THE COLLISION OF DEFINITION AND IDENTITY: ON THE SOCIAL STATUS OF LITHUANIAN KARAIM IN THE FIRST HALF OF THE NINETEENTH CENTURY*

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ABSTRACT *In the nineteenth century the Karaim community of Lithuania was attributed to the non-Christian burgher estate, and laws set to the Jewish community were applicable to the Karaim as well. However, the authorities saw the difference between the two communities with respect to morality and ethics and consequently rendered the Karaim certain social and economic freedoms.*

The Karaim community, living in Trakai and Naujamiestis, Panevėžys district, sought to retrieve its former legal and social status, formed in the period of the Grand Duchy of Lithuania between the fourteenth and eighteenth centuries. For over half a century it maintained contacts with the authorities asking and sometimes even requiring more favourable conditions for its existence, retention of its distinctiveness and the right to preserve its collective identity. This dialogue resulted in a sort of compromise. The Karaims were not accorded the desired special status that would have made them equal to other privileged estates. Nevertheless, they were separated legally from the Jews, they acquired the rights of the Christian burgher community and their priests enjoyed the rights of Christian clergy.

Introduction When investigating the social status of the population of the Grand Duchy of Lithuania (GDL) in the Russian Empire it is necessary to bear in mind the fact that the former social status of certain groups of people did not coincide with the formal status defined by the laws of the Empire. Russian social policy did not pay heed to the feudal traditions of the GDL with respect to the population of the annexed territories. On the other hand, when unifying the social structure, former rights and privileges were not simply ignored altogether. At the same time, Russia's social aim was to devise a regulated

*This paper was prepared on the basis of the report delivered at the third international conference 'The Weakest Minorities: Reconstructing Europe of Local Cultures', Vilnius, 13–14 May 2005.

system of estate groups with defined rights and corresponding duties to the state and to segregate them on the basis of faith. That led to the rise of contradictions between the former situation, recorded in popular consciousness, and a proposed status produced by analogy with the social structure of the Russian Empire. It was namely at this juncture, as was noticed rightly by E. K. Wirtschafter, that 'a dialogue between legal definitions and social economic realities took place, and its participants were statesmen and politicians, groupings and individuals'.¹ Dialogue took place against the background of serious challenges of tradition, mentality, the norms enforced by the state and the realities of everyday life. The need for dialogue was felt particularly acutely by ethno-confessional groups which had enjoyed a specific status in the society of the historical GDL where they performed particular social roles defined by the rulers and lost after the partitions of the Commonwealth of the Two Nations.

A small community of Lithuanian Karaim also found itself in this situation. Previously this non-Christian self-governing community was richly awarded by the grants of the sovereigns; it possessed common and individual lands, prayer houses and schools, and was employed as guards and charged with guarding the castles. The members of the community were engaged as warriors, vegetable growers, craftsmen and traders and were freed from customs duties. After the Partitions the collective status of the community declined markedly, the former Karaim right to self-government and their own prefect in Trakai did not suit the Russian estate model of self-government and became purely illusory. The formal attribution of the Karaim to the tax-paying burgher estate led to their social decline. External connections, ensuring the community a collective status irrespectively of the social situation of its individual members, dwindled as well.

The worsening situation of the community, the awareness of its members of the loss of their former rights and freedoms, and their inclusion into the burgher estate limiting their social mobility caused a contradiction between the community's conviction of its traditional exceptional status in Lithuanian society and the attempts of the authorities to form a society of large estate groups by absorbing the minor ones. The lack of clarity in Karaim social status was due to the political inconsistency of the authorities, directed to their legal

¹ E. K. Wirtschafter, *Sotsialnye struktury: raznochintsy v Rossiiskoi imperii* (Moscow, 2002), p. 41.

separation from the Jews rather than their full integration into the burgher estate.

Lithuanian and Polish historians have examined the situation of the Karaim in the GDL until the end of the eighteenth century particularly carefully, leaving aside the topicalities of the nineteenth century and only occasionally dealing with empirical data related to the period.² Thus, this article is the first attempt to analyse the changes in the situation of the Lithuanian Karaim and their reaction to the social challenges threatening to annihilate their collective status and at the same time their collective identity in the first half of the nineteenth century. The article also investigates the ways in which the Karaim community endeavoured to establish a dialogue with the Russian government in search of wider rights and the results of this effort.

Some Aspects of the Situation of the Community In the first half of the nineteenth century the Karaim lived in the gubernias of Vilna, Volyn, Kherson and Tavrida. The precise number of the Karaims probably cannot be fixed, but the demographic picture of the community can be established more or less exactly on the basis of data from different years. In his message to the governor general of Vilna, Vladimir Nazimov, Abraham Firkowicz wrote that in the southern and western gubernias of the Russian Empire there were 2,972 men and 2,943 women of Karaim origin, according to ‘the last census’, i.e. that of 1854.³ In this period there were two Karaim communities in Lithuania. In Utena district, Vilna gubernia, (from 1843, Panevėžys district, Kovno gubernia) the Karaim community of the town Naujamiestis actually was dispersed, although according to the censuses it consisted of several scores of families. In

² On the inter-war research of the past of the Karaim, see J. Tyszkiewicz, ‘Studia nad Mongołami, Kipczakami, Karaimami w Warszawie w latach 1919–1939’, *Kipčiakų tiurkų Orientas Lietuvoje. Istorija ir tyrimų perspektyva* (Vilnius, 1994), pp. 103–111; A. Szyszman, *Osadnictwo karaimskie na ziemiach Wielkiego Księstwa Litewskiego* (Vilnius, 1936); V. Raudeliūnas, R. Firkovičius, ‘Teisinė karaimų padėtis Lietuvoje’, *Socialistinė teisė* (Vilnius, 1975), no. 4, pp. 48–53; G. Pełczyński, *Najmniejsza mniejszość. Rzecz o Karaimach polskich* (Warsaw, 1995); H. Kobeckaitė, *Lietuvos karaimai* (Vilnius, 1997); S. Szyszman, *Karaimas* (Vilnius, 2000); D. Karvelis, ‘Rytietiškos mažumos Radvilų Biržų kunigaikštystėje XVI a. pabaigoje – XVII a. viduryje’, *Lokalinės bendrijos tarpdalykinis požiūris* (Vilnius, 2004), pp. 36–44.

