



**BETWEEN
JEWISH
and TRADITION
MODERNITY**

rethinking an old opposition

Edited by Michael A. Meyer and David N. Myers

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Essays in Honor of David Ellenson



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THE TOURO MONUMENT CONTROVERSY

Aniconism vs. Anti-Idolatry
in a Mid-Nineteenth-Century
American Jewish Religious Dispute

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The Jewish traveler Israel Joseph Benjamin,¹ known as Benjamin II since he followed in the footsteps of the medieval Jewish traveler Benjamin of Tudela, stirred up controversy in 1860 when he condemned a proposal to memorialize the New Orleans Jewish philanthropist Judah Touro with a public statue. "How is it possible that Jews can entertain the wish to carry out an act which is a clear violation of the Ten Commandments . . . ?" he protested. "Let us not carry out a project so decidedly in conflict with our holy religion." Recounting the episode in his popular book of travels, *Drei Jahre in Amerika* (*Three Years in America*), Benjamin cast himself as an Orthodox defender-of-the-faith, courageously waging war against assimilated New Orleans Jews insensitive even to the grossest violations of Jewish law and tradition.² The son of one statue supporter, he related, threatened to murder him. A Jewish organization that had promised him a grant of nine hundred dollars to travel to the Orient withdrew all its support. The "hazan [cantor] and preacher of the Portuguese synagogue," he claimed, brushed aside his halakhic arguments with a curt "That was in ancient times. Now, however, we live in the nineteenth century." But the intrepid Benjamin, ever the hero of his own stories, struggled onward. "I suffered much and had great losses," he cried, tugging at the heartstrings of his readers. "Nevertheless I had the satisfaction of having acted according to

my convictions and of having opposed, not without success, a memorial so public, so enduring and—so unJewish.”³

On the surface, Benjamin’s account reads like a conventional nineteenth-century Jewish account of tradition vs. modernity. It reinforced a typical stereotype about America: that the country was good for Jews politically and economically, but disastrous for them religiously. Though the term had not yet come into widespread use, the implication was clear: America was a *treifene medinah* (an unkosher state).⁴

A more careful reading of Benjamin, however, raises daunting questions concerning his account. Most surprisingly, he reports that it was “the preacher of the Cincinnati Reform congregation,” Isaac Mayer Wise, who rushed to his defense, insisting that, except for gravestones, “no other pillar, statue or monument was ever considered lawful in Israel.” At the same time, with but one minor exception, he found that “not a single Orthodox rabbi in America took my side.” Instead, the two most traditional Jewish newspapers of the day, Isaac Leeser’s *Occident* and Samuel Isaacs’s *Jewish Messenger*, published articles by James K. Gutheim against him. Benjamin fails to explain this anomaly, implying that in America even the Orthodox spurned major commandments. But given well-known debates over a whole series of reforms—the organ, mixed seating, liturgical reforms, and more—this is hardly persuasive.⁵

Second, a close reading of Benjamin’s account makes clear that two different plans were afoot to memorialize Judah Touro. One envisaged “a monument,” defined as “a shaft, column or pillar,” and the other “a statue (cast in bronze or chiseled of marble).” He conflates the two, implying that both violated the same commandments. Yet contemporaries clearly viewed the two plans as different, even from the perspective of Jewish law. Why were they not different to him?⁶

Finally, the two central protagonists in the debate turn out to have been James K. Gutheim (who defended the proposed memorial) and Isaac Mayer Wise (who condemned it). These men were never otherwise known as bitter ideological opponents, and both are remembered by historians as religious moderates, rather than radicals, and as pioneers of Reform Judaism (though Gutheim, at the time, was still ministering to an Orthodox synagogue).⁷ If the central issue in the dispute was “tradition” vs. “modernity,” as Benjamin implies, why did these men lead the charge for the respective sides, and not people much further apart on the Jewish religious spectrum?

This article takes a fresh look at the controversy over the Touro Monument, utilizing hitherto overlooked sources and new interpretive frames. Far

from being a controversy over tradition versus modernity, as Benjamin imagined it, we shall see that the controversy focused instead around two opposite approaches to the place of “graven images” and the plastic arts in modern Jewish life. One approach, championed by Wise, insisted that Judaism was *aniconic*, opposed to pillars, statues, and monuments of any kind. The other, championed by Gutheim, insisted that Judaism was only *anti-idolic*, meaning that non-idolatrous three-dimensional art was unobjectionable. Since, as Steven Fine has observed, “art has been a litmus test for interpreting the place of the Jew in modern society,” both of these positions came laden with different assumptions and implications.⁸ Even though the Touro monument was never built and (as we shall see) the Civil War rendered the whole matter moot, the debate that took place in the 1860s prefigured contrasting approaches to questions of Jewish art lasting well into contemporary times.

Judah Touro (1775–1854)—born in Newport, raised in Boston, and for more than fifty years a resident of New Orleans—accumulated a large fortune as a merchant, ship owner, and real estate investor. Eccentric, indecisive, difficult, and peculiar, he stood out in New Orleans for the simplicity of his tastes, his business probity, and his reputation for philanthropy. Late in life, he rededicated himself to Judaism, became a regular attendee at Sabbath services, and decided to leave a substantial portion of his wealth to Jewish institutions.⁹

