The AGUNOT Phenomenon FROM 1851 TO 1914 - AN INTRODUCTION

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PREFACE

This article investigates the phenomenon of Agunot from the second half of the nineteenth century until the beginning of World War I. Since then, and especially during the first two decades of the twentieth century, this became one of the most discussed issues on the social and cultural Jewish agenda. Although referred to sporadically in nineteenth century Jewish social history research, this issue has not been extensively investigated. This article offers an introduction to this topic. We will show that during the period under discussion there were in fact two different phenomenon of Agunot - an East European version of Agunah (1851 to 1900) and a North American version (1901-1914).

The purpose of the article is to formulate certain conclusions based on research on all the known cases of Agunot between 1851 and 1900 and compare it to all known cases between 1901 and 1914. This will allow us to provide insights on the effect of the phenomenon of Agunot on: The status of nineteenth century Eastern European Jewish women; the changing role of rabbis in Eastern European communities; the complex relationship between absconding husbands and immigration and the way the various phenomenon of Agunot projects the difference between Jewish communities living under dictatorships and democracies.

DEFINITION OF AGUNOT

The term Agunot (agunah in the singular) refers to Jewish women unable to divorce because they have been abandoned by their husbands. The word literally means anchored, suggesting that such women are chained to their marriages, since, according to Jewish law, only the husband is able to grant the wife a get [divorce]. Although, in the past, most Agunot were abandoned wives, there are various other ways of attaining this status. Toward the latter part of this paper we shall ask whether this definition reflects 20th and 21st century Agunot.
The traditional way of coping with the phenomenon of Agunot was to ask the rabbis for advice. A rabbi usually alerted other rabbis about the absconding husband as part of the effort to find him and obtain a get for the abandoned wife. Rabbis were also very instrumental in offering legal aid to Agunot.¹ This changed with the advent of Jewish journalism in the mid-nineteenth century. Women began to search for their absconding husbands by placing advertisements in newspapers and other journals. With these new avenues open to them, women no longer depended solely on rabbinical help for finding a solution to their plight.

THE STATE OF RESEARCH TO DATE

Historical research of the phenomenon in the second half of the nineteenth century is virtually non-existent.² CheaRan Freeze devoted 13 pages to Agunot in her path-breaking research on Jewish divorce and marriage in the Russian empire in the late nineteenth century.³ She was the first to regard it as an important aspect of the nineteenth century Jewish family history. Arthur Hertzberg, and, recently, Gur Alroey probed this phenomenon as part of their research of Jewish immigration.⁴ Margalith Shilo investigated Agunot in the small Jewish community in Jerusalem in nineteenth century.⁵ Mark Baker was the only researcher who primarily focused on this topic, but his work only covers four years, from 1867 to 1870, and is limited to only one source - the Hebrew Newspaper HaMagid.⁶ In her Ph.D. dissertation, Noa Shashar relates only to the period before 1850.⁷

However, much more has been written about Agunot in early twentieth century, especially in North America.⁸ Caroline light⁹ expanded research to the Southern parts of the USA.

THE SOURCES

The sources describing such phenomenon are vast, but most have not been researched until now. There are four main databases on Agunot: newspapers, especially Jewish ones; rabbinical sources, especially responsa books; official Russian rabbinical documents; and letters and documents in private archives.
As mentioned before, the different sources offer alternative and sometimes conflicting narratives regarding Agunot. This is demonstrated in the analysis of the various sources.

I. JEWISH NEWSPAPERS
While the Jewish newspapers are mostly in Hebrew, there are some in Yiddish, and various local Jewish newspapers.

Much information regarding Agunot is found in the Jewish newspapers. Indeed, the first Hebrew newspaper HaMagid, published from 1856 to 1903, first in Lyck, Prussia, and, later, in other places, put the matter of Agunot very high on the agenda. While Mark Baker’s research on Agunot in HaMagid is restricted to the period between 1867 and 1870, the current research investigates all the issues of the newspaper.

Information on Agunot is also available in other Jewish newspapers, particularly in those published after 1880. Information on Agunot in the newspapers appeared in two main forms: advertisements and news reports:

The advertisements, placed by women or their relatives, mostly fathers, sought information on the whereabouts of husbands. They were published only after the editors verified the validity of the information.

The editors were very much aware of possible manipulation by the parties concerned. On June 28, 1871, the editor of HaMagid reported on some instances of women approaching the newspaper a few weeks after husbands went away on business, and, by the time of publication, the husbands had returned. To avoid such problems, the newspapers specified the information such advertisements should include, and stated: "We will not advertise any advertisements concerning Agunot if the matter is not being presented to us by the rabbi or communal officials of the place where the agunah resides." The usual procedure was to ask the local rabbi to confirm the woman's version. As the editor of HaMagid wrote on June 23, 1869, he had been deceived by two women, a few years earlier. He decided, therefore, that advertisements would not be published without rabbinical consent. This policy was accepted by other Jewish newspaper editors as well.

In many cases, the rabbis would write the advertisements, which were then posted as letters from the rabbis to the editor. In other cases, advertisements were written by a newspaper correspondents or community officials.
We present here two typical examples of advertisements

1. The first advertisement was first published in *HaMagid*, on June 16, 1866, and again on September 9, 1866. It relates to a woman deserted by her husband five years earlier. In most such advertisements, there is much information regarding the deserters, while information on the abandoned wives is rare.

A woman Necha, the daughter of Haim David of Warsaw, was betrayed by her husband five years ago. Last year, he wrote to his family that he was in Suez, Egypt, and has not been heard from for nine months now. The man is tall and has a black beard and hair. He is about 34 years old and is a roofer by profession. Some years ago he was in the Caucasus. The address he sent is in Suez under the name of Moritz Greenwald. The person who would do the good deed of meeting him and receiving the get from him will be well rewarded, as our late Sages have proclaimed many times. Please, as soon as the editor should learn anything, let him inform the great genius, our teacher, Rabbi Doberosh Meizlish, may his light shine, the head of the Beth Din of Warsaw. I hope that all our fellow sons of Israel, wherever they are, will try to find out the whereabouts of this man.

Benjamin David, Secretary, Warsaw Sacred Community

2. The second advertisement refers to two women left by the same man. Again, there is much information about the deserter, and very little concerning the deserted wives. The advertisement appeared in *HaMagid* on August 20, 1873

A WOMAN'S CRYING VOICE

A woman [named] Pesia, daughter of David Levy, is seeking Israel Baer, born in Berditsov, Russia. [Baer is] the son of Yehoshua Heschel Shapira, grandson of the famed Leah Menasche. Having married in the town of Hamla, Galicia, [the said Baer] lived in Yassi, Romania, for a
number of years but ran off, not to be found. I have been traveling for three and a half years, looking for him without success. Therefore, I beg all those who have a connection with HaMagid to try and make him send a *get* to his above-named wife. This is how he looks: He is about forty-four years old, of medium height; his hair and beard are black [giving his face] a round [appearance]. On one foot, he has a [birth] mark, and, on his lower [back… a scar from] a healed blow. He took along Yaacov, his [now] 15-year-old son from this marriage. The son is bleary-eyed and has a dark, dappled face due to blisters; he has thick lips. Now I know, as a matter of certainty, that this betrayer has abandoned another wife in the city of Tchernowitz, Romania. Her name is Yenta, and she is divorced from her first husband, Mihel Tandetnik. She resides at a baker's place near the military hospital. It is a religious commandment to force him to release both his wives from their chains. A *get* for each of them should be addressed to me, care of my aid Yosef ben Itzhak or care of the rabbis in the above-mentioned cities.

Itzhak Aizik Shor, Chief Rabbi of Bucharest

In most cases, the advertisements were published free of charge. In some cases, the advertisement was published in more than one newspaper, but, in most cases, they appeared only in one. If a woman wanted to publish a series of pleas, she had to pay for the advertisements. The best known case of paid advertisement is of Bassia Freizetova, who published her requests in three newspapers, in 1883. Freizetova also tried other routes, i.e., appealing to rabbis and local Russian authorities. In some cases, women would publish an advertisement, and, after a decade or more, publish another one. Occasionally, a woman or her relatives offered financial rewards. However, offers of rewards were rare.

