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INTERMARRIAGE AND CONVERSION TO JUDAISM IN EARLY AMERICAN ORTHODOXY

By the late eighteenth century, synagogues had been established in the six major cities of America: New York, Philadelphia, Charleston, Newport, Savannah, and Richmond. These congregations, the major representatives of organized American Judaism in the Early National period, were based on the European Sephardic model, Orthodox in both belief and form.¹ “The European Jewish community provided a model that informed and guided the Jewish inhabitants of North America.”² The influence of the model, however, was limited:

When the Jew left Europe, he left behind him there—physically at least—the all-pervasive authority of the Jewish community. Ultimately, his departure from the European home was to effect a measure of spiritual distance as well. If Jewish Orthodoxy in its most classical form was to be found then in Poland, the Jews of these colonies were as remote from it physically as a sailing vessel could carry them.³

Even so, the late colonial and Early National periods saw American Jews attempt to recreate the Sephardic congregations they remembered from London and Amsterdam. This included the liturgy and customs as well as an insistence on following halakhic standards. Most eighteenth century American Jews expected halakhic standards to be applied in and by their congregation, and although some drifted away from a strict observance of halakha, there remained respect for the integrity of Jewish law as well as a strong desire to see standards maintained.⁴

Maintaining standards was, however, easier said than done. Several social commentators have noted the power of general culture to influence Jewish life:

America signified the ultimate frontier of Jewish life. Religious controls were inevitably relaxed here. There was much less concern about observance and ritual. The individual was far freer to do as he pleased. He could if he wished—and most commonly he did wish—pay much less attention to the rabbinic learning which, for a thousand years, had been the leitmotif of European Jewish life. . . . Yet this very Jew was not estranged from his faith, and the communities which studded the North American coast . . . are eloquent testimony to his determination not to abandon his heritage.⁵

Maintaining Jewish law on the ‘frontier’ was made even more difficult by the absence of individuals properly trained in halakhic standards. Early American Jews had no rabbis to determine what the law was: the earliest ordained Orthodox rabbi was Abraham Rice, who served in Baltimore in the 1840’s.⁶

In the absence of an ordained rabbi, congregations hired *hazzanim*, ministers and other religious functionaries. Many, such as Minister Gershom Mendes Seixas of Shearith Israel, were both educated and knowledgeable in the halakha. Others were not. Those with less halakhic knowledge, or those confronted by particularly difficult questions, had recourse to better educated or more experienced colleagues such as Manuel Josephson⁷ and Joseph Wolf Carpeles⁸ in Philadelphia. But such men could not claim the religious authority to *pasken* halakha or to make decisions affecting the religious life of the congregation.⁹ There was no guarantee that their decisions would be accepted by lay leaders or that their decisions were correct.

When Moses Seixas of Newport requested advice from Josephson as to whether a *Humash* could be used to read from the Torah (as no one was capable of reading from the scroll) and whether a man of questionable character should blow a cracked *shofar*, he was advised that the Torah should not be read from a *Humash*.¹⁰ Rambam, however, offers halakhic justification for just such a practice.¹¹ It is unclear whether Josephson ruled stringently on principle or out of ignorance. Either way, inadequate rabbinical knowledge combined with the absence of large talmudic libraries served to push American lay *posekim* into *mahmir* positions.

If local adjuntas¹² felt a decision was beyond them, they could request advice from religious authorities in Europe.¹³ But requesting a definitive legal ruling did not necessarily mean abiding by it, and there is evidence to suggest that halakhic rulings were often ignored in American Jewish communities. First, American Jews—even traditionally

learned ones—were part of a culture which strongly stressed self-reliance. In Europe, waiting for advice from an authoritative body may have been seen as a virtue; in America, the necessity for self-reliance in frontier conditions made a virtue of independent decision-making and independent action.

Furthermore, many of the legal queries sent to London or Amsterdam went unanswered: both queries and responses could be lost or misdirected. And even if all went well, it could be a year before a response was received. Such delays propelled communities into taking matters into their own hands rather than waiting for instruction from Europe.