Touro is remembered as a lifelong bachelor. His siblings predeceased him, and he was described on his gravestone as “the last of his name.”¹⁰ Recent evidence suggests, however, that (like many among the New Orleans elite), he carried on a long-term relationship with a free person of color, Ellen Wilson. Under Louisiana law, marriages of “free white persons with free people of color” were forbidden, and Wilson never became his wife. Nevertheless, strong family tradition maintains that Touro fathered Wilson’s daughter, Narcissa. She was raised in Boston by Catherine Hays, Touro’s beloved cousin. Narcissa subsequently married another Touro relative, Richard Gustavus Forrester of Richmond, the mulatto son of Gustavus Myers. In time, the couple became the progenitors of a distinguished African American clan.¹¹

From the perspective of Louisiana law, of course, Touro still had no “forced heirs”—those legally entitled to inherit a portion of his estate.¹² Having made this clear in the first article of his remarkable will, he went on to bequeath more than \$500,000—some \$12 million in today’s money—to philanthropic institutions both Jewish and general across the United States, including orphanages, hospitals, benevolent societies, synagogues, and a fund to help “ameliorate the condition of our unfortunate Jewish brethren in the Holy

Land." He was especially generous to institutions in New Orleans, some fifteen of which received individual bequests. Newspapers throughout the United States reported details of Judah Touro's will in their pages. His may well have been the most generous American will of its time, raising the bar for personal philanthropy in all sections of the country.¹³

Within days of Touro's demise, in January 1854, the New Orleans Board of Assistant Aldermen resolved to erect a monument in his honor. Americans, in those days, proposed far more monuments than they actually erected. The *New Orleans Bee* estimated "a hundred monuments voted to the illustrious dead, which have never to this day left the quarry." The paper nevertheless hoped that in Touro's case "the matter will not end in mere declaration of idle resolves." For pedagogic reasons, and perhaps also with an eye toward improving the city's overall appearance, it called upon the city fathers to place monuments "on every hill-top to remind the rising generation of the virtues and glory of their ancestors."¹⁴

As an incentive for the city to act, Rezin Davis Shepherd, who had saved Touro's life after he was shot in 1815 during the Battle of New Orleans and who now stood to gain hundreds of thousands of dollars as his principal heir, offered the city up to \$300,000 from his benefactor's residual estate (over \$7 million in today's money) for street improvements and further embellishments to the Touro Alms House, provided that it change the name of Canal Street to Touro Street and erect a "simple yet substantial cenotaph [empty tomb] . . . at some appropriate place thereon."¹⁵ Some in the city demurred. An editor, recalling "Mr. Touro's hostility to all display," suggested that money allocated for the cenotaph be allocated instead to the budget of the Touro Asylum.¹⁶ An alderman urged Shepherd to consider a "grander object": converting the public buildings in Baton Rouge into "an institution of learning to be called The Touro University," and shifting Louisiana's capital to New Orleans.¹⁷ But Shepherd held his ground, and on March 21, 1854, his offer was unanimously accepted. By January the architect Richard Saltonstall Greenough had furnished a plan for the Touro monument: "A group of figures eight feet in height, representing charity—placed on a pedestal ten feet high—to be wrought in bronze, at a cost of \$10,000."¹⁸

Shepherd (who was not Jewish) also oversaw the creation of a "noble and substantial monument" to Touro at the Old Jewish cemetery of Newport, where he had been laid to rest. The eighteen-and-a-half-foot granite obelisk, erected in 1855, resembled those nearby that memorialized Touro's sister, brother, and parents, all of whom had predeceased him. As if to underscore

Judah's elevated status, however, his monument towered high above all the rest; it remains the tallest monument in the entire cemetery.¹⁹

For reasons that remain unclear, Richard Saltonstall Greenough's proposed New Orleans monument to Touro became one more that "never left the quarry." The 1857 recession and Shepherd's prolonged legal troubles, unrelated to the Touro estate, may have undone his earlier agreement. Earlier, the city council had decided to restore Canal Street to its original name.²⁰ So, in 1860, the Jewish community took it upon itself to memorialize Touro, led by George Jonas, the first president of the Touro Infirmary Board of Managers. "As Israelites and American citizens," the new Touro Monument Association declared in proceedings sent out to the Jewish and general press, "we deem it a sacred duty as well as a proud privilege to testify in an enduring form our respect, admiration and gratitude in which we hold the memory of our late benevolent and patriotic fellow citizen, Judah Touro."²¹

What kind of monument the association contemplated soon became a matter of dispute. I. J. Benjamin, who happened to be in New Orleans as part of his journey across America, claimed that the Portuguese congregation, Nefutzoth Yehudah (Dispersed of Judah), which Touro in his last years both built and attended, "wished to set up a statue of Judah Touro." A similar report appeared in the general press, which linked the proposed statue to that of Henry Clay, inaugurated with much fanfare just over a month earlier (April 12, 1860), as the first of a projected series.²² By contrast, Isaac Hart, the corresponding secretary of the Touro Monument Association, claimed to have "heard only a monument mentioned," and not specifically a statue. A correspondent to the *Occident* agreed, calling the statue "a proposition which had never been broached." In retrospect, it seems that two different proposals were floated, one to erect a statue in Touro's likeness and the other to erect a monument in his memory.²³

Whatever the case, the Touro Monument Association's proposal set off a firestorm of debate. The traveler I. J. Benjamin, as noted, condemned it on the basis of the divine commandment, "Thou shalt not make for thyself a graven image." Citing both Joseph Karo's *Shulhan Arukh* (*Yoreh Deah* 141:4) and the commentary thereon by Shabetai ben Me'ir ha-Kohen (ShaKh), he insisted, in a "protest" published in the short-lived New Orleans Jewish newspaper *The Corner Stone*, that the project was "decidedly in conflict with our holy religion," and should not go forward.²⁴

