

RUSSIAN JEWS AND GENTILES

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RUSSIAN JEWS AND GENTILES

FROM A RUSSIAN POINT OF VIEW

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Anti-Semitic feelings feeling still runs high: to this the late most unjustifiable demonstrations against Sarah Bernhardt in Galicia and Odessa bear witness. That is especially strong in the eastern part of Europe, where the Israelites are most numerous and most firmly sealed, is another indubitable fact. It also may be safely asserted that never, even in the quietest times, is this feeling wholly extinct. Were it otherwise, the popular outbreaks could not be so violent, so frequent, nor—to use a homely but expressive word—so “catching,” nor so uniform in character, as they have been within not very many years in Romania, Galicia, eastern Prussia and, very lately in the south of Russia. When the effects are identical, the causes must be at least similar, and where the former recur with persistent iteration, the latter may be supposed to be permanent and deeply rooted. Now, looking back along the line of ages we find that no historical event recurs more surely, though at irregular intervals, than popular outbreaks against the Jews. Wherein lies the cause of this singularly tenacious phenomenon? Historians are quick and ready with their answer: “In religious intolerance, with its attendant spirits of fanaticism and persecution, and in the antagonism of race.” Such an explanation may pass muster for the ages of mediæval darkness—but sweeping assertions seldom exhaust a subject, and this can be proved to be no exception to the rule. When the same phenomenon is reproduced periodically in our own time, under our eyes, and we are still told that “its only cause lies in religious intolerance and the spirit of persecution—more shame to our enlightened nineteenth century,” and when this is made the burden of a general hue and cry from the so-called progressive and liberal press of most countries, we become slightly skeptical, and desirous of looking into the matter for ourselves and more closely. We hope better things of our own time; we are familiar with it, being a part of it, and we know that its ruling spirit is not that of religious intolerance. We also know, from the teachings of the modern philosophical school of history, that the popular mind and feeling, however abrupt and unreasonable their outward manifestations may be, are strictly logical in their development, and that the masses, when they appear to be swayed by nothing but caprice, or a sudden gust of passion, or at best by a blind and defective instinct, are in reality ruled by irresistible hidden currents of historical life, not the less powerful because they act at great depths below the surface. To dive into those depths, to reach those currents, to ascertain their direction and force, is the task of the inquirer. Sometimes chance steps in, and by the discovery of some unexpected clew lightens the task. It so happens that such a clew, in this particular case, has been offered by a rather peculiar combination of circumstances in Russia several years ago, and as the interest in the subject has been strongly and somewhat painfully revived by the widespread tumultuous occurrences of the last twelvemonth or so, it is surely worthy of a few moments' serious attention, under the guidance of these revelations, which, though they concern specially the condition, power, and acts of the Russian Jews, will be found to possess more than strictly local importance. A convenient introduction is afforded us by the general rising against the Jews which took place last spring throughout the south-west of Russia, and of which scarcely more than a bare mention was transmitted at the time to this country.

I

The disturbances began at Ielizavetgrad, in the middle of the Easter week. How did they begin? On what provocation? The immediate occasion was too trifling to have been more than a pretense, a signal for something long impending. The first three holidays had passed over quietly, when, on the afternoon of Easter Wednesday, a quarrel took place at a much-frequented public-house on account of a broken drinking-glass, for which the offender refused to pay. The tavern-keeper, who was a Jew, from angry remonstrances passed to blows. A voice from the crowd around the bar was heard to shout: "They assault our people!" The uproar quickly spread along the street, and, in a few minutes, there was a mob of not less than a thousand men, which carried the news and the excitement from end to end of the city. The work of destruction began immediately, and raged all through the night and through the following day and evening, as late as midnight, when it stopped—not so much from fear of the troops who had been telegraphed for and only then had arrived, as because scarcely anything was left to destroy. To realize the extent of the ravages done, it must be kept in mind that Ielizavetgrad, situated on the highway between Poltava and Odessa, is a great commercial thoroughfare and a very wealthy city, with a population of forty-five thousand, of which fully one-third are Jews. The authorities were wholly unprepared. The ordinary police force was far too small to be of any use, and of the military only four squadrons, of cavalry were on hand—a force particularly ill-suited for action in narrow, crowded streets—not quite five hundred men in all against a mob of many thousands, half of them women and children. It was a good-natured mob, too, which did not provoke violence by resistance, but dispersed at the first collision; but the broken groups would join again some streets further off, and carry their devastations to other quarters where the field was still clear. As for the citizens of the better classes, they, of course, took no part in the proceedings,—but they did nothing to oppose them. Numbers followed the different mobs out of curiosity, as mere lookers-on. A certain secret sympathy with the rioters could even be detected, which the latter were not slow in perceiving, and acknowledged by sundry marks of friendly attention. Thus, on the "bazaar," or market-place, the ground being very wet and muddy, they spread it with carpets and woolen materials dragged out of the shops, at the same time politely inviting the spectators "to approach, as they need not lie afraid of soiling their nice shoes." The citizens would probably not have preserved this passive attitude had the rioters shown themselves at all cruelly inclined, and threatened the persons of the Jews instead of venting their rage only on their property. But, as it was, the worst instincts of a mob were not called into play, in great part owing to the prudence of the Jews themselves, who mostly kept out of sight. Had they "shown fight" at all, matters might have taken a more tragical turn, for the rioters gave signs of manifest irritation in the rare instances when revolvers were fired, very harmlessly, from windows. Crowds of women and children, and townspeople of the poorer sort, followed in their wake, picking up and carrying away all they could of the valuable property

which covered the ground, or lay piled in mud-bespattered heaps, and literally could be had, not for the asking, but for the taking. A noteworthy feature, and one that shows how entirely the actors were mastered by one feeling, that of animosity toward the Jews, is that the rioters—mostly workmen, handicraftsmen, and peasants from the environs—did not take anything for themselves; they merely destroyed. Some shop-keepers and householders tried to ransom their goods with sums of money. One gave a thousand rubles, another two thousand; many gave a hundred and fifty or two hundred. The rioters took the money, but only to fling the coin away and tear the paper to shreds, and then went on with their work. The only temptation which they could not resist was whiskey (*vodka*). In the cellars of wholesale spirit-warehouses, every barrel was staved in or the faucets were taken out, till the whiskey stood several feet deep and the barrels actually swam. Three men were saved from drowning only by the timely assistance of the soldiers. Many lay senseless about the streets, and were picked up in that condition hours afterward. ¹ Yet, on the whole, the mob behaved—for a mob—with remarkable coolness and discrimination. Not a single Russian house or shop was touched, even by mistake, although protected only by crosses in white chalk on the doors and shutters, and occasionally by some saints' images (*ikonas*) and Easter loaves placed in the windows—a device which was found so efficient that the Jews did not fail to adopt it in other towns, where many saved their houses by it. Jews living in Christian houses were not molested; neither were Hebrew physicians and lawyers, they being considered useful members of society. Exceptions were made in favor of well-recommended individuals. Thus, at the door of one house belonging to a Jew, the mob is confronted by the porter: “Boys” says he, “leave him alone! He is a good man, and often gives you work. I have been ten years in his service.” “All right!” say the rioters, and pass on.

