**Chapter 5: The Agunah Phenomenon – an ever-changing Issue**

5.1 Why did the phenomenon occur?

Our research does not manage to give a satisfactory answer as to why desertion of wives became more widespread. Most deserters were not to be found and left no evidence. Most sources were written by women deserted, their relatives, rabbis, and journalists. We can only speculate why the phenomenon was so large. There are three possible partial explanations regarding 19th century East European Agunot.

1. Demographical parameters[[1]](#footnote-1), such as the age difference between husbands and wives, particularly at the time of marriage, should be considered in attempts to explain the issue.[[2]](#footnote-2)
2. The effect of immigration - both internal and international. This was a major factor especially in the first period analysed here. Immigration was among the major reasons behind the phenomenon of Agunot in the nineteenth century. The sense of being in constant motion created a cultural environment encouraging many men to desert their wives and families. But was the issue of Agunot part of the immigration process,[[3]](#footnote-3) or did immigration just exacerbate the matter?[[4]](#footnote-4).

Although immigration certainly played a role, in my view, it was not causal. Rather, it was an added complication, together with other radical changes in Jewish family life and the role of women in Jewish society in nineteenth century Eastern Europe.[[5]](#footnote-5) In my opinion, immigration exacerbated the problem, but did not create it. However, with massive immigration, the desertion of women became a much greater predicament. In fact, immigration changed the nature of desertion. During the period of large-scale immigration, there were many more cases of husbands deserting their wives and families after arriving at their new destination.

3. The poor economic situation of Jews in the Russian Empire is an explanation offered by many.[[6]](#footnote-6) Urbanization of the Jews in the Russian Empire during the 19th century worsened poverty. Young men left their shtetls to find work and provide for their wives and children.[[7]](#footnote-7) Many could not make a living sufficient to provide for themselves and their families and decided not to return.

No single explanation suffices. All three together do explain the extent of the phenomenon in the period researched.

5.2 Agunot under democratic and authoritarian regimes

Our overview of the Agunot phenomenon indicates that there were (and still are) different variations of Agunot. East European 19th century Agunah was the "classic" type, i.e., the husband disappeared, and his wife was seeking a way out of the marriage. Journalists, rabbis, and others tried to find the deserter or the remains of the husband[[8]](#footnote-8). Many of the Agunot cases were a result of immigration[[9]](#footnote-9) - the husband left for another country or another city. North American Agunot - the dominate type of Agunot since 1900 - were of a different kind. [[10]](#footnote-10) Post immigration desertion and divorce were the main features here.[[11]](#footnote-11) In America, the Jewish press had an important impact on Jewish women, though very different from the way newspaper shaped the Agunah narrative in eastern Europe.[[12]](#footnote-12)

One of the main reasons for this was difference of regimes: the authoritarian system of Eastern Europe, especially Russia[[13]](#footnote-13) and the democratic system of the western world, mainly in North America[[14]](#footnote-14). While North American regimes promoted legal gender equality, Russian authorities kept on minimalizing women and not enabling then legal marital equality.[[15]](#footnote-15) Russian Empire rulers did not enforce secular marriage contracts on the Jews. Jews married according to Halacha law. This helped to maintain traditionalism among East European Jewish women, despite the drop in rabbinical power there.[[16]](#footnote-16) Russian Rabbis decided when a marriage was over and thus many women remained chained in their marriage long after the husband deserted or died.[[17]](#footnote-17) This was different in the Austro-Hungarian Empire, which was more liberal.[[18]](#footnote-18) In America rabbis were no more the sole players on the marriage and divorce stage. In America, women could use civil courts and non-rabbinical Jewish organizations to get out of the marriage.[[19]](#footnote-19)

5.3 Current days Agunot a new version of the phenomenon

Since the 1920's three major Jewish denominations in America took different routes tackling the problem. The reform and conservative establishments realized that modern Jews live in a secular world. Civil law had to do with marriage, divorce, abandonment, and desertion as much as Halacha did.[[20]](#footnote-20)

Orthodox rabbis took another road - trying to preserve as much as possible the rule of Halacha in Jewish life.[[21]](#footnote-21) The State of Israel adopted Halacha – as well as non-Jewish religious laws – as the basis of the state's matrimonial law.[[22]](#footnote-22) Thus, the single state in which the halachic laws of marriage and divorce apply is the secular State of Israel.

Indeed, nowadays Agunah became a synonym for divorce (Get) refusal issues. This represents a new turn in the long history of Agunot altogether. Divorce represented a small portion of Agunot in the nineteenth century. Desertion and disappearance were much more common. Beside other reasons, divorce became the largest Agunah issue because in the digital age, disappearance is practically impossible.

