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## **Jewish Birth and Marriage Registrations in 19<sup>th</sup>-century Cracow and What They Reveal about the Dynamics of Ritual Marriage**

### **Żydowska rejestracja metrykalna w XIX-wiecznym Krakowie a dynamika małżeństwa rytualnego**

#### **Abstract**

The issue of the incomplete civil registration of Jewish marriages in areas of Poland occupied by Austria between 1772 and 1918 (the Kingdom of Galicia and Lodomeria and the Grand Duchy of Cracow) demands closer analysis and clarification. Marriage records are very important in genealogy and historical demography; thus, irregularities in their registration rate can have a serious impact on the accuracy of data. Also, the legal status of a child (legitimate or illegitimate) can be an important factor that should not be

#### **Abstrakt**

Kwestia niepełnej rejestracji metrykalnej małżeństw żydowskich w zaborze austriackim między latami 1772 a 1918 wymaga głębokiej analizy i wyjaśnienia. Ocena nieregularności w rejestracji małżeństw ukazuje poziom wiarygodności danych. Także stan prawny dziecka, urodzonego jako ślubne lub nieślubne, wymaga głębszego sprawdzenia i analizy. Zebrwszy dane o urodzeniach i małżeństwach Żydów krakowskich, wykorzystaliśmy procedurę rekonstrukcji rodzin, by dokonać analizy przypadków, kiedy rodzice

neglected and need to be well understood. We collected data on the births and marriages of Jews from the city of Cracow and employed the procedure of family reconstitution to analyze families with parents who were officially married (legitimate), who had never married (illegitimate) and where marriage occurred years after the children were born (legitimized by subsequent marriage). This allowed the authors to study the dynamics of both the phenomenon of “ritual marriage” as such (when it appears, reaches its peak and vanishes) and of the families (how many and how often children are being born and when such marriage can ultimately become legitimized).

### Keywords

Jewish family, Jewish marriage, ritual marriage, family reconstitution, illegitimacy

mieli ślub cywilny (ich dzieci były więc zarejestrowane jako ślubne), kiedy nigdy się nie pobraли cywilnie (ich potomstwo było więc formalnie nieślubne) oraz kiedy małżeństwo cywilne zostało zawarte w latach późniejszych (dzieci więc zostały wtórnie legitymizowane). Badanie to pozwoliło zbadać dynamikę zarówno tzw. małżeństwa rytualnego jako takiego (kiedy to zjawisko się pojawia, osiąga szczyt popularności, by z czasem zanikać), jak i dynamikę takich rodzin (ile dzieci się w nich rodzi i jak często oraz kiedy takie małżeństwo może w końcu zostać legitymizowane).

### Słowa kluczowe

rodzina żydowska, ślub żydowski, małżeństwo rytualne, rekonstrukcja rodzin, urodzenia nieślubne

## Introduction<sup>1</sup>

Lidia Zyblikiewicz, in her book *Ludność Krakowa w drugiej połowie XIX wieku (Population of Cracow in the Second Half of the 19<sup>th</sup> Century)*,<sup>2</sup> claims that according to an official census in the city of Cracow,

in 1857 [...] persons with free civil status [unmarried] made up a considerable share among Roman Catholics of all age groups, while this group was almost absent among older followers of Judaism. [...] In [...] age brackets, from 25–29 to 70–74, the share of married women among followers of Judaism was always higher than

<sup>1</sup> Some data and general ideas included in this paper were presented and discussed during The 11th Congress of the European Association for Jewish Studies (Cracow, 2018) by Marek J. Minakowski (presentation title: *Jews of 19th-century Cracow in Civil Registers*).

<sup>2</sup> Lidia A. Zyblikiewicz, *Ludność Krakowa w drugiej połowie XIX wieku. Struktura demograficzna, zawodowa i społeczna* (Kraków: Historia Jagellonica, 2014), 140–141.

60%; in five age brackets it was even higher than 90%, which means that almost every Jewish woman between her 35<sup>th</sup> and 59<sup>th</sup> year of age was married.<sup>3</sup>

On the other hand, in our research (see below), it appeared that in the same year, 1857, out of 481 Jewish births registered in Cracow, 245 children were born legitimate and 236 illegitimate. When the population census is cross examined with birth registry entries, half of Jewish mothers are recorded as “wives” in the census whilst in the birth records they are referred to as “maiden” (or unmarried). The difference is too significant to be neglected and deserves explanation.

The usual explanation is that these illegitimate children were born to parents with “ritual marriages,” that is, to parents in unions which were recognized only “ritually” in private (sometimes religious) ceremonies and which left no official trace.<sup>4</sup> But upon closer inspection, such an explanation is completely insufficient: the documents do not tell us what kind of ceremony it was, before whom it was held and what were the motives leading some couples to have an official (civil) marriage and other couples to have only a ritual one.

There are numerous descriptions<sup>5</sup> of marriage customs among Ashkenazi Jews in Central and Eastern Europe, but these descriptions tend to ignore temporal and spatial differences: they assume that Jews were homogenous in space and time and differences between them can be explained by religious denominations or social class. Describing the nuptial tradition of Polish Orthodox Jews in the end of 19<sup>th</sup> century, based on memoirs, religious literature and handicrafts, is a tempting idea and we did it ourselves,<sup>6</sup> but without the support of raw data analysis it can spread myths and confirm stereotypes. We still do not know to what extent “ritual marriages” were the case of custom (regional tradition), the case of religion (in the case of 19<sup>th</sup>-century Cracow three denominations were possible: Orthodox,

<sup>3</sup> Our translation. In the original: “W 1857 r. (...) znaczący udział wśród rzymskich katolików we wszystkich grupach wiekowych miały osoby stanu wolnego, które wśród starszych wiekiem wyznawców judaizmu niemal nie występowały. (...) W (...) przedziałach wiekowych, od 25–29 lat do 70–74 lata, udział mężatek wśród wyznawczyń judaizmu był zawsze wyższy niż 60%, w pięciu z nich przekraczając nawet 90%, co oznacza, że niemal każda żydówka między trzydziestym piątym a pięćdziesiątym dziewiątym rokiem życia pozostawała w związku małżeńskim.”

<sup>4</sup> A detailed discussion of the issue of ritual marriages is presented in: Małgorzata Śliż, “Rytualne małżeństwa Żydów w Galicji w drugiej połowie XIX wieku,” *Studia Judaica* 4 (2001), 1–2: 97–110.

<sup>5</sup> E.g., Zofia Borzymińska, “Żydowska narzeczona, żydowska żona. Obyczajowość ujęta w ramy prawa,” in: *Kobieta i małżeństwo. Społeczno-kulturowe aspekty seksualności: wiek XIX i XX*, eds. Anna Żarnowska, Andrzej Szwarc (Warszawa: Wydawnictwo DiG, 2012), 119–41; ChaeRan Freeze, *Jewish Marriage and Divorce in Imperial Russia* (Hanover, NH: Brandeis University Press, 2002); Artur Markowski, *Między Wschodem a Zachodem: rodzina i gospodarstwo domowe Żydów suwalskich w pierwszej połowie XIX wieku* (Warszawa: Neriton, 2008).

