Turning a Church into a Synagogue: Jewish Law Meets Communal Politics on New York’s Lower East Side

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In 1858 two halakhic (Jewish legal) responsa were sent from Europe to the fledgling Eastern European Jewish community of New York. The writers of the responsa were none other than two of the leading halakhic authorities of Europe, Rabbi Joseph Saul Nathanson of Lvov, and Rabbi Jacob Ettlinger of Altona, in present-day Germany. 1 The inquirers from New York were Rabbi Abraham Joseph Ash, rabbi of New York’s Beth Hamedrash, and Judah Mittleman, a learned lay member of New York’s Jewish community. 2 The question at hand was whether an Orthodox community was permitted to use a former church as a synagogue.

European congregations did not have the option of purchasing church buildings and turning them into synagogues. The cultural and religious barriers that existed between Jews and non-Jews in Europe, even in the post-emancipation era, were such that houses of worship belonged to one faith community and stayed that way. Given the deep separation between religious communities, it would have been unheard

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2 For more on Ash, see Moshe D. Sherman, Orthodox Judaism in America: A Biographical Dictionary and Sourcebook (Westport, CT: Greenwood Press, 1996), 20–21; Judah David Eisenstein, Ozar Zikhronotai, 1929, p. 247. For more on Mittleman, see Eisenstein, 247.

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of for a European Jewish community to purchase a Christian church and turn it into a synagogue. As such, there is no halakhic literature that deals with this question in a European context.³

American Orthodox congregations, on the other hand, had been purchasing church buildings to use as synagogues for years before this case arose on New York’s Lower East Side. In the nineteenth and early-twentieth centuries, a number of prominent Orthodox congregations in New York used former church buildings as their sanctuaries. In 1827, Congregation B’nai Jeshurun moved into 119 Elm Street in Manhattan, formerly the First Coloured Presbyterian Church, and in 1850 Congregation Shaare Zedek moved into 38 Henry Street in Manhattan, formerly a Quaker house of worship.⁴ Ashkenazic congregations in particular were prone to purchasing and transforming churches into synagogues; they were generally poorer than the more established Sephardic congregations, due to their constituents being of more recent arrival in the United States. Ashkenazic groups also tended to self-segregate based on specific place of origin, creating smaller, financially strapped congregations.⁵ Interestingly, Orthodox congregations would continue to turn churches into synagogues well into the twentieth century, and the propriety of doing so would continue to be an issue. This is evidenced by a 1951 responsum on the issue, authored by Rabbi Moshe Feinstein.⁶ The case at hand, from 1858, is certainly one of the earliest occurrences of this and the first time it was raised as a halakhic issue.

Turning a church into a synagogue on the Lower East Side illustrates the underlying historical issues implied within rabbinic responsa. Jacob Katz, historian of early modern Jewry, commented that laws sourced in the responsa literature “bear witness to the many theoretical and practical conflicts that affected both the individual and the community.”

A handful of studies by scholars such as David Ellenson, Adam Mintz, and Jonathan D. Sarna, to name a few, have demonstrated how responsa serve as important resources in the study of American Jewish history. Analysis of these responsa, however, remains a field awaiting more attention.

In the case of the responsa from Nathanson and Ettlinger, close attention to the details and personalities reveals additional dimensions to our understanding of the early Eastern European community on the

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One study has been conducted on the perception of America and its effects on authors of American responsa. See Rod Glogower, “The Impact of the American Experience upon Responsa Literature,” *American Jewish History* 69, no. 2 (1979): 257–269. For a list of responsa written in or sent to America through the beginning of the twentieth century, see Eisenstein. 338–358.
Lower East Side. The issues surrounding turning these churches into synagogues were not merely a matter of pure halakha, but a matter of halakha that was deeply intertwined with local rabbinic and communal politics. On a small scale, the halakhic literature surrounding this particular question reflects a personal feud between Ash and Mittleman. On a larger scale, the literature reflects broader communal disputes and power struggles within the Lower East Side immigrant community, particularly between the Lithuanian and the Galician communities.

