

## THE SKELETON IN ISAAC NATHAN'S CUPBOARD

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The entry for Isaac Nathan (1790–1864), the musician and associate of Lord Byron, in the online edition of the *Australian Dictionary of Biography* states that he was born in Canterbury, England, the eldest son of the cantor [*hazan*] Menahem Mona, a Polish refugee language master. It makes no mention of the legend, which first appeared in print in the Sydney paper, *The Australian*, shortly after Isaac's arrival in his new home in 1841, that his father was the illegitimate son of Stanislaus II, the last king of Poland, and his Jewish mistress. There is actually no evidence that his father Menahem, the Canterbury *hazan*, had ever made such a claim; the myth seems to have originated with Isaac and then only after his arrival in Australia. His invention of this purported noble lineage may somehow be connected with the mysterious mission on which he claimed to have been sent by King William IV in 1837 and for which the prime minister Lord Melbourne, whose late wife, Lady Caroline Lamb, had been a godmother of one of Isaac's children (Louisa Caroline) and for whose honour he had once fought a duel, had refused to pay Isaac the £2,000 he claimed to have been promised. Notwithstanding, the legend of his royal lineage has been cherished by certain of his descendants down to the present day. However, as we shall see, the actual truth about Isaac Nathan's antecedents is very different, although, from a Jewish viewpoint, no less intriguing.

Isaac Nathan arrived in Melbourne from England in 1841 and is credited with being 'the first musician with a European reputation to settle in Australia, and the first to attempt a serious study of Aboriginal music'. His sole participation in Jewish life in Australia was as the musical director of the ceremonies occasioned by the consecration of the York Street Synagogue in April 1844. His many children from his two wives were all brought up as Anglicans and, following Isaac's accidental death in 1864 alighting from a horse-drawn tram in Sydney (he was Australia's first tram fatality), he himself was buried in the Anglican cemetery at Camperdown in New South Wales.

Back in England, Isaac's father had been buried as a Jew in 1823. He was known publicly as Mr. Moses Nathan, and his Hebrew name according to the Great Synagogue Burial Records was 'Menahem called Manish Polak ben R. Yehudah'. Nothing is known of his father R. Yehudah or his antecedents except that, in London, his son Moses/Menahem/Manish would claim to be a scion of a long line of distinguished rabbinical scholars.

Another of R. Yehudah's sons, R. Issachar Ber, was evidently the rabbi in a Polish town called Szobin or Boszin; there is some confusion as to its name in the

Hebrew documents where it appears. And it is with these two brothers, Menahem called Manish Polak of Canterbury and R. Issachar Ber of Szobin/Boszin, that our story begins. Together, they would conspire in what must be one of the most barefaced schemes ever attempted to dupe the leading rabbinical authorities of any period – the generation’s ‘greats’ [*gedolei o geonei hador*] – and to pervert their *halachic* decisions, in this particular instance in the matter of the stain of possible *mamzerut* [*safek mamzerut*] borne by Menahem/Manish’s wife, Isaac Nathan’s mother.

### **Mamzerut**

In Jewish law, a *mamzer* (male) or *mamzeret* (female) is one who is the issue of a forbidden sexual union: for example, the child of an incestuous union or of the union of a Jewish man and a Jewish woman who, at the time, was validly married to another Jewish man. Any marriage entered into by such a forbidden couple would be regarded, *a priori*, as void.

The terms *mamzer* and *mamzeret* are often translated as ‘bastard’, but this is misleading since a child born to an unmarried couple who could legitimately marry if they so wished, is not a *mamzer* or *mamzeret*. In Jewish law, the fact that a child is born (or conceived) out of wedlock does not of itself impair his or her personal status or rights. Furthermore, the issue of a prohibited as distinct from a forbidden marriage, such as one between a Cohen (an Aaronide, whose descent is by presumption from Aaron) and a divorced woman, are not *mamzerim*. Nor are the issue of a union between a divorcee, whose second marriage had been terminated by death or divorce, and her former husband. Though prohibited *a priori*, such marriages, if celebrated, are valid and are themselves only terminated by death or divorce. However, because they are tainted, their dissolution by divorce is compelled wherever possible.

*Mamzerim* and *mamzerot* are in no way prejudiced as regards their civil and religious rights, or their entitlement to inheritance. However, they are severely and virtually irredeemably handicapped as regards marriage. In general, *mamzerim* and *mamzerot* are prohibited from marrying legitimate Jews. Principally, they may only lawfully marry other *mamzerim* and *mamzerot*, or *gerim* (proselytes), but that does not halt the chain of *mamzerut*; the issue of any *mamzer* or *mamzeret* also carries the stigma of *mamzerut*. Thus, should a legitimate Jew marry a *mamzer* or *mamzeret*, the marriage is binding and its dissolution requires the giving of a *Get* (bill of divorce). However, the offspring of such a marriage will still carry the stain of *mamzerut* and be subject to the said restrictions. One of the only ways the chain of *mamzerut* can be broken is if a male *mamzer* marries a non-Jewish woman and their children, who are *halachically* non-Jews at birth, subsequently convert to Judaism, whereupon they become legitimate untainted Jews.

