

ABSTRACT

Title of dissertation: JEWISH MARRIAGE AND DIVORCE IN AMERICA,
1830-1924

Laura Rachel Shaw Frank, Doctor of Philosophy, 2020

Dissertation directed by: Professor Marsha L. Rozenblit
Department of History

The centrality of marriage to American identity dates back to the founding of the nation. Americans saw marriages by choice and for love as microcosms of their democracy in which the people chose their leaders and were bonded to them in a relationship of mutual trust and affection. During the era of mass migration to America from 1820-1924, the institution of marriage became a locus for debates over American identity. In myriad ways, American legal and societal norms made it clear that attaining full inclusion in the American polity meant interacting with the institution of marriage in a particularly American way. As Jews immigrated *en masse* to America in this period, they quickly understood that incorporating American legal and cultural norms with respect to marriage into their personal and communal lives was integral to their acculturation. Individual Jews adapted to the American milieu in certain ways, marrying for love (or at least pretending to do so), often at quintessentially American white weddings. However, such Jews simultaneously retained Jewish traditions and rituals both in spousal choice and in the celebration of their weddings, sometimes weaving their proud new American identities into those traditions and rituals. For their part, Jewish

communal leaders worked tirelessly both within and outside the Jewish community to ensure that Jewish marriages were also American marriages. They exhorted their flocks to marry as respectable Americans, debated and changed Jewish marriage rituals to better fit American sensibilities, fought to attain legal imprimatur for rabbis to serve as marriage officiants on behalf of the state, weighed in on national conversations about issues related to marriage and divorce, and even worked with state authorities to punish those Jews whose behavior flouted American marriage norms and laws. Through their interactions with the American institution of marriage, American Jews simultaneously declared their Americanness and reshaped the definition of American marriage. Over the course of the century of mass Jewish migration to America, American Jews redefined both Jewish and American marriage and in so doing, reshaped both American Judaism and the contours of American identity.

JEWISH MARRIAGE AND DIVORCE IN AMERICA, 1830-1924

by

Laura Rachel Shaw Frank

Dissertation submitted to the Faculty of the Graduate School of the
University of Maryland, College Park in partial fulfillment
of the requirements for the degree of
Doctor of Philosophy
2020

Advisory Committee:

Professor Marsha L. Rozenblit, Chair
Professor Bernard D. Cooperman
Professor Maxine Grossman
Professor Clare A. Lyons
Professor Jonathan D. Sarna

© Copyright by

Laura Rachel Shaw Frank

2020

To Aaron, who believed in me before I believed in myself.
What is mine is surely his.

Acknowledgements

When one begins a PhD program as a forty-year-old working mother of four, one quickly realizes that getting that doctorate will take a village. It gives me enormous pleasure to be able to formally thank the members of that village.

Dr. Marsha Rozenblit, my advisor, struck the perfect balance between being my cheerleader and holding my feet to the fire. She is a mentor in the true sense of the term, guiding me with wisdom, warmth, and caring, and always pushing me to live up to my potential. Her unparalleled intelligence and insight, and her endless knowledge of Jewish history is always with me.

Dr. Brukhe Lang gave tirelessly of her time and energy to teach me Yiddish, meeting me wherever and whenever we, as two busy mothers of young children, could fit it into our schedule. Dr. Jonathan Sarna generously shared advice, insight, and even source material, always showing enormous enthusiasm for my dissertation project. Earlier versions of chapters of this dissertation benefited enormously from comments and feedback from Dr. Pamela Nadell and Dr. Melissa Klapper. Dr. Leslie Ginsparg Klein acted as my constant sounding-board and prodder par excellence. Dr. Joshua Furman served as my “big brother” at the University of Maryland, shepherding me through the PhD process and generously sharing the experience he gained. Dr. Geraldine Gudefin, who shares my obsession with the history of marriage, acted as both interlocutor and friend. Dr. Zev Eleff was always available to answer questions, no matter how picayune. Dr. Khane-Faygl Turteltaub lent her endless expertise in Yiddish to assist me in translating difficult texts.

I am grateful to Dr. Kevin Proffitt and Dr. Dana Herman for my productive and pleasant time researching in the American Jewish Archives, and Dr. Gary Zola for his insights about my project during my time in Cincinnati. Archive assistants at the American Jewish Archives continued to help me long after my time in Cincinnati, readily scanning and emailing documents to me whenever I asked. The archival staff at the Jewish Museum of Maryland enthusiastically pointed me toward a treasure trove of source material in the museum archives. Archivists at Beth Ahabah Congregation in Richmond, VA not only scoured their archives for material on Rabbi Albert Bettelheim, but also connected me with two of his descendants, Jenny Elkus and Heidi Schell. Jenny and Heidi were thrilled with my interest in their ancestor and offered insight and artifacts from their family collection. My conversations with them were not only informative, but also uplifting and enjoyable.

From the moment I began my studies, the University of Maryland has been a wonderful intellectual home for me. The history department afforded me a rich, deep, and rigorous education and the generous fellowships I received were instrumental in allowing me to continue my graduate studies while dealing with the expenses of raising a young family. I especially want to thank Dr. Bernard Cooperman, Dr. Clare Lyons, and Dr. Rachel Manekin whose skillful teaching and warm mentoring made my studies particularly fulfilling and enriching. I also want to thank Jodi Hall who ably shepherded me through the many administrative steps associated with obtaining my degree.

For the past six years, my students in my History of Marriage in America elective at SAR High School have read and interpreted sources along with me and lent their fresh voices to my ideas on American marriage in the nineteenth century. Their unflagging

enthusiasm and intellectual curiosity helped me to refine my thoughts, and perhaps more importantly, they always kept me laughing.

My parents, Henry Shaw z"l and Evelyn Shaw, have always been my greatest cheerleaders. In their eyes, I could conquer the world, and perhaps that is what gave me the courage and perseverance to work toward this accomplishment. My childhood home was one in which education was declared the most precious of gifts, held in the very highest esteem. It gives me great joy to join my father as the second PhD in the history of our family. I only wish he could have lived to see this moment. I know his pride would have been immeasurable.

In addition to her tireless support, my mother frequently sat by my side helping me translate the myriad Yiddish sources I used for my dissertation. Sometimes, we were joined by my aunt, Selma Arnold, whose Yiddish is even richer and more nuanced than my mother's. The times I sat with my mother and my aunt translating Yiddish together will remain treasured memories for me forever.

My oldest friend Dr. Tammy Lefcourt Ruby, herself a PhD in mathematics, never let me give up, even when writing my dissertation seemed like an insurmountable task. My siblings, David and Jessica Shaw and my beloved cousins (who are really more like siblings) cheered me on and never failed to pitch in to help when I needed it. I particularly remember the myriad times that my cousins Michal and Yigal Aricha picked up my children from school as I fought traffic on the Baltimore Beltway on my way home from College Park. My in-laws, Dr. Jerry and Judy Frank, have been never-ending sources of support and love, always there to lend a hand with childcare and to celebrate my achievements. My aunt-in-law, Dr. Shulamith Elster, has been a constant source of

encouragement. Her enthusiasm for and pride in my work has meant so much to me. My much-loved communities in Baltimore and Riverdale have graciously invited me on myriad occasions to share my research and ideas on Jewish marriage in America, and their enthusiastic questions and comments helped enrich my own thinking.

My grandfather, Joseph Baruch Shaw ז"ל, never had the opportunity to go to college. Indeed, he only graduated high school as a middle-aged husband and father, alongside his son, my father, in Brooklyn in 1952. The fact that he graduated high school at all is all the more incredible given that America was the fourth country in which he lived. Born in Poland, he moved to France as a young man to seek a better future and ended up fleeing with his wife and young children when the Nazis occupied Paris in 1940. While much of their extended family including my great-grandparents, great-aunts, and great-uncles perished at the hands of the Nazis, my grandparents, father and aunt found safe harbor in Cuba, and then in the United States to which they immigrated in 1948. Despite this dizzying history, I never knew that Zayde Joe's life was anything but golden. He was permanently smiling, full of life, and overflowing with love for his grandchildren. Although he lacked formal higher education, Zayde Joe managed to engage in original archival research about his birthplace of Brzezhin, Poland, writing a scholarly article about the history of the shtetl for its *Yizkor Bukh* that would put many a trained historian to shame. I know how proud he would be of my doctorate, he who treasured education and Jewish scholarship so enormously. And, I know he would understand the sacrifices inherent in seeking a degree as a parent and spouse in midlife. Zayde Joe remains a constant source of inspiration for me.

My children, Ateret, Yanniv, Elinadav and Neri do not remember life before their mother was working on her PhD. I began my studies when Ateret was not quite eleven years old, and as I write these words, she is completing her senior year at the University of Maryland, a fellow Terp and student of Dr. Rozenblit. Yanniv, who was nine years old when I undertook this project, is now also a college senior at Macaulay Honors College at CUNY, about to embark on his own post-graduate education this coming fall. Davi was seven years old when I began my doctorate, and this past year I was privileged to have him as a student in my senior elective on History of Marriage in America at SAR. Neri was only three years old when I began my studies, and he is now a ninth grader at the Heschel School. His first case of strep throat occurred when he was five years old, “conveniently” on the morning of my comprehensive examinations while my husband was en route back from Israel. Like a trooper, he spent the morning at his cousins’ house and waited patiently for his Abba to get off the plane. For my children’s patience, encouragement, resilience, and love, I am eternally grateful.

My husband, Rabbi Aaron Frank, thought he was marrying a nice stable corporate lawyer twenty-seven years ago. Instead, he ended up with a woman obsessed with Jewish history. Aaron has been my true partner and soulmate for over a quarter of a century. I could never have reached this milestone without his love, kindness, generosity of spirit, belief in me, and maybe most of all, without the daily cup of coffee he has brought to my night table in the early morning for the past twenty-seven years. It is to him that I dedicate this dissertation.

...

As a historian, I am particularly cognizant of the historical moment in which I have completed this dissertation. As I write, the world is in lockdown, battling COVID-19, a novel coronavirus that is infecting our planet. I hope someday that historians will be able to tell the story of how the human race worked together, overcoming national borders, feuds, and prejudices, to emerge victorious on the other end of this unprecedented crisis. My thoughts and prayers go out to those who are struggling with illness and the loss of loved ones. May we know no more sorrow.

Table of Contents

Dedication.....	ii
Acknowledgements.....	iii
Table of Contents.....	ix
Introduction.....	1
A Note on Inter-marriage.....	25
Overview.....	27
Chapter 1: “Has not love ever been part of freedom?”: Finding a Spouse in America.....	31
Jewish Courtship and Marriage in Nineteenth Century Europe.....	35
Jewish Courtship and Marriage in Nineteenth Century America.....	41
Courtship and Marriage During the Eastern European Migration.....	78
<i>Shadkhanim</i> (Matchmakers).....	96
Sensationalizing the <i>Shadkhen</i>	110
Conclusion.....	112
Chapter 2: “Is a Jewish Priest a Minister of the Gospel?”: Rabbis as Marriage Officiants in America.....	115
American Marriage as Civil Religion.....	121
Jews and American Civil Religion.....	127
Jews and American Marriage Officiant Laws.....	132
The Impact of the Eastern European Migration.....	151
Conclusion.....	177
Chapter 3: “As elegant as such an event could be”: Jewish Weddings in America.....	179
The Changing American Wedding in the Nineteenth Century.....	183
Nineteenth Century European Jewish Weddings.....	193
Jewish Weddings in America.....	198
Documenting Marriage.....	216
The Influence of the Civil War on Jewish Marriage Discourse.....	222
Postbellum Portrayals of American Jewish Weddings.....	226
The American Rabbinate and Postbellum Changes to the Jewish Wedding.....	229
The White Wedding During the Eastern European Migration.....	247
Conclusion.....	257
Chapter 4: “A practice detrimental to our national weal”: Divorce Law and the American Jewish Community.....	259
The Rise of Jewish Communal Concern About Jewish and American Divorce Law.....	274
The 1869 Philadelphia Conference.....	291
Shifting the Blame to Eastern European Immigrants.....	309
The Use of Rhetoric.....	325
Advocating for Uniform Marriage and Divorce Laws.....	330
Jewish Leaders Working with the State.....	333
Education and Public Policy.....	340
The Orthodox Rabbinate’s Policy Statements.....	348
Conclusion.....	352
Conclusion.....	354
Appendix.....	360
Bibliography.....	367

Introduction

At the 1889 nuptials of Estelle Hellman and Jacob E. Waldeck in Los Angeles, guests serenaded the newly-married couple with a song sung to the melody of *America (My Country 'Tis Of Thee)*. The lyrics read:

Hail to the happy pair!
Bridegroom and bride so fair,
you we address:
Health and prosperity,
Love, patience, constancy—
These, we pray fervently,
your union bless.

And should adversity,
From which no life is free,
break in on you:
May you possess enough
Faith in your God above,
Strength and united love
to brave it through.

Then, when in later years,
After through smiles and tears
bravely you've pressed,
Memory's golden ray
Light on your wedding day,
May you with fondness say:
that day is blest.¹

While on the surface the song was simply a spirited and creative outpouring of support for the young couple, the selection of the tune of “America” to accompany words of blessing for the new couple is striking and deserves deeper examination. “America,” written in 1831 by Samuel Francis Smith while a student at Andover Theological

¹ Hellman Family Papers, Collection 1739, Box 13, Folder 6, Western States Jewish History Archive, 1800-2004, University of California, Los Angeles (hereinafter WSJH); “Beginnings of the Jewish Communities in the American Southwest: Early Jewish Lifecycle Events—Part II, the 1880s & 1890s, *Western States Jewish History* 47, no. 3/4 (Spring Summer 2015): 67.

Seminary, had already developed deep roots in American national consciousness by the waning years of the nineteenth century. Smith's hymn, drafted, as he later related, "on a scrap of waste paper" in half an hour, was first performed in 1832, and rapidly took on the role of America's unofficial national anthem.² It was implemented for civic and educational use in public schools, Sunday schools, and public ceremonies. By the late nineteenth century, it was commonly sung at communal celebrations of national holidays such as Independence Day, Washington's Birthday, Columbus Day, and Thanksgiving. In a period of mass immigration and rising anxiety over what it meant to be American, "America" evoked a shared Pilgrim past and a powerful expression of loyalty to nation and God. Drawing a direct and personal link between the singer and the nation by using the first person "my" in its opening line: "My country 'tis of thee," "America" became "a central text in national deliberations about what it means to be an American and in efforts to make loyal Americans of the new arrivals." Used in schools created for the civic education of immigrants, the song "came to symbolize the process and promise of naturalization and was a means through which they might profess loyalty and belonging."³

The Hellman-Waldeck wedding was fertile ground for such a song. Jacob Waldeck immigrated to the United States from Germany in 1868 at the age of eight, and Estelle Hellman, born in Los Angeles in 1869, was the daughter of German-Jewish

² "Our National Hymn," *The Advocate of Peace* 57, no. 5 (May 1895): 109; A.G. Balcom, "My Country, 'Tis of Thee," 1832-1932," *Journal of Education* 115, no. 3 (January 18, 1932): 61. The Star-Spangled Banner did not become the official national anthem of the United States of America until 1931. "Historical Highlights: The Designation of the Star Spangled Banner," History, Art & Archives: United States House of Representatives, <https://history.house.gov/Historical-Highlights/1901-1950/The-designation-of-the-%E2%80%9CStar-Spangled-Banner%E2%80%9D/>

³ Robert James Branham, "'Of Thee I Sing': Contesting 'America,'" *American Quarterly* 48, no. 4 (December 1996): 626-28.

immigrants. Their wedding, held at Estelle's father's place of business on Fort Avenue, was performed by Rabbi Dr. Emanuel Schreiber, the newly appointed Reform rabbi of Los Angeles' Congregation B'nai Brith - himself an immigrant from Moravia.⁴ Thus, when guests at the Hellman-Waldeck wedding serenaded the newlyweds with a song set to the melody of "America," they were doing much more than creatively expressing their affinity and care for the couple. Through both words and melody, they were unconsciously stamping the young couple as loyal and respectable Americans, both in the sense that they knew and felt connected to this central American anthem with its patriotic spirit, and also in that they believed in respectable American marriage, complete with love, monogamy, and God.

The use of the melody from "America" at the Waldeck nuptials is a powerful symbol of the porous boundary between the private and the public aspects of marriage. As historian of American marriage Nancy Cott points out, marriage is a relationship that is both intensely personal and intimate and also inextricably wrapped up with more public identities such as religious affiliation, communal standing, and legal status.⁵ Even those aspects of marriage that may appear private on the surface, such as choosing a spouse or crafting how to celebrate a wedding, are influenced by myriad external cultural, religious, socio-economic, and communal factors. And, more than that, such seemingly

⁴ Wedding invitation, Hellman Family Papers, WSJH. *Los Angeles, California City Directories, 1888-1890* [database on-line], Ancestry.com; *California, County Birth, Marriage, and Death Records, 1849-1980* [database on-line], Ancestry.com; Original data: California, County Birth, Marriage, and Death Records, 1830-1980. California Department of Public Health, courtesy of www.vitalsearch-worldwide.com; "Emanuel Schreiber: First Official 'Reform' Rabbi of Los Angeles," *Jewish Museum of the American West*, <http://www.jmaw.org/jewish-schreibner-los-angeles/>.

⁵ Nancy F. Cott, *Public Vows: A History of Marriage and the Nation* (Cambridge, MA: Harvard University Press, 2000), 1-2.

private choices act as stand-ins for the identities that the couple wishes to portray to the world.

In America in particular, marriage was influenced by political thought. Since the inception of the republic, marital practices in America were intertwined with political ideology. American political thinkers placed enormous weight on the idea of consent – that citizens were entitled to a government to which they consented, rather than a government that had power merely due to birthright. This idea manifested itself metaphorically in the realm of personal relationships. While revolutionary colonists often spoke of their relationship with England as one between rebellious teenagers and an autocratic father, once independence was attained, the metaphor used to describe the relationship between the government and the governed changed to a loving marriage in which the parties chose one another out of mutual affection. Thus, democratic ideology became intertwined in marriage practices in the young nation. American marriages mirrored and represented ideas about government, with young people choosing their spouses out of affection and not because of the influence of parents or other authority figures. While eighteenth and early nineteenth century Europeans were still paired with spouses through arranged marriages, Americans quickly adopted marriage for love and by choice, their marriage practices symbolizing their philosophy on government.⁶

American politics impacted marriage in other ways as well. Beginning in the years immediately preceding the Civil War and continuing into the postbellum era, American states tightened what many had called overly permissive divorce laws, often

⁶ Cott, 9-23; Werner Sollors, *Beyond Ethnicity: Consent and Descent in American Culture* (New York: Oxford University Press, 1986), 110-2.

referring to the unhappy “divorce” of the Union and the Confederacy.⁷ American political rhetoric even cast monogamy itself in a political light. As government officials battled Mormons in Utah in the mid-nineteenth century, they repeatedly declared polygamy to be the province of dictators and autocrats, while monogamy walked hand in hand with enlightened democracy.⁸ The political project of America repeatedly played out in the small and private relationships of men and women who lived there.

This link between political ideology and marriage was part and parcel of a larger philosophy surrounding American identity that scholars have called American civil religion. American civil religion wedded a non-sectarian but vaguely Christian notion of God, morality, and sanctity of the family together with American values of liberty and equality. Promoting a sense of American exceptionalism, American civil religion saw America as the “Promised Land” to which God led “his people to establish a new sort of social order that shall be a light unto all the nations.”⁹ American marriage, with its emphasis on consent, choice, love, and freedom and its commitment to God and morality was part and parcel of this “social order.” Adhering to the beliefs incumbent in American civil religion were central to American identity. Thus, in America, one’s marital behavior

⁷ Cott, 77, 105-10.

⁸ *Ibid.*, 114. It is important to note that while Americans touted monogamy as a central value, in reality, white Christian middle class married men were permitted their extra-marital dalliances with no real repercussions. Clare A. Lyons, “Discipline, Sex, and the Republican Self,” in *The Oxford Handbook of the American Revolution*, eds. Edward G. Gray and Jane Kamensky (New York: Oxford University Press, 2012), 566-8.

⁹ Robert N. Bellah, “Civil Religion in America,” *Dædalus, Journal of the American Academy of Arts and Sciences*, 96, no. 1 (Winter 1967): 1-21. For further explication of American civil religion, see Robert N. Bellah, *The Broken Covenant: American Civil Religion in Time of Trial* (Chicago: University of Chicago Press, 1975, 1992); *American Civil Religion*, eds. Russell E. Richey and Donald G. Jones (New York: Harper & Row, 1974).

did more than define one's religious and communal identity; it actually had the power to signify how "American" one was.

Never was this more the case than in nineteenth and early twentieth century America, when the nation found itself in the throes of enormous change. Between 1830 and 1924, America's population grew from 12.9 million to 114.1 million, due in not insignificant part to the arrival of over 30 million immigrants. Previously a rural and agrarian nation, by 1924, over half of Americans lived in urban areas.¹⁰ State and federal governments, small and spotty in the early nineteenth century, had become far larger and more intricate bureaucracies by 1924. Railroads, the telegraph, and eventually the telephone sped up the pace of life by allowing the transfer of goods and information with increasing rapidity. Challenging the cohesive nature of small-town communities, such technologies also allowed relationships to develop between individuals who lived far away from one another and might never have met in times when travel was more dangerous and difficult. In an atmosphere of head-spinning changes, many Americans felt that the notion of American identity itself was in jeopardy. Defining what it meant to be American meant policing the boundaries of Americanness more strictly. Marriage, as a locus for civic identity and legal relationship to the state, increasingly became a vehicle for the shoring up of American identity.¹¹

Americans lassoed the strength of marriage in both the legal and cultural realm in order to use it to define American identity. While in the early nineteenth century, small

¹⁰ "Population: 1790-1990," United States Census Data, <https://www.census.gov/population/censusdata/table-4.pdf>

¹¹ Priscilla Yamin, *American Marriage: A Political Institution* (Philadelphia: University of Pennsylvania Press, 2012), 47-69.

state governments engaged in minimal oversight over the marriage practices of their citizens, relying on communal self-policing to keep Americans more or less in line, by the postbellum era, as the nation became more and more complex, states increasingly focused on the legal structures of marriage to maintain standards, including requiring marriage licenses, state-authorized officiants, and registration of marriage. As the nation unified around a set of legal requirements for American marriage, so too did it coalesce around a set of social and cultural norms that would define American marriage. The American white wedding, in which a bride bedecked in a white gown and veil processed down an elaborate and flower-adorned church aisle, escorted by attendants with appropriate musical accompaniment, became a cultural performance not only of socio-economic status but also of respectable American identity. Over the course of the nineteenth century, marrying in a particular fashion became increasingly central to being American.

These realities were not lost on the close to three million Jews who arrived on American shores over the course of a century of mass migration from 1820-1924. These Jews brought with them preconceived notions about how to choose spouses, celebrate weddings, and end unwanted marriages. While change took place over the course of the nineteenth century and sped up in the early twentieth century, for the most part, in Central and Eastern Europe, Jews continued to adhere to certain long-established marital norms, including arranged marriages, dowries, and traditionally religious Jewish marriage ceremonies. Particularly in Eastern Europe, and in the early part of the nineteenth century in Central Europe, divorces took place under the auspices of Jewish courts, *batei din*, which were frequently beyond the purview of state authorities. With respect to legal

norms, each country from which Jews migrated during this period had its own laws with respect to marriage and divorce, and there was enormous change over time. Earlier in the nineteenth century, most European governments left Jewish communities to their own devices with respect to issues of marriage and divorce. Jewish communal authorities made the decisions for their communities as to who could marry and divorce and how. Over the course of the century however, nations increasingly began to require Jews to adhere to state laws regulating marriage and divorce.¹² The advent of state oversight of Jewish marriage and divorce often coincided with the state creation of a mechanism for civil marriage and divorce. Russia, the country of origin for the vast majority of Jews who immigrated to the United States between 1880-1924, had a confessional system of marriage during tsarist rule in which religious communities controlled marriages and divorces for their members, with the advent of civil marriage only arriving with the Russian Revolution.¹³

Upon arriving in America, immigrant Jews discovered that their notions of marriage and divorce were frequently different than, and sometimes in conflict with, the marital norms in their adopted homeland. Rather than arranged marriage, Americans

¹² Steven M. Lowenstein, "Governmental Jewish Policies in Early Nineteenth Century Germany and Russia: A Comparison." *Jewish Social Studies* 46, no. 3/4 (1984): 310.

¹³ For works on Jewish marriage in Europe, see ChaeRan Y. Freeze, *Jewish Marriage and Divorce in Imperial Russia* (Hanover, NH: Brandeis University Press, 2002); Marion Kaplan, "For Love or Money: The Marriage Strategies of Jews in Imperial Germany," in *The Marriage Bargain: Women and Dowries in European History*, ed. Marion Kaplan (New York: Harrington Park Press, 1985), 121-63; Marsha L. Rozenblit, "Jewish Courtship and Marriage in 1920s Vienna," in *Gender and Jewish History*, eds. Marion A. Kaplan and Deborah Dash Moore (Bloomington: Indiana University Press, 2011), 88-103; Naomi Seidman, *The Marriage Plot, or How Jews Fell in Love with Love, and with Literature* (Stanford, CA: Stanford University Press, 2016); Shaul Stampfer, *Families, Rabbis and Education: Traditional Jewish Society in Nineteenth Century Eastern Europe* (Portland, OR: Littman Library of Jewish Civilization, 2010).

touted marriage for love and by choice. Rather than the outdoor wedding ceremonies Jews held in much of Europe (often raucous affairs in Eastern Europe), Americans increasingly celebrated formal and scripted wedding ceremonies in houses of worship or wedding halls. In the legal realm, America blurred lines between confessional and civil marriage. America did not have confessional marriage, but states permitted certain sanctioned clergy to solemnize civil marriage on behalf of the state via a religious ceremony. Perhaps most confusingly, although clergy could perform marriage on behalf of the state, no state recognized confessional divorce as legal. Divorce, governed entirely by state law, was carried out solely by civil authorities, with religious figures having no state power to end a marriage. For immigrant Jews, understanding these legal and cultural norms and incorporating them into their personal and communal lives was integral to their acculturation to their new home.

In myriad ways that will be discussed in this dissertation, American legal and societal norms made it clear that attaining full inclusion in the American polity meant interacting with the institution of marriage in a particularly American way. Understanding that marrying as Americans was central to their inclusion in American society, nineteenth and early twentieth century Jews engaged in a delicate and intricate dance with and around the American institution of marriage. Individual Jews quickly adapted to the American milieu in certain ways, marrying for love (or at least pretending to do so), often at quintessentially American white weddings. However, such Jews also simultaneously retained Jewish traditions and rituals both in spousal choice and in the celebration of their weddings, sometimes weaving their proud new American identities into those traditions and rituals. For their part, Jewish communal leaders worked

tirelessly both within and outside the Jewish community to ensure that Jewish marriages were also American marriages. They exhorted their flocks to marry as respectable Americans, debated and changed Jewish marriage rituals to better fit American sensibilities, fought to attain legal imprimatur for rabbis to serve as marriage officiants on behalf of the state, weighed in on national conversations about issues related to marriage and divorce, and even worked with state authorities to punish those Jews whose behavior flouted American marriage norms and laws. Through their interactions with the American institution of marriage, American Jews simultaneously declared their Americanness and reshaped the definition of American marriage. Over the course of the century of mass Jewish migration to America, American Jews redefined both Jewish and American marriage and in so doing, reshaped both American Judaism and the contours of American identity.

This dissertation examines a number of different facets of marriage – the intimate process of finding a spouse, the legal and political process of having marriage recognized by the state, the religious and communal factors that impact the way marriage is celebrated and ritualized, and the legal and political factors that play into if and how a society permits a marriage to be terminated. By examining these facets of marriage through the way they were experienced by nineteenth and early twentieth American Jews, I seek to enrich our understanding of the ways in which immigrant Jews acculturated and adapted to their new home. In so doing, I hope to also examine ways in which American identity were shaped and reshaped during a century of great change. Using marriage as a lens, I hope to shed light on more ephemeral and intangible elements of American identity, those which rely on an unarticulated sense of American civil religion,

incorporating ideals of democracy, liberty, individuality, respectability, and belief in a somewhat nonsectarian notion of God.

I have chosen to focus on the period from 1830-1924 for a number of reasons. First, the vast changes that took place in America during this period afford a fertile background against which to view the changing laws and norms surrounding marriage, and the way external factors shaped those laws and norms. Likewise, the exponential growth of the American Jewish community during this period affords the historian the opportunity to examine the way that growth impacted the behavior of American Jews and the policies of the organized Jewish community. Most importantly, however, I chose this periodization in order to make this a study of immigrants. The American Jewish population during the nineteenth and early twentieth century was largely an immigrant population. At any given time between 1830-1924, a significant percentage, if not the majority of Jews living in America were either immigrants themselves or were children of immigrants. Examining the way an immigrant and first-generation American population interacted with and reacted to the contours and constructs of American marriage helps us gain deeper understanding of the process of immigrant acculturation and Americanization. It simultaneously provides the historian a greater understanding of how American identity developed and changed in this period by focusing on a group of immigrants grappling with American identity for the first time. And, it allows insight into the ways that immigrants themselves affected the construction of American identity.

Of course, this is not a general study about immigrants; it focuses solely on the Jewish immigrant community. As such, it also sheds light on a number of issues that are central to the study of American Jewish history. While a number of excellent studies have

examined the ways in which Jews adapted to their new lives in America during the century of mass Jewish immigration, using the lens of marriage allows us to observe with binocular vision how Americanization simultaneously played out in multiple spheres. The ways Jews interacted with the American institution of marriage impacted the personal realm of how Jews chose spouses, the communal and religious realm of how they celebrated their weddings, the legal realm of how rabbis sought recognition from state authorities, and the public policy realm of how Jewish communal authorities negotiated the relationship between Jewish practices and American law. Examining the way those spheres overlapped with and influenced one another gives the historian a thicker understanding of the American Jewish experience.

By anchoring analysis of American Jewish marriage in the rich body of work on the history of American marriage as a whole, this study sheds new light on the ways in which Jews viewed and engaged with the process of Americanization. While a number of other American Jewish historians have written, for example, about the adoption of love marriage by Jewish immigrants as a form of Americanization, their analysis does not take into account the American ideological, political and legal structures that militated for love marriage.¹⁴ Thus, their work paints the adoption of love marriage as simply a cultural change for Jews without an understanding of the many powerful forces that led

¹⁴ Monographs that address Jewish marriage in America during this period include Charlotte Baum, Paula Hyman, and Sonya Michel, *The Jewish Woman in America* (New York: Dial Press, 1976); Hasia Diner, *A Time for Gathering: The Second Migration, 1820-1880* (Baltimore: Johns Hopkins University Press, 1992); Susan A. Glenn, *Daughters of the Shtetl: Life and Labor in the Immigrant Generation* (Ithaca, NY: Cornell University Press, 1990); Jenna Weissman Joselit, *Wonders of America: Reinventing Jewish Culture, 1880-1950* (New York: Henry Holt, 1994); Riv-Ellen Prell, *Fighting to Become Americans: Jews, Gender, and the Anxiety of Assimilation* (Boston: Beacon Press, 1999); Shari Rabin, *Jews on the Frontier: Religion and Mobility in Nineteenth-Century America* (New York: New York University Press, 2017); Naomi Seidman, *The Marriage Plot*; Sydney Stahl Weinberg, *The World of Our Mothers: The Lives of Jewish Immigrant Women* (New York: Schocken Books, 1988); and Lee Shai Weissbach, *Jewish Life in Small-Town America: A History* (New Haven, CT: Yale University Press, 2005).

Jews to the implicit understanding that marriage for love was ideologically inseparable from American identity. Indeed, as I show in my dissertation, Jews' failure to adopt marriage for love would call into question their very belonging in American society.

Likewise, while a handful of historians have touched on the American Jewish wedding in their work, none have done so with the backdrop of understanding the development of the white wedding as a marker of Americanness in the nineteenth century. Jenna Weissman Joselit's work on American Jewish weddings in her book *The Wonders of America: Reinventing Jewish Culture, 1880-1950* was the most in-depth analysis until this dissertation, however, her research only addresses weddings beginning in the Eastern European migration period after 1880, decades after the advent of the white wedding in America.¹⁵ Also, critically, her work does not explore the way American ideals impacted upon not only the material trappings of Jewish weddings, but also the ceremony itself. By examining American Jewish weddings from many angles, from invitation to attire to ceremony to reception, my dissertation shows that immigrant Jews in the nineteenth century worked to structure their weddings to meet exacting standards of American respectability. Those standards included adoption of the fashions of the white wedding, but also included adapting the Jewish wedding ceremony to excise those elements that gentiles saw as Oriental. The narrative that Jews adopted American wedding fashions merely out of love for American culture and a desire to acculturate fails to incorporate a more complicated story about the role and definition of the white wedding in defining Americanness. While there is no doubt that immigrant Jews did fall in love with American culture, they also understood that buying into American norms

¹⁵Joselit, *Wonders of America*, 9-54.

surrounding marriage was more than simply adapting to their new and enticing surroundings; it was well-nigh a command performance.

My dissertation also sheds light on how rabbis gained a “seat at the table” of accepted American religious leaders alongside Christian clergy. While historians have shown that in the wake of World War II, Judaism became a mainstream religion in America alongside Protestantism and Catholicism, my dissertation examines how rabbis planted the seeds for their acceptance as American clergy as early as the immediate postbellum years in the nineteenth century.¹⁶ To be sure, historians have previously written about the role of nineteenth century American rabbis in representing and shaping Judaism as a religion in concert with American values, and my dissertation adds to this work by illustrating how this phenomenon occurred in the realm of marriage practices.¹⁷ However, I also argue that nineteenth American rabbis understood that the path to acceptance in America involved not only taking public positions on internal Jewish communal issues, but also weighing in on the “right” side of national policy concerns. As an institution central to American identity, marriage was a critical forum in which to

¹⁶ On the acceptance of Judaism as an American religion in the post-World War II era, see Will Herberg, *Protestant, Catholic, Jew* (New York: Doubleday, 1955); Deborah Dash Moore, *GI Jews: How World War II Changed A Generation* (Cambridge, MA: Belknap Press of Harvard University Press, 2004); Kevin M. Schultz, *Tri-Faith America: How Catholics and Jews Held Postwar America to its Protestant Promise* (New York: Oxford University Press, 2012); Edward S. Shapiro, *A Time for Healing: American Jewry Since World War II* (Baltimore: Johns Hopkins University Press, 1992), 52-53.

¹⁷ On rabbinic leadership in America in the nineteenth and early twentieth centuries, see Naomi Cohen, *What the Rabbis Said: The Public Discourse of Nineteenth Century American Rabbis* (New York: New York University Press, 2008); Marni Davis, *Jews and Booze: Becoming American in the Age of Prohibition* (New York: New York University Press, 2012); Zev Eleff, *Who Rules the Synagogue: Religious Authority and the Formation of American Judaism* (New York: Oxford University Press, 2016); Karla Goldman, *Beyond the Synagogue Gallery: Finding a Place for Women in American Judaism* (Cambridge, MA: Harvard University Press, 2000); Leon Jick, *The Americanization of the Synagogue, 1820-1870* (Hanover, NH: Brandeis University Press, 1992); Michael A. Meyer, *Response to Modernity: A History of the Reform Movement in Judaism* (Detroit: Wayne State University Press, 1988).

accomplish this. While historians previously believed that rabbis only began to weigh in on matters of national policy beginning in the twentieth century, my dissertation shows that this phenomenon dates at least as far back as the immediate postbellum period.¹⁸ Thus, alongside reform-minded Christian clergy, nineteenth century rabbis spoke out against overly permissive divorce laws and called for uniform marriage and divorce laws, taking stances that put them squarely in agreement with respectable American ideals.

Rabbis and other Jewish communal leaders did not use only the public square to cement their place among respectable American religious leaders, they also used the courthouse and the statehouse. While much has been written about how Jews petitioned courts and state legislatures to fight religious discrimination in nineteenth and early twentieth century America, my dissertation explores different facets of how Jewish leaders used the law to make change.¹⁹ First, I show how postbellum American rabbis, seeking their place among the array of respectable American religious leaders, fought to be included on the books as legal clergy marriage officiants alongside their fellow Protestant and Catholic clergy. While on its face, this would appear to be simply another example of how Jews used the law to fight for religious equality in America, in fact this fight was different in one critical respect: although many states had laws that restricted official clergy marriage officiant status to ministers of the gospel, rabbis were never prevented from acting as officiants on behalf of the state. Expanding our definition of the meaning of religious equality, the fight for inclusion as state marriage officiants shows

¹⁸ Naomi Cohen, *Encounter with Emancipation: The German Jews in the United States, 1830-1914* (Philadelphia: Jewish Publication Society, 1984), 195.

¹⁹ On the Jewish fight for religious equality under the law in America, see Naomi Cohen, *Jews in Christian America: The Pursuit of Religious Equality* (New York: Oxford Press, 1992); Jonathan Sarna and David G. Dalin, *Religion and State in the American Jewish Experience* (Notre Dame, IN: University of Notre Dame Press, 1997).

that rabbis and Jewish communal leaders were not only concerned with the way laws played out in reality; they cared about what their language looked like on the books. Exclusion of rabbis as state marriage officiants, even if only on paper, belied the Jewish goal of inclusion among the array of respectable American religions. The fight for rabbinic inclusion as legal marriage officiants sheds light on the ways in which Jewish communal leadership impacted and reshaped the way America defined appropriate religious leadership.

This dissertation also reveals how rabbinic and lay leaders utilized American law to police internal Jewish communal concerns. When certain rabbis or Jewish functionaries engaged in marriage or divorce practices that raised eyebrows in American society – whether it was hanging out shingles as wedding officiants for a fee, or granting Jewish divorces without requiring civil divorces, or officiating at weddings in which one member of the couple was divorced and had not obtained a civil divorce – other rabbis and lay leaders not only spoke out against them inside the Jewish community, but also partnered with the state to exclude them from positions of Jewish authority and even obtain criminal sanctions against them. The picture of Jewish communal leadership that emerges from this study depicts leaders that carefully used their roles both inside and outside the Jewish community to advance the greater cause of Jewish acceptance in America. Indeed, such Jewish communal leaders were unafraid to call upon secular authorities to police their fellow Jews and to use state legislative authority to help them enforce their internal definition as to who was an acceptable rabbi. Examining the way Jewish community leaders used the American legal system to bring about the change they wanted to see in their own communities helps us understand how the role of the

American rabbi was at least in part shaped by American laws. It also shows that Americanized Jewish leaders fundamentally trusted secular authorities in America; to them, their un-Americanized co-religionists posed more of a threat to Jewish security than the secular state.

Because it covers a century of Jewish mass migration to America, my dissertation contributes to the debate among American Jewish historians as to how American Jewish history should be periodized. Historians have traditionally divided the century of Jewish mass migration to America into two periods: the German migration from 1820-1880 and the Eastern European migration from 1880-1924.²⁰ While both periods were marked by large waves of Jewish migration to America, most historians argue that the migrations had significant differences warranting their treatment as separate migrations.²¹ First and most obviously, the names assigned to the migrations presumed that the Jews originated in different areas of Europe with different external cultures and internal Jewish communal norms. Additionally, historians noted the vast size differential between the two migrations: approximately 150,000 Jews immigrated during the German migration while 2.5 million immigrated during the Eastern European migration. Most importantly, however, historians noted that the patterns of acculturation and attitudes toward modernity differed a great deal between the two migrations, in large part due to the ideals of the nations from which they emigrated. They argued that those who migrated between

²⁰ See, for example, the periodization used in the “Jewish People in America” series published by Johns Hopkins Press in 1992, which has separate volumes for the Central European and Eastern European migrations: Diner, *A Time for Gathering* and Gerald Sorin, *A Time for Building: The Third Migration, 1880-1920* (Baltimore: Johns Hopkins University Press, 1992). See also Arthur Herzberg, *The Jews in America: Four Centuries of an Uneasy Encounter* (New York: Columbia University Press, 1997); Jonathan D. Sarna, *American Judaism: A History*, Second Edition (New Haven, CT: Yale University Press, 2019).

²¹ See for example, Sarna, *American Judaism*, xiv-xv.

1820-1880 acculturated to America far more quickly, abandoning or at least strongly tempering their Jewish distinctive behaviors in order to fit into the American mainstream. Eastern European Jews, on the other hand, who lived in large Jewish ghettos in urban centers, were less likely to moderate or eradicate their Jewish distinctiveness. While they also Americanized quickly, they maintained a strong Jewish ethnic identity that persisted beyond the era of migration.²²

In her 2004 synthetic history of American Jewry, *The Jews of the United States*, historian Hasia Diner quibbles with the strict delineation between these two migrations, arguing that, upon deeper examination, the two periods were not as distinct as other historians had argued.²³ According to Diner, the period of 1820-1924 should be treated as one historiographical unit, a century of mass migration. First of all, she argues that the countries of origin of the immigrants cannot be as clearly delineated as the traditional historiography had claimed. Her earlier work on this period found that the German migration was not only made up of Jews from German states, but also from other Central and even Eastern European regions and nations, such as France, Bohemia, Moravia, Slovakia, Lithuania, and Russia. Furthermore, she argues that even Jews from German states were not always Central European culturally, noting that over half the Jewish immigrants from Prussia during the period from 1820-1880 were actually from Posen, an area which had been Polish territory and in which the Jews were often culturally closer to Polish Jewry than German Jewry.²⁴ Even the Eastern European migration was not entirely Eastern European; Diner points out that 30,000 Sephardic Jews from the Balkans,

²² Sorin, 219.

²³ Hasia Diner, *The Jews of the United States* (Berkeley: University of California Press, 2014), 71-111.

²⁴ Diner, *A Time for Gathering*, 49.

Turkey, and Greece immigrated in the first quarter of the twentieth century. More importantly however, she contends that commonly accepted delineations between the German and Eastern European migration with respect to patterns of acculturation, settlement, and occupation do not hold up when subjected to close examination. While acknowledging certain differences between the periods, specifically with respect to sheer numbers of immigrants, she claims that “popular categorizations” regarding differences between immigrants of the two periods “should not be dismissed as completely inaccurate, just overly simplistic.”²⁵

This study reaffirms the traditional historiography that the Central European and Eastern European migrations, while sharing common characteristics to be sure, were quite distinct from one another and should be treated as separate periods.²⁶ Up until now, no full study has been done on Jewish marriage in America. Prior work in this area has been situated in either the Central European migration period or the Eastern European migration period. By encompassing both the Central European and Eastern European migrations, this study sheds light on similarities and differences between the two and gives greater nuance to the debate over periodization.

In addition to affirming prior historiography that patterns of acculturation differed significantly between the two periods, my research found that the disparities between the two periods are linked not only to the characteristics of the Jews who immigrated, but

²⁵ Diner, *The Jews of the United States*, 79.

²⁶ From this point forward, I will refer to the 1820-1880 migration as the Central European migration, which recognizes Diner’s findings regarding the places of origin of the immigrants of that period and at the same time affirms my view that the period is distinct from the Eastern European migration from 1880-1924. While Diner points out that some immigrants during this period did come from Eastern Europe, it seems a large majority came from Central Europe, albeit not necessarily only from German speaking regions. Diner, *A Time for Gathering*, 49-53.

also to the circumstances in American society during each time. Thus, for example, while young Jews who arrived in America during the Central European era tended to quietly and without much fanfare adopt at least the appearance of marrying for love, young Jews who arrived during the Eastern European migration were more likely to at least outwardly declare their love matches to be rebellions against the Old World ideas of their parents. Such tales of rebellion had a gendered light to them, typically featuring young women rebelling against their autocratic fathers.²⁷ Understanding increasing tension surrounding immigration as well as the gendered nature of citizenship and naturalizations laws at the time are critical to interpreting the behavior of Eastern European immigrant women. By the time of the Eastern European migration, public declarations of affinity for definitively American marriages had become far more central to immigrant acceptance than they had been in previous decades. Understanding these changes helps us see the way the growth of anti-immigrant bias and antisemitism at the turn of the century touched the very personal and individual realm of spousal choice within the Jewish community in addition to the more well-known public realms of employment and housing discrimination as well as exclusion from certain educational institutions and social clubs.²⁸

Similarly, American Jewish wedding culture also differed significantly between the Central European and Eastern European migrations. During the Central European

²⁷ See, for example, Anzia Yezierska, *Bread Givers* (New York: Persea Books, 2003, Original: New York: Doubleday, 1925), 137-8. See also Glenn, 157; Freeze, 16.

²⁸ For more on antisemitism in America, see Leonard Dinnerstein, *Antisemitism in America* (New York: Oxford University Press, 1994). For another treatment of the impact of antisemitism on personal and individual behavior of Jews, see Kirsten Fermaglich, *A Rosenberg by Any Other Name: A History of Jewish Name Changing in America* (New York: New York University Press, 2018).

migration, as the white wedding developed into a key marker of Americanness, Jews not only adopted American white wedding culture, but also adapted the Jewish wedding ceremony to fit American definitions of respectability. However, by the turn of the century, with near universal acceptance of the white wedding among Americans, and the onset of backlash against the ever-growing gaudiness and materialism of such weddings, I argue that Americans no longer saw the white wedding as a performance of American identity. While Eastern European immigrants adopted the white wedding with relish, leading to gentile criticism of Jewish showiness and material excess, the fact that they did not need to use the white wedding to perform their American identity in the same way as earlier generations opened the door for Eastern European immigrants to inject Jewish ethnic and religious elements into their white weddings. The ethnicization of Jewish white weddings during the Eastern European period helped pave the way for American acceptance of the incorporation of different cultural ceremonies and rituals into American weddings. Without understanding America's relationship to the wedding ceremony during this period, the nuance of how Jews interacted with American wedding culture, and the relationship of wedding culture to American identity, is lost.

Lastly this dissertation contributes to an already existing body of scholarship that depicts the conflicted relationship between those Jews who arrived during the Central European migration and those who arrived during the Eastern European migration.²⁹ While Jewish communal leaders during the Central European migration sometimes

²⁹ For discussion about conflict between Americanized Jews whose families arrived during the Central European migration and Eastern European immigrants, see Naomi Cohen, *Jacob H. Schiff: A Study in American Jewish Leadership*, (Hanover, NH: Brandeis University Press, 1999); Arthur A. Goren, *New York Jews and the Quest for Community: the Kehillah Experiment, 1908-1922* (New York: Columbia University Press, 1970); Sorin, *A Time for Building*.

struggled to keep their communities in line with respectable American marriage practices, the level of internal Jewish communal conflict regarding marriage pales in comparison to what had developed by the Eastern European period. As in many other issues during the Eastern European migration, Americanized Jewish leaders saw the “un-American” marriage practices of their Eastern European co-religionists as a danger to Jewish standing in America. As mentioned above, and as will be discussed at length in chapter 4 of this dissertation, when new Eastern European immigrants failed to adhere to American marriage laws, more established Jewish American leaders who immigrated during the Central European migration did not hesitate to use the power of the state apparatus to keep their co-religionists in line. Showing how this conflict played out around the key American institution of marriage helps historians understand the fear of the Americanized Jewish leaders that Eastern European immigrants would undermine their hard-won American status. Simultaneously, it helps historians explain the level of vilification of Eastern European immigrant behavior that on its face appears relatively benign.

Through examining the way Jews used marriage practices to earn acceptability in America, this study adds to the body of literature that explores how American gentile society viewed the Jews in their midst. While almost every study of American Jewish history explores at least in part the often-complicated insider/outsider status Jews had in America, this dissertation provides a deeper understanding as to the nature of outsider status, and the ways in which Jews were and were not able to transition from outsiders to insiders. As I will show in chapters 1 and 3 of this dissertation, nineteenth and early twentieth century gentile American voyeurs described Jewish courtship practices and wedding ceremonies in Orientalizing language, stamping not just the practices and

ceremonies but the Jews themselves as foreign, Semitic, unenlightened and profoundly un-American. As Jews adapted their marriages to suit American sensibilities, gentiles' Orientalizing descriptions slowly fell away. Although the Orientalizing language often had an essentialist quality to it, stamping Jewish bodies as foreign and un-American, even those more racial elements of Orientalism dissipated as Jewish marriage practices became more and more "American." It was as if the adoption of American marriage had the power to change Jewish bodies from Oriental to Occidental. This phenomenon, reflecting the centrality of American marriage to defining American identity, shows the contested nature of Jewish status in America. Neither fully insiders nor fully outsiders, Jews relied upon their ability to perform their Americanness to gain access to American identity.

Additionally, my dissertation adds to our understanding of the way gender and outsider status were intertwined for American Jews. Orientalism directed toward Jews was frequently gendered in nature, with gentiles attaching particularly Oriental descriptions to Jewish women, and in particular Jewish brides. In Victorian America, where rhetoric about women declared them to be the "fairer sex," deserving of protection and honor, modernized Jewish religious leaders understood that it was critical for them to ensure that Jewish ritual practices did not portray or treat women disrespectfully. At the same time, however, Americanized Reform rabbis who were working on amending the Jewish marriage ceremony to fit new sensibilities, knew that erring too strongly on the side of women's rights came with its own potential pitfalls. As they reconfigured the Jewish marriage ceremony in the postbellum era, they took great care to maintain respectability with respect to women's roles, neither offering a vision of Jewish womanhood that was too Oriental nor one that was too radical in its focus on women's

rights. Once again, American marriage became the locus for negotiations of Jewish respectability, rooted in Jewish conceptions of gender.

Just as this dissertation contributes to the field of American Jewish history, it also helps to refine the scholarship on American marriage. Histories of American marriage do not account for the ways that a tiny minority immigrant group interacted with American marriage practices. Thus, while many histories of American marriage focus on the importance and centrality of marriage for love in this country, it is only upon examining the impact of that philosophy on a minority immigrant group which arrived on American shores with a different conception of how spouses should be selected that we can see the full impact of love marriage as a defining characteristic of American identity. Similarly, while the development of the American white wedding has been discussed at length in many monographs and articles, no analysis discusses its significance as a marker of American identity.³⁰ It is only when one examines the circumstances surrounding the adoption of the white wedding by a minority group that its importance to American identity becomes clear. American Jews, as a community that sometimes failed to conform to American marriage norms, serve a “control group” that allows the historian to measure the importance of American marriage to American identity.

Thus, this dissertation helps us understand the way American society defined what it meant to be an American during an era in which that identity was contested. By

³⁰ For work on the American white wedding, see Vicki Howard, *Brides, Inc.: American Weddings and the Business of Tradition* (Philadelphia: University of Pennsylvania Press, 2006); Ellen K. Rothman, *Hands and Hearts: A History of Courtship in America* (Cambridge, MA: Harvard University Press, 1987); Barbara Penner, “‘A Vision of Love and Luxury’: The Commercialization of Nineteenth Century American Weddings,” *Winterthur Portfolio* 39, no. 1 (Spring 2004): 1-20; Elizabeth H. Pleck, *Celebrating the Family: Ethnicity, Consumer Culture, and Family Rituals* (Cambridge, MA: Harvard University Press, 2000), 207-32.

examining American marriage through the lens of a minority and immigrant population, elements of marriage that were not previously understood as Americanizing in nature can be seen with greater clarity. American identity has always been ephemeral and complex, based more on a set of ever-morphing ideas and beliefs than one's national origin. Unlike European nations, in which belonging to the nation was sometimes biologically determined, Americanness could be achieved, albeit with some difficulty, by those who had arrived on these shores from lands far away. While of course adopting American cultural norms was central to immigrant acculturation, this study shows the importance of adopting American political ideology and civil religion as well. To be an American was not only to behave as an American, it was to think and believe as an American. The institution of marriage challenged American Jews to do both of these things. Over the course of the nineteenth and early twentieth century, American Jews learned to court and marry in the American style and underpinned their marital behavior with the values of freedom, choice, monogamy, and respectability.

A Note on Intermarriage

I have specifically chosen not to include intermarriages between Jews and gentiles among the marriages I study in this dissertation. While there is no doubt that intermarriage is deserving of study, I chose to focus on endogamous marriage for a number of reasons. First, while there is no question that some Jews, mostly men, intermarried during this period in America, intermarriage rates remained quite low. Since America never required the reporting of one's religious affiliation, we cannot know with precision what percentage of Jews intermarried, but historians estimate it to be quite low, perhaps 10-15%, between 1820-1880, and significantly lower, even as low as 1-2%

between 1880-1924.³¹ While there is no question that intermarriage occurred, the vast majority of Jews during this period married other Jews. Furthermore, source material on intermarriage is even more limited than the intermarriages themselves. While I found dozens of memoirs, letters, and diaries that described endogamous Jewish marriages, I unearthed very little that mentioned intermarriage. In part this may be due to the self-selecting population of individuals who donate material to American Jewish archives. Likely, most of those individuals continue to identify as Jews, while statistically we know that descendants of intermarriages are less likely to maintain Jewish identity. And, given that Jewish families and the organized Jewish community were far less accepting of intermarriage in the nineteenth and early twentieth centuries than they are today, the chances of an intermarried couple maintaining connections to the Jewish community were limited. As a result, materials which might have provided insight into the emotional and cultural factors that resulted in intermarriage during this period are more difficult to find.

Second, in researching and writing this dissertation, I was interested not only in individual relationships, but also the way Jewish communal leaders thought about issues surrounding marriage that impacted the Jewish community in America. Intermarriage was not yet on the radar of Jewish communal leaders as a major problem in the nineteenth and early twentieth centuries. Since this dissertation deals with both personal and communal issues with respect to Jewish marriage and divorce in America, I wanted to make the scope of the study uniform. Lastly, as discussed above, while a number of

³¹ Diner, *A Time for Gathering*, 139. Lila Corwin Berman, "Sociology, Jews, and Intermarriage in Twentieth-Century America." *Jewish Social Studies*, N.S. 14, no. 2 (2008): 38.

books touch on Jewish marriage practices in America during this period, until this point there has been no full-length study of Jewish marriage in America. There are, however, two historical studies of intermarriage in America, one solely about Jewish intermarriage in the twentieth century and the other about multiple types of religious intermarriage in the nineteenth century.³² While neither study is a full exploration of the issue, at least in some respect, the issue has been addressed more fully than Jewish endogamy has been.

Overview

This dissertation examines four different aspects of Jewish marriage and divorce in America: courtship, rabbis as marriage officiants, the wedding ceremony, and divorce. Each one of these elements of marriage and divorce lends its own insight into the ways in which Jews interacted with American marriage practices and laws, and at the same time, common themes arise which tie these four aspects together as a whole. I have ordered the chapters to mirror the chronology of an individual marriage, beginning with courtship, continuing through the planning and execution of the wedding, and at least in some cases, ending in divorce.

Chapter 1 of this dissertation discusses how nineteenth and early twentieth century American Jews courted and chose spouses. Though on the one hand a very personal and intimate process, rooted in emotions and romantic attractions, courtship and spousal choice is also deeply influenced by the values of the community in which a couple lives. Nineteenth and early twentieth century American Jews adopted multiple cultural influences that impacted their courtship and marriage practices. As a community

³² Keren R. McGinity, *Still Jewish: A History of Women and Intermarriage in America* (New York: New York University Press, 2009); Anne C. Rose, *Beloved Strangers: Interfaith Families in Nineteenth Century America* (Cambridge, MA: Harvard University Press, 2001).

made up mostly of immigrants and children of immigrants, American Jews were still deeply influenced by traditional European Jewish practices regarding selection of a spouse. And, simultaneously, as new Americans, they quickly bought into American cultural practices. When the Old and New World courtship practices clashed, as in the case of the Eastern European Jewish practice of using a *shadchan*, matchmaker, the antithesis of marriage for love and by choice, immigrant Jews generally erred on the side of choosing the American way. Young immigrants quickly discarded the use of the *shadchan*, insisting on choosing their own spouses. At the same time, however, Jews did not entirely reject Jewish courtship traditions. They continued to use Jewish kinship networks to find spouses, and even to marry in arranged marriages, although they often painted such marriages as marriages for love and by choice.

Chapter 2 addresses how rabbis became state-approved marriage officiants, able to solemnize marriages that were recognized by the states in which they lived. This chapter addresses bigger questions of what religious freedom meant in nineteenth century America and how rabbis and Jewish lay leaders understood their role in fighting for that freedom. While rabbis were never actually forbidden from performing weddings, officially, many states restricted legal religious officiant status to "ministers of the gospel." Although discrimination against rabbi officiants was in name only and not in practice, Jews fought to have the laws changed to be more inclusive. I argue that Jews felt that, given the centrality of marriage as an American institution, being included *de jure* as legal solemnizers of marriage on behalf of the state was an important marker of Americanness. It gave rabbis a "seat at the table" of respectable religious leaders in this country, which led to greater acceptance of Jews as part of American society.

Chapter 3 addresses the wedding itself. Over the course of the nineteenth century, weddings underwent a sea change in America, growing from quiet small affairs generally held in the home of the bride to large church weddings with processions, attendants, catered banquets, and of course a bride dressed all in white. This new type of large and elaborate wedding became known as a “white wedding,” and was nearly universal among middle- and upper-class Americans by the end of the nineteenth century, particularly those living in cities. While the development of the American white wedding has been the subject of a number of academic studies, until this point scholars have focused on its economic and material aspects. By examining how a minority immigrant community adopted the white wedding, this study expands our understanding of the role that the white wedding played in nineteenth century America, and how that role changed in the early twentieth century. I argue that more than just a marker of economic success, the white wedding was a marker of Americanness.

Finally, chapter 4 addresses the termination of marriages by divorce, specifically addressing a situation in the late nineteenth and early twentieth century in which immigrant Jews got divorced via *gittin*, Jewish religious divorces, rather than civil divorces, causing them to be bigamists in the eyes of the state once they remarried. I argue that because divorce was such a contentious issue for late nineteenth and early twentieth century Americans, Jewish leaders treated the behavior of their coreligionists as an emergency, implementing Jewish communal solutions and partnering with the state to seek laws criminalizing their behavior.

Marriage has played a central role in American identity since the inception of the republic. Thus, understanding American society as a whole and understanding the

experience of minority groups within that whole requires delving deeply into the study of marriage. Using the lens of marriage, I hope to foster a more nuanced understanding of the public and private elements of American Jewish identity and how the two intersected in surprising and interesting ways. To quote the words American Reform rabbi J. Leonard Levy used in 1913 to describe what he saw as the relationship between marriage practices and the success of a society, “As the house so the nation.”³³ In the era of mass migration, each Jewish “house” had the power to influence the way the Jewish people fit into America. And, at the same time, Jewish houses helped redefine what being a part of the American nation meant.

³³ J. Leonard Levy, “The Modern Problem of Marriage and Divorce,” in Samuel Schulman, Solomon Foster and Ephraim Frisch, eds., *Year Book of the Central Conference of American Rabbis XXIII* (1913): 340.

Chapter 1
“Has not love ever been part of freedom?”:
Finding a Spouse in America

“Customs of courtship vary greatly in different times and places, but the way the thing happens to be done here and now always seems the only natural way to do it.”

- Herman Wouk, *Marjorie Morningstar*¹

Riding a train from Philadelphia to Harrisburg in 1843, William Frank, a twenty-four-year-old Jewish immigrant from Bavaria, met a fellow Jew and struck up a conversation. As William later related in his memoir, his new companion mentioned his eagerness to return home to Lancaster to see his new wife. William confided, “If I could meet a desirable girl, I would like to marry also.” Before he knew it, his seatmate told him that he knew just the girl – his wife’s cousin Paulina Wormser– and invited William to join him for the evening in Lancaster to meet her. William agreed, and when he met Paulina, he related that, “she seemed to suit me.” Upon returning to Philadelphia, William discovered that his business partner had arranged a potential match for him with his sister-in-law, who had just arrived from Germany. William rejected this match out of hand. “I had other ideas,” he related in his memoir. Paulina had “suited him” he repeated, and he thought he could “get her.”²

Shortly thereafter, on Rosh Hashana, William went to synagogue in Philadelphia where he saw Paulina’s brother Ephraim and the two men went out after services for a beer. Ephraim asked William what he thought of his sister. William replied that “if she

¹ Herman Wouk, *Marjorie Morningstar* (New York: Little, Brown, 1955), 3.

² Translated Autobiography of William Frank (undated), SC 3596, American Jewish Archives, Cincinnati, Ohio (hereinafter AJA), 2-3.

would have me, I would be willing to marry her.” Ephraim told William to write to Paulina, and that she would accept him. “I had never written a love letter before,” William admitted in his memoir. Luckily for William, whatever he wrote in his first love letter proved sufficient, and Paulina accepted his proposal. A mere two weeks later, the couple was married.³

William Frank’s courtship and marriage story contains many of the themes that arise over and over in nineteenth century Jewish American memoirs, diaries, and letters. A fellow Jewish immigrant from Central Europe connected William to a potential spouse. Upon meeting the potential spouse, William decided quickly that she suited him. He did not express great romantic feelings for Paulina, but he did bow to nineteenth century romantic convention by writing her a love letter. He rejected an offer of a more formally arranged marriage, insisting on following his own ideas on the matter. Frank’s story reflects the hybridity of courtship and marriage practices among mid-nineteenth century American Jews. Weaving together elements of the American culture of marital choice, emerging Western ideals of romantic love, and the traditional European and Jewish custom of arranged marriage, William Frank and others like him carved out courtship and marriage practices that allowed them to retain the use of traditional family and community networks to find suitable marriage partners, while simultaneously claiming the agency to shape their romantic relationships as they saw fit.

The massive waves of Eastern European Jewish immigration in the late nineteenth century brought a new twist to Jewish American marriage. Like their predecessors who arrived between 1820 and 1880, young Eastern European Jewish immigrants and children

³ *Ibid.*, 3.

of immigrants rapidly embraced the American notion of spousal choice when they married. However, while young Jews arriving during earlier decades rarely if ever reported parental objection to their choice of spouse, courtship stories of the Eastern European migration frequently featured intergenerational conflict surrounding choice of spouse, with children, particularly daughters, objecting to parental attempts to select spouses for them.⁴ No doubt, much conflict regarding spousal choice did occur in this period between traditional parents and their more Americanized children. However, in an era of rising antipathy toward immigrants and their “un-American” practices, intergenerational conflict regarding spousal choice also became a trope representing the larger theme of Americanization. As American legislators increasingly saw marriage law as an avenue for maintaining the character of American society, young immigrant Jews understood that adopting American marriage practices was a critical component to Jewish acceptance in American society. While throughout the century of mass Jewish immigration to America, Jews saw marriage practices as a way of adopting American notions of liberty and freedom, turn of the century American Jews understood that the stakes had become higher, leading them to articulate the act of choosing one’s own spouse as striking a blow for freedom and the American way.⁵

Studying courtship and marriage practices is challenging for the historian. While memoirs, diaries, and letters are the best sources of information about the very personal and often emotional stories of how people met and married, those sources are

⁴ Shaul Stampfer, *Families, Rabbis and Education: Traditional Jewish Society in Nineteenth Century Eastern Europe* (Portland, OR: Littman Library of Jewish Civilization, 2010), 39.

⁵ Nancy Cott, *Public Vows: A History of Marriage and the Nation* (Cambridge, MA: Harvard University Press, 2000), 149-51.

simultaneously among the most difficult to interpret. Their contents are influenced by their authors' conscious and unconscious motivations and desires, to which the historian can never be fully privy. Memoirs add the complication of their authors' faulty memory of events that were often decades in the past, and the fact that societal values influencing the perspective of the author may have changed significantly since the times in which the courtship and marriage occurred. And, of course, the historian is hampered by the fact that those who leave a record of their courtships and marriage stories are a self-selecting population of literate individuals who saw their lives as significant enough to record for posterity. Lastly, studying the courtships and marriages of a minority and largely immigrant population such as American Jews of the nineteenth and early twentieth century requires a deep understanding of the multiple cultural influences impacting those practices. Immigrant and first-generation American Jews understood and pursued the process of finding a spouse through the interwoven perspectives of European Jewish communal norms, the surrounding culture of their countries of origin, and of course the American culture and reality into which they had settled. Teasing out the myriad influences impacting the way immigrant Jews recorded their courtship and marriage stories is simultaneously close to impossible and yet critically important to historical understanding. The historian must tread carefully, reading memoirs, letters, and diaries "against the grain" and with a deep understanding of historical context in order to effectively draw conclusions from them. This chapter will utilize these personal sources alongside secondary source material about courtship and marriage among Jews and gentiles in Europe and America as well as other primary source material including newspaper stories, advertisements, fiction, and song lyrics to access both the ideas about

marriage and the practices of courtship and finding a spouse during the waves of Jewish migration to America in the nineteenth and early twentieth centuries.⁶

Jewish Courtship and Marriage in Nineteenth Century Europe

Marriage practices were in flux in nineteenth century European society. In premodern Europe, Jews and gentiles alike saw marriage as a practical partnership, typically arranged between two families by respected adults such as the fathers of the young woman and man, religious leaders, or community elders. Marriage was a way for two families to partner together in business, ensure farmland for their offspring, or even to unify warring regions or nations. Beginning as early as the seventeenth century, however, with the first cracks in absolutism, European young people began to have more freedom to choose whom they would marry and refuse to marry those they found unappealing. The spread of wage labor helped to nurture spousal choice by enabling young people to have more financial independence earlier in life. When a young man no longer had to wait to inherit land or take over his father's business in order to have the financial means to marry, he could also potentially discount his parents' ideas on whom he should marry. Similarly, a young woman who could earn her own livelihood was not as beholden to her parents to provide a dowry for her. Lastly, as industrialization spread, the workplace became a place where young people met one another without the oversight of parents.⁷

⁶ For a discussion of the challenges faced by the historian when writing the history of love and marriage, see Stampfer, 26. For discussion of the challenges of using memoirs as historical sources, see Marion Kaplan, *The Making of the Jewish Middle Class: Women, Family, and Identity in Imperial Germany* (New York: Oxford University Press, 1991), x-xi; Iris Parush, *Reading Jewish Women: Marginality and Modernization in Nineteenth-Century Eastern European Jewish Society* (Hanover, NH: Brandeis University Press, 2004), 9-12; Michael Stanislawski, *Autobiographical Jews: Essays in Jewish Self-Fashioning* (Seattle: University of Washington University Press, 2004).

⁷ Stephanie Coontz, *Marriage: A History* (New York: Penguin Books, 2005), 145-8.

With the advent of eighteenth-century Enlightenment ideas regarding individual freedom and the right to pursue happiness, spousal choice took on more importance and became more widespread, and concomitantly the idea developed that marriage could and indeed should be based on mutual affection and emotional connection. Such changes did not take place all at once across all of Europe; different regions and socio-economic groups adopted them at different times, but the tipping point occurred during the nineteenth century. While arranged marriage continued to take place in certain communities and locations in Europe until the early twentieth century, by the mid-nineteenth century, the ideals of spousal choice and romantic love for one's spouse had taken hold among the middle class in much of Central and Western Europe. It is impossible to ascertain what percentage of couples married "for love" or at least chose their own spouses during this period, but it is likely that by mid-century, the majority were doing so.⁸

Although changes in the surrounding society slowly seeped into the Jewish community, most Central European Jews maintained elements of arranged marriage throughout the nineteenth century and even into the early twentieth century. Middle class German Jews continued to view marriage as a contractual arrangement between families, based largely on material factors throughout this period. While after 1870, marriages formally arranged by matchmakers and parents began slowly to give way to the growing emphasis on matches chosen by young men and women who met one another independently, dowries and financial considerations remained central to Jewish marriages until World War I. Indeed, as German Jews grew more upwardly mobile in the last

⁸ *Ibid.*

quarter of the nineteenth century, the importance of dowries only grew. Poor and working class small-town and rural Jews, while lacking the property concerns of their bourgeois co-religionists, had a strong affinity for traditional ways, and therefore maintained their commitment to arranged marriage. The only group of Jews who may have more consistently mimicked the changes in the external society and married for love in nineteenth century Central Europe was the urban working class. Less concerned about passage of property and enjoying increased opportunities for young people to meet one another, these Jews seem to have adopted the new-fangled romantic ideal earlier than others. But even by 1871, only 20% of all German Jews lived in cities, thus, although the numbers of German Jews living in urban areas continued to rise, the number of Jews marrying for love in Germany remained quite small through the early twentieth century.⁹ Largely due to the upheaval and trauma of World War I, the 1920s became a transitional period for Central European Jews between “the near universality of arranged marriage and the near universality of love marriage.”¹⁰ The war certainly hastened the change from arranged marriage to marriage for love; it was difficult for parents to tell their adult children who had fought in the Great War that they had to marry according to their parents’ wishes. While they waned by the interwar years, arranged marriage with dowries persisted even in the relatively sophisticated urban environment of Vienna into the post-World War I era.¹¹

⁹ Marion Kaplan, “For Love or Money: The Marriage Strategies of Jews in Imperial Germany,” in *The Marriage Bargain: Women and Dowries in European History*, ed. Marion Kaplan (New York: Harrington Park Press, 1985), 121-63.

¹⁰ Marsha L. Rozenblit, “Jewish Courtship and Marriage in 1920s Vienna,” in *Gender and Jewish History*, eds. Marion A. Kaplan and Deborah Dash Moore (Bloomington: Indiana University Press, 2011), 88-103.

¹¹ *Ibid.*

Western Enlightenment ideas were slower to take hold in tsarist Russia where most Eastern European Jews lived. Additionally, the large size and relatively separatist nature of the community made it more difficult for changes in the surrounding society in Eastern Europe to permeate into the Jewish community.¹² As in Central Europe, parents and matchmakers also largely arranged Eastern European Jewish marriages in the nineteenth and early twentieth century. While the rising age of marriage over the course of the nineteenth century, legislative initiatives, and influence of the *Haskalah* led to young people demanding more of a say in the choice of their marriage partners, parental domination in the matchmaking process among Eastern European Jews remained strong until the twentieth century. Indeed, court records show that parents were able to bring suit for “disobedience and disrespectful behavior” against children who married without parental consent.¹³ The use of *shadkhanim*, professional matchmakers, also continued into the twentieth century, although even in the late nineteenth century, the *shadkhen* was increasingly maligned as an unscrupulous figure in Jewish writings, particularly in *Haskalah* literature.¹⁴

Despite the persistence of arranged marriage in Central and Eastern European Jewish communities throughout this period, evidence of change existed. As the century progressed, young people increasingly demanded a say in who they would marry and

¹² Israel Bartal, *The Jews of Eastern Europe, 1772-1881*, trans. Chaya Naor (Philadelphia: University of Pennsylvania Press, 2002), 6.

¹³ ChaeRan Y. Freeze, *Jewish Marriage and Divorce in Imperial Russia* (Hanover, NH: Brandeis University Press, 2002), 18-19.

¹⁴ Naomi Seidman, *The Marriage Plot, or How Jews Fell in Love with Love, and with Literature* (Stanford, CA: Stanford University Press, 2016), 71; Freeze, 20-21.

insisted on the ability to meet and converse with their intended prior to the wedding.¹⁵ Separate and apart from marital choice, couples, even those who met and married through arranged marriage, began to describe their relationships in romantic terms, and ultimately to choose spouses based on mutual attraction and affection. As early as 1803-04, a young Bavarian Jewish couple named Hendele bat Itzik and Jochanan ben Elieser sent a series of love letters to one another during the period of their arranged engagement. Although their marriage was arranged, and indeed it is unclear whether they even met before they were betrothed to one another, the couple communicated in the “contemporary language of passionate love.”¹⁶ As the century wore on, Central European Jewish parents began to pay lip service to changing societal morés, covering up the arranged nature of their children’s marriages by feigning coincidental meetings between the young man and woman.¹⁷ On the other side of the coin, some Eastern European Jewish parents would use “traditional formalities to lend respectability” to a match made by a young couple on their own, bringing in a shadkhen after the couple had decided to wed in order to negotiate the terms of the betrothal.¹⁸ In Eastern Europe, the language of love also seeped into discourse about marriage. Pauline Wengeroff related in her memoir that although her sister did not even meet her intended before their wedding in 1848, Wengeroff, who married only a year later, was able to sit alone and speak with her bridegroom before

¹⁵ Sydney Stahl Weinberg, *The World of Our Mothers: The Lives of Jewish Immigrant Women* (New York: Schocken Books, 1988), 50-52.

¹⁶ Marion Kaplan, “Based on Love: The Courtship of Hendele and Jochanan, 1803-1804,” in *Judische Welten: Juden in Deutschland vom 18 Jahrhundert bis in die Gegenwart*, eds. Marion Kaplan and Beate Meyer (Göttingen, Germany: Wallstein Verlag, 2005), 91.

¹⁷ Kaplan, “For Love or Money,” 148-9.

¹⁸ Freeze, 24.

getting engaged.¹⁹ Wengeroff described her conversation with her intended in highly romantic terms: “Trembling from emotion, he spoke to me of his feelings, of love, of loyalty, of undying happiness. Far more than his words, his eyes spoke.”²⁰ While such couples did not choose to marry one another out of mutual affection, they wanted to feel the emotion of love, and they understood that the society around them increasingly demanded that they at least pretend that they were in love. Of course, using romantic language in the context of an unwanted arranged marriage could prove awkward and unpleasant to say the least. As Puah Rakovsky wrote in her memoir about the period of her arranged engagement, “And then a new plague began for me: the correspondence with the bridegroom. Can there be anything more painful than writing love letters to a stranger?”²¹

European Jewish literature both reflected the changing ideals of marriage in the external society and influenced change in the Jewish community. As the embourgeoisement of the German Jewish community proceeded apace throughout the nineteenth century, German Jews began to produce and consume a body of Jewish middlebrow literature that, like its gentile counterpart, emphasized the importance of romantic love and choice of spouse, while at the same time struck a singularly Jewish

¹⁹ Pauline Wengeroff, *Memoirs of a Grandmother: Scenes from the Cultural History of the Jews of Russia in the Nineteenth Century, Volume Two*, trans. Shulamit S. Magness (Stanford, CA: Stanford University Press, 2014), 51.

²⁰ Wengeroff, 49.

²¹ Puah Rakovsky, *My Life as a Radical Jewish Woman: Memoirs of a Zionist Feminist in Poland* (Bloomington: Indiana University Press, 2002), 35. Rakovsky’s marriage ended in divorce.

message of in-marriage and Jewish continuity.²² Similarly, Eastern European maskilic literature increasingly contained themes of marital choice and romantic love.²³

Jewish Courtship and Marriage in Nineteenth Century America

In addition to the multiple messages regarding courtship and marriage that they internalized in their countries of origin, nineteenth century Central and Eastern European Jewish immigrants encountered a new set of cultural expectations in the American milieu. Romance was in the air in mid-nineteenth century America. Nineteenth century American young couples wrote flowery love letters to one another, confided their undying love for partners in their diaries, and described the heady, romantic nature of their courtships in their memoirs. Americans began to embrace the idea of romantic love as early as the 1740s, and from that point increasingly saw it as a required precondition for marriage.²⁴ Concomitantly, dowries were virtually unknown even in eighteenth century America, remaining a factor only in marriages of the very wealthy. Colonial magazines had spoken of romantic love and personal happiness, and eschewed wealth or parental pressure, as the proper underpinnings of marriage. “Affection, compatibility, and reciprocated love, readers were told, were the only lasting adhesives that would bind spouses together.”²⁵ Given this early commitment to free spousal choice, it is unsurprising that as early as the mid-eighteenth century, American parents no longer

²² Jonathan M. Hess, *Middlebrow Literature and the Making of German-Jewish Identity* (Stanford, California: Stanford University Press, 2010), 111-56.

²³ Parush, 150; Seidman, 30; David Biale, “Love, Marriage and the Modernization of the Jews,” in *Approaches to Modern Judaism*, ed. Marc Lee Raphael (Chico, CA: Scholars Press, 1983), 1-17, 141-5.

²⁴ Steven Mintz and Susan Kellogg, *Domestic Revolutions: A Social History of American Family Life* (New York: Free Press, 1988), 46; Karen Lystra, *Searching the Heart: Women, Men and Romantic Love in Nineteenth Century America* (New York: Oxford University Press, 1989), 28; Ellen K. Rothman, *Hands and Hearts: A History of Courtship in America* (Cambridge, MA: Harvard University Press, 1987), 103.

²⁵ Mintz and Kellogg, 46.

exerted much control over their children's courtships. In general, young people were left to their own devices, and permitted to court and marry whomever they pleased. While societal convention still called for the parents of the young woman to be consulted regarding the choice of spouse, their consent was seen as a formality, typically sought after the young people had already made their own decision to marry.²⁶

The American commitment to spousal choice and companionate marriage was not simply about relationships between individuals. Beginning in the Revolutionary era, American politicians, philosophers, and other thinkers consistently linked spousal choice to the political project of democracy, arguing that democratic government was like a companionate marriage in which the people (the wife) freely choose their government (the husband), consenting to its benign and affectionate rule over them. Democratic values notwithstanding, gender hierarchies remained staunchly in place in this analogy. On the flip side, Americans saw coerced marriage, a category into which they placed polygamous and arranged marriages, as equivalent to an autocratic, despotic government, something utterly un-American and to be avoided at all costs. Thus, early on, choosing one's own spouse became integral to defining oneself as American and showing fidelity to American ideals of democracy, individualism and personal choice. Not only did Americans see the practice of arranged marriage so common among European Jews as hopelessly old fashioned, they also considered it downright un-American.²⁷

Thus, Jewish immigrants to America during the century of migration from 1820-1924, particularly those who arrived before European Jewish marriage practices had

²⁶ Lystra, 159-62; Rothman, 25-30.

²⁷ Cott, 9-23; Werner Sollors, *Beyond Ethnicity: Consent and Descent in American Culture* (New York: Oxford University Press, 1986), 110-2.

undergone considerable change, faced significant cultural differences with respect to courtship practices and marriage choice. While in their countries of origin, most Jews would have married someone found and approved by their parents, perhaps with the help of a *shadkhen*, and almost always with a dowry, such practices were unacceptable in the American milieu. Adapting to American marriage practices was not simply part of the acculturation process for Jews; it was also how they would prove their bona fides as new Americans.

As if this new cultural milieu were not tricky enough, American Jews faced challenges in finding spouses that were previously unknown to them in Europe. To begin with, the Jewish population of America was miniscule. In 1820 when the era of large-scale Jewish migration to America began, there were approximately 5,000 Jews in America, constituting a mere 0.052% of the population of the United States. While approximately 150,000 Jews would arrive on American shores in the ensuing sixty years, the percentage of the American population that was Jewish remained low, not exceeding 0.5% until the advent of the massive Eastern European Jewish migration, beginning in the early 1880s.²⁸ And, while intermarriage between those of different religions was never illegal in America, and certainly some Jews, mostly men, did intermarry, the vast majority of Jews in America sought Jewish spouses.²⁹ In addition to the Jewish imperative for endogamy, immigrants in particular often felt lonely and lost in their new home and yearned for the comfort of a spouse with a similar background to their own. Further complicating matters, particularly in the antebellum era, young single men made

²⁸ Hasia Diner, *A Time for Gathering: The Second Migration, 1820-1880* (Baltimore: Johns Hopkins University Press, 1992), 35.

²⁹ *Ibid.*, 139.

up a majority of the migration, leading to an insufficient number of marriageable young Jewish women, a phenomenon which persisted on the frontier until the late nineteenth century.³⁰ Even had there been a sufficient number of marriageable Jewish women, most immigrant Jewish men who arrived in America between 1820-1880 began their lives in America as peddlers, a nomadic existence that did not lend itself to finding a spouse. Even when such peddlers ultimately chose more permanent homes, they frequently settled in small towns scattered throughout the United States with tiny or even non-existent Jewish communities.³¹

Mid-nineteenth century Jewish immigrants and first-generation Americans had to find a middle ground – one that would allow them to embrace American cultural norms, while at the same time find the life partners they desired. In her recent book *The Marriage Plot: How Jews Fell in Love with Love, and With Literature*, Naomi Seidman writes:

traditional and modern marriage ideologies may function in consort with significantly more complex and concealed social and psychological realities, signifying a practice in which multiple ideologies and strategies work together to negotiate and maximize social and individual benefits.³²

While Seidman was writing about the transition from traditional to modern marriage in the European Jewish community, the application of her words to nineteenth century American Jews is plain. American Jewish marriage practices incorporated not only traditional and modern marriage ideologies, but also the cultural and emotional realities

³⁰ Shari Rabin, *Jews on the Frontier: Religion and Mobility in Nineteenth-Century America* (New York: New York University Press, 2017), 57-61.

³¹ Diner, 66-73; Rabin, 15-16; Lee Shai Weissbach, *Jewish Life in Small-Town America: A History* (New Haven, CT: Yale University Press, 2005), 36-37.

³² Seidman, 30.

of immigrant life in America. Therefore, Jewish adaptation to American marriage norms was not linear. Since the vast majority of Jews living in America between 1820-1924 were either immigrants or children of immigrants, their courtship practices remained a patchwork of European, Jewish, and American customs and traditions.³³

Perhaps the greatest commonality between courtship practices of nineteenth century American Jews was their reliance on kinship networks to find spouses. Friends, family members, or even just fellow Jews frequently connected marriageable young men and women to one another in order to facilitate marriage.³⁴ Immigrant Jews were used to such networks; Jews found spouses in Europe, whether using a traditional matchmaker or not, in much the same way. However, America posed its own challenges to using kinship networks to find a spouse. Many teenage and young adult Jews immigrated on their own, leaving parents and other trusted family members who ordinarily would have spearheaded the search for a spouse essentially out of the picture. Additionally, such networks could be difficult or even impossible to access on the frontier or in small towns with tiny Jewish populations. Interestingly, these challenges may have facilitated the adoption of American marriage norms. Since parents were often unable to weigh in, young people by necessity became their own decision-makers with respect to spousal choice. Furthermore, one of the main impetuses for arranged marriage – the strategic alliance with another family that would advance one’s position in life – became largely

³³ A statistical analysis of the marriage records of Temple Emanu-El in New York City between 1845-1897 reflects that 62% of the men who married were German-born, and 28% were American born. None of the males were American-born during the first five years researched; 1851 was the first year in which an American-born male was registered. Temple Emanu-El (New York, NY) Analysis of Marriage Records, 1847-1897, SC-8999, AJA.

³⁴ Weissbach, 147-51; Diner, *A Time for Gathering*, 70-71.

irrelevant in the American milieu where young people were often without family.³⁵

Lastly, the lack of available spouses often led to impulsive and quick decisions to marry once a reasonably appropriate partner showed up, decisions that could outwardly appear to have been caused by the young couple fashionably falling head-over-heels in love.

Jewish immigrants found spouses through a wide variety of communal connections. Sometimes an available spouse was close by. Gustav Kussy, a thirty-three-year-old immigrant from Bohemia, was working as a peddler in Newark, NJ in 1858 when he decided he wished to find a wife. He met Bella Bloch, a twenty-three-year-old immigrant from Bavaria, through her uncle, the red-haired “Rother” Beck, a fellow boarder in Gustav’s Jewish boarding house. The couple was soon engaged and got married on June 16, 1858 at a wedding performed by Reverend Isaac Schwarz, Bella’s brother-in-law.³⁶ In many situations, however, men on the frontier were connected to potential wives who lived far away. Lewis Gerstle and Louis Sloss, two immigrants who arrived from Bavaria in the 1840s and headed to California during the 1849 Gold Rush, met their wives through business acquaintances. In the early 1850s, Gerstle and Sloss had become partners in operating a general store in Sacramento, where they met two other Jewish merchants, also immigrants from Bavaria, Herman and Jacob Greenebaum. The brothers connected Sloss and Gerstle to their sisters Sarah and Hannah, then living across the United States in Philadelphia. Louis Sloss met the young women on a trip to Philadelphia in 1855 and quickly decided to marry Sarah, age nineteen. Three years later,

³⁵ For discussion about the diminished role of in-laws in a post-arranged marriage Jewish world, see Seidman, 219-23.

³⁶ Sarah Kussy, *The Story of Gustav and Bella Kussy of Newark, N.J.: A Family Chronicle*, Sarah Kussy Papers, Box CB1 Folder #4, American Jewish Historical Society, Center for Jewish History, New York, NY (hereinafter AJHS).

Lewis Gerstle followed suit, marrying Hannah Greenebaum. The Greenebaum brothers themselves also ended up finding wives back in Philadelphia, marrying young women with connections to their family there, and bringing their new brides back to Sacramento to live.³⁷

Despite being introduced through connections though, many Jews emphasized in their memoirs that they felt some sort of attraction to their potential spouse. Ida Lorie met her husband shortly after she immigrated in 1859 to New York from Frankfurt to live with her sister and brother-in-law Lena and Herman Jacoby. Her brother-in-law's nephew, Aaron Cahn, often frequented the Jacoby home for supper, and as Ida related in her memoir, "His quiet fine manner impressed me and a friendship resulted." The couple became engaged in 1860, but Ida's brother-in-law would not let them get married once the Civil War broke out, fearing that Aaron would get called up to fight. Ultimately Ida's brother-in-law must have relented, because Ida noted that "[b]etter days came," and the couple married during the Civil War on August 25, 1861, beginning a "happy time" for Ida.³⁸ Alfred Seasongood, who immigrated to Cincinnati from Bavaria at the age of sixteen in 1860, met the girl who would become his wife, his cousin Emily Fechheimer, the day he arrived in America. Emily was six years old at the time, and Alfred described her as "a very pretty little brunette whose beauty and grace captured my heart."³⁹ As

³⁷ "West by Horseback: Louis Sloss, 1849," in *Jewish Voices of the California Gold Rush: A Documentary History, 1849-1880*, ed. Ava F. Kahn (Detroit: Wayne State University Press, 2002), 105; Gerstle Mack, *Lewis and Hannah Gerstle* (New York: Profile Press, 1953), 20-21, http://www.louisslossfamilyhistory.com/wp-content/uploads/2013/03/2012-1-29a_LOW.pdf.

³⁸ Ida Lorie Cahn, "Memoirs 1843-1913," Ida Lorie Cahn Papers, ME 77 MM 13, Leo Baeck Institute, Center for Jewish History, New York, NY (hereinafter LBI).