<sup>6</sup> Anna Lebet-Minakowska, *Judaizm poznać znaczy zrozumieć: kultura i sztuka Żydów w przedwojennej Polsce* (Kraków: Muzeum Narodowe w Krakowie, 2008).

Progressives or Hasidim<sup>7</sup>) or the case of civil law (bureaucratic obstacles). These causes can be linked and appear together, but their influence can be different and vary in space and time. It is possible that due to a lack of sources we will never be able to properly distinguish between them, but in our paper we will show that there are some chances to do so.

Therefore, the authors decided in this paper to suspend their judgement and forget their knowledge of how Cracow Jews *should have* behaved. For it appeared that the same families in the same city, in an area of a few square kilometers, in one community, within quite a short period of time (two or three generations) behaved *differently*. The authors argue that such a fresh, unbiased approach may expose what would not be found in memoirs, sermons and museum pieces. Especially when we keep in mind that the Jewish population of Cracow in 1900 (25,670 people) was comparable to that of the whole Jewish population of France outside the city of Paris (in 1900, there were 86,885 Jews in France including 58,000 in Paris) or to one third of the whole Jewish population of Palestine (estimated at 78,000).<sup>8</sup>

### The research problem

To summarize, there are two contradictory statements. Official statistics support the view that an important part (sometimes the majority) of Jewish children in Cracow were born of illegitimate relationships (concubinages). Ethnographic literature and self-reported census declarations claim that all Jews lived within the institution of marriage. To find out the truth, we can either refute one of the above statements or refute (or ignore) both and count the children again, one by one, finding marriage records for the parents of each child to try to reconstitute all the families, whether there was an official marriage or not. That way we will be able to see whether the childbearing behavior of officially married families differed from the behavior of “illegitimate” families (i.e., the couples whose children are recorded as illegitimate). The latter is what the authors have chosen to do.

In this way, we will be able to provide the answer not only to the question of who was right, but also of when it began to happen, what trend it represented, whether all the children in the family were marked as illegitimate (or perhaps only some, perhaps randomly?), and what happened to such families many years later: did they eventually marry or consider themselves free? In addition, the size of the

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<sup>7</sup> Andrzej Żbikowski, *Żydzi krakowscy i ich gmina w latach 1869–1919* (Warszawa: Wydawnictwo DiG, 1995).

<sup>8</sup> Joseph Jacobs, “Statistics,” in: *The Jewish Encyclopedia* (New York: Funk and Wagnalls, 1901).

population analyzed will enable us to claim that the results are not just a subjective impression or pure coincidence.

## Background

In the first half of the 19<sup>th</sup> century, the former Palatinate of Cracow (województwo krakowskie), which had shared a common history from the Middle Ages until 1772, was divided into three states. The southern part (the right bank of the Vistula river) had, since 1772, continuously been in the hands of Austria. The northern part, acquired by Austria in 1795, 14 years later (in 1809) was lost to the Duchy of Warsaw and was finally divided in 1815 between the Free City of Cracow (the independent Republic of Cracow) and the Kingdom of Poland, which was in the hands of the Russian Empire. It was only in 1846 that the Free City of Cracow finally fell into the hands of the Austrian Empire, but due to the turmoil of 1848 (the Vienna Revolution followed by a short-lived liberal constitution in Austria) it was only in the early 1850s when civil registration in Cracow finally lost its Napoleonic form (even in 1852, civil registers in Cracow looked virtually indiscernible from their counterparts in the Russian-owned Kingdom of Poland, while they were completely different from the marriages registered on the right bank of Vistula, where the Napoleonic Code was never in use).

As far as we know, there were no traces of Jewish “ritual marriages” in the Kingdom of Poland. Tomasz M. Jankowski analyzed Jewish Marriages in Piotrków Trybunalski (170 kilometers north of Cracow) in the period 1808–1870 and found no trace of them.<sup>9</sup> We also checked, in the State Archives in Kielce, all 127 Jewish birth records from the parish of Chęciny from the year 1855<sup>10</sup> and all 62 Jewish birth records from the parish of Szczekociny from the year 1838<sup>11</sup> (both until 1844 belonged to the Palatinate of Cracow, in 1837 renamed as the Governorate of Cracow, within the borders of the Russian-owned Kingdom of Poland) – all the birth records state that the children were born to legitimate unions.<sup>12</sup>

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<sup>9</sup> Tomasz M. Jankowski, “Małżeństwa Żydów w Piotrkowie Trybunalskim w latach 1808–1870,” *Przeszłość Demograficzna Polski* 37 (2015), 3: 39–91, <https://doi.org/10.18276/pdp.2015.3.37-02>.

<sup>10</sup> Archiwum Państwowe w Kielcach, Akta Stanu Cywilnego Okręgu Bóźniczego w Chęcinach, Urodzenia 1855, 21/79/0/-/59.

<sup>11</sup> Archiwum Państwowe w Kielcach, Akta Stanu Cywilnego Okręgu Bóźniczego w Szczekocinach, Urodzenia 1838, 21/1874/0/-/1.

<sup>12</sup> We did not check whether this was true. It could have happened that the children were brought by their father who claimed that he was the legally-wed husband of their mother but the truth was different – such detailed analysis has thus far been beyond our reach.

In Suwałki, located 550 kilometers north of Cracow, in the Russian controlled Kingdom of Poland, the Jewish community, unlike in Cracow and Piotrków, was not centuries old but its population increased at the beginning of the 19<sup>th</sup> century, due to a large influx of Jews from lands which now form part of modern-day Lithuania and Belarus' (the so-called Litvaks), reaching 10,460 people in about 1865 (63% of the whole population of the city). This was described in detail in a book by Artur Markowski.<sup>13</sup> Markowski found only one child born out of wedlock (in 1832). He claims, however, that

The issue of illegitimate children in the case of Jewish society is especially convoluted due to the aforementioned ritual marriages. One should keep in mind that when a father came to the registry with witnesses, nobody asked him to provide a marriage certificate. Witnesses confirming his identity and marital status were proof reliable enough to register the child as being born to a legal union.<sup>14</sup>

In Cracow the parents' marriage certificate had to be provided when registering a child. Whether this made a difference or not, we shall see later.

In the Austrian part of the former Palatinate of Cracow, on the right bank of the Vistula, which since 1772 had belonged to the Kingdom of Galicia and Lodomeria, "ritual marriages" were widespread.<sup>15</sup> The cause of this practice can be attributed to regulations demanding special requirements for Jewish newlyweds but, as Małgorzata Śliż pointed out, the practice became more common when the regulations were eased in 1857 and even more so after 1867, when a new, liberal constitution was passed.

In the Free City of Cracow itself, before it was seized by Austria in 1846, the situation seems to be similar to the (Russian-ruled) Kingdom of Poland. We counted all 350 births in 1827<sup>16</sup>: there were only seven illegitimate births, which constitute exactly 2.0%.<sup>17</sup> In four cases (births nos. 60, 153, 233, 249), the child was brought by its father but nevertheless it was (explicitly) "of illegitimate bed" and in three cases (nos. 54, 143, 239) the father is unknown. In the remaining 343 births it was explicitly stated that the parents were married.

<sup>13</sup> Markowski, *Między Wschodem a Zachodem*.

<sup>14</sup> *Ibidem*, 140, our translation.