When the outrages were stopped at last, and the excitement had worn itself out, the city presented the strangest, wildest aspect. The streets were as white as after a fall of snow; for one of the mob's chief amusements had been to rip up every feather-bed and pillow they came across, and fling out the contents. The wooden houses were shattered, the furniture broken to pieces and left in heaps, mingled with kitchen utensils and household goods of every kind. Here might be seen the hulk of a grand piano, with lid and legs wrenched off and strings hanging out; further on, fine mahogany reduced almost to chips, with velvet rags still clinging to them, and close to that the *débris* of painted furniture of the commonest description. Not a pane of glass, not a window frame, not a door was left whole. Inside the houses the same ravages had been committed everywhere, with methodical regularity; every object, even the smallest, was broken or spoiled for use; the very stoves were demolished; nothing escaped destruction.

¹ The account reads something like the famous episode of the Gordon riots in “Barnaby Rudge,” minus the horrible accessory of the fire.

The pawnbrokers' offices were the first to suffer; then came the public-houses, the wholesale wine and spirit shops, then the other shops, and lastly whatever the mob set eyes on that belonged to Jews. The marketplace or bazaar was one motley chaos of dry-goods, broken crockery, ready-made clothes, iron-ware, leather goods, spilt flour and grain. Of course, a vast amount of property was secured and carried off by marauders of the poorer classes, especially women and children, who followed the rioters for the purpose; but when a bill was posted all over the city, explaining that such conduct would be considered as robbery or secretion of stolen goods, and requiring all such unlawful prizes to be delivered at the different police stations within three days, whole wagon-loads began to arrive, not only from different parts of the city, but even from the surrounding villages. These simpletons actually did not know that they were committing a blamable act and incurring a severe responsibility. When questioned or rebuked, they answered with the greatest candor: "Why, we did not steal these things; they were lying around, so we picked them up. We meant no harm." Of course there were exceptions, and in several instances, especially in other cities, great quantities, of valuable goods, as jewelry, watches, silks, and the like, were found in the possession of people whose social position put the plea of ignorance out of the question. Nay, well dressed women—ladies they could not be called—had been seen to drive to the scene of destruction and to fill their carriages with plunder. Many a private grudge, too, may have been indulged under cover of the confusion, as in the case of a certain, tradesman in Kiev, who rushed into the house of a wealthy Hebrew merchant at the head of a band of rioters, gave the signal of destruction by shattering with his own hands the piano and largest mirror, and under whose bed many valuables belonging to the same merchant were afterward found.

In Kiev and Odessa the riots broke out a few weeks earlier, in May and June, and took, a rather more malignant character; more personal outrages were committed; the troops and police were resisted, so that several people were killed and about two hundred wounded; passers-by, who were accidentally met by infuriated bands, were in imminent danger, and escaped it only by crossing themselves ostentatiously, after two men had already been struck down by mistake; two or three times the mob viciously had recourse to fire, poured kerosene on pieces of dry-goods, or set fire to barrels of oil, petroleum, tar, and pitch, and only the greatest vigilance prevented a general conflagration.

While all this was going on in the large cities, the small towns naturally followed suit. Great agitation prevailed in the villages also, but with comparatively trifling results,—on the one hand, because numbers of the peasantry had joined the rioters in the great centers; on the other because, immediately after the occurrences in Ielizavetgrad, Government officials had been dispatched all over the country, to talk to the people, exhort them to keep quiet, and explain to them to what consequences they would expose themselves unless they did. This was a most necessary measure, for the country people had somehow got possessed of an idea that a rising against the Jews would be connived at. There

were even vague rumors abroad that it was desired, nay that a certain mysterious "paper" had come from head-quarters, formally authorizing it, which paper was withheld from the public only because the local officials had been bribed by the Jews to conceal it. Where and how such nonsense could have originated and been circulated has never been found out. The fact, at all events, points to some hidden machinations, some underhand leadership, and there can be little doubt that the Nihilists—or socialists—were concerned in the movement, and secretly fomented it. Proclamations were found in the streets of Poltáva, and along the most frequented post-roads, exhorting the people to massacre the *Jews and the property-holding classes*. In another place a woman, disguised as a policeman, was caught distributing small printed sheets of the same description. Odessa being a university city, the working of the socialistic propaganda was especially apparent there, and, strange to say, of the students arrested for openly inciting the mob to the plundering and destruction of Jewish property, and to riotous proceedings generally, one was himself an Israelite. Yet, in the great amount of lawlessness committed in those wild weeks, these are isolated cases which do not warrant the assumption generally set up in official circles, that the Jewish riots of last spring were entirely the work of "the party." It was not to be supposed that the revolutionary agents should miss so good a chance of working on inflammable material—offered them, so to speak, ready for use. But their efforts must be looked upon as one of many sparks falling on a train of gunpowder.

The above is a very condensed, but faithful and not incomplete, account. Anecdotes might be multiplied, but as it is, no characteristic feature has been omitted. And now, after attentively perusing it, who will venture to affirm that religious animosity or the spirit of intolerance had anything whatever to do with the deplorable outrages committed on one-third of the population by the other two-thirds? On the contrary, do we not see that every motive *except* that one was at work more or less openly? Popular revenge, political propaganda, common greed, commercial rivalry,—as in the case of the small Russian tradesmen, who would not be sorry to get rid of Hebrew competition, nor averse to getting the same exorbitant interest themselves,—in short, most human passions are in play except religious intolerance. If more is needed to complete the evidence, here are a few miscellaneous scraps to the point.

"When I reached the corn-bazaar," writes a special correspondent of the "Golos," from Kiev, "the Jewish shops were already demolished and plundered; the mob was just attacking the public-houses. Having broken in doors and windows, they rolled the barrels out on the street and broke them to pieces. Whiskey flowed in streams. The rioters waded—they bathed—in whiskey. The marauding women carried it away by pail-fuls. Through the uproar I could clearly distinguish the shouts coming from all sides. 'The Jews have lorded it over us long enough!' 'It is our turn now!' 'They have got everything into their own hands!' 'Life is too dear!' 'They grind us to death!' etc. Some well-intentional persons

went about amongst groups of idlers, who were evidently anxious to begin operations., and were forming into a sufficiently numerous mob, and tried to dissuade them, 'How can you be so foolish?' they would say, 'Don't you know that you will be punished?' The reply in almost every case amounted to this. 'No matter; we will take our punishment—it will be *once*. The Jews torture us all our lives.'”