**Jewish Legal Background**

In Shulhan Arukh, the authoritative code of Orthodox Jewish law, Rabbi Joseph Karo ruled regarding the use of items in a synagogue that were previously used for idolatrous purposes: 9 “Wax candles that a gentile gives to idol worshippers, which were then extinguished by a servant and given or sold to a Jew, are prohibited from being kindled in a synagogue.” 10 In his comments to Shulhan Arukh, Rabbi Moses

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Isserles (Rama) added: “[These candles] are permitted to be used for mundane use.”\(^\text{11}\) Based on these sources, it would seem that the question of using a church for synagogue services has a very simple answer: Since it was used for non-Jewish worship, it would be forbidden to use it for Jewish worship. However, in his commentary Magen Avraham, Rabbi Abraham Gombiner drew an important distinction, explaining that only when an object itself is used in prohibited worship does it become forbidden for use in Jewish ritual. Since the church itself was not worshipped but was merely used to house the worshippers, it was not an essential part of the worship; it was only a means by which the worship was carried out.\(^\text{12}\) These basic sources, along with the distinction between Catholic and Protestant services, form the foundations with which Nathanson and Ettlinger analyzed the question regarding Congregation Beth Hamedrash.

**First Conflict: Ash vs. Mittleman**

New York’s first Orthodox, Eastern European congregation was founded in July 1852 under the name Congregation Beth Hamedrash. In his history of the congregation, Judah David Eisenstein counts twelve men from different countries of origin as the founding members of the congregation, including both Rabbi Abraham Joseph Ash and lay leader Judah Mittleman.\(^\text{13}\) Eisenstein describes the first years of the congregation as ones of wandering; they made eight different stops, until they ultimately reached their final destination at Norfolk Street in 1885. The first years of the congregation included their first location in an attic at Henry Street, various storefronts, and even the upper gallery of a former courthouse. (They had to use the upper gallery since a different congregation was using the lower gallery.) The congregation was unified in its leadership and goals during its early years—that is, until

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\(^{13}\) Eisenstein, 247.
the beginnings of the feud between Ash and Mittleman. According to Eisenstein, the animosity between Ash and Mittleman began as a feud over the reliability of the newly arrived ritual slaughterer Aharon Friedman, author of the work *Tuv Tā'am* on the laws of *shehitah*, ritual slaughter. Friedman had arrived in New York from Poland, where some had raised allegations about the conduct of his wife.14 These allegations sparked a feud within the Jewish community of New York as to the permissibility of eating meat that Friedman had slaughtered. Mittleman came to Friedman’s aid, even writing to authorities in Poland to receive their support. Ash, however, ruled that it was forbidden to consume

meat slaughtered by Friedman. This episode was the first battle between Mittleman and Ash, but it would not be the last. The next battle would involve Mittleman’s objection to Ash’s ruling regarding the permissibility of using a former church as a synagogue.

In 1856, with the help of two Portuguese Jews, Congregation Beth Hamedrash, led by Ash, purchased a more permanent building, a Welsh church at 78 Allen Street. The respected Orthodox Rabbi Abraham Rice of Baltimore honored the congregation with his presence at the dedication of the new sanctuary. The question of using the church as the community’s synagogue arose at this time, and Ash, acting as halakhic authority of the community, permitted such use. He was quickly met with opposition from Mittleman.

Ash and Mittleman each sent inquiries to leading European rabbis and received answers permitting use of the church. Mittleman presumably sent his inquiry to Nathanson, since they both hailed from Lvov. Ash’s decision, however, to send his inquiry to Ettlinger, of Altona, lacks an obvious rationale. They did not come from the same town or vicinity. There are no records of correspondence or a previous relationship between the two. A search through Ettlinger’s responsa and writings also does not give the impression that he had a particular expertise in related subjects or that he was a regular authority for inquiries from New York.