Another way a woman’s plight would become known was through the publication of her story by a newspaper correspondent. A good example is the case of Shlomo Braham. The story was initiated and followed up by a *HaMagid* correspondent. Many correspondents helped to trace deserting husband across borders, notably: Ber Dov Goldberg in Paris; David Fishman in Tiberias; and Shlomo Behor Hutzin in Bagdad.
The editors encouraged their correspondents to pursue elusive husbands. Such was the case of Libbe Marcus. David Meyer Marcus left his wife Libbe twice. In the second abandonment, he emigrated from Russia to France. The Paris correspondent of HaMagid, Ber Dov Goldberg, was very helpful in finding Marcus and preparing the get. The editor helped Libbe to reach Paris and receive the get. In some cases, readers added information that helped with the deserters’ apprehension; or the pursuit might have begun with an advertisement, but was then followed by a newspaper investigation.

Sometimes the editors published incorrect information in attempts to locate the deserter. Such was the case with Itzhak the son of Moshe the Cohen. An advertisement was published in HaMagid on January 17, 1884. The publication detailed the route Itzhak took in 1881 from Breslau through Italy, England, and Egypt. In his final letter to the family, he stated that he intended to go to Bombay, India. After late 1881, all contact with him was lost. The advertisement was published in early 1884, and, meanwhile, the family moved from Breslau to Serbia. On April 3, 1884, the HaMagid correspondent in San Francisco wrote that Itzhak came there from the East Indies, and then moved to Los Angeles. However, the original advertisement was republished on September 24, 1884. A possible explanation is that, despite the further information, he did not return or send a get. Another explanation may be that, since the name Itzhak the son of Moshe the Cohen is very common, the San Francisco correspondent was reporting on another Itzhak. In my view, the second explanation is more feasible, since some details were added that were different to those given in the original advertisement.

In some instances, the newspaper editors were quite eager to publish stories of Agunot. This was the case regarding the alleged deserting husband Yehuda Kahalan, who was accused of abandoning Rachel Friedel. The newspaper published both sides of the story: the wife accused Kahalan of desertion, and Kahalan himself denied the accusation. However, the newspaper kept on insisting that it was a desertion case even after it became clear that Kahalan had not deserted his wife.

The editors were clearly looking for Agunot even if there were none, and were much criticized for this. Many cases of wrong reports, like the Kahalan case presented the editors as unreliable. As a result, from 1879 onward, HaMagid published far fewer dispatches about Agunot, and only if the editors were certain that the wives were indeed deserted.
In rare cases, the Hebrew newspapers cited cases published earlier in other Jewish newspapers. The editors also referred cases to rabbis, encouraging them publically to help the Agunot. They even published articles condemning rabbis who were reluctant to do so.

Special attention was drawn to cases of serial deserters. For example, Zeev Margaliot abandoned seven wives (see HaMagid, February 24, 1874, and HaLebanon, March 25, 1874 and August 26, 1874), and his namesake Alexander Sender Margaliot, who deserted three wives (see HaMagid, July 6, 1859, August 30, 1859, October 6, 1859, December 7, 1859, and March 21, 1860).

Awareness of the issue of Agunot in the public sphere had side effects. Some dishonest people would try and make a living from such a matter. Moshe Goldstein of Cairo, Egypt, claimed that he was carrying a get from Itzhak Finkel to his wife Ester Zissel. Goldstein claimed that Finkel asked him deliver a get to his wife. According to the Jewish law, a get has to be sent via a messenger, if the husband and wife were living in places far away from each other. Finkel was supposed to be living somewhere near the Caspian Sea, while Ester lived in Russia. In each city Goldstein passed through, he requested Jews to pay for his expenses, since he was performing a mitzva [holy commandment]. In reality Goldstein had no intent to deliver any Get to Ester. It was an easy way to earn a living.

Similarly, the above-mentioned case of Bassia Freizetova became so famous that two criminals, presenting themselves as her father and husband, tried to profit from her plight. The older one, who posed as Bassia’s father, asked Jews for money to help him to take the deserter back to his deserted wife. For some professional criminals, such as Hirsch Denmark, wife desertion was just one of an assortment of criminal activities. Some deserters were actually engaged in trafficking women.

Another indication that the phenomenon of Agunot was becoming an important issue among the Jewish public was that some husbands threatened to leave their wives without granting a get, thus making them Agunot.

THE AGENDA OF HEBREW NEWSPAPERS AND THE ISSUE OF AGUNOT

Eliezer Lipman Zilbermann (1819-1882), the publisher and first editor of HaMagid (founded in 1856), brought the issue of Agunot to the forefront of the Jewish social debate. As Baker
has shown, Zilbermann made this issue one of the most important topics in *HaMagid*. On September 13, 1865, in a very long editorial, Zilbermann proclaimed that *Agunot* was one of the most important matters that should be discussed in the Jewish press. He also stated that *HaMagid* would put pressure on rabbis who hesitated in taking up the cause.

The newspapers dealt mainly with the first type of *Agunot* - wives deserted by husbands. The issue of *Agunot* was mainly addressed in Hebrew newspapers, and rarely in the Yiddish ones. For example, between 1862 and 1872, while the Hebrew *HaMelitz* published 65 advertisements on *Agunot*, its Yiddish edition *Kol Mevaser* published only five. American Yiddish newspapers, which began to appear only in late 1870s, published more information, mostly referring to North American *Agunot*.

Orthodox newspaper editors disagreed with, in their view, the over-emphasis of the issue, especially Yehiel Brill, the editor of *HaLebanon*, who accused Zilbermann of reporting on *Agunot* even in simple marriage disputes between husband and wife. In July 1879, Brill published another editorial in which he stated that the issue should be dealt with exclusively by the rabbis, and not in the media. Roni Be’er Marx suggested that important rabbis, especially from Lithuania, feared the increasing influence of the media. They were looking to establish newspapers that supported the rabbinical establishment. *HaLebanon* was not the only Orthodox media organ. *Mahazikei HaDat* and *Kol Mahazikei HaDat* were other such journals. However these newspapers represented the non-Lithuanian style of Orthodoxy in Austro-Hungarian Galicia.

In the late 1870's and early 1880's, David Gordon became the new editor and publisher of *HaMagid*, promoted from deputy editor, in which position he had served since the mid-1860's. Gordon was more concerned with the Jewish national movement and settlement of Jews in Palestine, and less focused on social issues. After Gordon's death in 1886, his son Dov, who was the editor until 1890, continued his father's editorial policy. In 1890, Yaacov Shmuel Fux became publisher and editor, and continued along those lines, until *HaMagid* closed down, in 1903. Under Fux's leadership, *HaMagid* concentrated solely on cultural and political issues, altogether neglecting the social problems in the Jewish community.

From 1880, *HaMelitz* (founded in Odessa, in 1860, and, later, moved to St. Petersburg), and *Hatzfira* (founded in Warsaw in 1862) became the leading newspapers to
spread the word about the issue of Agunot. Both HaMelitz and Hatzfira became daily newspapers in the late 1880's, giving the matter widespread coverage.\textsuperscript{49}

Analysis of Newspaper Information Concerning Agunot clearly shows, in the four decades investigated, about 75\% of the mentions in media sources on Agunot were advertisements. However, on the one hand, the advertisements dropped from 88.9\% in the first decade to 60.2\% in the fourth. On the other hand, the number of news reports on Agunot rose from 31 in the first decade to 330 in the fourth, possibly reflecting the professionalization of Jewish media.

During the second period discussed here the mapping of Jewish journals dealing with the Agunot phenomenon changed. Here much more information comes for North American sources, especially in Yiddish. While in Eastern Europe most of the Yiddish newspapers were local ones, in North America most of the newspapers were published in New York but were read all over the continent. Furthermore until the 1920's most of the Jewish immigrants were located in New York and neighbouring East Coast states. All of the Yiddish newspapers dealt extensively with Agunot, but especially three of those: Forverts (Forward), founded in 1897 and edited by socialist Abraham Cahan; Der Morgen Zshurnal (the Morning Journal), founded in 1901 by the orthodox publisher and Die Varheit (the Truth) founded in 1903 by Louis A Miller, Cahan's ex associate.\textsuperscript{50} Forverts published the famous "Gallery of abandoning husbands" - information on deserters with their photographs\textsuperscript{51}.

II. RESPONSAS
Agunot became an ardent issue in the Jewish community, mainly in Eastern Europe, as evidenced by the vast amount of information on the subject in nineteenth century published responsa or rabbinical questions and answers\textsuperscript{52} More information is found in unpublished responsa, which can be located in rabbinical archives.\textsuperscript{53} While this issue became prominent in responsa in the nineteenth century, it was a major topic of discussion in rabbinical literature long before.\textsuperscript{54} In traditional Jewish society, family issues were usually handled privately and discreetly (although, of course, the disappearance of husbands was known in the shtetl and the community).\textsuperscript{55}

A unique feature of nineteenth century responsa was their reaction to the public challenge, including the leaders of nineteenth century Jewish community, and the high
profile of the issue of Agunot in the Jewish press. The rise of journalism offered Agunot a new way to try and solve their situation. Requesting the aid of rabbis was practically the only avenue open to the abandoned wives until the mid-nineteenth century. Thereafter, the public spotlight on the issue Agunot, not only in newspapers, but also in Hebrew and Yiddish literature, affected rabbinical literature, in general, and response, in particular.

