# Emergent Law: Women's Charity and Anti-Trafficking Associations as Sites for Enacting Social Reform

According to police and court records, in June 1911, twenty-five-year-old Hersh Günsberg, from Russian-controlled Zhytomir, was stopped in Lviv under suspicion of trafficking in women. He was described as travelling with two teenage girls, one who claimed to be his sister and the other a friend. They told others who would later become witnesses in the case that they were en route to America and were waiting in Lviv to receive money.

Among the points that appeared suspicious to authorities was that the three could not produce addresses for the relatives they said they would be joining in Argentina and that the girls appeared to have no money of their own. One of the young women in question, Lea Gochmann, claimed that a man in a neighboring house had tried to lure her inside and asserted that he had called the police as an act of retaliation when she refused to comply. Police reports also indicate that the individual responsible for calling the travelers to their attention was Lviv merchant Henryk Sprecher, identified as a member of the local Society for the Protection of Women (*Towarzystwo Ochrony Kobiet*). After being interrogated, the two girls were turned over to a local shelter run by this society. Police records indicate that at least one of the girls was later sent back to Russia. It is not clear how long Günsberg remained in custody.

The themes invoked in these documents are indicative of a set of concerns and discourse in turn-of-the-century Lviv and within activist circles in Europe and North America. During this time, efforts of the early women's movement coalesced with official and local concerns about prostitution and trafficking in women. Such anxieties were connected to tensions regarding ethnic and national identities, women's calls for emancipation, as well as fears about crime and stereotypes of the alleged predatory nature of Jews.[1] This incident occurred

1 For a discussion of predatory representations of Jews in the Warsaw press of this period, see Robert Blobaum, »›Panika moralna‹ w polskim wydaniu. Dewiacje seksualne i wizerunki przestępczości żydowskiej na początku XX wieku«, in *Kobieta i rewolucja obyczajowa*, eds. Anna Żarnowska and Andrzej Szwarc

during the height of activism against trafficking in women just prior to World War I.[2]

In this article, I examine transformation within institutions to gain insight into how societal change is mirrored in the development of legal concepts such as membership, access to public participation, and shifting notions of community. Analysis of social welfare institutions and their relationships to religious communities and the enactment of legal practices provides a sphere in which to explore shifts in structures and approaches to social problems. In this case, the relationship between existing institutions within the Jewish community in Lviv and newer, more secularly oriented initiatives is a central focus. With this in mind, I argue for the application of a broadened concept of »law« which draws from the work of turn-of-the-century legal scholar Eugen Ehrlich, as well as from more recent scholarship on legal anthropology.[3] Key to this perspective is the concept of »law as process,«[4] offering insight into institutions and groups as sites for the development, cultivation, and enactment of norms that ultimately have a broader impact on social practice.

(Warszawa: DiG, 2006), 265–276. For depictions in the Polish press of Jews preying on Christian women in coverage of the large Lviv anti-trafficking trial, see also Keely Stauter-Halsted, »›A Generation of Monsters‹: Jews, Prostitution, and Racial Purity in the 1892 L'viv White Slavery Trial,« *Austrian History Yearbook* 38 (2007): 25–35.

2 During this time, articles devoted to women's issues became increasingly prominent and a regular feature in the local liberal daily *Kurjer Lwowski*, for example, in the form of the bi-monthly column *Głos kobiet.* In addition, Lviv anti-trafficking efforts and assistance to women in need were becoming increasingly institutionalized, with more attempts to develop ties with and spread activities to other places in Galicia.

3 Eugen Ehrlich, *Fundamental Principles of the Sociology of Law* (New Brunswick: Transaction Publishers, 2001 [1913]). Key texts from the early decades of legal anthropology include Bronislaw Malinowski, *Crime and Custom in Savage Society* (Totowa, NJ: Rowman & Allanheld, 1985 [1926]); Karl N. Llewellyn and E. Adamson Hoebel, *The Cheyenne Way: Conflict and Case Law in Primitive Jurisprudence* (Norman, OK: University of Oklahoma Press, 1941) and Leopold Pospisil, *Anthropology of Law: A Comparative Theory* (New York: Harper and Row, 1971). More recent texts include Carol J. Greenhouse, *Praying for Justice: Faith, Order, and Community in an American Town* (Ithaca, NY: Cornell University Press 1986); Franz and Keebet von Benda-Beckmann, »The Dynamics of Change and Continuity in Plural Legal Orders,« *Journal of Legal Pluralism and Unofficial Law* 53/54 (2006): 1–44; Sally Engle Merry, *Human Rights and Gender Violence: Translating International Law into Local Justice* (Chicago: University of Chicago Press, 2006) and Lawrence Rosen, *Law as Culture: An Invitation* (Oxford: Princeton University Press, 2006).

4 Sally Falk Moore, *Law as Process*: *An Anthropological Approach* (London: Routledge, 1978).

To better understand how legal institutions function, Ehrlich advocated ethnographic research and detailed study of institutional documents.[5] As bodies which regulate human behavior, charity institutions also fall into this category. Since charity had long been tied to religion, insight into the processes by which changes within traditional religious communities came about is also relevant to the present discussion. This process includes examining how visions for making organizations more inclusive and providing new opportunities to women were institutionalized. Focusing on the practices of local associations reveals the complexity of networks that existed among activists across regions and within groups in the local context. At the same time, it is important to recognize that traditional and modern approaches are not necessarily opposites and often coexist. In fact, elements that are perceived as modern often reinforce certain pre-existing social practices and beliefs.

Ehrlich viewed law as a mental image (*Gedankenbild*) that resides in people's minds and could be gauged based on people's attitudes.[6] He saw law as a component of society, growing out of human associations. Therefore, he was not interested merely in normative law or the law on the books, but in the institutions that actually regulated human behavior, arguing that this approach required observing law in its social context.[7] He advocated »direct observation of life, of commerce, of customs and usages, and of all associations, not only of those that the law has recognized but also those that it has overlooked and passed by, indeed even of those that it has disapproved.«[8]

My approach combines historical research with ethnographic perspectives and analysis and is informed by ethnographic and performance studies scholarship, which stress the emergent quality of cultural practices.[9] Following such

5 Ehrlich, *Fundamental Principles*, 489 and 495.

6 Marc Hertogh, »A ›European‹ Conception of Legal Consciousness: Rediscovering Eugen Ehrlich,« *Journal of Law and Society* 31, no. 4 (2004): 457–481, here 474.

7 Klaus A. Ziegert, »Introduction,« in Eugen Ehrlich, *Fundamental Principles of the Sociology of Law* (New Brunswick: Transaction Publishers, 2001 [1913]): xiv–xlix, here xxxvii.

8 Ehrlich, *Fundamental Principles*, 499.

9 See for example, Richard Bauman, *Verbal Art as Performance* (Prospect Heights, IL: Waveland Press, 1977); idem, *Let Your Words Be Few: Symbolism of Speaking and Silence among Seventeenth Century Quakers* (London: Cambridge University Press, 1998); and Beverly Stoeltje and Richard Bauman, »Community Festival and the Enactment of Modernity,« in *The Old Traditional Way of Life: Essays in Honor of Warren E. Roberts*, eds. Robert Walls and George Shoemaker (Bloomington, IN: Trickster Press/Indiana University Folklore Institute, 1989), 159–171.

models, one could assert that all forms of law are »emergent;« however, here I use the term »emergent law« to highlight, more specifically, shifts in institutions and thinking about charity practices which were in the process of changing, with newer models becoming increasingly accepted in the late 19th and early 20th centuries.

In this context, I approach organizations combating prostitution and trafficking in women as manifestations of bourgeois sensibilities of the period,[10] including the efforts of many middle and upper class activists to promote what they saw as a proper moral code of conduct for women. I consider changes taking place in charity directed at women at the turn of the century, focusing on forms that were intended especially for young women. First, I examine dowry awards, a charity practice with a long tradition in both Christian and Jewish societies. The second form, already mentioned above, is the emergence of associations to fight trafficking in women at the turn of the century. In these contexts, I analyze legal aspects of discussions, including changes in categories of membership, calls for legal changes to allow women to participate in public life, the development of supra-ethnic and religious consciousness with regard to charity, as well as the influence and involvement of emerging charity organizations in enforcing morality and law. Finally, I examine discourse on trafficking in women and consider why this topic provoked such strong reactions at the turn of the century and why it was a central part of activist agendas.

