

# Recognition of Orthodox Rabbinic Authority in Nineteenth Century America: The Case of Divorce

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As Jewish immigration to the United States increased in the middle to late nineteenth century, so too did the occurrence of Jewish divorce in America. In 1857, one rabbi commented that “divorces do occasionally take place among us, as they do among Christians.”<sup>1</sup> By 1887, Moses Weinberger wrote in his historical-social commentary, *Jews and Judaism in New York*, that “The only way ritual scribes can make an extra dollar is through writing *gittin* [bills of divorce]—they are very common.”<sup>2</sup> Immigration from central and eastern Europe to America created a dual reality. In some cases it brought husband and wife together to the United States, and in others it brought one spouse, typically the husband, to America while the other spouse remained behind in Europe. When these relationships ended in divorce, competent Orthodox rabbis were needed who could execute *gittin* under either of these circumstances.

In the early to middle nineteenth century, there was a dearth of rabbinic figures qualified to execute proper *gittin*. Rabbi Bernard Illowy, an early rabbinic arrival in the United States, lamented the fact that religious leaders in America were allowing people to remarry without executing a *get*, merely

- 1 Julius Eckman, “Our Divorces,” *Weekly Gleaner* (January 16, 1857), 4–5, cited in Shari Rabin, *Jews on the Frontier: Religion and Mobility in Nineteenth Century America* (New York: NYU Press, 2017), 63–64.
- 2 Text based on Jonathan D. Sarna, *People Walk on Their Heads* (New York: Holmes & Meier, 1982), 76.  
For divorce rates in the United States in the middle to late nineteenth century, see [https://www.cdc.gov/nchs/data/series/sr\\_21/sr21\\_024.pdf](https://www.cdc.gov/nchs/data/series/sr_21/sr21_024.pdf).

obtaining a civil divorce.<sup>3</sup> Proper halakhic divorces were often overseen by authorities overseas. The records of Congregation B'nai Jeshurun in New York show that in the early part of the nineteenth century ritual questions related to marriage and divorce were sent to Solomon Hirschell, Chief Ashkenazi Rabbi of England.<sup>4</sup>

The mass waves of eastern European immigration, which, in the late nineteenth century, began to bring more rabbis to American shores, ultimately raised the level of competency of the American rabbinate. Prior to their arrival, however, the need for rabbinic competency in the area of divorce and *gittin* raised multiple issues on both sides of the Atlantic Ocean related to recognition of American *gittin* and those who oversaw them. First, there was the question of who in America was recognized as meeting the halakhic criteria to oversee *gittin*. Second, it raised the issue of whether American *gittin* were recognized by rabbinic authorities in Europe. Lastly, there was the issue of whether immigrant rabbis to America would acknowledge the manner in which religious divorces had been conducted until their arrival, and if they would desire to make changes in this area. All three of these points reflect upon the issue of who was recognized as a competent rabbinic authority in America at the time. Divorce and *gittin* serve as a significant litmus test for the stage of maturation the American rabbinate was in, and whether it was considered, both internally and externally, fit to deal with the realities with which it was faced.

It is important to note that the question of halakhic qualification to oversee *gittin* was only relevant to those who availed themselves of the halakhic process in this realm. Many couples, however, only sought out

- 3 Bernard Illowy, "Incestuous Marriages," *The Occident* (November 1861). There were previous efforts to help remedy the situation, such as the establishment of a beth din (rabbinic court) by Rabbi Max Lilienthal. Lilienthal's court, however, had as its stated goal to serve merely in an advisory role and not a traditional judiciary one. Most of all, Lilienthal's court broke from traditional norms with its inclusion of major Reform figures, such as Isaac Mayer Wise. See Bruce Ruben, *Max Lilienthal: The Making of the American Rabbinate* (Detroit: Wayne State University Press, 2011), 88–89.
- 4 Israel Goldstein, "Ritual Questions Discussed in Correspondence Between Reverend Solomon Hirschell, Chief Rabbi of the Ashkenazim in England and Congregation B'nai Jeshurun, of New York," in *Studies in Jewish Bibliography and Related Subjects in Memory of Abraham Solomon Freidus*, ed. Daniel C. Haskell (New York: Alexander Kohut Memorial Foundation, 1929), 380–87.

a civil divorce when separating and completely disregarded the religious obligation to obtain a *get*. In certain cases this was done deliberately, out of indifference towards the religious mandate, while in other cases it was a matter of ignorance, not knowing that from a religious perspective, a civil divorce was not sufficient.<sup>5</sup> At times, the parallel processes of civil and religious divorce created complications, as will be shown.

