

THE REIGN OF SOVEREIGN EMPEROR ALEXANDER I

1804 yr.

59. -- December 9. **Highest Approved Regulation** – *Regulation on Settlement of Jews. Exact (Nominal) given to the Senate.*

Because of multiple complaints, incoming to Us and to the Governing Senate, regarding different abuses and disturbances that have harmed agriculture and industry of the population in those Gubernias where Jews live, We considered it necessary, by the Decree to the Governing Senate given in the 9th day of November 1802, to organize a special Committee to examine issues related to this matter, and to determine means of rectification of the present conditions of Jews. The Committee, having collected all information related to this matter, and after considering different ideas about the settlement of Jews which existed by the present time,

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introduced to Us the newly written regulation for them, with an explanation in the special report of the reasoning it is based upon.

Having reviewed this proposition, We find the principles implemented by the Committee very just and all articles of the regulation reflecting moderation and care about the genuine welfare of Jews, as well as being based on interests of the native inhabitants of the Gubernias, where those people [Jews] have permission to live. Thus, having approved this regulation, We forward it to the Governing Senate along with the report, for the exact implementation of all of the instructions which it contains. *

Statute Concerning the Organization of the Jews

I. About enlightenment.

1. All Jewish children may be accepted and taught, without any differences from other children, in all Russian public schools, gymnasia, and universities.

2. Jewish children, while attending school, cannot be diverted from their religion under any circumstances, cannot be forced to learn anything parochial and even contradictory to their religion.

3. Jewish children attending parochial or district (county) schools, may wear Jewish dress, but those attending gymnasiums must wear German or Polish [“European style”] dress for the purpose of uniformity.

4. Jewish children will be accepted to Saint Petersburg Academy of Arts if they show talent and propensity. In this occasion, they must wear a German-style dress.

5. Those Jews who, by their ability, have reached prominent levels of achievement (distinction) in universities in Medicine, Surgery, Physics, Mathematics and other fields, will be acknowledged and promoted to university degrees equally to all other Russia's subjects.

6. In the cases when, despite all these inducements, the Jews will choose not to send their children to common public schools, then there will be established at their expense special schools for their children to study; and the necessary tax must be collected as determined by the government approval. In such schools must be taught one of the following languages: Russian, Polish or German.

7. After the lapse of six years, from the publication of this statute, all bookkeeping and other merchant's notes (documentation) and correspondence between Jews must be written in one of these languages: Russian, Polish or German, or comprise a side-by-side translation. Otherwise, such documents will not be acknowledged in legal claims and courts.

8. All Jews who reside in the Russian Empire, having the right to use their language in all matters related to their faith and in everyday life, are obligated to use Russian, Polish or German languages, beginning January 1st, 1807, in all public documents, deeds, bills of exchange, bonds,

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obligations, etc. Otherwise, none of their documents will be accepted for legal processing.

9. As soon as [From the time when] this regulation comes into force, and at the first coming elections of the members of Magistrates [City Councils], for uniformity and general order, those Jews, desirous to enter such distinguished positions [seats, posts] in the Gubernias incorporated from Poland, ought to wear Russian or Polish clothing, if they do not like to wear German-style dress; and in those Russian Gubernias where Jews are permitted to have permanent residency, in cases of being elected as members of Magistrates, those Jews must wear German dress. -- Beginning in 1808, no Jew can be elected as a Member of a Magistrate if he cannot read and write in one of these languages: Russian, German or Polish.

10. From the beginning of the year 1812, nobody can be elected or appointed to any [official] position, including Kahals¹ or Rabbinate, without being literate in one of these aforementioned languages.