Isaac Mayer Wise, the architect of American Reform Judaism, agreed. Taking advantage of the opportunity to attack the "two orthodox ministers" who

signed their names to the association's proceedings, he quoted an array of sources to prove that monuments, including statues were prohibited to Jews, for "Sacred Scripture prohibits to erect monuments, statues or pillars"; only gravestones were permitted. Even "the idea of erecting a monument by Jews is entirely new," he claimed; "all precedents are missing." Indeed, he insisted that any form of three-dimensional art compromised Jewish monotheism in all its distinctiveness. "Monuments set to the departed were the first cause of idolatry," he warned. "What security can be offered that in two or three centuries the monument of Judah Touro will not be worshipped as is now the cross or the images of the saints?" Wise, in this case, employed language more commonly used by his Orthodox antagonists. The Touro Monument Association, he declared, has "no right to break up a sacred law so conscientiously observed by our ancestors and contemporaries; a law which is essential and characteristic of Judaism with its purely spiritual monotheism."²⁵

Wise's opposition to the Touro Monument reflected what he had absorbed from the leading German thinkers of his day. The great German philosopher Immanuel Kant in 1790 described the commandment "Thou shalt not make unto thee any graven image" as perhaps the most "sublime passage in the Jewish Book of the Law," and credited it for "the enthusiasm that the Jewish people felt in its civilized period for its religion when it compared itself with other peoples." Seeking to reposition Judaism in the most favorable possible light in the face of this and other modern philosophical challenges, Jewish thinkers, according to Kalman Bland, came to portray Judaism as "fundamentally aniconic, preeminently spiritual, coterminous with ethics, and quintessentially universal." So the liberal German Jewish philosopher Solomon Formstecher described Judaism in 1841 as "the religion of the spirit," and warned that it should consider the plastic arts its "severe foe." In a similar vein, historian Heinrich Graetz wrote in 1846 that sculpture reflected "the artistic act created in Greek paganism, in accord with its sensuous God-Concept." It was, he implied, antithetical to Judaism. Opposition to three-dimensional art, even if it was totally secular, became a marker of Jewish distinctiveness and superiority in German Jewish circles. In attacking the Touro monument, Wise was defending these same critical boundaries, and applying them to the United States.²⁶

Personal factors too may have led Wise to weigh in as strongly as he did. He had warmly embraced Benjamin a few weeks earlier, when the latter visited Cincinnati, and had also collected money on his behalf to promote the inveterate traveler's proposed journey to the Orient. He may even have recommended that Benjamin visit New Orleans, knowing that Touro had funded

a Hebrew Foreign Mission Society in that city to assist suffering Jews in China. Seeing that New Orleans Jews promised funds to Benjamin and then withdrew them in the face of his "protest," Wise's counterthrust on Benjamin's behalf may well have displayed loyalty to a friend.²⁷

Wise no doubt also enjoyed casting his New Orleans opponents as herodox. Judah Touro's will, after all, had conspicuously omitted from its list of beneficiaries Wise's Bene Jeshurun congregation as well as Har Sinai in Baltimore and Emanu-El in New York—all of them identifiably Reform. Gershom Kursheedt, who drafted the list of Jewish institutions for Touro, was an Orthodox Jew with close ties to the Orthodox Jewish leader Isaac Leeser. While Touro did bequeath funds to Wise's Talmud Yelodim Institute, reputedly "the best Jewish elementary school in all America," Wise was known to believe that most of Touro's money could have been put to better use—such as his dream for a college to prepare rabbis and "perpetuate our national literature." So in addition to everything else, Wise's opposition to the Touro monument provided him with a measure of revenge against those who had excluded him.²⁸

The central figure arrayed against Wise and Benjamin in the debate over the monument was James Koppel Gutheim (1817–86). One of comparatively few German-educated Jewish religious leaders in America with an excellent command of English, Gutheim, who immigrated in 1843, was friendly with Leeser (they shared a common Westphalian background and a common teacher, Rabbi Abraham Sutro),²⁹ and like him moved from business to the rabbinate without ever having been formally ordained. In New Orleans, where he then served as minister of the Portuguese congregation Dispersed of Judah, he was the best paid, most beloved, and most revered Jewish religious leader in town. In 1860 Gutheim still identified as Orthodox, though his liberal tendencies were evident, and his small congregation included many of Touro's closest Jewish friends and acolytes. As the most Jewishly learned among those supporting the Touro monument, it fell to him to defend it.³⁰

Gutheim did so in two ways. First, he published an eight-column exposé of Benjamin. He raised questions about his credentials, competence, and character; attacked his "literary and philanthropic pretensions"; and rehearsed for American readers the many criticisms of his earlier work that had appeared in European publications. He concluded that Benjamin was simply a failed businessman who reinvented himself as a traveler as "a very plausible and easy way to make a good subsistence."³¹

Second, and much more importantly, he published a long and learned response to Wise, in an effort to demonstrate that "the Rev I. M. Wise has given

a totally perverted interpretation of the law in question and that the erection of a monument for the purpose indicated involves no violation of the law of God." Citing an array of traditional authorities, Gutheim argued that the prohibition against monuments "refers exclusively to monuments created for purposes of worship . . . but monuments of every other description are not interdicted." Far from being idolatrous, the proposed monument, he declared, was "an act of the most genuine gratitude and purest piety . . . in full harmony with the spirit, the principle and practices of Judaism." In a footnote, Gutheim added that while his article focused on the permissibility of a monument, "there can be no grievous wrong in the erection of even a real statue of Judah Touro."³²