<sup>15</sup> Śliż, "Rytualne małżeństwa."

<sup>16</sup> Archiwum Narodowe w Krakowie, Akta Stanu Cywilnego Księga IIga obeymująca Akta Urodzenia Przyznania i Przystosobienia osób wyznania mojżeszowego w Mieście Wolnem Krakowie na rok 1827, 29/1472/0/1/116. The following years are covered in the same collection, discussed hereinafter.

<sup>17</sup> The illegitimate births have numbers 54, 60, 143, 153, 233, 239, 249 – they are said to be "of illegitimate bed," while all other 343 births have the formula "from his wife."

Ten years later, in 1837, we found 32 illegitimate births (26 with father known and 6 with father unknown), out of a total of 640 births (5.0% of illegitimate births). But in the next samples we took, from 1841 and 1843, the situation had changed: all births where the father was known were registered as legitimate: in 1841, out of 555 births there were 8 with father unknown (1.4%) and in 1843 there were 17 with father unknown (2.7%). However, in the following year, 1844, the situation changed dramatically.

On July 5<sup>th</sup> 1844, the Senate of the Republic of Cracow passed a new law on Jewish Marriages.<sup>18</sup> Some new restrictions were imposed (discussed by Majer Bałaban<sup>19</sup>). However, the law also stated in Article 4 that:

Because the Jews neglect to submit their children to the Civil State Registers or, despite not being legally married, register them as legitimate, henceforth any Jew who does not submit his child to the proper register will be subject to a fine of 20 to 200 Polish Złoty or 3 to 20 days' detention. Any Jew submitting his child will have to produce his marriage certificate to the civil registration officer. The officer shall note the marriage certificate (subject to a fine of 500 Polish Złoty) in the register of births. In the absence of proof of marriage, the child will be registered as natural.<sup>20</sup>

The effect was immediate: the law came into force on August 1<sup>st</sup>, 1844. From January 1<sup>st</sup> to July 31<sup>st</sup> 1844 there were 348 births with 8 illegitimate (2.3%) – all with father unknown, From August 1<sup>st</sup> to December 31<sup>st</sup>, from 272 births there were 65 illegitimate (24%). In the following, year, 1845, out of 636 births 151 were illegitimate (again, 24%), including nine with father unknown. We can assume that the 24% was the real “opening balance” – the real number of Jews in Cracow who lived as married but had not had an official civil marriage before 1844.

<sup>18</sup> Dziennik Praw z 1844 roku (Kraków: Drukarnia Uniwersytecka, 1844) (Prawo co do zawierania małżeństw przez Starozakonnych, no. 3106 D.G.S.).

<sup>19</sup> Majer Bałaban, *Historja Żydów w Krakowie i na Kazimierzu, 1304–1868*, vol. 2: 1656–1868 (Kraków: “Nadzieja” Towarzystwo ku Wspieraniu Chorej Młodzieży Żydowskiej Szkół Średnich i Wyższych w Krakowie, 1936), 657–658.

<sup>20</sup> “Prawo co do zawierania małżeństw przez Starozakonnych,” our translation. Original wording: „Artykuł 4. Ponieważ Starozakonni Aktów urodzenia swych dzieci do ksiąg Stanu Cywilnego podawać zaniedbują, albo też pomimo niezawarcia związków małżeńskich legalnie, takowe jako prawe zapisują, przeto każdy Starozakonny, któryby Aktu urodzenia swego dziecięcia do ksiąg właściwych nie podał, pociągnięty będzie do kary od Złp. 20 do 200, lub aresztu od dni 3ch do 20stu. Podający Starozakonny Akt urodzin swego dziecięcia winien będzie Urzędnikowi Stanu Cywilnego zaprodukować Akt zawartego małżeństwa, któren pod karą Złp. 500 wzmiankę o takowym w Akcie urodzenia uczynić będzie obowiązany, a wrazie niewykazania się takowym, nowo narodzone dziecię jako naturalne zapisze. Akta Religijne Starozakonnych do urodzin, małżeństw, i śmierci odnoszące się, z epoki po zaprowadzeniu Aktów Stanu Cywilnego pochodzące, dowodu prawnego stanowiąc nie mogą.”

The new regulations of 1844 also caused a growth in illegitimate births. Within the preceding ten years (1834–1843) the number of registered Jewish children born in Cracow was 5,944 while the number of marriages was 732, which makes a birth-marriage ratio of 8.12. This is quite a high ratio (e.g. in the Catholic peasant parish of Kampinos the ratio for the same period was 4.28<sup>21</sup>). However, in the seven-year period following the new law (i.e., 1845–1851, before the form of civil registration in Cracow changed in 1852) the ratio soared to as high as 1,507 (253 marriages and 3814 births). In 1850, 36.9% of births were registered as illegitimate, while in 1856 the rate grew to 46.2%.

In 1910,<sup>22</sup> Hugo Nathansohn published official statistical data on extramarital births in Galicia compared to several other countries: Hungary, Russia, Prussia, Hesse, Württemberg and Bavaria. The first four of these bordered Galicia. The period covered by Nathansohn was the years 1895–1905, which is the upper limit of what we are discussing here in this paper. In 1895, in Galicia and Bukovina, 78.92% of Jewish children were born illegitimate (in 1903 it dropped to “only” 67.44%), compared to 12.98% in the general population (including over 10% Jews). In Hungary (also within the Austro-Hungarian empire; Hungary included present-day Slovakia, bordering Galicia from the South), the numbers were 8.42% for the general population and 7.36% for Jews, in Russia (including the Kingdom of Poland, bordering Galicia from the North and East) they were 2.76% of the general population while only 0.35% for Jews. In Prussia (bordering Galicia from the West), in 1891 the percentage of extramarital births in the whole population was 7.65% ,while in the Jewish population it was only 2.54%.

Nathansohn wrote:

it is necessary to examine precisely whether the children registered as illegitimate are really all illegitimate, or whether they are not simply from marriages that are not civil, but sanctioned by the Church [kirchlich geschlossen]. Such marriages are considered to be non-existent before the law, and the resulting children are counted as illegitimate in the statistics. In public opinion, however, such marriages are considered to be fully valid, and even the children born of such marriages must be perfectly equal in social terms to those born of civil marriages. The number of such marriages, which are only sanctioned by the Church [nur kirchlich geschlossener] and are not officially registered, is particularly great among the Jews of Galicia and Bukovina. And this, of course, greatly influences the statistics of illegitimate births in Galicia.<sup>23</sup>

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<sup>21</sup> Marek Jerzy Minakowski, “Gęstość sieci koligacji w parafii Kampinos w XIX wieku,” *Przeszłość Demograficzna Polski* 35 (2014): 65–74.

<sup>22</sup> Hugo Nathansohn, “Die unehelichen Geburten bei den Juden,” *Zeitschrift für Demographie und Statistik der Juden* 6 (1910): 102–106.

<sup>23</sup> Nathansohn, “Die unehelichen Geburten,” 102, our translation.



We agree that it was necessary to examine this. And we have not heard of anybody examining it this since then.

