government. Magnes also cabled Hexter asking if Hexter could consult Alan Stroock, James Marshall, and other like-minded executives on the American Jewish Committee (AJC), which had always favored “shaking off shackles and seizing historic opportunity secure Jewish Arab acquiescence new American proposals including Trusteeship.” To Truman he sent a separate telegram: “Many thousands Jews Arabs Palestine and elsewhere pray you persist your humane wise effort behalf truce and understanding in Holy Land.” Ihud released a statement as well welcoming the dramatic policy reversal, which the *New York Times* published in full on 28 March.<sup>26</sup>

Thomas Mann, the German-born winner of the Nobel Prize for Literature, launched a public attack against the reversal of U.S. support for partition that particularly disturbed Magnes. For Mann, the switch represented “the most humiliating and revolting political event since the treachery against Czechoslovakia in 1938.” He strongly defended a Nation Associates’ pamphlet, which charged that the British armed forces could have prevented Arab attacks and that the Arabs themselves were incapable of sustaining a revolt against the UN partition vote. Further, the foundation of a Jewish state in partition’s “extremely modest boundaries” could have been carried out with minimal conflict if that small area had not become “the vortex of the big power fight” involving oil and bases.<sup>27</sup>

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Columbia University, New York, NY; Rosenheim to Va’ad HaPoel, 22 March 1948, Eretz Israel III, Jacob Rosenheim MSS, Agudas Israel of America Archives, New York, NY; Weltsch to Hexter, 20 March 1948, file 4/1751/K5, Ernst Simon MSS, NLI; Rostow to Frankfurter, 22 March 1948, Felix Frankfurter MSS, box 99, Library of Congress, Washington, DC.

26 Magnes to Kohn, 31 March 1948, Box 38; Magnes to Austin, 25 March 1948, file 2/11; both in Robert Weltsch MSS, Leo Baeck Institute, Center for Jewish History, New York, NY; Ihud statement, 28 March 1948, file 999/28/20, Israel State Archives, Jerusalem; Magnes to Gildersleeve, 8 March 1948; Magnes to Hexter, 22 March 1948; Magnes to Truman, 26 March 1948; Simon draft, 1948; all in file 4/1751, Ernst Simon MSS, NLI. March 1948, *New York Times*. Marshall’s aunt was Magnes’s wife.

27 Mann to Magnes, 1 April 1948, James Marshall MSS, AJA, file 21/9, AJA. The Nation

Magnes, on the other hand, thought the U.S. change of policy “the most humane and the wisest decision which American statesmanship could have taken.” Humane, he wrote to Mann, because it called for a cessation of warfare and blood-letting, wise because it was a long-overdue attempt to meet the problem through conciliation and cooperation between Arabs and Jews. The “great god Propaganda” carried the partition resolution through the General Assembly on the mistaken assumption that the only alternative to partition was chaos and that the Arab threats of war were mere bluff, but partition had led and would lead to war between millions of Arabs and the Jews in Palestine. Power politics had lain behind the pro-partition UN decision; eastern Mediterranean oil was vital for the Marshall recovery program for war-torn Europe and for combatting the spread of communism. Magnes concluded by stating that whatever the reasons for America’s new position, it stood for peace in Palestine and for compromise and understanding, and he wished to help, if possible, “with my limited powers.”<sup>28</sup>

On 9 April Henderson proposed to Under Secretary Robert Lovett, appointed by Marshall to oversee State’s stance on Palestine, that “moderates and temperate” individuals like Magnes and Azzam Pasha be invited to the United States as soon as possible to break “the present log jam” in the United Nations. Austin had called for a special General Assembly session to consider trusteeship and a truce under a governor-general, and State awaited responses to the proposal, which was presented to European and Arab capitals. Henderson argued that the “extreme public positions” taken by the Jewish Agency and the Arab Higher Committee regarding sovereignty made it difficult for them to modify their positions sufficiently to arrange a UN truce and interim government after 15 May, the announced date of British withdrawal. On 9 May Lovett requested that Bevin and French Foreign Minister Georges Bidault join in sponsoring the American trusteeship proposal, and the next day he approved Henderson’s suggestion. Telegrams to that effect

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Associates, spearheaded by *Nation* publisher Freda Kirchwey and director Lillie Schultz, was an organization created to advocate liberal causes worldwide and the creation of a Jewish state in Palestine.

28 Magnes to Mann, 12 April 1948, James Marshall MSS, AJA, file 21/9, AJA.

were then dispatched to Jerusalem and Cairo. The message to Magnes included this assertion: “At no time has there been a greater need for courageously conciliatory attitude such as yours on part of Arabs and Jews. If such attitude is to prevail cooperation on part of moderate and conciliatory Arabs and Jews is essential.”<sup>29</sup>

By then, Magnes had transmitted to U.S. Consul Thomas C. Wasson in Jerusalem his thoughts about the Americans’ fifteen-point “informal suggestions” for the proposed trusteeship over Palestine. Magnes laid out his vision for the trusteeship: It should be of indefinite duration; Arabs and Jews should from the first day have equal representation in government; a governor-general should be appointed at once; and the cabinet should consist of an equal number of Jews and Arabs. In addition, there should be a democratically elected legislature where both “nationalities” were equal, regardless of who was in the majority, as in the U.S. Senate. Before the elections took place, however, the country should be “more or less” pacified, which might take six months or a year. The situation might be saved if the British troops stayed on until 15 July, giving the governor-general and his cabinet the opportunity to organize the required forces. Finally, Jewish immigration should be permitted up to parity with the Arabs. Since “the reservoir” of possible Jewish immigrants had been “greatly depleted since the extermination of 6 million Jews in Europe,” he advised that the 100,000 Holocaust survivors on behalf of whom President Truman had made his plea to both Churchill and Attlee be given priority. This would probably include the refugees in Cyprus internment camps, held there for trying to run the British blockade against “illegal” Jewish immigration.<sup>30</sup>

As for the AJC’s statement in support of partition—which reflected the overwhelming majority of American Jewry—Magnes wrote to Hexter that almost the entire Yishuv was hoping and praying for a truce. The “realities of the situation, of political wisdom, and of human feeling” all ran counter to that declaration. Everywhere one went in Palestine the same story was heard: Food was scarce; the strategic

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29 *FRUS, 1948*, 5:2, 804–807; Sack to Silver, 8 April 1948, Hyman A. Schulson MSS, box 3, Manuscripts and Archives Section, New York Public Library, New York City.

30 Goren, ed., *Dissenter in Zion*, 475–477.

position of the Jews was impossible; it was time to stop. Seeing that the American Jewish Committee had set itself up in opposition, this time, to U.S. government policy, it should be easy to form an ad hoc committee adopting the Ihud point of view, including that of a democracy based upon two equal peoples. A strong group of that nature “might make a great difference.” Magnes would send copies of this letter to his son Jonathan, Marshall, and Simon, and he asked Hexter to share it with all individuals interested in his position.<sup>31</sup>

Encouraged by Henderson, a small group of these prominent supporters invited Magnes to come to America. Their hope was that his presence could help stop the deadly fighting in Palestine and check an expected invasion from the neighboring Arab armies immediately following the mandate’s termination. The mounting violence in Palestine haunted Magnes, especially the Arab slaughter of a convoy heading to Hadassah Hospital and the Hebrew University on 13 April, killing seventy-six workers and injuring another twenty while British forces nearby did not intervene for several hours. General Officer Commanding Gordon MacMillan’s subsequent defense of the mandatory’s armed response did not placate him. Three days later, Magnes consulted with his doctors on the advisability of a trip to the United States and wrote in his diary, “How can I not go and stand before the world and say: ‘Friends, stop the bloodshed. Understanding is possible.’ This is the moment I have been preparing for all these years.” If the General Assembly vote on partition stood, he told Cairo Geniza scholar S.D. Goitein, there would not be peace between Jews and Arabs “even after two hundred years.” Accompanied by his wife, Beatrice née Loewenstein, and personal physician, Dr. Alexander Geiger, Magnes left for New York on 21 April, his first return since 1946.<sup>32</sup>

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31 Ibid., 477–479.

32 Ibid., 481–482, 54. S.D. Goitein, “The School of Oriental Studies: A Memoir,” in *Like All the Nations?*, 169. There was an assertion that because of Magnes’s bi-nationalist stance and criticism of Deir Yassin and other attacks on Arabs, as well as his defense of the mandatory, he was discredited and “was in effect forced to quit his job,” and that he left for the United States “ostensibly in search of funds for his beloved university.” No source is given for this claim, which bears no connection to his actual peace mission. Benny Morris, 1948,

## Confederation, Conciliation, and Failed Diplomacy

Magnes's last personal mission for peace began on 23 April 1948, when he met with Austin to convey his anxiety that Arab armies would seek to cut across the village triangle of Nablus-Tulkarm-Jenin in north-central Palestine, with its seventeen-kilometer-wide corridor separating the two parts of the projected Jewish state. Partition had united the Arab states and caused chaos in the country. Magnes was convinced that most Jews in Palestine wanted another twenty to twenty-five years for constructive achievement and increased immigration, and he believed that war would risk everything that had been accomplished. A small, "sincere and fanatic" group, supported by a considerable section of the Yishuv's youth and the Jewish terrorists—the latter, whom Magnes acknowledged to be, for the most part, courageous, idealistic men—wished to fight it out. Moderates such as Musa Alami, who was afraid to return to Palestine, should be encouraged, Magnes said, and Jews and Arabs together should administer the proposed trusteeship. The Jews had won Haifa and might be victorious in many other battles, he concluded, but they would lose a war.<sup>33</sup>

Magnes shared his innermost fears with a small group of supporters who convened in the law offices of Edward Greenbaum on 26 April in New York City. Among the attendees were Hexter, Rosenwald, Judges Jerome Frank and Horace Stern, and James Marshall, who in October 1947 had warned AJC Executive Chair Jacob Blaustein that a Jewish state would result in "the complete destruction of Palestinian Jewry." (The mandatory's Criminal Investigation Department had secured a copy of this letter.) Magnes urged that only a truce and a commission sent to Jerusalem to set up a provisional government could safeguard the city. The "great mass" of Jews would favor "*aliya* and *b'niya*" (immigration and upbuilding) to "*medina*" (statehood). Thirty additional years of fruitful progress were preferable to war, which the Jews would lose for four reasons: the world's Muslims numbered in the many millions; the Arabs had

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*A History of the first Arab-Israeli War* (New Haven: Yale University Press, 2008), 129.

33 Magnes-Austin-Ross memo of conversation, 23 April 1948, file Rusk-2, Dean Rusk MSS, State Department records, NA.

time—"the timelessness of the desert"; the Jews were in a hurry "because of our tragedy"; and, according to Magnes, the loss of an Arab life was "a relatively cheap sacrifice of lives as against the pitifully small remnant of world Jewry." The U.S. government could refuse to permit any monies to be sent abroad, while Arab oil was essential for the Marshall Plan's efforts to revive the struggling postwar economies of Europe. "Palestine can become OURS," he remained certain, not by force, statehood, or conflict, but with Arab cooperation via a trusteeship in whose government both peoples took part over the next thirty years.<sup>34</sup>

The same day, the General Assembly approved a resolution that the Trusteeship Council study "suitable measures" to protect besieged Jerusalem and quickly submit proposals to that effect. An Australian amendment to refer action on Jerusalem to a General Assembly sub-committee rather than the Trusteeship Council was defeated (twenty-six against, twenty in favor, and seven abstaining), which was taken as an indication that the United States might find it impossible to reverse partition and have trusteeship adopted by the required two-thirds majority. AJC President Joseph Proskauer pressed Ben-Gurion and Jewish Agency's Shertok to support the overall truce effort; he had been impressed by a letter to the *New York Times* by Einstein and Leo Baeck, former chief rabbi of Berlin and Theresienstadt survivor, which endorsed Magnes's truce and called on Palestine's Jews not to "permit themselves to be driven into a mood of despair and false heroism which eventually results in suicidal measures."<sup>35</sup>

Realizing that the U.S. government's stance rested on the shoulders

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34 Minutes of meeting, 26 April 1948, file M68-68, 1948, #4, ACJ; Marshall to Blaustein, September 1947, file 47/803, Hagana Archives, Tel-Aviv. Others present at this meeting included Mrs. Adle Levy, Alan Stroock, Harold Linder, Frank Altshul, and David Sher.

35 Creech Jones to Bevin, 28 April 1948, Foreign Office 371/68546, Public Record Office, Kew, England; *FRUS*, 1948, 5:2, 858–859, 864–868, 871; box 8, Joseph Proskauer MSS, American Jewish Committee archives, New York City (hereafter AJC); Rusk to Lovett, 24 April 1948, file Rusk-3, Rusk MSS; Austin to Marshall, 27 April 1948, file McClintock-2, Robert McClintock MSS; Garreau interview, 26 April 1948, file Rusk-3, Rusk MSS; all in State Department records, NA; *JTA*, 19 and 27 April 1948; Rusk remarks, 26 April 1948, file 7/1, Abba Hillel Silver MSS, The Temple, Cleveland, Ohio; Shertok to Ben-Gurion, 29 April 1948, S25/1558, CZA.

of Marshall and, especially, of Truman, Magnes drafted a lengthy and urgent memo to them. The first part stressed that, with the war in Jerusalem growing fiercer each day, only by the United States taking the lead might the situation be saved. The governor-general, representing the world's conscience, should be appointed immediately, then proceed to Jerusalem with, if necessary, a small staff and a comparatively small token force—not an army—to act as his guard. The 150,000 Jewish men, women, and children there prayed for this deliverance; the people of Jerusalem would join to bring about order, thereby obviating the need of a truce. Food should be distributed equitably among the population in accordance with individual needs. The United Nations could “conquer” Jerusalem by “imagination, moral force, and faith.”