³⁹ Alfred Seasongood, "Childhood in Bavaria," in *Memoirs of American Jews, 1775-1865, Vol. 3*, ed. Jacob Rader Marcus (Philadelphia: Jewish Publication Society, 1956), 54.

Emily later described their meeting in her memoir, she was upstairs in their home playing with her sister and some friends when their mother called them to come downstairs to meet “Cousin Adolf (later Alfred my sainted husband)” who had just arrived from Europe. Emily was “shy and did not say much” but over the years, Alfred visited often and “we all loved him dearly.”⁴⁰ The couple married eleven years after their first meeting, on May 24, 1871, when Emily was seventeen years old and Alfred was twenty-seven. The fact that Emily and Alfred were cousins and also a decade apart in age indicates that their marriage was likely arranged, informally at least, by their family. Nonetheless, no hint of arrangement appears in either of their memoirs, only their emotional connection to one another. Such an emphasis on emotional connection may have been an unconscious nod to American expectations that young people marry for love.

Additionally, even when meeting through kinship networks, sometimes American Jews told the story of meeting their spouses in a way that made the meeting seem more spontaneous and based on attraction. Samuel Weinberg, born in Hanover, in what would later become Germany, in 1834, had a bit of a difficult time finding his footing in the retail business world after immigrating to America in 1850. After some ups and downs exacerbated by the outbreak of the Civil War, he managed to open a dry goods store in Frederick, Maryland in 1861. One day, in August 1863, a man named Lippman Rosenour came into his store and asked him his age, which was twenty-nine at the time, and inquired about his financial status. Paraphrasing a biblical verse in Genesis, Rosenour told Weinberg, “it is not good for man to be alone,” and proposed a plan that Weinberg

⁴⁰ Emily Seasingood, “Childhood Home in Cincinnati,” in *Memoirs of American Jews, 1775-1865, Vol. 3*, 59-60.

would meet him in Baltimore on Rosh Hashana, the Jewish New Year, and Rosenour would introduce him to a nice young lady. Weinberg agreed, although he was “a little wary about the matrimonial plan.”⁴¹

The following month, Weinberg went to Baltimore for Rosh Hashana. While walking on Broadway the day after attending services at Temple Oheb Shalom on Hanover Street, he asked a woman he saw on the street how to find the boarding house where Rosenour was living. Weinberg told the woman he “was a Hebrew and asked her if she were the same,” to which she replied that yes, she was. Weinberg was happy to hear this because “her manner and appearance were very pleasing to him.” He met up with Rosenour who took him to the home of Amelia Lowenstein, the young woman he had in mind for him, and lo and behold, it was the same woman who had directed him to Rosenour’s boarding house that morning. Weinberg spent a few hours getting acquainted with the Lowenstein family, and proposed to Amelia at 10:00 pm that very night, giving her merely one hour to decide whether to accept his proposal. Amelia “consulted with her mother” and at 11:00 p.m. on September 14, 1863 they became engaged, “after an acquaintance of only 8 hours.” Likely, the fact that the Civil War was going on combined with Weinberg’s location in the tiny Jewish community of Frederick had made it difficult for him to find a wife, and as a twenty-nine-year-old who had been in America for over a decade, Weinberg was more than ready to settle down. Clearly, Weinberg was not one to waste time when he found what he wanted; the couple married twenty-seven days later in a ceremony officiated at by Rabbi Reverend Henry Hochheimer at the bride’s home in

⁴¹ Samuel Weinberg Biographical Sketch, Memoir 68, Jewish Museum of Maryland, Baltimore, MD (hereinafter JMM), 3-4.

Baltimore.⁴² The happy coincidence that the very woman Rosenour had in mind for Weinberg happened to be the woman he independently met and was attracted to allowed for a quasi-arranged marriage to appear much more “American” in nature.

Despite hints that marriages facilitated by kin may have been at least somewhat arranged, mid-nineteenth century American Jewish diaries and memoirs rarely report arranged marriages. No doubt, this is due at least in part to the emphasis on marriage for love in America, although it is unclear whether American Jews fully eschewed arranged marriages or simply refrained – whether consciously or unconsciously – from documenting them in their memoirs. One arranged marriage, however, is described in detail in the diary of Max White, who came to America at the age of sixteen from Poland together with his father in 1853. Max wrote in his diary about various infatuations he had with women. His feelings for one of these women were such that he thought he might marry her. However, not long after meeting her, in 1863, Max reported in his diary that his father sent him to meet with a Mr. Lewin to discuss some important business. Lewin told Max that he wanted him to marry his daughter Anna. Max replied, “You want me. Maybe your daughter will not want me.” Consent and spousal choice were evidently of no concern to Mr. Lewin, who responded, “What I want, my daughter wants.” Indeed, Max did not even get to meet Anna before leaving the Lewin house; all he saw was the side of her face as she walked through an adjacent room.⁴³

A few weeks later, Max’s father informed him that they were preparing for his engagement party. Max, who had evidently already imbibed the American culture of

⁴² Samuel Weinberg Biographical Sketch, Memoir 68, JMM, 4.

⁴³ Max White, *Grandpa White’s Diary: A Jewish Immigrant in 19th Century America*, ed. Henry M. Seiden (North Charleston, SC: CreateSpace, 2013), 78.

allowing children to choose their own spouses, wrote in his diary, “Old country custom. They are so used to it and think it is the proper way. The parents have all the say in the matter, children none. They thought they are giving in too much to the American custom by letting me have a side glimpse of my future wife....Oh Lord what is to be done!” Finally, Max agreed to the match, reasoning that his father would “not advise me and urge so if it was not for my welfare.... I thought I will learn to love her.” While initially Max tried to make the best of the match, in later years he reported in his diary that the marriage became very unhappy. In an ironic twist of fate given the traditional beginnings of the match, Anna became an atheist and anarchist, causing her more conventional husband endless grief. They spent their last years living apart, although not officially divorced.⁴⁴

It is impossible to know whether the ultimate unhappiness of Max White’s marriage influenced, whether consciously or unconsciously, how he depicted the relationship’s beginnings. It is clear, though, that Max was resentful of his un-American, Old-World arranged marriage. He had adjusted to the American ideal of spousal choice and believed that young people had a right to decide – or at least have a say about – whom they married. While he acknowledged that his father had his best interests in mind, in the end, he felt his father was wrong about what was best for him.

Max White’s diary notwithstanding, Jewish immigrant memoirs and diaries from this period nearly universally depict men and women choosing their spouses on their own and without intervention of parents, as was the fashion in America. Of course, young people, particularly men, often immigrated alone, leaving parents far off in Europe,

⁴⁴ White, 79-88, 123-4.

unable to easily chime in. Sometimes parents off in faraway Europe resented their children marrying without their consent. Joseph Bloch, who immigrated with his sister Jeanette from a German province in the wake of the 1848 revolutions, stopped in Mobile, Alabama on his way to settle in New Orleans, and fell in love with Hannah Goldstucker, whom he married. Two years later, when he had made a bit of money he sent for his parents and younger sister. Apparently, Joseph's mother did not approve of Joseph and Jeanette's decision to marry before she arrived. As Joseph's son wrote in his memoir, "She never did forgive Mother for marrying her son before his Mother's arrival on the scene."⁴⁵ In other cases, European parents seemed thrilled that their children had found someone appropriate and Jewish to marry in far-off America. When Gustav Kussy became engaged to Bella Bloch in Newark, New Jersey in the late 1850s,⁴⁶ Bella wrote to her parents back in Osterberg to tell them of her engagement. Bella's father, far from objecting, sent "his congratulations" to Gustav's parents in Scheles. The couple married on June 16, 1858. As the couple's daughter later wrote in a family history, "Fifty-five years later Uncle Bernhart of Pilsen could recall that such a letter had come to his parents and had left a deep impression, because of its beauty of thought and dictation."⁴⁷

However, even when parents were present in America, memoirs and diaries generally do not report young people seeking their approval for their marriages. Of course, it is possible that young people did ask for approval and simply did not report it in their writings, either because it was unimportant to them or because they did not want to be "on record" as having engaged in a practice that was out of fashion in America. Some

⁴⁵ Edward Bloch Memoir, 1852-1881, SC-1076, AJA.

⁴⁶ See p. 47.

⁴⁷ Kussy, 13.

memoirs, however, make it clear that parental consent was not sought. Louis Stix, a Bavarian Jew who immigrated at the age of twenty in 1841, described in his memoir his parents' utter lack of involvement in his and his brother's choice of wives:

One morning, dear mother came to me quite annoyed, complaining that dear father had learned that brother Henry was engaged, and he would not tell her to whom.... To enable her also to have a secret, I informed her under promise of keeping the intelligence entirely confidential, that I was engaged to Miss [Yetta] Hackes [a fellow Bavarian immigrant]. No doubt she meant to keep her promise, but she could hardly wait to see dear father, and was quite unhappy until she could communicate the good news, and enjoy it with him.

Evidently, Louis' parents did not mind not being consulted. As Louis wrote, "my parents never regretted my marriage, for they gained a lovely daughter, and her goodness was always appreciated and reciprocated by them."⁴⁸

When Jewish young people sought approval for their engagements from parents, they did so from the parents of the woman and not the man, as was the practice at the time among those gentile Americans who sought parental sanction of engagements.⁴⁹ Furthermore, as was common in America at the time, the approval was sought when the engagement had already been decided upon by the young couple; it was more of a "rubber stamp" than an actual seeking of permission.⁵⁰ Raphael Moses, who was born in Charleston in 1812 into a family that had lived in America for a number of generations, became engaged to fellow American-born Charlestonian Jew, Eliza Matilda Moses at the age of twenty-two in 1834. Eliza may have been a cousin of Raphael; they shared a last

⁴⁸ "Louis Stix: Honesty is the Best Policy" in *Memoirs of American Jews, 1775-1865, Vol. 1*, ed. Jacob Rader Marcus (Philadelphia: Jewish Publication Society, 1955), 333.

⁴⁹ Lystra, 159-62; Rothman, 25-30.

⁵⁰ *Ibid.*

name and he wrote in his memoir that she attended his bar mitzvah celebration. As he recorded in his memoir, when he became reacquainted with her, “a fresh, blooming, pretty, modest girl,” as a young adult, “my heart went out to her and I am happy to say that the feeling was reciprocated.” Raphael recorded in his memoir that he proposed to Eliza one evening on a promenade by the beach. He did not even clearly remember whether he sought the consent of Eliza’s father after the two had already decided to marry, but he thought he probably had. As he wrote in his memoir, after he proposed that evening, Eliza “did not object, only criticized a little more, when I told her that I should ask her father’s consent. I suppose I did and he must have given his consent, for it was soon reported that we were engaged...” More than the actual asking of consent, Raphael remembered that Eliza was unhappy with him that he thought he should ask for it.⁵¹ In 1836, Alfred Mordechai, a member of another well-established Jewish family in Charleston wrote to his prospective father-in-law Samuel Hays asking for his “sanction” of Alfred’s engagement to marry his daughter Sara Ann, “whose consent I have been happy enough to attain.”⁵² Alfred did not seek Hays’ permission, but only his formal acquiescence to the marriage that he and Sara Ann had already decided upon. Daniel Frank, the son of German immigrants, wrote to his fiancée’s parents Gustav and Fanny Liebman on January 10, 1881 to tell them of his engagement to their daughter. Opening his letter by wishing his in-laws-to-be “Massel Tob” (congratulations) on the engagement, he wrote:

⁵¹ “Raphael Jacob Moses: A Southern Romantic,” in *Memoirs of American Jews, 1775-1865, Vol. 1*, ed. Jacob Rader Marcus (Philadelphia: Jewish Publication Society, 1955), 169.

⁵² Jacob Rader Marcus, *The American Jewish Woman: A Documentary History* (New York: Ktav, 1981), 122.

My dear Papa and Mamma, that is what my dear little Rosa Liebman calls you and why shouldn't I for I am engaged to her and she has promised to be my wife, that I have long loved her, aye, more, adored her, you may believe me and I flatter myself that she has not harbored anything else toward me.

Only after this breathless and romantic announcement did Daniel add "We of course await your approval of this engagement, which we trust will not be long detained."⁵³

Even in cases in which an engagement was controversial in some way, young people often sought parental "permission" only after they had already decided to wed. Ophelia Mayer, living in Natchez, Mississippi during the Civil War, initially refused the amorous attentions of Union soldier Isaac Lowenberg, a German-Jewish immigrant, because he was "a Yankee and against the sentiment of the Southerners." However, once she got to know him better, she saw he was a "man of sterling worth" in whom she would find "congeniality of spirit for the rights to which she had been so loyal, a sincere protector and a true defender," and she decided to marry him. His final proposal was "sanctioned" by her parents and the couple married on January 4, 1865.⁵⁴ While it is unknown how involved Ophelia's parents were in her engagement to Isaac, at least in the retelling, they were asked for their approval only once Ophelia and Isaac had already decided to marry. Of course, as Ophelia's parents, Jacob and Jeanette Mayer, chose to marry on their own as well, they likely would have been hard-pressed to interfere in Ophelia's choice of spouse.⁵⁵ Twenty-six-year-old Charlestonian Eleanor Cohen, somewhat of an old maid due to the Civil War, began a similarly controversial wartime courtship with Northerner Benjamin Seixas, a New Yorker eight years her senior. Despite

⁵³ Daniel Frank Scrapbook, SC-3560, AJA.

⁵⁴ "Clara L. Moses: War Days in Old Natchez," in *Memoirs of American Jews, 1775-1865, Vol. 1*, 268.

⁵⁵ *Ibid.*, 262.

her intense romantic feelings for Seixas, the war kept the two young lovers apart. On March 3, 1865, Eleanor wrote in her diary, “slowly and sadly the months drag along. ‘Tis six months since my engagement (not six months since I knew of and returned my darling’s love, but six months since my father’s consent was formerly [sic: formally] asked and given.” Once again, it appears that Eleanor and Benjamin decided on their own to wed but asked for the pro-forma consent of Eleanor’s father before becoming officially engaged.⁵⁶ Eleanor apparently had an expectation that she could make her own choice about her spouse. In another 1865 diary entry, she recorded her relief at not having married the boy who courted her as a teenager: “I have had several beaux and love affairs and was privately engaged to be married at sixteen to one I thought the perfection of a man. Now, with increased years and maturity of judgment, I bless God I did not marry him.”⁵⁷ Eleanor and Benjamin married a few months after the war ended, on August 2, 1865.

However, not all young Jews in mid-nineteenth century America saw parental approval as a mere formality. One woman, Sophia Heller, who immigrated to Milwaukee from Bohemia as an infant with her parents in the wake of the 1848 revolutions, expressed deep concern in her memoir regarding her parents’ approval of her spouse. However, in her case, other circumstances seem to have been at play. Sophia’s sister Caroline fell in love with Samuel Birkenwald, a Bavarian immigrant, when she was fifteen and he twenty in Milwaukee in 1855, but her parents disapproved of the match because “he seemed sickly and in a nervous condition.” During the courtship, Sophia

⁵⁶ “Eleanor H. Cohen: Champion of the Lost Cause,” in *Memoirs of American Jews, 1775-1865, Vol. 3*, 364.

⁵⁷ *Ibid.*, 360.

reported that “there were tears daily, and I clung to my sister and we had many crying spells together.” Although Sophia was a mere eight years old at the time, she “vowed never to marry without the consent of my parents. I saw too much sorrow before me....” Finally, in 1857, the Heller parents consented to the match and Caroline and Samuel got married in a “brilliant wedding” in the first temple in Milwaukee. However, Caroline “was to find out that her parents’ opinion was correct. Shortly after her marriage, her husband took sick for over a year.” Samuel ended up living to the relatively old age of sixty-five, but Caroline’s parents’ opposition to their marriage and his subsequent year-long illness remained with Sophia and colored her courtship experience.⁵⁸

Sophia met Philip Goldsmith, the man who would become her husband when she was twelve or thirteen years old in 1861. She saw him as she was coming out of swimming lessons, and was struck by his appearance, writing in her memoir that he was a “handsome fellow” with a “black mole on his back.” A few weeks later, family friends of her parents came to visit and lo and behold, the handsome boy was with them. It turned out that Philip was their nephew, recently arrived from Bohemia. In the coming years, Sophia and Philip saw each other frequently, dancing together at dancing school, and running into each other as Sophia walked home from school. When they began to court in earnest in 1864, Sophia immediately worried about obtaining her parents’ approval for her relationship with Philip. One night, while Sophia was in Chicago where Philip was doing business, the couple went to the theater together. Sophia wrote “I was very nervous, as I had gone without my parents’ knowledge, as in those days children always went with their parents’ consent.” While Sophia was a mere fifteen years old at the time,

⁵⁸ “Sophia Goldsmith: The Story of a Courtship,” *Memoirs of American Jews, 1775-1865, Vol. 2*, 273.

in fact most American teenagers, even immigrant Jews, did not obtain parental consent when they went courting. As Sophia and Philip's relationship deepened, Sophia refused even to "correspond with him" until he got permission from her parents. Phillip courted Sophia throughout 1864 and 1865. They went together to view President Lincoln's body lying in state in Chicago after his assassination, and Sophia related that Philip "insisted that I take his arm as the crowd was so large ... I finally had to consent in order not to be separated. In those days if a girl was seen on the arm of a gentleman, she was considered to be an engaged girl." Shortly thereafter, Phillip proposed to Sophia, and she told him "I would not give a definite answer until my parents were consulted." She continued to put him off with "my excuse that I was too young, as I was little over fifteen years of age." Ultimately, "after a lengthy correspondence" with her parents, Phillips "received their consent to our engagement." The couple wed on August 27, 1865 when Sophia was almost seventeen and Phillip was twenty-one.⁵⁹

Sophia spent a great deal of time in her memoir describing her relationship with Philip and her fears of courting without the approval of her parents. Despite the fact that nineteenth century Americans, including immigrant Jews, did not prioritize parental approval when courting, Sophia Heller saw the period of her youth and courtship as a time when marriages were happier and more successful, attributing this to parental involvement in children's matches. As she mused in her memoir decades later, "It would be wiser if children nowadays showed so much regard for their parents' opinion; there

⁵⁹ *Ibid*, 277-8.

would not be so many mistakes in marriages and other unhappy affairs of the present century.”⁶⁰

Sophia Heller Goldsmith’s story notwithstanding, Jewish parents in America generally held back and did not interfere in their children’s courtships and decisions to marry. While a few memoirs of this era depict parents taking a stance about their children’s choice of spouse, in each case, if their stance was at odds with that of their child, as was the case with Sophia Heller’s sister Caroline, the young man or woman’s choice won out. August Bondi, an Austrian Jew who came to America with his family as a teenager in 1848, reported in his memoir that when his sister became engaged to a cousin, Emanuel Bondi, in 1853, he and his mother both disliked the match, but “would not oppose.” Evidently, his sister felt far more confident about her choice, as August noted that she had “refused marriage into one of the richest and oldest Portuguese families in Kentucky” in order to marry Emanuel.⁶¹ Ernst Troy, who emigrated from Bavaria in 1856, related in his memoir that when the father of his young love, Rebecca Krouse, told him that Rebecca was engaged to another, seemingly at the direction of her parents, he was devastated. Shortly thereafter, however, Ernst found out that Rebecca’s engagement would never be announced. Indeed, he wrote, “it had been terminated at the instance of Rebecca who, when pressed for her reason, confessed that her heart was no longer free when she became engaged.” Ernst and Rebecca wed shortly thereafter.⁶²

⁶⁰ *Ibid.*, 277. Sophia Heller’s comment is not unusual. Marriage historian Stephanie Coontz quotes sociologist Amy Kaler who concluded, “The invention of a past filled with good marriages is one way people express discontent about other aspects of contemporary life.” Coontz, 2.

⁶¹ “August Bondi: Kansas Free-soiler” in *Memoirs of American Jews, 1775-1865, Vol. 2*, 171.

⁶² Ernst Troy Memoirs, SC 12448, AJA.

Even explicit wishes of Jewish immigrant parents were often flouted by their Americanized children. Lazarus Morgenthau, the father of Henry Morgenthau, Sr. who later became the United States ambassador to the Ottoman Empire, immigrated to America with his wife and children from Mannheim in the Duchy of Baden in 1866. As his descendant Clara Heidelberg wrote in an epilogue to Lazarus' memoir in 1933, an "autocrat in the management of his family," Lazarus

wished in the old-fashioned way to direct his children's choice of their life partners and conflicts arose when they insisted upon selecting their own mates, and in disregarding his objections which usually were groundless. The fact that all the marriages turned out happily is the best proof that in this case the younger generation knew best.

Despite his autocratic nature, Lazarus Morgenthau proved unable to direct his children, who married in America in the 1870s and 80s, to marry mates of his choosing.⁶³ Raphael Moses⁶⁴ told a similar story in his memoir of a young person's will to marry winning out over the opinions of the older generation. When he and Eliza became engaged in 1833, they did so, as Raphael wrote, "with the understanding that I was not to marry for two years." Raphael, unwilling to wait two years, pushed for a more immediate wedding, much to the chagrin of his father-in-law to be. When Eliza's father tried to convince Raphael's father to encourage his son to wait the promised two years. Raphael wrote that his father responded:

I don't know whether it would be prudent for Raphael to marry or not just now, but if you know my son as well as I know him, you would know that he never stuck to anything two years in his life, and if you expect him to marry Eliza, you had better let him marry her now. That is all I have to say about it."

⁶³ *The Diary of Lazarus Morgenthau*, AR 4980, LBI, 118-9.

⁶⁴ See pp 54-5.

Apparently, this response was effective, because Eliza and Raphael got married a few months later.⁶⁵

Hand-in-hand with the lack of parental involvement is a noticeable lack of discussion about dowries among American Jewish couples in the nineteenth century. Indeed, the only reference to a dowry found in any memoir was one that noted the absence of a dowry. Amelia Ullman, who immigrated to America from the Rhineland in 1852 met her husband Joseph, an immigrant from Alsace, in St. Louis. During their engagement, Joseph asked Amelia what dowry her father would give her. Amelia replied:

I know not how much he has. But I do know that I shall take nothing from him as he has a large family to care for. In America, though, anyone who will work and be economical can earn money for themselves. We are young and, in order that we may not be in want in old age, and that we may honestly earn a competence, I shall go with you to the end of the world.⁶⁶

In America, a land of economic opportunity, dowries did not carry the import that they did in Europe.⁶⁷

Nevertheless, despite the lack of parental involvement, very few of the matches depicted in nineteenth century Jewish memoirs and diaries truly seem like American-style love matches as did Ernst and Rebecca Troy's and Raphael and Eliza Moses'. Even when Jews described their courtships and marriages using romantic language, the circumstances of the match often told a more complicated story. Rebecca Cohen, who

⁶⁵ "Raphael Jacob Moses: A Southern Romantic," 167.

⁶⁶ "Amelia Ullman: Frontier Days on the Upper Mississippi," *Memoirs of American Jews, 1775-1865, Vol. 2*, 351, 354.

⁶⁷ A Yiddish folksong likely dating from the later nineteenth century expressed a similar sentiment about the economic promise of America, and the corresponding lack of need for dowries. As the lyrics went: "In America, wagons go/Uphill and downhill/And when a fellow loves his girl/He goes all out for her/In America, they bake the challahs/For the whole world/And when a fellow loves his girl/He marries her without a penny!" Ruth Rubin, *Voices of a People: Yiddish Folk Song* (New York: Thomas Yoseloff, 1963), 84.

was born in Pennsylvania to German immigrant parents, met the man who would become her husband, Henry Mayer, when she was a mere one-year-old and he was twenty-one. A friend of her father's and a fellow immigrant from the German states, Henry was a frequent visitor in Rebecca's home. After her father's death when Rebecca was ten, Henry maintained a relationship with Rebecca and her family, culminating in his marriage to Rebecca when she was fifteen and he was thirty-five. Rebecca's memoir emphasizes her romantic love for Henry. In her description of her wedding day, she wrote (in the third person), "Rebecca is as calm and happy as always, for she is to marry the man she loves and has always loved since she was a baby."⁶⁸ However, the memoir hints at reasons other than love for the marriage. Rebecca reported receiving several offers of marriage by the time she was fourteen, but she told all her suitors that "she was the promised wife of Henry Mayer."⁶⁹ When relating the story of her wedding, Rebecca wrote that her father "always said that Henry would make her an ideal husband – she wishes he could have lived to see this happy event."⁷⁰ While Rebecca may have felt romantic love for Henry, her feelings were likely complicated by an expectation that she marry her late father's friend. No doubt, her description of her sentiments for Henry was at least in part influenced by the cultural expectation in America that she should marry for love.

August Picard's memoir tells a similar tale of an "appropriate match" being couched in language of romantic love. August, an Alsatian Jew who immigrated to the

⁶⁸ Rebecca Cohen Mayer, *With a Doll in One Pocket and a Pistol in the Other: Rebecca Cohen Mayer, 1837-1930, A Memoir*, ed. Kay Goldman (North Charleston, SC: CreateSpace, 2010), 18.

⁶⁹ *Ibid.*, 14.

⁷⁰ *Ibid.*, 18.

United States in 1841 at the age of twenty-nine, met his future wife Fanny Levy, a German Jewish immigrant, after a number of romantic dalliances with gentile women, including one to whom he proposed marriage. Fanny was different though. As August wrote in his memoir, “I must tell you this was my first true love. I am not deceiving myself in saying that.” The very fact that he saw the need to note that he was not deceiving himself causes the reader to question whether perhaps he was doing exactly that. Possibly he felt the need to cast his love for the woman who became his wife in a light that differed from any love he had felt before, or possibly he simply felt a deeper sense of connection with Fanny Levy because she too was a Jewish immigrant from Central Europe.⁷¹

Of course, it can be difficult to discern from a memoir whether a young couple married because they fell in love or because their similar backgrounds felt familiar and secure. Certainly, for new immigrants, marrying someone who spoke the same language and understood the culture of Jewish Europe must have proved comforting in a strange new land. Two such immigrants were Jacob Mayer and Jeanette Reis, who met in 1833 on a ship from France to America and married in New Orleans on April 25, 1835. Jacob was born Mayer Levy in Landau, a town in Alsace, in 1806. He left home for Paris as a young man, changing his name to Jacob Mayer to hide from his father. In 1833, he decided to leave for America. On the ship, he met Jeanette Reis, “a beautiful French girl of fifteen years” also headed for America along with her parents and siblings in order to find a better life. As Jacob’s granddaughter Clara Moses, born in Natchez, Mississippi in 1865, wrote in a book of family stories years later, “During the voyage, he had often been

⁷¹ “August Picard: Militant Artisan,” in *Memoirs of American Jews, 1775-1865, Vol. 1*, 378.

attracted by the grace and beauty of the young French girl, and before the end of the journey had discovered that an affinity of souls existed between them.” Once “these two emigrants to a foreign land” settled in New Orleans, “their friendship became strengthened, and gradually ripened into a love companionship for life.”⁷² Clara, intending to carry on the family history to the next generation, may have purposefully or unwittingly told the story of her grandparents’ marriage as one of falling in love, although it is certainly possible that Jacob and Jeanette, twelve years apart in age, may have married more out of a sense of familiarity and companionship than love.

Jewish immigrants often sought spouses at times when they were feeling particularly lonely. Henry Stern, a twenty-three-year-old immigrant from Bavaria who came in the wake of the 1848 revolutions, wrote in his memoir of his loneliness when his business partner and friend got married. He soon became acquainted with Julia Popper, a Jewish immigrant from Austria seven years his junior, and he went to call on her. While he went “without expecting to propose to her.” once they began to talk, he wrote, “[h]er manner was so congenial that I felt at once she and no other would be my wife, to share with me care and joy, and create heaven upon earth. I told her of my home, my family, my prospects, of my loneliness.... Great was my joy that she gave me her immediate promise.”⁷³ A match with a fellow Central European Jewish immigrant soothed Henry’s spirits at a vulnerable time.

Henry Seessel, a twenty-five-year-old immigrant from the Rhineland, found himself bereft after the death of one of his sisters in New Orleans in 1847. He decided to

⁷² “Clara L. Moses: War Days in Old Natchez,” in *Memoirs of American Jews, 1775-1865, Vol. 1*, 262.

⁷³ Henry Stern: Milwaukee Merchant,” in *Memoirs of American Jews, 1775-1865, Vol. 2*, 161.

go back to Europe to see his other sisters, then living in Bavaria. After visiting with them, he went back to visit his childhood home of Speyer. Staying in a Jewish hotel there, he met Jeanette Rose, the seventeen-year-old niece of the innkeeper. “Right here I must state,” Henry wrote in his memoir, “that I did not make the trip to Europe with the intention of getting married. I only went, as stated before, to find out what my four sisters were doing.” But when he saw Jeanette, as he wrote, “knowing the whole of her family from my childhood, I at once made up my mind to ask her to become my wife and come with me to this country.”⁷⁴ While it was not uncommon for immigrants to return to Europe to find a spouse, Henry may not have wanted to admit that he had done so. Whether Henry was being truthful or not about the purpose of his trip back to Europe, it seems evident that his fragile emotional state following the death of his sister impacted his rapid decision to marry Jeanette Rose.

Even when immigrants did not overtly express particular loneliness, they often made the decision to marry immediately upon meeting an appropriate spouse, far too quickly for romantic feelings to have developed. Likely this was due to the lack of available Jewish spouses, particularly women and particularly on the frontier. August Bondi⁷⁵ related in his memoir that, while staying overnight at a fellow Jew’s home in Leavenworth, Kansas in 1860, he met Henrietta Einstein, who had recently immigrated from Bavaria. As August reported, “I proposed by letter on the short acquaintance of a few hours and was accepted.”⁷⁶ The couple married scarcely eight weeks later. Once

⁷⁴ “Henry Seessel: Typical German Jewish Immigrant,” in *Memoirs of American Jews, 1775-1865, Vol. 1*, 363.

⁷⁵ See p. 60.

⁷⁶ “August Bondi: Kansas Free-soiler,” 201.

August, who had been traveling on the frontier for a long time, met a suitable spouse, he grabbed the opportunity. A letter to the editor of the *Israelite* providing an update on Jewish life in Leavenworth in 1867 helps explain the speed with which August proposed to Henrietta. The letter writer emphasized the strength and influence of the Jewish community there, noting that the city was “commercially managed by Israelites,” and that “in no place in the Union is there more sociability, respectability and influence than among our coreligionists here.” Despite the economic and social success of the Jews of Leavenworth however, it seems that marriages were few and far between due to a lack of eligible brides. “There is an occasional marriage here,” the letter reported, “and perhaps there would be more, but the infancy of the State has debarred us from having a sufficient quantity of the native fair sex among us, and importations are largely made.”⁷⁷

Nevertheless, when young immigrant men made snap decisions to marry, they sometimes painted the decision as a result of falling hopelessly in love, as was the style in America. August Picard⁷⁸ reflected on the moment he met his wife Fanny by writing: “She seemed so noble and gracious that she made an impression on me from our first meeting. I couldn’t sleep the whole night thinking of her. I had fallen desperately in love with her.” The day after meeting Fanny, August declared his love in the flowery language then in-vogue among Americans:

Do I need to tell you that I love and respect you at the same time, and that since yesterday evening, when I saw you for the first time, your beloved image has not left my heart, nor my memory? I will love you forever, Miss Fanny.... Oh, tell me only that you love me a little! It is before God the Almighty that I make here the oath to love you always and to make every

⁷⁷ “Correspondence” *The Israelite*, December 26, 1866, 5.

⁷⁸ See pp. 63-64, 199.

effort possible to make you happy, if you will accept me as your husband.”⁷⁹

The couple wed shortly thereafter, on September 25, 1844. A bride with a background similar to his own was an enticing prospect to a young Jewish immigrant in antebellum America. While Samuel Weinberg⁸⁰ did not express the same degree of romantic infatuation, his decision to propose to Amelia Lowenstein whose “manner and appearance were very pleasing to him,” mere hours after meeting her seems to have arisen from a similar motivation to paint a quick decision to marry as one rooted at least in part in attraction.⁸¹

When faced with a choice between two potential spouses, immigrant memoirists made it clear that the love match won the day. Jacob Lanzit, who emigrated from Austria at the age of 28 in 1858, wrote in his diary the following year of meeting a girl named Rachel Krumnass. After taking her on an outing to Central Park, he reported, “We love each other to a most extraordinary degree.” The following month, he related, “My ... former partner ... (may God damn him in all eternity), insisted that I marry his cousin, who has a few hundred dollars, to be sure, but I love Rosa [a nickname for Rachel], and therefore did not want the other girl....”⁸² Not only did Jacob’s love for Rachel trump any other relationship, but his opposition to the idea of the match made by his former business partner reflected his disdain for an Old World-style marriage, complete with some intimation of a dowry from the bride to be.

⁷⁹ “August Picard: Militant Artisan,” 378-9.

⁸⁰ See pp. 49-50.

⁸¹ Samuel Weinberg Biographical Sketch

⁸² “Jacob Saul Lanzit: America Means Work,” in *Memoirs of American Jews, 1775-1865, Vol. 3*, 37.

Even when Jewish immigrants were connected through kinship networks with seemingly good options for spouses, they sometimes rejected those options, perhaps because the marriage felt in some way arranged and the immigrant wanted to make his or her own choice. Felix Kahn, who immigrated from Alsace to Cincinnati in 1867 at the age of eighteen, wrote to his brother Lazard in Hamilton, Ohio in 1871 that he had been presented with two potential options for wives. One, he wrote, was a young woman who had “suddenly become amorous of me,” and sent her brother to speak to a friend of Felix’s sister about connecting the young woman with Felix. Felix was unfamiliar with the woman. “She saw me I don’t know where,” he wrote, “because I never saw her.” The brother of the young woman was a successful businessman and he said he would take Felix into partnership with him if Felix married his sister. “It is not necessary,” Felix wrote in his broken English, “that I possess one cent – he do that only for his sister, which is young and pretty.” At the same time, another potential wife was presented to Felix. He knew this young woman and thought her “very nice and beautiful,” and she also came from a family that had money. Neither of these young women were of interest to Felix. As he wrote to his brother:

I am content to hear that you yourself shall be ready to marry if you can meet the two conventional things, money and beauty. I require more a purpose – love.... I don’t like the girls which are offered. I prefer choice myself.... [W]e are independent and with the help of God and our own attempts, we shall find in a few years a girl of our choice with which we shall be happy.

Felix had internalized the American values of choosing one’s own spouse as well as marrying for love. Although he was presented with two women who were both attractive and wealthy, this was not enough for him. He “prefer[red] choice,” and wanted to marry someone he loved. He was confident that given his “independence,” he would find

someone to marry of his own choosing and be happy. While it is not clear what type of independence Felix was referring to – perhaps financial, perhaps independence from parents or others telling him whom or when to marry, or perhaps both – his use of that word reflected the intertwining of freedom and marital choice in his mind. Felix married Rachel Simon, a fellow Jewish immigrant, five years later in 1876.⁸³

Given the challenges of finding wives in the wilds of America, it was not uncommon for young men to seek wives back in Europe, either via letters or by actually traveling there themselves to find a spouse.⁸⁴ In 1856, Lena Lorie, a Bavarian Jew, married Herman Jacoby, a fellow Bavarian who had become an American citizen and came back to Bavaria to find a wife. Herman was a good catch – he owned a leather factory in New York, so the match was probably difficult to turn down. Lena settled in New York with Herman, but her marriage was very unhappy, and she suffered from homesickness in her new country. As her sister Ida⁸⁵ wrote in her memoir, “she begged me in every letter to come to her.” Ida did end up coming to New York, and two years later married her brother-in-law’s nephew, Aaron Cahn, whom she met in her sister and brother-in-law’s home.⁸⁶ Julius Gerson Brooks, born in 1825 in a small village near Breslau, left for American in 1847. Five years later, feeling homesick, he returned to Europe to visit his family. “A wonderful exaggerator,” Julius told everyone tales about the wonders of America, including “how money was found in the streets.” One listener to

⁸³ Lazard Kahn Papers, MS-17, Box 1, Folder 5, AJA; United States Federal Census, Cincinnati Ward 31, Hamilton, Ohio; Roll: 1281; Page: 2A; Enumeration District: 0273; FHL microfilm: 1241281.
www.ancestry.com

⁸⁴ Diner, *A Time for Gathering*, 70-71; Weissbach, 149.

⁸⁵ See p. 48.

⁸⁶ Memoir of Ida Lorie Cahn.

Julius' tales was a young woman named Fanny Brooks who had just completed her schooling. She said, "Julius, do take me with you to America." Julius responded, "Well, the only way you can come is to marry me." Fanny responded, "Well, if my parents do not object, I will." Since Julius did not ask for the customary dowry, Fanny's parents gladly consented, and the couple married in August 1853 and immediately set out for America. They ended up crossing the nation on the westward trail and settled in California, not far from San Francisco.⁸⁷

Sometimes, a man would choose a spouse even before leaving for America, so that once he had gotten his footing in the New World he could send for his wife-to-be and not have to deal with the potentially challenging prospect of finding a wife in America. Isaac Schwarz became engaged to his niece Fanny Bloch, age fourteen, in Osterberg, Bavaria before he emigrated to America in 1851 at the age of thirty-four. Fanny's niece, Sarah Kussy, later wrote in a family history that Isaac "had fallen in love with the lovely girl – or rather, child – and decided to wed her as soon as circumstances permitted." A twenty-year age gap between husband and wife was unusual, although not unheard of among nineteenth century American Jews, but it seems likely that this match was based more on practical reasons than falling in love. Isaac spent his first few years in America finding his footing in a career, first trying his hand at selling kosher wine, and then, beginning in 1854, serving as the first Jewish clergyman in Newark, NJ. Fanny joined him in America in 1854 when she was seventeen, accompanied by her sister Bella, age

⁸⁷ "A Woman's Wagon Train Adventure: Eveline Brooks Auerbach, ca. 1853," in *Jewish Voices of the California Gold Rush: A Documentary History, 1849-1880*, 112-113. The practice of young Jewish men who had already immigrated to America marrying European wives persisted for many decades. Indeed, sometimes the man imported a prospective wife from Europe sight unseen. See Rachel Calof, *Rachel Calof's Story: Jewish Homesteader on the Northern Plains*, ed. J. Sanford Rikoon (Bloomington: Indiana University Press, 1995).

twenty. The couple had to travel to New York to get married because Isaac was the only man in Newark who could conduct a Jewish wedding ceremony.⁸⁸

Sometimes, young men would travel back to Europe ostensibly for business or other reasons and end up finding a spouse while there, making it difficult to discern whether the business dealings or the matchmaking was actually the primary reason for the trip. Henry Cohen, who immigrated to America from Liverpool, England in 1834 at the age of 24 had been quite the eligible bachelor in Philadelphia where he settled a few years after immigrating. As his son related in his memoir, “The mothers with marriageable daughters, the sisters with marriageable sisters were confident that he would select one of their set as his partner in life.” For whatever reason, Henry apparently did not see any of these women as appropriate spouses. No doubt there were very few of them, as the Jewish population of Philadelphia in 1830 was approximately 750, of whom approximately 250 were between the ages of 20-39.⁸⁹ And, among this age bracket, presumably the vast majority were already married. Henry set off on a business trip back to Liverpool where he met Miss Matilda Samuel “by chance” in synagogue on the Sabbath. Unlike what might have transpired had the couple met in America, Henry did not pursue Matilda on his own, but rather sought permission from her parents to call upon her, following which he quickly “became infatuated with her intellectual and musical accomplishments.” One wonders whether this was a romantic attraction, or rather an attraction to the bourgeois type of Jewish woman Henry wanted to marry.⁹⁰

⁸⁸ Sarah Kussy Papers; Susan Lowy Lubow, *The History of the Schwarz Family* (April 2018), 257, Schwartz Family Collection, Jewish Historical Society of New Jersey, Whippany, NJ.

⁸⁹ Ira Rosenwaike, “Demographic Characteristics of the Jewish Population of the United States and Philadelphia in 1830,” *Proceedings of the American Philosophical Society*, 133, No. 2 (June 1989): 333-8.

⁹⁰ “Three Generations of Cohens,” in *Memoirs of American Jews, 1775-1865, Vol. 1*, 31-33.

Whatever his reasons, Henry decided he wished to marry Matilda, but before Matilda's family allowed the engagement, they sent her brother, Morris Samuel, who was then living in New York, to visit Henry's store in Philadelphia, a trip which Henry's son noted was "something of a journey in those days." Morris got a favorable impression of Henry's store, but apparently that was not enough for Matilda's parents. They also sought information from nationally renowned publisher Abraham Hart, "the leading man in the Jewish community [of Philadelphia]" and "received a very flattering description of Henry's character, build, trustworthiness, and steadfastness, notwithstanding the fact that a relative of Mr. Hart's ... it was generally expected, would have been elected as his bride before his departure to Europe."⁹¹ With all of this positive news about Henry Cohen, Matilda's parents "sanctioned the engagement" and the pair married in 1844, settling in Philadelphia. Henry Cohen found that unlike the situation in America, European parents still operated within a more traditional matchmaking system in which the young man was vetted by the young woman's family and might only then receive permission to marry the young woman.⁹²

By the postbellum period, memoirs more frequently relate courtship stories between men and women who knew each other for a period of time before becoming engaged. Unlike those in earlier decades, American Jews who married in the 1870s and later were more likely to report knowing their spouses for a number of months or even years before deciding to marry, allowing romantic feelings to grow over time. This is likely due to a number of factors. First, by the 1870s, while numbers of Jewish

⁹¹ For more on Abraham Hart, see Henry Samuel Morais, *The Jews of Philadelphia: Their History from the Earliest Settlements to the Present Time* (Philadelphia: Levytype, 1894), 53-58.

⁹² *Ibid.*

immigrants from Europe continued to grow, a critical mass of Jews had also been born in America, children of immigrants who had arrived in earlier decades. These American-born Jews were more likely to have imbibed American courting culture, which involved the young man and woman spending extensive social time together, often at the home of the young woman.⁹³ Additionally, the larger size of the American Jewish community, which had reached approximately 200,000 Jews by the 1870s, led to a greater availability of potential spouses. While on the frontier, eligible marriage partners, particularly women, remained scarce, in more established Jewish communities, a Jewish man seeking a bride did not necessarily have to immediately propose to the first appropriate woman he met. Larger Jewish communities also allowed for young people to meet one another more organically, rather than relying on targeted introductions facilitated by kin or community members. Indeed, young people might meet quite a few potential partners before settling on a spouse.

One American-born Jewish couple who fit this model was Edward Bloch and Lizzie Long. Edward, born in 1852 in Mobile, Alabama to German immigrant parents, met Lizzie, age seventeen in 1878. When he first met her, Bloch wrote, “she wore her hair in two long plaits and at the time I did not find her particularly attractive.” However, the two spent a great deal of time together since they were part of the same circle of friends, thirteen or fourteen young people who would get together and sing at the Long household on Sunday evenings. Shortly thereafter, Lizzie went off to New York to study music while living with her aunt, Mrs. Rosenberg. When she returned in 1879, Edward

⁹³ Lystra, 164-5; Rothman, 203-4. Rothman describes how the practice of courting in the home of the young woman faded by the 1920s when women wanted to go out with their suitors to dance halls, amusement parks, and other popular venues for dates.

found that he had changed his mind about her, finding her “wonderfully attractive.” He became a “constant visitor at the house” and she had “quite a number of other admirers.” Luckily for Edward, his attentions won Lizzie’s heart, and the couple married on September 1, 1880.⁹⁴

The renowned Reform rabbi David Philipson, an American-born son of German immigrants, told a similar story of his courtship of the woman he married, Ella Hollander. Philipson met Hollander, herself the American-born daughter of German immigrants, in Baltimore in 1885 when he was 22 and she was 20. He was teaching a Bible class for young women at Har Sinai, the congregation he was serving as rabbi. As he later wrote in his memoir:

The brightest girl in the class was Ella Hollander, and she quite carried me by storm. Sweet, unassuming and modest, she spread about herself an aura of maidenly charm and refinement. It was not long before I felt that she would be my helpmate if I could gain her consent. I began to call at her home more than at any other house and it was soon common gossip that the young rabbi had lost his heart. The gossip proved true and when the dear girl accepted my proposal of marriage, my cup of happiness was full.⁹⁵

Philipson’s description of his courtship of Ella Hollander reflects not only the typical patterns of late nineteenth century American Jews in the sense that he both expressed falling romantically in love with her - she “carried [him] by storm,” and he “lost his heart” to her, but also in the sense that he called on her for a period of time before they got engaged and then married.

⁹⁴ Edward Bloch’s Memoirs, SC-1076, AJA.

⁹⁵ David Philipson, *My Life as an American Jew: An Autobiography* (Cincinnati: J.G. Kidd & Son, 1941), 49.

Nonetheless, when one scratches the surface of some postbellum love stories, the matches sometimes conform to the same patterns as had been common in earlier decades. In 1870, Moses Greensfelder, a Maryland-born twenty-five-year-old son of German immigrant parents, fell in love with Sarah Lang, age twenty, a Philadelphia-born daughter of German immigrants. Sarah, however, chose to marry a different Moses—Moses (Bob) Stern, another child of German-Jewish immigrants age twenty-four.⁹⁶ After Sarah and Bob became engaged in March 1870, Moses wrote Bob an angry letter:

I didn't think you folks would have done it. So completely to upset one's contemplation of joy, so rudely & suddenly to dispel the dreams of bliss & enchantment, on which I had feasted so long.... You think you can offer a substitute. I won't have any, with all due respect to the lady you propose.... I am no piece of ground or a share of stock, to be transferred with or without consideration....⁹⁷

Moses' letter reflected his understanding that marriage should be based on desire and attraction. Simply being matched with someone appropriate was not sufficient; such behavior was for property, not for human beings.

In hindsight, however, Moses' protestations ring a bit hollow, since mere weeks after scrawling his angry missive to Bob and Sarah, he began to court the woman who would become his wife, Carolyn (Carrie) Levi, age nineteen, another Philadelphia-born daughter of German immigrants.⁹⁸ Indeed, it seems likely that Carrie was the woman that Bob and Sarah had suggested to him; both Sarah's and Carrie's families were members of Congregation Rodeph Shalom in Philadelphia, and as the synagogue's marriage records

⁹⁶ 1910 United States Federal Census, Pennsylvania, Philadelphia Ward 32, District 0755, Page 24, Lines 46-47. www.ancestry.com.

⁹⁷ Moses Greensfelder to Moses (Bob) and Sara Stern, March 21, 1870, 1983.086.023, JMM.

⁹⁸ 1900 United States Federal Census, Missouri, St Louis, Central, District 1118, Page 50, Lines 81-82. www.ancestry.com.

reflect, they even had the same two witnesses at their weddings: Joseph Einstein and Alexander Goodman.⁹⁹ In a series of long and heartfelt letters, Moses opened his heart to Carrie, sharing his ideas about marriage, religion, making a living, and the type of home he wished to build together with his helpmeet. In a letter dated April 26, 1870, written after Moses and Carrie met in person and begun a correspondence, Moses commented on pieces of their conversation, carefully emphasizing the commonalities they shared in their outlook on life. “Your ideas about religion appear to be quite liberal,” he noted approvingly, and then continued on to explain his own similar views:

I believe ceremonial ordinances and prohibitions have very little to do with real religion. Tis in the spirit, not in the form. And the Jew that eats ham and does not fast on the day of Atonement and keeps his store open on Saturday and goes to hear a Unitarian minister on Sunday is no less a Jew for breaking ordinances of centuries ago, providing he acts upright and honest.... I could not conform to the ways of the Orthodox, and could only find a seat for my wife in a Reformed Jewish Church, wither she would have to go mostly without my company.

Affirming Carrie’s more traditional and old-fashioned views on women’s education, he added, “you certainly are right when you say that a woman ought to have other thoughts to occupy her mind than continual study. I do not want to have a blue stocking as a wife.”¹⁰⁰

A mere week later, Moses became very personal and intimate in his writing. While Carrie had proven a suitable match in terms of attitudes and beliefs, that was not Moses’ only concern. “I want a wife,” he wrote to Carrie on May 3, 1870, “I want a home, I want somebody to love and somebody to love me. I am tired of this

⁹⁹ *Rodeph Shalom Congregation, Early Register of Births, Marriages, Deaths*, Records for 1870: Lines 113, 116, www.ancestry.com.

¹⁰⁰ Moses Greensfelder to Carrie Levi, April 26, 1870, Elbert and Greensfelder Family Papers, SC-3162, AJA.

unsatisfactory life, feeling a voidness and a vagueness undescribable (sic) which methinks only the living together with a congenial soul can do away with. Have I found her and has she found the same in me?" He closed his letter asking for her quick response: "By Friday noon I expect a letter (That's the time I received your answer to mine of last Tuesday). Let it be as true and good as ... Yours, Moses Greensfelder."¹⁰¹ Evidently, the response was positive. Moses and Carrie married four months later, on September 7, 1870, a tidy two weeks before Moses' nemesis Bob married his former love Sarah Lang.¹⁰² The couple's quick courtship belied Moses' insistence that he would countenance no replacement for Sarah.

The romantic drama of Moses Greensfelder's letters notwithstanding, Moses and Carrie's courtship and marriage bore a strong resemblance to those of other nineteenth century American Jews: introduced through connections in the Jewish community, they found comfort in their similar background and outlooks on life and made a rapid decision to marry. Apparently, the marriage was successful at least in its longevity; Moses and Carolyn Greensfelder were married for sixty-seven years when Moses passed away in 1937.¹⁰³ And, the couple seemed to have been genuinely happy with one another. An undated note scribbled years later by Bob and Sara on the side of Moses' angry March 1870 missive asks, "Dear Mose, Aren't you glad and haven't you been after all these years that while you wouldn't take a secondhand bridesmaid, you got a wonderful bride and life companion. See what I did for you both by marrying same. Love from Bob &

¹⁰¹ Moses Greensfelder to Carrie Levi, May 3, 1870.

¹⁰² *Rodeph Shalom Congregation, Early Register of Births, Marriages, Deaths*; United States Federal Census 1900, St. Louis Missouri, District 0118, p. 50, lines 81-82, www.ancestry.com

¹⁰³ Gravestones of Moses and Carolyn Greensfelder, <https://www.findagrave.com/memorial/37082786>.

Sara.”¹⁰⁴ While Moses Greensfelder did not marry the woman he originally fell in love with, the wife he found through behavior patterns common to so many fellow nineteenth century American Jews ended up being an ideal match for him.

Courtship and Marriage During the Eastern European Migration

Baltimore’s Moses Montefiore Congregation was the site of a most unusual wedding on Sunday evening, October 12, 1902. The festivities began in an ordinary fashion as guests gathered at the synagogue at 535 Smallwood Street to attend the nuptials of Marie Roypen of Baltimore and Samuel Oren of Philadelphia. Both Marie and Samuel were immigrants from Russia, Marie having immigrated at the age of eight with her parents and siblings in 1890, and Samuel having immigrated with his family at the age of twelve in 1889, and the marriage ceremony was to be conducted according to strict Orthodox Jewish practice.¹⁰⁵ However, the wedding quickly took a shocking turn. The *Baltimore Sun* breathlessly reported that Tuesday that, “as the bridal couple were marching up the aisle to be joined together,” a young man, later identified as Joseph Goldberg, also of Baltimore, “stepp[ed] out from the throng of spectators, quickly walking up to the bride and, after deftly placing a half dollar in her gloved hand and a ring on the tip of one of her fingers, pronounced in Hebrew the formula of claiming her as his helpmeet.” As this action, “according to the strictly orthodox Hebrews, constitutes a marriage,” it naturally stopped the proceedings dead in their tracks. The congregation was “stricken with awe,” as the significance of what had just transpired dawned upon

¹⁰⁴ Moses Greensfelder to Moses (Bob) and Sara Stern, March 21, 1870.

¹⁰⁵ United States Federal Census 1900, Maryland, Baltimore City, Baltimore Ward 19, District 0248, p. 33, Lines 30-35; United States Federal Census 1910, Pennsylvania, Philadelphia, Philadelphia Ward 39, District 0995, p. 16, Line 96. www.ancestry.com.

them. The bride seemed “most disturbed,” and was heard to whisper to Oren in “what sounded like awed accents that she could not then marry him because she had been made the wife of another involuntarily.” “Several hours” of arguing between the officiating rabbi Tobias Goodman and the bride’s parents ensued. As Roypen’s parents contended, “Goldberg had not been reared strictly in the Jewish faith, and that therefore what would have otherwise been regarded as the ecclesiastical marriage of Goldberg to Miss Roypen was invalid.” While this argument actually held no weight in Jewish law, for whatever reason, Goodman finally agreed to go on with the originally scheduled ceremony. The rest of the wedding went on without further ado and the newlyweds and their guests went on to the reception, held at a nearby hall.¹⁰⁶

The following afternoon, no doubt chasing a captivating human-interest story, a reporter from the *Sun* came to interview the young couple who were residing with Marie’s parents, but neither of them were to be found. Instead, Marie’s father spoke with the reporter, telling him that “his daughter was satisfied with her choice and that he had every reason to believe their marriage would be regarded as valid by the religious authorities as well as the State.” As to the question of who was actually Marie’s husband under Jewish law, Mr. Roypen said that the issue “would be decided at a meeting of three orthodox rabbis, to be held for that purpose in one of the synagogues” that week.¹⁰⁷

The saga of the Roypen-Oren wedding was far from over though. At eight o’clock Monday evening, “the usual stillness which pervades the assembly-room of the Southwestern Police Station was suddenly broken by a young man, almost breathless,

¹⁰⁶ “Hunting for a Bride: She May Have Gone Away with Rival Suitor,” *Baltimore Sun*, October 14, 1902, 12.

¹⁰⁷ *Ibid.*

who threw open the door” and informed the lieutenant that “he wanted Joseph Goldberg arrested for ‘stealing’ his wife.” The man, of course, was Samuel Oren. Evidently, Marie had disappeared, and it quickly became apparent that she and Joseph Goldberg had run off together.¹⁰⁸ In the following days and weeks, the *Baltimore Sun* published frequent updates of the salacious story. A week later, Marie and Joseph returned to Baltimore and the full story came out. As Joseph told the *Baltimore Sun*:

The marriage to which my wife submitted with Oren was forced upon her by her parents, and for that reason neither we nor our friends regard the ceremony as a marriage in the strict sense of the word. She had frequently spoken of her objection to Oren, but her parents seemed determined that she should marry him and made all the arrangements for the ceremony.... Miss Roypen and myself determined to thwart their plans in the novel manner in which we succeeded.¹⁰⁹

Marie added, “My parents don’t care about me or they wouldn’t have wanted me to marry that man. And, as for Oren, he can’t do anything to us now. If he wants to get a divorce from me, I’ll help him.”¹¹⁰ Apparently, the match between Marie and Samuel had been arranged by Marie’s parents on her behalf, and Marie was unwilling to go along with it. Together with Joseph Goldberg, the man she actually wanted to marry, she cooked up this rather unorthodox plan to foil her parents’ efforts.

Ultimately, the saga wound to a close with the State of Maryland granting a divorce to Samuel Oren (or as he was then referred to, Horen) in October 1903, nearly one year after the original wedding ceremony.¹¹¹ The Jewish legal tangle was resolved by

¹⁰⁸ *Ibid.*

¹⁰⁹ “Tell of Their Flight: Marie Roypen and Joseph Goldberg Return from Tour,” *Baltimore Sun*, October 23, 1902, 7.

¹¹⁰ “Has Not Seen Oren,” *Baltimore Sun*, October 24, 1902, 12.

¹¹¹ Mr. Horen Gets Divorce: Sequel to Mary Roypen’s Matrimonial Tangle,” *Baltimore Sun*, October 6, 1903, 7.

a “congress” of sixteen rabbis who “deliberated nearly two months,” with fifteen of them agreeing that Marie should be Jewishly divorced from both men.¹¹² While Samuel Oren likely gave Marie a *get*, a writ of Jewish divorce, Joseph did not heed the instructions of the rabbis. Marie and Joseph moved to Chicago where they got married civilly on May 23, 1904.¹¹³ Meanwhile, a mere month after he was civilly divorced from Marie, on November 24, 1903, Samuel Oren married another Eastern European immigrant named Rebecca (Beckie) Feinman, perhaps in another arranged marriage, and settled back in his hometown of Philadelphia to raise a family.¹¹⁴

Certainly, the Roypen-Oren-Goldberg saga was scandalous, unsurprisingly capturing the interest of curious *Baltimore Sun* readers. Even so, it received an inordinate amount of attention in the press, both in Baltimore and beyond. By the conclusion of the saga, the *Baltimore Sun* had printed no fewer than fourteen articles on the story, including one with large pictures of the three players.¹¹⁵ In addition, the Jewish and American press both picked up the story, with papers in the Washington, D.C. area, close in proximity to Baltimore, publishing multiple articles about it.¹¹⁶ Even the *New York Times* published an

¹¹² “Decree Double Divorce,” *Baltimore Sun*, January 7, 1903, 12.

¹¹³ Illinois Department of Public Health records. “Marriage Records, 1871–present.” Division of Vital Records, Springfield, Illinois, www.ancestry.com.

¹¹⁴ *Pennsylvania Marriages, 1852-1968*, www.ancestry.com.

¹¹⁵ “Marie Roypen and Her Two Husbands,” *Baltimore Sun*, October 16, 1902, 12.

¹¹⁶ **English-language Jewish press:** “Jottings,” *American Israelite*, October 16, 1902, 6; “Marriage Similar to Zangwill’s Hannah in Children of the Ghetto,” *Jewish Exponent*, October 17, 1902, 11. **Secular press:** “Two Claim Her,” *Boston Daily Globe*, October 15, 1902, 2; “Became His When She Took the Coin,” *Butte Inter Mountain*, October 16, 1902, 6; “Weds Twice in Two Hours,” *Topeka State Journal*, October 20, 1902, 10; “Jewess Weds Twice in Two Hours,” *St Paul Globe*, October 20, 1902, 10; “A Bride’s Quandary,” *Hartford Courant*, November 5, 1902, 4; “Marie Roypen, Double Wife,” *Salt Lake Herald*, December 15, 1902, 3; “Matrimonial Puzzle,” *Los Angeles Times*, October 7, 1903, 4. Washington, D.C. area press: “Young Woman Weds Twice in Two Hours,” *Washington Evening Times*, October 14, 1902, 3; “Marie Roypen Not a Bigamist, Says Rabbi,” *Washington Evening Times*, October 16, 1902, 3; “Marie Roypen Returns Home With Goldberg,” *Washington Evening Times*, October 23, 1902, 5; “Jilted Husband May Now Sue for Divorce,” *Washington Evening Times*, October 24, 1902, 7; “Roypen-Goldberg Nuptials Discussed,” *Washington Evening Times*, November 13, 1902, 3; “Dramatic Marriage Had Been

article about it on its front page in October 1903 when Samuel Oren and Marie Roypen got divorced.¹¹⁷ Furthermore, in a fascinating twist, Henry Adler, a medical student who was the son of one of the sixteen rabbis who convened to give a Jewish legal opinion on the case, penned a farce-comedy musical about the story in November 1902, which, as the *Sun* reported, was “accepted by a Philadelphia promoter of Hebrew plays.” Adler told the press that he would write the final act of the play once the rabbis had issued their decision as to the Jewish legal status of Marie Roypen’s two marriages, and that the play would be performed in Yiddish and German in Philadelphia and Baltimore in late 1902 and 1903. Adler said that he hoped to “get a theatre” for the production of the play, but even if not, he would rent a hall, “but give the performance he will.”¹¹⁸ The story of Marie Roypen and her two husbands became larger than life.

Why did this story about a young immigrant woman, her jilted fiancé, and her secret lover attain such mythical status in early twentieth century America? While surely some of the notoriety came from the dramatic tactics Marie and Joseph chose to spurn Marie’s arranged marriage with Samuel, this does not explain the continued focus on the story over the course of the next thirteen months. Perhaps the opening lines of the first *Baltimore Sun* story can be instructive: “For extraordinary complications in which adherence to an ancient and exacting faith and the promptings of love appear to be striving for the mastery, a case which developed yesterday in Southwest Baltimore has

Prearranged,” *Washington Times*, October 18, 1902, 3; “Marie Roypen Wife of Man Spurned at Altar,” *Washington Times*, December 5, 1902, 5; “Married Two Men in Two Hours,” *Alexandria Gazette*, October 14, 1902, 2; “News of the Day,” *Alexandria Gazette*, October 16, 1902, 2. Interestingly, the story does not appear to have been covered by the Yiddish press.

¹¹⁷ “Girl Had Two Husbands,” *New York Times*, October 6, 1903, 1.

¹¹⁸ “As Farce-Comedy Next,” *Baltimore Sun*, November 21, 1902, 12; “Oren-Roypen Story in Play,” *Baltimore Sun*, December 15, 1902, 7. It is unknown if the play was ever performed.

few equals in works of fiction.¹¹⁹ The fascination surrounding the Roypen-Oren-Goldberg saga stemmed from the fact that it homed in on the central trope of turn-of-the-century Jewish immigrant marriage stories – the triumph of American love in its battle with Old-World marriage – and it did so in a most dramatic and attention-grabbing fashion.

The trope of the battle between American love and Old-World marriage was not an imaginary one. Indeed, whereas earlier immigrants and first-generation American Jews were given significant latitude by their parents with respect to marital choice, Eastern European immigrants displayed far greater intergenerational strife regarding young people choosing their own spouses. Even before emigrating, young Eastern European Jews looked to America as a place where they would be free of parental restrictions regarding love and marriage. As one immigrant era Eastern European Yiddish folksong went, “Don’t worry my own true love/If my parents don’t approve of you/We will go off to America/And be married there.”¹²⁰ The particular circumstances of Jewish life in Eastern Europe contributed to this dynamic. Russian society was particularly authoritarian, giving parents significant legal latitude over decision-making for their children. Although Russian laws regarding parental control over their children’s marriages eased over the course of the nineteenth century, as Haskalah and other modernizing forces entered the large, insular and fiercely traditional Eastern European Jewish world, those forces often played out in the form of intergenerational strife.¹²¹

¹¹⁹ “Hunting for a Bride: She May Have Gone Away with Rival Suitor,” *Baltimore Sun*, October 14, 1902, 12.

¹²⁰ Rubin, 343.

¹²¹ Freeze, 12-19; Paula Hyman, *Gender and Assimilation in Modern Jewish History: The Roles and Representations of Women* (Seattle: University of Washington Press, 1995), 52-53.

Once they arrived in America, young immigrant Jews were quick to adopt American norms of choosing their own spouses and marrying for love, but their parents often appeared less willing to acquiesce to those norms, sometimes insisting upon choosing their children's spouses for them, or at the very least, having a say in their children's choice.¹²²

However, while conflict between parents and children regarding marital choice increased during the Eastern European migration, it is less clear to what degree. Marie Roypen's story notwithstanding, numerous letters and memoirs attest to the fact that many Eastern European immigrant Jews during this period met and married their spouses without parental intervention.¹²³ Even among those who came from the *shtetlach* of Eastern Europe, where, even into the twentieth century, parental opinion continued to hold a great deal of sway over choice of spouse for their children, new morés in America regarding how young men and women socialized, courted, and decided to wed generally prevailed.¹²⁴ Minnie Goldstein, who immigrated with her parents and siblings to Providence, Rhode Island from Russian Poland at the age of twelve, noted in her memoir that "Many boys fell head over heels in love with me, as they say. And of all of them, I picked a poor worker boy, my own age. He was very much in love with me and very good to me." She married Morris Goldstein in 1905.¹²⁵ Mary Asia Hilf, an 1897

¹²² Charlotte Baum, Paula Hyman, and Sonya Michel, *The Jewish Woman in America* (New York: Dial Press, 1976), 221; Susan A. Glenn, *Daughters of the Shtetl: Life and Labor in the Immigrant Generation*, (Ithaca, NY: Cornell University Press, 1990), 157.

¹²³ Elizabeth Alice Clement, *Love for Sale: Courting, Treating, and Prostitution in New York City, 1900-1945* (Chapel Hill, NC: University of North Carolina Press, 2006), 39.

¹²⁴ Glenn, 156-9.

¹²⁵ Minnie Goldstein, "Success or Failure," in *My Future is in America: Autobiographies of Eastern European Jewish Immigrants*, ed. and trans. Jocelyn Cohen and Daniel Soyer (New York: New York University Press, 2006), 29.

immigrant from Russia, recorded in her memoir that as she grew to young womanhood in Milwaukee, her mother told her, “Someday ... the right man will come along. When he does, your heart will tell you.” When Mary fell in love with and became engaged to a distant cousin, Jake Rosenberg, in 1899, her parents blessed her decision to marry him, assuring her that they believed she would be very happy and would have a good marriage.¹²⁶ Samuel Stolker, an immigrant from Latvia wrote to his fiancé before their 1916 wedding, “Dearie you should have been here when I broke the news to my people that I would announce my engagement soon especially my sis she is dying to meet you ...”¹²⁷ Stolker’s parents evidently had no control over his choice of spouse since they apparently did not even know he planned to marry.

Even in situations in which a young Eastern European immigrant chose a spouse who was not necessarily ideal in the eyes of his or her parents, parents did not object. Sol Bloom, who immigrated as a child from Poland and grew up in an Orthodox family in San Francisco, was working as a song publisher in 1896 when a friend invited him to dinner to introduce him to “the most enchanting creature,” a young songwriter named Evelyn Hechheimer. The couple fell in love and Sol asked Evelyn to marry him after an evening together at the theater. The following morning, he informed his family that he was engaged to “the most wonderful girl in the world.” His mother inquired whether Evelyn was “the *right kind* of girl,” and Sol “knew precisely what she had in mind,” responding that Evelyn came from a “fine Jewish family in San-Francisco.” Then he “took a swallow of coffee” and added, “They belong to Congregation Emanu-El.” This

¹²⁶ Mary Asia Hilf, *No Time for Tears* (New York: Thomas Yoseloff, 1964), 132-3.

¹²⁷ Correspondence between Samuel Stolker and Fannie Greenbaum, 2006.29.001, JMM.

was, Sol noted, “a little like a Catholic boy’s announcement that he was going to marry into an Episcopalian family,” since Congregation Emanu-El was a Reform synagogue and his family was Orthodox. Despite this, Sol wrote, “Mother ... instantly and completely accepted Evelyn. She knew I loved her and that was enough. More than sixty years of inflexible orthodoxy did not obscure a fact even more fundamental than all the teachings for her creed. Her son loved a woman. For her that was of transcendent importance.”¹²⁸ For Sol Bloom’s parents, as long as the woman was Jewish, love was more important than their son marrying a fellow Orthodox Jew.

Likewise, some young men continued to formally ask for the “consent” of the young woman’s parents before marrying, even though, as was the case in early decades, the consent they sought was not actually permission, but rather a rubber stamp for the decision the young couple had already made to wed. In 1901, Gus Seckbach, a thirty-one-year-old immigrant from Frankfurt, Germany wrote a letter to Robert Bucksbaum, the father of his new fiancée Minnie, to make his case for being an appropriate spouse for her. Detailing his love for her and his ability to financially provide for her, he even provided the name of a reference Robert could contact. However, when all was said and done, he made clear that he had already “succeeded in getting Minnie’s consent to marry” him.¹²⁹ Robert Bucksbaum, himself an immigrant from Austria, responded graciously to

¹²⁸ Sol Bloom, *The Autobiography of Sol Bloom* (New York: G.P. Putnam’s Sons, 1948), 149.

¹²⁹ Gus Seckbach to Robert Bucksbaum, October 30, 1901, Private collection of the Shapira-Stern Family, Bronx, NY. While both the Seckbach and Bucksbaum families were from Germany and not Eastern Europe, I include this correspondence in my analysis of courtship during the Eastern European migration because that is the time in which it was written. The behavioral patterns of immigrants, whether from German states, other areas of Central Europe, or from Eastern Europe were shaped significantly by the circumstances of time period in which they arrived in America in addition to their nations of origin. While there is no question that the vast majority of Jews who immigrated during the Eastern European migration were indeed from Eastern Europe, and certainly by the early twentieth century, Jews in Germany were generally far more acculturated than their co-religionists in Eastern Europe, those who immigrated to America during this time, whatever their origin, faced the same circumstances of American society upon

Gus's letter, making clear that his acquiescence was not necessary. "My dear Mr. S," he wrote, "you are asking to give my consent, I will say that much, that as the father I love my children to [sic] good as to stand in their way to there happiness [sic]." ¹³⁰ Hilda Satt Polacheck, who immigrated from Poland as a child in 1892, related in her memoir that the day after she and her fiancé Bill decided to wed in 1912, Bill wrote to Hilda's mother asking for her blessing. "Hilda has told you that we are engaged to be married," he wrote. "We find that we love each other and our happiness is based on that prospect. But we want you to feel happy in our happiness." Noting his great love for Hilda and his ability to support her financially, as was *de rigueur* for such letters, he asked Hilda's mother "humbly and affectionately to accept me as a son." Hilda's sister read and translated the letter for her mother, who could not read or understand English. "Mother was deeply touched," Hilda related, "and I know that she loved him as long as she lived."¹³¹

Even after the upheaval of World War I which had caused great change in marriage patterns among European Jews, many American Jewish young men continued to seek the rubber stamp consent of the parents of their fiancées before getting married. Nicholas Beser, an Eastern European immigrant, met and fell in love with Rose Lutsky, an American-born daughter of Eastern European immigrants, in Paris during World War I where he was stationed during his service in the American army and she was serving as an army social worker. In 1919, when the couple decided to wed, he wrote a letter back to

arrival. Those circumstances deeply affected patterns of Americanization, including courtship practices, of new immigrants.

¹³⁰ Robert Buchsbaum to Gus Seckbach, November 1, 1901, Private collection of the Shapira-Stern Family, Bronx, NY.

¹³¹ Hilda Satt Polacheck, *I Came A Stranger: The Story of a Hull House Girl* (Urbana: University of Illinois Press, 1989), 121-2.

Rose's mother in Baltimore seeking her consent. As was the common pattern, he described his love for Rose as well as his ability to provide for her, and then made clear that he did not actually need her mother's consent for Rose had already agreed to marry him:

She has told me that as far as she is concerned, she is satisfied, but that in all matters of importance in her life she always consulted her dear mother.... Of course, I realize the importance of taking such a step and therefore agree with her that her dear mother should know the exact conditions of affairs.

Promising to come visit her in person after he was discharged from the army so that she could "judge for yourself whether or not I am a suitable companion for your daughter," Nicholas concluded, "I trust that you will feel the same way about it as your dear daughter, then I feel certain that all will be well."¹³² The couple married in late 1919 after Nicholas was honorably discharged from the army and returned to the United States.

However, side by side with stories of "American" marriages - unions by choice and for love - were stories like the Marie Roypen saga, telling of parents, particularly fathers, imposing their will regarding appropriate spouses for their children. Such tales typically depicted the young people fighting back, often triumphing over their Old-World parents. A young woman wrote to the *Bintel Brief* advice column in the Yiddish daily *Forward* in November 1907 telling of her father's attempt to force her to marry a well-off salesman simply because of his money, and her horror at the prospect of marrying this man.¹³³ As she wrote, "I told my father that if he forced this match on me, I would leave

¹³² Letter to Mrs. Lutsky from Nicholas Beser seeking the hand of her daughter Rose in marriage, April 15, 1919, 1993.173.234.81-91 (Folder 8), JMM.

¹³³ For a full-length study of the *Bintel Brief* and its role in the adjustment of Eastern European immigrants to their new lives in America, see Magdalena Ewa Bier, *How to Become Jewish Americans? The Bintel Brief Advice Column in Abraham Cahan's Yiddish Forverts* (Frankfurt am Main, Germany: Peter Lang GmbH, 2015).

the house.” The editor replied with vehement disapproval of “selling one’s daughter’s whole life for money.” Calling the father’s behavior “disgraceful,” the editor proclaimed, “Under no circumstances should she permit herself to be part of her father’s loathsome business.”¹³⁴ Abraham Cahan’s famous 1898 novella “The Imported Bridegroom” told of a wealthy immigrant father traveling back to Europe to select a husband for his precocious, Americanized daughter, Flora. The father decides upon a young Talmud scholar named Shaya, the type of husband that would have reflected well upon him in the Old Country and brings the young man back to America with him. While Flora is initially horrified by the situation, she takes control of her fate and shapes Shaya into the Americanized doctor she always wanted to marry.¹³⁵ Alexander Harkavy’s well-known *Amerikanisher Briefen-Shteler* (American Letter Writer), a letter-writing manual of the sort popular in the nineteenth and early twentieth century, contained sample letters entitled “About Opposition of Parents” between two young lovers whose parents opposed their marriage. The young man writes, “What then have we to fear, even if the displeasure against us should be more permanent than I think it will be? Surely it is ourselves who are most concerned in the matter.” The young woman responds, “I quite agree with you that we are treated unjustly, and that we have the chief voice in the disposal of our future.”¹³⁶ A drawing in the New York-based Yiddish satirical paper *Der*

¹³⁴ “A Bintel Brief,” *Forward*, November 25, 1907, 5 (trans. Khane-Faygl Turtletaub).

¹³⁵ The end of the story brought another plot twist: Shaya becomes so enamored of his new American intellectual life that he loses interest in Flora. Abraham Cahan, *Yekl and The Imported Bridegroom and Other Stories of the New York Ghetto* (New York: Dover Publications, 1970), 93-162.

¹³⁶ Alexander Harkavy, *Harkavy’s American Letter Writer* (New York: Hebrew Publishing, 1902), 152-3. For an explication of the role of the briefen-shteler in both European and American Jewish culture, see Alice Nakhimovsky and Roberta Newman, *Dear Mendl, Dear Reyzl: Yiddish Letter Manuals from Russia and America* (Bloomington: Indiana University Press, 2014).

Kibitzer depicted a stylish young couple, the woman sitting on the man's lap, flirting with him, with a heading that read, "When the parents are in the Sukkah." Below the drawing, a caption read:

He: "It's not so bad when mother and father are eating in the Sukkah.
She: Too bad Sukkos only lasts eight days!"¹³⁷

Old-World, religious parents, the cartoon intimated, would not approve of such flirtatious and modern behavior among the younger generation. Such stories and images, appearing in more public fora than personal letters and memoirs telling of courtships and engagements that were conflict-free, reflected and contributed to the trope of young people rebelling against Old-World parents and insisting upon American love matches.

Women in particular told stories of rebellion against parents, particularly fathers, who attempted to force them into marriages not of their choosing. Such stories often overtly emphasized the link between the ability to choose one's spouse and American values of liberty and freedom. On the simplest level, this was due to the fact that turn-of-the-century immigrant fathers were more likely to control spousal choice for their daughters than they were for their sons. However, complex legal and ideological trends in American society also contributed to the trope of the Americanized daughter rebelling against her Old-World father's marriage plans for her. Marriage, gender, and Americanization were intertwined in a particularly potent manner in the early years of the twentieth century, particularly in the area of citizenship law.¹³⁸ American men had long been able to give American citizenship to women via marriage while women were not

¹³⁷ "When the Parents are in the Sukkah," *Der Kibitzer*, October 17, 1913, 4, (trans. mine).

¹³⁸ For a full discussion of the intertwining of gender, marriage and citizenship in early twentieth century America, see Candice Lewis Bredbenner, *A Nationality of Her Own: Women, Marriage, and the Law of Citizenship* (Los Angeles: University of California Press, 1998).

able to transfer their own American citizenship to their husbands. In 1907, however, Congress took the gendered nature of citizenship transfer a step further by passing the Expatriation Act which declared that American women who married foreigners would actually lose their American citizenship and take on the citizenship of their husbands. The American government denaturalized and denationalized thousands of American women who had married foreigners in the wake of passage of the Expatriation Act. While the Expatriation Act's overt purpose was nativist, aimed at discouraging some of the ever-growing flood of foreigners from arriving on American shores, it also served as pushback against American women fighting for recognition as independent citizens in their own right, a necessary precursor to women's suffrage.¹³⁹ The link between gender, marriage and citizenship did not go unnoticed by immigrant women. As Hilda Polachek, who married in 1912, wrote in her memoir, "When the marriage certificate was given to me, I suddenly realized that this precious document, in addition to making me Bill's wife, also made me a citizen of the United States. It is curious that I should have thought of this at such an auspicious moment, but I did."¹⁴⁰ In hindsight, perhaps it was not so curious.

In addition to the power that a woman's marriage partner had to define her as either American or foreign, the path through which she was paired with that marriage partner took on meaning as well. Rhetoric surrounding Americanization of immigrants often used language of consent and love – immigrants needed to choose to love their new country in order to truly become American.¹⁴¹ The arranged marriage that was still fairly

¹³⁹ Bredbenner, 4-6.

¹⁴⁰ Polachek, 125; see also Chaya Rochel Andres, *Years Have Sped By: My Life Story*, ed. & trans. Yudel Cohen (Dallas, Texas: Self-published, 1981), 27.

¹⁴¹ Sollors, 74.

common in the countries of origin of many immigrants to America flew in the face of this metaphor, hinting at coercive relationships which were seen as un-American at their core. America transformed immigrants' culture of arranged marriage to "modern standards of sexual consent and individualism" through what historian Pamela Haag calls a "discourse of triumphalist 'romantic uplift.'"¹⁴² Through marriage by choice, new immigrants could show their affinity for democracy and the American way, thereby proving themselves worthy of membership in the American polity. Jewish leader Julia Richman's speech to the Jewish Women's Congress at the Chicago World's Columbian Exposition in 1893 reflects the internalization of these ideas. Speaking about the plight of Eastern European girls entering arranged marriages, she stated:

We must disentangle the individual from the mass. We must find a way ... of leading these girls, one by one, away from the shadows which envelop them.... The saddest of many sad conditions that face our poor Jewish girls is the class of husbands that is being selected for them by relatives. It is the rule, not the exception, for the father, elder brother, or some other near relative of a Jewish working girl, to save a few hundred dollars, by which means he purchases some gross, repulsive Pole or Russian as a husband for the girl. That her whole soul revolts against such a marriage ... counts for nothing. Marry him she must, and another generation of worthless Jews is the lamentable result.¹⁴³

Working to foster individualism in Eastern European Jewish immigrant women, Richman argued, would allow them out of the darkness of coerced marriage into the light of consent, of choosing their own futures in the pursuit of happiness. The parallels to the project of American democracy were evident.

¹⁴² Pamela Haag, *Consent: Sexual Rights and the Transformation of American Liberalism* (Ithaca, NY: Cornell University Press, 1999), 105.

¹⁴³ As quoted in Marcus, *The American Jewish Woman*, 425-6.

Thus, for young Jewish women during the Eastern European migration, choosing one's own spouse became the equivalent of striking a blow for freedom and the American way.¹⁴⁴ In her iconic 1912 memoir *The Promised Land*, Mary Antin, who immigrated as a child to Boston from Polotsk in 1894 wrote about her sister Frieda's engagement less than two years after their arrival in America. While this was not an arranged marriage, it was also not a love match, and Antin felt acutely the loss of opportunity that this marriage represented for Frieda. She wrote:

I am so fond of the American way that it has always seemed to me a pitiful accident that my sister should have come so near and missed by so little the fulfillment of my country's promise to women. A long girlhood, a free choice in marriage, and a brimful womanhood are the precious rights of an American woman.¹⁴⁵

Antin not only saw a link between free choice in marriage and American identity, but also understood that that link was particularly potent for women. While marriage for love as well as rebellion against parental arrangement of marriage had begun to surface in Eastern Europe as well, "it was in the American setting that these ideas took on new urgency."¹⁴⁶

Another turn-of-the-century Jewish American woman who intrinsically understood the powerful braid that intertwined marital choice, Americanization, and women's empowerment was Irma Lindheim, a daughter of German immigrants who as an adult became a leader in the American Zionist movement.¹⁴⁷ Irma fell in love for the

¹⁴⁴ Riv-Ellen Prell, *Fighting to Become Americans: Jews, Gender, and the Anxiety of Assimilation* (Boston: Beacon Press, 1999), 86-87.

¹⁴⁵ Mary Antin, *The Promised Land* (Boston and New York: Houghton Mifflin, 1912), 277. Mary Antin herself married for love, wedding a gentile named Amadeus William Grabau in 1901.

¹⁴⁶ Glenn, 157; Freeze, 16.

¹⁴⁷ While Lindheim was the daughter of wealthy German immigrants, who in terms of country of origin and economic status do not fit the typical profile of immigrants during the Eastern European migration, her

first time at age fifteen with a man she met on a trip to Europe in 1901. While the love she felt was transient, it had an enormous impact on her. A stutterer as a young girl, Irma wrote in her memoir that “the miracle of first love” set her free from her speech impediment, allowing her to become the type of woman who would someday “speak before audiences of thousands, not only over the length and breadth of my own beloved country, but in lands scattered over the face of the earth as well.” Linking this episode of girlish love to her adult self-actualization, she mused that “In time, there appeared to me a deep symbolism in the source of my freedom, namely Love. Was it, however, so strange? Has not love ever been part of freedom?”¹⁴⁸

As Irma grew into womanhood, her internalization of the American ideal of love being inextricably intertwined with freedom deepened. The daughter of wealthy German immigrant parents of a certain social standing, Irma was subject to restrictions most other Jewish and gentile young women of her generation were not. As she wrote, “In any well-to-do Jewish family, especially of German background, it was simply part of the natural course. To my father and his kind and class, the suitability of the candidate for a daughter’s hand in marriage must be decided solely and beyond all question by her father.”¹⁴⁹ Stalwartly refusing to bend to the “bondage” of the “archaic and absurd” tradition that “it was a father’s ‘right’ to arrange his daughters’ marriages,” Irma insisted on independence.¹⁵⁰ As a young teen, she told herself, “Young ladies approaching

story, like that of Gus Seckbach above, belongs among those of the Eastern European migration because the time period in which it takes place. Lindheim’s story of rebellion against her autocratic father was likely a product of its time as much as it was a product of the culture of her family. See n.129.

¹⁴⁸ Irma L. Lindheim, *Parallel Quest: A Search of a Person and A People* (New York: Thomas Yoseloff, 1962), 12.

¹⁴⁹ *Ibid.*, 23.

¹⁵⁰ *Ibid.*, 17.

womanhood ... were not to be bargained for, bought and sold, like cattle; it was their right as human beings to marry according to their own, not a father's choice." Even at this tender age, Lindheim unconsciously linked the ideals of American democracy with marital choice, granting herself "a personal Declaration of Independence," and declaring, "Henceforth I was going to be, and grow as, *me*."¹⁵¹ Over the vociferous objections of both her parents and his, Irma married Norvin Lindheim, the son of similarly wealthy and even more high-society German Jews at the age of twenty-one in 1907.

The famous Eastern European Jewish immigrant novelist Anzia Yezierska made similar connections between freedom of choice in marriage and American ideals of liberty in her semi-autobiographical 1925 novel, *Bread Givers*. The heroine of the story, Sara Smolinsky refuses to submit to her fiercely traditional father's control over her life and does not allow him to decide on a spouse for her. While her father manages to arrange the marriages of Sara's three older sisters, financially benefitting from their matches to boot, Sara insists that he cannot do the same with her. "Thank God I'm not living in olden times. Thank God I'm living in America!" she yells at her father, "You made the lives of the other children! I'm going to make my own life!"¹⁵² Her father, unsurprisingly, sees America as a threat to the proper order of things. When Sara, in order to continue her education, refuses the proposal of Max Goldman, a man she was introduced to by her sister, her father is filled with rage. "You think millions of educated old maids like you could change the world one inch?" he yells at her, "Woe to America where women are let free like men....[A]ll the evils of the world come from them." Sara

¹⁵¹ *Ibid.*, 18.

¹⁵² Anzia Yezierska, *Bread Givers* (New York: Persea Books, 2003, Original: New York: Doubleday, 1925), 137-8.

hears her father's rage and reflects, "I no longer saw my father before me, but a tyrant from the Old World where only men were people. To him I was nothing but his last unmarried daughter to be bought and sold."¹⁵³ At the conclusion of the novel, Sara and her husband, an Americanized Jewish immigrant named Hugo, invite her father, elderly and weakened, to move in with them. "It wasn't just my father," she observes, "but the generations who made my father whose weight was still upon me." While the character of Sara could not entirely escape the burden of her father and his Old-World ideas, Anzia Yezierska's novel made plain that she saw marriage for love as central to American identity.

Tales of intergenerational strife with respect to marital choice during the Eastern European migration often appear to be stand-ins for larger tales about Americanization. Old World parents and their matchmakers were easy foils for those telling stories about their affinity for America, the land in which love and freedom won the day. Eastern European immigrants and first-generation Americans understood that marriage was a central battleground over who was American, and they used the trope of that battleground to paint a portrait of themselves as squarely American.¹⁵⁴

Shadkhanim (Matchmakers)

Perhaps no figure symbolized the Old-World un-American practice of arranged marriage more than the *shadkhan*, matchmaker. Prior to the Eastern European migration, neither the term "*shadkhan*" nor the concept of a matchmaker was typically found in

¹⁵³ *Ibid.*, 205.

¹⁵⁴ Cott, 151. Cott points out that in their memoirs and fiction, gentile European immigrants also used "the contrast between arranged marriage and the love match to stand for the difference between the Old World and the New, between outdated tradition and modernity, between falsity and truth, tyranny and freedom."

writings of immigrant and American Jews. Likewise, neither Jewish nor secular newspapers used the term. However, beginning in the late 1870s, Jews and gentiles living in America increasingly wrote about *shadkhanim* (matchmakers) mostly in more public fora, such as newspaper articles, short stories, and plays. Depictions of *shadkhanim* reflected the anxiety surrounding Jewish arranged marriage practices in the vehemently pro-spousal choice culture of America.¹⁵⁵ *Shadkhanim* were frequently portrayed in a negative light, often as conniving and corrupt money-makers out to cheat simple Jews, or alternatively as buffoons and objects of ridicule. Often the use of a *shadkhen* was contrasted with marriage for love, with the *shadkhen* painted in a negative light as Old World and un-American in comparison. Emphasizing the contrast between Old World and American practices, writers often exaggerated the prevalence of *shadkhanim* in European Jewish communities, almost as a foil against which American-style love matches could be compared.¹⁵⁶

American culture notwithstanding, a significant number of Jews in America seem to have used the services of *shadkhanim* during the Eastern European migration. Both Yiddish and English language Jewish newspapers in turn-of-the-century America carried advertisements for *shadkhen* services and want ads placed by individuals seeking

¹⁵⁵ Jenna Weissman Joselit, *Wonders of America: Reinventing Jewish Culture, 1880-1950* (New York: Henry Holt, 1994), 11-12.