To shed more light on this issue and to delineate perspectives for further research, we decided to analyze Jewish births in Cracow in the 2<sup>nd</sup> half of 19<sup>th</sup> century in two periods: 1855–1876 and 1891–1895, and compare them with the corresponding marriage records. We will compare the patterns of births and their registration in officially-married (civil or “legitimate”) and officially-unmarried (called further “ritual” or “illegitimate”) families.

### **Reconstituting families**

The records are preserved in the National Archives in Cracow (Archiwum Narodowe w Krakowie) in two collections:

- a) 29/1472/0 Akta stanu cywilnego Izraelickiego Okręgu Metrykalnego w Krakowie (675 units);
- b) 29/218/0/10 Starostwo grodzkie krakowskie: Akta stanu cywilnego Izraelickiego Okręgu Metrykalnego w Krakowie (187 units).

The area covered by these collections is the Israelite Civil District of Cracow (Izraelicki Okręg Metrykalny w Krakowie). Its area was equivalent to the eastern part of the former Free City of Cracow, but due to the limitations imposed on Jews before 1867, almost all births took place in the former town of Kazimierz (6<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> Communities of the City of Cracow before 1861 and the 8<sup>th</sup> District of Cracow later).

The civil registration of births, deaths and marriages was conducted in three formats. From the inception of the Napoleonic Code until 1855 (marriages: until 1852) the format was narrative and the language was Polish. Later, from 1855 (marriages: from April 20, 1852) the format was tabular and the language was German. Then, from 1877, the format was again tabular (but different) and the language changed back to Polish.

Most Cracow Jews spoke Yiddish (a Germanic language written in the Hebrew alphabet). The civil records were written in German (Kurrent script, Latin alphabet) or Polish (cursive script, Latin alphabet). Therefore, the spelling of names is subject to frequent changes which are caused by the alphabet itself and by the predilection of the officer (scribe) who often had a tendency to either Germanize or Polonize the names.

Having said all of the above, we must admit here that we did not believe that the task of reconstructing the Jewish population of Cracow from civil records was possible until we analyzed the work of Professor Dan Hirschberg, a computer scientist from the University of California, Irvine, who published over 700 family

trees of Cracow Jews from families rooted before 1800<sup>24</sup>. Not only did he show that such a task is possible, but his work appeared to be extremely reliable and helpful in identification. Being focused on the “old families” it is far from complete, however, especially for the later years.

In the present study we analyzed all the birth records contained in the civil registers of the periods 1855–1876 and 1891–1895. We also used all the marriage records from 1811 to 1914, trying to find data on the people mentioned in these records (especially all the marriage records of their parents and grandparents).

We did not use death records. This is a serious shortcoming in our analysis but, unlike Napoleonic narrative records of older times, the newer records (from 1855) have little information that would be helpful in the identification of persons mentioned there. While some people could be easily identified, others would not be identified at all and the number of false identifications would have been unacceptably high. If we had more resources, we would rather use data from the censuses that were held in 1857, 1870, 1880, 1890, 1900, 1910 and 1921. We tried to check a randomly-chosen 150 children born between 1891 and 1895, looking for the families of their fathers in the 1900 census. We assumed that if the father appears in the 1900 census and the child that would have to be less than 10 years old is missing, that means that the child is already dead. The result seems to be promising. However, having limited resources, we have not as yet been able to do this on a larger scale, but we hope that it will be possible in the future.

### **Birth registration**

The civil birth registers for 1855–76 (beginning on October 1, 1855 and finishing on December 31, 1876) have 15,024 items (birth records).

It appeared that for a total of 15,024 children registered in the period 1855–1876, there were 7,642 boys, which makes a sex ratio of 50.87%, which is acceptable (103.5 boys for every 100 newborn girls). For the period 1891–1895 we have 4,177 births registered and the rate of males is 52.0% (108.5 boys for every 100 girls). Knowing about Jewish rituals related to birth (circumcision of boys vs. naming the ceremony of girls), we would expect greater differences in the sex ratio.

It seems that the data for registration of births are quite reliable. On the other hand, the marriage rate for the first period is completely unacceptable. We can compare the numbers with the data provided by Jankowski for Piotrków

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<sup>24</sup> Dan Hirschberg, “Jewish Krakow Genealogical Documents,” accessed September 6, 2018, <http://www.ics.uci.edu/~dan/genealogy/Krakow/index.html>.

Table 1. Birth records from Oct. 1, 1855 to Dec. 31, 1876 and from Jan. 1, 1891 to Dec. 31, 1895 and marriages in corresponding years

Year	Registered	Born	Registered: male/female %	Born: male/ female %	Marriages	Births/ marriages
1855	110	128	144	133	22	5.8
1856	515	534	100	102	39	13.7
1857	499	531	93	91	33	16.1
1858	525	547	97	100	28	19.5
1859	564	601	98	104	22	27.3
1860	504	482	106	98	64	7.5
1861	431	516	127	109	46	11.2
1862	440	565	102	112	56	10.1
1863	488	674	115	102	66	10.2
1864	1,040	788	96	105	38	20.7
1865	633	734	121	106	37	19.8
1866	816	779	100	101	48	16.2
1867	1,004	791	88	92	60	13.2
1868	828	783	109	106	42	18.6
1869	867	864	100	100	34	25.4
1870	798	833	95	94	25	33.3
1871	808	800	97	103	48	16.7
1872	793	837	99	96	43	19.5
1873	788	765	104	101	53	14.4
1874	806	778	105	112	61	12.8
1875	849	827	118	121	68	12.2
1876	918	844	122	120	68	12.4
...	...	...	...	...	...	...
1891	846	846	108	108	148	5.7
1892	825	826	115	115	194	4.3
1893	819	819	101	101	293	2.8
1894	839	839	107	107	206	4.1
1895	848	847	112	112	205	4.1

Note: Year of birth and year of its registration counted separately.

Source: own calculations from birth and marriage records (see p. 179).

Trybunalski.<sup>25</sup> Jankowski, in the period 1851–1860, gives a male-to-female rate of 165.1, and for the period 1861–1870, 132.2 (definitely unacceptable), while the marriage rate for the period 1851–1860 is 3.2 and for the period 1861–1870 is 4.4. For Cracow, in the full years 1856–1876, there were 14,873 births and 979 marriages; thus, the marriage rate for the period is 15.2, five times more births per

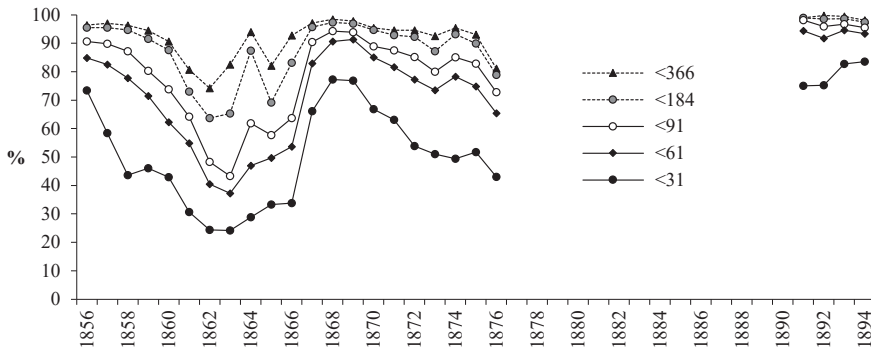
<sup>25</sup> Jankowski, "Małżeństwa," 45.

marriage than in Piotrków! The data for Suwałki, provided by A. Markowski<sup>26</sup> for the period, are very small: in 1858, there were 234 births and 50 marriages in the Jewish community in Suwałki, which makes a marriage rate of 5.7 and sex ratio of 141. In the earlier period (1827–1834) there were 515 births and 75 marriages in Suwałki (a birth/marriage ratio of 6.8) and sex ratio of 93.6. The issue of the poor level of birth registration of Jews in central Poland (the Russian-occupied Kingdom of Poland) is known to literature; it has been described by Lucjan Dobroszycki.<sup>27</sup> How did it look in Cracow?