³ Firkowicz’s letter of 17 July 1856 to Nazimov, LVIA, f. 378, BS, 1847, fo. 90v.

the middle of the nineteenth century the Naujamiestis community comprised about a hundred and fifty men, but the majority of them lived in the environs or other places of Lithuania rather than in Naujamiestis itself.

The situation of the community was described vividly by the senior *hakhan* of Sevastopol, Gabriel Firkowicz, who endeavoured to revive one of the oldest Karaim communities in the GDL and applied to the land court of Panevėžys expecting a favourable verdict in the case of the community versus the Karp family, which owned Naujamiestis in 1854. In his message he submitted to the court information which, possibly, had been prepared by the members of the community. He arrived in Naujamiestis as an official representative sent by the Spiritual Council of the Tavrida Karaim with the task of investigating the situation and searching for ways to help the declining community. The main argument underlying the community's right for survival was its age, reaching back four hundred years, the charters of the grand dukes of Lithuania and kings of Poland, granting the Karaim lands and imposing moderate taxes, and that in its turn enabled them to engage in agriculture and handicrafts, live comfortably, flourish and perform their duties adequately. The community had a synagogue (this term is used in the source) and a school supporting the spiritual life of its members. In the words of the *hakhan*, Karaim' troubles began when Eustachy Karp became the owner of the estate and town of Naujamiestis. Disregarding the freedoms and rights of the Karaim, he oppressed all townsmen by appropriating their lands. In 1815 impoverished townsmen took the landlord to court endeavouring to retain their right to land, but they lost their lawsuit. Despite the fact that during the court hearing the Karaim produced the grants and charters issued to them by the rulers of the GDL, in 1826 they were deprived of the right to the land and had to pay quitrent. Thus, the status of the Karaim was degraded to that of peasants. Only in 1840 they lodged their complaint with the local authorities and with the tsar himself requesting that he allocate them land and write off their debts to the treasury and *zemskii* duties that amounted to 4,383.86 silver roubles.

Decision-making in the case of Naujamiestis Karaim took several years since data about the community and its debts had to be collected. The governor general of Vilna prepared a certificate to the minister of internal affairs who submitted his opinion to the Committee of Ministers. The latter agreed to the long-term postponement of debt

repayment but rejected the request to return community property. Meanwhile, experiencing Karp's pressure and 'fearing for the loss of bread and even life', the Karaim abjured their claims to their land. Nevertheless they were not going to become tenants on Karp estates. The majority of them living a sedentary life began renting inns and alehouses, others were farm-, or day labourers while others moved elsewhere. Firkowicz even collected statistical data about the Karaim attributed to Naujamiestis and he divided them into groups. Thus, in the middle of the nineteenth century only one member of the Naujamiestis community, Mark Juchniewicz, owned property in Panevėžys, and his three sons were minor civil servants in Trakai. Alehouses were rented by 34 men as permanent residents, and they earned the livelihood of their families. No permanent place of residence was recorded for 37 men – they lived in the villages or inns of the district eking out a livelihood as day-labourers, and only six of them were in service; twenty-nine males were single, orphaned or disabled, and there was no information about 32 men – in Firkowicz's words, they lived 'somewhere miles away', possibly in Trakai or in Trakai district and 'their whereabouts were unknown'.

Firkowicz's account rightly attests to the actual desperate state: the Karaim community of Naujamiestis fell into irreversible decay, it lost its human potential and important communal features – 'no synagogue, school, priest and elder ...no community gatherings ...' In this situation the spirit and moral of the community were broken: 'it inevitably turned into an obscurantist community since the young generation was precluded from the possibility of studying and training and could easily stray from the path of righteousness, to lose morality and an honest way of life – principles for which their forebears were famous'. Firkowicz's proposal was quite rational and did not run counter to the economic policy of the government: to create conditions for the concentration and economic strengthening of the Naujamiestis Karaim by settling them on state-owned farmland near Panevėžys, and to fix preferential taxes for a period of fifteen years. He also asked for the Karaim to be allowed to prove their right to land in Naujamiestis. However, it seems that no proper consideration was given to these proposals.⁴

⁴ Firkowicz's draft note of 1854 to the land court of Panevėžys, LMAB RS, f. 301-276, fos. 1-4, 6-9.