Situations can also arise, such as in the case that concerns us here – that of Menahem/Manish's wife, Isaac Nathan's mother – in which a declaration of 'absolute *mamzerut*' cannot be made, usually for a lack of all the relevant facts or some uncertainty surrounding them. In these circumstances, the status of the individual concerned would be that of 'perhaps *mamzerut*'. However, ironically, the restrictions on persons who are classed as 'perhaps a *mamzer* or *mamzeret*' may be even greater than those on an 'absolute *mamzer* or *mamzeret*' owing to the uncertainty. Thus, they are generally prohibited from marrying legitimate Jews lest, in point of fact, they are actually tainted with *mamzerut*; and they are likewise prohibited from marrying 'absolute' *mamzerim* or *mamzerot* lest they are not. Consequently, they may only legitimately marry *gerim* (proselytes).

Overall, being declared a *mamzer* or *mamzeret* was tantamount to expulsion from the Jewish community and so, perhaps understandably, in many such cases the person concerned went on to marry a non-Jew or even converted to Christianity.

### **A case of uncertain *mamzerut***

A feature of the workings of the London *Bet Din* during the first half of the nineteenth century was the meticulous Hebrew records it kept in its *pinkassim* (minute books) of all the major cases and matters brought before it; this protocol was described in some detail in a previous article by this author published in this Society's *Journal* and in his book *From One End of the Earth to the Other – The London Bet Din 1805–1855 and the Jewish Convicts Transported to Australia*. During my research of these records, one entry stood out from the others by reason of the preeminence of its protagonists – two of the rabbinical 'greats' of the time, R. Akiva Eger of Posen (Poznan) and R. Yaacov ben Yaakov Moshe Lorberbaum of Lissa (Lezno) – and the sensational nature of the incident it related: a plot to dupe these rabbis into removing the stain of *mamzerut* from the family of one of the conspirators. The entry is undated but appears among those from the year 1815 (*Pinkas I*, 22b); it reads in free translation as follows:

On a matter of uncertain *mamzerut* [*safek mamzerut*], viz. the wife of Manish, the brother of the Rav of Szobin/Boszin, and her brother and sisters, who for some fifty years have been considered here [in England] to be possible *mamzerim* [*be-safek mamzerim*]. And, for his brother's sake, R. Issachar Ber, head of the Bet Din of the Holy Congregation of Szobin/Boszin, sought to get them released [from the stain of uncertain *mamzerut*] and wrote a misleading memorandum which he handed to his brother Manish to convey to the Gaon, R. Akiva Eger, in order to obtain the said release. And on the basis of what he had written, the Gaon, R. Akiva, handed a [deed of] discharge to the said Manish, subject to the proviso that R. Shlomo [Hirschell], the Gaon, Head of the Bet Din here [in London] was in agreement with him.

Now in fact, the Gaon, Head of the Bet Din here [London], had also written [a memorandum] about the whole episode and an account of what had happened here, and had stipulated with Manish that they [he and R. Akiva Eger] would decide on the matter, as he wrote [in his memorandum]. However, the said Manish chose not to reveal the letter from the Gaon, Head of the Bet Din here [in London], for he knew in his heart that he would have no chance of obtaining a resolution [if its contents became known]; he only showed [R. Akiva Eger] the letter from his brother the Rav of Szobin/Boszin in order to dupe those concerned [*le-hatot et ha-briot*].

And so it was that the Gaon, Av Bet Din, our Teacher Akiva Eger, wrote a deed of validation [*ktav hechsher*] and gave it into his hand on the condition stated above that the Gaon, Av Bet Din of here [R. Solomon Hirschell], concurred.

At this point in the story, the conspiracy appeared to have been a success. Taking the testimony presented to him at face value, R. Akiva Eger had granted a deed of validation that removed the stain of *mamzerut* from Manish's wife and her siblings. All that was now needed was R. Hirschell's agreement, which must have seemed just a formality considering the acknowledged *halachic* pre-eminence of R. Akiva Eger. But this was not to be; Hirschell would not 'rubber-stamp' the deed. Realising that his letter to Eger had not been delivered by Manish, Hirschell wrote again, enclosing new copies of the relevant documents relating to the case, this time mailing them directly to Eger. And so the *Pinkas* entry goes on:

And when the Gaon, Av Bet Din of here [London] heard what Manish and his brother the Rav of Szobin/Boszin had done, he wrote all the details of this affair for a second time to the Gaon, Av Bet Din, our Teacher Akiva, and immediately upon receiving his words the said Gaon [R. Akiva Eger] retracted [his decision] and wrote an apology to the Gaon, Av Bet Din [R. Shlomo Hirschell], and these are its actual words:

'Much peace and blessing to the great renowned Gaon ... Shlomo. In the matter of an uncertain *mamzerut*, I was most careful in this matter and firstly I wrote to the Gaon, Av Bet Din of the Holy Congregation of Lissa, of my inclination [that there was a legal basis] for releasing them [from their uncertain *mamzerut*]. And after the Gaon, Av Bet Din [of Lissa], wrote back that there were grounds for discharge, just requesting that I first confirm my agreement with him, I returned and wrote to him that I was of the opinion that we should impose a condition on the matter, namely, that the local rabbi [*mara de-atra*], His

Eminence, the Gaon [R. Shlomo Hirschell], agrees [with the decision] because perhaps there are some relevant matters that are unknown to us. And in particular, it appeared strange to me that the man possessed no letter from His Eminence, the Gaon, even though he apologised for this; anyway, who knows? And the Gaon [of Lissa] did likewise and it was from his hand that everything was handed to that man.