Societies devoted to the protection of women were a growing phenomenon at the turn of the century and, provide examples of increasingly secular and international efforts to address social problems. In part, they resulted from perceived inadequacies of older, religiously based institutions and approaches to dealing with the poor and socially excluded, but were also an effort to reshape society and institutions according to the moral vision of activists. At the end of the 19th century, men and increasingly women from bourgeois classes, many of whom were already involved in religious charity, began to advocate new kinds of social welfare programs in urban contexts. This process included searching for new avenues and models for extending charity to those in need. At the same time, as the organizations' names sometimes suggest, they reinforced bourgeois images of women as helpless and in need of protection. Examples include the above-mentioned Lviv Society for the Protection of Women, in actuality a local chapter of the Austrian Girl and Child Protection League (*Österreichische Mädchen- und Kinderschutzliga*).

10 See, for example, Dietlind Hüchtker, *Geschichte als Performance. Politische Bewegungen in Galizien um 1900* (Frankfurt–New York: Campus, 2014).

Within this text, I generally use the term »trafficking in women« as closer to the Polish and German terms used during the period and as a more neutral alternative to the English »white slavery« which was more common at the turn of the century. I find the latter to be a loaded term, with ethnic or racial connotations – whether or not they are intended – that in themselves merit separate study. The equivalent Polish, *białe niewolnictwo* (»white slavery«) was less common, though I have come across it in the press of the women's movement of the turn of the century.[11] More frequently, activists and journalists used the Polish term *handel kobietami i dziewczętami* (literally, »trade in women and girls«). Another common Polish term was *handel żywym towarem* (»trade in live goods«).[12] In German the term *Mädchenhandel* (»trade in girls«) was most prevalent.

Concern about an increase in prostitution and trafficking came about due to the convergence of a range of circumstances. One factor was an increase in the flow of populations from rural to urban areas due to the collapse of previously existing socio-economic structures and increased opportunities in urban areas due to industrialization. This trend meant that many more women – and often young women – were travelling and living on their own or at least away from the protection and constraints of their families. These developments also coincided with new opportunities for women to participate in public life.

In addition, the above-mentioned case reveals the centrality of migration to this issue, including the flow of Jews from Russia. The points of suspicion, namely that the young women were without money of their own and were unable or unwilling to provide addresses for relatives in the New World, are concerns that are echoed in anti-trafficking literature. Moreover, the possibility that the authorities were notified out of spite reveals the complexity of relationships among various groups in Jewish society including the existence of competing interests and motivations. This potential also suggests the precarious situation of many migrants and immigrants, for whom Lviv served as a thoroughfare, pointing to the inequalities and diverse experiences of Jews from different classes, religious orientations, and regions. Migration and immigration was also a problem for Habsburg authorities who struggled to render populations more legible.[13] To this end, the imperial system employed religious leaders

11 See for example, H. Polańska, »Handel dziewczętami,« *Świat Płciowy*, October, 1905, 20–25.

12 See for example »Handel żywym towarem,« *Dziennik Polski*, November 16, 1902, 27.

13 I borrow the concept of legibility from James Scott, *Seeing like a State* (New Haven and London: Yale University Press, 1998), 2. For a similar discussion of Russian contexts during this period, see Eugene Avrutin, *Jews and the Imperial*

throughout the 19th and early 20th centuries as administrative agents of state authority.[14]

Within Jewish society in Galicia, on the one hand, there was an increased trend toward the centralization of administration, with efforts by the Lviv Jewish Community Council to expand their influence beyond the city. On the other hand, however, an increase in the size of the Jewish population of Lviv meant that it was more difficult for a small number of individuals to maintain tight control over the Jewish community, creating spaces for more actors to exert limited forms of influence over traditional charity structures, such as dowry awards. In addition, some associations, partly due to guidance from Vienna and international assistance networks, promoted models of charity that extended beyond earlier models, in which each religious or ethnic group was to provide for its own members.

With regard to Jewish communities living in Galicia, historians maintain that most Jews in the region were Orthodox and that many among this population were Hasidic.[15] However, few documents in Lviv remain from distinctly Hasidic institutions. Although Hasidic members, in all likelihood, are mentioned in documents, they are often not clearly identified as such, rendering them, in many ways invisible.[16] In contrast, the records and voices which prevail in the archive are largely those of professional elites, mainly individuals with a strong

*State: Identification Politics in Tsarist Russia* (Ithaca: Cornell University Press, 2010).

14 For other examples, see Liliana Hentosh and Oksana Leskiv in this volume, for examples from the Russian imperial context, see Levin, also in this volume. For a broader discussion of Habsburg contexts, see Ernst C. Hellbling, »Die Landesverwaltung in Cisleithanien,« in *Die Habsburgermonarchie 1848–1918*, vol. 2, eds. Adam Wandruszka and Peter Urbanitsch (Wien: Verlag der Österreichischen Akademie der Wissenschaften, 1975), 243–262; and Wolfgang Häusler, »Das österreichische Judentum zwischen Beharrung und Fortschritt,« in *Die Habsburgermonarchie 1848–1918*, vol. 4, eds. Adam Wandruszka and Peter Urbanitsch (Wien: Verlag der Österreichischen Akademie der Wissenschaften, 1985), 633–669, here 638 and 664.

15 Piotr Wróbel lists the Jewish population for Lviv in 1910 as 57,387; however, he also points out that statistics for Jewish communities are unreliable, due to resistance and distrust among Jews of censuses and other official state polls, as well as their frequent avoidance of registering newborn children. Piotr Wróbel, »The Jews of Galicia under Austrian-Polish Rule, 1869–1918,« *Polin* 12 (1999): 97–138, here 105, 110, 136. See also Wacław Wierzbieniec, »The Processes of Jewish Emancipation and Assimilation in the Multiethnic City of Lviv during the Nineteenth and Twentieth Centuries,« *Harvard Ukrainian Studies* 24, no. 1 (2000): 223–250, here 233.

16 Marcin Wodziński, »Where History and Geography of Religions Meet: The Case of the Jewish Mystical Movement of Hasidism« (lecture, Center for the History and Culture of East Central Europe (GWZO), Leipzig, Germany, February 29, 2012).

command of German and Polish and those most closely associated with ruling institutions, such as the Jewish Community Council (*Gmina Wyznaniowa Izraelicka*) and a range of activist and professional institutions. Many of these same professionals and their families were central to Lviv's most prominent Jewish charity organizations.[17] Several of these associations existed within the framework of the Jewish Community Council, an arrangement that reflects the integral historical connection between charity practices and the formal structures of the Jewish community.

### *Change in Jewish Charity Institutions and Assistance for Women*

Charity was a significant part of Jewish life connected to many aspects of daily religious practice and both men and women were among the recipients of charity for the poor and sick. In the early modern period the position of *gabai* or *gabai tsdakah*, the supervisor of charity, was an important figure within the community. Women also played an important role in administering to those in need. In the early modern period, for example, in Poznań and Swarzędz, female charity collectors (*kwestarki)* engaged in providing charity to women and in collecting donations, though they were more constrained in the ways in which they were permitted to undertake such collections. These charity collectors were women of high status, often widows of prominent male members of the community.[18] In many Jewish communities during the early modern period, the task of addressing various forms of charity shifted from the community *gabaim* to fall increasingly on a variety of brotherhoods or *chevrot*.[19]

Dowry funds have a long history among east European Jews.[20] In the late medieval and early modern periods, dowry funds in east European Jewish communities were part of centralized institutions which also held broader

17 See for example the membership list of the Lviv Chapter of the League for Combating Trafficking in Women (Lwowski Oddział Ligi do Zwalczania Handlu Dziewczętami) and the list of members of various committees of the Jewish Community Council in Lviv. Tsentralnyi Derzhavnyi Istorychnyi Arkhiv Ukrainy u Lvovi/Central State Historical Archive of Ukraine in Lviv (hereafter TsDIAL), collection/coll. (fond) 701, inventory/inv. (opis) 2, file (sprava) 1745, folio/fol. (arkush) 29–32 and coll. 701, inv. 3, file 6, fol. 12–17.