Gutheim's argument challenged the aniconic German Jewish approach to art that Wise had championed. While he agreed that idols were forbidden, secular monuments created for a purpose other than as a direct object of worship were to his mind acceptable, and even desirable. German Jewish thinkers may have believed that by recoiling as far as possible from the plastic arts Jews elevated themselves in the eyes of their neighbors, but Gutheim felt that Jews would be more elevated still by having monuments raised in their own honor. A monument for Judah Touro, he rhapsodized, "would be as effective in eradicating the traces of the yet lingering prejudices against our people as any event that has transpired in modern times. The visitor to the Crescent City [New Orleans] would carry the salutary impression made upon his mind by contemplating the monument of Judah Touro, *the benevolent Jew*, to the furthest ends of the land."³³

Sephardic Jews, ancestors, in some cases, of members of Gutheim's own Portuguese congregation, had long accepted this more lenient anti-idolic but not anti-iconic attitude toward graven images. Seventeenth-century Dutch Jews permitted their portraits to be painted, and some of them, according to Rochelle Weinstein, "took pride in sculpture gardens, as artist, owners or visitors." Rabbi Saul Levi Morteira of Amsterdam, according to one source, sanctioned the display of paintings and sculptures in Jewish homes, a practice that apparently carried over to sepulchral decoration. Jewish tombstones in both the Netherlands and Curaçao preserve numerous examples of three-dimensional art, including bold reliefs depicting the final day of the deceased.³⁴

Whether Gutheim actually knew any of this is doubtful. He did know, however, that non-Jews in New Orleans found the whole controversy quaint. "The Corner Stone", a Jewish paper published in this city, comes out against the statue, whilst articles for it have appeared in some of our uncircumcised dailies," the correspondent of the *Nashville Advocate* reported impishly from New Orleans. "I notice this controversy as something queer and out of the

usual course."³⁵ To avoid further communal embarrassment, put a stop to the polemical thrusts and parries among Jewish religious leaders, and reassure the public that Jewish law would be strictly upheld, Gutheim urged that the issue be resolved the way Jews had traditionally resolved such controversies: by submitting the question to a higher rabbinic authority. The motion passed the Touro Monument Association, and letters soon went out to four European rabbis: Nathan Marcus Adler, the chief rabbi of England; Zacharias Frankel, director of the Jewish Theological Seminary at Breslau; Samson Raphael Hirsch, rabbi of the Orthodox congregation Adass Jeschurun in Frankfurt-am-Main; and Solomon Judah Loeb Rapoport ("Shir"), chief rabbi of Prague. It was agreed that the decision of these men, described as "good men and true, concerning whose eminent learning and piety there is but one opinion," would be "cheerfully and strictly complied with."³⁶

The decision to turn to these luminaries was, in many ways, revealing. All four were the products of central Europe (where the bulk of America's Jews at that time had been religiously formed); boasted rabbinical ordination as well as proven scholarly credentials; opposed the Reform movement; and, in different ways and to different degrees, sought to balance tradition and modernity.³⁷ Revealingly, the outstanding Orthodox posek of the era, Joseph Saul Nathanson of Lemberg, was not consulted; nor was the Reform Jewish leader and scholar Abraham Geiger; nor was any Sephardic luminary, even though Touro was of Sephardic lineage. Instead, the Touro Monument Association looked to prestigious middle-of-the-road figures to advise them, people whose names they knew and whose authority they respected.

Gutheim, "acting president of the Touro Monument Association," addressed the formal letter to each of the "eminent Rabbinical authorities" in June 1860. He explained the association's goal: "To perpetuate the memory of the late honored philanthropist, by erecting a statue (of bronze or marble) or some other monument (a shaft, pillar or column) in honor of the deceased, *provided such action be not in conflict with the laws and usages of Israel.*" He then proceeded to pose six interrelated questions to the rabbis, designed to elicit their opinions both on the specific issue—a statue or monument in memory of Touro—and on related issues. He asked about erecting and sponsoring three-dimensional art, subscribing to monuments and statues honoring Jews and non-Jews, and most revealingly, whether a Jew may keep statues in his home or "devote himself to the art of sculpture . . . not made for purposes of idolatry?"³⁸

By the time the rabbis replied, in 1861, Louisiana had seceded from the Union, Fort Sumter had fallen, and the first battles of the Civil War were

raging. The *Occident* nevertheless devoted front-page coverage to the rabbis' replies and made three of them available from the original German in full English translation (Rapoport's reply, embedded in a letter to his friend Theophilus Wehle, only addressed one of the questions posed to him and arrived later.)³⁹ All the replies echoed the aniconic position characteristic of German Jews. "The erection of a statue . . . is, according to Jewish law, prohibited in any place and for any object," Hirsch decreed, and the other rabbis basically agreed. Nor did they permit Jews (in Frankel's words) to "keep statues or statuettes of human beings in their houses." Adler and Frankel (unlike Isaac Mayer Wise) had no problem with other kinds of memorial monuments, including shafts, pillars, or columns. But Hirsch was stricter: "The historical usage in Israel, prevailing throughout the whole Jewish past, would declare itself against the erection of a monument in honor of a man." As for whether Jews could themselves pursue the art of sculpture, Adler came down mostly on the negative side ("not lawful . . . in so far as it relates to *human* images, the sun and moon") and Frankel only slightly less so. Hirsch and Rapoport ignored the question completely, perhaps because they considered the answer obvious.⁴⁰

Gutheim remained unbowed. "I had . . . hoped that the eminent rabbis, who were consulted, would descend to the very source of the prohibition and subject the deductions from [the biblical prohibition] to a critical examination," he advised readers of the *Jewish Messenger*. Instead of complying "cheerfully and strictly" with the rabbis' rulings, as he had earlier promised to do, he reiterated his original position ("no grievous wrong in the erection of even a real statue"). He then dramatically announced that a soon-to-be-published "critical exposition" of the issue, by a "much abler champion" than himself, would demonstrate "conclusively, that according to the strictest talmudical construction and in consonance with the most conservative principles of Judaism, there is not the shadow of an objection to the erection of a Monument or Statue."⁴¹

