

THE DEBATE OVER MIXED SEATING
IN THE AMERICAN SYNAGOGUE*Jonathan D. Sarna*

"PUES HAVE NEVER YET FOUND AN HISTORIAN," John M. Neale complained, when he undertook to survey the subject of church seating for the Cambridge Camden Society in 1842.¹ To a large extent, the same situation prevails today in connection with "pues" in the American synagogue. Although it is common knowledge that American synagogue seating patterns have changed greatly over time—sometimes following acrimonious, even violent disputes—the subject as a whole remains unstudied, seemingly too arcane for historians to bother with.² Seating patterns, however, actually reflect down-to-earth social realities, and are richly deserving of study. Behind wearisome debates over how sanctuary seats should be arranged and allocated lie fundamental disagreements over the kinds of social and religious values that the synagogue should project and the relationship between the synagogue and the larger society that surrounds it. As we shall see, where people sit reveals much about what they believe.

The necessarily limited study of seating patterns that follows focuses only on the most important and controversial seating innovation in the American synagogue: mixed (family) seating. Other innovations—seats that no longer face east,³ pulpits moved from center to front,⁴ free (unassigned) seating, closed-off pew ends, and the like—require separate treatment. As we shall see, mixed seating is a ramified and multifaceted issue that clearly reflects the impact of American values on synagogue life, for it pits family unity, sexual equality, and modernity against the accepted Jewish legal (*halachic*) practice of sexual separation in prayer. Discussions surrounding this innovation form part of a larger Jewish debate over Americanization, and should really be viewed in the overall context of ritual reform.⁵ By itself, however, the seating issue has taken on a symbolic quality. It serves not only as a focus on the changing nature of the American synagogue, but also on the changing nature of the larger society—American and Jewish—in which the synagogue is set.

I

The extent to which men and women were separated in the synagogues of antiquity has been disputed. There can, however, be no doubt that separate seating of one form or another characterized Jewish worship from early medieval times onward. The idea that men

and women should worship apart prevailed in many Christian churches no less than in synagogues—although the latter more frequently demanded a physical barrier between the sexes—and separate seating remained standard practice in much of Europe down to the contemporary period.

In 1845, the Reform Congregation of Berlin abolished the separate women's gallery in the synagogue and the traditional *mechitsa* (partition) between men and women. Although mandating "the seating of men and women on the same floor," the congregation continued to preserve the principle of sexual separation during worship: men occupied the left side of the auditorium, women the right.⁷ As late as the early twentieth century, the Hamburg temple, the cradle of German Reform, refused a donation of one million marks from the American banker Henry Budge, who had returned to settle in Hamburg following his father's death, because the sum was conditional on "men and women sitting together" in the new edifice. To Dr. Jacob Sonderling, then rabbi of the temple, that idea was shocking. "In the Hamburg Temple," he reports, "men and women remained separated up to the last moment."⁸

Mixed synagogue seating, or to use the more common nineteenth-century term, "family seating," first developed in Reform Jewish circles in the United States. Rabbi Isaac Mayer Wise, the leading nineteenth-century exponent of American Reform, took personal credit for this particular innovation, claiming to have introduced Jewry's first family pews "in 1850 [sic]...in the temple of Albany."⁹ Wise, however, did not *invent* family seating. To understand what he did do, and why, requires first a brief digression into the history of church seating in America.

The earliest New England churches and meetinghouses, following the then-traditional British practice, separated men, women, and children in worship. Men and women sat on opposite sides of a central aisle, and children, also divided according to sex, sat in the back or upstairs. As John Demos points out, "Family relationships were effectively discounted, or at least submerged, in this particular context...the family community and the religious community were fundamentally distinct."¹⁰ Churches sought to underscore the role of the individual as the basic unit in matters of faith and prayer. "God's minister," according to Patricia Tracy, "superseded the role of any other agent; each heart was supposed to be unprotected against the thunder of the Gospel."¹¹

Beginning in the mid-eighteenth century, church seating patterns began to change. Families at first won permission to sit together in church on a voluntary basis, and subsequently family seating became the norm.¹² Outside of New England, the history of church seating has not been written, and the pattern may have been more diverse. Missouri Synod Lutherans, for example, maintained separate seating in their churches (which were heavily influenced by German practice) down to at least the end of the nineteenth century. For the most part, however, the family pew won rapid and widespread acceptance in church circles, and Americans, forgetting that there were other possibilities, came to believe that "the family that prays together stays together."¹³

The overwhelming move to adopt family seating stems from great changes in the history of the family that have been amply detailed elsewhere. The growing differentiation between home and work saw families take on a new symbolic role, termed by Demos "the family as refuge," the image being that of family members clustering together for protection against the evils of anomic industrial society. Fear of family breakdown naturally led to a host of new rituals and forms (including the cult of domesticity) designed to "strengthen the

family" against the menacing forces threatening to rend it asunder.¹⁴ The family pew was one of these new forms. By raising the family's status over that of the single individual, and by symbolically linking family values to religious values, the family pew demonstrated, as separate seating did not, that the church stood behind the family structure one hundred percent. Family burial plots,¹⁵ which came into vogue at about the same time as family pews, carried the same message of family togetherness on into eternity.

Whether Rabbi Isaac Mayer Wise appreciated the symbolic significance of family pews when he introduced them in 1851 cannot be known. His biographer waxes enthusiastic about how the new system, "enable[d] families to worship together and to have the warmth of togetherness...in the deepest and most sacred of moments,"¹⁶ but Wise himself never said anything of the sort. Instead, as he related the story, family pews became a feature of Congregation Anshe Emeth in Albany almost as an afterthought.

Wise had first come to Albany in 1846 to serve as the rabbi of Congregation Beth El. He was a new immigrant, twenty-seven years old, and thoroughly inexperienced, but he dreamed great dreams and displayed boundless energy. Before long he introduced a series of reforms. Like most early reforms, Wise's aimed mainly at improving decorum and effecting changes in the liturgy. He abolished the sale of synagogue honors, forbade standing during the Torah reading, eliminated various medieval liturgical poems (*piyyutim*), introduced German and English hymns into the service, initiated the confirmation ceremony, and organized a mixed choir.¹⁷ But his effort to effect Berlin-style changes in synagogue seating to make room for the choir ("I suggested to apportion the seats anew, and to set apart half of the floor, as well as of the gallery, for the women") raised a howl of protest and got nowhere, and even within the mixed choir "the girls objected strenuously to sitting among the men."¹⁸ Wise never even raised the issue of family pews.

A series of tangled disputes between Wise and his president, Louis Spanier, led to Wise's dismissal from Beth El Congregation two days before Rosh Hashanah in 1850. Wise considered his firing illegal, and on the advice of counsel took his place as usual on New Year's morning. As he made ready to remove the Torah from the ark, Louis Spanier took the law into his own hands and lashed out at him. The assault knocked off the rabbi's hat, wounded his pride, and precipitated a general melee that the police had to be called out to quell. The next day, Wise held Rosh Hashanah services at his home. The day after that, he was invited to a meeting consisting of "prominent members of the congregation together with a large number of young men,"¹⁹ where a new congregation, Anshe Emeth, came into being with Wise as its rabbi. Anshe Emeth dedicated its new building, formerly a Baptist church, on October 3, 1851. Wise served the congregation there until 1854, when he journeyed west to Cincinnati to assume his life-long position at Bene Yeshurun.²⁰