15 Eisenstein, 247. Eisenstein presents this episode as a prelude to the splitting of the congregation in 1855. He does not make clear exactly when the dispute took place, other than it happened before the congregation split.
16 Incidentally, years later Mittleman would involve himself in another feud involving shehitah, his adversary in that case being Rabbi Moshe Aaronsohn. For more on that, see Jeremiah J. Berman, Shehitah: A Study in the Cultural and Social Life of the Jewish People (New York: Bloch Publishing Company, 1941), 289–290. Interestingly, Aaronsohn also wrote a responsum about this paper’s topic, turning a church into a synagogue. Lacking information as to the details of the specific case he was addressing, it is difficult to surmise whether he was discussing the same case as Ash and Mittleman or not. Aaronsohn ruled quite vociferously that it was forbidden to turn a church into a synagogue. See Aaronsohn, 142–148.
18 Eisenstein, 248.
Perusal of his responsa does, however, show that he conducted correspondence with communities well beyond his native German lands, including London, Paris, Lvov, Amsterdam, and others.\(^{19}\) There is no way of knowing for certain, but this international reputation may have influenced Ash, of far-flung New York, to send his question to Ettlinger.

Ettlinger allowed use of the building based on these factors: (1) The building had not initially been designated as a church, but rather as a private residence, which was then turned into a church. It therefore lacked the status of a permanent structure for “idolatrous” worship; and (2) even had the building been designated as a permanent structure for Christian worship, its subsequent sale constituted a form of nullification, following the halakhic principle of \textit{bittul avodah zarah}.\(^{20}\) Despite these factors, Ettlinger was not eager to allow use of the building as a synagogue, and his response was unenthusiastic. However, he reluctantly gave his permission because the congregation could not afford an alternative.\(^{21}\)

Mittleman received a permissible ruling from Nathanson based on an entirely different rationale. Nathanson was of the opinion that since the mode of worship in that particular church did not include icons or statues, it was permissible. Nathanson used a substantial amount of space in his responsum delineating the exact form of worship practiced in that church, addressing the distinction between Protestant worship and non-Protestant worship. Nathanson’s understanding of Protestant worship is particularly interesting, even amusing. The building was formerly a Lutheran church, and Nathanson described the worship therein as, “The recitation of hymns to ‘that man’ [Jesus] and dancing. Afterwards a man gets up and preaches loftily about ‘that man,’ while they [the congregation] stand attentively and listen. And when he finishes [preaching], they sing and dance again.” Most important for Nathanson, however, was the absence of icons, which therefore allowed the building to be turned into


a synagogue. Nathanson even went further, saying it was a positive act, a mitzvah, to do so. “In conclusion, according to my humble opinion, it seems that here since there is no statue or image, it is permissible to turn it into a synagogue, and according to my opinion it is a mizvah to sanctify the name of heaven [and turn it into a synagogue].”

The key to understanding the intertwining of this halakhic question with the rift between Ash and Mittleman, however, is not in the answers they received from their respective European authorities; it is in the inquiries they sent, which reflect their different positions on the issue and, perhaps more importantly, the outcome for which each was hoping. Ash’s question, as cited by Ettlinger in his Responsa Binyan Zion, connotes a positive feeling toward the congregation and their desire to use the church building:

The heads of the synagogue were forced to purchase a building for a synagogue, and they could only attain a building that was initially built as a home. Later it was purchased by gentile priests who worship a trinity. They prayed to their god for a number of years but did not bring any idolatrous image into it [the building]. Now they have sold it, [and we would like to] know whether we can make this building into a house of study for Torah and prayer?

24 Both responsa, to Mittleman and Ash, are dated 1858, while Congregation Beth Hamedrash moved into the church in 1856. It is not entirely clear why there is a two-year gap. The slow pace of mail between the United States and Europe could certainly account for part of the gap but not for all of it. It is possible that Mittleman was waiting for a more opportune time to prove Ash wrong. This explanation is plausible, given that the congregation experienced another split in approximately 1857 over a completely different issue, which caused Ash to leave and start his own congregation, Beth Hamedrash Hagadol. It is possible that Mittleman was waiting to see how Ash would emerge from that situation before firing his next shot. Admittedly, however, available sources do not definitively explain this gap.
25 Ettlinger, 28.