Lastly, the social reality of America made certain intellectual or practical positions either more or less desirable. As older lifestyles and values changed in the context of the new world, so pressure was placed on the practices and standards of Judaism to reflect and incorporate the new social conditions. “The new American Jew . . . much preferred to be a successful merchant than a talmudic scholar.”¹⁴ The rulings of the old world were often neither appropriate nor relevant in the context of the new.

The new values of post-war America were reflected in the way, for instance, that synagogue officials became elected officials. The “democratization of the synagogue”¹⁵ in the fledgling democracy was further demonstrated in Savannah, Georgia. The death of a circumcised male child whose mother was not Jewish left the Synagogue board in a quandary after the child’s parents expressed their desire that he be buried in the synagogue cemetery. The board settled the issue by taking a vote.¹⁶

European authority was also deemed unnecessary in 1790, when Moses Nathans asked that the *hazzan* of Mikveh Israel circumcise one of his sons.¹⁷ Nathans had apparently married a gentile woman in a civil ceremony in the early 1780s,¹⁸ the three offspring of the union being raised as Jews. Despite passionate opposition from Manuel Josephson, the synagogue board decided to grant Nathans’ request without recourse to Europe.¹⁹

Yet, despite the independent nature of some American synagogue boards and congregations, volumes of queries were dispatched to European *batei din*. These usually focused on conversion, especially where conversion was linked to marriage, where it was essential that it be approved by a recognized authority. In 1793, for example, the above mentioned Nathans wished to remarry his gentile wife in a Jewish ceremony. In order to remarry his wife needed to convert, but in 1784 a similar request had been turned down at another synagogue.²⁰

Many Jews in the Mikveh Israel congregation sympathized with Nathans, who was known as an active and observant Jew. He had, in fact, already been mentioned in the Mikveh Israel minutes of 1783 when he accused Mr. Bromat of writing in a coffee-house on Shabbat. While not endearing Nathans to Bromat, the charge indicates that Nathans shared local conservative social and religious views. Congregation members also agreed that, as his wife ran a Jewish household and raised the children as Jews, there seemed little point in refusing to validate an already long-standing situation.

However, although certain members of the Mikveh Israel congregation²¹ were learned in rabbinics, they felt themselves to be lacking the rabbinic authority they needed in the case of Nathans. So *Parnass* Benjamin Nones was instructed to request advice from the *beit din* of London:²²

The case is this: a *yahid* [member] of this congregation has lived in a public way with a *goya* [Gentile] woman who has kept house for him about [eig]ht years and has had by her three children, two of which are boys, which he had *nimolim* [circumcised] at the eighth day.

The same person now applies to us, with the consent of the woman, to make her a *giyyoret* [proselyte], as to grant him permission to marry said woman with *huppa ve-kiddushin* [according to the Jewish ritual]. We must say in favour of the above *yahid* that he has and does keep up, as far as we know, to our rules, and contributes toward the support of our cong'on, as others do.

We . . . request your opinion on the subject, and what we have to do.²³

Subsequently, Wolf and Whiteman have recorded that Moses Nathans married a Sarah Abraham²⁴ in a Jewish ceremony in May 1794. That this was almost a year after their request was first formulated indicates the tardiness of replies from England, as well as the couple's willingness to await the response.

While the Nathans were prepared observe Jewish Law, even to the extent of awaiting instructions from England, other couples were not. The marriage of Judith Hart to the gentile James Pettigrew was undertaken without recourse to the correct authorities and was to cause both a halakhic and a social scandal, exposing the shortcomings of relying on advice from overseas as well as the problems associated with the absence of local religious officials.

Myer Hart, his wife Rachel de Lyon, Barnett Lazarus Levy, his

wife Rebecca de Lyon, Mordechai Moses Mordechai,²⁵ and his wife Zipporah²⁶ escorted the twenty year-old Judith Hart to a ball held in July 1782²⁷ at the Easton courthouse. At the ball, Judith was introduced to George Washington and his staff, one of whom was James Pettigrew.²⁸ After Judith fell pregnant several months later, the two were married in an army ceremony conducted by a Protestant army chaplain. Judith's father severed all contact with her, splitting the family down the middle despite attempts by Judith's mother to reconcile father and daughter. In 1784, Mrs. Hart turned to her brother-in-law, Mordechai Moses Mordechai of Philadelphia, to help resolve the conflict. Mordechai's solution was to conduct a Jewish marriage ceremony. That Pettigrew was not Jewish and did not subsequently convert to Judaism did not prevent the reconciliation of father and daughter, even though the marriage did not meet the requirements of Jewish law.