Anshe Emeth is usually credited with being the first synagogue with mixed seating in the world. As Wise relates the circumstances in his *Reminiscences*: "American Judaism is indebted to the Anshe Emeth congregation of Albany for one important reform; viz., family pews. The church-building had family pews, and the congregation resolved unanimously to retain them. This innovation was initiated later in all American reform congregations. This was an important step, which was severely condemned at the time."²¹ According to this account, and it is the only substantial one we have, family pews entered Judaism for pragmatic reasons: Members voted to make do with the (costly) building they had bought, and not to expend additional funds to convert its American-style family pews into a more traditional Jewish seating arrangement. Had members considered this a particularly momentous action

on their part, they would surely have called attention to it in their consecration proceedings, and Isaac Mayer Wise would have said something on the subject in his dedication sermon. Nothing at all was said, however, and only the sharp eye of Isaac Leeser detected in the description of the synagogue "another reform of the Doctor's, one by no means to be commended." Far from being "severely condemned at the time," the reform seems otherwise to have been uniformly ignored.²² Pragmatic reforms aimed at improving decorum and bringing the synagogue more closely into harmony with the prevailing American Christian pattern were nothing new, even if this particular reform had not previously been introduced. Nor was there any organized opposition to Wise within his own congregation to generate adverse publicity against him. The "loud remonstrations of all orthodoxy," which Wise purported to remember, actually came later. Anshe Emeth's family pews met with scarcely a murmur.²³

The introduction of family seating at New York's Temple Emanu-El in 1854 attracted no more notice. When Emanu-El was established in 1845, the very year of the Berlin seating reform, its sanctuary provided for separate seating, women behind the men, in one room. The move to family pews took place, as at Anshe Emeth, when the congregation moved into a new building (the Twelfth Street Synagogue), a former church, and there found enclosed family pews already set up.²⁴ Although they had no known ideological basis for introducing mixed seating, members presumably found the thought of families worshipping together as a unit in the American fashion far more appealing than the thought of introducing separate seating where none had been before. Convenience triumphed, and justifications followed.

II

Ideological defenses of mixed seating, when they came, concentrated not on family worship, an American innovation, but rather on an older, European, and more widely contended Jewish issue of the day: women's status in the synagogue. Rabbis versed in the polemics of Reform Judaism in Germany felt more at home in this debate, having argued about the status of women at the rabbinical conferences in Frankfurt (1845) and Breslau (1846),²⁵ and they viewed the principle involved as a much more important one than mixed seating, which they had never before seen, and which seemed to them at the time to be just another case of following in the ways of the Gentiles.²⁶ As a result, the same basic arguments that justified the abolition of the gallery and "separate but equal" seating in Germany came to be used to justify mixed family seating in the United States. Critical differences between these two new seating patterns proved less important in the long run than the fact that Jews and non-Jews on both sides of the Atlantic came to view the debate over the synagogue seating of women as a debate over the synagogue status of women, and they followed it with interest.

The status of women in the synagogue, and in Judaism in general, attracted considerable attention in early America, much of it negative. As early as 1744, Dr. Alexander Hamilton, a Scottish-born physician, compared the women's gallery in New York's Shearith Israel to a "hen coop." Dr. Philip Milledoler, later president of Rutgers, told a meeting of the American Society for Evangelizing the Jews in 1816 that the "female character" among Jews "holds a station far inferior to that which it was intended to occupy by the God of nature." *The Western Monthly Review*, describing "The Present State of the Jews" in 1829, found that "the Jewess of these days is treated as an inferior being." That was putting it mildly, according to James Gordon Bennett, editor of the *New York Herald*. After visiting Shearith Israel, on Yom

Kippur 1836, he attacked the status of women in Judaism as one of the most lamentable features in the entire religion—and one that Jesus improved:

The great error of the Jews is the degradation in which their religion places woman. In the services of religion, she is separated and huddled into a gallery like beautiful crockery ware, while the men perform the ceremonies below. It was the author of Christianity that brought her out of this Egyptian bondage, and put her on an equality with the other sex in civil and religious rites. Hence, have sprung all the civilization, refinement, intelligence and genius of Europe. The Hebrew prays "I thank thee, Lord, that I am not a woman"—the Christian—"I praise thee, Lord, that I and my wife are immortal."²⁷

There were, of course, other, more positive images of American Jewish women available, including not a few works of apologetica penned by Jews themselves. These explained the traditional rationale behind Jewish laws on women and enumerated long lists of Jewish women "heroes" from the biblical period onward.²⁸ Literary treatments of Jewish women also offered occasional positive images, usually of noble, alluringly exotic, Semitic maidens, who functioned more as "erotic dream figures," manifestations of romantic ideals, than anything else.²⁹ Still, to many Americans, Judaism's "mistreatment" of "the weaker sex" was an established fact: evidence of Judaism's "Oriental" and "primitive" character, in stark contrast to "modern" Christianity. By visibly changing the position of women in the synagogue, Jews sought to undermine this fact, to buttress their claims to modernity, and to fend off the embarrassing Christian charges that they had otherwise to face. In abolishing the women's gallery, synagogue leaders thus sought to elevate not only the status of women in Judaism, but also the status of Judaism itself.

The first Jewish leader in America to stress the relationship between changes in synagogue seating and changes in the status of Jewish women seems to have been Rabbi David Einhorn, who immigrated to America in 1855 and rapidly came to dominate the radical wing of the nascent Reform Movement. Einhorn had agitated for "the complete religious equality of woman with man" at the 1846 Breslau Reform Rabbinical Conference, where he declared it his "mission to make legal declaration of the equal religious obligation and justification of women in as far as this is possible."³⁰ Within the first few years of his tenure at Temple Har Sinai in Baltimore, he endeavored to put this principle into effect, abolishing what he called the "gallery-cage," and bringing women down to share the same floor as men, though apparently not, at first, the same pews.³¹

In discussing the women's issue in *Sinai*, his German-language magazine, Einhorn characteristically stressed the higher "principle" behind his action, in this case abandonment of what he considered to be misguided Oriental rabbinic strictures against women, and a return to what he identified as the more proper biblical lesson of sexual equality. Gallery seating, he sneered, originally stemmed from unseemly acts of levity that marred the celebration of *simchat bet hashoeva* (the water-drawing festival) in temple times. Since staid Occidental modes of worship held forth no similar dangers to modesty, the gallery could be dispensed with. Although clearly less comfortable with the proprieties of completely mixed seating, Einhorn nevertheless allowed that when a husband sat next to his wife and children nothing untoward could be expected. The essential principle, he repeated, was "religious equalization of women." Everything else connected with seating reforms was of secondary importance.³²

Einhorn's rationale for mixed seating won wide acceptance, perhaps because it offered a specifically Jewish as well as ethically motivated reason to adopt an American practice, and also perhaps because it made a virtue out of what many were coming to see as a practical necessity. Whatever the case, family seating spread. Chicago Sinai, ideologically linked to its Baltimore namesake, never had a gallery and wrote into its basic propositions (1859) that "in the public worship of the congregation, there should be no discrimination made in favor of the male and against female worshippers."³³ A year later, in San Francisco, Rabbi Elkan Cohn, newly appointed to Congregation Emanu-El, introduced mixed seating as one of his first acts, complaining, as he did so, that Judaism "excluded women from so many privileges to which they are justly entitled."³⁴ The next fifteen years saw mixed seating develop at a rapid pace. In some cases, proponents exclusively stressed women's inequality and the bad image it projected. Rabbi Raphael D'C Lewin, for example, denounced separate seating as "a relic of the Dark Ages."³⁵ More frequently, pragmatic considerations—purchase of a new synagogue building (perhaps a church containing pews), the need to use the gallery for a choir, the inability of women in the gallery to hear what was going on, or the "undignified" appearance presented by a synagogue where the gallery was far more crowded than the main sanctuary below—worked hand in hand with ideological factors in bringing about reform.³⁶ In at least one case, Sherith Israel in San Francisco, mixed seating came about because, as the minutes report, "the existing custom of separating the sexes during Divine Services is a cause of annoyance and disturbance in our devotion."³⁷ Whatever the real reason, however, most synagogues eventually came to justify mixed seating on the basis of women's equality. Isaac Mayer Wise led the way, quite misleadingly retrojecting the women's issue back into his Albany reforms:

The Jewish woman had been treated almost as a stranger in the synagogue; she had been kept at a distance, and had been excluded from all participation in the life of the congregation, had been relegated to the gallery, even as was the negro in Southern churches. The emancipation of the Jewish woman was begun in Albany, by having the Jewish girls sing in the choir, and this beginning was reinforced by the introduction of family pews.³⁸

Although mixed seating looked like an imitation of gentile practices, no proponent of Reform would admit that it was. In seeking to modernize Judaism, reform leaders always insisted that they were strengthening the faith and preventing defections to Christianity; assimilation was as much anathema to them as to their opponents. Knowing how sensitive they were on this issue, critics of mixed seating regularly coupled their references to the innovation with terms like "Gentile fashion," "semblance of a church," and "Christian."³⁹ They knew that such charges struck home.

