

INTERMARRIAGE: THE MELBOURNE PETITION OF 1878

by Bruce Le Bransky, B.Com.(Hons.) M.Ec.

The issues of intermarriage and conversion have been continuing sources of anguish and conflict for Australian Jewry. The divisions it caused within the Melbourne community during the 1920s has just recently been the subject of an article by Malcolm Turnbull in this Journal.¹ And Lazarus Goldman has written at length of the extraordinarily bitter conflicts within nineteenth century Victorian Jewry about these issues, and the ongoing efforts of Chief Rabbi Nathan Adler to find an agreed position between differing (and intransigent) viewpoints.²

The Chief Rabbi's establishment of a Beth Din in Victoria in 1864 was aimed particularly at dealing with the issue of the admission of proselytes. It occurred in an environment where the "perennial problem of conversion" had led to the establishment of separate congregations in Melbourne (the East Melbourne Congregation) and Sydney (the Macquarie Street Congregation)³. In Melbourne, it was the oppositionists who split from the existing Bourke Street synagogue whereas in Sydney it was the proponents of a more accepting viewpoint who separated from York Street.

Shortly after the Beth Din's establishment, one of its members, Rev. Moses Rintel, wrote to the Editor of the London *Jewish Chronicle* to refute suggestions that the new Beth Din was expecting and ready to undertake the conversion of significant numbers of women married to Jews. Rintel stated that the Beth Din had only been authorised to admit converts as approved by the Chief Rabbi "to whom all particulars are to be furnished."⁴ According to Goldman, Adler had made clear his opposition to conversions. But in special cases, and with the consent of both congregations and his own authorisation (which was absolutely necessary), the Beth Din could admit converts. Nevertheless, the East Melbourne Congregation's longstanding opposition to the acceptance of proselytes remained unchanged, rendering the proposed formula for limited admission effectively one of non-admission.

In May 1878 the recently appointed Minister of the Bourke Street Synagogue, Dr Dattner Jacobson, delivered a sermon in which he argued the case for there being an acceptance of proselytes. The contents of Jacobson's lecture was published in the *Argus* (6 May 1878). The use of the general press reflected the absence of a Jewish newspaper in Melbourne at this time. The issue had resurfaced because of East Melbourne's refusal to accept the conversion of two women whose request had been "accepted" by the Bourke Street Congregation. (Goldman also suggests that the Beth Din and the Chief Rabbi had intimated their acceptance of the request.)⁵ A lengthy rebuttal to Jacobson's views was written by "Hebrew" in a letter to the Editor published in the *Age* (7 May 1878). *Hebrew* argues against the accuracy of Jacobson's quotation of Deuteronomy to support the acceptance of conversion. And he refers to the verbal undertakings supposedly given to Cromwell that Jews in England would not seek converts, which had since continued to be enforced.⁶ More importantly, *Hebrew* argued in

his subsequent letter published on 11 May that:

..... conversions cannot be and are not sincere. The Jews of the present, of course, do not keep their religion as their forefathers did. But then they are at liberty to exercise their own judgement inasmuch as they are received into the fold at an age when they have no sense to choose. The case, however, is quite different with grown-up converts. They promise to keep and observe laws, which very few Jews themselves keep, and the committee which sanctions their admittance into the fold of Judaism is well aware that the converts will not keep what they promise to observe. I do not object to mixed marriages, as long as the Jews are not troubled with any sham conversions arising from worldly motives.

The public correspondence was both lengthy and bitter. It included frequent reference to the treatment of Jews who had married Christians, including their rights as to burial and the religious acceptance of their children. Appendix A lists the correspondence published by the two newspapers on this issue. One important result of these very public disagreements was the drawing up in June 1878 of a petition which was sent to the Chief Rabbi on the issue of conversion. This petition appears to be one of the earliest examples of a substantial number of Australian Jews directly petitioning the Chief Rabbi for guidance on a spiritual matter. And it suggests the failure of Adler's aim of localising decisions through a Beth Din.

Surprisingly, Goldman makes no mention of the petition but simply refers to Adler's response upon hearing of the dispute. Adler suggested the formation of a Board of Advice comprising delegates of all congregations who would consult on applications for conversion: "..... and once the Board came to an agreement it could make its recommendation to the Beth Din to carry out the ceremony."⁷ The petition was published in the *Jewish Chronicle* on 16 August 1878, preceded by an article from an unnamed Melbourne correspondent providing the background to its writing. They were as follows:⁸

(Melbourne, 11 June 1878)

Circumstances having recently arisen in our midst which are of particular interest to the Jewish public, I will endeavour to place them before your readers in as clear a light and as briefly as possible. You are no doubt aware that the Rev Dr. Adler, the venerable Chief Rabbi, is also recognised by the Jews in Victoria as their spiritual head, and that under his immediate jurisdiction a local "Bethdin" was established in Australia. This "Bethdin" formerly consisted of the Rev M Herman, of Geelong (the head), and the Revs A.F. Ornstien and Moses Rintel. Amongst the matters over which this ecclesiastical body had the power to adjudicate was the making of proselytes, and consequently a large number of 'strangers' were admitted into the Jewish community during former years. When, however, differences arose between Messrs Ornstien and Rintel with regard to the seniority in position of each as Jewish minister in this city, the "Bethdin" was, so to speak, dissolved, owing to the unwillingness of these gentlemen to act together.