The Jewish ceremony was apparently conducted by Mordechai on the condition that Judith remained Jewish, and that her daughters would be raised as Jews and her sons as Christians. That this arrangement was honored is testified to by the religious preferences of Judith's descendants. The descendants of first generation males were mainly Christians; descendants of first generation females were mainly Jews.

This marriage caused a commotion that echoed around the Jewish community for some time. First, it is unclear on what basis Mordechai felt able to marry the Pettigrew couple in a Jewish ceremony without requiring a prior conversion. While he obviously had a personal stake in resolving the crisis between his brother-in-law and his niece, it is unclear if this was his only justification, although it would seem that he did not consider himself to have broken Jewish law.

But not everyone shared this point of view. Barnett Levy²⁹ of Easton, Mordechai's brother-in-law, reported to some members of Mikveh Israel that he had seen Mordechai remarry the couple in a Jewish ceremony, and that he had signed the *ketuba* as a witness. Trachtenberg suggests that Levy may have been motivated by his personal relationship with Myer Hart, who was his landlord.³⁰ The ongoing legal conflict ensuing from Levy's accusations was connected, in Trachtenberg's eyes, to Robert Levers' slander suit brought against Barnett Levy.

Two of the members of Mikveh Israel who had heard Levy's story were the *parnass*, Simon Nathan, and the congregational leader, Benjamin Nones. The two decided to pursue the matter. As a result of Levy's allegations, Mordechai was summoned before a congregational religious court and asked to account for his actions. Believing that Bernard

Gratz, the vice-president of the congregation, was sympathetic to him, Mordechai began his defense by writing to Gratz and proclaiming his innocence:

In the matter of the evil and wicked man [Baer Levy] who spread slander about me, as you know, to which I replied that his words were completely untrue; God, who knows all secrets and tests the heart, knows where guilt and innocence lie: God forbid that I do such a thing that may never be done in Israel.³¹

Citing Jewish Law in his defense, Mordechai argued that:

The men who took the deposition of this man [Levy] did so illegally and in complete disregard of Jewish practice. The taking of a deposition has to be in a court of three according to [Jewish] law, and they must be a court of experts in matters of marriage; but those three men are neither experts in marriage law nor in any rabbinic law.

Mordechai, accused of disregarding standard religious practice himself, claimed that it was these same standards that were being disregarded by his judges.³² Furthermore:

I can only think that they [the judges] brought this practice from Spain and Portugal, and that they are acting according to the practice of the Inquisition in hearing witnesses in secret.

Not content with questioning the integrity and competence of the officers of the religious court, Mordechai then alleged that Levy was 'unfit to be a witness':

Why did the judges not investigate beforehand whether he is fit to testify? This scoundrel is unfit to be a witness in this matter. I can prove that he has desecrated the Sabbath in public and that he does not observe the dietary laws.

Mordechai went on to complain that the judges waited until both he and his wife were ill before investigating the accusation, noting that "they properly observed the rabbinic dictum: 'When the ox is felled, sharpen the knife.'" Furthermore, the same judges had publicized the matter without waiting to establish the accuracy of the allegations against him, thus causing Mordechai great embarrassment. In the con-

clusion of his letter, Mordechai begged for a private meeting with Gratz in order to set matters straight:

If you will designate a place where we can speak in complete privacy, I shall tell you everything personally, and then you will be able to place the blame where it belongs. I am confident that you will act quickly, for the sake our friendship since youth.³³

Mordechai followed this with a second letter in Yiddish, and then a third in broken English.³⁴ What is clear from each of these missives is his attempt to disqualify the witness on technical halakhic grounds: Levy was not a proper witness because he did not observe the ritual law. In other words, the disagreement was increasingly becoming a conflict over the meaning and application of Jewish law in a context where there was no local authority able to settle the matter promptly.