18 Anna Michałowska-Mycielska, *The Jewish Community: Authority and Social Control in Poznan and Swarzędz, 1650–1793* (Wrocław: Wydawnictwo Uniwersytetu Wrocławskiego, 2008), 41–42.

19 Ibid., 143.

20 I use the terms »eastern« and »western«, as well as »east« and »west« in their lower case forms, since capitalization reifies concepts that are, in fact, unfixed and often contested.

cultural functions.[21] Such funds continued to function into the 20th century, even as more secularly organized charities for women began to emerge. In late-19th and early-20th-century Lviv there were a number of separate dowry foundations, usually based on a provision of a last will and testament. Despite such changes, young women continued to direct their applications to the central Jewish Community Council, indicating a degree of continuity with earlier practices. These circumstances gave individuals and donor families more latitude in determining the conditions of the dowry funds. Often competitions for awards were held on the anniversary of the death of the benefactor or another member of the family. For example, the Schulim Stoff Foundation, established in 1909, was created to honor the memory of the founder's deceased daughter Sara, though the fund bears the name of the father.[22]

Very often, funds favored applicants who demonstrated that they were related to the deceased founder. In some cases the provisions stipulate specifically that such applicants be given priority. For example, the documents pertaining to the applications of Mina Günsberg (1913) and Chaje Rosenfeld (1919) indicate that these women were chosen because they were related to the donor family.[23] Some applications include elaborate family trees to show kinship ties.

The documents which accompanied the creation of dowry funds often stipulated criteria, by which young women would be considered eligible. Applicants were required to be »poor« or living in poverty and to be of »Mosaic faith« (*wyznania mojżeszowego*). In some cases there were age limitations, for example 16 to 35 or sometimes 40, and requirements that applicants had led a »morally upstanding life«. In some cases it was also required that the recipient be from Lviv.[24] In one case, benefactors were allowed to exclude specific individuals from eligibility, demonstrating the degree of latitude donors possessed in delineating criteria.[25]

Dowry funds hinge on traditional models of social life, whereby marriage was seen as the key means for women to ensure their security. These funds were part

21 I am grateful to Moshe Rosman for this observation. See also Jacob Katz, *Tradition and Crisis: Jewish Society at the End of the Middle Ages* (New York: New York University Press, 1993), 116–117.

22 Correspondence in TsDIAL, coll. 701, inv. 3, file 56, fol. 2.

23 Documents from the Chaje vel Klara Rosenstein Foundation (*Fundacyi imienia Chaje vel Klary Rosenstein*), TsDIAL, coll. 701, inv. 3, file 114. See also eligibility criteria from the Szyfra Bina Nathansohn Foundation. TsDIAL, coll. 702, inv. 4, file 164, fol. 12.

24 Examples of such requirements are included in documents from the Szyfra Bina Nathansohn and Ignacy Lewkowicz funds, documents for which are in TsDIAL, coll. 702, inv. 4, file 164, fol. 1 and coll. 701, inv. 3, file 414, fol. 15, respectively.

25 See documents from Szyfra Bina Nathansohn in TsDIAL, coll. 702, inv. 4, file 164, fol. 7.

of the traditional social order and as such served to maintain established gender roles. For example, the letter to one award recipient, Klara Eva Lauer, in 1916, indicates that the funds were to be turned over directly to her future husband once documentation of the marriage was provided.[26]

The emergence of more secularly-oriented, reform-based approaches to assistance did not indicate a clear break from past traditions, but rather a parallel, and even interconnected development, which often overlapped with previously established forms of charity. In this context, Ehrlich's work is again worthy of note, as it provides insight into turn-of-the-century perspectives. Writing in early-20th-century Bukovina, a territory adjacent to Galicia, he viewed the actions of the emerging women's movement as an attack on the existing system of sexual morality on which the family was based. Therefore, he concluded that feminist activists must have the ulterior motive of »preparing the way for an entirely new order of the family.«[27]

However, at the turn of the century, many feminists incorporated models of assistance which reaffirmed many aspects of traditional roles for women. Within German-Jewish contexts, providing poor young women with dowries was also an approach favored by some activists. For example, the *Jüdischer Frauenbund* (»League of Jewish Women«) actively encouraged and provided funds to newly married couples as a way to encourage earlier marriages, which they claimed would decrease the demand for prostitutes.[28] Yet, by distributing dowries, they were challenging the authority of the religious institutions, which had traditionally acted in this capacity. In addition, the basic act of giving dowry funds, indeed, of gift giving in general, functioned as a means to convey power.[29] In this sense, women's rights activists used the distribution of dowry awards and the struggle against trafficking in women as ways to harness more authority to advance their broader social agendas.

26 Letter to Klara Eva Laurer from the leadership (*przełożeństwo*) of the Gmina Izraelicka in Lviv. TsDIAL, coll. 701, inv. 3, file 414, fol. 20.

27 Ehrlich, *Fundamental Principles*, 58.

28 Bertha Pappenheim and Sara Rabinowitsch, *Zur Lage der jüdischen Bevölkerung in Galizien: Reise-Eindrücke und Vorschläge zur Besserung der Verhältnisse* (Frankfurt am Main: Neuer Frankfurter Verlag, 1904). See also Marion Kaplan, *The Jewish Feminist Movement in Germany: The Campaigns of the Juedischer Frauenbund, 1904–1938* (Connecticut: Greenwood Press, 1979), 130.

29 Marion Kaplan makes this point with regard to dowries, especially those given by family members, Marion Kaplan, *The Marriage Bargain: Women and Dowries in European History* (New York: Institute for Research in History and the Haworth Press, 1985), 4. Sociologist and anthropologist Marcel Mauss argues that gift giving in general serves as a form of exerting power, Marcel Mauss, *The Gift* (New York: Routledge, 2006 [1924]).

At the same time, I have found no mention of women's activists in Galicia distributing dowries to poor women. In Lviv, dowry funds administered by the Jewish Community Council continued to function into the 1920s. This may suggest less willingness to openly challenge existing institutional authority, or it may also be that this approach was not deemed effective, or was never considered. With regard to the debate about trafficking in women, concerns certainly existed within local women's activist circles in Lviv, although they were strongly influenced by activist agendas in Germany and Vienna.

### *Anti-trafficking societies in Lviv: Emergent legal concepts and new forms of charity*

Although concern about prostitution and trafficking in women emerged in the last decades of the 19th century in Galicia, most organized efforts to address such issues came about in the early 20th century. In 1902 Rabbi Leopold Rozenak of the liberal German Union of Rabbis made a journey to eastern Europe to enlist the help of Galician rabbis in the struggle against trafficking in women. The following year prominent Jewish women's activists Bertha Pappenheim and Sara Rabinowitsch undertook a tour of Galicia and wrote a report of their findings.[30] The activity surrounding such visits may have been the spark that prompted a group of prominent Jewish men in Lviv, the same year, to compose a letter to the Viceroy of Galicia seeking permission to found a Jewish association, called the Jewish Society for Combating the Trafficking of Girls (*Towarzystwo żydowskie dla zapobiegania handlowi dziewczętami*).[31]

In this letter, the geographic scope of the proposed association was significant: While the statutes indicated that its headquarters was to be in Lviv, its activities would include the Kingdom of Galicia and Lodomeria, Krakow, and Bukovina. The expansiveness of the founders' vision for the association's future activities

30 Pappenheim and Rabinowitsch, *Zur Lage der jüdischen Bevölkerung in Galizien*; Sara Rabinowitsch, »Zur Lage des jüdischen Proletariats in Mohilew am Dnjepr,« *Die Welt*, August 15, 1902, 6–7. Originally from Vienna, Pappenheim later relocated to Frankfurt am Main where she became an important figure in the Jewish feminist movement. The much younger Rabinowitsch was originally from Minsk province and had just completed a doctorate in economics in Freiburg. See also Elizabeth Loentz, *Let Me Continue to Speak the Truth: Bertha Pappenheim as Author and Activist* (Cincinnati, OH: Hebrew Union College Press, 2007).