Some examples of the effect of the new public scene on the major rabbis in Eastern Europe are presented below. Rabbi Naphtali Tzvi Yehuda Berlin, head of the famous Volozin Yeshiva, referred to HaMelitz of 1887 as a source of information on Agunot. In another instance, Rabbi Berlin referred to Hatzfira. However, he stated that rabbinical decisions should not appear in the newspapers unless absolutely necessary. Rabbi Hayyim Berlin, the son of Rabbi Naphtali Tzvi, referred to HaLebanon (a less surprising reference since it was an Orthodox journal that published an addendum of rabbinical literature). Rabbi Hayyim Berlin also mentioned to his father's habit of reading the debates about religion in the newspapers, which he claimed was a common thing to do on Shabbat. The well-known Rabbi David Friedman referred to several mentions of Agunot in HaMagid of 1873.

Indeed, understanding their limitations, many times rabbis referred Agunot to publish advertisements in newspapers and even witnessed as to their authenticity. In some cases rabbis based their ruling on data received from newspapers. Rabbi Shalom Mordechai Shvedron, in a responsum on the agunah Hava Sateshny even based his decision on information he found in a newspaper. In the case of the agunah Reizel Laysten (1895), whose husband drowned in a ship on its way to America, Rabbi Shvedron also relied heavily on newspaper reports, even claiming that had the husband survived, he could have sent a note via the newspapers. Rabbi Yosef Shaul Nathanson, as well as other rabbis, published their requests regarding Agunot in HaMagid.

In fact, the most important rabbis in Eastern Europe, such as Shlomu Kluger (1785-1869), Itzhak Elhanan Spector (1817-1896), Yosef Shaul Nathanson (1810-1875), and many others wrote responsa on Agunot.

However, information in the responsa is partial, in many cases, and does not provide precise data regarding persons and places involved, in some cases. In many of the cases, even the date is not specified. Another methodological problem is that many responsa books were
not published by the authors, and only long after they were written.\footnote{71} Responsa literature mostly deals with the second, third and fourth categories of Agunot, i.e., involving halitza, identifying the dead, and get completion issues. There are also many other responsa on Agunot.

Responsa books mention many more cases that are not analysed in this research. The following methodology was adopted: cases in which a year is not mentioned were ignored and left out of the database, whereas instances in which only a place or a name was missing went into the database, while if both the place and name were missing, they were not included.

III. OFFICIAL RABBINATE PAPERS ESPECIALLY IN RUSSIA

From 1844 onward, officially recognized rabbis of the community became officers of the state in the Russian Empire. Many communities continued to employ unofficial rabbis alongside the official ones. However, many of those living in Jewish communities were prepared to assent to administration by the official state rabbis (רביים ממושכים).\footnote{72} This occasionally created a new category of Agunot, women thought to have married and divorced not exactly according to Jewish law.\footnote{73} However, research on these sources is just beginning. In some cases, rabbis refused to accept the get written by rabbis who were appointed by the state, but whose ruling was deemed improper because they did not have rabbinical training and formal rabbinical education.\footnote{74}

IV. LETTERS AND OTHER INFORMATION CONCERNING IMMIGRANTS

This applies particularly to immigrants from Eastern Europe to the United States and England.\footnote{75} Such important sources can be found in the records of women's benevolent societies, as well as of social workers. Most of these records relate to the early twentieth century, and relate to the second period under discussion here. Most important are correspondences by various Jewish organizations (Jewish Colonization Association; Industrial Removal Office, United Hebrew Charities, National Bureau of Desertion and others).
Of those the files of the Jewish Colonization Association (JCA) information Bureaus allow us insight to the East European perspective of the immigration. After the Kishinev Pogrom of 1904, the central committee of the JCA decided to open an information Bureau in St. Petersburg. Soon the JCA became the most important philanthropy in the field of immigration. The CEO of the St. Petersburg Bureau was local lawyer Shmuel Janovsky. Janovsky recommended opening local offices all over the Russian Empire. Gur Alroey found that in 1906 there were already 160 offices all over the Pale of Settlement, in 1907 there were 296, and in 1910 the no. rose to 449 and in 1913 there were 507 offices. The JCA bureaus records forms a highly important database composed not only of correspondence. The JCA distributed questionnaires among immigrants and people aiming to immigrate, which offers us a unique perspective of the immigration process and not just on the Agunot phenomenon.76.

THE EXTENT OF THE PHENOMENON

All the data for the scope of the phenomenon of Agunot are estimates. Most Agunot were not reported, as such, either due to shame or despair. Furthermore, although most Agunot lived in Eastern Europe, much of the data refer to post-migration reports, particularly to North America and the United Kingdom, in the late nineteenth century.

Mark Baker suggested that the Agunot reported in Jewish newspapers represented only 1% of all the cases, based on Ephraim Deinew’s statement in a footnote in HaMagid, on April 21, 1869: "Readers of the Jewish journals need not think that the published cases of Agunot in newspapers are all the cases. In fact if all Agunot would wish to publish their troubles, all the journals would not suffice. In fact only one in an hundred is mentioned."77

Arthur Hertzberg claimed that, during the period of the Great Immigration (1881-1924), 100,000 Russian Jews deserted their wives and families, but he did not cite his sources. ChaeRan Freeze doubts this estimate.78 We estimate the numbers were significantly less.

Figures given by Jewish organizations in Great Britain and the United States might give some hints. The British Jewish Board of Guardians’ report for 1870 gives the number of
Agunot as 103. Their report for 1871 refers to 105 cases. These are huge numbers, if the size of the Jewish population in Great Britain (less than 300,000 in 1870) is taken into account. In the 1880's, the figures were much higher. The report for 1881 cites 151 cases; and, for 1886, 214. The number for the 1890's was even higher. The report for 1892, for example, gives 353 Agunot.

As far as North America is concerned, Hertzberg's figures are indirectly supported by a report by Morris D. Waldman to the Sixth Conference of the National Jewish Charities in the US in 1909. Waldman reported on deserted women requesting aid from charities in various cities: 78 in St. Louis; 90 in Baltimore; 204 in Chicago; and 1046 in New York. Waldman also quoted research from 1901, with the number of deserted Jewish women, in Boston, as 105, for the same year. These surveys do not distinguish between Agunot who were abandoned without divorce and those divorced and then abandoned.

In 1908-1909, the records of the United Hebrew Charities of New York (UHCNY) showed that 652 out of 1046 women were deserted for more than a year, including 130 for more than a decade. Waldman provided figures of deserted women assisted by UHCNY in 1903 to 1909 (1052; 970; 1124; 1040; 106; 1049; and 1046, respectively). It seems that, in New York alone, there were at least a few hundred new Agunot per year. As early as 1871, a report of the Hebrew Benevolent and Orphan Asylum Society of New York, published in the Jewish Messenger on May 5, 1871, refers to 78 deserted wives supported by the society, in 1870 alone.

These figures do not include Eastern Europe and reflect the situation especially in North America in the beginning of the 20th century. However, most Agunot found in the present research came from the Russian and the Hapsburg Empires (more than 5,000 in comparison with 2,900), and figures do not exist for them. Estimating the number of Agunot, the basic assumption is that at least 40,000 Jewish Agunot lived in Eastern Europe during the second half of the nineteenth century. Especially in the first period is an educated guess, at best. Rather, research on East European Agunot relies heavily on qualitative rather than quantitative sources.
THE SCOPE OF THE RESEARCH

This article is based on research on over 5,000 cases of identified Agunot, most of them from Eastern Europe for the period between 1851 and 1900 and of more than 2,900 Agunot mostly from North America for the period between 1901 and 1914. Most information on Agunot can be found either in newspapers (mostly Jewish newspapers in Hebrew or Yiddish), or in rabbinical responsa books and other sources. As shown here, these two main databases portray different Agunot narratives. Although there is some information relating to anonymous Agunot, especially in the rabbinical sources, in this research, it was decided to concentrate solely on those identifiable either by name or place.