The board, having decided that the problem of the illegal wedding needed to be referred to higher authority, asked Manuel Josephson and Joseph Wolf Carpeles to write to the *beit din* of Amsterdam and The Hague. In the meantime, Mordechai was busy adding to his problems, having involved himself in the burial of Benjamin Moses Clava, who had died on March 15, 1785. Married to a gentile, Clava had recited the Jewish confession of faith about a year before his death in March 1875. He was not a member of the congregation, but had asked that his body be buried in the congregational cemetery.³⁵

Several members of the board wanted to include the question of Clava's burial in the query sent to Amsterdam and The Hague by Josephson and Carpeles. But because they obviously could not wait the several months necessary to receive an answer, a panel of congregants knowledgeable in rabbinic law was appointed to make a decision. Composed of Manuel Josephson, Joseph Wolf Carpeles, and Moses D. Nathans, the panel decided to bury Clava in a corner of the cemetery:

It was debated and agreed on, with out a descanding voice, that a *din towrah* [*din Torah*] [an authoritative decision] should be asked and oboydid by. When Messrs. Manuel Josephson, Moses D. Nathons, and Joseph W. Carpeles was chosen to give the *din* ["law"] or wordeek in but as the corpse of *mes* [the dead individual] was laying to be buried, there ansure is at present that B.M. Clava and all such persons in fewture is to be entiard with out washing and clothing but in the corphin as he now lays, and carried to the grave. Agreed unanimously.³⁶

Clava was to be buried without ritual washing, without being wrapped in a shroud, and without a ceremony. His shroud was to be shredded, folded and placed in a corner of his coffin. Four teenage boys—not men—were to serve as casket bearers. The corner of the cemetery in which the coffin was to be buried was the same corner that was reserved for suicides and other problem cases.³⁷ But the board's orders were not carried out. In response to an appeal from Clava's widow, Mordechai again decided to defy Jewish Law. He washed the body and clothed it in a torn shroud (the only one available) so that the body was at least partially covered. He then accompanied it to the grave, where he proceeded to conduct a full Jewish funeral service.

The board of Mikveh Israel then asked Josephson and Carpeles to include this second act of defiance in their *she'ela* to Rabbi Shaul Lowenstamm of the Ashkenazic community of Amsterdam. Josephson and Carpeles first recorded the allegations of Barnett Levy:

Barnet Levy testified . . . that he was present in the same room with Reb Mordechai, the Jewish woman and her gentile bridegroom. No one else was in the room at that time except these four people. Reb Mordechai read the *Ketubah* (marriage contract) made out in the name of the young woman and her gentile bridegroom. Reb Mordechai explained the content of the *Ketubah* to the bridegroom in English and asked him "Do you believe [affirm] in what is stated therein?" to which the gentile responded "Yes". Reb Mordechai then performed the *Kiddushin* (marriage rites) and persuaded Barnett Levy—a man of scant learning—to sign the *Ketubah* as witness; and he signed. This is the substance of Barnett Levy's testimony.³⁸

Josephson and Carpeles scrupulously explained why Mordechai had been unable to cross examine the witness:

This testimony was taken on a Saturday evening. There was no opportunity for a formal hearing by the *kahal*, and in the presence of [the accused] Reb Mordechai. On the next day, Sunday morning, Barnett Levy had to continue his journey. The above three gentlemen recorded in English Barnett Levy's complete statement relating to the *Kiddushin*. Barnett Levy signed the statement in his own hand, and promised to repeat the testimony again before the *Kahal* in the presence of Reb Mordechai on his next visit to Philadelphia.³⁹

The congregation's problem was then outlined:

Reb Mordechai is vehemently protesting against our finding, claiming that it is in violation of rabbinic law The *Kahal* turned to us the undersigned. Whereupon the council of *Kahal* further resolved that we place the entire matter before Your Excellency . . . to ascertain whether we have acted in accordance with the laws of our sacred Torah relating to emergency measures (*hora'at sha'a*).⁴⁰

The congregation then requested a legal ruling:

We pray and trust . . . that you will favour us by the illuminating light of your wisdom Our eyes and the eyes of our entire community are turned to you for your decision concerning Reb Mordechai. If guilty, what shall his penalty be We are anxiously awaiting your authoritative reply because this matter touches the very essence of our faith, especially in this country where everyone does as he pleases.