It will help in understanding Table 1 if we look deeper into what happens between birth and the moment of registration. This is especially important and striking for somebody accustomed to reading Christian records where (at least in 19<sup>th</sup>-century Poland) almost all children were baptized within three days of their birth (which was also demanded by the Civil Code).

The time span from birth to registration varied, especially during the first period of Simon Schreiber's rabbinate, between 1860 and 1866. We should guess that about a half of the children who died within the first two months of their life were never registered because they died earlier.

Figure 1. Time between birth and registration  
in Israelite Civil District of Cracow 1856–1876 and 1891–1894



Source: own calculations from birth and marriage records (see p. 179).

Figure 1 shows the percentage of children registered in a time span of up to 30, 60, 90, 183 or 385 days. Of course, the chart ignores those children who were

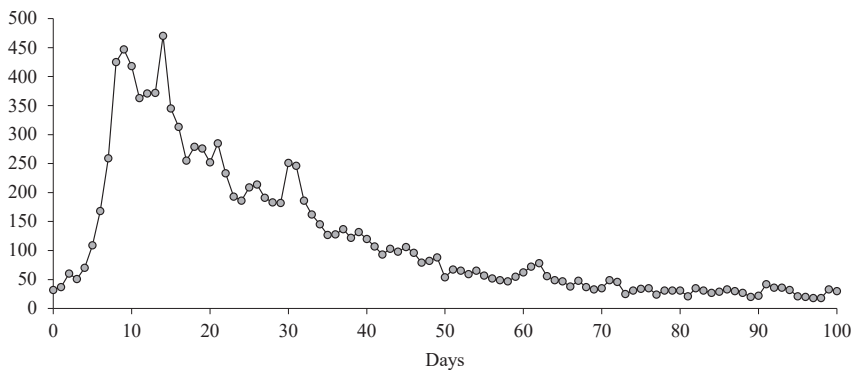
<sup>26</sup> Markowski, *Między Wschodem a Zachodem*, 116.

<sup>27</sup> Lucjan Dobroszycki, "The Fertility of Modern Polish Jewry," in: *Modern Jewish Fertility*, ed. Paul Ritterband (Leiden: E.J. Brill, 1981), 64–77.

never registered, especially those who died before they were to be registered. However, in the latter period, many stillborn children were also registered posthumously (which did not happen before 1877).

Figure 2 gives a breakdown of how many days passed between birth and registration for the whole period of 1856–1876.

Figure 2. Number of days between birth and registration in Israelite Civil District of Cracow, 1856–1876



Note: First 100 days of life shown (which covers 82% of all births with known daily birth and registration dates).

Source: own calculations from birth and marriage records (see p. 179).

From what we have seen, it appears that in Cracow (unlike the Kingdom of Poland) birth registration was quite reliable. There was some under-registration of infant mortality (especially the first two months of life) but there are scarcely any difficulties in finding a birth record for an adult person. We will address the issue discussing birth spacing, later.

### Legitimacy

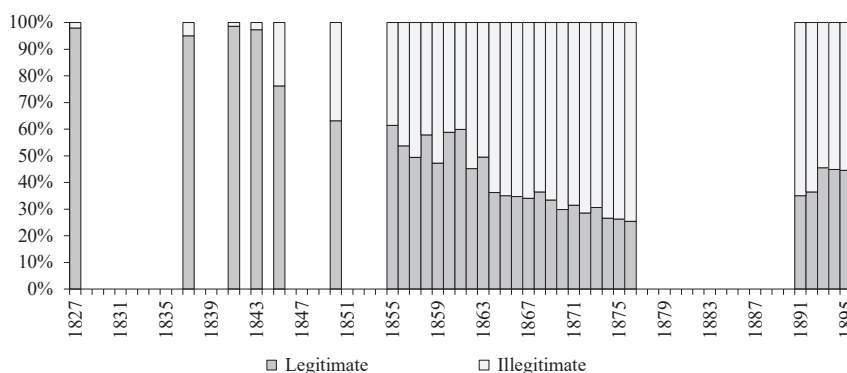
In the 15,024 records, we found 14,639 where information about legitimate/illegitimate status was provided. In total, there were 5,340 legitimate and 9,299 illegitimate births. All but one legitimate births give the first name of the father, while only 112 illegitimate birth records do not give the father's name.

There are 9,187 illegitimate births with the father's first name given. Of this number, there are only 3,314 distinct father-mother pairs. Such illegitimate couples had on average three children born within this time frame (2.77). In the same period, 5,339 legitimate births have 1,799 distinct pairs of parents (2.97).

The difference between 2.97 and 2.77 is so small that it can be explained with other factors, especially that legitimate couples are easier to identify because we have a marriage record that can be compared to their children's birth records.

Anna Jakimyszyn-Gadocha, in her doctoral dissertation<sup>28</sup>, claims that the high illegitimate rate was the fault of the Republic of Cracow, which was not interested in registering Jewish marriages.<sup>29</sup> Let us look, then, at how it developed during the twenty-one years of Austrian rule.

Figure 3. Percentage of illegitimate births in selected years for the Israelite Civil District of Cracow, as reported in registers of birth



Source: own calculations from birth and marriage records (see p. 179).

We see that the rate of illegitimate children increased, which means that fewer and fewer Jewish parents were married. Most notably, within the 15 year-period from 1861 to 1876, the rate of illegitimate births grew rapidly, from 40% in 1861 to 75% in 1876. In the 1890s, the rate of illegitimate births decreased, but in 1895 most of children were still born illegitimate.

Now, let us plot a chart separating those who never married and those who legitimized their liaison by subsequent marriage. Let us also fill in the blanks by interpolation of the missing data.

<sup>28</sup> Anna Jakimyszyn, *Żydzi krakowscy w dobie Rzeczypospolitej Krakowskiej: status prawny, przeobrażenia gminy, system edukacyjny* (Kraków: Austeria, 2008).

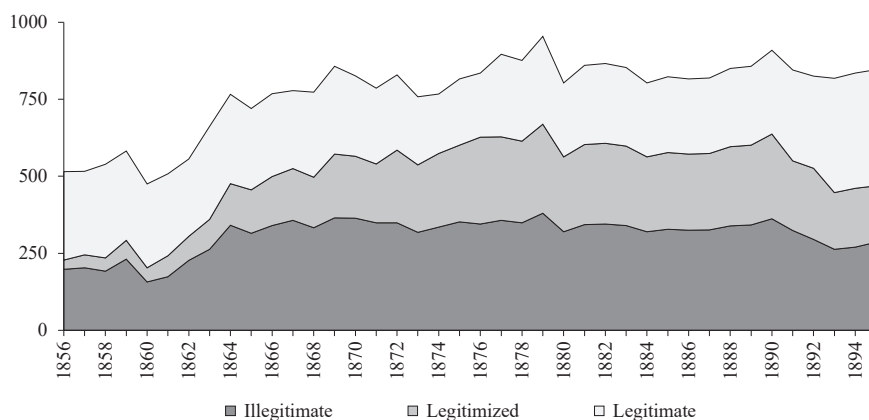
<sup>29</sup> *Ibidem*, 258–259.