However, formally, the Karaim community of Naujamiestis survived. In all censuses of the first half of the century they presented separate lists indicating that they belonged to the town of Naumiestis. The census of 1858 included 150 male Karaim.⁵

In the first half of the nineteenth century there was only one Karaim community actually which had settled in Lithuania from the outset in Trakai, Trakai District, Vilna Gubernia. According to the data from 1799, 35 adult men and 32 adult women lived in Senieji Trakai. In their families there were 23 boys and 20 girls, and that meant that the Karaim families were not large.⁶ It is not known how many of these people lived in Senieji Trakai. In the middle of the nineteenth century there were 256 males and 258 females in Trakai.⁷ Their settlement was situated compactly on their land; they made up a separate parish and had their own house of prayer – *kenesa*. They staunchly defended their former rights and privileges, maintaining that the Karaim could be the only non-Christian community in the town. Therefore after ‘Jewish Regulations’ were promulgated in 1804 which envisaged the eviction of Jews from villages, inns and alehouses and Jews began to settle in Trakai, in 1810 the Karaim community took legal proceedings arguing that the charters issued by Polish kings granted settlement rights in this town only for the Karaim, and not the Jews. The land court acknowledged that the Jews should be evicted from the town and sent up the case to the Vilnius supreme law court to prepare the corresponding documents for the Ruling Senate. Meanwhile the Jews continued settling in the town, acquired immovable property, went into business, and opened their school and hospital. They did not intend to leave the town appealing to Jan Kazimierz’s charter issued to the Jews of Trakai in 1665; a copy was obtained from the acts of Trakai municipality. They also referred to Alexander I’s decree of 9 December 1814, allowing Jews to engage in trade and handicrafts in the centres of gubernias and counties within the Pale of Settlement.⁸

⁵ Information about the Karaim community of Naujamiestis, 30 Nov. 1860, LVIA, f. 378, BS, 1847, b. 436, fo. 168.

⁶ *Regestr spisania dusz tak męskich, tak białogłowskich Karaimów Nowo Trockich*, 1799 Juli 12 nowego stylu, LMAB, f. 301–139, fo. 1.

⁷ LVIA, f. 378, BS, 1847, b. 436, fo. 90v.

⁸ Extract from the report of governor of Vilna 22 Aug. 1856 to the Ruling Senate concerning the Karaim lawsuit to forbid Jewish settlement in Trakai, LMAB, f. 301-163, fo. 2.

Outraged by the loose interpretation of the charter, the Karaim community once again questioned the right of the Jews to live in the town. In 1824 its representative, Abraham Ławrecki, submitted a plea to the Trakai authorities to consider the contents of the royal grant and to respect it since 'no cases have been known of the disregard or misrepresentation of the rulers' charter no matter to whom they might be administered'. The plea also contained a complaint about the Jews' appropriating Karaim rights and depriving them of their means of subsistence and ousting them from the trade of the town.⁹ The authorities, possessing the original of Jan Kazimierz's charter of 10 July 1665, confirmed that it referred to the Jews of Trakai, but King Michał Wiśniowiecki's charter of 31 March 1670 already mentioned expressly Karaim Jews. Thus, a conclusion was made that Jan Kazimierz's charter meant only the Karaim. The authorities also added that, according to the earlier 1664 charter of King Władysław IV, Jewish rabbis were forbidden utterly from residing in Trakai.¹⁰

In the local authorities of the Vilna gubernia opinion was divided on the issue of the exceptional right of Karaim to reside in Trakai. Thus, having examined the lawsuits of the Karaim and Jews from 1826, the governor of Vilna Piotr Horn prepared a note for the Ruling Senate. In it he presented the opinions of local officials liable for this issue. Thus, as early as 1815 the gentry marshal of Trakai District and the procurator of the gubernia opposed the eviction of the Jews, since such measures would lead to the decrease of the inhabitants and the decline of trade in the town. According to them, the question of the validity of royal charters ought to be solved only by the sovereign power. After the Karaim rejected similar views and appealed to Alexander I to take their former charters into account, the tsar asked the Ruling Senate to analyse the case and submit its opinion. The Senate, in its turn, officially asked the administration of the gubernia of Vilna for their assessment of the situation. Both the governor and the Vilnius Chamber of Treasury drew the same conclusion: it was necessary to take account of the Karaim charters and to evict the Jews (there were some 13 Jewish families in

⁹ Ławrecki's plea to the Trakai authorities, 1824, *ibid.*, f. 301-163, fo. 1.

¹⁰ Extract from the minutes of the Trakai authorities, 28 July 1824, *ibid.*, fos. 2-3.

Trakai at that time) and to carry this out within one year.¹¹ Three years later, in 1829, the Third Department of the Ruling Senate, responsible for appeals in the civil lawsuits of Western gubernias, took a decision only on the validity of the Karaim charters. It was stated that the charters issued to the Karaim Jews of Trakai to settle in this town and to be engaged in artisan occupations ‘really existed and were not questioned until 1810, the year of the filing of this lawsuit’. This was the 1646 charter of Władysław IV and all subsequent ones confirmed by the last king, Stanisław August, in 1776. Therefore, according to the Senate, these privileges ‘could be considered valid’. The tsar approved the Senate’s decision and it was accorded the status of law. Meanwhile the issue of the eviction of Jews from Trakai was forwarded by the Third Department to the First Department responsible for the laws of the state.¹² The Karaim case was shuttled back and forth in the highest institutions of the empire for several years before Nicholas I signed a decree confirming the charters of Polish kings on the exceptional right of the Karaim to live in Trakai. As regards the Jews it was decided that they had to choose a different place of residence. Those who had immovable property were allowed to leave Trakai within five years, those without it in a year and those who worked under employment contract in two months after the expiry of the contract.¹³

In the period between 1840 and the 1860s not a single Jew lived in Trakai. The town got into a paradoxical situation: without Jewish services in artisanry and trade the inhabitants did not manage to develop them on their own. Certainly that was not the main factor in the economic decline of the town. The temporary disappearance of Trakai district (1840–1843) from the map of Vilna gubernia and unfavourable conditions of economic development caused the material situation of the town to deteriorate.¹⁴ Thus, when the idea of lifting restrictions on the Jews emerged again in the late 1850s, the inhabitants required them to return to Trakai. The Christian community of the town was stimulated possibly by the authorities because the adoption of such decisions was usually preceded by consultations

¹¹ LMAB, f. 301-164, fos. 1–5.