Magnes's memo went on: A truce for three months might then operate in all of Palestine, with a central authority vested in the American, French, and Belgian consul committee in Jerusalem. It would assume the continuation of essential public services; a ceasefire; and no proclamation of a state or any other kind of sovereignty. What each side currently held would be administered by its people as best as possible, and 12,000 Jewish immigrants would be admitted during that period. Should the question of Jewish immigration from Rumania and Bulgaria prove to be “a stumbling block”—an acknowledgement of fears in the Foreign Office and State Department that communist agents could arrive from these countries—priority could be given to the 35,000 Holocaust survivors in the Cyprus detention camps. If a general truce could not be secured, then trusteeship had great merit. The United States should declare frankly that it erred in backing partition and was now proceeding in the constitutional way as laid down by the UN Charter, making a mandated territory into a trustee territory. This would allow the two rivals a chance to work and live together, seeking an agreement through conciliation and compromise, and the trusteeship period need not be “all too long.” While it could take a federal form of government, giving areas a great degree of local or provincial autonomy, the governor-general and the strong central government would control foreign policy, finance, and economic union. The country could be divided into zones or cantons, each having a separate legislative council, with a joint council of delegations established subsequently. The Anglo-American Committee

of Inquiry had spoken of a bi-national state, and Switzerland offered a classic example of how this could function. Trusteeship, Magnes emphasized, near the closing of the memo, afforded the time and the opportunity for “working out this great problem in a peaceful way.”<sup>36</sup>

On 4 May Magnes had a nearly hour-long interview with Marshall, which seemed promising. In the secretary’s opinion, the Jews had won the first battles, like the Germans in World War II, but they would ultimately lose the war. Consequently, “it would be well for them to make terms now.” Besides, the economic cost of a war was great, and the Palestinian Jewish economy was “largely artificial.” Magnes agreed fully and suggested that the United States exercise financial sanctions equally on both sides as a last resort, then outlined his thoughts on sending a special UN representative immediately to Jerusalem to arrange a truce plus trusteeship for the entire country “without prejudice to the eventual political settlement to be worked out by the Arabs and the Jews.” Responding that this was the first account of the Palestine question in which he could believe, Marshall instructed Robert McClintock, Rusk’s deputy, to arrange that Magnes see Truman. “You talk to the President just like you talked to me,” he said. As for an imposed truce, Marshall confided that no government had yet come forward to accept the American proposal for participating in a military force for Palestine, and he did not think it advisable just then to have the United States “left in the middle to bear the whole brunt.” Magnes went over the same ground immediately thereafter with Henderson, who remarked that it was “encouraging” to have him in the country. With the Jewish Agency’s Nahum Goldmann having independently urged Rusk that the United States press for a truce and a trusteeship, State officials sensed some optimism at this critical stage.<sup>37</sup>

Magnes’s off-the-record meeting with Truman in the Oval Office the next morning brought further hope. Expressing his deep concern for the whole Palestine problem, the president thought that no head of state felt so deeply and knew so much about the issue as he; it was a question

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36 Magnes memo, 29 April 1948, file P3/162, CAHJP.

37 Goren, ed., *Dissenter in Zion*, 488–493; *FRUS*, 1948, 5:2, 901–904, 917–923, 929.

that had to find an answer. Otherwise, “the peace of the world would be disturbed.” After highly praising Marshall, Truman remarked that he knew the Anglo-American Committee of Inquiry document almost by heart and had reviewed it from time to time. “It was a thousand pities that that report had not been carried out,” Truman declared. “We might have been spared much of this present misery.” Very disappointed that the Jews had refused his recent offer to fly Arab and Jewish leaders to the much-contested area to discuss the Palestine dilemma, Truman revealed a personal dream that Jews, Muslims, and Christians, whose lives were based more or less on the same moral code, might get to understand one another better. This, he added, might also help to “lift the world from the materialism which was holding the world down to the ground and might destroy it.” Russia would then not have “a spiritual leg to stand on.” Jews and Arabs were “spoiling things,” however, not giving these three religious communities a chance to have confidence in one another. “That is one of the reasons why I deplore so deeply this conflict in the Holy Land,” Truman confided. Upon leaving the meeting Truman said rather emphatically: “Dr. Magnes, we won’t give up! We shall hang on to this until we find a way. That is our duty.”<sup>38</sup>

Reports still circulated at that moment in the State Department and the White House that Shertok had agreed to conditions for a military truce and “political standstill” in Palestine, forcing him to write to Marshall on 7 May in an effort to clear up this “persistent misunderstanding.” He reminded Marshall that his letter of 29 April had made it clear that the proposed truce deferred Jewish statehood and threatened to prolong British rule in Palestine. He also noted that private individuals (a hint to Magnes, Proskauer, and Goldmann) had differed with the Jewish Agency’s line, but they did not represent the Jewish people of Palestine, bore no constitutional responsibility for its future, and were not in a position to effect the policy they advocated. In response to an urgent call from the Jewish Agency Executive in Palestine, Shertok

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38 Magnes to Mann, 12 April 1948, file 21/9, James Marshall MSS, AJA; Magnes memos, 2 May 1948, file P3/162, CAHJP; Goren, ed., *Dissenter in Zion*, 494–497; C.L. Sulzberger memo, 6 May 1948, file Palestine and Zionism-2, Arthur Hays Sulzberger MSS, *New York Times* Archives, now in the New York Public Library, New York City.

was about to return for consultation with colleagues, who alone would have to decide on the truce proposal as a whole. The Agency was still prepared to accept a ceasefire throughout Palestine, he concluded, provided the Arabs did, as well. Rusk quickly observed to Marshall that Shertok's wish for an interview before his departure was of "considerable significance." As Rusk saw it, the bitter debates between Agency moderates—such as Goldmann, Epstein, and possibly Shertok himself, who favored a truce—and the "more extreme elements"—such as Silver and Ben-Gurion, who pressed for the immediate establishment of the Jewish state "by force if necessary"—made such a meeting important before Shertok arrived in Palestine and the decision would be made.<sup>39</sup>

Marshall warned Shertok on 8 May that a declaration of Jewish sovereignty now would lead to a war with bleak prospects against the Arab nations. Four days later, Marshall had a stormy confrontation with Truman's special counsel, Clark Clifford, who advocated for recognition of the Jewish state. Marshall advised that should Truman recognize the State of Israel, Marshall would vote against the president in the next election. Yet the forty-one-year-old Clifford was able to convince fellow Missourian Truman that political motivation, the national interests of the United States, and humanitarianism—the president's lodestar on this vexatious issue—did, indeed, coincide. Others in Truman's inner circle, including Samuel Rosenman, Marvin Lowenthal, David Niles, and Bartley Crum, endorsed Clifford's arguments. The personal interventions by Weizmann and Eddie Jacobson, Truman's former partner in the haberdashery business, coupled with his resentment of what he called the State Department's "striped-pants boys" who forgot who was the president of the United States, played an important role in Truman's thinking as well.

Another key factor was Truman's desire to strengthen the fledgling United Nations and to forestall the Soviets in recognizing a new state that had already proven itself on the battlefield. The devout Baptist also shared with Clifford a strong belief in biblical sources about God's promise to give the *Land* of Canaan to Abraham and his descendants as "an

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39 *FRUS*, 1948, 5:2, 929–935.

everlasting holding” (Genesis 17:8), and in the prophecies of Isaiah, Jeremiah, Ezekiel, and Amos concerning the Jewish revival there. To the shock of the American delegation and others at the United Nations, Truman chose to recognize the State of Israel *de facto* eleven minutes after Ben-Gurion announced its independence on 14 May 1948. Although he personally preferred the Anglo-American Committee of Inquiry’s recommendations, Truman thought, as he told a group of Kansas City business leaders who honored him in December 1961, that “the creation and recognition of the State of Israel was right.”<sup>40</sup>

Magnes’s personal diplomacy in the last year of his life, capped by the half-hour interview with Truman, had failed to alter the course of history. Now, the day after Israel’s sovereign rebirth, he went to see Weizmann, the president-designate, at the Waldorf-Astoria, where the Israeli flag unfurled for the first time above the hotel’s Park Avenue entrance. Both men were in rather poor health as they discussed this historic denouement. “You know that I did not believe in an exclusive Jewish State,” Magnes declared. “For a long time I was in favor of a bi-nationalist state. But now that there is a Jewish State, I will join in helping anyone to make the State a good state.”<sup>41</sup>

Magnes found comfort in Arendt’s essay that month in *Commentary*, which backed his trusteeship plan as the best temporary solution. She declared his version of a federated state resting on Jewish-Arab community councils to be realistic and the “natural stepping stone” for any later, greater federated structure in the region. Her concern echoed his—that the “victorious” Yishuv would live surrounded by a hostile Arab population, forcing it to be absorbed with self-defense to such a degree that it would “submerge all other interests and activities.” Historian Kohn expressed a worry that reflected Magnes’s as well. Kohn blasted the Zionist-sounding call for Arab-Jewish cooperation by the AJC, which simultaneously endorsed Truman’s recognition of the new state while stressing that American Jewry could have no political attachment to that government. He agreed with Arendt that the “pseudo messianic

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40 Monty Noam Penkower, *Palestine to Israel: Mandate to State, 1945–1948*, vol. 2, *Into the International Arena, 1947–1948* (New York: Touro University Press, 2019), ch. 10.

41 Beatrice Magnes, *My Four Lives: A Memoir* (1966), 119, 107.



Hannah Arendt.  
(Courtesy American Jewish Archives)

intoxication” for statehood that had seized the whole of Jewry would bring “a complete disaster” for the Jews.<sup>42</sup>

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42 Hannah Arendt, “To Save the Jewish Homeland: There is Still Time,” *Commentary* 5 (May 1948): 398–406; AJC statement, 17 May 1948, file 5/5, James Marshall MSS, AJA;

President Bayard Dodge of the American University of Beirut conveyed his sympathy to Magnes at a time when Magnes's beautiful university in Jerusalem was under fire and all his dreams for a Holy Land of goodwill and cooperation seemed to be vanishing. In Dodge's view, Magnes resembled the prophet Jeremiah, who had warned his people of great danger and whose words were now spurned at a time when "rash propagandists" had plunged the land of Judah "into what may easily become another tragedy in its history." As he was about to return to Lebanon, Dodge conveyed to Magnes—the "wisest person to give advice about Palestine"—his deep appreciation "for your courageous work" and admiration "for your wisdom."<sup>43</sup>

Faced with a radically new reality, Magnes endeavored to find a *modus vivendi* that would allow for Jewish sovereignty, allay Arab fears, and create humane and peaceful ends for all. He pressed Edward Warburg, American Jewish Joint Distribution Committee (JDC) chair, to ensure that none of its philanthropic funds went to weapons for the Hagana. He also questioned Warburg as to why Ihud did not receive a grant on the grounds that (so Warburg declared) the JDC never funded organizations engaged in "essentially a political problem." The Ihud, Magnes insisted, was an educational body that never had participated in elections; its diverse membership was united in the conviction that force was not the way to preserve the Yishuv from destruction and a belief in "the traditional Jewish idea of peace and reconciliation." He soon told Egypt's Mahmoud Fawzi Bey that Lebanese delegate Charles Malik's speech on 28 May in the Security Council, which favored a four-week truce proposal, impressed him greatly. Given that possibility, he urged Israeli UN diplomat Mordekhai Eliash to consider some kind of federal solution to the whole problem. Eliash cautioned that it was doubtful that the Arabs would accept the truce. To Magnes's immediate offer to be of service, Eliash—the lawyer and soon-to-be first Israeli minister to the United Kingdom—replied that he would

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Kohn to Slawson, 21 May 1948, file 4-1751, Ernst Simon MSS, NLI.

43 Dodge to Magnes, 21 May 1945 (should be 1948), file 21/9, James Marshall MSS, AJA. For a recent study comparing Magnes to Jeremiah, see David Barak-Gorodetsky, *Jeremiah in Zion: The Religion and Politics of Judah Leib Magnes* [Hebrew] (Midreshet Ben-Gurion: Ben-Gurion University Press, 2018).

pass on the offer to his colleagues.<sup>44</sup>

On the morning of 1 June, Magnes called the State Department's Henderson, who agreed that the proposed four-week armistice was "a God-given opportunity" for bringing some kind of political settlement. If accepted by both states, Magnes said that he would get in touch with various persons to suggest a federal solution. If the word "state" had to be retained, the whole structure might be called the United States of Palestine (the term suggested by McClintock during the meeting with Marshall). Henderson thought it would be most helpful if his visitor had preliminary conversations in this regard before determining whether or not Magnes should later return to Washington. Hearing that Magnes was torn between being in the United States or in Jerusalem, Henderson thought that if a truce came about, Magnes might find it advisable to be in Palestine to help Count Folke Bernadotte, the president of the Swedish Red Cross who had been appointed in May the UN mediator for Palestine.<sup>45</sup>

A mild stroke on 10 June did not stop Magnes. The Ihud filed with the U.S. Justice Department a few days earlier, while Arendt, sociologist David Reisman, *New York Times* correspondent Joseph Levy, and philanthropist Arthur Goldsmith had reviewed Magnes's memo "Political Union in Palestine." From his Hotel Mayflower suite, Magnes dispatched a letter on 14 June to McClintock, providing his detailed plan for a confederation of Arab and Jewish states closely linked in questions of defense and foreign policy, with Jerusalem as its capital. He had found interest in this when talking with the American UN delegate Philip Jessup, Fawzi Bey, Malik, and France's Alexandre Parodi. To Magnes's disappointment, an arrangement for the Arab Legion to safeguard the books, manuscripts, and scientific treasures at the university and Hadassah Hospital on Mount Scopus had not worked out; it would have helped dissipate the all-too-prevalent notion that "our Semitic cousins" were nothing but marauders from the desert, in whose word no faith could be put. Some prominent Jews in New York City tried

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44 Warburg to Magnes, 19 May 1948; Magnes to Warburg, 25 May 1945; both in file 21/9, James Marshall MSS, AJA; Goren, ed., *Dissenter in Zion*, 498–499.

45 *Ibid.*, 497–498.

to organize a group to promote Jewish-Arab cooperation, and Magnes hoped that the substance of his program, along with the Mount Scopus situation, would be sent to Bernadotte at the earliest possible moment.<sup>46</sup>

In July Magnes mailed Bernadotte a copy of his confederation plan, offering a compromise between partitioning Palestine and maintaining its unity. He pointed out its similarity with Bernadotte's proposals except for Jerusalem, which Bernadotte had assigned to the Arab state. If that city could be internationalized and demilitarized, then made the capital of the federal union, Magnes wrote, a good chance existed that Arabs and Jews would agree. Additionally, this might succeed for the rest of Palestine. Bernadotte, while agreeing with the gist of the confederation plan, continued to disagree over Jerusalem. The Swedish emissary was skeptical about the efficacy of an international area existing within the boundaries of another state, and believed the financial burden of maintaining an international organization was too heavy for a local population to bear. In mid-August Magnes countered that world Jewry would pay the difference between what local taxes required and the amount needed to maintain the capital. He reported that a group of American Jews encouraging Jewish-Arab cooperation was making progress, and he and wife Beatrice hoped to get back to Jerusalem in the not-too-distant future. Upon his return, he hoped to "have the privilege of being able to help you in your devoted work." Bernadotte had "done more to advance the cause of peace and conciliation in Palestine than all other persons put together," Magnes asserted in a press statement on 23 August, and he expressed the conviction that most of the UN mediator's suggestions would serve as a basis for future discussions concerned with peace and reconciliation in the Holy Land.<sup>47</sup>

Magnes also sent a copy of his confederation plan to Silver, who was also serving as chair of the American Section of the Jewish Agency. This plan, Silver's response read, "advocated the restriction of Jewish sovereignty and the dilution of its independence." Further, the Agency deplored individual Jews' seeking the support of the U.S. government

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46 B. Magnes to Marshall, 10 June 1948, file 21/4; Magnes to McClintock, 14 June 1948, file 21/9; both in James Marshall MSS, AJA.