And the whole matter was dealt with on the basis of the presentation of the story by the Rav of Szobin/Boszin. Would it occur to us that he had altered the actual facts in several matters?

Some days later, when His Eminence's [R. Shlomo Hirschell's] set of documents came into my hands and I noticed so many disparities, I was furious with the Rav of Szobin/Boszin and I wanted to write at once to His Eminence that my reasons for [granting] the discharges had been undermined by this. However, because of the tumult of the war [*ra'ash ha-milchamah*], I thought my words would not reach His Eminence as they should and I sent your set of papers to the Gaon in Lissa, for I had washed my hands off this absolutely, not speaking any further on this matter. The set of documents remains in the hands of the Gaon [from Lissa].

And overall, I retract my opinion regarding the [deeds of] discharge that I wrote which were only based on the story of the happening from the Rav of Szobin/Boszin. But as I see that Rav of Szobin/Boszin deceived us, this is no longer the situation [and the stain of possible *mamzerut* remains], unless the Gaon, the Av Bet Din of London, comes out with new grounds for releasing [the *mamzerut*] and wishes to rely on his own weighty opinion or to join with two Gaonim of our time [in making the decision].'

This is exactly what the Gaon, Av Bet Din, our Teacher Akiva Eger wrote.

That the head of the accredited *Bet Din* of a large Jewish community such as that in the town of Szobin/Boszin would conspire with his brother to dupe two of the leading rabbinical authorities of the time in so fraught an issue as *mamzerut* almost beggars belief; but here was the record and they nearly got away with it. Once he realised that he had been the object of a fraudulent conspiracy, R. Akiva Eger rescinded the deed of validation [*ktav hechsher*] that he had granted to Manish's wife and which removed the stain of *mamzerut* from her and her siblings, and passed the whole matter back to R. Shlomo Hirschell's sole jurisdiction in London.

At this stage of my research I had no idea who this Manish was. The only clue I had came from another much later entry in the *Pinkas*, one that concerned a circumcision (*Pinkas II*, 25a):

For the record, that Chaim ben Abraham Ha-Levi, the *shochet* of the Holy Congregation of Cheltenham, circumcised the child of Wolf Harris who lives in Oxford on Monday 20<sup>th</sup> Tevet 5599 [January 6, 1839] and he is possibly a *mamzer* [*safek mamzer*] for he is from the family of Manish in Canterbury, the story of whom is written in the old Pinkas [*Pinkas I*].

From this entry I learned that Manish came from Canterbury. However, at this stage of my research, there was no indication that his surname was Nathan; nor did I have any information about why his wife carried the stain of possible *mamzerut*. The confirmation that his surname was indeed Nathan and the evidence that he was almost certainly Isaac Nathan's father, as well as the reason for his wife's *mamzerut*, would come from a totally unexpected source.

### Solomon Bennett – R. Shlomo Hirschell's gadfly

The pamphleteers of the seventeenth, eighteenth and nineteenth centuries were, to printing, what the bloggers of today are to the Internet. As well as bringing about an increasingly literate society, the invention of moveable type enabled the relatively inexpensive production of printed material, just as the invention of the computer chip and high-speed telecommunications has put networked electronic displays into almost all our homes. Pamphleteers like Thomas Paine suffered imprisonment and worse for publishing tracts that the establishment found embarrassing, and the earliest laws against sedition came about as a direct response to the self-published pamphlet. The most prolific Anglo-Jewish pamphleteer during the first two decades of the nineteenth century was Solomon Yomtov Bennett (1761–1838), whose two principal targets were the Christian missionary societies whose aim it was to convert the Jews into Christians and, by contrast, R. Shlomo Hirschell, Rabbi and *Av Bet Din* at the Great Synagogue, Duke's Place, London from 1802 until his death at the age of 81 in 1842, the first undisputed Chief Rabbi of the Jews of England.

Bennett was born in Polotzk in White Russia, the son of one R. Shlomo. An engraver by profession, he had travelled abroad in May 1792, leaving his wife and children behind in Polotzk, in order to pursue his studies at the Danish Academy of Arts in Copenhagen. Following the conflagration that devastated the Danish capital in 1795, Bennett moved first to Berlin and four years later to London.

Though he appears to have received a number of commissions in Berlin, including portrayals of Frederick the Great and Louisa Augusta, the 22-year-old queen of Frederick William III, he found the 'oppressed conditions of the Jews of Germany too abhorrent to his freedom-loving mind' and hence his move to London. However, Bennett never seems to have found peace with himself in London. An outsider in almost every sense of the word – a proud and learned though non-practising Jew, self-righteous and outspoken – he complained of the coldness and

aloofness shown by his coreligionists towards him. Although non-Jews had helped him to find work and encouraged his literary works in defence of Judaism, he found it 'impossible to cooperate either spiritually or materially' with his own people.