It is a fact so well known in Russia as to need no repetition or argument, that it is in part the merciless and systematic “exploitation,” or, as the people so graphically describe it, *the sucking out* of the country's blood by the Jews which has brought the peasantry of the West to the depths of destitution. As a consequence, never, in the whole course of our history, has the rage for emigration been so much of an epidemic as it is growing to be since the Government has opened the wide fields of eastern Siberia and the Amoor country to settlers, offering them assistance, encouragement and advantages. The Little-Russian peasant, like every tiller of the soil, is deeply attached to the land that nourishes him and his family. Such a land, too!—one of the healthiest, wealthiest, most fertile regions in the world. Yet this fruitful land—the very “land of milk and honey”—they will abandon in gangs, half-villages at a time, their wives and children and some few wretched household goods piled on their wooden wagons, drawn by small, emaciated horses, sometimes a cow tied in the rear, but more frequently of late despoiled even of this last friend and chief support of the little ones, and start on their dreary tramp across half of one continent and the whole of another,—to them an incalculable number of miles,—for a distant, absolutely strange, nay, unimaginable goal, which half of them never reach,—all this with a recklessness which can come of nothing but despair. ²

Russia has millions of Mohammedan subjects. I do not mean our new subjects of Central Asia, but the Tatars along the Volga and in the Crimea, and the inhabitants of the highlands of the Caucasus. They are received, in the public schools and colleges, where they are taught the principles of their religious law by doctors (*mollahs*) of their own. They furnish good soldiers and distinguished officers to our army. They ply various crafts in the midst of our native population, especially those of peddlers, of cab-drivers, and hotel-waiters. They are thrifty and peaceable. Who ever heard of hostile outbreaks against them? A little good-humored raillery is all they ever have to encounter at the hands, of our people, who will call them “Pig-ear” in fun, or sometimes in derision, when angry or quarreling, in allusion to their horror of pork. “Shaved-pate” is also a current appellation, which they are so far from taking in bad part that a Tatar peddler, if so hailed by some housewife from the other side of the street, will immediately walk over, and, of course, drive the best bargain he can. But the people would no more think of attacking the Tatar quarter in St. Petersburg, or demolishing and plundering a Tatar village on the Volga, than of so dealing

² There is another current of emigration from the Government on the Volga; and that, of course, has nothing to do with the Jews.

with a Russian bazaar or homestead. Where, then, is the difference? Why this imperturbable good understanding with fellow-subjects of one race and religion, and this ineradicable animosity against those of another?

II

If we were told that a certain great state, embracing under its rule populations belonging to several distinct races, had in the number several millions of subjects who, outwardly peaceable and harmless, nay, timid to cowardice and submissive to servility, were yet unceasingly and systematically undermining the well-being of the country they inhabit; who, while enjoying the fullest religious toleration and liberty of public worship, scrupulously perform every year a public religious ceremony which offers a loop-hole of release from the obligation of keeping any oath or promise made to the Government or to individuals belonging to the state religion; who, while sheltered by the laws equally with all their fellow-subjects, and, like them, entitled to sit in local courts of justice, are bound, under the direst penalties of excommunication, to decide cases brought before them only according to instructions received from a secret tribunal of their own; who are authorized and taught by their law to consider the persons and property of their fellow-subjects, if belonging to a different race and religion from theirs, as their natural patrimony, lawful for them to secure by any means; lastly, who contrive to feed whole districts in part on the refuse of the meat slaughtered for themselves,—if such a state of things were described to us as existing actually, in a great country, under a strong and well-established government, would not such a statement awaken in us a feeling of incredulity amounting to total disbelief? Surely no government can for a single moment tolerate so monstrous an anomaly! Certainly not—*i. e.*, not with its eyes open. But there are many ways of blinding the most wakeful eyes. Argus had a hundred of them, yet Hermes could charm them all. That the above is no wild fiction, but a statement of facts, an account of the condition in which the entire west and south-west of Russia has been for centuries, and is now, is the startling discovery which we owe to the remarkable collection of authentic documents, edited in 1869 by Jacob Brafmann, under official patronage, and with means of a semi-official source. But before examining and quoting the work, something must be said of the man, whose marked individuality invites attention.

There have of old been Jews of two descriptions, so different as to be like two distinct races. There were the Jews who saw God and proclaimed His law, and those who worshiped the golden calf and yearned for the flesh-pots of Egypt; there were the Jews who followed Jesus, and those who crucified Him; there were the thinkers and the sticklers; the men of the spirit and the men of the letter; Spinoza and his persecutors. To borrow, for a moment, Renan's noble and striking language, "in the course of its long history Israel has always had an admirable minority which protested against the errors of the majority of the nation. A vast dualism is the very essence of this singular people's life. It has been divided, so to speak, into two opposing families, of which the one represented the narrow, malevolent, hair-splitting, materialistic side of the genius of Israel, the other its liberal, benevolent, idealistic side. The contrast has always

been striking.”³

Jacob Brafmann is distinctively a Jew, but distinctively belongs to the “admirable minority.” Of humble parentage, and in no way favored by fortune, he was raised out of his sordid surroundings and the narrow groove of his early training by nothing but the predominance of “the liberal, benevolent, idealistic” element in his nature. His boyhood was the same unenviable round of useless, unintelligent school learning, mischievous idleness, and precocious familiarity with sharp practice of every kind, which makes the Hebrew youth of the poorer class so unattractive a specimen. “Education” for the Hebrew boy of small means begins, indeed, at the age of five or six, but consists entirely in learning to read and memorizing the “Prayer-book”; then chapters from the Pentateuch, with scraps of Talmudistic commentary, and it may be, at the last stage, fragments from the Talmud itself. Then, at seventeen or eighteen, comes marriage with all its cares and burdens,—and Hebrew wedlock is proverbially prolific,—but too often without its solace and companionship, for the matter is usually arranged by the respective families, without reference to the young people's wishes or sympathies. Poor Brafmann fared but ill at this pass; the mate assigned him was exceptionally uncongenial to him. Doggedly he worked for his family, plying alternately sundry small trades and various crafts—that of cab-driver, of photographer, etc., with the versatility peculiar to his race, and to which they are partly driven by the necessities of an overcrowded, overstocked market in those centers of dense and abjectly poor Jewish population. But, unlike his brethren, he did not sink and harden in degradation. Through all those years of loveless, thankless toil, he never ceased to think, to observe, to learn—nay, to study, in the real and higher sense of the word, robbing many of his nights of their necessary rest, and bitterly upbraided by his young wife on account, not of his health, which suffered under the excessive strain, but of the candle which “he wasted.” He became a Hebrew scholar, he learned Russian and German—the literary German, not the mongrel jargon which Jews all talk in those parts—at the age of thirty-four; he even taught himself to read and understand French and Latin. He read the New Testament, and studied deeply in Christian theology. At length, and from sincere conviction, he became an open convert to Christianity, and received baptism. Life among his own people had now become impossible, but the education which he had given himself with almost superhuman persistence and intuition had fitted him for better things, and when he was appointed teacher of the Hebrew language at the seminary⁴ of Minsk, in 1860, he found himself in an honorable and, comparatively speaking, comfortable position.