The halakhic realm of Jewish divorce has traditionally been considered a particularly sensitive one. The results of an improper divorce decision have grave ramifications for the wife and any future children, and as such, halakhah has always demanded a higher level of expertise for one to be involved in these matters. The Talmud states: "Anyone who does not know the nature of bills of divorce and betrothals should have no dealings in them."<sup>6</sup> Medieval commentators differed as to the exact scope of this ruling,<sup>7</sup> but regardless, Rabbi Joseph Caro codified this matter in his code of Jewish Law, *Shulḥan Arukh*: "Anyone who is not an expert in the nature of divorces and betrothals should not deal with them, to rule in their matter. This is because it is easy to err and to permit a forbidden relationship, and cause an increase in *mamzerim* [children born from illicit relationships] in Israel."<sup>8</sup> The laws of divorce are profoundly intricate, with potentially severe consequences. The Rabbis, therefore, required an elevated level of expertise, more so than in most other areas of halakha.

The first issue, namely who was authorized to execute *gittin*, hinged on the question of whether in nineteenth-century America one needed to be an official rabbi or merely a learned individual to perform such functions. More important was the issue of whether these individuals met the criteria established by the aforementioned sources requiring expertise. This issue was brought to the fore in the episode of the Cleveland *Get* of 1852. The Cleveland *Get* pitted a learned layperson against certain communal expectations that the ones carrying out significant religious functions would officially carry the title of Rabbi. The episode hit to the heart of who was authorized by the community to conduct rabbinic duties at the time, specifically complex ones, such as divorces.

5 Rabin, *Jews on the Frontier*, 63–64.

6 *B. Qidd.* 6a.

7 See Rashi and Tosafot *ad loc.*

8 *Shulḥan Arukh, Even ha-Ezer* 49:3.

As with a number of other halakhic issues that arose during this period, the discussions surrounding the Cleveland *Get* took place in the pages of the American Jewish press. The case involved Joseph Levy, a learned immigrant from Bohemia, yet not a practicing rabbi, residing in Cleveland. An anonymous writer in the *Asmonean* accused Levy of executing a *get*, despite not being qualified to do so.<sup>9</sup> The anonymous writer later turned out to be one Isador Kalisch, a *hazzan* and teacher at a different congregation in Cleveland. Kalisch had earned a reputation as a reformer and a contentious individual during his time in the United States.<sup>10</sup> Joseph Levy used the pages of *The Occident* in order to defend his credentials and his qualifications to preside over the giving of a *get*:

I, Joseph the son of Isaac Halevi, the Hebrew... I was born in Europe, in the land of Bohemia, adjacent to the city of Pisek... From my youth until this day I sat diligently at the entryways of Torah, walked down its paths, and always delighted myself in the footsteps of the Talmud... And when I was fourteen years old I [went] to study at the yeshiva among the choicest students in the holy congregation of Prague... And I studied for six straight years with the great sages... our teacher Bezalel Ransburg... [and Rabbi] Izek Spitz.<sup>11</sup>

Levy continued, explaining that he was ordained and given the title *Morenu*, a rabbinic title commonly bestowed in German lands.<sup>12</sup> Once arriving in Cleveland, Levy commenced teaching in his local congregation. He even listed the various rabbinic works he brought with him upon immigrating to the United States.

9 "A Jewish Divorce," *The Asmonean* (October 17, 1851).

10 See B.L.F., "Origin and Progress of the Israelitish Anshe Chesed Congregation, of Cleveland, Ohio," *The Occident* (September 1852); J. Engelhart et al., "The Israelites of Cleveland," *The Occident* (October 1852). For more on Kalisch and this episode in general, see Zev Eleff, *Who Rules the Synagogue?: Religious Authority and the Formation of American Judaism* (New York: Oxford University Press, 2016), 64–67.

11 Joseph Levy, "Lefi Sikhlo Yehullal Ish ve-Na'aveh Lev Yihyeh Lavuz," *The Occident* (June 1852).

12 For more on *Morenu* as an Ashkenazic rabbinic title, see Zeev Falk, "Semikhah Ve-Samkhut," *Sinai* 58 (1966): 239–49.