Otherwise, traditionalists generally contended themselves to defend their time-honored practices on the basis of Jewish legal precedents and religious prooftexts, chief among them the Talmudic discussion of temple seating practices in Tractate Sukkah 51b. "This is the direct and forcible language of the Talmud," the learned Laemmlein Buttenwieser insisted after quoting his source at length, "and on it we are content to rest our case without further argument."⁴⁰

Proponents of change naturally put forward different interpretations of these texts.⁴¹ Even those most eager to introduce reforms still continued to seek the legitimacy that textural roots provided. The never-ending textual arguments, however, are less important

than the fact that the two sides in the seating controversy unwittingly talked past one another. Proponents defended mixed seating as a test of Judaism's ability to meet modernity's challenge to Jewish survival. Opponents defended traditional seating as a test of Judaism's ability to parry modernity's threats to Jewish distinctiveness. Although the two sides seemed only to be debating about laws and practices, the words they used and the passions behind them indicate that the central arguments really reached deeper. Ultimately, they touched on the most basic values—traditional ones and Enlightenment ones—that each side held dear.

III

One of the most historically interesting clashes over mixed seating took place at the venerable B'nai Jeshurun synagogue in New York City in 1875. The dispute eventually reached civil court—one of comparatively few such cases to do so—and involved many of the leading rabbis of the period. It serves as a valuable case study of the whole mixed seating issue as it developed in, disrupted, and ultimately split an individual congregation.

B'nai Jeshurun was the second synagogue founded in New York City (1825) and has proudly boasted of being New York's "oldest Ashkenazic Congregation." From its founding, it followed the path of traditional Judaism, maintaining close ties with the Great Synagogue in London. It grew steadily, various schisms notwithstanding. From 1825 to 1850, its membership increased fivefold to nearly 150, and during the same period its financial condition strengthened appreciably. An even more dynamic period of growth began in 1849 when it elected Rabbi Morris J. Raphall, then rabbi and preacher of England's Birmingham Hebrew Congregation, to serve as its "Lecturer and Preacher." Raphall's salary reputedly was "the most munificent salary received by any preacher in the country"—an investment that handsomely paid off. As America's first "glamour rabbi," he attracted large numbers of new members to the congregation and won B'nai Jeshurun a position of high regard both in the Jewish and the non-Jewish communities. This position was enhanced in 1851 when the congregation dedicated its magnificent new edifice, the Greene Street Synagogue.⁴²

As is so often the case, the new situation at B'nai Jeshurun created pressures for ritual reform. Decorum became the watchword as trustees worried more and more about the image projected by the congregation to the world at large. In 1851 and again in 1856 the interests of decorum ("that high standing of respectability which the world has a right to expect and which should correspond with this noble edifice") motivated changes in the distribution of synagogue honors, and in the method of announcing synagogue offerings.⁴³ Subsequent changes affected the saying of the priestly blessing, henceforward to be repeated "without singing and chanting," and of the Mourner's Kaddish, which mourners were instructed to recite "in unison with the Reader." The institution of a choir, and the introduction of special attire for the cantor and rabbi underlined B'nai Jeshurun's transformation into a showpiece synagogue with a performance-oriented ritual: a move that the congregation's new membership, new building, and new community status had made inevitable.⁴⁴

Once begun, the pressure for reform at B'nai Jeshurun did not so easily abate. The needs and desires of members, coupled with contemporary trends favoring liberalization in synagogues and churches, motivated board members to initiate discussion of seating changes (abolition of the gallery and mixed pews) as early as 1862. At the rabbi's urging, they were not followed up. In 1868, following the death of Rabbi Raphall, the trustees

formed a joint committee on ritual, charged with investigating a wide range of possible "improvements" to the synagogue service, alterations in the "internal arrangement of the Synagogue," being only one of them. As a first step, the reader's desk was moved from its traditional place at the center of the synagogue to the front, a move that three years earlier had been voted down. In 1869, the board introduced a confirmation ceremony. Some sixty-three other changes also came up for consideration that year: most dealt with abolition of liturgical poems (*piyyutim*); a few went further, suggesting such things as doing away with the priestly blessing and ending the traditional calling up of seven men to the Torah. After consultation with their new rabbi, Dr. Henry Vidaver, and with Rabbi Jonas Bondi, editor of the *Hebrew Leader*, both of whom evaluated the proposed changes from the perspective of Jewish law, many of these changes, though not the most radical ones, were put into effect.⁴⁵

In November 1871, the congregation took another step along the road to reform. It voted fifty to thirty-one to include women in the choir. Although sanctioned by Rabbi Vidaver, and widely practiced elsewhere, this move by one of America's oldest and most distinguished congregations generated considerable controversy. In spite of Rabbi Vidaver's insistence that Jewish law had not been breached, everyone realized that a mixed choir involved a more substantial departure from Jewish tradition than had previously been allowed. The choir was subsequently abandoned, "as it was found impracticable without an organ," but further steps in the direction of reform seemed inevitable.⁴⁶ Nobody should have been surprised when, on November 8, 1874, four months after Rabbi Vidaver had left the congregation for a more lucrative position in San Francisco, B'nai Jeshurun's members met to consider "the propriety of altering the present seats into Pews and also to add an Organ to the Choir."⁴⁷

In reviewing the many changes that took place during this trying period in B'nai Jeshurun's history, Rabbi Israel Goldstein stressed the uncertainty of the congregation, the inner struggle between competing values that pulled members simultaneously in two directions, toward tradition and toward change: "The Congregation's decisions were made and unmade, amidst turbulent sentiment. Many of the members threatened to resign if the changes were not introduced. Others threatened to resign if the changes were introduced. Questions were repeatedly resubmitted and reconsidered, and the sentiment shifted as each faction in turn gained ascendancy."⁴⁸

Even those most favoring change in congregational ritual aimed to stay within the bounds of "our established [Jewish] laws." They wanted the bountiful benefits that they thought reform would bring without sacrificing the comforting legitimacy that they knew tradition provided. Ideally, they somehow sought to be both Orthodox and modern at the same time, enjoying the benefits of both positions, and satisfying everyone.⁴⁹

Although all members of B'nai Jeshurun may have prayed for this Utopia, younger and newer members nevertheless spearheaded the movement for change. One wishes that available evidence on this point were more substantial. Still, of the identifiable members who signed the petition calling for a special congregational meeting to consider instituting family pews and an organ, all five were members of ten years' standing or less (two additional signers cannot be identified). The fact that Joseph Aden, a member of B'nai Jeshurun, laid special stress on his being sixty-two years old when he declared himself in favor of the proposed changes—as if most reformers were far younger—offers additional corroborative evidence.⁵⁰

Reforms in the 1870s all over the American Jewish community stemmed, at least in part, from fears that the young, American-born children of Central European immigrants were

being lost to Judaism. Many Jews worried for their faith's future survival. Some foresaw a merger with Unitarianism. Young William Rosenblatt, in an article entitled "The Jews: What They Are Coming To" printed in the widely read *Galaxy*, openly predicted impending doom: "Of that ancient people only the history of their perils and their sufferings will remain."⁵¹ Although various Jews resigned themselves to this "inevitable" fate, others looked to reforms that promised to win the young people back. When, as at B'nai Jeshurun, younger members took upon themselves the initiative to bring about change, their elders usually agreed to support them. They feared, as B'nai Jeshurun's president, Moses Strasburger, candidly admitted, that without changes the congregation would "become disbanded."⁵²