That "abler champion" turned out to be a well-educated recent immigrant from Dresden named Jonas Bondi (1804–74). A descendant on his mother's side of Rabbi Jonathan Eybeschuetz, Bondi had received an excellent theological and business education in Prague and was a wealthy banker in his hometown until business failure drove him and his family, in 1858, to immigrate to America. He brought with him his large rabbinic library, later described as "perhaps the best selected collection of rabbinical literature in the United States."⁴² After serving for a year as the (unordained) minister of New York's Congregation Anshe Chesed, he moved into journalism, serving first as associate editor of the *Occident* and, from 1865, as editor of the *Hebrew Leader*.⁴³

The controversy over the Touro monument spurred Bondi to undertake a "thorough examination of the original writings and documents" bearing on the question of monuments and statues in Judaism. He focused particularly on whether a statue for a man like Judah Touro, designed not for an idolatrous purpose but in order to memorialize his noble deeds, might be permitted. As he observed, "until now, no government leader in the world would have permitted or suffered Jews to elevate and honor one of their own with a memorial statue, no matter how greatly he had been respected." In the face of this new reality, he wondered whether the aniconic ritual instinct that had led Europe's rabbis to forbid the statue could withstand close halakhic scrutiny. His basic conclusion, "a rejoinder to the opinions of the Rev. Rabbis," appeared in (awkward) English in 1861, quoting the fourteenth-century commentary of Rabbi Nissim of Gerona: "It requires a positive proof of the intention to idolatry a statue to establish a prohibition of its erection." He promised that a full-scale treatise on the subject would "shortly appear in type."⁴⁴

That promise went unfulfilled.⁴⁵ In the interim, Benjamin published *Drei Jahre in Amerika 1859-1862* (1862), giving his version of the controversy, along with the opinions of the European rabbis. The chapter on the Touro Monument stimulated an important exchange in Ludwig Philippson's German Jewish newspaper, the *Allgemeine Zeitung des Judenthums*, concerning Jewish art and its limits. Geskil Saloman, a Danish-born Jewish painter working in Gothenburg, wrote to Philippson expressing significant concern over the implications of the rabbis' opinions for Jewish artists like himself. He wondered aloud whether Jewish art might be viewed differently, recognizing that it could help "preserve among Jews a feeling for our religious ceremonies" and also "secure for them the respect of other faiths."⁴⁶

Perhaps in response to this flicker of European interest in the controversy, Bondi's treatise (written in rabbinic Hebrew) finally began to appear in 1866 in Joseph Kobak's scholarly journal, *Jeschurun: Zeitschrift für die Wissenschaft des Judenthums*, published in Fürth and Bamberg. Since it filled fifty-six closely printed pages, and was continued through three different irregularly published issues, the study only reached its conclusion in 1871. But it was comprehensive—far more comprehensive, indeed, than any previous contribution to the subject. After discussing a full range of rabbinic sources, commentaries, codes, and responsa, Bondi dissented from accepted rabbinic wisdom and instead reached much the same conclusion that Gutheim had several years earlier. So long as a statue did not lead people astray, was not employed for religious purposes, and was purely decorative or secular, it was unobjectionable,

he concluded. Judaism, according to his review of the sources, fiercely opposed idolatry but was not otherwise aniconic.⁴⁷

Bondi's learned treatise, while a pathbreaking and highly unusual work of scholarship for a Jew living in New York at that time, made no discernible impact in America. By the time it appeared, the whole controversy was a distant memory. The Battle of New Orleans, the city's occupation during the Civil War ("our intestine difficulties at the present time [are] more likely to destroy statues than to erect any"),⁴⁸ and the strains of postwar Reconstruction reshaped the priorities of New Orleans. The Touro monument was never built.

That, however, should not obscure the larger significance of the Touro Monument controversy. The proposal to memorialize Touro, who for a time was the country's most admired philanthropist, led to an important debate concerning three-dimensional art that divided American Jewish leaders on the eve of the Civil War, and then was echoed in Europe. Carried on through the medium of traditional halakhah, with citations to biblical and rabbinic texts, it essentially pitted opposite strategies of integration against one another. The first approach depicted Judaism as aniconic. Under the influence of modern German thought and liberal Protestant aniconism, it opposed three-dimensional art in a bid to elevate Jews and still distinguish them from their neighbors. The second approach depicted Judaism as anti-idolatrous. Under the influence of grand public sculpture and burgeoning secularism, it welcomed three-dimensional art (so long as it was not religious), in a bid to elevate Jews and promote their virtues to their neighbors. Both of these approaches developed in modernity—before then, almost all public statues were religious in character—and both were propounded by thoroughly modern Jews.⁴⁹

In time, the second approach would become normative outside of fervently Orthodox circles,⁵⁰ as well-known public statues memorializing Haym Salomon, Uriah P. Levy, Louis Brandeis, and many others demonstrate. What set the two sides apart while the controversy raged, however, were not so much conflicting attitudes toward tradition, as I. J. Benjamin had imagined. They differed instead over how best to define Jewish tradition vis-à-vis contemporary culture, and how best to win for Jews their neighbors' respect.⁵¹

Notes

1. On Benjamin and his travels, see Oscar Handlin's introduction to I. J. Benjamin, *Three Years in America 1859-1862*, trans. Charles Reznikoff (Philadelphia, 1956), 1:1-36.
2. Tales of Jewish assimilation in New Orleans were commonplace in European Jewish periodicals, revolving in many cases around the antics of Rabbi Albert J. ("Roley") Marks. See Bertram W. Korn, *The Early Jews of New Orleans* (Waltham, Mass., 1969), 202, 237-45.

