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## THE CASE OF THE CHARLESTON SYNAGOGUE ORGAN

Dr. Yitzchok Levine

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*Note: All quotes are from The Charleston Organ Case by Allan Tarshish, Publications of the American Jewish Historical Society, 54, 1965 (<http://www.ajhs.org/reference/adaaje.cfm>).*

In 1749 the Jews of Charleston, South Carolina established their first synagogue, Kahal Kodesh Beis Elokim (KKBE). Last month we examined the events that led some members of KKBE to establish The Reformed Society of Israelites.

The society was launched in 1825 but disbanded in 1833 due to lack of support. However, in 1840 it again became active and on July 14 of that year presented a petition to the Board of Trustees of KKBE, signed by thirty-eight members, that called for, among other things, a discussion of "the propriety of erecting an organ in the synagogue to assist the vocal part of the service."



The reformers had found an ally in Gustavus Poznanski, *chazzan* of the congregation who had been hired in 1837. Given the efforts of the Reform Society in 1825 to institute changes in synagogue ritual, those in control of KKBE had interviewed Poznanski before offering him the position of *chazzan* to ascertain if his views were in accordance with Orthodox Judaism. They had been completely satisfied regarding his commitment to traditional Judaism and even gave him a lifetime contract within a

year of his arrival in Charleston.

However, by 1840 the *chazzan's* views had drastically changed, and, when the KKBE synagogue was rebuilt in 1840 after a disastrous fire in 1838, he made it known he was in favor of the use of an organ in the new synagogue.

The issue of introducing organ music into Sabbath and festival services was discussed at a general meeting of the congregation held on July 26 and attended by ninety members. In the course of the heated discussion on this issue, a resolution was introduced and passed inviting Poznanski to come to the meeting and give his opinion on this matter.

He accepted the invitation and confirmed his view that an organ would be beneficial, quoting from some authorities in an attempt to bolster the idea that such an addition would not be contrary to Jewish law. Despite the attempts of the chair, Nathan Hart, to declare the resolution calling for the introduction of an organ out of order, it was passed by a vote of 46 to 40.

The traditional members of KKBE were stunned by the outcome. They maintained that a vote of 46 to 40 did not fulfill the synagogue's constitutional requirement that any ritual alteration required a three-fourths majority of members present at a meeting. None of this helped, and beginning in 1841 an organ was used during Sabbath and festival services.

It is known that Isaac Leeser [prominent Philadelphia *chazzan*] advised Nathan Hart, the President, to take out an injunction against the majority, but he did not do so. Also, although the minority had threatened that they would take the matter to court, it happened that two of their leaders, Nathan Hart and H. M. Hertz, died shortly after the organ meeting and, feeling that an appeal to the law would have

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been repugnant to them, they decided instead to "retire" from Beth Elokim. They organized another congregation called Shearith Israel (using the same name as the Sephardic congregation in New York City) and erected a building on Wentworth Street, near Anson, a few blocks away from Beth Elokim.

The reformers were now in control of KKBE, and it was not long before other changes were introduced.

Emboldened by their control of the congregation and Board, the Reform group began to make and suggest a number of other changes such as the modification of the Maimonidean creed and various traditional prayers and hymns, to the extent that the more moderate Reformers within Beth Elokim, although satisfied with the organ, became alarmed that things might go too far.

Peacemakers managed to work out an uneasy compromise, but much more was still to come.

On the first day of Passover, 1843, the Reverend Poznanski delivered a sermon advocating the discontinuance of the second day of the Holy Days, which aroused further strong opposition. A special meeting of the Board of Trustees was held on April 19, 1843, which wrote the hazzan asking him to inform it if in the future he would continue to advocate "innovations of the established forms of service as observed by us and all the congregations of Jews throughout the world." The Board contended that his suggestion was "a violation of the Constitution and calculated to create discord and anarchy."

Poznanski replied that he had been authorized by a former Board of Trustees "to make such remarks and observations as I deem proper" and that the majority of those who now disapproved of his sermon had previously well known his opinions on the subject in question. He concluded that since lecturing was not a part of his original duty anyway, he would discontinue all lectures and would also discontinue reading prayers in English, and confine himself to Hebrew, "the performance of which only devolves on me as your *hazzan*."

The synagogue membership now split into two groups - those who supported Poznanski and his reforms and those against them. Those opposed proposed a resolution that would require synagogue services to follow all Mosaic and rabbinic Laws. It failed by a close vote of 27 to 24.

The traditionalist group proceeded to invite the former members of KKBE who had formed Congregation Shearith Israel at the time of the introduction of the organ to rejoin KKBE. (They would later claim these individuals had temporarily withdrawn but never actually resigned their membership.) In this way they would end up with a majority of members who favored traditional religious services.

Thirty-four former members agreed to rejoin provided certain religious conditions were met. One was that religious services be conducted as they had been before the introduction of the organ. A second was that KKBE build a *mikveh*. The third was that no *chazzan* be elected or allowed to officiate who expressed or advocated reform doctrines.

This led to a good deal of wrangling, with the reform group attempting to keep those who wanted to rejoin from becoming members and the traditionalists agitating for their admission as members in good standing. At a meeting in May 1843 the traditionalists granted membership rights to thirty-two members of Shearith Israel. The reformers, of course, claimed the vote was invalid.

The issue was brought to the Charleston Court of Common Pleas by the reform group. This court, as well as a court of appeals to which the case was later brought, decided in favor of the reform group, ruling invalid the membership of those from Shearith Israel.

And so ended the legal aspects of the court case, with the parties involved still in direct opposition about the basic philosophy and pattern of Judaism in regard to change and reform. Nor did the contestants accept the suggestion of Judge Butler [who wrote the majority appeals court decision] to concede somewhat to each other. The Shearith Israel members remained with Shearith Israel, joined now by some of the Traditionalists of Beth Elokim. The Reform group of Beth Elokim, having won the court case, retained control of the Hasell Street Synagogue and its ritual, but continued to have internal difficulties, because the congregation remained divided on matters of liturgy and Reform.

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