Support for reform was by no means unanimous at B'nai Jeshurun: at the tumultuous special meeting called to discuss the question, fifty-five members voted for seating changes and installation of an organ, thirty members remained opposed. The majority viewed the changes they sanctioned as permissible and necessary next steps in the long process of internal transformation that had been going on for a quarter of a century. They believed that by modernizing B'nai Jeshurun—bringing it into harmony "with the requirements of modern taste and culture"—they were saving it for the next generation.⁵³ The minority, which had grown increasingly restive as the pace of reform quickened, viewed the same changes as confirming evidence of the congregation's final abandonment of Jewish law and tradition. They wondered aloud if the reforms would have been promulgated had an "orthodox lecturer" stood at the congregation's helm.⁵⁴

The B'nai Jeshurun experience illustrates the major issues raised by mixed seating controversies from the late nineteenth century onward. For supporters, the proposed seating change translated into terms like family togetherness, women's equality, conformity to local norms, a modern, progressive image, and saving the youth—values that most Jews viewed positively. For opponents, the same change implied abandonment of tradition, violation of Jewish law, assimilation, Christianization, and promiscuity—consequences that most Jews viewed with horror. Pulled simultaneously in two directions that both seemed right—directions that reflected opposing views on modernity—many of those seeking compromise in the middle took solace in assurances from their leaders that Judaism and mixed seating were fully compatible. Rabbinic arguments and the adoption of mixed seating in synagogue after synagogue made the case for the "Jewishness" of the practice that much more compelling. Feeling reassured that they could reconcile modernity and tradition and still have mixed seating, majorities at congregations like B'nai Jeshurun opted for change. Minorities opposed to the change, meanwhile, found in separate seating a visible and defensible issue around which they could rally. Separate seating imparted just that sense of detached protest against modernity that, supporters felt, Judaism needed to express in order to survive. By exhibiting their reverence for tradition through the basic spatial arrangement of the synagogue, traditionalists made their point of disagreement with innovators plain for all to see. In time, "separate seating" and "mixed seating" became shorthand statements, visible expressions of differences on a host of more fundamental issues that lay beneath the surface.

IV

Mixed seating generally ceased to be a controversial issue in Reform Judaism after the 1870s. By 1890, Isaac Mayer Wise, who was in a position to know, wrote that "today *no* synagogue is built in this country without family pews."⁵⁵ Applied to Reform temples, the

statement seems to be correct. Orthodox synagogues, of course, continued to separate men and women, and this remained true in the new Orthodox "showpiece" congregations erected, particularly in New York, in the wake of large-scale East European Jewish immigration.⁵⁶ In 1895, a proposal for mixed seating did agitate the nation's leading Sephardic Synagogue, Shearith Israel, but the trustees unanimously voted it down. They resolved that in the new synagogue, then under construction, seating would remain, "men in the auditorium and women in the galleries as in the present synagogue." Ninety-six women submitted a resolution supporting the maintenance of this "time-honored custom."⁵⁷

Over the next two decades, debates over mixed seating took place at a good many other modern Orthodox synagogues, especially those that sought to cater to young people. But for the most part—Congregation Mount Sinai of Central Harlem, founded in 1904, being a noteworthy exception—separate seating held. Modernity in these congregations came to mean decorum, use of the English language, and weekly sermons. Proposed seating reforms, by their nature far more divisive, were effectively tabled.⁵⁸

Between the two world wars, the issue of mixed seating arose again, this time in the rapidly growing Conservative Movement. Living in what Marshall Sklare has identified as "areas of third settlement"—younger, more aware of surrounding non-Jewish and Reform Jewish practices, and more worried about the Jewishness of their children—Conservative Jews sought a form of worship that would be "traditional and at the same time modern." Gallery seating for women was not what they had in mind. It violated the American norm of family seating. It ran counter to modern views on the position of women. And it proved dysfunctional to synagogue life, since in America, Jewish women played an increasingly important part in all religious activities, and felt discriminated against by the gallery. Seating reforms thus ranked high on the Conservative Jewish agenda.⁵⁹

In 1921, the question of "whether family pews would be a departure from traditional Judaism" came before the Rabbinical Assembly's [Conservative Jewish] Committee on the Interpretation of Jewish Law. Professor Louis Ginzberg, chairman of the committee, responded that gallery seating was unnecessary, but that "the separation of the sexes is a Jewish custom well established for about 2000 years, and must not be taken lightly."⁶⁰ The "separate but equal" seating pattern that Ginzberg and Schechter (like David Einhorn) advocated failed to satisfy proponents of family togetherness in worship, and most Conservative synagogues introduced mixed seating instead, in some cases preserving sexually segregated areas in the synagogue for those who wanted them ("compromise seating").⁶¹ In 1947, Ginzberg himself told a congregation in Baltimore that if "continued separation of family units during services presents a great danger to its spiritual welfare, the minority ought to yield to the spiritual need of the majority."⁶² Privately he admitted that "when you live long enough in America you realize that the status of womanhood had changed so much that separating women from men has become obsolete."⁶³ By 1955, according to Marshall Sklare, mixed seating featured in "the overwhelming majority of Conservative synagogues," and served "as the most commonly accepted yardstick for differentiating Conservatism from Orthodoxy."⁶⁴

Although recognized Orthodox leaders did indeed tout mixed seating as the "great divide"—the action that put a congregation beyond the pale of Orthodox tradition—many members of Orthodox congregations apparently disagreed. Congregations that both professed to be Orthodox and employed rabbis who graduated from Orthodox rabbinical seminaries still introduced family pews, defending them in one case, on the basis of the

"spirit, traditions and procedure of Orthodox Judaism," and in another on the pragmatic grounds that they would "be inviting to the younger members."⁶⁵ One source claims that in 1961 there existed "perhaps 250 Orthodox synagogues where family seating is practiced."⁶⁶ A different estimate, from 1954, holds that "90% of the graduates of the Chicago Hebrew Theological Institution, which is Orthodox, and 50% of the graduates of the Yeshiva, the Orthodox institution in New York, have positions where family seating or optional family seating prevails." How accurate either estimate was remains unclear, but at least according to one (perhaps biased) observer family seating had "definitely become a form and tradition of Orthodox Israelites adopted and practiced by an overwhelming number of Orthodox Synagogues." Certainly rabbis who served mixed-seating congregations continued to belong to the Orthodox Rabbinical Council of America without fear of expulsion.⁶⁷

Synagogue practices notwithstanding, Yeshiva University continuously opposed mixed seating. It nominally revoked the ordination of its graduates if they continued to serve mixed-seating congregations after having been warned to leave them. The only temporary justification allowing a graduate to accept a mixed-seating position was if Yeshiva's then president, Bernard Revel, felt that "an able, diplomatic man" could bring the errant congregation "back to the fold."⁶⁸ Although in some cases this happened, and in others the rabbi resigned after failing, an apparently substantial but undetermined number of Yeshiva University graduates, torn between piety and prosperity, or influenced by American conditions, made peace with mixed seating. In a few cases, they later defended the practice's orthodoxy in court.

Court proceedings dealing with the mixed-seating problem were, as we know from the B'nai Jeshurun affair, nothing new. A series of cases in the 1950s,⁶⁹ however, had the effect of solidifying Orthodoxy's position on the issue, while undermining the comfortable arguments of those who insisted that mixed seating and Jewish tradition could be made compatible. Leading Orthodox spokesmen, in concert with the Union of Orthodox Jewish Congregations of America and the Rabbinical Council of America, so vigorously insisted that mixed seating violated *halachah*, that those who supported the opposite position realized that they were clinging to a view that no institutionalized brand of Orthodoxy would agree to legitimate.