For reasons that have yet to be fully elucidated, Bennett became embroiled in a three-year running polemic with R. Hirschell starting in 1815, during which time he published a series of fliers and pamphlets, some in English, others in Hebrew, a few copies of which have survived to the present day. And it is from two of these fliers – both of them in Hebrew, printed by L. Alexander, 40 Whitechapel Road, and presumably distributed amongst the congregants of the various London synagogues – that we learn more about Manish, his wife and the Nathans.

The first of these pamphlets has an English heading: 'A copy of a Letter addressed to the Rev. Dr. Solomon Hirschell, by the Author'. It gives the first indication of Bennett's involvement with Manish Polak and appears to have been prompted by R. Hirschell's annoyance and resentment at the former's interference in the delicate issue of the possible *mamzerut* of Manish's wife and, above all, at the publicity that had accompanied it. The relevant portion of the flier reads in translation as follows:

To Solomon!

Woe to you, fool and tyrannical evildoer! Woe to you, flatterer of evildoers 'who clothe themselves in a hairy mantle in order to deceive'; and woe to the generation that you are of its providers!

Now see here, you declared and testified to Mr. Nathan (known by the name of R. Manass Polak) that you have known and been acquainted with Mr. Bennett 'these forty years' and you gave false testimony contrary to what is known and has been published ... in order to disgrace me in the eyes of the said Mr. Nathan and the members of his household ...

From the publicly renowned Yomtov Bennett

5<sup>th</sup> Cheshvan 5578 [15 October 1817]

London

#### ADDENDA

Woe to you, fool and tyrannical evildoer! You have recently rebuked the said Mr. Nathan for being a talebearer and a discloser of secrets, although his intention was but to seek the truth; and you do not heed that 'You are the man!!' ...

From the above.

28<sup>th</sup> Kislev 5578 [7 December 1817]

The abusive tone of the letter is typical of the fliers and pamphlets that Bennett distributed in his attacks on Hirschell; to be fair, he was no less abusive in many

of his attacks on the Christian missionaries who trawled for souls amongst the impoverished immigrant Jews. However, setting that aside, for our present purposes the importance of this document is that we learn that Manish/Manass Polak and the said Mr. Nathan are one and the same person. It also appears that R. Hirschell had blamed Bennett for making the affair public, whereas Bennett asserts that it was R. Hirschell himself who had done so.

The affair of Manish's wife must surely have been an embarrassment to all involved, none of whom came out well from it and none of whom would have wanted the full details made public. The ease with which R. Akiva Eger was duped and his willingness to grant a deed of discharge from *mamzerut* to a person living outside his immediate field of jurisdiction, someone he had apparently never actually met and on the basis of hearsay evidence alone, hardly speaks to the astuteness of his judgment. Likewise, the fact that R. Hirschell was essentially bypassed in the initial decision-making process hardly speaks to his standing in the eyes of the leading rabbis of his time. And as for Manish/Manass Polak and his brother the R. Issachar Ber, any reputation they had previously had would have been damaged beyond repair by their attempt to pull off what might have been one of the great rabbinical scandals of recent times. Had R. Akiva Eger not promptly rescinded his discharge of the wife's possible *mamzerut*, the affair might well have grown into the proportions of the infamous Cleves *Get* that had rocked the rabbinical world just 50 years earlier. And yet, overall, the whole conspiracy had been for naught: Manish's wife and, worse still, his offspring, still bore the stain of possibly being *mamzerim*. We can well imagine that Manish would not have wanted to give up the fight to clear his family's name.

R. Akiva Eger had passed the ball back to R. Hirschell and it would appear that it was at this point that Solomon Bennett's involvement in the affair began. Manish evidently turned to him in a last desperate attempt to keep his children within the Jewish fold. If there was anyone in London who would enjoy the opportunity of 'getting one over' on R. Hirschell and forcing his hand in such a matter it was Solomon Bennett. He was already in dispute with him over his criticism of a catechism for Jewish youth – *Elements of the Jewish Faith* [*shorshei emunah*] – authored by one Shalom Cohen whom Hirschell had invited to England specially for the purpose of writing it, and in which Bennett claimed to have found a number of *halachic* errors. Not that Bennett himself was so strict a practising Jew; he had left all that behind when he departed Polotzk to join the new enlightenment movements in the West. But that did not mean that he was not learned in Jewish religious matters. He was almost the prototype of that genre of Lithuanian Jew who, whilst intensely and knowledgeable studying a page of Talmud might, anecdotally, be seen to be munching away on a ham sandwich. And, in the same spirit, he had nothing but contempt for the ignorant English Jews who might never eat such a sandwich, God forbid, but for whom the Talmud was a closed book.

Manish must have been sure that he had found his man in Bennett. He had the

necessary Jewish learning and continental connections, as well as the nerve to take on R. Hirschell; he was also capable of the type of 'out of the box' unconventional thinking that would be needed to find a way of removing the stain of *mamzerut* from his family. Moreover, the matter was becoming urgent. His children were approaching marriageable age, though whether or not they knew of their 'impure' status is undocumented. One would imagine that Manish would have done his best to hide this from them and it may well be that it was their discovery of the truth that turned him against Bennett, believing him to be the person responsible for publicising it. Bennett in turn denied this, passing the blame on to R. Hirschell, as he stated in the addenda at the bottom of the above flier.