¹² *Polnoe sobranie zakonov Rossiiskoi imperii*, 2nd ed., (henceforth *PSZ*), vol. 6, no. 3136.

¹³ *Ibid.*, vol. 10, no. 7735.

¹⁴ Cf. Z. Medišauskienė, ‘1835–1839 m. Vilniaus gubernijos administracinio suskirstymo pertvarkymas’, *Istorijos akiračiai* (Vilnius, 2004), pp. 341–362.

with the inhabitants. In 1859 a request to allow Jews to settle in the town was sent to the governor general of Vilna. Representatives of the townsmen maintained that the eviction of the Jews had adverse consequences for the welfare of the people. The point was that the Karaim in whose hands artisanship and trade were concentrated were unable to fully serve the town and to supply it with foodstuffs and goods, and the people had to go for them to Vilnius. The return of the Jews would increase the population, revive trade and that would be beneficial to the town and to the state treasury. The townsmen were supported by the governor of Vilna, Pokhvist'ev.¹⁵

Karaim counterarguments did not in any way change the attitude of the authorities; they merely revealed the efforts of the community to ensure a secure and undisturbed life. The petition, signed by Mark Ławrecki, Eljasz, Józef and Izaak Kobecki, Daniel Charczenka, Nisan Moszkiewicz, Gedeon Pilecki, Chalkija Dubiński, Natan Bezekowicz and Joachim Ławrynowicz, and delivered to Governor General Nazimov on 29 October 1859, asserted that the settlement of Jews in Trakai would not enhance the economic prospects of the town. The petitioners argued that the geographical position of Trakai was not favourable for industry and trade because the town was off the main roads. Besides, the proximity of Vilnius enabled the inhabitants to get necessary commodities in the city; in Trakai itself there were enough artisans and traders. A small town had added advantages characterized by patriarchal freedom, calm and peace. The Karaim, living separately from the Jews, felt safe from Jewish persecution over religious differences. Further they maintained that the arrival of the Jews would be accompanied by disorder and evils, emanating from their disposition to idleness; religious dissention between the Karaim and the Jews would renew and the foundations of social welfare would be undermined. Living side by side with the Jews, the Karaim 'might lose the norms of morality, diligence and great dignity, of which they are proud'. Besides, in the vastness of the empire there were many areas where Jews could live.¹⁶

¹⁵ Police Department of the Ministry of Internal Affairs to governor general of Vilna, letter of 18 Aug. 1859, LVIA, f. 378, BS, 1847, fos. 137–138; Vilna governor to Vilna governor general, letter of 21 Sept. 1859, *ibid.*, fo. 141.

¹⁶ Police Department of the Ministry of Internal Affairs to governor general of Vilna, letter of 28 Aug. 1859, LVIA, f. 378, BS, 1847, b. 436, fos. 137–138; Vilna governor to Vilna governor general, letter of 21 Sept. 1859, *ibid.*, fo. 141.

Despite the protests of the Karaim community, local authorities and the government, under the pressure of the Committee for Jewish Affairs, acknowledged that the settlement of Jews in Trakai could promote the welfare of the town and in 1862 made an exception and opened for them the town which was located in the 50-verst frontier zone, established for the Jews as early as 1825.¹⁷

The Attitude of the Authorities towards the Karaim The subjects of the annexed territories were divided by the authorities of the empire into Christians and non-Christians, professing different religions – Islam, Judaism and Karaism. The difference between the two latter ones was treated as insignificant, both being derived from the same source but differing in faith. In public discourse two terms – ‘Karaim-Jews’ and ‘Rabbinical Jews’ – were used to emphasize these differences. In the formation of the state policy on a complicated Jewish question there was a need for special laws defining Karaim rights separating this community from the confines designed for the Jews. In other words, in the national policy there appeared a provision to treat the Karaim as non-Christians, who did not pose problems peculiar to the Jews. The laws relating to the Karaim usually looked like legal reservations in the laws designated for the Jews. On the other hand, the laws issued in the first half of the nineteenth century granted the Karaim certain privileges, gradually distancing them legally from the Jews.

Unlike the Jews, the Karaim could settle anywhere in the territory of the Russian Empire. As early as 1794 the Karaim of Tavrida were allowed to hold estates and to inherit them, and in 1795 they were exempted from double taxation. The administration of Tavrida district was obliged to check closely that Jewish Rabbis did not join the Karaim community.¹⁸ These laws were applied to Lithuanian Karaim as well. The authorities also made some other minor concessions to them. The legislators saw no need to create an entire system specifically defining the rights of the Karaim. This attitude is illustrated by the fact that ‘Jewish Laws’ of 13 April 1835 were also applied to the Karaim after some mitigation of discrimination. Article 21 read: ‘In addition to the rights of the Jews, the Karaim also enjoy

¹⁷ Ministry of Internal Affairs to governor general of Vilna, letter of 3 May 1862, *ibid.*, fo. 216.