Three cases received particular attention. The first involved Congregation Adath Israel in Cincinnati. Founded by Polish Jews in 1853, and for many years the leading non-Reform synagogue in the city, Adath Israel harbored a range of traditional Jews and had for many years walked a tightrope between the Conservative and Orthodox movements. The synagogue's constitution proclaimed adherence to the "forms and traditions of Orthodox Israelites."⁷⁰ At the same time, the synagogue belonged to the Conservative United Synagogues of America. Fishel J. Goldfeder, Adath Israel's rabbi, boasted both an Orthodox and a Conservative training. Members sought to appeal to those with Orthodox leanings and Conservative leanings at one and the same time.

Separate seating of some form or other had been the rule at Adath Israel since its inception. At least since 1896, "separate but equal" seating had been deemed sufficient: "Men sit on one side and the women sit on the other side of the first floor of the Synagogue without any curtain or any partition between them."⁷¹ In 1923, apparently in reaction to liberalization moves in many Conservative synagogues, members voted an amendment to their constitution: "that no family pews be established nor may men remove their hats

during services; that no organ be used during services; that no female choir be permitted so long as ten (10) members in good standing object thereto."⁷²

Beginning in 1952, however, the congregation, which had been expanding rapidly, began to be agitated by demands for optional family seating, many of them from younger members. The board of trustees, with the blessing of Rabbi Goldfeder, voted 17-9 in favor of optional family seating on December 30, 1953, and a congregational meeting subsequently ratified the action by a vote of 289-100.⁷³

Opponents claimed that mixed seating violated the synagogue's constitution. They pointed out that more than the necessary ten members objected to family seating, and besides, they insisted that family seating contravened the "forms and traditions of Orthodox Israelites." They, therefore, moved to block the action, and by mutual agreement finally submitted their dispute to a private court. A three-judge panel ("each side to the controversy shall select one Judge of its own choosing and the third Judge shall be selected by agreement of the counsel for both sides") was given binding authority to decide the case.⁷⁴

The court proceedings brought to the fore the deep divisions within Adath Israel that had long simmered beneath the surface. As the judges noted in their decision, "Some witnesses contended that the.... Synagogue is strictly Orthodox: some said that it is liberal Orthodox, and others believed that it is a Conservative synagogue."⁷⁵ Supporters of mixed seating argued, on the one hand, that the congregation was Conservative, since it lacked a formal *mechitsah* (partition), employed a microphone, and confirmed women, and on the other hand, that mixed seating accorded "with the forms and traditions of Orthodox Israelites," as defined by their rabbi. By contrast, opponents of mixed seating argued that the congregation was Orthodox, notwithstanding earlier reforms, and that mixed seating would cause Adath Israel "to lose its status as a proper place of worship."⁷⁶ Testimony from leading figures in Orthodox and Conservative Judaism put forth diverging views on mixed seating's *halachic* status, and on the meaning of "Orthodoxy" to different kinds of Jews.

In their decision, Judge Chase M. Davies and Rabbi Joseph P. Sternstein (the third judge, Mr. Sol Goodman, dissented) refused to consider these *halachic* issues at all. Having been instructed to "resolve the controversy involved in the synagogue on a legal basis," they first ruled the 1923 amendment outlawing family pews "not a valid and presently effective amendment to the Constitution and By-Laws of the congregation," since improper procedures had accompanied its adoption. On the more important question of whether family seating violated Orthodox "forms and traditions," the judges, on the basis of American precedents, decided that the issue

presents a religious question over which a Court of law, and this private Court, which has been instructed to follow legal principles, has no right, power, or jurisdiction. To hold otherwise would be an assumption by this private Court of monitorship of the religious faith of the members of the congregation, since under federal and state Constitutions, there can be no disturbance of or limitation to the power and right of the congregants to exercise that freedom of conscience which is the basis of our liberty.⁷⁷

Given the fact that the board of trustees, the majority of the members and the rabbi all supported "optional family seating," the judges ruled the practice valid. They took pains to point out, however, that as an opinion of a private court, theirs "should not be considered, or cited, as authority in any other case."⁷⁸

In closing, the judges expressed the hope that their decision would "result in a harmonious and unified worship of God by all members of the congregation."⁷⁹ That, however, did not come about. Instead, many of the members who had always considered Adath Israel to be Orthodox and opposed mixed seating, withdrew and joined other synagogues. Those who remained at Adath Israel became more closely aligned with the Conservative Movement and referred to themselves increasingly as Conservative Jews. The seating controversy thus unwittingly served as a vehicle for clarifying both religious identity and ideology. By taking a stand on one issue, people expressed their views on a host of other issues as well.

*Davis v. Scher*⁸⁰ the second mixed-seating case, concerned Congregation Beth Tefilas Moses, an avowedly Orthodox Jewish congregation in Mt. Clemens, Michigan, which voted to introduce family seating into its sanctuary in 1955. Baruch Litvin, a businessman who belonged to the congregation and was cordially disliked by many of its members, took up the battle against this decision,⁸¹ basing himself on an established American legal principle: "A majority of a church congregation may not institute a practice within the church fundamentally opposed to the doctrine to which the church property is dedicated, as against a minority of the congregation who adhere to the established doctrine and practice."⁸² Litvin's attorneys, supported by the Union of Orthodox Jewish Congregations, introduced a great deal of evidence to support the claim that mixed seating was "clearly violative of the established Orthodox Jewish law and practice" and argued that if mixed seating were introduced, the Orthodox minority would have to worship elsewhere, "deprived of the right of the use of their property...by the majority group contrary to law." The congregation, by contrast, argued that the dispute involved only "doctrinal and ecclesiastical matters," not property rights, and that "it would be inconsistent with complete religious liberty for the court to assume...jurisdiction."⁸³ Despite court urging, the congregation's lawyers refused to cross-examine witnesses or to introduce any testimony of their own in defense of mixed seating, for fear that this would weaken their argument. They did not believe that the secular courtroom was the proper forum for Jewish doctrinal debates.

Lower courts sided with the congregation and refused to become involved, arguing that Congregation Beth Tefilas Moses' majority voice had the power to rule. The Michigan Supreme Court, however, unanimously reversed this decision and accepted the minority's claims. It stressed that "because of defendants' calculated risk of not offering proofs, no dispute exists as to the teaching of Orthodox Judaism as to mixed seating." By the laws governing implied trusts, therefore, the congregation's majority was denied the power to carry property dedicated for use by Orthodox Jews "to the support of a new and conflicting doctrine." "A change of views on religious subjects," the court ruled, did not require those who still held to older views to surrender property originally conveyed to them.⁸⁴

The third case, *Katz v. Singerman*,⁸⁵ had much that was seemingly in common with *Davis v. Scher*. Congregation Chevra Thilim of New Orleans voted in 1957 to introduce family pews, and a minority, led by Harry Katz, went to court to thwart the move. Like Baruch Litvin, Katz argued for minority rights, particularly since the Chevra Thilim charter explicitly included "the worship of God according to the orthodox Polish Jewish ritual" as one of its "objects and purposes," and the congregation had accepted the donation of a building upon the stipulation that it "shall only be used as a place of Jewish worship according to the strict ancient and orthodox forms and ceremonies."⁸⁶ The issue to be determined by the court was "whether the practice of mixed or family seating in Chevra

Thilim Synagogue is contrary to and inconsistent with the 'orthodox Polish Jewish Ritual' and 'Jewish worship according to the strict ancient and orthodox forms and ceremonies,' and therefore in violation of the trust and donation...and also the Charter of the Congregation."⁸⁷

Where *Katz v. Singerman* differed was in the strategy employed by defendants. They introduced considerable testimony in support of mixed seating, including evidence supplied by Rabbi Jacob Agus, ordained at Yeshiva University, as well as twenty-seven affidavits testifying that mixed seating "is not contrary to Orthodox Jewish forms and ceremonies."⁸⁸ Seventy-five affidavits, and a host of formidable witnesses from across the Orthodox spectrum opposed this testimony, offering abundant evidence in support of separate seating. The court was left to decide who understood Jewish law better.