### **The truth will out**

The precise nature of Solomon Bennett's involvement in the affair becomes clear from the second flier, whose Hebrew heading reads in translation 'A Copy of a Letter of Censure and Apology'. The document is in fact a copy of a lengthy communication dated 25 Sivan 5578 [29 June 1818], written in the flowery Hebrew style typically employed at the time in the writings of erudite Jews. The missive had been sent by Bennett to an unnamed old friend from his days in Copenhagen, evidently a rabbinical personage of some distinction as he is addressed as 'His Eminence'. This correspondent had apparently learnt of Bennett's embroilment in the Nathan family's affairs, which had attracted interest on the continent of Europe as well as in England, and had contacted him to hear his side of the story.

After the usual opening courtesies, Bennett bemoans the fact that he has been unfairly made the butt for the complaints of all the parties involved in the matter. In free translation this reads as follows:

'Of one that I knew and beheld I speak.' And while I was still in the Holy Congregation of Copenhagen my heart was at one with His Eminence, and 'we dwelt as brothers living together.'

Indeed at present 'a fire burns in the brazier before him' and supplies have been brought from afar to make war against me with 'a scroll written on both sides' to infuriate me. The one complains against me as regards the shame of the family of Manass Polak (known by the name of Mr. Nathan), whilst the other finds fault in that I had 'opened my mouth wide without measure' and had spoken wrongly about R. Akiva Eger and R. Moshe of Lissa regarding the responsum they issued in the case of the said Manass Polak on the subject of the invalidation of his wife and her progeny, whose conception and birth was in uncleanness, namely, that 'the said Rabbis had discharged the prohibition and purified the unclean etc.' But one says one thing and the other says another, though in fact there is no real difference between them (as you will read in the attached letter). However, the slandering informer twists his words and the enemy speaks in ignorance ...

As is well known here in the London community, Manass Polak (or Mr. Nathan), of whose affairs I have hinted in the past, has vilified me in writing ... and I have replied to him, as is my wont, straightforwardly and with the truth ... as follows.

The communication continues with the copy of a letter, dated June 29, 1818, that Bennett had sent in January of that same year to Manish Polak/ Mr. Nathan, which, inter alia, confirms and elaborates on the story told in the original *Pinkas* entry.

January 29<sup>th</sup> 1818.

Dear Mr. Manass Polak,

Your foolish and shameful letters have reached me: and even though they made no impression, you being like a barking dog whose voice goes unheard, nevertheless I said ‘Answer a stupid man as his folly deserves, or he will think himself a wise man.’ And as for your fraudulent claim that you are a scion of a family of Gaonim and ‘luminaries of their generation’, it does not behove me to enter into a lengthy dispute with a lowly being like you or to set a value on those Holy Ones [who have passed on to] the Land of the Living ... Indeed, woe to you, O evil foul fool! ... And woe to those illustrious antecedents whose lineage has been brought to an end by Manass Polak, who sowed and reaped in wantonness, and the offspring of whose loins are unfit to enter the congregation [to marry any legitimate Jew].

Having unburdened himself of his fury, indignation and bile, Bennett now moves on to the actual details of the matter, relating them in slightly more measured tones.

Indeed, I was a stranger in this land, and I knew nothing of the affair until its source was revealed ... when you handed me the responsa from the Rabbis of Ahkenaz together with the transcript of the relevant evidence concerning the original source of the impurity [*avot ha-tumah*], viz. Yitzhak Isaac, your wife’s father. You did so in order that I might examine the material with a view to making an approach to contemporary Rabbis here in London, requesting them to add their signatures to the document of release from the said Rabbis of Ashkenaz. But O, from the moment I read the transcript, ‘shame came over my face’ ‘and my spirit was troubled.’

You came back and confronted me, asserting that I had not understood the responsa; that R. Akiva Eger, the Rav of the Posen community, and R. Moshe [sic], Rav of the Lissa community, had granted a discharge [from the stain of *mamzerut*] and purified the unclean. And furthermore, that R. Shlomo, the current Rav of the London community,

cannot void or set aside the discharge granted by the said rabbis and only refuses to agree with them because of his deep hatred of you. But woe to you, O conceited fool; a stinking tanner who defiles to 'the tenth generation.' A wild boar such as you is not deserving of the 'House of the Forest of Lebanon' honour of Torah and pedigree. It's just astonishing that an ignoramus like you, who cannot read or write properly, should presume to speak of learned matters and responsa. But so be it, and thus, I will herewith present the entire affair before the eyes of all, and the educated of the House of Israel will understand, down to the very last of them.

As is known, the said rabbis are outside England and are not acquainted with the key facts of the affair or the dishonour of the family of Manass Polak, viz.; the reasons for which they are stained. In the attempt to purify the defiled, these rabbis had been 'led by the nose' by R. Issachar Ber of the town of Szobin/Boszin (the brother of Manass Polak) who 'revealed a finger but hid the whole hand.' And since 'a judge has only what his eyes see' they just pronounced that which had been put into their mouths.