Even before that, Brafmann had attracted the Emperor's attention by address-

³ “Les Évangiles et la Seconde Generation Chretienne,” page 12.

⁴ The word “seminary” is always applied to ecclesiastical schools or colleges, placed under the jurisdiction of the local ecclesiastical authorities, and, as supreme resort, of the Holy Synod.

ing to him a memoir concerning the anomalous position and conditions of life of his Hebrew subjects. The consequence was that, together with his appointment, he received an imperial order to study and propose ways and means for removing the tremendous obstacles which Jewish converts encounter when they declare their intention of becoming Christians. To aid him in his researches, access was opened to the greatest variety of sources bearing on the question,—on the one hand by the support of the bishop, on the other by that—less official, but perhaps even more effective—of many a Hebrew well-wisher. “It was thus,” says Brafmann, in his preface, “that a rich collection of materials accumulated in my portfolio, valuable not only for my special object, but as illustrating the condition of the Hebrew population generally. *** The most prominent feature of my collection is a package of more than one thousand authentic, documents, never published until this time—ordinances, resolutions, and acts of divers Jewish *Kahals* [administrative councils] and *Beth-dins* [courts of justice], which are of great importance as representing that practical side of modern Jewish life which can never be discerned by outsiders—by those who have not, so to speak, been reared within the synagogue walls. ***” “These documents,” it is said, further on, “afford convincing evidence that the Kahal and Beth-din rule the private and social life of the Jewish population in a great measure independent of the Talmud, and that their own private ordinances, supported by the penalty of the *kherem* [excommunication] are of far greater moment to the modern Jew than the Talmud. *** They show as clearly as possible in what way and by what means the Jews, notwithstanding their limited rights, have always succeeded in driving alien elements from the towns and boroughs where they have settled, to get into their hands the capital and immovable property in those places, and to get rid of all competition in commerce and trades, as has been the case in the western provinces of Russia, in Poland, Galicia, Rumania; by what miracle it could come to pass that whole departments of France were found to be mortgaged to the Jews in 1806, as Napoleon tells Champagny in his letter of November 9th of that year, although they formed only an insignificant minority in the empire, in all sixty thousand. Finally, what is most important to us, these documents contain the plain answer to the question why the labor and money expended by our Government, in the course of the present century, on the reformation of the Jews have brought no result.” Of these thousand documents, ranging from 1794 to 1833, Brafmann published in his book, “The Kahal,” a selection of two hundred and eighty-five, mostly dated from Minsk, in the government of the same name. Their authenticity is proved

1. by their very ancient look;
2. by the uniform notarial handwriting;
3. by the signatures of many persons which can be identified from other existing sources;

4. by the water-mark in the paper on which they are written.

Before we examine their contents and the conditions of life which they illustrate, it may be well to define the exact meaning of some words which incessantly recur in them, and, first of all, that of the term *kahal* itself.

The *Kahal*, abbreviated from *kheder-ha-kahal*, is the town-council or administrative council of a Jewish community. Officially it purports to discharge only a few modest duties, distributing the taxes among their people, for the punctual payment of which they assume the responsibility before the Government, taking care of the sick, superintending the synagogue and all that pertains to Hebrew worship, ceremonial, and religious observances. On these grounds the institution is not only tolerated, but sanctioned and actively supported by the Government. In reality, it wields supreme, absolute, and unquestioned power over every phase of Hebrew life, both private and social, and manages to use the local Christian authorities as its unwitting tools, not only against its Gentile fellow-subjects, but against any of its own people who might feel inclined to demur at the heavy yoke imposed on them. To show that this is so, and what are the means employed, is the object of Brafmann's book, and will be that of our next chapter.

The *Beth-din* is the Talmudic court of justice, which exists in every Jewish community without exception, under the high protection of the *Kahal*, and under whose jurisdiction are placed all transgressions and litigations arising between private Jews, or between such and the *Kahal*. It answers to all the needs of Jewish mercantile life, and takes the place of the ancient Sanhedrin. It is a sacred institution, and its attributes are, even now, very extensive. It pretends to be simply a court of amicable arbitration, and is tolerated, but not officially recognized, by the Government.

The *Kherem*, or great excommunication, is the last resort and most terrible weapon which the *Kahal* and *Beth-din* always keep in reserve to quell incipient rebellion or punish actual disobedience. Brafmann gives the entire form, which, besides being very monotonous, is too long for reproduction here. There is something appalling in the virulence and malignancy of the curses launched upon the offender's head, and it is not astonishing that even liberal-minded Jews should often have faltered and been daunted before its tremendous vehemence. A general malediction is first pronounced in the name of God and all the celestial powers; then a special one for every month of the year, in this form: "If he is born in the month of Nisan, which is ruled by the Archangel Uriel, may he be accursed of that archangel and his angels," and so forth through the remaining eleven months; also the days of the week and the four seasons; then comes the final imprecation, to which great poetic force cannot be denied:

"May the Lord's calamity hasten to overtake him; God, the Creator!
Break him! Bend him! May fiends encounter him! Be he accursed

wherever he stands! May his spirit depart suddenly, may an unclean death seize him, and may he not end the month! May the Lord visit him with consumption, brain-fever, inflammation, insanity, ulcers, and jaundice! May he pierce his breast with his own sword, and may his arrows be broken! May he be as chaff which the wind drives before it, and may the Angel of God pursue him! *** May his path be beset with dangers, covered with darkness! *** May he encounter direst despair, and may he fall into the net spread for his feet by God! May he be driven out of the realm of light into the realm of darkness, and cast out of the world! Misfortunes and sorrows shall fright him. He shall behold with his eyes the blows that shall fall on him. He shall be sated with the wrath of the Almighty. He shall be clothed with curses as with a garment. And God shall give no forgiveness to this man, but pour curses shall enter into him that are written in the Law. *** ”

And as though this were not yet explicit enough, the denunciation is further completed in the circular addressed to “the wise men and elders of the nation,” to notify them that a son of Israel has been cast into the outer darkness. After the introductory greeting and the enumeration of the offenses of the accused person, the kahal continues:

“Therefore, we have laid the *kherem* on him. Do you so likewise, daily. Proclaim publicly that his bread is the bread of a Gentile; that his wine is the wine of idolatry; that his vegetables are impure, and his books even as the books of magicians. *** Ye shall not eat with him, nor drink with him; ye shall not perform the rite of circumcision on his son, and ye shall not teach his children the law, nor bury his dead, nor receive him into any corporations; the cup that he has drunk from ye shall wash, and in every respect ye shall treat him as a Gentile.”

And now, after these necessary explanations, we can at last turn to that part of our subject to which the foregoing pages have been in reality only an introduction.