¹⁸ *PSZ-I*, vol. 23, nos. 17265, 17340.

the rights conferred on them by special charters and ukazes'.¹⁹ The tendency to treat the Karaim as not equal to the native-born and to distinguish them as a group of not full citizens was noted by the lawyer M. Mysh, who composed a reference book of Russian laws relating to the Jews at the end of the nineteenth century.²⁰

The Karaim were regarded by the legislators as a legal subject when precedents were quoted which showed that in public discourse the two communities were not considered identical. According to the decree of 10 December 1839, the Karaim were permitted to hire Christian servants for household chores without fear of their religious influence over the hirelings. Meanwhile this ban was lifted for the Jewish community only in 1887 in the aftermath of social and economic development.²¹

In the Russian Empire a person of taxed estates could achieve a higher status by moving up to the category of honorary citizens. This social layer was created by Catherine II and reinforced by Nicholas I. Persons of humble birth could become members of this stratum through higher education, civil or military service, by being born into noble families, Orthodox, Lutheran and Evangelical priests as well as merchants of the first merchant guild. The title of honorary citizen was desired because it approximated its bearer to the gentry estate. Honorary citizens were exempt from poll tax; they were not conscripted, and corporal punishment, stripping people of human dignity, could not be imposed on them.²² In the period under discussion Jews could work their way into the elite social stratum only through a hardly accessible higher education, a *summa cum laude* graduation from secondary school or some particular merits to the state. Meanwhile such advancement was impossible for Jewish tradesmen and religious leaders. The Karaim community gained their right to honorary citizenship comparatively rather late when Simcha Bobowicz, a prominent merchant of Evpatoria, claimed to become an honorary citizen. This unprecedented case was discussed

¹⁹ PSZ-2 vol. 10, no. 8054.

²⁰ M.I. Mysh, *Rukovodstvo k russkim zakonam o evreiakh* (St Petersburg, 1892), p. 12.

²¹ Ibid., p. 32; PSZ-2 vol. 14, no. 12963.

²² Cf. L. Zashtowt, 'Wprowadzenie kategorii *poczetykh grazhdan* do struktur stanowych Cesarstwa Rosyjskiego w XIX wieku', *Z dziejów kultury prawnej, Studia ofiarowane Profesorowi Juliuszowi Bardachowi w dziewięćdziesięciolecie urodzin* (Warsaw, 2004), pp. 169–180.

by the State Council and a conclusion was drawn that merchants of Karaim origin could be admitted to this social layer.²³

The authorities took into account the religious and spiritual differences between the two communities and decided that no economic limitations should be imposed on Karaim products and their sale of alcohol; restrictions in this field had been introduced for the Jews in 1845. Meanwhile, the ruling circles supported the view that the Karaim attitude to the dogmas of faith and their moral and civil behaviour was totally different: 'the Karaim value their sedentary life; they wish to establish close contacts with the local population; they are eagerly engaged in agriculture and are famous for their diligence and strict norms of morality'. In other words, this small non-Christian community was valuable to the state. Therefore in 1850 it was decided that it would be irrational to rob the Karaim of their important means of subsistence, let alone forbid them living in inns and ale-houses.²⁴

In the first half of the nineteenth century the question of the religious subordination of the Lithuanian Karaim was not discussed for quite a long time. The community existed as an autonomous entity, and its religious needs were satisfied by an elected priest. In 1837 a spiritual council of the Tavrida Karaim consisting of three priests – the *hakhan*, *hazan* and *shamash* – was established with its centre in Evpatoria. The Lithuanian Karaim community remained autonomous, but its number of priests increased – a *hakhan*, two *hazans* and a *shamash*.²⁵ Seeking religious autonomy, in 1850 the Trakai community asked the authorities to institute a local spiritual council, but the Karaim of the Western gubernias were subordinated to the Spiritual Council of Tavrida and the same regulations were adopted. This is attested by the order of recording births, marriages and deaths, and the form of the oath of witnesses similar to that of the Christians.²⁶ And this was only in 1863 that the authorities acknowledged the need of a separate spiritual council in Trakai and which was set up in 1869.²⁷

²³ PSZ-2, vol. 18, no. 17328.

²⁴ PSZ-2, vol. 25, no. 24715.

²⁵ PSZ-2, vol. 12, no. 9991; Decision of the general meeting of the Karaim community of Trakai, Oct. 1843, LMAB, f. 301-272, fo. 13.

²⁶ Governor of Trakai to the governor Begichev of Vilna, report of 11 Apr. 1847, LMAB, f. 301-272, fo. 42; PSZ-2, vol. 25, no. 24634.

²⁷ PSZ-2, vol. 38, no. 39460; Kobeckaitė, *Lietuvos karaimai*, p. 53.

Endeavours to Acquire a Higher Estate Status The regulations and actions of the authorities, granting certain privileges, did not change how Karaim belonged to the taxed or unprivileged burgher estate. This status satisfied the community for some time. The principal occupations of the townspeople were artisanry and trade. However, with respect to material well-being the members of the community were pessimistic: small-scale trading, vegetable-growing, alcohol trade and journey work were sufficient were the basis of daily sustenance for the majority of the Karaim, but could not notably improve the living conditions. Local authorities, dealing with the Karaim when they referred to their situation, continuously stated that in general they lived modestly and humbly.²⁸ Very few Karaim successfully developed their own business. In the 1830s the Trakai merchant Mark Szpakowski belonged to the first guild and owned two profitable houses in Vilnius. He had a contract with the Vilnius Council and collected tax on causeway, gates and the fish trade – major sources of income. His name figured on the list of the first-guild merchants for at least ten years, and that showed the stability of his wealth.²⁹

Limited opportunities, peculiar to the burgher estate, made the Karaim request periodically that they should be granted exceptional status, which had been defined by the rulers of the Commonwealth of the Two Nations and which would enable them to overstep the boundaries of the burgher estate. Such actions were taken in the aftermath of a banal case showing the chasm between the law and real life. Disregarding the establish imperial order, in 1847 three Trakai Karaim, Morel Kapłanowski, Józef Kobecki and Jan Szpakowski, expressed their wish to join the civil service which would enable them to leave the taxed estate and belong to the stratum of civil servants.³⁰ Prior to the decree of 14 October 1827 persons of taxed estates, mainly burghers, could get jobs in public offices. According to the new decree only personal and hereditary nobles, and children of the merchants of the first guild, of priests of Christian confessions, scholars and artists could lay claim to public offices.³¹

²⁸ LVIA, f. 378, BS, 1847, b. 436, fo. 72.