Lower courts, impressed by the plaintiff's legal display and by the strong pro-Orthodox language employed in the original charter, decided in Katz's favor. The Supreme Court of Louisiana, however, in a decision similar to that rendered in the Adath Israel affair, decided differently. Given the "well-settled rule of law that courts will not interfere with the ecclesiastical questions involving differences of opinion as to religious conduct,"⁸⁹ and the famous Supreme Court decision in *Watson v. Jones* (1872), which held that "[i]n such cases where there is a schism which leads to a separation into distinct and conflicting bodies, the rights of such bodies to the use of the property must be determined by the ordinary principles which govern voluntary associations,"⁹⁰ the court decided that Chevra Thilim's board of directors alone had the "authority to ascertain and interpret the meaning of 'orthodox Polish Jewish Ritual.'" The fact that Chevra Thilim's rabbi agreed with the board and favored mixed seating held "great weight" with the court, which also cited precedents based on church-state separation and the principle that "churches must in their very nature 'grow with society.'"⁹¹ "This case differs from the case of *Davis v. Scher*," the judges insisted, "for there the evidence was all on one side." Here, with two sides offering conflicting testimony as to what the phrase "orthodox forms and ceremonies" means, the court, following abundant precedent, left the matter for the congregation to decide.⁹²

From the point of view of law, *Katz v. Singerman* dealt a severe blow to Orthodoxy, since it made it highly difficult for an Orthodox minority to overturn in court any majority decision, even one found unacceptable in terms of *halacha*. From another point of view, however, the case, like *Davis v. Scher* and the Adath Israel case, actually strengthened Orthodoxy, for it gave publicity to the movement's views and established in the popular mind the fact that "true" Orthodoxy and separate seating went hand in hand. Orthodox Jewish publications denominated those who defended the orthodoxy of mixed seating as "Conservative Jews," and ridiculed "mixed-seating Orthodoxy" as a contradiction in terms.⁹³ Those who did define modern Orthodox in terms of mixed seating found themselves increasingly isolated. In some cases, congregations that once considered themselves modern Orthodox moved, after adopting mixed seating, firmly into the ranks of the Conservative Movement.⁹⁴ In other cases, particularly in congregations served by rabbis from Hebrew Theological College in Chicago, modern Orthodox congregations began to worship under the label of traditional Judaism.⁹⁵

Exceptions notwithstanding, mixed seating, even more than when Marshall Sklare first made the observation, symbolized by the third quarter of the twentieth century that which differentiated Orthodoxy from Jewry's other branches.⁹⁶ The symbol that had first signified family togetherness and later came to represent women's equality and religious modernity,

had finally evolved into a denominational boundary. Around it American Jews defined where they stood religiously and what values they held most dear.⁹⁷

NOTES

I am grateful to Rochelle Elstein, Barry Feldman, Robert Shapiro, and Barbara E. Ullman for bringing valuable materials to my attention; to Professors Benny Kraut, Jacob R. Marcus, Michael A. Meyer, Jeffrey S. Gurock, Robert Handy, Chava Weissler, Jack Wertheimer, and Lance J. Sussman, for commenting on earlier drafts of this chapter; and to the Memorial Foundation for Jewish Culture for its ongoing support of my work.

1. John M. Neale, *The History of Pews*, 2d ed. (Cambridge, England, 1842), 3.

2. The best available materials on synagogue seating have been prepared by parties in legal disputes; see Baruch Litvin, ed., *The Sanctity of the Synagogue* (New York, 1959); and the special issue of *Conservative Judaism*, 11 (Fall, 1956), devoted to the Adath Israel affair.

3. For two responsa on this issue, see Bernhard Felsenthal, "Muss Man Sich Beim Beten Nach Osten Wenden?" *Sinai*, 6, (May, 1861), 110-11; and Shaul Yedidiah Shochet, *Tiferet Yedidya*, vol. 2 (St. Louis, 1920), 26-32. See also Franz Landsberger, "The Sacred Direction in Synagogue and Church," *Hebrew Union College Annual*, 28 (1957), 181-203.

4. See Jacob Agus, "Mixed Pews in Jewish Tradition," *Conservative Judaism*, 11 (Fall, 1956), 35-36; and Rachel Wischnitzer, *Synagogue Architecture in the United States* (Philadelphia, 1955), 60.

5. For various perspectives, see Leon A. Jick, *The Americanization of the Synagogue 1820-1870* (Hanover, N.H., 1976); Moshe Davis, *The Emergence of Conservative Judaism* (Philadelphia, 1965); Nathan Glazer, *American Judaism*, 2d ed. (Chicago, 1972); and Allan Tarshish, "The Rise of American Judaism" (Ph.D. diss., Hebrew Union College, 1938).

6. Ismar Elbogen, *Hatefilah Beyisrael* (Tel Aviv, 1972), 350-352; Andrew Seager, "The Architecture of the Dura and Sardis Synagogues," in *The Synagogue*, ed. Joseph Gutmann (New York, 1975), 156-158, 178 nn. 35-36; Salo W. Baron, *The Jewish Community*, vol. 2 (Philadelphia, 1945), 140; Samuel Kraus, *Korot Bate Hatefilah Beyisrael* (New York: Histadrut Ivrit, 1955), 239-240; *Encyclopedia Judaica*, 11, 134-135; Shaye J. D. Cohen, "Women in the Synagogues of Antiquity," *Conservative Judaism*, 34 (November-December, 1980), 23-29; J. Charles Cox, *Bench-Ends in English Churches* (London, n.d.), 17-27.

7. David Philipson, *The Reform Movement in*

Judaism (New York, 1931), 245. A similar seating arrangement may have been in effect as early as 1815 in the Reform congregation that met at the home of Jacob Herz-Beer in Berlin. See Nahum N. Glatzer, "On an Unpublished Letter of Isaak Markus Jost," *Leo Baeck Institute Year Book*, 22 (1977), opposite 132. I owe this reference to Professor Michael A. Meyer.

8. Jacob Sonderling, "Five Gates—Casual Notes for an Autobiography," *American Jewish Archives*, 16 (November 1964), 109. On Budge, see Cyrus Adler, *Jacob H. Schiff: His Life and Letters*, vol. 1 (Garden City, N.J., 1929), 7-8. Rebekah Kohut reports in 1929 that "everywhere in Europe, except in the Reform Temples of Paris and London, men and women still worship separately." *As I Know Them* (New York, 1929), 119.

9. *American Israelite*, 37 (27 November 1890), 4.

10. John Demos, "Images of the American Family, Then and Now," in *Changing Images of the Family*, ed. Virginia Tufte and Barbara Myerhoff (New Haven, 1979), 48; Cox, *Bench-Ends*, 17-19; Robert J. Dinkin, "Seating the Meeting House in Early Massachusetts," *New England Quarterly*, 43 (1970), 450-464; Peter Benes and Philip D. Zimmerman, *New England Meeting House and Church, 1630-1850* (Boston, 1979), 55-56; Wischnitzer, *Synagogue Architecture*, 12.

11. Patricia J. Tracy, *Jonathan Edwards, Pastor* (New York, 1980), 128. For a similar contemporary argument, see Morris Max, "Mixed Pews," *Conservative Judaism*, 11 (Fall 1956), 70.

12. Dinkin, "Seating the Meeting House," 456; Tracy, *Jonathan Edwards, Pastor*, 244 n. 9.

13. Alan Graebner, *Uncertain Saints* (Westport, Conn., 1975), 17; "Pews," *The American Quarterly Church Review*, 13 (July 1860), 288-289. See Jacob Agus's discussion of the 1885 mixed-seating controversy in Grace Methodist Church of Dayton, Ohio, in Agus, "Mixed Pews in Jewish Tradition," 41.

14. Demos, "Images of the American Family," 43-60, es49; Carl N. Degler, *At Odds: Women and the Family in America from the Revolution to the Present* (Oxford, 1980), 9; and Carl N. Degler, "Women and the Family," in *The Past Before Us*, ed. Michael Kammen (Ithaca, 1980), es317.