CATEGORIES OF AGUNOT

Based on research of 5,000 cases of Agunot in the nineteenth century and 2,900 cases in the early 20th century, seven basic types were identified. 87

1. WOMEN DESERTED BY HUSBANDS WHO DISAPPEARED

Isaac Waldorf is probably the most notorious case of desertion. After deserting his wife in Vienna, he went to New York and remarried. When his second wife died leaving three young children, he appointed an 18 year-old girl, who came from Vienna, to look after his children, and later married her. The bride invited her mother from Vienna to come to New York. The mother recognized her son-in-law as the husband who deserted her. The daughter/third wife was born a few months after Waldorf's desertion. 88

In most of the known cases, the husbands were not found. There were also a few cases of wives deserting husbands. 89 However, deserted husbands, who were still married, could apply for a Heter Meah Rabanim [permission, signed by 100 rabbis (from three countries)] to marry another wife. Men would look for rabbis willing to sign such permissions. In a peculiar case, in 1857, Itzik Walershtein from Hungary went on a mission to collect 100 rabbis’ signatures for another man whose wife was insane. However, Walershtein disappeared, making his own wife an agunah. 90

According to the Jewish law, wives could not receive such permission. This created a problem in countries where bigamy was illegal. 91 In some cases of couples married according
to Jewish law, but without having recorded the marriages by the state, husbands would deny the marriages altogether. However, since they were married according to Jewish law, the wives would remain *Agunot*, although the whereabouts of the husbands were known.

Since women could not receive *Heter Meah Rabanim*, their only option was *Heter Agunah* [permission to the *agunah*], which is discussed later in the article. Desertion was the most common reason for women becoming *Agunot*, as shown in Table 1 below.

2. WOMEN WHO REFUSED TO RECEIVE OR WERE NOT GRANTED A GET
Some husbands who refused to grant their wives permission for divorce were imprisoned or deported (Usually to Sibiria) by the Russian state. The cases of imprisoned or deported women unwilling to receive a *get* were much fewer, while some refused to receive it for other reasons, particularly economic considerations. Not many cases of the latter were found, although this later became more widespread. As we shall see many more cases of this version are to be found in early 20th century America.

3. WIDOWED WOMEN WHOSE BROTHERS-IN-LAW REFUSED TO GRANT THEM PERMISSION TO MARRY OTHERS
According to Jewish law, when a husband dies and has a surviving brother, the widow, if she does not have children, is obliged to marry the brother, unless she is released from this duty. This is done through a ceremony called *halitza* (Levirate marriage), involving the widow’s taking off the brother in law's shoe, whereby she receives the brother-in-law’s permission to marry another man. Thus, he is released from the obligation to marry her, and she becomes free to marry whomever she desires. In one peculiar case, a brother of a deceased man went to give his sister-in-law *halitza*, but disappeared, so that his own wife became an *agunah* as well. Sometimes, the brother-in-law could not be found, refused to give permission, or demanded payment for it.

4. WOMEN WHOSE HUSBANDS’ BODIES HAVE DISAPPEARED
Such instances include husbands’ deaths by drowning, or by natural disasters while traveling. The difficulties in such cases could be that his body was not found, or was mutilated beyond recognition. In such instances, women could not remarry until the husbands were officially pronounced dead. There were many instances in which husbands
had been taken into the armed forces and died during their service, but their bodies were missing or mutilated. In some cases, enlisted husbands did not return home, sometimes by choice. In other cases, they were missing in action, but the rabbis refused to accept the army death reports. In one case, the husband had been murdered, but the body was only discovered much later, and, during all the intervening years, the woman remained chained to the marriage.

5. IMPROPERLY OR INCORRECTLY WRITTEN GET

The divorces of women with such a get could not be finalized. In some cases, the get was deliberately written in an improper way. This issue was the subject of a number of literary works, mainly in nineteenth-century Russia. Among the most famous of such pieces was Yehuda Leib Gordon’s poem "Kotzo shel Yod" (קוץ של יוד).

There were also some cases in which women refused to receive the get because the husband tried to serve it by using force or intimidating the woman. However those cases were rare.

6. WOMEN WHOSE HUSBANDS BECAME MENTALLY ILL AND WERE NOT COMPETENT TO GRANT A GET

In such cases, women had to apply for Heter Beth Din (דין בית התר) [permission of the rabbinical court] to be released from the marriage. Similarly, women who had become mentally ill were not considered competent to receive a writ of divorce, and the husbands became chained to such marriages. Such matters could be adjudicated by rabbis using Heter Meah Rabanim, as mentioned above.

7. WOMEN REFUSED A GET BY JEWISH CONVERTS TO CHRISTIANITY OR ISLAM

Some of the converts to Christianity became anti-Jewish agitators, such as Israel Aaron Birman, also known as Dr. Yustus. In such cases, the divorces still had to be granted according to Jewish law. In the event that converts refused to grant a get, the women became Agunot.

The most famous instance involving conversion was of Sarah Leah, the widow of Mechel Alter Gener of Odessa in the Russian Empire, who became an agunah because she
and her husband had no children. Both Mechel Alter Gener's brothers converted to
Christianity and were not willing to grant Sarah Leah halitza. She needed special rabbinical
permission to remarry. The case was much debated in newspapers, rabbinical responsa, and
civil courts in Odessa. The rabbinical debate was conducted by Rabbi Avraham Yoel Abelson
of Odessa. The correspondents included: Avraham Yoel Abelson, Israel Issar Shapira, Aaron
Zeev Wolf Wail, Itzhak Elhanan Spector, Mordechai Aaron Gimple, Leib Frankel, Yosef
Zechaia Shtern, Naphtali Tzvi Yehuda Berlin, Shimon Arie Schwabacher, and Shmuel
Mohaliver - many of the most important rabbis in Eastern Europe. The main issue
discussed was how to free a woman that was misinformed by her late husband. Mechel Alter
Gener did not inform his wife that he has two converted brothers, who may not supply her
with a Halitza in case he will die. The main issue discussed by the rabbis if to grant her to re-
marry without a Halitza.

HOW AGUNOT COULD OBTAIN PERMISSION TO REMARRY

In cases (categories 2-6) in which a husband was not to be found for a few years, or was
declared insane, in a coma, or unable to function, the rabbis could release the aguna from
her chains by the Heter Aguna (עגונה התר). To gain such permission was the principal goal of
Agunot. However, rabbis could only grant such permission within the framework of Jewish
law. In many cases, the newspapers applied pressure on the rabbis to be more liberal and
issue written permissions to re-marry more frequently. Rabbi Abraham Hanalish of Minsk
wrote in a letter published in HaMelitz in February 1886 that some rabbis do yield to such
pressure.

ANALYSIS OF KNOWN AGUNOT CASES, 1851-1914

The information collected is analysed in the following tables. Tables 1 & 2 refer to
known cases of Agunot into various categories.

Table 1. Data on the Categories of the Known Cases of Agunot 1851 - 1900

<table>
<thead>
<tr>
<th>Agunot</th>
<th>No.</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Deserted by husband or wife</td>
<td>2,848</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>----------------------</td>
<td>-------</td>
</tr>
<tr>
<td>1a</td>
<td>Deserted by a serial deserting husband (2 or more deserted wives)</td>
<td>490</td>
</tr>
<tr>
<td></td>
<td>Total deserted wives</td>
<td>3,245</td>
</tr>
<tr>
<td></td>
<td>Total deserted by wife</td>
<td>92</td>
</tr>
<tr>
<td></td>
<td>Total desertions</td>
<td>3,338</td>
</tr>
<tr>
<td></td>
<td></td>
<td>66.18</td>
</tr>
<tr>
<td>2</td>
<td>Refusing to grant or receive a <em>get</em></td>
<td>133</td>
</tr>
<tr>
<td>3</td>
<td><em>Halitza</em> issues</td>
<td>232</td>
</tr>
<tr>
<td>4</td>
<td>Husband suspected dead (three cases of a wife)</td>
<td>721</td>
</tr>
<tr>
<td>5</td>
<td>Improper <em>get</em></td>
<td>373</td>
</tr>
<tr>
<td>6</td>
<td>Mental or severe illnesses</td>
<td>159</td>
</tr>
<tr>
<td>7</td>
<td>Conversion</td>
<td>70</td>
</tr>
<tr>
<td>8</td>
<td>Undefined and other cases</td>
<td>29</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>5,042</td>
</tr>
<tr>
<td></td>
<td></td>
<td>100.00</td>
</tr>
</tbody>
</table>