III

*“Die Juden bilden einen Staat im Staate.”
(The Jews form a State within the State.)*

These words of Schiller, Brafmann takes as his motto. Referring to them in the course of his book, he remarks that as a state without a territory is not admissible, so these words are usually taken by unsuspecting outsiders for a poetic figure rather than a historical truth. They little imagine that the fiction is turned into a momentous reality by a short item in the Talmud, which lays down as a fundamental axiom that “*the property of Gentiles is even as a waste, free unto all*”⁵ (*i.e.*, all Jews). Now, as the Kahal has the supreme direction of the affairs of every community, it follows that the Kahal of each district considers itself the only rightful owner and legal disposer of the territory within its jurisdiction, no matter who may hold it or any part of it in actual possession, Jew or Gentile, and that not arbitrarily, but on the ground of the *khezkat-ishoub*, a right well defined in the Talmudic code called *Khoshen-Hamishpat*, and the works of its learned expounders. One of the highest authorities among the latter, Rabbi Joseph Kouloun, in his highly respected work, “Questions and Answers,” compares the property of Gentiles (section 132) to “a lake free to all,” in which, however, no one may spread his nets but a Jew duly authorized by the Kahal. We continue in Brafmann's own words:

“Considering, then, the Gentile population of its district as ‘its lake’ to fish in, the Kahal proceeds to sell portions of this strange property to individuals on principles as strange. To one uninitiated in Kahal mysteries, such a sale must be unintelligible. Let us take an instance. The Kahal, in accordance with its own rights, sells to the Jew N. a house, which, according to the state laws of the country, is the inalienable property of the Gentile M., without the latter's knowledge or consent. Of what use, it will be asked, is such a transaction to the purchaser? The deed of sale delivered to him by the Kahal cannot invest him with the position which every owner assumes toward his property. M. will not give up his house on account of its having been sold by the Kahal, and the latter has not the power to make him give it up. What, then, has the purchaser N. acquired for the money paid by him to the Kahal? Simply this: he has acquired *khazaka*—*i.e.*, right of ownership over the house of the Gentile M., in force whereof he is given the exclusive right, guaranteed from interference or competition from other Jews, to get possession of the said house, as expressly said in the deed of sale, ‘by any means whatever.’ Until he has finally succeeded in transferring it to his official possession, he alone is entitled to rent that house from its present owner, to trade in it, to lend money to the owner and other

⁵ Talmud, Treatise “Baba-Batra” page 55.

Gentiles who may dwell in it—to make profits out of them in any way his ingenuity may suggest. This is what is meant by *khazaka*. Sometimes the Kahal sells to a Jew even *the person* of some particular Gentile, without any immovable property attached. This is how the law defines this extraordinary right, which is called *meropiè*: 'If a man [meaning a Jew] holds in his power a Gentile, it is in some places forbidden to other Jews to enter into relations with that person to the prejudice of the first; but in other places it is free to every Jew to have business relations with that person, for it is said that the property of a Gentile is *hefker* [free to all], and whoever first gets possession of it, to him it shall belong.'⁶

It will be noticed what stress is laid on money-lending as a means to effect the desired transfer of property. Indeed, it is the mainspring of the operation, and a case of failure is very rare. The proposed victim is tempted into borrowing, and enticed on and on by proffered facilities so long as it is supposed he still has a chance of rescue. When he has become entangled in the meshes of renewed bills and compound interest wholly beyond the range of his resources, the blow descends, and the fortunate purchaser enters into open possession of his secretly long-cherished property. Perhaps he sells it then to a Christian, so that it may revert back to the Kahal as *hefker*, and the process begin over again, to the advantage of some new "fisher." And the beauty of the thing is, there is no risk attached to it. It is all done snugly within the law. If people will borrow, they have to pay, and there are courts of justice in the land to see that they do. No matter what artifices have been used to inveigle them, what amount of fine psychology has been put in play to find out their weak sides and attack them—the law has nothing to do with that. In the rural districts, the process is still easier and the result still sadder. Jews do not live in villages; there is nothing for them to do there. They prefer more populous and, above all, wealthier centers, where the artificial demands of city life give scope to the display and bartering of tempting wares of all kinds.

Of these wares, there is one which the overworked, underfed, ever careworn peasant cannot resist—*vodka*. It is warmth in the inhuman winter cold; mirth in his rare hours of rest; strength—fictitious, it is true, yet upholding him for the time—when he sinks under the day's task; medicine in sickness; above all, it is forgetfulness. And if poets, with everything to make life a dream of beauty, have cried out in weariness of heart, "The best of life is but intoxication," surely the poor plodder may be excused for feeling the same in the only sense accessible to his limited experience. And truly, in moderation, whiskey is a necessity to our peasant, imposed by the climate and the conditions of his life. But how easy the slip into excess! And where the line? Well do the Jews know all this, and so the public-houses in the villages are all kept by Jews—a plenteous and never-

⁶ "Khoshen-Hamishpat" section 156, paragraph 17, and Treatise "Baba-Batra," chapter 8.

failing source of replenishment to the exchequer of the kahal. In every village are one or two public-houses, or more, according to its size and the number of its inhabitants; for there must not be more fishers than the lake can support, nor must it be fished out all at once. How complete the success let any village of our western provinces witness, with its wretched, weather-beaten cabins, hingeless doors and shutters, crooked and thatchless roofs, and rotting door-steps; its tottering, yawning barns, scantily propped by poles; empty stables, solitary plows and wagons under ruinous sheds; finally, the long trains of Amoor emigrants mentioned in our first chapter. And if figures are wanted, let this suffice: in 1869, seventy-three per cent of all the immovable property of the western provinces had passed into the hands of the Jews.

If we turn to the documents themselves, our amazement increases, for there, indeed, the assertion which we were half inclined to doubt assumes a body and becomes a living reality. Here are three,—Nos. 22, 23, and 26, dated Minsk, 1796,—which relate to a dispute between the Kahal and a certain Eliazar, “about the possession of a house and lot of ground belonging to the un-circumcised hatter, Zvansky.” Eliazar claims it on the ground that it was sold to his dead father, but there is a flaw in the title. In disputes of this kind the Kahal generally wins the day. So this case ends by the Beth-din adjudging the property to the Kahal, “who may sell it to whomever it pleases.” No. 77—dated 1799—records the sale to the “wealthy and illustrious Jochiel-Michael” of a stone building, containing two shops, with their cellars and upper stories, belonging to the Russian Baikoff; while No. 205—dated 1802—gives half of the same property to another person in payment of an old debt, “seeing that Jochiel-Michael has not yet paid in full the sum due for those shops.” The house of the un-circumcised blacksmith, Zeleza, and that of the German carpenter, Johann, are disposed of in Nos. 115 and 195, and we may be sure these buildings did not in the end escape their destination, even though hatter, shopkeeper, blacksmith, and carpenter continued for a while to follow their several pursuits, each within his own premises, in the security of ignorance. Nor does the Kahal limit its operations to private property. It is rather startling to find it disposing (No. 105) of “a convent, formerly possessed by Carmelite monks, but now occupied by Franciscans,” with all its buildings and outbuildings, in wood or stone, the distillery belonging to it, as well as the convent meadows and vegetable gardens, with the usual remark that “the purchase money has been paid to a farthing”; of a hospital, with the piece of ground thereto pertaining, held in actual possession by a certain Catholic charitable brotherhood (No. 261); and, finally, appointing arbiters to decide a litigation between itself, the Kahal, and a private individual, concerning the right of possession to several shops, stone buildings, owned by the Bishop of Minsk (No. 177). We pass over a long array of documents of exactly the same nature, only observing that in the statute of the Kahal and Beth-din of the city of Vilna, composed on the approved and general model, the obligation to see that Jews do not interfere with each other’s *khazakas* and *meropiès* is especially mentioned as one of their functions and attributions. Moreover, the interesting “angling” process can be followed step by step