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Ash described how the congregation was forced to buy the church building for lack of other options and explicitly stated that the Christian worship that took place in the building did not include any images. In the words and tone used, Ash seemed to be leading Ettlinger toward the answer he desired—in this case, one that would permit the Jewish congregation to use the church building.

Ettlinger’s ruling, while permissive, was more tentative than the one Nathanson gave to Mittleman. Mittleman’s inquiry reflected his desire to see Ash’s initial ruling permitting use of the building proven wrong. He saw this halakhic issue as yet another opportunity to confront Ash. Nathanson recorded Mittleman’s question:

A letter arrived from New York, in the land of America, from Rabbi Judah Mittleman. He asked regarding a house of prayer [Lutheran church], which at first belonged to an individual. Later this individual passed the building on to be used as a church … and the worshippers are Protestant, without any statues or images … and his honor [Rabbi Mittleman] brought the words of the Magen Avraham, saying that even if the building was used permanently for idol worship, it is permissible to pray inside it … and you were in doubt whether he [Magen Avraham] meant that it was used for permanent idol worship, but was not designated as such, or perhaps it is only permissible to pray there infrequently, but not permanently, all the more so a public house of study [would be prohibited].

Mittleman presented the facts of the case to Nathanson—the history of the building, as well as the form of worship that was practiced in it. When asking his question, however, Mittleman seemed to lead Nathanson on by presenting two possible interpretations from Magen Avraham. The second interpretation—which would have led to a stringent ruling prohibiting use of the building—distinguished between using the building for infrequent worship and turning it into a permanent public synagogue. But this was never even mentioned in Magen Avraham. It seems clear that Mittleman was trying to bait Nathanson

26 Nathanson, 29.
into prohibiting Beth Hamedrash’s new building, but Nathanson did not take the bait. Instead, he ruled that the congregation could use the former church building as their synagogue, even expressing that it would be a mitzvah to do so.

Mittleman, however, did not desist from trying to gain a ruling that would prove his position. In that responsum, printed in Nathanson’s collection, Mittleman raised a follow-up question pertaining to the nature of the building and the type of worship therein. Once again, Mittleman’s inquiry is recorded by Nathanson: “Later, his second letter arrived from the third of Sivan explaining at length how the building was designated for [forbidden] worship.” Nathanson once again rejected this claim outright. “I do not understand, since anything that does not have a statue or image is not considered designated for idol worship.” 27 This second inquiry provides clear evidence that Mittleman was pressing Nathanson to change his answer and prove Ash wrong. Mittleman’s objective in sending both inquiries to Nathanson seems less about a halakhic ruling and more about his personal feud with Ash.

Such use of halakha in rabbinic wars has a long history, especially in the modern period, so in this sense the conflict between Ash and Mittleman was nothing new. Even in cases where the halakha could be interpreted in multiple ways, rabbinic leaders often came out loudly and strongly against a particular position due to broader considerations. This was especially true in the early conflicts between Orthodoxy and Reform in nineteenth-century Europe. Often the rabbinic positions voiced therein created and solidified boundaries between Orthodoxy and Reform. 28 One prime example was the battle over the Prague organ and whether that could serve as a model for using an organ on the Sabbath, as numerous Reform congregations wanted to do. 29 In the American context, halakhic rulings also proved to be tools in the ideological wars between Orthodoxy and Reform in the nineteenth century. For example,

27 Ibid.
in 1864, Rabbi Bernard Illowy of New Orleans banned _mohels_ (ritual circumcisors) from performing further circumcisions if they circumcised a child born to a Jewish father and a non-Jewish mother. Illowy’s ruling, as well as the debate that ensued in America and Europe, was not merely an issue of halakhic analysis; it also illustrated the ideological battles within the Jewish world on both continents.  