3. Benjamin, *Three Years in America 1859-1862*, 1:320-33 (quotes 321, 322, 333). The original edition, published in German as *Drei Jahre in Amerika 1859-1862*, was published in Hannover in 1862 and is available on Google Books at <http://books.google.com/books?id=LaSSBztFj31C&printsec=frontcover&dq=Drei+Jahre+in+Amerika:+1859-1862> (accessed January 23, 2014); see 365-82 for the Touro Monument controversy.
4. Arthur Hertzberg, "Treifene Medine: Learned Opposition to Emigration to the United States," *Proceedings of the Eighth World Congress of Jewish Studies*, 1981, Panel Sessions, *Jewish History* (Jerusalem, 1984), 7-30.
5. Benjamin, *Three Years in America*, 1:323-24; *Israelite*, June 1, 1860, 382. For Gutheim's articles, see *Jewish Messenger*, June 29, 1860, 196; *Occident*, June 22, 1860, 81.
6. Benjamin, *Three Years in America*, 1:325.
7. For convenient biographies, see Gary P. Zola, "Gutheim, James Koppel," *American National Biography Online*, February 2000, www.anb.org/articles/08/08-01796.html (accessed January 23, 2014); and Sefton D. Temkin, "Wise, Isaac Mayer," *American National Biography Online*, February 2000, www.anb.org/articles/08/08-01691.html (accessed January 23, 2014).
8. Steven Fine, *Art and Judaism in the Greco-Roman World: Toward a New Jewish Archaeology* (New York, 2005), 6, 82.
9. Korn, *Early Jews of New Orleans*, provides the most accurate account of Touro's career, and corrects many errors in the standard biography, Leon Huhner, *The Life of Judah Touro* (Philadelphia, 1946).
10. Huhner, *Life of Judah Touro*, 117.
11. The family story is recounted online at *Eyes of Glory: An American Story of Faith, Family, and Freedom*, www.eyesofglory.com/third-generation/ (accessed January 23, 2014); and in Joshua D. Rothman, *Notorious in the Neighborhood: Sex and Families across the Color Line in Virginia 1787-1861* (Chapel Hill, N.C., 2003), 90. Korn, *Early Jews of New Orleans*, provides some supporting evidence on 89, 292; see also Steve Clark, "Richard Gustavus Forrester," *Richmond Times-Dispatch*, February 10, 2009. For the ban on interracial marriages, see *A Digest of the Civil Laws now in force in the Territory of Orleans with Alterations and Amendments* (New Orleans, 1808), 24. Korn's speculations concerning Touro's executor, Pierre Andre Destrac Cazenave, whom he describes, based on R. G. Dun records, as a "Quadroon," may now be put to rest, based on Linda Epstein, "Paul Andre Destrac Cazenave: Judah Touro's 'Pet' or a Man of Means?" *Louisiana History* 53 (Winter 2012): 5-29. For a general account of the relationships between white New Orleans men and free women of color (*femmes de couleur libres*), see Lawrence N. Powell, *The Accidental City: Improvising New Orleans* (Cambridge, Mass., 2012), 284-93.
12. See U.S. Legal Definitions, <http://definitions.uslegal.com/f/forced-heir/> (accessed January 10, 2014).
13. Korn, *Early Jews of New Orleans*, 255-58; for a carefully annotated text of the will, see Morris U. Schappes, *A Documentary History of the Jews in the United States 1654-1875* (New York, 1971), 333-41 (quote on 337). For the story of Touro's bequest to the Jews of the Holy Land, see A. Schischa, "The Saga of 1855: A Study in Depth," in *The Century of Moses Montefiore*, ed. Sonia and V. D. Lipman, 269-346 (Oxford, 1985).
14. *New Orleans Bee*, January 25, 1854, English section.

