

Grant Proposal for Dissertation: Paradigm A (New Topic)

Jewish Marriage and Divorce in Imperial Russia (C. Freeze)

Project Summary

Four decades after Jacob Katz first summoned historians to conduct research on the social history of Jewish communities, little has yet been done, impelling Katz once again to declare that "I believe the time is ripe for taking a renewed look at this question."¹ Indeed, the existing historiography has almost totally ignored the history of the Jewish family in Imperial Russia. To be sure, idealized depictions of life in the shtetl abound, but serious research is virtually nonexistent on the transformation of the family, which in turn profoundly affected the Jewish community and its relationship to state and society in Imperial Russia. Drawing upon a wide variety of sources (including many recently declassified archival materials in Russia and Ukraine), this study seeks to make a systematic examination of change in marriage and divorce among Jews, contextualized within the broader framework of a "crisis of the family" that pervaded Europe in general and Russia in particular in the decades before World War I. It addresses several major questions: the changing patterns of marriage (e.g., age, social status, rates of inter-marriage); the dynamics of marital dissolution; the role of the rabbinate; literary responses and representations; the intrusion of the secular state; and the politics of gender and nationality in divorce litigation as Jews increasingly turned from rabbinical to state authorities to resolve disputes over marriage and divorce. This study will at once provide new insights into the history of the Jewish family and into the complex relationship between Jews and the Russian state in late imperial Russia.

Problematica

The "Great Reforms" (1855-1870) aimed to reconfigure Russian state and society--from the abolition of serfdom (1861) to the establishment of Western courts (1864) and many other new institutions. These reforms also had a profound impact on changing opportunities for mobility, litigation and expectations about the family and gender.² Even among the Russian Orthodox population, where the Orthodox Church adamantly opposed divorce, the rates climbed dramatically in the last decades of the ancien regime, generating a popular sense that the family was indeed in the throes of a fundamental crisis. A multiplicity of social processes--such as urbanization and industrialization--"had begun to erode traditional family bonds," even among lower echelons of society.³ A significant increase in out-migration from rural areas to factories and mills brought profound changes in family structure and relationships, weakening patriarchal and societal controls over family members.

Similar, even more intense, processes were at work in the Pale of Settlement, inducing a fundamental transformation in the family. One salient index was a sharp rise in divorce rates--indeed, the highest in Imperial Russia. Whereas the divorce rate (divorces per 1,000 marriages)

1 Jacob Katz, "On Jewish Social History: Epochal and Supra-Epochal Historiography," *Jewish History* 7 (1993): 89-97.

2 W. B. Wagner, *Marriage, Property and the Struggle for Legality in Late Imperial Russia* (Oxford: Oxford University Press, 1994).

3 G. L. Freeze, "Bringing Order to the Russian Family: Marriage and Divorce in Imperial Russia, 1760-1860," *Journal of Modern History*, 62 (December, 1990): 709-746.

was only 1.57 among the Russian Orthodox population (1875),⁴ a study by A. A. Shal'kovskii and local archival sources indicate that the divorce rate was 308.49 in Odessa (149 divorces for 483 marriages in 1875)--nearly two hundred times the rate among Russians.⁵ Even more astounding figures were reported by small Jewish towns like Berdichev (331.40 divorces per 1,000 marriages in 1865).⁶ Little wonder that contemporaries were deeply alarmed about the crisis and the problems that they generated, not only within the family, but in the entire Jewish community, especially toward the rabbinical authorities responsible for regulating marriage and divorce. The result was an intense debate about the rabbinate as well as such traditional practices as early marriages and arranged unions. The maskilim (enlightened Jews) often condemned such customs as backwards and alien to the European cultures they sought to emulate.⁷ Significantly, not only "enlightened males" but also ordinary women rebelled against the traditional family and turned to "gentile" Russian authorities for justice.⁸ This intervention of non-Jewish authorities violated traditional prerogatives of established religious institutions and abetted the assertion of state authority in yet another sphere of Jewish community life.