²⁹ Minutes of the sessions of Vilnius Council, 1830, LVIA, f. 937, ap. 1, b. 1230, fos. 60–61; Lists of Vilnius merchants, 1841, *ibid.*, b. 3217, fo. 169.

³⁰ Minister of internal affairs to Vilna Governor General F. Mirkovich, letter of 13 Dec. 1847, *ibid.*, f. 378, BS, 1847, b. 436, fo. 1.

³¹ PSZ-2, vol. 38, no. 1468.

In the first quarter of the nineteenth century the Karaim freely took the opportunity to obtain posts. Thus, Morel's father Leobar Kapłanowski served as a sworn interpreter for over 20 years in Upytė district and according to the laws could become an honorary citizen and even seek to become a personal boyar. Ultimately lacking means necessary for the acquisition of honorary names he abandoned that plan. Morel himself served in the land court of Trakai and later in the town hall. Józef Kobecki was a post-office clerk in Panevėžys District and later a clerk in the land court of Trakai.³² These were minor posts without fixed income or promotion to rank.

When Governor Begichev rejected the application of the three Karaim as townsmen, they requested an explanation of the real rights of the Karaim and in their letter to the minister of internal affairs accused the administration of the gubernia of oppression. They maintained that they belonged to a specific social category, differing from other taxed estates, in particular from the townsmen, let alone of the Jews. Resorting to the letters and grants of the rulers of the Commonwealth of the Two Nations, they argued that they had a right to a separate self-government not subject to the municipality and consequently did not belong to the burgher estate; they also pointed to their right to acquire estates. In the Karaim interpretation legally their community was equal to the gentry, while the fact that their grants and charters were not recorded in the codex of Russian laws merely showed that the question of their status was not resolved conclusively.³³ The governor bowed to pressure from higher authorities and sent a query to the district court of Lutsk and the Society of Amateur Antiquarians in Odessa, i.e., to the institutions which, according to the Karaim, held their charters. The court of Lutsk sent copies of the charters of Grand Dukes Vytautas and Alexander, of King Sigismund III, who gave the Karaim personal freedom, released them from military service and their prefects and elders were authorized to investigate lawsuits. The Society of Amateur Antiquarians sent the original charters of Jan Sobieski and Stanisław August confirming the inviolability of Karaim rights. Begichev paid no heed to these charters. Sticking to the letter of the law, he reasserted that the laws of the Russian Empire distinguished the Karaim from the Jews and did not apply the

³² Vilna Governor A. Rosset to Vilnius Governor General I. Bibikov, report of 28 May 1855, LVIA, f. 378, BS, 1847, b. 436, fos. 64–65.

³³ *Ibid.*, fos. 20–22.

same laws to them; nevertheless, since the Karaim belonged to the burgher estate, they could not be employed in the civil service.³⁴

The employment of Karaim in the civil service was resolved positively by the Committee for Jewish Affairs in 1855 when it received an enquiry of the minister of public education about the legitimacy of the employment in public office of a graduate of the University of Moscow, Dr Kapłanowski and an alumnus of the Richelieu Lycée, Kobecki. The Committee confirmed that the secret instruction of Nicholas I of 10 April 1844 concerning the non-acceptance of educated Jews to public offices did not relate to the Karaim with academic degrees or certified as physicians.³⁵ A similar interpretation of the law possibly helped Józef Kobecki from Trakai in his persistent endeavours to get a job in public office. In 1860 he worked as deputy chairman of a department in the administration of Kovno gubernia with the rank of the collegiate registrar.³⁶

Unforgettable experiences that the indefiniteness of the community rights could relate to the lower strata and possibly lead to the loss of collective identity forced the Karaim to resort to measures that were more resolute. In the middle of 1853 representatives of the Trakai community handed to the gubernia authorities an impressive collection of the originals and copies of charters (30 items) of the former rulers. They also attached a supplication addressed to the imperial authorities to grant the Karaim a social status between the taxed and the privileged layer similar to that of the gentry. They requested the hereditary title of the honorary citizen, the right to civil and military services equal to that of personal nobles, the right for their children to attend schools of all types and the insubordination to town authorities. The abolition of corporal punishment and conscription (the Karaim themselves were not conscripts, they had only to pay for exemption), their own law courts of first instance and appeal to district court, investigating gentry cases, had to separate them from taxed estates. The Karaim also required creating conditions for the improvement of their material conditions – to have special privileges in trade by being exempt from import and other duties, for a period of 25 years to be released from town tollage and

³⁴ Ibid.

³⁵ Extract from the minutes of the session of the Committee for Jewish Affairs of 3 May 1855, *ibid.*, fo. 80.