Levy felt the need to affirm his own credentials, as he was defending his personal reputation which had come under attack. Levy, though, was not only defending his personal reputation. As immigrant rabbis crossed the ocean, their halakhic decisions often carried more symbolic weight than just a response to the specific issue about which they were asked. By challenging Levy, Kalisch and his reforming tendencies were challenging the very tradition which Levy represented. In this instance, Levy's personal defense was also a defense of the Old World rabbis who credentialed him. He was not only a student of the teachers that he enumerated but their unofficial representative as well.<sup>13</sup>

Levy clearly admitted that there was a dearth of rabbinic expertise to deal with matters of divorce. He acknowledged, however, that in the absence of such expertise, those most knowledgeable in the area must intervene. "Even though the smallest of the sages in the continent of Europe have broader hips than me, I have relied upon that which is written in the *Sifre*, "'You shall come to the priest and to the judge who shall be in your days'—Even if he is not like the judges who came before him, you must listen to him."<sup>14</sup> Levy freely admitted that, his credentials notwithstanding, he was not the ideal candidate to deal with matters of divorce, but he was essentially all that was available.<sup>15</sup> Joseph Levy was a learned, capable individual who took responsibility for a serious matter of halakhah. It is certain, however, that had he remained in Europe, he would not have been asked to be involved in such a serious matter, due to his lack of comprehensive expertise. This emerges from his own admission. In addition, Levy's lack of a rabbinic position, and the ire which this raised amongst his opponents, belies the state of rabbinic authority in the United States in the mid-nineteenth century. As we will see later regarding criticisms of existing divorce practices in New York, the situation did not appear to be much better in larger communities. Nothing

13 For a similar argument about the transfer of rabbinic scholarship to the United States, see Zev Eleff, "A Far-Flung Fraternity in a Fertile Desert: The Emergence of Rabbinic Scholarship in America, 1887–1926," *Modern Judaism* (2014): 353–69. For the transfer of specific rabbinic ideologies to the United States, see Adam Ferziger. "Hungarian Separatist Orthodoxy and the Migration of Its Legacy to America: The Greenwald-Hirschenson Debate," *JQR* 105 (2015): 250–83.

14 Levy, "Lefi Sikhlo."

15 See Rema, *Yoreh De'ah* 242:14, for more on required qualifications for executing a *get*.

personified this dearth more than the fact that a learned layperson was the most capable community member to execute such a serious matter as a *get*.

Debating the authority of those executing *gittin* in the United States was not limited to those on the American side of the Atlantic. More significantly, European halakhic decisors had to decide how to approach divorces which were conducted under the auspices of American rabbis and community leaders. Analysis of responsa related to these issues reveals a diversity of opinion on the matter. This range of opinion can essentially be divided into three categories: Outright suspicion of those executing the *get*; enthusiastic acceptance of the *get*; and reluctant acceptance of the *get*. It is important to note that none of the responsa cited contain the date on which they were written. Of the three representative rabbis cited, however, the last one, Nathanson, died in 1875, putting that year as the latest any of the responsa could have been written.

Rabbi Moshe Yehuda Leb Zilberberg, author of *Responsa Zayit Ra'anan*, was asked regarding sending a *get* through the mail from the United States.<sup>16</sup> He agreed regarding the possibility of doing so out of concern for the welfare of the wife, in order to allow her to remarry in the future. His opinion, however, of the halakhic scene in the United States at the time reflected outright suspicion of those involved.<sup>17</sup> Rabbi Zilberberg felt the need to tell those involved on the American side that they be certain that all those involved in the *get* were qualified to do so:

He shall warn them that they not gather just three [individuals] from the marketplace, who do not know the nature of bills of divorce. Rather, he should pursue students of Torah, god-fearing, and whole. The witnesses [to the *get*] should also be *be-hezqat kashrut* [presumed to be reliable].<sup>18</sup>

16 For more on Zilberberg, see David Tidhar, "Ha-Rav Moshe Yehuda Leb Mi-Kotna (Ring)," *Encyclopedia le-Haluze ha-Yishuv u-Vonav*, Vol. 3 (Tel Aviv: Sifriyat Rishonim, 1949), 1102. For more on the topic of the sending of *gittin* through the mail, see *Arukh ha-Shulhan, Even ha-Ezer* 141:62–64.

17 The responsum does not include details as to when and where in the United States it pertained, therefore making it difficult to ascertain whether Zilberberg's suspicions were about a specific location or were more general in nature regarding *gittin* produced in America.

18 Moshe Yehuda Leb Zilberberg, *Responsa Zayit Ra'anan* 2:37.

Had Zilberberg not been suspicious, his warning would have been unnecessary. For Zilberberg, the granting of the long-distance divorce was a distinct possibility, but one of its contingencies was the qualifications of all the parties involved in its execution, of which he was clearly suspect.