In the Lower East Side case, as in the two cases above, rabbinic authorities used their halakhic decision as a tool in rabbinic confrontation. This episode was different, however, for two reasons. First, in the cases involving organs and _mohels_, halakha had been used to engage in inter-communal struggles, but in the case of Ash and Mittleman it was being used internally, between two members of the same community—and a very small one at that. Second, in those same cases, the ideological flashpoints were clear, so the agenda for a particular halakhic opinion was also clear. In the case of Ash and Mittleman, however, no significant ideological division was apparent. The halakha, rather, seemed to be an instrument in a personal battle, and the particular issue of turning a church into a synagogue seemed to merely be another link in a chain of squabbles between these two leaders. 

These communal battles continued on the Lower East Side toward the end of the nineteenth century, including battles surrounding the very same issue, albeit with different personalities.

**Next Round of Conflict: Lithuanians vs. Galicians**

Ash passed away in the spring of 1887, and immediately after that the members of his congregation, Beth Hamedrash Hagadol, joined with members of other congregations to procure a chief rabbi for New York’s Orthodox congregations. The leaders of these congregations chose Rabbi Jacob Joseph of Vilna, who not only became chief rabbi of

31 The congregation had split again in 1857 and took the new name Beth Hamedrash Hagadol. See fn. 24.
New York but used Beth Hamedrash Hagadol as his main pulpit. Soon after Joseph’s arrival, his attempts to standardize much of the kosher food supervision in New York were met with intense opposition from both lay leaders and other rabbis on the Lower East Side.

Resistance to Joseph was not limited to his kashruth supervision. Instead, it was one component of infighting between congregations from various countries of origin. These feuds were common in Jewish communities on the Lower East Side. In the words of one immigrant to New York, “The Russians hate the Lithuanians; the Lithuanian is an enemy of the Pole; they unite against the Rumanian, and all alike are contemptible in the eyes of the Galician.” Individuals defined themselves not only as Jews in the wider non-Jewish society but also as Jews from a particular country within the Jewish community. For Jewish immigrants, it was critical what kind of Jews they were. The Jew from Lithuania was not merely a Jew, but a Lithuanian Jew. This particularistic identity may have stemmed from inherent, natural tribalism but also was likely to have had a more pragmatic basis: In the process of creating smaller communities based on more specific places of origin, immigrants created tighter networks they could use to gain employment, do business, and access funds provided by various relief organizations.

The Association of American Orthodox Hebrew Congregations, which hired Joseph, was primarily led by Lithuanian Jews, who had a history of infighting with the Galician Jews on the Lower East Side. When the association hired the candidate from Vilna, this seemed a

34 Karp, 162–167.
snub to New York’s Galician Jews, who felt that they were seen as inferior. Many of New York’s Galician Jews turned to Rabbi Joshua Segal to lead them, in opposition to Joseph’s chief rabbinate. Segal had previously declined an offer to serve as head of Joseph’s rabbinical court, feeling it beneath his dignity to serve under Joseph. A short time later, Segal became leader of approximately twenty congregations and assumed the title of “Chief Rabbi of Congregations of Israel of New York,” in direct opposition to Joseph’s leadership.

The year of Segal’s arrival in New York is a matter of dispute. Some claim he came as late as 1884, while others claim it was as early as 1875. In either case, he was in New York before the appointment of Joseph as chief rabbi. Segal was constantly in conflict with other New York rabbis, due to both his country of origin as well as his strong personality. He voiced his opinion harshly regarding the state of halakhic observance he found in New York. In one case, Segal lambasted New York’s rabbinic leaders by saying, “The teachers made them [the masses] wild, and degraded them before all who know the law, by forbidding that which is permitted, and permitting that which is forbidden.”