in Gustav Freytag's powerful novel, *Soll und Haben* (Debit and Credit), in which we see the wealthy usurer Hirsch Ehrenthal systematically going to work on the property of the easy-going and imprudent Baron Roth-sattel, until the wished-for consummation is happily achieved.

It is well known how punctilious orthodox Jews are about their food, and how particular about having their meat butchered and cooked according to certain very strict regulations laid down in the Talmud; also how great and enduring is their repugnance to share the food of Gentiles, even though they will occasionally welcome a Christian guest to their own table. But what is less generally known is that this peculiarity of theirs, respected everywhere as a feature of their religious observances, very greatly affects, both directly and indirectly, the well-being of the populations among whom they are settled. So little is this suspected that no sort of objection is raised against their building slaughter-houses, and getting the entire butcher's trade into their own hands; indeed, the fact is mentioned with perfect innocence in the Russian Code of Laws: ⁷ "In most of the towns of the western provinces there are no butchers but Jews, and only that meat is sold to Christians which is not found *kòsher*." It is supposed that the whole difference between *kòsher* and *trèf* (lawful and forbidden, clean and unclean meat) lies in the observance of or departure from certain ridiculously trivial and minute Talmudic ordinances concerning the knife to be used for slaughtering, its shape, sharpness, smoothness, the exact spot on the animal's throat across which it is to be drawn, and the like. If this were all, there would be no harm in handing over to the Christians meat pronounced unfit for the use of their fastidious Jewish brethren. But this is not all. When the animal has been successfully dispatched, according to all the refinements of Talmudic law, ⁸ its internal parts—brain, heart, lungs, liver, bowels, etc.—are submitted to the closest examination from a hygienic point of view, and if a taint or symptom of disease is discovered in any of them, the whole carcass is pronounced *trèf*, and put into the market for sale to the Christian population. "We cannot wonder," remarks Brafmann, "at the profound loathing with which Jews regard the food of Christians, knowing as they do that much of the meat which is sold them is actually no better than carrion." Nor does their conscience sting them in the feast for so unjustifiable a proceeding, since they have for it the authority of the Mosaic law, which expressly says (Deuteronomy xiv. 21): "Ye shall not eat of anything that dieth of itself: thou shalt give it unto the stranger that is in thy gates, that he may eat it; or thou mayest sell it unto an alien; for thou art a holy people unto the Lord thy God."

Indirectly, the condition of the entire country (that part of it where the Jews are

⁷ Vol. V. Note to section 280, paragraph 42.

⁸ The Talmudic law devotes eighty-six chapters, divided into six hundred and forty-two paragraphs, to the regulations concerning slaughtering, *kòsher* and *trèf*.

allowed to dwell) is influenced by this separatism, because it furnishes the Kahal with its principal and most unfailing revenue,—universally known under the curious name of “box-duty,”—and thus always keeps it provided with large sums of ready money, which it uses at its own discretion to further the interests of the community, or avert any obnoxious interference on the part of the Christian authorities—principally by means of bribes to police officials and employees. The regulations about this tax and its collection form quite a complicated organization, too important in its effects to be dismissed with only a passing notice. It necessitates a considerable staff of officials, who hold their functions on oath and under dread of the *kherem*. First there are the professional slaughterers, trained in the business of killing according to Talmudic rules, and appointed by the Kahal. All cattle or fowls, without exception, that are to be consumed in the town—either for the market or for private use—must be slain by them, on pain of being considered “even as carrion”; the owner of a chicken may not kill it to make soup for his sick wife, but must take it to the sworn slaughterer. A certain duty has to be paid to the agents of the Kahal, always present on the premises, on every head of cattle,—ox, calf, sheep, or goat,—and on every fowl, varying according to their kind. It is to be paid, not in paper or copper coin, but in silver, and the slaughterer is forbidden “to unsheathe his knife before it has been so paid.” This is only part of the box-duty. By far the greater part of it is levied on the retail sale of *kösher* meat. This part falls on the purchasers, who pay three groats in silver (about one cent) on every pound they buy. Meat brought in from the surrounding country pays the same duty—*i.e.*, the owner can neither use it nor sell it unless he pays his three groats per pound to the collectors of the Kahal. Even fat is not exempt from the duty, and anyone who purchases either from a private person (*i.e.*, not from a butcher in the meat-market) must be shown the receipt of the collectors, or he may find himself devouring “carrion,” “food unclean as pork,” and come under the canonical *kherem* in consequence. There is in the market a special room, in which the collectors sit all day long to receive the money, while two superintendents continually “walk the floor” of the market, to see that every purchaser, after having received his piece of meat from the butcher, takes it straightway into the collectors’ office, to be reweighed and to pay the duty. It is amusing to note the precautions that are taken to secure the money from fraud or foul play of any kind. “The collectors, to avoid abuses,” it is stated in the regulation (Document No. 88), “are forbidden, under penalty of the most terrible *kherem* to put it in their pockets, but must slip it into a locked box, with a slit in the top.” (Hence the name “box-duty.”) Every evening they are to count the money, enter it into the book, then transfer it, at least twice a week, into a strongbox, deposited under the care of one of the rich men of the city, who, however, is not entrusted with the key—or rather keys, for the box has two locks. One of the keys remains with the collectors, while the other is in the charge of a third person, appointed every month by election. The contents of the strong-box are verified once a month, by persons specially appointed. When the Kahal makes a demand for money from the box-sums, “it must be signed by five members at least” (there are nineteen in all), and the money is taken out and delivered by both collectors jointly, not

otherwise. Butchers, in consideration of their having paid box-duty for the slaughtering of the animals, are allowed to sell *kòsher* meat two groats per pound higher than *trèf*, so that the Jewish purchaser really pays a double duty on his meat.