¹⁵⁶ While still extant, the use of the *shadkhen* had lessened considerably and faced significant opposition and criticism, particularly from *Maskilim* in Eastern Europe by the late nineteenth century. Freeze, 281-2; Seidman 71-72. The *American Hebrew & Jewish Messenger* declared that “Among the old-fashioned Jews in the Old World, almost all marriages are brought about with the assistance of a shadchan or marriage broker.” “‘The Shadchan’ as a Jewish Institution,” *American Hebrew & Jewish Messenger*, February 18, 1916, 420. “In the *alte-heim* (the Old Country),” reminisced an article in the *Forward* in 1924, “...you didn’t turn around without the *shadkhen*.” Milton Dennley, “The American *Shadkhen* Behaves Like a Regular Businessman,” *Forward*, October 2, 1924, 15 (trans. mine). The *Jewish Exponent* claimed as late as 1929 that “More than eighty percent of Jewish marriages in Poland are brought about through the instrumentality of the professional matchmaker.” “About Men and Things: Jewish Matchmakers in Poland,” *Jewish Exponent*, March 15, 1929, 4.

shadkhanim. The *Yiddishes Tageblatt*, a traditionally minded New York Yiddish daily with an Orthodox Zionist perspective, typically carried quite a few advertisements for the services of *shadkhanim*. “Satisfaction guaranteed,” promised one such advertisement for a *shadkhen* named Mrs. Speyte on North Broad Street, which appeared frequently in the *Yiddishes Tageblatt* in the early twentieth century. “Poor and rich will be treated alike,” declared another. A third trumpeted “First-class *shadkhen*. Makes the highest number of matches. Send a ten-cent stamp.” One *shadkhen*, the only one to print his name and address in English, explicitly referenced the American milieu, declaring, “American-style *shadchan* makes *shidduchim* (matches) for the finest families.”¹⁵⁷

A desire for *shadkhanim* even made it to the frontier, far from the booming immigrant neighborhoods in cities like New York, Baltimore, and Boston. *The Jewish Progress*, a newspaper published in San Francisco, reported in 1888, “A lady in Tombstone, Arizona sends to us for the address of a Jewish *Schattchen*. We know of several who are first class in that particular but possibly a professional is desired. Communications must be forwarded at once as the lady will remain in Arizona but a few days longer.”¹⁵⁸ In 1888, *The Jewish Progress* reported, “A marriage bureau is about to be established in the city. *Shatchans* of the most refined and genteel order will be in attendance.”¹⁵⁹ As late as 1914, a want ad in the *Jewish Advocate* stated, “Refined, affectionate, persevering young Hebrew, aged thirty, would like *Shadchan* to acquaint

¹⁵⁷ Advertisements, *Yiddishes Tageblatt*, January 14, 1916, 5 (trans. mine).

¹⁵⁸ “Beginnings of the Jewish Communities in the American Southwest: Early Jewish Lifecycle events – Part II The 1880s & 1890s,” *Western States Jewish History* 11, no. 1 (1978): 66.

¹⁵⁹ *Ibid.*, 72.

him with business woman, with brown eyes, and able to invest some capital in business.”¹⁶⁰

Indeed, the term was used frequently enough that it entered the American vernacular. “Mayor Gilroy No *Shatchen*,” the *New York Times* pronounced in a short human-interest piece in 1893. Gilroy, the Mayor of New York, the article reported, received “plenty of letters from men in the West” seeking women to marry. In this case, he had received a poorly spelled and “labored” letter from one G.A. Ward of Pitkin, Colorado seeking an “onerable lady” and offering the Mayor to “compensate you any reasonable am’t for your trouble.” Mayor Gilroy, for his part, was uninterested in taking up matchmaking. “They seem to think this is a matrimonial bureau, he said wearily.”¹⁶¹

Hand-in-hand with the apparent prevalence of *shadkhanim* during the Eastern European migration was routinely negative coverage of them in the press, be it the Yiddish, English-language Jewish, or secular press. News stories about *shadkhanim* generally fell into one of three categories: the “explanation” of the role of the *shadkhen* for American readers, the description of the disintegration of the role of the *shadkhen* in America, and lurid stories of criminal or corrupt *shadkhanim*. Common to all three categories was the depiction of the *shadkhen* as unseemly and mercenary, and most importantly, un-American.

Even seemingly neutral articles about *shadkhanim* typically linked the matchmakers to monetary transactions, whether it was the *shadkhen* seeking money for him or herself or seeking to connect a man with a woman who had money to bring to the

¹⁶⁰ “Want Ads,” *Jewish Advocate*, May 1, 1914, 5.

¹⁶¹ “Mayor Gilroy No Shatchen,” *New York Times*, May 17, 1893, 2.

marriage. The *American Israelite* reported in 1917 that a judge in Kansas City, Missouri had ruled against a *shadkhen* in his lawsuit to collect a fee from the groom in a match he had made. “The time-honored custom for the *schatchen*, or matchmaker, to collect a few from both parties to a marriage arranged by him, was not sustained,” simpered the article. Apparently, the *shadkhen* in question had already collected a fee from the bride’s family, and thus, according to the judge was not entitled to a fee from the groom as well.¹⁶² In a 1915 lawsuit filed by a *shadkhen* to collect his \$99 fee from a groom, the Baltimore City Court judge found for the defendant, declaring that “the promotion of marriages as a business was contrary to public policy and should not be encouraged.”¹⁶³ While such references did not on their face express a negative view of *shadkhanim*, the unbecoming intertwining of marriage and financial concerns cast a pall over professional matchmaking. If arranged marriage was not foreign enough to American ears, connecting marriage to money was the height of venality, corrupting a pure and high-minded institution with mercenary desires.¹⁶⁴ Of course, the connection of mercenary interest with Jewish matchmaking was tinged with antisemitic ideas about Jewish greed and financial cunning.¹⁶⁵

Indeed, the term *shadkhen* was even used to refer to non-Jewish matchmakers with a financial stake in the matches they made. In a story entitled “Female Shatchen,” the *Cincinnati Enquirer* reported in 1909 that Count Santa Eulalia of Portugal and his

¹⁶² “Schatchen Can’t Collect,” *American Israelite*, November 29, 1917, 5. The story was also covered in the *American Hebrew and Jewish Messenger*: “Another Tradition Gone!” *American Hebrew and Jewish Messenger*, April 1918, 704.

¹⁶³ “Frowns on Cupid’s Aide: Court Holds “Shadchen” Is Not Entitled to \$99 Verdict,” *Baltimore Sun*, October 12, 1915, 16.

¹⁶⁴ Cott, 151.

¹⁶⁵ Kaplan, “For Love or Money,” 147.

new wife Elizabeth Stetson, the widow of John B. Stetson, the multi-millionaire hat maker “emphatically denied” that they owed any money to Josephine P. Ernst of Chicago who had threatened to sue them for \$10,000 for “arranging a meeting between them which led to their marriage.” Ardently refuting any disqualifying tinge of financial basis for the match, the couple painted their marriage as one based on love, arguing that Ernst “never figured in their romance.” Indeed, the new countess noted that she was willing “to spend her entire great fortune to fight any legal action if necessary.”¹⁶⁶ Apparently, the count and countess thought it preferable to spend their money defending against a claim that they used a matchmaker than to spend the money paying that matchmaker. A 1920 short story about a matchmaker in *Harper’s Magazine* read, “Even kindly disposed people made no bones about calling Mrs. Maxon a match-maker. Persons of more ungenerous disposition dubbed her the *Shatchen*...”¹⁶⁷ Matchmakers were tasteless enough to the readers of *Harper’s Magazine*, but a *shadkhen* was worse.

Earlier in the Eastern European migration, when *shadkhanim* were discussed in the secular press, they were typically in human interest stories that sought to explain the “quaint” foreign custom of matchmaking among immigrant Jews. Such depictions were critical of the *shadkhen*, often using antisemitic imagery and tropes in their portrayal. An 1891 article in the *St. Louis Dispatch* described the author’s encounter with a *shadkhen*:

He was a strongly built man, past middle age, with a kindly and benevolent countenance which scarcely betrayed his Hebraic extraction. He had been in this country but a short time and was amazed to find that the business of running a matrimonial agency was regarded here as a little “off color.”

¹⁶⁶ Female “Shatchen,” *Cincinnati Enquirer*, September 29, 1909, 3.

¹⁶⁷ Van Tassel Sutphen, “The Match-Maker,” *Harper’s Monthly Magazine*, June 1, 1920, 141.

Of course, this shatchen comes from Germany, where matrimonial brokers flourish much better than with us. I know a wealthy landed proprietor in the Rhenish Palatinate who remains a bachelor for some romantic reason. He is fairly pestered by shatchens who persist in coming to him and saying: "I know a lovely girl—beauteous, young, accomplished, kind, sprightly and heiress to 100,000 marks. You can marry her if you will. Come. Why not?"

All of which seems very strange in this land of freedom and Sunday evening courting.

Emphasizing the foreign Jewishness of the *shadkhen* as well as the linkage between matchmakers and marriages based on money, the article concluded by painting matchmaking as "strange" when contrasted with American marriage based on freedom and on love.¹⁶⁸ In 1896, the *New York Tribune* published an article detailing the "mercenary motives" of the *shadkhen* with an accompanying sketch of a *shadkhen*, complete with a large hooked nose.¹⁶⁹ In 1897, the *Chicago Tribune* published an article explaining a want-ad for a *shadkhen*, observing damningly in a culture passionately devoted to spousal choice that "the dealings of the broker are always with the father.... The only say the girl is given in the matter is to accept the marriage proposal when it is made." The article concluded by remarking that the *shadkhen* "is not recognized in any way by the higher classes."¹⁷⁰ Another 1897 *Chicago Tribune* story about Jewish matchmaking labeled it a "Strange Plan by Which Busy Young Men and Women May Secure Helpmeets Without Necessity of Courting."¹⁷¹ Even newspapers in communities

¹⁶⁸ "The Shatchen," *St. Louis Dispatch*, June 28, 1891, 11.

¹⁶⁹ "The Schatchen: An Active Force in the Matrimony of New York's Foreign Quarter," *New York Tribune*, December 27, 1896, 138.

¹⁷⁰ "He is a Matchmaker: Jewish 'Shatschen' a Professional Marriage Broker," *Chicago Daily Tribune*, September 6, 1897, 8.

¹⁷¹ "Rabbi Goldstein of Chicago Marriage Broker by Profession," *Chicago Daily Tribune*, October 3, 1897, 37.

with few to no Jews wrote disparagingly about the *shadkhen*. Reporting in excruciating detail about a drawn-out fight in New York City between the father of a young Jewish woman and a matchmaker over fees for a failed match, the *Donaldson Chief*, a Louisiana newspaper article concluded derisively, “If you have five hundred or a thousand dollars that you are anxious to get rid of, I know of no easier method than to apply to one of these advertising matrimonial robbers.”¹⁷² Arranged marriage among the Jews was strange and foreign, exciting the prurient interest and arousing the disdain of turn-of-the-century Americans.

By the turn of the century, coverage of the *shadkhen* in the secular press had turned to emphasizing the growing irrelevance of matchmaking in the American milieu. The *New York Tribune* warned in 1900 that “unless the marriage business picks up the broker is going to drop out of sight.” The article quoted one wistful *shadkhen* as saying:

Once I lived on the fat of the land, and most of the marriageable young men and women in the quarter depended on me to make them happy for life. Now they believe in love and all that rot... They learned how to start their own love affairs from the Americans, and it is one of the worst things they have picked up.¹⁷³

American love matches were causing the ruin of the match-making business. In a similar vein, the *Boston Globe* pronounced in 1907, “One of the results of the so-called Americanizing of the younger generation of the Jewish people, apparent in Boston, is the gradual abandoning of the business of “Schatchen” by the class known as ‘Shlumpers.’”¹⁷⁴ A 1907 headline in the *Baltimore Sun* declared “Marriage Broker

¹⁷² “Our Letter from Broadbrim,” *The Donaldsonville Chief*, May 16, 1885, 1.

¹⁷³ “Jews Wed Without Brokers” *New York Tribune*, September 30, 1900, A-4.

¹⁷⁴ “Turn to Other Lines: Old Institution Goes as Younger Hebrews are Americanized,” *Boston Daily Globe*, April 1, 1906, 11.

Business Still Thrives in the Ghetto: But The Day of His Greatest Prosperity is Now Behind Him.”¹⁷⁵

English-language Jewish newspapers in America, which catered to Americanized Jews, had never spoken admiringly about the *shadkhen*. As early as 1877, a short story in the *Jewish Messenger* told of a young “good looking” Rabbi Blank, who fell in love with a “young and fair” woman in the women’s gallery. As the rabbi considered how to make her acquaintance, he rejected one method out of hand: “To employ long-nosed Schmulhoff the Shadchan would be dangerous, for his tongue was a perpetual motion machine, and he might thus be compromised.”¹⁷⁶ But by the turn of the century, the English language Jewish press also turned to depicting the *shadkhen* as a money-grubbing and sly individual whose time had passed in the American milieu. “Circumstances have removed the conditions that led to his existence,” sneered an 1898 article in the *American Hebrew*, “but the Shadchan, having once tasted of the sweets of his patrimony, has never let go.... [H]e has waddled through the Ghettoes, waxing fat and dispensing the joys of matrimony with no niggardly hand, provided of course, that there was sufficient inducement in the other palm to warrant the proceeding.”¹⁷⁷ A 1901 review of Israel Zangwill’s *Children of the Ghetto* declared “We have had enough of Sugarmann the Shatchen; it is high time that he found his occupation gone in current Jewish literature.”¹⁷⁸ “[T]he *shadchan* offered “Jewish and non-Jewish writers ... another

¹⁷⁵ “Marriage Broker Still Thrives in Ghetto,” *Baltimore Sun*, December 8, 1907, 14.

¹⁷⁶ “The Rabbi’s Romance,” *Jewish Messenger*, November 9, 1877, 1.

¹⁷⁷ “The Shadchan,” *American Hebrew*, October 7, 1898, 686. For background on the founding and editorial perspective of the *American Hebrew*, see Sarna, *American Judaism*, 136. Sarna notes that the newspaper editors were mostly American-born Jews who were simultaneously traditionalist about Jewish beliefs and yet committed to Americanization.

¹⁷⁸ “Editorial,” *American Israelite*, November 7, 1901, 4.

favorite subject for humorous description,” observed a 1916 article in the *American Hebrew & Jewish Messenger*. “His method of exaggerating to each side the advantages to be derived from such a union, is the same all over, and the results – humorous in some cases, pathetic in others, have been the theme of many a droll story.” While the *shadkhen* may have once been a respected institution, the article pronounced, “the little god Love” had caused it to fall out of favor, leaving it “abandoned by the rabbis and scholars and left to the witty and wily.”¹⁷⁹ The image of the crafty *shadkhen* was embarrassing to Americanized Jews; they were all too happy to see him fade away into irrelevance in America. And of course, by publicly decrying the use of the *shadkhen*, Jews showed themselves to have acculturated to their American milieu.

Shadkhanim also appeared in thinly veiled message-laden short stories in the English language Jewish press. In such stories, authors contrasted the *shadkhen* against a character or symbol representing America, and naturally America always won. A 1903 story in the *American Israelite* entitled “An Electoral Love Charm” told of a young immigrant couple courting in a large Jewish ghetto in an unspecified city. The young woman, Fanny, who had been born on a ship on the way to America, has been turned down for a role singing in a local choir in favor of another girl who was born in America. Her gentleman friend, a young physician named Borowitz, asks her if she will marry him if he manages to convince the choir directors that she is American enough to have the part. The story continues:

Fanny’s next question came after deliberation, “Did you ask me because—because the *Shadchen* (professional matchmaker) told you to?”

¹⁷⁹ “‘The Shadchan’ as a Jewish Institution,” *American Hebrew & Jewish Messenger*, February 18, 1916, 420.

“No,” he thundered, annoyed in spite of himself. “I have nothing to do with *Shadchens*.”

“I’m so glad, because—then I will....[E]ven if I were dying of love for you I wouldn’t marry you if the *Shadchen* had arranged it. The man I marry must ask me of his own free will, because he wants me. You’re sure you’re not deceiving me, and you’re not going to give the *Shadchen* a fee?”

“Absolutely positive,” he answered.

“Have you said anything to father about it?” this inquisitorial young damsel continued.

“No,” he said. “You see, it wasn’t premeditated.

“Oh, don’t apologize,” she hastened to remark. “I’m glad you didn’t. You’re doing things in a really American style, just as though you hadn’t been born in Russia. And father is not to know anything until everything is decided.... He shan’t know thing about it until we are engaged, positively engaged. And won’t he be surprised to think that we arranged it all ourselves, without even asking his permission?”

Borowitz sets off on his mission, but first he visits a friend who works at the State Historical Society. The friend shows him a coin—an election token from the second campaign of Andrew Jackson and then tells him that there had been a question as to whether Jackson could run for President because he was born at sea and not on American soil. Borowitz begs his friend for the coin, calling it a love charm, and takes it with him to show to the choir leaders whom he convinces to give Fanny the role of singer. He then brings the coin to Fanny who is thrilled and agrees to marry him. “The love charm,” concluded the story, “had not failed.” Tellingly, the item that seals Fanny and Borowitz’s engagement in the end is a coin depicting an American president whose story affirms Fanny’s own American identity. And the *shadkhen*, rather than being a vehicle for bringing a marriage to fruition, is painted as a complete bar to the couple’s engagement.¹⁸⁰

¹⁸⁰ Judith Solis Cohen, “An Electoral Love Charm,” *American Israelite*, April 23, 1903, 1.

Another such story, published in 1915 in the *Jewish Advocate*, pitted Uncle Sam himself against the wily *shadkhen*. Entitled “Uncle Sam, Shadchan,” the story told of a music teacher and *shadkhen* named Chaim Katzenelbogen from the Old Country who surreptitiously sought to make matches on the ship crossing to America with an eye toward earning enough in fees to cover the cost of his passage. He sets his sights on making a match between a well-heeled young gentleman named Percival Cohen and a pretty young woman named Lisa Rasovsky. However, Lisa Rasovsky is on board the ship with her sister Anna, who needs to be otherwise occupied in order to give Percival a chance to woo Lisa. Katzenelbogen takes it upon himself to squire Anna about, and in so doing, he causes her to fall in love with him. Little does Katzenelbogen know that Cohen is an undercover federal detective seeking to root out unsavory types such as him. When the ship arrives at Ellis Island, Cohen turns Katzenelbogen into the immigration authorities, noting that in addition to his matchmaking, Katzenelbogen was pursuing Anna Rakovsky, tarnishing her reputation. To Anna’s great joy, Katzenelbogen is forced to marry her in order to obtain entrance into the United States. The story ended with a postscript: “That was five years ago. I am happy to announce that a certain Harlem music teacher for and in consideration of a loving wife, a pretty baby, and an ample chance to earn a living for both, has extended a quit-claim to Uncle Sam long ago regarding those two broker’s fees.” Katzenelbogen, reformed from his matchmaking ways, ended up making an honest living in his original career as a music teacher, and he and Anna were happily married. Uncle Sam, who was both the couple’s *shadkhen* and the one who rescued Katzenelbogen from his greedy Old-World ways, was forgiven for all.¹⁸¹

¹⁸¹ J. Fuchs, “Uncle Sam, Shadchan,” *Jewish Advocate*, January 15, 1915, 5.

One whimsical 1914 story in the *Jewish Advocate* portrayed the *shadkhen* in a positive light. However, in this case the *shadkhen* was no cunning immigrant Jew, but rather a little Angora kitten named Fuzzums. In the story, Fuzzums' mistress, a young single woman named Miriam Pearlman, falls in love from afar with her handsome new neighbor across the street, a young wealthy doctor named Lewis Swartz. Although Miriam and Dr. Swartz frequently run into each other in the street, she does not speak with him and does not know how to make his acquaintance. One day, Miriam doodles her name together with Dr. Swartz's on a piece of paper and Fuzzums ends up running out the door with the piece of paper mistakenly stuck to his paw. When Miriam comes looking for Fuzzums later that evening, she finds him – and the incriminating piece of paper – with Dr. Swartz, who, realizing that Miriam loves him, declares his love for her as well. “Oh let our names be linked together, always—as one,” he beseeches her. Explaining that Fuzzums brought him the piece of paper, he asks Miriam, “Don't you think he is the dearest kitten and Shadchan in this world?” “Yes,” murmured Miriam, and she yielded to the doctor's embrace.¹⁸² In this modern twist on the *shadkhen*, a kitten with no agenda and no mercenary interests causes a couple who was already in love to freely meet and get together.

The Yiddish press, despite catering to the very Eastern European immigrants who utilized the services of *shadkhanim*, painted a similarly negative picture of the *shadkhen*. Much of the negative coverage was in the *Forward*, a socialist Yiddish daily, which sought to help its readers Americanize. A 1922 cartoon in the *Forward* pictured a heavy-set, bearded *shadkhen* with a devious expression on this face talking to an angry and

¹⁸² Rose Saffron, “Fuzzums, the Shadchan” *Jewish Advocate*, March 20, 1914, 2

puzzled young groom. The groom says to the matchmaker: “You told me that my bride’s father is not living. In the end, I found out that he’s in prison!” The matchmaker responds: “Well, you tell me, is that living?”¹⁸³ The image of the tricky *shadkhen* who was willing to bend the truth in order to make a match and earn his fee existed in the Yiddish press as well. Even the beloved “*Bintel Brief*” advice column in the *Forward* gently steered immigrant Jews away from using the shadkhen. One 1920 column featured a question from the mother of a well-educated and intelligent single young woman who preferred to stay home and read rather than going out to socialize. Writing that her friends thought that matchmaking was “old-fashioned and unsuitable for the present time,” she noted that she disagreed and was in favor of matchmakers. Some girls, she noted, could find their own “*bashert*” (destined one), but if her daughter could not, what would be the harm in using a matchmaker? The editor responded by confirming that:

Yes, matchmaking is certainly an old-fashioned ‘profession.’ In today’s times, young people pick out their own *bashert*. And that is quite a normal thing. Getting married is the most important step a person can take in life, and a broker is quite superfluous. Boys and girls meet, become friends, and that, in time, develops into love.

While the writer’s daughter is shy and not sociable, the editor noted, this does not mean that the matchmaker would bring the right person. “We can assure the writer,” he concluded, “that if her daughter were to be more sociable, she would not need the services of a matchmaker.”¹⁸⁴

¹⁸³ Cartoon, *Forward*, October 8, 1922, 5 (trans. Khane-Faygl Turtletaub).

¹⁸⁴ “A Bintel Brief,” *Forward*, July 6, 1920, 5 (trans. Khane-Faygl Turtletaub).

Sensationalizing the Shadkhen

Particularly after the turn of the century, stories about *shadkhanim* in both the secular and Jewish press sometimes veered into the lurid, relating the doings of criminal matchmakers who used their offices to swindle Jews out of their hard-earned money. An attention-grabbing 1905 front-page headline in the *Chicago Daily Tribune* reported, “27 Men Marry 500 Girls.” The article related that a group of twenty-seven men, led by “George A. Witzhoff, the bigamist” apparently continually married young women, “each bride being deserted as soon as her money and jewels were secured.” The marriages, noted the article, were all arranged through a *shadkhen* who “participated in the plunder and was one of the gang.”¹⁸⁵ The connection between the institution of the *shadkhen* and embezzlement was damning enough; adding the crime of bigamy which was so utterly unacceptable in the fiercely monogamous America, painted the *shadkhen* as irredeemably unsavory and un-American.

The Yiddish daily *Forward* frequently published sensational news stories about corrupt *shadkhanim*. A 1902 article, entitled “The *Shadkhen* is a Thief,” told of a widower with young children named Max Shimesky who sought a new wife. He found a *shadkhen* named Goldstein who promised him “the most magnificent match ever with a rich father-in-law.” Goldstein set up a meeting between Shimesky and the family of the girl and told Shimesky to dress up and bring jewelry. Shimesky showed up at the appointed time and place with rings, watches, and a diamond pin as well as \$150 in cash, at which point he was robbed of everything. Goldstein was arrested and was held on

¹⁸⁵ “27 Men Marry 500 Girls,” *Chicago Daily Tribune*, August 28, 1905, 1.

\$1000 bail.¹⁸⁶ A 1907 story told of the arrest of one Max Hochberg, a matchmaker from Clinton Street, who worked with a phony groom to swindle Jewish women out of their dowries. One such woman, Sara Brumberg, gave several hundred dollars to “the sly Dr. Skvidski,” her alleged groom, who never showed up to the wedding. She demanded a return of the \$25 matchmaking fee she gave to Hochberg, accusing him of being Skividski’s partner.¹⁸⁷ While not a news story, a 1909 letter to the Bintel Brief column from a twenty-three year old immigrant woman told of a *shadkhen* who preyed upon her loneliness and tricked her into becoming a prostitute, which came close to ruining her life.¹⁸⁸ In 1916, the *Forward* reported the indictment of a Lower East Side *shadkhen* for being an agent for a procurer of women for prostitution.¹⁸⁹

One long and scathing exposé of the American *shadkhen* business in the *Forward* detailed the many schemes that *shadkhanim* would use to make money in a country in which their role was quickly diminishing. One story told in the article was of a *shadkhen* who kept two men on his payroll – one young and good-looking and one middle-aged who was an “abomination.” After taking a deposit from a young woman’s father, the *shadkhen* would first send the young, good-looking man to meet the young woman, and then, once the besotted young woman declared her desire to marry him, the *shadkhen* would tell the father that the young man was not interested. Then, after a delay, the

¹⁸⁶ “The Shadkhen is a Thief,” *Forward*, October 20, 1902, 1 (trans. mine).

¹⁸⁷ “The Baal Shem’s Matchmaker Arrested,” *Forward*, Oct. 7, 1907, 1 (trans. Khane-Faygl Turtletaub).

¹⁸⁸ As quoted in Issac Metzker, ed. *A Bintel Brief: Sixty Years of Letters from the Lower East Side to the Jewish Daily Forward* (Garden City, NY: Doubleday, 1971), 103-5.

¹⁸⁹ “Matchmaker Indicted as Agent for a Procurer,” *Forward*, Dec. 5, 1916, 8 (trans. Khane-Faygl Turtletaub). For a detailed examination of “white slavery” or prostitution among Eastern European Jews at the turn-of-the-century, see Edward Bristow, *Prostitution and Prejudice: The Jewish Fight Against White Slavery, 1870-1939* (New York: Schocken Books, 1982).

shadkhen would send the middle-aged man, whom the young woman would refuse to marry. Meanwhile, the young woman would find someone to marry on her own, leaving the *shadkhen* with the father's deposit, never having found a groom for the young woman.¹⁹⁰ Exposés such as this one certainly did not help the cause of the *shadkhen*, who already had to battle the rapidly decreasing interest in professional matchmaking expertise.

It is difficult to know how many Jews used the services of *shadkhanim* during the Eastern European migration. Evidently, their use declined over the span of the period as immigrant Jews Americanized and then raised children who insisted on marrying for love. Undoubtedly, the waning use of *shadkhanim* was helped along by the relentlessly negative press they received. The two-dimensional stock character of the *shadkhen* in both Jewish and American publications represented an unsavory, Old World and un-American way of life that Americanized Jews saw as needing to be excised from the American Jewish community. Those who continued to use *shadkhanim* into the early decades of the twentieth century either consciously or unconsciously flouted American cultural norms which expected young men and women to meet and decide to marry on their own.

Conclusion

Throughout the century of Jewish mass migration to America, young Jewish immigrants and children of immigrants rapidly embraced American notions of spousal choice and marriage for love. To some extent, this was a natural continuation of marriage trends that had already begun to take hold in their countries of origin, and even, although

¹⁹⁰ Dennley, 15.

to a lesser extent, in the Jewish communities from which they came. However, the deep American commitment to spousal choice and marriage for love rooted in American ideals of freedom and democracy made courtship and marriage more than just about a relationship between two people. Decisions of how to court and whom to marry became intertwined with defining oneself as American.

However, Jewish adaptation to American marriage and courtship practices was not without complications. In earlier decades of Jewish mass migration, the challenges posed by the American milieu caused Jews of marriageable age to rely on kinship and communal networks to find appropriate spouses, and once they found someone, they often married hastily, trends which belied the American culture of courtship and romance. Jews told marriage stories in a way that reflected both their acculturation to American norms and their desire to maintain a sense of connectedness and security in their new homeland. During the Eastern European migration, while many Jews quickly adapted to American marriage practices, depictions of intergenerational strife over marital choice and the symbol of the corrupt and greedy Old-World matchmaker were stand-ins for a larger story of immigrant Americanization. As scholar Riv-Ellen Prell wrote, “Americanization implied romantic love for Jews as surely as it required the use of English. For these Jews little else competed with love and marriage as the quintessential experience of becoming a ‘real American.’”¹⁹¹ Through adopting American courtship and marriage culture, immigration era American Jews also adopted America.

Interestingly, while American courtship practices wrested control away from Jewish communal figures who may have previously had a say in who young people

¹⁹¹ Prell, 66-67.

married, Jewish communal leaders, specifically rabbis, were necessary for the success of other elements of adoption of American marriage practices. It is to one of these elements that we now turn our attention: the rabbi as state-authorized marriage officiant.

Chapter 2
“Is a Jewish Priest a Minister of the Gospel?”:
Rabbis as Marriage Officiants in America

On August 12, 1869, Reverend Dr. Albert Siegfried Bettelheim¹, a recent immigrant from Hungary and the newly appointed rabbi of Beth Ahabah synagogue in Richmond, Virginia appeared with counsel before the Hustings Court of that city to register a complaint. Virginia state law required that “before any marriage can be solemnized, a minister of the gospel must produce to the court proof of his ordination as such ... and give bond ... of \$1500.” Mr. Moise,² counsel for Dr. Bettelheim, told the court that, while his client “entertained a high respect for the laws of his adopted country and State,” he could not comply with this law because he was simply not a minister of the gospel:

¹ Bettelheim, who received rabbinical ordination in Europe, rooted his rabbinate in both traditional and modern ideas. Born in Freistadt in Silesia on April 4, 1834, Bettelheim was educated in the ultra-Orthodox Pressburg Yeshiva and received rabbinical ordination at the age of 18 from Rabbi Solomon Judah Leib Rapoport (the “Shir”), chief rabbi of Prague, a *maskil* who embraced the ideas of the Jewish Enlightenment as well as a traditional Jew. Like many modern rabbis of his day, Bettelheim also earned his doctorate from the University of Prague. In 1861, Bettelheim took a rabbinic position in Kosice (Kaschau), then in Hungary, where he grew famous for his writings in support of ideas of the Jewish Enlightenment. His controversial views caused great uproar in the still largely extremely traditional Jewish community, and ultimately, under threat of excommunication, Bettelheim left Hungary for America in 1868. After a short stint in Philadelphia, he took the position of rabbi at Beth Ahabah synagogue in Richmond in April 1869. Over the course of his life, Bettelheim served as a rabbi in Richmond, San Francisco, and Baltimore. His daughter Rebecca married well-known Reform rabbi Alexander Kohut and became an important personage in American Judaism in her own right. Yehoshua Robert Buchler and Ruth Shashak, *Pinkas Hakehillot Slovakia*. (Jerusalem: Yad Vashem, 2003), 495-505, translation by Francine Shapiro, JewishGen.org, https://www.jewishgen.org/Yizkor/Pinkas_Slovakia/Slo495.html. “Ministerial Call Accepted,” *The Daily Dispatch*, Richmond, Virginia, April 23, 1869, 1. Bettelheim became an American citizen on November 6, 1871. Citizenship Certificate, Albert Siegfried Bettelheim Papers 1846-1890, ARC.18 Special Collections, Library of the Jewish Theological Seminary of America (hereinafter JTSA); Rebecca Kohut, *My Portion: An Autobiography* (New York: Thomas Seltzer, 1925). For more information on the specifics of religious reform in Hungary, see Michael A. Meyer, *Response to Modernity: A History of the Reform Movement in Judaism* (Detroit, MI: Wayne State University Press, 1988).

² It is likely that Mr. Moise was Aaron Moise, Jr. from the Moise family of South Carolina. Aaron Moise fought for the Confederacy and served in the Confederate government during the Civil War, and after the war, practiced law in Richmond until his death in 1880. See Harold Moise, *The Moise family of South Carolina; an account of the life and descendants of Abraham and Sarah Moise who settled in Charleston, South Carolina, in the year 1791 A.D.* (Columbia, SC: R.L. Bryan, 1961), 16.

No Israelitish priest was, or could be, called a minister of the gospel, from the simple fact that he did not recognize the New Testament...[T]o say that the reverend doctor was a minister of the gospel was to say that which was untrue, and a deception which Dr. B. would not willingly perpetrate.

The Court responded that “our law made no distinction on account of faith, and that if a Mohammedan or Chinaman were to come here, he could obtain a license to solemnize marriage.” Mr. Moise replied cheekily that this “would depend entirely upon whether the Mohammedan had any conscientious scruples in professing to be that which he was not.” Rooting his argument in the ideals of American inclusiveness and freedom, Moise argued that:

As much as his client respected the laws of the land, there was a higher law and a higher court which he was bound to keep in view. The truth was that the law, while bearing the semblance of liberality, was really proscriptive, illiberal and intolerant, unworthy [of] the enlightened spirit of the age...

The court, apparently not sufficiently impressed by Moise’s arguments, held fast to its position that the statute was general in intent, and thus included rabbis. Bettelheim ultimately gave in, presenting his ordination and paying the required fee.³ Beth Ahabah’s records reflect that less than two months later, on October 6, 1869, he officiated at the auspicious union of David Mitteldorfer, the son of one of Richmond’s most established German-Jewish families, and Rebecca Michelbacher, the daughter of Beth Ahabah’s first spiritual leader, Reverend Maximilian Michelbacher. The *Richmond Daily Dispatch*

³ “Is a Jewish Priest a Minister of the Gospel?” *The Baltimore Sun*, August 27, 1869, 1. Jews and gentiles alike routinely referred to rabbis (and non-ordained Jewish spiritual leaders as well) as ministers, priests, and reverends in nineteenth century America. Rabbis were rarely if ever referred to by the appellation “rabbi.” Even their synagogues called them “Reverends.” Note that the article mistakenly referred to Bettelheim as “Bettelheimer.” Reference to Hustings Court record certifying Bettelheim as a marriage officiant is located in Albert Siegfried Bettelheim Papers 1846-1890, ARC.18 Special Collections, JTSA.

reported on the wedding on its front page, noting that “[t]he crowd was, as is usual on such occasions, in a very joyful state of feeling.”⁴

Less than a year after Bettelheim’s visit to the Richmond courthouse, on May 10, 1870, Virginia changed its marriage officiant law. The new law stated that a “minister of any religious denomination” could present his credentials before the court and pay his fee, at which point the court could “make an order authorizing him to celebrate the rites of marriage.”⁵ While the change in law was not explicitly linked to Bettelheim’s protest, the coverage his arguments received in the press may very well have been noticed by Virginia lawmakers.⁶ Although Bettelheim left no known record of his thoughts regarding his courtroom protest, it seems likely that this was his intent. Over the following six years of his tenure as rabbi of Beth Ahabah, Bettelheim went on to perform a number of weddings for the members of his congregation, including some that were documented in local and national newspapers, both secular and Jewish.⁷

⁴ List of weddings performed by Albert Siegfried Bettelheim, undated, Beth Ahabah Archives, Richmond, VA; “A Wedding,” *Daily Dispatch*, October 8, 1869, 1. Myron Berman, *Richmond’s Jewry: Shabbat in Shockoe, 1769-1976* (Charlottesville: University Press of Virginia, 1979), 133, 139, 237. Like many synagogue spiritual leaders in the pre-Civil War era in America, Reverend Michelbacher was not an ordained rabbi, but he served as the spiritual leader of Beth Ahabah from 1846 until 1867. He was followed by the brief leadership of another unordained spiritual leader, Reverend Judah Wechsler, who served from 1867 until 1869. In 1869, the synagogue hired Reverend Bettelheim, the first ordained rabbi to serve Beth Ahabah. The Mitteldorfer family, like a number of other successful Richmond Jews, was involved in retail trade, owning a dry goods establishment on East Broad Street in downtown Richmond. David Mitteldorfer’s father was Moses Mitteldorfer, one of the first presidents of Beth Ahabah. <https://bethahabah.org/heritage/synagogue/> Tragically, Rebecca Mitteldorfer died a mere ten months after her wedding, on July 14, 1870 at the age of 23, likely in childbirth since she is buried beside her child, an unnamed “Infant Mitteldorfer” in the Beth Ahabah cemetery. <https://www.findagrave.com/cgi-bin/fg.cgi?page=pv&GRid=70565164&PIpi=50494312>; <https://www.findagrave.com/cgi-bin/fg.cgi?page=gr&GRid=79094879>

⁵ Virginia Session Laws 1869-1870 3, 650; Munford, Compiler. *Third Edition of the Code of Virginia: Including Legislation to January 1, 1874* (Richmond, VA: J.E. Goode Publishing), Ch. 31, Section 104, Hein Online Historical State Statutes.

⁶ It is unknown whether Bettelheim’s protest was mentioned in the debate about the bill because the Commonwealth of Virginia does not maintain transcripts of proceedings of its legislative bodies.

⁷ List of Weddings Performed by Alfred Siegfried Bettelheim (undated), Beth Ahabah Archives, Richmond, VA; “Hebrew Wedding,” *Richmond Daily Dispatch*, August 11, 1870, 1; “Wedding at the

Bettelheim's courtroom protest against the restrictive marriage officiant law in Virginia must be understood in a greater context of marriage laws in postbellum America. Since the birth of the republic, marriage has been governed by state law, not federal law.⁸ Of the thirty-seven states in the Union in 1869 when Bettelheim registered his complaint, nineteen of them, or just over half, had restrictive officiant statutes similar to Virginia's.⁹ Despite this widespread restrictive statutory language, however, Jews did not encounter opposition to having their religious wedding ceremonies recognized as valid by the states in which they lived. Indeed, extensive research did not turn up a single incident of a state relying on a restrictive officiant statute to invalidate a wedding performed by a rabbi nor any incident of a state preventing a rabbi from acting as a state-authorized marriage officiant. In fact, as in the case with Bettelheim's protest in Virginia, when Jews protested exclusionary language in officiant statutes, state officials routinely responded that the term "minister of the gospel" was meant to include all different types of clergy.

However, despite the apparent lack of controversy surrounding rabbis performing weddings recognized by the state, beginning in the postbellum era, Jews began militating for changing the language in marriage officiant statutes to be inclusive of rabbis. In addition to Bettelheim's efforts in Virginia in 1869, Jews also pushed for, and achieved, change in marriage officiant laws in other states, including Arkansas (1873), New York

Eleventh Street Synagogue," *Daily State Journal*, Richmond, VA, February 26, 1873, 1; "Local and Domestic," *American Israelite*, November 27, 1874, 6; "Weddings," *Richmond Daily Dispatch*, February 27, 1875, 2; "Letter from Charlottesville," *Richmond Daily Dispatch*, May 12, 1875, 3.

⁸ Cott, 24. This was a holdover from the colonial period in which each colony determined marriage laws independently.

⁹ Those states that required clergy marriage officiants to be "ministers of the gospel" in 1869 were Arkansas, Florida, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nevada, New Hampshire, North Carolina, Ohio, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. An additional four states, plus the District of Columbia originally had restrictive language, but had changed their statutes in the two decades before the Civil War. See Chart A in Appendix.

(1887), Massachusetts (1896), New Jersey (1912), and Maryland (1927).¹⁰ Likely, Jews worked behind the scenes to achieve change in other states as well, although their efforts have been lost to history. In particular, it seems probable that Jews had a hand in changing the law in the five states in addition to Massachusetts whose new officiant laws specifically mentioned rabbis or Jews.¹¹ Additionally, it seems likely that Jews were involved in the efforts to change a law when the press coverage of the change particularly mentioned that rabbis could now legally solemnize marriage.¹² Lastly, in some states, such as Missouri for example, it appears that Jews attempted to orchestrate a change in the law, but were not successful.¹³

Bettelheim's actions must also be understood in the context of other American Jewish battles for religious inclusion in the nineteenth century. In the early part of the century, Maryland Jews fought the lingering provision in their state constitution that required the taking of a Christian oath in order to hold public office. For much of the century, Jews in states and localities across the nation fought against "Sunday laws," which imposed fines and other punitive measures on those who worked on the Christian

¹⁰ Unsurprisingly, most of these states had large Jewish populations. The exception to this is Arkansas which had only a few thousand Jews at most. Nonetheless, a Jew was instrumental in the changing of the marriage officiant law there. The JTA reported in 1934 that: "Arkansas, which has about 3,000 Jews, had an old marriage law (Statutes of 1838) which was worded so as to exclude Jewish ministers from performing the ceremony. This law remained unchanged until 1873, when, through the exertions of M. A. Cohn of Little Rock, the blunder was corrected in revised statutes." "Marriage Law Banned Rabbis," *Daily Bulletin of Jewish Telegraphic Agency*, July 29, 1934, 6.

¹¹ The states that specifically mentioned Jews or rabbis in their new marriage officiant statutes were Georgia (law changed in 1849), Idaho (1887), Texas (1889), South Carolina (1894), and Massachusetts (1896).

¹² When Wisconsin changed its laws in 1878, the *Washington Post* reported that Wisconsin had made some "great changes" in marriage and divorce law. "Formerly in that state it was unlawful for any person to solemnize a marriage except 'magistrates and ministers of the gospel,' but now Jewish Rabbis are authorized to perform such ceremonies." "Marriage and Divorce in Wisconsin," *Washington Post*, July 16, 1878, 2. See also the press coverage of the change of law in Tennessee, n. 47 below.

¹³ "St. Louis, Mo.," *American Hebrew & Jewish Messenger*, February 21, 1913, 468. Missouri did not change its officiant law until after World War II.

Sabbath. During the Civil War, Northern Jews successfully fought the law excluding Jewish clergy from serving as chaplains in the Union army. In all of these battles, Jews argued, like Mr. Moise did on Reverend Bettelheim's behalf, that it was in keeping with American values of liberty, freedom, and justice to remove any hint of discrimination against non-Christians from American laws and practices.¹⁴

However, the Jewish fight for inclusive marriage officiant laws was not about religious freedom *per se*; rabbis had the *de-facto* freedom to legally solemnize marriage in the eyes of the state. Neither was it merely about legitimization of Judaism and Jewish practice. Bettelheim and other postbellum Americanized rabbis sought something more. They wanted a seat at the table of American moral and ethical discourse, a table that at that time was occupied, with the implicit or overt blessing of many in state and federal government, largely by Protestant religious leaders of a certain stature. Over the course of the following half-century, as rabbis echoed Bettelheim's efforts to change state marriage officiant statutes, they also positioned themselves as voices of morality and ethics for their fellow Americans. Legislative language restricting clergy marriage officiants to ministers of the gospel, they quickly realized, did not reflect a desire to exclude rabbis. Rather, it reflected a lack of imagination on the part of American lawmakers who, due to their implicit or even explicit assumption that America was a Christian country, saw "clergyman" and "minister of the gospel" as coterminous. These rabbis and Jewish communal leaders grew to understand that, in order for Jewish religious leaders to obtain their coveted seat at the table, they needed to expand the definition of American

¹⁴ Naomi W. Cohen, *Jews in Christian America: The Pursuit of Religious Equality* (New York: Oxford University Press, 1992), 40-42; 55-66; Bertram W. Korn, *American Jewry and the Civil War* (Philadelphia: Jewish Publication Society, 1951), 56-97; Jonathan Sarna and Benjamin Shappell, *Lincoln and the Jews: A History* (New York: St. Martin's Press, 2015), 100-110.

clergyman to include rabbis. The arena of marriage law proved a natural one in which to do so. Over the course of the following sixty years, Jewish leaders worked publicly and behind the scenes to change state marriage officiant laws to include rabbis by both making the case for religious inclusion and simultaneously proving themselves worthy of such inclusion.

American Marriage as Civil Religion

Since the birth of the republic, marriage law had been a place in which American lawmakers embedded their ideas of what it meant to be American. The legal and social contours of the marriage relationship in America had long been intertwined with political theory, each supporting the other. Perhaps the finest example of this relationship was the American government's early and consistent commitment to, and enforcement of, an ideal of lifelong, faithful monogamy formed by the mutual consent of a man and a woman and structured with a husband as head of household and a wife as his dependent partner.¹⁵ A combination of Christian theology, English common law, and revolutionary ideals, this particular marriage model mirrored the central values of government in the new republic. As has been discussed above, while rhetoric during the American revolution often described the relationship between England and the colonies as that of one between an autocratic parent and a child yearning for independence, politicians and theorists in the nascent United States of America spoke of the relationship between the government and the populace as a consensual and monogamous marriage, with the

¹⁵ This reverence for the ideal of monogamy gave ideological heft to prosecution of polygamous Mormons in the nineteenth century while tacitly permitting the frequent extra-marital dalliances of white Christian men. See Clare A. Lyons, "Discipline, Sex, and the Republican Self," in *The Oxford Handbook of the American Revolution*, eds. Edward G. Gray and Jane Kamensky (New York: Oxford University Press, 2012), 566-8.

government in the role of the husband, protecting and caring for its citizenry, the wife. Over the following two and half centuries, those individuals or groups whose behavior did not comport with the contours of this marriage model, whether due to their lack of commitment to the ideal of monogamy or their reliance on arranged (and therefore presumably nonconsensual) marriage were consistently deemed un-American.¹⁶ This link between proper American marriage and American identity was not lost on nineteenth century Jewish immigrants, who quickly sensed that compliance with the American marriage model was a key method of expressing one's American bona fides. Thus, language that excluded rabbis from being marriage officiants for the state rankled. Fighting for inclusive statutory language became a way of ensuring that Jewish marriage was just as respectable and American as Christian marriage.

At the same time, the religious contours of American marriage were complicated. From the beginning of European settlement on American shores, marriage law in the colonies, and later in the states, comingled religious and civil ideas. While American courts, legislators and commentators since colonial days have pronounced marriage to be a "civil contract," in fact the story is more complex.¹⁷ To begin with, the concept of "civil marriage," legal marriage arising out of the authority of the state, was originally a

¹⁶ For discussion of the intertwining of political theory and marriage policy in America, see Nancy Cott, *Public Vows: A History of Marriage and the Nation* (Cambridge, MA: Harvard University Press, 2000); Michael Grossberg, *Governing the Hearth: Law and the Family in Nineteenth-Century America* (Chapel Hill: University of North Carolina Press, 1985); Henrik Hartog, *Man & Wife in America: A History* (Cambridge, MA: Harvard University Press, 2000); Priscilla Yamin, *American Marriage: A Political Institution* (Philadelphia: University of Pennsylvania Press, 2012).

¹⁷ For early cases declaring marriage to be a civil contract, see, e.g., *Crump and Others v. Dudley and Wife*, 7 Va. 507, 1790 Va. LEXIS 6, 9 (Sup. Ct. Va., 1790) ("Marriage is to be considered a civil contract."); *Buys et al. v. Gillespie*, 2 Johns. 115, 1807 N.Y. LEXIS 2, 4 (Sup. Ct. N.Y., 1807) ("Marriage is regarded only as a civil contract."); *The Inhabitants of the Town of Milford versus The Inhabitants of the Town of Worcester*, 7 Mass. 48, 52 (Sup. Ct. Mass. 1810) ("Marriage is unquestionably a civil contract..."). For scholarly studies, see especially Cott, 2-23; Yasmin, 47-69.

religious idea. The Catholic Church traditionally considered marriage a sacrament over which Church claimed sole jurisdiction. During the Protestant Reformation, however, Martin Luther reframed the institution of marriage as “a social institution of the earthly kingdom, not a sacrament of the heavenly kingdom,” with civil officials holding jurisdiction over it. To be sure, marriage remained sacred in the eyes of Reformers; as Luther wrote, “It is sheer folly” to treat marriage as “nothing more than a purely human and secular state, with which God has nothing to do.” In the view of Luther and other Reformers, the job of the civil authorities was to administer godly law about marriage.¹⁸

This blurry line between civil and religious law carried forward into the modern era, taking on particular complexity in America in which separation of church and state was enshrined into the Constitution. Civil marriage could be, and often was, viewed simply as a natural outgrowth of the separation of church and state without a full understanding of its religious Protestant origins. Civil marriage, solemnized by a secular state official without clerical participation, was legal in every state from its entrance into the republic, other than the State of Maryland, which, likely due to its Catholic origins, did not have civil marriage until 1964.¹⁹ But, at the same time, every state provided that members of the clergy could legally solemnize marriage on behalf of the state solely via a religious ceremony. No separate civil ceremony was required. Nineteenth century political and religious rhetoric about marriage declared that it was an “institution ordained by God,” but only the secular state had the juridical authority to legally enter a couple into the state of wedlock. “In that sense,” argues legal scholar Perry Dane,

¹⁸ John Witte Jr., *From Sacrament to Contract: Marriage, Religion, and Law in the Western Tradition* (Louisville, KY: Westminster John Knox Press, 2012), 130, 133.

¹⁹ See “Maryland Ends its Ban on Civil Marriage Vows,” *New York Times*, January 2, 1964, 19.

“‘[American] civil marriage’ is much like the ‘civil’ seven-day week – a cultural institution unexplainable apart from aspects of religious history, and whose elimination or distortion would render the continuing life of many of our religious traditions incredibly more difficult and awkward.”²⁰

This twisted braid of religious and civil influences, combined with the centrality of the institution of marriage to American self-perception, placed nineteenth century ideology about marriage into the realm of American civil religion. As elucidated by Robert Bellah and other sociologists, American civil religion was not anti-Christian, and indeed shared much in common with Protestantism, but it was decidedly non-sectarian in nature. While the roots of American civil religion were Protestant, it also incorporated American values of equality, liberty, and freedom of religion. In addition to a theology of belief in a non-sectarian God, morality and the sanctity of the family, American civil religion promoted a certain sense of American exceptionalism, viewing America as the “Promised Land” to which God led “his people to establish a new sort of social order that shall be a light unto all the nations.”²¹

The nineteenth century American institution of marriage fit neatly into this theology. Americans touted marriage as a sacred non-sectarian religious institution that was central to the structure of American civil society. As Delegate Jones declared at Maryland’s 1864 Constitutional Convention, “in this State, we have considered

²⁰ Perry Dane, “A Holy Secular Institution,” *Emory Law Journal* 58 (2009): 1123, 1129, 1153.

²¹ Robert N. Bellah, “Civil Religion in America,” *Daedalus, Journal of the American Academy of Arts and Sciences*, 96, no. 1 (Winter 1967): 1-21. The term “light unto the nations” is a biblical one, originating from the Book of Isaiah 42:6. For further explication of American civil religion, see Robert N. Bellah, *The Broken Covenant: American Civil Religion in Time of Trial* (Chicago: University of Chicago Press, 1975, 1992); *American Civil Religion*, eds. Russell E. Richey and Donald G. Jones (New York: Harper & Row, 1974).

[marriage] not only as a civil contract, but as a very solemn and important religious ceremony ... intimately connected with the good order, welfare and purity of society.”²²

An 1877 legal treatise on the law regarding clergy and marriage called marriage, “the only lawful relation by which Providence has permitted the continuance of the human race,” noting that “[w]e may justly place to the credit of the institution of marriage a great share of the blessings which flow from refinement of manners, the education of children, the sense of justice, and the cultivation of the liberal arts.” The treatise went on to note, “In the United States [marriage] is only a civil contract, and certain magistrates equally with ministers of the gospel, have the right to solemnize it, but the prevailing practice among the cultivated and refined is to have it performed by a clergyman, and attended with religious ceremonies.”²³ The American institution of marriage walked hand-in-hand with American ideas of non-sectarian godliness, morality, and the creation of a civil society.

In the wake of the Civil War, marriage became even more central to American civil religious ideology. Marriage policy and rhetoric placed great emphasis on monogamous, freely chosen unions that mirrored how Americans wanted to see their nation: as one made up of states permanently bonded in a “marriage” that comported with American political and religious values. Likewise, as former slaves were permitted, even

²² *Proceedings and Debates of the Maryland Constitutional Convention of 1864*, Volume 102, Volume 1, 977, Archives of Maryland Online, <http://msa.maryland.gov/megafile/msa/speccol/sc2900/sc2908/000001/000102/html/am102d--975.html> Maryland convened a constitutional convention in 1864 in order to end slavery in the state. President Lincoln’s Emancipation Proclamation of 1863 had freed slaves in Confederate states but not in the Union state of Maryland. Since Maryland’s constitution specifically prohibited the abolishing of slavery, Maryland had to adopt a new constitution in order to end slavery in 1864. <https://msa.maryland.gov/msa/speccol/sc2600/sc2685/html/conv1864.html>

²³ Sanford A. Hudson, *Law for the Clergy* (Chicago: S.C. Griggs, 1877), 7.

encouraged, to marry (albeit only to other people of color), Americans proudly emphasized the freedom of access that America, with its commitment to liberty and justice, granted to this central institution.²⁴ As an 1889 treatise on United States marriage law pronounced, “the liberal policy which prevails throughout the United States in matters of religious freedom and the liberty of opinion guaranteed to every citizen, has special regard and consideration for the marriage contract....”²⁵ Marriage was intrinsically linked to liberty and freedom, making it the quintessential American relationship.

At the same time, in the wake of the Civil War, the American commitment to a non-sectarian public square was under attack. The upheaval of the war, combined with a massive influx of immigrants, and increasing urbanization and industrialization caused many to fear for the survival of what they labeled “American culture,” but was really white American Protestant culture. A more extremist group of Protestant religious leaders and politicians sought to protect Protestant hegemony in America with repeated efforts to introduce legislation to label America a Christian country, to insert Christian dogma into state public school curricula, and to enshrine Sunday as an American Sabbath day on which no public commerce would be permitted.²⁶

²⁴ For a discussion of postbellum federal policy toward marriage of former slaves, see Cott, 85-95; Yamin, 23-46. Additionally, nineteenth century federal policy toward Native Americans encouraged “Christian marriage” as a method of acculturating the Native Americans to an “American” way of life. Cott, 120-3.

²⁵ William L. Snyder, *The Geography of Marriage or Legal Perplexities of Wedlock in the United States* (New York: G.P. Putnam’s Sons, Knickerbocker Press, 1889), 138-9.

²⁶ Naomi W. Cohen, *Jews in Christian America: The Pursuit of Religious Equality* (New York: Oxford University Press, 1992), 65-92; Hasia Diner, *A Time for Gathering: The Second Migration, 1820-1880* (Baltimore: Johns Hopkins University Press, 1992), 142-68.

American Jews and American Civil Religion

American Jews embraced American civil religion and actively sought to show that Judaism aligned with its values. Promoting the ideals of non-sectarian American civil religion had a dual purpose for Jews: it both labeled them as American insiders, and simultaneously diminished the power of arguments for a solely Christian America. Postbellum Jewish leaders thus sought to contribute as Jews to the national discourse on ideas central to American civil religion while simultaneously making the case for separation of church and state. In 1868, in a speech he gave at the cornerstone laying for the Mound Street Temple in Cincinnati, Reform rabbinic leader Max Lilienthal discussed the “spiritual cornerstone” on which the new temple should rest, declaring that “The first principle that shall lead and guide us is the supreme authority of the American Constitution; not only according to its letter, but to its divine and ennobling spirit.... The Jews consider and revere this sublime document almost like a new revelation.”²⁷ Five years later, in 1873, in a talk before the State Teachers’ Association of Indiana, Lilienthal made the case for a public-school system that was both non-sectarian and yet “godful”:

Our free schools are decried and defamed as godless.... Instead of being godless, an assertion which we deny *in toto*, we shall make them godful.... We shall not make them sectarian in order to please this or that class of pious votaries.... Still we intend to make our schools ... godful in the noblest sense of the word. [I]n letter and in spirit you shall imbue into the mind of the youth all the noble principles which will make them moral men, good citizens and useful members of society.”²⁸

²⁷ David Philipson, *Max Lilienthal, American Rabbi: Life and Writings* (New York: Bloch Publishing, 1915), 455.

²⁸ *Ibid.*, 123-4.

Lilienthal argued that the values of morality and good citizenship were religious in nature, while not crossing the line of being sectarian. He made an excellent case for American civil religious values being taught in public schools.

Three years later in 1876, B'nai Brith unveiled the monument it had commissioned from Jewish sculptor Moses Ezekiel to be the Jewish community's contribution to the United States' centennial celebration. Entitled "Religious Liberty," the statue depicted Liberty as a woman wearing a crown with a border of thirteen stars representing the thirteen original colonies. In her left hand, Liberty held a laurel wreath and the American Constitution, representing victory and justice, and her right hand protectively hovered above a young boy representing Faith holding a flaming lamp. At Liberty's feet, a bald eagle representing American freedom attacked a serpent representing intolerance, and Faith stepped on the serpent's tail. The inscription on the statue's pedestal read, "Religious Liberty, Dedicated to the People of the United States by the Order B'nai B'rith and Israelites of America." The statue depicted religious freedom as a noble and intrinsically American value, while simultaneously valorizing the Constitution and the bald eagle, civil religious symbols of America. Its message was a clear one.²⁹

Rabbis also worked to make the case to gentile Americans that Jewish religious ideas worked in concert with American patriotism, and that Jewish contributions to America only added to the morals and valor of American society. Unsurprisingly, Alfred Bettelheim, the Virginia courtroom protester, was an excellent example of this, using his

²⁹ Diner, *A Time for Gathering*, 201-2. For additional examples of Jewish leaders invoking civil religious ideology in public discourse, see Bertram W. Korn, "Rabbis, Prayers, and Legislatures," *Hebrew Union College Annual* 23 (1950-1): 95-125; Davis, 46-47.

status as a clergyman to promote the values and ideals of his adopted home. He took his turn among the ministers of Richmond in offering the daily opening prayer in the Virginia State Legislature in both March and May of 1870 and delivered special sermons to his congregation on the occasion of the American Centennial in 1876, as well as on Thanksgiving and the Fourth of July.³⁰ Upon the death of Ulysses S. Grant in 1885, Bettelheim published an article explaining to gentile Americans why a New York rabbi had said *kaddish*, the Jewish mourners' prayer, for him. Noting that he himself had also recited *kaddish* for both Grant and Jewish philanthropist Moses Montefiore (who had died five days after Grant) in his synagogue, he emphasized the importance of universalism and made the case that Judaism espoused universalist values. As he wrote, "Judaism, in the spirit of the Bible and the Talmud never values the merits of a man according to his creed, but according to his deeds, and does not exclude any human being from eternal salvation, or deny them due recognition from our people because of differences in belief."³¹ In making the case for a universalistic Judaism, Bettelheim was also pointedly arguing for a more universalistic Christianity as well. Indeed, his rhetoric was reminiscent of his arguments in the Richmond courtroom sixteen years earlier.

³⁰ "House of Delegates," *The Daily Dispatch*, Richmond, VA, March 15, 1870, 2. The text of the May prayer before the Virginia House of Delegates was published in *The Alexandria Gazette*, Alexandria, VA, May 27, 1870, 2, and in *The Democrat*, Weston, WV, June 27, 1870, 1. See also Sermons, Albert Siegfried Bettelheim Papers, JTSA.

³¹ "The Hebrew Prayer Kaddish" (newspaper unknown), Albert Siegfried Bettelheim Papers, JTSA. Interestingly, Grant had been responsible for perhaps the most anti-Semitic act of the United States government: General Orders #11, the 1862 expulsion of the Jews from an area of the South occupied by the Union Army. However, in his later years, particularly during his presidency, Grant became an ally and friend of the Jewish community. Ulysses S. Grant's complex relationship with the Jewish community of America is detailed in Jonathan Sarna, *When General Grant Expelled the Jews* (New York: Schocken Books, 2016).

Bettelheim also made the case for Jewish contributions to American civil religion by collaborating with gentile clergy to opine on moral issues of the day. He was a member of an interfaith council of ministers that worked on policy to alleviate poverty in Richmond.³² In 1874, he was among a group of clergymen who addressed a mass meeting of the Grand Division of the Sons of Temperance of Virginia. Selected as the clergyman to close the conference, Bettelheim gave a “spirited little speech” in which he “added his testimony to all that had been said in favor of that good cause.” Always working to advance the standing of the Jews, he “spoke proudly of the fact that intemperance was so little known among the Hebrews.”³³ In February 1879, while serving as the rabbi of Congregation Ohabei Shalome in San Francisco, Bettelheim joined together with nine other members of that city’s Catholic, Protestant, and Jewish clergy in calling upon the President to sign a bill restricting Chinese immigration, “firmly believing, as we do, that the presence of the large numbers of Chinese on this coast is highly detrimental to the spiritual, moral and material welfare of our people.”³⁴ Bettelheim saw himself as a member of an interdenominational community of clergy whose role was, at least in part, to act as a moral guide to the citizens and government of America. Apparently, he did not see any contradiction between his battle for full inclusion as a Jew and his efforts to exclude other minority groups from American society. Instead, he showed how “American” he was by aligning himself with other

³² “The Poor: Meeting of Ministers and the Relief Committee,” *The Daily Dispatch*, Richmond, VA, February 21, 1874, 1.

³³ “The Temperance Cause: The Mass Meeting Last Night,” *The Daily Dispatch*, Richmond, VA, November 13, 1874, 1. For an in-depth analysis of the relationship between Jews and the temperance movement and Prohibition, see Marni Davis, *Jews and Booze: Becoming America in the Age of Prohibition* (New York: New York University Press, 2012).

³⁴ “An Appeal from the Clergy,” *Helena Weekly Herald*, Helena, Montana, March 6, 1879, 5.

American religious leaders who shared a then-“respectable” prejudice against Chinese immigrants.

Understanding the importance of the institution of marriage to American civil religion, Jewish communal leaders were careful to present Jewish marriage as noble and virtuous, in keeping with American civil religious values. In the introduction to Reform rabbi Moses Mielzner’s widely-read 1884 treatise on Jewish and civil law on marriage and divorce, Mielzner wrote that “the ethical doctrines of the Bible and the Talmud ... have substantially contributed to make the Jewish marriage, in all times and countries, a shining example of chastity, devotion and domestic bliss, so that it has not infrequently been set up as a model by the adherents of other faiths.”³⁵ In an 1881 editorial aptly entitled “Jewish Exclusiveness,” the *American Hebrew* declared, “The Jewish family circle has ever meant all that is pure and holy and lofty in the domestic life...”³⁶ While such rhetoric was overblown and likely contained a tinge of defensiveness, it also made the case in flowery Victorian prose for the respectability and morality of the Jewish family. Jewish leaders understood that the Jewish family needed to be an example of morality in order to lend credence to rabbinic moral leadership. If Jewish marriage and family life did not live up to American standards of respectability, Jewish religious leaders, those who were responsible for entering couples into wedlock, would not be seen as standard-bearers for a moral way of life.

³⁵ Moses Mielzner, *The Jewish Law of Marriage and Divorce in Ancient and Modern Times and its Relation to the Law of the State* (Cincinnati, Ohio: Bloch Publishing and Printing, 1884), 8. Mielzner’s book was highly respected both within the Jewish community and outside it. It received wide acclaim and was cited by a number of general treatises and books on marriage. See, for example, Mary E. Richmond, *Marriage and the State: Based Upon Field Studies of the Present Day Administration of Marriage Laws in the United States* (New York: Russell Sage Foundation, 1929), 252.

³⁶ “Jewish Exclusiveness,” *American Hebrew*, January 7, 1881, 86.

Jews and American Marriage Officiant Laws

Fighting for rabbinic inclusion in state marriage officiant laws was part and parcel of Jewish efforts to show commitment to American civil religion while simultaneously emphasizing the pluralistic and non-sectarian elements of that civil religion. Because of the centrality of marriage to American identity, rabbinic inclusion among the members of clergy whom the state had legally empowered to solemnize marriage meant achieving a level of acceptance in American society. It also meant that legislators viewed Jewish religious leaders as individuals who upheld American civil religious values.

Interestingly, in some ways, the ideological underpinnings of American marriage officiant laws were incongruent with traditional Jewish marriage. While the Jewish wedding ceremony encompasses the reciting of specific blessings and Jewish legal formulas, Jewish marriage historically did not require a rabbi to act as officiant.³⁷ Historians believe that rabbis began to officiate at Jewish weddings only in the fourteenth century, and even when they did begin to do so, their role was not sacral, but merely supervisory, to ensure that Jewish law was properly followed.³⁸ Unlike in Catholicism, Jewish marriage is not a sacrament, but rather a contract between husband and wife, and unlike in Protestantism, the officiant has no role in elevating the holiness of the marriage. To be sure, Jewish tradition encourages and favors marriage as the ideal state in which to live one's life. However, being married does not afford one a more godly status than being single in Judaism.³⁹ While in the nineteenth century, Jews in Europe and America

³⁷ Freeze, 81-82.

³⁸ Kenneth R. Stow, "Marriages are Made in Heaven: Marriage and the Individual in the Roman Jewish Ghetto," *Renaissance Quarterly* 48, no. 3 (Autumn, 1995): 453.

³⁹ *Ibid.*, 451.

began to mimic the wedding customs of the Christians around them, the underlying ideology of Jewish marriage remained the same: the officiant's role was supervisory and did not enhance the holiness of the event.⁴⁰ Thus, attaining official marriage officiant status for rabbis was solely a matter of having rabbis recognized as respected clergy leaders in America. As rabbis were not essential to effectuate Jewish marriage, their exclusion from officiant laws did not necessarily mean that Jewish marriage itself was not recognized.

Indeed, despite the fact that many states continued to have restrictive marriage officiant statutes throughout the nineteenth century, as noted above, Jews did not encounter opposition to having their religious wedding ceremonies recognized as valid marriages by the states in which they lived. In the decades before the Civil War, this was likely due at least in part to the loose regulation of marriage in America. Although many states had statutes on the books as early as the eighteenth century regulating who could officiate at a legal marriage and requiring marriages to be registered by the state, enforcement, particularly in the south and in rural and frontier states was spotty at best. Informal marriage and divorce, in which couples self-married and self-divorced without the approval or even the knowledge of the state apparatus, continued in these regions well into the nineteenth century. Indeed, most states gave sanction to self-marriage in the form of common law marriage statutes, which deemed a couple to be married if they evinced intent to be so and had cohabitated for some delineated period of time. States operated under a presumption that "*semper praesumitur pro matrimonio*," the assumption is "always in favor of matrimony," thus, if a couple said they were married, their assertion

⁴⁰ Changes to the American Jewish wedding will be discussed in Chapter 3.

was typically accepted without question. Thus, it is unsurprising that before 1840 when rabbis began arrived on American shores, Jewish religious functionaries and laypeople – certainly not legal marriage officiants in any state at the time – consistently officiated at Jewish weddings in America, resulting in marriages that were routinely accepted by the states in which they took place.⁴¹

The late eighteenth century marriage of Isaac De La Motta and Sara Canter is instructive. De La Motta and Canter married in Savannah, Georgia on June 7, 1796. Their traditional *ketubah*, Jewish marriage contract, which was written in Aramaic and Hebrew, lists *Hazzan* Raphael Da Costa Amesquita, as the wedding officiant.⁴² Three and a half months later, on September 23, 1796, De La Motta registered the marriage in Charleston, South Carolina. The registration consisted of filing the *ketubah* together with a sworn affirmation that it was “a true Record of a Marriage Contract.” A translation of the *ketubah* was included, having been certified as accurate by a Mr. Solomon Harby.⁴³ Notably, the translation left out two key details – that the wedding occurred three and a half months prior to the registration, and that it occurred in Savannah, Georgia, not in Charleston, South Carolina. The English text included only the Hebrew date and omitted the place entirely. *Hazzan* Amesquita, the officiant, was listed as such in the translation of the *ketubah* but was not noted as being the officiant in any other way in the registration

⁴¹ Cott, 24-55. Richmond, 23; Hartog, 19.

⁴² *Hazzan*, typically translated as “Cantor” was an honorific title given to men who were employed by synagogues as leaders of religious services. In the era before rabbis came to America, *Hazzanim* (plural of *Hazzan*) often served in quasi-rabbinic roles in their synagogues. In particular, they often served as marriage officiants for their communities. For more on the history of *Hazzanim* in America, see Mark Slobin, *Chosen Voices: The Story of the American Cantorate* (Urbana: University of Illinois Press, 2002).

⁴³ SC-2734 AJA. Solomon Harby was the father of Isaac Harby, the founder of the first Reform congregation in America in Charleston, South Carolina. Gary Phillip Zola, *Isaac Harby of Charleston, 1788-1828: Jewish Reformer and Intellectual* (Tuscaloosa: University of Alabama Press, 1994), 5.

of the marriage with the authorities. This marriage registration reflects the looseness of marriage regulation in pre-Civil War America. All De La Motta had to do to prove his marriage was bring his *ketubah* and a “certified” translation to the state authorities. The officiant was unimportant; indeed, at the time, Georgia law restricted the right of a member of the clergy to be a marriage officiant to “ministers of the gospel” and South Carolina law provided that, in order to be legal, marriages had to be “solemnized in the face of the church.”⁴⁴ In this case, however, no one thought to question the officiant, nor the missing date or place of the wedding.

Likewise, in May 1821, when Aaron Lopez Gomez married Hetty Hendricks at a wedding officiated at by Moses Levi Maduro Peixotto, the *Hazzan* of Shearith Israel in New York City, the wedding did not comply with New York State law requiring clergy marriage officiants to be ministers of the gospel. Peixotto, who was not even a rabbi, no less a minister of the gospel, translated the *ketubah* into English, certified that he had performed the marriage, and submitted it for filing with state authorities a full year and a half later, in November of 1822. Once again, the registration went unquestioned.⁴⁵

Another factor likely contributing to lack of enforcement of restrictive marriage officiant laws was the vague and confusing language in many state statutes regarding

⁴⁴ “An Act to explain the fifty-first article of the constitution, respecting intestate estates; and also concerning marriages.” in *Digest of the Laws of the State of Georgia From Its First Establishment as a British Province down to the Year 1798, Inclusive, and the Principal Acts of 1799* edited by Robert A. Watkins and George Watkins, (Philadelphia: R. Aitken, 1799).

⁴⁵ Gomez Family Papers, Box 1, Folder 12, aa-p62-b01-f12, AJHS. In addition to receiving official recognition by the state, weddings performed by religious functionaries seemed to receive general acceptance in society as well. In a letter to Isaac Leeser in 1851, Bernhard Henry Gotthelf, a shochet and hazzan employed as a spiritual leader for Adath Israel congregation in Louisville, KY, wrote “I believe that at the present moment I have more friends here than upon my arrival, and that my position in general is on a stronger footing than in previous years. Last week I had a wedding, 2 sisters, on which occasion the synagogue was filled with Jews and non-Jews. And my speech ... received general applause.” Emily Solis-Cohen Collection, Leeser sources, 1851, ARC MS 18 Box 8, Archives at the Herbert D. Katz Center for Advanced Judaic Studies, University of Pennsylvania.

who was a legal officiant. Many state laws provided that ministers of the gospel were the only authorized clergy marriage officiants, but then allowed for legal solemnization by “religious societies according to their practices.” Such language was meant to enable Quaker marriage but could be read to allow non-Christian marriage officiants, including Jewish communal functionaries, to officiate as well. This statutory structure often created a two-tier system of recording marriage: those marriages at which a minister of the gospel officiated were recorded with the state, but the “religious societies” kept their own marriage records. This potentially allowed Quaker and non-Protestant marriage to escape state oversight. Other states had broad statutory language as to who could officiate at a marriage, such as “priest of any denomination” but the language on their marriage licenses restricted legal officiant status to ministers of the gospel. Making matters even more confusing, some states, such as New York, permitted “priests of any denomination” to be marriage officiants, but then also specifically provided for the legality of Jewish marriage, raising the question as to what was meant by “priests of any denomination” in that state as well as in other states. Lastly, although the terms minister, priest, and reverend were used almost interchangeably throughout the nineteenth century to refer to any type of clergy including rabbis, as time went on, those terms became more precisely defined according to particular denominations and clerical roles, leading to questions as to whether rabbis could legally officiate at weddings in states that used those terms.⁴⁶

Tacit state acceptance of Jewish religious marriage officiants continued as rabbis finally came to American shores beginning in the 1840s. In states in which marriage solemnization by clergy was restricted to ministers of the gospel, clerks routinely issued

⁴⁶ See Chart A.

licenses and recorded marriages performed by rabbis. In Tennessee, where the law did not change to include rabbis as marriage officiants until 1879, Alexander Iser, the rabbi of Kahl (sic) Kodesh Mogen David in Nashville, signed his name in the state record book beneath the pre-printed statement “I solemnized the rite of matrimony between the within named parties” with regard to the nuptials of Simon Cohen and Rebecca Greenbaum on November 18, 1855.⁴⁷ In Texas, where the law did not change to include rabbis as marriage officiants until 1889, Rabbi Heinrich Schwarz officiated at the nuptials of Frances Harrison and David Levi on January 25, 1878. The *Brenham Weekly Banner* listed the couple as among those receiving license to wed that week, issued by H.M. Lewis, the county clerk. It also devoted a story to the wedding itself, noting that the “ceremony, which was performed by Rabbi Schwarz of Hempstead, in the Hebrew language, was very solemn and impressive...” and continuing on to describe the lively reception at which guests “were invited to participate in the ‘tripping of the light fantastic toe’ which was freely indulged in until about 11 o’clock” as well as the myriad wedding gifts the couple received, “several of which [were] decidedly beautiful.”⁴⁸ In Michigan, where the marriage officiant law remained restrictive into the post-World War II era, the official state marriage register lists Rabbi S. Solovitzick as the officiant at the nuptials of Rachael Epstein and Jos Schimberg on January 25, 1894 in Detroit.⁴⁹ In New Hampshire,

⁴⁷ Tennessee Marriage Records, Davidson County, 1838-1864, p. 260, Line 1989, www.ancestry.com. Showing the disconnect between the law on the books and the actual practice on the ground, when the law in Tennessee finally changed in 1879, an article about the new law claimed that under the old statute, “a marriage solemnized by a Jewish Rabbi had to be again solemnized by a justice or judge to make the contract legal.” Evidently this was not the case, as Alexander Iser was listed in the state record books as a legal marriage officiant well before the law changed. “Capitol Notes,” *Daily American*, Nashville, TN, February 22, 1879, 4.

⁴⁸ “Marriage Licenses Issued,” and “Bridal Bells,” *Brenham Weekly Banner*, Brenham, Texas, January 25, 1878, 3. See Chapter 3 for a discussion of wedding ceremonies.

⁴⁹ Michigan Marriage Register, 1891-1895, 231, www.ancestry.com.

where the marriage officiant law remained restrictive into the interwar years and beyond, a certificate of marriage, certified by George L. Dearborn, clerk of the court in Newmarket, New Hampshire, attested that Charles M. Gould and Cecilia Goldberg were married on October 30, 1895 by Rabbi Herman Shoker, who took out a license to officiate the day before, on October 29th.⁵⁰ In Missouri, where the marriage officiant law remained restrictive through World War II and beyond, the state record book reflects that Rabbi Isaac Schwab performed the wedding of his daughter Stella to Albert Ehrlich on December 23, 1903.⁵¹

In addition to a general lack of strict enforcement of marriage laws in the antebellum years and the often-confusing statutory language with respect to who was a legal marriage officiant, other factors likely contributed to the continued tacit acceptance of such marriages. First, America had a commitment to civil marriage that dated back to the earliest colonies in the sixteenth and seventeenth centuries. As discussed above, Protestantism favored state control of marriage, and Puritans did not believe in religious marriage at all, insisting that all marriage be civil.⁵² American courts on both the federal and state levels repeatedly cited the phrase “marriage is a civil contract” when rendering legal decisions with respect to the marital relationship.⁵³ While Jewish marriage was, of course, not civil marriage, the idea that marriage should be controlled by the state and not be intrinsically linked to one particular religious creed was a powerful one in America’s legal tradition. Although some states, such as Michigan, had a law which penalized one

⁵⁰ New Hampshire Marriage and Divorce Records, 1659-1947, Marriage Pre-1901, Garland-Gourden, No. 482, www.ancestry.com.

⁵¹ Missouri Marriage Records, Buchanan County, 1902-1903, No. 974, 494, www.ancestry.com.

⁵² Perry Dane, “A Holy Secular Institution,” *Emory Law Journal* 58 (2009): 1154.

⁵³ See n.17.

who illegally solemnized marriage with a fine or even imprisonment, such laws were rarely enforced. Additionally, most states had a law on the books that maintained that as long as the couple believed their wedding complied with the law at the time of the ceremony, it was deemed to be a legal wedding. In some states such as Kentucky, ministers who illegally solemnized marriages were “exonerated from all pains and penalties, as if they had been authorized ministers” as long as the marriage had been openly solemnized. Lastly, even marriages that ended up being questioned by the state were generally deemed valid in the end.⁵⁴

In addition, there were very few Jews in antebellum America. The Jewish population of the United States was approximately 150,000 on the eve of the Civil War, which represented about .05% of the total American population at the time. Significant numbers of those Jews lived in very small Jewish communities, often in far-flung locations in which record keeping and state oversight of marriage were the weakest and most sporadic.⁵⁵ Simultaneously, many Jews also lived in states in which marriage officiant statutes contained more inclusive language. The state with the highest number of Jews in antebellum America was New York, with an approximate Jewish population of 50,000 in New York City alone, a full third of the total American Jewish population. New York’s marriage officiant statute was changed to contain more inclusive language in 1827, providing that “The provisions of this article relative to the solemnization and

⁵⁴ Cott, 39; Hartog, 19; Walter C. Tiffany, *Handbook on the Law of Persons and Domestic Relations* (St. Paul, Minnesota: West Publishing, 1896): 30-31; *A Digest of the Statute Laws of Kentucky, of a Public and Permanent Nature, from the Commencement of the Government to the Session of the Legislature, Ending on the 24th February, 1834. With References to Judicial Decisions.* Vol. 2. (Frankfort, KY, 1834).

⁵⁵ For an exploration of such small Jewish communities in the late nineteenth and early twentieth centuries, see Lee Shai Weissbach, *Jewish Life in Small-Town America: A History* (New Haven, CT: Yale University Press, 2005).

proof of marriages, shall not apply to the people called Quakers, nor to Jews, whose marriages may respectively continue to be solemnized in the manner, and agreeably to the regulations, of their respective societies.”⁵⁶ Other states with substantial Jewish populations that had inclusive marriage officiant statutes in the antebellum period included Pennsylvania, Georgia, South Carolina, and Louisiana. Lastly, some Jews likely got married civilly, either instead of, or in addition to a Jewish religious ceremony.⁵⁷

Thus, it is unsurprising that the issue of restrictive statutory language regarding marriage officiants did not arise before the Civil War. In the decades following the Civil War, however, circumstances radically changed both with respect to states’ legislative control of marriage, and with respect to the size, leadership, and self-perception of the American Jewish community. The changes that occurred led to an awakening of concern among Jews and state lawmakers regarding the language of marriage officiant statutes,

⁵⁶ John Duer, *The Revised Statutes of the State of New-York, as Altered by Subsequent Enactments, Together with Statutory Provisions of a General Nature, Passed Between the Years 1828 and 1845 Inclusive, Arranged in Connection with the Same of Kindred Subjects in the Revised Statutes: With Notes of Decisions by the Courts upon the Provisions Contained in the Text* Vol. 2 (Albany, NY 1846) Chapter 7, §§ 7, 18 (passed 1827). Interestingly, the statute provides in an earlier clause that marriages could be solemnized by “ministers of the gospel or priests of any denomination,” language that on its own would seem to include rabbis since they were routinely referred to as priests at this time. It is unclear why the New York legislature saw the need for specific inclusionary language with respect to Jews.

⁵⁷ For example, the *Tucson Weekly Star* reported on July 1, 1879 that the first Jewish wedding, between Joseph Goldtree and Lillian Marks, had taken place in the Territory of Arizona on June 29th. It described the Jewish wedding ceremony, performed by businessman Mr. Hyman Solomon, the uncle of the bride, which was followed by a civil ceremony, performed by Judge Neugass “under the laws of the territory.” Interestingly, Arizona Territory had had an inclusive statute on the books since its organization in 1863, which stated that, “every clergyman of any denomination, or licensed preacher of the gospel, may perform the ceremony of marriage in this Territory.” It is unclear whether the civil ceremony took place because Solomon was not a “clergyman,” and therefore ineligible to perform a marriage in Arizona or because the couple simply wanted a civil ceremony in addition to their religious one. See “The First Jewish Wedding in the Territory of Arizona,” *Western States Jewish History*, 20, no. 2 (January 1988): 126-8. Clara L. Moses reported in her memoirs that “Judge Bullock of the Chancery Court” officiated at her sister’s wedding in January 1864 because there was no rabbi in their Natchez, Mississippi congregation. “Clara L. Moses: War Days in Old Natchez,” in *Memoirs of American Jews, 1775-1865, Vol. 1* (New York: Jewish Publication Society, 1955), 266. A Justice of the Peace performed the wedding of Abraham Friedman and Rachel Isaacs in Cincinnati, Ohio in 1870 before two presumably Jewish witnesses: Max Isaacs and Jacob Mendelsohn. It is unknown whether a rabbi performed a traditional Jewish ceremony at the same time. SC-14964, AJA.

setting the stage for those like Alfred Bettelheim to work toward changing the law to include rabbis as state marriage officiants.

State oversight of marriage increased dramatically in the decades following the Civil War. As early as 1858 Abraham Lincoln metaphorically connected the growing hostility between South and North to a fractious marriage, famously declaring that “a house divided against itself cannot stand.” He continued to draw upon the metaphor of failed marriage and divorce to describe the state of America during the war. The societal upheaval caused by the war led to increases in actual divorces, as well the rise of free love communes and arguments for women’s rights, all developments that many Americans feared would weaken the structure of traditional marriage. Additionally, the death of hundreds of thousands of men in battle left countless women as widows or perpetual spinsters, unable to marry or remarry due to the lack of eligible men. The state of marriage in the republic appeared to be in danger. The fragile condition of both the Union and the institution of marriage became linked in the minds of Americans. As historian Nancy Cott writes, “A rhetorical relationship had been set up between the institution of marriage and the success of the national compact so that what undermined one put the other at risk.”⁵⁸

The advent of the Progressive Era brought about an even stronger commitment to strictly codified marriage laws that addressed American anxieties about the perceived demise of traditional norms in an era of massive immigration, urbanization, and industrialization.⁵⁹ Increasing state authority over marriage seemed to be a way to

⁵⁸ Cott, 77.

⁵⁹ Yamin, 47-48.

stabilize the nation. Several states passed – or simply began enforcing - laws during this period requiring a state-approved officiant, witnesses to the ceremony, the procuring of a license from the state before the ceremony, and the registration of the marriage with the state thereafter. Hand-in-hand with the increased commitment to marriage regulation came a powerful change in the ethos of record keeping in America. In an era of growing bureaucratization of government, American states simultaneously became more dedicated to keeping accurate records with respect to their citizens, and more able to manage such record keeping. Antebellum state acceptance of marriages that did not comport with statutory requirements was due in large part to simple inability and lack of will to keep accurate records about who was marrying and how those marriages were being performed. With larger and more complex government apparatuses, and a new commitment to centralization and state bureaucracy, however, states began to keep far closer track of marriages, enforcing who was marrying, and how and by whom ceremonies were being performed.⁶⁰

The decades after the Civil War also saw the rapid growth in the size and organization of the American Jewish community as well as the expansion of the American rabbinate. Abraham Rice, the first ordained rabbi to reach America, only arrived to take his pulpit in Baltimore in 1840. By the outbreak of the Civil War, there were likely only a few dozen ordained rabbis serving some of the approximately 150 congregations in America.⁶¹ In the postbellum era, however, rabbis began coming in

⁶⁰ *Ibid.*, 51-55.

⁶¹ Zev Eleff, *Who Rules the Synagogue: Religious Authority and the Formation of American Judaism* (New York: Oxford University Press, 2016), 145. An appendix to a Jewish calendar compiled by Jacques J. Lyon and Abraham de Sola in 1854 lists all the congregations known to them in the Americas. According to that list, approximately 100 congregations existed in the United States at that time. Most of the entries include a member of the clergy, but it is unknown how many of these were actually ordained rabbis. Jacques J. Lyon

greater numbers to America. A large percentage of those rabbis came from German-speaking states where they were part of the burgeoning Reform movement there. They ascribed to a philosophy of acculturation and adaptation of Judaism to the social and philosophical norms of the surrounding society. Many of these rabbis quickly Americanized, embracing English language sermons which often instructed their flocks about American ideals of liberty and freedom and incorporated messages about American holidays such as Thanksgiving or Independence Day. They began to serve a more pastoral role in their communities, in keeping with the roles of Christian clergy in America, and sought to participate in inter-denominational committees and projects that would position them as upstanding citizens of their new adopted home.⁶² While it is unsurprising that Reform rabbis Americanized rapidly, some more traditionally-minded and even Orthodox rabbis who arrived during the Central European migration also embraced American ideals and acculturated at least to some extent.⁶³ Furthermore, beginning in 1883, the first American-trained rabbis were ordained by the newly founded Reform rabbinical school, Hebrew Union College. By the early years of the Eastern European migration, a substantial body of Americanized rabbis and even American-born rabbis were serving Jewish communities across the United States. Such rabbis, with their commitment to American values and modernity were particularly interested in inclusion among respected clergymen in America.

and Abraham Sola, *A Jewish Calendar for Fifty Years: Containing Detailed Tables of the Sabbaths, New Moons, Festivals and Fasts, the Portions of the Law Proper to Them, and the Corresponding Christian Dates, from A.M. 5614 till A.M. 5664* (1854) <https://archive.org/details/jewishcalendarfo00lyonrich>

⁶² Naomi Cohen, *What the Rabbis Said: The Public Discourse of Nineteenth-Century American Rabbis* (New York: New York University Press, 2008), 5.