31 The Polish name of the association mentioned in the letter is *Towaryzstwo żydowskie dla zapobiegania handlowi dziewczętami*. The German name for the association, mentioned in the statutes within the same archival file is *Jüdische Vereinigung zur Verhinderung des Mädchenhandels*. TsDIAL, coll. 146, inv. 58, file 41.

may express their impressions of the far-reaching nature of trafficking in women in the region. However, it also asserts Lviv's central role as the capital city of Galicia and as an important center for the dissemination of ideas and networks.[32] Documents from a decade earlier demonstrate that members of the Lviv Jewish Community Council endorsed the idea that their institution should serve as a spiritual center for Jews throughout the region.[33] In fact, this was part of a general effort to centralize administration of the Jewish community.[34] In addition, the statutes for the proposed anti-trafficking society indicate that a member could be any person regardless of sex, social class (*stan)*, and place of residence. By expanding membership to those living outside of Lviv, and to women, the request demonstrates elements of inclusivity, especially considering that all the signatories of the letter were men.

The very formulation of such an organization as comprising members, who could join, if so inclined, demonstrates an important shift in thinking among a growing number of Jewish elites in Lviv, thus suggesting a considerable change in legal thought. In the early modern period, membership in the Jewish community was determined by birth; yet, for most women and poor men this meant a largely passive form of membership, as they were excluded from participation in most governing structures.[35] At the turn of the century, this remained the case in many ways; however, at the same time, Jews also became increasingly involved in voluntary membership associations clustered around specific interests and causes. Jewish identities became more contested and offered new associations for individuals to identify with.[36] Such groups reflected changes in broader society during this period and provide an illustration of the ways in which legal thinking is linked to and becomes an expression of popular

32 Ukrainian writer Ivan Franko also observes the importance of Lviv as a center for political activism among Ukrainians or Ruthenians in Galicia. See for example, Ivan Franko, *Fateful Crossroads* (Winnipeg: Language Lanterns Publications, 2006), 211 and 273.

33 Letter dated March 3, 1890. TsDIAL, coll. 701, inv. 2, file 761.

34 In 1889 the Lviv and Krakow Jewish Community Councils undertook an initiative to create an alliance representing the interests of Jews living in Galician cities and to centralize their administration. These plans included establishing a central office for charity. TsDIAL, coll. 701, inv. 2, file 751, fol. 1.

35 See for example, Gershon David Hundert, *Jews in Poland-Lithuania in the Eighteenth Century: A Genealogy of Modernity* (Berkeley, CA: University of California Press, 2004).

36 For accounts of tensions among Jews in Lviv, see Ezra Mendelsohn, »From Assimilation to Zionism in Lvov: The Case of Alfred Nossig,« *Slavonic and East European Review* 49, no. 117 (1971): 521–534 and Joshua Shanes, »Neither Germans nor Poles: Jewish Nationalism in Galicia before Herzl, 1883–1897,« *Austrian History Yearbook* 34 (2003): 191–213.

consciousness.[37] Voluntary membership associations, many of which focused on charity and other social issues, sought to impact the existing legal and political systems, some through the initiation of charity programs that sought to enhance the status of women and others through more direct political engagement, including revolutionary activities.

The inclusion of women into such associations was another change taking place at the turn of the century. Women's participation in the public sphere was beginning to gain wider acceptance, though there was also considerable resistance to changes to existing gender roles. In this case, it may have seemed especially appropriate that women play a part in a society focused on helping women. Membership in such organizations was also a means of enhancing one's prestige for both women and men, especially as such associations had ties to regional and even international networks, but also provided local venues for performing respectability.[38]

In the case of the above-mentioned statutes, many of the objectives listed in this document are similar to efforts promoted by western activists, including the founding of housekeeping schools and kindergartens, and the publication of brochures and other materials intended to educate the public about trafficking in women. References to Austrian and foreign associations with similar goals indicate an awareness of and perhaps considerable contact with such organizations. From the records, it remains unclear whether or not the Jewish association was approved by regional authorities.

In addition to Pappenheim's tour of Galicia and the local appeal to the viceroy for permission to form a Jewish anti-trafficking society, an international conference was held on the topic in Lviv in mid-September 1903. This meeting was one of the earliest events intended to raise awareness of such issues in Galicia, with western activists playing an important role. In addition to Pappenheim, other prominent participants included Paul Nathan, head of the Berlin-based Relief Association of German Jews (*Hilfsverein der Deutschen Juden*), and Emil Byk, the Austrian *Reichsrat* member for Galicia. The conference organizers expressly targeted Galician rabbis as their audience, though reports mention that none from Hasidic communities attended.[39]

37 Ehrlich draws from the works of Georg Friedrich Puchta and Friedrich Carl von Savigny in developing this concept. Ehrlich, *Fundamental Principles*, 443–444.

38 On related concepts of performance and political participation, see Hüchtker, *Geschichte als Performance*, 18–27, 198–200.

39 Lloyd P. Gartner, »Anglo-Jewry and the Jewish International Traffic in Prostitution, 1885–1914,« *Association for Jewish Studies Review* 7/8 (1982/1983): 129–178, here 174–175 and »Delegierten-Tag zur Bekämpfung des Mädchenhandels,« *Allgemeine Zeitung des Judentums*, September 25, 1903, 461–464. Consulted at http://www.compactmemory.de (accessed November 10, 2014).

At this conference Meier Munk, a prominent member of the Lviv Jewish community, originally from the influential northern German Jewish community in Altona,[40] proposed the founding of an organization devoted to protecting women and girls. Reports suggest that Jecheskiel Caro and other rabbis, such as Chaim Horowitz of Krakow, conveyed doubts about the need for such an organization, expressing resentment at what they perceived as implications that Jewish communities in Galicia were morally inferior. Ultimately, however, the participants agreed that such an organization would in fact be created. Interestingly, Caro's is the first signature, among the group of men requesting permission to found the organization, on the aforementioned letter, which was written in June 1903, three months prior to the conference. The fact that Caro later expressed skepticism at this conference may indicate that, despite his doubts about the prevalence of a trafficking problem, he nevertheless felt pressured to act in a demonstrable way. Meier Munk, another signatory of the letter, mentioned above, made proposals at the September conference to expand the scope of the association and to increase collaboration with international institutions.[41] As indicated, Munk was originally from the Hamburg region, the site of many charity and reform efforts directed at east central Europe, which may have facilitated collaboration with western activists.

Earlier the same year, correspondence from the Government Councilor (*Radca Rządu*) and Director of Police to the Council of the Viceroy (*Prezydyum c.k. Namiestnictwa*) indicates that the latter made inquiries regarding whether or not an association dedicated to combating trafficking in women existed in Lviv. According to the response, there was no such institution in the city, though the letter mentions that a Roman Catholic association dedicated to providing material and moral support to girls did exist.[42] These inquiries and the considerable pull that imperial authorities had over city officials in Lviv suggest that the central authorities also played an important role in steering debate on this issue within the city. Due to the challenges posed by the various languages used in the region and efforts to control migration, Vienna was dependent on local religious authorities to administer populations that they could otherwise

40 Munk migrated from Altona to Lviv in the mid 1890s and married Pessel Rokach of the local Jewish community. Rabbi Issac Schmelkes performed the ceremony on September 15, 1897. Marriage certificate from the Digitized Collection of Jewish Records (DCJR), http://dcjr.org/index.php/jewish-vital-records/marriage-certificate/1262-munk-meier-rokach-pessel (accessed March 17, 2015).

41 Gartner, »Anglo-Jewry,« 174–175; »Delegierten-Tag zur Bekämpfung des Mädchenhandels,« 461–464.

42 The letter, dated January 17, 1903 is located in the TsDIAL, coll. 146, inv. 4, file 171, vol. 3097, fol. 31.

not control. In addition, by centralizing and overseeing activism, authorities could more easily monitor and guide activities as a means of keeping in check potentially subversive groups.