47 Goren, ed., *Dissenter in Zion*, 505–507, 517–518.

or the UN delegations “for policies which run counter to those which the government of Israel is striving so gallantly to defend.” Silver enclosed a critique of Magnes’s plan by Abba Eban, then serving as the new state’s UN representative. Magnes wrote to Arendt that he found Eban’s analysis, soon to be published in *Commentary*, “a well-reasoned, and perhaps helpful point of view, despite the several details of his article with which one must differ.” He then wrote to Eban that the Jewish-Arab cooperation that they both desired could be achieved only by a “statutory confederation” and that “no looser form” such as Eban advocated would work.<sup>48</sup>

On 18 August, Magnes released a press statement about his plan, printed in full by the *New York Times*, also citing Ben-Gurion’s declared wish “to cooperate closely” with the Arabs of Palestine and neighboring countries and urging that Jerusalem’s character as “a spiritual center of world-wide importance” be preserved. Addressing the new Israeli prime minister as “dear and honored friend,” he pointed out that the plan bore a “striking enough” resemblance to the public suggestions Bernadotte had issued before seeing Magnes’s proposal. He appealed to Ben-Gurion to settle the Arab refugee problem solely on “a human basis and not through political bargaining.” Ben-Gurion’s invitation to Arab countries for talks about a peace settlement was welcome, but the proposal lacked details. Unfortunately, Magnes added, his “somewhat weak” health raised doubts about whether he would be permitted to return home soon: “I suffer from this thought.”<sup>49</sup>

Magnes urged Warburg in September to have the JDC allocate funds for thousands of Arab refugees, which would “redound to the glory of the Jews throughout the world and not least in Palestine itself.” Seeing no urgency within the JDC to address this problem, Magnes withdrew as longtime chair of its Middle East Advisory Committee, stating his disappointment that the JDC had not “risen to this great opportunity” and that his connection with the JDC, of which he was one of the founders, “should end so ingloriously.”

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48 Goren, ed., *Dissenter in Zion*, 508–509; Aubrey S. Eban, “The Future of Arab-Jewish Relations,” *Commentary* (September 1948): 199–206.

49 Goren, ed., *Dissenter in Zion*, 507–508.

Warburg replied the following month that the JDC was seriously considering the issue and was glad that Magnes had decided to withhold his resignation. This is “one of my dramatic acts which make people take notice,” Magnes wrote in a journal, even while mulling over the possibility of a Marshall Plan for the Middle East, contemplating that perhaps through economic aid some chance of peace would arise in place of “war and hatred for decades.”<sup>50</sup>

Magnes thought James Marshall’s idea for a kind of handbook on confederation was practical; however, he disliked the idea that Rosenwald and others of that ilk should be excluded from the new group to avoid appearing anti-Zionist—perhaps because he himself had appeared on too many proscribed lists. Magnes also noted to Marshall that Rosenwald was the one prominent Jew who had the courage to “buck the terror of the Zionist political machine.” Using the JDC as an example, Magnes worried that this political machine would put “the Jewish vote in its pocket,” to the detriment of American Jews. Marshall and Arendt suggested that intellectuals and labor leaders who shared Magnes’s views be formed to advance his platform, and he proposed seeking the views of Kohn, Finkelstein, and Hebrew Union College president Nelson Glueck. In the meantime, his response to Eban’s article in *Commentary* would be published in October.<sup>51</sup>

Bernadotte’s assassination in Jerusalem by the Stern group on 14 September had a seismic effect, as did his final proposals. His report, completed a few hours beforehand, had called for Jerusalem to be placed under the control of the United Nations; the Negev as well as the towns of Ramleh and Lydda (Lod) defined as Arab territory; the Galilee defined as Jewish territory; Haifa port declared a free port, with assurances of free access to interested Arab countries; the Arab airport of Lydda declared a free area, with assurances of free access to Jerusalem and interested countries; and the establishment of a conciliation commission, which would answer to the United Nations. Marshall and Bevin endorsed the report, with His Majesty’s Government (HMG) particularly

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50 Ibid., 519–520.

51 Ibid., 509–511.

partial to Bernadotte's suggestion that "compelling reasons" existed for the Arab territory of Palestine to be merged with Transjordan. The USSR, however, declared that the General Assembly's vote for partition was endangered not only by certain states' proposals to revise that decision, but also by proposals to set up a trusteeship over Palestine and appoint a mediator. The Israeli government took particular exception to the Negev's being defined as Arab territory in light of UNSCOP's recommendation that it go to the Jewish state, and the overall Arab reaction was negative. Malik remarked that the "chief bone of contention is the irrevocable views supported by the Bernadotte report and by the U.S. that a Jewish state was here to stay."<sup>52</sup>

Magnes issued a statement saying that Bernadotte had come closer than anyone else to bringing the two warring peoples to an understanding, and that his murder was a tragedy of "historic importance" for both. This great task of peace-making was now deprived of Bernadotte's "integrity of heart and mind," as well as the "great store of insight" he had accumulated. Magnes went on to say some responsibility for the Jewish terrorists rested with all—certainly with the U.S. politicians, newspaper publishers, and the large number of Jews and others who supported terrorists morally and financially. A considerable measure of responsibility lay with those official circles in Israel who had carried on joint activities with terrorist groups, he said, and a large share of the blame should be attributed to the "recklessness" of those who accused Bernadotte of acting as the prejudiced agent of HMG or of "British-American imperialism" or of "the oil interests." Magnes closed by saying that Dr. Ralph Bunche, now Bernadotte's successor, deserved the wholehearted support of all in carrying to completion Bernadotte's efforts at peace-making.<sup>53</sup>

This rebuke appeared as a postscript to Magnes's lengthy essay in *Commentary* titled "For a Jewish-Arab Confederation." While praising Eban's article—which included a call for a regional solution between

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52 Folke Bernadotte, *To Jerusalem* (London: Hodder & Stoughton, 1951); Kati Marton, *A Death in Jerusalem* (New York, 1994); Carry David Stanger, "A Haunting Legacy: The Assassination of Count Bernadotte," *Middle East Journal* 42, no. 2 (Spring 1988): 260–272.

53 Goren, ed., *Dissenter in Zion*, 517–518.

Israel and the other Middle Eastern countries—as, in many ways, the “most hopeful” statement by an official Zionist source, he continued to defend Ihud’s program. He pointed to the old Austrian-Hungarian empire as a precedent, since it allowed both countries to remain independent and with separate parliaments, yet topics such as foreign affairs, defense, and international loans were reserved for a council of delegations from the two parliaments. The U.S. Articles of Confederation and Newfoundland’s recent vote for confederation with Canada were other examples. For this Jewish-Arab confederation, Jerusalem would be the capital and seat of a joint economic board. A federal court, perhaps consisting of three Jews, three Arabs, and a UN-appointed chair, could also serve as the high court for Jerusalem. This proposed United States of Palestine was somewhat analogous to the American example, where sovereign states are nevertheless limited by their adherence to the federal union. Immigration regulations and land sales would be made by each state autonomously, one day to be taken up within the confederation framework. A statutory, binding political union would be mandated because the Jewish Agency had not made “one single sincere and systematic attempt” at conciliation, and the current “frightful, needless war with the legacies of hatred and ill-will on both sides” had intervened. Magnes ended with an appeal for a humane resolution for the Palestinian Arab refugees, many of whom had fled their homes for fear of a repetition of the Irgun-Stern atrocities at Deir Yassin.

Separately, Magnes expressed that he much appreciated Arendt’s *New Leader* article on Bernadotte’s mission, where she offered alternatives for another form of UN trusteeship. Feeling depressed about the murder of “a great and good man who started full of hope and ended almost in despair,” Magnes considered either her alternatives or a continuation of the Jewish-Arab war “a grave choice, this way or that.”<sup>54</sup>

Early in his career, Magnes held the belief that voluntary consent

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54 Judah Magnes, “For a Jewish-Arab Confederation,” *Commentary* (October 1948): 379–383; “The Mission of Bernadotte,” in *The Jewish Writings, Hannah Arendt*, ed. J. Kohn and R.H. Feldman (New York: Schocken, 2007), 408–416. For the atrocities referred to, see Eliezer Tauber, *Deir Yassin: Sof HaMitos* (Jerusalem: Kinneret Zmora-Bitan Dvir Publishing, 2017).

between Arabs and Jews was essential to conciliation. During World War II, however, Magnes's article in *Foreign Affairs* asserted that London and Washington should, if necessary, impose a bi-nationalist solution to the Arab-Jewish situation. His backing of the Anglo-American Committee of Inquiry's recommendations in 1946 and then of the State Department's switch from partition to a UN trusteeship two years later reflected this belief. But by September 1948, his message at the opening of the Hebrew University's academic year sounded his former conviction: "In the eyes of many of us the chief value of an independent state is that we ourselves bear the responsibility for our own decisions and that we do not just have to accept the consequences of decisions made for us by others." At the same time, his plan did call for UN intervention in case of "irreconcilable conflict," which appeared most likely between the two opposing forces.<sup>55</sup>

Refusing as always to recognize the dichotomy between the moral and the real worlds, Magnes ended his *Commentary* essay with a striking sentence that Arendt, now chairing the political committee which she and Marshall advocated, had seen when editing the piece. Appealing for the Palestinian Arab refugees, he found it "unfortunate that the very men who could point to the tragedy of Jewish DPs as the chief argument for mass immigration into Palestine should now be ready, as far as the world knows, to help create an additional category of DPs in the Holy Land." On 26 October, he took a usual walk in New York City's Central Park, answered mail, and held meetings in his hotel suite with friends and family. That evening, Magnes typed a letter to Dr. E.M. Bluestone, director of the Hadassah Medical Organization, expressing his views on relocating the Hadassah Hospital in Jerusalem. He died of a heart attack the next morning.<sup>56</sup>

A simple ceremony marked the funeral service on the afternoon of

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55 Bernard Wasserstein, "The Arab-Jewish Dilemma," in *Like All the Nations?*, 194–196.

56 Gil Rubin, "From Federalism to Binationalism, Hannah Arendt's Shifting Zionism," *Contemporary European History* 24, no. 3 (August 2015): 393–414, and n83; Goren, ed., *Disenter in Zion*, 517–519, 520n1. The victorious Allied powers had officially termed Holocaust survivors "Displaced Persons" (DPs), thereby consciously masking their Jewish identity.

28 October at the Jewish Theological Seminary. No eulogies were delivered, in accordance with Magnes's wishes. Dr. Simon Greenberg, acting president of the seminary, read selections from the Psalms. Dr. David de Sola Pool, longtime Orthodox rabbi of the Shearith Israel Congregation (Spanish-Portuguese synagogue) in New York City, officiated. In addition to the surviving members of Magnes's family, leaders from all walks of Jewish life, including Simon and other members of the Hebrew University faculty, attended the funeral. Consul-General Arthur Lourie represented the State of Israel. Burial took place at the Beth Olom cemetery in Ridgewood, Queens County, New York.<sup>57</sup>

### **A Legacy Unrealized**

Zionist representatives in the United States issued statements to mark Magnes's passing. Wise hailed him as "one of the most gallant figures in the history of world Jewry." Silver observed that he was an early champion of the Zionist movement in the United States and emphasized that "his greatest achievement" was his leadership over many years of the Hebrew University. Pronouncements mourning Magnes's death were also issued by Dr. Emanuel Neumann, president of the Zionist Organization of America, and Judge Morris Rothenberg, president of the Jewish National Fund. A resolution from Hadassah, which expressed "deep sorrow" at the passing of "a distinguished colleague, a wise counselor, and a cherished friend," noted that, as chair of its council in Palestine, Magnes "selflessly and tirelessly" gave the benefit of his "profound wisdom and vast experience."<sup>58</sup>

Other American Jewish leaders offered their own tributes. Proskauer considered the death of Magnes, who was one of the AJC's founders, "a grievous loss to Jewry and to humanity." As president of Hebrew University, he "created a great instrument of education for the Middle East and for all the people thereof. His intellectual integrity and his uncompromising morality were such that he was held in the highest esteem even by those who differed from him in some of his objectives." Warburg, noting that the JDC had benefited continuously from his

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<sup>57</sup> *JTA*, 28 October 1948.

<sup>58</sup> *JTA*, 28 and 29 October 1948.

“leadership and insight” for over thirty years, viewed him thus: “As a Jew who thrilled to the spiritual heritage of his religion and to its ethical concepts, Dr. Magnes labored all his adult life in behalf of Jewish welfare, in the United States, in Europe and in Palestine.” In special memorial services held a week later at Hebrew Union College, where Magnes had received ordination in 1900, Glueck declared that Magnes “had been a great leader and teacher, constantly battling for ideals which promised peace and occupation in Palestine and the world at large. He was always in the minority and was forever respected by the majority.”<sup>59</sup>

At a memorial meeting at Temple Emanu-El in December, to which Truman sent a message lauding Magnes’s “vision and understanding,” historian Hans Kohn spoke of Magnes and Ahad HaAm, who was widely regarded as cultural Zionism’s major ideologue, as his two great Zionist teachers—men who were much objected to in their times, who did not join in “emotional conformity” but “raised their warning though solitary voice against it.” Both had sought to revive Judaism’s prophetic ideals in the struggles of daily reality. In the 1920s, when Kohn lived in Palestine, Magnes had been “a great inspiration and a redeeming comfort.” Like Ahad HaAm and Buber, Magnes recognized the moral challenge that Palestine was a home of two peoples with deep roots in its past and its present. After the Arab riots of 1929, Magnes had written a pamphlet calling for bi-nationalism, hoping that the Holy Land would pioneer in the future road to closer cooperation and inclusive federation of neighboring peoples. In his last years, Magnes, like Ahad HaAm, was faced with the spiritual and moral tragedy of terrorism, and almost his last utterance was a letter to the *New York Times* after Bernadotte’s death, hailing Bernadotte’s efforts to advance the cause of peace in Palestine. Magnes passed away soon thereafter, and no one could replace him. Yet his message, Kohn concluded, should inspire friends to try to follow where he had led, “a great American in the tradition of Western civilization and a great Zionist in the line of Jewish tradition.”<sup>60</sup>

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59 *JTA*, 28 October and 5 November 1948.