⁶³ Eleff, 178-9.

Furthermore, Jewish comfort in America increased after the Civil War. Immigrant Jews in both the North and the South rapidly Americanized during the Civil War, typically becoming passionately partisan depending on where they lived. Jews acquitted themselves as loyal citizens of their new home, serving as soldiers in both the Union and Confederate armies. By the end of the war, Jews believed they had “earned their stake in the country.”⁶⁴ Additionally Jews had flexed their political muscles during the Civil War, successfully campaigning against governmental policies that discriminated against them. In January 1862 Jews won the battle to change the Union’s military chaplaincy law to allow for rabbis to serve as chaplains, and almost exactly a year later, in January 1863, Jewish protest led to the reversal of General Ulysses S. Grant’s General Orders #11, which had expelled Jews from the Department of Tennessee – an overtly discriminatory act – due to accusations of smuggling. With these successes under their belts, Jews realized they could influence the American polity.⁶⁵

Of course, the battle for inclusive marriage officiant laws differed in significant respects from other Jewish efforts to fight discrimination. For example, while on its face, the rabbinic battle for inclusive marriage officiant laws seemed to have much in common with the campaign to obtain permission for Jewish chaplains in the United States army during the Civil War, in fact, it was quite different. Jewish soldiers wanted and needed chaplains of their own faith, and without statutory sanction, those soldiers could not obtain those services. In contradistinction, Jews who wanted a Jewish marriage ceremony

⁶⁴ Bertram Korn, *American Jewry and the Civil War* (Philadelphia: Jewish Publication Society, 1951), 218. See also Sarna, *American Judaism*, xvi.

⁶⁵ Korn, 56-97, 121-155; Sarna, *When General Grant Expelled the Jews*; Sarna and Shappell, *Lincoln and the Jews: A History*, 100-110.

could always have one. While that marriage may not have served as legal marriage for the state, having a civil wedding was easy and inexpensive, and could be done contemporaneously with one's Jewish marriage. Thus, the debate over the military chaplains became one of equal rights, whereas the debate over marriage officiants was at its core a debate over semantics. Of course, as noted above, the fact that Jews had been successful in having the chaplaincy law changed to include rabbis as army chaplains no doubt empowered rabbis and other Jewish leaders to seek similar change in the area of marriage officiant statutes.⁶⁶

Ironically, when President Lincoln sought to have Congress change the military chaplaincy law, understanding the controversy that would ensue if changes were made to extant law which provided that chaplains be of "some Christian denomination," he had Congress write another law, buried in an act that raised pay for army officers, that reinterpreted the meaning of "Christian" in that case to mean "some religious denomination." Thus, the resolution of the chaplaincy issue ended in the law restricting chaplaincy to Christians remaining on the books, but in the practical appointment of Jewish chaplains.⁶⁷ This is the exact opposite of what rabbis sought with respect to marriage officiant laws. There, they already had the practical right to perform marriages in America; what they wanted was inclusive language on the books.

Thus, rabbis and Jewish leaders militating for inclusive marriage officiant laws were not motivated by a sense of outrage over discrimination. When Bettelheim and other Jews took issue with the wording of state statutes on marriage officiants, it was because

⁶⁶ Korn, 62-65.

⁶⁷ Sarna and Shapell, 106.

they sought the imprimatur of the state that Jewish religious leaders deserved inclusion in the array of clergy that fit American civil religious norms. As long as statutes on solemnization of marriage only included “ministers of the gospel,” marriage – and hence American civil religion – contained the unmistakable tinge of Christianity. Jews sought to change this area in which religion and state intersected to shape an American civil religion that was less Christian and more ecumenical in nature.⁶⁸

As a result, despite the apparent lack of controversy surrounding rabbis performing weddings recognized by the state, beginning in the postbellum era, Jews began militating for changing the language in marriage officiant statutes. Their battle was, by necessity, a nuanced one. As in the Bettelheim case, no one claimed that rabbis should be forbidden to solemnize marriage for the state. And, as described above, rabbis were never prevented from performing marriages on behalf of the state. Rather, those who sought to uphold existing statutory language simply argued that no change was needed; rabbis were included in the category of “ministers of the gospel.”⁶⁹

⁶⁸ Hasia Diner argues that the “general valorization of religion in America” was an element of nineteenth century American public culture that “paved the way for Jewish integration. In part because religion had been decoupled from state power, Americans saw it as a benign force for promoting personal and civic virtue.” Hasia Diner, “The Encounter between Jews and America in the Gilded Age and Progressive Era,” *The Journal of the Gilded Age and Progressive Era* 11, no. 1 (Jan. 2012): 19.

⁶⁹ It is interesting to note that very few cases regarding the legal validity of marriage officiants were reported in the United States between 1820-1924. Research turned up only five reported court cases, and one news report. In a New Hampshire case dating from 1820, the court deemed a censured minister of the gospel to be a legal marriage officiant in order to gain an impoverished woman financial support from her wayward husband. *The Town of Londonderry v. The Town of Chester*, 2 N.H. 268, 1820 N.H. Lexis 30 (Superior Co. 1820). In 1829, the Tennessee Supreme Court found a man accused of bigamy to be innocent because a justice of the peace with no license performed his original marriage, which had ended by voluntary separation of the couple. *Benjamin Bashaw v. The State of Tennessee*, 9 Tenn. 176, 1829 Tenn LEXIS 36 (1829). In 1833, a Massachusetts criminal court deemed a woman to be guilty of adultery despite the questionable ordination of the officiant at her marriage to her husband. “Solemnization of Marriages: Commonwealth v. Catherine Spooner,” *Christian Watchman*, January 4, 1833, 2. In 1860, the Georgia Supreme Court found a marriage valid although the solemnizing minister had been defrocked. *Askew v. Dupree*, 30 Ga. 173, 1860 Ga. LEXIS 67 (1860). Finally, in 1909, a magistrate in Maryland (where there was no civil marriage until 1963) married a “colored” couple, and then proceeded to try to file the marriage certificate with the court clerk. Puzzlingly, the magistrate was not aware that the Maryland had no civil marriage, and ministers of the gospel were the only valid marriage officiants. The newspaper article noted

When the delegates to the Maryland Constitutional Convention of 1864 debated including language in the new state constitution to provide that a minister of any religion could solemnize marriage in the state, some delegates argued that “minister of the gospel” should be read broadly to encompass rabbis, while others felt that more inclusive language was warranted. While ultimately the delegates voted to let the legislature deal with the issue, nowhere in the lengthy debate did anyone suggest that a rabbi was not a proper officiant at a Maryland wedding.⁷⁰ In 1899, an Ohio probate court admitted that strict interpretation of the state statutory requirement that a marriage officiant must be a minister of the gospel would “confine licensees exclusively to Christian ministers.”

“Yet,” the court continued:

... considering for a single moment the real purpose of the law, it is clear it should not receive such a narrow construction. Such an interpretation would deny the license to the learned and reverend Jewish rabbi, and many other ministers of religion who, while not christian (sic) in name, look upon marriage as a sacred and religious institution. The law here means to use the word "gospel" in its broad general sense ... to mean "any minister of religion."⁷¹

The court agreed that Jews fit into the American civil religious understanding of marriage as a “sacred and religious” institution, therefore calling for a broad interpretation of the

that the wedding would have to be “done over again” so that the couple would be legally married. “How they will take it,” the article concluded, “is problematic.” “Must Get Married Again: Magistrate Marries Couple and Finds it is Illegal,” *Afro-American*, December 9, 1909, 1. Likely there were unreported cases as well, but if the validity of marriage officiants was an ongoing and significant issue, it seems likely that more cases would have been reported and covered in the press.

⁷⁰ Maryland Constitutional Convention of 1864, Volume 102, Volume 1, 975-996 (April 1864). The issue of rabbis being excluded from being legal marriage officiants in Maryland was one that lasted for decades. First raised in 1864, it was raised again in 1887, and again in 1927 when the law was finally changed. See Chart A, Appendix and pp. 149-50.

⁷¹ *Matter of Rev. Elmer W. Reinhart*, 9 Ohio Dec. 441, 444-5, 1899 Ohio Misc. LEXIS 85, 6 Ohio N.P. 438 (Cuyahoga Probate Court, 1899). Note that the law in Ohio was ambiguous as to the status of rabbis as legal marriage officiants into the interwar years. Chart A.

term “ministers of the gospel.” Still, it did not go so far as calling upon legislators to change the language of the law to comport with the rhetoric it espoused.

The manner in which Jews worked for statutory change reflects their understanding of the nuance with which they had to present their case. They did not want to cast doubt on weddings already performed by rabbis, nor to intimate in any way that rabbis were not actually legal marriage officiants. Rather, they pushed for changing the law on the books merely for the purposes of clarity and pointed out whenever possible that more inclusive language would uphold the core American value of freedom of religion. When Jews in Massachusetts sought to change the marriage officiant law in that state, well-respected Boston Reform rabbi Solomon Schindler reported in an interview with the *Boston Globe* that he had never in his nineteen years in the rabbinate heard of anyone questioning the authority of a rabbi to legally perform a wedding.⁷² “It is very plain,” he insisted, “that it was not the intention of the makers of that law to exclude the head of the Jewish church from performing marriages with due legality, for religious freedom to all mankind is a fundamental principle not only of our state but our national government.” Nonetheless, “to prevent all chances of misconstruction or wrong interpretation of the law in the future,” Schindler called upon lawmakers to amend the law. Schindler’s colleague, fellow Reform rabbi Raphael Lasker added:

The marriage ceremony according to Jewish rites is very earnest and devotional, and our people respect the marriage vow with all the orthodox characteristic of the faith. If the word gospel in the statute is to be given its literal meaning we have not the legal right to perform the ceremony, but I

⁷² Indeed, Schindler himself is on the record books as a marriage officiant in Boston. He officiated, for example, at the wedding of Daniel Frank and Rosa Liebman on October 18, 1881. Ancestry.com. *Massachusetts, Town and Vital Records, 1620-1988* [database on-line]. Provo, UT, USA: Ancestry.com Operations, 2011. Frank and Liebman’s courtship is discussed in Chapter 1.

feel certain that the sense of the law grants the same rights to the rabbi as to the Christian minister.”⁷³

Casting Jewish marriage in a virtuous light that comported with civil religious norms and arguing that the value of religious freedom required more inclusive language, Schindler and Lasker successfully made their case for statutory change. As will be discussed more fully below, the law in Massachusetts was changed two years later in 1896.

In 1912, the New Jersey Rabbinical Association pushed for the passage of a bill known as the Gill Amendment, which changed the wording of the marriage officiant law from “any minister of the gospel” to “an ordained minister of any religion.” Coverage in the Jewish press noted that, as in other states, “no question has ever arisen as to the validity of a rabbi’s marriage ceremony.” The Rabbinical Association carefully steered clear of any intimation that rabbis might not be permitted to perform weddings in New Jersey. Rather, they urged passage of the amendment “to avoid any question that might possibly arise in the future, and also to have things look and read right on the statute books.”⁷⁴ The Gill Amendment was passed and enacted into law that year.

In Maryland in 1927, as a bill amending the state officiant law was before the state legislature, B.H. Hartogensis, a well-respected Jewish attorney in Baltimore, remarked, “I don’t mean to say that all Jewish or other non-Christian marriages performed in Maryland are illegal. I do not think that any court would so hold. But the fact remains that the question is open, and in justice to the Free State, I think the

⁷³ “Awaiting an Answer: Rabbis Apparently Forbidden to Marry,” *Boston Globe*, June 3, 1893, 6.

⁷⁴ “Newark News,” *American Hebrew & Jewish Messenger*, March 29, 1912, 686. See also coverage of the debate over changing the language of the law in Pennsylvania and in Maryland: “Urges Amendment of Marriage Laws,” *Baltimore Sun*, March 4, 1927, 6; B. H. Hartogensis, “The B’nai Israel Incident and the Penna. Sabbath Law,” *Jewish Exponent*, April 10, 1931, 1.

Legislature should definitely settle the question.”⁷⁵ As in Massachusetts and New Jersey, the Maryland bill passed and was enacted into law.⁷⁶ While Jewish leaders had not yet experienced actual discrimination against rabbi marriage officiants, no doubt their concern that their fortunes could change in the future played a role in their fight for inclusive laws.

By the turn of the twentieth century, the efforts of Jewish leaders had paid off and most states had statutory language that specifically allowed for rabbi to be marriage officiants.⁷⁷ An 1885 legal treatise stated unequivocally that: “the clergyman of the various religious denominations ... are authorized to solemnize marriages.”⁷⁸ As noted above, nineteen states out of the thirty-six in the Union still had restrictive language in 1869. By the close of the era of mass immigration in 1924, ten of the nineteen had changed their officiant statutes. Eleven additional states joined the Union during this period, of which nine joined with inclusive language. The other two, Oklahoma and Wyoming, changed their laws in 1923. Thus, out of the forty-eight states in the Union in 1924, only nine of them still had restrictive language with respect to marriage officiants on the books. Those nine maintained restrictive language into the 1940s and later.⁷⁹ Nonetheless, even in those states, no evidence exists that rabbis were ever prevented from solemnizing marriage on behalf of the state.

⁷⁵ “Bill Seeking to Amend Maryland Marriage Law Introduced in Legislature, *Daily Bulletin of Jewish Telegraphic Agency*, March 8, 1927, 6.

⁷⁶ Maryland Session Laws 1927, Vol. 569, p. 683.

⁷⁷ Out of the forty states in the Union in 1900, thirty-two of them plus the District of Columbia had inclusive statutory language with respect to marriage officiants. See Chart A.

⁷⁸ G.M. Barber, *Book of Law containing the principles of American Constitutional and Common Law Applicable to the Ordinary Affairs of Life to which is added a Brief Exposition of the Law of Nations* (Cleveland: Lauer & Yost, 1886), 225.

⁷⁹ See Chart A.

The Impact of the Eastern European Migration

While Americanized rabbis were largely successful in their efforts to insinuate their way into the pantheon of appropriate American clergy marriage officiants, their battle took an unexpectedly thorny turn when Eastern European Jews began arriving in America *én masse* in the late nineteenth century. In Eastern European immigrant communities, both the role of rabbi and the role of marriage officiant frequently looked substantially different than they had during the Central European migration. For one thing, those two roles were not always filled by the same individuals; while many marriage officiants were rabbis, a significant number were not. In large immigrant neighborhoods in cities like New York and Boston, entrepreneurial immigrants, some ordained rabbis, some not, seeking an easy income source would advertise themselves as marriage officiants and charge a fee to Jewish couples to perform their weddings.⁸⁰ And, furthermore, those Eastern European immigrants who were ordained rabbis often did not fit the mold of respectable American clergymen. Rather than presiding as religious and moral leaders over “proper” congregations, they may have run small synagogues held in storefronts or other rented spaces while holding down other jobs to make a living.⁸¹

After much hard work to broaden the definition of respectable American clergymen to include rabbis, Americanized Jewish leaders were troubled by these

⁸⁰ This phenomenon actually existed to a smaller extent during the Central European migration as well. Hyman B. Grinstein, *The Rise of the Jewish Community of New York, 1654-1860* (Philadelphia: Jewish Publication Society, 1947), 93, 288-293. However, given the small size and lack of organization of the Jewish community, unauthorized marriage officiants never rose to the level of an urgent communal problem. Jewish divorces granted by such men posed more of a problem. See Chapter 4.

⁸¹ For more on the structure of Eastern European immigrant congregations on the Lower East Side of New York, see Arthur A. Goren, *New York Jews and the Quest for Community: the Kehillah Experiment, 1908-1922* (New York: Columbia University Press, 1970), 76-78; Jeffrey S. Gurock, *Orthodox Jews in America* (Bloomington: Indiana University Press, 2009), 103-105; Daniel Soyer, *Jewish Immigrant Associations and American Identity in New York, 1880-1939* (Detroit: Wayne State University Press, 1997), 56-61.

developments. Not only were the new immigrants tarnishing the image of rabbis, but even worse, they were in many cases decoupling the role of marriage officiant from the role of congregational rabbi, an act which they saw as sullyng the status of the marriage officiant. In this structure, marriage officiants were simply mercenary businessmen who cared not about respectable American marriage. The fact that many may have had rabbinic ordination was irrelevant to the way Americans saw them. Christianity was a religion of faith not law, and rabbis who saw their roles as simply ensuring deference to Jewish ritual law among their followers were a far cry from the way Christian Americans viewed moral and ethical leadership. Over the ensuing decades, Americanized Jewish leaders worked hand in hand with state officials to eradicate the embarrassing practices of their Eastern European co-religionists and simultaneously defend their own hard-earned place among respectable American clergy.

While as noted above, Judaism does not require the presence of a rabbi to solemnize a marriage, by the late nineteenth century, for a number of reasons, rabbinic wedding officiants were common if not universal in Europe and in America. In many cases, civil law required that a rabbi serve as marriage officiant for Jewish weddings.⁸² In others, Jews imitated the role of Christian clergy around them. Still others were simply continuing a well-established tradition of having rabbis serve as marriage officiants, both to ensure fealty to Jewish law and to exert some level of communal control over who was marrying whom.⁸³ Likely the reasons were often a combination of these.

⁸² Freeze, 81-82; Grinstein 288; Meyer, 35.

⁸³ Freeze, 82; Grinstein 289-90.

Eastern European immigrants in America, however, did not live in a centrally organized Jewish community, nor were they necessarily concerned with precise adherence to Jewish or state law, or whether their marriage officiants lived up to standards of Christian respectability. This new type of marriage officiant who was not a congregational rabbi, and perhaps not an ordained rabbi at all, but simply officiated at marriages as a way to earn a living, arose in the breach. Moses Weinberger, a staunchly Orthodox immigrant from Hungary, described this phenomenon in detail in his 1887 Hebrew pamphlet “Jews and Judaism in New York.” In words dripping with sarcasm, he wrote:

The number of ... marriage officiants [*mesadrei kidushin*] in this city are as numerous as the stars in the sky. This is not work done by communal rabbis and judges; instead, every ne'er-do-well, every bitter, unemployable man in tight straits, every lazy good-for-nothing, and everyone who in general likes to torment people becomes a marriage officiator, a job requiring neither learning nor skill, though it pays handsomely, is untaxed by the government, and is unlicensed. The gracious government intervenes neither in the affairs of the community nor in personal matters. It makes only two laws: a marriage officiator must register every marriage at a government office in writing, and must be a reverend or minister. How easy it is to secure titles in America! One of the excellent laws here holds that all who want to carry a title may come and do so.⁸⁴

As a strictly Orthodox immigrant from Eastern Europe, Weinberger was likely unconcerned with the status of rabbis as respectable clergy in America. However, he had other bones to pick with such marriage officiants and the system that allowed them to flourish. Accustomed to the Jewish communal control that, although fraying at the edges, still existed in Eastern Europe in the late nineteenth century, Weinberger was angered by

⁸⁴ Jonathan Sarna, ed., *People Walk on Their Heads: Moses Weinberger's Jews and Judaism in New York* (New York: Holmes & Meier, 1981), 78.

the ability of such marriage officiants to operate without communal repercussion.⁸⁵ And, Weinberger was frustrated that America did not step into the breach, allowing opportunity for corruption due to its lack of regulation of religion. To Weinberger, the proliferation of uneducated and low-class marriage officiants no doubt felt like an insult to Jewish tradition.

Although he may not have realized it, and perhaps did not even know that marriage laws differed from state to state, the particulars of Weinberger's critique were specific to New York State. Prior to 1827, New York law only permitted solemnization of marriage by ministers of the gospel and justices of the peace. The law was changed in 1827 to provide that solemnization laws would "not apply to the people called Quakers, nor to Jews, whose marriages may respectively continue to be solemnized in the manner, and agreeably to the regulations, of their respective societies."⁸⁶ As a result of this law, the Jewish community was exempt from whatever minimal state oversight over marriage existed in New York. While the mid-nineteenth century New York Jewish community remained sufficiently concerned about its standing in the eyes of New York society and government to maintain generally "respectable" American marriage practices, this changed with the massive waves of Eastern European migration at the end of the century.⁸⁷ A difficult combination of factors including the stresses of immigration and

⁸⁵ Regarding communal social structure in Eastern European Jewish society in the late nineteenth century, see ChaeRan Y. Freeze, *Jewish Marriage and Divorce in Imperial Russia*, Hanover, NH: Brandeis University Press, 2002); Shaul Stampfer, *Families, Rabbis and Education: Traditional Jewish Society in Nineteenth Century Eastern Europe* (Portland, Oregon: Littman Library of Jewish Civilization, 2010).

⁸⁶ John Duer, *The Revised Statutes of the State of New-York, as Altered by Subsequent Enactments, Together with Statutory Provisions of a General Nature, Passed Between the Years 1828 and 1845 Inclusive, Arranged in Connection with the Same of Kindred Subjects in the Revised Statutes: With Notes of Decisions by the Courts upon the Provisions Contained in the Text*. Vol. 2. (Albany, 1846).

⁸⁷ Naomi Cohen, *Encounter With Emancipation: The German Jews in the United States, 1830-1914* (Philadelphia: Jewish Publication Society, 1984), Chapter 3; Anna R. Igra, *Wives Without Husbands:*

grinding poverty resulted in the destabilization of the family unit among Eastern European Jewish immigrants. Immigrant neighborhoods struggled with problems of husband desertion, rebellious children, and even prostitution.⁸⁸ A sense of lawlessness around family structure combined with immigrants seeking creative methods of making money set the stage for the emergence of independent marriage officiants.

Unacquainted with, and unattracted to, American civil religious norms, such marriage officiants went about their business of marrying and divorcing Eastern European Jewish couples for a fee in order to augment their meager income from other sources. Eschewing state legal structures of marriage and divorce, and concerned, if anything, only with legality of unions and divorces under Jewish law, these marriage officiants sometimes led couples afoul of state laws against bigamy by remarrying individuals who were divorced under Jewish law, but had not obtained a civil divorce decree.⁸⁹ In a nation that fought plural marriage tooth and nail, reviled any mercenary connection to marriage,⁹⁰ and viewed clergy as leaders in building a moral and valorous nation, the actions of some of these officiants would soon prove challenging to their more Americanized co-religionists.⁹¹

Marriage, Desertion, & Welfare in New York, 1900-1935 (Chapel Hill: University of North Carolina Press, 2007), 15. Of course, immigrant Jews in the early and mid-nineteenth century also engaged in unscrupulous marriage practices. See Hyman B. Grinstein, *The Rise of the Jewish Community of New York, 1654-1860* (Philadelphia: Jewish Publication Society, 1947), 288-293. However, their smaller numbers made their peccadillos far less conspicuous and also caused them to adopt the social norms of the surrounding society much more quickly.

⁸⁸ Gerald Sorin, *A Time for Building: The Third Migration, 1880-1920* (Baltimore, Maryland: Johns Hopkins University Press, 1992), 84-5; Igra, 8-26; Moses Rischin, *The Promised City: New York's Jews, 1870-1914* (Cambridge, MA: Harvard University Press, 1977), 90-91.

⁸⁹ This issue will be discussed in depth in Chapter 4.

⁹⁰ Cott, 105-31, 150.

⁹¹ Similar strain between Americanized German Jews and Eastern European immigrants resulted from immigrant Orthodox rabbis engaging in bootlegging during Prohibition. Many of the same values of

On September 11, 1874, *The Jewish Messenger*, an English-language Jewish weekly that at the time espoused relatively traditional positions, reported in an editorial that the Essex Market Police Court in New York City had tried the case of an accused bigamist named Friedman. A Rabbi Weber⁹² had officiated at Friedman's wedding to the complainant, who later found out that Friedman was married to another woman and was the father of ten children. The editorial emphatically declared, "If any so-called rabbi has knowingly officiated at the wedding of a bigamist, we hope there is a law in our State under which he may be severely punished." It went on to call for "Jewish congregations to petition the legislature for an amendment of the [marriage officiant] statute ... requiring that all marriages shall be performed by an acting minister of an incorporated congregation."⁹³

Apparently in New York State, the 1827 law allowing Jews to marry as they saw fit had backfired on those rabbis who had labored to become a part of the American religious mainstream. Noting that New York state law unequivocally permitted rabbis to perform weddings for the state, the editorial in the *Jewish Messenger* continued: "The good intentions of the Legislature have been frustrated by the action of men inspired by mercenary considerations. It is time the Jews consented to waive what was intended as a privilege, but has become a burden and a cloak for wrong doing."⁹⁴ Lobbying for the inclusion of rabbis as legal marriage officiants had worked well for Americanized religious leaders when the rabbis performing the weddings bought into American civil

morality and valor were connected to both abstinence and "proper" American marriage, and it is not surprising that similar discourse took place regarding these two areas of conflict. Davis, 155, 175-76.

⁹² It is unknown whether Rabbi Weber was an ordained rabbi or simply an entrepreneur.

⁹³ "The New York Marriage Law," *The Jewish Messenger*, September 11, 1874, 4.

⁹⁴ *Ibid.*

religious conceptions of clergy and of marriage. Such rabbis were liberal ministers of established Jewish congregations. In their eyes, American law trumped Jewish law with regard to marital status. They viewed their role as solemnizers of marriage as part of their mission to build a sacred and upright American community and looked askance at those who they viewed as peddling their services as wedding officiants. However, rabbis like Rabbi Weber, who were unconcerned about officiating at a marriage in which one member of the couple was still married under American law to someone else, posed a significant danger to American acceptance of rabbinic leadership. Americanized rabbis had worked hard to earn their seat at the table of respected American clergy; they were not about to allow their Eastern European co-religionists to undo their efforts.

Americanized Jewish leaders realized that they could rescue the status of Americanized rabbis in the eyes of the state by differentiating between themselves and their Eastern-European co-religionists. The best way to do this, they believed, was to seek legislative action to restrict the juridical right to solemnize marriage to those rabbis who, as the editorial in *The Jewish Messenger* suggested, served as ministers of incorporated congregations.⁹⁵ This way, the state could weed out rabbis who did not fit definitions of proper American clergymen. The Jewish organization most committed to this agenda was the Jewish Ministers' Association.

⁹⁵ In contrast with the large, established synagogues further uptown, the vast majority of the synagogues founded in the Lower East Side of Manhattan between 1872-1914 were *landsmanshaft* congregations, organized around the Eastern European town of origin of the members. These congregations were generally quite small in size and held services in rented rooms in tenements or meeting halls. Very few owned buildings built to be used as houses of worship. Most did not have professional clergy on staff, depending instead on lay leadership to lead services and offer sermons. Soyer, *Jewish Immigrant Associations and American Identity in New York*, 56-61.

Founded in 1885, the Jewish Ministers' Association was an organization of Northern Americanized rabbis who joined together in an effort to solve common problems and "discuss matters of interest to Judaism in America."⁹⁶ Ironically, given the stance the organization would ultimately take with respect to Eastern European immigrant rabbis, the organization's constitution stated its purpose as "striv[ing] by friendly union and co-operation to advance and promote unity in Judaism without interference in the congregational autonomy."⁹⁷ The inaugural executive board of the organization was comprised of rabbis from both the traditional and reformist sides of the spectrum of American Judaism, and included Gustav Gottheil, a reformer, as president, as well as reformer David Phillipson, and the more traditional Marcus Jastrow, H.S. Jacobs, and Frederick de Sola Mendes. Another founding member was none other than Alfred Siegfried Bettelheim, the traditional reform rabbi who had protested Virginia's marriage law back in 1869. Bettelheim had just taken the position of rabbi of Baltimore Hebrew Congregation that year after spending a decade serving as a rabbi in San Francisco.

The members of the Jewish Ministers' Association were the epitome of Americanized rabbis: proud and patriotic Americans who lent their voices in support of an America that saw Jews as a respected and integral part of the American polity. As Gustav Gottheil pronounced in his address at the annual conference of the Association in 1886:

Nowhere on earth has such a magnificent field ever been opened to us;
nowhere is Judaism more respected than here. I doubt whether the golden

⁹⁶ "Jewish Ministers' Convention Programme of Exercises for Monday and Tuesday," *New York Herald*, January 18, 1885, 6. Southern rabbis formed their own organization that same year called the "Conference of Rabbis of Southern Congregations." Jacob Rader Marcus, *United States Jewry, 1776-1985*, (Detroit: Wayne State University Press, 1993), Vol. 3, 126.

⁹⁷ *Jewish Conference Papers (1886) Together with Reports of the Meetings of the Jewish Ministers' Association of America* (New York: Phillip Cowen, 1887), 42.

age of Spain can compare with ours in this respect. Nowhere would narrow-mindedness and fanaticism be a deeper disgrace; nowhere would it show in deeper dye than against the luminous sky of American liberty.⁹⁸

Gottheil and his fellow rabbis carefully made the case that American ideals of liberty and justice called for the full acceptance of Jews.

From its inception, the Jewish Ministers' Association actively engaged with issues of civil marriage and divorce law, focusing particularly on the role of the rabbi as marriage officiant for the state. New York State marriage law figured prominently on the agenda at the Association's November 1886 convention. As noted above, at the time, New York law provided that Jews were exempt from the laws governing solemnization and proof of marriage and could "solemnize marriage in the manner as agreeable to the regulations of their respective societies."⁹⁹ The Jewish Ministers' Association found this exemption extremely problematic. Rabbi Aaron Wise, a traditionalist who became one of the founders of the Jewish Theological Seminary and an early proponent of Conservative Judaism, was chairman of the Committee on Marriage Laws. He reported at the convention that due to the broad language of the statute, Jews with "more than ordinary Hebraic education" who "carry on business as grocers, butchers, liquor dealers, saloon keepers, peddlers, and other pursuits of the kind" organize themselves into "self-constituted cliques" with one member of the group officiating in the capacity of rabbi so they would meet the statutory requirement that Jewish marriage be solemnized according to the regulations of Jewish "societies." In other words, Eastern European immigrant Jews who wanted to earn a living as marriage officiants had figured out a way around

⁹⁸ *Jewish Conference Papers (1886)*, 44.

⁹⁹ 1827 Law. See note 54.

New York's marriage law. Indeed, Wise noted that, from examination of the New York State records, "not only have improper persons performed the ceremony, but illegal marriages have been performed."¹⁰⁰

The Jewish Ministers' Association's objections to these marriage officiants did not stem from their lack of fitness from a Jewish legal perspective. As noted above, at least some of them had likely received *pro forma* rabbinic ordination as part of their yeshiva education in Eastern Europe, and the rest of them seemed to have some knowledge of Jewish law. After all, as Wise himself pointed out, they had "more than ordinary Hebraic education." Even if they were not ordained rabbis, Jewish law did not require marriage to be solemnized by a rabbi. Rather, the Association objected to the fact that such marriage officiants did not fit the image of the proper American clergyman that its Americanized members sought to portray. They were not ministers of dignified Americanized congregations, they cared little – or not at all – about whether the marriages they performed comported with American law, and they appeared to be in the "business" of performing weddings solely for mercenary reasons.

Wise, representing the committee on marriage laws, proposed two solutions to this problem, both of which would require the involvement of the state legal apparatus. His more attainable and practical suggestion was that "the State Legislature be asked to alter the present expression 'Ministers of the Gospel and priests of every denomination,' by inserting the word 'rabbis' between 'ministers and priests.'" The clause in the current law, which exempted the "Society of Friends and Hebrews" from requirements regarding

¹⁰⁰ *Jewish Conference Papers (1886)*, 52; "Jewish Ministers' Association," *American Hebrew*, November 26, 1886, 38.

marriage solemnization would then be amended to refer only to the Society of Friends. The alteration of New York State law would solve the issue by requiring Jewish weddings to be performed by those who were “proper” rabbis in the eyes of the Association, rather than the entrepreneurial “reverends” circulating about the Lower East Side.¹⁰¹

Wise also offered a more elusive and less specific solution: “that Congress pass a national marriage law.” Reform rabbi Kaufmann Kohler who “urged the necessity of Congressional, rather than State action” supported him in his call.¹⁰² With this suggestion, the Jewish Ministers’ Association situated itself squarely amidst other faith leaders and progressive activists of the time who saw loopholes leading to immorality in the patchwork of inconsistent state marriage and divorce laws. Groups behind the campaign for uniform marriage and divorce laws may have seemed strange bedfellows. On the one hand were progressives and feminists who saw the federal government as an institution that, because of the Constitution, would provide better protection for women’s rights than individual states ever would. On the other were conservative religious figures who believed that the weakness of the federal government with respect to family law was contributing to the destruction of Christian marriage by allowing for “easy” divorce in certain states. What these groups held in common, however, was their disgust regarding the incoherence of state marriage laws and a belief that marriage was truly in a state of crisis, necessitating extreme and urgent national action.¹⁰³ Over the course of a century, from the 1870s to the 1970s, individuals and organizations in both of these camps fought

¹⁰¹ *Ibid.*

¹⁰² *Ibid.*

¹⁰³ Hartog, 18-19.

for the passage of federal legislation regarding marriage and divorce that would supplant the labyrinth of conflicting and contradictory state laws. The movement for uniform marriage and divorce laws was not successful in the sense that the federal government never did take control of the messy and unwieldy patchwork of state laws. However, by raising the issue of the enormous disparities in law from state to state, activists did ultimately succeed in influencing states to align their laws more closely with one another.¹⁰⁴

Jewish progressives and religious leaders like Wise were vocal members of the movement for uniform marriage and divorce laws in the late nineteenth and early twentieth century. For the most part, they found more commonality with progressive activists than with conservative anti-divorce religious leaders. Whether Reform or more traditional, rabbis generally did not join calls for federal laws that would ban divorce. Judaism as a religion allowed easy access to divorce provided that both husband and wife agreed, and the prevailing sentiment among Jewish religious leaders was that divorce, when used properly, actually improved the condition of the American family by allowing for the ending of marriages that should not continue.¹⁰⁵ However, Jewish women's organizations such as the National Council of Jewish Women and many Reform rabbis did see danger to women, children, and the sanctity of family life in the lax and

¹⁰⁴ For history of the Uniform Marriage and Divorce Law movement, see Wickliffe Stack, "The Movements for Uniform Marriage and Divorce Legislation in the United States," (MA thesis., University of Southern California, 1924); N. Ruth Wood, "Marriage and Divorce Laws," *Women's Law Journal* 33 (1947): 23. See also discussion in Chapter 4.

¹⁰⁵ "The New Doctrine of Divorce," *New York Times*, May 30, 1909, 8. See also Chapter 4.

contradictory marriage and divorce laws on state law books.¹⁰⁶ Additionally, Americanized rabbis saw Uniform Marriage and Divorce as a way of shutting down the problematic and “un-American” practices of their Eastern European co-religionists. By joining the call for uniform laws, these rabbis saw the opportunity to be voices of both progressive ideology as well as morality and family values, and at the same time eradicate Jewish immigrant practices that threatened their standing as respectable clergy in America.

Thus, the day after Wise’s comment, the Jewish Ministers’ Association, after noting similar actions of Unitarians and other religious groups, passed a resolution stating:

[T]he laws in many States of the Union regulating marriage and divorce are so lax in several of their features, and so detrimental to the sanctity of the home life, that it behooves this body, composed of rabbis and ministers, to call attention to this important matter and to place on record their solemn conviction of the extreme necessity for immediate measures being enacted.¹⁰⁷

The conference further resolved that a “special committee” be appointed to “co operate with other bodies in the matter and to submit petitions to the State Legislature and to the Fiftieth Congress asking for action looking to the amendment of the present lax statutes on the subject.”¹⁰⁸ Not only did the Jewish Ministers’ Association loudly and clearly voice its objection to the behavior of their coreligionist marriage officiants who might jeopardize their hard-fought positions as appropriate American clergy, it simultaneously

¹⁰⁶ “Triennial Convention Opens: Prominent Jewish Women Assemble Here,” *Jewish Exponent*, December 15, 1911, 1; “Urge Jewish Women’s Interest in Politics,” *Daily Bulletin of the Jewish Telegraphic Association*, November 28, 1923, 4.

¹⁰⁷ *Jewish Conference Papers (1986)*, 52.

¹⁰⁸ *Ibid.*

sought to join other faith leaders at the table of moral discourse about marriage and divorce in America.

The Jewish Ministers' Association enlisted the support of Assemblyman Jacob A. Cantor,¹⁰⁹ a well-respected State Assemblyman, who introduced a bill to the New York State Assembly in February 1887 that amended “the marriage law so that laymen among the Hebrews can no longer perform the marriage ceremony.”¹¹⁰ Worded a bit differently than the original language Wise had suggested, the bill provided that “ministers of the gospel or of legally incorporated religious congregations and priests of every denomination” were authorized to solemnize marriage. At the same time, and as the Jewish Ministers' Association wanted, this language removed the caveat present in the 1827 law that permitted Jews to solemnize marriage “according to the regulations of their respective societies.”¹¹¹ Thus, the plain language of the law actually restricted Jews' freedom to perform marriages for the state as they saw fit. Instead, it imposed a definition of a proper wedding officiant that comported with the norms of American civil religion: a minister of any religion who headed a legally-recognized congregation, and who presumably, therefore, saw his role as officiant not as a source of income, but rather as a moral and sacred duty to help build a virtuous American society.

¹⁰⁹ Jacob A. Cantor (1854-1921) was a member of Temple Emanu-El, the Reform synagogue at which Dr. Gustav Gottheil served as rabbi. The following year, Gottheil officiated at Cantor's wedding. “Senator Cantor Married,” *New York Times*, August 9, 1888, 8. Cantor went on to serve in a number of government positions including State Senator and President of the Senate, Manhattan Borough President, Congressman in the United States House of Representatives, and President of the Department of Taxes and Assessments for the City of New York. “Jacob A. Cantor Dies in 67th Year,” *New York Times*, July 3, 1921, 16.

¹¹⁰ “The Annual Grind Begun, Senate and Assembly Flooded with Bills,” *New York Times*, January 26, 1887, 3.

¹¹¹ “Local News: In Town” *The Jewish Messenger*, March 25, 1887, 2.

Members of the Jewish Ministers' Association spoke out strongly in support of the type of wedding officiant that the law was intended to support. When Eastern European immigrant rabbis convened on February 13, 1887 in the Norfolk Street Synagogue on the Lower East Side to organize a protest to the bill's passage, Aaron Wise attended to defend the Association's position, vehemently arguing for an Americanized definition of "rabbi":

A Jew to be a rabbi must have a congregation, and a certificate of authority from it. If you want to find out how low some Jews, who sign themselves reverends, are, you have only to consult the record at the Bureau of Vital Statistics. These counterfeit rabbis often perform marriage ceremonies for women who have husbands in Europe. A Jewish saloon keeper in Hester street (sic), who calls himself a rabbi, went to a house to perform a marriage ceremony so drunk that the family had to put up the windows to get rid of the smell of strong liquor. These vagabonds and tramps ought to be wiped out of existence.¹¹²

It was only by being attached to an official congregation, Wise argued, that a rabbi could obtain respectability. Those who operated independently of established congregations were by definition "counterfeit," engaging in deceitful acts and immoral behavior.

While the Americanized rabbinate was generally unified behind the Jewish Ministers' Association's stance on the new bill, one outlier existed: Rabbi Dr. Edward Benjamin Morris Browne, the Hungarian-born spiritual leader of New York's Reform Gates of Hope Congregation, "opposed the bill tooth and nail." Attending the February 13th meeting, Browne declared that Wise "misrepresented the whole thing," and that the behavior of the "vagabonds" cited by Wise was already illegal. Furthermore, he noted, "I know Methodist ministers who are sewing machine agents and peddlers."¹¹³ In fact,

¹¹² "Jewish Rabbis Protesting: Objection to Mr. Cantor's Bill Concerning Jewish Marriages," *New York Sun*, February 14, 1887, 1.

¹¹³ *Ibid.*

Browne argued, the Association actually put forth this bill in order “to enrich five rabbis and deprive the fifty-five others of means of subsistence.” Coverage of the debate noted that “the debate between the rabbis grew excited at times, and Dr. Wise at last left the meeting in disgust.”¹¹⁴ But Rabbi Browne, a controversial figure in the American rabbinate, found no support among his fellow Americanized rabbis.¹¹⁵

The New York State legislature voted the marriage bill into law in March 1887. Within days, the *American Hebrew*, a respected weekly Jewish newspaper, lent its support to the new law in a strongly worded editorial. Likely influenced at least in part by the fact that its founder, Frederic de Sola Mendes, was also a founding board member of the Jewish Ministers’ Association, the *American Hebrew* shot down objectors to the bill, calling them “misled persons.” “This bill is one to which no honorable person can reasonably object,” the editorial pronounced:

This shuts out no one who should be permitted to perform the ceremony. The fact is, that discredit has been brought upon our people by a number of self-styled rabbis who are attached to no congregation, making a business of performing marriages ... contrary to law, and not troubling themselves very much to inquire into the propriety of a union, the fee being the main consideration.¹¹⁶

¹¹⁴ “Rabbis Wax Warm in Debate,” *New York Tribune*, Feb. 14, 1887, 5.

¹¹⁵ Browne was a frequent gadfly toward Reform rabbinic leadership in late nineteenth century America. For a history of the life of this colorful rabbi, see Janice Rothschild Blumberg, *Prophet in a Time of Priests: Rabbi Alphabet Browne, 1845-1929* (Baltimore: Apprentice House, 2012). Other than Rabbi Browne’s vociferous opposition to the law, the Jewish community was generally quiet on the subject. One anonymous letter to the editor speaking out against the marriage law appeared in the *Jewish Messenger* on February 25, 1887. The letter, signed by “Kidushin,” the Hebrew term for the Jewish marriage ceremony, argued that the new law would not solve the problem because anyone could organize a group to obtain a charter and be an incorporated congregation. The law, the author predicted, will not “secure any possible advantage to Judaism. The intention was undoubtedly a good one, but the effect will be bad, and the evil they complained of, and which they wished to correct, will still remain and in a worse form.” “Correspondence: The Marriage Laws,” *Jewish Messenger*, February 25, 1887, 6. While it is possible that Rabbi Browne himself may have penned this letter, it seems unlikely because the arguments in opposition to the law differ from his.

¹¹⁶ *American Hebrew*, March 25, 1887, 97.

According to Americanized rabbis, in order for a rabbi to be worthy of recognition by the state, he had to be respectable, non-mercenary, cognizant of and committed to American law, and most importantly, the minister of a proper congregation. Anyone else was suspect, indeed counterfeit, no matter his qualifications under Jewish law. As for the claim that the law served to line the pockets of rabbis of wealthy and established uptown congregations, the editors objected that in fact, the law would not affect those rabbis; rather it would serve to help the very downtown immigrant rabbis who objected to its passage:

The pseudo-rabbi does not interfere with the duties and perquisites of the ministers of larger congregations; it is downtown among the poorer classes that he does his work, and the effect of the law will be to increase the legitimate income of the regular congregations and their ministers, large or small, at the expense of a few individuals, who would perform any marriage at any price, regardless of natural, moral or civil law.

Like the Jewish Ministers' Association, the editorial board of the *American Hebrew* drew a direct connection between "improper" marriage officiants and immorality.

At its April 1887 semi-annual convention, attended by forty rabbis, the Jewish Ministers' Association declared victory, calling the new law "a move in the right direction towards prohibiting disgraceful performance of the sacred rite by irresponsible and unprincipled persons."¹¹⁷ However, in the days before the convention opened, it became clear that the new law had the potential to cause more problems than it had solved. Apparently, the vague language of the law, which provided that "ministers ... of legally incorporated religious congregations" could solemnize marriage, led to the question of whether rabbis could perform marriages at all in New York. The Jewish

¹¹⁷ *Jewish Conference Papers, 1887, Together with Reports of the Meetings of the Jewish Ministers' Association of America*, (New York: Philip Cowen, 1888), 62-63.

Ministers' Association had received word that New York City Board of Health President James C. Bayles had expressed doubt that rabbis could legally perform weddings given that the statute did not expressly provide that they were legal marriage officiants.¹¹⁸

Rabbis Wise, Gottheil, and Jacobs from the Jewish Ministers' Association visited the Board of Health to discuss the matter, and were confronted by their nemesis, Rabbi Edward Browne, who had come to register his ongoing objection to the new law. Speaking out once again in defense of the downtown rabbis who he claimed would be hurt by the law, he declared that, while he himself as an uptown rabbi would undoubtedly "profit in a pecuniary way" from the law, he was "opposed to the injustice all the same." Rabbis Wise, Gottheil and Jacobs refused to speak with the Board of Health while Rabbi Browne was present, making clear their disdain for him. The *New York Tribune* reported that Browne

waited in the hall until he saw Rabbis Gottheil, Jacobs and Wise go softly into the Board-room (sic). He immediately followed them in and took part in a discussion which ensued, although he was frowned at. When the discussion took a theological turn President Bayles cut it short by stating that the Board desired only information and legal advice. He said the Board wished to get at the correct meaning of the law without regard to divisions in the Hebrew congregations. The Board would not adopt any plan of action regarding the marriage certificates signed by rabbis until it had received the best legal advice.

Satisfied, all four rabbis left the Board of Health. The rabbis of the Jewish Ministers' Association resolved that they would prepare a list for the Board of Health of rabbis who should be authorized under the new law to perform marriage ceremonies.¹¹⁹ At the JMA

¹¹⁸ "Jewish Ministers in Convention: They Discuss the Present Tangle in their Marriage Laws," *New York Sun*, April 26, 1887, 1.

¹¹⁹ "Rabbis All in a Flutter: They Refuse to Recognize Mr. Browne," *New York Tribune*, April 21, 1887, 10; "Jewish Marriages: An Important Conference," *San Francisco Chronicle*, April 21, 1887, 1.

Conference the following week, the members of the conference opined that the law was worded correctly, as the term “minister” meant “learned man or scholar,” and was therefore inclusive of rabbis. Therefore, they noted, they were confident that New York’s Corporation Counsel (state attorneys) would interpret the law in this way. They repeated their idea of preparing a list of appropriate marriage officiants for the Board of Health called the “Hebrew Ministers’ Directory,” and noted that the Board was “willing to be guided by this directory.”¹²⁰

Stepping into the fray, the *American Hebrew* published another editorial on the matter on April 29, 1887, stating, “It is to be hoped that the Board of Health will be governed by good sense and justice and not be misled by the false representations of sensational and self-interested persons who pretend to speak for the Jews of this city.” Calling for an amendment of the law to insert the word “rabbis” if necessary to clarify the meaning, the editors concluded, “Surely we Jews to whom marital and domestic purity is so sacred should be the first and the most active in creating a sound public opinion on this important social problem.” The editors of the *American Hebrew* made clear that the “right” type of Jews held marital purity as sacred and should not be confused with the “self-interested” sorts who claimed to speak for their co-religionists.¹²¹

¹²⁰ “Hebrews and the Marriage Law,” *New York Tribune*, April 26, 1887, 5; The “Jewish Ministers’ Association: Semi-Annual Conference,” *Jewish Exponent*, April 29, 1887, 4; “The City,” *American Hebrew*, April 29, 1887, 184. At the conference, Gottheil said he had read in a German-language newspaper that Mr. Bayles had said that “ministers in rich synagogues were actuated by a spirit of rapacity. They were after the marriage fees.” Needless to say, given the American society viewed pecuniary motives with respect to marriage, this was the worst insult Bayles could throw at the rabbis of the Jewish Ministers’ Association. Gottheil vehemently distanced himself and his fellow rabbis from Bayles’ accusations, stating that “this was the meanest, lowest, most contemptible motive . . . that human nature is capable of.” It turned out that the words were incorrectly attributed to Mr. Bayles (and were likely said by Rabbi Browne). “Jewish Ministers in Convention: They Discuss the Present Tangle in their Marriage Laws,” *New York Sun*, April 26, 1887, 1. (A similar article appeared in the *Indiana State Sentinel* on May 11, 1887, 7).

¹²¹ “The City,” *American Hebrew*, April 29, 1887, 184.

New York State did ultimately change the marriage law in 1900 to obviate the difficulty that arose with the 1887 law. With respect to clergy marriage officiants, the new law provided that a “clergyman or minister of any religion” could solemnize marriage.¹²² In the meantime, however, in the wake of the *American Hebrew* editorial, press coverage of the marriage law died down. Perhaps New York’s Corporation Counsel resolved the lack of clarity in the language.¹²³ Whether the marriage law actually eradicated the issue of fly-by-night mercenary marriage officiants among immigrant Jews is unknown, but the Americanized rabbis of the Jewish Ministers’ Association had achieved their goal nonetheless. They had gotten themselves squarely on the record as defenders of “American” marriage, solemnized by proper ministers, not mercenary immigrants without congregations. Their seat at the table was safe, for the moment at least.¹²⁴

In an amusing postscript to the feverish activity surrounding the new marriage law and its interpretation, the law was satirized in the closing exercises of the city’s Shaaray Tefillah Congregation’s school. A student, Joseph Alexander, presented a tongue-in-cheek motion: “Resolved, that the marriage ceremony shall be performed by ministers of incorporated congregations only.” The students “twisted and turned the question in serio-comic discussion, evoking ripple after ripple of laughter from the auditory.”¹²⁵ Of course,

¹²² Edward L. Heydecker, ed., “Domestic Relations Law,” *General Laws of New York Containing All Amendments to the Close of the Session of 1900*, 3952.

¹²³ A FOIL request has determined that New York State has no records of any determination of the Corporation Counsel regarding this law.

¹²⁴ The battle between Americanized Central European Jewish leaders and “disreputable” Eastern European Jews with respect to marital issues did not end, however. As will be discussed in Chapter 4, it continued with respect to divorce law.

¹²⁵ “The City,” *American Hebrew*, June 10, 1887, 72.

Shaaray Tefillah had multiple connections to the controversy; its rabbi, Frederic de Sola Mendes, was one of the founder of the Jewish Ministers' Association and the synagogue's schoolroom had been the site of the Jewish Ministers' Association's April conference. Nonetheless, the fact that the debate was part of the consciousness of the larger community, not just the few rabbis of the Association, and had risen to the level of satire to boot, shows how central it was to Jewish communal conversation at the time.

Discussion over the new marriage law also extended far beyond the confines of tony uptown synagogues in Manhattan. From the moment Assemblyman Cantor brought the bill to the floor of the New York State Assembly, newspapers across the country regularly carried articles detailing the background of the new law and the ensuing internecine squabbling among the Jews of New York City. Newspapers in places as far-flung as Indiana and Salt Lake City, Utah picked up the story. The national American Jewish press covered the issue extensively as well. Frequently, the coverage of the circumstances surrounding the passage of the law Orientalized the Eastern European immigrants, describing them in disparaging terms and treating their behavior as strange, suspect and un-American. A *New York Times* article published shortly after Cantor originally introduced the bill in February 1887 was a case in point. "The agitation of by the better class of Hebrews to secure a uniform marriage system and prevent divorces by rabbis is bearing fruit," it noted:

Yesterday a tall, swart Israelite who wore a summer overcoat went to Dr. John T. Nagle's [Registrar of Vital Statistics for the New York State Board of Health] office and said he 'wanted to be a reverend.' He produced a document signed by several persons in Hebrew before Aaron Levi, notary public, to the effect that they and others intended to organize at No. 9 Bayard-street, the Congregation Anshe Libowitz, with Abraham Judelson President. The gentleman who 'wanted to be a reverend,' said he was either plain David Feinberg or David Ben Rabbi Naphtali. It gradually

leaked out that he wanted a book of blank marriage certificates, but he was told that if he would bring a certificate of the incorporation of his congregation he could have one. Just after he went away Jacob Hammer, who keeps a cigar stand at the Bowery and Canal-street, and who is Rabbi of the Congregation Anshe Minsk, at No. 39 Ludlow-street, an incorporated institution, filed three certificates of marriage with Dr. Nagle.¹²⁶

Describing David Feinberg, the first man to come to the Board of Health offices, as being both sinisterly dark-skinned and buffoon-like in his inappropriate attire, the article details his behavior in a way that also makes him sound simultaneously sly and dull-witted. Feinberg brought a document to the Board of Health that was written in Hebrew, showing his foreignness and his simple-mindedness – who would bring a document in a foreign language to an office of the state? He offered two versions of his name, which, although one was his English name and one was his Jewish name, made him sound duplicitous, as if he had an alias. The example of David Feinberg seemed intended to show the necessity for the new law. Such men, the article intimated, had to be weeded out of the group of state-approved marriage officiants. However, the article then detailed the very different example of Jacob Hammer. Hammer, who had the ignominious job of keeping a cigar stand, was also apparently the rabbi of an “incorporated” institution who was able to legally file three marriage certificates with the Board of Health. This, no doubt, raised a question in the mind of the reader as to whether any law could really stop those who were not a part of the “better class of Hebrews” from sullyng the moral institution of American marriage.

¹²⁶ “Wanted to be a Reverend,” *New York Times*, February 9, 1887, 8.

The English language¹²⁷ Jewish press used similar rhetoric. Quoting the *New York Times* article in full, *Mi Yodea*, a column in the *American Israelite*, declared that it was “high time that the State should endeavor to put an end to these *Minyan*-reverends, so that East Broadway may not form a state within a state.” Sneeringly referring to the typical Eastern European marriage officiant as “The Reverend Tramp ben Trampowitz,” the article noted that if the new bill passed, “it would, by one stroke of the pen, put a sudden end to all reverend small fry....”¹²⁸ Americanized Jews from the Central European migration period passed up no opportunity to distance themselves from, and work to shut down the behavior of their immigrant co-religionists, even if it meant publicly insulting them, as well as seeking assistance from the state to do so.

Another interesting postscript to the 1887 law arose over two decades later as the United States government sought to deport anarchist Emma Goldman in 1919. During the deportation proceedings, Goldman claimed American citizenship as a defense, arguing that she held citizenship due to her brief marriage to a naturalized American citizen, Jacob Kersner. The Department of Justice report on Goldman’s deportation confirmed that Goldman married Kersner in the spring of 1887 in a ceremony performed by Rev. Kalmon Bardin, who was a *shochet* (Jewish ritual slaughterer) and noted that the couple obtained a “Jewish divorce” in either 1888 or 1889. In making its case for Goldman’s deportation, the Department of Justice argued that Rev. Bardin did not have the legal right to enter Goldman and Kersner into the state of marriage since he was a *shochet* without rabbinic ordination, and therefore had, as the *Washington Post* wrote, “no right to

¹²⁷ The only Yiddish language newspaper in America at this time was the *Jewish Daily Press* (*Yiddishes Tageblatt*), which was founded in 1885, but issues prior to 1888 are no longer extant.

¹²⁸ “Mi Yodea,” *American Israelite*, February 18, 1887, 8.

perform the marriage ceremony under the laws of New York.” Indeed, the Department noted that the marriage was not recorded anywhere, neither had a license been procured by the couple or the officiant beforehand. Goldman’s was exactly the type of marriage that the New York officiant statute was meant to prevent – an unsuitable “fly-by-night” rabbinic-like figure performing a wedding of unseemly and un-Americanized immigrant Jews without the imprimatur of an established American-style congregation. Ultimately, the validity of Goldman’s marriage to Kersner became irrelevant. The Department of Justice determined that Kersner had obtained his American citizenship by fraud. Thus, even had the marriage been legal, he could not confer citizenship on Goldman. Shortly thereafter, Goldman was deported.¹²⁹

New York was not the only state that changed its laws in response to the influx of Eastern European Jewish immigrants who had different ideas about marriage officiants than those held by “respectable” Americans. As noted above, Jews in the Commonwealth of Massachusetts sought statutory change in the mid-1890s because, although the state never prevented rabbis from serving as marriage officiants, the law had long provided that marriages could only be solemnized by ministers of the gospel or justices of the peace.¹³⁰ This however was not the only factor impacting the desire of Boston Jews to obtain statutory change. By the 1890s, the influx of Eastern European Jewish immigrants to Boston had caused both Jewish leaders and state officials to rethink state marriage law.

¹²⁹ United States Government Printing Office, *United States Congressional Serial Set* (Washington DC, 1919), 36-38; Carl W. Ackerman, “Emma Goldman Mentor of Czolgosz, McKinley’s Slayer, Declare US Investigators,” *Washington Post*, December 22, 1919, 1.

¹³⁰ *Statutes of Massachusetts, Revision of 1860*, Chapter CVI, Page 529: Of Marriage. For marriages performed by rabbis and recorded by the state, see, e.g., Marriage of Bernhard Somers and Bertha Strause, November 22, 1881, solemnized by Rabbi Solomon Schindler, Massachusetts Marriage Records, 1881, p. 1047, line 3382; Marriage of Louis Gold and Bessie Morgenstern, January 30, 1887, solemnized by Rabbi Raphael Lasker. Massachusetts Marriage Records, 1887, p. 987 line 99, www.ancestry.com.

In the *Boston Globe* interview of 1894, Rabbi Schindler suggested that the law be changed to state “Any authorized representative of a recognized religious body.”¹³¹ Such language echoed that which passed in New York, excluding solo “storefront” Jewish marriage officiants without “proper” congregations. Massachusetts added another issue to the mix of problems with Jewish marriage officiants. In 1895, Boston City Registrar William H. Whitmore noted in his annual report to the mayor that “[i]t appears in practice that many persons are called rabbis who cannot speak or write English. They do not understand our laws, and perform marriages without complying therewith. Even when instructed as to the need of a certificate, they cannot read it nor make the proper indorsement thereon.” He called for an amendment to the law that would require those who solemnize marriage to have fluency in English.¹³²

The following year, the Massachusetts legislature changed the law. The 1896 law specifically provided for rabbis as marriage officiants but in light of the critiques of Schindler and Whitmore, it also placed careful restrictions on which rabbis were fit for the task:

No person shall solemnize a marriage in this Commonwealth unless he is able to read and write the English language, and no rabbi of the Israelitish faith shall solemnize marriage until he has filed with the clerk or registrar of the town or city where he resides a certificate of the establishment of the synagogue of which he is the rabbi, and of the date of his appointment thereto, and of the term of his engagement.¹³³

¹³¹ “Awaiting an Answer,” *Boston Daily Globe*.

¹³² “New Marriage Laws: City Registrar Whitmore Recommends Changes to Conform to New Conditions” *Boston Daily Globe*, July 30, 1895, 10.

¹³³ “An Act Relative to Marriage,” Massachusetts Session Law 1896, 3, 880. Interestingly, the issue of fluency in English did not arise in the New York State debate over marriage laws.

By restricting rabbinic marriage officiants to those who could provide a certificate of establishment of the synagogue they served, along with the details of their engagement as rabbi, the statute weeded out immigrant rabbis of small storefront synagogues, or those who had rabbinic ordination but did not serve congregations in the role of clergy, rather using their ordination as a tool to make a living through performing weddings and providing divorces to fellow Jews. The combination of this restriction and the requirement of English literacy was sure to weed out those who would diminish the standing of American rabbis.

In addition to Rabbis Schindler and Lasker, another critical Jewish figure was behind the new law: legislator Isaac Rosnosky, an immigrant from Prussia who had spent most of his life in Boston, becoming a seven-term member of the Boston Common Council, and a five-term representative to the Massachusetts State Legislature.¹³⁴ The first Jew ever elected to the Massachusetts state legislature, Rosnosky was a well-respected member of the Democratic Party in Massachusetts, even serving as a delegate to the Democratic National Convention in 1880.¹³⁵ He was also an active member of the Boston Jewish community, particularly known for his work on behalf of the Reform Temple Ohabei Shalom, the oldest Jewish congregation in Massachusetts. Coverage of an 1899 gala honoring his twenty-five years of service to the Temple noted that it “was through his efforts that the Jewish marriage and divorce laws were enacted.”¹³⁶ No doubt,

¹³⁴ “Their Silver Wedding: Mr. and Mrs. Isaac Rosnosky Receive Friends,” *Boston Daily Globe*, November 8, 1894, 12.

¹³⁵ “Delegates to Cincinnati,” *New York Times*, June 9, 1880, 5.

¹³⁶ Cyrus Adler and Joseph Lebovich, “Rosnosky, Isaac,” *Jewish Encyclopedia* (New York: Funk & Wagnalls, 1906), <http://www.jewishencyclopedia.com/articles/12894-rosnosky-isaac>; “Biographical Sketches of Jewish Communal Workers in the United States: Isaac Rosnosky” *American Jewish Yearbook* 7 (1905-06): 99.

Rosnosky was aware of the murmurings about immigrant Jewish marriage practices. As an elected official, he quite literally had a “seat at the table” of public discourse in Massachusetts and would not have wanted immigrant Jews who failed to buy into American norms and values to jeopardize his place. Working together with Schindler and Lasker, Rosnosky drafted the legislation, which he then presented to the legislature for passage into law.¹³⁷

Three years after the passage of the new law, William Whitmore again weighed in about marriage law in Massachusetts. This time, he noted with satisfaction that the laws of Massachusetts were “sufficiently strict to prevent improper marriages.” Indeed, he continued, “All the abuses have been stopped, and it is getting to be very generally understood by the classes of foreigners who gave us so much trouble in the past that they must conform to the laws of this country and cannot follow the customs of their own.”¹³⁸ Rosnosky and the Massachusetts state legislature had effectively stopped the “un-American” practices of the immigrant Jews of Boston.

Conclusion

Postbellum Americanized rabbis understood that their acceptance as religious leaders in their new home meant making the case that Judaism harmonized with American civil religion. As a central institution in America’s civil religious identity, it is unsurprising that marriage became a key arena in which this battle was fought. Over a period of a few decades, postbellum rabbis successfully convinced legislators that statutes using exclusively Protestant definitions for suitable clergy marriage officiants were un-

¹³⁷ Solomon Schindler, “Should Rabbis Preach the New Testament Gospel? An Open Letter to My Friend and Successor, Charles Fleischer, Rabbi Temple Israel, Boston,” *Boston Advocate*, January 1, 1909, 1.

¹³⁸ “Mr. W. H. Whitmore,” *Boston Daily Globe*, June 25, 1899, 30.

American. At the same time, they positioned themselves as fitting solemnizers of American marriage by touting their commitment to American civil religious values and articulating the ways in which Jewish and American values were in concert with one another. When the behavior of their fellow Jews flew in the face of their carefully constructed American religious identities, these rabbis again turned to American legislators for assistance in enshrining their definition of rabbi in American law books, and they ensured that Americans knew that their first loyalty was to American civil religious values. While it is unknown whether their efforts succeeded in stopping “inappropriate” marriage officiants, Americanized rabbis made clear their opposition to the behavior, thus protecting their status in America. Ultimately, postbellum Americanized rabbis chose a narrower definition of who was an appropriate rabbi in order to obtain a broader definition of who was an appropriate American religious leader.

The legal realm was not the only one in which rabbis worked to show their adherence to American marriage norms. As rabbis advocated for their legal standing as representatives of the state as marriage officiants, they and their flocks also worked on another front to attain the American stamp of approval on the weddings at which they officiated. Over the course of the Central and Eastern European migration periods, both rabbis and individual Jews endeavored to reshape Jewish weddings into events that espoused both American values and American style.

Chapter 3
“As elegant as such an event could be”:
Jewish Weddings in America

American Jews were outraged in late June 1877. One of their own, the prominent New York banker Joseph Seligman, had been turned away from the Grand Union Hotel in Saratoga Springs on June 19th simply for being a Jew. Seligman, who had summered with his family at the Grand Union for the previous ten years, arrived as usual at the hotel with his family that day, but this year he was greeted with some unpleasant news. When he went to make the arrangements for his rooms, he was told that Judge Henry Hilton, the manager of the hotel, would no longer permit Jews to lodge there. Newspapers from around the nation, both secular and Jewish, covered the attention-grabbing story with front-page news stories, editorials, and opinion pieces. The *New York Times*, which itself published numerous articles on the scandal, carried a special dispatch from Chicago on June 21st, reporting that the “Israelites” of that city were “considerably excited” about Hilton’s exclusion of Jews from the Grand Union, pronouncing it an “unprecedented and entirely unwarranted outrage upon their race.” Noting that some Jews wanted to boycott Hilton’s businesses, the article pointedly stated that Chicago hotelkeepers “do not endorse the act of the Saratoga house, and say their hospitalities are extended to Jew and Gentile alike, so long as they pay their bills and behave like gentlemen.” Despite the outrage and opposition expressed by Chicagoan Jews to Hilton’s discrimination against Seligman, the piece ended on a more plaintive note:

At a fashionable Jewish wedding here last night, and which was as elegant as such an event could be if given by Christian society, and where the very extreme of wealth and culture was displayed, a leading gentleman was

heard to remark, “I wonder what Judge Hilton would think of us Jews if he could see this assemblage.”¹

Perhaps if Judge Hilton could have seen this tasteful and elegant Jewish wedding, this Chicago gentleman insinuated, he might not have restricted access to his hotel to gentiles. Evidently, a fashionable wedding was more than a display of wealth and good taste; it had the ability to make a statement about respectability and acceptability in American society.

The wedding in question, the celebration of the nuptials of Emma Einstein of Chicago and Sigmund S. Beir of Rochester, was fashionable indeed. As the *Chicago Daily Tribune* fawned in a lengthy page-two story the morning after the event, “The bride is well known in Chicago, both in aristocratic Jewish and American society, and there was scarcely any end to invitations and presents.” The ceremony, which took place at Sinai Temple, with Reverend Dr. Kaufmann Kohler officiating “in the Reformed Jewish ritual,” featured elaborate flower arrangements and a lengthy processional to the melody of Mendelssohn’s “Wedding March” on the organ. The bride wore “a magnificent combination of brocade and plain white silk” trimmed with the orange blossoms that were de rigueur for stylish brides of the era. Following the ceremony, the reception in a nearby banquet hall was a “scene of bewildering splendor,” as the “fairest daughters on earth” and their “cavaliers” waltzed to the “sweetest music that ever emanated from Johnny Mand’s orchestra.” In between dance sets, telegrams and letters of regret were read and toasts were offered to the new couple. The guests, among them women dressed in “rich costumes” described in detail in the article, “tripped the light fantastic until near

¹ “The Feeling in Chicago: Judge Hilton’s Conduct Pronounced Unprecedented—What Was Said at a Jewish Wedding,” *New York Times*, June 22, 1877, 8.

the break of day.” The complete list of the gifts received by the Beirs was printed in the *Tribune*, occupying nearly a full column of text.²

As elegant and stylish as the Beir-Einstein wedding was, the comment of the “leading gentleman” from Chicago referred to in the *New York Times* article was nonetheless curious. Surely Judge Hilton was well aware that some American Jews, Joseph Seligman among them, possessed great material wealth and were capable of hosting sophisticated, tasteful, and fashionable events that would rival any that their gentile counterparts could put on. What was unique about the Beir wedding that might have swayed Hilton’s opinion of Jews? The answer lies in the importance that weddings had to Victorian Americans’ self-perception and worldview. With a flower-bedecked hall, a bride dressed all in white, multiple bridal attendants, a music-accompanied processional, a sumptuous banquet with dancing following the ceremony, and a dazzling array of gifts, the Beir wedding epitomized the ideal of the nineteenth century “white wedding.” Much more than simply a display of material wealth, the American white wedding was a ritualized performance of socially sanctioned gender, familial, and societal roles, stamping those who participated as respectable and fully American.³ As the white wedding became increasingly universal among middle- and upper-class Americans in the mid-nineteenth century, American Jews, immigrants during the Central European

² “Beir-Einstein: A Brilliant Society Event,” *Chicago Daily Tribune*, June 21, 1877, 2.

³ For more on the history and significance of the white wedding, see Vicki Howard, *Brides, Inc.: American Weddings and the Business of Tradition* (Philadelphia: University of Pennsylvania Press, 2006); Ann Montsarrat, *And the Bride Wore: The Story of the White Wedding* (London: Coronet Books, 1973); Barbara Penner, “‘A Vision of Love and Luxury’: The Commercialization of Nineteenth Century American Weddings,” *Winterthur Portfolio* 39, no. 1 (Spring 2004); Elizabeth H. Pleck, *Celebrating the Family: Ethnicity, Consumer Culture, and Family Rituals* (Cambridge, MA: Harvard University Press, 2000); Ellen K. Rothman, *Hands and Hearts: A History of Courtship in America* (Cambridge, MA: Harvard University Press, 1987), 78-80.

migration and their children, worried about their acceptance in American society, took note. In the ensuing decades, American middle- and upper-class Jews and their rabbis worked tirelessly to recreate and portray their Jewish weddings as in keeping with both the style and the implicit values of the white wedding. The coalescing of American society around the white wedding as the one acceptable style of weddings afforded Jews the opportunity to use their own adoption of that style as a way to publicly and proudly perform their American identity.

As had their co-religionists who immigrated in earlier decades, when massive waves of Eastern European immigrants began arriving in the early 1880s, they quickly adopted the material trappings of American-style white weddings. Couples rented out fancy catering halls, dressed in the latest styles of white wedding gowns and tuxedos, and sat for formal wedding portraits. However, Eastern European immigrants did not invest white weddings with the same ideological weight as did Jewish immigrants of earlier decades. Instead of treating white weddings as a set of rituals that defined one's Americanness, Eastern European immigrants saw them as an attractive and up-to-date style of wedding which could be blended with the Jewish rituals and traditions to which they remained committed. To be sure, Central European immigrants had also retained Jewish elements in their white weddings, but they were much more self-conscious about ensuring that those traditions and rituals did not offend American sensibilities. Likely the behavior of the Eastern European immigrants was due to a combination of factors. First, the style of the white wedding was spreading beyond America by the turn of the century, and Jews in Central and even Eastern Europe had begun to adopt the wearing of white wedding gowns as well as some other white wedding traditions. At the same time

America itself was becoming increasingly diverse, with millions of new immigrants streaming onto its shores bringing their own cultures and customs with them. As a result, the white wedding may have diminished in importance as a unifying symbol of Americanness. Additionally, the postbellum years brought a backlash in American society against the materialistic excesses of the white wedding, which also served to weaken the link between the white wedding and American identity.⁴ Despite their general poverty, Eastern European Jews embraced the charms of the materialistic white wedding, caring little about any backlash they suffered from gentile America because of it. As they decoupled their wedding behavior from what was deemed “respectable” by middle- and upper-class American society, they were less bound by the strict conventions of the white wedding. Less interested in cultural assimilation than Central European Jewish immigrants of earlier decades, Eastern European immigrants blended American white wedding traditions with Jewish wedding rituals and ceremonies to create weddings that were uniquely their own.

The Changing American Wedding in the Nineteenth Century

American weddings changed dramatically in the nineteenth century. In the early 1800s, American weddings were quiet affairs, typically held in the home of the bride with only a dozen or so family and friends present. Families did not engage in extensive advance preparation for such events, and verbal or handwritten invitations were typically issued no more than a week before. A simple ceremony performed by a justice of the peace or, increasingly, by a minister, was followed by refreshments typically consisting of cake, wine, and lemonade. Beginning as early as the 1820s, however, weddings began

⁴ For discussion about the postbellum backlash against the materialistic excesses of the white wedding, see Howard, 9-32.

to become more elaborate, particularly among the urban elite. Bridal attendants became the fashion even in small home weddings, guest lists became longer and receptions more sumptuous, and as the years progressed, more and more couples chose to marry in churches rather than at home.⁵ The event that caused the greatest change in American wedding culture, however, was the elaborate 1840 wedding of Britain's Queen Victoria to Prince Albert. Unlike previous royal brides, who married dressed in elaborate brocade and velvet and ermine robes, Queen Victoria was married in a plain white satin gown trimmed with handmade Honiton lace and adorned by orange blossoms. Her face was covered by a white lace veil. Escorted by twelve trainbearers, she walked down an aisle to the altar where she wed Prince Albert, her German cousin. The wedding was very extensively covered in the American press and quickly became the standard by which fashionable American brides measured their own weddings.⁶

While on its own, Queen Victoria's wedding had a powerful impact on wedding culture in America, its influence must also be understood in the context of demographic, economic, and technological developments in mid-nineteenth century America.

Urbanization was occurring at a rapid pace, with the national percentage of Americans living in urban areas nearly tripling between 1840 and 1880, rising from 10.8% to 28.2%. Over 50% of the population of the Northeast was urbanized by 1880, and perhaps most strikingly, the urban population of the Midwest rose from 3.9% to 24.2%, a growth of over 600%.⁷ As Americans increasingly lived in more urban settings, they were privy to –

⁵ Rothman, 78-80; Howard, 12.

⁶ Pleck, 207; Penner, 2. The irony of republican Americans copying imperial British style was apparently lost on such fashionable Americans.

⁷ U.S. Census Bureau, 2010 Census of Population and Housing, Population and Housing Unit Counts, CPH-2-1, United States Summary U.S. Government Printing Office, Washington, DC, 2012, 20-26.

and increasingly felt the need to keep up with – the ceremonies and celebrations of their neighbors and of those more wealthy and fashionable than they. City living also meant easier access to material goods, caterers who could organize banquets for large numbers of people, and large wedding halls. Urbanization led to increasing numbers of Americans working for wages, which led to a growth in disposable income, allowing an ever-increasing number of Americans to buy material goods that would have been unfathomable luxuries in earlier decades. As the railroad snaked its way across America, extending across the entire continent by 1869, dry goods such as fine fabrics, laces, and ribbons were available for purchase even in smaller and less accessible towns. A combination of industrialization in the garment industry and better transportation enabled access to factory-made white fabrics, previously out of reach for most Americans who in earlier decades had spun and woven their own coarse and simple fabrics at home. More advanced printing technologies and the growth of the railroad also assisted in the increased circulation of periodicals such as *Godey's Lady's Book*, which meant that women across the nation had access to pictures and descriptions of the latest styles in women's fashion. Lastly, the spread of photography led to an increase in wedding portraits in which white gowns stood out beautifully in monochromatic, sepia-toned pictures.⁸

The impact of Queen Victoria's wedding, combined with these powerful changes in American society, led to the spread throughout America of a style of wedding that became known as the white wedding. A white wedding came to encompass a number of

⁸ Summer Brennan, "A Natural History of the Wedding Dress," *JSTOR Daily*, September 27, 2017 <https://daily.jstor.org/a-natural-history-of-the-wedding-dress/>; Howard, 12-15; Rothman, 165-76.

stylistic elements. Firstly, and most importantly, it meant that the bride wore a white gown, veil, and shoes. While some wealthy American brides had worn white satin gowns before 1840, most brides wore dresses in more practical colors such as brown or black that could be repurposed as church dresses following the wedding. Queen Victoria's white gown captured the eye of American brides, and as the nineteenth century progressed, more and more brides copied her attire, choosing white satin gowns for their weddings over more serviceable garb. Rather than the small home weddings common in earlier decades, white weddings typically took place in a church, and featured bridal attendants, a flower-bedecked altar, and a reception following the ceremony with dancing and a wedding banquet, which included a white-frosted wedding cake. As time went on, other traditions became incorporated into the white wedding, such as the groom giving the bride a diamond engagement ring and a post-wedding trip called the honeymoon. The wedding of Queen Victoria's daughter Princess Victoria in 1858 added another innovation: the processional accompanied by music. Indeed, Princess Victoria's wedding set the standard for the musical selection played: she walked to the altar to the "Bridal Chorus" from Wagner's opera *Lohengrin* (a melody that later became commonly known as "Here Comes the Bride") and following the ceremony, recessed back down the aisle with her new husband to Mendelssohn's "Wedding March," a part of his 1842 composition to accompany a performance of Shakespeare's *A Midsummer Night's Dream*. While the white wedding first took hold amongst the wealthy and elite in American society, by the middle of the nineteenth century it was increasingly adopted by middle-class American couples.⁹

⁹ Pleck, 207-9.

The white wedding was more than just a set of customs and rituals for brides and grooms to follow; “it was a highly symbolic event that spoke worlds about those who participated in it.”¹⁰ Embedded within the white wedding were ideas about gender, respectability, and social status. On the simplest level, as historian Elizabeth Pleck points out, the white wedding celebrated the romantic love that was so valued in America, “that fairy tale of the prince charming and his young virgin beauty, who chose each other freely because of mutual attraction and then lived happily ever after.”¹¹ The location of the wedding ceremony in a house of worship proclaimed the sacredness of the institution of marriage. And, of course, a posh and elegant affair with an elaborately dressed bride was evidence of a family’s financial standing, an issue of growing importance in the materialistic mid-nineteenth century. Not just about conspicuous consumption, the ever-growing spending on weddings showed that Americans saw it as their “most valued ritual.”¹² Even the giving of expensive and showy gifts reflected the community’s clear support of the union between bride and groom. The white wedding naturally transmitted messages about appropriate male and female roles as well. The bride’s white attire came to signify not only her financial standing, but her virginal purity, with a veil shielding her from being sullied by the world. The centrality of the pious and virginal bride fit with the Victorian ideal of the woman’s vital role in building respectable society by being endowed with the ability to spread “refinement, decorum, and gentility.”¹³

¹⁰ Howard, 23.

¹¹ Pleck, 208.

¹² *Ibid.*

¹³ Karla Goldman, *Beyond the Synagogue Gallery: Finding a Place for Women in American Judaism* (Cambridge, MA: Harvard University Press, 2000), 107.

The white wedding also carried a significance beyond the symbolism of its individual symbols and rituals. As it spread throughout the United States, adopted by the wealthy and the middle class alike, the white wedding became a ritual that helped define a couple as American. Cultural theorist Lauren Berlant writes that “attachment to a collectively held thing marks, among other things, a fantastic transpersonal intimacy, rendering a seam at the place where the political exists as an intimate sphere to one side of politics.”¹⁴ While a wedding was a personal and intimate event for the couple involved and their friends and family, the coalescing of the American public around the white wedding ceremony made it a unifying ritual in American society. As ritual that became “collectively held” in America, the white wedding became a method of “social as well as political membership” in American society.¹⁵ As historian Nancy Cott argues, the monogamous love match has deep political significance in American history and culture, acting as a stand-in for democratic ideals of choice and liberty. American political theorists often spoke of the relationship between the government and the citizenry as that of a monogamous companionate marriage.¹⁶ What better way to show one’s affinity for America than performing one’s participation in such a marriage in a very public and ritualized fashion? Those couples who married at a white wedding received the stamp of approval of American society; in the hierarchy of wedding ceremonies, the white wedding was the highest tier.

¹⁴ Lauren Berlant, *The Female Complaint: The Unfinished Business of Sentimentality in American Culture* (Durham, NC: Duke University Press, 2008), 162.

¹⁵ Berlant, 152.

¹⁶ Cott, *Public Vows: A History of Marriage and the Nation* (Cambridge, MA: Harvard University Press, 2000), 2-3.

The white wedding became so accepted as the standard style of weddings in nineteenth century America that not only was it nearly universally practiced by last quarter of the century, but Americans rewrote history, inventing a tradition of white attire for brides, at least for middle- and upper-class society, and claiming it had always been the most proper and appropriate choice.¹⁷ More than just a fashion, white wedding gowns were presented as an timeless truth. Not only did women's magazines and etiquette manuals declare that brides had always worn white, they also built into their revisionist history the eternality of the Victorian values that they had inscribed on the fashion of the white wedding. As early as 1849, a mere nine years after Queen Victoria's storied wedding, *Godey's Lady's Book*, the authoritative women's fashion magazine of the era, declared that "[c]ustom has decided, from the earliest ages, that white is the most fitting hue [for brides], whatever may be the material. It is an emblem of the purity and innocence of girlhood, and the unsullied heart she now yields to the chosen one."¹⁸ And, the requirement of wearing white, according to *Godey's Lady's Book*, also extended to the bride's veil, flowers, stockings, and shoes. An 1877 etiquette manual instructed "Although the fashions in make and material of the bride's dress are continually varying, yet there are certain unchangeable rules in regard to it. Thus, a bride in full bridal costume should be dressed entirely in white from head to foot."¹⁹ A bride clothed entirely in white had become an "unchangeable rule."

¹⁷ Eric Hobsbawm, "Inventing Tradition," in *The Invention of Tradition*, eds. Eric Hobsbawm and Terence Ranger (United Kingdom: Cambridge University Press, 1983), 1-14.

¹⁸ "Etiquette of Trousseau," *Godey's Lady's Book*, August 1849, 156.

¹⁹ *Decorum: A Practical Treatise on Etiquette and Dress of the Best American Society* (Chicago: J. A. Ruth, 1877), 267.

American revisionist history with respect to the white wedding did not only extend to sartorial choice and gender roles. It also entered the political realm with the recasting of the wedding of George and Martha Washington as a white wedding. In 1848, artist Junius Brutus Stearns (1810-1885) began painting a series of portraits of George Washington at four moments in his life. The paintings, entitled “The Marriage,” “The Farmer,” “The Soldier,” and “The Death” fit into a larger mid-nineteenth century trend of using art to depict moments in history. Americans of the time often wrote of the effectiveness of using art to convey moments of history more richly than historical writings could. Indeed, some even referred to painters of historical scenes as “historians.” As Reverend Henry Bacon wrote in a well-read mid-nineteenth century journal,

Gleason’s Pictorial Drawing-Room Companion:

The same circle of friends who could endure history read but a brief while, can be held together for hours by the conversations which arise from pictures of the same facts and scenes ... And how the craving for pictures abounds is evident from the fact that those historians will be preferred who are the most successful in making word-pictures.²⁰

In keeping with the idea that such paintings were actually visual depictions of history, there was an expectation that they would be historically accurate.²¹ Works of art depicting scenes from American history were particularly popular in the 1840s and 1850s, as Americans “had developed a sense of history sufficient to claim: ‘...we now have a glorious past, and it is time for us to value and venerate it.’”²² Thus, Stearns’ paintings of George Washington were meant to both depict historical moments in George

²⁰ As quoted in Mark Thistlewaite, *The Image of George Washington: Studies in Mid-Nineteenth Century American History Painting* (New York: Garland Publishing, 1979), 19.

²¹ Thistlewaite, 19-20.

²² Thistlewaite, 20.

Washington's life with historical accuracy and also to transmit messages to their viewers about America's glorious history.

"The Marriage," completed in 1849, generated quite a bit of attention in the press.²³ An article that was reprinted in a number of newspapers in 1848 and 1849 told of "distinguished artist" Stearns who said he was using "original pictures" of George and Martha Washington to paint a portrait of their wedding. The painting was to depict the bride, the then-Martha Custis, in the supposed outfit in which she was wed, "a suit of white satin, rich point lace ruffles, pearl ornaments in her hair, pearl necklace, ear rings and bracelets, white satin high-heeled shoes with diamond buckles ... attended by a group of ladies in the gorgeous costumes of that ancient period."²⁴ In fact, however, Stearns's depiction of the Washington wedding was not historically accurate. Martha Washington's actual wedding attire was a yellow silk damask gown and purple sequin-covered shoes, and she likely did not have lady attendants, as that practice did not become fashionable until the nineteenth century.²⁵ In this revision of history, George Washington, the founding father of America, had a white wedding, at least to the extent that his bride wore its prescribed garb. While in later decades, after the white wedding was nearly universally celebrated in America and etiquette manuals had convinced Americans that brides had always worn white wedding gowns, Americans might have assumed Martha Washington wore a white wedding gown, in 1848 when Stearns set out

²³ An image of the painting can be seen on the website of the Library of Congress at <https://www.loc.gov/resource/pga.02417/>

²⁴ "Washington's Marriage in 1759," *Alexandria Gazette*, September 30, 1848, 2. Reprinted in the *Hartford Daily Courant*, October 7, 1848, 2, and the *Pittsburgh Morning Post*, May 18, 1849, 2.

²⁵ See website of Mt. Vernon, <https://www.mountvernon.org/george-washington/martha-washington/martha-washingtons-style/>

to paint the wedding, this was not the case. Queen Victoria's wedding had only taken place eight years earlier, and the fashion of the white wedding was far from universal in American society.

Stearns' painting contained implicit messages about the intrinsic Americanness of the white wedding. In an era in which paintings depicting scenes from American history were meant to be both historically accurate and also a way to reflect on the glory of the nation, the painting conveyed the message that the white wedding had always been the highest standard of Americanness. If the "Father of Our Country" married in a white wedding, surely it was un-American not to do likewise. Stearns' painting continued to convey this message in the ensuing years. When the lithograph of the painting was issued in 1853, it was entitled "The Life of George Washington: The Citizen," a title which mirrored the way Americans often overtly linked marriage and citizenship.²⁶ In this case, marriage as a symbolic stand-in for citizenship was particularly potent, since at the time of his marriage in 1759, which was well before America declared its independence from Britain, Washington's only claim to American citizenship may have been his supposed white wedding. And perhaps most interestingly, despite the fact that Stearns completed the painting in 1849, and the lithograph was issued in 1853, the 1848 news story stating that Stearns would be painting this painting reappeared word-for-word in at least two newspapers in 1876 and 1877 amid news of the celebration of America's Centennial.²⁷ The painting had become inextricably linked with American identity, and its contents influenced what it meant to be an American citizen.

²⁶ Cott, 133-4.

²⁷ "Washington's Marriage in 1759," *Wilmington Journal* (Wilmington, NC), February 25, 1876, 2; "Washington's Marriage in 1759," *Weekly Kansas Chief* (Troy, KS), February 22, 1877, 1.

In the mid-nineteenth century, as the American middle and upper classes increasingly turned to the white wedding as a central ceremony defining what it meant to be a citizen of the nation, Jews realized that they had to follow suit. They, too, adopted the material elements of the white wedding to match their gentile neighbors. But they did not stop there, simultaneously adapted the Jewish wedding ceremony to match more precisely the Victorian values emulated by the white wedding. Over the course of the nineteenth century, American Jews turned to using their weddings to perform their American identity for all to see.