The meaning of “everyone does as he pleases” was made explicit in the next paragraph:

Most deplorably, many of our people—including some *kohanim*—marry gentile women. They consult so-called “scholars,” thoroughly corrupt individuals, who flagrantly profane the name of Heaven and who contrive erroneous legalistic loopholes. . . . The *Kahal* has no authority to restrain or punish anyone, except for the nominal penalty of denying them synagogue honours, or of withholding from them sacred rites. . . . These people completely disregard such measures and continue to attend our synagogue, because under the laws of the country it is impossible to enjoin them from so doing.⁴¹

It was these ‘corrupt individuals’ who were ‘profaning the face of heaven’ who were, of course, the real issue. As Faber has observed, Jews set about rebuilding their communities and their synagogues with enthusiasm after the war. But at the same time, they “undermine[d] the community by slighting many of the practices and institutional arrangements that could sustain it.”⁴²

Josephson and Carpeles expressed similar views of the events surrounding Clava’s burial. When the Parnas went to Clava’s home, he found “some impudent, light minded people, with Reb Mordechai among them.” When the Parnas instructed these individuals to leave the body alone he was disregarded:

TRADITION

Reb Mordechai disregarded the warnings of the Parnas. On the contrary, he contrived erroneous rules . . . further evidence bearing on the conduct of Reb Mordechai who is forever ready to vitiate valid and useful ordinances, enacted under the pressing need to cope with contingencies arising from the widespread lawlessness of our generation.⁴³

The 'widespread lawlessness of our generation' was the nub of the problem, in an America where Jewish law seemed in many cases neither appropriate nor relevant. That Mordechai later went on to serve as a rabbi in Baltimore seems to suggest that the general American Jewish community believed his contraventions of Jewish law to be of minor significance. At the very least, his contravention of the law was not sufficient to bar him from serving as a religious leader.

It remains clear, though, that there were many like Josephson and Carpeles who went to great lengths to adhere to the principles and practices of Europe.⁴⁴ Of particular concern was the extent of intermarriage, a phenomenon that struck at the very heart of Judaism: it was collaboration on a marriage between a gentile and a Jew that had resulted in Mordechai's problems in the first place. His second breach of Jewish law also involved a couple who had married across religious barriers, while others, such as Josephson and Carpeles, demanded that the halakha be strictly applied in those cases involving intermarried couples. By the end of the eighteenth century, however, congregations had begun to take severe measures to exclude those who contravened the law prohibiting marriage between a Jew and a gentile. At the same time, conversion to Judaism came increasingly under scrutiny, as American Sephardic Congregations began enforcing halakhic standards of conversion along European lines.

The contours of late eighteenth century American Judaism, then, represented contested terrain. It was the tolerant atmosphere of late eighteenth century America, and the religious liberty that sprang from it, that made America so attractive to post-colonial American Jews. But isolated, in both spatial and temporal terms, from European Judaism, American Jews were forced to construct an indigenous American Judaism on the open lands of post colonial America. The very tolerance that made America attractive at the same time posed the greatest threat to contemporary American Orthodox Judaism.

NOTES

I want to dedicate this article to my uncle, Herman E. Moskowitz, with much love. The material for this article was drawn in part from my Ph.D. dissertation, which was recently submitted to the Tel Aviv University Rosenberg School of Jewish Studies under the supervision of Professor Lloyd Gartner.