The lineage of Lviv's anti-trafficking organizations is slightly unclear, with somewhat conflicting narratives. According to Nancy Wingfeld, Jewish committees formed early in response to trade in Jewish girls from Galicia, but such groups were subsumed in 1902 under the interdenominational Austrian League to Combat Traffic in Women.[43] However, the fact that the above-mentioned letter was written in 1903 and proposes the founding of a specifically Jewish association, suggests that efforts were not yet as centralized or coordinated as other reports indicate.

Edward Bristow suggests that the Jewish association in Lviv – presumably that mentioned above – faltered in its early years due to lack of funds and volunteers. He also indicates that the work of anti-trafficking associations was undermined by other calamities, such as the Kishinev pogrom of 1903, which further burdened western aid agencies, as well as squabbles between Austrian and German officials regarding support for the effort.[44] An article from a 1905 issue of the feminist *Świat Płciowy* (»Sexual World«) asserts that »because non-German cities reacted with indifference toward initiatives from Vienna, the [Vienna anti-trafficking] league decided to decentralize its actions.«[45] However, local documents that provide a clear indication of developments between 1903 and 1908 are sparse.

In any case, five years later, in 1908, the Lviv Chapter of the Austrian League for Combating the Trafficking of Girls *(Österreichische Liga zur Bekämpfung des Mädchenhandels*),[46] was established. The leaders of this association are different from those listed in the earlier document, with women playing a much more visible role. One reason may be that Habsburg laws were changed in 1908 to allow women to join political associations,[47] part of a trend toward rendering it

43 Nancy M. Wingfeld, »Destination: Alexandria, Buenos Aries, Constantinople: ›White Slavers‹ in Late Imperial Austria,« *Journal of the History of Sexuality* 20, no. 2 (2011): 291–311, here 297.

44 Edward J. Bristow, *Prostitution and Prejudice: The Jewish Fight against White Slavery, 1870–1939* (New York: Schocken, 1982), 262–263.

45 »Z kongresów,« *Świat Płciowy*, October, 1905, 51.

46 In subsequent years the organization's name was changed to the Austrian Girl and Child Protection League (*Österreichische Mädchen- und Kinderschutzliga*). See the organization's annual reports, http://www.literature.at/collection.alo?from=1to=50&orderby=author&sortorder=a&objid=11075&page= (accessed November 10, 2014).

47 *Jewish Women: A Comprehensive Historical Encyclopedia*, s.v. »Habsburg Monarchy: Nineteenth to Twentieth Centuries,« http://jwa.org/encyclopedia/article/habsburg-monarchy-nineteenth-to-twentieth-centuries (accessed March 17, 2015).

more acceptable for women to participate in a wider range of organizations. According to the association's annual reports, Lviv chapter president Emma Lilien was especially active in networking with local and regional officials and participating in international meetings. Yet, there were still important ties between this group and other local Jewish charity projects. For example, Meier Munk, who played a key role in the earlier initiative, and Emma Lilien were both members of other Jewish charity organizations assisting youth. Lilien and Marya Kalmus-Schneiderowa from the Lviv anti-trafficking chapter also served on the board of another charity association *Zdrowie* (»Health«) dedicated to supporting Jewish youth in poor health.[48]

Lilien is listed as a founding member of *Opieka* (»Care«), which offered support to poor middle school pupils.[49] Records also indicated that, in one case, the community turned over a ten-year-old girl to Lilien and the Office for the Protection of Women (*Biuro Ochrony Kobiet*) or BOK, as the Lviv chapter was often referred to in local Polish language publications. In this case it appears that officials believed that the organization could offer better guidance to the child than the local Jewish orphanage.[50] In its later years of existence (1910–1913) the Lviv Chapter also received limited financial support from the local Jewish Community Council, as well as from the Lviv City Council.[51]

Emil Byk, a prominent participant in the 1903 anti-trafficking conference was another founding member of *Opieka*. Earlier, he had served as chairman of the charity committee of the Jewish *Cultusrath*.[52] Such examples demonstrate the degree to which elites occupied positions in more secular, non-religiously based institutions, but also remained tied to those linked directly to Jewish communities. At the same time, the *Cultusrath* itself could be seen as an institution with closer links to the imperial and regional governments, operating within an urban context in the Galician capital, and clearly distinct from the smaller religious

48 *Szóste Sprawozdanie zarządu towarzystwa ku wspieraniu chorej uczącej się młodzieży żydowskiej szkół średnich i wyższych »Zdrowie« za rok administracyjny 1911/1912* (Lwów: Nakład Towarzystwa, 1913). I consulted this brochure at TsDIAL, coll. 701, inv. 2, file 1745, fol. 43.

49 »Opieka« *Stowarzyszenie dla Wspierania Ubogiej Żydowskiej Młodzieży szkół średnich we Lwowie* (»Care« The Society for the Support of Impoverished Jewish Youth of Lviv Middle Schools), records for 1910. TsDIAL, coll. 701, inv. 3, file 9.

50 Ibid.

51 In 1911, the chapter received 200 crowns from the Jewish Community Council and 500 crowns from the city. See »Sprawozdnanie z działalności Lwowskiego Oddziału Austryackiej Ligi dla zwalczania handlu dziewczętami z Biurem ›Ochrona Kobiet‹ za rok 1910–1911,« TsDIAL, coll. 701, inv. 2, file 1745, fol. 27.

52 The *Cultusrath* was an institution within the Jewish Community Council (*Israelitische Cultusgemeinde*), which was concerned with ritual practices. See statutes of the Lviv Jewish community. TsDIAL, coll. 701, inv. 3, file 8a.

communities found in many towns. These ties also reveal the degree to which the state delegated authority over Jews in the city and throughout Galicia, to the Jewish Community Council, signaling an expansion of its legal competence.

As the above-mentioned letter and statutes proposing a Jewish anti-trafficking association suggest, prominent individuals affiliated with the Jewish Community Council played an important role in transforming Jewish institutions. In addition to a move toward more voluntary, membership-based organizations, in some cases there was also a shift toward endorsement of associations that included other ethnic groups. Both Jews and Poles were members of the Lviv chapter of the Austrian Anti-Trafficking League, including some of the city's most prominent and best educated women such as Felicya Nossig,[53] Ada Kalmus-Reichensteinowa, Marya Kalmus-Schneiderowa,[54] and Anna Lewicka.[55] Several members also came from other cities in Galicia, and some from other regions in the Habsburg Empire.[56]

The attempt to be more inclusive demonstrates a shift toward a supra-ethnic or supra-religious consciousness. However, it is important to note that the initial push for this supra-ethnic institution in Lviv came from Vienna and activists in the west, and ran counter to the ideas which prevailed in an atmosphere highly charged by nationalist claims. At the same time not all social activists embraced the positions endorsed by western feminists. For example, at the turn of the century, women activists within the Zionist movement were especially critical of the approaches endorsed by Pappenheim.[57]

With regard to the Lviv Chapter of the Austrian League for Combating Trafficking in Girls, the association's annual reports to the main organization in

53 Felicya Nossig was a prominent socialist and women's rights activist, as well as the sister of Jewish social activist and artist Alfred Nossig. Her father was a secretary of the Lviv Jewish Community Council. Also known as Felicya Próchnikowa, in her 40s she travelled to Switzerland and earned a doctorate in philosophy. See *Polski słownik biograficzny*, vol. 28, s.v. »Próchnikowa,« 558–560.

54 Marya Kalmus was the first woman to be awarded a doctor of medicine degree from Lviv University, her sister Ada Kalmus earned a doctorate in philosophy the previous year. See »Pierwsza kobieta doktorem medycyny na uniwersytecie lwowskim,« *Kurjer Lwowski*, March 12, 1904.

55 Anna Lewicka was a writer, publicist, and teacher from a prominent local Polish family. *Polski słownik biograficzny*, vol. 17, s.v. »Lewicka, Anna,« 222–223.