This crisis in the Jewish family raises a series of important and interesting questions. First, what were the primary dynamics--economic, social, cultural--that were so dramatically reshaping the traditional pattern of marriage and divorce among Jews? Apart from constructing precise and disaggregated data on marriage and divorce (age; geographic origin; social and prior marital status; ethnicity and religious status), this study will analyze the impact of such variables as changing attitudes among Jews (especially toward the status and role of women), increased social and geographic mobility (including enhanced opportunities for certain Jewish status groups to leave the Pale), and the improvement of secular courts and administration. It must also inquire into the "politics of gender"--how local and central authorities responded to such issues as the moredet (the rebellious wife), the agunah (perpetual grass widow) and infidelity.

Second, what were the repercussions of marital dissolution? In part, this research must address the standard questions of divorce and its consequences--child custody, division of property and alimony. But, because of Russian restrictions on Jewish residency, family "breakup" presented additional issues for Jews: once a marriage was dissolved, what were the respective rights of spouses with regard to domicile? This was indeed a primary concern for divorced couples: the provincial bureaucratic institutions received numerous petitions from divorced women seeking to return home and from single parents attempting to relocate their

4 Data for 1875 from Iz vlecheniia iz vsepoddanneishego otcheta ober-prokurora po vedomstvu pravoslavnogo ispovedaniia za 1875 god (Moscow, 1876), prilozhenie.

5 A.A. Shal'kovskii Odessa 84 god tomu nazad i teper' (Odessa, 1878), pp. 42-44. See also GAOO, f. 274, op. 1, d. 15, ll. 50, 137. For abbreviations, see Appendix A.

6 Marriage and divorce statistics for 1865 in Ukrainian provinces are found in GAKO, f. 804, op. 1, d. 155. Small towns reported lower divorce rates among Jews; thus Jews of Vasil'kov had 55 marriages against 15 divorces, Tarasch--43 marriages against 10 divorces, and Cherkassa--28 marriages against 7 divorces.

7 See D. Biale, "Eros and Enlightenment: Love Against Marriage in East European Jewish Enlightenment," Polin 1 (Oxford, 1985): 49-76. See also Y.L. Gordon's "Al Kotsko shel Yod," Kol Shirei Yehuda Leib Gordon, 4 (Tel-Aviv, 1930): 4-34.

8 See S. Shilo, "The Individual versus the Community in Jewish Law in Pre-eighteenth-century Poland," in: The Jews in Old Poland, ed. A. Polonsky (n.p., 1992).

children to different towns.⁹ Another problem related to military service: when a man registered sons from a second marriage under his name, children from the previous marriage became more vulnerable to the draft. Complaints from mothers (usually divorcees and new spouses) about the military status of their sons constitute a significant portion of Jewish petitions to the state. Finally, what was the relationship between the rise of poor "single-parent" families and Jewish philanthropic organizations? How did the crisis of the family contribute to the "crisis of Jewish philanthropy" in the late 19th century?¹⁰

Third, how did the family crisis affect relations within the Jewish community? That problem pertains particularly to the status and role of the rabbinate. By the 1830s, a dual rabbinate--the state rabbi (kazennyi ravvin) and the spiritual rabbi (dukhovnyi ravvin)--emerged in Jewish communities as a result of state efforts to secularize, and to regulate the religious establishment. The state rabbi, versed in Russian law and language, received the sole right to oversee Jewish marriages, divorces, circumcisions, and the maintenance of official registers. Archival documents indicate that by the late 1860s, state rabbis were often russified Jewish professionals (doctors and dentists) who were enticed by the incentives of the new post (e.g., the status of a first-guild merchant, medals, and exemption from the poll tax).¹¹ Their elite Russian education was matched, however, by their ignorance of Jewish law.¹² Fundamental questions--"Who is a rabbi?" and "Which rabbi, state or spiritual, has authority over religious ceremonies?"--sparked confusion and consternation in Jewish society. In general, Jews viewed the state rabbis as "petty state officials" and not as legitimate religious authorities; hence they continued to turn to their local spiritual rabbi to resolve family and marital issues.¹³ Still, this contradiction in authority empowered Jews to complain against unjust rulings, abuse of power, transgressions of Jewish law, or violations of state law. Indeed, divorce litigation became the main arena for the struggle between the state and spiritual rabbinate. It is important to examine how Jews used the "confusion" of a dual rabbinate to obtain--or hinder--swift divorces, and how all this affected the status and authority of the rabbinate. Throughout, a primary objective of this research is to go beyond the mere juridical and theological and to consider the quotidian--i.e., how all this really functioned on a day-to-day basis.