Table 2: Data on the Categories of the Known Cases of Agunot 1901 – 1914

<table>
<thead>
<tr>
<th></th>
<th>No.</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1a</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deserted by husband or wife</td>
<td>2,517</td>
<td></td>
</tr>
<tr>
<td>Serial deserting husband (2 or more deserted wives)</td>
<td>121</td>
<td></td>
</tr>
<tr>
<td>Total deserted wives</td>
<td>2,609</td>
<td></td>
</tr>
<tr>
<td>Total deserted by wife</td>
<td>29</td>
<td></td>
</tr>
<tr>
<td>Total desertions</td>
<td>2,638</td>
<td>90.52</td>
</tr>
<tr>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Refusing to grant or receive a <em>get</em></td>
<td>54</td>
<td>1.87</td>
</tr>
<tr>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Halitza</em> issues</td>
<td>20</td>
<td>0.69</td>
</tr>
<tr>
<td>4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Husband suspected dead (one case of a wife)</td>
<td>85</td>
<td>2.94</td>
</tr>
<tr>
<td>5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Improper <em>get</em></td>
<td>61</td>
<td>2.08</td>
</tr>
<tr>
<td>6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mental or severe illnesses</td>
<td>34</td>
<td>1.18</td>
</tr>
<tr>
<td>7</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Conversion</td>
<td>20</td>
<td>0.69</td>
</tr>
<tr>
<td>8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Undefined and other cases</td>
<td>1</td>
<td>0.03</td>
</tr>
</tbody>
</table>
As Table 1 shows, about 34% of the women researched became Agunot for reasons other than desertion by their husbands. This was very much different in the second period. Between 1901 and 1914 (table 2) 90% of the Agunot were deserted by their husbands. Furthermore, the two major sources on Agunot, which are discussed below, namely, Jewish newspapers and responsa books, offer two different narratives regarding Agunot. While the newspapers dealt mainly with deserted women, the responsa dealt mainly with women whose husbands were deceased, as well as with halitza cases, get and mental health issues. Thus, out of 1,712 cases of Agunot cited in responsa before 1901, 1,424 (83.18%) were cases of women not deserted by their husbands; while 2,441 out of 2,674 cases (90.29%) reported in the Jewish newspapers were cases of women deserted by husbands (see Table 6 below). The reason for this is explained in the next section.

Table 3: Identified Agunot from 1851 to 1900

<table>
<thead>
<tr>
<th>Years</th>
<th>Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>1851-1860</td>
<td>312</td>
</tr>
<tr>
<td>1861-1870</td>
<td>924</td>
</tr>
<tr>
<td>1871-1880</td>
<td>1,202</td>
</tr>
<tr>
<td>1881-1890</td>
<td>1,396</td>
</tr>
<tr>
<td>1890-1900</td>
<td>1,208</td>
</tr>
<tr>
<td>Total</td>
<td>5,042</td>
</tr>
</tbody>
</table>

Table 3 shows a constant rise in the number of cases reported in each decade. The sharp rise in the second decade is due to the fact that information on Agunot appeared in newspapers only in 1857. For the years 1851-1856 our information is mainly from responsa books. Numbers dropped in the last decade. This may be due to changes in editorial policy. Zionism and Immigration became more important than social issues in the editors' agenda. The reasons for this were the rising awareness to the issue of Agunot, as well as the increase in the number of newspapers, which also became more widespread. Agunot became a "hot" issue that helped to sell the newspapers.

Table 4: Identified Agunot from 1901 to 1914
Table 4 shows a constant rise in the number of cases reported in each five years. The reason is the increase in the Jewish population in America, where most Agunot in the period are to be found. However, in the first five years (1901-1905) and partially in the second five years period (1906-1910), much of the information still came from European sources.

Table 5: Gender Division of Agunot

<table>
<thead>
<tr>
<th></th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Males</td>
<td>324</td>
<td>6.4%</td>
</tr>
<tr>
<td>Females</td>
<td>4,718</td>
<td>93.6%</td>
</tr>
</tbody>
</table>

Although 94% of the reported cases until 1900 and 97% of cases after 1901 were of deserted women, the numbers of deserted men might be higher than was known. Masculinity in the American and European context seems to be similar. In a patriarchal society, many men were reluctant to publicize the fact that they were deserted. Many of the cases of deserted men portrayed the deserting women as either out of their minds or unfaithful, which seems has been somewhat misleading.

Table 6: Sources of Agunot Cases 1851-1900

<table>
<thead>
<tr>
<th>Sources</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jewish newspapers</td>
<td>2,703</td>
</tr>
<tr>
<td>General newspapers</td>
<td>244</td>
</tr>
<tr>
<td>TOTAL NEWSPAPERS</td>
<td>2,943</td>
</tr>
<tr>
<td>Responsa</td>
<td>1,712</td>
</tr>
<tr>
<td>Others</td>
<td>383</td>
</tr>
<tr>
<td>TOTAL</td>
<td>5,042</td>
</tr>
</tbody>
</table>
Table 7: Sources of Agunot Cases 1901-1914

<table>
<thead>
<tr>
<th>Sources</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jewish newspapers</td>
<td>2,274</td>
</tr>
<tr>
<td>General newspapers</td>
<td>59</td>
</tr>
<tr>
<td>TOTAL NEWSPAPERS</td>
<td>2,323</td>
</tr>
<tr>
<td>Responsa</td>
<td>254</td>
</tr>
<tr>
<td>Others</td>
<td>326</td>
</tr>
<tr>
<td>TOTAL</td>
<td>2,913</td>
</tr>
</tbody>
</table>

Most information on the known cases of Agunot comes from the media. The information published in the newspapers is also much fuller in details, and, many cases may be followed for long periods of time. However, all sources have much more information (usually description) about the absconding men, and much less about the women. In the second period information was published in newspapers not only by the victims, as it was in the first period. Many of the advertisements in the Yiddish newspapers (especially in North America) was published by Jewish organizations such as the United Hebrew Charities, Industrial Removal office and from 1911 the National Bureau of Desertion.

As far as Responsa sources are concerned we can see that while in the first period nearly 34% of the Agunot appear in responsa in the second period less than 9% of the cases appear in rabbinical sources. Furthermore, 228 cases our of 254 refer to Eastern Europe, 12 cases to Middle East communities, 10 to cases in America and 4 to Western European communities. Just eighty two cases (33%) referred to Agunot whose spouse immigrated, mostly to America.

Table 8: Breakdown of Cases

<table>
<thead>
<tr>
<th>Percentage</th>
<th>Number</th>
<th>1851-1900</th>
</tr>
</thead>
<tbody>
<tr>
<td>39.70%</td>
<td>2,001</td>
<td>Immigration-related cases</td>
</tr>
<tr>
<td>42.65%</td>
<td>2,149</td>
<td>Non-immigration-related cases</td>
</tr>
<tr>
<td>17.65%</td>
<td>892</td>
<td>Not clear if related to immigration</td>
</tr>
<tr>
<td>100%</td>
<td>5,042</td>
<td>Total</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>1901-1914</th>
</tr>
</thead>
<tbody>
<tr>
<td>18.02%</td>
</tr>
<tr>
<td>78.8%</td>
</tr>
<tr>
<td>3.19%</td>
</tr>
<tr>
<td>100%</td>
</tr>
</tbody>
</table>
Many more cases of *Agunot* in the period up to 1900 were related to internal migrations\(^{123}\). The deserters did not go to other countries, many left their shtetls, villages or cities for other places within the vast Russian and Habsburg empires. We estimate that about 40% of the unclear cases were immigration cases. If the assumption is correct nearly 50% of all cases were immigration related. As Table 8 shows figures for the period 1901-1914 show that most cases were post migration desertions.

Table 9: Geographical Dispersion from 1851 to 1900

<table>
<thead>
<tr>
<th>Number</th>
<th>%</th>
<th>Place</th>
</tr>
</thead>
<tbody>
<tr>
<td>4,273</td>
<td>84.8%</td>
<td>Eastern Europe(^{124}): Russian Empire, Habsburg Empire (Galicia),</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Congress Poland, Romania, Hungary, Caucasus, Bulgaria</td>
</tr>
<tr>
<td>164</td>
<td>3.26%</td>
<td>Eretz Israel</td>
</tr>
<tr>
<td>156</td>
<td>3.10%</td>
<td>Middle East: Turkey, Morocco, Iraq, Syria, Egypt, Persia, Algeria &amp;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Tunis</td>
</tr>
<tr>
<td>190</td>
<td>3.77%</td>
<td>United States, Canada</td>
</tr>
<tr>
<td>123</td>
<td>2.44%</td>
<td>Great Britain</td>
</tr>
<tr>
<td>116</td>
<td>2.24%</td>
<td>German states</td>
</tr>
<tr>
<td>12</td>
<td>0.24%</td>
<td>France &amp; Italy</td>
</tr>
<tr>
<td>6</td>
<td>0.12%</td>
<td>Sweden &amp; Denmark</td>
</tr>
<tr>
<td>2</td>
<td>0.03%</td>
<td>Australia</td>
</tr>
<tr>
<td>5,042</td>
<td>100%</td>
<td>Total cases identified</td>
</tr>
</tbody>
</table>

Table 9 clearly shows *Agunot* was mostly an Eastern European phenomenon: 4,275 out of 5,042 known cases (84.8%) were in Eastern Europe. However, since the 1890's, the number of cases in immigration countries (especially the USA, England France and the German states) rose.