At the opposite end of the spectrum stood Rabbi Joseph Saul Nathanson, author of *Responsa Sho'el u-Meshiv*.<sup>19</sup> Rabbi Nathanson was asked about a *get* which was sent from a husband in New York to his wife in Mezherychi (Mezeritch), Ukraine.<sup>20</sup> The question at hand was the validity of the *get*, since there was concern that the woman's name had been written incorrectly. In addition, the *get* had been written and sent to the Ukraine, but the husband had not been heard from for approximately four years. This raised the concern that he was no longer alive, therefore making the *get* invalid. The rabbis of New York had ruled that the *get* was valid, and most importantly for our topic, Rabbi Nathanson took their ruling seriously. Multiple times in the course of the responsum, Nathanson gave credence to the ruling of the New York rabbis, concluding the responsum: "Specifically since the rabbis of New York said it is kosher, therefore they may give her the *get* under the presumption that he is alive."<sup>21</sup> While not basing his entire opinion on their ruling, it is clear that Nathanson took the opinion of the New York rabbis seriously and considered it a positive factor in his own ruling. In contrast to Zilberberg, Nathanson did not raise any suspicions as to the credibility of the *get* or the credentials of those executing it simply because it came from the United States.

The middle position between utter suspicion and acceptance was represented by Rabbi Yehuda Aszod of Hungary, author of *Responsa Yehudah Ya'aleh*.<sup>22</sup> Aszod was also asked regarding the sending of a *get* from a husband in America to his wife in Europe. He ruled that ideally the rabbis in Europe

19 For more on Nathanson, see Avraham Benedict, "Ha-Gaon Rabbi Yosef Shaul Nathanson," *Shanah Be-Shanah* (1981–82): 399–407; M. Leiter, "Ha-Mehabber Shut Sho'el U-Meshiv: Kavim Le-Demuto," *Ha-Darom* 29 (1969): 146–70; 31 (1970): 171–202.

20 Joseph Saul Nathanson, *Responsa Sho'el u-Meshiv, Mahadurah Qamma* 3:222.

21 Ibid.

22 For more on Aszod, see Shifra Mishelov, "Hashpa'at ha-Emanzipaziya be-Hungaria Al ha-Kehillah ha-Yehudit bi-Rei Teshuvotav Shel Rabi Yehuda Aszod," *Mayim mi-Dalyav* 27 (5776): 179–99; Judah Licht, "Judah Aszod and His Generation," in *Men of the Spirit*, ed. Leo Jung (New York: Kymson Publishing Company, 1964), 327–50.

should verify the identity and credentials of all those involved in conducting the *get* in New York, but absent that verification, it can be presumed that they were qualified and the *get* may be relied upon. He stated:

This certainly requires thorough investigation at first from the rabbis of Poland, whether they recognize the rabbi or judges of New York, and whether they know the nature of bills of divorce... However, if it is difficult to clarify this, it seems to me that one can rely upon the fact that 'Israel is not a widower [there is no absence of authority],' and most of those occupied with executing *gittin* are experts [in the field]... And certainly one who signs as a judge or sits to conduct *gittin* is knowledgeable in the nature of bills of divorce.<sup>23</sup>

Aszod's position may seem surprising, given the dearth of rabbinic authorities in America at the time. Moreover, his position inherently attests to the difficulty in obtaining basic information as to the parties involved in executing the *get*. In the course of his responsum, Aszod clarified that the presumption of qualification is true in other areas of halakhah as well, including ritual slaughter and circumcision. Despite the grave potential consequences of an incorrectly executed *get*, Aszod was presumably sensitive to the equally grave consequences of *iggun*, leaving the woman without the ability to remarry in the absence of a proper *get*. He therefore was willing to assume that those executing the *get* were qualified, despite the inability to obtain basic information as to their identities and levels of halakhic knowledge.

The level of qualification of those executing divorces in the United States was not as clear to some European authorities, such as Aszod, as reflected in his responsum. As rabbis began immigrating to the United States in the middle to late nineteenth century, we find clearer understandings of how *gittin* were conducted and who was involved. This newfound clarity led to critiques of some of the practices and personalities involved in executing *gittin*, specifically in New York.

Rabbi Joshua Siegal, author of *Responsa Ozne Yehoshua*, arrived in New York from Galicia in the last quarter of the nineteenth century.<sup>24</sup> Siegal is

23 *Responsa Yehudah Ya'aleh* 2:129.