But that is not the case here in England, since 'here they are and here they were', openly defiling by their cohabitation, as the recorded evidence (which comes from the Birmingham community some fifty years ago) states:

'Whereas the primary source of the impurity, viz. Yitzhak Isaac ('may the name of the wicked rot') – your wife's father – cohabited with a woman known by the whole said community to be the wife of another man, and begat issue from her that is disqualified from marrying into the [Jewish] community (your wife being one of these); and whereas the heads of the community ordered the defiling father to remove the fornicating woman from his house, but the defiling father arrogantly replied to the congregation with these words: "Didn't David, king of Israel, also cohabit with Uriah's wife ..."; and whereas by reason of this crassness, the congregation forbade his active participation in the service of the House of the Lord and even ordered that neither he nor his household be given *Pesach Matzot* as had been customary, they were set apart from the Community of Israelites.

And some time later, he [Yitzhak Isaac, the father of Manass' wife] bought some stolen goods [he was a "fence"], whereupon he and his wife the whore had to run away from there [Birmingham] leaving their small children behind. And since none of the Israelites there wanted to have these blemished children in their homes, they were placed with non-Jews until the parents of the impurity came for them.'

These are the very words I read in the transcript of the evidence from the Birmingham community, the place of residence of the father of the impurity.

Evidently, Manish's wife and her siblings were the issue of a forbidden union between a Jewish man named Yitzhak Isaac and a married Jewish woman in Birmingham, at some time around 1765. The couple had made no secret of their cohabitation, which had scandalised the Birmingham Jewish community and it would appear that a communal ban [*herem*] was put on the couple and their children. Some time later, Yitzhak Isaac was caught trading in stolen goods and he and his lady-friend had had to run away, leaving behind their young children, Manish's wife and her siblings, with non-Jewish families. A dreadful story, indeed, though perhaps not uncommonly so amongst both Jews and non-Jews alike in Georgian England.

These being the facts of the case, a number of questions arise. Firstly, why were Manish's wife and her siblings regarded as possible *mamzerim* and not fully-fledged *mamzerim*? What was there that might have cast doubt as to their absolute *mamzerut*? And if any such doubts did exist, what prevented R. Hirschell, in the spirit of conciliation that the *Pinkas* record shows him to have exhibited in many other difficult cases, from adding his approval to the discharge granted by R. Akiva Eger? True, R. Akiva Eger's deed of validation had not been honestly obtained – Manish and his brother R. Issachar Ber had been 'economical with the truth' – but *mamzerut* is such a fraught sentence that traditionally every possible means were used to avoid it. These questions would probably have been asked by Manish himself at the time, and so Bennett goes on to answer them in his letter to him, in so doing exhibiting an impressive grasp of Jewish law:

And so I return to the beginning. Since 'here they are and here they were', and people are well acquainted with the matter, with no one disputing the detestable published facts, we can examine the reasons why previous Ashkenazi rabbis here in London did not see any way of granting a validation.

Now a lone witness (such as the one who testified outside the country, in the city of Dessau, that the whore's husband had passed away) is not relied on in instances where there is a recognised presumption [*hazakah*], and particularly in the case of an 'enduring rumour of immorality' [*kolah de-lo pasak*]. Moreover, the father of the impurity, Yitzhak Isaac, never exonerated himself before the said congregation, as he could have, by saying that 'her husband is dead' if he had even just the slightest knowledge of this. On the contrary, he acknowledged and shamelessly declared that he was cohabiting with a married woman, as is recorded in the above transcript of the evidence. Furthermore, in his own wicked opinion he had not sinned at all; accordingly

‘he had not incriminated himself’ in which case his admission stands.

Though the hearsay testimony of the lone witness in Dessau may have been sufficient to cast some doubt on the children’s *mamzerut*, hence their status as ‘possible *mamzerim*’, it had not been accepted by the rabbis in England as sufficient to clear them completely, since their father, Yitzhak Isaac, had never sought to exonerate himself on this basis. We do not know what the contents of the letter sent by Manish’s brother, R. Issachar Ber, to R. Akiva actually were nor why they convinced both him and R. Yaacov of Lissa that there were grounds to clear Manish’s wife of the stain of *mamzerut*, but they clearly did not tell the whole story. It may be that the letter contained only the evidence given in Dessau about the husband’s death and that this was the basis of Eger’s lenient decision [*lifnim meshurat ha-din*] to grant the discharge. However, as he later discovered, he had not been fully apprised of the details of the affair by Manish and his brother; in particular as regards the couple’s brazenness and the fact that Yitzhak Isaac, Manish’s father-in-law, had never himself claimed that the woman was in fact a widow and hence not forbidden to him. R. Akiva Eger only realised that he had been ‘set up’ after receiving R. Hirschell’s second letter, the one sent to him directly, whereupon he rescinded his lenient ruling at once, returning the case to R. Hirschell’s sole jurisdiction in London.

But the question remains of why R. Hirschell still refused to release the unfortunate family from its ignominy, as R. Akiva Eger had hinted he could, if he so wished; it was entirely his decision. Bennett goes on to explain the reasons for this to Manish:

And it may be that it was for this reason alone, viz. the reluctance of previous English rabbis to clear [the stain of *mamzerut*], fearing the reaction of the multitude who held [the family’s *mamzerut*] to be an ‘enduring rumour of immorality’ [*kolah de-lo pasak*] should they do so, that R. Shlomo Hirschell, who holds sway here in London, did not concur with the responsum from the said Ashkenazi rabbis and permit them [Manish’s wife and her siblings] to ‘enter into the congregation’. At the same time, neither could R. Shlomo bring himself to dissent publicly from the said rabbis and start up a quarrel with them (for what seemed to him to be no good reason) and so he decided to do nothing – neither to clear [their *mamzerut*] nor confirm it – but left things as they were, viz. as an ‘enduring rumour of immorality’ [*kolah de-lo pasak*].