Nineteenth Century European Jewish Weddings

While ultimately the white wedding spread throughout much of the world, by the mid-nineteenth century, it had only spread to England and the United States. Those countries from which Jews emigrated to America during this period had not yet adopted the white wedding. Additionally, particularly in the first half of the nineteenth century, the vast majority of Central and Eastern European Jews had not yet integrated into the surrounding societies, so even if the external societies in which Jews lived had adopted white wedding culture, it is unlikely that the Jews would have done so. Early and mid-nineteenth century Jewish weddings largely followed Jewish traditional practice in Central Europe, and in Eastern Europe, Jewish weddings remained traditional throughout the nineteenth and even into the twentieth centuries. Weddings typically took place outdoors, beneath the *chuppah*, or wedding canopy, which was often made from a *talit*, or Jewish prayer shawl.²⁸ The atmosphere was joyous and often boisterous, with men

²⁸ Jewish weddings did not always take place outside. Indeed, there is evidence that Jewish weddings in medieval Germany took place inside the synagogue, although by the sixteenth century they were held in the synagogue courtyard. See Joseph Gutmann, "Jewish Medieval Marriage Customs in Art: Creativity and

playing musical instruments, *badkhenim*, wedding jesters, singing funny songs and rhymes, and much singing and dancing on the part of guests.²⁹ Brides wore gowns of many different styles and colors, sometimes influenced by the dress culture of the area.³⁰

The Jewish wedding ceremony did undergo modernization in Central Europe during the nineteenth century. Under Napoleonic rule in the early years of the nineteenth century, the Jewish Consistory of the Kingdom of Westphalia put systems into place to modernize, reform, and organize Jewish communal life. One of the areas it sought to govern was wedding ceremonies, with the goal of ensuring that they be “serious and sober occasions, wholly respectable to every eye.”³¹ The consistory established a model marriage contract that could be adapted for use by individual families. It set guidelines for wedding ceremonies which stipulated that they should take place under the *chuppah*,

Adaptation” in *The Jewish Family: Metaphor and Memory*, ed. David Kraemer (New York: Oxford University Press, 1989), 48, 50.

²⁹ Ruth Rubin, *Voices of a People: Yiddish Folk Song* (New York: Thomas Yoseloff, 1963), 99-105.

³⁰ See, for example, Pauline Wengeroff’s descriptions of her sister’s and her wedding gowns. Wengeroff notes that her sister, Eva, wore a “pale violet silk dress, trimmed with dazzling, white lace” with “a myrtle bridal garland and long veil” to her wedding in 1848. Wengeroff notes that “the dress was remarkably modern.” Pauline Wengeroff, *Memoirs of a Grandmother: Scenes from the Cultural History of the Jews of Russia in the Nineteenth Century, Volume One*, trans. Shulamit S. Magnes (Stanford, CA: Stanford University Press, 2010), 211. Wengeroff herself wore a “heavy, gray silk dress” and a “myrtle wreath with a long white veil” to her wedding, which took place in 1850. Pauline Wengeroff, *Memoirs of a Grandmother: Scenes from the Cultural History of the Jews of Russia in the Nineteenth Century, Volume Two*, trans. Shulamit S. Magnes (Stanford, CA: Stanford University Press, 2014), 69. See also the painting, “Jewish Wedding,” by Wincenty Smokowski (1858), depicting a bride in Pale of Settlement (Russian Empire) being led to the *chuppah* in a blue dress https://commons.wikimedia.org/wiki/File:Smokowski_Jewish_wedding.jpg; Painting: “Jewish Wedding,” by Alexei Ivanovich Trankowsky, c.1875 depicting a bride in the Pale of Settlement being led to chuppah in yellow gown http://magnesalm.org/notebook_fext.asp?site=magnes&book=3396; 1890 Jewish wedding gown from Sarajevo, plum colored velvet with gold embroidery, Wedding Dress, 1890. 1975.053 CJH_ALEPH005521348 cjh_digitool511310, Yeshiva University Museum Collection, Center for Jewish History, New York; Mark Chagall, “Russian Wedding,” (1909) in which bride is wearing what appears to be a standard “white wedding” gown, <https://www.wikiart.org/en/marc-chagall/russian-wedding-1909>; Photograph: “Bride being led to the hupah during a wedding, Sorooca, Romania (c. 1920),” rg832_3, cjh_digitool308002, YIVO, Center for Jewish History, New York.

³¹ Michael A. Meyer, *Response to Modernity: A History of the Reform Movement in Judaism* (Detroit: Wayne State University Press, 1988), 35.

but indoors in a “chandelier-lit synagogue immediately in front of the holy ark,” and never outdoors where the serious and solemn nature of the ceremony could be “spoiled by boisterous, undignified behavior.” The rabbi was instructed to offer a short talk in German to open the ceremony. While they could recite the traditional *sheva brachot* (seven blessings), rabbis were told to dispense with the reading of the *ketubah*, the marriage contract, and replace it with the reading of a brief wedding certificate in German. The groom, it was noted, should not be permitted to break a glass, neither should any other such undignified customs be allowed to take place.

While Napoleon’s rule over Westphalia did not last, many of the reforms instituted by the Consistory, particularly the conducting of weddings indoors and the banning of the breaking of the glass, gained widespread acceptance among reform-minded Jewish leaders in the German states.³² As Jewish religious reform spread in German lands in the 1830s and 40s, Jewish communities adopted regulations, often backed by government power, that codified changes in decorum and aesthetics called *Synagogenordnungen*. Such *Synagogenordnungen* frequently contained prohibitions against the “undignified” practice of breaking a glass at weddings.³³ While conservative Prussia, wanting Jews to appear alien, did not permit changes to the Jewish marriage ceremony, reformers’ efforts to eradicate the breaking of the glass did spread widely, even making it to Lemberg in Galicia, which was originally the southern part of Poland, but by this point was in the Austrian empire.³⁴ And, even Neo-Orthodox rabbinic leader

³² Meyer, 156.

³³ Steven Lowenstein, “The 1840s and the Creation of the German-Jewish Religious Reform Movement,” in *Revolution and Evolution: 1848 in German-Jewish History*, Werner Mosse, Arnold Paucker, and Reinhard Rürup, eds., 261-2.

³⁴ Meyer, 109, 156.

Samson Raphael Hirsch (1808-1888) was known to perform wedding ceremonies inside the synagogue rather than outdoors in the courtyard as was traditional.³⁵ As Reform Judaism spread through Central Europe in the mid-nineteenth century, attention to the modernization of the Jewish wedding ceremony grew. The Reform rabbinic synod that met in Augsburg in 1871 passed a resolution supporting a double-ring ceremony, a practice that was already widespread in Germany, and urged that brides be allowed to recite wedding vows alongside their grooms. Many Reform rabbis had already dispensed with the reading of the *ketubah* under the *chuppah*.³⁶

While these modernizations brought some Central European Jewish weddings more in line with the formality and dignity of the white wedding, the stylistic elements of the white wedding do not appear to have been adopted until decades later, likely because Central European gentile brides had not yet begun to wear white wedding gowns. The renowned European Jewish painter, Moritz Oppenheim's 1861 painting "*Die Trauung*" ("The Wedding") depicts a mid-nineteenth century wedding ceremony. The bride and groom stand together in a synagogue outdoor courtyard, draped in a *talis*, and surrounded by throngs of onlookers and guests. A *badkhen* stands on the steps leading down to the courtyard. A rabbi stands before the couple, dressed formally in long black robes which resemble those worn by Protestant pastors, but also wearing a long *talis* and holding a prayer book from which he is reciting the ceremony.³⁷ Most of the people in the painting wear stylish mid-nineteenth century garb; the groom wears a top hat and frock coat and

³⁵ Meyer, 78; Mordechai Breuer, *Modernity Within Tradition: The Social History of Orthodox Jewry in Imperial Germany* (New York: Columbia University Press, 1992), 32.

³⁶ Meyer, 190.

³⁷ Even Orthodox rabbis in Germany wore clerical robes by the mid-nineteenth century. Breuer, 32.

the bride wears a gown with a deep blue velvet bodice and light blue and white lacy skirts. “*Die Trauung*” shows Jewish adherence to traditional Jewish wedding customs, such as marrying outside and beneath a canopy, but also shows modernization, particularly in terms of the adoption of modern dress. The painting does not, however, portray any of the symbols of a white wedding. The bride, while dressed formally, is not all in white. There are no bridal attendants and no flowers are to be seen. Far from sitting respectably in the pews of a house of worship, guests mill about outdoors in disorderly fashion around the bride and groom. While by the early twentieth century, photographs of Jewish weddings in Germany reflect the adoption of white wedding gowns for brides, the custom did not spread to Germany for decades after it had taken hold in America.³⁸

Jewish weddings in Eastern Europe underwent less modernization in the nineteenth century than they did in Central Europe. While different communities had different traditions and customs and no centralized rabbinic synods existed that would attempt to standardize the wedding ceremony, weddings tended to include common rituals that had existed among Eastern European Jews for centuries.³⁹ Weddings often began with the groom and the bride each being serenaded by a *badkhen* in their respective homes. Sometimes the bride’s hair would be cut or shaved off that morning by her friends to prepare her for the marriage wig, although often this ritual took place the day after the wedding.⁴⁰ Following this ceremony, the groom would often receive gifts in

³⁸ Marion Kaplan, *The Making of the Jewish Middle Class: Women, Family, and Identity in Imperial Germany* (New York: Oxford University Press, 1991), 112; Wedding of Hans and Felicia Lachmann-Mosse (October 1909) Mosse Family Collection AR 25184 F 9728, LBI (bride wearing a white wedding gown and veil).

³⁹ ChaeRan Y. Freeze, *Jewish Marriage and Divorce in Imperial Russia* (Hanover, NH: Brandeis University Press, 2002), 44.

⁴⁰ Wengeroff, Vol I, 49-50, 217.

his home from the bride and her family, and then the veiling ceremony (*badeken*), in which the groom would cover the bride's head with a white cloth, would take place at the bride's home.⁴¹ The wedding took place beneath a *chuppah*, typically in the open air beside the synagogue, and included blessings of betrothal, the groom's placing of a ring on the forefinger of the bride's right hand while reciting the traditional marriage formula, the reading of the *ketubah*, and then the seven blessings. The ceremony concluded with the groom breaking a glass beneath his foot, symbolizing both the destruction of the Temple in Jerusalem and also "the fragility of marriage." Following the ceremony, there would be a festive meal at which guests would participate in traditional dancing and singing, often with more entertainment by the *badkhen*.⁴² The festive meal might also include a public presentation of gifts and a Talmudic discourse by the groom.⁴³ Other than registering the marriage with the authorities, which itself was often omitted, the secular state went utterly unmentioned or recognized in traditional Jewish weddings in Eastern Europe; weddings were an internal Jewish affair.⁴⁴

Jewish Weddings in America

Given that white weddings were not widespread among middle- and working-class Americans until the 1860s and 70s, and that most Jewish immigrants were not people of means, Jewish weddings probably resembled the small and low-key weddings of most gentile Americans of the time. The fact that early and mid-nineteenth century

⁴¹ Claire Le Foll and Rosemary Rodwell, "Moïsei Berlin, Ethnographer of Jewish Wedding Customs in Russia," *Clio* (English Edition) 44 (2016): 243.

⁴² Wengeroff, Vol. I, 214. For examples of traditional rhymes and lyrics sung by *badkhenim*, see Ruth Rubin, *Voices of a People: Yiddish Folk Song* (New York: Thomas Yoseloff, 1963), 120-4.

⁴³ Wengeroff, Vol. I, 216.

⁴⁴ Freeze, 46-50.

Jewish immigrants to America rarely discuss their weddings in their memoirs indicates that those weddings were likely simple home affairs. Some mid-nineteenth century American Jews did discuss their weddings, but generally in a cursory fashion, giving little detail. In his memoir, August Picard⁴⁵ described his September 25th, 1844 wedding simply by noting that it took place in a private home, “in New York at No. 202 William Street, by the Reverend Mr. Hescht.” The only other information he gave were the names of the witnesses.⁴⁶ Max White, who married in 1851, mentioned almost nothing about the wedding, only noting that it took place in his bride’s father’s house and that it “passed off nicely and smoothly.”⁴⁷

Sometimes, memoirs of mid-nineteenth century Jewish immigrants gave more information about their weddings. Such descriptions often depict weddings in a transitional time between simple home affairs and the more elaborate white weddings that became common in later years. Louis Stix, who married on March 11, 1851, a day that was “clear and bright, as beautiful a one as we could desire,” in a Masonic Hall in Cincinnati, described his wedding as a bit of a haphazard affair. It was a double wedding (that is, two couples got married at the same time), a common choice among immigrants or other people of limited means. Stix and the other groom, Jacob Krouse, each paid “in proportion to the number of his invitations.” Stix, a store owner, invited his workers and even, on the spur of the moment, some customers at his store, resulting in a large crowd of 250 guests at the ceremony, who then assumed they were invited “to the table” as well.

⁴⁵ See pp. 62-63, 66.

⁴⁶ “August Picard: Militant Artisan,” *Memoirs of American Jews, 1775-1865, Vol. 1*, 380.

⁴⁷ Max White, *Grandpa White’s Diary: A Jewish Immigrant in 19th Century America*, ed. Henry M. Seiden (North Charleston, SC: CreateSpace, 2013), 87.

Stix appears to have gotten in a spat with the landlord of the hall, who refused to serve the fruit Stix had requested, so Stix retaliated by not “ordering a drop to drink,” resulting in “the first temperance wedding among our friends.” While the crowd at Stix’s was certainly a large one, reflecting the growing fashion for inviting many guests to one’s nuptials, the lack of formality, minimal refreshments, and last-minute invitations indicate a rather humble affair.⁴⁸

Perhaps because she was a woman and thus more keenly aware of the societal expectations of brides, Rebecca Cohen Mayer, who married on June 20, 1852, offered significantly more information about her wedding, including details about her bridal attire, which was “a light shade of grey silk, nearly white” with a veil of “very fine net” and an orange blossom wreath.⁴⁹ Her Aunt Fannie played the “Wedding March” on the harp as “all heads ... turned towards the stairs” to watch Rebecca descend on the arm of her step-father and accompanied by three bridal attendants to meet her fiancé and his best man under the “flower-bedecked canopy.” Following the ceremony, guests gathered in the dining room where “long tables laden with the wedding feast are revealed to view.” Dinner was accompanied by more harp music as well as singing by Rebecca’s Aunt Fannie. Wedding presents came from “all over the country” and even from Germany. Three days later, Rebecca and her new husband Henry left on their wedding trip across the Santa Fe trail to Mexico.⁵⁰ Rebecca’s wedding carried many more of the hallmarks of the emerging white wedding, including the dress she sought to describe as being close to

⁴⁸ “Louis Stix: Honesty is the Best Policy” in *Memoirs of American Jews, 1775-1865, Vol. 1*, ed. Jacob Rader Marcus (Philadelphia: Jewish Publication Society, 1955), 334.

⁴⁹ Rebecca Cohen Mayer, *With a Doll in One Pocket and a Pistol in the Other: Rebecca Cohen Mayer, 1837-1930, A Memoir*, ed. Kay Goldman (Self-Published 2010), 18.

⁵⁰ *Ibid.*, 19.

white in color, the veil and orange blossom wreath, the processional to the melody of the “Wedding March,” the flowers, the extensive reception, and the wedding trip. There is no question that the symbols and rituals of the white wedding had begun to spread into Jewish immigrant society. At the same time, Rebecca’s wedding was not as elaborate and fashionable as weddings would soon become by the late 1850s. Both ceremony and reception took place in her home with a limited guest list.

Of course, nineteenth-century American Jews did not universally adopt the white wedding, and the process of adopting it was not linear. As was the case among all Americans, much depended on where a couple married. Couples in larger urban centers adopted the white wedding far earlier than those on the frontier. August Bondi, who married Henrietta Einstein on June 28, 1860 in the frontier town of Leavenworth, Kansas, was married by an officiant named Squire Peter McFarland, no doubt not a Jew. Following the ceremony, Bondi related that they sat down to what appeared to have been a casual meal at which “Squire McFarland discussed politics with me. I gave it as my opinion that Lincoln’s election would cause a war of secession. He opposed me.”⁵¹ August and Henrietta Bondi, living in the West and relieved to have found each other in an area with few potential Jewish spouses, were satisfied with what seems to have been a very simple wedding without even a Jewish ceremony.

The most common – and most detailed – accounts of nineteenth century American Jewish weddings come not from Jews themselves however, but from gentiles, who seem to have harbored a good deal of curiosity about Jewish weddings. Indeed, this curiosity dated from the earliest years of the Republic. In 1787, Benjamin Rush, a prominent

⁵¹ “August Bondi: Kansas Free-soiler” in *Memoirs of American Jews, 1775-1865, Vol. 2*, 171.

physician and signatory to the Declaration of Independence, described a Jewish wedding he had attended in a letter to his wife. He wrote that he had been invited to attend the wedding of the daughter of one of his patients, and “accepted the invitation with great pleasure, for you know I love to be in the way of adding to my stock of ideas upon all subjects.”⁵² He went on to describe the entire wedding ceremony in great detail, including the meaning behind certain symbols, such as the *chuppah* and the glasses of wine. Later, in the 1840s and 1850s in New York, likely due to their curiosity, uninvited gentiles often attended weddings at Shearith Israel, a Sephardic synagogue which had been the first Jewish congregation founded in America.⁵³ Louis Stix noted in his memoir that despite the difficulties with the manager of the hall at his 1851 wedding in Cincinnati, “many of my lady customers who marched to the hall were more than pleased to see the ceremony of a Jewish wedding, and thanked me cordially, as it was all new to them.”⁵⁴

Such curiosity is perhaps unsurprising. Jews represented both a tiny percentage of the American population, and simultaneously a rapidly growing community. Gentile Americans thus saw them as rare curiosities to be gazed upon to see their quaint and interesting customs, and at the same time perhaps subconsciously feared their spread in American society. Such views of Semitic peoples were common in the nineteenth century Western world. As Edward Said argues in his influential work *Orientalism*, Semites, a category which at the very least included Jews, and in Europe was essentially

⁵² “A Philadelphia Wedding, 1787: Letter of Benjamin Rush to his Wife,” *Publications of the American Jewish Historical Society* 42, no. 2 (December 1952): 189-92.

⁵³ Hyman Grinstein, *The Rise of the Jewish Community of New York, 1654-1860* (Philadelphia: Jewish Publication Society, 1945), 180-1.

⁵⁴ “Louis Stix: Honesty is the Best Policy,” 334.

synonymous with Jews, were seen by the West as “cases of arrested development.”⁵⁵

While European Christians perceived themselves as civilized and moral, the epitome of modern enlightened people, they viewed Semites as exotic and savage, stuck in a past from which they could not modernize.⁵⁶ For many complicated reasons, Christian Americans had a more nuanced relationship with Jews, generally welcoming them more readily into American society than their European brethren. Most centrally, in America, a nation simultaneously founded on freedom of religion and on enslavement of Blacks, the worst levels of societal exclusion were on the basis of race and not religion. Thus, in America, the Orientalist gaze was aimed more at Jewish rituals and customs than at Jews as people. As Jews began to settle in America in increasing numbers in the mid-nineteenth century, the wedding celebration, as a defining ritual of both Jewishness and Americanness, became a target for Orientalist critique.

Coverage of Jewish weddings in the American gentile press was usually not overtly insulting; indeed, the ceremonies were often described as “impressive” or “solemn.” Nonetheless, it was clear that such weddings were foreign and Oriental to the eyes of gentile Americans and thus painted as “peculiar” and subconsciously inferior to Christian weddings. Given the tiny Jewish population in antebellum America, perhaps it

⁵⁵ Edward Said, *Orientalism* (New York: Random House, 1979), 234. For more on Jews and Orientalism, see Ivan Davidson Kalmar and Derek Penslar, eds., *Orientalism and the Jews* (Hanover, NH: Brandeis University Press, 2004). Studies of how Orientalism impacted Jews and Judaism have thus far focused on European and Israeli Jewry. To my knowledge, there is no study of Orientalism and Jews in the American context.

⁵⁶ Said, 234; Reina Lewis, “‘Only Women Should Go to Turkey’: Henriette Browne and Women’s Orientalism,” *Third Text* 7, no. 22 (1993): 54.

is unsurprising that one of the first times a Jewish wedding was mentioned in the American press was an 1840 reprint of an article from England, describing in rich detail a Jewish wedding that had taken place in Whitchurch, a market town in the county of Shropshire. The article, which was reprinted in the *Baltimore Sun* and the *Hartford Daily Courant*, described the wedding, apparently only the second “Israelitish wedding” to take place in Whitchurch, in minute detail. The first paragraph of the article made the case for its voyeuristic reporting:

Every lover of scriptural antiquities must venerate the ancient customs of the patriarchs of old. These customs have been preserved by the Jews to this day, as confirmed by the lawgiver Moses. Through all the vicissitudes and persecutions of their nation, it is almost miraculous that they should so carefully have adhered to the customs of their fathers without the slightest deviation, yet such is the fact. None amongst nations have been so strictly zealous as the Jews of their ancient ceremonies, to remain in fact “a peculiar people.” The marriage of the Jews in itself has so much scriptural interest from the circumstances of its being performed precisely as it was some 3000 or more years since, that a correspondent who was an eye witness on Sunday has favored us with this account of it.⁵⁷

In this Orientalist justification, the Jewish wedding, arrested in ancient times, was a curiosity to be examined and commented upon by gentiles. Due to the “peculiar” Jewish people’s “zealous” attachment to their “ancient ceremonies,” and the Jewish wedding ceremony being “performed precisely as it was some 3000 or more years since,” the newspaper thought it important to give an account.

Three years later, in November 1843, there was a flurry of interest in another Jewish wedding in the secular press. This time, the wedding, that of Theodore J. Seixas

⁵⁷ “Jewish Marriage at Whitchurch,” *Baltimore Sun*, June 11, 1840, 1; “Jewish Marriage at Whitchurch,” *Hartford Daily Courant*, June 23, 1840, 2.

and Richea Ann Judah, had taken place on American shores -- in New York City.⁵⁸ The groom was the son of the storied *chazan* of Congregation Shearith Israel, Gershom Mendes Seixas (1745-1816). The American-born Gershom Seixas, who had served Shearith Israel as clergy for fifty years, was an influential and highly respected leader in the colonies and the early Republic. A patriot during the colonial period, he was one of fourteen members of the clergy who participated in George Washington's inauguration as the first president of the United States and also served as a trustee of Columbia College for close to thirty years. The marriage of his son Theodore was therefore no doubt a noteworthy event in elite American social circles. The Seixas-Judah nuptials was covered by a number of newspapers in America, including the *Baltimore Sun* and the *New York Daily Tribune*. Despite Seixas' social standing though, the coverage once again focused solely and with great precision on the ceremony performed, including a blow-by-blow depiction of the raising of the *chuppah*, the chanting of blessings over a cup of wine, and the breaking of a glass at the conclusion of the ceremony.⁵⁹ Once again, the curiosity of local gentiles about an "exotic" ceremony led them to come and gawk at the interesting rituals. The *Tribune* noted that "the ceremonies were most impressive to the large congregation of Gentiles whose curiosity had drawn them to the sacred edifice, which is rarely opened to any but the Faithful on such occasions."⁶⁰ Although newsworthy due to the social standing of the couple, the Seixas-Judah wedding was not depicted as a society wedding, but rather as a curiosity. As was commonplace with descriptions of Jewish

⁵⁸ See Grinstein, 180-1.

⁵⁹ "A Hebrew Wedding," *Baltimore Sun*, November 4, 1843, 1.

⁶⁰ "A Hebrew Wedding," *New York Daily Tribune*, November 2, 1843, 2; "A Hebrew Wedding," *Alexandria Gazette*, November 6, 1843, 2; "A Hebrew Wedding," *Edgefield Advertiser* (Edgefield, SC), December 13, 1843, 1.

weddings at the time, descriptions of the Seixas-Judah wedding were not overtly insulting or negative. However, articles made clear that what was newsworthy about the affair was not the social standing of the couple, but rather the interesting and unusual rituals at the wedding.

In order to contextualize descriptions of American Jewish weddings in the 1840s and 50s, it is important to note that it was during this period that newspapers began reporting fashionable gentile American high society weddings. At first, accounts portrayed weddings that were more opulent than those of previous decades but were not yet at the level of the “white wedding” that would develop by the 1850s. And, the accounts themselves lacked the rich attention to the details that defined a “white wedding,” details that became commonplace in later wedding coverage. As the years passed, however, coverage became more frequent and focused on the detail of the white wedding and its materialistic displays of wealth. Articles recounted the fashionable white wedding attire of the bride and often of her attendants and her mother, the impressiveness of the guest list, the opulence of the venue and décor, the sumptuousness of the banquet, the worth and volume of gifts, and often the destination for the wedding trip.⁶¹ By the mid-1850s, the press was describing weddings such as the planned “monster wedding party” of a wealthy Louisiana sugar planter and the daughter of a judge and diplomat. The marriage ceremony was to be held at St. Nicholas’ church, and the *Baltimore Sun* reported in awed tones that “we understand that two thousand invitations have already

⁶¹ “Situation of the Town—Its Beauty—Public Buildings—Fashionable Wedding—The Election,” *New York Herald*, November 3, 1845, 1; “A Splendid Wedding,” *Baltimore Sun*, April 1, 1843, 4; “Fashionable Wedding,” *New York Herald*, February 16, 1848, 2; “Fashionable and Elegant Fete: Marriage of Anna Cora Mowatt and Mr. Ritchie, of Virginia,” *New York Times*, June 8, 1854, 4; “Metropolitan Hotel—Brilliant Wedding,” *New York Times*, December 8, 1855, 4.

been issued. The religious rites are to be most imposing, and the attending festivities are to be on a scale of the most profuse magnificence, and will include balls, fancy dress and masquerade, private concerts, and dinners and suppers the most recherche.”⁶² While such a wedding was disproportionately lavish to the standards of the day, the coverage made it clear that such opulence was to be admired and coveted.

As American Jews began adopting the customs of the white wedding in the 1840s and 50s, press coverage of their weddings began to focus on the beauty of the material aspects of the weddings alongside Orientalist descriptions of the ceremonies – and sometimes of the Jewish people themselves. An 1845 account of a Jewish wedding which was, as typical for the time, “of a nature highly interesting to all Gentiles,” noted that the “fair bride” wore “virgin white.” Following the ceremony, the report continued, there was a “sumptuous dinner” followed by a “grand ball” in which “dancing commenced about four o’clock in the afternoon, and from the spirit they were in when we left, we doubt not it was kept up to a late hour in the afternoon.” On the other hand, the article also detailed the Jewish wedding ceremony in voyeuristic detail, including a five-minute-long address in Hebrew, the signing of the marriage contract, the giving of the ring, the drinking of a glass of wine, and the crushing of the glass by the groom. It then went on to describe a strange “closing scene” in which all the men “came forward and kissed the groom” which caused the spectators to wonder “who would kiss a man when there was a lady in the room?” They imagined that then “the lady would be kissed, but much to our disappointment, no such thing took place. This we regretted very much, for we were in

⁶² “A Monster Wedding Party,” *Baltimore Sun*, July 3, 1855, 2.

hopes of coming in for a buss ourselves from the fair daughter of Israel....”⁶³ While on its face this anecdote seemed lighthearted and warmly inclusive of Jews, it also fit into Orientalist views of Jews and other Semites as overly sexual and promiscuous, and perhaps even deviant.⁶⁴

Similarly, the 1847 account of a “Hebrew Wedding in New York,” reprinted in a number of newspapers, depicted a marriage ceremony with elements of the white wedding, and focused on the traditional Jewish wedding ceremony with great detail. The bride was “dressed richly in white satin, her head ornamented with white flowers, from which was suspended a rich veil which covered her face” and was escorted by a “troop of bridesmaids in white.” The ceremony was preceded by the reciting of afternoon prayers and began with the signing of the *ketubah*, which the article referred to as the “various obligations in use since the Babylonish captivity.” During the ceremony, which took place under a crimson damask *chuppah* held by four groomsmen:

the priest, holding a glass of wine in his hand, chaunted (sic) the marriage ceremony with becoming solemnity – when the bridegroom, taking a ring from his waistcoat pocket, exhibited to those around him, to satisfy them of its genuine character, saying in Hebrew, as he placed it on the forefinger of his bride, “Lo! With this ring I wed thee according to the laws of Moses and Israel.” Then each tasting the wine over which the blessing had been said, the bridegroom dashed the glass to pieces, in proof of the instability and insecurity of all earthly blessing, and the usual congratulations ... took place.

While the article concluded by noting approvingly that it had been “a gay and most agreeable Hebrew wedding,” and that “the whole ceremony was so very impressive,” it also immediately sought to link the event to biblical marriages: “So Jacob married

⁶³ “A Jewish Wedding,” *Port Gibson Herald* (Port Gibson, MS), January 23, 1845, 1.

⁶⁴ Thisaranie Herath, “Women and Orientalism: 19th Century Representations of the Harem by European Female Travelers and Ottoman Women,” *Constellations* 7, no. 1: 32.

Rachel, Moses married Zipporah, and King Ahasuerus married Esther.”⁶⁵ The article’s highly detailed description of the Jewish marriage service demonstrates the curiosity with which gentiles viewed such ceremonies. By referring to the “Babylonish captivity” and biblical personalities, the article engaged in an Orientalist view of a static Judaism, unchanged since ancient times, and on display for the West.⁶⁶

Perhaps the epitome of the mid-nineteenth century Jewish white wedding was the British society wedding of Leonora Rothschild and her cousin Baron Alphonse Rothschild. *Godey’s Lady’s Book* gushed for paragraphs over the splendid affair. The wedding repast, it noted, was laid out in rooms “decorated with exquisite taste and splendor,” and included, among other delicacies, a wedding cake that was “a very marvel of sugar architecture.”⁶⁷ However, interspersed with fawning language over the elaborate affair were unobvious reminders that even the Rothschilds could not escape the Orientalist gaze. When describing the bridal presents on display at the wedding, the article noted that they, “both in ... quality and variety, were more than sufficient to stock an Eastern bazaar,” an odd description for a collection of stylish and expensive gifts such as silver and gold breakfast services, filigree candlesticks, and fine jewelry. And, the highly detailed description of Leonora Rothschild’s tasteful and fashionable bridal costume noted that the headdress was “admirably adapted to Oriental beauty.”⁶⁸ The trope of the “beautiful Jewess,” a woman who possesses “a specific – exotic – beauty that distinguishes her from her non-Jewish surroundings and makes her visible in a way that

⁶⁵ “A Hebrew Wedding,” *Evansville Journal* (Evansville, IN), February 11, 1847, 1; “A Hebrew Wedding,” *Anti-Slavery Bugle* (New Lisbon, OH), February 12, 1847, 4.

⁶⁶ Said, 108.

⁶⁷ “A Marriage in the Rothschild Family,” *Godey’s Lady’s Book*, June 1857, 514.

⁶⁸ “A Marriage in the Rothschild Family,” and “The Fashions,” *Detroit Daily Press*, April 15, 1857, 2.

connects her with the Orient, ... [marking] her as alien and different,” was a common one in Orientalist thought.⁶⁹

It did not take long for American Jews to realize that gentile spectators at their weddings were forming impressions of Jews based upon those weddings. “American Jews,” writes historian Karla Goldman, “wishing for middle-class respectability for themselves and for their religion, were extremely sensitive to the way that non-Jewish outsiders would perceive the public performance of Judaism.”⁷⁰ An 1857 editorial in the traditionalist *Jewish Messenger* chastised its readers for diluting the Jewish rituals of the wedding ceremony due to the presence of gentile guests. Commenting on the recent Rothschild wedding, the paper complimented “the unbroken faith with which those paragons of Aristocracy observed all the ceremonies pertaining to the solemn occasion.” The Baron and Baroness, the editorial pointedly noted, “did not think themselves degraded in the eyes of their high-born guests by scrupulously attending to the requirements of their Religion on even so joyful a day.” American Jews, however, were different. Wagging its proverbial finger at the American Jewish community, the editorial continued:

Here, the religious portion of the exercises would be hurried over with a haste which would seem to imply that the guests were impatient to feed themselves with something more substantial, forsooth, than prayers. Say they, “What would the Christian portion of our company think, if we kept them waiting for an hour listening to prayers in a tongue of which they understand not a syllable?”

⁶⁹ Hilegard Frūbis, “The Figure of the *Beautiful Jewess*: Displacements on the Borders Between East and West” in *Internal Outsiders – Imagined Orientals? Antisemitism, Colonialism and Modern Constructions of Jewish Identity*, eds. Ulrike Brunotte, Jürgen Mohn & Christina Späti (Wurzberg: Ergon-Verlag, 2017), 62.

⁷⁰ Goldman, 120.

The editorial accused American Jews of hurrying through Jewish ritual pieces of the wedding service so as not to inconvenience their gentile guests. If American Jews were so worried about the gentiles watching, why not, it suggested, conduct the wedding “in the presence of members of your own faith only?” Responding in the voice of American Jews, the editorial continued scathingly, “Because it would not lend so much *éclat* to the occasion. What a silly idea! A marriage, instead of being the ceremonies attendant on the tying of the nuptial knot, which is to bind together two loving hearts, to be made the medium of showing off to a host of invited guests the furniture and crockery of the parties!”⁷¹ In the eyes of such American Jews, gentile guests lent class to their weddings, making them not only places to display their material wealth, but also to prove the respectability of their religion to gentile America.

By the end of the 1850s, stories about Jewish weddings in the secular press nearly always included hallmarks of the white wedding and often contained less information about the particularities of the Jewish wedding ceremony. The 1860 nuptials of S. W. Seldner and Henrietta Umstadter in Norfolk, Virginia, extensively covered in both the secular and Jewish press in America, was called a “Grand Hebrew Wedding,” which took place in “the Opera House, and was witnessed by an immense concourse.”⁷² After the ceremony, “three hundred guests sat down to a sumptuous banquet . . . and at night the festivities closed with a grand ball.”⁷³ A *Baltimore Sun* blurb about an 1857 Jewish wedding opened by mentioning the “interesting ceremonies,” but then went on to note

⁷¹ “The Wedding of the Baron and Baroness Alphonse de Rothschild,” *Jewish Messenger*, April 10, 1857, 62.

⁷² “Grand Hebrew Wedding,” *Evening Star* (Washington, D.C.), March 3, 1860, 2.

⁷³ For example, see “Great Hebrew Wedding at Norfolk,” *Chicago Tribune*, March 9, 1860, 2.

that “the bride, who is very beautiful, was most tastefully attired in a white Swiss robe, and her head beautifully ornamented with a tiara of orange blossoms,” and concluded by discussing the “most sumptuous repast” for “about one hundred guests” that followed the ceremony.⁷⁴ Coverage of an 1858 Jewish wedding noted the “peculiar services” but did not go into any detail about them, other than to note that “[t]he nuptial ceremonies took place beneath a handsome canopy of satin, richly decorated with gold.” The rest of the description of wedding focused on the “overflowing” crowd including “the mayor and several members of Congress,” and the “sumptuous and elegant dinner,” which was a “scene of a bountiful entertainment” following the ceremony.⁷⁵ It is difficult to know why the detailed descriptions of Jewish rituals became less frequent. Possibly it was because the high society Jews who had white weddings were more likely to minimize Jewish ritual in their weddings. Or possibly, due to the growing presence of Jews in America, gentile spectators either began accepting Jews and Judaism more fully, or at least adjusted to the Jewish wedding service, no longer seeing it through a solely Orientalist lens. Either way, by the end of the antebellum period, coverage of Jewish weddings had become more mainstream and less Orientalizing.

Not only did Jews increasingly adopt all the trappings of the white wedding, but the American Jewish press began covering Jewish society weddings with the same great alacrity as the general press covered them. An 1857 account in the *Israelite* of the “mammoth wedding” of Charles Kahn, Jr. and Miss Marx, at which Reverend Dr. Lilienthal officiated, was attended by “four hundred persons, Jews and gentiles,” who

⁷⁴ “Local Matters,” *Baltimore Sun*, September 9, 1857, 1.

⁷⁵ “Correspondence of the Baltimore Sun - Washington,” *Baltimore Sun*, January 4, 1858, 4.

“displayed their finest articles of luxury, and enjoyed the sweetness of a day which, like that of Joshua ended with the dawn of the next.”⁷⁶ In 1858, the *Israelite* covered the wedding of Max Mack and Leonore Wolf in Cincinnati. “There were nearly 400 guests invited,” the paper gushed:

The whole house was thrown open, and every where [sic] was plenty to fill the heart with gladness. The occasion was one of the richest and most splendid we have witnessed in this country. The presents which the bridal pair received on the occasion are of immense value. Every thing [sic] connected with the affair betokened wealth and prosperity.”⁷⁷

Reporting on the 1860 marriage of S. W. Seldner and Henrietta Umstadter, the *Jewish Messenger* reported that the wedding was “solemnized with more than the usual splendor, and was participated in by the elite of the city of Norfolk—Christians as well as Israelites, including the Mayor of the city...”⁷⁸ The Jewish press in America, adopting the style of the secular papers, trumpeted the white wedding as the ideal marriage ceremony, and simultaneously proclaimed Jewish financial success in America.

Despite their effusive attention to detail about the opulence of the weddings they covered, the Jewish press did not describe the rituals of the marriage ceremonies at such weddings; their largely Jewish readership was presumably already familiar with them. They did, however, continue to note the presence of gentile spectators, who, it was implied, were impressed by the beauty and dignity of the affairs. An 1862 article in the

⁷⁶ Article 5 – No title, *The Israelite*, May 1, 1857, 341. This wedding was also covered by the *Nashville Union and American*, which proclaimed that “It was decidedly the largest and one of the most brilliant assemblages ever assembled, under similar circumstances, in our city.” Presumably “under similar circumstances” meant that it was a Jewish wedding, for other than that fact, the wedding seemed like any other bourgeois American white wedding of the period. “Nuptials at the Jewish Synagogue: A Brilliant Assemblage of Spectators and Beautiful Ceremonies,” *Nashville Union and American*, May 3, 1857, 2.

⁷⁷ “A Large Wedding,” *The Israelite*, October 29, 1858, 135.

⁷⁸ “Local Items,” *Jewish Messenger*, March 9, 1860, 76.

Jewish Messenger covering a Pittsburgh wedding noted that the “galleries were crowded with Christian ladies and the Hall with gentleman – many of whom had never before witnessed a Jewish wedding.” Instead of detailing the wedding rituals, the *Messenger* disposed of the ceremony by simply noting that “the Rev. Mr. Armhold officiated” and went on to focus on the “sumptuous marriage feast, one of the finest ever witnessed in Pittsburgh” at which “a fine brass band discoursed music for the occasion, and the whole affair passed off in delightful style.”⁷⁹ At an 1862 New York City wedding, the *Jewish Messenger* noted that “the synagogue was densely crowded and there was a throng of lookers-on blocking up the sidewalks and gazing from all available standpoints, with curiosity and interest on the unwonted spectacle.” And what did the curious onlookers witness? “The usual attractions in the shape of lovely bridesmaids and handsome groomsmen, were of course in full display, but the most charming personage in the synagogue was the bride herself.”⁸⁰ If the crowd of spectators had come to gawk at a display of Oriental rituals, at least they also witnessed a lovely bride dressed in white wedding attire.

When Jewish newspapers did discuss the Jewish marriage ceremony, they did so in a way that diminished its Oriental nature. Amidst the extensive coverage of the opulence and elegance of S. W. Seldner and Henrietta Umstadter’s 1860 wedding in Norfolk, the traditionalist *Jewish Messenger* remarked that the wedding “service, which although performed in the good ‘olden’ style, left a vivid impression on all present.” In this case, the father of the bride, German immigrant Jacob Umstadter, the strictly

⁷⁹ “Pennsylvania,” *Jewish Messenger*, October 31, 1862, 131.

⁸⁰ “Local Items,” *Jewish Messenger*, September 24, 1862, 102.

Orthodox *chazzan* (cantor) and *shochet* (ritual slaughterer) for the Jewish community of Norfolk, acted as the wedding officiant. As the *Messenger* wrote, “We are glad to note that although Mr. Umstadter is very orthodox, observing his religious duties with the strictest scrupulosity, he has, contrary to modern ideas, secured the respect of all classes of citizens.”⁸¹ The *Jewish Messenger*, reacting to those Jews who saw the Jewish wedding ceremony as embarrassing and Oriental, made the point that a strictly traditional Jewish ceremony did not have to detract from the respectability of the wedding.

In addition to publishing articles that made clear to their readers what types of wedding rituals and ceremonies were favorable and respectable, the American Jewish press also facilitated the adoption of the white wedding in other ways. For one, it taught Jews about American wedding culture. As honeymoons became the fashion in the 1850s, with American newlyweds taking trips to places like Niagara Falls following their weddings, the *Israelite* published a short blurb explaining the origin of the term “honeymoon” to its readers.⁸² Additionally, Jewish newspapers ran advertisements for elegant wedding venues and upscale kosher caterers, reflecting the growing interest among American Jews in creating white weddings. Advertisements in the *Israelite* for the Goldsmith Hotel and the kosher “Hotel De Paris” in Cincinnati both advertised that “nuptial parties ... are undertaken to the utmost satisfaction of the community.”⁸³ Other advertisements in the *Israelite* touted H. Goldsticker’s Daguerreotype, Lauer, Beeber & Co, Importers and Dealers, who sold “hosiery, ribbons, lace and silk goods and a general

⁸¹ “Local Items,” *Jewish Messenger*, March 9, 1860, 76.

⁸² “Honeymoon,” *Israelite*, October 28, 1859, 133. For a discussion about the spread of the honeymoon as a central American wedding tradition, see Barbara Penner, *Newlyweds on Tour: Honeymooning in Nineteenth-Century America* (Durham: University of New Hampshire Press, 2009).

⁸³ Advertisements, *Israelite*, March 6, 1857, 279; Advertisements, *Israelite*, December 19, 1856, 191.

assortment of notions,” and numerous shops that sold wedding gift items such as jewelry and watches.⁸⁴ In his advertisement in the *Jewish Messenger*, S. Myers, Cook & Ornamental Confectioner, touted his “upwards of twelve years in the service of Baron N. de Rothschild” and announced that he was “prepared to contract for Wedding Parties, Dejeuners, Public and Private Dinners, Ball Suppers, &c., in strict accordance with our Jewish faith, on the same elegant and fashionable style as he furnished them in Europe.” Not just a provider of food, S. Myers also ensured that one’s table was elegant and beautiful. “Great care,” he declared, “has been taken in the selection of China, Glass, Silver, Table Cloths, Napkins, &c., which being entirely new he is prepared to loan for parties.”⁸⁵ Ralph Benjamin, another kosher caterer, listed some of his finest menu items in his *Jewish Messenger* ad, including delicacies such as Mock Turtle Soup, Calves Foot Jelly, Charlotte de Russe, and Blanc Manges. “Jellies,” he announced were “prepared with Fruit and cannot be surpassed for Transparency, Flavor, and Beauty.”⁸⁶ Advertisements like these allowed Jews to find the resources they wanted to create the perfect wedding. They also showed gentile America that Jews not only valued the elements of the white wedding but also had the financial means to carry them out.

Documenting Marriage

Marriage ceremonies and receptions may have been the most visible way that Jews used weddings to perform their American identities, but American Jews also employed the documentation that went along with marriage to proclaim their belonging in America. The way American Jews adapted and designed *ketubot*, created and filled out

⁸⁴ Advertisements, *Israelite*, April 3, 1857, 311.

⁸⁵ Advertisements, *Jewish Messenger*, November 5, 1858, 24.

⁸⁶ Advertisements, *Jewish Messenger*, December 3, 1858, 126.

synagogue-issued marriage certificates, and filled out state marriage licenses all reflected their desire to prove that they fit into the American milieu. In addition to the more “official” documents of marriage, Jews used the invitations, menus, and other printed ephemera that became part of the white wedding to portray their fashionable elegance, assert that their weddings were just like other American white weddings, and proclaim their economic success in America.

Early American *ketubot* were handwritten and were entirely in Hebrew and Aramaic. The text remained traditional and did not vary in significant ways from European *ketubot*. Generally, the traditional *ketubah* text begins by stating the Jewish date and year on which the wedding took place as well as the location of the wedding. Typically, the formulaic text reads something like this: “On the x day of the week, the x day of the month of x, five thousand x hundred and x years since the creation of the world, according to the way we count dates here in x city, in the State of x...” However, a few mid-nineteenth century American *ketubot* contained a surprising addition to the listing of the date: they included the year of American independence. One such *ketubah*, from the March 16, 1842 wedding of Jacob Cohn and Bertha Pecare, stated in beautiful Hebrew calligraphy:

B'rivi'i b'shabbat, chamisha yamim l'chodesh Nisan, shnat chameshet alafim v'shesh meot v'shtayim l'briat ha'olam, v'shishim v'shesh l'cherut America, l'minyan she'anu monin kan Charleston, b'Karolina Dromit...

On the fourth day of the week, the fifth day of the month of Nisan, the year five thousand six hundred and two since the creation of the world and sixty-six years since the independence of America, according to the way we count here in Charleston in South Carolina...⁸⁷

⁸⁷ SC-2339, AJA.

The Cohn-Pecare ketubah went on to value the goods the bride brought to the marriage in dollars rather than the traditional valuation terminology of *zekukim kesef* (silver coins).

The *ketubah* was translated into English on a separate document, also written in beautiful calligraphy. At the top, in large script, it read, “Translation and Duplicate of the annexed Contract of Marriage made by and between Jacob Cohn and Bertha Pecare, written originally in Hebrew.” Here too, the date included the year of American independence.⁸⁸

The January 27, 1855 *ketubah* for the wedding of Nathan Grossmayer and Sarah Baum stated:

B'rishon b'shabbat, shnei yamim l'chodesh Shvat, shnat chameshet alafim shesh meot v'chamisha asar l'briat ha'olam, v'tesha v'shivim l'cherut ha'artzot hamityachdot b'america tzfonit, l'minyan she'anu monin kan ir Savannah, medinat Georgia...

On the first day of the week, the second day of the month of Shvat, the year five thousand six hundred and fifteen since the creation of the world, and seventy-nine since the independence of the United States of North America, according to the way we count dates here in Savannah, State of Georgia...⁸⁹

It is unknown who thought to enter the year of American independence into these *ketubot* and what their reasoning was in doing so. Perhaps the writer – who may have also been the marriage officiant – was expressing his affinity for and connection to the United States. Perhaps he⁹⁰ was instructed to do so by the couple or their parents in order to express their affinity for and connection to the United States. Perhaps it was subconsciously thought that when, as was traditional, the *ketubah* was read aloud at the

⁸⁸ SC-2339, AJA.

⁸⁹ SC-4380, AJA.

⁹⁰ Given the lack of strong Jewish education among nineteenth century Jewish immigrants, and the fact that women's education was generally even more paltry than men's, it is most unlikely that any of these *ketubot* were written by women.

ceremony, it would seem less Oriental if it had the year of America's independence embedded within it, and in the case of the Charleston *ketubah*, used American currency to define monetary amounts. One thing is for certain: the inclusion of the year of American independence in the traditional text of the *ketubah* reflected both a desire to belong in America, and a sense of already belonging as well. The dating of the wedding in the *ketubah* connected Jews to rhythms of the Jewish calendar. Including the year of America's independence connected them to the history and ideology of their new home.⁹¹

As the American Jewish community became more established, pre-printed *ketubot* became more common. Such *ketubot* had a standardized version of the traditional *ketubah* text with blanks left for such information as the date and place of the wedding, the names of the bride and groom, and other particulars.⁹² While often innocuously designed, some pre-printed *ketubot* reflected, or even celebrated, the American milieu in which they were to be used. Beginning in 1854, a printer created pre-printed *ketubot* topped with a picture of a bald eagle with a ribbon inscribed with the words "E Pluribus

⁹¹ Because so few handwritten American *ketubot* from this period have survived, it is impossible to know how many included the year of American independence, but the existence of these two in addition to the following seems to indicate that there may have been others. Interestingly, all the examples found were in *ketubot* for marriages that occurred in the American South. See also English language handwritten certification of marriage of David C. Peixotto and Caroline Solomon on October 9, 1839 in New Orleans which reads as a rough translation of the *ketubah*, stating the date as "the fourth day of the week of the second month *Tishrei* in year of the creation of the world 5599, corresponding with the ninth day of October, One thousand, eight hundred, and thirty nine and in the Sixty third year of the Independence of the United States of America..." (Note that the Jewish date is incorrect here. *Tishrei* is the first month. The actual date was *Rosh Chodesh Heshvan* 5600.) A similar certificate of marriage of Solomon B. Solomon and Emma Solomon on March 2, 1842 in New Orleans was attached to the state marriage certificate and also stated the date with the inclusion of the year of American independence: "Be it remembered that this day to wit – the fourth day of the week of the Sixth month Adar in the year of creation, five thousand six hundred and two (5602), corresponding with the 2nd day of March (1842), One thousand eight hundred and forty two, and in the Sixty fourth year of the Independence of the United States of America..." Manuscript Collection No. 542, Box 12, AJA. The officiant at both marriages was Albert "Rowley" Marks, who was not an ordained rabbi and whose Jewish knowledge and observance was apparently weak. See Eli N. Evans, *The Provincials: A Personal History of the Jews in the South* (New York: Simon & Schuster, 1973), 207.

⁹² None of the preprinted *ketubot* I found contained reference to the year of American independence. Perhaps this was due to a desire to maintain the traditional *ketubah* text in a more "official" printed version.

Unum.”⁹³ Beginning in 1861, Congregation Shagarai Chassed in New Orleans created blank marriage license forms to be filled out by the rabbi as he married couples under the auspices of the synagogue. The license forms looked quite official, as if the state had issued them; they had a heading which stated in formal font, “State of Louisiana, City of New Orleans.” In fact, however, the forms were printed and issued by the synagogue itself.⁹⁴ Such *ketubot* and Jewish marriage certificates reflected the desire of immigrant Jews to depict themselves as truly American, and to depict their internal documents as part of official American record-keeping.

In addition to putting an American stamp on their Jewish documents, Jews also put a Jewish stamp on their American documents. An 1866 marriage license and certificate of marriage for the State of Ohio shows that Reform leader Rabbi Isaac Mayer Wise, the marriage officiant, changed and added to the pre-printed text to give it a Jewish sensibility. The certificate read:

This is to Certify, that by the authority of a License under the Seal of the Probate Court of Said County, Mr. _____ and M_____ were by me on the ___ day of _____ in the year of our Lord, One Thousand Eight Hundred and Sixty _____, legally united as Husband and Wife.

Beneath the text was room for the names of two witnesses and the marriage officiant. Wise crossed out the words “of our Lord” in the English date, presumably because he opposed the overt Christian reference. He filled in the names of the couple, Joseph Rindsberg and Sarah Goldsmith and of the witnesses in both Hebrew and English, and added in the Hebrew date and the place of the wedding, Cincinnati, in Hebrew. Lastly, he wrote in the phrase “*hakol sharir v’kayam, k’dat Moshe v’Yisrael*” – “All is valid and

⁹³ *Ketubot*, Manuscript Collection No. 542, Box 8, AJA.

⁹⁴ Manuscript Collection No. 542, Box 10, AJA. Many other synagogues printed similar certificates.

confirmed according to the laws of Moses and Israel.” The phrase “*hakol sharir v’kayam*” was the traditional concluding words of the ketubah text, and “*k’dat Moshe v’Yisrael*” was the conclusion of the traditional formula recited by a groom as he placed the wedding ring on his bride’s finger.⁹⁵ Although he was a reformer, Wise adhered to much of Jewish religious tradition.⁹⁶ In what was no doubt an effort to blend American and Jewish sensibilities, Wise took a secular American certificate of marriage and turned it into a *ketubah* of sorts.

Jewish couples and their families also modeled their unofficial wedding documents so as to blend into the American white wedding mainstream. As printed wedding invitations became the vogue, Jewish invitations, like those of their gentile neighbors, were simple and elegant, with nothing on them (other than the name of the synagogue in those cases where the wedding took place in a synagogue) indicating that the families were Jewish at all.⁹⁷ Jews also adopted the fashion of printing a menu for the

⁹⁵ SC-10180, AJA. Wise did the same thing on at least one other occasion, for the wedding of Emile Kahn and Amelia Heyman on February 3, 1869, SC-13076, AJA. He also did something similar, crossing out the words “of our Lord” on other Ohio Marriage Licenses and Certificates, including those for the weddings of Solomon Jacobson and Louise Franken on June 12, 1887, Simon Bacharach and Hilda Mack on June 22, 1891, and Jenny Rindsberg and Samuel Greenwald, September 17, 1899. SC-16718, SC-614, SC-10180, AJA.

⁹⁶ For more on Isaac Mayer Wise, see Sefton D. Temkin, *Isaac Mayer Wise: Shaping American Judaism* (Liverpool, UK: Littman Library of Jewish Civilization, 1992); Meyer, 238-245; Zev Eleff, *Who Rules the Synagogue? Religious Authority and the Formation of American Judaism* (New York: Oxford University Press, 2016), *passim*.

⁹⁷ Wedding Invitations – Sarah Newmark to Harris Newmark, Los Angeles, March 16, 1858 and Caroline Newmark to Sol Lazard, Los Angeles, July 5, 1865, SC-7814, AJA; Wedding Invitation – Jenny Wolff to E. Liebreich, St. Louis, Missouri, March 30, 1865, SC-13192, AJA; Wedding Invitation Sarah Wise to Adolph Newsalt, November 10, 1870 in Dayton, Ohio, SC-11063, AJA; Wedding Invitation – Rosa Abeles to Jonas Goodman, October 13, 1872 in Rochester, NY, SC-17, AJA; Wedding Invitation – Tillie Steinberger to Philip Rosenheim, New York City, April 18, 1876, SC-10371, AJA; Wedding Invitation – Rosa Wiesenfeld to Goody Rosenfeld, Baltimore, January 24, 1877, 1968.022.012a JMM; Wedding Invitation – Minnie Frieberg to Joseph Ransohoff, March 12, 1879, Cincinnati, Ohio, SC-9987 AJA; Wedding Invitation – Emil Cohn to Nannie Herzog, May 25, 1882, SC-7821 AJA; Wedding Invitation – Judith Peixotto to Joseph Morningstar, New York City, October 25, 1887, SC-9479, AJA; Wedding Invitation – Sam Stiebel to Carrie Mayer, New Orleans, Louisiana, January 8, 1888, SC-12106, AJA; Lillie Gumbinsky to Charles Polakoff, Buffalo, NY, March 11, 1892, SC-7815, AJA; Ben Lowenheim to Hattie

wedding feast. Such menus, printed on expensive paper stock, depicted multi-course banquets, sometimes with appropriate wines paired with each course, and sometimes written in French.⁹⁸ Often, the menus showed that food served was not kosher, frequently mixing milk and meat and including such forbidden foods such as soft-shell crabs and lobster.⁹⁹ Like their gentile counterparts, young Jewish brides began keeping wedding memorabilia books in the 1890s, where they carefully pasted their invitations, news clippings about their weddings, engagement and wedding portraits, and of course recorded a list of the wedding guests and the gifts they gave.¹⁰⁰

The Influence of the Civil War on Jewish Marriage Discourse

The Civil War brought heightened awareness to the intertwining of the white wedding and American identity. As the nation drew parallels between divorce and the secession of the Confederacy, Northerners placed more emphasis than ever on respectable American marriages.¹⁰¹ Whether consciously or unconsciously, Jews noted the discourse around them and spoke of their weddings accordingly. An announcement in

Oppenheimer, Cincinnati, June 21, 1892, SC-7506, AJA; Wedding invitation, Fanny Debuskey to Isaac Robinson, Apr. 4, 1897, Baltimore, 1984.124.001, JMM; Stella Schwab to Albert Ehrlich, St. Joseph, Missouri, December 23, 1903, SC-3080, AJA.

⁹⁸ See, for example, Menu from the wedding of Albert and Henriette Levi in New York City, February 25, 1874, SC-6841, AJA; Menu from the wedding of Albert and Stella Ehrlich in St. Joseph, Missouri, December 23, 1903, SC-3080, AJA.

⁹⁹ See, for example, Menu from the wedding of Philip and Tillie Rosenheim, New York, April 18, 1876, SC-10371, AJA; Menu from wedding of Ben and Hattie Lowenheim, Cincinnati, June 21, 1892, SC-7506, AJA; Menu from the wedding of Jeannette and Leonard Weiler, Cincinnati, June 15, 1896, SC-12818, AJA; Menu from the wedding of Florette Rosenheim to Ernst Rosenfeld, New York, October 6, 1908, SC-10371, AJA.

¹⁰⁰ Hattie Lowenheim Bride's Book (1892), SC-7506, AJA; Stella Ehrlich Bride's Book (1903), SC-3080, AJA; Jeanette Weiler Bride's Book (1896), SC-12818, AJA; Cora Levy Wedding Book (1903), SC-6973, AJA. The *American Israelite* carried advertisements for such albums. Advertisements, *American Israelite*, February 15, 1900, 7.

¹⁰¹ Cott, 77-78.

the staunchly anti-slavery New York weekly *Jewish Messenger* made in the waning days of the Civil War blended politics, marriage, and the white wedding in seamless fashion:

Betrothals and marriages are following each other in rapid succession in these progressive days, and already show that the minds of “our young folks” are strongly inclined to Union, however recreant in their allegiance our Southern brethren may be. And speaking of marriages, reminds us that unwonted facilities for holding wedding parties are furnished . . . by Jones’ Assembly Rooms, which are exactly fitted for entertainments of such a character. . . . We refer our fair readers for particulars to our advertising columns.¹⁰²

In one fell swoop, the *Jewish Messenger* connected the union of two Jews through betrothal or marriage to political allegiance to the Union and simultaneously to the fashion of the white wedding held in a lovely catering hall. The message was clear: the white wedding was intrinsically linked to one’s political affiliations and American identity. Jews could display their loyalty to the North by marrying in white weddings.

For their part, Jewish Southerners intertwined their identity as Confederates with their descriptions of their weddings. Clara Moses, describing the 1864 wartime double wedding of her sister Carrie to Julius Weis and Julius’ sister Babette Weis to Philip Wexler, painted a picture of a lovely and tasteful Southern wedding which was interrupted by boorish Union soldiers. The wedding took place in their home, where “a large number of guests” gathered in the parlor, which had been “beautifully decorated for the joyous occasion.” After the ceremony, the guests “were invited to partake of the supper served on the back gallery, which had been canvased and appropriately decorated and well lighted by gas, many candles, and lamps.” The guests offered toasts with “choice wines and champagne” to the couples. Suddenly, as dancing was about to begin

¹⁰² Marriage Announcement, *Jewish Messenger*, March 24, 1865, 99.

to “the sound of music produced by a small band of colored musicians,” the guests heard “the tramping of many feet on the front gallery, quickly followed by the beating of tin pans, tooting of tin horns, blowing of shrill whistles, with shouting and yelling of many voices, a regular charivari.” Yankee soldiers had arrived to “have some fun at a wedding in a rebel family because none of them had been invited.” Clara Moses described the way her mother and brothers held back one of her brothers from getting into a physical altercation with the soldiers, and the family ended up choosing to keep the peace by inviting the soldiers to have a drink. As Clara wrote, “The wedding table was soon besieged by these rude men, and in a short time, all refreshments had disappeared as if by magic.” The soldiers, now drunk, danced on the tables, “unmindful of the glassware,” and otherwise wreaked havoc, causing many of the guests to leave. Clara summed up the wedding by writing that the night “has passed into the family history as one never to be forgotten – a sad souvenir of the cruel Civil War.”¹⁰³ The following year, when Clara’s sister Ophelia married Isaac Lowenberg,¹⁰⁴ their parents pre-empted any difficulty by inviting a number of Federal army officers to the wedding. In addition to painting Union soldiers as boors, far lower class than Southerners, Clara Moses’ memoir depicts the tension of even more private and small interactions between Southerners and the Federal army. Inviting Union soldiers to Southern weddings could make the difference between trouble and peace.¹⁰⁵

Eleanor Cohen, another Southern bride, used the description of her 1865 wedding to Northerner B. M. Seixas to paint a picture of Southerners as being unmaterialistic and

¹⁰³ “Clara L. Moses: War Days in Old Natchez,” in *Memoirs of American Jews, 1775-1865, Vol. 1*, 267.

¹⁰⁴ See p. 56.

¹⁰⁵ “Clara L. Moses: War Days in Old Natchez,” in *Memoirs of American Jews, 1775-1865, Vol. 1*, 266-7.

idealistic, as opposed to wealthy and showy Northerners. “I was very plainly dressed,” she claimed in her diary, and then went on to describe her lovely attire, including a wedding gown made of “White Swiss muslin, high neck and long sleeves, trimmed with Valenciennes lace, lace barbe [sic] at my throat, my hair beautifully braided, a white illusion that enveloped me, and a few natural flowers.” Her husband wore “a suit of black, except a very handsome, white vest.” While she did not say much about the ceremony, it was a Jewish one, including the breaking of a glass at the end. Afterwards guests partook of a “splendid” cake, and Eleanor hurried off to put on her traveling dress for their trip North. Once she arrived in New York, Eleanor wrote sadly that her husband wanted to settle in New York, a decision that “has pained me much, for I don't like this place to live in. It is too grand, too large, too gay and fashionable to suit poor me...” New York was a place filled with bourgeois pleasures. Eleanor wrote of her visits to theaters and ice cream saloons but was unimpressed. “I am forcibly struck by the contrast between the prosperous North and our poor, desolate South,” she wrote, “yet is she dearer to me in her desolation than this gay, heartless country.”¹⁰⁶ Eleanor Seixas’ wedding, while not as posh as it might have been had she not been married in the immediate aftermath of the Civil War, was clearly a white wedding. Nonetheless, as a proud Southerner, she took pains to differentiate herself from the bourgeois excess she felt existed in the North.

¹⁰⁶ “Eleanor H. Cohen: Champion of the Lost Cause,” in *Memoirs of American Jews, 1775-1865, Vol. 3*, 357-74.

Postbellum Portrayals of American Jewish Weddings

Despite the spread of the white wedding among American Jews, the gentile gaze and Orientalization of Jewish weddings, particular traditional weddings, continued into the postbellum years.¹⁰⁷ Some accounts of weddings continued to mention that gentiles had attended in order to witness the “peculiar nature of the ceremonies.”¹⁰⁸ One front page story in the *Philadelphia Evening Telegraph* blatantly entitled “Oriental Nuptials” described with barely disguised disdain the traditional 1870 Jewish wedding of Marx Goodman and Leah Diamond in New York. Opining that “[t]he reform movement among the Hebrews has occasioned among those who remain orthodox a fondness for customs which were falling into disuse,” it went on to detail the service which it noted “was performed with all the imposing ceremonies of the Orient of long ago.” It noted the separate seating for men and women, the fact that the men left on their hats, “Christian guests included,” the service performed “almost entirely in Hebrew,” and the “black robe and peculiar cap” worn by the rabbi. Even the music played by violins in the gallery did not escape comment, described as “monotonous and decidedly oriental,” and “doleful.” Interestingly, even this apparently traditional wedding had adopted some of the trappings of the white wedding, including a bridal party processional accompanied by “five bridesmaids and best men.” These additions were apparently not sufficient for the *Evening Telegraph* to see the Goodman-Diamond wedding as respectable in the least.¹⁰⁹

American Jews did not take insults to Jewish weddings lying down. When the *Pittsburgh Christian Advocate* published an account of a Jewish wedding in Vienna in

¹⁰⁷ See for example “A Jewish Wedding,” *New York Times*, February 27, 1879, 2.

¹⁰⁸ “A Wedding Interrupted,” *New York Times*, July 3, 1870, 3.

¹⁰⁹ “Oriental Nuptials,” *Evening Telegraph* (Philadelphia, PA), January 25, 1870, 1.

1866 which the correspondent called “laughable” in certain respects, the editors of the *Israelite* reacted with righteous indignation. The account of the wedding, which the *Christian Advocate* correspondent noted “we might doubtless have seen in America just as well,” began by describing a German and Hebrew speech to the couple and a ring ceremony, which were deemed “nothing very peculiar.” However, then the priest began “singing and chanting some long ceremony” interspersed with responses from a male choir and “often the sound of his voice alone seemed too much for this great temple.” This was apparently the laughable part of the ceremony. The correspondent continued, “There was considerable sly convulsive laughing about me – likely from gentiles – and I felt not a little like participating.” Throughout the article, the correspondent described the appearance of the Jews in Orientalizing terms, pointing out that all the men including the bridegroom wore their hats indoors with the “priest” wearing a “peculiar cap,” and that the recessional was followed “by a group of very handsome and richly dressed Jewish maidens with splendid black eyes.”¹¹⁰ The description of the wedding closed by deliberately commenting upon the separate seating areas for men and women in the synagogue, a practice which many Reformers sought to change in this period because American gentiles saw it as Oriental.¹¹¹ Reprinting the *Christian Advocate* article in full, the *Israelite* prefaced it with scathing criticism, pointing out factual inaccuracies in the article, and noting, “We certainly cannot see, even in his brief sketch, anything particularly provocative of mirth.” Turning the tables on the *Christian Advocate* correspondent, the *Israelite* labeled him a “Hottentot or a Bengalian schoolmaster,”

¹¹⁰ Descriptions of Jewish women as having beautiful black eyes fit into the trope of the “beautiful Jewess.” Frübis, 67-68.

¹¹¹ Goldman, 78-99.

insulting terms that intimated that his lack of understanding of the ceremony was due to fact that, in reality, it was he, and not the Jews, who was neither white nor Western.¹¹²

In addition to continued Orientalist critiques of Jewish weddings, the immediate postbellum years saw growing backlash against opulent weddings. As America became increasingly urbanized, and rapid industrialization and huge waves of immigration seemed to be changing old traditional ways of life, commercialism was increasingly condemned and denounced. Rank materialism, whether in the form of overly lavish weddings or expensive gifts given to the bride and groom, moral reformers argued, diminished the sacredness of marriage, making it about money and not about true love.¹¹³ Indeed, rather than appearing respectable, Americans began to see excessively opulent weddings as disreputable and lacking in gentility. As backlash against conspicuous consumption grew in America, some Jewish leaders took note, concerned about criticism of the Jewish community. In 1871, the *Israelite* published a statement regarding their policy about publishing wedding announcements in their pages. They noted that almost every week, they would receive in the mail newspapers articles about Jewish weddings. However, they continued:

We can not republish those marriage notices, because they interest the respective parties only, and not also the general reader. We are happy to see our young friends getting married and doing well, and wish them all God's blessing, but it is not our business to give additional impulse to the raging disposition for show, luxury and pomp. Marriages are family festivities of a strictly private nature, and simplicity is the diadem of beauty. Local newspapers chronicle local affairs as they come to pass, and they have a perfect right to do it; the *Israelite* adheres to a fixed moral standard, from which it cannot depart. Opposition to pompous shows and over-done luxury is one of its principles.

¹¹² "We Can't See Where the 'Laugh' Comes In," *Israelite*, May 11, 1866, 357.

¹¹³ Penner, 5-6; Howard, 9-32.

Jewish leaders did not want the enthusiastic embrace of the white wedding among American Jews to backfire, causing the very opposite effect that had been intended.¹¹⁴ Continued Orientalist gaze upon Jewish wedding ceremonies showed that gentile America still did not see the Jews as fully respectable, and a crackdown on the materialism of the white wedding threatened to cut off the avenue that Jews had for proving themselves so. It was into this complicated landscape that American rabbis began to weigh in about the Jewish wedding ceremony.

The American Rabbinate and Postbellum Changes to the Jewish Wedding

As American Jews adopted the aesthetics of the white wedding, they also sought to make the ritual and religious elements of Jewish weddings match with American ideals, whether by recasting the meaning behind them or by changing them in part or in full. While many accounts of mid-nineteenth century American Jewish weddings contain descriptions of the ceremonies, those descriptions, often written by gentiles and perhaps sometimes by relatively uneducated Jews, do not give accurate information about what transpired. Typically, these descriptions mention the *chuppah* and the blessings recited over wine and often that the groom broke a glass at the conclusion of the service. Sometimes, accounts note that the *ketubah* was read aloud. However, it is difficult to know the exact liturgy that rabbinic or Jewish lay marriage officiants used. If an element of the traditional wedding service was omitted from a description of a ceremony, this does not mean that it was not included in the actual ceremony. Furthermore, even if it

¹¹⁴ Moral standards notwithstanding, a few years later the *Israelite* went right back to publishing fawning articles about elaborate white weddings. See, for example, “Philadelphia Letter,” *American Israelite*, December 6, 1878, 5, and “Matrimonial,” *American Israelite*, February 2, 1883, 263, which described a wedding as being “on a scale of unusual magnificence, over two thousand guests being present.... The value of the presents is said to be \$75,000.”

were possible to discern that a wedding ceremony deviated from the traditional liturgy, it would be difficult to know why. Were such deviations the result of a lack of education regarding Jewish law of weddings? Did brides and grooms – or perhaps their parents – object to the particular elements of the traditional wedding service? Or were changes inserted due to the beliefs of the clergy, particularly those who saw themselves as reformers?

While it is not possible to answer such questions fully, there are ways to see how American rabbis viewed the traditional wedding service, and how they performed weddings for American Jews. Sometimes, a rabbi expressed his views on a particular aspect of the wedding service in an editorial in the Jewish press or even in a book. Other rabbis left records of speeches given at weddings, notes on how to perform the wedding ceremony, or even wedding documents such as marriage certificates or *ketubot* that give us insight into their ideas. Sometimes press coverage of a wedding provides hints into the rabbi's views on proper wedding rituals. On one significant occasion, that of the gathering in 1869 of thirteen Reform rabbis in Philadelphia, we have the minutes of their very extensive discussions about what the appropriate wedding ceremony should be. While not all of these sources are enlightening as to the way American Jewish weddings were actually celebrated, they help us understand American Jewish attitudes toward the wedding service.

As is discussed more broadly in chapter 2, rabbis were relatively scarce in mid-nineteenth century America. The first ordained rabbi to settle in America, Abraham Rice, had only arrived in 1840, and America, with its sparse Jewish population and lack of Jewish infrastructure, did not attract European rabbis. Nonetheless, rabbis did begin to

arrive on American shores in the 1840s and 50s, and by the postbellum era, there were a number of rabbis scattered across the United States. The degree to which rabbis could claim authority over fractious and opinionated American Jews was in flux in the mid-nineteenth century; it took a number of decades before rabbis were established enough in America to influence the direction of Jewish practice in America. And, even once rabbinic authority had been more or less established, new American religious ideas and practices continued to originate both from rabbinic figures and from the laity.¹¹⁵

There is no doubt that many American rabbis worked to make the wedding ceremony more “modern” and “American.” They did so both by recasting the traditional ceremony and adding elements to suit new sensibilities. The changes they made and the reasoning they expressed for those changes emerged from particular anxieties felt by Jews in mid-nineteenth century America about appearing “backward” and “Oriental,” concerns which played out particularly strongly with respect to women’s place in Judaism. Historian Karla Goldman writes, “In a society in which the roles and spaces assigned to women provided sensitive markers of social class distinctions, the status of women in Judaism and within the synagogue became one critical aspect of the general Jewish quest of respectability.”¹¹⁶ While Goldman focused on the movement to adopt mixed-gender seating in American synagogues, the gendered nature of the American Jewish quest for respectability also played out in rabbinic conceptions of the Jewish wedding. In addition, the immediate postbellum years saw a steep increase of anxiety in American culture about the stability of the institution of marriage. With free-love

¹¹⁵ For discussion about the emergence of rabbinic authority in American Judaism, see Eleff.

¹¹⁶ Goldman, 78.

colonies and other non-traditional sexual and romantic arrangements arising in the wake of the Civil War, politicians, religious leaders, and others sought to shore up the idea of lifelong commitment to monogamous romantic marriage.¹¹⁷ Additionally antisemitism and anti-immigration sentiment grew considerably in America in the postbellum era.¹¹⁸ Given these circumstances, modernized American rabbis wanted to be on record as making the Jewish commitment to monogamous lifelong marriage abundantly clear.

It was in this context that the thirteen Reform rabbis gathered in Philadelphia in November 1869 to discuss and debate Jewish theology and practice for the American milieu. Nearly everyone in attendance belonged to the radical faction of the American reformers who viewed Jewish law as a relic of the past to be replaced with more universalistic ethical principles.¹¹⁹ Of course, the issue of the wedding ceremony arose, with views of the rabbis influenced both by their positions on Jewish law and by the impact of the American milieu in which they lived. Radical reformer David Einhorn (1809-1879), in many ways the leader of the conference, proposed the adoption of six articles that sought to amend both the marriage service and Reform policies about marriage in ways that responded to American Jewish concerns about the way Judaism was seen by gentiles.¹²⁰ Article 1, addressing the place of the woman in the wedding service, provided that “the bride shall no longer play a passive role, but there shall be reciprocal vows on the part of the bridegroom and the bride by the utterance of the same

¹¹⁷ Cott, 105-31.

¹¹⁸ Leonard Dinnerstein, *Antisemitism in America* (New York: Oxford University Press, 1994), 35-57.

¹¹⁹ Meyer, 256.

¹²⁰ For more on the radicalism of David Einhorn, see Meyer, 244-50.

marriage formula combined with the reciprocal offering of wedding rings.”¹²¹ Heated debate followed the presentation of the resolution, with some objecting to the reciprocal exchange of rings as “too sharp [a] contradiction with long established custom and legal rule of ancient Judaism” and others insisting that such an innovation was perfectly acceptable.¹²² Einhorn argued that the value of equality for women had been “universally acknowledged” and “must also find expression in the formula of the wedding ceremony.” Homing in on combating the chief criticism feared by Jews, Einhorn noted that the two-ring ceremony “did not concern ‘women’s rights,’ but the denial of the false, oriental status of the woman.”¹²³ In doing so, Einhorn drew a critical distinction between promoting the controversial issue of women’s rights and simply giving women the “respectable” status they enjoyed in Victorian thought. At the conclusion of the debate, the proposal was adopted as proposed. American Reform rabbis had to tread a careful line between taking too extreme a position about women’s rights and not doing enough to combat the gentile perception of an “Oriental” Judaism that failed to give the “fairer sex” the respect that they deserved.

While Articles 2, 3, and 4 also arose out of concerns regarding women’s place in Judaism, they were also connected to various burning political issues in postbellum America. Article 2 called for a rewording of the marriage formula, which traditionally stated, *Harei at mekudeshet li k’dat Moshe v’Yisra’el*, “Be thou consecrated to me according to the law of Moses and of Israel.” Einhorn’s revision read “Be thou

¹²¹ Sefton D. Temkin, *The New World of Reform: Containing the Proceedings of the Conference of Reform Rabbis Held in Philadelphia in November, 1869 Translated from the German with an Introduction and Notes* (London: Leo Baeck College, 1971), 51.

¹²² *Ibid.*

¹²³ *Ibid.*, 52.

consecrated to me according to the law of God.” Once again, American sensibilities played a key part in the change. Einhorn’s motivation in abolishing the phrase “law of Moses and Israel” was because “the custom of Israel, which allowed polygamy, offended against our contemporary conception of marriage.” The law of God, he argued on the other hand, reflects a “denial of polygamy,” as could be seen by the verse in Genesis “*vehayu levasar echad*,” “and they shall be as one flesh.”¹²⁴

Polygamy had always been reviled in American society. In yet another instance of America embedding political philosophy into ideals of marriage, philosophers and politicians often linked democracy with monogamy, while polygamy was viewed as Oriental, despotic, and corrupt.¹²⁵ As if that was not bad enough, Americans also racialized polygamy, calling it the province of “squaws,” “Mohammedans,” and “Asiatic and ... African people.”¹²⁶ The late 1860s were a particularly fraught time with respect to discourse surrounding polygamy, as the federal government confronted the third petition of the territory of Utah, populated largely by polygamous Mormons, to join the Union. As Jews witnessed the American government’s relentless campaign against Mormon polygamy, they no doubt wanted to distance Judaism from any association with non-monogamous behavior. Once again, a heated debate ensued over Article 2, in which the rabbis in attendance argued about the true meanings of terms such as law, doctrine, God, and Israel. Ultimately, the article was approved with the addition of more specific

¹²⁴ Temkin, 54; Meyer, 257. Of course, Einhorn was also influenced by Reform ideology which stated that Judaism was no longer a religion of law, but rather one of ethics and monotheism. Eradicating references to specifically Jewish law, and replacing them with those to Godly law, which intimated humanistic ethics, was part and parcel of Reform theology. On the relationship of American Reform and Jewish law, see Meyer 275, 280.

¹²⁵ Cott, 105-31.

¹²⁶ Cott, 114.

language regarding the nature of the consecration: “Be thou consecrated unto me as wife (husband) according to the law of God,” thus emphasizing both Jewish universalism and opposition to polygamy.¹²⁷

The debate over marriage continued the following morning with Article 3, which stated that “the customary benedictions *birkat erusin* should be replaced by one which expresses as divinely ordained the matrimonial union in its full ethical sense, emphasizing the Biblical idea of *vehayu levassar echad*, the fusion of the spouses into one personality and forbidding extra-marital sexual relations.” This proposal engendered no debate and was passed immediately with a unanimous vote.¹²⁸ Article 4 negated polygamous marriage as “null and void.” The only objection to this article was from Rabbi Schlesinger, who felt that passing an article against polygamy would actually achieve the opposite of its intent, because it “would cast a shadow on Judaism . . . implying that plurality of wives had been permitted.” Others weighed in, noting that Judaism had permitted polygamy, and that in fact the practice still existed among some Jews, not only in the Orient, but even in the Occident. When put to a vote, the article passed unanimously.¹²⁹ Articles 5 and 6, abolishing Jewish restrictions on who *cohanim*, those from the priestly class, could marry, and abolishing the Jewish laws of levirate marriage as no longer relevant, passed unanimously.¹³⁰ Such laws, which would impede marriage by choice and for love, were irrelevant to these rabbis in the American milieu.

¹²⁷ Temkin, 56-57.

¹²⁸ *Ibid.*, 58.

¹²⁹ *Ibid.*, 58-59.

¹³⁰ *Ibid.*, 59, 70-71.

Jewish reaction to the Philadelphia Conference was mixed. The *Israelite*, an organ of Isaac Mayer Wise in Cincinnati, was naturally laudatory. In an editorial published shortly after the conference, it declared that the principles adopted reconciled Jewish and American law, ensured that the institute of marriage remained surrounded “with the sanctity of deep moral obligation,” and “elevate[d] woman in that covenant to the position which the ethical consciousness of our age assigns to her.” In so doing, it reminded its readers, “the conference only held equal pace with the progress of the law of civilized nations, and declared only that which is strictly based upon the spirit of Sacred Scriptures, the sense of justice and moral obligation springing from that source.”¹³¹ In the eyes of the *Israelite*, the rabbis of the Philadelphia Conference had managed to live up to the highest ideals of both American ideals and Jewish law. Their interest piqued, Jews around the country discussed the conference for months afterwards.¹³²

The traditionalist *Jewish Messenger*, edited by Orthodox rabbi Samuel Isaacs (1804-1878), saw things quite differently. That paper published a scathing editorial about the conference the week after its completion. Homing in directly on Reform rabbis’ fears of being seen as Oriental, the editorial sarcastically declared:

An impression has been created ... that the Israelites are about to cast off their Oriental apparel and adorn themselves in the matchless beauty of Christian habiliments. The simple fact is that the thirteen rabbis present expressed their own views, and it is problematical whether their immediate constituents will endorse their propensities.¹³³

Such changes, the *Jewish Messenger* hinted, showed that what Reformers really wanted was to distance themselves from Jewish tradition, and appear as close to Christian as

¹³¹ “Theological and Editorial: Conference of the Rabbis in Philadelphia,” *Israelite*, November 12, 1869, 8.

¹³² Eleff, 125.

¹³³ “The Thirteen Rabbis,” *Jewish Messenger*, November 12, 1869, 4.

possible. While the Reform rabbis might be ready for such abandonment of tradition, the article argued, their congregants might not be in that place at all. Criticizing the specific changes to the Jewish marriage ceremony, the editorial continued:

The thirteen reject the law of Moses and Israel here, and forego the necessity of any distinctive marriage ceremony. The bride is to reciprocate the groom's present of a wedding ring! Was it worth while [sic] for the thirteen rabbis to stop here? Why not have entered into the musical arrangement incident to a wedding – the invitations – the bridal favors – and all the details? It establishes “women's equality and her emancipation from the thralldom to which she was subjected by the rabbis”! The thirteen can show no authority for this change, nor any reason for the change.

A letter critiquing the conference resolutions to the *Israelite* by someone calling himself “*Yehudi*” (Jew) made a similar point. “We must not be forever striving to make Judaism acceptable to our Christian neighbors,” he wrote. “It ought to be a matter of indifference to us whether others like our religion and its forms or not, as a people, we have our history, our traditions, and it would be the height of folly to merge all distinctions.”¹³⁴ In the view of such writers, the reformers who attended the Philadelphia conference put Jewish tradition second, behind their desire to fit into American notions of respectability.

While it is impossible to know to what degree the changes to the wedding liturgy voted upon in Philadelphia were actually implemented by American Jews, it seems they did not become universal. In 1884, fifteen years after the Philadelphia Conference, Moses Mielziner, one of the Reform rabbis who attended the Conference, published a treatise on the Jewish law of marriage and divorce that sheds some light on Jewish marriage ceremonies in America during the latter half of the nineteenth century. Receiving universal and widespread acclaim from both the Jewish and general press, the book

¹³⁴ Yehudi, “The Conference,” *Israelite*, December 10, 1869, 11.

attained a fairly extensive readership and was widely accepted as authoritative in the Reform movement.¹³⁵ In the book, Mielziner commented on many aspects of Jewish marriage, including of course, the wedding ceremony. He noted that “no perfect uniformity prevails in our time” with respect to the question of having a one- or two-ring ceremony, nor with respect to the marriage formula that the Philadelphia rabbis sought to change. However, other changes, he wrote, had been almost universally accepted, particularly doing away with “some immaterial and obsolete ceremonies” such as the use of a *chuppah* and the reading of the *ketubah*, and replacing them “by other forms, corresponding better with the views and the taste of our days.” Interestingly, Mielziner declined to categorize the use of wine in the ceremony as “immaterial and obsolete,” although he did note that “some modern rabbis have done away with the custom.” Mielziner felt differently. He argued, “this ancient custom, though certainly not essential has received a beautiful symbolic meaning, which might recommend its preservation.”¹³⁶

According to Mielzner, certain “laudable innovations” had become standard practice at Reform weddings. Those included an address by the officiating rabbi about the sacred nature of marriage, and a question the officiant should ask of bride and groom, “whether they, of a free will, consent to be united as husband and wife, and pledge themselves to fulfill their respective duties in love and faithfulness.” (As if there were any question as to the correct response, Mielziner noted, “This question is to be answered in the affirmative by each of the parties.”) Significantly, the customs that had been

¹³⁵ Numerous reviews were published in the inside cover of the book, including from the *American Israelite*, the *New York Jewish Herald*, the *Chicago Legal News*, and the *Chicago Current*. Moses Mielziner, *The Jewish Law of Marriage and Divorce in Ancient and Modern Times and its Relation to the Laws of the State* (Cincinnati: Bloch Publishing and Printing, 1884).

¹³⁶ Mielziner, 93.

eradicated – the use of a *chuppah* and the reading of the *ketubah* – had both warranted mention in numerous articles by gentiles focused on the Oriental nature of the Jewish wedding ceremony. The new rituals, on the other hand, combined respectability and deep-seated American conceptions about marriage – and of democracy: freedom to choose, and affection and love.

Mielzner's work became the basis for Reform movement policy. When the Central Conference of American Rabbis (CCAR), the organization of Reform rabbis founded in 1889, published the first edition of the Union Prayer Book in 1892, and later when it published its *Minister's Hand Book* in 1917, the wedding ceremonies reflected therein largely matched Mielzner's description. Both contained the rabbi's speech and the asking of the bride and groom about consent and love. It had options for a one- or two-ring ceremony and used the amended marriage formula. The use of wine, as favored by Mielzner, remained an option.¹³⁷

Not all American rabbis embraced the changes voted upon in Philadelphia. One American rabbi who appeared to have retained a more traditional wedding ceremony was Rabbi Albert Siegfried Bettelheim,¹³⁸ who arrived in America in 1868, shortly before the 1869 Philadelphia Conference. Although a reformer, Bettelheim was of a more traditional bent than the more radical reformers who attended the conference. In his files, Bettelheim kept a standard wedding address, headed with the title "Said At Weddings," that used certain elements and symbols of the traditional Jewish wedding ceremony – the chuppah,

¹³⁷Central *Union Prayer Book*, ed. Central Conference of American Rabbis (Cincinnati: Central Conference of American Rabbis, 1892), 215-7; Central Conference of American Rabbis, *Minister's Handbook* (New York: Bloch Publishing, 1917), 37-39.

¹³⁸ See pp. 115-6.

ring, wine, and the breaking of the glass – to convey both Victorian messages of morality, purity, and romantic love as well as commitment to Jewish values and practices to the couple.¹³⁹ In so doing, he conveyed a message about the concert between Victorian values and Jewish religion. As he wrote about the *chuppah*:

Grant that thy pavilion of protection, of which this nuptial canopy is the emblem, be ever spread over them, as a shelter against all evil, and inspire them in this solemn moment with the all-saving conviction, that thy divine care and love can be secured only by a strict compliance with the rules of morality, modesty and chastity taught by the religion of their fathers.¹⁴⁰

For Bettelheim, far from being Oriental, the *chuppah* was a perfect symbol of the intertwining of Victorian and Jewish values. Bettelheim additionally apparently did not ascribe to the two-ring ceremony advocated by the Philadelphia Conference. His speech made clear that the ring was to be given from the groom to the bride. As he wrote:

Pure and precious as the metal of that ring, where with the bridegroom unto himself will sanctify his trusting bride, so pure, so precious and unallowed may prove their love, and as that circlet is nowhere found ‘to flaw or else to sever,’ so endless (emphasis in original) may be their joy, their life one perfect union.¹⁴¹

While not ascribing to the two-ring ceremony, Bettelheim used his words about the ring to convey Victorian values of purity, chastity and the importance of romantic love. While Bettelheim’s marriage service retained more of the traditional Jewish wedding ceremony, it also incorporated American values of the time, perhaps seeking to remove the tinge of

¹³⁹ Bettelheim’s speech is undated, but his English writing is beautiful and fluid, indicating that it must have been written a least a few years after he arrived in America.