II. About different estates and trades of Jews and [their] rights.

11. All Jews are to be divided into four classes: A.) Farmers; working on land [Zemledeltsy] B.) Fabricants (manufacturers and Artisans) [Fabrikanty and Remeslenniki] C.)Merchantry [Kupechestvo] D.) Burghers Class (citizens of a town) [Meshchanstvo]

A. *Privileges (Rights) of farmers.*

12. Jewish farmers are freemen and under no circumstances can be enslaved or given to anyone as property.

13. Jewish farmers, as well as manufacturers, artisans, merchants and burghers, in the Governorates (Gubernias) of Lithuania, Belarus, Malorossiya, Kiev, Minsk, Volynsk, Podolsk, Astrakhan', Caucasus, Ekaterinoslav, Kherson and Taurida, can purchase to ownership vacant (unpopulated) lands, sell or pawn (pledge) them, give them as a gift or by will as inheritance, in all the territories designated by the Decree of December 12, 1802.

14. Exercising their rights of buying land (landlord rights), Jews can cultivate it using hired laborers by agreements and contracts with them.

15. If a Jew, having bought a completely vacant [unpopulated] land, installs [manages to install] on it by contracts and conditions not less than 30 houses or families of hired workers, then in this new settlement he will be allowed to comprise a beer-house (beer selling), if it is permitted by common provision in other settlements of the same Gubernia.

16. Jews can lease (take in upkeeping/contents) lands from landlords, make agreements with them, and those agreements shall be written down in the (Collegial) Administrative Offices, and be sacredly kept/preserved, secure and unbreakable; presupposing, however, that they are prohibited from selling wine under any pretense/circumstances. Jews, who settle on landlords' land on voluntary (covenant) condition, are freed/exempt from all state taxes (government taxation) for 5 years. This privilege applies only to Jews settling within their own localized/contained hamlets.

17. Those Jews, who will have no possibility either of buying their own land or leasing land from landlords, can relocate to state/crown lands in the Governorates (Gubernias) of Lithuania, Minsk, Volynsk, Podolsk, Astrakhan', Caucasus, Ekaterinoslav, Kherson, and Taurida.

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For those who wish [to do] so, in some of these Gubernias, for a start/beginning, up to 30, 000 *dessiatins*² of land could be set apart.

18. None of the Jews will be forced to relocate, but those who will move, will be freed for 10 years from any duties/taxation, besides Zemstvo (local) /duties/tax, and will receive a loan for settlement that they have to repay in a certain period (amount of years) based on the same rules as apply to similar loans for foreign colonists.

19. Jews, who settle on the land of landlords and on state land in the aforementioned Gubernias, after completion of the tax exemption years, will pay all taxes/duties along with other subjects [of Empire] of the same status/state. In Gubernias where Jews already live, those of them who will turn to farming on the land will be freed of double state taxation.

B. Privileges for fabricants and artisans.

20. Jews are permitted to establish all types of factories in Gubernias where they are permitted to reside, on the same basis and with the same liberty, like all other Russian subjects.

21. In the case of the organization of the most important factories, such as cloth, linen, leather and similar kinds of production, the Government, with proper certification, could provide Jews with special endorsements by allotment of necessary land and provision of monetary loans. For this purpose, in each of the Gubernias annexed from Poland, a designated annual capital/financing up to the sum of 20, 000 Rubles will be assigned. Thus, from this capital, at the discretion of the Gubernator (Head of a Gubernia) and after consulting with the Ministry of Internal Affairs, monetary loans will be issued to the Jews who would wish [may wish?] to organize the most important and useful/necessary factories; without requiring [for such loans] security deposits but qualifying by surety/sponsorship from other reliable/respectable Jews. For the greater encouragement of the Jews to establish factories: those who will be involved in factorial works, will pay same regular tax from that time of collecting all proper information in every town. It is also permitted for Jews to establish factories on landlords' lands by voluntary agreements with them.

22. Those landlords, who will establish on their lands such factories, which operations will be managed by the Jews by hire/leasehold and agreements, also will receive monetary loans under security deposits with beneficial conditions, as well as other different encouragements will be made to them after reviewing/examination of conditions/circumstances and actual/real benefits/worth.

23. It is permitted to Jewish artisans in the forenamed Gubernias to be involved in any trades that are not forbidden by law; and no guild or artisans' board can debar them under any consideration; besides that, they are granted liberty to enroll in a guild if that does not go against privileges, specifically given to certain towns.