15. Hyman B. Grinstein, *The Rise of the Jewish Community of New York* (Philadelphia, 1945),

317-318; see Kenneth L. Ames, "Ideologies in Stone: Meanings in Victorian Gravestones," *Journal of Popular Culture*, 14 (1981), 641-656.

16. James G. Heller, *Isaac M. Wise: His Life, Work and Thought* (New York, 1965), 214.

17. Heller, *Wise*, 124-183; Naphtali J. Rubinger, "Dismissal in Albany," *American Jewish Archives*, 24 (November 1972), 161-162.

18. Isaac M. Wise, *Reminiscences* (1901; 2d ed., New York, 1945), 116-117.

19. Wise, *Reminiscences*, 172.

20. Rubinger, "Dismissal in Albany," 160-183; Heller, *Wise*, 184-234. On the conversion of churches into synagogues, a phenomenon little known in Europe, see Wischnitzer, *Synagogue Architecture*, 61-62. Apparently, Wise did not introduce mixed pews immediately upon his arrival in Cincinnati. They only came to Beue Yeshurun in 1866 when the congregation moved into the Plum Street temple. See James Heller, *As Yesterday When It Is Past* (Cincinnati, 1942), 114.

21. Wise, *Reminiscences*, 212.

22. *Occident*, 9 (December, 1851), 477; *Asmonean*, 10 October 1851, 226; 17 October 1851, 240; see 21 November 1851, 53; 19 December 1851, 83.

23. *American Israelite*, 15 November 1872, 8; 27 November 1890, 4. Naphtali J. Rubinger, "Albany Jewry of the Nineteenth Century: Historic Roots and Communal Evolution" (Ph.D. diss., Yeshiva University, 1970), 120, notes other occasions when Wise retrospectively exaggerated the extent of the opposition against him. Such efforts aimed at creating a personal "hero myth" are common; see Frank J. Sulloway, *Freud, Biologist of the Mind* (New York, 1979), 445-495; Joseph Campbell, *The Hero With A Thousand Faces* (Princeton, 1968).

24. Myer Stern, *The Rise and Progress of Reform Judaism* (New York, 1895), 14; *New Era*, 4 (1874), 126; Grinstein, *Jewish Community of New York*, 267; see also Leopold Mayer's description of Emanu-El in 1850, in Morris U. Schappes, *A Documentary History of the Jews in the United States, 1654-1875* (New York, 1971), 308.

25. Philipson, *Reform Movement*, 183-184, 219-220; see Kaufmann Kohler, *Jewish Theology* (New York, 1918), 472-473.

26. See *Sinai*, 6 (August 1861), 205-207. For a sociological perspective on the German debate in terms of "identity formation and boundary maintenance," see David Ellenson, "The Role of Reform in selected German-Jewish Orthodox Responsa: A Sociological Analysis," *Hebrew Union College Annual*, 53 (1982), 357-380.

27. Alexander Hamilton, *Itinerarium*, quoted in David and Tamar De Sola Pool, *An Old Faith in the New World* (New York, 1955), 453; *Religious Intelligencer*, 1 (1817), 556; *Western Monthly Review*, 2 (January 1829), 440; *New York Herald*, 22 September 1836. For other negative notices, see Joseph S. C. F. Frey, *The Converted Jew* (Boston, 1815), 15; *The Jew at Home and Abroad* (Philadelphia, 1845), 65; Joseph L. Blau and Salo W. Baron, *The Jews of the United States, 1790-1840: A Documentary History*, vol. 3 (New York, 1963), 677-680; and Lydia M. Child, *The History of the Condition of Women in Various Ages and Nations*, vol. 1 (Boston, 1835), 20. Cf. I. J. Benjamin's Jewish critique (1859) in his *Three Years in America*, vol. 1, transl. Charles Reznikoff (Philadelphia, 1956), 85-89; and see more broadly Joan Jacobs Brumberg, *Mission for Life* (New York, 1984), 79-106.

28. *New York Herald*, 28 September 1836; *Sunday Times and Noah's Weekly Messenger* (New York), 7 July 1850, 26 January 1851; James Parton, *Topics of the Times* (Boston, 1871), 299, 308. The leading Jewish apologia, imported from England, was Grace Aguilar, *The Women of Israel*, 2 vols. (New York, 1851). For a modern analogue, see Lucy Davidowicz, *The Jewish Presence* (New York, 1978), 46-57.

29. Louise Abbie Mayo, "The Ambivalent Image: The Perception of the Jew in Nineteenth Century America" (Ph.D. diss., City University of New York, 1977), 93-104.

30. Philipson, *Reform Movement*, 220.

31. *Sinai*, 3 (1858), 824; Isaac M. Fein, *The Making of an American Jewish Community* (Philadelphia, 1971), 113.

32. *Sinai*, 3 (1858), 818-824; 6 (1861), 205-207.

33. Bernhard Felsenthal, *The Beginnings of the Chicago Sinai Congregation* (Chicago, 1898), 23.

34. *Occident*, 18 (1860), 154; Fred Rosenbaum, *Architects of Reform* (Berkeley, 1980), 26.

35. *New Era*, 1 (February 1871), 193.

36. Jerome W. Grollman, "The Emergence of Reform Judaism in the United States" (Ord. thesis, Hebrew Union College, 1948), 18, 43 passim; *A History of Congregation Beth El, Detroit, Mich., 1850-1900* (Detroit, 1900), 26-28; Jonathan D. Sarna, "Innovation and Consolidation: Phases in the History of Temple Mishkan Israel," *Jews in New Haven*, vol. 3, ed. Barry E. Herman and Werner S. Hirsch (New Haven, 1981), 102; Edward N. Calisch, *The Light Burns On* (Richmond, 1941), 25; Frank J. Adler, *Roots in a Moving Stream* (Kansas City, 1972), 22; Isidor Blum, *The Jews of Baltimore 1910*, 23; *New Era*, 5 (1875), 4; Solomon Breibart, "The Synagogue of Kahal Kadosh Beth Elohim, Charleston." *South*

Carolina Historical Magazine, 80 (July 1979), 228—all describe the adoption of mixed seating in other nineteenth-century American Reform congregations. For the situation at the more traditional congregation Sherith Israel of San Francisco in the 1870s, see Norton B. Stern, "An Orthodox Rabbi and a Reforming Congregation in Nineteenth Century San Francisco," *Western States Jewish Historical Quarterly*, 15 (April 1983), 275–281.

37. Quoted in Grollman, *Emergence of Reform Judaism*, 89.

38. Wise, *Reminiscences*, 212.

39. *Occident*, 13 (1855), 417; 21 (1863), 345; 21 (1864), 500.

40. *Occident*, 21 (1863), 407. On Buttenwieser, see A. Z. Friedman, *Tub Taam*, 2d ed. (New York, 1904), introduction.

41. E.g., *American Israelite*, 13 December 1878, 4.

42. Israel Goldstein, *A Century of Judaism in New York: B'nai Jeshurun, 1825–1925* (New York, 1930), 51–113; see also Grinstein, *Jewish Community of New York*; Moshe Davis, "The Synagogue in American Judaism: A Study of Congregation B'nai Jeshurun, New York City," in *Two Generations in Perspective*, ed. Harry Schneiderman (New York, 1957), 210–235, translated and revised in Moshe Davis, *Beit Yisrael Be-Amerikah* (Jerusalem, 1970), 1–24. On Raphall, see Bertram W. Korn, *Eventful Years and Experiences* (Cincinnati, 1954), 40–41.

43. Goldstein, *B'nai Jeshurun*, 126.

44. *Ibid.*, 126–129; see Jonathan D. Sarna, ed., *People Walk on Their Heads: Moses Weinberger's Jews and Judaism in New York* (New York, 1981), 12–14.

45. Goldstein, *B'nai Jeshurun*, 128, 153–156; *Answers to Questions Propounded by the Ritual Committee on the Subject of the Improvements Intended to Be Introduced in the Synagogue Service of the Cong. "B'nai Jeshurun"* (New York, 1869); Minutes of Congregation B'nai Jeshurun, 1865–1875. Congregation B'nai Jeshurun Papers, microfilm 493c, American Jewish Archives, Cincinnati, Ohio.