In Bennett’s judgement, R. Hirschell was not prepared either to overturn the judgments of his predecessors or to adopt the *novella* of his most learned contemporaries. Overall, at no time was Hirschell ever a controversial, polemical or proactive rabbi; the gentry of the Great Synagogue, his employers, would never have allowed it.

Bennett ends his letter to Manish with a final burst of indignation and abuse:

There is a saying, dear Manass Polak, ‘Whoever wants to commit perjury should distance his testimony’. And this is why you sent envoys abroad to find ‘an opening of hope’ [*petah tikvah*] even though here it was ‘an open opening’ [*petah patuah*: vern. ‘not virginal’]. This, in my humble opinion, is how it appears to me from what I have read, and now you know. And as regards the other disgusting and uncalled for things that you have spewed out, you are not worth replying to. All your words are patently blemished like the progeny of your entrails, etc. etc.

### Isaac Nathan – a terminal English Jew

Two short biographies of Isaac Nathan have been published: the first by Olga Somech Phillips in London in 1940 and the second by his descendant, Catherine Mackerras, in Australia in 1963. Both authors relied on family traditions, marriage certificates and other personal documents for much of their information about Isaac’s early life and the family’s origins in Canterbury. The source for many of the traditions was Isaac himself who, we are told, ‘always spoke warmly of his father ... but nowhere does he mention his mother’. As Olga Phillips writes:

There are practically no facts at all concerning the identity of Isaac Nathan’s mother, although details of the father are told in various articles written whilst Isaac was still alive. According to family tradition, Menahem [Manish] married in England, a Jewess not of his own rank.

We can only guess at why Manish Polak would have chosen to marry ‘a Jewess not of his own rank’ in the England of 1790. If he knew that she carried the stain of *mamzerut* before marrying her, and if he was as knowledgeable about Jewish matters as the family tradition claims, he would have known that their union was prohibited and that the stain of *mamzerut* would be carried over to their children. It is possible that even then he really believed he could get the stain removed. It may also be that he had no choice but to marry her, having got her pregnant; he would not have been the first to be pressed into such ‘chivalry’. At the same time, we should consider the question of the choices of spouse available to him. An immigrant, probably impoverished, in a strange country with a shortage of comparable Jewish girls of marriageable age – most of the immigrant Jews were male – he might well have done what so many others did, namely, cohabit with a non-Jewess. Unless these non-Jewish partners converted, their issue would have been gentile. But conversion to Judaism was not so simple; it was actually illegal in England under the terms of the 1698 Blasphemy Act. Notwithstanding, there is good evidence that quite a number of these non-Jewish partners and their children did undergo a conversion of some sort, some with the *post factum* sanction of

R. Hirschell's *Bet Din* and others in ad hoc or 'underground' *Batei Din* that were operating in London and the provinces. But these were almost without exception conversions of convenience, not of conviction.

Such, no doubt, was the conversion of Isaac's first wife, Rosetta Elizabeth Worthington, the daughter of Irish Anglicans. The couple had eloped in 1812 when he was 22 years old and she just seventeen and a half; he had been her music tutor and she was a budding authoress who would publish two novels before she was 20. Evidently she knew that her family would never accept their union. They were first married in a Christian ceremony at the Parish Church, St. Mary Abbots, Kensington, on 16 July 1812 in the presence of Rosanna Jackson and Francis Brothers and, so say Isaac Nathan's biographers, subsequently in a Jewish ceremony too. According to Olga Phillips there was a copy of 'the original *ketuba* (Jewish marriage contract) dated 12 November 1812, in all its archaic language ... in the British Museum.' However, enquiries made by this author at the British Library, to whom the British Museum passed all such archives some 50 years ago when their respective fields of interest were redefined, have failed to uncover any trace of the document.

The existence of a *ketuba* would mean that Elizabeth had become a Jewess, a *gioret*. But, as we have noted above, conversion to Judaism was illegal in England under the terms of the 1698 Blasphemy Act. The usual route by which prospective *gerim* had circumvented this prohibition was to travel to Holland, where there was no such restriction on *giur* and where the conversion could be carried out under the auspices of an accredited *Bet Din*. However, after Napoleon's occupation of the Netherlands in 1809 and until 1816, the Dutch ports were closed to English shipping and so this route was blocked. But there was still a demand for *giur*, particularly from Jewish men who were cohabiting with gentile partners; an 'officially recognised' solution had to be found. For Isaac Nathan, such a solution was doubly important; not only was he cohabiting with a gentile but, since he carried the stain of *mamzerut*, the only valid Jewish marriage into which he could enter was in fact with a *gioret*.