Fourth, how did the family question affect the relationship between Jews and the Russian state? Until the mid-nineteenth century, the Russian state had tolerated a virtually autonomous self-rule among Jews, permitting their communal organization (the kahal) to perform various

9 For examples, see GAKO, f. 1, op. 147, d. 268 (a petition from Motelia Pavalotska for Kiev resident permits for her children from the first marriage). See also GAKO, f. 1, op. 137, d. 922 (the case of Felgi Chutkov who petitioned to return to her hometown after her divorce but was rejected).

10 See E. Lederhendler, "Modernity without Emancipation or Assimilation? The Case of Russian Jewry," in: Assimilation and Community, eds. Jonathan Frankel and Steven Zipperstein (New York, 1992). Cf. GAKO, f. 10, op. 1, dd. 116, 708, 838.

11 See KGGGA, f. 16, op. 469, d. 19, l. 13.

12 See GAKO, f. 1, op. 142, d. 926. In a letter to the Ministry of Internal Affairs Department of Spiritual Affairs, the Korostyshev state rabbi, Aron S. Ratner (a dentist), admitted that he was not versed in Jewish divorce laws and requested the Rabbinic Commission to send him "a list of reasons which were considered invalid." Although the state required rabbis to complete at least one course in a rabbinic school, the requirement was often ignored. For additional information, see I.B. "Rabbinat v Rossii," Evreiskaia Entsiklopediia, 16 vols. (St. Petersburg, 1991), 13: 226-33.

13 "Polozhenie ravvinov v Rossii," Vestnik Russkikh Evreev, 18 (June 1873): 543-544.

fiscal, legal and administrative functions. In the family issue, as in many others, the Russian state now assumed a more aggressive and interventionist role. The task is to determine how this affected the Jewish community and its relationship with the Russian state.

Finally, how did the Jewish press respond to this crisis in the family? The public debate is important and interesting in its own right, for in many respects the discourse about the family was a touchstone, defining and reflecting how an individual author related to "Jewishness" and its meaning more generally.

Existing Scholarship

Since the 1960s, the outpouring of new historical research on marriage and the family has revolutionized the field of western European and Russian social history.¹⁴ These studies have thrown light on dominant trends in family formation and dissolution--the impact of social, economic, and demographic factors on the age of marriage, choice of spouse, fertility, the duration and emotional content of marriages, gender relations and other related issues. Historians Jacob Katz¹⁵ and Azriel Shochat¹⁶ initiated the study of Ashkenazic Jewish family, but their pioneering research did little to advance scholarly interest in Jewish social history. Only recently has any serious research on the question of the Jewish family been undertaken again. Marion Kaplan's The Making of the Jewish Middle Class: Women, Family and Identity in Imperial Germany addresses the important question of how dominant culture shaped the Jewish family, while David Biale's work on Jewish childhood in Eastern Europe has focused on the psychological trauma of early marriages in Jewish Enlightenment literature. Apart from literary critiques of the Russian-Jewish family and general investigations of the 1897 census and family demographic patterns,¹⁷ there is no serious social history of the Jewish family in Imperial Russia.

Research Design and Sourcebase

This dissertation seeks to combine a grassroots case study of the Ukrainian provinces (with approximately 1,425,000 Jews or 9.7% of the total population)¹⁸ with attention to larger

14 Works such as R. Phillip's Putting Asunder: A History of Divorce in Western Society (Cambridge, 1988), L. Stone's The Family, Sex and Marriage in England 1500-1800 (London, 1977), and M. Mitterauer and S. Reinhard's The European Family (Oxford, 1982) have examined fundamental facets of the family such as marriage patterns, household structure, sexuality, child-parent relationships, divorce and marriage breakdown. Recent studies on the Russian family include E. Kingston-Mann and T. Mixter, ed., Peasant Economy, Culture, and Politics of European Russia, 1800-1921 (Princeton, 1991); G. L. Freeze, "Bringing Order to the Russian Family: Marriage and Divorce in Imperial Russia, 1700-1860," Journal of Modern History 62 (1990):709-746; B. A. Engel, Between the Fields and the City: Women, Work and Family in Russian 1861-1914 (Cambridge: Cambridge University Press, 1994); and W. B. Wagner, Marriage, Property and the Struggle for Legality in Late Imperial Russia (Oxford: Oxford University Press, 1994).