¹⁴⁰ Albert Siegfried Bettelheim Papers 1846-1890, ARC 18 Special Collections, JTSA.

¹⁴¹ *Ibid.*

Orientalism from the wedding rituals that other rabbis simply eradicated from their wedding services.¹⁴²

Sometimes, rabbinic opinions regarding ritual practices at a wedding caused conflict. One such instance took place at the 1870 nuptials of Elizabeth Abraham and Solomon Caro in a Reform synagogue in Washington, D.C. The affair was “large and fashionable,” with attendance, as usual, “not by any means confined to those of the Israelitish faith.” Proceedings began with “a feeling and eloquent address” by the rabbi of the synagogue, Jacob Jacobson, which conveyed many of the messages typical of modern rabbinic wedding addresses of the time, including fidelity to one another through the vicissitudes of life. Jacobson’s address was apparently well-received by the audience. As the *New York Times* reported, it “was conceived in excellent taste, and was delivered in a very impressive manner.” However, the proceedings took an unexpected turn. Following the address, one of the two officiants, father of the groom Rabbi Ephraim Caro, called the proceedings to a halt because the Reform synagogue in which they were located would not permit them to erect a *chuppah* for the ceremony. Apparently, the bride and groom were not members of the synagogue, but simply booked the use of the building as a

¹⁴² In this way, Bettelheim was not unlike Jacob Umstadter, the Orthodox marriage officiant who “secured the respect of all classes of citizens” with his respectable wedding service. “Local Items,” *Jewish Messenger*, March 9, 1860, 76. Bettelheim also showed his perspective on proper Jewish wedding ceremonies when he officiated at the marriage of his daughter Esther to Aaron Adler in 1879. The wedding checked all the boxes of a fashionable white wedding, but the ceremony was entirely traditional, conducted under a *chuppah* with blessings over wine and the reading of the *ketubah*. “Bettelheim-Adler: A Notable Wedding in the Mason-Street Synagogue,” *San Francisco Chronicle*, October 16, 1879, 3; “Mated-Miss Esther Bettelheim United in Marriage to Mr. Aaron A. Adler,” *American Israelite*, November 14, 1879, 2. Another rabbi who left records of how he performed weddings and what words of wisdom he gave to the couple was the Reformer Leo Mannheimer who was rabbi of Temple Mount Sinai in El Paso, Texas in the 1890s. More of a reformer than Bettelheim, Mannheimer made more significant changes to the traditional service including the words he had the groom say upon giving the bride the ring: “With this ring I thee wed in accordance with the word of God and the law of man,” and offering only one of the traditional seven blessings. SC-7176, AJA.

lovely venue for their wedding ceremony. They did not know that the synagogue, in keeping with Reform practice, had done away with the use of the *chuppah*. The bridal party, followed by many of their guests, abandoned the synagogue and continued the ceremony, with *chuppah*, in the home of the bride. Following the ceremony, at which Rabbi Caro and Rabbi Bernard Illowy of Cincinnati officiated in Hebrew and German, and which “made a profound impression on many,” the bridal party and guests “descended to the parlors, where a profusion of refreshments awaited them....”¹⁴³ While the Abraham-Caro nuptials reflected the tension between Reformers and Orthodox rabbis regarding what constituted a proper Jewish wedding, it also shows the commitment of all the rabbis involved to a dignified and respectable wedding ceremony.

While by the 1880s, most Reform rabbis and synagogues appear to have stopped using the *chuppah* in wedding ceremonies, even within the Reform movement, there was dissention over this change. Reform rabbinic leader Maurice H. Harris, a later president of the CCAR, wrote a long and impassioned editorial in the *American Hebrew* critiquing the movement’s “mistake of changing too much and changing too quickly.” Among his examples was the *chuppah*. As he wrote: “What purpose, say, was served by the abolition of the *Chuppah*, the marriage canopy, so completely identified with the ceremony as actually to be used as a synonym for it? Surely we must have a reason for our changes if we wish those changes to be respected.” Harris went on to assign meaning to the *chuppah* that fit neatly into late nineteenth century conceptions of gender and marriage. Calling the *chuppah* a “beautiful sentiment,” he wrote, “It typifies the home of the

¹⁴³ “A Wedding Interrupted.” The story was also covered in the Washington, D.C. press. “Hebrew Wedding: A Scene in the Synagogue—Interruption of the Marriage Ceremony,” *Washington Evening Star*, June 27, 1870, 2.

bridegroom, he takes the bride under the protection of his roof. It is an object lesson in the husband's duty to his wife to shield her from the world, to nourish and to cherish her in the home they will build together." By attaching it to Victorian ideas of women's frailty and need to be sheltered by their menfolk, Harris pointed out that the custom of the chuppah could be updated to fit modern sensibilities. Furthermore, he made space for the adaption of the physical appearance of the chuppah, noting that it did not need to be "spoil[ed] by rigid interpretation. A canopy of flowers or leaves preserves the same idea, giving it perhaps a final poetic touch."¹⁴⁴ Harris' casting the *chuppah* in a light that fit with late nineteenth century sensibilities was one way that more tradition-minded modernized American rabbis worked to shore up traditional Jewish practice.

Interestingly, whether because of reinterpretations like Harris' or perhaps simply because they were pretty and could serve as staging grounds for elaborate flower displays, it became somewhat fashionable for high society gentiles in late nineteenth century America to use canopies at their weddings. The *American Hebrew* took note of this fashion in a snidely worded editorial: "Now that [the *chuppah*] is fashionable – not because its use is sanctified and authorized by long custom among the Jews – our Reform friends may take another step backwards, appreciate its beautiful significance, and employ it generally."¹⁴⁵ Of course, if gentiles had adopted the use of the *chuppah*, this meant that it was no longer Oriental and therefore Jews no longer needed to fear its use.

As rabbis considered their role in the later decades of the nineteenth century, they prioritized the fostering of respectable and dignified attitudes toward weddings. At the

¹⁴⁴ Maurice H. Harris, "Sentiment and Law," *American Hebrew*, Feb. 17, 1893, 517.

¹⁴⁵ "Editorial Notes," *American Hebrew*, May 5, 1893, 1.

opening conference of the Jewish Ministers' Association, the short-lived group of East Coast reform-minded rabbis,¹⁴⁶ Reverend Dr. Henry Pereira Mendes, the Orthodox rabbi of Congregation Shearith Israel gave a heartfelt talk entitled "The Sphere of Congregational Work" in which he described the service of the rabbi in synagogue work. When the occasion arose for a wedding, he noted, the rabbi had an important responsibility:

From real religious sentiment, from a desire to conform to conventionality, from a desire to enjoy the aroma of respectability which a minister is supposed to convey, the congregation, not the mayor, is sought; and it is regarded as quite within the sphere of Congregational work to send the respectable aroma.¹⁴⁷

In Pereira's view, rabbis had the power to bring the appropriate and desired level of respectability to a Jewish wedding, something desired by their congregants. The Jewish Ministers' Association also published a *Jewish Home Prayer Book*, which the authors and editors saw as a "vital and immediate necessity ... to conserve ... the olden spirit of Jewish piety in our American homes." The *Jewish Home Prayer Book* contained numerous prayers to be recited surrounding the occasion of a wedding, including a "Daily Prayer for a Betrothed Bride," "A Bridegroom's Prayer on His Wedding-day," and "Prayer of a Bride on her Wedding-day."¹⁴⁸ None of these prayers was part of traditional Jewish liturgy. Instead, they reflected the cultivation of domestic piety of the Victorian era.¹⁴⁹ In the waning years of the nineteenth century, Americanized rabbis, Reform and

¹⁴⁶ See Chapter 2.

¹⁴⁷ Jewish Ministers' Association, *Conference Papers, Essays and Addresses Delivered at the First Conference of the Jewish Ministers' Association of New York and Adjacent States, Held in the City of New York, January 19-20, 1885* (New York: The American Hebrew, 1885), 43-44.

¹⁴⁸ The Jewish Ministers' Association, *The Jewish Home Prayer-Book* (New York: Philip Cowen, 1888), 47, 53.

¹⁴⁹ Goldman, 152-8; Rothman, 147-9.

Orthodox alike, sought to portray Judaism as respectable by creating appropriate rituals for the Jewish wedding.

By the 1870s, coverage of Jewish weddings in the secular and Jewish press often reflected rabbinic changes to the Jewish wedding service. Such stories generally focused more on the elaborate details of the white wedding and cursorily touched upon the evidently amended Jewish rituals. An 1876 article in the *San Francisco Chronicle* about the nuptials of Carrie Goldwater and P.N. Aronson spent four paragraphs detailing the elegant white gown of the bride and the beautiful costumes of her attendants, the lovely flower arrangements, the “costly and elegant supper” for 200 guests following the ceremony, the lovely music, and the “numerous and costly” gifts on display at the home of the bride. The ceremony, described in one paragraph, was “very simple, opening with a prayer and followed with a song, ‘May God Protect Us.’” After some rabbinic words, the ring was given with the traditional formula being recited, and the ceremony concluded.¹⁵⁰ An 1875 *New York Times* article describing a Jewish wedding noted the use of “an arch of flowers and under a bell arranged in lilies, white roses, and japonicas” rather than a traditional chuppah.¹⁵¹ Another *New York Times* piece described a ceremony where the bride verbally responded to the groom’s giving of the ring.¹⁵² In addition to not being conducted under a *chuppah*, these weddings did not include the reading of the

¹⁵⁰ “An Elegant Wedding: The Marriage at the Jewish Synagogue Yesterday,” *San Francisco Chronicle*, September 14, 1876, 3.

¹⁵¹ “A Hebrew Wedding,” *New York Times*, March 28, 1875, 9. The use of a bell in place of a chuppah appears to have been somewhat of a fashion in the 1870s and 80s. Another example of a wedding at which it was used can be seen in “Married,” *American Israelite*, August 10, 1888, 7. Even when coverage of a wedding contained nothing at all about Jewish ritual, the article typically noted that it was a Jewish wedding. See for example, “A Brilliant Jewish Wedding,” *New York Times*, March 26, 1880, 8; “Brilliant Hebrew Wedding,” SC-2352 AJA; “A Jewish Wedding,” *New York Times*, September 16, 1891, 5.

¹⁵² “A Jewish Wedding,” *New York Times*, February 27, 1879, 2.

ketubah or the breaking of a glass. While Orientalism still crept into such wedding coverage, it was far less common than in earlier decades.¹⁵³

As the nineteenth century drew to a close, a certain sort of Jewish wedding had become quite mainstream in America. An article about the 1896 wedding of Jeanette Hilb and Leonard Weiler naturally detailed the appearance of the bride who “looked very lovely in her bridal gown of heavy white satin trimmed with pearls and Duvesse lace, a long tulle veil half hiding her sweet face” as well as the costume of the most important lady guests, the lovely flower arrangements, and the “handsome reception and wedding feast.” It also depicted a decidedly un-Oriental “most solemn and impressive” wedding ceremony. The rabbi, renowned Reform leader David Philipson, officiated at a service that, influenced by the Philadelphia Conference of 1869, contained little that would be objectionable to American gentile eyes.¹⁵⁴ As the article detailed:

[Philipson] made the usual beautiful prayer, with a few words of counsel impressing upon them the sacredness of their compact, after which the bride and groom pledged their faith by placing each a ring upon the hand of the other and drinking together of the cup of joy and of sorrow, and the rabbi spoke the final blessing.¹⁵⁵

¹⁵³ One such Orientalist wedding story, detailing the nuptials of Rabbi Louis Stern, the rabbi of the Reform Washington Hebrew Congregation and Fanny Gusdorf, began by declaring “A Jewish wedding ceremony is always solemn and beautiful and full of meaning. It breathes, with its quaint old Hebrew words and typical symbols, of Moses and the prophets. Even its surroundings are impressive. We look with awe upon the heavy, black and angular inscriptions above the altar, whose meaning is so far removed from our common ken... It is no wonder, then, that those who obtained invitations to witness the wedding ... regarded themselves as fortunate.” Such coverage hearkened back to an earlier era of gentile curiosity about Jewish rituals, which they saw as arrested in ancient times. Interestingly, the Stern wedding was actually quite modernized, however. It did not have a *chuppah*, nor was the *ketubah* read or a glass broken. “Hymeneal Hebrews,” *Washington Post*, October 13, 1879, 4.

¹⁵⁴ For more on David Philipson, see Meyer, 280 and *passim*.

¹⁵⁵ Newspaper article, “Handsome Nuptials on Walnut Hills,” *Cincinnati Enquirer*, June 16, 1896, 8, pasted in Wedding Memorabilia book, Weiler Wedding Memorabilia, SC-12818 AJA.

Newspaper coverage of the Weiler nuptials and others like it showed that by adopting the style of the white wedding and adapting the wedding ceremony to suit Victorian sensibilities, Jewish weddings, or at least a certain sort of Jewish wedding, had become respectable in America.¹⁵⁶

The White Wedding during the Eastern European Migration

As Americanized immigrant Jews of earlier decades widely adopted the white wedding, Eastern European immigrant Jews, arriving in great numbers at the turn-of-the-century, would quickly follow suit. Falling in love with American materialism, many immigrant Jews adopted elements of the white wedding with great gusto. However, due to changes in America and also due to the specific make-up of the Eastern European Jewish community, the way Eastern European Jews adopted the white wedding differed significantly from the way their predecessors had. The Eastern European migration began just as backlash swelled in American society against overly materialistic and opulent wedding ceremonies. While the white wedding did not disappear, nor even become less opulent, particularly among the elite in American society, the idea that a white wedding would prove one a respectable American citizen was no longer as straightforward as it had once been. Furthermore, more ethnic and less interested in assimilation, as well as more religiously traditional Eastern European Jews, most of whom lived in immigrant neighborhoods in large urban centers, were not as concerned with the gentile gaze upon their weddings. The combination of these factors led Eastern European Jews unabashedly

¹⁵⁶ Similar coverage can be seen in the story of the wedding of Blanche Peyser and Charles Friedlander: “Wedded in the Faith,” *Washington Post*, September 17, 1894, 2.

to create a synthesis between traditional Eastern European Jewish wedding customs and American white wedding customs.

Of course, not all Eastern European immigrants adopted the white wedding. As had been the case with Central European Jewish immigrants in earlier decades, those who lived outside of urban centers on the frontier were less likely to have white weddings. Rachel Calof, an Eastern European immigrant homesteader in North Dakota, got married in 1894 in the two-room home of her husband's niece. Her bridal gown, which she made herself, had yellow, blue, and white stripes. Calof, whose arranged marriage was not a happy one, described her wedding day in sarcastic and angry tones. "All brides remember their wedding ceremony," she began, "and mine was truly memorable. I was seated in a chair. Abraham was given a flour sack which he was instructed to place over my face. Well, at least one could cry in private under the cover." She was "effectively blinded" by the flour sack as she was led to the *chuppah*, "built of a shawl tied to four sticks." The accompanying music "was provided by the singing of women while the men beat time on tin pans." Calof and her new husband started for home immediately after the wedding. No honeymoon for them, Calof related that "in short order, even before my wedding day was over, I was cruelly thrust back into the reality of my life."¹⁵⁷ Neither the material nor the ideological elements of the American white wedding were present in Calof's marriage ceremony.

Sophie Trupin, who immigrated in 1908 from Roumania, described another North Dakota frontier Jewish immigrant wedding which she witnessed as a child. The double

¹⁵⁷ Rachel Calof, *Rachel Calof's Story: Jewish Homesteader on the Northern Plains*, ed. J. Sanford Rikoon (Bloomington: Indiana University Press, 1995), 38.

wedding took place in a farmhouse, and had the trappings of a traditional Jewish wedding, including a *chuppah* held up by four men, wine, and a glass broken at the conclusion of the ceremony. Afterwards, all the guests, families from the surrounding area, enjoyed a celebratory feast with “herrings and homemade relishes; roasted ducks, geese, and chickens, all of which were raised on the farm; huge challahs over which blessings were made before they were cut into yellow slices; and strudel ... honey cakes and sponge cakes and coffee cakes.” Sophie remembered a fiddler playing and community members dancing in a whirling circle. The men danced the “Russian *kazatsky*, a strenuous dance executed with much dexterity, by getting down on the haunches and throwing out the legs in rapid piston-like motion.” “It was all so interesting and exciting,” she concluded, “Weddings were wonderful!”¹⁵⁸ While Sophie’s memories of the wedding she witnessed were far rosier than Rachel Calof’s memories of her wedding, the ceremony in Sophie’s family’s frontier settlement bore little resemblance to the American white wedding, instead reflecting Jewish rituals and traditions from Eastern Europe.

Even immigrants who settled in cities did not necessarily embrace the style of the white wedding. When Hilda Satt¹⁵⁹, an immigrant from Poland, became engaged to Bill Polacheck in 1912, she “announced that there would be no veil or any other ‘folderol’ that goes with a wedding.” She married Bill in a rabbi’s study wearing “an elegant navy blue serge suit” that she had custom made, and a “small navy blue straw hat trimmed with a small stalk of wheat.” She added, “Bill may have sent me a corsage, but I do not

¹⁵⁸ Sophie Trupin, *Dakota Diaspora: Memoirs of a Jewish Homesteader* (Lincoln: University of Nebraska Press, 1984), 96-8.

¹⁵⁹ See p. 87.

remember.” After the ceremony, they returned to her home where “Mother and my sisters served an appropriate wedding dinner.”¹⁶⁰ For Hilda, marrying her beloved Bill was the only important thing; the trappings of the white wedding held no meaning for her.

Brides like Hilda Satt Polacheck notwithstanding, most immigrant Jews who settled in large urban ethnic neighborhoods in cities like New York, Baltimore, Boston, and Chicago did adopt white wedding rituals. Many held ceremonies in “American” locales such as synagogues and wedding halls, and some, usually those of lesser means, wed in private homes.¹⁶¹ Ceremonies were frequently followed by elaborate receptions with food and dancing. They dressed in traditional white wedding garb: a white gown and flowers for the bride and a formal evening attire for the groom and they sat for formal photographs dressed in their wedding finery.¹⁶² The Yiddish press carried advertisements for all manner of goods that immigrant Jews would need to emulate the American white

¹⁶⁰ Hilda Satt Polacheck, *I Came A Stranger: The Story of a Hull-House Girl* (Urbana: University of Illinois Press, 1991), 124-5.

¹⁶¹ Even a home wedding was a nod toward American fashions. In Eastern Europe, as discussed above, weddings typically took place outdoors.

¹⁶² Jenna Weissman Joselit, *Wonders of America: Reinventing Jewish Culture, 1880-1950* (New York: Henry Holt, 1994), 22-27; “Marriage on New York’s Lower East Side, 1898,” *The American Jewish Woman: A Documentary History*, ed. Jacob Rader Marcus (New York: Ktav Publishing House, 1981), 468-471; “Love and Marriage on New York’s Lower East Side, 1900-1901,” *The American Jewish Woman: A Documentary History*, 505-507. Photographic Wedding Portrait of Max and Sarah Siegel, June 1899, 1988.027.001 JMM (Seated couple dressed in classic “white wedding” attire: bride in formal white gown with floor-length veil adorned with crown of flowers, groom in frock coat and top hat. Both members of the couple immigrated from Russia); Photographic Wedding Portrait of Jacob and Anna Kornblatt, August 1902, 1987.130.002 JMM (Couple is dressed in classic “white wedding” attire: bride in formal white gown with floor-length veil adorned with crown of flowers; groom in frock coat and top hat. Both members of the couple immigrated in 1901 from Russia); Photographic Wedding Portrait of Louis and Esther Bader, March 3, 1917, Private Collection of the Bader Family, Bronx, NY (Couple is dressed in up-to-date wedding attire: Bride in tea-length white satin wedding gown and long veil attached to head with pearl headband across her forehead; groom in tuxedo with white tie. Both members of the couple immigrated from Russia); Photographic Wedding Portrait of Max and Bertha Kaplan, Baltimore 1918, 1990.013.005 JMM (Couple is dressed in up-to-date white wedding attire: Bride in tea-length wedding gown and veil tied around her head, carrying bouquet of flowers; Groom in tuxedo, tails and white vest and wearing top hat); 1990.013.005 JMM; Photographic Wedding Portrait of Abraham and Cecelia Weiner, Baltimore, 1923, 1992.192.003 JMM (Bride in floor length white satin gown with train and floor length veil adorned with crown of flowers; groom in frock coat and top hat).

wedding. An 1899 advertisement in the *Forward* for the newly refurbished Odd Fellows Hall declared: “Jews, be joyous! After long work and great cost, it’s finally finished.... We urge everyone not to get married until you’ve seen the hall – the splendor and sparkle of the East Side. Electric lights and an electric *chuppah*.... Come and be overwhelmed.”¹⁶³ An up-to-date wedding venue with cutting-edge electricity – on the *chuppah* to boot – was an enticing possibility for new immigrants. Recognizing that the high cost of fashionable wedding attire might prove prohibitive for new immigrants, a 1900 advertisement for bridal attire declared “Worth a Dollar – It will cost you a dollar less than the usual price when you borrow your wedding and ball dresses, full dress suits and Prince Alberts!”¹⁶⁴ Other advertisements promoted all manner of material goods that brides and grooms might want: furniture sets for newlyweds, wedding rings, full-dress tuxedos, and silverware sets and other splendid wedding gifts.¹⁶⁵

Eastern European immigrants unabashedly put their own powerfully ethnic Jewish stamp on their weddings, however. Like the electric *chuppah* advertised in the *Forward*, Jews found ways to intertwine Jewish tradition and modern American wedding culture. They amended the traditional simple wedding invitation that was fashionable in America. Keeping the formal English text, they sometimes added some Hebrew words, such as “mazel tov,” or more often offered a complete translation of the invitation into

¹⁶³ Advertisements, *Forward*, December 5, 1899, 5 (trans. mine).

¹⁶⁴ Advertisements, *Forward*, January 6, 1900, 3 (trans. mine).

¹⁶⁵ See generally the advertisements in the *Forward* and *Yiddishes Tageblatt*. For the discussion of how Eastern European immigrant Jews used purchasing power as a path toward Americanization, see Andrew Heinze, *Adapting to Abundance: Jewish Immigrants, Mass Consumption, and the Search for American Identity* (New York: Columbia University Press, 1990).

Yiddish beside or below the English.¹⁶⁶ They held their weddings in fancy wedding halls but served ethnic Jewish foods and played klezmer music, the traditional music of Jews in Eastern Europe. The religious among them did not shy away from any element of the traditional Jewish ceremony, and even the less religiously inclined embraced Jewish wedding rituals like the *chuppah*, blessings over wine, and breaking of the glass.¹⁶⁷

Like their predecessors, Eastern European immigrant Jewish weddings received their share of Orientalizing press coverage. Instead of only focusing on the Jewish ritual elements of the marriage service however, articles also focused on the gaudy materialism of immigrant weddings. As the *New York Tribune* wrote in 1898, “Uniting people in wedlock according to the old Jewish customs and with the pomp and display which indicates their Oriental origin is one of the industries which always flourishes in the New York Ghetto....”¹⁶⁸ And a 1901 *New York Tribune* article commented disapprovingly:

The alternative of a quiet wedding does not appeal to anybody concerned. There must be music and dancing and wine unlimited, whoever pays. One family, paying the wedding expenses of the son’s wife, spent more than half the savings which up to that time had been the comfort of their hard worked lives, their own assurance of a decent old age.¹⁶⁹

¹⁶⁶ Wedding invitation, Minnie Bearman to J. Feldman, Savannah, Georgia, February 15, 1894, 1989.156.004a JMM; Wedding invitation, Basie Lowman to Ben Zion Aronstam, Unknown city, January 24, 1897, 1995.146.001 JMM; Wedding invitation, Jennie Goldsheder to Isaac Frenkil, Baltimore, April 6, 1897, 1990.188.001 JMM; Wedding invitation, Celia Maril to Isaac Becker, Baltimore, May 2, 1897, 1987.186.003 JMM; Wedding invitation, Jennie Eliason to Isidor S. Levitan, Baltimore, May 20, 1897, 1988.064.001 JMM; Wedding invitation, Backie Seidel to Max Friedman, Unknown city, August 6, 1899, 2008.011.003 JMM; Wedding invitation, Mollie Harrison to Nathan Abramson, Baltimore, August 21, 1904, 1989.132.002 JMM; Wedding invitation, Lena Frank to Joe Goldberg, Baltimore, December 27, 1906, 1989.132.003 JMM; Wedding invitation, Minnie Balser to Morris Davison, Baltimore, January 5, 1913, 1987.143.007 JMM; Wedding invitation, Mary Atkin to Abe Malinow, Baltimore, June 14, 1914, 1994.105.004 JMM; Wedding invitation, Esther Salzman to Louis Baeder, New York, March 3, 1917, Private collection of Bader Family. See also “Marriage on New York’s Lower East Side,” 469.

¹⁶⁷ Chaya Rochel Andres *Years Have Sped By: My Life Story*, Yudel Cohen, ed. and tr., (Dallas, TX: Self Published, 1981), 93.

¹⁶⁸ “Marriage on New York’s Lower East Side, 1898,” *The American Jewish Woman: A Documentary History*, 468.

¹⁶⁹ “Love and Marriage on New York’s Lower East Side, 1900-1901,” *The American Jewish Woman: A Documentary History*, 507.

In the wake of a societal crackdown on overly materialistic weddings, immigrant Jews' wholesale adoption of white wedding rituals made them a target for criticism.

In addition to Orientalizing immigrant Jewish weddings, the secular press periodically published stories about Jewish weddings that showed Jews to be disreputable or unseemly. In 1893, the *New York Times* published a story called "Robbed at a Hebrew Wedding," which related that Russian Jewish immigrant Meyer Caudle had attended a wedding on the Lower East Side at which he stole the gold watch of the uncle of bride, and tried to pick the pocket of the woman sitting beside him. Caudle was caught in the street by a policeman and arrested.¹⁷⁰ Such negative coverage was a far cry from fawning over white satin gowns adorned with orange blossoms. A 1906 piece in the *New York Times* reported on the first police court wedding "characterized by Hebrew rites." Apparently, one Goldie Krapson had made a claim against Isidore Ruben for breach of promise to marry, but Ruben said that in the end he was willing to marry her. A wedding was quickly organized, which included a rabbi chanting, presumably in Hebrew, for "several minutes," and the parties drinking whiskey from a glass, which was then emptied and "smashed to pieces on the floor in front of the couple."¹⁷¹ An article about a police court wedding complete with many of the Oriental symbols that Reform leaders had tried to eradicate was certainly not the type of wedding coverage that Americanized Jews had sought in previous decades.

Perhaps at least in part because of the focus of the gentile press on the showiness of Eastern European Jewish immigrant weddings, and perhaps because they did not want

¹⁷⁰ "Robbed at a Hebrew Wedding," *New York Times*, May 19, 1893, 11.

¹⁷¹ "Jewish Wedding in Court," *New York Times*, January 11, 1906, 16.

to encourage materialism among financially strapped new immigrants, the Yiddish press avoided articles about the elaborate white weddings so common in the English language Jewish and secular press. On the contrary, when Yiddish newspapers covered weddings, they generally either had a human-interest angle, such as articles telling of weddings happening via telephone or telegraph, or a moralizing message that seemed to offer an alternative to materialistic excess.¹⁷² One front page blurb in the socialist *Forward* pointedly revealed that Bertha Krupp, the daughter of a wealthy German cannon manufacturer, the “richest bride in the world” had purchased a wedding dress for a mere \$250.¹⁷³ Another article told of a wedding of two orphans who had met as children in a Jewish orphanage in Harlem. Listing the dignitaries that attended, the *Forward* noted with pride, “One might have thought that this was a wedding of the Jewish ‘four hundred.’ Many Jewish millionaires were present along with 500 invited guests, who enjoyed themselves as much as if it had been a wedding of one of their own children.”¹⁷⁴ Other articles, written in the aftermath of World War I, reported on weddings at which charitable donations for European Jewish communities had been collected. At one such wedding, that of Yeshayahu Shloyme Almgut, “a man of culture” to the “famous Basye Brodner,” an affair “celebrated with great pomp,” \$49 in charity was collected for the Smarganer Relief Fund and the Svirer Relief Fund.¹⁷⁵ A story published about two double

¹⁷² “They Got Married Via Telephone,” *Forward*, June 27, 1904, 1 (trans. mine). The Wise Woman of Lithuania, “Is Getting Married by Telegraph the New Style?” *Yiddishes Tageblatt*, June 24, 1918, 10 (trans. Khane-Faygl Turteltaub).

¹⁷³ “The Wealthiest Bride’s Wedding Dress Costs Only \$250,” *Forward*, September 13, 1906, 1 (trans. mine).

¹⁷⁴ “A Wedding in an Orphan Asylum,” *Forward*, February 13, 1908, 1 (trans. Khane-Faygl Turteltaub). The “400” was a list of those in the highest echelon of New York society during the Gilded Age.

¹⁷⁵ “A Magnificent Wedding,” *Yiddishes Tageblatt*, January 11, 1921, 6 (trans. mine).

weddings in New York told nothing about the ceremonies or receptions, only noting the amount of money collected at each for the families of those from Kaminets-Litovsky in the Ukraine who died in World War I.¹⁷⁶

This perspective was mirrored in other publications as well. A well-known etiquette book in Yiddish for Eastern European immigrants criticized overly extravagant and tasteless weddings that caused immigrant Jews to spend way beyond their means. “The bride gets a dress that costs \$250,” the author, Tashrak, grumbled, “Because it costs 250, it has so much that is unnecessary on it, that it appears very foolish and laughable.” Tashrak went on to condemn weddings with a large number of guests who were given a “catered supper,” overly large bands “such as in a theater,” and the practice of ordering carriages and taxicabs for travel home. Such weddings were “garish, clumsy and overly extravagant.” Those who cannot afford such prices “spend enough to make fools of themselves and ruin themselves for later.” *Etiquette* suggested that a “nice and impressive wedding” should consist of a ceremony in synagogue or in a private home, followed by a meal for a small family circle of between eight and twenty people, but “positively no more.”¹⁷⁷

Perhaps the most famous critique of materialistic white wedding culture was Abraham Cahan’s short story “A Ghetto Wedding.” The story featured a young couple, Goldy and Nathan, who are struggling on their meager garment factory salaries to save

¹⁷⁶ “For the Kaminets-Litovsker War Victims,” *Forward*, January 10, 1920, 13 (trans. Khane-Faygl Turteltaub).

¹⁷⁷ Tashrak, *Etiquette: A Guide to Proper Behavior, Politeness, and Good Manners for Men and Woman, Assembled According to the Best Authorities*, (New York: Hebrew Publishing, 1912, Yiddish), 218-22 (trans. Khane-Faygl Turteltaub).

up enough money to pay for their wedding. Goldy wants a “respectable” wedding, which for her meant:

[A] gown of white satin and slippers to match; two carriages to bring the bride and the bridegroom to the ceremony, and one to take them to their bridal apartments; a wedding bard [*badkhen*] and a band of at least five musicians; a spacious ballroom crowded with dancers, and a feast of a hundred and fifty covers.¹⁷⁸

As was common among Eastern European immigrants, Goldy imagines the ideal wedding as one that blended white wedding culture with Jewish traditions. As the couple continued to struggle to save up the funds needed for such a wedding, Goldy comes up with the idea to spend all their savings on an extravagant wedding with the idea that it will pay for itself because they will receive gifts that are substantial enough to allow them to set up their home together.

Sadly, Goldy’s plan is foiled because their invited guests are just as strapped financially as they are, and they end up with many fewer and more meager gifts than they had expected. The wedding, which naturally contains all the elements of a traditional Jewish marriage service, ends up being a dismal affair because many of those they invited do not even show up so as not to be required to bring a gift. At the end of the story, unable to afford even a carriage home after their wedding, Goldy and Nathan walk home together, ultimately finding happiness in one another.¹⁷⁹ “A Ghetto Wedding” portrayed the Eastern European Jewish immigrant wedding as it was: a blending of white wedding styles and Jewish traditions and rituals. It conveyed the struggle between what immigrants could afford and the fancy white weddings they wanted to have, in the end

¹⁷⁸ Abraham Cahan, “A Ghetto Wedding,” in *Yekl and the Imported Bridegroom, and Other Stories of Yiddish New York*, (New York: Dover Publishing, 1970), 226.

¹⁷⁹ Cahan, 224-40.

transmitting the message that finding love with one's spouse, a more central American value, was far more important than the material aspects of the American white wedding.

Eastern European immigrants wholeheartedly adopted the material and stylistic elements of the white wedding while still retaining Jewish ethnic and religious rituals and traditions. Unlike their predecessors who sought to reshape Jewish wedding ceremonies into versions of respectable gentile weddings, Eastern European immigrants were less concerned about the messages their Jewish wedding ceremonies transmitted to the outside world. While some leaders and thinkers sought to respond to societal criticism against gaudy materialism, the rank and file embraced the excesses of the turn-of-the-century white wedding while simultaneously holding fast to the symbols and ceremonies that earlier immigrants and their gentile observers had found to be too Oriental. In this way, Eastern European immigrants used the white wedding as a way to Americanize on their own terms, helping to plant the seeds of a future in which cultural diversity would become an accepted part of American society.

Conclusion

Over the course of the century of Jewish mass migration to the United States, weddings took on a singularly important role in the process of Americanization. While early nineteenth century American Jews struggled with Orientalist rhetoric from the gentiles that gawked with curiosity at their weddings, American adoption of the white wedding in the mid-nineteenth century gave Jews the opportunity to take part in a unifying American ritual. In ensuing decades, as Jews adapted their wedding ceremonies and receptions to suit American sensibilities, they used the locus of the wedding to perform their American identities. Eastern European immigrants changed the

conversation about Jewish weddings by unabashedly bringing back traditional Jewish marriage rituals and intertwining them with white wedding culture. They too used the wedding as a tool of Americanization but insisted upon doing so on their own proudly ethnic terms.

While Jews were able to adapt their courtship and wedding practices to suit the American milieu with relative ease, the problem of breakdown of marriage and divorce posed more of a challenge. To be sure, both the process of entering and exiting the marital relationship were governed by state law, however, the state offered far more leeway in the area of marriage than in divorce. As long as the marriage officiant was licensed by the state, couples could choose any marriage ceremony, whether religious or civil, that they desired. On the other hand, exiting a marriage could only be achieved via strict adherence to civil state laws. The fact that Judaism had its own set of divorce laws complicated the way Jews interacted with American divorce laws. It is to this thorny interaction that we now turn our attention.

Chapter 4
“A practice detrimental to our national weal”:
Divorce Law and the American Jewish Community

“Marriage, as creating the most important relation in life, as having more to do with the morals and civilization of a people than any other institution, has always been subject to the control of the legislature.”

-Supreme Court Justice Stephen Field (1888)¹

“Domestic morality is the seed of national greatness. As the house so the nation.”

-Rabbi J. Leonard Levy (1913)²

On an unseasonably warm February day in 1861, representatives of various New York City synagogues gathered together at the Stanton Street Synagogue on the Lower East Side to discuss the report of the group’s special committee on Jewish marriage. Addressing what it referred to as “the abuse in this city,” the report excoriated “Ex-Divines, private individuals and unauthorized persons” who performed unlawful marriage ceremonies, and those who granted Jewish divorces without the parties’ prior receipt of a civil divorce. Among other recommendations, the committee, made up of representatives from five Orthodox synagogues in Manhattan, called upon the synagogues to “appoint a *Beth Din* (Jewish religious court), to receive no applications of divorce, unless the parties have been previously divorced by the laws of the State, and to prosecute all parties granting divorce without their authority.” A motion was passed to send a copy of the

¹ *Maynard v. Hill*, 125 U.S. 190, 211 (1888).

² J. Leonard Levy, “The Modern Problem of Marriage and Divorce,” in Samuel Schulman, Solomon Foster and Ephraim Frisch, eds., *Year Book of the Central Conference of American Rabbis*, XXIII (1913), 340.

report to “every Congregation in the city and suburbs, for their consideration, in order that due deliberation and joint action might be had in the matter.”³

The agenda of the special committee on Jewish marriage reflected the anxieties of American society during this tense period. On February 4, 1861, mere days before the synagogue leaders met to hear the committee’s report, seven southern states had declared their secession from the Union and had established the Confederate States of America. Many northern leaders, including President Lincoln himself, would speak of the secession using language of a marriage that had ended in an unjustifiable divorce. For their part, Americans could not help but link the “divorce” of the Union and the Confederacy to the contemporaneous rise in actual divorces in America, as well as to the rising support for “free love” and communitarian living. Many argued for tightening divorce laws and clamping down on “inappropriate” relationships. As historian Nancy Cott writes, “A rhetorical relationship had been set up between the institution of marriage and the success of the national compact so that what undermined one put the other at risk.”⁴

Thus, it is unsurprising that a committee on marriage convened by a group of leaders of New York synagogues wished to emphatically distance the Jewish community from any perceived loose behavior with respect to state law on marriage or divorce. As a tiny religious minority made up largely of immigrants, Jews keenly felt the need to prove their credentials as loyal Americans. Controlling those members of the Jewish

³ “Local Items: New York City,” *Jewish Messenger*, Feb. 15, 1861, 53. A call for such an organization of New York congregations had also appeared in the pages of the *Jewish Messenger* a few months earlier. “Local Items,” *Jewish Messenger*, December 21, 1860, 188.

⁴ Nancy Cott, *Public Vows: A History of Marriage and the Nation* (Cambridge, MA: Harvard University Press, 2000), 77.

community whose actions seemed to both minimize the gravity with which Americans viewed divorce and subvert the authority of the state was an issue of high importance. A centralized *beit din*, Jewish religious court, would ensure control over the way divorces were handled by the community, preventing the frivolous issuing of Jewish divorces and ensuring adherence to state law.

While the 1861 meeting was one of the earliest attempts to create a central authority for the Jewish community, it would not be the last. Such efforts would continue for many decades and would largely prove to be a failure; American Jews were notoriously loath to submit to any sort of Jewish authority over them.⁵ But Jewish leaders continued working to control the divorce practices of individual Jews. For over half a century following the Civil War, rabbis, both Orthodox and Reform, and other Jewish communal leaders, engaged in a battle to prove and enforce Jewish adherence to American legal, social and cultural norms regarding divorce. They warned those Jews – some of whom were rabbis and others who likely were not – who issued Jewish divorces or conducted Jewish marriages without attention to American state divorce laws that their actions not only violated American law, but also jeopardized the standing of the Jewish community in America. They repeatedly discredited and differentiated themselves from those among them who prioritized Jewish divorce law over civil divorce law. Reform rabbinic leaders even abandoned separate Jewish divorce altogether, deciding that civil divorce was sufficient to end a Jewish marriage. Throughout it all, some number of immigrant Jews, whether due to ignorance about American law or simple convenience,

⁵ Jonathan D. Sarna, *American Judaism: A History*, Second Edition (New Haven, CT: Yale University Press, 2019), 45.

continued to rely upon easily obtained and familiar Jewish divorces as sufficient to end unwanted marriages, rather than turning to the courts of the secular state to obtain legally required, but often heavily restricted, civil divorces.

The failure of some mid-nineteenth century Jews to wholeheartedly embrace American law with respect to divorce might have simply faded out without much notice if not for the onset of the massive waves of Eastern European Jewish migration to American shores in the late nineteenth century. Significant numbers of Eastern European immigrants, like their predecessors, often relied on Jewish divorces to end their marriages, which resulting in them running afoul of anti-bigamy laws when they married for a second time. And, even more problematic than those immigrants were those who enabled their behavior by granting Jewish divorces for a fee. Ever-increasing hostility toward immigrants, antipathy toward divorce, and alarm over skyrocketing American divorce rates led to the scapegoating of Jewish immigrants for un-American behavior with respect to divorce. Fearing backlash against their community, Americanized Jewish leaders redoubled their efforts to prove and ensure Jewish adherence to American laws and morals with respect to divorce. They worked, often hand-in-hand with civil authorities, to stop those who would issue Jewish divorces to couples who were not civilly divorced and simultaneously engaged in a rhetorical campaign to show themselves to be a part of the national conversation regarding family morality. Divorce practices among Eastern European immigrants became a lightning rod for Americanized Jewish leaders, symbolizing all that needed to be corrected among their Eastern European co-religionists. Understanding the intrinsic connection between Jewish adherence to American legal and cultural norms regarding divorce to Jewish acceptance in American

society, Americanized Jewish leaders scapegoated their Eastern European immigrant co-religionists, amplifying the divorce problem both in order to solve it and in order to prove their own American bona-fides in the process.

Judaism had always permitted divorce, albeit within specific parameters. The Bible, in Deuteronomy 24:1, provided that, if, after a man takes a wife, she “fails to please him because he finds something obnoxious (“*ervat davar*”) about her, ... he writes her a bill of divorcement, hands it to her and sends her away from his house.”⁶ The rabbis in the Mishnaic period (c. 10-220 CE) debated the meaning of the phrase “*ervat davar*,” which literally means “a matter involving nakedness.” While a minority opinion declared that divorce was only appropriate in the case of the wife’s adultery, most others used a more figurative interpretation, some stating that a husband could divorce his wife for even a minor fault or infraction, and still others stating that no fault at all was required.⁷ Whatever the acceptable reasons for divorce, the biblical provision put unfettered control regarding its issuance in the hands of the husband who had the sole power to effectuate the divorce via the delivery of a *get*, bill of divorcement, to his wife. Over the following centuries rabbinic law in the Talmud and thereafter did take some limited steps to mitigate the husband’s power. It required them to pay their wives an amount specified in the *ketubah* upon divorce, mandated the consent of the woman to the divorce, and permitted a woman to demand that her husband give her a *get* under certain circumstances, such as when her husband had hidden a key defect, such as impotence, when they married. To be sure, Jewish tradition did not take divorce lightly; the

⁶ *JPS Torah Commentary: Deuteronomy* (Philadelphia: Jewish Publication Society, 1996), 221.

⁷ Mishna Gittin 9:10.

Babylonian Talmud famously recorded the statement of Rabbi Elazar that “one who divorces his first wife, even the very altar sheds tears because of him.” However, divorce was never outlawed by the rabbis. If both husband and wife agreed, no Jewish legal impediment stood in the way of their legal divorce. While rabbis legislated that a *beit din* needed to write the *get* and supervise its delivery from husband to wife, ultimately, the decision as to whether a divorce would be effectuated lay in the hands of the couple themselves – primarily the husband who alone had the power to deliver the *get*, and secondarily the wife who had to agree to receive the *get*.⁸

America, a country deeply influenced by Protestant Christianity, had a more complicated relationship with divorce. In part, this was because of the historic lack of clarity among Christian theologians about divorce in Christian thought. Some opined that divorce was entirely impermissible, some that it was impermissible except in cases of adultery, and still others that divorce might be permissible in certain circumstances. Catholic theology decreed that marriage was a sacrament that could not be dissolved by the parties and only ended with death of husband or wife. Protestant theology, which did not view marriage as a sacrament, was typically more permissive, allowing couples to divorce but frequently emphasizing that “good Christians” did not do so.⁹

While American divorce law was certainly influenced by Christian theology, from the earliest years of the colonial period, the secular state apparatus, and not ecclesiastical

⁸ Irwin H. Haut, “‘The Altar Weeps’: Divorce in Jewish Law,” *Women in Chains: A Sourcebook on the Agunah*, ed. Jack Nusan Porter (Northvale, NJ: Jason Aronson, 1995), 45-59. See also Lois C. Dubin, “Jewish Women, Marriage Law, and Emancipation: A Civil Divorce in Late-Eighteenth-Century Trieste,” *Jewish Social Studies* Vol. 13:2 (Winter 2007): 69. For a deeper examination of the Jewish law of divorce, see Irving A. Breitowitz, *Between Civil and Religious Law: The Plight of the Agunah in American Society* (Westport, CT: Greenwood Press, 1993).

⁹ Nelson Manfred Blake, *Road to Reno: A History of Divorce in the United States* (New York: Macmillan, 1962), 10, 23.

courts, governed the process of marriage dissolution. Marriage and divorce were civil enterprises in America; unlike in Europe, America never created separate confessional communities that had jurisdiction over marriage and divorce for their members. While ultimately subject to British oversight, American colonies had varying laws governing divorce. Some colonies forbade it altogether, while others permitted it in certain limited circumstances. Causes of action for divorce also varied. Some colonies would only issue divorce in cases of adultery, while more liberal colonies like Massachusetts recognized additional grounds such as bigamy, desertion, and impotence.¹⁰ Nonetheless, even in colonies which had more expansive grounds for divorce, divorce was very rare in the colonial period.¹¹

In the heady post-1776 atmosphere of freedom and opposition to tyranny, many states liberalized their divorce laws.¹² The idea of independence, points out historian Norma Basch, “loom[ed] as a compelling prototype for divorce.”¹³ Nonetheless, although some states expanded the grounds for divorce after independence, divorce law remained restrictive. Certainly, a couple could not simply divorce as a matter of right; every state in which divorce was legal required grounds – typically adultery, cruelty, or abandonment – for granting a divorce. State lawmakers, concerned that revolutionary ideas about freedom of choice might wield serious damage to the stability of the institution of marriage, saw the retention of specific narrow grounds for divorce as a way to mitigate

¹⁰ Blake, 36.

¹¹ Mintz and Kellogg, 61.

¹² Blake, 48. Marriage and divorce law remained under state jurisdiction after independence.

¹³ Norma Basch, *Framing American Divorce: From the Revolutionary Generation to the Victorians* (Berkeley: University of California Press, 1999), 24-25.

such damage.¹⁴ In this way, American divorce law was far more restrictive than Jewish divorce law, which permitted divorce for any reason, as long as both members of the couple agreed that they wanted the marriage to end.

Jewish immigrants to America in the nineteenth and early twentieth centuries brought with them not only traditional Jewish conceptions of divorce, but also notions about how the state should interact with the way Jews married and divorced. In the medieval and early modern periods, autonomous European Jewish communities governed marriage and divorce internally without interference of the state. Beginning in the late eighteenth century and continuing throughout the long nineteenth century, Western and Central European nations began a protracted and often complicated process of emancipation and integration of Jews into the polity. This process played out differently in different locations, but throughout Western and Central Europe, a common feature of the emancipation process was the chiseling away and ultimate eradication of Jewish self-government. While in many locales, Jewish communities retained some control over marriage and divorce, the state increasingly played a role as well.

The process of Western and Central European states taking control of marriage and divorce from the Jewish communities in their midst was not a linear one. Indeed, it was often quite complex, with state governments taking over aspects of the processes of marriage and divorce, while others remained in the hands of Jewish communal institutions. Typically, this manifested with new legal requirements that Jews register marriages and divorces with the state. Sometimes, state governments also governed what types of Jewish communal authorities could perform marriage. And, sometimes laws

¹⁴ Lyons, "Discipline, Sex, and the Republican Self," in *The Oxford Handbook of the American Revolution*, eds. Edward G. Gray and Jane Kamensky (New York: Oxford University Press, 2012), 569.

were confusing and unclear; the point at which state jurisdiction ended and Jewish communal jurisdiction began was not always clearly delineated. Lastly, throughout the period, whether out of ignorance or lack of desire to submit to state restrictions, some Jews continued to marry and divorce outside the state apparatus.¹⁵

The Russian Empire, which had the largest Jewish population in the world in the nineteenth century, had its own methods of addressing Jewish marriage and divorce. Jews were never emancipated in tsarist Russia; it was not until the Russian Revolution that Jews became full citizens of Russia. Nonetheless, over the course of the nineteenth century, the tsarist government increasingly took control of Jewish marriage and divorce. Like elsewhere in Europe, it created a hybrid model that both kept matrimonial law in the hands of the Jews and simultaneously instituted state control and oversight. However, under the tsarist regime, there was no civil marriage or divorce; matrimonial law for Russian subjects was governed by the law of one's confessional community. Thus, Jewish marriage and divorce was governed by *halakha*, Jewish law. Russia imposed state control of marriage and divorce by creating a state rabbinate, made up of state-appointed rabbis who were trained in state rabbinical seminaries. Beginning in the mid-nineteenth century, only state rabbis were invested with the legal authority to conduct marriages and divorces for Jews. Such rabbis often did not enjoy the respect of Russian Jews who continued to follow "spiritual rabbis," that is, traditional rabbis, who retained the authority of their community while holding no state authority. This system caused legal

¹⁵ Dubin, "Jewish Women, Marriage Law, and Emancipation": 65-92. For discussion of how matrimonial and divorce law developed over the course of the nineteenth century in one important location of Jewish settlement in Central Europe, the Habsburg Monarchy, see Sandor Nagy, "One Empire, Two States, Many Laws: Matrimonial Law and Divorce in the Austro-Hungarian Monarchy," *Hungarian Historical Review* 3, no. 1 (2014): 190-221.

confusion when the state refused to recognize marriages and divorces executed by spiritual rabbis. Nonetheless, Russian Jews, like many other European Jews, were accustomed to Jewish marriages and divorces being recognized by the state.¹⁶

Thus, particularly in the antebellum years in America, when most European nations had not yet solidified legal structures for complete civil control of marriage and divorce, Jews immigrating from Central and Eastern Europe brought with them complicated notions about the role of the state in determining marital status. What they found in America was like nothing any of them had seen before: all marriage and divorce in America was governed by civil authorities, although clergy was permitted to solemnize marriage on behalf of the state.¹⁷ Thus, if Jews wanted to marry according to Jewish laws and customs, they could do so and such a marriage would be valid in the eyes of the state. No separate civil ceremony was necessary. If they wanted to divorce according to Jewish law, nothing barred them from doing so – but such a divorce would *not* be valid in the eyes of the state. In order to be considered legally divorced, Jews would have to obtain civil divorces via the civil court system in the states in which they lived. Those divorces would then be recognized in any state in the United States under the Full Faith and Credit clause of the Constitution.¹⁸

¹⁶ For a detailed study of Jewish marriage and divorce in tsarist Russia, see ChaeRan Y. Freeze, *Jewish Marriage and Divorce in Imperial Russia* (Hanover, NH: Brandeis University Press, 2002).

¹⁷ See Chapter 2. In this way, the law in America differed from France, which insisted upon civil marriage and did not permit clergy to perform marriage for the state. Additionally, civil divorce was illegal in France between 1816 and 1884. For a complete explanation of the differences between French and American marriage and divorce laws in the late nineteenth century, see Geraldine Gudefin, “The Civil & Religious Worlds of Marriage and Divorce: Russian Jewish Immigrants in France and the United States, 1881-1939” (PhD diss., Brandeis University, 2018), 26-30.

¹⁸ United States Constitution Art. 4 Sec. 1; Joseph Story, *A Familiar Exposition of the Constitution of the United States* (Boston: Thomas H. Webb, 1842), § 215; *Cheever v. Wilson*, 76 U.S. 108 (1869).

In a country in which Jewish communal authorities already had little authority over individual Jews, state control over issues of marital status only contributed to the decentralization of Jewish communal power.¹⁹ Jewish leaders in America had long struggled with their inability to control their flock. Whereas in Europe, the organized Jewish community often retained some recognition and backing from state authorities into the nineteenth and early twentieth centuries, in America, with no connection to state authorities whatsoever, the organized Jewish community held little sway over American Jews. Indeed, historically, one of the only ways to entice Jews to affiliate with the Jewish community was to tell them that they could not be buried in a Jewish cemetery if they were not members of the synagogue.²⁰ Generally, however, the lack of Jewish communal authority affected only internal Jewish politics and affiliation; without the ability to compel Jews to affiliate with the organized Jewish community, Jewish institutions such as synagogues and schools had to obtain funding and entice membership on their own. Yet, the issue of divorce was not merely an internal Jewish issue. Lack of centralized Jewish communal control of divorce meant that any Jew who wanted to could sell his services as a “rabbi” and could organize a Jewish divorce. On the one hand, this was an issue of internal Jewish concern; for those who cared about adherence to particularities of Jewish law, the inability to control those Jews who claimed the authority to supervise the issuance of *gittin* was worrying.²¹ Furthermore, the lack of communal oversight meant that European Jewish communities often lacked trust in the halachic nature of American

¹⁹ Hyman Grinstein, *The Rise of the Jewish Community of New York* (Philadelphia: Jewish Publication Society, 1945), 93. For more on the decentralization of Jewish communal authority in America, see Sarna, *American Judaism*, 103-11.

²⁰ Sarna, *American Judaism*, 9-10, 54.

²¹ See, e.g., “Editorial,” *American Israelite*, June 18, 1880, 4.

gittin.²² However, the way Jews handled Jewish divorces not only affected the internal workings of the Jewish community; it had a significant effect on the way gentile society viewed the Jews among them.

Marriage and divorce hold a unique place in society. As legal institutions, they exist both in the religious and secular spheres and define one's status in the eyes of the state as well as in the eyes of any religious community of which one is a part.²³ Religious communities and state laws, however, may have different rules regarding how one enters into and exits from a state of marriage. Thus, while the terms "marriage" and "divorce" may be the same in the religious and state realms, they carry different meanings depending on the context. A different philosophy, procedure, or set of rules underlying the institutions of marriage or divorce in a particular religious community might cause that religious community to be put under the microscope by civil authorities and surrounding society, leading to questioning whether its philosophy puts it at irreconcilable odds with the cultural and legal norms of the country.²⁴

As Jews immigrated to America in increasing numbers in the years before and directly after the Civil War, they found themselves in a society that was increasingly

²² "Divorces," *The Jewish Messenger*, March 25, 1859, 92; "An Ecclesiastical Authority II," *Jewish Messenger*, February 23, 1866, 4; "An Ecclesiastical Authority III," *Jewish Messenger*, March 2, 1866, 4. "Caution," *Jewish Messenger*, May 11, 1866, 3; Rod Glogower, "The Impact of the American Experience Upon Responsa Literature," *American Jewish History* 69, No. 2 (December 1979): 259-60.

²³ For discussion of the dual spheres of religion and state in which marriage and divorce exist in the United States, see Perry Dane, "A Holy Secular Institution," *Emory Law Journal* 58 (2009): 1123-94.

²⁴ An example of this is the way the American government, with its powerful and longstanding commitment to the ideal of monogamy, dealt with the polygamous Mormon community in Utah in the nineteenth century. See discussion of this below. American legal and legislative authorities increasingly labeled Mormons as despotic and anti-democratic. In the famous 1879 Supreme Court case of *Reynolds v. US*, the Court declared that "according as monogamous and polygamous marriages are allowed, do we find the principles on which the government of the people, to a greater or less extent, rests." as quoted in Cott, 114.

engaged in vigorous debate about divorce. As had long been the case in America, marriage policy was inextricably intertwined with political philosophy. Although state divorce laws had become more permissive in the wake of the Revolutionary War, as southern states threatened secession in the years leading up to the Civil War, attitudes about the destructive power of divorce grew by leaps and bounds. As Abraham Lincoln famously stated in an 1858 campaign speech for his election to the Senate, “A house divided against itself cannot stand.”²⁵ While Lincoln was, of course, referring to America, the parallels to marital difficulties were plain. In reaction to the political upheaval of secession and the ensuing Civil War, many called for greater restrictions on divorce, or even the abolishment of the option of divorce altogether.²⁶

But politics were only one part of the picture. With the destruction brought about by the Civil War came a rise in religious fervor in America. Both Northerners and Southerners saw the war through a religious lens, painting the struggle as one rooted not only in political disagreement but in their side’s fight for morality; each sought the wrath of God to be brought to bear on their opponents.²⁷ In the wake of the war, as the nation dug out of unprecedented destruction and dealt with the trauma of years of fear and death, many sought succor in religion. Christian leaders sought to implant religion more overtly in American law, some even arguing for a Constitutional amendment which would acknowledge the authority of Christ and the centrality of divine law. While the idea of such an amendment never gained widespread support, the increased emphasis on

²⁵ The phrase “a house divided” originated in the New Testament. See Matthew 12:25.

²⁶ Cott, 77, 105-10.

²⁷ Naomi Cohen, *Jews in Christian America: The Pursuit of Religious Equality* (New York: Oxford University Press, 1992), 66.

religious values impacted many sectors of American society, including of course, the debate over divorce. More than simply charging that liberal divorce laws flew in the face of the religious mandate for monogamous marriage for life, religious leaders set up the divorce debate as “an out-and-out war for the soul of the nation,” a battle between infidels and Christians.²⁸

Complicating the picture were other voices in American society such as women’s rights activists and other liberal thinkers, some of whom called for a liberalization of divorce law and others of whom disdained legal restrictions on relationships between the sexes altogether, advocating “free love.” While both of these groups opposed restrictive divorce laws, they approached their opposition with very different underlying philosophies. Those arguing for liberalization of divorce laws pointed out that restrictive divorce laws did not serve to shore up the institution of marriage. Indeed, America had the highest divorce rate in the western world in the second half of the nineteenth century, and that rate continued to rise despite efforts at narrowing legal access to divorce.²⁹ Rather, they maintained that restrictive laws resulted only in trapping people in unwanted, unhappy, and even abusive marriages. Women, argued such advocates, suffered disproportionately from the inability to escape abusive husbands via divorce. Furthermore, such laws led to adultery and “free love” when unhappy husbands and wives sought companionship outside the marriages they could not escape. Liberalization of divorce laws would end the “unnatural” character of permanent non-dissolvable

²⁸ Basch, 80-90; Blake, 92.

²⁹ Cott, 106-7. For American divorce statistics in the late nineteenth and early twentieth centuries, see Blake, 150; Clare Virginia Eby, *Until Choice Do Us Part: Marriage Reform in the Progressive Era* (Chicago: University of Chicago Press, 2014), 26-27.

marriages, thereby actually strengthening the institution of marriage. “Free-love” advocates, on the other hand, were unconcerned with the success of the institution of marriage, seeking instead freedom from the way laws unnaturally and coercively shaped human relationships.³⁰

Adding to the turbulence over divorce in American society was the increased scrutiny of Mormon polygamy in the second half of the nineteenth century. In a nation powerfully committed to monogamous marriage, Mormon behavior was seen as an existential threat to American moral and political beliefs. Infuriating other Americans, Mormons were defiant about their polygamous practices, consistently thwarting zealous American efforts to eradicate them. Exacerbating the difficulties, Mormons were distinctly liberal with respect to divorce; Utah territory law permitted judges great latitude to grant divorces when they saw fit. Polygamy and divorce were intertwined in the minds of Americans not only because Mormons engaged freely in both, but because an illegal divorce could, upon one of the parties’ remarriage, result in statutory polygamy.³¹

The raucous debate about divorce, free love, and bigamy in American society coincided with the rapid growth and rise in visibility of the American Jewish population after the Civil War. As the number of Jews in America reached close to 200,000, 0.5% of the total American population, around the time of the Civil War, Jews and their practices became more familiar to – and more scrutinized by – the gentile society around them. Americans took note of Jewish divorce practices, writing about them with curiosity and

³⁰ Blake, 114-5, 150-1; Basch, 83-84.

³¹ For more on the United States government’s battle against Mormon polygamy, see Cott, 111-20.

describing them in Orientalizing language in the American press.³² In the binary created by critics of divorce between Christians and infidels, Jews ran the risk of falling on the side of the infidels.³³

The Rise of Jewish Communal Concern About Jewish and American Divorce Law

The complex intersection of the philosophy behind Jewish and American divorce law combined with the mounting concern about divorce in America deeply affected Jewish communal leaders. Beginning in the late 1850s, rabbis and lay-leaders began to express concern over the way in which some rabbis handled divorces, seeing divorce as a symptom as well as a cause of larger problems that Jews faced in American society. In 1859, the traditionalist *Jewish Messenger* noted that it was “pained” that “our spiritual affairs are not as flourishing as we had reason to expect they would be by this time.” The fault, according to the *Messenger*, lay with the rabbis. As one editorial in the paper charged:

Marriages are solemnized without any scruples, divorces are effected as if the Code of Indiana was their law; in fine, acts are performed decidedly contrary to Judaism, and in direct contravention to the purity of Israel. Why do not our respected co-religionists duly support those ministers of our faith who acts honorably in their profession and totally discard those who bring reproach on the name of Israel?³⁴

³² See, e.g., “The Ashkenazi Case,” *Chicago Tribune*, December 7, 1858, 2; “A Twenty Years’ Chase for a Husband,” *Detroit Free Press*, December 18, 1858, 1; “Hebrew Ceremony of Divorce,” *Baltimore Sun*, May 22, 1869, 1; “Jewish Divorce in a Gentile Jail,” *San Francisco Chronicle*, January 2, 1869, 1; “A Jewish Divorce Case – Interesting Ceremony,” *Chicago Tribune*, May 25, 1869, 2.

³³ An opinion piece about divorce in the *Detroit Free Press* chastised readers, “On this subject one would think we were not a christian (sic) people. It is one of the most solemn laws of Christian doctrine ... that no divorce should be given except for adultery. And yet, our laws, courts and churches are constantly violating this solemn doctrine of Christianity. No divorces were allowed in the primitive ages of mankind. It crept into the Jewish Church (said Christ) from the hardness of their hearts.” “On Divorces,” *Detroit Free Press*, Aug. 8, 1865, 3.

³⁴ “California,” *Jewish Messenger*, June 3, 1859, 195.

Marriage and divorce were windows through which gentiles could view the Jewish community, and according to the *Messenger*, what they were seeing was embarrassing and unpleasant; rather than contributing to a view that Judaism was pure and holy, they showed Judaism to be dishonorable.³⁵ By comparing Jewish divorces to those issued in the State of Indiana, a jurisdiction notorious for its overly-permissive divorce laws, the *Messenger* made clear that these rabbis were granting divorces willy-nilly, and thus were out of step with the rest of respectable American society. Without a centralized rabbinate, Jews were reliant on their co-religionists to weed out those rabbis – or those acting as rabbis – who disgraced their community. Ever concerned about these issues, the editor of the *Messenger*, Reverend Samuel Isaacs, spiritual leader of the Orthodox congregation B'nai Jeshurun in New York, would return to the issue of unregulated Jewish divorce in the pages of the *Messenger* again and again in the ensuing years.³⁶

While Jewish leaders began to engage in efforts to organize the American Jewish community, addressing the issue of marriage and divorce among American Jews would prove thornier than expected. In 1859, a group of American Jewish leaders founded the Board of Delegates of American Israelites, feeling that a more unified and organized American Jewish community was needed to properly advocate for Jewish causes. Forty-six delegates representing twenty-five American Jewish congregations met in New York

³⁵ While the *Messenger* did not detail what it meant that marriages were being performed without any scruples, likely this meant that officiants were charging what was seen as inappropriately high sums of money for their work or performing weddings that did not comport with American law or notions of respectability. See Chapters 1 and 3. American culture despised any mercenary connection to marriage, and Americans had definite ideas about the types of marriages and weddings which were respectable.

³⁶ While Isaacs evinced concern over the issue of Jewish divorce on a national level, it is not unsurprising that he himself was based in New York. Aside from being the home of the largest Jewish community in America in the postbellum years, New York was also a state famous for its restrictive outlook toward divorce.

in November of that year to set the organizational agenda, which included collecting and maintaining statistical information on the American Jewish community, promoting Jewish education and Jewish charity, defending and advocating on behalf of both American Jewry and their coreligionists around the world, and establishing procedures for arbitrating disputes between congregations. The Board of Delegates' articulated agenda did not include any sort of supervision of Jewish religious life in America.³⁷

In fact, however, the issue of supervision of Jewish religious life in America had arisen on the Board of Delegates' agenda before the 1859 gathering. Isaac Leeser (1806-1868), the traditionalist leader of Congregation Mikveh Israel in Philadelphia, lobbied to have the Board supervise the religious affairs of the American Jewish community. However, his entreaties were soundly rebuffed by both Reform and Orthodox leaders—Reform because they feared that their religious position would not be given any credence, and Orthodox likely because they feared coming up with an agreed-upon set of halakhic standards.³⁸ Nonetheless, the idea that some type of unified oversight of religious education and institutions was needed did not totally disappear. The first report of the Executive of the Board of Delegates hinted at discord within the ranks on this issue. It reported that the organization's lack of attention to "maintenance of our religious institutions" was "generally deplored" by its members. However, the report admitted, "it has been difficult, in the brief space of time which has elapsed, to agree upon a plan of action adapted to the requirements of the case." It went on to explain, "Union and

³⁷ Sarna, *American Judaism*, 111; Naomi Cohen, *Jews in Christian America*, 53-55; Joseph Buchler, "The Struggle for Unity: Attempts at Union in American Jewish Life, 1654-1868," *American Jewish Archives Journal* 2, no. 1 (1949): 37-8.

³⁸ Buchler, 37.

combination among Israelites in the United States, now so happily inaugurated by the establishment of this Board, is of but recent origin Premature or injudicious action might seriously compromise its now well-assured future....” Therefore, the board thought it wise to “delay immediate action on subjects so important,” and to invite input and commentary from board members before deciding on a course of action.³⁹

Apparently, the cautious language in the report of the Executive belied greater tumult existing beneath the surface. More information concerning the in-fighting on the subject of religious supervision came in the form of a letter sent to the *Israelite* by a former delegate, I. Lewengood of New York’s Congregation Ansche Chesed, who wrote to explain his decision to withdraw Ansche Chesed’s delegation from the Board of Delegates. “[T]he object of this union,” he accused, “is no less than the establishment of a Hierarchy.” The Board, he claimed, was quietly attempting to “smuggle in disguise” the establishment of an “Ecclesiastical Board” that would make religious decisions for all of American Jewry, ranking the opinions of some over others. As proof, he quoted text which he claimed was omitted from the board report:

There are some evils universally acknowledged, which it is believed may, at an early day, be remedied by concert of action, the granting of divorces by persons who derive no authority from any constituted body within the United States, and are consequently irresponsible, unless to some unknown authority in a foreign land, over which no control can be exercised. If it be granted that such powers must exist, the respect we owe to ourselves as American Israelites, demands that they shall be originated or created within the United States, and owe no allegiance to any foreign body.⁴⁰

³⁹ “First Annual Report of Executive Committee of the Board of Delegates of American Israelites,” (1860), 10-11. Board of Delegates of American Israelites Collection, Box 1, Folder 1, AJHS.

⁴⁰ “Letter to the Editor,” *Israelite*, July 20, 1860, 18.

While this text never made it into the board report, it gives further insight into the concern among those in the Jewish establishment about the issue of Jewish divorce in America. The idea that American Jews, whether rabbis or not, were issuing Jewish divorces that held no weight in America felt dangerous to Jewish standing in America. Furthermore, the idea that the only authority to which such rabbis would be subject would reside in European Jewish communities, which did have organized supervision of religious affairs, appeared disloyal to the United States.

While the Board of Delegates declined to address the divorce issue because it would cause too much strife within the American Jewish community, its records reveal that the Board was both aware of the issue and eager to see it resolved. The Second Annual Report of the Executive Committee noted “with great satisfaction” the February 1861 meeting of the seven New York congregations that sought to adopt “regulations for preventing unauthorized and improper persons performing the Marriage Ceremony and granting Divorces.” The report noted that the outcome of that meeting had “not been so fruitful as the friends of religious development could desire,” but the committee welcomed it as “an initiatory proceeding” which led them to “indulge in the hope that a renewal of the efforts in proper season, will be productive of desirable results.” The Executive Committee also noted that a similar conclave, involving six out of seven synagogues in the city, had taken place in Philadelphia, commenting “we trust that the perfection of measures in these important Cities will form a model for adoption in others, and a basis for a general union and concert of action, in religious affairs.” Despite its strong support of these efforts, the Executive Committee remained uninvolved with any efforts to organize supervision of religious affairs. It closed discussion of the efforts in

New York and Philadelphia with the caveat that the “Committee deem it inexpedient, to make any recommendations, considering it more judicious to watch their progress, and lend such assistance now or hereafter, as may be within their power to afford.”⁴¹ Inroads to solve the divorce problem, it seemed, would be difficult to achieve.

Meanwhile, those men, whether ordained as rabbis or not, who wanted to earn some extra money continued to be able to do so simply by hanging out a shingle as a purveyor of *gittin*. An 1860 advertisement in the *Israelite* was telling: “Wanted – by the Reverend Nasah, a solicitor for Huppahs and Kiddushin, and for writing Matzeboth, and divorces, as the Rev. gentleman can not [sic] personally attend to the business for the present. A liberal percentage will be allowed.”⁴² Clearly, there was demand for those who could offer Jewish ritual services, and remuneration seemed to be substantial.

As Jewish leaders attempted to regulate Jewish divorces, they also kept their eyes carefully on the contours of the debate about divorce in the society around them. Before they knew it, the fracas came to roost in their own backyard when Biblical divorce law became an issue in a very public debate on the divorce issue. The debate, between Horace Greeley, the editor of the *New York Daily Tribune*, and Robert Dale Owen, a retired Indiana politician, erupted in the pages of the *Tribune* in March 1860. In an editorial on March 1, Greeley commented on the New York legislature’s possible plans to expand causes of action for divorce. New York’s divorce laws were among the most restrictive in the nation, allowing for divorce only in the case of adultery. “We trust,” he intoned, “it

⁴¹ “Second Annual Report of Executive Committee of the Board of Delegates of American Israelites,” (1861), 6-7, Board of Delegates of American Israelites Collection, Box 1, Folder 1, AJHS. The Report of the Executive Committee was also published in the pages of the *Jewish Messenger*. “Second Annual Report,” *Jewish Messenger*, July 26, 1861, 12.

⁴² Wanted, *Israelite*, August 17, 1860, 54.

will ponder long and carefully before it consents.” In contrast to what he saw as New York’s responsible restrictions on divorce, Greeley pointed his finger at the State of Indiana, “the paradise of free-lovers,” which allowed couples “to get unmarried nearly at pleasure.” In particular, Greeley declared that the immoral state of affairs in Indiana was due in no small part to the “lax principles of Robert Dale Owen.”⁴³

The State of Indiana, as mentioned above, was notorious for its loose divorce laws. Two elements of its law in particular contributed to this reputation. The first was the “omnibus clause,” which allowed courts leeway to grant a divorce even if the circumstances of the case did not fit into any of the enumerated reasons – adultery, cruelty, or abandonment – for which divorce could be granted. It stated that the courts were authorized to grant divorce decrees for “any other cause” that they deemed “proper.” The second was the lax proof of residency requirement. In order to obtain a divorce from the courts in any state, one had to be a resident of that state. Most states required a period of residence before filing for divorce, such as six months or a year. In Indiana, the law stated only that the plaintiff had to be a *bona fide* resident of the county in which he or she filed for divorce at the time of filing, and the plaintiff’s affidavit to that effect was accepted as *prima facie* evidence of residence.⁴⁴ The possibilities for abuse of the residency law were rife. Emerging as a symbol of the lawless degeneracy of the West, Indiana stood in stark contrast to New York, a state which permitted divorce only in the case of adultery until 1966. Over the course of a number of weeks, Owen and Greeley vigorously defended their respective states’ positions on divorce in the pages of

⁴³ Blake, 89.

⁴⁴ Blake, 119.

the *New York Daily Tribune*, with Owen arguing that liberal divorce laws protected women and children and actually strengthened the institution of marriage by preventing “free love,” and Greeley insisting that strict divorce laws had a deterrent effect, shoring up marriage through enforcing self-control. New York and Indiana became stand-ins for the two sides of the divorce debate.⁴⁵

Owen’s March 12, 1860 column defending Indiana divorce law against Greeley’s accusations cut close to home for Jews. Quoting Deuteronomy 24:1, Owen argued that even the Bible permitted divorce. He went on to tout his Christian bona-fides, proclaiming:

The longer I live the more I settle down to the conviction, that the one great miracle of history is, that a system of ethics so far in advance as was the Christian System, not only of the semi-barbarism of Jewish life eighteen hundred years ago, but of what we term the civilization of our own day, should have taken root and lived and spread, where every opinion seemed adverse and every influence hostile.⁴⁶

In a world in which to be in favor of liberalization of divorce law was to be labeled an “infidel,” Owen must have thought it judicious to ensure that his readers recognized his commitment to Christianity. At least one Jew reading Owen’s words took offense not only at his use of the term “semi-barbarism” to describe ancient Judaism, but also with Owen’s reading of the Bible. In a letter published in the *Tribune* the following week, a writer cheekily calling himself “A Semi-Barbarous Rabbi” noted that Owen had conveniently omitted a key part of the Biblical verse about divorce: the fact that the husband should divorce his wife if she “fails to please him because he finds something unclean in her.” “Uncleanness,” the “Semi-Barbarous Rabbi” argued, was a term used

⁴⁵ Blake, 89-92. Basch, 90-3.

⁴⁶ “Divorce,” *New York Daily Tribune*, March 12, 1860, 7.

throughout the Bible to refer to “illicit sexual intercourse.” Thus, he contended, Owen’s argument that liberal divorce laws were supported by Scripture was a specious one since the Bible restricted divorce to this one situation. While the letter writer claimed that he did not want to enter into the debate about divorce, he concluded by asking

what degree of confidence and consideration can be due to the assertions and opinions of a disputant who, professing to quote verbatim from a book so well known as the Bible, ‘somehow’ contrives to omit the pith and marrow of a law against which he directs his assault.⁴⁷

Whoever the “Semi-Barbarous Rabbi” was, his message was plain.⁴⁸ If anyone was barbarous, it was Owen who misquoted Scripture, not the Jews whose Mosaic laws, just like the State of New York, restricted divorce to cases of adultery. Jewish practice according to the “Semi-Barbarous Rabbi,” was fully in keeping with American morals and values.

The debate over the meaning of the term “*ervah*” continued for a couple of weeks in the *Tribune*, with Owen responding to the “Semi-Barbarous Rabbi,” and then Greeley and Owen continuing the battle. Ultimately, Owen ended the debate with a knockout punch, silencing his opposition by pointing out that the word *ervah* could not be referring to adultery, since that act warranted far more severe punishment than divorce in the Bible.⁴⁹ While Owen’s Jewish interlocutor was, in fact, incorrect in his interpretation of the word “*ervah*,” the point he sought to make was larger than the correct meaning of a Hebrew word. The “Semi-Barbarous Rabbi,” whoever he was, sought to ensure that Jews

⁴⁷ “Marriage-Divorce,” *New York Daily Tribune*, March 17, 1860, 8.

⁴⁸ It is possible that the “Semi-Barbarous Rabbi” was none other than Samuel Isaacs, who often wrote under a pseudonym, and had, as discussed above, long been concerned about the way gentiles perceived Jewish attitudes toward divorce.

⁴⁹ Robert Dale Owen, Letter to the Editor, “The Word *Ervah*,” *New York Daily Tribune*, March 24, 1860, 6.

would not be lumped together with “infidels” in the divorce debate. If Jewish law was perceived as “barbarous” or too permissive on divorce, he no doubt worried, Jews would not be accepted in respectable American society. While he claimed that he did not seek to take a stance on the divorce debate, the “Semi-Barbarous Rabbi” did not want Judaism to appear to be in the same camp with the likes of Owen, whose opinions seemed beyond the pale to mainstream Americans. His agenda was to defend the honor of Judaism and in so doing of American Jews.

Throughout the 1860s, both during the Civil War and thereafter, Jewish leaders continued to bemoan the lack of communal regulation of divorce but seemed powerless to take any steps to solve the problem. Arguments focused on the violence being done to Jewish law by unscrupulous rabbis or religious functionaries and also that the lack of central regulation led to divorce not being treated with the seriousness it needed. An 1862 editorial in the *Jewish Messenger* bemoaned the “chaotic condition” of the unregulated religious structures of American Jewish community. In America, he reminded his readers, a couple refused marriage officiation by one Jewish authority due to some religious disqualification could simply find another officiant who would be more than glad to perform the wedding. Isaacs noted that marriages of three couples in which one of the spouses had been divorced had taken place in one synagogue in one day the previous week. “Let it not be urged,” he cautioned:

that such cases could not take place among the respectable portion of the community – that a case of divorce is of very rare occurrence. We rejoice ... that our females are as chaste as they are God-fearing. But is not the respectable portion that is to be considered. It is the whole of Israel that is to be guarded, protected, and cared for, lest the wrath of Heaven is aroused

against us for neglecting that which as Israelites we are bound to conserve.⁵⁰

Centralized control of divorce, Isaacs argued, was not necessary for the majority of American Jews. But, without some communal oversight, the behavior of the problematic minority would sully the reputation of all Jews. The Jews, Isaacs seemed to be saying, were a collective, only as good as their least law-abiding and respectable community member.⁵¹

Another communal attempt at supervision took place in 1863 when, at a meeting of “Israelites of New York” held at the Stuyvesant Institute, numerous rabbis and synagogue leaders gave impassioned pleas for a “competent authority among us” to supervise ritual slaughter, kashrut, conversion, marriage, and divorce. The group urged the adoption of resolutions to appoint a committee of seventeen leaders to move forward with a plan. The resolutions, which were indeed adopted, stated in part:

Whereas, We have viewed with pain and apprehension the religious condition of the Israelites of New York, apparently growing worse and worse instead of improving, and

Whereas, We deeply feel the need of concerted action for the purpose of imparting a healthier tone to our religious system, and of obviating the evils which the lack of competent supervision and discipline has been steadily augmenting, be it therefore

Resolved, That _____ be an Executive Committee to devise ways and means for the amelioration of the religious status of the Israelites of New York.⁵²

⁵⁰ “Our Congregations,” *Jewish Messenger*, December 19, 1862, 188.

⁵¹ See also “An Ecclesiastical Authority,” *Jewish Messenger*, February 21, 1866, 4; “Spiritual Authority,” *Jewish Messenger*, August 31, 1866, 4.

⁵² “Local Items: New York City,” *Jewish Messenger*, February 27, 1863, 66.

This seemed like a plan that might finally organize American Jewish life. The *Jewish Messenger*, always the paper that evinced the most concern with such issues, hailed the development in an editorial a few days later, and someone even sent a letter to the editor offering to help finance the Executive Committee.⁵³ But, in the end, possibly because of the Civil War, nothing seemed to come of it. In subsequent months and years, the handwringing about lack of communal control continued apace in the pages of the *Jewish Messenger*.

Perhaps because of the lack of progress in instituting communal control of Jewish divorce, articles in the *Jewish Messenger* began to focus less on the ways in which Jewish communal behavior with respect to divorce could be violating Jewish law, and more on ways that the behavior was detrimental to Jewish standing in American society, whether because it violated American law or flew in the face of respectable American behavior. Perhaps this was due to a feeling that Jews might not care about Jewish law, but they would care about violating American law, both because of the legal and social repercussions. An 1863 opinion piece signed by “A Jew” warned that he knew of divorces performed “contrary to Jewish law and the laws of this country” that were “sanctioned as valid by leading congregations ... though, according to every authority, the divorce was totally illegal, and the man could have been arrested for bigamy.⁵⁴ The author was referring to the fact that apparently Jews were obtaining *gittin*, but not civil divorces, and then remarrying. Because they were not legally divorced according to American law, and thus were still married to their original spouse, their remarriage

⁵³ “Religious Supervision,” *Jewish Messenger*, March 6, 1863, 78; “Correspondence,” *Jewish Messenger*, March 6, 1863, 79.

⁵⁴ “Our Orthodox Congregations,” *Jewish Messenger*, February 21, 1863, 58.

represented a breach of American law prohibiting bigamy. This was the first time that the threat of violation of bigamy laws was raised in the pages of the American Jewish press, and it opened an entire new avenue for controlling purveyors of Jewish marriage and divorce. If the Jewish community could not control those individuals internally through its own communal mechanism, perhaps they could be controlled by the secular state.

A few months later, the *Messenger* made the potential threat of state intervention far more concrete, cautioning:

We deem it our duty to warn those who are engaged in effecting divorces that they will be held responsible for their acts, and their conduct will appear in no enviable light should the Jewish cause require their presence in a court of justice. We were casually warned by a friend of the legal profession that it is the solemn intention of the members of the Bar, should any infraction of the State's Law occur, by parties again entering the marital state, without being legally released from their marriage contract, to have all the persons concerned prosecuted. We seriously warn all those who deem themselves qualified to separate man and wife, to discontinue a practice detrimental to our national weal, and which will end to give *them* (emphasis in original) more trouble than they imagine.⁵⁵

The *Messenger's* admonition was different than any previous public discussion about the problems of Jewish divorce in America. For the first time, Jewish spokesmen threatened Jews with the prospect of specific state retribution if they continued their practices, warning them that their actions not only harmed the Jewish people, but also America. While Jewish leaders were not yet cooperating with state authorities to shut down the unlawful remarriages of Jews who had not obtained civil divorces, they made clear that they would side against their co-religionists in favor of those who saw such practices as dangerous to America.

⁵⁵ "Local Items: New York City," *Jewish Messenger*, September 11, 1863, 81.

Such warnings continued in the postbellum years. “Caution,” advised another such announcement in the *Messenger* in 1866, “We deem it our duty to warn those who are unfortunate enough to seek a divorce, that they must be especially careful how they proceed... A state divorce must be the first step, and then a *Religious* (emphasis in original) separation.” If warning was not sufficient, the *Messenger* continued, “To those who desire to send a גט [get] to Europe, it were well to state, that several such documents have been sent there, and have proved of no more value than waste paper.”⁵⁶ In the eyes of the *Messenger*, the whole process of Jewish divorce was tainted. Not only were Jews obtaining divorces that did not comport with American law, such divorces did not even comport with Jewish law. Worst of all, they were handled in a way that was utterly immoral.⁵⁷

Even if rabbis or Jewish functionaries who issued divorces had not violated American law, the *Messenger* still made clear that their actions violated respectable American norms. Such individuals, Samuel Isaacs wrote in his frequent column in the *Jewish Messenger* entitled “Leaves from the Diary of a Jewish Minister,” “for the sake of filthy lucre, tarnished the fame of Israel by writing letters of divorce ... merely because ‘dollars and cents’ were their guiding star.”⁵⁸ Not only were these Jews enabling divorce, something reviled in the era of Civil War, but even worse, they were doing it solely for

⁵⁶ “Caution,” *Jewish Messenger*, May 11, 1866, 3.

⁵⁷ “To Correspondents,” *Jewish Messenger*, November 16, 1866, 5; “To Correspondents,” *Jewish Messenger*, March 29, 1867, 6.

⁵⁸ “Leaves from the Diary of a Jewish Minister,” *Jewish Messenger*, August 26, 1864, 57. The theme of the evils of monetizing marriage and divorce came up frequently in the pages of the *Messenger*. See also “Leaves from the Diary of a Jewish Minister,” *Jewish Messenger*, September 2, 1864, 65; “The Correspondents,” *Jewish Messenger*, November 24, 1865, 5.

craven mercenary reasons.⁵⁹ Indeed, Isaacs explicitly linked his anti-divorce sentiment to his American identity, intertwining it with the political moment:

Whilst others for the sake of lucre encourage divorces, we have refrained from pursuing such a course. We are devoutly attached to the Union. As we would make some sacrifice to see the South and the North reunited, who have only been separated through disagreement, so are we anxious to reunite husband and wife, who have separated for the like cause. Therefore, we “buckled on our armor” like the saint of old, once more to brighten the domestic hearth.⁶⁰

Carefully distinguishing himself from his co-religionists whose actions flew in the face of American values, Samuels joined hands with other Americans in linking his anti-divorce sentiment to the break between the North and the South of the United States. And, like Union soldiers, he was willing to engage in battle to save marital union.

More than simple rhetoric, Isaacs used his “Leaves from the Diary of a Jewish Minister” column to tell moralizing tales about proper attitudes toward American and Jewish divorce. One column told of a prospective groom who approached Isaacs to ask him to officiate at his wedding. Isaacs asked him to confirm that he was unmarried, and the man provided him with “excellent” references, so Isaacs went ahead and scheduled the wedding. The day of the event, a young man came to Isaacs and told him that in fact, the groom was married to someone else. Isaacs confronted the groom who admitted that he had indeed been married but had been unhappy. He sent his wife back to Europe, obtained an Indiana divorce and arranged through a *beit din* in Chicago to send her a *get*. When Isaacs demanded proof, the groom sent a friend back to his hotel room to obtain the documentation from his suitcase. It turned out that indeed the man had obtained both

⁵⁹ See Chapter 2 for discussion of the American disdain for any hint of mercenary intent when it came to marriage or divorce.

⁶⁰ “Leaves from the Diary of a Jewish Minister,” *Jewish Messenger*, December 9, 1864, 169.

the Indiana divorce and the *get* from the Chicago *beit din*, but Isaacs still refused to solemnize the wedding. To begin with, he noted, he was no fan of Indiana's divorce laws, sneering, "the divorce is no sooner asked for than it is granted. Its legality is very questionable." However, what really upset Isaacs was the *get* issued by the Chicago *beit din*. Isaacs was well-nigh horrified by what he saw. He wrote:

It was the first time we had seen a religious letter of divorce written in Illinois and heart and soul we hope it will be the last. Without entering into the merits or demerits of the authors of that document, without questioning the learning, the ability or the piety of those who told the man that he was now free ... that we at once determined, as far as we were concerned, we would not officiate at his wedding, for he was still a married man.⁶¹

While Isaacs ultimately pinned his refusal to perform the wedding on the fact that he had no proof that the *get* had actually reached the man's previous wife, he managed to convey his disdain for both the Indiana civil divorce and the shoddy document from the Chicago *beit din*. Later that year, Isaacs expanded on his views of those who supervised *gittin* in America. "It is too bad," he wrote, "that we shall remain ... having no duly recognized spiritual authority. Wanting this, every one who has a smattering of Jewish law imagines himself duly qualified to discharge its most solemn duties, totally unmindful of his responsibility to God or to man."⁶²

⁶¹ Leaves from the Diary of a Jewish Minister," *Jewish Messenger*, May 25, 1866, 2. While it is unknown what specifically Isaacs found problematic about the Chicago *get*, American *batei din* were notorious among European rabbis for issuing substandard and sloppy *gittin*, which reinforced the European rabbis' belief that American rabbis were uneducated and not to be trusted with any serious issue of Jewish law. In 1859, the renowned Orthodox rabbi Seligman Baer Bamberger of Wurzburg, Bavaria declared that "he knew of no Rabbinat in America competent to execute a divorce in compliance with the regulation prescribed..." "Divorces," *Jewish Messenger*, March 25, 1859, 92.