Congregation Beth Hamedrash Hagadol purchased its permanent building on 17 June 1885 and moved in on 16 August of the same year. The building was a former Methodist church, which once again raised the issue of using a former church as a synagogue. Joseph, who would arrive in New York two years later, clearly did not have a problem with using the former church as his main pulpit. There is no record of whether he thought that use of the building was ideal, but clearly it was not enough of a problem to prevent him from using it to lead the

39 See Sherman, 193; Mintz, 239n. 512.
40 Sherman, 193.
42 Ibid., 91–98.
43 Eisenstein, 250.
congregation. Segal, however, thought otherwise. Since his responsum on the matter of turning churches into synagogues does not cite a date or specific congregation, we cannot be sure that he was directly referencing the situation of Beth Hamedrash Hagadol. However, there is some suggestion that he may have been discussing the same congregation that Ash and Mittleman had fought over nearly thirty years earlier. Even if not, his tone and vociferous disagreement with the opinion of Joseph demonstrate how this halakhic question once again was a point of contention between opposing rabbinic forces on the Lower East Side.

Segal’s forceful tone was apparent from the beginning, from the way he presented the question in his responsum:

This has already been made for them here [New York] completely permissible to purchase houses of idolatry, their places of prayer, from the Gentiles. They make them into synagogues, for prayer, synagogues for the public. And this is for them a simple matter of permissibility, and in addition it is a mizvah to turn the impure into pure. And [this is like] the way of all the ignorant, who have their own unique Torah for themselves. Therefore I was asked to share my opinion on this halakha.44

Segal did not mention who asked him or if he is referring to a specific synagogue but, interestingly, he used the same phrase that Nathanson had in permitting Congregation Beth Hamedrash to turn a church into a synagogue—namely, whether worshippers would be sanctifying themselves and God by doing so. He returned to this point again at the end of the responsum.

Segal went on to debate the question based on his understanding of the halakhic sources, including the aforementioned texts from Shulhan Arukh and Magen Avraham. In the end, he concluded that it was forbidden. Using Maimonides as his starting point, Segal described the practice of using a church building for a synagogue as ‘abominable.’45 It is important to note that Maimonides never actually used this strong term; it is Segal’s addition, reflecting his aggressive stance. Finally, Segal

44 Segal, 32.
45 Ibid.

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returned to the point he referenced in presenting his question, which was originally cited by Nathanson in his permissive responsum: “And every person from Israel is obligated to distance himself from them and their masses, and to sanctify oneself, as scripture states ‘You shall be holy,’ and not turn our prayers into sin, God forbid.” Nathanson had said that it would actually be a positive act, a mizvah, to turn a church into a synagogue, and by doing so one would be sanctifying God’s name. But Segal, also relating this to the sanctification of God’s name, ruled in the exact opposite manner, claiming that distancing oneself from such a synagogue would be an act of sanctifying God’s name. That Segal, in both his presentation of the question as well as in his conclusion, related the matter to one of Nathanson’s main points may suggest that he was discussing the same synagogue—Beth Hamedrash Hagadol—as Nathanson had been. Whether this is true or not, it is clear that Segal was vehemently against the position that Joseph favored.

Conclusion

The halakhic literature produced by America’s immigrant rabbis and their communities reflects important elements in the formation of American Jewish communities, Orthodox and beyond. Responsa related to Beth Hamedrash Hagadol specifically, and the issue of turning a church into a synagogue generally, opens a particular window to the personalities and communities active on the Lower East Side between the arrival of the first Eastern European Jewish immigrants to New York in the mid-nineteenth century and the early twentieth century. This is a prime example of the value responsa may yield in opening up new avenues of research in American Jewish history.

It is clear that the halakhic issue of turning a church into a synagogue continuously served as ammunition in the wars between individuals and communities on the Lower East Side. In its first manifestation, this controversy remained quite local, serving as a point of contention between two personalities vying for leadership position in the nascent Eastern European community. Later, however, the very same halakhic question

46 Ibid.
became part of broader conflicts, pitting rabbi against rabbi and, more significantly, community against community. The issue at hand shows how personal and group allegiances expressed themselves in multiple ways, including in the realm of halakha. The question of whether a church may be turned into a synagogue, therefore, was not purely a halakhic one. It was symbolic of the splintering and maintenance of identities so central to the Jewish immigrant experience in New York.

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