24. Jewish artisans are to be released/relieved from double taxation on the same basis, as described above (§ 21) for fabricants.

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25. If artisans will not find in any of these Gubernias enough work opportunities and means to provide for a living, they should appeal to the Gubernator (Governor), who reports about such issues to the Minister of Internal Affairs. Thereupon, by him will be assigned means of establishing profitable industries in less populated Gubernias of Ekaterinoslav, Kherson, Taurida, Astrakhan' and Kazan'.

C. and D. *Privileges of Merchants and Burghers.*

26. Any kind of domestic or foreign trading is permitted for Jews in the above-mentioned Gubernias on the exact basis of the Town Statute [*Gorodovoye Polozheniye*] and the following legalizations.

27. All kind of trades and merchandise sales including wine, retail as well as wholesale, are permitted for Jews on the same basis in those Gubernias, with restrictions listed below (§ 40).

28. Manufacturers, artisans, artist, and merchants will be permitted to visit other

Gubernias and even capitals for their commercial matters, enhancement in arts, demonstration of special skills in crafts and factory production, for a specified period of time, and only by passports issued by Gubernators, who are required to send every month reports about them [on passport issuing] to the Minister of Interior Affairs. These temporarily dwelling [outside of the Pale] Jews, as well as their wives and children, must wear German-style dress without any distinctions from all others; in cases of using by them their traditional outfits, they should not be tolerated, and should be immediately sent out [of capital cities] by the Police.

29. When all Jews show durable (long-standing) devotion and diligence in agriculture, manufacturing and merchandising, then the Government will take measures to equalize their taxes to those of all other subjects [of Russian Empire].

III. About obligation of Jews regarding the above-mentioned conditions.

30. None of the Jews will be tolerated anywhere in Russia without registering in one of these conditions (classes). Any Jews who won't be able to provide the written document required by law should be treated as vagabonds to the full extent of the law.

31. The term for this census is set for two years since the publication of this Statute. During this period such census should take place in every Gubernia, town, and county where Jews are permitted to settle.

32. During this census, every Jew should have or accept a known inherited family name or cognomen, which since then shall be preserved in all deeds and records without any change, with the addition of a name given by faith or at birth. This measure is necessary for a better organization of their Citizenship status/conditions, for better protection of their property and for resolving litigations between them.

33. Though, by all means, such assigning to one class cannot impede/restrict a transfer to another class, but such transition has to be done with the privity of local Authorities and must be based on general laws.

34. Beginning in January 1, 1807, in Gubernias of Astrakhan', Caucasus, Malorossiya and Novorossiya, and in all others since January 1, 1808, none of the Jews in towns or villages

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can keep any leases, taverns, or pubs/inns under their own or somebody else's name nor sell their alcohol nor even live there under any pretense, except when in transit. This prohibition expands as well to all, located along big/main roads (highways), taverns, inns and other establishments, no matter whom they belong to as communal or private property.

35. Any landlord, who in his village or country estate after the expiration of this term, will still allow a Jew to keep/maintain any lease, tavern, pothouse or any other wine/liquor-

selling shop, after the first deletion/denunciation and being exposed/convicted after investigation by the Lower Zemstvo (local government) Court, and by the Verdict of the Powiat or Uyezd [administrative subdivisions] Courts will pay a penalty/fine divided half-and-half in favor of the delator/informant and the Department of Public Welfare/Charity [*Prikaz Obshchestvennogo Prizreniya*] in the case of the first-time offense - 5 Rubles from each house, located at his (landlord's) village, second-time – twice/doubly, and after third conviction his estate will be taken under government guardianship for 10 years; while the lease-possessors/holders will be completely excommunicated from the estate managing in all areas found inefficient/improperly managed.

36. A Jew found convicted in such a sale, will pay to the same recipients/purpose, for the first-time violation – 100 Rubles, second-time – 200 Rubles and in third-time violation will be exiled to a Siberia-settlement. In a case when this Jew would have no money to pay such penalty, he should be treated as an insolvent debtor according to the laws.