46. Goldstein, *B'nai Jeshurun*, 156; Nahum Streisand, *Lilmod Latoim Binah* (New York, 1872); *Jewish Messenger*, 16 July 1875.

47. B'nai Jeshurun Minutes, 8 November 1874.

48. Goldstein, *B'nai Jeshurun*, 157.

49. *Ibid.*, 155; *Answers to Questions*, 1; cf. *New Era*, 1 (1870), 36, for an attack on this phenomenon.

50. *B'nai Jeshurun Minutes*, 8 November 1874, as correlated with the "Register of Congregational Membership," in Goldstein, *B'nai Jeshurun*, 404–436; *Jewish Messenger*, 16 July 1875, 6.

51. William M. Rosenblatt, "The Jews: What They Are Coming To," *Galaxy*, 13 (January 1872), 60; *New Era*, 4 (1874), 14, 513; for a similar later argument (1922), see Aaron Rothkoff, *Bernard Revel* (Philadelphia, 1972), 111.

52. *Jewish Messenger*, 16 July 1875, 6.

53. *Jewish Times*, 21 May 1875, 184.

54. *Jewish Messenger*, 21 May 1875, 21.

55. *American Israelite*, 37 (November 27, 1890), 4, italics added. See Gustav Gottheil, "The Jewish Reformation," *American Journal of Theology*, 6 (April 1902), 279.

56. Jo Renee Fine and Gerald R. Wolfe, *The Synagogues of New York's Lower East Side* (New York, 1978).

57. Pool, *An Old Faith*, 100.

58. Jeffrey S. Gurock, *When Harlem Was Jewish* (New York, 1979), 117; see also Chapter 1 in this volume.

59. Marshall Sklare, *Conservative Judaism* (1955; 2d. ed., New York, 1972), 85–90.

60. *United Synagogue Recorder*, 1 (July 1921), 8.

61. The Cleveland Jewish Center case of 1927, involving Rabbi Solomon Goldman (*Katz v. Goldman*, 33 Ohio A150), drew particular notice. The Ohio Supreme Court ruled in Goldman's favor, refusing to invalidate the changes that he introduced. See Aaron Rakeffet-Rothkoff, *The Silver Era in American Jewish Orthodoxy* (New York, 1981), 112–114, 121 n. 14, 326–347; Jacob J. Weinstein, *Solomon Goldman: A Rabbi's Rabbi* (New York, 1973), 12–17.

62. *Conservative Judaism*, 11 (Fall 1956), 39; Eli Ginzberg, *Keeper of the Law: Louis Ginzberg* (Philadelphia, 1966), 229–230.

63. Sonderling, "Five Gates," 115.

64. Sklare, *Conservative Judaism*, 88; see Rothkoff, *Bernard Revel*, 111; and Norman Lamm, "Separate Pews in the Synagogue [1959]," in *A Treasury of Tradition*, ed. Norman Lamm and Walter S. Wurzbacher (New York, 1967), 243–267.

65. *Katz v. Singerman*, 241 Louisiana 154 (1961); Rothkoff, *Bernard Revel*, 164.

66. *Katz v. Singerman*, 241 Louisiana 150.

67. "Opinion in Kahila Kodesh Adath Israel Congregation Matter" (Cincinnati, 1954, mimeographed), 42; Louis Bernstein, *Challenge and Mission: The Emergence of the English Speaking Orthodox Rabbinate* (New York, 1982), 20–21, 36, 46–49, 138–141.

68. Rothkoff, *Bernard Revel*, 164.

69. For the legal background, see Meislin, *Jewish Law in American Tribunals*; and W. E. Shipley, *Change of Denominational Relations or Fundamental*

Doctrines by Majority Faction of Independent or Congregational Church as Ground for Award of Property to Minority, 15 ALR 3d 297 (1967). The Supreme Court's ruling in *Presbyterian Church in the United States v. Mary Elizabeth Blue Hull Memorial Presbyterian Church*, 393 U.S. 440 (1969) resolved several important legal questions bearing on mixed seating disputes; see Paul G. Kauper, "Church Autonomy and the First Amendment: The Presbyterian Church Case," in *Church and State: The Supreme Court and the First Amendment*, ed. Philip B. Kurland (Chicago, 1975), 67-98.

70. "Opinion in Adath Israel Matter," 4. In what follows, I cite this version; a slightly abbreviated and variant version of the decision may be found in *Conservative Judaism*, 11 (Fall 1956), 1-31.

71. "Opinion in Adath Israel Matter," 12. David Philipson found this seating pattern when he preached at Adath Israel's dedication in 1927. He predicted that "ere long the women will sit with their husbands and children." *My Life as an American Jew* (Cincinnati, 1941), 378.

72. Philipson, *My Life as an American Jew*, 8.

73. *Ibid.*, 8-12.

74. *Ibid.*, 1-3. On the use of arbitration in cases of this sort, see Jerold S. Auerbach, *Justice without Law?* (New York, 1983), 69-94.

75. Auerbach, *Justice without Law?* 63.

76. *Ibid.*, 30; *Conservative Judaism*, 11 (Fall 1956), 44.

77. *Opinion in Adath Israel Matter*, 43-66; quotations from 47, 45, 66.

78. *Ibid.*, 59.

79. *Ibid.*, 67.

80. The case is reported in 356 Michigan 291, and is described in great detail, with documents, in Litvin, *Sanctity of the Synagogue*. Much of what follows is based on this volume. See also Bernstein, *Challenge and Mission*, 138-141.

81. Litvin, *Sanctity of the Synagogue*, 11-17.

82. *Ibid.*, 378.

83. *Ibid.*, 382, 412, 408.

84. *Ibid.*, 407-418 reproduces the entire Michigan Supreme Court decision; quotations are

from 417, 415.

85. The case is reported in 241 Louisiana 103. For early documents, see Litvin, *Sanctity of the Synagogue*, 61-77; see also Bernstein, *Challenge and Mission*, 138-140.

86. *Katz v. Singerman*, 107, 109.

87. *Ibid.*, 114.

88. *Ibid.*, 136-149. Agus's testimony resembled that which he gave in the Adath Israel matter; see *Conservative Judaism*, 11 (1956), 32-41.

89. *Katz v. Singerman*, 116 quoting *Katz v. Goldman*, above n. 73.

90. *Katz v. Singerman*, 118; cf. *Watson v. Jones* 13 Wall. 679, 20 L. ed. 666 (1872).

91. *Katz v. Singerman*, 131, 134.

92. *Ibid.*, 151. Shipley, *Change of Denominational Relations*, 324, 331, overlooks this critical point.

93. E.g., Litvin, *Sanctity of the Synagogue*, 73.

94. See Isaac Klein's letter in *Conservative Judaism*, 11 (Winter 1957), 34.

95. E.g., Joseph Schultz, ed., *Mid-America's Promise: A Profile of Kansas City Jewry* (Kansas City, 1982), 42.

96. Cf. Alan J. Yuter, "Mehizah, Midrash and Modernity: A Study in Religious Rhetoric," *Judaism*, 28 (1979), 147-159; Samuel Heilman, *Synagogue Life* (Chicago, 1976), 28. Charles Liebman, "Orthodoxy in American Jewish Life," *Aspects of the Religious Behavior of American Jews* (reprinted from *American Jewish Year Book*, 66; New York, 1974), 146, notes "some 30 synagogues" which once had mixed seating and, since 1955, have installed *mechitsot*—no doubt to maintain their Orthodox affiliation.

97. In a conversation with me, Prof. Sefton D. Temkin quotes a colleague of his as pointing out that whereas American Orthodoxy defined itself in terms of opposition to mixed seating, British Orthodoxy did so in terms of opposition to the mixed choir, German Orthodoxy in terms of opposition to the organ, and Hungarian Orthodoxy in terms of opposition to the raised, forward pulpit. A comparative study elucidating these differences would be of inestimable value.