Table 2. Legitimate, illegitimate and subsequently legitimized births registered in the Israelite Civil District of Cracow, 1855–1876 and 1891–1895

Year of registration	No data	Legitimate	Legitimate, confirmed	Legitimate but we do not know marriage date	Error: legitimate but married later	Illegitimate	Illegitimate and we do not know about marriage	Illegitimate but married the same year or later	Error: illegitimate but married before
1855	1	67	58	7	2	33	29	4	9
1856	8	269	238	20	11	220	190	30	18
1857	1	245	190	48	7	236	195	41	17
1858	7	299	237	35	27	214	176	38	5
1859	15	259	195	33	31	271	218	53	19
1860	246	151	116	20	15	98	76	22	9
1861	107	193	123	46	24	124	89	35	7
1862	–	198	155	30	13	237	171	66	5
1863	–	238	174	47	17	240	170	70	10
1864	–	376	293	52	31	640	485	155	24
1865	–	221	183	26	12	400	277	123	12
1866	–	282	226	37	19	518	355	163	16
1867	–	339	271	44	24	650	434	216	15
1868	–	300	231	48	21	519	346	173	9
1869	–	289	216	44	29	569	371	198	9
1870	–	237	173	42	22	555	351	204	6
1871	–	252	189	30	33	541	353	188	15
1872	–	224	176	31	17	562	339	223	7
1873	–	239	187	34	18	542	319	223	7
1874	–	211	171	24	16	583	342	241	12
1875	–	221	177	32	12	620	361	259	8
1876	–	230	192	19	19	676	378	298	12
1891	1	295	272	23	–	550	324	226	–
1892	1	299	275	24	–	525	294	231	–
1893	1	371	337	34	–	447	263	184	–
1894	3	374	339	35	–	461	270	191	1
1895	–	377	340	37	–	470	287	183	1

Source: own calculations from birth and marriage records (see p. 179).

Figure 4. Legitimate, illegitimate and subsequently legitimized births registered in the Israelite Civil District of Cracow, 1856–1895



Notes: Missing data for the period 1877–1890 interpolated according to the known overall number of births; partially missing data for 1860–61 interpolated according to known data from the same year.

Source: own calculations from birth and marriage records (see p. 179).

How long did couples wait to marry? Let us assume that if we do not know of any child born to a given couple between 1855 and 1862, this means that the first child of the couple born in 1862 or later was indeed their first child. We have chosen 1862 because for the years 1860 and 1861 we have many births with the “legitimacy” field left blank.

We have 2,804 couples that had their first-born child between the years 1862 and 1876. Of these, 671 were born legitimate, 1,499 were born illegitimate and 626 were born illegitimate but their parents subsequently married. For those 626, their parents married when their firstborn was on average 18.6 years old. The median was even higher – 20 – which suggests some irregularity.

We checked, therefore, if there was any special action taken to legitimize the illegitimate children born in the 1860s and the early 1870s. But there was none. There was a maximum in 1893 when 59 such couples married (couples whose firstborn was born between 1862 and 1876). But in 1892 there were 37 and in 1887, 35 such couples.

The phenomenon of delayed registration can be explained by the expected marriage of the couple’s child. We gathered data on couples who married close to their first-married child (not necessarily the oldest child, but this who first registered his or her marriage). We found 126 cases when a couple officially married in the same year as the first marriage of their child. If we check a few years before and after such first marriages of the child, we can see that about three times more



couples married just before a first marriage of their child than after it. So, it seems that this was a breaking point.

Figure 5. Subsequent marriages of couples whose illegitimate firstborn was born 1862–1876



Source: own calculations from birth and marriage records (see p. 179).

Table 3. Difference in year of (registered) marriage between couples marrying subsequently and their first married child

Difference	Number
-5	23
-4	36
-3	30
-2	36
-1	45
0	126
+1	9
+2	10
+3	12
+4	9
+5	6

Source: own calculations from birth and marriage records (see p. 179).

We do not have a definitive explanation for why people finally decided to (officially) get married. The idea of passing on the surname was probably important (children from officially unmarried couples were registered upon marriage

with their mother's surname) but some other motives could have influenced their decision, too.

### Number of children and birth spacing

Again, let us assume that if a couple did not have children from October 1855 to December 1861, their first child born in the following years had to be their firstborn. We do not know when the couple's relationship ended (we do not have reliable data about deaths or divorces; Jews had a right to divorce but when they were not legally married, there was nothing to formally dissolve). But we can analyze the period of the first 10 years after their firstborn was born. Our time window closes on December 31, 1876, so let us analyze the couples whose firstborn was born between January 1, 1862 and December 31, 1866.

We have 965 such couples, which should be enough for detailed analysis. These 965 couples had 3,479 children born not later than 10 years after their firstborn. This makes 3.6 children on average. The Table shows the distribution of birth intervals according to the sequence of children and whether the child was legitimate or not.

Table 4. Distribution of birth intervals according to the sequence of children and whether the child was legitimate or not

Days before	Legitimate			Legitimized later			Illegitimate		
	count	average	median	count	average	median	count	average	median
2nd child	201	686	601	174	663	597	327	862	729
3rd child	166	733	623	154	770	692	255	828	754
4th child	141	716	623	127	767	732	192	781	740
5th child	117	685	573	98	730	689	123	764	738
6th child	83	640	601	61	603	568	62	688	689

Source: own calculations from birth and marriage records (see p. 179).

In Table 4, we considered only children that were born within the first 10 years of the firstborn; therefore, the results for the 5<sup>th</sup>, 6<sup>th</sup> etc. children could be biased: the last children had to "squeeze" themselves into this period. Therefore, let us check only those families which never had twins and had exactly two, exactly three or exactly four pregnancies. This is shown in Table 5 and we will discuss them all together.

Table 5. Distribution of birth intervals according to the sequence of children and whether the child was legitimate or not

Days before	Legitimate			Legitimized			Illegitimate		
	count	avg	median	count	avg	median	count	avg	median
2nd child of 2	42	870	748	11	916	688	72	1,064	899
2nd child of 3	30	843	735	17	964	804	70	948	806
2nd child of 4	27	636	612	25	691	604	59	836	766
3rd child of 3	29	985	804	16	1,271	971	68	1,025	835
3rd child of 4	26	955	878	23	1,017	1,004	63	837	794
4th child of 4	26	969	997	19	980	797	64	861	820

Source: own calculations from birth and marriage records (see p. 179).

What we can see in Table 4 and Table 5 are some differences between the first and second child, depending on whether we should expect a third, fourth or more. But the differences are not very large: for couples with four children, the distance between the first and second child is only about 20% shorter than for couples whose second child was the last (at least within the first 10 years after the birth of the firstborn).