37. All contracts and agreements, regarding the sale of wine in villages and other settlements, which take place after the deadline-term of this regulation, will be considered invalid/void and will have no authority/power.

38. On the same basis, all debts that settlers/peasants and other people owe in taverns, kept by Jews, are considered invalid, and collection of indebtedness is void.

39. In the state-owned settlements a similar fine will be imposed on the local (Zemstvo's) Chiefs of Police if they fail to report on their own about these violations - the first two times they will be fined, and the third time they will be discharged from their post/position, and henceforth could not(never) be assigned to any other posts/positions. In cases when local government Treasury Chambers (*Kazonnaya Palata*) are convicted in such abuse of law/corruption, a fine will be collected from Vice-Gubernator and members of this Chamber. - In *Starostwo*³ and rental Country Seats/domains, such fines should be surcharged from the owners, and *Starostwo*-status should be taken away if convicted for the third time in such violations.

40. With such strict and necessary prohibition of the sale of wine by Jews and of any contracts related to it in country settlements and villages, Jews are permitted to engage in this trade in gubernatorial towns, district and crown/state Shtetls (*Mestechki*), on the basis of related common laws/regulations, and in privately owned Shtetls, such rights are given to those landlords, who want to entrust sales of wine to Jews and will make contracts with them. However, obviously/self-explanatory, that nobody can, under the fear of the listed above punishments, give Shtetls' rights/privileges to towns and villages, and nobody should establish any Shtetls anew without consultation with the Higher Authorities; Thereby, under the title of "Shtetls" are defined here only those settlements which exist in Gubernias annexed from Poland.

41. In the towns and Shtetls' Jews should never sell wine on credit to local people, and any of their debts in this matter are invalid, and not only all collections are void, but in addition

any officials or offices that will accept such a debt/claim and act upon it, will be tried in court and penalized.

IV. On the civil rights of Jews.

42. All Jews residing in Russia, who are newly resettled, or have arrived from other countries for commercial matters, are in fact free and live under the precise protection of laws given to them equally with all other Russia's subjects.

43. Those Jews, who became distinguished because of their knowledge or service important to the state, will be rateably recognized and rewarded on merit.

44. No one has the right to appropriate possessions of Jews, misuse their labor, or bind/enslave them personally. No one can oppress, or even disturb them in religious practices and general civic/private life neither by word nor by deed. Their complaints about offenses, whatever kind they were, will be accepted in (Collegial) Administrative Offices/Seats [*Prisutstvennoye Mesto*] and will be prosecuted to the full extent of the laws established for all Russian subjects.

45. The legal and permissible contracts concluded between them (Jews) and the landowners, on the lands of which they wish to live, must be preserved indestructibly (protected without violations).

46. While resettling from one place to another, Jews are obligated to present testimonies from the landowners, on whose lands they previously had a residence, that in their discourse they satisfied all their obligations; equally, they must present to the Zemstvo Court evidence from their *Kagal*, that all proper taxes they have paid for themselves. According to this evidence/certificates, the Zemstvo Court will issue the migrants' passports to the place where they wish to relocate to. All those who are passport-less, Police should take into custody and send/expel them into steppe territories, which will be designated for this purpose in its time.

47. While dwelling on their landowner's domains, they (Jews) remain under the general authority of the Zemstvo Police, who will take care of their complaints and resolve them according to their contracts.

48. In the Gubernias/province and county cities, Jews remain under the jurisdiction of the City Police Department and particularly under the Governor (*Gorodnichiy*)⁴ and the Magistrate.