1. For background on these congregations, see Jacob Rader Marcus, *United States Jewry 1776-1985*, vol. 1 (Detroit: Wayne State University Press, 1989), pp. 220-271. For a brief history of Early American Orthodoxy, see Marc Lee Raphael, *Profiles in American Judaism* (San Francisco: Harper and Row, 1984), pp. 127-135.
2. Eli Faber, *A Time for Planting—The First Migration 1654-1820* (Baltimore and London: Johns Hopkins University Press, 1992), p. 54.
3. Jacob R. Marcus, *The American Colonial Jew: A Study in Acculturation*, (Syracuse: Syracuse University Press, 1967), pp. 18-19.
4. Jacob Rader Marcus noted that most of the Jews in eighteenth century America were “observant to some degree,” Marcus, *Early American Jewry: The Jews of Pennsylvania and the South, 1655-1790* (Philadelphia: The Jewish Publication Society of America, 1953), p. 459. Gutstein argued that the Jews of Newport observed halakha to the “minutest detail,” Morris A. Gutstein, *The Story of the Jews of Newport: Two and a Half Centuries of Judaism, 1658-1908* (New York: Bloch Publishing Company, 1936), p. 131. Raphael, on the other hand, believed Gutstein to be exaggerating. See Raphael, *op cit.*, p. 129.
5. Jacob R. Marcus, *The American Colonial Jew: A Study in Acculturation*, (Syracuse: Syracuse University Press, 1967), pp. 18-19. See also E. Faber, *A Time for Planting: The First Migration* (Baltimore: the Johns Hopkins University Press, 1992), p. 114.
6. I. Harold Sharfman, *The First Rabbi*, (No city of publication listed: Joseph Simon Pangloss Press, 1988).
7. Solomon B. Freehof, “An Eighteenth Century American Response,” *American Jewish Archives*, vol. V, no. 2, June 1953, pp. 121-125.
8. Edwin Wolf II and Maxwell Whiteman, *The History of the Jews of Philadelphia from Colonial Times to the Age of Jackson* (Philadelphia: The Jewish Publication Society of America, 1956, 1975), pp. 130-141.
9. Jacob Rader Marcus, *United States Jewry 1776-1985*, vol. 1, *op cit.*, p. 376; See also Thomas Kessner, “Gershom Mendes Seixas: His Religious Calling, Outlook and Competence,” *American Jewish Historical Quarterly*, vol. LVIII, no. 4, June 1969, pp. 445-471; and Marcus, “The Handsome Young Priest in the Black Gown—The Personal World of Gershom Seixas,” *Hebrew Union College Annual*, vol. 40-41, pp. 409-467.
10. Publications of the American Jewish Historical Society, vol. XXVII (1920), pp. 185-190; see also Freehof, *op cit.*
11. Maimonides, *Mishne Torah, Hilkhhot Sefer Torah*, X, I.
12. Synagogue board of directors.

13. As Wolf and Whiteman put it, "Most of the religious bodies in the new nation were still tied to the theological apron-strings of Europe." Wolf and Whiteman, *The History of the Jews of Philadelphia* (Philadelphia: The Jewish Publication Society of America, 1956), p. 131.
14. Jacob R. Marcus, *The American Colonial Jew: A Study in Acculturation* (Syracuse: Syracuse University Press, 1967), pp. 18-19.
15. E. Faber, *op cit.*, p. 118.
16. Jacob R. Marcus, *United States Jewry 1776-1985*, vol. 1, p. 267, note p. 731.
17. The issue of whether male children born to gentile women should be circumcised was one that was to reappear regularly during the nineteenth century. Perhaps the most famous was Bernard Illowy's directive to the three *mohalim* of New Orleans in 1864 prohibiting them from circumcising such children. See Henry Illowy (ed.), *Sefer Milhamot Elokim—Being the Controversial letters and the Casuistic Decisions of the late Rabbi Bernard Illowy* (Berlin; M. Poppelauer, 1914). David Ellenson, "A Jewish Legal Decision by Rabbi Bernard Illowy of New Orleans and its Discussion in 19th Century Europe," *American Jewish History*, LXIX, 2, (1979) pp. 174-195.
18. Jacob R. Marcus, *United States Jewry 1776-1985*, vol. I. states that "Mr. Nathans married a gentile in a non-Jewish ceremony." Wolf and Whiteman, p. 127, state that Moses Nathans "was living with a woman, not a Jewess, out of wedlock."
19. Josephson was one of the most learned and observant Jews in the newly independent American state, and a leading member of the congregation. *Minute Book of Mikveh Israel*, Sept. 5, 1790, cited from Wolf and Whiteman, p. 127, note 62, p. 417.
20. The request was turned down because the synagogue in question had a constitutional clause dating back to 1763 forbidding such conversions.
21. Such as Manuel Josephson and Joseph Carpeles.
22. *Mikveh Israel Archives*, August 7, 1793, cited from Wolf and Whiteman, p. 127, note 65, p. 417.
23. Jacob R. Marcus, *The American Jewish Woman: A Documentary History* (New York: Ktav, and Cincinnati: American Jewish Archives, 1981), pp. 52-53.
24. Sarah Abraham, the woman's name, would seem to have been her new Jewish name.
25. According to Wolf and Whiteman, Mordechai, a native of Telshi in Lithuania, lived in Pennsylvania until 1790. In 1790, he appeared in the records of the newly founded Beth Shalom synagogue of Richmond, Virginia. He was also an active Mason in Virginia during the years 1792-1797. He worked as a distiller and merchant, and lived in New York, Easton, and Baltimore, in addition to Richmond and Philadelphia. His wife, Zipporah de Lyon, was a born Jew. After 1800, he may have served as a rabbi in Baltimore. He was apparently an observant Jew, and was knowledgeable in rabbinic law.
26. Hart, Levy and Mordechai's wives were sisters.
27. While there is some question as to whether the ball was held in 1778 or 1782, it seems more likely that it was held after the revolutionary war. See