56 Sprawozdanie z działalności Lwowskiego Oddziału Austryackiej Ligi dla zwalczania handlu dziewczętami z Biurem »Ochrona Kobiet« za rok 1910–1911. TsDIAL, coll. 701, inv. 2, file 1745, fol. 30–32.

57 For a discussion of prominent activist Rosa Pomeranz's criticism of Pappenheim, see Dietlind Hüchtker, »Rückständigkeit als Strategie oder Galizien als Zentrum europäischer Frauenpolitik« *Themenportal Europäische Geschichte* (2009), http://www.europa.clio-online.de/2009/Article=402 (accessed March 17, 2015).

Vienna provide an overview of the local society's activities. Most of the available reports, however, were published by the parent organization in German and may be summaries of longer reports. The Lviv chapter's 1908 report reveals during its first year the association was focused mostly on helping women from Lviv, rather than those newly arrived or passing through. The organization's emphasis was on job and skills training. According to the report, most of the women who received help were from the middle class, revealing the organization's links to broader agendas of improving women's education, training, and employment opportunities. The first report mentions that one woman was rescued from a life of prostitution and had become a valued employee at a laundry service.[58]

Reports from subsequent years focus more on the founding of a shelter where women could live while they sought work or received training. Later reports also document the number of women rescued from traffickers or from prostitution, including statistics about the ethnic or religious breakdown of the women receiving help, who were categorized as Christian or Jewish, and sometimes more precisely as Roman Catholic, Uniate, Protestant, or Jewish. This latter element is significant in that it underscores the organization's broad approach that included helping women from different religious backgrounds, demonstrating a commitment to new forms of organizations based on a supra-ethnic and -religious ideal. For example, the association reported that, in 1911, it had 531 protégées (*Schützlinge*) of whom 43 percent were Roman Catholic, 25 percent Greek Catholic, 30 percent Jewish, and two percent Protestant.[59] This designation does not indicate how many women were rescued from dangerous situations, from lives as prostitutes, and how many were women who needed other forms of help, such as training, and therefore might have been seen as potential future victims.

The statistics provided above indicate that the organization was multiethnic with regard to the women that it assisted. With regard to its membership it was somewhat less diverse, with most of its members being comprised of Jews and Polish Roman Catholics. Ukrainian Uniates were much less visible and perhaps virtually absent from among its membership.[60] Although those who identified

58 »Bericht des Lemberger Lokalkomittees über das Vereinsjahr 1908,« in *Bericht der Österreichischen Liga zur Bekämpfung des Mädchenhandels. Das Vereinsjahr 1908 und Generalversammlungs-Protokoll vom 18. Mai* (Wien: Selbstverlag des Vereins, 1909), 22–25, here 30.

59 »Auszug aus dem Bericht des Zweigvereines in Lemberg ›Liga für Frauen- und Kinderschutz‹ über das Vereinsjahr 1911,« in *Bericht des Vereins ›Österreichische Mädchen- und Kinderschutzliga‹ (Österreichische Liga zur Bekämpfung des Mädchenhandels) über das Vereinsjahr 1911* (Wien: Selbstverlag des Vereins, 1912), 23–24.

60 I draw this conclusion mainly from the names that are listed, though it is not entirely possible to discern how individuals self-identified from names alone. It is

as Ukrainians or Ruthenians[61] formed a majority in eastern Galicia, they tended to be mostly rural inhabitants, whereas the Lviv chapter was mainly an urban association. At the same time, ethnic and class tensions may have been further reasons for the small number of Ruthenians.

From 1908 to 1914, the annual reports of the Lviv chapter present an image of a group of individuals dedicated to fighting the trafficking of women, as well as expanding education and work opportunities to women. The complicated development of this association and its initiatives reveal significant changes in, as well as connections to, previously existing practices and concepts regarding charity. In particular, changes in thinking about membership, the expansion of women's rights and participation, and the cultivation of supra-ethnic and supra-religious inclusiveness carried important legal implications. At the same time, skeptics of the trafficking problem, including prominent figures in Galician Jewish communities, questioned whether or not their efforts were misplaced.

### *Discourse on Trafficking in Women: Galicia and Beyond*

Prominent narratives of the period commonly portray the women involved in trafficking as naive innocents lured into a life of moral depravity by traffickers who could be both men and women. This image was recurrent in women's activist literature, fictional representations from the turn of the century,[62] as well as a theme in folk narratives.[63] These stories are relevant to Galician contexts

possible, that some members identified with Ukrainian or Ruthenian ethnicity. See »Sprawozdanie z działalności Lwowskiego Oddziału Austryackiej Ligi dla zwalczania handlu dziewczętami z Biurem ›Ochrona Kobiet‹ za rok 1910–1911,« TsDIAL, coll. 701, inv. 2, file 1745, fol. 30–32.

61 Most Ukrainians or Ruthenians in the region were Uniate (also known as Greek Catholic) or Orthodox. However, there were exceptions to these delineations, for example ethnic Poles who were Uniate and ethnic Ukrainians who were Roman Catholic.

62 See, for example, Sholem Aleichem, »The Man from Buenos Aires,« in idem, *Tevye the Dairyman and Railroad Stories* (New York: Schocken Books, 1987), 166–176 and Ivan Franko, »For the Home Hearth,« in *Behind Decorum's Veil*, ed. Sonia Morris (Winnipeg: Language Lanterns Publications, 2006), 9–167. In her introduction, editor Sonia Morris asserts that the themes and subject matter of this novella are not fictional, but depict real events that took place from 1887 to 1897 and are documented in transcriptions of criminal trials, which Franko covered while working as a journalist for the liberal Polish daily *Kurjer Lwowski*. See Sonia Morris, »Introduction,« in *Behind Decorum's Veil*, ed. Sonia Morris (Winnipeg: Language Lanterns Publications, 2006), http://www.languagelanterns.com/decorum.htm (accessed March 17, 2015).

63 »Captive Maiden, Abduction, Folk motif. R0-R10,« in Stith Thompson, *Folk Motif Index* (Bloomington: Indiana University Press, 1959). In addition, there are

because they influenced local narratives and interpretations of trafficking in women. In addition, many of the alleged victims from Galicia ended up in London, Cairo, New York, Buenos Aires, and other far-flung places.

However, there were also voices expressing skepticism about this depiction. For example, in 1914 a brief article in the *New York Times* cited a statement from a Berlin police investigator – identified as Dr. Kopp – who declared that after spending several years researching white slavery, he believed that the term was a misnomer, stating that the practice of trapping girls and forcing them into prostitution rarely happened. Kopp maintained that nearly all women immigrating in order to work as prostitutes did so willingly and had already engaged in prostitution before immigrating. He suggested that international philanthropy was off-track in its efforts to stamp out an evil that did not exist.[64]

Two years earlier, in 1912, labor and women's rights activist Teresa Billington-Greig published an article in the *English Review* entitled »The Truth about White Slavery.« In this text, she recounts her unsuccessful efforts to substantiate a single claim of any girl being trapped by use of drugs or other forms of coercion. The author was scathing in her condemnation of what she saw as a rush to adopt draconian legislation, namely the reintroduction of flogging in Britain, as a response to national hysteria. She argued that the sheer frequency of such accounts of young women being abducted rendered the stories, which she refers to as »rumors,« suspect.[65] Indeed, on this point, moving beyond the confines of the turn of the century and approaching this topic from an ethnographic perspective provides important insight. In this case, Billington-Greig's description of the way such narratives circulated, including the fact that they are almost always attributed to an inaccessible third party, corresponds very closely with

regional variations which include references to the historical figure Roxalana, a Ruthenian woman said to have been captured during the 16th century and sold in Constantinople as a concubine in the Sultan's harem. In an unprecedented act, the Sultan married his beloved concubine, whereby she rose to the position of sultana, thereby possessing considerable power. http://beshkan.de/journal/frauen-in-der-welt-des-orients/roxelane-der-aufstieg-einer-sklavin-zur-sultanin/index.html (accessed August 31, 2012). Slavic wedding rituals include a mock bridal capture, also said to refer to the times when brides were captured by their husbands. See for example, images from the Katrina Thomas Ethnic Wedding Photograph Collection, Bryn Mawr College Special Collections, http://triptych.brynmawr.edu/cdm/singleitem/collection/BMC_Weddings/id/166/rec/35 and http://triptych.brynmawr.edu/cdm/singleitem/collection/BMC_Weddings/id/176/rec/4 (accessed August 15, 2014).