⁶² "To Correspondents," *Jewish Messenger*, November 16, 1866, 5. See also, "To Correspondents," *Jewish Messenger*, March 29, 1867, 6.

Another 1866 column told the moralizing tale of Isaacs' interaction with "one who assumes to acts as a Rabbi and considers himself authorized to grant letters of divorce." The gentleman wanted to see the marriage book in which Isaacs' congregation recorded its marriages in order to determine the Hebrew name of a woman that he needed for a *get*. Isaacs "determined at once to thwart him if possible, for we knew the man well enough to be satisfied that he would divorce or marry any one without scruples of conscience—if he could only enrich his purse by the operation." He proceeded to question the man whether he was sure that the woman in question had been civilly divorced. The man replied that it was none of his business, to which Isaacs responded archly, "Well sir ... we will make it our business," warning the man that "if he attempted to give a religious divorce to the parties without their having a State divorce, we would inform against him and give him more trouble than he imagined." The man became angry and "spoke of living in a free country: in which he "would, in defiance of all we urged, do as he pleased." Isaacs of course reminded the man that he too had the same right and refused to furnish him with the Hebrew name without speaking to the woman and her husband first.⁶³

Isaacs did in fact go visit the couple that were supposedly seeking divorce, and he described in great detail in his column how he managed to reconcile the two and recommit them to their marriage. When the "rabbi" returned to get the woman's Hebrew name, Isaacs advised him not to prepare any divorce documents because he "felt pretty sure there would be no use for them, stating that we had re-united those he wished to sever." The man claimed that he "rejoiced to hear it," although Isaacs was unconvinced.

⁶³ "Leaves from the Diary of a Jewish Minister," *Jewish Messenger*, November 30, 1866, 1.

“Whether his words were based on truth, we have no means of knowing,” he sniffed. “It sufficed for our purposes that, in that case, his ‘occupation’ was gone.”⁶⁴ Even if his newspaper’s repeated calls for Jewish communal authority over divorce went unfulfilled, Isaacs could continue on a personal crusade to thwart such unscrupulous practices and do his small part to lower the divorce rate among American Jews.

The 1869 Philadelphia Conference

As the *Messenger* continued to fret over the as yet unsolved problem of Jewish divorce in the postbellum years, Reform rabbinical leaders took a different tack. Taking up the issue of divorce at the 1869 Reform Rabbinical conference in Philadelphia, a group of Reform rabbis, largely from the radical wing of the movement, simply eradicated the problem, at least for Reform Jews, by fiat.⁶⁵ In the Fourth Session of the conference on November 4, 1869, radical reformer David Einhorn proposed Article 6, stating as follows:

From the Mosaic and Rabbinic point of view, divorce is a purely civil matter which has never received religious consecration. Therefore it should be recognized as an act emanating solely from the judicial authorities of the State. On the other hand, the so-called ritual Get is declared ineffectual in all situations.⁶⁶

Rabbi Moses Mielziner, who later authored an authoritative monograph on Jewish marriage and divorce,⁶⁷ opened the discussion about the proposed article by arguing that

⁶⁴ *Ibid.*

⁶⁵ For more on the attendees of the Philadelphia Conference, see Chapter 3.

⁶⁶ Sefton Temkin, *The New World of Reform, Containing the Proceedings of the Conference of Reform Rabbis Held in Philadelphia in November 1869, Translated from the German with an Introduction and Notes* (London: Leo Baeck College, 1971), 59.

⁶⁷ Moses Mielzner, *The Jewish Law of Marriage and Divorce in Ancient and Modern Times and its Relation to the Law of the State* (Cincinnati: Bloch Publishing and Printing, 1884). See also Chapters 2 and 3 herein.

such a resolution “would be too impetuous” considering that Russia, for example, treated the *get* as a valid civil divorce and that other European states “did not interfere in Jewish divorce.” Furthermore, he pointed out, European Reformers had only called for “modification” of the *get*, not eradication. “It was desirable,” he opined, “to act in accord with the Reform rabbis in Europe on this matter.”⁶⁸ Mielziner’s argument stemmed from his understanding that although a clear line of distinction existed in America between Jewish and civil divorce, that line was muddy or even non-existent in many European countries. Additionally, by taking a stance that was out of sync with the position of European Reformers, American Reformers would be weakening the fabric of Jewish unity by adopting a policy that dividing them from their co-religionists across the Atlantic. Given that a fair number of Jewish divorces occurred across national borders, Mielziner felt that a resolution like the one being proposed would actually complicate the divorce issue rather than simplify it.

Vigorous debate touching on many different aspects of the proposed resolution ensued in response to Mielziner’s remarks. Isaac Mayer Wise disagreed with Mielziner on practical grounds, noting that if they had to address the validity of a Russian *get*, it actually would not pose any problem since such a *get* counted as a civil divorce in Russia, and therefore would be a valid civil divorce in America as well. Furthermore, Wise pointed out that agreement with European Reformers on the issue of divorce was

⁶⁸ Temkin, 60. The Second Conference of German Rabbis, held in 1855, had agreed to discuss the legal power of a divorce sent by mail, and whether it should be declared illegal for a rabbi to grant a *get* before a civil divorce was granted. “Report of the Second Conference of German rabbis, held at Giesen, June 11th, 12th, and 13th, 1855,” *Israelite*, Oct. 5, 1855, 100. Apparently, though, they never ended up addressing the issue at the next synod which took place in Leipzig in 1869, the same year as the Philadelphia Conference. Perhaps this was because the rabbis at the Leipzig synod sought to avoid taking extreme positions so as not to erode their support among fellow rabbis and community members. It seemed like too great a leap to address the halakhic issues related to divorce. Meyer, 187-8.

“probably not practicable” anyway; “he himself had already experienced that bills of divorce had been returned by German rabbis, even by those who considered themselves Reformers, because of a stroke or a letter too many or too few, and such like.”⁶⁹ In Wise’s view, given European rabbis’ disdain for accepting American *gittin*, the proposed elimination of the *get* would actually not complicate matters and should be adopted as written. Maintaining a separate system of Jewish divorce was irrelevant in Wise’s eyes.⁷⁰

Others at the conference disagreed with Mielziner, supporting the adoption of the article on ideological grounds, stemming from the influence of the postbellum anti-divorce zeitgeist in America and of course the strong antipathy reformers had for rabbinic law. Samuel Hirsch, the rabbi of Knesset Israel in Philadelphia, argued that the *get* led to abuse because in the end, the power lay in the hands of the husband, who alone could decide whether to grant the divorce, and not in the hands of the *beit din*, which, like an American court, might have refused to divorce a couple if it deemed the reason insufficient. Indeed, Hirsch contended that, because of the lack of control and oversight granted to authorities, “there was no procedure more irresponsible with regard to marriage and divorce than the Talmudic-Rabbinic.” Building upon Hirsch’s arguments, Bernard Felsenthal from Chicago, added that in some cases, it would behoove the rabbinate to be stricter than the civil courts about when divorce was permissible. “Otherwise,” he warned, “we would lay ourselves open to the danger of supporting the frighteningly irresponsible granting of decrees, like Rabbinic law with its Oriental

⁶⁹ Temkin, 60.

⁷⁰ For further discussion of Wise’s religious ideology, see Sefton Temkin, *Creating American Reform Judaism: The Life and Times of Isaac Mayer Wise* (Portland, OR: Littman Library of Jewish Civilization, 1998).

outlook.”⁷¹ Rabbis such as Hirsch and Felsenthal feared that as long as Jewish law continued to hold any sway with respect to divorce, Judaism as a religion ran the risk of appearing too permissive and Oriental. Those in favor of eradication of the *get* also defended their views by arguing that traditional Jewish law did not view divorce as an act requiring religious consecration. While this was technically true, they ignored the fact that it emphatically did require that divorce take place under the supervision of a *beit din*, a ritual Jewish court. In the end, the views of Hirsch, Felsenthal, and Wise carried the day, with Article 6 receiving the approval of all but Mielziner and Rabbi Solomon Sonneschein of St. Louis, Missouri.⁷²

In light of this new policy that the *get* would no longer be necessary for the American Reform rabbinate, the next proposed article, number 7, aimed to articulate what Judaism’s views on civil divorce should be. The proposed text read:

Article 7: Divorce can be religiously confirmed only if the moral basis of the matrimonial union has been broken either by adultery, willful desertion or similar acts. The contents of the judicial decree must therefore be examined in order to determine to what extent such religious grounds exist.⁷³

This suggested article demonstrated the concern among Reform rabbis that the traditional Jewish view that divorce was morally acceptable as long as both husband and wife agreed that the marriage should end was out of concert with American views on divorce. Reform rabbis did not want to be perceived as approving of freewheeling divorces, such as existed in the much-maligned State of Indiana. They wanted it to be clear that ceding control to the civil state apparatus with respect to divorce did not mean they were giving

⁷¹ Temkin, *The New World of Reform*, 61-62.

⁷² *Ibid.*, 62.

⁷³ *Ibid.*, 62-63.

up the right to opine on the morality of particular reasons for divorce. However, at the same time, taking a stance that might be critical of state laws presented its own challenges. Samuel Hirsch, for one, thought Article 7 should be deleted in its entirety for this reason. “It must be declared,” he pronounced, “that judicial divorce was binding without qualification in all circumstances.”⁷⁴

Once again, vigorous debate ensued. If divorce was of a purely secular character, Sonneschein argued, how could one apply religious reasoning to the causes of action permitted in state law? Einhorn responded that no contradiction existed. While marriage was “a sacred religious institution,” divorce had “always been an act of civil law.” Therefore, he argued, religion had only the right to “deplore” divorce; it was not a religious act that could be consecrated. He went on: “Religion certainly has the right to ask whether the State had adequate ground for granting a divorce. It should not weakly give way to the State. There was no question of a rabbi exercising judicial authority over the State. The justification for examination we find in our religious conviction.” The debate swirled on, with some opposing any stance being taken on civil divorces, citing to the Jewish principle of “*dina d’malchuta dina*,” the law of the land is law, and others arguing that it was important for rabbis to state their moral opposition to divorce when warranted.⁷⁵

Finally, Samuel Adler managed to clarify what the debate was truly about and how to solve it. It was important to distinguish, he reasoned, between “the permissibility of divorce and the divorce itself.” He continued:

⁷⁴ *Ibid.*, 63.

⁷⁵ *Ibid.*, 64.

The latter, the divorce itself, was certainly an act pertaining exclusively to civil law, while the question of the permissibility of the divorce was a religious question in the highest sense of the word, just as the act of marriage pertains to civil law without infringing on the religious right to give or withhold its sanction to the marriage in certain cases.⁷⁶

Dina d'malchuta dina did not apply in this case according to Adler. The ministerial aspects of civil marriage and divorce were governed by state law, but religion kept its right to stipulate its own sacred rules with respect to who may marry and who may divorce. While he approved of the fact that the “Oriental right of the husband to execute the divorce has been transferred to the State,” this did not mean that religion had “surrendered its perfect right to declare to the State, as formerly to the husband, whether a divorce is permissible or not.” There were in fact, many things, Adler pointed out, that the State permitted and religion declared unlawful.⁷⁷

Lastly, Adler argued that religion should only step in when the State issued a divorce in a contested case. In a situation in which one party petitioned for divorce and the other did not mount a defense, “one could surely assume that the moral basis of such a marriage has completely collapsed, and further examination of the reasons for the divorce could be dispensed with.” In light of his position, Adler proposed a new text for Article 7 that read:

The dissolution of marriage pronounced by a civil Court (sic) has full validity in Judaism also, if the judicial documents show that both parties to the marriage accepted the divorce. Where, on the contrary, the civil Court decrees a divorce compulsorily, against one or other party, Judaism on its part acknowledges the divorce as valid only if, on examination of the reasons for the judicial divorce, they are deemed sufficient according to the spirit of the Jewish religion. It is recommended, however, that in coming to a decision the rabbi obtain the assent of experts.⁷⁸

⁷⁶ *Ibid.*, 65.

⁷⁷ *Ibid.*, 66.

⁷⁸ *Ibid.*, 66-67.

Wise agreed heartily with Adler, noting that this language preserved “the ethical significance” of divorce proceedings, and ensured that Judaism would maintain its voice if a divorce “contradicted our religious-moral sentiment.” This was necessary, he argued, particularly in the western United States territories, “where divorces had been granted on the most trivial pretexts.” Adler’s proposal was accepted unanimously.⁷⁹ Once again, Reform rabbinic leaders departed from traditional Jewish law, which infamously provided that a man could divorce his wife even on the grounds that she burnt his meal. Reformers had adopted the mores of the surrounding society and the existing structure of American states’ divorce laws which required grounds such as adultery, cruelty or abandonment for the granting of a legal divorce.

The positions articulated at the Philadelphia Conference with respect to divorce addressed a multitude of issues facing postbellum American Jews. First, in this era of rising Christian fervor, the Reform rabbis lessened the difference between themselves and Christian Americans. As American Jewish historian Hasia Diner points out, in Christian America, “the mere existence of Jews and Judaism threatened [the] vision of America as a Christian nation.”⁸⁰ To be fully accepted into American society, Jews would have to minimize the ways in which their tradition differed from that of their Christian neighbors. Second, the Reform rabbis eradicated the issue of communal supervision of those granting *gittin* by eliminating the need for *gittin* altogether. In so doing, they also managed to rid Reform Judaism of the Oriental practice of the husband being in full

⁷⁹ *Ibid.*

⁸⁰ Hasia Diner, *A Time for Gathering: The Second Migration, 1820-1880* (Baltimore: Johns Hopkins University Press, 1992), 172.

control of whether a divorce could be granted, turning such decisions over to the State. And, by maintaining a stance that religion might still opine about the moral validity of a divorce, Reform rabbis positioned themselves as squarely within the camp of “respectable” Americans who opposed loose and permissive divorce laws.

The secular press viewed the articles adopted at the Philadelphia Conference with approbation. The *San Francisco Chronicle* for example noted approvingly that the new policies “substantially acknowledge woman as the equal of man and abolish divorces by the Church, thus leaving the whole power of divorce to the regularly constituted legal tribunals of the State.” While acknowledging that the nascent Reform movement was “not in itself one of very great moment,” the paper declared that the rabbis’ newly adopted policies were “significant and important as indicating the spirit of the age in which we live and the well-defined tendency of modern progress.”⁸¹ The Philadelphia Conference marked the first time that American Jewish leadership was able to mount what appeared to be an effective solution to a problem that had plagued them for a decade or more.

Some Jewish leaders agreed with the solutions put forth at the Conference.⁸² The *Israelite*, an organ of Isaac Mayer Wise in Cincinnati, reminded its readers that “the conference only held equal pace with the progress of the law of civilized nations, and declared only that which is strictly based upon the spirit of Sacred Scriptures, the sense of justice and moral obligation springing from that source.” In the eyes of the *Israelite*, the rabbis of the Philadelphia Conference had managed to live up to the highest ideals of

⁸¹ “Marriage and the Civil Power,” *San Francisco Chronicle*, November 6, 1869, 2. See also “The Convention of Jewish Rabbis,” *Detroit Free Press*, November 6, 1869, 1.

⁸² For additional discussion on Jewish communal reaction to the 1869 Conference, see chapter 3.

both American and Jewish law. Indeed, the editorial concluded, “[a]ll conscientious Israelites may in all these matters be guided by the resolves of the conference, and all rabbis must be governed by them or refute them; because it will hereafter be the universal practice among American Israelites.”⁸³ The Philadelphia Conference had laid out a template for a new canon of American Jewish divorce law, one that would set the American Jewish community on the proper course going forward.⁸⁴

Other reviews of the goings-on at the Philadelphia Conference, however, were not as complimentary. The *Messenger* printed many articles critiquing the resolutions that were adopted and questioning the influence the Philadelphia Conference rabbis hoped to have. The same day as the *Israelite* trumpeted the morality and forward-thinking resolutions of the conference, Isaacs published an editorial arguing quite the opposite. Calling into question the impact of the resolutions, he proclaimed, “the simple fact is that the thirteen rabbis present expressed their own views,” and it was less than clear that even their “immediate constituents will endorse their propositions.” Regarding the specific changes the rabbis made with respect to divorce law, Isaacs wrote that the resolutions were rife with “ludicrous inconsistency” since they emphasized the primacy of state law over Jewish divorce law, but then allowed for the grounds on which state courts grant a

⁸³ “Theological and Editorial: Conference of the Rabbis in Philadelphia,” *Israelite*, November 12, 1869, 8. While the initial resolutions regarding how reformers were to interact with civil divorce law were rather vague, a later piece in the *Israelite* fleshed out the way the procedure would work. A minister called upon to officiate at a second marriage would have “the duty to convince himself that the bill of divorce was not obtained by fraud or by virtue of an unjust statute, which may still exist in some localities.” In addition, the article instructed, “To avoid all difficulties, we would advise ministers to advertise in Jewish papers, four weeks at least, before the second marriage is solemnized” to seek information about whether the divorce ending the first marriage was “obtained by fraud or unjust statute.” If information obtained was “favorable to the party,” it concluded, it “should be carefully noticed in the marriage certificate.” (Article 4 - No Title), *Israelite*, April 12, 1872, 6.

⁸⁴ Zev Eleff, *Who Rules the Synagogue: Religious Authority and the Formation of American Judaism* (New York: Oxford University Press, 2016), 125.

divorce to be reviewed by a rabbi. “In what respect this improves upon the existing practice,” he shrugged, “we fail to discern. A Jewish divorce must now be accompanied by a judicial dissolution of marriage before a Jewish minister will wed the parties.” Perhaps most damningly in Isaacs’ eyes, the resolutions showed that “the thirteen favor an abandonment of our distinctive faith and are willing to enter into Unitarianism if they can find a Unitarian Church which denies Revelation and disbelieves in the Resurrection.”⁸⁵ A week later, the *Messenger* republished the negative reactions to the Philadelphia Conference that had appeared in two San Francisco Jewish newspapers.⁸⁶ Isaacs was careful to point out that he had long argued for a convention of Jewish leaders who could work to solve some of the problems plaguing American Jewry. This conference, however, could not claim to represent American Jewry, and therefore could not solve its problems.⁸⁷ In the eyes of Samuel Isaacs and others like him, the thirteen reformers were renegades, albeit of minor influence, whose resolutions sought to destroy Judaism.

Other pieces in the pages of the *Messenger* criticizing the Philadelphia Thirteen included the reprint of a letter that Sabato Morais (1823-1897), the traditionalist spiritual leader of Mikveh Israel Synagogue in Philadelphia, sent to the *Philadelphia Age* in response to that paper printing the resolutions adopted at the conference.⁸⁸ “[T]he utterances of the men who assembled at the private residence of Dr. S. Hirsch,” he sneered, “will be condemned in every ecclesiastical court properly constituted; and

⁸⁵ “The Thirteen Rabbis,” *Jewish Messenger*, Nov. 12, 1869, 4.

⁸⁶ “The Press and the “Rabbis,” *Jewish Messenger*, Nov. 26, 1869, 2.

⁸⁷ “Our View of the Conference,” *Jewish Messenger*, November 26, 1869, 4.

⁸⁸ The *Age* was a short-lived newspaper published in Philadelphia from 1863-1866. United States Library of Congress: Chronicling America <https://chroniclingamerica.loc.gov/lccn/sn84024581/>

remain unheeded by the largest majority of Israelites.” Lest his Christian readers think Jews opposed progress, Morais concluded by saying:

To a conscientious Israelite, the last conference is then but a mad effort to erase with a stroke of the pen what the finger of God wrote in characters of fire. To the discerning Christian, who understands progress mainly to be the improvement of the mind and of the heart, it must now obviously appear an empty avowal of certain heterodox views.⁸⁹

Aiming his words at a newly invigorated Christian public, Morais’ argument spoke to the heart of Americans who believed in the value of religious tradition. The thirteen rabbis, according to Morais, were trumpeting “progress,” but in fact were out of step with American and Jewish values.

Of course, the resolutions adopted at the Philadelphia Conference actually solved very little. As Isaacs gleefully pointed out in the *Messenger*, the thirteen rabbis who attended as yet held little sway over American Jewry. Two-thirds of them, Isaacs estimated, would not be able to implement the resolutions even in their own congregations. In fact, according to his calculations, the rabbis of the conference represented a mere 500 Jews, a very small number compared to the national Jewish population of close to 200,000.⁹⁰ While Isaacs’ estimations were likely overblown, it was true that most American Jews, while supportive of progress in Judaism, saw the Philadelphia Conference as too radical.⁹¹ Many American Jews, whether traditionally

⁸⁹ Sabato Morais, “The Late Conference,” *Jewish Messenger*, November 19, 1869, 2. By emphasizing that the conference took place in a private home, Morais minimized the official nature of the resolutions.

⁹⁰ “What Success?” *Jewish Messenger*, Nov. 19, 1869, 4.

⁹¹ Michael A. Meyer, *Response to Modernity: A History of the Reform Movement in Judaism* (Detroit, Michigan: Wayne State University Press, 1988), 258; Bruce L. Ruben, *Max Lilienthal: The Making of the American Rabbinate* (Detroit: Wayne State University Press, 2011), 198.

observant or not, still wanted Jewish divorces before remarrying.⁹² Those who provided such divorces would be kept in business by those needs – and they would remain unsupervised by the Jewish community.

Furthermore, the Philadelphia Conference resolutions on divorce were out of sync with Jewish practice around the world, a significant problem in an era in which many Jews were moving between countries and across continents, and international divorces were a fairly regular occurrence. Even the German reformers did not agree with the resolutions. Abraham Geiger called them “entirely unpractical,” and stated that “even reformers must retain the *Get*, and that it is wrong to declare the ritual *Get*, in all cases, as of no value.”⁹³ Indeed, German reformers did not themselves enact new policies with respect to divorce at their synods. While at the 1871 Augsburg synod, they decided to appoint a commission to examine Jewish divorce law and report back at the next synod, in the end, Augsburg was the last synod, so the issue was never formally addressed by the German reformers.⁹⁴

While the Philadelphia Conference did not solve the problem of Jewish divorce in America, it did end up serving as a springboard for Reform rabbis to take public stances

⁹² Ads appeared from time to time in the Jewish newspapers calling upon husbands to send *gittin*. See, for example, an ad in the *Israelite*, asking “congregational authorities” to cause Michael Hirschlpping, an immigrant from Warsaw, to send a *get* to his second wife from whom he was already civilly divorced. Hirschlpping had apparently abandoned his first wife in New York, and then married his second wife, thus committing bigamy. He abused and deserted this second wife as well, and she obtained a civil divorce from him in Cincinnati. Classified Ads, *Israelite*, July 20, 1866, 7. One ad calling upon Leopold Klarberg, alias Louis Nadel, a recalcitrant husband to appear in the offices of Isaac Mayer Wise to give a *get* to his wife appeared as late as 1884, fifteen years after Rabbi Wise had voted to abolish the use of the *get*. “Special Notice: *Takkanat Agunah*,” *American Israelite*, March 7, 1884, 3.

⁹³ “The Thirteen Rabbis,” *Jewish Messenger*, April 1, 1870, 5. And, interestingly, even as late as 1913, not all Reform rabbis had ceased using the *get*. A survey taken by the Central Conference of American Rabbis in that year showed that out of 88 rabbis who responded, 11 still “favored a modified Ghet.” Samuel Schulman, Solomon Foster and Ephraim Frisch, eds., *Year Book of the Central Conference of American Rabbis XXIII* (1913), 346.

⁹⁴ David Phillipson, *The Reform Movement in Judaism* (New York: Macmillan, 1907), 445-6.

with respect to civil divorce law. The aftermath of the conference set into motion a process of rabbinic engagement with state divorce law that would last many decades, a process which began with a correspondence between reformer Max Lilienthal, rabbi of Kahal Kadosh Bene Israel in Cincinnati, Ohio, and Conrad Baker, the governor of the State of Indiana.⁹⁵ The State of Indiana's permissive divorce laws remained a vexing issue for many Americans, and prominent reform-minded thinkers, Jews and gentiles alike, continued to oppose them. In the wake of the conference, Lilienthal sent a letter to Baker declaring that Indiana's laws were "obnoxious and highly injurious to the marital relations of all the States of the Union."⁹⁶ In his letter, he noted that the rabbis at the Philadelphia Conference were unable to come to a clear determination about how Judaism should view civil divorce laws, requiring instead a case-by-case determination because they did not believe the liberal laws of states like Indiana comported with Jewish values. Likely, the Philadelphia Conference rabbis were more worried about respectable American values than Jewish values. Jewish divorce law, as noted above, did not restrict access to divorce if both parties agreed that they wanted to end the marriage. When the rabbis at the Philadelphia Conference voted to require a determination as to whether a civil divorce comported with Jewish values, their concern was that if rabbis went on record supporting civil divorce law, perhaps, due to states like Indiana, Americans might see Judaism as too permissive about divorce.

⁹⁵ Lilienthal who had been one of the early organizers and supporters of the Philadelphia Conference, actually did not end up attending the conference, claiming that "official business" kept him away. Nonetheless, he kept himself abreast of developments at the conference, even asking that his name be included among those rabbis who were members of the group being formed. See Ruben, 197.

⁹⁶ "Correspondence Between Rev. Dr. Lilienthal and Governor Baker of Indiana," *Israelite*, December 31, 1869, 7.

Lilienthal's decision to write the letter to Governor Conrad was not solely a result of the Philadelphia Conference, however. Indiana's divorce laws had been thrust into the front pages of the nation's news once again in early December 1869, less than a month after the Conference, due to the scandalous McFarland-Richardson affair in New York. The story of the ill-fated McFarland marriage began in the mid-1860s. Abby McFarland was trapped in an abusive marriage to Daniel McFarland, a heavy drinker with a volatile temper who was unable to earn a steady living. By February 1867, the situation had become so unbearable that Abby feared for her life. She left her husband and shortly thereafter became romantically involved with Albert D. Richardson, a well-known correspondent for the *New York Tribune*. Abby decided to seek a divorce from Daniel and did so in the way that many New Yorkers and others from states with restrictive divorce laws did – she took up temporary residence in Indiana so she could file for divorce there. After sixteen months in Indiana, in October 1869, Abby was divorced from Daniel and returned to New York to marry Richardson. Before the wedding could take place, Daniel, in a fit of rage, barged into the offices of the *New York Tribune* and shot Richardson in the stomach. Abby McFarland and Albert Richardson were married two days before Richardson died of his wounds on December 2, 1869. The wedding was performed by Henry Ward Beecher, perhaps the most famous minister in America at the time.⁹⁷

The McFarland-Richardson affair was front page news across America. As was common in Victorian America when a sensational divorce case occurred, newspaper editors even published a standalone pamphlet about the trial entitled “The Richardson-

⁹⁷ Basch, 68-71, 79.

McFarland Tragedy,” with a large picture of Abby McFarland in the middle of the page.⁹⁸ The story captured the collective imagination of Americans, with pro- and anti-divorce groups each claiming the story as evidence supporting their beliefs. On the one hand, many Americans saw it as symbolic of the depravity of Indiana divorce laws. Had Indiana not allowed Abby McFarland easy access to a divorce from her husband, the thinking went, she would not have taken up with Richardson, and Daniel McFarland would not have committed murder. On the other hand, women’s rights advocates saw the case as emblematic of the need for liberal divorce laws so that women like Abby McFarland could escape from violent and abusive marriages with greater ease. Why should Abby McFarland have had to move to Indiana, they argued, in order to free herself of Daniel’s abuse?⁹⁹ Max Lilienthal’s decision to write to Conrad Baker arose not only out of the goings-on at the Philadelphia Conference, but also out of the maelstrom in American society in the wake of Richardson’s murder. Lilienthal in fact mentioned the affair in his letter; in the description of the letter he sent to the *Israelite*, he noted, “I alluded to the indignation aroused in New York City against [the Indiana laws] by the lamentable tragedy enacted by Richardson and McFarland...”¹⁰⁰

Governor Baker responded less than a week later in a letter that was reprinted in the secular and Jewish press. “I concur fully in your views as to the necessity of a reformation of our laws governing the subject of divorce,” Baker affirmed, “and shall in the future, as I have done in the past, labor to accomplish that end.” Indeed, Baker noted, he had tried to have more restrictive legislation passed when he had presided over the

⁹⁸ Basch, 143 and Plate 8; Blake, 101-2.

⁹⁹ Basch, 79; Blake, 102.

¹⁰⁰ “Correspondence Between Rev. Dr. Lilienthal and Governor Baker of Indiana.”

State Senate, but the bill, while passing in the Indiana State Senate, had not passed the State House. He assured Lilienthal that the issue would be raised at the next session of the Indiana Legislature, due to take place in January 1871. Lilienthal's correspondence with Baker was well-publicized, making it to the *New York Times* as well as the *Israelite*. By going on record opposing the permissive divorce laws of Indiana, particularly in the wake of the McFarland-Richardson affair, Lilienthal stood up for Jewish respectability in America and also made the case that the reformers had not become too radical by abolishing the *get*.¹⁰¹

In April 1870, a few months after the Lilienthal-Baker correspondence, Daniel McFarland stood trial for murder and was quickly acquitted by unanimous vote of the all-male jury. Many Americans supported the jury's decision, arguing that "dangerous doctrines" such as free love and easy divorce, which would "undermine the social fabric and the sacred ties of marriage," were actually on trial, and the jury had spoken out against them.¹⁰² Women's rights advocates such as Elizabeth Cady Stanton took quite a different position, expressing their indignation at the verdict in writing and in large and public protests.¹⁰³ The debate in the wake of the acquittal of Daniel McFarland kept Indiana divorce law very much in the spotlight.¹⁰⁴ As the moderate wing¹⁰⁵ of Reform

¹⁰¹"The Indiana Divorce Laws: Letter from Governor Baker," *New York Times*, January 2, 1870, 3. The *Messenger* noted that as of June 1870 that there were 1843 divorce cases pending in Indiana courts. "Floating Facts," *Jewish Messenger*, June 24, 1870, 2.

¹⁰² Cott, 108.

¹⁰³ Blake, 102-4.

¹⁰⁴ See, e.g., "The Disgrace of Indiana-The Divorce Law," *New York Times*, April 20, 1870, 4.

¹⁰⁵ See Ruben, 198-9.

rabbinical leaders gathered for a conclave in New York City in late October 1870, Lilienthal raised the issue at the conference, proposing a resolution that read:

Whereas, His Excellency the Governor of Indiana, in a letter addressed to the undersigned, declared his willingness to recommend in his annual message to the Legislature of his State a revision of the divorce laws now existing in Indiana; and

Whereas, The Legislature of that State will assemble in the coming month of December. Therefore, be it

Resolved, That this Convention address a memorial to the Governor of Indiana, requesting him to use his influence in affecting a change of the divorce laws of his State, as is desired by almost all the courts of the country.

A committee of four rabbis: Lilienthal, Adolph Huebsh, Isaac Mayer Wise, and Simon Tuska, were appointed to address the issue.¹⁰⁶ In mid-January, with the (apparently delayed) opening of the winter session of the Indiana State Legislature, the Governor of Indiana, coming “to the conclusion that the divorce laws of that State have given it a notoriety in no way enviable,” recommended stark changes to Indiana divorce law.¹⁰⁷

When the conclave of moderate reform rabbis reconvened in Cincinnati in June 1871, Lilienthal reported happily that the “enlightened Legislature of Indiana has repealed the obnoxious divorce laws of the State, a point of high importance, and on which our late Conference addressed the noble Governor of Indiana.”¹⁰⁸ Indeed, the Indiana State Legislature had in fact tightened divorce laws earlier that year, putting stricter controls on both the causes of action under which one could file for divorce and

¹⁰⁶ “Official Record of the Convention of Rabbis held in the City of New York, Oct. 25-Nov. 1, 1870,” *Israelite*, December 2, 1870, 9.

¹⁰⁷ “Changing Her Divorce Laws,” *Detroit Free Press*, January 17, 1871, 2.

¹⁰⁸ “The Conference,” *Israelite*, June 9, 1871, 8.

on the residence requirements.¹⁰⁹ Lilienthal continued carefully, “We have approached the subject as citizens and not as ministers. Petitions from all parts of that State, of a similar tenor, have been addressed to the Legislature, which cheerfully effected the desired change.”¹¹⁰ With this statement, Lilienthal put himself and his fellow rabbis squarely in the role of American citizens. Their concern, in his telling, was not due to any particularistic religious ideas or identifications, but rather due to their shared views with the American public.¹¹¹ Lilienthal’s protestations notwithstanding, the resolution passed at the New York Conference marked the first time that Jewish leaders spoke out as a group regarding an issue of civil divorce law in America that was not connected in any way to Jewish law or practice.

Meanwhile, however, the divorce problem in the Jewish community remained unsolved. In the mid-1870s, the *Jewish Messenger*, ever the gadfly regarding this issue, continued to harp upon the lack of unified supervision of marriage and divorce in the American Jewish community. Isaacs even spoke favorably about the Philadelphia Conference because at least the rabbis there formed a united group that set policy. “Every Jewish minister of this city should unite with his brethren in a council or committee, similar to that adopted in Philadelphia,” he suggested, “...The capacity for mischief, now possessed by a few mercenary men, would be perceptibly diminished, were our congregations to act harmoniously.”¹¹² However, as in previous years, Isaacs’ entreaties

¹⁰⁹ “Divorces in Indiana,” *Baltimore Sun*, February 23, 1871, 2; “Changed its Laws,” *Detroit Free Press*, March 3, 1871, 2.

¹¹⁰ “The Conference,” *Israelite*.

¹¹¹ Ruben, 184.

¹¹² “A Hint to Our Ministers,” *Jewish Messenger*, June 5, 1874, 4. See also, “Religious Supervision,” *Jewish Messenger*, November 24, 1876, 4.

fell on deaf ears. American Jewish communities, whether in New York or elsewhere, remained decentralized. While both were deeply influenced by the American milieu around them, Isaacs and the reformers he both reviled and admired saw the issue of Jewish divorce as an internal religious issue. Isaacs feared the dilution of Jewish tradition, the reformers regarded Jewish law as antiquated. Neither side could have imagined what would develop only a few short years hence: that Jewish divorce would become a source of never-ending conflict with the secular state.

Shifting the Blame to Eastern European Immigrants

The year 1877 was a watershed for the issue of Jewish divorce in America. Beginning in that year, two major changes occurred that would reshape the way the Jewish community addressed the divorce problem. First, the secular press, which had not, up until this point, taken notice of irregularities in Jewish adherence to civil divorce laws, began publishing sensationalized stories of “fraudulent rabbis” issuing *gittin* to immigrant Jews who had not obtained civil divorces, thus leading such Jews to engage in bigamy when they remarried. And second, both the secular and Jewish press identified those guilty of such behavior as Eastern European immigrant Jews. These developments arose out of a confluence of a number of forces. The first was the meteoric rise in Eastern European Jewish immigration, which had already begun by the late 1870s.¹¹³ The growth in the number of Eastern European immigrants collided both with increasing American hostility toward immigrants, particularly those from southern and eastern European

¹¹³ While Jewish historians traditionally date the beginning of the Eastern European migration to 1881, immigration from tsarist Russia was certainly already on the rise in the late 1870s. Only 7500 Jewish immigrants from Eastern Europe arrived between 1820-1870, but 30,000 arrived between 1870-1880. Gerald Sorin, *A Time for Building: The Third Migration, 1880-1920* (Baltimore: Johns Hopkins University Press, 1992), 8.

countries, and with burgeoning antisemitism.¹¹⁴ To add to this already toxic brew, American antipathy toward divorce continued to grow in American society.¹¹⁵ And, of course, lurking in the background of any debate over Jewish divorce was the enmity with which Americans viewed bigamy, as seen in the ongoing federal battle with Mormons in Utah.

The new focus of the secular press on the Jewish divorce problem, and the new emphasis on Eastern European immigrants as the locus for the problem, would change the debate within the Jewish community. Rather than addressing irregularities in Jewish divorce practices as an internal Jewish religious problem, solvable by a central ecclesiastical authority or the eradication of the *get*, Americanized Jewish leaders turned their focus to defending the Jewish community from external prejudice. Their tactics would include a combination of distancing themselves from the embarrassing and illegal behavior of their Eastern European co-religionists and working both within the Jewish community and hand-in-hand with secular authorities to eradicate the behavior.

Perhaps the first article in the secular press to focus on the complicated relationship between the Eastern European immigrant community and secular divorce law was an August 1877 *New York Times* piece entitled “Divorces Made Easy: How Rabbis Untie the Knot.” In the lengthy and detailed story, the *Times* described how “Polish Jews and the other poorer classes of Israelites ... marry and divorce members of their congregations without regard to the laws of the State of New York or indeed to any other laws in existence in this country.” It related the story of one Cesar Bloch, an

¹¹⁴ *Ibid.*, 59-62.

¹¹⁵ For discussion of the growing hostility toward divorce in postbellum and Progressive Era America, see Eby, 27-29.

Alsatian Jew who had been arrested for bigamy. Bloch obtained a divorce from his wife without her knowledge for \$5 from a “Bleecker-street rabbi” who immediately married Mr. Bloch to another woman. The article accused the rabbi of seeing Jewish law as superior to state law, concluding disapprovingly that “All remonstrance with these people is in vain.” Perhaps unsurprisingly given the *Jewish Messenger*’s longtime focus on the problems of Jewish divorce, the *Times* interviewed Isaac Samuel Isaacs, Rabbi Samuel Isaacs’ son and fellow editor of the *Messenger* as well as a well-respected attorney. Isaacs told the paper that the “ignorance of the Polish Jews, and of many Israelites of other nationalities who live in densely populated wards on the east side of this City was lamentable.” He continued: “the evil [of their behavior] would correct itself with education, and that the poorer classes of Jews in America would become more enlightened under the ministrations of rabbis and Jewish preachers of American birth and education....”¹¹⁶

The *New York Times* article contained many of the elements that would be common to such articles in years and decades to come. It described Eastern European immigrant Jews as ignorant, backward, and easily misled by fraudulent “rabbis” in their midst. As reporters detailed abuses of divorce law, they often simultaneously described immigrant Jews in highly derogatory language, even commenting upon their filth and their odor. The *New York Times* piece itself described an immigrant congregation visited by the reporter as “made up of street peddlers and others of that ilk, with dirty, pale-faced barefooted youngsters, who appeared to follow the service intently in greasy, filthy Hebrew praise books. The ventilation of the room was wretched, and the foul odors were

¹¹⁶ “Divorces Made Easy: How Rabbis Untie the Knot,” *New York Times*, August 19, 1877, 7.

strong and varied.”¹¹⁷ The article pronounced immigrant Jews disloyal, favoring Jewish law over the civil law of the states in which they lived. As a contemporaneous *New York Tribune* article stated, also covering the bigamy charges leveled against Cesar Bloch, “So great is the veneration of the ignorant Polish and Russian Jews for their Rabbis and learned men that they prefer to submit their litigation to them and abide by their decisions rather than take them before the tribunals of the Gentiles.”¹¹⁸ Coverage also often criticized Jewish divorce law as being antiquated and regressive, particularly with respect to women’s rights. As the *Tribune* article simpered, “Especially is this easy means of obtaining divorces distasteful to many Jewish women who have grown up in New York.”¹¹⁹ An 1890 article in the *New York Sun* quoted an anonymous “gentleman” as telling a reporter, “You must remember that they are an Oriental and originally a polygamous race. A wife among them was formerly a chattel.... It is not unnatural that they should dispose of a wife as easily as they procure one.”¹²⁰ Between 1877 and the 1910s, numerous articles like these were published in the secular press about the “divorce evil” of Eastern European immigrant Jews.¹²¹

¹¹⁷ *Ibid.*

¹¹⁸ “Easy Jewish Divorces: The Talmud Superior to State Law,” *New York Tribune*, Aug. 29, 1877, 2. This article was reprinted in full in the *Chicago Daily Tribune*. “Easy Jewish Divorces,” *Chicago Daily Tribune*, Sept. 1, 1877, 6.

¹¹⁹ *Ibid.*

¹²⁰ “Divorces Given by Rabbis: A Presentment Made by the Grand Jury Against the Evil,” *New York Sun*, Dec. 25, 1890, 1.

¹²¹ See, e.g., “The Polish Jewish Colony: Sketch of the Hebrew Residents on the East Side,” *New York Times*, June 19, 1882, 5; “Hebrew Divorces: How Jewish Marriages are Dissolved in New York,” *Detroit Free Press*, November 25, 1883, 18; “Wife No. 2 A Society Girl,” *New York World*, October 4, 1892, 1; “Divorced by a Rabbi,” *New York World*, July 18, 1894, 1; “Rabbinical Divorce,” *New York Tribune*, July 4, 1897, B2; “Divorced by Rabbi, She Married Again,” *New York Evening World*, May 20, 1903, 2; “Trouble Caused by Rabbinical Divorce: New York Jewess Thought She Was Free to Marry Again,” *St. Louis Republic*, May 24, 1903, 17; “Jewish Divorces,” *DC Evening Star*, June 27, 1903, 15; “Ten Thousand Bigamists in New York Today: Ignorance of American Laws, Not Sinfulness, Causes Most of

As the secular press began to focus on immigrant Jews and their lack of compliance with civil divorce law, the English language Jewish press followed suit. In the wake of the coverage of the Cesar Bloch story, the *Messenger* warned its readers:

The “rabbis” in this city who issue “divorces” in defiance of law and decency, have received a severe reminder that their victims will be punished for trusting in them, if even they themselves escape the penalty of their misconduct. [Bloch] who married a second wife when his first wife was living—not having obtained any divorce according to State law—was sent to prison for five years for bigamy, and his example will serve to warn others that they must abide by the law of the land, or take the consequences.¹²²

The *Messenger* had warned its readers before that they would suffer consequences if they did not obey state divorce laws, but now the *Israelite*, an organ of the Reform movement, which had abolished the *get* in 1869, chimed in as well. Describing a case of a woman accused of abandoning her husband for another man, defending herself by saying she had gotten a *get* from her husband and therefore had been free to marry the second man, the paper angrily asked:

When will an effort be made on the part of our clergy to abate the evil results caused by fraudulent rabbis who grant divorces in defiance of the law? ... [It is] highly necessary ... that our rabbis should hasten to adopt some measure whereby fraudulent rabbis shall be compelled to cease granting sham divorces.¹²³

The *Israelite*'s call for a Jewish communal solution to the embarrassing problem of the “fraudulent rabbis” showed that despite Reform rabbinic efforts, the *get* was still very much in existence in America and remained a

this Marital Chaos.” *New York Tribune*, September 17, 1905, 3; “Victim of Rabbi’s Divorce Sues,” *New York Tribune*, August 29, 1907, 4.

¹²² “Local Items,” *Jewish Messenger*, September 7, 1877, 2.

¹²³ Julian Werner, “New York Letter,” *American Israelite*, October 26, 1877, 6.

problem. Similarly, an 1880 article in the *American Hebrew* issued a clarion call for attention to the problem:

[T]he presumption of some self-styled ‘Rabbis’ in this country in [granting Jewish divorces], and the system which will tolerate this scandalous condition of affairs, merits the attention of those who can shape Jewish law and sentiment. The shameful results of this obnoxious practice ... have brought about much misery among Jewish emigrants from Russia and Poland particularly and disgrace upon Judaism.”¹²⁴

The gauntlet had been thrown down in the Jewish press, with clear calls to Americanized Jewish leaders to take action to save the reputation of the Jews.

So, who were these so called “fraudulent rabbis” who were charging fees to issue *gittin* and remarry immigrant Jews without requiring adherence to civil divorce law?

Before discussing the status of the rabbis, it is important to note that the vast majority of Jewish immigrants who arrived in the United States between 1880-1924 were from tsarist Russia where the Jewish community was responsible for its own marriage and divorce law, and a *get* was a legal divorce in the eyes of the state. Given that many Eastern European immigrant Jews lived in large urban Jewish neighborhoods like the Lower East Side, places where one could conduct most daily affairs without even knowing English, it was eminently possible that such Jews did not know or understand the particularities of American states’ divorce law. As an 1890 article in the *St. Louis Post-Dispatch* noted, “So large has the Hebrew Russian colony in New York become that hundreds of its members remain for years without any enlightenment with regard to American manners and customs. Swarms of newcomers are arriving every month and no class of immigrants

¹²⁴ *American Hebrew*, July 23, 1880, 109.

is so slowly assimilated.”¹²⁵ The *Post-Dispatch*’s reporting was colored by the anti-immigrant sentiment of the day; one could hardly expect brand new immigrants to immediately assimilate to American society regardless of pressure or desire to do so. Nonetheless, large enclaves of Eastern European Jewish immigrants like that of the Lower East Side did enable immigrants to maintain their own culture that, while not impervious to American influence, was also not fully shaped by it.¹²⁶

There is no question that many immigrants were genuinely ignorant of American laws about divorce. One particularly poignant example of such ignorance was a “curious letter” received by the Baltimore State’s Attorney Albert Owens in 1904. The letter, from one Louis Cohen, stated in broken English, “You will find enclosed a copy of a jewish (sic) divorce given by Rabbi Berman of 25 High street.... The reason I send you this letter I want to ask you is this divorce good or not your Honor will you please be kind enough to send me all the information you can.” Cohen enclosed a copy of the *get* along with a sworn affidavit from his ex-wife, stating. “I, Jennie Yentre, as I cannot live with my husband Louis Cohen, then I am satisfied and with my goodwill I have no claims on him. He is excused from all. I take divorce from him and do not ask for any support. For my part he can get married and I will never trouble him.” Naturally, Owens informed Cohen that the *get* was “not good in law” – but Louis Cohen’s letter clearly came from a

¹²⁵ “The Rabbinical Divorce System: Impossibility of Successfully Prosecuting Offenders Under Existing Laws,” *St. Louis Dispatch*, December 26, 1890, 8.

¹²⁶ Much has been written about the unique culture of the large Eastern European Jewish immigrant neighborhoods at the turn of the twentieth century. See, e.g., Andrew Heinze, *Adapting to Abundance: Jewish Immigrants, Mass Consumption, and the Search for American Identity* (New York: Columbia University Press, 1990); Susan A. Glenn, *Daughters of the Shtetl: Life and Labor in the Immigrant Generation* (Ithaca: Cornell University Press, 1990); Sorin, 69-108; Sydney Stahl Weinberg, *The World of Our Mothers: The Lives of Jewish Immigrant Women* (New York: Schocken Books, 1988).

man who wanted very much to follow American law, not to flout it.¹²⁷ In addition to a lack of knowledge about American divorce law, immigrants seem to have confused the notion of American freedom with the idea that they could marry and divorce as they wished.¹²⁸ As one immigrant journalist who wrote for the Yiddish press remarked regarding *gittin*, “Why should we not be allowed to do it here? ... Are we not permitted that liberty even in autocratic Russia? If it is denied us in free America, then it is worse tyranny for us here than in persecuting Russia.” Noting the lack of accessible information on the subject, he continued, “Besides, if it is printed in the English press, who will ever see it? Who ever reads the English press or cares what they print?”¹²⁹

Confusing matters further was the fact that a *get* issued in Russia actually did count as a civil divorce in America. Russia, as discussed above, had no civil divorce; its laws required divorce to occur according to one’s confessional community. Thus, *gittin* were recognized by the Russian state as valid divorces, and America recognized as valid any international divorce that was valid where it occurred. If a Jewish immigrant who had been divorced in Russia came to America, despite the fact that the only divorce the immigrant had obtained was a *get*, he or she was seen as divorced in eyes of the state in

¹²⁷ “Not Good in Law,” *Baltimore Sun*, November 29, 1904, 7. Interestingly, it is also possible that immigrant Jews did not always know the law about Jewish divorce either. A story in the *New York Evening Star* in 1897 told of a man who was jailed for failing to support his wife after the two separated. The man, who suspected his wife had taken up with another man, told her that she would not be able to remarry Jewishly unless he gave her a Jewish divorce. His wife “consulted with a rabbi only to find that what her husband told her was true.” “Divorce by Mosaic Law: Curious Ceremony of Separation Performed by a New York Rabbi,” *New York Evening Star*, June 11, 1897, 15.

¹²⁸ See “Eleventh Annual Report of the Educational Alliance,” (1903), 54-55, Papers of the Educational Alliance, AJHS.

¹²⁹ “Buried Genius on the Great East Side: Scholars Who Write for the Yiddish Newspapers – Strangely Perverted Careers,” *New York Daily Tribune*, June 7, 1903, 9.

America.¹³⁰ Thus, a *get* would be a valid divorce if it occurred on Russian soil, but invalid if it occurred on American soil.¹³¹ Still more complex were cases in which one member of a couple was located in Europe and the other in America. Such legal intricacies even tested the acumen of trial judges in American courts.¹³² Eastern European immigrants could not be expected to understand the convoluted workings of American international comity and divorce law.

Nonetheless, ignorance of the law can only last so long. While immigrant Jews were likely not reading English language newspapers – whether Jewish or secular – right away, information about the illegality of relying on Jewish divorces was certainly available in the immigrant ghettos. As will be detailed below, Americanized Jewish leaders and organizations worked to educate immigrant Jews about the requirements of American divorce law and eradicate their illegal and embarrassing behavior. Additionally, of course, once immigrant Jews – whether the ones issuing the divorces and/or solemnizing the marriages, or the ones guilty of bigamy – were prosecuted by the states in which they lived for flouting state divorce law, they were no longer ignorant, and neither were those around them who witnessed what happened. While actual arrests and prosecutions for bigamy were few and far between, the press coverage they received

¹³⁰ See for example *Leshinsky v. Leshinsky*; Joseph Story, *Commentaries on the Conflict of Laws, Foreign and Domestic in regard to Contracts, Rights, and Remedies, and especially in regard to Marriages, Divorces, Wills, Successions, and Judgments* (Boston: Little, Brown, 1883), § 201.

¹³¹ Gudefin, 95-96.

¹³² See, for example, “A Rabbi’s Right to Grant a Divorce,” *New York Times*, December 20, 1876, 3; “Mosaic Divorce Ruled N.G.,” *New York Sun*, December 27, 1902, 4; “The Bible is Not a Law Book: A Question Decided in a Divorce Case in Chicago,” *Philipsburg Herald*, January 1, 1903, 2. Many of these cases dealt with couples who had divorced via a *get* sent by a husband who had immigrated to America back to his wife in Russia. Oftentimes, the wife would herself ultimately immigrate, and seek restitution from her husband in American courts by having him charged with bigamy. Gudefin, 171-2.

was disproportionately extensive.¹³³ Furthermore, in at least some cases, immigrants very knowingly used *gittin* as easy ways to escape unwanted marriages. The problem of wife desertion, which was a serious issue in Jewish immigrant ghettos like the Lower East Side was often intertwined with Jewish divorce. Jewish immigrant men who deserted their wives sometimes gave them *gittin* first so they would be “free” to leave.¹³⁴

Deserting husbands notwithstanding, it was generally expected that the “fraudulent rabbis,” who engaged in the business of granting *gittin* in an ongoing fashion, would come to understand American divorce law sooner than their clients. Thus, secular and English language Jewish press coverage of the “fraudulent rabbis” tended to draw a distinction between rabbis and laypeople; they labeled the rabbis as purposefully flouting the law to make money while giving more leeway to the immigrants seeking divorces. As the *St Louis Post-Dispatch* reported in 1890, “The rabbis, most of them, are of course well aware of the illegitimate nature of their business, but it is profitable and it will be a difficult matter to break it up, even with the passage of specific statutes bearing upon it.”¹³⁵

This brings us to the question of how much the “fraudulent rabbis” were to blame for the crisis. While, as will be discussed below, Massachusetts and New York ultimately passed laws in 1891 and 1893 respectively which criminalized the granting of a *get*

¹³³ Gudefin, 164.

¹³⁴ See, e.g., “Divorces Given by Rabbis: A Presentment Made by the Grand Jury Against the Evil,” *New York Sun*, December 25, 1890, 1. For a full treatment of the problem of wife desertion among Eastern European Jewish immigrants in the early twentieth century, see Anna Igra, *Wives Without Husbands: Marriage, Desertion, & Welfare in New York, 1900-1935* (Chapel Hill: University of North Carolina Press, 2007).

¹³⁵ “The Rabbinical Divorce System - Impossibility of Successfully Prosecuting Offenders Under Existing Laws,” *St. Louis Dispatch*, December 26, 1890, 8.

before a couple's receipt of a civil divorce, until those laws were passed – and in other jurisdictions which did not have such laws on the books – there was nothing illegal about granting a *get* to anyone who wanted one, regardless of their civil marital status.

Furthermore, in many cases, rabbis who provided *gittin* claimed that they informed couples that they were required to also obtain a civil divorce before remarrying.¹³⁶ One article quoted a certificate written in Yiddish that an “east-side rabbi” read aloud in the presence of a divorcing husband and wife, then giving it to the woman to keep. The certificate read:

This is to testify that a *Get* has been granted to Mrs. X by her husband Mr. N, according to the ordinance of our Holy Torah. It is, however, to be clearly understood that this *Get* is only a Jewish religious document: neither of the parties being allowed to marry until they receive permission to it [sic] by the laws of the land, for according to the laws of the land, this document has no value.¹³⁷

A similar document is referenced in Abraham Cahan's novella, *Yekl*. When Jake and Gitl, the protagonists of the story, get divorced, the rabbi tells them both “Then I must also tell you once more that this divorce is good only upon condition that you are also divorced by the Government of the land—by the court—do you understand? So it stands written in the separate papers which you get. Do you understand?”¹³⁸ While Cahan's tale, originally published in 1896 is, of course, fictional, it reflects a reality well-understood by Eastern European Jewish immigrants at the turn of the century. While it is certainly possible that

¹³⁶ See, e.g., “Jewish Divorce in Jail,” *New York Daily Tribune*, December 6, 1901, 6.

¹³⁷ Samuel Rabinowitz, “The Orthodox View of the Jewish ‘Get’.” *American Hebrew and Jewish Messenger*, December 9, 1910, 160.

¹³⁸ Abraham Cahan, *Yekl and the Imported Bridegroom and Other Stories of the New York Ghetto* (New York: Dover Publications, 1970), 85.

not all those rabbis were telling the truth, at least some of them likely were. What was their responsibility after that point?

Of course, those who solemnized a marriage in a case in which one partner was still legally married were flouting the law no matter the jurisdiction, and often those who granted the divorces were also those who performed the second weddings. In such cases, the law would require evidence of a legal state divorce before solemnizing the second marriage. Thus, those rabbis who married those who had previously been divorced based only on receipt of a *get* would have been in breach of the law, and certainly at least some of the “fraudulent rabbis” did this.

It seems that the “fraudulent rabbis” were likely just men who saw the providing of divorces and performing of weddings as a business. Some of them may have been ordained rabbis, others likely were not, but what they had in common was their desire to earn a living, which was more important than ensuring that their clients had obeyed what they likely viewed as an unnecessary legal hoop to jump through. Those who were ordained rabbis were generally not men who saw their rabbinic role as pastoral or spiritually elevating in nature. Such roles for rabbis emerged as part of religious reform in Germany and America, and to a lesser extent in other Central European locales.¹³⁹ Since these rabbis had emigrated from Eastern Europe, where religious reform had not taken root, they did not envision their roles in that way. Similarly, coming from a culture where rabbis did not see their role as including being a moral voice to the nation as a whole,

¹³⁹ On the impact of religious reform on the role of the rabbi, see Marsha L. Rozenblit, “Jewish Identity and the Modern Rabbi: The Cases of Isak Noa Mannheimer, Adolf Jellinek, and Moritz Gudemann in Nineteenth Century Vienna,” *Leo Baeck Institute Yearbook XXXV* (1990), 103-31; Ismar Schorsch, *From Text to Context: The Turn to History in Modern Judaism* (Hanover, NH: Brandeis University Press, 1994), 9-50.

they were unconcerned with the larger questions so prevalent in American society regarding the morality of divorce. And, no doubt, the divorces and marriages that mattered to them were Jewish ones, not those provided by the secular state. These were not men with criminal motives; if they were guilty of any malintent, it was greed. No doubt some among them were all too happy to charge unsuspecting immigrants exorbitant fees for their services, but they were not actively seeking to undermine state marriage and divorce laws. Likely, they figured that their chances of being prosecuted were slim and they wanted the income they obtained from this work.

Thus, the hysteria over the behavior of immigrant Jews seems disproportionate to the danger they posed. After all, in many ways, the reliance on a Jewish divorce over a civil divorce was mere semantics. Immigrant Jews who entered second marriages based on having obtained Jewish divorces from their first marriages did not intend to engage in bigamy; indeed, they did not believe themselves to be bigamists. Those who provided *gittin* to individuals who would not seek a civil divorce or solemnized marriages for those still civilly married to others were not criminals bent on immoral subversion of American family values and law. Their behavior certainly did not seem to rise to the level of “evil,” a term that was often used to describe it. Additionally, although there is no way to determine how many “fraudulent rabbis” there were, and how many immigrant Jews violated bigamy laws by remarrying after only receiving a *get* and not a civil divorce, it seems clear that secular and English-language Jewish press coverage of the issue engaged in hyperbole.¹⁴⁰ This issue was clearly about more than just the facts.

¹⁴⁰ One headline screamed, “Ten Thousand Bigamists in New York Today,” *New York Daily Tribune*, September 17, 1905, 3. Jacob Goldstein, the chaplain for the Tombs, New York City’s detention center, imagined that bigamous marriages had occurred “by the hundreds, if not by the thousand, and are constantly taking place owing to the illegal practice of orthodox rabbis giving “get” before divorce has

Interestingly, a similar issue arose with freed slaves during Reconstruction. During slavery, slaves were not permitted to marry because it was thought that they did not have the ability to form the necessary consent. Nonetheless, many slaves did marry, albeit not through official legal channels. According to federal law, those slaves who were living in a marital-type relationship while still enslaved were considered to be automatically legally married when freed. This caused frequent problems in the years following the Civil War because freed persons in long-term relationships did not necessarily see themselves as married in the eyes of the State and also did not necessarily understand what legal marriage meant. Sometimes, a freed person would simply leave his or her spouse and deem that to be separation enough in order to marry another, resulting in charges of bigamy. Sometimes a couple who married while still enslaved were separated when one spouse was sold to a new owner. During that separation, they may have formed new relationships with others. After the war, if they wanted to return to their original spouse, they were unable to legally do so without obtaining a civil divorce from their new partner. As legal scholar Katherine M. Franke writes, “The application of the laws in this fashion was regarded as necessary to inculcate African Americans in the obligations of citizenship - if they wanted to be respected as citizens, they had better act like them.”¹⁴¹ Immigrants were subject to the same theory; through marrying like Americans, they would become Americans. Shutting down the behavior of immigrant Jews thus became about more than forcing them to jump through legal hoops; it was

been granted by the laws of the state.” Jacob Goldstein “A Case in Court Involving the Jewish Law of Marriages and Divorces,” *American Hebrew & Jewish Messenger*, July 1, 1910, 217.

¹⁴¹ Katherine M. Franke, “Becoming a Citizen: Reconstruction Era Regulation of African American Marriages,” *Yale Journal of Law & the Humanities* 11 (Summer, 1999): 288.

about the project of assimilating them into American society, a project about which their Americanized co-religionists and the secular state were in full agreement.

Understanding the crisis about divorce and immigrant Jews thus can only be accomplished by realizing that the “fraudulent rabbis” were only one part of the picture, indeed, in many ways the less important part. This problem only became a crisis because of the milieu in which it arose. The positions staked out by the secular and English language Jewish press, Americanized Jewish leaders, and the state were heavily influenced by their own perspectives on the behavior of the immigrant Jews. Jews had fought hard for acceptance in American society and were now facing challenging setbacks in the form of rising anti-immigration sentiment and antisemitism. In a nation that continued to revile easy divorce, the Jewish legal notion that the grounds for divorce were relatively unimportant as long as the husband and wife agreed that the marriage should end felt dangerous. It was easy to see those providing Jewish divorces as running “divorce factories,” churning out divorces with abandon, with no thought to “valid” reasons. Americanized Jews wanted these new immigrants to similarly Americanize and stop behaving in ways that embarrassed their co-religionists. Additionally, as discussed in Chapter 2, Americanized rabbis viewed with suspicion those with rabbinic ordination but no congregation. Reform rabbis, modeling themselves after Protestant Christian clergy, saw the role of the rabbi as indelibly connected to serving a congregation. And, even for those more traditional Americanized rabbis, having a congregation was a sign of respectability, as well as a way of ensuring some sort of communal control over behavior. Individual rabbis – or worse, those with no ordination at all – operating on their own within a legal system that was utterly disconnected from that of America ran the risk of

challenging Jewish standing in America. Aside from painting Judaism as a religion not in concert with American norms, such behavior hinted at Jewish disloyalty to the American state, particularly given the central importance that marriage and divorce held for American identity.

As the divorce problem among Eastern European Jews received more and more attention in the secular press, Americanized Jewish leaders quickly developed new approaches for addressing it. No longer would the idea of centralized Jewish communal control suffice as a potential solution; as the Jewish community grew by leaps and bounds, the idea of one organized Jewish governing structure, far-fetched under the best of circumstances, became inconceivable.¹⁴² Instead, over the following decades, Americanized Jewish leaders employed three techniques to solve the problem. First, they used rhetoric both within and outside the Jewish community to present themselves as agreeing with general American views about divorce and participating in the dialogue of respectable American citizens on how to best uphold the American family. Second, they worked to educate their Eastern European co-religionists regarding the importance of obeying American law regarding divorce. And, concurrently, Americanized Jewish leaders called upon state authorities to solve the problem through legal means, and offered their assistance to those authorities.

¹⁴² The *Jewish Messenger*, the organ that consistently pushed for the institution of some communal authority published yet another call for such a union from its Philadelphia correspondent in 1880. He begged plaintively, "If there are not ten congregations that will join, five are enough. If the ministers are not willing to submit everything to a council, let us be satisfied to have submitted only questions of ritual, of the reception of proselytes and divorces.... Men who have never been subjected to any control must be brought on step by step. "Our Philadelphia Letter," *Jewish Messenger*, September 24, 1880, 4. While a group of New York Orthodox Jews attempted to create religious unity and authority with the hiring of Rabbi Jacob Joseph as Chief Rabbi in 1888, his tenure was largely a failure due to his inability to unify the New York Orthodox community at all. See Sarna, *American Judaism*, 182-3.

The Use of Rhetoric

Americanized Jews used a number of rhetorical devices to portray their adherence to respectable American views on divorce.¹⁴³ First, they made repeated note of the low rate of divorce among Jews. An 1878 account of a wedding in Washington proudly quoted a “non-Israelite” as saying “Would to God our marriages were contracted with such earnestness and forethought as characterizes those among your people; in that case we would have less divorces and separations, which are so uncommon with you.”¹⁴⁴ Cheekily responding to New York press coverage of a lecture given by a rabbi arguing that Christianity and Judaism were on their death beds, the *Israelite* noted:

it might be well to remark here that among the 3,500 Jewish pairs we know to have been married in Cincinnati between the years of 1854 and 1879, three cases of divorce came up before the courts, and five cases of willful desertion came to our notice.... Besides, we never heard of a married Jew or a married Jewess to have eloped with a new partner, or to have abandoned his or her children.¹⁴⁵

An 1880 news roundup in the *American Israelite* noted proudly that “Plenty of divorce cases before the courts of Hamilton County, as usual, and no Jewish name among them.” The report continued by relating that one Judge Storer of the Cincinnati courts had a divorce case before him several years earlier in which the husband failed to appear in court. The Judge “adjourned the case, because as he said, there appeared to be something wrong about it. In his long practice he had never heard of a case of divorce among Jews.”¹⁴⁶ Reform rabbinic leader Joseph Krauskopf, an outspoken advocate for more

¹⁴³ Historian Anna Igra points out the Jewish obsession during this period with proving “their acceptability based on their pure and respectable family life.” Igra, 15.

¹⁴⁴ “Notable Wedding in Washington,” *American Israelite*, June 21, 1878, 6

¹⁴⁵ “The Death of Judaism: Not Yet,” *American Israelite*, January 10, 1879, 4.

¹⁴⁶ [Article 1 – No Title], *American Israelite*, January 23, 1880, 4.

liberal divorce laws, repeatedly noted in speeches he gave all over the United States that although Jewish divorce law permitted divorce for nearly any reason, he challenged his listeners to “name a people upon the face of the earth among whom marriages were and are happier and divorces fewer than among the Jews.”¹⁴⁷

Second, Americanized Jews worked to correct misperceptions and mistakes in secular press coverage of the problem. The secular press described the goings on in Jewish immigrant neighborhoods in shocked tones; with no background understanding of Jewish law regarding divorce, it seemed to the outside observer that such divorces were a complete sham, invented to bilk money from ignorant immigrants, rather than a religious requirement for ending a Jewish marriage. The 1886 case of Herman Kraeger was a case in point. The *Cincinnati Enquirer* reported that Kraeger, “evidently of Russian-Hebraic extraction,” appeared at a local law firm seeking advice regarding “a state of affairs that seemed almost impossible,” that “a rabbi in this city was making a business of granting divorces at the rate of \$25 each.” “The story seemed incredible,” observed the *Enquirer*, “but was told in such a straightforward manner and with such accuracy of details as to leave no room for doubt.” As Kraeger told it, he got married in Russia, and shortly thereafter moved to the United States to seek his fortune. After some time in America, he sent his wife money and a ticket so she could join him. His wife was unhappy in America. She found Kraeger’s loss of religious observance upsetting and was jealous of

¹⁴⁷ Joseph Krauskopf, “Marriage and Divorce,” *Jewish Exponent*, January 24, 1890, 3. Krauskopf linked his opinions on liberalizing divorce laws to his liberal ideas on rights for women. Allowing easier access to divorce was known to disproportionately help women, a point not lost on Krauskopf. In this way, Krauskopf’s arguments in favor of liberalizing divorce laws were also aimed at combatting views of Judaism as being an Oriental religion that subjugated women. Although he was the most vocal, Krauskopf was not alone in his views. Other Reform rabbis shared his opinion that liberalization of divorce laws was the answer to America’s problems. See, for example, “Rabbi Charles Fleischer on Democracy,” *Jewish Exponent*, January 25, 1907, 6.

the “shop girls” he worked with. She decided that she wanted a *get* and would then return to Russia. She sent Kraeger to see Rabbi Elias Hilkwitz, a prominent Orthodox rabbi in Cincinnati, who insisted upon prepayment of \$25 to obtain the *get*, money which Kraeger did not have.¹⁴⁸ Ultimately, Kraeger paid the rabbi \$20 and gave him his silver watch and chain as collateral, at which point the *get* was effectuated and the rabbi told Kraeger and his wife that they were both free to marry others if they wanted.¹⁴⁹

In the *Enquirer*'s telling of Kraeger's story, Rabbi Hilkwitz was a swindler who sought to cheat Kraeger out of a large sum of money in exchange for a worthless piece of paper. While Hilkwitz seems to have used his leverage over Kraeger to command a significant fee, the *Enquirer*'s misapprehension of the *get* and its importance to observant Jews was plain. The *American Israelite*, evidently disturbed by the coverage, published a corrective four days later. According to the *Israelite*, Kraeger had actually been emotionally abusive to his wife, stealing her dowry to leave for America shortly after the wedding. Rather than Kraeger sending money for his wife's passage to America, it seems that her brother had gone to America to search for Kraeger, and upon finding him, exacted a promise from him to reunite with his wife. The brother, and not Kraeger paid her passage to America. As for Rabbi Hilkwitz, he had indeed charged \$25 for his services, but the divorce decree was no sham. While the *get* was worthless in America, Kraeger's wife in fact needed it to legalize her status in Russia, since there, “a divorce decree must be sanctioned by the church to which the people owe allegiance.” Hilkwitz

¹⁴⁸ \$25 in 1886 was roughly the equivalent of \$688 in 2020. “Inflation Calculator,” www.officialdata.org. On Elias Hilkwitz, see Jonathan D. Sarna and Nancy H. Klein, *The Jews of Cincinnati* (Cincinnati, OH: Center of the Study of the American Jewish Experience at Hebrew Union College-Jewish Institute of Religion, 1989), 79.

¹⁴⁹ “Cheap Divorces: The Strange Story Told by a Russian Hebrew,” *Cincinnati Enquirer*, October 4, 1886, 8.

denied “emphatically” that he told Kraeger that he was divorced and could marry again; indeed, he claimed that he informed Kraeger that after he had been separated from his wife for three years, he could institute divorce proceedings in the Ohio courts. And, Hilkowitz pointed out, lawyers who obtained civil divorces for their clients also charged fees. Hilkowitz, the *Israelite* stated, was “familiar with the United States laws, and knows perfectly well that he has no authority to grant a decree of divorce.” According to the *Israelite*, either Kraeger, a slightly shady character, had misrepresented what happened to the Enquirer, or “the Enquirer reporter was not sufficiently familiar with the Polish-English jargon to get the circumstances of the case correctly.” In the *Israelite*’s retelling of the story, Hilkowitz had not disobeyed the law; in fact, what he did was a “true kindness to the woman.”¹⁵⁰

The *Enquirer* story and the *American Israelite*’s corrective give a window into the way gentile Americans saw the issue of Jewish divorce and which misapprehensions the Americanized Jewish community were most concerned with combatting. Jewish leaders wanted gentile Americans to understand that rabbis were not generally ignorant of American law nor seeking to circumvent it, but rather performing a religious ceremony that was separate and apart from the requirement of an American civil divorce. Americanized Jews did not want to appear disloyal to American laws, or as a fifth column in American society. As the *Israelite* summarized, “The impression that a sort of Jewish divorce court is in operation in this city is what we wish to correct.”¹⁵¹

¹⁵⁰ “A False Impression Corrected,” *American Israelite*, October 8, 1886, 4.

¹⁵¹ *Ibid.* See also, Editorial, *American Israelite*, November 1, 1900, 4; “As to Jewish Divorce,” *American Israelite*, October 15, 1903, 4.

Nonetheless, given the strangeness – and even often unsavory nature – of their behavior as seen through American eyes, Americanized Jews were loath to paint Eastern European *get*-granting rabbis as positive forces in the Jewish ghettos of America. Thus, although the English language Jewish press defended immigrant Jews in some instances, for the most part, it was careful to criticize this behavior in no uncertain terms. An 1885 *American Israelite* article told of the “notorious” Rabbi Abraham Ash of the large Lower East Side synagogue Beth Hamedrash Hagodol who sent a *get* back to Russia to divorce a new immigrant from his wife still living there. The new immigrant then married another woman, who upon discovering that her husband was still legally married to his wife in Russia, reported him to the authorities for bigamy. Calling out Ash for the “mischief” accomplished by him and “his crowd of ignorant and bigoted fanatics,” the article asserted that his behavior “only tends to disgrace our religion before the community.” As was so often the case, the article included a call for authorities to step in. “It is high time,” the *Israelite* declared, “that steps be taken to bring this so-called ‘rabbi’ and his ilk within the pale of the law.”¹⁵² Far from notorious, Rabbi Ash (1813-1887) was actually a respected rabbinic leader in the American Orthodox community. Ironically, one of his greatest areas of expertise was Jewish divorce law.¹⁵³ When he died, Ash’s obituary noted that he “frequently came into collision with the authorities in the matter of divorces, as he maintained that rabbis had the right to decree divorces.” Yet, the piece added, “He refused, however, to allow such divorced persons to remarry without first

¹⁵² Excelsior, “New York,” *American Israelite*, August 14, 1885, 6. See also “Excelsior, ‘New York Letter,’” *American Israelite*, January 8, 1886, 8.

¹⁵³ See Grinstein, 93; Jeffrey Gurock, “A Stage in the Emergence of the Americanized Synagogue among East European Jews: 1890-1910,” *Journal of American Ethnic History* 9, No. 2 (Spring, 1990): 16; J. D. Eisenstein, “The Development of Jewish Casuistic Literature in America,” *Publications of the American Jewish Historical Society* 12 (1904): 145-6.

obtaining a divorce through the courts.”¹⁵⁴ Presumably, Ash, like Hilkowitz in Cincinnati, was doing what he thought was right under the circumstances, since the *get* he sent back to Russia would have divorced the man and his wife in the eyes of the Russian authorities.

Advocating for Uniform Marriage and Divorce Laws

Americanized Jewish leaders went beyond the realm of speaking out about the divorce practices of their Eastern European immigrant co-religionists. They also positioned themselves “at the table” in the discussion of national divorce policy, frequently calling for the tightening of divorce laws and joining in national calls for greater uniformity in marriage and divorce laws around the nation. The movement for uniform marriage and divorce law began in the late 1870s as a reaction to widely disparate state laws which critics believed led to forum shopping and prevented the more “moral” states from effectively restricting access to divorce because their citizens could simply obtain divorce in another state.¹⁵⁵ Over the course of the ensuing half century, activists increasingly called for the passage of a federal uniform marriage and divorce law which would bind all the states in the Union. While lawmakers periodically introduced legislation in Congress to effectuate such a uniform law, no bill ever passed.¹⁵⁶ Nonetheless, from early on, Americanized Jewish leaders frequently sided with reformers affiliated with religious and moral groups and Progressive Era activists in support of uniform laws.

¹⁵⁴ “Death of Rabbi Ash: An Authority on the Talmud, and One of the Best-Known Orthodox Rabbis in America, *New York Sun*, May 9, 1887, 1.

¹⁵⁵ N. Ruth Wood, “Marriage and Divorce Laws,” 33 *Women Law. J.* 23 (1947): 30. For more on the movement for uniform marriage and divorce laws, see Blake, 145-50; Eby, 29.

¹⁵⁶ Cott, 110-1.

Perhaps the earliest Jewish call for uniform marriage and divorce laws unsurprisingly appeared in the pages of the *Jewish Messenger* which noted in 1880, “We are as a unit as a nation, but without unity in law. The laws of the various States on marriage and divorce ... need revision and harmonizing. Let Congress ... take up subjects that are paramount and appeal to the well-being of the whole community.”¹⁵⁷ Over the following decades, other Jewish leaders and organizations also called upon the American government to institute some sort of uniform law to prevent abuses.¹⁵⁸ The Jewish Ministers’ Association, which had been so instrumental in getting the law regarding marriage officiants changed in New York, weighed in strongly in support of uniform marriage and divorce law at its 1886 fall conference, pointedly referring to similar action on the matter at the recent conference of Unitarians in Saratoga, and “other religious meetings.” The Association passed two resolutions on the subject at the conference. The first noted the “lax” nature of divorce laws in several states, which were “detrimental to the sanctity of the home life,” necessitating the Conference to “place on record their solemn conviction of the extreme necessity for immediate measures being enacted.” The second called for a special committee to “co operate (sic) with other bodies in the matter” in getting legislation passed to rectify the situation.¹⁵⁹ Carefully distancing itself from the stain of permissive divorce law, the Jewish Ministers’ Association sought

¹⁵⁷ “Our Gossip,” *Jewish Messenger*, December 3, 1880, 1; See also “Our Gossip,” *Jewish Messenger*, September 4, 1891, 1.

¹⁵⁸ See, for example, “Editorial,” *Jewish Exponent*, April 26, 1889, 4; “Editorial,” *Jewish Exponent*, June 4, 1889, 4.

¹⁵⁹ “Jewish Ministers’ Association,” *American Hebrew*, November 26, 1886, 38; “Local News,” *Jewish Messenger*, November 26, 1886, 2.

to partner with other reputable American religious organizations in advancing the “moral” fight against divorce.

Over the following decades, other Jewish organizations joined the call for uniform laws as well. The Committee on Civil and Religious Marriage Laws of the Central Conference of American Rabbis (CCAR), the organizing body for Reform rabbis, recommended in 1914 that the CCAR “favor national laws of marriage and divorce.”¹⁶⁰ In 1917, the Committee report noted that the Chairman had appeared before the Judiciary Committee of the House and Senate to testify in support of the passage of uniform marriage and divorce legislation.¹⁶¹ The Pennsylvania Council of Jewish Women and the Union of American Hebrew Congregations, the organization for Reform synagogues, both adopted resolutions in support of uniform laws at their respective conventions in 1923.¹⁶²

Additionally, individual rabbis would periodically address the laxity of divorce laws and offer support for uniform marriage and divorce laws in their sermons or opinion pieces published in the English language Jewish press. In an 1893 sermon covered by the *San Francisco Chronicle*, Rabbi Jacob Nieto, the Reform leader of that city’s Congregation Sherith Israel, vigorously attacked American divorce laws, declaring that

¹⁶⁰ Julian Morgenstern, ed., *Central Conference of American Rabbis, Vol. XXIV* (Detroit, MI: Central Conference of American Rabbis, 1914), 123. The Pennsylvania Council for Jewish Women was a branch of the National Council of Jewish Women. For more on the National Council of Jewish Women see Faith Rogow, *Gone to Another Meeting: The National Council of Jewish Women, 1893-1993* (Tuscaloosa: University of Alabama Press, 1993).

¹⁶¹ Isaac E. Marcuson, ed., *Central Conference of American Rabbis, Twenty-Eighth Annual Convention XXVII* (Cincinnati, OH: C.J. Krehsiel, 1917), 104.

¹⁶² “Urge Jewish Women’s Interest in Politics,” *Jewish Telegraphic Association*, November 28, 1923, 1; “Jews State Stand on Vital Questions,” *New York Times*, January 27, 1923, 4.

the “civilized world stood aghast at the number of divorces granted yearly in the United States.” He continued:

It is an evil that is assuming such magnitude as to compel thoughtful men to pause and ask what the end must be. It is striking at the very root of our social system, corrupting the home and degrading the family tie to a mere licentious convenience of a transient character. It is rapidly destroying the sacredness and permanence of wedlock and demoralizing the proper relation of the sexes in society.¹⁶³

Lest there be any doubt, Rabbi Nieto showed himself to be firmly in the camp of moral Americans opposing widespread divorce. In 1900 the *Detroit Free Press* praised Rabbi Leo M. Franklin for his “well-directed and wholesome words on that fearful scandal of American society, the divorce evil.” The paper approvingly noted Franklin’s support for uniform federal divorce law, commenting that his “monitions are most timely and that he is directing the influence of his sacred office and of his consecrated talents in a channel where they rightfully belong and where they are sorely needed.”¹⁶⁴ Rabbis like Jacob Nieto and Leo Franklin stood in stark contrast to the “fraudulent rabbis” of their Eastern European co-religionists, no doubt helping to ensure that the American public did not see all Jews as contributing to the “divorce evil” in America.

Jewish Leaders Working with the State

In addition to proclaiming their investment in the American legal system by advocating for uniform marriage and divorce laws, Americanized Jewish leaders worked hand-in-hand with state law enforcement to police and penalize immigrant Jews who

¹⁶³ “Evils of Divorce,” *San Francisco Chronicle*, November 25, 1893, 5.

¹⁶⁴ “The Darby and Joan Idea,” *Detroit Free Press*, March 25, 1902, A4. “Darby and Joan” was a popular song about an elderly couple that spent many years together in peace. See also “Urges Reforms in Marriage and Divorce Legislation,” *Jewish Advocate*, February 12, 1920, 8; Rabbi H. Mayer, “Uniform Divorce Laws,” *Jewish Advocate*, May 6, 1920, 4.

broke the law. In December 1890, a New York grand jury indicted a Russian Jewish man named Schwartz for bigamy. Schwartz had arrived in America with his wife and three children, and shortly thereafter, divorced his wife by giving her a *get* and then remarried. Realizing that the Schwartz children were going to become public charges, authorities arrested Schwartz. The case led to a wider investigation of the “divorce evil” among Eastern European Jews, and quickly, the eyes of the law turned from the Jewish bigamists to the rabbis who issued them their *gittin*. The grand jury called upon Reform Rabbi Gustav Gottheil and Orthodox Rabbi Jacob Joseph to testify regarding the rabbinic role in issuing Jewish divorces. Joseph assured the grand jury that he personally granted no divorces, and although *gittin* were legitimate divorces in Judaism, “it was the custom of himself and other reputable rabbis to make the law of the land supreme,” therefore they did not themselves issue *gittin*. Joseph was being cagey with his language; as an Orthodox rabbi, he certainly believed a *get* to be a necessary step for a divorcing couple, but under his contract, he actually was not permitted to issue *gittin*.¹⁶⁵ Gottheil, explaining that Reform rabbis no longer used the *get*, relying solely upon the state to issue divorces, impressed upon the grand jury “the necessity of framing some law to prevent the granting of promiscuous divorces by rabbis to the more ignorant class of Jews.” The grand jury agreed, declaring in its decision that it should be illegal to grant a *get* before a civil divorce. Such an act, it said, should be punishable for a first offense by a fine, and for a second offense by imprisonment.¹⁶⁶

¹⁶⁵ Karp, 148, 155, 156.

¹⁶⁶ “Divorces Given by Rabbis: A Presentment Made by the Grand Jury Against the Evil,” *New York Sun*, December 25, 1890, 1. See also, “Divorced Without Law,” *New York Times*, December 15, 1890, 3; “Those Rabbinical Divorces Again,” *Hartford Courant*, December 27, 1890, 4; “Current Topics,” *Albany Law Journal*, January 3, 1891, 1.

In addition to the action of the grand jury, United Hebrew Charities, an umbrella organization for philanthropic and social service work with immigrant Jews, began its own crusade against *get*-granting rabbis in response to the sad and embarrassing case of nineteen-year-old Chaje Hirshovitz. Mrs. Hirshovitz was in the end stages of a pregnancy when her husband, Koppel Hirshovitz, divorced her by giving her a *get* and the sum of eight dollars, and took up with another woman. United Hebrew Charities (UHC) became involved when it was reported to them that Mrs. Hirshovitz, who had just given birth, was “lying without attendance and in want of nourishment” in her apartment. UHC sent a nurse to take care of Mrs. Hirshovitz, whom they thought had been deserted by her husband, and the nurse learned that in fact, Mrs. Hirshovitz considered herself not deserted but divorced. Charles Frank of the UHC decided to make the Hirshkovitz matter a test case, holding Koppel Hirshkovitz accountable and at the same time also seeking to make a case against the rabbi who issued the *get*. As Frank put it, “We felt ... it was our duty to take to the attention to the court, and we had Hirshovitz arrested...”¹⁶⁷

Hirshovitz was indeed arrested and charged with abandonment, a development which caused him “great surprise.” Not only did he believe himself to be divorced, his wife had given him a written release that promised not to seek any further claims against him. Judge Hogan of the Essex Market Police Court noted wearily, “Whatever may be said of his conduct from a moral point of view, he was entirely ignorant of any legal obstacle in the way of carrying out his purpose.” Indeed, the judge pointed out, there were hundreds of other cases like that of Koppel Hirshovitz’s. The fault lay, according to

¹⁶⁷ “A Case in Point: A Rabbinical Divorce and its Unfortunate Results,” *New York Times*, December 25, 1890, 3.

the infuriated Hogan, with the rabbis who issued such divorces to ignorant immigrants like Hirshovitz, and agreeing with Frank of the United Hebrew Charities, he declared, “if a legal remedy can be found I am ready to do my part in applying it....” Arnold Ehrlich, an officer with the United Hebrew Charities who was present at the Hirshovitz hearing, pushed for leniency for Hirshovitz, which was granted. Hogan let him off with a warning that if married another while still married to Chaje, he would be “sent to Sing Sing for bigamy.” Ehrlich, apparently far more interested in going after the rabbis, suggested a legal theory under which they could be held liable: they could be arrested for “obtaining money under false pretenses” for collecting a fee for granting a divorce that had no validity in the eyes of the state. On the basis of that theory, Hogan issued a warrant for the arrest of Rabbi S. M. Siskind, the purveyor of the Hirshovitz divorce, and apparently many others as well.¹⁶⁸

A few days later, on December 29, 1890, the front page of the *New York Sun* reported that Siskind had been arrested for “petty larceny in obtaining money under false pretenses.” The arrest warrant was issued on the affidavit of Arnold B. Ehrlich, an officer of United Hebrew Charities, who swore that Siskind had received \$5 for granting a divorce. Expressing horror that Siskind granted up to “thirty or forty divorces a year,” typically earning between \$10 and \$50 apiece, Ehrlich stated that he would “make a point to bring a charge against every one of the rabbis whom be caught selling ‘divorces’ in the future.”¹⁶⁹ United Hebrew Charities had successfully partnered with the State of New

¹⁶⁸ “Divorces Given by Rabbis: A Presentment Made by the Grand Jury Against the Evil,” *New York Sun*, December 25, 1890, 1; “The East Side Divorce System,” *New York Sun*, December 27, 1890, 1.

¹⁶⁹ “Siskind’s Divorce Mill: An Eldridge Street Rabbi Arrested for Larceny,” *New York Sun*, December 29, 1890, 1.

York in a joint effort to solve the divorce crisis. By advocating for leniency for Koppel Hirshovitz, Ehrlich ensured that Chaje Hirshovitz would obtain the financial support she needed. And, by bringing the force of law to bear on the likes of Rabbi Siskind, Ehrlich worked to stop *get*-granting rabbis in their tracks.

Following the legal troubles of late 1890, law enforcement officials and legislatures of states with large Jewish immigrant populations began cracking down in earnest on the “fraudulent rabbis.” The *New York Sun* reported that an investigation showed that the “rabbi divorce evil” was more prevalent in Chicago even than New York. Declaring that “hundreds” of Jews in Chicago were receiving rabbinic divorces for “a small sum,” the article related that the Chicago police were investigating the rabbis.¹⁷⁰ In March 1891, mere months after Siskind’s arrest in New York City, Governor Russell of Massachusetts signed into law a bill punishing rabbis for issuing *gittin* in the absence of civil divorces. The statute stated that anyone, other than “in compliance with an order of a court of competent jurisdiction” who purported to grant a divorce to any married couple would be punished by a fine of up to \$1000 and/or by imprisonment for up to three years.¹⁷¹ Coverage of the new law in the *New York Evening World* noted that “[l]eading Hebrews and the genuine rabbis heartily approve this new law.”¹⁷² A Missouri newspaper noted that one Rabbi Shulum Goffer, “who has been divorcing Polish Jews

¹⁷⁰ “The Rabbi Divorce Evil in Chicago,” *New York Sun*, Dec. 17, 1890, 5.