A number of documents show that a great part of this box-money is regularly expended in bribes, either on given occasions, for an object, or in a generally propitiating manner, as gratuitous gifts on the two great holidays of the year—New Year's Day and Easter. These latter offerings being a very ordinary occurrence, in accordance with an old custom of the country, are registered quite openly as “holiday presents to the authorities” (No. 4); or, “to be taken from the box-money a hundred *zlotys* [a little over ten dollars] to buy coffee and sugar for presents to the authorities at Easter” (No. 114); or, “ordained by the ‘chiefs of the city’ to go the usual round at Easter, the necessary sums to be taken from the box-money” (No. 73); or, “bought four loaves of sugar, best quality, eighty-two pounds in all,” for New Year's presents (No. 244). Actual bribes, given for a purpose, being of not so harmless a nature, are neither given nor expressed so openly. The documents which record the expense are worded covertly, as: “A hundred rubles to be employed in the purchase of rye and other grain *for a certain purpose*, and fifty rubles to be given to the secretary of the governor *in acknowledgment of a certain service*” (No. 33). The agents employed in such cases are instructed to do their best to secure proofs of the transaction, so that the Kahal may always hereafter have it in its power to exercise control over the official who has yielded to temptation, by threatening to divulge his offense. When affairs in the issue of which the Jewish community is interested—or a corporation, or even private individuals—are being transacted in one of the local courts, clever and trusty agents are directed to watch the case, and, if necessary, to give it a gentle push in the right direction by trying various blandishments on the members of the court,—such, for instance, as providing a luncheon, with choice wines, for the judges (No. 37). Now all this materially, if indirectly, affects the condition of the country at large, for every unlawful favor shown to the Jews is sure to react in a prejudicial manner on the Christian population. And were it not for the right to levy box-money on *kòsher* meat, the Kahal would not have always ready to its hand extensive means to dispose of in this way. Therefore it has taken care to secure to itself this never-failing source of revenue, by enlisting the Government on its side. It was easy for it to do this by assuming the responsibility for the payment of the taxes by the Jewish communities, and by undertaking to supply the required number of recruits or the corresponding “exemption-money” (under the old military system), and by representing the box-duty as the easiest and surest means to this end, as a supplementary reserve income, from which the taxes should be paid for the poor or insolvent members of the community. The consequence is that this duty, together with all the regulations about *kòsher* meat, without which it could not be levied, are under the sanction and protection of the Russian law, and actively supported by the local authorities, whose aid and assistance the Kahal may claim at any moment. The following are the express terms of the law:

“Subject to the box-duty are:

1. The slaughtering of cattle (per head of cattle);
2. of fowls (per each fowl);
3. the sale of kosher meat (per pound);
4. another item of the box-money is the fines imposed for the non-observance of the regulations on this subject.”⁹

“The police, both urban and rural, and all other local authorities, are bound to render their aid and assistance, when such is required in legal form, to see that the box-duty be paid by the Jews without opposition or fraud.”¹⁰

How far the official object of the institution is achieved may be seen from the fact that, in 1867, there was a balance against the Jews in the government of Vilno of 293,868 rubles, 36½ kopecks arrear on taxes, and 341,097 rubles, 15 kopecks against those of Minsk. (A ruble is one hundred kopecks, and worth about seventy-five cents United States money.)

This exposition of the attitude which the Russian Jews¹¹ have invariably held and still hold toward their Gentile fellow-subjects would be incomplete without a brief statement of the line of conduct which they follow with regard to the jurisdiction of the Gentile courts of justice, and to their own obligations as represented by oaths and promises made to Gentiles.

The first of these points is settled most unequivocally by the following extract from the “*Khoshen-Hamishpat*” (chapter 26, paragraph 1):

“Jews are forbidden to go to law before a Gentile court of justice, or Gentile institution of any sort. This prohibition does not lose its force even in cases where the Gentile laws coincide with the Hebrew laws, nor even should both sides wish to submit their case to a Gentile court. He who violates this prohibition is a villain. Such an act is considered equal to blasphemy and rebellion against the entire Mosaic law.”

The offender of course incurs the *kherem* in its entire rigor, and cannot be freed from it until he releases his antagonist from the power of the Gentiles. How consistently this principle is carried out is shown by two very remarkable documents, Nos. 165 and 166. Two Jewish members are to be elected to sit in

⁹ Statute on Taxes; supplement to section 281, paragraph 8.

¹⁰ *Ibid*, paragraph 57.

¹¹ To these may safely be added the Jews of the eastern provinces of Prussia and Austria, Galicia, Bukovina, etc., and also Roumania, for in all these countries the state of things is exactly similar.

one of the mixed minor local courts, called “oral courts,” because cases of a very trivial nature are examined and decided by them orally, according to “custom” more than written law. Thirty electors have been chosen by a general assembly, and the names of the candidates have been proclaimed. Thereupon, and before the official election by ballot takes place, the candidates are summoned before the Beth-din, and there made to engage, under oath, “that, through all the time of their exercising the function of judges in the oral court, they will be guided by the directions and instructions of the Beth-din and Kahal; also that they will unconditionally obey all their commands with respect to the cases which will be submitted to the court.” After this a committee of four persons—two members of the Kahal and two of the Beth-din—is appointed to make out a code of rules for the guidance of the two judges.

“And all the resolutions signed by the committee shall be by said judges carried out punctually during a whole year. All this has been done with the common consent, in accordance with the laws and ordinances. At each sitting of the committee one of said two judges must of necessity be present, in order to consult together concerning the cases to be decided in said court.”

It naturally follows from these premises that all oaths whatever taken by Jews, or testimony given by them under oath before Gentile courts or magistrates, may or may not be valid. Further opportunities for evading obligations to Christians are offered by the annual religious solemnity called *kol-nidreh*, the opening act of the great festival of *Yom-Kippur*, the day of national purification, of absolution and reconciliation with heaven, when all private chapels as well as the synagogues of the various corporations are closed, by special order and under pain of the *kherem*, so that Israel may pray to the Lord of their fathers jointly in the great synagogue, as one united family. It is the tenth day after the Hebrew New Year's day, its great holiness marked by a severe fast—total abstinence from food during twenty-four hours for all adults, and even children over twelve years old; like the solemnity of New Year's day it closes with the significant patriotic signal, the blowing of the sacred horns, which is answered by the entire congregation with the traditional ejaculation: “Next year in Jerusalem!” The fast and common prayer begin the night before, two hours before sunset, and are ushered in by the ceremony of *kol-nidreh*, which we will describe in Brafmann's own words:

“When the men and the women, in holiday attire, have taken their separate stations in the synagogue, which is lighted by the wax tapers held by each person, and the leader of the choir (*cantor*) has taken his place, then the most notable members of the assistance open the ark, reverently take out the *thora*, while the choir thrice repeat the celebrated *kol-nidreh* to an ancient traditional chant; the congregation repeat it aloud with them. Judging from the pomp and reverence with which the Jews prepare for this act, an outsider would naturally con-

clude that it is the very center-piece of the whole yearly cycle of spiritual exercises. But, if he knew the language, he would find that the words pronounced with such awe-inspiring ceremonial, such religious concentration and profound reverence, are not words of prayer at all, but an act by which the entire nation renounces all promises, oaths, and obligations given by each of its members in the preceding, and all such as will be given in the coming, year. With this public renunciation of a nation's plighted word, the whole moral base of social life does indeed fall to pieces. It is a fact so utterly revolting, that the greatest authorities of the Talmudic world itself have risen in protest against it. But not even they could prevail against the force of custom, and the *kol-nidreh* renunciation maintains its place among the most honored Hebrew rites."