15 J. Katz, "Marriage and Marital Relations at the End of the Middle Ages," (Hebrew) Zion 10(1945-46): 47-49. See also idem, "Family, Kinship and Marriage Among Ashkenazim in the Sixteenth to Eighteenth Century," Jewish Journal of Sociology. 1 (1959): xx.

16 See A. Shochat, Im Hilufe Tekufot (Jerusalem, 1960): 164-77.

17 Recent works on the East European Jewish family in the 19th century include S. Stampfer's "Gender Differentiation and Education of the Jewish woman in nineteenth-century Eastern Europe," Polin, 7 (1992): 63-87; D. Biale's Childhood Marriage and the Family in East European Jewish Enlightenment (New York, 1983); R.P. Adler, Women of the Shtetl: Through the Eyes of Y.L. Peretz (New Jersey, 1980).

18 The nineteenth-century Ukrainian provinces included Volynhia, Chernigov, Kiev, Podolia, Poltava, Kherson, Ekaterinoslav, and Taurida.

patterns in the Russian Empire as a whole. It bears emphasizing that this entire project has become possible only since the "archival revolution" of 1991, when the massive holdings on Jews were finally declassified and made available (if reluctantly) to researchers.¹⁹ This declassification means that historians can now go beyond the usual corpus of sources (chiefly legislation and anecdotal material in memoirs and diaries)²⁰ to rewrite the history of Russian Jewry, to consider this history from "the bottom up" by including the voices of provincial Jewish men and women who have languished as the faceless and silent "backward masses." This analysis will focus on four main lines of research.

1. One primary task is to examine local rabbinical records--disputes over the validity of marriages, specific divorce applications, documents from appropriate witnesses, and final resolutions. These records are to be found in the Central State Historical Archive of the UkrSSR in Kiev. Additional materials are located in the various provincial (oblast') archives (e.g., GAOO, f. 274). Individual cases--incorporate petitions, affidavits and rabbinical decisions--provide direct insight into the grounds for marital dissolution, the actual procedures of Jewish divorce courts and rabbinic decision-making, and changing gender relations in domestic life. These files, together with the obligatory metrical records (registers of vital statistics) of the state rabbis, provide systematic statistical data on marriage and divorce such as age, sex, social status, geographic origin. I have already processed comparable materials for the Moscow Jewish community in the Moscow State Archive (RGIAGM, f. 2372). Many cities in the Pale of Settlement kept these records in the form of pinkasim, many of which were preserved in the State Public Library of St. Petersburg and the Vernadsky Library in Kiev. Finally, Ukrainian provincial archives provide information about the role of local state authorities and the "government rabbi" officially recognized by the state.

2. Another line of research concerns the central state archive (RGIA) of St. Petersburg--above all, the files of the Ministry of the Interior and Rabbinic Commission. These collections are important in several respects. First, they reveal how the state reacted to such questions as the family crisis (in this case in respect to Jews), and the growing demand for the recognition of women's rights. The files of the Ministry of Interior (f. 1284) and the Emperor's Chancellery for the Receipt of Petitions (f. 1412) contain substantial quantities of documentation from Jews seeking protection and aid, chiefly from local rabbinical authorities. Still more important and interesting is the Rabbinical Commission (f. 821),²¹ which reveal how Jewish religious leaders themselves reacted to such controversial questions as divorce, intermarriage, desertion and the plight of the agunah, and women's rights. This collection includes numerous petitions from Jews, who in contravention of community norms, turned to the state with the request to overturn rabbinic divorce rulings that they considered unjust.

3. A further line of inquiry involves the public debate about the question of Jewish divorce and the rights of women. In the first instance, this means the study of the Jewish press

19 For a preliminary survey of archive materials, see G. M. Deich and B. Nathans, Research Guide to Materials on Russian Jewry in Selected Archives of the Former Soviet Union (Moscow: Blagovest, 1994 [in press]).