49. Since the court of justice must be common for all citizens in the state, thus Jews in all their lawsuits on property issues, in other matters of promissory notes and criminal cases, have to be judged by a court of law and governing board in the usual (Collegial) Administrative Offices;

From which follows:

1) Those landowners, on the land on which they settle, have over them no additional powers of Trial neither in civic litigations nor criminal ones. 2) The Arbitration Court in civic litigations/lawsuits for the Jews is accessible/available on same common grounds (general base)

and in full legal extent, which by law to such Court is granted. 50. In the Gubernias/province and county cities, they have the right to select one Rabbi and several Heads/Chiefs of Kahal council, who are to present themselves to the Gubernia/Province Administration and assume their posts after its approval; and every three years they ought to be changed, unless they are (reelected) approved through new elections. In the Shtetls on landowners' property, the Jews also can select Rabbis and Heads of Kahal, without the interference of the landlords, who are forbidden to collect tax from the Rabbinate.

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V. About the position of Rabbis.

51. The position of Rabbis is to oversee the rites of faith and to judge all disputes relating to the religion; but at this judgment they are not permitted in their decisions to use any means other than exhortation and persuasion; and it is forbidden to inflict/impose any other punishments, except revelation and pronunciations (exposures and reprimands) within the Synagogue; Rabbis and other spiritual leaders who dare to go against this rule and inflict public punishment of whatever kind, for instance: a fine by the prohibitions of *Paskha brashna* (Pesach brachot) and kosher meat, and even by condemnation and denunciation, will be punished over the penalty for proceeding from the incantations losses, the first time by 50 Rubles fine, in second time - 100 Rubles, in favor of the Department of Public Welfare, and in the case of third time, if found guilty, they will be exiled to Siberia for settlement, and in all cases their pardon request and taking an oath will have no effect.

52. Since the Rabbinate is an honorable post, but not-for-profit, it is strictly forbidden for Rabbis to apply requisitions for their service (Rabbinate), or to require compensations, whatever kind it would be: they should be satisfied with the salary specified for them by the community.

53. If in any place will occur a separation of sects and a split/schism will grow to the level when one group would not want to be in a Synagogue with the other group, then it is possible for one of them to build its own Synagogue and to select its rabbis; but in any town there must only be one Kagal (Kahal)

VI. About the position of the Kagals (Kahals).

Kagals must supervise, that the fiscal collections until they stay in their present position, are properly handled and deposited in full amount. They must properly dispose of money entrusted to them from the community, accounting their use and reporting to the community, and presenting the same report in Russian or Polish language, in the cities to *Gorodnichiy*, in the state-owned settlements to *Ispravnik*⁵, in the landowner's Shtetls to landowners. In all these cases Kagals are subject to the court of law and will be punished to the full extent of the law if the reports, given by them to authorities, are, in any way, not similar to the authentic reports given to their community. However, they must not under any pretext, without the consent of the authorities, assign new taxes, under the fear not only of the penalty personally from them for the entire collected amount but also the legal law court and punishment.

* Introduction by Emperor Alexander I.

1. From Wikipedia: “Kagal (Kahal, Hebrew קהל kehilla - "assembly of the people, gathering") - the organ of communal self-government, which was at the head of a separate Jewish community in the diaspora and was the intermediary between it and the state, in a broad sense of the word the community among the Jews, administrative form of community self-government among Jews in Poland and other countries of Eastern Europe in the XVI-XVIII centuries, in the Russian Empire in the period 1772-1844.”

2. From Wikipedia: “A dessiatin or desyatina (Russian: десятина) is an archaic land measurement used in Tsarist Russia. A dessiatin is equal to 2400 square sazhen and is approximately equivalent to 2.702 English acres or 10,926.512 square meters”

3. From Wikipedia: “Starostwo (Polish: [sta'ɔstfa], "eldership"; Lithuanian: seniūnija; Belarusian: староства, translit. starostva; German: Starostei), from the 14th century in the Polish Crown and later through the era of the joint state of Polish-Lithuanian Commonwealth until the partitions of Poland in 1795, referred to the crown lands administered by the official known as Starosta.”

4. From Wikipedia: ” The Gorodnichiy is a post in the Russian Empire. The Gorodnichiy was the head of the administrative and police authority of the county town from 1775 to 1862.”

5. From Wikipedia: “Ispravnic - a title used in the Russian Empire, local administrator, charged with leadership of local law enforcement, district police officer.”

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