15. *Philadelphia Inquirer*, February 8, 1854; *New York Evening Post*, February 7, 1854; John Smith Kendall, *History of New Orleans* (Chicago, 1922), 2:678. Kendall claims that a "magnificent cenotaph" to Touro's memory was planned.
16. *New York Sun*, February 3, 1854.
17. *Baton Rouge Daily Advocate*, February 16, 1854.
18. *Charleston Courier*, March 28, 1854; *Augusta Chronicle*, January 17, 1855.
19. *Newport Mercury*, December 1, 1855; see David Mayer Gradwohl, *Like Tablets of the Law Thrown Down: The Colonial Jewish Burying Ground in Newport Rhode Island* (Ames, Ia., 2007), 42–47 (Gradwohl measures the obelisk as seventeen feet tall, perhaps because of settling); and Joshua L. Segal, *The Old Jewish Cemetery of Newport: A History of North America's Oldest Extant Jewish Cemetery* (Nashua, N.H., 2007), 88–98.
20. For Shepherd's legal troubles, which finally reached the Supreme Court, see *Lucas v. Brooks*, 85 US 436 (1873); Korn, *Early Jews of New Orleans*, 85. Without explaining why, the New Orleans City Council restored Canal Street to its original name on April 19, 1855; see *The Laws and General Ordinances of the City of New Orleans* (New Orleans, 1870), 483; and Kendall, *History of New Orleans*, 2:678.
21. *Jewish Messenger*, June 8, 1860, 172; *Occident*, June 7, 1860, 65; *Israelite*, June 1, 1860, 382. On George Jonas, see Irwin Lachoff and Catherine C. Kahn, *The Jewish Community of New Orleans* (Charleston, S.C., 2005), 41.
22. Benjamin, *Three Years in America*, 1:320; *New York Commercial Advertiser*, June 5, 1860; on the Dispersed of Judah congregation, see Korn, *Early Jews of New Orleans*, 248–52.
23. *Occident*, July 5, 1860, 91; July 26, 1860, 108; questions about each proposal were ultimately addressed to European rabbis; see Benjamin, *Three Years in America*, 1:325.
24. The "protest" is reprinted in Benjamin, *Three Years in America*, 1:321–22.
25. *Israelite*, June 1, 1860, 382. The *London Jewish Chronicle* noted that in this case, "the orthodox and the reformers have changed parts" ("Our Communal Weekly Gossip," *London Jewish Chronicle*, July 27, 1860). Surprisingly, David Einhorn's *Sinai* seems to have taken no stand on this controversy.
26. Immanuel Kant, *Critique of the Power of Judgment*, trans. P. Guyer and E. Matthews (Cambridge, 2000), 156. Kalman P. Bland, *The Artless Jew* (Princeton, N.J., 2000), 15–16, 22.
27. For Wise's support of Benjamin, see *Israelite*, June 15, 1860, 398; and Benjamin, *Three Years in America*, 1:313. The story of the Hebrew Foreign Mission Society is recounted in Michael Pollak, *Mandarins, Jews, and Missionaries: The Jewish Experience in the Chinese Empire* (Philadelphia, 1980), 181–87. Joseph Simon insisted that other factors and not the protest underlay the decision to withdraw the promised funds from Benjamin; see *Occident*, July 26, 1860, 108.
28. On the will, see Korn, *Early Jews of New Orleans*, 255; and Schappes, *Documentary History*, 334–41. The comment on Talmud Yelodim is from Benjamin, *Three Years in America*, 313; and Wise's comment on the college is in *Israelite*, June 1, 1860, 382.
29. On Sutro, see Lawrence Grossman, "Isaac Leeser's Mentor: Rabbi Abraham Sutro, 1784–1869," in *Rabbi Joseph H. Lookstein Memorial Volume*, ed. L. Landman, 151–62 (New York, 1980).
30. On Gutheim, see Gary P. Zola, "Gutheim, James Koppel," *American National Biography Online*, February 2000, www.anb.org/articles/08/08-01796.html (accessed January 23, 2014); and Scott Langston, "James K. Gutheim as Southern Reform Rabbi, Community Leader and Symbol," *Southern Jewish History* 5 (2002): 69–102; see Benjamin's description of Dispersed of Judah (Nephtuzoth Yehudah) in *Three Years in America*, 317.

31. *Occident*, June 14, 1860, 71–74. Benjamin published a rejoinder in *Occident*, July 5, 1860, 90–91, followed by Isaac Leeser's editorial comment critical of Benjamin; and Max Lilienthal proffered an "impartial report" on the controversy in *Israelite*, July 13, 1860, 14. Salo Baron discusses Moritz Steinschneider's articles that were deeply critical of Benjamin in Salo W. Baron, *History and Jewish Historians* (Philadelphia, 1964), 298–99.
32. *Jewish Messenger*, June 29, 1860, 196; *Occident*, June 22, 1860, 81; see Benjamin's account of Gutheim's views in *Three Years in America*, 1:321.
33. *Jewish Messenger*, June 29, 1860, 196; *Occident*, June 22, 1860, 81.
34. Richard I. Cohen, *Jewish Icons: Art and Society in Modern Europe* (Berkeley, 1998), 33; Rochelle Weinstein, "Stones of Memory: Revelations from a Cemetery in Curaçao," in *Sephardim in the Americas: Studies in Culture and History*, ed. M. A. Cohen and A. J. Peck (Tuscaloosa, Ala., 1993), 81–140, esp. 111; Saul Levi Morteira, *Tratado da verdade de lei de Moises*, ed. H. P. Salomon (Coimbra, Portugal, 1988.), lxi n.19, qtd. in Marc Saperstein, *Your Voice Like a Ram's Horn* (Cincinnati, 1996), 417 n.20 (the responsum is identified as Biblioteca Nacional de Madrid 18292, fols. 132–35), and in Steven Nadler, *Rembrandt's Jews* (Chicago, 2003), 76; Isaac S. Emmanuel, *Precious Stones of the Jews of Curaçao* (New York, 1957), 123–28, esp. 126. Emmanuel (124) notes that in the nineteenth century, Dutch rabbis refused to sanction busts in the Curaçao cemetery and insisted upon their removal.
35. *Nashville Advocate*, as reprinted in *New York Commercial Advertiser*, June 5, 1860.
36. *Jewish Messenger*, June 29, 1860, 196; *Occident*, June 22, 1860, 81.
37. On these themes, see, e.g., on Adler, Steven Singer, "Chief Rabbi Nathan Marcus Adler: Major Problems in His Career" (MA thesis, Yeshiva University, 1974), 143–85. On Frankel, see Michael A. Meyer, *Response to Modernity: A History of the Reform Movement in Judaism* (New York, 1988), 84–89. On Hirsch, see Robert Liberles, "Champion of Orthodoxy: The Emergence of Samson Raphael Hirsch as Religious Leader," *AJS Review* 6 (1981): 43–60. On Rapoport, see Isaac Barzilay, *Shlomo Yehudah Rapoport [Shir] (1790–1867) and His Contemporaries* (Ramat Gan, 1969).
38. Benjamin, *Three Years in America*, 1:324–26; *Occident* 19 (May 1861): 49–50. Hirsch's *Jeschurun* ran a brief article about the planned monument to Touro back in 1855, quoting the *New Orleans Daily Delta*, so the subject may already have been familiar to the European rabbis; see *Jeschurun* 1 (February 1855): 294.
39. Rapoport's Hebrew letter was published in English translation in *Jewish Messenger*, August 9, 1861, 19, and reproduced in Hebrew, in part, in Benjamin, *Three Years in America*, 1:326–27. In the letter, he claims ("if my memory does not deceive me") that Bernard illovy was among those seeking to prevent the statue from being erected. illovy only arrived in New Orleans in spring 1861, but he had opposed tombstone images earlier. See Moshe D. Sherman, "Bernard illovy and Nineteenth Century American Orthodoxy" (PhD diss., Yeshiva University, 1991), 217–18. For other evidence of illovy's uncompromising Orthodoxy and European reputation, see David Ellenson, "A Jewish Legal Decision by Rabbi Bernard illovy of New Orleans and its Discussion in Nineteenth Century Europe," *American Jewish History* (December 1979): 174–95.
40. *Occident* 19 (May 1861): 49–58; Benjamin, *Three Years in America*, 1:326–33; for Rapoport's letter in English, see *Jewish Messenger*, August 9, 1861, 19.
41. *Jewish Messenger*, May 17, 1861, 148.
42. *American Israelite*, September 15, 1876, 7.