20 See M. A. Guenzburg, Aviezer (Vilna, 1963); A. B. Gottlober, Zikhronot (Jerusalem, 1976); M.L. Lilienblum, Ketavim Autobiografim, ed. S. Breiman, 3 vols. (Jerusalem, 1970); P. Wengeroff, Memoiren einer Großmutter (Berlin, 1913).

21 The Rabbinic Commission, established in 1848 to serve as a consultative body under the Ministry of the Interior (MVD). Its primary function was to advise the state on matters regarding Jewish ceremonies, dissolution of marriages, activities of local rabbis.

and literature--the newspapers, journals and belles-lettres that directly and profusely addressed the question of Jewish marriage and divorce. A detailed guide to printed materials before 1890 is to be found in Sistematicheskii ukazatel' literatury o evreiiakh na russkom iazyke (The Systematic Guide to Literature about Jews in the Russian Language). For the crucial period of 1890-1917, I have already made a systematic review of twenty newspapers and journals (including Rassvet, Voskhod, and Russkii evreiskii vestnik). For other printed materials, I have already used the main research catalogues in Moscow, St. Petersburg, Kiev and L'vov, and will use the massive bibliographical database on emigre publications at the State Historical Library (Moscow).²² Memoirs of Russian-Jewish immigrants housed at YIVO (New York), will also be consulted.

4. The final sphere of inquiry is rabbinic responsa literature, a valuable "indicator of change" in Jewish marriage and divorce practices.²³ Although nineteenth-century responsa normally dealt with exceptional cases (where traditional law afforded ambiguous or contradictory interpretations), they reflected the crisis in the family as well as the shifting social realities and challenges to traditional practices of Jewish law. Bar-Ilan's innovative responsa database program, which identifies responsa by subject and author, constitutes an important source for this dissertation.

Research Plan

I have already completed about five months research in Russia and Ukraine. In the summer of 1993, I worked in the archives of Moscow and St. Petersburg, primarily on the marriage and divorce files of the Moscow synagogue and similar materials from the Rabbinical Commission in St. Petersburg. That research enabled me to map out the basic problematica, design a suitable dataset (using Q&A 4.0) for the statistical analysis, and to make the initial survey of printed materials. In the summer of 1994 I worked in five archives in Ukraine (see the attached appendix). This winter I shall return to St. Petersburg for two months to complete my investigation of the Rabbinic Commission and other ministerial records in the Central State Historical Archive of St. Petersburg. In addition, I shall continue my reading of the Jewish press (in Russian, Yiddish and Hebrew), a complete collection of which is to be found in the State Public Library of St. Petersburg. To maximize the productivity of my visit, I have already arranged microfilm or xerox duplication of pertinent material. Next summer, I shall spend another 3.5 months in Ukraine to work in the provincial archives of Odessa, Zhitomir, Vinnitsa and Dnepropetrovsk. While in residence in the United States, I shall process the archival and printed materials that I duplicated in St. Petersburg, Kiev, and Moscow, and begin a systematic study of the Bar-Ilan database. By September, 1995 I expect to have completed all the research necessary for the completion of this dissertation.

Significance of Topic

This dissertation should be of interest on several different planes. First and most important, it is intended as the first social history of the Russian Jewish family--the patterns of marriage and divorce, the underlying dynamics of change, and how Jewish community and Russian state responded to all this. Second, these findings should offer a new perspective on the

22 Such titles include: A.A. Alekseev, Ocherki domashnei i obshchestvennoi zhizni evreev (St. Petersburg, 1896); Kogut Adolzor, Znachenie evreev muzhchiny i zhenshchiny v istorii kul'tury chelovechestva biografii i kharakteristiki (Odessa, 1902-1903); Beitgilel David L'vovich, K predstoiashchim vyboram v Ravvinskuiu Komissiiu (St. Petersburg, 1893).

23 S. Stampfer, "Remarriage Among Jews and Christians in Nineteenth-Century France," Jewish History. 3 (1988): 93.

"Jewish question" in Imperial Russia, showing how the Jews (of various backgrounds and sects) interacted with a state increasingly determined to "Russify" its minorities. And third, this study will provide a new dimension to the vast literature on the family, marriage and divorce in modern Europe, which covers virtually every ethnic and national group but until now has been unable to integrate Russian Jewry--the largest Jewish community in nineteenth-century Europe--into its analysis.