The high number of Agunot in German states\(^{125}\) (116) can be explained by the proximity to East Europe. A large number of Jews from Eastern Europe traded with German states, and some left their wives and opted to live there. This also explains why the German states were a spot many deserters favoured in Central and Western Europe, as reflected in Table 11 below.

The high number of Agunot in Great Britain (123) as compared to low number in France (10) is due to the fact that Anglo Jewish Philantropical organizations (mainly the Jewish Board of Guardians) kept records on Agunot since the 1860's\(^{126}\). Indeed 67 out of 123 Agunot cases in Britain are recorded in such sources.
Table 10: Geographical Dispersion from 1901 to 1914

<table>
<thead>
<tr>
<th>Number</th>
<th>%</th>
<th>Place</th>
</tr>
</thead>
<tbody>
<tr>
<td>457</td>
<td>15.70%</td>
<td>Eastern Europe: Russian Empire, Habsburg Empire (Galicia), Congress Poland, Romania, Hungary; Caucasus Bulgaria</td>
</tr>
<tr>
<td>19</td>
<td>0.66%</td>
<td>Middle East: Eretz Israel; Turkey; Morocco; Iraq; Syria; Egypt; Persia; Algeria; Tunis</td>
</tr>
<tr>
<td>2,406</td>
<td>82.61%</td>
<td>America: United States; Argentina; Canada; Brazil</td>
</tr>
<tr>
<td>31</td>
<td>1.03%</td>
<td>Western &amp; Central Europe: Great Britain; German States; France; Sweden; Denmark</td>
</tr>
<tr>
<td>2,913</td>
<td>100%</td>
<td>Total cases identified</td>
</tr>
</tbody>
</table>

Table 10 indicates that Agunot in the first 15 years of the 20th Century were North American rather than East European phenomenon. This was a result of the huge wave of Jewish immigration from Eastern Europe to America. Most information on Agunot is to be found in North American sources. Daily Jewish Newspapers (mostly in Yiddish) and Jewish Philanthropic organizations provide us much information.

We assume that the vast information on Agunot in America offers a somewhat misleading picture. Most Jewish newspapers in Eastern Europe ceased gradually reporting on Agunot already in late 19th Century. East European editors were much more interested in issues like Immigration to North and South America, Zionism, Socialism. Interest is social issues (including Agunot) decreased. As table 3 above indicates between 1891 and 1900 newspapers reported on 1,207 Agunot while a decade earlier 1,396 cases where reported. Most information on those Agunot appeared in newspapers.

Furthermore most Agunot cases between 1901 and 1914 were not a result of immigration only 525 out of 2,913 (18.03%) Agunot cases were of transatlantic deserters (see table 12 below). Most deserted were either born in North America or were living in America long before desertion. Our assumption is that while most North American Agunot were reported, many Agunot cases in other countries, especially in Eastern Europe were not reported as zealously.

Table 11: Destinations of Known Immigration-Related Cases of Agunot 1851-1900

<table>
<thead>
<tr>
<th>Destination</th>
<th>1851-1860</th>
<th>1861-1870</th>
<th>1871-1880</th>
<th>1881-1890</th>
<th>1891-1900</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>United States; Argentina, Brazil, Mexico &amp; Canada</td>
<td>24</td>
<td>80</td>
<td>150</td>
<td>252</td>
<td>330</td>
<td>836</td>
</tr>
<tr>
<td>England</td>
<td>6</td>
<td>36</td>
<td>59</td>
<td>86</td>
<td>91</td>
<td>278</td>
</tr>
</tbody>
</table>
Table 11 shows that 1,386 out of 2,001 cases (69.25%) of husbands left for distant foreign countries (especially to the United States and Argentina), while 615 (30.75%) left for nearby countries (for example, from the Russian Empire to Romania, Hungary, the Habsburg Empire or the Middle East).
Table 12: Destinations of Known Immigration-Related Cases of Agunot 1901-1914

<table>
<thead>
<tr>
<th>Destination</th>
<th>1901-1905</th>
<th>1906-1910</th>
<th>1911-1914</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>United States, Canada Argentina, Brazil &amp; Mexico</td>
<td>68</td>
<td>242</td>
<td>161</td>
<td>470</td>
</tr>
<tr>
<td>England, German states, France</td>
<td>4</td>
<td>6</td>
<td>4</td>
<td>14</td>
</tr>
<tr>
<td>Middle East: Eretz Israel, Egypt, Morocco, Persia</td>
<td>4</td>
<td>5</td>
<td>3</td>
<td>12</td>
</tr>
<tr>
<td>Russian Empire; Congress Poland; Habsburg Empire (Galicia); Romania</td>
<td>6</td>
<td>10</td>
<td>9</td>
<td>25</td>
</tr>
<tr>
<td>Australia, South Africa</td>
<td></td>
<td></td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Total</td>
<td>82</td>
<td>265</td>
<td>178</td>
<td>525</td>
</tr>
</tbody>
</table>

Table 12 shows that of 525 cases of immigrating deserters in early 20th Century, 470 (89.6%) immigrated to North America. Another 3 immigrated to Australia and South Africa. Only 10% from the Agunah deserters left to nearby countries.

CONCLUSION: AGUNOT, IMMIGRATION, AND MODERNIZATION

Various conclusions may be drawn from this research:

1. Agunot and the Journalism and the Rabbinical establishment

   The role of rabbis as the sole decision-makers in the Jewish community, and, in particular, as far as women are concerned, was diminished by the rise of Jewish media. Before 1856 (the appearance of the first regular newspaper – HaMagid) Women had to rely only on Rabbinical advice when seeking for husband\textsuperscript{127}. The new media offered women another path. Women, and Agunot, in particular, took advantage of this.

   Rabbis based their decisions on the Halacha [the Jewish Law]. Rabbis could be more lenient toward women's needs on certain occasions. As mentioned above, understanding their limitations, many times rabbis referred Agunot to publish advertisements in newspapers and even witnessed as to their authenticity. However, since the status of women in the Halacha was inferior, they could not provide them with much help. As the phenomenon of Agunot became more extensive, the rabbis became more helpless in supporting the women's cause.
Deserted women could not rely on the rabbinical establishment or other male dominated communal institutions. They came to realize that women needed to help themselves. Publishing advertisements was only one of the avenues open to women in dealing with their plight. The fact that religious Jewish women were now turning to the newly formed public arena was probably the most significant change. This also reflected women’s deep understanding of the modern public sphere, especially with regard to the role of the media in modern society. The wide public airing given to the issue of Agunot in the nineteenth century was an important indicator of East European Jewry’s modernization.

2. Why did the phenomenon occur?

This 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, such as the age difference between husbands and wives, particularly at the time of marriage, should be taken into account in attempts to explain the issue.

2. The effect of immigration - both internal and international. This was a major factor especially in the first period analyzed 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, or did immigration just exacerbate the matter? 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.
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 East European Empires is an explanation offered by many\(^\text{133}\). Urbanization during the 19\(^{\text{th}}\) century worsened poverty. Young men left their shtetls in order to find work and provide for their wives and children.\(^\text{134}\) Many could not make a living sufficient enough 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 first period. For the second period the reasons are different.

As figures on table 10 above indicate most early 20\(^{\text{th}}\) century North American Agunot were post migration one. Adapting to life in the new continent was the main reason here. Immigration and acculturating to a new environment explain social deviance among immigrants.\(^\text{135}\) In our case, relocation of Jewish immigrants in North America by the Industrial removal office provides us with another explanation.\(^\text{136}\) Economic hardships and age differences were not a main factor in the North American scene.

3. **Agunot in Eastern Europe and North America.**

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. A husband disappeared and the wife was seeking a way out of the marriage. Journalists, rabbis and others tried to find the deserter or the remains of the husband. Many of the Agunot cases were a result of immigration - the husband left for another country or another city. North American Agunot were of a different kind. Desertion and divorce were the main features here.