24 It is unclear exactly when Siegal arrived in New York, with some claiming 1884 and others arguing that he arrived as early as 1875. See Moshe D. Sherman, *Orthodox Judaism in America: A Biographical Dictionary and Sourcebook* (Westport,



most famous for his advocacy on behalf of an *eruv* on New York's Lower East Side, despite the opposition of numerous other authorities.<sup>25</sup> Upon arrival in New York, Siegal witnessed one particular practice related to the laws of *gittin*, which greatly troubled him:

It is well known to all that a forced *get* is invalid. Therefore, it must be asked and discussed extensively regarding what they do in our country when a man chains his wife [refuses to give her a *get*] or denies her payments for food: it is in the woman's ability, according to the laws of the land, to sue her husband in secular courts... The husband will be placed in prison to engage in hard labor like all the prisoners of the state incarcerated there.<sup>26</sup>

Some have suggested that Jewish women frequently resorted to secular courts in the context of their religious disputes, since religious courts in the United States lacked the jurisdiction or authority to actively redress their complaints.<sup>27</sup> This is a prime example of the complicated state of affairs due to the intertwining of the civil and religious procedures. It is worth noting that later in the century, Jacob Joseph, Chief Rabbi of New York, declared his hesitancy to involve himself in matters of divorce due to his perception of the chaotic state of affairs pertaining to *gittin* in New York. Despite his contractual obligations to deal with matters of divorce, Joseph stated that he would only do so if the couple received a civil divorce prior to seeking a *get*. Joseph realized that his legal jurisdiction was limited and sought to maintain whatever autonomy he had.<sup>28</sup>

Siegal disagreed profusely with the practice of placing recalcitrant husbands in prison, considering this to be a form of coercing the husband to

CT: Greenwood Press, 1996), 193; Adam Mintz, "Halakha in America: The History of City Eruvin, 1894–1962" (Ph.D. diss., New York University, 2011), 239 n. 512.

25 For more on this, see Mintz, "Halakha in America," 239–82.

26 Joshua Siegal, *Responsa Ozne Yehoshua* 1:15.

27 Geraldine Gudefin, "The Civil & Religious Worlds of Marriage and Divorce: Russian Jewish Immigrants in France and the United States, 1881–1939" (Ph.D. diss., Brandeis University, 2018), 171.

28 Abraham J Karp, "New York Chooses a Chief Rabbi," *Publications of the American Jewish Historical Society* 44 (1955): 156; Kimmy Caplan, "Rabbi Jacob Joseph, New York's Chief Rabbi: New Perspectives," *HUCA* (1996): 31.

give the *get*, which would render it invalid<sup>29</sup>: “Therefore, there is no validity to this divorce, and anyone who engages in this [practice] will give an accounting in the future.” As Siegal himself attested, throwing the husband in jail was not an infrequent occurrence but a rather common practice in New York.

Siegal’s opposition to the practice of imprisoning recalcitrant husbands also carried broader halakhic significance. Upon arriving on the Lower East Side, Siegal, the Galician, found himself in a milieu dominated by rabbis of Lithuanian origin.<sup>30</sup> Siegal’s opposition to prevalent practices was not merely about those practices but were examples of standing up for his particular halakhic approach.<sup>31</sup> This is especially reflected by the number of responsa in which Siegal expressed his disapproval with common halakhic practices in New York.<sup>32</sup>

While Siegal was troubled by one particular practice, the most comprehensive critique of halakhic divorce procedures was offered by Rabbi Yosef Moshe Aaronsohn upon his arrival in New York. Aaronsohn arrived in New York around 1860 and subsequently served a number of congregations on the Lower East Side. Aaronsohn’s American responsa were published posthumously in Jerusalem in 1878 under the title *Matta’ei Mosheh*.<sup>33</sup>

Aaronsohn wrote a proclamation, seemingly to no single addressee in particular, protesting the state of *gittin* being conducted in New York at the time: “To you I call out, to the honor of your Torah I will raise my voice from a far away land... If we abstain from revealing the travesty of those executing *gittin* in New York, what shall we answer in the future [in heaven].”<sup>34</sup> Aaronsohn claimed that the reason he came to New York was in

29 On the use of prison in the *get* process, see Moshe Feinstein, *Responsa Iggerot Moshe, Even ha-Ezer* 4:106; J. David Bleich, “Marriage, Divorce and Personal Status,” in *Contemporary Halakhic Problems*, Vol. 2 (Brooklyn: Ktav, 1993), 93–100. On prisons in the nineteenth-century United States, see Martin B. Miller, “At Hard Labor: Rediscovering the 19th Century Prison,” *Issues in Criminology* 9 (1974): 91–114; Katie Thorsteinson, “19th Century Prison Reform Collection,” Cornell University Library Digital Collection, <https://digital.library.cornell.edu/collections/prison-reform>.