60 Hans Kohn, “In Memory of Two Great Teachers,” file 26/13, Henry Hurwitz MSS, AJA; *New York Times*, 17 December 1948. For Kohn’s changing views, see Hagit Lavski, “Leumiyut Bein Teiorya L’Politika: Hans Kohn V’HaTsiyonut,” *Tsiyon* 67 (2002): 189–212; Adi Gordon, *Toward Nationalism’s End: An Intellectual Biography of Hans Kohn* (Waltham:

Arendt went even further, calling Magnes in 1951 “the conscience of the Jewish people.” He had raised his voice primarily on moral grounds, and his authority was that “he was a citizen of Jerusalem, that their fate was his fate, and that therefore nothing he said could ever be blamed on ulterior motives.” She thought him “a very practical and a very realistic man who passionately wanted to do the right thing” and who had “a healthy distrust of the wisdom of our *Realpolitiker*.” Being a Jew and Zionist, Magnes was “simply ashamed” of what Jews and Zionists were doing. The last years of his life coincided with “a great change in the Jewish national character,” by which Arendt meant the founding of the State of Israel and the consequent flight of nearly 600,000 Arabs from Palestine. A people that for two thousand years had made justice the cornerstone of its spiritual and communal existence, she went on, “has become emphatically hostile” to all arguments of such a nature, as though these were necessarily the arguments of failure. “We all know,” her encomium concluded, that “this change has come about since Auschwitz, but that is little consolation.”<sup>61</sup>

Yet, seven decades after Magnes’s death, a more balanced assessment is in order. Few doubted his integrity and his sincere wish to champion a Zionism sustained by what might be called prophetic humanism. It appears no coincidence that until his last days this outsider was working on a study of the Essenes, a monastic sect during the Second Temple period dedicated to piety, asceticism, charity, and an unshakeable belief that its members would change the course of history. His desire to build a just society in Zion and for his beloved Hebrew University to take the lead as “a spiritual center for the Jewish people” remained constant. At the same time, even admirer Norman Bentwich, who authored Magnes’s first biography, concluded that Magnes was “prone to oversimplify complex problems by concentrating on its ethical aspects and

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Brandeis University Press, 2017). For Ahad HaAm (Asher Ginsberg), the major rival to Theodore Herzl, political Zionism’s founder, see Monty Noam Penkower, *The Emergence of Zionist Thought* (Millwood: Associated Faculty Press, 1986), ch. 6.

61 Hannah Arendt, “Magnes, The Conscience of the Jewish People,” in *The Jewish Writings, Hannah Arendt*, 451–464; Efraim Karsh, *Palestine Betrayed* (New Haven: Yale University Press, 2010), 264–267.

neglecting the state of facts; he could not adjust the order of thought to the order of things.” Arthur A. Goren ended an introduction to his fine edition of Magnes’s writings by noting that, when calling for a Zion redeemed in justice despite no positive response from the Arab side, he demanded from his people “perhaps more than the unfolding events of the years allowed.”<sup>62</sup>

Gershom Scholem, who broke with Brit Shalom after the lethal 1929 Arab riots, saw Magnes as an incorrigible idealist of the nineteenth-century mold—“a free man” refusing to jettison Judaism’s fundamental values when crisis shook the old, rational order. In the twentieth century, however, the dream of peaceful coexistence appeared naïve and misguided to most. Shmuel Yosef (Shai) Agnon’s posthumously published novel *Shirah*, which takes place in the Hebrew University milieu of the 1930s, sharply critiqued Magnes (the unnamed *Nagid* who speaks in clichés about “everything human is Jewish and everything Jewish is human”) and the faculty for being divorced from the real concerns of the Jewish community in Eretz Israel and elsewhere. The urgent needs of world Jewry after the Holocaust brought this disconnect more sharply into focus. In the end Magnes, whom Eban recalled as having a “frigid temperament,” failed to persuade, because Arab-Jewish cooperation remained further away than ever by the time of his death.<sup>63</sup>

Magnes did not doubt the rightness of his stand even while “skating on thin ice—very often” (his suggested title for an unwritten autobiography), but his political judgment must be deemed wanting. He took seriously the assurances of adventurer H. St. John Philby after the 1929 riots to successfully engineer an Arab-Jewish understanding, only to discover that the Arabs, the British, and the Zionists did not. A murderous rivalry

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62 Norman Bentwich, *For Zion’s Sake: A Biography of Judah Leib Magnes* (Philadelphia: Jewish Publication Society, 1954), 303, 273; Magnes to Weizmann, 25 May 1923, cited in *Like All the Nations?*, 221n16; Arthur A. Goren, “Introduction,” Goren, ed., *Dissenter in Zion*, 57.

63 Gershom Scholem, “A Free Man, On J.L. Magnes,” in Gershom Scholem, *Devarim be-go*, ed. Avraham Shapira (Tel Aviv: Am Oved, 1976), 208–210; Arnold J. Band, “Gown and Town,” in *Like All the Nations?*, 159–163; Abba Eban, *An Autobiography* (New York: Random House, 1977), 57.

between the Arab Nashashibi and Husseini clans for power during the Arab Revolt required the Magnes family to move in 1938 from their home on the top floor of an Arab house outside of Herod's Gate in the Old City to the Rehavia section in Jewish Jerusalem facing a children's playground that is now called Kikar Magnes. The few Arabs who agreed with him faced physical danger from their own people. Prominent attorney Omar Effendi escaped with a deep dent on the top of his head, but Darwish Husseini and some others, whose New Palestine Society drew up an agreement with the League for Jewish-Arab Cooperation in 1946, were soon murdered by loyalists of the former Grand Mufti Haj Amin el-Husseini. Eminent trade union leader Sami Taha, disagreeing with Haj Amin's intransigence, suffered the same fate the next year.<sup>64</sup>

Magnes failed to convince supposedly moderate Azzam Pasha, the first secretary-general of the Arab League, that the league's "constant negative was sterile." In September 1947 Azzam told Eban and David Horowitz that the Arab peoples viewed Palestine Jewry as "an alien organism" whom the Arabs would eventually eject in the same manner as they had the European Crusaders after two hundred years of living uninvited in their midst. Azzam's "forcefulness and fanaticism" stirred his visitors but left them depressed, realizing that with this encounter and his emphasis on a religious war (*jihad*) "vanished the last effort to bridge the gulf." In the end, Musa Alami also objected to further Jewish immigration, however much he admired Magnes. When James Marshall asked if Mount Scopus could be used as a university and hospital center for Arabs and Jews, Charles Malik replied that while this was the proper thing to do, "we Arabs do not compromise the way you Westerners do. We can't take one bite of the cherry, we have to have the whole cherry."<sup>65</sup>

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64 Bentwich, *For Zion's Sake*, 313, 262; *The Magnes-Philby Negotiations, 1929*, ed. Menahem Kaufman and trans. Y. Goell (Jerusalem: The Magnes Press, 1998); Beatrice L. Magnes, *Episodes, A Memoir* (Berkeley, CA: Judah L. Magnes Memorial Museum, 1977), 93, 100; 15 November 1947 report, Mapai MSS, Bet Berl, Kfar Sabba, Israel; R.M. Graves, *Experiment in Anarchy* (London: Gollancz, 1949), 84.

65 Goren, ed., *Dissenter in Zion*, 192; Eban report, 19 September 1947, S25/2965, CZA; David Horowitz, *State in the Making* (New York: Greenwood Press, 1953), 234–235; James Marshall and Elliot Sanger interview, 11 April 1974, AJC oral history program.

The sad fact remained that no hope existed for a peaceful resolution in Palestine, as the Arab world rejected the Yishuv's appeal for compromise and its claim to national sovereignty. Most of the UNSCOP members, García Granados recalled, agreed early on that bi-nationalism had "all the inconvenience of partition without its finality" and would be rejected by both sides. Journalist Julian Meltzer may have seen Magnes as "the soul of rectitude and ethical rightness" in Jewish and Zionist affairs, but U.S. representative Frank Buxton of the Anglo-American Committee of Inquiry on Palestine was closer to the mark, writing to a friend in January 1948 that "Magnes is a sweet soul and something in addition to that. But harsh realities do not seem to affect him at all." "Is he so prideful of opinion," Buxton, the *Boston Herald* editor and Pulitzer Prize winner wondered, "that massacres of Jews do not sadden him but make him a trifle prouder of his judgment?" Concurrently, Richard Crossman, of the Anglo-American Committee's British delegation, said to Lazon, the ACJ's bi-nationalist ideologue, that Magnes's solution was completely unacceptable to either Jew or Arab and that "the Jewish community cannot escape from the nationalism of the world it lives in." "As a result," he added, "the Jewish State will be established in the worst possible way—by Jewish force."<sup>66</sup>

Arab rejection meant that Palestine was partitioned through war and five Arab state armies immediately invaded the Jewish state, with a consequent, tragic harvest. Already in January 1946, Scholem had taken Arendt to task for championing what he termed "a patently anti-Zionist, warmed-over version of Communist criticism, infused with a vague *galut* [exile] nationalism." Her public call for universalism against

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66 Jorge García Granados, *The Birth of Israel, The Drama as I Saw It* (New York: Alfred A. Knopf, 1948), 43–44; Meltzer to Montor, 22 June 1968, A371/40, CZA; Buxton to Ben-Horin, 26 January 1948, file 1660, Israel Goldstein MSS, Jerusalem; Buxton interview with the author, 10 July 1979; Crossman to Lazon, 3 December 1947, box 4, Morris Lazon MSS, AJA. Calling on the ACJ to follow Ihud's example in seeking peace between Jews and Arabs and criticizing the new government "severely" once the Israeli state was established, Lazon acknowledged the ACJ's failures to convince the majority of American Jews that to follow Zionism would "isolate us from our fellow citizens" and to "stave the national influences which have slowly disintegrated Judaism and transform all of its branches into a national religion for Jews only." *National Jewish Post and Opinion*, 16 May 1948.

“reactionary” Zionism and “something that is for the Jewish people of life or death importance” observed the pioneering scholar of Jewish mysticism, neglected what he termed the “eternity” of antisemitism, as well as the fact that the Arabs, refusing any plan that included Jewish immigration, were “primarily interested not in the morality of our political convictions but in whether or not we are here in Palestine at all.” Arendt’s views would not change.<sup>67</sup>

At the time of the partition vote, Mordecai Kaplan, one of Magnes’s former associates in the New York City Kehilla and the later founder of Reconstructionist Judaism, reflected far more instinctively and accurately the feelings of American Jewry. “It is a long time, indeed, since we Jews have had occasion as we do tonight to sing *LaYehudim Hai’ta Ora V’Sason V’Simha Vi’Kar*,” he wrote in a diary. Then, after adding the traditional *She’hehHeyanu* prayer of thanks to the Creator, Kaplan noted the following: “Considering the dreadful finality that an adverse vote might have had in that it would have put an end to all our hopes of resuming life as a nation in our homeland and would have rendered futile all efforts to keep Judaism alive in the diaspora, we should thank God with the benediction of *HaTov V’HaMeitiv LaRa’im V’LaTovim Sheh’Gemalanu Kol Tov Selah*.” And novelist Amos Oz vividly recalled that in northern Jerusalem, as elsewhere in the Jewish areas of Palestine, a “cataclysmic shout” was replaced by “roars of joy and a medley of hoarse cries and ‘The Jewish People Lives’ and somebody trying to sing ‘Hatikvah’ and women shrieking and clapping and ‘Here in the land our Fathers Loved,’ and the whole crowd started to revolve slowly around itself as though it was being stirred in a huge cement mixer, and there were no more restraints.”<sup>68</sup>

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67 Scholem to Arendt, 28 January 1946, in *Gershom Scholem, A Life in letters, 1914–1982*, ed. and trans. A.D. Skinner (Cambridge: Cambridge University Press, 2002), 330–332.

68 29 November 1947, Mordecai Kaplan Diary, Jewish Theological Seminary archives, NY; Amos Oz, *A Tale of Love and Darkness*, trans. N. de Lange (London: Harcourt, 2004), 343. The first quotation by Kaplan is “The Jews enjoyed light and gladness, happiness, and honor” (Esther 8:16), and the second, “He does good to the wicked and to the good Who did all good to us Selah” (Rosh HaShana prayer). The *She’hehHeyanu* prayer expresses thanks to “the King of the Universe who has given us life, sustained us, and brought us to this time.”



Judah L. Magnes in his later years, undated.  
(Courtesy American Jewish Archives)

Magnes's "religious eyes" (his own early characterization) failed to see this. Later champions have charged that he "yearned for a Great Community that would bond Jews and all mankind as they must be"; "founded the tradition of vigorous intellectual dissent which is such a crucial ingredient of Israeli political culture"; and understood that the peaceful coexistence with the nearby Arab countries was "a prerequisite" for the "guaranteed existence of a Jewish national home based on a strong moral, political, cultural, and social foundation." The fullest biography concludes that he was "the Zionist conscience." Yet the real world—not his ideal one—pressed forward with its own claims, directly challenging Magnes's credo, set down just before he left New York to live in Palestine, to call for a Judaism "which gives hope to redeem mankind by means of spirit rather than by brute force." Ethical visions, however lofty, cannot easily be reconciled with gritty and, at times, grim truths.<sup>69</sup>

Years after the Arab Revolt, Hexter conceded that there was "no likelihood" of a basis for compromise. Magnes had questioned Gandhi's advice, given in a letter to Magnes and Buber one day after *Kristallnacht*, that the Jews should practice passive resistance even unto death. Was it right, Magnes wondered, to sit quietly when children were being butchered? Magnes, the militant pacifist, also felt compelled to declare, although reluctantly, his support for the Allied war against Hitler. The bimillennial curse of Jewish powerlessness, culminating in the Shoah while the free world abdicated moral responsibility and stood by, convinced Jews and much of public opinion worldwide that only sovereignty in the land that had seen their birth as a people could put an end to their anguished wanderings across the globe.<sup>70</sup>

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69 Bentwich, *For Zion's Sake*, 38, 284; Moses Rischin, "Introduction," 15; Wasserstein, "The Arab-Jewish Dilemma," 197; Gavriel Stern, "He Looked Out on Zion from Atop Mt. Scopus," 184; all in *Like All the Nations?*; Goren, ed., *Dissenter in Zion*, 357–365; Daniel P. Kotzkin, *Judah L. Magnes, An American Nonconformist* (Syracuse: Syracuse University Press, 2010), ch. 8.