64 »No White Slaves, He Says,« *New York Times*, July 22, 1914, query.nytimes.com/mem/archive-free/pdf?res=F00B13FB3F5A15738DDDAB0A94DF405B848DF1D3.

65 Teresa Billington-Greig, »The Truth about White Slavery,« *English Review* 14 (1913): 428–446.

what contemporary folklorists refer to as »urban legends.« Such narratives are often interpreted as expressions of specific fears existing in a given society, especially anxieties connected to changes in social and economic practices and technological innovation.[66] Therefore, the drastic social upheavals that Galician society experienced at the turn of the century provided especially fertile ground for dramatic narratives about trafficking in women.

In addition, the stories also bear certain similarities to blood libel or ritual murder accusations, charges, which, in European contexts, were most often made against Jews.[67] The purported victim in such cases was usually a child, though allegations of Jews killing young women for ritual purposes also occurred. In fact, in the late 19th century a blood libel case occurred in Habsburg Bohemia in which a Jew was accused of murdering a nineteen-year-old Czech girl for ritual purposes.[68] However, stories about trafficking in women from the turn of the century often follow a pattern similar to folk narratives that have existed for centuries, though the groups or individuals perceived as threatening changes. Urban legends about the abduction of children and young women persist in modern contexts and reemerge especially in times of heightened fear.[69]

Such narratives illustrate that traditional ideas are also at work in the emergence of modernizing trends. Sociologist Bernard Paillard argues that seemingly archaic psychological and cultural elements are not an indication of the absence of modernity, but in fact also develop within modern societies, in part due to a need to assign guilt.[70] The longevity of the motif of the captive

66 Jan Harold Brunvand, *The Vanishing Hitchhiker: American Urban Legends* (New York: Norton, 1981).

67 »Folk motif V361. Christian child killed to furnish blood for Jewish rite,« in Stith Thompson, *Motif-index of Folk-literature*, http://www.ruthenia.ru/folklore/thompson/v.htm (accessed August 15, 2012); Alan Dundes, *The Blood Libel Legend: A Casebook in Anti-Semitic Folklore* (Madison, WI: University of Wisconsin Press, 1991). For texts focusing on east central Europe, see also Hanna Węgrzynek, *›Czarna legenda‹ Żydów: Procesy o rzekome mordy rytualne w dawnej Polsce* (Warszawa: Bellona, 1995); Zenon Guldon and Jacek Wijaczka, *Procesy o mordy rytualne w Polsce w XVI–XVIII wieku* (Kielce: DCF, 1995); Albert S. Lindemann, *The Jew Accused: Three Anti-Semitic Affairs* (Cambridge: Cambridge University Press, 1991); and Laura Engelstein, *The Keys to Happiness: Sex and the Search for Modernity in Fin-de-Siècle Russia* (Ithaca, NY: Cornell University Press, 1992), 299–333.

68 František Červinka, »The Hilsner Affair,« in *The Blood Libel Legend: A Casebook in Anti-Semitic Folklore*, ed. Alan Dundes (Madison, WI: University of Wisconsin Press, 1991), 135–161.

69 Véronique Campion-Vincent, »Complots et avertissements: légendes urbaines dans la ville,« *Revue française de sociologie* 30, no. 1 (1989): 91–105, here 92–96.

70 Bernard Paillard, »L'écho de la rumeur,« *Communications* 52 (1990): 125–139, here 129.

maiden does not mean that there have not been cases of women being abducted and forced into prostitution, but the frequency of such stories in certain contexts, the fact that often their alleged victims cannot be found or identified, and that the suspected perpetrators are members of marginalized social groups are all elements which render their veracity suspect. Additionally, assigning categories of victim and perpetrator set the stage for enactments of legal dramas, which also shaped public consciousness. For example, the Lviv trial of 1892, in which officials tried 27 Jewish men and women for trafficking, contributed to perceptions of sex trade in the region.[71]

While at the turn of the century critics like Billington-Greig were adamant that common philanthropic efforts were misguided and even damaging, their voices in Germany and Britain were a minority. During the same period, however, skeptical voices in Galicia could also be found within Jewish communities. For example, as mentioned above, Rabbis Caro from Lviv and Horovitz from Krakow were unconvinced of the prevalence of the problem among Galician Jewry.[72] Although concern among Jews that more open discussion of trafficking of women might also spark an increase in expressions of anti-Semitism may also have been one reason that some Jewish leaders were not eager to embrace this cause.

In recent works that address sex trafficking in the late Habsburg Empire, perspectives also vary. Martin Pollack's acclaimed *Kaiser von Amerika* examines the extreme poverty and ensuing flight from Galicia, evoking dramatic scenes of traffickers preying on unfortunate teenage girls.[73] In contrast, Dietmar Jazbinsek asserts that criminologists and social scientists have clearly established that so-called white slavery did not exist. He argues that the belief was propagated in order to advance particular agendas, especially racist and nationalist causes.[74]

Other historians, who are also skeptical about the prevalence of women forced into prostitution, suggest that women were often aware of their fate and had already worked as prostitutes before immigrating.[75] Malte Fuhrmann's

71 Stauter-Halsted, »A Generation of Monsters,« 25.

72 »Delegierten-Tag zur Bekämpfung des Mädchenhandels,« 461–464.

73 For example, in one chapter entitled »Trade in Delicate Meat« (*Handel mit delikatem Fleisch*) Pollack describes the exploits of a female trafficker, Anna Strassberg, who returns to Europe to lure unsuspecting girls into the sex trade by promising good positions caring for children in Jewish families in Constantinople. Martin Pollack, *Kaiser von Amerika: Die große Flucht aus Galizien* (Wien: Zsolnay Verlag, 2010), 44–46.

74 Dietmar Jazbinsek, »Der internationale Mädchenhandel Biographie eines sozialen Problems,« *WZB-Papers* FS II 02-501 (2002), http://skylla.wzb.eu/pdf/2002/ii02-501.pdf (accessed August 15, 2014).

75 For example, Keely Stauter-Halsted points out that at least one of the witnesses and alleged victims in the famous Lviv »white slavery« trial in 1892 admitted that

study describes the dismay of Habsburg officials when one woman, after supposedly being rescued from her captors in Constantinople and returned to Galicia, very eloquently explained that it had been her choice to leave, that her life as a prostitute in the Ottoman Empire was a great improvement on the life of poverty she had previously led with her family, and that she would return at first opportunity.[76] The research of such scholars sheds important light on the dynamics of prostitution and trafficking in women in the late Habsburg Empire.[77] At the very least, their insights suggest that forced prostitution was less prevalent than anti-trafficking activists portrayed.[78]

With these complexities in mind, some scholars have speculated on the motivations of anti-trafficking activists. Marion Kaplan has suggested that, for Pappenheim, the issue served the instrumental purpose of galvanizing activism, which could be harnessed to advance broader claims for women's rights, indicating another area where this topic was linked to changes in legal consciousness.[79] Others are more convinced that her insistence on the importance had more to do with her adherence to bourgeois ideals. Pappenheim and other members of the Jewish Frauenbund were significantly shaped by German

she had »sold love« in Galicia before deciding to relocate to Constantinople in hopes of earning a better income. Stauter-Halsted, »A Generation of Monsters,« 30. In Nancy Wingfeld's research on police interviews with young women rescued from traffickers, she recounts statements of a teenager girl who, unhappy or frustrated with her living conditions, agreed to leave with a man who promised better circumstances elsewhere, without notifying their families. Wingfeld, »Destination: Alexandria,« 300–301.

76 Malte Fuhrmann, »›Western Perversions‹ at the Threshold of Felicity: The European Prostitutes of Galata-Pera (1870–1915),« *History and Anthropology* 21, no. 2 (2010): 159–172, here 163–164.