The difference between married and unmarried couples is significant but small: for married couples, the second child was usually born (median) about 601 days (1 year 8 months) after the first, while for couples that never married, only about 4 months later (median: 729 days). Couples that were to marry later were just in the middle, even though they usually married about 20 years later.

For sure, the average birth spacing is affected by the under-registration of children who died in their infancy (as we saw when birth registration was discussed). Unlike Christian children, who, in the discussed time and area, used to be baptized within three days, Jewish children were often registered several months after their birth. In future research, we may try to calculate the real fertility rate in families (officially married or not) where the birth dates of known (registered) children prove that no siblings could be “lost” in between. For instance, when we know that one child is born on July 1, 1857 and the next one on November 1, 1858 we know that their mother had no chance to deliver a child in between them. The collected data are ready for analysis, but the analysis should be done with many caveats and detailed discussion of the mathematics behind it, so we would rather leave this for another paper, written in collaboration with somebody more experienced.

In general, we can conclude that Tables 4 and 5 show that the legitimate (officially married) families and illegitimate (only ritually married) families are very similar. The ritual families (parents of illegitimate children) behave like “normal” families. They show some differences which can be attributed to some other

causes, e.g., it is possible that many of them did not (officially) marry because they were poor or illiterate and could not manage to collect all the necessary documents to officially register their marriage. Therefore, in the following section, we will try to examine whether there are some clues that might suggest such an explanation.

### **Economic and cultural status of the unmarried families**

In the National Archives in Cracow there is a list of voters entitled to elect representatives of the Jewish Religious Community of Cracow.<sup>30</sup> The list consists of 571 people (Jews) who paid the highest taxes (there were also other conditions, such as living for at least 15 years in Cracow). We managed to give a positive identification to 438 of them (in the other 120 cases we have possible candidate, but we are not sure whether we can definitely identify them).

Of the 438, we found 331 who had children born in the period under discussion (1855–1876). In total, there were 1,628 children who had a father or mother within those 438, which is 10.8% of the all children registered in the Israelite Civil District of Cracow.<sup>31</sup>

Of the 1,628 children, there were:

- 1,098 born legitimate (average tax rate: 9.13),
- 386 born illegitimate but legitimized by the subsequent marriage of their parents (average tax rate 7.38),
- 84 born illegitimate with no proof of subsequent legitimization (average tax rate 7.01).

The archives of the Jagiellonian University in Cracow have published the *Corpus studiosorum Universitatis Iagellonicae* with a list of all 28,873 students enrolled at the University from 1850 to 1918. In the *Corpus* we found 249 students whose birth was registered in the Israelite Civil District of Cracow from 1855 to 1876. Of the 249:

- 177 were born legitimate,
- 46 were born illegitimate but legitimized by the subsequent marriage of their parents,
- 23 were born illegitimate with no proof of subsequent legitimization.

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<sup>30</sup> Archiwum Narodowe w Krakowie, Akta miasta Krakowa, Akta Magistratu w układzie rzeczowym, 29/33/0 (Spis Członków Zboru Izrelickiego w Krakowie, 1883).

<sup>31</sup> The list is also described in a recent paper by Marek Jerzy Minakowski, “Family Network of Emerging Jewish Intelligentsia (Cracow 1850–1918),” *Journal of Historical Network Research* 2 (2018), 1: 53–75, <https://doi.org/10.25517/jhnr.v2i1.39>.

If we remember that, in the period 1855–1876, there were 5,340 children born legitimately, 3,023 illegitimate and further legitimized and 6,025 illegitimate with no proof of legitimization, we can conclude that:

- of the legitimate children, 20.6% were from the richest families and 3.3% of them became students of the Jagiellonian University,
- of the illegitimate legitimized children, 12.8% were from the richest families and 1.5% of them became students,
- of the illegitimate non-legitimized children, 1.4% were from the richest families and 0.4% of them became students.

Both comparisons suggest that there was a strong correlation between being born into a legitimate family (from parents who had an officially-registered marriage) and the social status of the child. What kind of causation it was remains to be found. Maybe the causation was direct or there were other factors, such as living in a “worse” or “better” district or religious denomination (e.g., it could be that Orthodox and Progressives tended to obey the law while Hasidim ignored it and followed only religious orders).

### **Real-life examples of so-called “ritual marriage”**

Sometimes, in rare cases, women are called a “ritual wife” in official documents. For instance, in the 1870 Cracow census, vol. 13, page 88, there is the family of Selig Michnik, a “subject” (shop assistant). He lives with “ditto Gołda” (ie., Gołda Michnik). There are further notes on this page calling his wife “née Eichhorn, ritual wife (corrected according to the marriage record).” Indeed, we found that Selig and Gołda married in 1899, 32 years after their first known daughter was born. The newlyweds (in 1899) were 54 years 1 month old (the bridegroom) and 57 years 10 months old (the bride). The marriage was assisted by Chaim Leib Horowitz, the orthodox rabbi of Cracow. When their son, Hirsch Michnik was born on Nov. 26, 1869 in Cracow, he was called “illegitimate;” however, in the birth register there is a side note: “Parents married legally in Cracow on July 18, 1899, see page 22 item 88 in the marriage register of 1899, which is why their son is considered legitimized” (“Rodzice zawarli prawny związek małżeński w Krakowie dnia 18go lipca 1899 obacz str. 22 poz 88 księgi małżeństw z roku 1899, wskutek czego ich syn Hirsch legitymowany zostaje”).<sup>32</sup> When the elder son of Selig and Gołda Eichhorn, Isaak Aron (born on February 5, 1868) married

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<sup>32</sup> Hirsch Michnik was the father of Hinda (Helena) Michnik, whose two sons (by two different fathers) were famous in the second half of the 20<sup>th</sup> century, both having taken their mother’s surname. This brought the issue under discussion here into popular culture, especially among people who never heard about “ritual marriages.”

on Dec. 17, 1899 in Cracow, he is called legitimate (although his parents married 5 months earlier, when he was over 31 years old) but his wife, Mariem-Perl Eichhorn, living with her parents, is the daughter of Sara Eichhorn and her unmarried father Abraham Izak Manheimer (the Manheimers had at least 13 children born from 1873 to 1894, before they ultimately married on August 31, 1902 in Cracow).

We have no proof that could justify the claim that many other such “unmarried marriages” were ritually wed (i.e., that there was any wedding ceremony in the common meaning of the term). It would be convenient to assume that marriages are just marriages and the only difference is whether they are sanctioned by civil law or religious law but there are also several strong arguments against such a simplification.

Firstly, if, in the census, some marriages are explicitly called “ritual,” the other “unmarried marriages” should not be considered as such.

The second argument comes from the traditional form of ritual marriage in Judaism. The essence of marriage in Judaism is not an oath before God and in the presence of the community but the handing over of a ketubah, a negotiated prenuptial agreement, stating the obligations of the husband to sustain his wife. If a groom was so poor that he was not able to fulfill the obligations of official civil marriage, he could also have difficulties in negotiating ketubah (no possession, no income to declare).