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2. ChaeRan Y. Freeze, *Jewish Marriage and Divorce in Imperial Russia*, (Hannover, NH: Brandeis University Press, 2001), Appendix, Tables: A.4; A.5; A.7; Andrejs Plakans, 'Age and Family Structures among the Jews of Mitau, Kurland, 1833-1834,' *History of the Family* 8:4 (2003): 545-561, especially Table 4, 553. Yuri M. Goncharov, 'The Siberian Jewish Family in the 19th - Early 20th Centuries: Demografic Features', (in Russian) in: Valery A. Skubnevsky and Juri M. Gonchaov (eds.), *European Jewish Communities in The Russian Province in the Second Half of the 19th - Early 20th Centuries*, (Barnabol: ABC, 2010), 215-230. Michael Hickey, 'Demographic Aspects of the Jewish Population in Smolensk Province, 1870s-1914', *Acta Slavica Iaponica*, 19 (2002), 84-116. Robert E. Mitchell, 'Order and Disorder in Jewish Marriages, Families, Kinship Systems and the Immediate Built and Social Environments', in: Robert E. Mitchell (ed.), *Human Geographies Within the Pale of Settlement*, (London: Palgrave-Macmillan, 2019), 155-189. [↑](#footnote-ref-2)
3. Olive Anderson, “Emigration and Marriage Break-Up in Mid-Victorian England,” *Economic History Review* L (1) (1997): 104-109, offers a useable theory. Ruth Leiserowitz, 'To Go To or Through Prussia? Litvak Migratory Decisions in the Second Half of the Nineteenth Century and Their Consequences', *Jewish Culture and History*, 11 (1-2), (2009), 229-239. A later period, Reena S. Friedman, '"Send Me My Husband Who Is in New York City": Husband Desertion in the American Jewish Immigrant Community 1900-1926', *Jewish Social Studies*, 44 (1), (1982), 1-18. [↑](#footnote-ref-3)
4. Gur Alroey, '''And I Remained Alone in a Vast Land': Women in the Jewish Migration from Eastern Europe,' *Jewish Social Studies, New Series* 12:3 (2006): 39-72; Lloyd P. Gartner, 'Women in the Great Jewish Migration', *Jewish Historical Studies* 40 (2005): 129-139. [↑](#footnote-ref-4)
5. Anderson & Friedman, note 3 above. Thomas Cvrcek, 'When Harry Left Sally: A New Estimate of Marital Disruption in the U.S., 1860-1948', *Demographic Research*, 21 (2009), 719-758. <https://www.demographic-research.org/volumes/vol21/24/21-24.pdf>. Haim Sperber, 'The Agunot Phenomenon from 1851 to 1914 - an introduction', *Annales de démographie historique*, 136 (2018/2), 107-135. [↑](#footnote-ref-5)
6. Mitchell, note 2 & Friedman, note 3 above. Shaul Stampfer, ‘Patterns of Internal Jewish Migration in the Russian Empire’, In: Yaacov Ro’I (ed.), *Jews and Jewish Life in Russia and the Soviet Union*, (Illford, UK: Frank Cass, 1995), pp. 28-50. Spitzer sheds new light on Russian Jewish poverty, Yannay Spitzer, *Occupation of Jews in the Pale of Settlement*, (2012). <http://yannayspitzer.net/2012/09/30/jewish-occupations-in-the-pale-of-settlement/> [↑](#footnote-ref-6)
7. Jonathan Petrovsky-Shtern, *The Golden Age Shtetl: A New History of Jewish Life in East Europe*, (Princeton: Princeton University Press, 2014), especially chapters 7 & 8. Stampfer, note 6, above. [↑](#footnote-ref-7)
8. Chapters 1 & 2, above. [↑](#footnote-ref-8)
9. Chapter 2, above [↑](#footnote-ref-9)
10. More on the difference between East European and North American variations see: Haim Sperber, 'The Agunot Phenomenon from 1851 to 1914 - an introduction', *Annales de démographie historique*, 136 (2018/2), 107-135. Anne R. Igra, *Wives Without Husbands: Marriage, Desertion, & Welfare in New York, 1900-1935*, (Chapel Hill: University of North Carolina Press, 2007) & Bluma Goldstein, *Enforced Marginality: Jewish Narratives on Abandoned Wives*, (Berkley: University of California Press, 2007). Jean U. Mensch, *Social Pathology in Urban America: Desertion, Prostitution, Gambling, Drugs, and Crime among Eastern European Jews in New York City between 1881 and World War I*, (Ph.D. Diss: Colubia University, 1983). [↑](#footnote-ref-10)
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12. Shelby A. Shapiro, *Words to the wives: The Jewish press, immigrant women, and identity construction, 1895-1925*, (Ph.D. Diss., College Park: Maryland, 2009). [↑](#footnote-ref-12)
13. Nathniel Deutsch, *The Jewish Dark Continent: Life and Death in the Russian Pale of Settlement*, (Cambridge, MA: Harvard University Press, 2011). On the Russian background see, Alexander Etkind, *Internal Colonization: Russia's Imperial Experience*, (Cambridge: Polity Press, 2011), & Alexander Polunov, *Russia in the Nineteenth Century: Autocracy, Reform, and Social Change, 1814-1914*, (Armonk, NY & London: M. E. Sharpe, 2005). [↑](#footnote-ref-13)
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16. Glenn Dynner, 'Those Who Stayed: Women and Jewish Traditionalism in East Central Europe', in: Antony Polonsky, Hanna Węgrzynek and Andrzej Żbikowski (eds.), *New Directions in the History of the Jews in the Polish Lands*, (Boston: Academic Studies Press, 2018), 295-312. [↑](#footnote-ref-16)
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19. Suzanne Last Stone, 'The Intervention of American Law in Jewish Divorce: A Pluralist Analysis', *Israel Law Review*, 34 (3) (2000), pp. 170-210, Mitchell, note 2, above. [↑](#footnote-ref-19)
20. Last Stone, op. cit., Michael J. Broyde, *Marriage, Divorce, and the Abndoned Wife in Jewish Law*, (New York: KTAV, 2001) [↑](#footnote-ref-20)
21. Aviad HaCohen, *The Tears of the Oppressed: An Examination of the Agunah Problem -Bacground and Halachic Sources,* (New York: Ktav, 2004) [↑](#footnote-ref-21)
22. Susan Weiss & Netty C. Gross-Horowitz*, Marriage and Divorce in the Jewish State: Israel's Civil War*, (Lebanon, NH: University Press of New England, Brandeis University Press, [Brandeis Series on Gender, Culture, Religion, and Law & HBI Series on Jewish Women], 2012). [↑](#footnote-ref-22)