43. Bertram W. Korn, "Jonas Bondi," *Encyclopaedia Judaica* 2nd ed. (Detroit, 2007), 4:58; "Jonas Bondi," *Universal Jewish Encyclopedia*, ed. I. Landman (New York, 1940), 2:451; Moshe Davis, *The Emergence of Conservative Judaism* (Philadelphia, 1963), 332–33; Guido Kisch, *In Search of Freedom: A History of American Jews from Czechoslovakia* (London, 1939), 89–90, 302–3; *Jewish Messenger*, March 13, 1874, 6.
44. *Jewish Messenger*, May 17, 1861, 146; Jonas Bondi, "Ma'amar: Yonati mehagve hasela," in *Jeschurun*, ed. Kobak (1866), 5:48 (my translation). Bondi's translation from Rabbi Nissim (*Ran*) seems to be based on Bavli Avodah Zarah Rif 19a and is taken somewhat out of context. This text plays a far more minor role in his *Jeschurun* article discussed below.
45. The *Jewish Messenger* had printed Joshua Falk's learned Hebrew commentary on Pirke Avot (*Sefer Avne Yehoshua*) in 1860, and Bondi's book may have been slated to appear from the same press. The Civil War and Bondi's financial difficulties likely precluded that from happening; see Yosef Goldman with Ari Kinsberg, *Hebrew Printing in America 1735–1926: A History and Annotated Bibliography* (Brooklyn, 2006), items 41, 688, 1015.
46. *Allgemeine Zeitung des Judenthums*, February 17, 1863, 113–16; February 24, 1863, 125–30; Fredric Bedoire and Robert Tanner, *The Jewish Contribution to Modern Architecture 1830–1930* (New York, 2004), 459–66; Ezra Mendelsohn, *Painting A People: Maurycyy Gottlieb and Jewish Art* (Hanover, 2002), 66–67. Saloman noted that in his day, portraits of Jews, including rabbis, had become commonplace—notwithstanding doubts that had once been expressed. See on this theme Richard I. Cohen, "Representations of the Jewish Body in Modern Times—Forms of Hero Worship," in *Representation in Religion: Studies in Honor of Moshe Barasch*, ed. J. Assmann and A. I. Baumgarten, 237–76 (Leiden, Netherlands, 2001).
47. Jonas Bondi, "Ma'amar," (1866), 5:46–86; (1868), 6:105–14; (1871), 7:81–87. Note that the European editor dissented from Bondi's conclusions and warned readers not to issue halakhic rulings based on them.
48. *Jewish Messenger*, September 19, 1862, 92.
49. For a parallel controversy in France, also involving modernized Jews, see the 1862–64 debate over the statue to the eminent composer Fromental Halévy; *Jewish Messenger*, September 19, 1862, 92; Ruth Jordan, *Fromental Halevy: His Life and Music, 1799–1862* (New York, 1996), 209.
50. Zev Eleff has pointed out to me that Abraham Danzig (1748–1820) and Naphtali Tzvi Judah Berlin (1817–93) likewise ruled leniently on the question of portraying human features, perhaps following the ruling of Yom Tov ben Avraham Asevilli, the RITVA (1250–1330); see Ritva on Avoda Zara 43b; Abraham Danzig, *Hokhmat adam, hilkhhot avodat kokhavim* 69:6; and Naphtali Berlin, *Ha'amek she'elah*, Yitro 57:3. All three insisted, in effect, that Judaism was anti-idolatrous and not aniconic.
51. As a coda, in 1876, following two years of widowhood, Isaac M. Wise married Selma, the daughter of Jonas Bondi. Bondi's books soon became part of the Hebrew Union College library. Wise in 1899 overcame his earlier objections and sat for a bust modeled from life by the eminent Jewish sculptor Moses Jacob Ezekiel. See James G. Heller, *Isaac M. Wise: His Life, Work and Thought* (New York, 1965), 426–29; Adolph S. Oko, "Jewish Book Collections in the United States," *American Jewish Year Book* 45 (1944): 74; David Philipson, "Moses Jacob Ezekiel," *Publications of the American Jewish Historical Society* 28 (1922): 45–46.