³⁶ Information about the Karaim community, 1860, *ibid.*, fo. 178.

services including the obligation for providing carts, road repairs, town guard and paying for the upkeep of the town militia. Finally, they asked not to be called Jews but Russian Karaim accepting the Old Testament. It was in this period that the idea to have a separate spiritual administration in Trakai originated.³⁷

The Karaim also strenuously defended their exceptional status in their relations with the authorities of Trakai, which treated them as ordinary townsmen. The feelings of the Karaim were hurt mostly by the unwillingness of the Christian community to elect them to higher posts in the town authorities, although the *ratman*, elected by them, usually participated in elections and had its sessions in the town hall.³⁸ In the 1850s they required that one of the two mayoral posts, generally occupied by the gentry or civil servants, should be a Karaim, the more so that the Karaim made up the majority of the townspeople. That did not mean that they agreed to retain the burgher status – they merely wanted to have an officer on the town council to defend their interests. The authorities of the Vilna gubernia treated this request kindly. Nevertheless it is unclear whether the supreme authorities of the empire took into account this mediation of the gubernia.³⁹

In the middle of the nineteenth century the administration of Vilna Gubernia was inclined to acknowledge, at least partly, the validity of Karaim requirements. In May 1855 the Vilna governor, Arkadii Rosset, delivered a report on the situation of the Karaim community of Lithuania to Governor General Bibikov. The report contained an analysis of the supplication and a study of the documents – royal charters from the sixteenth to eighteenth centuries, the decrees of Trakai palatines and other acts granting the Karaim personal freedoms, the rights to property, tax and service concessions and defining the order of self-rule and community court. Taking into consideration that it was a small group of subjects, ‘distinguished by their characteristics of high morals and wholly committed to the throne’, living poorly and unable to perform their urban duties, the governor proposed to give them a fair hearing and to consider their appeal. In

³⁷ Supplication of the Trakai Karaim community of 29 July 1853, *ibid.*, fos. 43–44.

³⁸ Representatives of the Karaim community of Trakai to Vilna governor, Rosset, letter of 23 Nov. 1851, LMAB, f. 301–190, fo. 4.

³⁹ Board of Vilna gubernia to Governor General Bibikov, letter of 13 May 1855, LVIA, f. 378, BS, 1847, b. 436, fos. 47–49.

his opinion, at least the children of priests, scholars, and artists (if such ones could be found in the community) who completed their education successfully at the district school and those experienced in chancery work were worthy of an opportunity to become civil servants. He also considered the self-rule of the community quite feasible almost in its former extent with limited rights, entrusting the administration of the community and its minor lawsuits to the elected prefect, allowing him 'to take remedial measures against those slack in work and debauched' and in other ways to maintain a good behaviour of the community's members. Karaim civil and administrative lawsuits, however, like those of all townsmen, had to remain within the competence of the town hall. In Rosset's view, Karaim requirements for higher status seemed unfounded. In his opinion, the situation of the community would undergo changes if *all* the general rights of Christian townsmen were conferred on it. Then they would not evade all mandatory obligations, would pay *zemska* taxes and perform other duties. All the more so because in the times of the GDL they belonged to the burgher estate.⁴⁰

It could be surmised that Rosset's opinion became known to the Karaim and there was hope that the government would take into account their special nature. In October 1855 the senior *khazan* of the Sevastopol Karaim community, Gabriel Firkowicz, applied to the governor general of Vilnius with a request to supplement Rosset's proposals with a plea not to impose duty tax on the goods transported by them – they had been exempt from this tax since Stefan Batory's times. The petition to set up a Karaim school in Trakai where 'the young could learn the regulations of faith and the norms of morality' was new. Accentuating the specificity of the origin and history of the Karaim, Firkowicz proposed to call them officially 'Karaim-Israelites'.⁴¹

Receiving no answer, after half a year, two prominent Karaim public figures again applied to the authorities. They were Abraham Firkowicz, the Karaim spiritual leader, archaeologist and historian, a fellow of the Imperial Geographical Society, a member of the Vilnius Archaeological Commission, of the Odessa Amateur Antiquarians, and of other societies, and a senior *hazan* Gabriel Firkowicz. In a letter to Vilna Governor General Nazimov on 17 July 1856, they presented their origin, history, and contemporary situation and repeatedly asked 'to take into account a small number

⁴⁰ Ibid., fos. 56–77v.

⁴¹ Firkowicz to Bibikov, letter of 31 Oct. 1855, *ibid.*, fo. 53.

of the Karaim, their decent way of life' and to extend their rights in social, economic and educational spheres.⁴²

At last the voices of the community were heard. The question of the personal and social rights of the Karaim was discussed in the privy chancery of His Imperial Majesty. In the middle of 1860, it was decided to set up a special commission to prepare a project for the law on the Karaim. On 8 April 1863 Alexander II confirmed the decision of the State Council 'On the Determination of the Rights of the Karaim'. This law conclusively separated Karaim rights from those of the Jews; it was decreed that general laws of the empire had to be applied to the Karaim 'according to the estates to which they belonged'. However, it was expressly indicated that this community was part of the burgher estate, and it was freed only from the billeting duty in cash or in kind. Acquisition of a higher status could be only individual, in the first place accessible to those whom the community elected as its clergymen. The clergymen and their children were exempt from treasury tax and they were rendered immune from corporal punishment. Senior and junior clergymen, after a period of twelve years in spiritual service, could get the title of the personal honorary citizen and the highest priests – *hakhans* – the hereditary title of the honorary citizen. Furthermore, the Karaim of Trakai could elect their own spiritual authorities and establish their own school.⁴³

Conclusions In the first half of the nineteenth century the social policy of the Russian empire, seeking to make social groups in the annexed lands uniform paid scant attention to their variety and the status they inherited from the times of the GDL. Society's division into large estates with differing rights and consequently different duties to the state had to absorb lots of minor social groups, subgroups, and intermediate layers. The specific nature of the social life of the Russian empire was the official stimulation of the estate concentration into communities and corporations with more or less clearly defined functions of self-rule and collective responsibility. That enabled a more effective control of society, collecting tax revenue in the state treasury, the formation of the army, supporting rural and urban infrastructures, submission to state authority, etc. The state regulated the upward mobility of society by defining conditions for the improvement of the social status. The application of

⁴² A. and G. Firkowicz to Nazimov, letter of 17 July 1856, *ibid.*, fos. 87–91.