70 Hexter interview with the author, 22 April 1976; Gideon Shimoni, ed. *Gandhi, Satyagraha and the Jews: A Formative Factor in India's Policy Towards Israel* (Jerusalem: Hebrew University, 1977), 44; Monty Noam Penkower, *The Jews Were Expendable: Free World Diplomacy and the Holocaust* (Urbana: University of Illinois Press, 1983). Also see Monty Noam Penkower, *The Holocaust and Israel Reborn: From Catastrophe to Sovereignty*

After Magnes's passing, a tumultuous future lay ahead for Arab and Jew that continues today. A recent scholarly article by Hedva Ben-Israel posits that the spirit and style of Magnes's "sermons" were so alien to most of the Yishuv that they concealed from their eyes "the sober and realistic observation" that Magnes kept repeating—"that without an agreement with the Arabs both nations would meet on a course of collisions for a long time." A second academic, Dmitry Shumsky, proposes that the Zionist political imagination, following in the spirit of a few of the movement's earlier ideologues, goes today "beyond the nation-state."<sup>71</sup> Yet no resolution to the depth and obduracy of that conflict, even the possibility of a viable two-state solution in the distant future, is a prospect so long as the legitimate existence of the State of Israel is denied and demonized. Attempts at reconciliation appear to be a quixotic effort while Israel remains under attack by the Palestinian Arabs' secular Fatah and fundamentalist Hamas leaderships, and by surrounding Arab neighbors, particularly the Lebanese Shiite Hezbollah army, founded and funded by an Iranian government that threatens the Jewish commonwealth with obliteration. The State of Israel would offer sovereignty to the Palestinian Arab leadership in 1967, 2000, and 2008, only to be refused every time.

Not surprisingly, the overwhelming majority of Israel's Jewish citizens, witness to thousands of rockets, terrorism, and unceasing, murderous incitement after the Israeli withdrawals from Lebanon in 2000 and Gaza in 2005, are deeply committed to maintaining the territorial

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(Urbana: University of Illinois Press, 1994). Even after the Holocaust, which he called "the greatest crime of our time," Gandhi felt that the Jews should have "thrown themselves into the sea from cliffs.... It would have aroused the world and the people of Germany." Louis Fischer, *The Life of Mahatma Gandhi* (New York: Collier Books, 1950), 346–348. For Magnes's short-lived effort to create in the spring of 1939 a religious society carrying "a commitment to social action and practical political work," most of whose members would be drawn to the League for Jewish-Arab rapprochement and Cooperation, see Paul Mendes-Flohr, *Divided Passions: Jewish Intellectuals and the Experience of Modernity* (Detroit: Wayne State University Press, 1991), 344–350 and ch. 15.

71 Hedva Ben-Israel, "Bi-nationalism versus Nationalism: The case of Judah Magnes," *Israel Studies* 23:1 (2018): 102; Dmitry Shumsky, *Beyond the Nation-State: The Zionist Political Imagination from Pinsker to Ben-Gurion* (New Haven: Yale University Press, 2018).

integrity of their ancestral homeland and to insuring the security of their families. In their view, for one people with a long, tormented history of exile and exclusion in a world without love or redemption, the new state born in war and beleaguered for decades by implacable enemies serves as a testament to Jewish resilience and faith in a better tomorrow. With that assessment, Magnes, “the agitator and troubler in Israel,”<sup>72</sup> would likely agree.

*Monty Noam Penkower, Professor Emeritus of Modern Jewish History at the Machon Lander Graduate School for Jewish Studies, Jerusalem, recently completed his trilogy on the rise of the State of Israel between the years 1933–1948 with Palestine to Israel: Mandate to State, 1945–1948 (2 vols.). The first two books were Palestine in Turmoil: The Struggle for Sovereignty, 1933–1939 (2 vols.), and Decision on Palestine Deferred: America, Britain and Wartime Diplomacy, 1939–1945.*

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72 Goren, “Introduction,” in *Dissenter in Zion*, 57.

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## Book Reviews

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**Joyce Antler, *Radical Jewish Feminism: Voices from the Women's Liberation Movement* (New York: New York University Press, 2018), 464 pp.**

In a graduate seminar on feminism and reproduction, I read Shulamith Firestone's *The Dialectic of Sex: The Case for Feminist Revolution* (1970). Building on the work of Simone de Beauvoir, Firestone argues that the key to dismantling the hierarchy that exists between men and women is to separate women from reproduction. Firestone writes extensively about the oppression built into the nuclear family. I recognized "Shulamith" as a Hebrew name, but I had never heard about her in all my years of Jewish education, and I hesitated to ask about her Jewish identity in my otherwise secular classroom. As I read this radical feminist manifesto, it was clear that Firestone was scarred by traumatic personal experiences, and I feared that mentioning her Jewish identity would lead to an antisemitic reading of her work by my peers. My experience in that class speaks to the questions underlying Joyce Antler's history of Firestone and so many other Jewish women in *Radical Jewish Feminism: Voices from the Women's Liberation Movement*.

Antler approaches the history of Jewish women in the feminist movement of the 1960s–1980s with the question, How did their Jewish background affect their feminism? To answer this question, Antler probes multiple archives, conducts interviews, and includes in her research women involved in the feminist movement at a conference at New York University in 2011. As just one example, Antler responds to my earlier curiosity by explaining how Firestone's Orthodox Jewish background shaped her complete rejection of the nuclear family. Firestone was the oldest daughter of six siblings—three boys and three girls—born into a family with traditional gendered expectations. Her brothers were expected to become rabbis, while the girls were expected to be passive and religiously observant wives and mothers. When her older brother,

Daniel, left the yeshiva to study philosophy and Buddhism, he was cut off from the family and later committed suicide. Shulamith was an opinionated and blunt child who often questioned Judaism and her parents. Antler writes that “Shulamith’s intensity and stubbornness pitted her directly against her father, who ‘threw his rage at Shulie’” (82).

Despite the impact that her upbringing had on her life, Firestone kept her Jewish identity private until the 1980s. Antler found this to be true among many of those involved in the women’s liberation movement, and it leads her to explore why they never spoke about their Jewish identities, even when so many of the women involved in the movement were Jewish. Antler offers a few reasons. Some women feared particularizing their struggles, preferring instead to declare the universal nature of their demands. Others feared aligning themselves with a religion, which meant accepting the patriarchy embedded within it. There was no Jewish feminist movement (yet) to challenge the patriarchy within Judaism or the Jewish community; connecting themselves to this patriarchal religious tradition would have challenged their feminist credentials.

Antler divides *Jewish Radical Feminism* into two parts. In the first part, she provides personal and political biographies of Jewish women who were leaders in the American feminist movement. In the second part, Antler tells the stories of women who enacted feminism through Judaism, creating a movement for feminist Jewish theology, ritual, and liturgy. Noting that many historians had overlooked the Jewish identities of these women and the struggle for feminism within Judaism, Antler argues that bringing religious identity to the fore is a way to acknowledge the intersectional nature of identity. Antler draws on the work of critical legal scholar Kimberle Crenshaw as she explains that Jewish women, too, were coming to terms with their own “multiple identities” (19).

Firestone is just one example of the Jewish women involved in the women’s liberation movement. Others include “The Gang of Four” from Chicago—Heather Booth, Amy Kesselman, Vivian Rothstein, and Naomi Weisstein; The Boston Women’s Health Book Collective members who authored *Our Bodies, Ourselves*, including Esther Rome, Paula Doress-Worters, Vilunya Diskin, Nancy Miriam Hawley, Joan Ditzion, and Jane Pincus; and New York’s radical women’s movement,

Redstockings, with members including Ellen Willis and Alix Kates Shulman. As Antler delves deeply into each woman's history, she reveals the many ways feminism grew out of their Jewish backgrounds and how their relation to the broader movement often determined how much of their personal identity to reveal.

One of the great successes of this book is that in all the personal histories, Antler does not attempt to draw a neat summary of how women related their Judaism and their feminism. Instead, she is satisfied with the inconsistencies and the irregularities. Of the New York radicals she writes, "Despite shared elements, there was no common Jewish core that united their experiences" (113). Perhaps Antler is satisfied with this because she recognizes that many of these women were aiming for universalism in their feminist goals. In contrast to the identity politics of today, the feminists of the 1960s and 1970s united to address "more universal problems of sexism and patriarchy," without being bound by their particular differences (122).

In the second part of the book, Antler uncovers the personal histories of the women in the 1970s and 1980s who challenged the patriarchy within Judaism. Antler distinguishes between religious women who advocated for changes to ritual, liturgy, and theology, and secular women who "rejected the gendered inequities of mainstream Jewish life" (207). Some of the religious feminists were Martha Ackelsberg, Paula Hyman, Judith Plaskow, and Arlene Agus, who were active in Ezrat Nashim and B'not Esh; Laura Geller and Rebecca Alpert, who became two of the first women rabbis; and Orthodox feminists such as Blu Greenberg. Secular feminists include Aviva Cantor, *Lilith* founder Susan Weidman Schneider, and the women of Brooklyn Bridge and Chutzpah. Antler also includes a chapter on Jewish lesbian feminists, in which she explores how the politics of sexuality intersected with Jewish feminism, and a chapter on Jewish feminism in Israel, in which she examines the global dimension of Jewish feminism.

*Jewish Radical Feminism* is an illustration of the classic feminist credo, "the personal is political." Many women attempted to keep their religious identities private, but it was clear that these identities shaped their political activism. In this way, Antler's scholarship is a lens through which to understand the history of the feminist movement. Personal

biographies reveal that antisemitism and anti-Zionism were noticeable within the women's liberation movement of the 1960s–1970s. As the feminist movement emerged in the period surrounding the Six-Day War in 1967, some feminists, such as Ellen Willis, saw that while they felt vulnerable as Jews for the first time, many of their friends were “unconcerned ‘if Israel went under’” (96). Willis criticized the anti-Zionist agendas of the radical left and the New Jewish Agenda, because she said that these positions were “‘objectively anti-Semitic’ because the demise of Israel would ‘result in the death or dispersal of a great many Jews and encourage an active resurgence of anti-Semitism’” (98n121).

As Antler walks her readers through the personal narratives of Jewish women, we also see how feminism resulted from schisms with other movements. Antler writes that after the Six-Day War, many young American Jews who had previously felt no connection to Israel found themselves joyful at the liberation of the Western Wall. They were proud and relieved that Israel had spared itself from destruction (243). Suddenly identifying strongly as Jews, they left the New Left, where they felt they could not be Jewish or Zionist, and joined a network of Jewish movements that were committed to fighting “broad feminist and social justice struggles while addressing issues of primary concern to them as Jews” (247).

Antler's scholarship should also be commended for unearthing the problems with a movement composed of activists from similar backgrounds. Perhaps because these backgrounds were often unspoken, or assumed, individuals with different personal histories could not easily enter the fray. For instance, the Boston Women's Health Book Collective (BWHBC) struggled with racial diversity, due largely to the fact that three-quarters of the initial group were Jewish and white and spoke of their organization as a “family.” Like other feminist organizations, the BWHBC grew out of a group of women with similar class, education, and racial identifications. These similarities resulted in a sense of group solidarity that excluded women of color. Although BWHBC attempted to mitigate power differentials, it was very difficult for latecomers to enter into the tight-knit group, especially when there were layers of co-identification (like Jewishness) that the group itself did not acknowledge. The story that Antler tells of the BWHBC and its internal struggles with

power differentials reflects the struggles of many feminist organizations at the time (and still today).

In my reading of Antler's thorough history of the Jewish radical feminist movement of the 1960s–1980s, I couldn't help but notice the many parallels in today's feminist movement. Take, for example, the controversies surrounding the Women's March. Although the first march in 2017 garnered widespread support from Jewish women's organizations such as the National Council of Jewish Women, the Women's March group received subsequent criticism out of concern about antisemitism and anti-Zionism among its founders. In 2018 and 2019, many Jewish women felt forced to choose between their feminism and their Judaism. Although beyond the scope of Antler's historical study, I cannot help but wonder whether Antler would find that today's struggles mirror those of previous generations or see them as distinct from one another.

One of the greatest lessons I derive from *Jewish Radical Feminism* is that personal differences remain, and they often inform one's activism. The difficult work of coalition building and solidarity means that to some extent those personal differences must be put aside, at least temporarily, to achieve certain successes. Doing so, however, might pose other challenges, as we are slower to recognize the gaps in our collective experiences and identities if our individual experiences and identities are not front and center. Reading Antler today, we are encouraged to look at our own activism and ask, How are our identities shaping our activism? How do our personal experiences inform which causes we adopt? And importantly, Which identities are we leaving out of the political sphere, at a detriment to the movement?

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**Mark K. Bauman, *A New Vision of Southern Jewish History: Studies in Institution Building, Leadership, Interaction, and Mobility* (Tuscaloosa: University of Alabama Press, 2019), 587 pp.**

The South is the stepchild of American Jewish historiography. Or so some scholars of this particular region have been wont to complain. They have noted how vigorously the Jewish experience in New York (and more broadly the Northeast) has been recorded, seemingly to the detriment of the South, which once brandished all sorts of “firsts.” These included the first Jew in world history (perhaps) ever elected to public office by non-Jewish voters (Francis Salvador in South Carolina), the first Reform congregation to be formed in the United States (Charleston’s Kahal Kadosh Beth Elohim), and the first Jewish woman to publish a book of poems in the United States (Penina Moïse, again in Charleston). From the colonial era and into the early nineteenth century, when tiny Jewish settlements hugged the Atlantic coast, none loomed larger than Charleston. The first Jews to represent their states in the U.S. Senate (David Levy Yulee and Judah P. Benjamin) served Florida and Louisiana, respectively. That the importance of Southern Jews has never repeated the impact of their antebellum origins—to be displaced by more vigorous and creative communities above the Mason-Dixon line and west of the Mississippi River—should not detract from the curiosity historians should muster. This region poses the dilemma of how far the processes of assimilation and absorption can go before the regenerative forces of Jewish collective life vanish. The tiny demographic scale of Southern Jewry, embedded in a region that historically demanded a high degree of conformism, tested the limits of the distinctiveness of a people that could trace its ancient lineage to Ur of the Chaldees.

No academic has been more energetic in probing the meaning of the Southern Jewish experience, or championed its study more fiercely, than Mark K. Bauman. No one has demonstrated a greater mastery of the growing bibliography of the field. Nor has any other academic been so pivotal in countering the complaints about the neglect of the South. His influence stems primarily from piloting the annual scholarly journal, *Southern Jewish History*, of which he has served as the first—and to date only—editor, beginning in 1998. But *A New Vision of Southern*

*Jewish History* is bound to solidify his singular status in the field, and not merely because of its bulk (of which just under two hundred pages consist of endnotes and suggestions for further reading). Even as he has undertaken the editorial tasks associated with the journal, he has maintained an active career of research and writing that have elevated the visibility and pertinence of the field. As the subtitle of this book suggests, Bauman has specialized in political and social history. Though the volume smacks of the monumental, its author cannot cover everything; and not even “a new vision” can profess to be comprehensive.