One of the main reasons for this was difference of regimes - the authoritarian system of Eastern Europe and the democratic one of the west - mainly in North America. The Russian Empire rulers did not enforce secular marriage contracts on the
Jews. Jews married according to Halacha law. Rabbis decided when a marriage was over and thus many women remained chained in their marriage long after the husband deserted or died. 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.

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. Orthodox rabbis took another road - trying to preserve as much as possible the rule of Halacha. It is no wonder that in the contemporary Orthodox Jewish world and in Israel Agunah became a synonym for divorce (Get refusal) issues.
Notes

1 See Noa Shashar, 1850-1648: Agunot and the Men who Disappeared in the Ashkenazi Realm, 1648-1850” (Ph.D. diss., The Hebrew University of Jerusalem, 2012).

2 The halachic aspects have been much researched, especially by the Agunor Research Unit at the Centre for Jewish Studies at the University of Manchester: http://www.mucljs.org/Agunotunit.htm. See also, Aviad HaCohen, The Tears of the Oppressed: an Examination of the Agunah Problem: Background and Halachic Sources (New York: Ktav, 2004).


7 See note 1, above.


10 Most advertisements concerning Agunot were published in Hebrew, and very few in Yiddish, although Yiddish was the most common spoken language among the Jews. Thus, in the Yiddish newspaper Democrat, only six advertisements regarding Agunot were found for the years between 1862 and 1872.


13 Baker, note 6, above.

14 A total of 20 Hebrew newspapers and 11 general Yiddish newspapers were consulted; and 8 local Jewish newspapers (mostly Yiddish) were screened.

15 See also, editorial notes, HaMagid (7 August 1862); and general response HaMagid (14 August 1862 and 14 June 1865).

16 Editorial in Hamagid (23 June 1869).

17 For example, Hametzitz (9 February 1865), signed by Rabbi Yaakov Yosef of Oddessa; HaMagid (6 May 1866), signed by Rabbi Moshe Shor of Yassi, Rumania; Hamagid (5 July 1865), signed by Rabbi Avraham Kluger of Brody; Hamagid (13 April 1870), signed by Rabbi Isaac Shor of Bucharest, Rumania; HaMagid (28 July 1875), signed by Rabbi Shmuel Mohaliver of Radom, Poland.
Most papers stated this at the top of the front page. On 12 February 1858 and 12 September 1860, HaMagid announced that advertisements on Agunot would be free of charge.

18 The case of Yocheved was rare since her advertisement for her husband Avraham Meyer Aphter was published in Hebrew as well as in German. See HaMagid (11 June 1872, 11 September 1872, 28 May 1873); and Der Israelite (20 January 1875). The Advertisement in the German Jewish Orthodox newspaper was published two years after the Hebrew one. The advertisement in Der Israelite was a rare reference to Agunot, the only one in the newspaper in that year. In 1909, Elias Tobenkin, in a report on Agunot, claimed that advertisements were very useful in finding the runaway husbands, “How the Deserted Wives of the Ghetto Try to Woo Back Their Husbands,” Chicago Tribune (30 May 1909). However, advertisements became less effective in late nineteenth century Russia.

19 Freeze, note 3, above, 235-236.

20 HaMagid (17 July 1872 and 28 June 1876); and, after 13 years, three additional advertisements in HaMelitz (7 September 1889, 9 September 1889 and 2 October 1889).

21 Tzila Beyla offered 25 Rubles to the cover of expenses of finding her husband Yaacov Kantiger, HaTzfira (7 June 1881). Tzipa Abramovitz offered 500 Rubles as a payment to her husband in exchange for her release, HaMagid (25 June 1873 and 30 August 1873). Miriam Tabirsky offered 50 Rubles to anyone who would help her to find her runaway husband, HaMagid (27 January 1874).

22 HaMagid (22 October 1873). The story was initiated and followed up by HaMagid. On Hutzin, see Lev Hakak, [Hebrew] Igrot Ha-Rav Shlomo Behor Hutzin (Tel Aviv: Ha-Kibutz Ha-Mehuhad Publishing, 2005).

23 HaMagid (10 June 1864, 7 September 1864, 12 December 1864, 1 February 1865, 21 June 1865).

24 In the case of Frieda and Levy Itzhak Frankel, an advertisement was published, HaMagid (19 April 1865, 26 April 1865), and then local rabbis asked for assistance, HaMagid (2 May 1865, 7 February 1866), and the final piece of information was provided by a reader, HaMagid (21 March 1866).

25 See HaMagid (17 January 1884, 3 April 1884, and 24 September 1884).

26 The first piece accusing Kahalan of desertion was published in HaMagid on July 18, 1878. The publication originated from Vilnius. On November 20, 1878, the newspaper published a retraction by the board of the Jewish community of Teltz (Telšiai). On January 29, 1879, the Vilnius version of the story was published again, with many more details. On April 30, 1879, another retraction, this time from New York, appeared in HaMagid.

27 There is a fall from an average of 45 incidents per year in the preceding decade to an average of 20 in the years 1879-1881. The Kahalan affair was a minor reason for downsizing references to Agunot in HaMagid. The policy of a new editor, David Gordon, was the main reason, as discussed later.

28 The article “America” in HaMagid (18 December 1862) quoted the Jewish Record, misspelling the name of the newspaper. Another article by the same name in HaMagid (29 August 1886) was translated from the Hebrew Observer.

29 See the public appeal by the editor of HaMagid to Rabbi Shlomo Kluger of Brody, HaMagid (11 July 1866). In an earlier instance, Rabbi Kluger responded to the challenge by HaMelitz with a very long letter, HaMelitz (25 April 1864, and 3 August 1864).

30 For example: editorial, HaMelitz, (15 October 1872)

31 On serial deserters, see Table 1 above.

32 HaMagid (10 March 1869).

33 HaMelitz (5 January 1885); HaMagid (18 December 1884).

34 HaMagid (17 August 1864, 13 September 1865, and 28 September 1870). Hirsch Frankel was another professional criminal who deserted his wife, HaMagid (26 May 1874, and 21 October 1874).

35 HaLebanon (9 April 1873).

36 See many examples of this in the responsa of Naphtali Tzvi Yehuda Berlin, Meshiv Davar (Hebrew), Part D sign 38 (New York, no publisher, 1950, 2nd edition).


Gilboa, note 12, above.


Gilboa, ibid., 167-181.


Much of the responsa literature can be traced using the Responsa Project Database of Bar Ilan University: www.responsa.co.il.


See Shashar, note 1, above. The Responsa Project gave 1608 citations of agunah; 1524 citations of igun (ועגון); 792 citations of Agunot; 276 citations of agun (ועגה); and 633 citations of iguna, retrieved on May 2015. Many citations reflect pre-nineteenth century cases, but many are post-1896, the year in which the research ends.

Shashar, note 1, above.

Ibid.