⁴³ *PSZ-2*, vol. 38, p. 1, no. 39460.

different norms for Christians and non-Christians was instrumental in this sphere.

A compact community of Trakai Karaim and dispersed members of the Naujamiestis community were allotted to the non-Christian burgher estate. In public discourse, taking into account their origin and faith, the same laws were applied to both the Karaim and the Jews. However, the government treated the two communities differently with respect to morality and ethics. This facet was recurrent in the relations between the state and the Karaim and therefore the Karaim were granted some supplementary social and economic privileges.

The Karaim, however, cherishing the tradition of their exceptionality going back to the GDL times, yearned for legal norms, enabling them to have their former status and maintain their ethnic identity. The community entered into a dialogue with the authorities for over half a century sometimes pleading and sometimes demanding favourable living conditions for the existence and the right to survive without losing their collective identity. The ruling traditions of the sovereigns of the former Grand Duchy of Lithuania and the monarchs of the Russian empire with respect to ethnic minorities clashed in the solution of the collision between definition and identity. The Karaim opposed their by far more favourable royal charters to imperial laws and managed to persuade the government that their claims were legitimate. The dialogue resulted in a kind of compromise. The Karaims were not granted a specific status, bringing them closer to privileged social estates as they had expected. However, they were separated from the Jews legally and acquired the rights of the Christian burgher community and their clergymen obtained the rights of the clerical estate. Conditions were created for the Lithuanian Karaim to have their own spiritual government and to educate and teach their youth.

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APIBRĖŽIMO IR TAPATUMO KOLIZIJA: LIETUVOS
KARAIMŲ SOCIALINIO STATUSO KLAUSIMU
XIX A. PIRMOJOJE PUSĖJE

Santrauka

TAMARA BAIRAŠAUSKAITĖ

Straipsnyje analizuojamas Lietuvos karaimų bendruomenės dialogas su Vilniaus gubernijos administracija ir Rusijos imperijos aukščiausią valdžią, vykęs XIX a. pirmojoje pusėje. Šiuo dialogu maža Trakų bendruomenė, veikusi savo ir Panevėžio apskrities Naujamiesčio bendruomenės vardu, siekė susigrąžinti buvusį teisinį ir socialinį statusą, kuris susiformavo XIV–XVIII a. Lietuvos Didžiosios Kunigaikštystės laikais.

XIX a. pirmojoje pusėje Rusijos imperijos socialinė politika siekė unifikuoti prisijungtų žemių visuomenės grupes, todėl mažai atsižvelgė į jų įvairovę ir skirtingus statusus. Imperijos socialinio gyvenimo specifika buvo ta, kad valstybė skatino visuomenės pasidalijimą į didelius luomus, kurie turėjo apibrėžtas teises ir pareigas valstybei. Ji palaikė luomų telkiamąsi į bendruomenes ir korporacijas su daugiau ar mažiau išreikštomis savivaldos funkcijomis ir kolektyvine atsakomybe. Tai leido efektyviau kontroliuoti visuomenę, užtikrinti mokesčių įplaukas į valstybės iždą, formuoti kariuomenę, palaikyti kaimo ir miesto infrastruktūras, reikalauti paklusti įstatymams ir pan. Valstybė reguliavo visuomenės vertikalųjį socialinį mobilumą, apibrėždama sąlygas, kurios leistų pagerinti socialinį statusą. Šioje vietoje ji taikė skirtingas normas krikščioniams ir nekrikščioniams.

Lietuvos karaimų bendruomenė buvo priskirta nekrikščioniškam miestiečių luomui. Viešajame diskurse, atsižvelgiant į kilmę ir išpažįtamą tikėjimą, karaimams buvo taikomi žydų bendruomenei skirti įstatymai. Tačiau abi bendruomenės valdžia skyrė dorovės ir moralės požiūriu (šis leitmotyvas nuolat lydėjo valstybės ir karaimų bendruomenės santykius), todėl karaimams papildomai suteikė kai kurių socialinių ir ekonominių lengvatų.

Savo ruožtu karaimų bendruomenė, kurios sąmonėje gyvavo išskirtinumo tradicija, susiformavusi LDK laikais, troško paklusti reikalavimams, kurie leistų grąžinti jos buvusį statusą ir palaikyti etninį tapatumą. Ji užmezgė daugiau kaip pusę amžiaus trukusį dialogą su valdžia, prašydama, o kartais ir reikalaujama sudaryti bendruomenei palankias gyvavimo sąlygas ir pripažinti jos atskirumą bei teisę išlikti neprarandant kolektyvinio tapatumo. Apibrėžimo ir tapatumo kolizijos sprendime susidūrė buvusios LDK valdovų ir Rusijos imperijos monarchų valdymo tradicijos mažumų atžvilgiu. Imperijos įstatymams karaimai priešino kur kas palankesnes karališkąsias privilegijas ir sugebėjo įtikinti valdžią, jog pagrįstai reikalauja atidaus dėmesio. Dialogo rezultatas buvo tam tikras kompromisas: karaimams nebuvo suteiktas specifinis statusas, suartinantis juos su privileijuotais visuomenės luomais, nors jie tikėjosi jį išsikovoti. Tačiau jie įstatymiškai buvo atskirti nuo žydų, įgijo krikščioniškos miestiečių bendruomenės teises, o jų dvasininkai – dvasininkų luomo teises. Lietuvos karaimų bendruomenei buvo sudarytos sąlygos turėti atskirą dvasinę valdžią, šviesti ir lavinti jaunimą.