30 Jeffrey S. Gurock, *Orthodox Jews in America* (Bloomington, IN: Indiana University Press, 2009), 91–92, 114.

31 See n. 13.

32 See *Ozne Yehoshua* 1:1, 6, 19.

33 Sherman, *Orthodox Judaism*, 13–14.

34 Yosef Moshe Aaronsohn, *Responsa Matta’ei Mosheh*, 24b.

order to improve the state of *gittin* and insure that they were being conducted properly. His main argument was aimed at the rabbinic leaders of the Beth Hamedrash Hagadol on the Lower East Side. Aaronsohn claimed that *gittin* were being sent from New York to Europe under the auspices of the Beth Hamedrash Hagadol, a well-known congregation in New York. Because of this, the *gittin* were assumed to be executed properly. Aaronsohn, however, strongly challenged that assumption and argued that the leaders of Beth Hamedrash Hagadol were not qualified and could not be relied upon even in a case of *iggun*. "However, if it is clear from the composition of the *get* [that the one who executed it is ignorant], or if it is known from elsewhere that he is ignorant, there is no room to be lenient, even in a case of *iggun*."<sup>35</sup> Aaronsohn had a major problem with those conducting *gittin* in New York, particularly since, in his opinion, they were misleading people who trusted their credentials.<sup>36</sup>

In addition to questioning the qualifications of those executing the *gittin*, Aaronsohn also critiqued the manner in which the *gittin* were composed. In a lengthy responsum, Aaronsohn claimed about those who were executing *gittin* in New York, that "each one executes [the *get*] according to their knowledge and understanding."<sup>37</sup> He sought to standardize the manner in which *gittin* were composed in New York, specifically the notation and Hebrew spelling of New York.<sup>38</sup> Aaronsohn criticized the way in which most were transliterating the words New York, and he again took particular umbrage with the heads of the Beth Hamedrash Hagadol: "The *get* of the people of the *Medrash*, who call themselves *Gadol* [great]."<sup>39</sup> With this formulation, Aaronsohn was not only criticizing the specific way in which the heads of the Beth Hamedrash Hagadol were composing *gittin* but was taking another swipe at their overall qualifications in this area of Jewish law.

35 Ibid., 26.

36 This was not the only controversy Aaronsohn had with local authorities on the Lower East Side. See Sherman, *Orthodox Judaism*, 13; Judah David Eisenstein, "Aaronsohn, Moshe Ben Aharon," in *Ozar Yisrael*, ed. Judah David Eisenstein (New York: Pardes Publishing House, 1951), 167.

37 Aaronsohn, *Responsa Matta'ei Mosheh*, 33b.

38 For more on the necessity of the correct notation and spelling of place names in a *get*, see *Shulhan Arukh*, *Even ha-Ezer* 128 and commentaries *ad loc*.

39 Aaronsohn, *Responsa Matta'ei Mosheh*, 33b.

The criticisms of Siegal and Aaronsohn show that the direct encounter between immigrant rabbis and the American Jewish community allowed the rabbis to more fully understand the manner in which *gittin* were being conducted, and more importantly, allowed them to contest that manner. These criticisms were significant instances in which the immigrant rabbi did not acknowledge the qualifications of the contemporary American rabbinate to correctly execute *gittin*.

The case of *gittin* is an important indicator of the level of recognition given to Orthodox American rabbis in the middle to late nineteenth century. Jewish divorce and the execution of proper *gittin* are particularly complex areas of halakhah, mandating expertise not necessarily required in other areas of Jewish law. As the Talmud states, "Anyone who does not know the nature of bills of divorce and betrothals should have no dealings in them."<sup>40</sup> On the one hand, while the Orthodox American rabbinate was beginning to deal with other, less sensitive, issues, it had not necessarily matured to the degree that it was independently capable of dealing with the complexities of divorce. On the other hand, the necessities of communal growth and immigration required an Orthodox rabbinate that was capable of conducting Jewish divorce when both parties were already in the United States, as well as when one was still in Europe. At this point in time, the complexities of the halakhic divorce process were deeply intertwined with the historical complexities of the rabbinic world in America.

40 B. Qidd. 6a.