Thus Bauman neither analyzes the economic arrangements of the Southern Jewish past nor pays attention to intellectual and cultural history—other than religion, in which he has studied rabbinic leadership in particular. Regular readers of the *American Jewish Archives Journal* are likely to be especially familiar with his work, because five of the eighteen chapters in *A New Vision of Southern Jewish History* are reprinted from it; and a sixth, a major definition of “The Southerner as American: Jewish Style,” appeared as a pamphlet under the auspices of the Jacob Rader Marcus Center. Bauman has lived within close range of Atlanta since 1972 and has written many articles devoted to the history of the Jews of that city, nine of which are reprinted here. He is indeed more of an urban historian (3) than anything else, as is Georgia Tech’s Ronald H. Bayor, who provides a foreword to this volume. As though signaling that Jews have generally made themselves quite at home in the region, Bauman’s book contains no separate chapter on antisemitism. But he comes to the subject of the Southern Jewish experience neither as a celebrant nor as an apologist, neither as a critic nor as a polemicist. He has not demanded of the puzzles of the past that their solutions speak to the felt needs of the present. What has evidently animated his scholarship is instead an admirably disinterested yearning to understand the past that is consistent with the pursuit of the ideal of objectivity.

Adherence to so elusive an ideal, the author implies, offers the hope of escaping the perils of filiopietism and thus of enabling the field to enjoy the dignity of full inclusion in American Jewish historiography. Yet a paradox lies at the center of this thick volume. Bauman began his career as a historian of American religion; and then the more he studied the American Jewish past, the more he came to appreciate the sheer,

unsurprising character of Southern Jewish life. The five chapters that address historiographical issues tend to amplify his belief that Southerners did not carve out a *Sonderweg* that diverged from their co-religionists elsewhere. Comparisons with the rest of American Jewry led Bauman to conclude that the region has *not* been distinctive. This stance is a little eccentric, because scholars usually risk overstating their case for the singularity of their subject. Rather perversely, Bauman does the opposite, arguing that whatever is assumed to be peculiar about Southern Jewry can be found elsewhere in the nation. Rather boldly, he makes the same assertion about the South itself. Residents of the region are, quite simply, Americans. No one should therefore be misled by the melodious accents or the gracious small-town manners or the insular kinship networks of Southern Jews, whose obliviousness to the sweatshops and trade-union struggles depicted in, say, Irving Howe's *World of Our Fathers* (1976) should not betray anyone into believing that something exotic separates the South from the rest of American Jewry.

So emphatic an argument is welcome, if only because the exploration of the Southern Jewish past has long suffered from under-conceptualization. Nor has Bauman been careless; he has not inflated his case beyond plausibility. He has not denied that "regional differences" exist. But "the search for such distinctiveness has been exaggerated and tends to retard the emergence of a more complete, nuanced and accurate understanding of what it was like for a variety of different Jewish sub-communities to live in the South over time" (328). Dichotomies that separate distinctiveness from commonality, Bauman insists, should be dismissed as "false." Instead the scholarly disagreement is really over "the nature and extent of the influence" that the region has exerted (335). The sharp bifurcations need to yield to "nuance, ambiguity, depth and breadth of coverage, and truly comparative analysis" (335). What Bauman has called for is undoubtedly exemplified in Lee Shai Weissbach's *Jewish Life in Small-Town America* (2005), which largely shows how similar the hamlets of the Midwest and New England were in harboring the sorts of Jewish communities that could also be found in the nineteenth- and early-twentieth-century South in particular. In this sense Weissbach comes down on Bauman's side of this scholarly quarrel.

But danger lurks in the view that such a debate is mostly a matter of emphasis. Genuine differences can become obscured. Take Bauman's own specialization of urban history. Until fairly late in the twentieth century, with the emergence of a metropolis such as Atlanta, no Southern city dominated the region with the magnetic force that the teeming neighborhoods of Chicago and Detroit shaped Midwestern Jewry, or that Philadelphia and of course New York affected the mid-Atlantic states. In the South the glacially slow pace of urbanization, along with the decided preference of the impoverished immigrants from Eastern Europe over a century ago to settle elsewhere in America, surely made a significant difference. To cite one example: Neither Yulee nor Benjamin could have defended specifically Jewish interests, even if these Southern statesmen had wanted to. But population density in Northern and Midwestern cities half a century after Appomattox enabled Jewish voters to help elect officials who could advocate for ethnic and religious causes. By the end of the twentieth century, such voters could also do so in southern Florida. Those counties of course constitute a special case in the annals of Southern Jewry, a regional anomaly, an outpost of urban and suburban Northern Jewry that no one would confuse with historic capitals of the Confederacy, such as Montgomery and Richmond. No wonder that, when the Institute for Southern Jewish Life built its online archive of Southern Jewish communities, the ticklish question of Florida was saved for last. (The state is now tucked into the Institute's *Encyclopedia of Southern Jewish Communities*.) Perhaps southern Florida makes the South more American. Or perhaps the definition of the South is unstable. But in any case, such ambiguities also mean that the argument over the distinctiveness of Southern Jewry is inconclusive and should hardly be dismissed as "nonproductive" or even "counter-productive" (335).

Disagreements over which lines can be drawn to serve as the boundaries of the region, or what identity entails in imagined as well as rooted communities, are useful for another reason. Bauman is an empiricist who claims that his advice to "researchers and especially graduate students" happens to be consistent: "While conducting research, begin by ignoring the interpretations of other historians (including mine) and let the evidence lead you to your own conclusions." Only afterward should

“the historiography” help “determine where your findings agree and/or disagree with those of others” (6). Yet such advice cannot enhance the prospects for success. In the initial stage of an inquiry, how can a researcher know what sort of historical problem invites a resolution, what sort of mystery in the past needs to be dispelled, what sort of question might offer the hope of an answer? In fact, no one should really begin investigations unencumbered. Though Bauman elsewhere cites *The Structure of Scientific Revolutions* (1962), the paradigmatic overview of the history of physics, he misses Thomas Kuhn’s point that “normal science” works within established frameworks (that may be superseded). As social creatures, we do not have open minds. We are, however, obliged to make all of our hypotheses and guesses provisional. At the beginning as well as at the end of research, the value of those inherited interpretations is heuristic.

While Bauman’s work is noteworthy, the publisher should be chastised for the physical aspects of *A New Vision of Southern Jewish History*. The print is so compact that it might deter some readers. The jacket cover is so dull—a drab gray (Confederate gray perhaps?)—that no designer appears to have been hired for the purpose of trying to attract buyers. The solitary blurb on the back cover offers such scant praise and is so abbreviated an endorsement that it barely qualifies as an enticement. Even though Bauman co-edits a series on Jews and Judaism for the University Press of Alabama, it could not have shown a less imaginative effort to present and promote a work that deserves recognition as an inescapable feature of the scholarship on the Southern Jewish past.

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**Kirsten Fermaglich, *A Rosenberg by Any Other Name: A History of Jewish Name Changing in America* (New York: New York University Press, 2018), 256 pp.**

“Why did you change your name from Tenevitch to Tanny?” I asked my grandfather, born in 1919 in Montreal, Canada, a child of Jewish immigrants from Lithuania. It is a question I remember asking multiple times growing up, and one I asked again as I wrote this review. “Tenevitch was not a good name to have here. It was fine for Russia, but not here,” recalled my 100-year-old grandpa. In the 1940s, “the people in St. Tite [de Bagac, Quebec] wanted to do business with a Tanny, not a Tenevitch.” Although my grandfather mentioned neither Jewishness nor antisemitism explicitly, it was clear to me what he had in mind, a common familial narrative of foreignness and restricted mobility, documented and substantively confirmed in Kirsten Fermaglich’s wonderful monograph, *A Rosenberg by Any Other Name: A History of Jewish Name Changing in America*.

Ashkenazi American (and Canadian) Jewish name changing is a well-known phenomenon, even though most Jewish families did not change their names. It was common enough to have engendered heated communal discussion, and as Fermaglich argues, virtually everyone knew a Jewish person whose family had changed their name. Long after the practice had all but ceased, the stories lived on in family lore, given how much our names are tied to our identities. From the cursory, “Oh, our name is one of those Ellis Island names,” to a more detailed genealogy, most Jews who have inherited a changed name have something to say about it, however inaccurate the story may be.

In *A Rosenberg by Any Other Name*, Fermaglich explodes the numerous myths associated with Jewish name changing, offering the reader a sophisticated window into the construction of Jewish identity in America from the 1930s to the present. Fermaglich highlights the complex place of the Jews in America’s ethnic and racial mosaic, shaped by fears over inclusion and opportunity in a state defined by immigration and the enduring legacy of slavery and segregation. Beginning her investigation with name changing petitions submitted to the New York City Civil Court in the 1930s through the 1950s, Fermaglich expands

outward, examining how the decision to change one's name "was neither an isolated nor an individual act," (2) as it involved entire families, their communities, prospective employers, and ultimately the government, which gradually stepped in to regulate identity with the coming of the welfare state, World War II, and the Cold War. But name changing was neither "a step on the way to forgetting the past" (4) nor a means of "becoming American," because the name changers were, "by virtually every measure," already American (5).

They were already American because, contrary to popular lore, Jewish name changers were not newly arrived foreigners who assumed a new moniker upon arriving at Ellis Island, where, in fact, "officials were explicitly prohibited from changing immigrants' names" (15). Neither did these first-generation immigrants change their names while building up their new lives in America, because there was no need to; a Jewish name was not an impediment to acquiring a working-class job in domestic service or on the loading dock. It was rather the children of immigrants, second-generation Americans, who changed their names. Born and bred in New York and seeking entry into the middle class through education and white-collar occupations, they came to believe their Jewish names were a handicap that would impede their mobility. The rise of institutionalized antisemitism coupled with the need to fill out applications for employment and university admission meant that appearing to be Jewish on paper limited one's prospects. Name changing allowed American-born Ashkenazi Jews—fortunate enough to have white skin in a country where skin color was indelible and largely determined your fate—to gain control over their ethnic visibility as they navigated their way through the public sphere. Antisemitism severely affected how Jewish Americans imagined their socioeconomic prospects.

It would be wrong, however, to assume that name changing signified a desire to abandon one's Jewishness and completely disappear into a generic white American landscape. Few name changers converted to Christianity, and most retained ties to Jewish communal institutions and families, as typified by non-name-changing Jews of their generation. They were not self-hating Jews who saw "American" and "Jewish" as antithetical categories, notwithstanding the occasional invective unleashed by Jewish elites in prominent publications and a decidedly negative portrayal of

name changers as inauthentic Jews in literature and popular culture. Fermaglich argues there is no evidence to support this perception; they “were incorporating their name changes into their communal lives as Jews” (81). Rather, it was an attempt to have control over the relevance of one’s Jewishness in a given situation, to not let the gentile establishment and the increasingly invasive federal government define one’s identity.

The elimination of institutional antisemitism, the Civil Rights movement, and the rise of American multiculturalism led to the marked diminution of Jewish name changing in the 1960s and beyond. Fermaglich takes up the implications of this for American Jewry in the latter chapters of her book, with particular attention to the ongoing debate over whiteness and white privilege. In this new era, when Ashkenazi Jews can go through life accepted as white Americans irrespective of their names, Jews have no reason not to express their Jewishness in public, thus rendering the history of Jewish name changing—along with the often agonizing and polemical discussions it caused and its importance for appreciating America’s antisemitic past—all but unknown. Conversely, “Jews’ past possibilities of escaping racism and achieving a white identity with a name change are much less available to African Americans, Chinese, Latino,” (175) and other visible minorities today. The children of European Jewish immigrants may have struggled for inclusion, but the tools they had at their disposal are not available to all minorities.

*A Rosenberg by Any Other Name* offers an erudite and creative approach for understanding how Jews fashioned their American identities on their own terms, skillfully navigating their way through an ethnic landscape where Jews faced discrimination, which was arduous but ultimately surmountable. But does this remain true now? The uptick in antisemitism since 2017 has reawakened not only the question of Jews and race (something one would have reasonably thought settled a mere five years ago) but whether the invisibility offered by a name change is once again an asset, especially in public spaces such as social media and college campuses replete with political activism. What is the relationship between Jewish legibility and the fragility of Jewish inclusion today, as the achievements of the Civil Rights era seemingly unravel? Is this a pressing matter? The Rosenbergs who became Rose and the Tenevitches who became Tanny in the first half of the twentieth century certainly thought it was.

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**Matthew Kaufman, *Horace Kallen Confronts America: Jewish Identity, Science, and Secularism* (Syracuse: Syracuse University Press, 2019), 280 pp.**

If you have heard of American Jewish philosopher Horace Meyer Kallen (1882–1974), it is probably because he is credited with coining the term “cultural pluralism,” the ideological antecedent to what we today call “multiculturalism.” That’s a shame, because Kallen’s intellectual output was much wider than those two words. He was a leading Zionist in the United States, a prominent proponent of philosophical pragmatism, a founding faculty member of the New School for Social Research, a pioneer of adult education, and an author of countless books and articles on topics including consumer cooperatives, art, humor, academic freedom, religion, the environment, and the biblical book of Job.

In his impressive new monograph, *Horace Kallen Confronts America*, Matthew Kaufman attempted a count: In his lengthy career, Kallen wrote “nearly forty books and more than four hundred articles” (2). Kaufman’s book is an “intellectual biography” (vii), and given the enormous quantity of sources, he had to be selective. The subtitle, *Jewish Identity, Science, and Secularism*, was a good choice, as it reveals Kaufman’s focus. In six chapters, Kaufman effectively argues that “Kallen devoted his life to the ambitious program of persuading American Jews to adopt a secular, scientific framework to define Jewish identity, and to persuade America that the vitality of her democracy likewise depended on adopting a secular and scientific framework” (9).

Kallen came to secularism early. Born in Berenstadt, Germany (today Poland), the eldest child of an Orthodox rabbi, he moved to Boston at age five and began questioning his religion in high school. As a Harvard undergraduate, he replaced Judaism with atheism but became enamored of the emerging secular Zionist movement and wrote poems for its chief American journal, *The Maccabaeon*. He returned to Harvard as a graduate student and helped found the Harvard Menorah Society in 1906, a precursor to the Intercollegiate Menorah Association, which would publish the influential *Menorah Journal*, to which Kallen would contribute.

The guiding idea of *The Menorah Journal* was “Hebraism,” which Kallen understood as a secular expression of Jewishness whose ideal political manifestation was Zionism. As a literary aesthete who wrote drama, fiction, and poetry, Kallen was deeply invested in creating and advancing a modern Jewish culture. Though not a scientist, he was a pragmatist philosopher, and like a good pragmatist, he used science as a tool to justify his advancement of a secular Jewish identity. At first, this meant race-science. In his 1906 article, “The Ethics of Zionism,” Kallen posited Jews were a pure race who transmitted Hebraism through a combination of nature and nurture down through the generations. He had only a loose understanding of the Darwinian theory he championed and relied on phrenology—the study of skulls—and other pseudo-scientific data to prove his point.