¹⁷¹ An Act Relating to the Unlawful Issuing of Certificates of Divorce, 1890 Mass. Acts. 59. The full text of the law stated, “Whoever, except in compliance with an order of a court of competent jurisdiction, shall give, sign, or issue any writing purporting to grant a divorce to persons who are husband and wife according to the laws of this Commonwealth, or purporting to be a certificate that a divorce has been granted to such persons, shall be punished by fine not exceeding one thousand dollars or by imprisonment in the jail not exceeding three years, or by both such fine and imprisonment.”

¹⁷² “To Stop Bogus Marriages,” *New York Evening World*, March 11, 1891, 4.

indiscriminately in St. Louis, is in trouble, as the civil authorities are about to get after him.”¹⁷³

New York State was soon to follow. With the influence of the Educational Alliance and no doubt other Jewish organizations and leaders, the New York State legislature passed a law in 1893 that criminalized the behavior of rabbis.¹⁷⁴ The law provided:

Until a marriage has been dissolved or annulled by a proper tribunal or court of competent jurisdiction, any person who shall assume to grant a divorce, in writing, purporting to divorce husband and wife and permitting them or either of them to lawfully marry again, shall be guilty of a misdemeanor punishable by fine for the first offense not exceeding five hundred dollars, and for the second offense one thousand dollars, or imprisonment not exceeding one year, or both such fine and imprisonment.¹⁷⁵

Although the law spoke in generalities, it plainly banned the granting of a *get* before a civil divorce. Once the civil divorce had been given, a *get* would not be a document purporting to divorce a couple, because they would no longer be married in the eyes of the state. Like those in the Massachusetts law, the punishments imposed by the statute were severe, even draconian, reflecting the seriousness with which civil authorities and Americanized Jewish leaders viewed the actions of the immigrant rabbis.¹⁷⁶

¹⁷³ “Running a Divorce Mill,” *The Cape Girardeau Democrat*, May 23, 1891, 1. Similar stories appear in the *St. Paul Daily Globe* and the *Omaha Daily Bee*, 1893 and 1891 respectively.

¹⁷⁴ As Benjamin Tuska, an attorney with the Educational Alliance later stated in a talk about marriage and divorce issues among Eastern European immigrant Jews, “There was a practice, not very extensive, but sufficient to be called to the attention of the Legal Aid Bureau of the Alliance, of granting these religious divorces. That has been stopped in New York through a law which the Alliance was instrumental in having enacted, making it a misdemeanor for any person to assume to issue a bill of divorce before the parties had obtained a divorce in the civil courts.” *Sixth Biennial Session of the National Conference of Jewish Charities in the United States 1910* (Baltimore: Press of Kohn & Pollock, 1910), 93.

¹⁷⁵ New York State Penal Code §376 (1893), signed into law by the governor on April 22, 1893.

¹⁷⁶ \$500 in 1893 was the equivalent of over \$14,000 in 2020. “Inflation Calculator,” www.officialdata.org.

Interestingly, the New York law does not appear to have been very well-publicized. The following year, the *New York Sun* quoted a “distinguished rabbi” as stating that “[t]he pernicious custom of the Russian Jews must not be transplanted upon American soil. It must be prohibited by legislation...”¹⁷⁷ Later in 1894, *New York Sun* editorial railed against the “Russian rabbis of the east side” for selling Jewish divorces, noting that one Justice Ryan, upon hearing a case for bigamy in his court, declared that “[s]ome of the rabbis here ought to be punished for imposing upon these simple people.” It called upon “our Jewish contemporaries” to “render good service to the Jewish newcomers by making them acquainted with the American laws respecting marriage and divorce. A rabbinical divorce is a worthless piece of paper in an American court.”¹⁷⁸ The *American Hebrew* criticized the *Sun* editorial, snippily noting, “It seems strange that both Police Justice Ryan and the *Sun* should be unacquainted with Section 376 of the Penal Code, which has been operative as the law of this State since April 22nd, 1893.” It went on to publish the new law in full in order to demonstrate that the law contained “ample provision” for punishing the “miserable miscreants who grant these divorces....” The piece concluded with a call to all Jewish newspapers, no matter their language of publication, and all rabbis and other Jewish communal leaders who worked with the immigrant Jews to “cooperate in an earnest and energetic effort to suppress this disreputable business, whose inevitable result must be to cover our whole community

¹⁷⁷ “A Hard Question in Judaism,” *New York Sun*, June 17, 1894, 6.

¹⁷⁸ Quoted in “Unlawful Divorce and Illegal Marriage,” *American Hebrew*, September 7, 1894, 556. The law remained exceptionally under-publicized. Even in 1921, a judge in Brooklyn Supreme Court was quoted as saying that “our criminal laws should be made to cover these rabbinical divorces. The rabbis know perfectly well that they are taking money under the false pretense of giving the parties something of value, and they know also, or ought to know, that the act is against the law.” “Attacks Divorce by Rabbis: Judge Says It Is Obtaining Money Falsely,” *New York Tribune*, April 3, 1921, 14.

with shame and reproach.”¹⁷⁹ Now that New York had passed a law, Americanized Jews wanted the law to be publicized and used to end the behavior of their embarrassing co-religionists. Given the fact that Jewish leaders seemed more knowledgeable of the law than officials of New York State, and that, as will be seen below, Jewish organizational efforts to educate their co-religionists about divorce law continued at least into the first decade of the twentieth century, one wonders whether the state was as concerned with the behavior of Eastern European immigrants as were their uptown co-religionists.

Education and Public Policy

Numerous Jewish organizations engaged in the task of instructing immigrant Jews to obtain civil divorces in addition to *gittin* in order to remarry.¹⁸⁰ Perhaps the most prolific in these efforts was the Educational Alliance, an organization founded by New York’s uptown German Jews in 1891 to Americanize and “civilize” their Eastern European co-religionists downtown.¹⁸¹ The Alliance founded a Legal Aid Bureau in 1902 to assist immigrant Jews with all manner of legal issues that arose in their lives. The Legal Aid Bureau worked tirelessly to educate immigrant Jews about American divorce law, defended them when they ended up in trouble with the law for bigamy, and assisted law enforcement officials in their work to eradicate illegal behavior among immigrant Jews. Its 1903 Annual Report related that the Legal Aid Bureau’s educational campaign was “productive of much good.” It had corrected the “apparently misconceived notion of

¹⁷⁹ “Unlawful Divorce and Illegal Marriage,” *American Hebrew*, September 7, 1894, 556.

¹⁸⁰ In addition to the Educational Alliance, other organizations included United Hebrew Charities, which will be discussed further below, and the relatively short-lived New York Kehillah. Gudefin, 123-6. For a history of the Kehillah, see Arthur A. Goren, *New York Jews and the Quest for Community: the Kehillah Experiment, 1908-1922* (New York: Columbia University Press, 1970).

¹⁸¹ For more on the Educational Alliance, see Sorin, 86-88.

American freedom, and particularly American religious liberty” that the rabbinical divorce was valid in America. The “so-called ‘Rabbi[s]’” who “plie[d] a brisk trade in these ‘Gets’” it reported, were “impressed with the magnitude of their offenses,” particularly when lectured by judges who presided over bigamy cases resulting from their actions. The Legal Aid Bureau intervened in two such cases that year, arguing the innocence and ignorance of the alleged bigamists. It was able to obtain a light sentence in one and a suspended sentence in the other – and at the same time, ensure that press coverage of the trials and the judicial lectures to the rabbis were “widely published in the East side papers”¹⁸² The director of the Legal Aid Bureau, rabbi and attorney Bernhard Rabbino, was well-known for his tireless work on this issue. As the *American Israelite* described it:

Mr. Rabbino got Jewish preachers to preach against the evil, he addressed letters to prominent men asking them to warn the rabbis, he himself wrote articles about it in the Jewish press, he had rabbis arrested. In short, he carried on every form of propaganda until some of the most ignorant women have been educated to a realization of the inadequacy of the rabbinical divorce. As a result, the question was taken up by the convention of Orthodox rabbis and a resolution was made against the practice. Mr. Rabbino even had a law framed to crush it entirely.

For his efforts among the Eastern European immigrants, the *Israelite* labeled Rabbino a latter-day Solomon.¹⁸³

While Rabbino’s work with the Legal Aid Bureau of the Educational Alliance no doubt provided significant assistance to Eastern European immigrant Jews, one wonders how many of them actually heeded the Alliance’s messages about divorce. While it is

¹⁸² “Eleventh Annual Report of the Educational Alliance,” (1903), 54-55, Papers of the Educational Alliance, AJHS.

¹⁸³ “Solomon Sits in New York,” *American Israelite*, August 2, 1906, 1. See also “Bernhard Rabbino, Father of the Domestic Relations Court to Prevent Indiscriminate Divorce,” *Hampton’s Magazine* 25, 1910, 124.

true that the Alliance's work in this area was well-publicized in the Yiddish press, the vast majority of the coverage was in one paper: *Die Yiddishe Velt* (*The Jewish World*), which was far from a typical Yiddish newspaper. Founded in 1902, the *Jewish World* was published by Zvi Hirsch Masliansky, an Eastern European immigrant and renowned Yiddish orator.¹⁸⁴ But, the paper's policy was set by Louis Marshall, a well-respected corporate and constitutional lawyer and Jewish activist, and its shareholders included other leading uptown German Jewish businessmen and philanthropists such as Jacob Schiff, Felix Warburg, Daniel Guggenheim, and others. Masliansky and Marshall in fact met through the Educational Alliance. Marshall, a trustee of the Alliance and the chairman of its Committee on Moral Culture, supervised Masliansky, who was employed as a lecturer on morals for the Alliance.¹⁸⁵

The overt goal of the *Jewish World* was the Americanization of Eastern European Jewish immigrants, using the rhetoric in its pages as a tool to reshape them morally, religiously, and politically into what uptown Jews saw as a stable, respectable community.¹⁸⁶ To Marshall and his cohort, the Yiddish press was seen as sensationalist and degenerate, the epitome of "yellow journalism," not to mention socialist and anarchist, political ideologies which they vehemently opposed and sought to eradicate from the Eastern European Jewish immigrant culture. They sought to create a paper

¹⁸⁴ For more on Masliansky's life and the founding of the *Jewish World*, see Zvi Hirsch Masliansky, *Memoirs: An Account of My Life and Travels*, trans. Isaac Schwartz and Zvia Nardi (Jerusalem: Ariel, 2009); Lucy S. Dawidowicz, "Louis Marshall's Yiddish Newspaper, 'The Jewish World': A Study in Contrasts," *Jewish Social Studies* 25, No. 2 (April 1963): 102-32; Gary P. Zola, "The People's Preacher: A Study of the Life and Writings of Zvi Hirsch Masliansky, 1856-1943," (Ordination Thesis, Hebrew Union College, 1982), <http://library.huc.edu/pdf/theses/Zola%20Gary%20Phillip-CN-Rab-1982%20rdf.pdf>.

¹⁸⁵ Dawidowicz, 102.

¹⁸⁶ *Ibid.*

which, Marshall later wrote, would “not corrupt and contaminate, but would be made the vehicle for converting the Yiddish-speaking immigrant into a self-respecting Jew and an American.”¹⁸⁷ Such a paper, Marshall wrote, would be “everything that the existing Yiddish newspapers are not, namely, clean, wholesome, religious in tone; the advocate of all that makes good citizenship...”¹⁸⁸ Thus, when the *Jewish World* addressed the issue of Jewish and American divorce, it did so through the lens of the paper’s mission to create respectable Jews out of Eastern European immigrants, an agenda into which cautionary tales about issuing *gittin* before obtaining civil divorces fit perfectly.

During its short two-year life (1902-1904), the *Jewish World* frequently published articles containing information about the work of the Legal Aid Bureau. Such pieces were often replete with cautionary tales about immigrant Jews who ran afoul of New York divorce laws and overt warnings to desist from such behavior.¹⁸⁹ One such article told of a man named Shloyme Katz who was arrested for performing the wedding of a woman who had not been civilly divorced from her first husband. Katz ended up with a suspended sentence for his crimes after the Legal Aid Bureau mounted a defense on his behalf.¹⁹⁰ The presiding judge, himself apparently a Jew, warned Katz and those like him about his behavior, noting that they should be careful, and “if another such case comes before him, he would treat it very sternly.” The *Jewish World* cautioned starchily:

We hope this warning of Judge Meyer will have an effect on those who devote themselves to marrying couples.... The law of New York does not recognize a Jewish divorce granted here in America. The divorce must be legal, that is, that the court must first determine that the couple is divorced.

¹⁸⁷ *Ibid.*, 103.

¹⁸⁸ *Ibid.*, 104.

¹⁸⁹ See, e.g., “The Divorce Factory of the East Side,” *Die Yiddishe Velt*, May 14, 1903, 4 (trans. mine); “Milesvitsch’s Trial,” *Die Yiddishe Velt*, June 21, 1903, 1 (trans. Khane-Faygl Turteltaub).

¹⁹⁰ No doubt this was one of the cases that the Educational Alliance’s annual report had mentioned.

Only afterwards may the Jewish divorce be given. If not, it is illegal and ... the man or the woman may be punished for committing bigamy.... It is the duty of the Jewish resident of New York in general and of the rabbis performing marriage ceremonies in particular to strictly heed this law and to be careful not to get in trouble.¹⁹¹

The *Jewish World* made sure not only to inform its readers in no uncertain terms what the law was in New York, but also to drill them regarding their obligation to obey that law. Transgressing American law, it instructed, meant failing to uphold one's duties as an American, and, if that was not enough to ensure obedience, it would lead to great trouble and punishment.

The agenda of the *Jewish World*, however, was not one embraced by the Eastern European immigrants the paper was meant to serve. As historian Lucy Dawidowicz wrote, “[Marshall’s] demands for judiciousness, moderation and caution were scarcely suited to the temper of the contemporary Yiddish press and the mood of its readers....” The Eastern European immigrants, Dawidowicz argued, “tended to view the outside non-Jewish world of government and authority as hostile and they thought that hostility was antisemitic.”¹⁹² Masliansky and Marshall’s attempts to use their newspaper to sell immigrants on being model citizens who would obey American law and respect civil authorities was, in retrospect, bound for failure. Lacking popularity or sufficient circulation, the paper closed in 1904, less than two years after it began publication.

Significantly, the general Yiddish press, newspapers that arose organically from within the Eastern European immigrant community, addressed the divorce issue quite differently than the *Jewish World*. Such papers did not typically moralize on the issue of

¹⁹¹ “Laws of Divorces and Weddings,” *Di Yiddishe Velt*, April 23, 1903, 4 (trans. Khane-Faygl Turtletaub).

¹⁹² Dawidowicz, 107.

unscrupulous or fraudulent “rabbis” issuing *gittin* to immigrant Jews without requiring civil divorces. When they did address the issue of immigrant divorce, they normally told the sort of sensationalist tales that Louis Marshall had railed against: human interest stories about scandalous bigamy cases in civil courts involving Jewish immigrants. Typically, such articles did not tackle the interplay of Jewish and civil divorce law.¹⁹³

However, from time to time, the Yiddish press did cover stories about the trouble that ensued when Jews received *gittin* but not civil divorces. Far from painting the situation as an epidemic of evil caused by unscrupulous rabbis though, such articles portrayed a more human face to the story. A 1910 article in *Die Varheit* [The Truth], a staunchly anti-religious New York Yiddish daily whose editor, Louis Miller, had partnered with Abraham Cahan in the founding of the *Forward*, is a case in point. The article related a cautionary tale of a “victim of a Jewish divorce being given before a legal divorce.” The “victim” was an immigrant named Bernard Gordon, 84 years old, who was sentenced to ten months in prison for bigamy after divorcing his first wife only according to Jewish, and not civil, law, and then marrying a second wife. While the article’s subheading did warn that “rabbis are not allowed to divorce anyone until the couple shows them a legal divorce,” the article went on to ask:

Did Gordon know that he wasn’t allowed to get married or not? We don’t know if the rabbi who gave him a Jewish divorce warned him that he was not allowed to get married before getting a civil divorce. Many rabbis tend to write in the religious divorce that the divorced person cannot remarry until he is civilly divorced, but this doesn’t carry much weight.

¹⁹³ See, e.g., “Help the Boarder Marry His Wife,” *Yiddishes Tageblatt*, February 12, 1908, 6 (trans. Khane-Faygl Turteltaub); “‘Count’ Guilty of Bigamy: Will Be Sentenced on Saturday,” *Der Morgan Zhurnal*, July 16, 1908, 7 (trans. Khane-Faygl Turteltaub); “Hair-splitting Arguments Among the Rabbis in Court About the Laws of Marriage,” *Der Morgan Zhurnal*, April 18, 1913, 1 (trans. Khane-Faygl Turteltaub).

In the eyes of *Die Varheit*, what happened to Gordon could happen to anyone. Without painting him as an ignoramus like the secular or English language Jewish press did, the article simply noted that Gordon may not have understood that he was not permitted to remarry. Even if rabbis commonly warned immigrant Jews that they could not remarry without a civil divorce, *Die Varheit* pointed out, such a warning did not “carry much weight” with immigrants, who, it intimated, might not bother to grasp such intricacies of American law. Such a depiction of immigrants was quite different than painting them as simpletons who had no ability to understand anything. The article did cite the 1893 New York State law, although it called it a “new law” despite the fact that it had been passed seventeen years earlier. It also reported that the judge in the Gordon case gave “a lengthy talk” in which he “hinted that the rabbis were responsible for Gordon’s fate and for the fate of others and that this law will not spare the rabbis just as it doesn’t spare the bigamists.”¹⁹⁴ Nonetheless, the article avoided the overt moralizing that was common in such articles in the *Jewish World*.

Some articles in the Yiddish press failed to address the issue of the *get* giving rabbi at all. In a 1910 story, the *Forward* told of a Mrs. Miller who discovered she was in fact the second Mrs. Miller. When she found out that her husband’s first marriage had ended with a *get* (which the article noted cost \$15) and not a civil divorce, she became concerned and went to see a lawyer. Her husband was arrested for bigamy and held on \$1000 bail.¹⁹⁵ The article presented the second Mrs. Miller as a strong advocate for her

¹⁹⁴ “No Jewish Divorces Without a Legal [Secular] One,” *Die Varheit*, July 1, 1910, 2 (trans. Khane-Faygl Turteltaub).

¹⁹⁵ “In Trouble for Getting Married with Only a Rabbi’s Divorce,” *Forward*, December 30, 1910, 1 (trans. mine). This story was also covered in the secular press. See “Wed After Rabbi’s Divorce,” *New York Evening World*, December 29, 1910, 3.

rights, able to negotiate the state justice system. The rabbi who issued the *get* did not appear at all.

Depictions of rabbis who facilitated *gittin* in the Yiddish press were of men who saw their work through a mercenary lens but did not have the evil intent to subvert American law. In a lengthy 1911 article with the provocative title “The Rabbis’ Divorce Factories,” the *Forward* quoted a rabbi who bemoaned the general lack of commitment among his cohort to helping couples work through their troubles. He himself had been approached by couples who had rashly divorced one another and ended up regretting it. The rabbi noted with evident disdain that some rabbis made “giving divorces their main source of income,” leading people to call them “wholesalers.” The rabbis, however, saw their role differently, referring to themselves as “specialists.” One so-called “specialist” explained that there were two types of Jewish divorces in America: the European and the local. The European divorce, he said, was when a husband in America sent a *get* back to his uneducated, simple wife in Europe so that he could marry a woman in America. Such divorces, he noted, had the potential to cause trouble in the cases when the European wife showed up in America and accused her ex-husband of bigamy. The specialist declared vehemently, “This, you see, is now a crime,” pronouncing that sending a European divorce was not only a nasty thing to do, it was also illegal because the state required a civil divorce prior to a *get*. A local divorce, he explained, was a *get* granted after the couple had already obtained a civil divorce. European divorces, he noted, were more common than local ones.¹⁹⁶

¹⁹⁶ “The Rabbis’ Divorce Factories,” *Forward*, July 4, 1911, 4, 8 (trans. mine).

In the *Forward's* telling, most rabbis who issued *gittin* saw their work solely as a business. Unlike Americanized rabbis, they were not interested in the pastoral counseling aspect of the rabbinate, which might have involved encouraging a couple to give their marriage another try. In their desire to earn money, they were perhaps too quick to facilitate divorces in cases where a marriage could be saved. The conflict with civil divorce, in the *Forward's* depiction, was incidental, a side-effect of the real problem of Jews treating the decision to divorce too lightly. Such a problem was not indicative of a depraved desire to evade American law, but rather of treating the very human problems of Jewish immigrant couples as mere conduits for earning a living. While the focus of the socialist *Forward* on the difficulties that could ensue when immigrants placed monetary concerns above moral ones was to be expected, the paper's immigrant perspective rendered non-malicious the behavior of the rabbis granting divorces.

The Orthodox Rabbinate's Policy Statements

In addition to Jewish communal organizations and the Jewish press, Orthodox rabbinate, albeit only the most Americanized among them, went on the record with policy statements opposing the giving of *gittin* without civil divorces.¹⁹⁷ While Americanized Orthodox rabbis wanted to ensure that American Jews continued to obtain *gittin* when they got divorced, they also recognized the harm being done to their reputation by those who observed Jewish divorce laws but not American law. When the Association of

¹⁹⁷ For discussion of the relationship between the Americanized Orthodox rabbinate and the more traditional Yiddish-speaking flank of Orthodoxy, see Jeffrey S. Gurock, *American Jewish Orthodoxy in Historical Perspective* (Hoboken, NJ: Ktav, 1996), 1-62. In Gurock's famous delineation, Americanized rabbis such as those who spoke out against the giving of *gittin* without civil divorces would fall into the category of accommodators, those who "accepted the seeming inevitability of Americanization" rather than resisters, those who "attempted to reject acculturation and disdained cooperation with other American Jewish elements...." Gurock, 7.

American Orthodox Hebrew Congregations issued its broadside in April 1888 announcing the appointment of Rabbi Jacob Joseph as Chief Rabbi of New York, it pointedly noted that his hire would allow the correction of “abuses which have appeared in ... גיטין [*gittin*] and which have been a reproach *for us*, and a weapon for the enemies of Judaism.”¹⁹⁸ The *Jewish Messenger* likewise noted that Joseph would “find his up-town brethren eager to welcome him and to co-operate with him, provided he remembers that with all our freedom the law of the land is supreme over rabbinical interpretations, that in marriages and divorces, the courts of the State must be sought for redress, not the rabbinical courts that he is reported to favor.”¹⁹⁹ The by-laws drafted to govern Joseph’s role clearly stated that a *get* did not dissolve a marriage under New York State law. It was “simply a compliance with Ecclesiastical Law of the Bible and the Halacha of the People of Israel but it cannot be used or applied for any purpose not expressly authorized or sanctioned by the Laws of this State, and is not to be held or considered as the exercise or any judicial power or authority under the Laws of this State.”²⁰⁰

Not long after the founding of the Union of Orthodox Jewish Congregations of America (“OU”) in 1898, that organization also came out in favor of restricting the *get* to situations in which a civil divorce had already been obtained. At the OU’s 1903

¹⁹⁸ Broadside of the Association of the American Orthodox Hebrew Congregations, April 1888, published in Appendix III of Abraham J. Karp, “New York Chooses a Chief Rabbi,” *PAJHS* (March 1955): 191 (italics in original).

¹⁹⁹ “The New Rabbi,” *Jewish Messenger*, July 13, 1888, 4.

²⁰⁰ As quoted in Eisenstein, 146-7. This provision took on a number of carefully worded iterations, showing its importance to the organized Orthodox rabbinate in New York. See Karp, 195, 198. Perhaps unsurprisingly, due to a lack of consensus and constant in-fighting, Joseph was unable to organize the Orthodox Jewish community in New York under the umbrella of his authority. He died in New York in 1902. For discussion of Joseph’s tenure as Chief Rabbi, See Goren, 76-85; Gurock, *American Jewish Orthodoxy in Historical Perspective*; Karp, “New York Chooses a Chief Rabbi”; Sarna, *American Judaism*, 182-3.

convention, David Werner Amram, a prominent attorney and author of a well-known 1896 treatise on Jewish divorce law,²⁰¹ delivered an extensive paper on the divorce issue, offering the radical argument (for the Orthodox at least) that the *get* should be abolished altogether in favor of complete reliance on civil divorce. After making the case that Jewish divorce was a legal, and not a religious act, he noted that Jewish law had voluntarily given up criminal jurisdiction over the course of the millennia in the diaspora, and that divorce should fit into the same category. Acknowledging that those in his audience likely still considered the *get* essential, he added that they had “the duty of regulating the giving of the *get*, so that the conflicts which so frequently occur between the laws of the State and the Jewish law may be avoided.”²⁰² Not willing to go as far as Amram suggested, but nonetheless weighing in on the side of careful adherence to state law, the OU passed a resolution urging rabbis not to grant a *get* until a civil divorce was secured. In introducing the resolution, Bernard Drachman, rabbi of Park East Synagogue in New York City, noted that the problem arose from a “misunderstanding of the American laws” because in certain European countries, the state recognized rabbinical divorces as valid. He continued, “[I]t is our duty as good American citizens to acquaint new arrivals with the conditions prevailing. They must be made to understand the laws, and it is our duty to insist upon a strict compliance with them.”²⁰³

²⁰¹ David Werner Amram, *The Jewish Law of Divorce According to Bible & Talmud* (Philadelphia: E. Stern, 1896).

²⁰² David Werner Amram, “The Jewish Law and the Law of the State in Matters of Divorce,” *American Hebrew and Jewish Messenger*, June 26, 1903, 179.

²⁰³ “Step to Restrict Rabbinical Divorces,” *New York Times*, June 22, 1903, 12. See also “Evils of the Rabbinical Divorce: It promotes bigamy, cruelty, blackmail and sorrow when not properly guarded,” *New York Tribune*, June 28, 1903, 2. As noted above, Bernhard Rabbino of the Legal Aid Bureau of the Educational Alliance was instrumental in bringing this resolution to the floor of the conference.

The OU continued to revisit the issue in the following years. At its 1909 conference, after noting that “some of our rabbis” were still ignorant of American divorce law, president H. Pereira Mendes assured his listeners, “We have a movement on foot to enable them to cope with present conditions.”²⁰⁴ In 1910, the OU issued a “Notice to Russian Jewish Rabbis,” signed by Mendes, which stated:

You are hereby reminded that, according to the laws of the State of New York, every marriage ceremony that you perform must be registered by you after the marriage.... Second, you are cautioned against giving Get before the regular divorce has been granted by the civic judicial authorities of this country. The penalty is fine and imprisonment.”²⁰⁵

While one wonders how much the words of Sephardic and British-born Mendes mattered to immigrant Jews, and indeed, if the notice even reached the eyes of those that the OU most wanted to see it, the OU had gone firmly on record opposing the giving of a *get* before a civil divorce.²⁰⁶

Perhaps the OU was in part reacting to a resolution adopted by the New York Board of Jewish Ministers mere weeks earlier that “unanimously declare[d] that in no circumstances is any Rabbi to give a religious divorce (Get) unless he have documentary evidence that the civil marriage has been annulled or a divorce has been given by a competent court of any State of the Union.” The Board of Jewish Ministers, which counted a number of Orthodox rabbis among its members, chose its words carefully. Rather than demonizing the immigrant rabbis, it excused their behavior as resulting from “ignorance” and being “misled,” and they noted that they were sympathetic to the

²⁰⁴ “Union of Orthodox Congregations Meets,” *American Hebrew and Jewish Messenger*, February 5, 1909, 365.

²⁰⁵ “Union of Orthodox Congregations,” *American Israelite*, December 1, 1910, 5.

²⁰⁶ A search of the American Yiddish press did not turn up any reprinting of this notice.

“hardships” of “fulfilling both the obligation of the religious divorce demanded by orthodox Judaism and of the civil divorce demanded by the law of the State.”²⁰⁷ Unlike the uptown Americanized Reform rabbis and Jewish communal leaders who felt no affinity for traditional Jewish law and had little sympathy for those who would elevate Jewish law to the same level as state civil law, the Americanized Orthodox rabbinate spoke firmly to immigrant Jews regarding their responsibilities under the law, but refrained from excessive criticism and vilification.

Conclusion

By the 1910s, although it had not disappeared entirely, the immigrant divorce problem appeared to have died down. While it is difficult to know the degree to which educational efforts of Americanized Jewish leaders and organizations and state prosecution of offenders impacted the problem, no doubt such efforts contributed to the decline. Certainly, the simple passage of time and Americanization of new immigrants had a strong effect as well. Interestingly, records of the Los Angeles *beit din* reflect that even as late as 1923 and 1924, information about when and where the civil divorce was obtained was left blank for many *gittin*.²⁰⁸ Such omissions may indicate that scrutiny of *gittin* had lessened, but also may reflect that those Jews who wanted *gittin* remained relatively unconcerned about state and Jewish communal oversight of their behavior.

On its face, the American Jewish community’s many decades of struggle with the issue of Jewish divorce appears disproportionate to the reality of the problem. The efforts

²⁰⁷ Jewish Ministers on Jewish Divorces, *American Hebrew and Jewish Messenger*, November 25, 1910, 107; “New York Rabbis and the Get,” *Jewish Exponent*, November 25, 1910, 9.

²⁰⁸ Solomon M. Neches Papers, MF 3274, AJA.

of Americanized Jews to ensure that immigrant Jews complied with American divorce law can only be understood as a symptom of a larger issue: the critical link between Americanization and marriage and divorce practices. In America, a nation in which the way one married and divorced had so much to say about one's identity, prioritizing Jewish divorce over American was a dangerous show of disloyalty. It is no wonder that Samuel Isaacs, editor of the *Jewish Messenger* called it a "practice detrimental to our national weal"; despite his belief in traditional Jewish law and practice, when faced with a conflict between Jewish divorce behavior and American norms, he would side with America. When the arrival of huge numbers of Eastern European Jews coincided with rising antipathy against immigrants and concern about divorce, leading to gentile Americans taking note of Jewish divorce practices, Americanized Jewish leaders knew they had to act. Understanding the intrinsic connection between Jewish immigrant adherence to American legal and cultural norms regarding divorce to Jewish acceptance in American society, Americanized Jewish leaders scapegoated their Eastern European co-religionists, amplifying the problem both in order to solve it and in order to prove their own American bona-fides in the process.

Conclusion

In 1942, in the midst of World War II, Rabbi Sidney Goldstein, associate rabbi of the Free Synagogue, a Reform synagogue in New York City, published a book entitled *The Meaning of Marriage and the Foundations of the Family: A Jewish Interpretation*. A moralistic work on American Jewish marriage, the book was popular engagement gift and a mainstay on the bookshelves of postwar American Jewish homes. Goldstein, the Texas-born son of an Eastern European immigrant father and an American-born mother, had received rabbinic ordination from the Reform movement's Hebrew Union College and became an active member of the postwar marriage education movement.¹ In his book, Goldstein expressed deep concern about the state of marriage in America. As he wrote in his opening chapter, "The Crisis in Marriage and the Family":

The family is in danger... because traditional social pressures are diminishing. For generations, the family as an institution was surrounded and sustained by a network of customs, conventions, standards, and laws. This supporting network is now rent at many points as a result of the emergence of new social attitudes and more progressive programs.²

The family, in Goldstein's opinion, did not have the internal strength to maintain its integrity in a society in which traditional values had suffered a beating at the hands of modernity. Between rising rates of divorce, women's growing insistence on equal rights, and increasing sexual activity before marriage, Goldstein saw the family as an endangered species.³

¹ Jenna Weissman Joselit, *The Wonders of America: Reinventing Jewish Culture, 1880-1950* (New York: Henry Holt, 1994), 19.

² Sidney Goldstein, *The Meaning of Marriage and the Foundations of the Family: A Jewish Interpretation* (New York: Bloch Publishing, 1942), 5.

³ *Ibid.*

Of course, the changes that Goldstein lamented in his book did not end up destroying American marriage. Goldstein had fallen prey to the what historian of marriage Stephanie Coontz notes has been a pattern for thousands of years: bemoaning the state of marriage in one's own day, while looking back to an imagined better past.⁴ In fact, however, as he lamented the changes in society that he saw as dangerous to marriage, Goldstein's book unwittingly reflected the impact of many of those changes. While his ancestors in Eastern Europe likely had spouses chosen for them whether by a *shadkhen* or another trusted intermediary, Goldstein presumed that couples married for love and without the approval of parents or respected community members. Indeed, calling the *shadkhen* a "menace to marriage," he declared that love was "not only the basis of marriage, but the most essential element."⁵ And, although Goldstein lovingly described traditional Jewish marriage symbols and rituals for his readers such the *chuppah*, breaking of the glass, and signing of the *ketubah*, he also included more modern innovations such as a two ring ceremony. Despite his proclaimed opposition to women's rights, he noted approvingly that using two rings indicated "the equality of husband and wife in marriage."⁶ Lastly, notwithstanding his concern over rising rates of divorce, Goldstein did not support the restrictive American state divorce laws of the past as had many Jewish communal leaders before him. Rather, he sided with a new way of thinking which argued that such laws served only to create greater unhappiness for couples in troubled marriages, and that a better solution for ever-rising divorce rates was premarital

⁴ Stephanie Coontz, *Marriage: A History* (New York: Penguin Books, 2005), ix.

⁵ Goldstein, 61.

⁶ *Ibid.*, 57.

education to help couples properly prepare for the challenges of married life.⁷ While Goldstein gave lip service to the theory that the breakdown of traditional marital structures of the past had caused marital tumult in his day, in fact he himself embraced that self-same breakdown in a myriad of ways.

Goldstein's book also embraced less controversial, albeit still powerful, changes in the traditional structure of both American and Jewish marriage into his book. Although many of his turn-of-the-century co-religionists might have disagreed, his chapter on "The Marriage Law and Its Implications" declared that "In the United States the Jews recognize that they live under the jurisdiction not of the Jewish law but of the law of the state in which they legally reside."⁸ Unfazed by the then well-established fact that rabbis were legal marriage officiants in America, Goldstein simply noted that any clergyman could solemnize marriage for the state, and of course had the responsibility to uphold state law with respect to the marriages he performed.⁹

Goldstein's *The Meaning of Marriage and the Foundations of the Family* was in many ways a portrait of American Jewish marriage that Jews had created over the course of the century of migration from 1830-1924. As immigrant Jews built Jewish communities in America and sought to formulate their own American identities, the institution of marriage was a locus for their efforts. On the one hand, American Jews readily adapted to their new home, embracing the marriage practices that were so central to Americanness. They married for love, implicitly understanding the connection Americans made between love marriage and the project of democracy. They adopted the

⁷ *Ibid.*, 181-6.

⁸ *Ibid.*, 48.

⁹ *Ibid.*, 51.

rituals and traditions of the white wedding and adapted their Jewish wedding ceremonies to meet American notions of respectability. They policed their fellow Jews, even partnering with the state to eradicate what they saw as un-American behavior with respect to marriage and divorce.

But Jews did not only proclaim their American identities by adopting American marriage practices. They also pushed their new home to live up to its promise of religious pluralism and acceptance of all. Jews lobbied for, and succeeded at obtaining, rabbinic inclusion as state-authorized marriage officiants. They positioned themselves at the table of moral discourse about marriage in America and opined on all manner of issues related to law and the American family. They refused to eradicate Jewish rituals from their otherwise American white weddings. In so doing, Jews broadened the definition of American marriage – and thus the definition of what it meant to be an American.

The ways in which Jews adapted to and reshaped the institution of marriage during the century of migration no doubt played a role in setting a course for American Jewish marriage going forward. The American commitment to marriage for love as an intrinsic element of democracy led to the removal of all legal barriers to interracial marriage in 1967 and then same-sex marriage in 2015. Simultaneously, it also led to the exponential growth of inter-religious marriage, causing enormous consternation among Jewish communal leaders concerned with Jewish continuity. The Jewish push for inclusive marriage officiant laws laid the groundwork for ever-expanding lists of legal marriage officiants, ultimately including even non-sectarian ministers who received certificates of ordination over the internet. Jews' blending of Jewish culture and religion with the American white weddings presaged an ever-more diverse American public

incorporating their rituals and ceremonies into new styles of American weddings. Such weddings are not disparaged in the press and public square, but rather celebrated in columns like “Vows” in the *New York Times* and others. And, perhaps most interestingly, American Jews continued to use the secular state to police their own communities with respect to Jewish divorce, albeit in a very different way than they had at the turn of the twentieth century. Rather than harnessing the power of the state to punish fellow Jews who failed to obtain civil divorces, in the late twentieth century, Jewish communal leaders partnered with the state to force recalcitrant Jewish husbands to grant their wives Jewish divorces.

In the final chapter of his book, entitled “War, Marriage and the Family,”

Goldstein concluded:

The United States ... is a democracy and the people of America are engaged in a world-wide defense of democratic practices, democratic processes, and democratic principles. The primary place in which to preserve these practices and processes and principles is the family, which is not only the threshold of democracy, it is the matrix in which the embryonic democratic order is conceived and nourished.¹⁰

While much had changed over the previous century, the idea that American marriage was a microcosm of American democracy remained strong. As a proud American, Goldstein embraced the bond between American identity, democracy, and marriage. And as a passionate Jew, he saw Jewish marriage as an intrinsic part of that bond. Goldstein’s lens was the product of a century of Jewish immigrant engagement with the American institution of marriage. As immigrant Jews both adapted to and wrestled with American

¹⁰ *Ibid.*, 195.

ideas about marriage, they contributed to an ongoing conversation about the messy and ever-evolving American project of democracy.

Appendix
Chart A: State Laws on Officiant

All laws obtained from the legal history databases "Gale Making of Modern Law: Primary Sources, 1620-1926" or "Hein Online Historical State Laws"

State (with year of statehood)	Nineteenth century law on clergy officiants before legislative amendment	Change in law
Alabama (1819)	<ul style="list-style-type: none"> • Minister of the gospel (marriage will get registered with state) • Any pastor of any religious society according to the rules and customs of their society (keep own records) 	n/a
Arizona (1912)	<ul style="list-style-type: none"> • "Every clergyman of any denomination or licensed preacher of the gospel" 	n/a
Arkansas (1836)	<ul style="list-style-type: none"> • "Any regularly ordained minister or priest of any christian (sic) sect or denomination" • "lawful for religious societies who reject formal ceremonies, to join together in marriage such persons as are of such society, according to the forms, customs or rites of the society to which they belong" 	Changed between 1856-1873 <ul style="list-style-type: none"> • "Any regularly ordained minister or priest of any religious sect or denomination"
California (1850)	<ul style="list-style-type: none"> • "Every Clergyman of any denomination, or licensed Preacher of the Gospel" 	n/a
Colorado (1876)	<ul style="list-style-type: none"> • "Any clergyman, or licensed preacher of the gospel" 	n/a
Connecticut (1788)	<ul style="list-style-type: none"> • "Ordained minister" (did not include the term "gospel") 	n/a
Delaware (1787)	<ul style="list-style-type: none"> • Every preacher of the gospel, ordained or appointed according to the rules of the church to which he belongs, shall have authority to solemnize marriages. • Also marriages may be solemnized or contracted between persons of any religious society according to the forms and usage of such society. 	n/a
Florida (1845)	<ul style="list-style-type: none"> • Ministers of the Gospel 	Still restrictive in 1949
Georgia (1788)	<ul style="list-style-type: none"> • Ministers and preachers of the gospel 	Law changed in 1849: <ul style="list-style-type: none"> • Added "any Jewish minister or other person authorized to perform the marriage ceremony between Jews"

Idaho (1890)	<ul style="list-style-type: none"> • Priest or minister of the gospel of any denomination 	<p>Law changed in 1899</p> <ul style="list-style-type: none"> • Minister of the gospel, authorized by the rites and usages of the church or denomination of Christians, Hebrews, or religious body of which he may be a member
Illinois (1818)	<ul style="list-style-type: none"> • Minister of any religious society, or congregation, within the district in which they are settled 	n/a
Indiana (1816)	<ul style="list-style-type: none"> • Ministers of the gospel regularly licensed to preach, as long as they continue to be members and preachers of their respective churches 	<p>Law changed in 1843:</p> <ul style="list-style-type: none"> • Ministers of the gospel, and priests of every denomination, who are regularly licensed or ordained as such, so long as they continue to be members and ministers or priests in the denomination or church by which they shall have been licensed or ordained.
Iowa (1846)	<ul style="list-style-type: none"> • By some officiating minister of the gospel, ordained or licensed according to the usages of his denomination. 	Still restrictive in 1962
Kansas (1861)	<ul style="list-style-type: none"> • Clergyman or licensed preacher of the gospel 	n/a
Kentucky (1792)	<ul style="list-style-type: none"> • Any ordained minister of the gospel, in regular communion with any society of Christians 	<p>Law changed in 1850</p> <ul style="list-style-type: none"> • Ministers of the gospel or priests of any denomination, in regular communion with any religious society.
Louisiana (1812)	<ul style="list-style-type: none"> • Any priest or minister of the gospel, regularly ordained, or admitted into any religious society, may obtain a license to celebrate marriages within the territory. 	<p>Law changed in 1825</p> <ul style="list-style-type: none"> • Any priest, or minister of a religious sect, domiciliated in any one of the parishes of this State
Maine (1820)	<ul style="list-style-type: none"> • Minister of the Gospel 	<p>Law changed in 1871</p> <ul style="list-style-type: none"> • Every ordained minister of the gospel, and every person licensed to preach by an association of ministers, religious seminary, or ecclesiastical body duly appointed and commissioned for that purpose by the governor and council

Maryland (1788)	<ul style="list-style-type: none"> Minister of the Gospel 	<p>Law changed in 1927</p> <ul style="list-style-type: none"> “any minister of the Gospel, or official of a religious order or body authorized by the rules and customs of said order or body to join persons in marriage”
Massachusetts (1788)	<ul style="list-style-type: none"> Any minister of the gospel ordained according to the usage of his denomination, who resides within the State, and continues to perform the functions of his office 	<p>Law changed in 1896</p> <ul style="list-style-type: none"> A minister of the gospel, ordained according to the usage of his denomination, who resides in this commonwealth and continues to perform the functions of his office; by a rabbi of the Israelitish faith, duly licensed by a congregation of said faith established in this commonwealth, who has filed with the clerk of the city or town in which he resides a certificate of the establishment of the synagogue, the date of his appointment thereto as the term of his engagement ... but no person shall solemnize a marriage in this commonwealth unless he is able to read and write the English language.
Michigan (1837)	<ul style="list-style-type: none"> Any minister of the gospel, in regular communion with any society of Christians 	Law still restrictive in 1940
Minnesota (1858)	<ul style="list-style-type: none"> An ordained minister of the gospel, in regular communion with any religious society 	Law still restrictive in 1941
Mississippi (1817)	<ul style="list-style-type: none"> Any minister of the gospel, ordained according to the rules of his church or society Any pastor of a religious society in this state ... according to the rules and customs established by such society 	n/a
Missouri (1821)	<ul style="list-style-type: none"> Every licensed or ordained preacher of the gospel. 	Law still restrictive in 1949

Montana (1889)	<ul style="list-style-type: none"> • Minister of the gospel of any denomination • Marriages may also be solemnized by religious societies according to the usage of such societies. 	n/a
Nebraska (1867)	<ul style="list-style-type: none"> • Every preacher of the gospel authorized by the usages of the church to which he belongs • It shall be lawful for every religious society to join together in marriage such persons as are of the said society, according to the rites and customs of such society to which they belong... 	n/a
Nevada (1864)	<ul style="list-style-type: none"> • Any ordained minister of any religious society or congregation • Any minister of the gospel, upon producing to the district court of any county or district within this state, credentials of his being a regularly ordained minister of any religious society or congregation, shall be entitled to receive from said court a license authorizing him to solemnize marriages within this state so long as he shall continue a regular minister in such society or congregation. 	Law still unclear in 1949.
New Hampshire (1788)	<ul style="list-style-type: none"> • Any minister of the gospel who has been ordained according to the usages of his denomination, who resides in this State, and is in regular standing with the denomination to which he belongs, and within his parish, by any such minister residing out of the state but having a pastoral charge, wholly or partly in this State.” 	Law still restrictive in 1942
New Jersey (1787)	<ul style="list-style-type: none"> • Minister of the gospel • Every religious society in this state [may] join together in marriage such persons as are of the said society, according to the rules and customs of the society, to which they belong 	<p>Law changed in 1912</p> <ul style="list-style-type: none"> • Every ordained minister, is hereby authorized to solemnize marriage between such persons as may lawfully enter into the matrimonial relation, and every religious society, institution or organization in this State may join together in matrimony such persons as are members of the said society, institution or organization, according to the rules and customs of the society, institution or

		organization to which they, or either of them belong.
New Mexico (1912)	<ul style="list-style-type: none"> Any ordained clergyman whatsoever, without regard to the sect to which he may belong, or by means of any civil magistrate. 	n/a
New York (1788)	<ul style="list-style-type: none"> Ministers of the gospel, and priests of every denomination “The provisions of this article relative to the solemnization and proof of marriages, shall not apply to the people called Quakers, nor to Jews, whose marriages may respectively continue to be solemnized in the manner, and agreeably to the regulations, of their respective societies.” 	<p>Iteration #2: (1887)</p> <ul style="list-style-type: none"> Minister of the gospel or of legally incorporated religious congregations, the leader of the society for ethical culture in the city of New York, and priests of any denomination. <p>Iteration #3 (1900)</p> <ul style="list-style-type: none"> A clergyman or minister of any religion or the leader of the society for ethical culture in the city of New York
North Carolina (1789)	<ul style="list-style-type: none"> Ministers of the gospel of every denomination having the cure of souls 	<p>Law changed in 1883</p> <ul style="list-style-type: none"> Ordained minister of any religious denomination or of a justice of the peace
North Dakota (1889)	<ul style="list-style-type: none"> Ordained ministers of the gospel and priests of every church 	n/a
Ohio (1803)	<ul style="list-style-type: none"> Any ordained minister of any religious society or congregation That it be the duty of every minister ... to produce ... his license so obtained; and the <i>said clerk</i> shall thereupon enter the name of such minister upon record, as a minister of the gospel duly authorized to solemnize marriages within this state 	Law still unclear in 1926.
Oklahoma (1907)	<ul style="list-style-type: none"> A preacher or minister of the gospel, priest of other ecclesiastical dignitary of any denomination who has been duly ordained and authorized by the church to which he belongs to preach the gospel and shall have filed in the office of the judge of the county court in this State or record a copy of his credentials or authority from his church authorizing him to solemnize marriage 	Law still restrictive in 1940.
Oregon (1859)	<ul style="list-style-type: none"> Any minister or priest of any church or congregation in the state 	n/a

Pennsylvania (1787)	<ul style="list-style-type: none"> • Clergyman, minister, or other person <p>But became restrictive/confusing in 1871:</p> <ul style="list-style-type: none"> • Minister of the gospel, ordained according to the usages of his denomination. • Marriages among persons of any religious society may be solemnized according to the mode established by such society 	Law remained confusing in 1931
Rhode Island (1790)	<ul style="list-style-type: none"> • Any minister or elder domiciled in this State 	<p>Law became slightly more specific in 1872:</p> <ul style="list-style-type: none"> • Any ordained minister or elder of any religious denomination who shall be domiciled in this State
South Carolina (1788)	<p>No law regarding officiants at all prior to 1873, when law is passed that simply states:</p> <ul style="list-style-type: none"> • All marriages contracted between lawful persons, and solemnized in the face of the church, and consummate with bodily knowledge, or fruit of children or child shall be deemed, judged and taken to be lawful, good, just and indissoluble 	<p>Law changed in 1911:</p> <ul style="list-style-type: none"> • Ministers of the gospel or accepted Jewish Rabbi
South Dakota (1889)	<ul style="list-style-type: none"> • A minister of the gospel, or priest of any denomination 	n/a
Tennessee (1796)	<ul style="list-style-type: none"> • All regular ministers of the gospel of every denomination, having the care of souls 	<p>Law Changed in 1879</p> <ul style="list-style-type: none"> • All regular ministers of the gospel, of every denomination, and Jewish Rabbis, having the care of souls
Texas (1845)	<ul style="list-style-type: none"> • All regularly licensed or ordained ministers of the gospel 	<p>Law changed in 1889</p> <ul style="list-style-type: none"> • All regularly licensed or ordained ministers of the gospel and Jewish rabbis
Utah (1896)	<ul style="list-style-type: none"> • Ministers of the gospel or priests of any denomination, in regular communion with any religious society. 	n/a
Vermont (1791)	<ul style="list-style-type: none"> • Any minister of the gospel who has been ordained according to the usages of his denomination and who resides in the State and continues to preach the gospel and to perform the other functions of this office 	Law still restrictive in 1947

Virginia (1788)	<ul style="list-style-type: none"> • A minister of the gospel [with] proof of his ordination, and of his being in regular communion with the religious society of which he is reputed a member 	<p>Law changed in 1870</p> <ul style="list-style-type: none"> • A minister of any religious denomination [with] proof of his ordination, and of his being in regular communion with the religious society of which he is reputed a member
Washington (1889)	<ul style="list-style-type: none"> • Any regular ordained minister or priest of any church or religious denomination anywhere within the state 	n/a
West Virginia (1863)	<ul style="list-style-type: none"> • Minister of the gospel [with] proof that he is duly licensed as such, and of his being in regular communion with the religious society of which he is a member 	<p>Law changed in 1961.</p> <ul style="list-style-type: none"> • Any minister, priest or rabbi
Wisconsin (1848)	<ul style="list-style-type: none"> • Any ordained minister of the gospel, in regular communion with any religious society, and who continues to be a preacher of the gospel. 	<p>Law changed in 1878</p> <ul style="list-style-type: none"> • Any ordained minister or priest in regular communion with any religious society, and who continues to be such minister or priest.
Wyoming (1890)	<ul style="list-style-type: none"> • Preacher of the Gospel 	<p>Law changed in 1923</p> <ul style="list-style-type: none"> • Any ordained minister or priest in regular communion with any religious society and who continues to be such minister or priest.
District of Columbia (est. 1790)	<ul style="list-style-type: none"> • Any ordained minister of the Gospel, in regular communion with any society of Christians 	<p>Law changed between 1833-1857</p> <ul style="list-style-type: none"> • A minister of the gospel who has been ordained according to the usage of his denomination; or in such manner as has been heretofore practiced in this District by the society of people called Quakers, or by the Jews: provided, that as between persons belonging to any religious society which has no ordained minister, marriages may be solemnized by the person and in the manner prescribed by and practiced in such society.

Bibliography

Primary Sources

Archives

American Jewish Archives, Cincinnati, OH

Central Conference of American Rabbis Papers
Chicago Sinai Congregation Records
Isaac Mayer Wise Papers
Kaufmann Kohler Papers
Joseph Krauskopf Papers
Touro Synagogue (New Orleans) Records

Center for Jewish History, New York

American Jewish Historical Society Archives

Hebrew Immigrant Aid Society (HIAS) collection
Leo Hershkowitz Collection of Court Records
Tobias Geffen Papers

YIVO Archives

Educational Alliance Records
Hebrew Immigrant Aid Society (HIAS) Records
United Hebrew Charities Records

Leo Baeck Institute Archives

Ida Lorie Cahn Papers

Congregation Beth Ahabah Museum Archives, Richmond, VA

Albert Bettelheim Papers

Jewish Historical Society of New Jersey Archives, Whippany, NJ

Schwartz Family Collection

Jewish Museum of Maryland Archives, Baltimore

Rose L. Beser Collection
Jacob Fisher Papers
Edward Rosenfeld Papers

Jewish Theological Seminary Archives, New York

Albert Bettelheim Papers

Library at the Herbert D. Katz Center for Advanced Judaic Studies, Philadelphia

Emily Solis-Cohen Collection

Western States Jewish History Archive at UCLA, Los Angeles

Hellman Family Papers

Periodicals

Albany Law Journal
American Hebrew (New York)
American Israelite (Cincinnati)
Baltimore Sun
Boston Globe
Chicago Daily Tribune
Cincinnati Enquirer
Daily Dispatch (Richmond, VA)
Der Kibitzer (New York)
Der Morgan Zhurnal (New York)
Detroit Free Press
Die Varheit (New York)
Die Yiddishe Velt (New York)
Evening Star (Washington, DC)
Forverts (New York)
Godey's Lady's Book (Philadelphia)
Hartford Daily Courant
Israelite (Cincinnati)
Jewish Advocate (Boston)
Jewish Exponent (Philadelphia)
Jewish Messenger (New York)
New York Herald
New York Sun
New York Times
New York Tribune
New York World
San Francisco Chronicle
San Francisco Enquirer
St. Louis Dispatch
Washington Post
Yiddishes Tageblatt (New York)

Memoirs

Andres, Chaya Rochel. *Years Have Sped By: My Life Story*. Edited and translated by Yudel Cohen. Dallas, Texas: Self-published, 1981.

Antin, Mary. *The Promised Land*. Boston and New York: Houghton Mifflin, 1912.

Bloom, Sol. *The Autobiography of Sol Bloom*. New York: G.P. Putnam's Sons, 1948.

- Calof, Rachel. *Rachel Calof's Story: Jewish Homesteader on the Northern Plains*. Edited by J. Sanford Rikoon. Bloomington: Indiana University Press, 1995.
- Cohen, Jocelyn and Daniel Soyer, eds. and trans. *My Future is in America: Autobiographies of Eastern European Jewish Immigrants*. New York: New York University Press, 2006.
- Goldman, Emma. *Living My Life*. 2 vols. New York: Dover Publications, 1970. Original: New York: Alfred A. Knopf, 1931.
- Hilf, Mary Asia. *No Time for Tears*. New York: Thomas Yoseloff, 1964.
- Kohut, Rebecca. *My Portion: An Autobiography*. New York: Thomas Seltzer, 1925.
- Lindheim, Irma L. *Parallel Quest: A Search of a Person and A People*. New York: Thomas Yoseloff, 1962.
- Marcus, Jacob Rader, ed. *Memoirs of American Jews, 1775-1865*. 3 vols. Philadelphia: Jewish Publication Society, 1956.
- Masliansky, Zvi Hirsch. *Memoirs: An Account of My Life and Travels*. Translated by Isaac Schwartz and Zviah Nardi. Jerusalem: Ariel, 2009.
- Mayer, Rebecca Cohen. *With a Doll in One Pocket and a Pistol in the Other: Rebecca Cohen Mayer, 1837-1930, A Memoir*. Edited by Kay Goldman. North Charleston, SC: CreateSpace, 2010.
- Philipson, David. *My Life as an American Jew: An Autobiography*. Cincinnati: J.G. Kidd & Son, 1941.
- Polacheck, Hilda Satt. *I Came A Stranger: The Story of a Hull House Girl*. Urbana: University of Illinois Press, 1989.
- Rakovsky, Puah. *My Life as a Radical Jewish Woman: Memoirs of a Zionist Feminist in Poland*. Edited by Paula Hyman. Translated by Barbara Harshav with Paula E. Hyman. Bloomington: Indiana University Press, 2002.
- Trupin, Sophie. *Dakota Diaspora: Memoirs of a Jewish Homesteader*. Lincoln: University of Nebraska Press, 1984.
- Wengeroff, Pauline. *Memoirs of a Grandmother: Scenes from the Cultural History of the Jews of Russia in the Nineteenth Century*. Translated by Shulamit S. Magnes. Stanford, CA: Stanford University Press, 2014.
- White, Max. *Grandpa White's Diary: A Jewish Immigrant in 19th Century America*. Edited by Henry M. Seiden. North Charleston, SC: CreateSpace, 2013.

Legal Treatises

- Amram, David Werner. *The Jewish Law of Divorce According to Bible & Talmud*. Philadelphia: E. Stern, 1896.
- Barber, G.M. *Book of Law containing the principles of American Constitutional and Common Law Applicable to the Ordinary Affairs of Life to which is added a Brief Exposition of the Law of Nations*. Cleveland: Lauer & Yost, 1886.
- Hudson, Sanford A. *Law for the Clergy*. Chicago: S.C. Griggs, 1877.
- Mielzner, Moses. *The Jewish Law of Marriage and Divorce in Ancient and Modern Times and its Relation to the Law of the State*. Cincinnati: Bloch Publishing, 1884.
- Richmond, Mary E. *Marriage and the State: Based Upon Field Studies of the Present Day Administration of Marriage Laws in the United States*. New York: Russell Sage Foundation, 1929.
- Snyder, William L. *The Geography of Marriage or Legal Perplexities of Wedlock in the United States*. New York: G.P. Putnam's Sons, Knickerbocker Press, 1889.
- Story, Joseph. *A Familiar Exposition of the Constitution of the United States*. Boston: Thomas H. Webb, 1842.
- . *Commentaries on the Conflict of Laws, Foreign and Domestic in regard to Contracts, Rights, and Remedies, and especially in regard to Marriages, Divorces, Wills, Successions, and Judgments*. Boston: Little, Brown, 1883.
- Tiffany, Walter C. *Handbook on the Law of Persons and Domestic Relations*. St. Paul, MN: West Publishing, 1896.

Online Databases

Ancestry.com

- Burial records
- Historical address records
- Immigration records
- State birth records
- State marriage and divorce records
- United States Census records

Gale Making of Modern Law: Primary Sources, 1620-1926

Hein Online Historical State Laws

Nexis Uni

Other Printed Primary Sources

- “A Philadelphia Wedding, 1787: Letter of Benjamin Rush to his Wife,” *Publications of the American Jewish Historical Society* 42, no. 2 (December 1952): 189-192.
- Adler, Cyrus and Henrietta Szold, eds. “Biographical Sketches of Jewish Communal Workers in the United States: Isaac Rosnosky.” *American Jewish Yearbook* 7 (1905-06): 99.
- Balcom, A.G. “My Country, ‘Tis of Thee,’ 1832-1932.” *Journal of Education* 115, no. 3 (January 18, 1932): 61-62.
- “Beginnings of the Jewish Communities in the American Southwest: Early Jewish Lifecycle Events—Part I, the 1850s, 1860s & 1870s.” *Western States Jewish History* 47, no. 3/4 (Spring Summer 2015): 47-60.
- “Beginnings of the Jewish Communities in the American Southwest: Early Jewish Lifecycle Events—Part II, the 1880s & 1890s.” *Western States Jewish History* 47, no. 3/4 (Spring Summer 2015): 61-74.
- Cahan, Abraham. *Yekl and The Imported Bridegroom and Other Stories of the New York Ghetto*. New York: Dover Publications, 1970.
- Central Conference of American Rabbis. *Central Union Prayer Book*. Cincinnati: Central Conference of American Rabbis, 1892.
- Central Conference of American Rabbis, *Minister’s Handbook*. New York: Bloch Publishing, 1917.
- Decorum: A Practical Treatise on Etiquette and Dress of the Best American Society*. Chicago: J. A. Ruth, 1877.
- Glinert, Lewis, trans. and ed. *Mamme Dear: A Turn-of-the-Century Collection of Model Yiddish Letters*. Northvale, NJ: Jason Aronson, 1997.
- Goldstein, Sidney. *The Meaning of Marriage and the Foundations of the Family: A Jewish Interpretation*. New York: Bloch Publishing, 1942.
- Harkavy, Alexander. *Harkavy’s American Letter Writer*. New York: Hebrew Publishing, 1902.
- Jellinek, Adolph, Heinrich Graetz, and Cyrus Adler. *The “Holy Speech”: A Collection of Up-to-date Speeches, Sermons and Laws Pertaining to the Jewish Religion*. New York: Pinkas Friedman, 1898.

- Jewish Conference Papers (1886) Together with Reports of the Meetings of the Jewish Ministers' Association of America.* New York: Phillip Cowen, 1887.
- Jewish Ministers' Association, *Conference Papers, Essays and Addresses Delivered at the First Conference of the Jewish Ministers' Association of New York and Adjacent States, Held in the City of New York, January 19-20, 1885.* New York: American Hebrew, 1885.
- Jewish Ministers' Association, *The Jewish Home Prayer-Book.* New York: Philip Cowen, 1888.
- Kahn, Ava F. ed. *Jewish Voices of the California Gold Rush: A Documentary History, 1849-1880.* Detroit: Wayne State University Press, 2002.
- Levy, J. Leonard. "The Modern Problem of Marriage and Divorce," in *Year Book of the Central Conference of American Rabbis XXIII*, Samuel Schulman, Solomon Foster and Ephraim Frisch, eds. (1913): 340.
- Lyon, Jacques J. and Abraham Sola, *A Jewish Calendar for Fifty Years.* Montreal: John Loveli, 1854.
- Marcus, Jacob R. *The American Jewish Woman: A Documentary History.* New York: Ktav, 1981.
- Metzker, Isaac ed. *A Bintel Brief: Sixty Years of Letters from the Lower East Side to the Jewish Daily Forward.* Garden City, NY: Doubleday, 1971.
- "Our National Hymn." *The Advocate of Peace* 57, no. 5 (May 1895): 109-10.
- Sarna, Jonathan ed., *People Walk on Their Heads: Moses Weinberger's Jews and Judaism in New York.* New York: Holmes & Meier, 1981.
- Sixth Biennial Session of the National Conference of Jewish Charities in the United States 1910.* Baltimore: Kohn & Pollock, 1910.
- Tashrak. *Etiquette: A Guide to Proper Behavior, Politeness, and Good Manners for Men and Woman, Assembled According to the Best Authorities.* [In Yiddish.] New York: Hebrew Publishing, 1912.
- "The First Jewish Wedding in the Territory of Arizona." *Western States Jewish History* 20, no. 2 (January 1988): 126-128.
- United States Census Bureau, *Federal Censuses, 1830-1920.*
- Wouk, Herman. *Marjorie Morningstar.* New York: Little, Brown, 1955.

Yeziarska, Anzia. *Bread Givers*. New York: Persea Books, 2003. Original: New York: Doubleday, 1925.

Yehoshua Robert Buchler and Ruth Shashak, *Pinkas Hakehillot Slovakia*. Translated by Francine Shapiro. Jerusalem: Yad Vashem, 2003.

Secondary Sources

Abrams, Jeanne E. *Jewish Women Pioneering the Frontier Trail: A History in the American West*. New York: New York University Press, 2006.

Bartal, Israel. *The Jews of Eastern Europe, 1772-1881*. Translated by Chaya Naor. Philadelphia: University of Pennsylvania Press, 2002.

Basch, Norma. *Framing American Divorce: From the Revolutionary Generation to the Victorians*. Berkeley: University of California Press, 1999.

Baum, Charlotte, Paula Hyman, and Sonya Michel, *The Jewish Woman in America*. New York: Dial Press, 1976.

Bellah, Robert N. "Civil Religion in America," *Dædalus, Journal of the American Academy of Arts and Sciences*, 96, no. 1 (Winter 1967): 1-21.

———. *The Broken Covenant: American Civil Religion in Time of Trial*. Chicago: University of Chicago Press, 1975, 1992.

Berlant, Lauren. *The Female Complaint: The Unfinished Business of Sentimentality in American Culture*. Durham, NC: Duke University Press, 2008.

Berman, Lila Corwin. "Sociology, Jews, and Intermarriage in Twentieth-Century America." *Jewish Social Studies*, N.S. 14, no. 2 (2008): 32-60.

Berman, Myron. *Richmond's Jewry, 1769-1976: Shabbat in Shockoe*. Charlottesville: University of Virginia Press, 1979.

Biale, David. "Love, Marriage and the Modernization of the Jews," in *Approaches to Modern Judaism*. Edited by Marc Lee Raphael. Chico, CA: Scholars Press, 1983, 1-17, 141-145.

Bier, Magdalena Ewa. *How to Become Jewish American? The Bintel Brief Advice Column in Abraham Cahan's Yiddish Forverts*. Frankfurt am Main, Germany: Peter Lang, 2015.

Blake, Nelson Manfred. *Road to Reno: A History of Divorce in the United States*. New York: Macmillan, 1962.

- Blumberg, Janice Rothschild. *Prophet in a Time of Priests: Rabbi Alphabet Browne, 1845-1929*. Baltimore: Apprentice House, 2012.
- Branham, Robert James. "'Of Thee I Sing': Contesting 'America,'" *American Quarterly* 48, no. 4 (Dec. 1996): 623-652.
- Bredbenner, Candice Lewis. *A Nationality of Her Own: Women, Marriage, and the Law of Citizenship*. Berkeley: University of California Press, 1998.
- Breitowitz, Irving A. *Between Civil and Religious Law: The Plight of the Agunah in American Society*. Westport, CT: Greenwood Press, 1993.
- Breslauer, S. Daniel. *Judaism and Civil Religion*. Atlanta: Scholars Press for University of South Florida, 1993.
- Breuer, Mordechai. *Modernity Within Tradition: The Social History of Orthodox Jewry in Imperial Germany*. New York: Columbia University Press, 1992.
- Brinkmann, Tobias. "German Jews? Reassessing the History of Nineteenth-Century Jewish Immigrants in the United States." In *Transnational Traditions: New Perspectives on American Jewish History*, eds. Ava F. Kahn and Adam D. Mendelsohn, 144-64. Detroit: Wayne State University Press, 2015.
- Bristow, Edward. *Prostitution and Prejudice: The Jewish Fight Against White Slavery, 1870-1939*. New York: Schocken Books, 1982.
- Buchler, Joseph. "The Struggle for Unity: Attempts at Union in American Jewish Life, 1654-1868." *American Jewish Archives Journal* 2 (June 1949): 21-46.
- Chauncey, George. *Why Marriage? The History Shaping Today's Debate Over Gay Equality*. New York: Basic Books, 2004.
- Clement, Elizabeth Alice. *Love for Sale: Courting, Treating, and Prostitution in New York City, 1900-1945*. Chapel Hill, North Carolina: University of North Carolina Press, 2006.
- Cohen, Naomi W. *Encounter with Emancipation: The German Jews in the United States*. Philadelphia: Jewish Publication Society, 1984.
- . *Jacob H. Schiff: A Study in American Jewish Leadership*. Hanover, NH: Brandeis University Press, 1999.
- . *Jews in Christian America: The Pursuit of Religious Equality*. New York: Oxford University Press, 1992.

- . *What the Rabbis Said: The Public Discourse of Nineteenth-Century American Rabbis*. New York: New York University Press, 2008.
- Coontz, Stephanie. *Marriage: A History*. New York: Penguin Books, 2005.
- Cott, Nancy F. *Public Vows: A History of Marriage and the Nation*. Cambridge, MA: Harvard University Press, 2000.
- Dane, Perry. "A Holy Secular Institution," *Emory Law Journal* 58 (2009): 1123-94.
- Davis, Marni. *Jews and Booze: Becoming American in the Age of Prohibition*. New York: New York University Press, 2012.
- Dawidowicz, Lucy S. "Louis Marshall's Yiddish Newspaper, 'The Jewish World': A Study in Contrasts," *Jewish Social Studies* 25, No. 2 (April 1963): 102-32.
- Degler, Carl N. *At Odds: Women and the Family in America from the Revolution to the Present*. New York: Oxford University Press, 1980.
- Diner, Hasia R. *A Time for Gathering: The Second Migration, 1820-1880*. Baltimore: Johns Hopkins University Press, 1992.
- . "The Encounter between Jews and America in the Gilded Age and Progressive Era," *The Journal of the Gilded Age and Progressive Era* 11, no. 1 (Jan. 2012): 3-25.
- . *The Jews of the United States*. Berkeley: University of California Press, 2014.
- Dinnerstein, Leonard. *Antisemitism in America*. New York: Oxford University Press, 1994.
- Dubin, Lois C. "Jewish Women, Marriage Law, and Emancipation: A Civil Divorce in Late-Eighteenth-Century Trieste," *Jewish Social Studies* Vol. 13:2 (Winter 2007): 65-92.
- Dwyer-Ryan, Meaghan, Susan L. Porter, and Lisa Fagin Davis. *Becoming American Jews: Temple Israel of Boston*. Hanover, NH: Brandeis University Press, 2009.
- Eby, Clare Virginia. *Until Choice Do Us Part: Marriage Reform in the Progressive Era*. Chicago: University of Chicago Press, 2014.
- Eisenstein, J. D. "The Development of Jewish Casuistic Literature in America," *Publications of the American Jewish Historical Society* 12 (1904): 139-47.
- Eleff, Zev. *Authentically Orthodox: A Tradition-Bound Faith in American Life*. Detroit: Wayne State University Press, 2020.

- . *Who Rules the Synagogue: Religious Authority and the Formation of American Judaism*. New York: Oxford University Press, 2016.
- Evans, Eli N. *The Provincials: A Personal History of the Jews in the South*. New York: Simon & Schuster, 1973.
- Fein, Isaac M. *The Making of an American Jewish Community: The History of Baltimore Jewry from 1773 to 1920*. Philadelphia: Jewish Publication Society, 1971.
- Fermaglich, Kirsten. *A Rosenberg by Any Other Name: A History of Jewish Name Changing in America*. New York: New York University Press, 2018.
- Franke, Katherine M. "Becoming a Citizen: Reconstruction Era Regulation of African American Marriages," *Yale Journal of Law & the Humanities* 11 (Summer 1999): 251-309.
- Freeze, ChaeRan Y. *Jewish Marriage and Divorce in Imperial Russia*. Hanover, NH: Brandeis University Press, 2002.
- Friedman, Murray, ed. *Jewish Life in Philadelphia, 1830-1940*. Philadelphia: Institute for the Study of Human Issues, 1983.
- . *When Philadelphia Was the Capital of Jewish America*. Philadelphia: Balch Institute Press, 1993.
- Frübis, Hilegard. "The Figure of the *Beautiful Jewess*: Displacements on the Borders Between East and West" in *Internal Outsiders – Imagined Orientals? Antisemitism, Colonialism and Modern Constructions of Jewish Identity*, eds. Ulrike Brunotte, Jürgen Mohn & Christina Späti. Würzburg, Germany: Ergon-Verlag, 2017.
- Ganz, Melissa J. "Wicked Women and Veiled Ladies: Gendered Narratives of the McFarland-Richardson Tragedy." *Yale Journal of Law and Feminism* 9 (1997): 255-303.
- Glenn, Susan A. *Daughters of the Shtetl: Life and Labor in the Immigrant Generation*. Ithaca, NY: Cornell University Press, 1990.
- Glogower, Rod. "The Impact of the American Experience upon Responsa Literature." *American Jewish History* 69 (December 1979): 257-69.
- Goldman, Karla. *Beyond the Synagogue Gallery: Finding a Place for Women in American Judaism*. Cambridge, MA: Harvard University Press, 2000.
- Goldstein, Eric L. and Deborah R. Weiner. *On Middle Ground: A History of the Jews of Baltimore*. Baltimore: Johns Hopkins University Press, 2018.

- Goren, Arthur A. *New York Jews and the Quest for Community: the Kehillah Experiment, 1908-1922*. New York: Columbia University Press, 1970.
- Grinstein, Hyman B. *The Rise of the Jewish Community of New York, 1654-1860*. Philadelphia: Jewish Publication Society, 1945.
- Grossberg, Michael. *Governing the Hearth: Law and the Family in Nineteenth-Century America*. Chapel Hill: University of North Carolina Press, 1985.
- Gudefin, Geraldine. "The Civil & Religious Worlds of Marriage and Divorce: Russian Jewish Immigrants in France and the United States, 1881-1939." PhD diss., Brandeis University, 2018.
- Gurock, Jeffrey. "A Stage in the Emergence of the Americanized Synagogue among East European Jews: 1890-1910." *Journal of American Ethnic History* 9, No. 2 (Spring 1990): 7-25.
- . *American Jewish Orthodoxy in Historical Perspective*. Hoboken, NJ: Ktav, 1996.
- . *Orthodox Jews in America*. Bloomington: Indiana University Press, 2009.
- Haag, Pamela. *Consent: Sexual Rights and the Transformation of American Liberalism*. Ithaca: Cornell University Press, 1999.
- Hartog, Henrik. *Man & Wife in America: A History*. Cambridge, MA: Harvard University Press, 2000.
- Haut, Irwin H. "'The Altar Weeps': Divorce in Jewish Law," *Women in Chains: A Sourcebook on the Agunah*. Edited by Jack Nusan Porter. Northvale, NJ: Jason Aronson, 1995.
- Heinze, Andrew. *Adapting to Abundance: Jewish Immigrants, Mass Consumption, and the Search for American Identity*. New York: Columbia University Press, 1990.
- Herath, Thisaranie "Women and Orientalism: 19th Century Representations of the Harem by European Female Travelers and Ottoman Women." *Constellations* 7, no. 1 (2015): 31-40.
- Herberg, Will. *Protestant, Catholic, Jew*. New York: Doubleday, 1955.
- Herzberg, Arthur. *The Jews in America: Four Centuries of an Uneasy Encounter*. New York: Columbia University Press, 1997.
- Hess, Jonathan M. *Middlebrow Literature and the Making of German-Jewish Identity*. Stanford, CA: Stanford University Press, 2010.

- Hobsbawm, Eric. "Inventing Tradition," in *The Invention of Tradition*. Edited by Eric Hobsbawm and Terence Ranger. New York: Cambridge University Press, 1983.
- Howard, Vicki. *Brides, Inc.: American Weddings and the Business of Tradition*. Philadelphia: University of Pennsylvania Press, 2006.
- Hyman, Paula. *Gender and Assimilation in Modern Jewish History: The Roles and Representations of Women*. Seattle: University of Washington Press, 1995.
- Igra, Anna R. *Wives Without Husbands: Marriage, Desertion, & Welfare in New York, 1900-1935*. Chapel Hill: University of North Carolina Press, 2007.
- Jick, Leon. *The Americanization of the Synagogue, 1820-1870*. Hanover, NH: Brandeis University Press, 1976.
- Joselit, Jenna Weissman. *Wonders of America: Reinventing Jewish Culture, 1880-1950*. New York: Henry Holt, 1994.
- Kalmar, Ivan Davidson and Derek Penslar, eds. *Orientalism and the Jews*. Hanover, NH: Brandeis University Press, 2004.
- Kaplan, Marion. "Based on Love: The Courtship of Hendele and Jochanan, 1803-1804." in *Judische Welten: Juden in Deutschland vom 18. Jahrhundert bis in die Gegenwart*. Edited by Marion Kaplan and Beate Meyer. Gottingen: Wallstein Verlag, 2005: 86-107.
- . "For Love or Money: The Marriage Strategies of Jews in Imperial Germany," in *The Marriage Bargain: Women and Dowries in European History*, edited by Marion Kaplan, 121-63. New York: Harrington Park Press, 1985.
- . *The Making of the Jewish Middle Class: Women, Family, and Identity in Imperial Germany*. New York: Oxford University Press, 1991.
- Karp, Abraham J. "New York Chooses a Chief Rabbi." *Publications of the American Jewish Historical Society* 44 (Sept. 1954-June 1955): 129-98.
- Klapper, Melissa R. *Jewish Girls Coming of Age in America, 1860-1920*. New York: New York University Press, 2005.
- Korn, Bertram W. *American Jewry and the Civil War*. Philadelphia: Jewish Publication Society, 1951.
- Korn, Bertram W. "Rabbis, Prayers, and Legislatures," *Hebrew Union College Annual* 23 (1950-1): 95-125.

- Kraemer, David, ed. *The Jewish Family: Metaphor and Memory*. New York: Oxford University Press, 1989.
- Le Foll, Claire and Rosemary Rodwell, "Moïseï Berlin, Ethnographer of Jewish Wedding Customs in Russia," *Clio* (English Edition) 44 (2016): 242-51.
- Lewis, Reina. "'Only Women Should Go to Turkey': Henriette Browne and Women's Orientalism," *Third Text* 7, no. 22 (1993): 53-64.
- Lowenstein, Steven M. "Governmental Jewish Policies in Early Nineteenth Century Germany and Russia: A Comparison." *Jewish Social Studies* 46, no. 3/4 (1984): 303-20.
- Lyons, Clare A. "Discipline, Sex, and the Republican Self," in *The Oxford Handbook of the American Revolution*, edited by Edward G. Gray and Jane Kamensky, 560-77. New York: Oxford University Press, 2012.
- Lystra, Karen. *Searching the Heart: Women, Men and Romantic Love in Nineteenth Century America*. New York: Oxford University Press, 1989.
- Marcus, Jacob Rader. *United States Jewry, 1776-1985*, vol. 3. Detroit: Wayne State University Press, 1993.
- Marcuson, Isaac E., ed. *Central Conference of American Rabbis, Twenty-Eighth Annual Convention XXVII*. Cincinnati: C.J. Krehsiel, 1917.
- McGinity, Keren R. *Still Jewish: A History of Women and Intermarriage in America*. New York: New York University Press, 2009.
- Meyer, Michael A. *Response to Modernity: A History of the Reform Movement in Judaism*. Detroit: Wayne State University Press, 1988.
- Mintz, Steven and Susan Kellogg, *Domestic Revolutions: A Social History of American Family Life*. New York: Free Press, 1988.
- Moise, Harold. *The Moise family of South Carolina; an account of the life and descendants of Abraham and Sarah Moise who settled in Charleston, South Carolina, in the year 1791 A.D.* Columbia, SC: R.L. Bryan, 1961.
- Moore, Deborah Dash. *GI Jews: How World War II Changed A Generation*. Cambridge, MA: Belknap Press of Harvard University Press, 2004.
- Morais, Henry Samuel. *The Jews of Philadelphia: Their History from the Earliest Settlements to the Present Time*. Philadelphia: Levytype, 1894.

- Morgenstern, Julian ed., *Central Conference of American Rabbis, Vol. XXIV*. Detroit: Central Conference of American Rabbis, 1914.
- Nagy, Sandor. "One Empire, Two States, Many Laws: Matrimonial Law and Divorce in the Austro-Hungarian Monarchy," *Hungarian Historical Review* 3, no. 1 (2014): 190-221.
- Nakhimovsky, Alice and Roberta Newman. *Dear Mendl, Dear Reyzl: Yiddish Letter Manuals from Russia and America*. Bloomington: Indiana University Press, 2014.
- Parush, Iris. *Reading Jewish Women: Marginality and Modernization in Nineteenth-Century Eastern European Jewish Society*. Hanover, NH: Brandeis University Press, 2004.
- Pascoe, Peggy. *What Comes Naturally: Miscegenation Law and the Making of Race in America*. New York: Oxford University Press, 2009.
- Penner, Barbara. "'A Vision of Love and Luxury': The Commercialization of Nineteenth Century American Weddings," *Winterthur Portfolio* 39, no. 1 (Spring 2004): 1-20.
- Philipson, David. *Max Lilienthal, American Rabbi: Life and Writings*. New York: Bloch Publishing, 1915.
- . *The Reform Movement in Judaism*. New York: Macmillan, 1907.
- Phillips, Roderick. *Putting Asunder: A History of Divorce in Western Society*. New York: Cambridge University Press, 1988.
- Pleck, Elizabeth H. *Celebrating the Family: Ethnicity, Consumer Culture, and Family Rituals*. Cambridge, MA: Harvard University Press, 2000.
- Prell, Riv-Ellen. *Fighting to Become Americans: Jews, Gender, and the Anxiety of Assimilation*. Boston: Beacon Press, 1999.
- Rabin, Shari. *Jews on the Frontier: Religion and Mobility in Nineteenth-Century America*. New York: New York University Press, 2017.
- Reichley, A. James. *Religion in American Public Life*. Washington, D.C.: Brookings Institution, 1985.
- Richey, Russell E. and Donald G. Jones, eds. *American Civil Religion*. New York: Harper & Row, 1974.
- Rischin, Moses. *The Promised City: New York's Jews, 1870-1914*. Cambridge, MA: Harvard University Press, 1977.

- Rochlin, Harriet and Fred Rochlin. *Pioneer Jews: A New Life in the Far West*. Boston: Houghton Mifflin, 1984.
- Rogow, Faith. *Gone to Another Meeting: The National Council of Jewish Women, 1893-1993*. Tuscaloosa: University of Alabama Press, 1993.
- Rose, Anne C. *Beloved Strangers: Interfaith Families in Nineteenth Century America*. Cambridge, MA: Harvard University Press, 2001.
- Rosenwaike, Ira. "Demographic Characteristics of the Jewish Population of the United States and Philadelphia in 1830," *Proceedings of the American Philosophical Society*, 133, No. 2 (June 1989): 333-8.
- Rothman, Ellen K. *Hands and Hearts: A History of Courtship in America*. Cambridge, MA: Harvard University Press, 1987.
- Rozenblit, Marsha L. "Jewish Courtship and Marriage in 1920s Vienna," in *Gender and Jewish History*, edited by Marion A. Kaplan and Deborah Dash Moore, 88-103. Bloomington: Indiana University Press, 2011.
- . "Jewish Identity and the Modern Rabbi: The Cases of Isak Noa Mannheimer, Adolf Jellinek, and Moritz Gudemann in Nineteenth Century Vienna," *Leo Baeck Institute Yearbook XXXV* (1990): 103-31.
- Ruben, Bruce L. *Max Lilienthal: The Making of the American Rabbinate*. Detroit: Wayne State University Press, 2011.
- Rubin, Ruth. *Voices of a People: Yiddish Folk Song*. New York: Thomas Yoseloff, 1963.
- Said, Edward. *Orientalism*. New York: Random House, 1979.
- Sarna, Jonathan D. *American Judaism: A History*, Second Edition. New Haven, CT: Yale University Press, 2019.
- . *When General Grant Expelled the Jews*. New York: Schocken Books, 2016.
- and David G. Dalin. *Religion and State in the American Jewish Experience*. Notre Dame, IN: University of Notre Dame Press, 1997.
- and Nancy H. Klein, *The Jews of Cincinnati*. Cincinnati, OH: Center of the Study of the American Jewish Experience at Hebrew Union College-Jewish Institute of Religion, 1989.
- and Benjamin Shappell, *Lincoln and the Jews: A History*. New York: St. Martins Press, 2015.

- Schorsch, Ismar. *From Text to Context: The Turn to History in Modern Judaism*. Hanover, NH: Brandeis University Press, 1994.
- Schultz, Kevin M. *Tri-Faith America: How Catholics and Jews Held Postwar America to its Protestant Promise*. New York: Oxford University Press, 2012.
- Schwartz, Gedalia Dov. *Shaarei Gedulah: A Selection of Torah Lectures, Halachic Overviews, and Historical Insights of the Beloved Av Beit Din of the Chicago Rabbinical Council*. Chicago: Chicago Rabbinical Council, 2007.
- Shapiro, Edward S. *A Time for Healing: American Jewry Since World War II*. Baltimore: Johns Hopkins University Press, 1992.
- Seidman, Naomi. *The Marriage Plot, or How Jews Fell in Love with Love, and With Literature*. Stanford, CA: Stanford University Press, 2016.
- Sharfman, I. Harold. *The First Rabbi: Origins of Conflict Between Orthodox and Reform*. Malibu, CA: Pangloss Press, 1988.
- Shorter, Edward. *The Making of the Modern Family*. New York: Basic Books, 1977.
- Simmons, Christina. *Making Marriage Modern: Women's Sexuality from the Progressive Era to World War II*. New York: Oxford University Press, 2009.
- Slobin, Mark. *Chosen Voices: The Story of the American Cantorate*. Urbana and Chicago: University of Illinois Press, 2002.
- Sollors, Werner. *Beyond Ethnicity: Consent and Descent in American Culture*. New York: Oxford University Press, 1986.
- Sorin, Gerald. *A Time for Building: The Third Migration, 1880-1920*. Baltimore: Johns Hopkins University Press, 1992.
- Soyer, Daniel. *Jewish Immigrant Associations and American Identity in New York, 1880-1939*. Detroit: Wayne State University Press, 1997.
- Stack, Wickliffe. "The Movements for Uniform Marriage and Divorce Legislation in the United States." MA thesis., University of Southern California, 1924.
- Stampfer, Shaul. *Families, Rabbis and Education: Traditional Jewish Society in Nineteenth Century Eastern Europe*. Portland, OR: Littman Library of Jewish Civilization, 2010.
- Stanislowski, Michael. *Autobiographical Jews: Essays in Jewish Self-Fashioning*. Seattle: University of Washington University Press, 2004.

- Stow, Kenneth R. "Marriages are Made in Heaven: Marriage and the Individual in the Roman Jewish Ghetto," *Renaissance Quarterly* 48, No. 3 (Autumn, 1995): 445-91.
- Sussman, Lance J. *Isaac Leeser and the Making of American Judaism*. Detroit: Wayne State University Press, 1995.
- Temkin, Sefton. *Creating American Reform Judaism: The Life and Times of Isaac Mayer Wise*. Portland, OR: Littman Library of Jewish Civilization, 1998.
- Thistlewaite, Mark. *The Image of George Washington: Studies in Mid-Nineteenth Century American History Painting*. New York: Garland Publishing, 1979.
- Weinberg, Sydney Stahl. *The World of Our Mothers: The Lives of Jewish Immigrant Women*. New York: Schocken Books, 1988.
- Weiner, Hollace Ava. *Jewish Stars in Texas: Rabbis and Their Work*. College Station, TX: Texas A&M University Press, 1999.
- and Kenneth D. Roseman, eds. *Lone Stars of David: The Jews of Texas*. Hanover, NH: Brandeis University Press, 2007.
- Weissbach, Lee Shai. *Jewish Life in Small-Town America: A History*. New Haven, CT: Yale University Press, 2005.
- Witte Jr., John. *From Sacrament to Contract: Marriage, Religion, and Law in the Western Tradition*. Louisville, KY: Westminster John Knox Press, 2012.
- Wood, N. Ruth. "Marriage and Divorce Laws," *Women Law Journal* 33 (1947): 23-36.
- Yalom, Marilyn. *A History of the Wife*. New York: Perennial, 2001.
- Yamin, Priscilla. *American Marriage: A Political Institution*. Philadelphia: University of Pennsylvania Press, 2012.
- Zola, Gary P. *Isaac Harby of Charleston, 1788-1828: Jewish Reformer and Intellectual*. Tuscaloosa: University of Alabama Press, 1994.
- . "The People's Preacher: A Study of the Life and Writings of Zvi Hirsch Masliansky, 1856-1943." Ordination Thesis, Hebrew Union College, 1982.