59 See Sperber, note 53, above.
60 Meshiv Davar, note 37, above, Part B, sign 8.
61 Ibid, Part D, sign 49.
65 David ben Shmuel Freidman, sefer shelat david (Hebrew) Sefer Shelat David (Piotrkow Trybunalski, Mordechai Tzederboim Press, 1913), Part of Even Ha-Ezer (in Hebrew), sign 16.
67 Ibid. Part 1, sign 8. In the case of Hannah Golda, again in 1895, he encouraged her to advertise her case in the newspapers, ibid. Part 7, sign 150.
68 HaMagid (22 June1858, 20 June 1860, 3 July 1861, 28 Aug.1871, 1 October 1871); So did Rabbi Mordechai Weisman Hayut, HaMagid (28 July.1860, and 14 August 1867); Rabbi Hayyim Nathan Dambitzer, HaMagid (21 August 1862); and Rabbi Shlomi Kluger, via his son Avraham Beyamin Kluger, HaMagid (21 September 1864, 28 September 1864).
69 Haim Gertner, “New Uses of an Old Tool - The Scope of Influence of 19th Century Galician Rabbis according to Statistical Analysis of Responsa Literature” (Hebrew), Papers of the 12th World Congress of Jewish Studies (Hebrew Section), vol. 2 (Jerusalem: World Congress for Jewish Studies, 1990), 127-136.
73 See the case of Finkel and Shmuel Oppenheim, Shmuel Mohaliver, Yehuda Leib HaCohen Maimon, ed. sefer Shelat ve-tshuvot maharsham (Hebrew) Shut Marash Mohaliver (Jerusalem: Rabbi Kook Institute, 1980), part Even Ha-Ezer, answer 4.
74 ibid.
75 The list of sources is huge, including records at the Yivo Archives, American Jewish Historical Society Archives in New York, the American Jewish Archive in Cincinnati, the Jewish Board of Guardian Records in the Southampton University Archive, among many more. Some of the early twentieth century letters were published by Gur Alroey, Bread to Eat and Clothes to Wear: Letters from Jewish Migrants in the Early Twentieth Century (Detroit: Wayne State University Press, 2011).
77 See note 4 in: Baker, (note 7, above).
78 Freeze, Note 4, above, 231.
79 Ms. 173 1/12/2, 1870, 11 in Special Collection, Hartley Library, Southampton. See also Jewish Messenger (25 May 1871).
led to the case being much publicized: HaMagid (2 August 1888); HaMelitz (31 July 1888); Hatzfira (30 July 1888); Hatzvi (17 August 1888) (all in Hebrew); American Israelite (20 July 1888); The Ledger (Warren, Pennsylvania) (13 July 1888). Most references in the American press were in newspapers published in Iowa: Sioux County Herald (19 July 1888, and 9 August 1888); Sioux Valley News (19 July 1888 and 9 August 1888); Le Mars Semi-Weekly Globe (21 July 1888); Summer Gazette (19 July 1888); Carroll Sentinel (27 July 1888 and 10 August 1888); Northern Vindicator (20 July 1888, and 27 July 1888); Emmet County Republican (19 July 1888); Van Wert Republican (Ohio) (19 July 1888); Burlington Hawk-Eye (Iowa) (12 July 1888), see also The Ottawa Daily Citizen (11 July 1888); Aurora Daily Express (11 July 1888); Chicago Daily Tribune (11 July 1888); Omaha Daily Bee (12 July 1888); Washington Critic (12 July 1888); St. Paul Daily Globe (11 July 1888); Atlanta Constitution (13 July 1888). Even the New Zealand newspapers published the case: see Wanganui Chronicle (6 September 1888). Most of the New York press ignored the case, with the exception of the New York Tribune, (11 July 1888).

Haya Brayne deserted Leib Berger in 1871, HaMagid (5 May 1874), and Leah, Isaac Bloch’s wife was found in New York, 10 years after eloping from Poland, New York Times (1 June 1878). Fruma Leah, the wife of Yehoshua Naphtalewitz, disappeared in 1871, taking with her a son and a daughter, HaMagid (12 July 1871).


Examples include the case of Ludwig and Augusta Cohen, New York Times (30 July 1886), and the case in Russia cited in HaMelitz (1 February 1886).

See the case described by Rabbi Avraham Borshtelnik, Avnei Nezer (אבני נזר) (Hebrew) (Piotrkow Trybunalski, 1912; reprinted New York, Avraham Tzvi Friedman Press, no date), sign 134.

In 1885, a woman sent to prison for four years refused to receive a get. Yaacov Widenfeld, Kohav me-Yaacov (Kohav me-Yaacov, Hebrew), (New York: Moshe Aarom Kempfeler Publisher, 1958), sign 40.

In 1869, there was a case of a wife who refused to accept a get for such reasons, see Eliahu Gutmacher (Yosef Shmuel Kriger, reproducer from manuscript).
Abelson

March 1890

April

Gender, Conversion, and 112

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(Hebrew; Sefer Shelot ve-Tshuvot Tshurat Shay) (Sighetu Marmatiei [Sigat in Hebrew], 1905; Reprinted in New York, Grossman Publishing House, no date), 2nd edition, sign 60.

See the Hebrew Newspaper Havatzelet (29 January 1886) and (5 February 1886).

See the cases of: Gitel HaMagid (21 April.1879); Raize Kaufman HaMelitz (31 May.1869); and the much publicized case of Leah, the widow of Israel Brahan, who tried to locate her brother-in-law Itzik, HaMagid (20 October.1880, 27 October 1880, 3 November 1880, 10 November 1880, and 17 November 1880); HaTzifra (22 June1880, 29 June1880, 13 July1880, and 20 July 1880).

HaTzifra (28 November 1893 and 1 December 1893); HaMelitz (23 July 1894).


For example, HaMagid (9 July 1873) and Hamelitz (28 February1888 and 1889, and March 1889).

Avraham Tzvi Komineayer was killed by a building that collapsed and his body could not be identified. See the responsum of Hayym Halbersham, ספר שלוחן חלקי (Hebrew) Sefer Shelot ve-Tshuvot Divrei Hayym vol. 2 (Lemberg, 1872; reprinted in Krakow, 1892 and New York: Bobover Yeshiva Bnaei-Zion, 2002), the last edition was used here, sign 53. The case was also discussed by Rabbi Avraham Tzvi Teomim, ספר חלקי (Hebrew) Sefer Hesed le-Avraham (second edition, Lemberg, 1898), sign 15.

For example, Shinidels' husband, Dov ben Yeruham, a soldier in the Austrian army, disappeared while fighting in Italy. See Rabbi Avraham Yehuda HaCohen Schwartz, ספר חלקי (Hebrew) Shelot ve-Tshuvot Kol Arie, (Szilagysomlyd, Hungary, 1904; reprinted in New York: Yeshivat Kol Yehuda, 1967), sign 87.

HaMagid (12 November 1873 and 19 November 1873); HaMelitz (2 May 1884).

There is little research on Agunot of soldiers in the nineteenth century. The only exception hardly refers to pre-World War I Agunot: Sarah Gabriella Berger, Sentenced to Marriage: Chained Women in Wartime (Penn Humanities Forum on Travel, Undergraduate Mellon Research Fellows, 2006-2007). http://repository.upenn.edu/cgi/viewcontent.cgi?article=1001&context=uhf_2007

The case of Shmuel Mivchem, HaMelitz (10 June 1865).

See Eyn Itzhak, note 98, above, sign 40.

See the case of the get obtained by Isshahar Kaminsky, HaMagid (1 April.1868 and 13 May 1868).

A get obtained by Ishaya ben Yoel of Austria, see Itzhak Aaron Itinga HaLevy, ספר חלקי (Hebrew) Shut Maharia Ha-Levy (Lemberg: Uri Zeev Wolf Salat Press, 1893), part 2, sign 12.


Like the wife of F., see Rabbi Moshe Teomim, ספר חלקי (Hebrew) Sefer Shelot ve-Tshuvot Devar Moshe (Lemberg: Uri Zeev Wolf Salat Press, 1864), question 79.

Eyn Itzhak, note 98, above, 172.

Shoel ve-Meshiv, note 90, above, answer 122.

On Yustus see HaMagid (8 January 1885 and 26 February 1885); American Israelite (25 July 1884). On conversion and its effect on the family see CheaRun Freeze, "When Chava Left Home: Gender, Conversion, and the Jewish Family in Tsarist Russia," Polin 18 (2005): 153-188.

For example, the case of Gitel Mogiovskia, Freeze, note 3, above, 238. See also HaMelitz (6 December 1895).

Freeze, note 3, above, 266, and note 171, 365. The issue was discussed mostly in HaMelitz (12 April 1886, 30 April 1886, 10 May 1886, 14 May 1886, 11 June 1886, 4 December 1889, and 27 March 1890); HaTzifra (25 March 1890). The debate took place in 1885 and 1886. Avraham Yoel Abelson מלתון, עיון (Hebrew) Takenan Agunot (Yehoshua and Itzhak
Yaacov Abelson, Publishers)


116 "A Truthful Answer", HaMelitz, (19 February 1886).

117 Among those cases, 38 women refused to receive the get.

118 Including 33 males.

119 Among those cases, 21 women refused to receive the get.

120 Including 10 males.

121 A deserted man is either one who could not be served a get because his wife left or became mentally ill. He might ask to rabbis to grant him a permission to marry another wife, which was denied in most cases.

122 Others refer mainly to Archival records, for example, the Jewish Board of Guardians, MS173, Hartley Library, University of Southampton.


125 As table 11 shows the same number (113) were deserters immigrating to the German states.

126 See notes 79-84 above


130 Olive Anderson offers a useful discussion on the subject, although the English scene was much different than the East European one, see Olive Anderson, “Emigration and Marriage Break-Up in Mid-Victorian England,” Economic History Review L(1) (1997): 104-109.


132 On Jewish family life in the preceding era, see Freeze, note 4, above; and Tamar Salmon-Mack, “Marital Issues in Polish Jewry, 1650-1800” (Hebrew) (Ph.D. diss., The Hebrew University of Jerusalem, 2002).

133 See for example Reena Sigman Friedman, note 8 above.


138 Stone, op.cit.
139 HaCohen, Note 2 above
140 Michael J. Broyde, note 87, above