- Sharfman, *The Jews of the Frontier*, *op cit.*, p. 296, note 75/3.
28. Pettigrew was a high-ranking army officer serving under Washington. "The Descendants of James Pettigrew," *The Saint Charles*, vol. 1, no. 1 (January 1935), pp. 133-134.
 29. Barnett (Barnard or Bear) Levy probably arrived in Easton in 1772, and by September of the same year was being sued by Phillip Francis and Curtis Clay. As a result, he served a period of time in a debtors' prison. Just six years later, though, he seems to have built up his assets, making him reasonably affluent, even taking into account the inflationary spiral of the late 1770s.
 30. Gustavus N. Hart, "Notes on Myer Hart and Other Jews of Eaton, Pennsylvania," *Publications of the American Jewish Historical Society*, no. 1 (1900), pp. 127-133.
 31. Malcolm H. Stern, "Two Religious Functionaries in Colonial Pennsylvania," *American Jewish Historical Quarterly*, vol. LVII, no. 1, Sept. 1967, pp. 24-51.
 32. "A deposition is taken only when the plaintiff and the defendant are not in the same locality; but I was then in the same locality. I am surprised at the three judges, for although they are not scholars, they have manners and common sense. Where, then, did they find this law? In the by-laws of our congregation there is no mention of such a law; neither can it be found in the laws of our torah that a written deposition is accepted when the defendant is available; according to the laws of the Gentiles in our country, too, the witnesses are brought into the presence of the defendant and the court."
 33. Malcolm H. Stern, "Two Religious Functionaries," pp. 43-44.
 34. Mordechai Moses Mordechai Letter, Mikveh Israel Archives, May 16, 1784, October 24, 1784, and October 30, 1784. Cited from Wolf and Whiteman, p. 129, and notes 73-75, p. 417.
 35. According to Jacob Rader Marcus, Clava was a business partner of Barnard Gratz in the 1750's. "Like many other peddlers and merchants who lived in obscure villages and hamlets, Clava had fallen in love with a gentile woman, and their marriage had been solemnized by a civil official." See Jacob R. Marcus (ed.), "Jews and the American Revolution—A Documentary," *American Jewish Archives*, November 1975, p. 228.
 36. Jacob R. Marcus (ed.), *American Jewry—Documents—Eighteenth Century* (Cincinnati: Hebrew Union College Press, 1959), pp.139-140.
 37. Wolf and Whiteman, *op. cit.*, p. 130.
 38. *Ibid.*
 39. *Ibid.*
 40. *Ibid.*
 41. *Ibid.*
 42. E. Faber, *op. cit.*, p. 124.
 43. *Ibid.*
 44. See for example, E. Faber, *op. cit.*, pp. 90-91.