The third, and possibly the strongest argument is described in detail in a paper by Paweł Cichoń, *From the Case-law of the Directorate of Police in the Free City of Cracow – the Oszyks’ Case*<sup>33</sup>. Cichoń describes the case against Samuel and Jachet Oszyk who, in 1834, had a ritual marriage without having had a previous civil marriage. Cichoń describes that, in an unheard-of act of benevolence, the couple was sentenced to only a month in prison each in 1842. In the archives of the Directorate of the Police there are about a dozen similar cases from 1842, 1844 and 1845, and the usual fine for ritual marriage without a previous civil marriage was about three months in prison for every spouse. As we have shown above, in 1856, 46% of newborn Jewish children in Cracow were illegitimate.

Such arguments can be refuted, so it is not impossible that most “illegitimate marriages” were initiated by some religious ceremony. Such a ceremony could not, of course, be held by the official rabbi of Cracow because there was only one such rabbi (or sometimes two: one orthodox and one progressive), and he would be immediately denounced to the police and punished with a substantial fine or prison. Of course, in Judaism a rabbi is not needed for marriage. But as we saw in the case of the Oszyk family, the newlyweds themselves could also be sentenced

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<sup>33</sup> Paweł Cichoń, “Z orzecznictwa Dyrekcji Policji Wolnego Miasta Krakowa – casus Oszyków,” *Studia Iuridica Lublinensia* 25 (2016), 3: 179–90, <https://doi.org/10.17951/sil.2016.25.3.179>.

to prison. It would be tempting to assume that the Jewish Ghetto in Kazimierz was impenetrable for the police and the authorities simply did not know what was happening inside, but from other sources we know that this was not true.

## Conclusion

Jewish unmarried couples in the second half of the 19<sup>th</sup> century in Cracow behaved like married families. Lidia Zyblikiewicz was right when she claimed that an “unmarried woman” was non-existent in the Jewish population. Even if the marriage was never official, it was still a *de facto* marriage.

On the other hand, official marriage was positively correlated with the number of children and negatively with the birth spacing (length of interval between successive births). Correlation does not mean causation – it is possible that an official marriage (entered into before the first child was born or even several decades later) had common cause with the above metrics. It is highly likely that people who could afford an official marriage (at once or later) had lower infant mortality. It is just possible that the births of many children to never-married couples were never recorded if a child died before circumcision or the naming ceremony.

We have a very strong argument to support this hypothesis: over the years 1855–1876, no child is registered without a first name. On the other hand, from 1891–1895, even though on average children were registered much faster than before, there were 197 nameless children, 86 of whom were born as legitimate, while 107 were illegitimate (in 29 cases their parents entered into a subsequent marriage known to us). In the same period, the total number of legitimate children was 1,630 and illegitimate 2,346 (at least 986 legitimized later by the subsequent official marriage of their parents). For legitimate children, this is 5.27%; for the illegitimate it is 4.56%.

We do not know if it is enough to explain why “unmarried marriages” had slightly fewer children and delivered them at a slightly slower pace. Nevertheless, “unmarried marriages” behaved like real marriages: their children were not “accidents” but a result of common life that possibly, within 20 years or so, led them to an officially registered marriage (if both “spouses” were still alive).

It is still interesting as to what the situation was like before the 1844 law came in force; as we saw, the earlier records provide false information about legitimacy. To find the true origins of the issue, a detailed reconstitution of families is needed, which will be a strenuous but definitely worthwhile task.

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## **Jewish Birth and Marriage Registrations in 19<sup>th</sup>-century Cracow and What They Reveal about the Dynamics of Ritual Marriage**

### **Summary**

The authors attempted a reconstitution of Jewish families whose children were born in Cracow between October 1855 and December 1876. There were over 15,024 such children; 5,340 are called legitimate and 9,299 are called illegitimate. They were born to 3,314 distinct couples while only 1,001 couples married within the period. The reconstitution was not complete because death records have too little data to allow for identification. As a background, the birth records for 1891–1895 were also analyzed.

The results were used to analyze the phenomenon of "ritual marriages," that is, couples who lived as ordinarily married and were seen as such by society, but public statistics considered them non-existent (or mere concubinage) and their children were illegitimate and officially were forced to take their mother's maiden surname.

It appeared that "ritual marriages" were present in Cracow when it was still independent and used the Napoleonic Civil Code. When, starting in 1844, Jews were forced

to provide their marriage certificate during child registration, it appeared that 24% of the children's parents were not married. The rate of officially unmarried parents grew from then on: in 1876 only 230 children were born legitimate while 676 were registered as illegitimate. Out of these 230, we have an official marriage record for 192.

For the whole period 1855–1876 we managed to confirm marriages in the parents of 78% of legitimate births. In the same period, for 9,048 illegitimate births we found a subsequent marriage in parents of 3,023 children (33%). The median time for the subsequent marriages was 20 years after the birth of their first child. It was often related to the first marriage of the couple's child (the same year or a few years earlier).

### **Żydowska rejestracja metrykalna w XIX-wiecznym Krakowie a dynamika małżeństwa rytualnego**

#### **Streszczenie**

Autorzy podjęli próbę rekonstrukcji rodzin żydowskich, których dzieci rodziły się w Krakowie między październikiem 1855 a grudniem 1876 roku. Dzieci takich zarejestrowano 15 024, z czego 5340 zapisano jako potomstwo ślubne, a 9299 jako nieślubne. Urodziły się one 3314 parom, przy czym jedynie 1001 par wzięło w tym czasie ślub. Rekonstrukcja nie była zupełna, ponieważ akta zgonu z tego okresu zawierają zbyt mało danych do utożsamienia osób. Do porównania użyto urodzeń z lat 1891–1895.

Wyniki zostały użyte do analizy tzw. małżeństw rytualnych, czyli rodzin, które żyły jak zwykłe małżeństwa i jako takie były traktowane przez społeczeństwo, ale statystyka publiczna traktowała je jak nieistniejące (lub jedynie konkubiny), a dzieci w nich wychowywane były określane jako nieślubne i oficjalnie nosiły nazwiska panińskie swych matek.

Okazało się, że „małżeństwa rytualne” były obecne w Krakowie jeszcze w czasach Rzeczypospolitej Krakowskiej, gdy obowiązywał tam Kodeks Cywilny Napoleona. Kiedy (od 1844 r.) Żydzi zostali zmuszeni do okazywania aktu małżeństwa przy rejestracji dziecka, okazało się, że 24% rodziców dzieci nie miało ślubu cywilnego. Odsetek oficjalnie nieślubnych rodziców rósł od tej pory: w roku 1876 jedynie 230 dzieci zostało zarejestrowanych jako ślubne, a 676 jako nieślubne. Spośród dzieci ślubnych dla 192 dysponujemy urzędowym aktem małżeństwa ich rodziców.

Dla całego okresu 1855–1876 udało się potwierdzić małżeństwa rodziców 78% dzieci określonych jako ślubne. Dla zarejestrowanych w tym samym czasie 9048 urodzeń nieślubnych udało się odnaleźć późniejsze śluby rodziców 3023 dzieci (33%). Średni czas (mediana) dla tych spóźnionych małżeństw to 20 lat po urodzeniu pierwszego dziecka. Często wiązało się to z pierwszym ślubem dzieci danej pary (w tym samym roku bądź kilka lat wcześniej).