As Kaufman notes, Kallen believed in a “a hodgepodge of racial ideas” that today would be regarded as “morally problematic.” Nonetheless, Kallen “rejected notions of racial hierarchy and superiority.” He believed that Jews offered a distinct “moral contribution to world civilization” (25–27). By extension, other groups provided similarly valuable contributions. If there was a hint of Jewish chauvinism in Kallen’s Hebraism, it can be understood given the massive degree of antisemitism Jews faced at the time.

As Kaufman argues, what was significant about Kallen’s early attachment to race science was that it provided a secular rationale for Jewish existence. This countered the Reform view that Judaism should function only as religion, and never as nationality or race. In 1910, Kallen debated prominent Reform rabbis in the Jewish press over this very

issue. While Kallen rejected the Orthodox Judaism of his father, he had even less use for the bland universalism of the Reform movement, which officially rejected Zionism. As a Hebraist and Zionist, he needed a scientific defense of Jewish identity as a secular bulwark against the Reform movement.

Though Kallen gradually moved away from skulls, he came to believe in something he called “psychophysical inheritance,” to further “establish the priority of Jewish secular and cultural identity over a religious one” (55). Kallen was fuzzy on the details of how this worked, but it demonstrated his continuing reliance on the putatively biological and pseudo-scientific to validate the contribution of secular Jewish culture to world civilization.

What made Kallen’s cultural pluralism unique for its time was its relatively nonhierarchical nature. All cultures had an equal right to exist and develop. Furthermore, and despite criticisms to the contrary, Kallen was not an ethnic segregationist. He did not want Jews to be isolated, in America or Zion, but rather advocated that all groups interact, exchange, and borrow. Kallen emphasized cooperation rather than competition between cultures. This led to his famous “symphony of civilization” in the United States, a musical metaphor that comes from his 1915 essay “Democracy Versus the Melting Pot,” where he championed cultural pluralism over racist nativism and supposedly liberal assimilationism. Crucially, Kallen’s cultural symphony was secular. He compared Jews to the Irish, Italians, and Poles, not Protestants or Catholics. Kallen famously wrote, “men may change their clothes, their politics, their wives, their religions, their philosophies, to a greater or less extent: they cannot change their grandfathers.” Ancestry, not religion, was the true source of identity.

This is not to say that Kallen abandoned religion entirely. He applied pragmatic philosophy to the biblical Book of Job, a text that influenced him throughout his adult life. Kaufman examines this influence in the book’s excellent fifth chapter. Kallen argued that the Book of Job had been written by a Jew who had been reading Greek tragedies and in fact had written Job as a tragic drama, only to have it altered into its current biblical form. As Kaufman notes, “Job represented for him an archetypal model of the kind of healthy growth that results from intercultural

exchange" (147). Kallen had no evidence for this theory but held fast nonetheless.

His interpretation of the character of Job was similarly idiosyncratic. In a morally empty universe, human beings must craft their own meaning and ethics. Though he first looked to art, Kallen came to find purpose in the advancement of democracy. He called this "The American Idea," the secular and pluralistic notion that all religions should be equally tolerated and embraced in a free, democratic society. Believing in "The American Idea" required the same sort of intensity as religious faith. For Kallen, as Kaufman notes, "The American Idea" was a "metareligion," or "the religion of religions" (177). He advanced this argument in his book, *Secularism Is the Will of God*, and in extensive epistolary debates with his old friend, the poet T.S. Eliot, in 1955.

The Kallen-Eliot exchange has already been analyzed, but Kaufman is the first to focus more on the philosopher than the poet. Overall, Kaufman has written an excellent book, and his emphasis on science and secularism as foundations for Kallen's Jewish identity and cultural pluralism bring this important, underappreciated, and increasingly relevant thinker back into the center of conversations surrounding multiculturalism and religion, which is where he rightly belongs.

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**David S. Koffman, *The Jews' Indian: Colonialism, Pluralism, and Belonging in America* (New Brunswick, NJ: Rutgers University Press, 2019), 252 pp.**

As David S. Koffman notes in the introduction to *The Jews' Indian*, "Jewish–African American identity dialectics" have received extensive

treatments in scholarship on American Jews, while corollary studies of the interactions between Jewish and Native American subjects and identities have only recently drawn sustained attention (14). His new book seeks to address this and, in doing so, reframes “Jewish immigration history” as a parochial subfield of the broader study of “capitalist and colonial expansion” (219). By reconsidering triumphalist histories of Jewish immigration, economic success, and social acceptance in the context of Indigenous experiences of displacement and subjugation, Koffman ultimately centers “global colonialism” as the leading determinant of modern Jewish life, ahead of “emancipation itself” (19).

Despite Koffman’s global thesis, the bulk of his inquiry focuses on Jewish settlers in the late-nineteenth- and early-twentieth-century West and on subsequent generations of American Jewish advocates and anthropologists from the 1930s through the 1960s. The first three chapters focus on the earlier period. Chapter 1 examines Jewish settlers’ strategic use of “the Indian” to claim a (white and masculine) American identity in both contemporaneous writings from the late nineteenth century and later memoirs; Chapter 2 focuses on how Jews “related to and participated in” the violent expansion of the United States empire in contested lands; and Chapter 3 examines Jewish roles (especially as traders and curio dealers) in the extension of capitalist commercial networks that accompanied settler violence. While Chapters 2 and 3 do highlight the material reality of Jewish-Indigenous encounters—ranging from mutual violence to comradely commercial exchange—much of Koffman’s analysis hinges on the symbolic meanings of such interactions and their deployment in Jewish claims to a privileged place in the national colonial project. Chapter 4 moves the story firmly into the twentieth century, comparing Jewish and Native American positions in and responses to the rising tide of nativism in the United States. Koffman argues that white supremacist nativism fostered a Jewish commitment to liberal activism and cultural pluralism that sensitized American Jews to aspects of anti-Indigenous racism, even as American Jews continued to use the figurative Native American as a “mute foil” in pro-immigration advocacy (130). Chapters 5 and 6 build on this tension between empathy and misappropriation, examining the motivations and actions of Jews involved in American Indian advocacy and anthropology, respectively,

from the 1930s through the 1950s. Here, Koffman admirably establishes a pattern of Jewish action on behalf of Native groups (especially during the Indian New Deal and the subsequent Termination Era) without minimizing the shortcomings of liberal pluralism as a lens for addressing settler colonial structures. In the conclusion, Koffman reviews more recent engagements between “Jewish” and “Indian” and returns to his central claim, that global colonialism serves as the inescapable context for modern Jewish history. He addresses the elephant in the room with the assertion that twenty-first-century Jewish interest in Native American topics relates, implicitly or explicitly, to questions about the State of Israel’s contested status as a colonial, anticolonial, or postcolonial state. Rather than stake a claim as to the correct interpretation, however, he makes the case that ongoing debates reflect the historical primacy and ongoing relevance of colonialism as a framework for understanding Jewish modernity.

*The Jews’ Indian* succeeds on several fronts. Most significantly, Koffman achieves his goal of recasting Jewish history in the American West in terms of settler colonialism, offering a corrective to the triumphalism of Western and American Jewish histories and establishing a template for thinking through Jewish participation in settler colonial projects in other times and places. He also manages to link his examinations of two contrasting Jewish populations—nineteenth-century settlers in the West and twentieth-century progressives from the East Coast—as part of an ongoing arc of (real or imagined) Jewish engagement with Native Americans, through which American Jews wrestled with and staked claims on their own places in a white, Christian, settler nation.

For the most part, the book’s perceived weaknesses relate more to its scope than to the quality of analysis. While some readers might question Koffman’s initial focus on the late-nineteenth-century West, for example, it is the period that offers the strongest source materials, and he draws evidence from earlier periods and other regions as appropriate. Additionally, Koffman acknowledges early on that the book “is about how Jews related to Native Americans,” and not the other way around, although he emphasizes the value of the latter as a project. The one-sided approach risks reenacting aspects of the colonial process by denying Indigenous narratives and agency, but Koffman demonstrates a serious

engagement with Native writers and decolonial scholarship and does not lapse into settler apologetics. As for methodology, the book addresses Jewish participation in the United States' imperial project as a joint material-symbolic process in which Jewish migrants became American settlers through acts of interpersonal violence, land acquisition, and economic exchange, as well as through representations of those events. In practice, however, Koffman's analysis of the symbolic and discursive dimensions of this history sometimes overshadows the grounded materiality of Jews' involvement in westward expansion.

These points aside, *The Jews' Indian* represents a significant achievement in American Jewish history that addresses a serious gap in prior scholarship and should hold broad appeal for readers in ethnic studies and modern Jewish history. As a bridge between "the literatures on white-Indian relations and Black-Jewish relations," it deserves consideration for inclusion on graduate and advanced undergraduate syllabi in Jewish identity studies, American Jewish history, and modern Jewish historiography (8). At the same time, Koffman's research points to the need for ongoing and comparative work on Jewish relationships to settler colonialism and indigeneity in various other geographic and historical contexts.

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**David N. Myers, ed., *The Eternal Dissident: Rabbi Leonard I. Beerman and the Radical Imperative to Think and Act* (Oakland: University of California Press, 2018), 292 pp.**

In this remarkable compilation of the sermons of Rabbi Leonard Beerman, David N. Myers captures the eloquence, moral courage, and spiritual wrestling of one of the most important rabbinic voices of the second half of the twentieth century. The founding rabbi of an

influential synagogue in Los Angeles and one of American Jewry's best-known champions of social justice, particularly on the West Coast, Beerman was beloved personally, respected for his aura of quiet dignity and intelligence, and widely admired as a preacher and activist—even as his activism evoked pushback and criticism from some in his own synagogue, and certainly from some in the broader Jewish community.

In the Summer 2019 issue of the *CCAR Journal*, David Ellenson discusses Marc Saperstein's significant contributions to the use of sermons as historical sources. In *Essential Dissident: Rabbi Leonard I. Beerman and the Radical Imperative to Think and Act*, Myers, a widely admired and influential historian in his own right, has produced an exemplar of that field. His introduction alone is a gem—it weaves together seamlessly Beerman's life; his sermons; the shifting nature and challenges of Jewish life; and the social upheavals of America, Israel, and the world during the years of his preaching, from 1948 until 2014. For those who did not know Beerman and never heard any of these sermons, the introduction vividly captures his personality and his times: from the beginning of the Cold War and McCarthy eras, when he began his rabbinate, to his riveting and controversial final sermon on Yom Kippur morning in 2014. I had the pleasure of attending this sermon, delivered sixty-six years after the first sermon of the book, and discussed it with him afterward. In it, he returned to one of his most prevalent themes: his love of Israel and his deep, abiding concerns over its moral failures and political blunders.

Myers concludes the introduction with a clear description of the book's structure, dividing sermons into four groups, with each category arranged chronologically. The first section is a single sermon Beerman gave as a rabbinic student. I was blessed in my years at rabbinical school to listen to some of the *g'dolei hador* of my generation give a sermon or other talk as rabbinical students: Rabbis Shelly Zimmerman, Larry Hoffman, Michael Cook, David Ruderman, Eric Yoffie, and my brother Marc. In its intellectual depth and poetic writing, Beerman's may be the finest student sermon I have ever heard or read. Myers then turns to sermons that lay out the key theological and intellectual passions and interests of Beerman's life—difficult issues and ideas conveyed with substance, clarity, and elegant style. The final two sections present the type of sermons for which he was renowned: first the social justice sermons and then the Israel sermons.

Beyond the sermons themselves, the structure of the book offers a few refreshingly novel aspects, including a list of Beerman “sayings” which were found on a paper on his desk, and an exchange of letters with a prominent critic. Myers begins each selection with a concise, excellent introduction that offers historical context to the issues raised, interesting notes on Beerman’s persona, and occasional insights into the impact of and reaction to that sermon from his congregation or the broader community. What is new is that at the close of each sermon, Myers invites an appropriate commentator—including famous figures, politicians, academics, religious leaders, close friends, Beerman’s wife, Joan, and younger colleagues who knew him mostly by reputation—to offer a few paragraphs of response. These reflections connect the sermon’s theme with personal recollections of interaction with Beerman, sometimes an anecdote about him, and occasionally a deep reflection on the central topic or one aspect of the sermon. Never more than a page each, these addenda add to the readers’ engagement with the sermon; taken together, they offer a rich patina to Myers’s introduction, which captures Beerman’s persona and distinctive characteristics.

Although I had heard Beerman preach perhaps half a dozen times over the years, it was only in reading the sermons that I was struck by a fascinating aspect of how he structured his sermons. His elegant language and always interesting, appropriate, concise, and carefully crafted use of literary references and intellectual insights from philosophers and theologians (Jewish, most particularly Spinoza, and non-Jewish)—much more so than, for example, references to classical Jewish texts—were presented in a smooth linear flow: one thought leading to another, to another, to the final thought. In not one sermon of those selected did he resort to the popular mid-twentieth-century “three-part sermon,” where an introduction would be followed by the core middle development of three key points, leading to a conclusion. Yet, listening in person and even more so in reading, one is carried along with the flow of Beerman’s thinking and the graceful language until his final point. It takes great literary talent, intellect, and careful crafting to pull this off so consistently.

Myers’s evocative descriptions raise for me a single disappointment: the absence of seeing his intellectual thought as well as social justice commitments and activities in the context of Reform Judaism’s essential

ideas, ideals, and values. Beerman grew up as a Reform Jew and then flourished as one of Reform Judaism's best-known "social justice" rabbis, yet there is virtually no reference to the impact of the URJ, CCAR and HUC-JIR leaders and colleagues who inculcated and cultivated those overarching values of Reform Judaism. Myers refers to the "social justice" group of students at HUC that Beerman and his lifelong friend, Rabbi Bob Goldberg—a truly gentle social justice champion—led, but not to the sense of how large the group was or how social justice values in Reform Judaism infused his rabbinical training (beyond his respect for Professor Abraham Cronbach). Myers also writes about a separate group of students to whom Beerman was close at school—the "theology boys" (Eugene Borowitz, Steven Schwarzschild, and Arnold Jacob Wolf—all indeed theologically influential rabbis of their generation)—but no acknowledgement that all three were also well-known social justice advocates. There is barely a reference to Beerman's Reform rabbinic contemporaries beyond Maurice Eisendrath (a single reference) and Richard Levy. Yet he found common cause on an array of issues with rabbis Roland Gittelsohn, Arthur Lelyveld, Gene Lipman, and the non-rabbi Al Vorspan, all of whose influences nationally and in their communities matched Beerman's in Los Angeles. The book talks about Beerman's key social justice allies in Los Angeles, such as Episcopal Rev. George Regas and the great civil rights leader Rev. Jim Lawson, but (with the exception of Richard Levy) little or nothing about equally passionate social justice Reform rabbis in Los Angeles—Al Lewis, Allen Freehling, Steve Jacobs, Laura Geller, Marvin Gross, and Bill Cutter—with whom he shared involvement in an array of social justice causes.