The result of their differences was that in May 1874, the Rev Mr Rintel's congregation (East Melbourne), acting under his advice, passed a resolution, the effect of which was to put an end to the system of making proselytes. This resolution was strictly carried out until the arrival last year of the Rev Dr Dättner Jacobson, the

new Minister of the Melbourne (Bourke Street) Hebrew Congregation, when it was again admitted that it was beneficial to Judaism to admit proselytes. Mr Rintel thereupon induced his committee to rescind their resolution passed four years ago. This making and unmaking of resolutions affecting a religious principle displeased the bulk of Mr Rintel's congregation, who, at a meeting held on 3 February in the current year, rejected by 106 votes to 8 the committee's recommendation, to rescind the resolution I have already referred to. They further prohibited their minister from serving on the "Bethdin". These proceedings did not damp the zeal of Dr Jacobson, who preached a "Conversion" sermon on the Sabbath previous to his admitting several converts into the fold. That this question has created considerable excitement amongst us you have most probably perceived from the letters which appeared in the public press and which were forwarded to you by the previous mail. The controversy lasted nearly a month, and all the daily, weekly and monthly publications, secular as well as religious (for we are at present without a Jewish organ) teemed with letters and articles on the subject of "Mixed Marriages".

Public opinion being adverse to these mixed marriages, the committee of the Melbourne Hebrew Congregation were obliged, in response to a requisition signed by several of its members, to call a public meeting to discuss this question. The committee tried to justify their action, but failing to reconcile their views with those entertained by the majority, they summarily put an end to the proceedings by dissolving the meeting. Thanks, however, to Mr Nathaniel Levi (an ex MP) the matter was not allowed to drop. This gentlemen, at the request of several persons, called a meeting, and as Dr Adler's authority has been greatly abused in this question, a resolution was unanimously carried by a large body of Jews, to the effect that a petition should be sent to the Rev the Chief Rabbi praying him to "surround with greater difficulty the making of proselytes in Victoria". Though the petition was only issued yesterday, it has already received about 150 signatures. The document will be forwarded to Dr Adler by the Californian Mail which leaves next Monday.

P.S.: I am enabled at the last moment to send you a copy of our petition to the Chief Rabbi as well as the resolutions which were passed at the recent meetings to which I have alluded above. The resolution passed at the first meeting held on the 3rd inst., was one condemning the procedure of the President of the Melbourne Hebrew Congregation at that meeting, and as it concerns ourselves only, is scarcely of interest to Jews several thousand miles distant. The resolution adopted at the meeting held on the 16th is of a more general character. It urges the presentation of a petition to the Chief Rabbi embodying the views of the majority of the Jewish community upon the subject (the advisability of admitting proselytes), and praying his careful consideration of the same, "with a view of placing this vexed question on a more just and satisfactory footing as regards our body in this colony, and also as affecting our community in its relations towards our Christian fellow-citizens, which relationship has been prejudiced by the recent action of some members of the Beth Din."

The petition, which I may mention has been signed by 250 heads of families, is I

think of sufficient interest to be reproduced in full. It is as follows:

To the Rev Doctor Nathan Marcus Adler, Chief Rabbi of the English and German Jews of Great Britain and its Dependencies, etc.

Rev Doctor - we, the undersigned, members of the Jewish faith belonging to the various congregations in Melbourne in the colony of Victoria, beg respectfully that you, being our spiritual head, will take into consideration a matter which is of vital importance to the welfare of Judaism and the preservation of our race in this far land, our adopted home.

You must be aware, Rev Doctor, that in times past, members of the Christian faith were admitted into the synagogue, whereby we deviated from the precedent upheld by the Jews of England, viz, not to effect any conversions to Judaism.

Those conversions as a rule were made either by your special sanction or by that of the local Beth Din appointed by you.

We are aware, Rev Doctor, that you are personally on principle opposed to the making of 'Gerim' and 'Geuros', and that if you gave your sanction to any particular case, it invariably was the result of representations made by our Jewish representatives of the various local congregations who were of opinion that such conversions would be beneficial in furthering the cause of our holy faith in Victoria, in as much as they were principally confined to females, the offspring of mixed marriages contracted in the early days of the colony and under peculiar circumstances.

However, like all institutions and practices, which if not properly controlled will be abused in time, so it has also proved to be the case with conversions to Judaism in Victoria. For although there is now no longer any extenuating excuse whatever for mixed marriage, the very precedent which served originally to cement the bonds of the Jews and the furthering of the Jewish cause in our midst, now threatens to dissolve our ties and cause serious injury to Judaism in this colony.

The Jewish female population at present outnumbers that of marriageable males, and there is no excuse for any Jew marrying out of his religion. And yet mixed marriages contracted yearly in this colony are very numerous. Men marry Christian ladies in the hope of having them made 'Geuros', and the Jewish young ladies finding that they are neglected by their coreligionists, marry out of their religion in the hope of having their children admitted without difficulty into the Jewish fold.