There is primary evidence that a private but 'recognised' conversion *Bet Din* operated in London during this period under the direction of Dayan Elimelech Mudahi of the Sephardi congregation. The names of the proselytes converted by this *Bet Din* and their sponsors were recorded by Mudahi in his personal memorandum book, which is extant. These proselytes were accepted as true *gerim* and almost all were subsequently married in one or other of the major London synagogues. However, neither Isaac Nathan nor his wife Rosetta Elizabeth appear amongst the couples listed in the Mudahi manuscript nor is their marriage recorded in any of the synagogue marriage registers of the period. All of which suggests that, if indeed she was converted, it was by some unrecognised ad hoc *Bet Din*. The purported *ketuba* would indicate that the couple's Jewish marriage was similarly irregular. His biographers assert that Isaac's brother Nathan was

one of the witnesses to the *ketuba*, however, by Jewish law, close relatives of the groom and bride are not valid witnesses to a marriage.

Rosetta Elizabeth Nathan (née Worthington), died in childbirth in 1824. Olga Phillips notes that ‘in the burial books of the Western or St. Alban’s Place Synagogue, there are two curious points about her internment.’ First, the death occurred on Monday but the burial was delayed until Friday, which is not the usual Jewish practice; burials usually take place the same or following day. Second, the entry in the burial register records that the grave was ‘at the side’, which since she was not a suicide, would suggest that there was some question about her Jewish status.

Unfortunately, the Western Synagogue was bombed out during the Second World War and many of its original records were lost, however there is no reason to doubt Olga Phillips’ account, especially as she states that the circumstances of Rosetta Elizabeth’s internment were looked into at the time of her writing by the Rev. Morris Rosenbaum, formerly of the Borough Synagogue, South London.

One can almost feel sorry for Manish Polak. He was clearly prepared to do almost anything to ensure the legitimacy of his offspring and in the atmosphere of lax religious observance that was the norm in Georgian Anglo-Jewry, he might well have expected to succeed. But there really was no point to all his machinations, as Bennett wrote in the final paragraph of the missive he sent to his old friend:

So Hear Ye, O House of Israel and you, my much-loved and dearly valued friend ... My purpose was not to stir up trouble for the said rabbis of Ashkenaz over their responsum but just to clarify the issue in the light of what is known here, viz., that the matter of the family of Manass Polak is that of an ‘enduring rumour of immorality’ [*kolah de-lo pasak*]. Consequently, there is no chance of their purification [from the stain of *mamzerut*] especially since the previous Ashkenazi rabbis here in London were not pressed to search for an ‘opening of hope’ through which to validate the notorious tainted ones.

Moreover, Manish’s children were not brought up to Torah and the mission of Israel. They have turned astray and married Christian women, and ‘followed in their father’s footsteps’; and it’s not worth relating the rest of it, seeing that it is well known to the whole community of Israel here in London ...

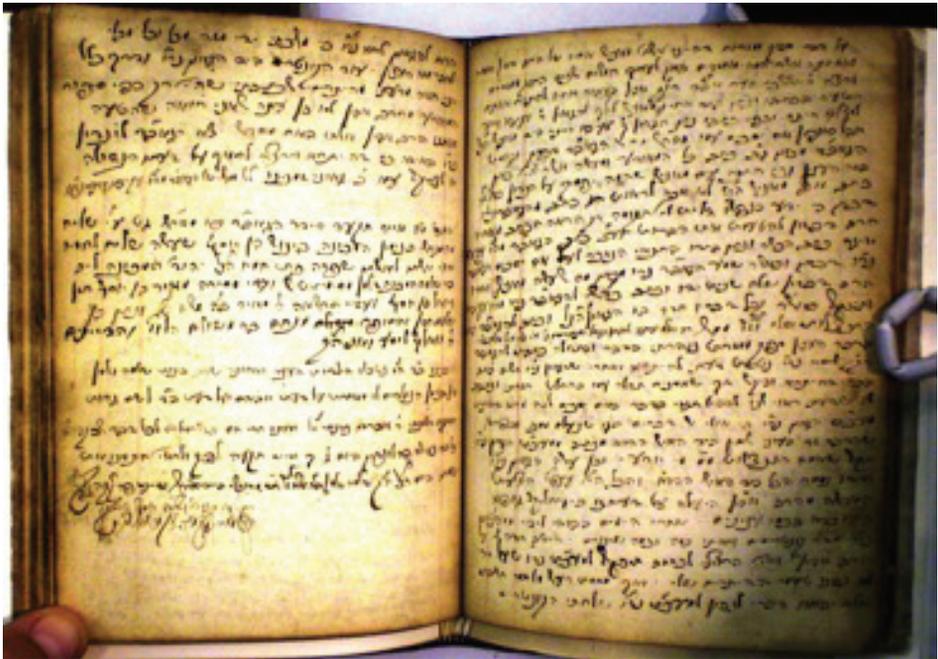
Think well of your faithful friend,

Yom Tov ben R. Shlomo Bennett of Polotzk,

London, 25<sup>th</sup> Sivan, 5578 [29 June 1818]

Overall, the majority of the Jews of Georgian England were ‘terminal Jews’; within a few generations, most of their descendants would not be buried as Jews. In Isaac Nathan’s case, this process would be even quicker: he and all his

children, those from his first and second wives alike, would be buried as Anglicans. Ironically, and perhaps fittingly for one of the Romantics, the only member of his family who would be buried as a Jew was 'the wife of his youth' [*eshet neurov*], the erstwhile gentile, Rosetta Elizabeth Worthington-Nathan.



*Pinkas 1, 22b – ‘The Stain of Mamzerut’ relating to the mother of Isaac Nathan.*