77 For a more extensive discussion of prostitution and social class in the lands of partitioned Poland see Keely Stauter-Halsted, *The Devil's Chain: Prostitution and Social Control in Partitioned Poland* (Ithaca: Cornell University Press, 2015).

78 In fact, this topic remains very much contested in present day contexts. During the 1990s, in the aftermath of the Cold War, new claims about a rapid increase in sex trafficking emerged. One new development is that sex workers have increasingly become more organized and vocal, often insisting that anti-trafficking campaigns are actually damaging to sex workers because they continue to pass judgment on those who choose to work as prostitutes and use the image of the forced innocent to deny that all prostitutes deserve human rights. For insightful discussions by activists and scholars, see Kamala Kempadoo and Jo Doezema, *Global Sex Workers: Rights, Resistance, and Redefinition* (London: Routledge, 1998).

79 Marion Kaplan, *The Jewish Feminist Movement: The Campaigns of the Jüdischer Frauenbund, 1904–1938* (Westport–London: Greenwood Press, 1979), 103–105.

bourgeois principles of *Bildung* (education) and *Sittlichkeit* (morality).[80] In particular, the need to strictly adhere to the latter was seen as of utmost importance in preventing contamination of bourgeois society from »perversity« often associated with the working classes.[81] Aside from Pappenheim's motivations for taking up the anti-trafficking cause, it is likely that concerns about the threat of »white slavery« were also linked to changes in social practices. For example, a large increase in the numbers of women traveling alone violated social tabus and provoked anxiety, as well as challenging the existing social and legal status of women, which made them dependent on men.

Similar to German-Jewish feminists, such as Pappenheim, it appears that the Lviv chapter also used the issue of trafficking in women as a strategy to promote broader feminist goals.[82] For example, its first annual report's emphasis on training and job placement for middle-class women suggest this tendency and the reference to the rescue of a single, perhaps token, former prostitute reinforces this image. However, it may also be that the association had limited resources during its first year and chose to concentrate on what its members saw as manageable objectives. Reports from subsequent years suggest that more attention and resources were focused on rescuing women from prostitution, including direct intervention.[83] This last practice of seeking to influence and directly engaging in law enforcement also served to enhance the status of activist groups, by allying themselves with other power structures and providing a field in which they became new experts or elites.[84]

80 Shulamit Volkov, »The ›Verbürgerlichung‹ of the Jews as a Paradigm,« in *Bourgeois Society in Nineteenth-Century Europe*, eds. Jürgen Kocka and Allen Mitchell (Oxford: Berg, 1993), 367–391, here 373-380. See also discussion in Sara E. Wobick, »Mädchenhandel between Antisemitism and Social Reform: Bertha Pappenheim and the Jüdischer Frauenbund,« *Sophie Journal* 1 (2004): 1–23, here 10; Hanna Kozinska-Witt, »Bertha Pappenheim and Jewish Women from Eastern Europe,« *The American Association for Polish-Jewish Studies*, 2012, http://www.aapjstudies.org/index.php?id=144 (accessed August 15, 2014).

81 George Mosse, *Nationalism and Sexuality: Middle-Class Morality and Sexual Norms in Modern Europe* (Madison: University of Wisconsin Press, 1985), 4–5.

82 Kaplan, *The Jewish Feminist Movement*, 103 and 113.

83 One association report refers to »unsere Agenten« (»our agents«) working in conjunction with police in Lviv, Krakow, and Drohobycz to apprehend an Argentinean trafficker. See, *Bericht des Vereins ›Österreichische Mädchen- und Kinderschutzliga‹ (Österreichische Liga zur Bekämpfung des Mädchenhandels) über das Vereinsjahr 1910 und Generalversammlungs-Protokolle vom 30. Mai und 26. Juni 1911* (Wien: Selbstverlag des Vereins, 1911), 30.

84 For example, in her research on three women's rights activists in Galicia, Dietlind Hüchtker discusses the ways that their activism gave them access to new knowledge which allowed them to emerge as a new elite and, in effect, as »world architects« (*Gestalter/innen der Welt*). Hüchtker, *Geschichte als Performance*, 315.

Despite the limitations of the Lviv Office for the Protection of Women, the organization appears to have been partly successful in providing a space where individuals could address social welfare issues in a context that spanned beyond categories of ethnicity and religion. In 1911 the *Kurjer lwowski* asserted that it »is one of the few venues where individuals from diverse religious and ethnic backgrounds can work together.« In this regard, the Lviv association could be seen as an expression of secularization, in its attempt to make social initiatives more inclusive and reach beyond narrow religious and ethnic communities, thereby demonstrating a new way of thinking about society and charity.

The apparent absence of Ukrainian women activists in the association underscores that attempts at inclusivity were only partly realized and often hinged on other forms of exclusion, including discrepancies between upper and middle-class women and those from lower classes, as well as between urban and rural women. Despite attempts to promote inclusivity, modern institutions in urban contexts often maintained rather than eliminated exclusion.[85]

### *Conclusions*

Many changes at the turn of the century were driven by social movements that converged during this period, including labor and socialist movements, the women's movement, as well as nationalist causes. Such movements of contestation marked a key component in processes of modernization[86] and, as I have shown, were also an important source of »emergent law.« In this context, changes in legal thinking led to the creation of new institutions and modifications to existing structures. These shifts meant new ways of thinking about charity, identifying communities in need, and redefining who could play a prominent role in these debates.

At the turn of the century, Habsburg authorities in Vienna continued to rely on local religious leaders to better administer populations that would otherwise be difficult to reach. This policy played an important role in reordering legal competencies and promoting increased centralization. This strategy also suggests one potential reason why there was an effort to coordinate control over newly emerging types of activism, such as the anti-trafficking movement. In a period marked by increasing contestation, officials may have deemed it prudent to manage and guide activist agendas where possible.

Surviving documents do not provide a clear indication of whether or not Hersh Günsberg and the women he was travelling with were engaged in

85 Paillard discusses this tendency in more general terms in late-20th-century contexts. Paillard, »L'écho de la rumeur,« 129.

86 Shmuel N. Eisenstadt, »Multiple Modernities,« *Daedalus* 129, no. 1 (2000): 1–29.

trafficking or prostitution. However, the surviving narrative reveals themes that were a source of considerable concern at the turn of the century. Records also reveal that the allegation made by Henryk Sprecher – the merchant identified as a member of the local anti-trafficking society – was credible to police, or that it was important to treat it as though it were. Indeed, other reports suggest that there was considerable collaboration between such societies and the police during this period, bestowing these associations with a new status.

In addition to the disparity among social classes discussed above, the efforts of organizations and the attention that trafficking in women received are connected to the articulation of other cultural hierarchies, including perceived inequalities between east and west. A closer look at societies for the protection of women at the local level complicates assumptions about relationships between centers and peripheries. Officials and intellectuals in Vienna and German cities often saw Galicia as a half-civilized eastern borderland. Yet, Lviv itself functioned as an important center in the region and regional activists did not always accept the approaches propagated by western activists. A Polonized elite associated with the Jewish Community Council and with the Lviv anti-trafficking chapter largely aligned themselves with the perspectives of western activists. However, while these inhabitants played important roles in developing and implementing approaches that included new forms of charity, many also worked within previously existing Jewish charity institutions.

Although there appears to have been a strong movement toward new forms of social activism based on more secular models, a closer look reveals much greater complexity. Many traditional forms of charity were not falling away, but were changing, if in less dramatic ways. Incorporating a concept of »law as process« renders such developments more visible by highlighting the ways that existing practices and structures are reshaped by emerging contexts and expectations.

In this article I have identified key areas where legal concepts were in the process of being contested and renegotiated: membership; the admission of women as participants in public life; the development of supra-ethnic and supra-religious consciousness with regard to activism; as well as attempts by anti-trafficking associations to influence and even police morality. These spheres demonstrate the role that social movements – born of specific circumstances and times – play in reshaping legal landscapes. Many of the issues raised in this discussion remain relevant to present-day discourse and suggest areas of research relevant to the longue durée, including the challenges posed by large-scale migration, activist networks, and the task of helping those in need.

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