Recent events have thrown a great deal of light on this long vexed question, which was in former years confined to the vestry-room meetings and to the conclave of the local Beth Din. In a letter to the Melbourne Hebrew Congregation, you informed the Committee that the Rev Mr Herman was appointed by you Chief of the local Beth Din to act in conjunction with the Rev Dr Jacobson and the Rev M. Rintel. You also stated that in the case of the Rev Moses Rintel refusing to act as Dayan, the two remaining Dayonim are empowered to appoint a third Dayan, provided no religious disability existed against him. Mr Rintel did not refuse to act, but was prevented from doing so by the members of his congregation who assembled in public meeting on 3 February last, resolved that the East Melbourne

Congregation should in future not permit the making of 'Gerim' and 'Geuros'. The Rev Mr Herman was for some reason or another also unable to act on the Beth Din. Thus, Rev Doctor, you will perceive that the Rev Dr Jacobson was left remaining the only member of the Beth Din appointed by you. The Rev Mr Stone of Sandhurst was appointed in lieu of the Rev Mr Rintel and at the last moment a Mr Morris Myers was appointed the third member without the sanction of the Chief, the Rev Mr Herman.

Now apart from all other considerations, we wish to know whether you, Rev Dr, consider a Beth Din, consisting of only one original member appointed by you, is a properly constituted Beth Din, and whether the actions taken by them are legal and binding on the Jewish community.

Public opinion here is against the making of proselytes, and we pray you to place the local Beth Din, as far as regards the making of 'Gerim' and 'Geuros', under the immediate control of the two Melbourne Hebrew Congregations and of the one of St. Kilda, in order to surround with greater difficulties the making of proselytes. This we believe will be a check upon those who, owing to the facility with which proselytes have been made in the past, think it a light matter to marry out of the Jewish faith.

Fervently praying, Rev Dr, that you will give the matter your earliest consideration, we remain, etc.

NOTES

1. Malcolm Turnbull "The Proselyte Debate in Melbourne during the 1920's" *AJHS Journal* Vol. X Part 7 pp 590-597
2. L.M. Goldman *The Jews in Victoria in the Nineteenth Century* (1954). In terms of the 1970s particular reference can be made to pages 191-197 and 306-314. At page 409, Goldman gives an insight into his own opinions.
3. Rabbi Israel Porush "The Australian Rabbinate in 200 Years of Jewish History". *AJHS Journal*, Vol. X, Part 5 p 388
4. Rintel's letter is dated 26 July 1864. It was published in *The Jewish Chronicle* on 23 September 1864.
5. Rabbi Apple has suggested that by 1875 the London Beth Din had accepted there was no valid foundation for not accepting proselytes; Rabbi Raymond Apple, "The Ban That Never Was," *Historical Essays to Honour Rabbi Dr Israel Porush*, OBE (AJHS, Sydney 1988) pp 21-25. "Hebrew" acknowledges that the ban had been circumvented by potential converts going to Holland where the Rabbis "trade in proselytism" and cared little whether the person really believed in the Jewish religion.
6. Goldman, supra, p. 307
7. Ibid, p.308
8. Errors in the published article have been left unchanged. For example, the Rev. M. Herman should be the Rev. S. Herman.

APPENDIX A: ARTICLES AND LETTERS TO THE EDITOR - MAY 1878
re MIXED MARRIAGES AND CONVERSIONS

THE AGE

- 7 May Hebrew
- 10 A Jew of the Present Generation
Mizpah
- 11 Hebrew
- 13 A Spanish Jew
A Jew of the Present Generation
Mignonette
- 15 H Aaron
- 18 Annir
L.R.
Hebrew
- 24 A Spanish Jew

THE ARGUS

- 6 May The Jews - A Report on the Sermon by Dr Jacobson
- 7 A Jew
- 10 One of the Opposition at East Melbourne
Edward Asher
- 11 Three Hundred a Year
A Jew
- 14 A Daughter of Israel
- 15 A Rational Orthodox
Another Jew
- 17 A Christian Lady Married to a Jew
- 18 M. Brandt
Another Christian Lady Married to a Jew

THE MACCABEAN

by Nate Zusman

Read at Meeting of the Society at Sydney 24 October 1989

In September 1944 the *Maccabean* - a monthly bulletin of the Maccabean Youth Club of Western Australia - made its appearance. It began as a modest roneoed publication but it made such an impact on the conservative Jewish establishment that extraordinary steps were taken to prevent it continuing to appear. Its first editorial, "Accent on Youth", was critical of the Board of the Perth Hebrew Congregation which regarded itself as the official authority for the whole community. This stricture against the Board of the Perth Hebrew Congregation resulted from its denying the Youth Club the use of the only communal hall, Princes Hall, on reasonable conditions.

Up till the end of 1941, the Maccabean League of W.A., of which Nate Zusman was President, leased the Princes Hall from the Perth Hebrew Congregation. The League went out of existence in January 1942, due to the enlistment of most of its members in the armed services. It surrendered the lease of the Princes Hall in a correct and orderly manner.