This is a small point in a book that brings alive so compellingly the great causes of Reform Jewry (and most of American Jewry more broadly) from 1948 until today: Israel, social justice, and the meaning of God to contemporary Jewry. To see these issues so vibrantly presented in historical context through the filter of the sermons, speeches, and quips of one of Reform Jewry's great orators makes *Eternal Dissident* as fascinating for readers interested in contemporary Jewish history or social justice causes as it will be engaging for rabbis who seek to be inspired by and learn from a master practitioner of both the art of preaching and the work of *tikkun olam*.

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**Pamela S. Nadell, *America's Jewish Women: A History from Colonial Times to Today* (New York: W.W. Norton, 2019), 352 pp.**

In the late eighteenth century, the Judah sisters, all unmarried, refused to take their assigned seats in the less desirable places in the women's synagogue. The dispute made it to the court, where Amelia Judah was fined. After the Civil War, a Southern Jewish woman whined that abolition had ruined her life because she preferred enslaved Black people to white servants. The early-twentieth-century educator Julia Richman declared when she was eleven, "I am not pretty ... and I am not going to marry, but before I die, all New York will know my name!" (76). Mamie Pinzer, a sex worker, wrote "I just cannot be moral enough to see where drudgery is better than a life of lazy vice" (125).

Each of these women had her own story, and Pamela Nadell has set herself the task of telling a single tale that honors the diversity among them. In this National Jewish Book Award winner, she has curated a set of brilliant and lively examples that show the lives of Jewish women throughout the centuries—some triumphant and others shameful. The enormous scope of the project precludes it from having a central plot or figures, but Nadell does give recurring roles to several women, such as Grace Mendes Seixas Nathan, Emma Lazarus, Rosa Sonneschein, and Bessie Abramowitz Hillman. Although some readers might miss plot or straightforward chronology in this feminist historical project, they gain other insights, three of which I'll discuss here: historically grounded discussion of women's bodies and experiences, attention to less commonly centered themes, and an example of how inclusion creates richer and better histories.

First, *America's Jewish Women* foregrounds how women lived their lives as individuals, as members of families, as participants in social

groups, and as actors on political and economic stages. This wide lens—defying any easy division of public and private spheres—creates a story of both the personal and the political.

Nadell's history attends closely to women's bodies through the themes of reproduction, child-rearing, birth control, abortion, and intermarriage. The book subtly shows its methodological distinctiveness when it treats them in diachronic, not synchronic, ways. Other American Jewish histories often discuss these topics as if they are confined to one era: a short birth control section appears in a discussion of the 1920s with Margaret Sanger or in the 1960s with legal battles over birth control; abortion appears in the 1970s; intermarriage appears in the 1980s and 1990s. Nadell's approach instead returns to these themes throughout her book. The result is not simply more information—though it is that too—but a transformation of how we understand these issues. Women experienced abortion differently before the Civil War than they did in the 1920s or the 1990s. The stakes of birth control varied in different times and places and for women of different classes. Intermarriage means something different today than it did in the early republican period when, "by one calculation" that might surprise some readers, "more than a quarter of American Jews intermarried" (78). These questions are fundamental to the project of understanding American Jewish history because they show how women's bodies shaped and were shaped by historical context.

Second, focusing attention on women creates space for themes that tell us more about how we should understand American Jewish history in general. For example, much of Nadell's history takes place in homes. As even the dullest student of history can observe, most people live large and formational amounts of time in homes, and yet home life often flies under the radar of historical inquiry. Moreover, as Nadell shows, home life was never a quiet, isolated space, whatever reigning ideologies might have prescribed. For American Jews—and not just Jewish women—domestic and economic realms are fundamentally intertwined.

Also, less predictably, Nadell's women-focused sources and analysis help readers better see the history of Zionism in the United States. Perhaps this is in part because of Hadassah and the vibrant, articulate women who ran it. But whatever the reason, Nadell's discussion of

the relationships among Zionism, socialism, politics, antisemitism, and personal lives provides a more complex and compelling portrait than is typical for American Jewish history.

Some themes, however, go under-explored, though these are not necessarily because of the book's focus on women. *America's Jewish Women* could benefit from more explicit discussion of race—not just Jews and whiteness, but the larger picture of U.S. history in which Blackness has been central. Nadell commendably discusses slaveholding Jews as part of American history, rather than an exception to it. But after the Civil War, Blacks and anti-Black racism almost fully disappear from the story. The Civil Rights Act appears only as part of one-sentence examples of discrimination in general, and racism (apart from racist antisemitism) is nearly absent. Even apart from the importance of Jewish women in what is often problematically called “Black-Jewish relations,” the book could benefit from more discussion of race in the United States because the paradigmatic form of racism in the United States is anti-Black, and that form of prejudice informs others. Furthermore, Jews have never been the primary racial “other” in the United States, so a more substantive discussion would help create context.

Third, though Nadell has written a book about women, it isn't always just about women. In some ways, this is a response to the impossible task of telling a long arc of history of a group that isn't really a group, and certainly never a self-contained one. Women lived with men, talked with men, and did business with men. When they voted, they often voted for men. Sometimes they even prayed with men. In fact, they lived lives that intertwined with people of all genders, and so isolating women would be impossible. In another way, though, Nadell shows that this impossibility implies a greater historical point: Men's histories should be likewise impossible tasks. Histories of “American Jews” that focus almost entirely on men are less good not only because of ethical reasons but also because of data-driven ones.

On a related note, of all the synthetic histories of American Jews, Nadell's makes the most of the lopsided available data. In her hands, fewer documents and material objects from the colonial era do not mean silence, but instead prompt discussion of what we can and cannot know when archival materials preserve little of women's voices or lives. This,

too, serves as an example for broader synthetic histories.

In short, Nadell offers a highly readable narrative collection of Jewish women's stories that also serves as an example for other scholars.

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**Mel Scult, ed., *Communings of the Spirit: The Journals of Mordecai M. Kaplan, Volume II 1934–1941* (Detroit: Wayne State University Press, 2016), 470 pp.**

When Mordecai Menahem Kaplan died on 8 November 1983 at the age of 102, the *New York Times* obituary described him as “a towering figure in the recent history of Judaism, contending that Judaism should be a unifying and creative force by stressing the cultural and historical character of the religion as well as theological doctrine and adapting it to modern society.”<sup>1</sup> An obituary can hardly predict the future—much less the lasting influence of a particular person on a culture—but today, thirty-seven years after his death, one can certainly argue that Kaplan's life and thought have been even more influential than anyone could have predicted. Until recently, the most complete picture of Kaplan that students of American Judaism in the twentieth century could discern came from more than sixty years' of his many published works and recorded lectures. But the recent publication of two volumes of his journal (with a third forthcoming) titled *Communings of the Spirit: The Journals of*

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1 Walter H. Waggoner, “Rabbi Mordecai Kaplan Dies; Leader of Reconstructionists,” *New York Times*, 9 November 1983, B7/35.

*Mordecai M. Kaplan*, reveal a much more complete and complex figure. The two volumes of the edited and annotated Kaplan diaries cover the years 1913–1934 and 1934–1941.<sup>2</sup>

*Communings of the Spirit: Volume I* was edited, annotated, and carefully analyzed by Mel Scult, Kaplan's chief biographer and former student. The volume leads the reader on a journey to a deeper understanding of the American Jewish community coming into its own with the establishment of major institutions and seminaries and thinkers. It also enables the reader to understand more deeply what motivated Kaplan to write his magnum opus, *Judaism as a Civilization*, and offer such a different view of Judaism, one that was radical—and perhaps too radical—for its time. A reader can become immersed both in the complexity of Jewish institutional life and the vibrant, if not terrified, mind and soul of a rabbinic leader and thinker in New York and Palestine on the eve of World War II and the establishment of the State of Israel.<sup>3</sup>

Scult has thus far created two volumes of entries, carefully annotated with a huge volume of clarifying details to enable the reader to understand Kaplan's thinking. In addition, each volume includes not only a full introduction to Kaplan and his thought and to the sociohistorical context, but Scult also created an extensive glossary of all relevant terms and names that are mentioned. This is a significant endeavor that enables each entry to take on the power of the moment, the mood, and the religious significance that Kaplan's writing embodies.

This review will focus primarily on the second volume of *Communings of the Spirit* and several—but not all—of the major themes of the volume: (1) the responses to and aftermath of the publication of *Judaism as a Civilization*; (2) Kaplan's thinking about God, salvation, prayer, and ritual; (3) Kaplan's conception of and work regarding Jewish peoplehood and the need for the creation of a new movement; and (4) Kaplan's responses to the realities of the Jewish people in America, Palestine, and around the world, including the rise of Nazism and Hitler's conquering of Europe and Kaplan's sense that the "the world is closing in on us

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2 The original of the whole diary can be found online at [www.Kaplancenter.org](http://www.Kaplancenter.org).

3 Mel Scult, *Communings of the Spirit - The Journals of Mordecai M. Kaplan Volume 1 1913–1934* (Detroit: Wayne State University Press, 2001).

Jews.”<sup>4</sup> The volume ends with the Japanese attack on Pearl Harbor and America’s entry into World War II—events that must be addressed in a separate essay.

In addition to the introduction, glossary, and extensive notes that clarify the historical and personal events Kaplan alludes to, Scult also cross-references Kaplan’s other writings. These resources, combined with the thorough index to each volume, enable the reader to focus on particular issues, personalities, events, or ideas in the Kaplan diaries. Taken together, the carefully researched resources are invaluable to the reader of any discipline or background. Of relevance to students and scholars of American history are the many analyses Kaplan offers of world events as an American Jew.

An early but telling example of Kaplan’s influence can be found in a particular burst of letters written to Kaplan and the leadership of JTS in 1927 as the students and the public learned that Kaplan left JTS to move to the Jewish Institute of Religion (before it merged with the Hebrew Union College) headed by Stephen S. Wise. When the word got out that Kaplan had resigned, he was inundated with a flood of letters from people at the Seminary imploring him to reconsider his resignation. They argued that his teaching and his thinking were essential to their ability to lead in their current reality. They also understood that Kaplan’s leadership ultimately affirmed a deep optimism about Judaism and human civilization.<sup>5</sup>

Since the very early days of Kaplan’s published writings, he expressed great concern about the future of Judaism in American. “What Judaism requires at the present time is not subtle reasoning,” Kaplan wrote, “but the fearless facing of facts, together with a keen sense of reality.” Kaplan’s understanding of the reality at the time encouraged him to believe that

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4 Entry from Wednesday, 7 December 1938, 117ff.

5 From a 1927 letter from JTS Rabbinic students regarding Kaplan: “Preeminently our teacher and guide, we feel that the departure of Professor Kaplan will leave us utterly divorced from the things most worth learning without the guidance toward those values which we believe Conservative Judaism ought to conserve and create.” In Mel Scult’s *Judaism Faces the Twentieth Century, A Biography of Mordecai M. Kaplan* (Detroit: Wayne State University Press, 1993), 274.

“Judaism would be in entire conformity with the best American ideals thus far formulated [of Americanism].”<sup>6</sup> And yet he had many doubts:

I am still struggling with the question of whether I am not deceiving myself that there is hope for Judaism in this country. Should not the state of loneliness with regard to Jewish life and interests into which I am plunged at the very moment that I am engaged in teaching and lecturing have convinced me that this country, with respect to Judaism, is a desert and a wasteland? It swallows and destroys every remnant of our identity?<sup>7</sup>

His thirst for reading, writing, and creating new ideas is never satiated. In one September 1940 entry, Kaplan writes: “If I had been in my youth as eager to write as I have come to be in recent years, I would have published by this time a whole library of books. A day in which I do not write down some new thought seems to me wasted” (287).

Kaplan wrote extensively on Zionism in his journals, especially in *Communings, Volume II*, and in nearly every book he published, Kaplan sought to explain how Zionism would revitalize American Jewry and why the two communities must be mutually reinforcing. But on a personal level, his journal entries reveal a deep inner struggle with where the future lies and where he should “cast [his] lot”:

Indeed, I think that ultimately factors of the era and of will power [*sic*] will themselves force me to draw the conclusion that, if I want to achieve any satisfaction in my life, I must dedicate what is left of my energies to our people in Erets Yisrael. Only there lies any hope for our future. Is it not better for me to cast my lot with those who have life in their future rather than with those who are doomed to die? Were I still young I would certainly move my residence to the Land of Israel, but now it is almost too late. I will, therefore, try to send the fruit of my thoughts to Erets Yisrael (78).

Among his many reflections on Jewish existence in the Land of Israel are the struggles of the Jewish residents there and the attacks they faced on

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6 Entry from Wednesday, 7 December 1938, 117.

7 Saturday night, 22 August 1936, 78.

a regular basis. Kaplan considers privately the theological and political basis for the roots of antisemitism and anti-Zionism. On 31 August 1936 he writes:

Two things, which we raised and cultivated, have turned into a weapon against us. We gave the nations our concept of God, and they have used that very same concept to prove that we have rebelled against our God and are deserving of destruction. We emphasized the importance of nationalism and raised it to the level of religion, but the result has been that the nations have learned to develop their feelings of nationalism in such an intensive manner that they can only look upon the nationalism of their neighbors with hostile eyes. We the Jews, are thought of as strangers in lands where we have lived 1000 years or more and whose cultures have penetrated into our souls (80).

As World War II progresses, Kaplan writes regularly of the “threatening International situation.” In May 1941, he writes:

In spite of preoccupation with our own immediate affairs, we cannot possibly forget what is going on in Europe these days. The mind is simply paralyzed with dread of the outcome of the rout which the Allies are suffering at the hands of the Nazis.... What is going to happen to us Jews, to Palestine, to all our hopes and dreams?... Despite the worst that may befall, we have to plan and work as though life had meaning and a future (234).

Kaplan's journals reveal the daily striving of a man to find salvation for himself, his community, and his people through teaching ideas, engaging in rabbinic interpretation, and reimagining prayer and ritual. The reader is also witness to a rare portrayal, over decades, of Kaplan's ongoing spiritual wrestling with his tradition and with himself. Thanks to the comprehensive editing and annotating of Scult, the careful reader of *Communings of the Spirit* has the rare opportunity to witness a great mind engage daily with ideas—great and small—as he seeks to create and develop new ways of thinking about the challenges of modernity and religion. Out of his deep commitment to the future of the Jewish people, Kaplan was consistently attune to the changing realities and possibilities of the people he sought so passionately to influence. *Communings of the Spirit* also reveals a Jewish thinker striving to envision and create a new future for the Jewish people in America.

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