This chapter cannot be more aptly concluded than by another extract from Brafmann's remarks, so pithy and forcible in their simple earnestness:

"To students of law we venture to think that these documents will offer not a little interest; but we especially recommend them to the study of those who are curious to find out the real causes of the universal murmur of reprobation which has always been heard against the Jews from the surrounding world, and of the persecutions to which they have been subjected through eighteen centuries—*i.e.*, ever since the kahal has ruled this unhappy people."

IV

Was Brafmann right in making these revelations—or, at least, in giving them the publicity of the press? Should not a certain merciful feeling have restrained him from thus exposing the short-comings of those who still were his brethren in blood and race? Should he not have been content to cut himself adrift from the vessel which held them? Scarcely. You cannot let your neighbor's house be broken into because you have friends in the gang, even though you have withdrawn yourself from them when you discovered their evil ways. Yet, Brafmann is emphatically and enthusiastically a Jew. He is deeply, passionately devoted to his people, and he possibly—who knows?—might have hesitated and temporized with his duty to his new brethren from tenderness to the old, had it not been his entire conviction that the Jews suffer quite as much under the system whose secret workings he divulges as the Christians themselves. For each power, each right, of the Kahal and Beth-din is a stick with two ends, of which the one descends on the Christian population and the other impartially belabors the Jewish community,—of course falling heaviest on the poorer mass,¹² —with equal violence and equally fatal results. If the Gentile trader or artificer can never be sure that his house has not been sold over his head to a Hebrew fellow-citizen, on the other hand, the Jew who has bought a piece of ground or a house, from the Russian Government or a Christian owner, is made to pay an additional sum for the same property to the Kahal. Thus No. 87 records the sale “to Rabbi Khaim, son of Rabbi Isaac, Levite,” of the right of ownership to a stone building, constructed by him on the market-place of Minsk, and only from the day that this second deed of sale is delivered to him is it said that the building belongs to him and his heirs forever, “from the center of the earth to the summit of the heavens.” Further, as a rule, a Jew from one district is not permitted to trade or settle in another, and if he is, by special favor of the Kahal, he is made to pay handsomely for the privilege. For it is said in the law:¹³

“At the present time, when we live under the rule of alien nations and too great an accumulation of Hebrew population may lead to collision with them, every Jew who comes to a city and wishes to settle in it, is a foe to those who already dwell there. Therefore the local kahal is given the right to close the door before the new-comers, to attain which object it is lawful for it to employ any means whatsoever, even to the power of the *goim* [the local administration].”

¹² So on one occasion, when the superintendents of the box-duty demanded an addition to their salary, the Kahal, instead of granting it from its own exchequer, imposed an additional duty on the sale of meat, and when the collectors in their turn applied the very next day for the same favor, the duty was still further increased—by one groat per pound—to satisfy them. (Nos. 173 and 176.)

¹³ “Khoshen-Hamishpat” section 156, paragraph 7.

“Even to the power of the *goim*.” That means the local Christian police, which is to the kahal what the secular arm was to the Inquisition. It is literally at its beck and call, owing to the sanction awarded by our laws to the box-duty. This same active sanction also enables it to exercise a most irksome supervision and an intolerable coercion over the private life of every Jewish family. A few instances will best illustrate the practical working of this simple and ingenious machinery.

However miserable a Jewish family, there are two occasions—a wedding and the circumcision of a son—on which a certain amount of festive expenditure is inevitable. Guests are invited, a meal is served, and musicians are hired. In none of these points, however, is the giver of the feast allowed to follow his own discretion or inclination, but must submit to a code of regulations, which would be amusing from their absurdity were they not so galling to all feeling of independence and human dignity. Here are a few items: “No one shall dare to serve at circumcision feasts refreshments consisting only of cakes and whiskey.” There must be a meal of butcher's meat; if the feast-giver be a poor man, he must have meat for at least ten persons, and only in case of absolute destitution can an exemption be obtained from the Kahal. Visitors who come to offer congratulations on the birth of a son or daughter are forbidden, as well as the parents themselves, to taste refreshments in the shape of cakes, preserved fruits, or sweets of any kind, on pain of the canonical *kherem*. At weddings it is forbidden to serve a large cake with filling made of preserved fruit. “Before and after a wedding each of the families is allowed to give only one feast.” “There must not be more than three musicians at a wedding, and they are not allowed to eat more than three times.” To a circumcision may be invited “only relatives to the third degree, the two next-door neighbors on each side of the house and three from across the street, *** the teacher of the host's children,” and a few more persons strictly determined. The invitations are to be sent through the messengers of the Beth-din—not otherwise. The feast-giver is entitled to a certain quantity of meat duty-free, which, however, the collectors deliver only on being presented with the list of guests, sanctioned by the Kahal and signed by the city-notary. Now, if the kahal had not contrived to secure the active cooperation of the state laws in levying the box-duty, it would not have the means of reminding every Jew, even on such occasions as household festivals, of its dread and resistless power. As things stand, its vengeance can fall on the rebel at any moment. To punish disobedience to its slightest regulations or even a temporary ordinance, it has only to summon the police and denounce the culprit as having infringed the laws concerning *kosher* and box-duty. Who is to rescue the unhappy man from the hands of the authorities, who demand from him the legal fine for that offense? That he never committed it is no safeguard to him, for false accusation, even supported by perjury and recourse to the *goim*, are among the *authorized* means to break rebellion. Two documents—Nos. 148 and 149—contain the exposition of the measures to be taken “in order to preserve the Talmudic court [Beth-din] from the disrespect which, in punishment for our sins, has of late made itself felt,—to prevent our foes from sitting as judges

over us, which Heaven forbid!—and to bend audacious apostates and rebels, so that every Jew may be submissive to the Talmudic law and court.” The measures contained in No. 149 are much the most terrible, to be used only against hardened rebels, and when the case has been put in the hands of the “secret prosecutor”—a functionary who is elected every month by ballot from among the officers of the Beth-din, and who swears the most solemn oath to spare no person in carrying out the instructions of the Talmudic court, and never to reveal that he ever has been invested with the function of “secret prosecutor.”¹⁴ Here are the nine paragraphs (some of them condensed) into which this remarkable document is divided:

1. The rebel is deprived of the offices which he may have held in the Kahal or corporations.
2. He is excluded from the community and any corporation to which he may belong.
3. He is excluded from general assemblies and corporation meetings.
4. He is excluded from all functions or honors in the synagogue. ***
5. He is not to be invited to any festival, public or private. He who invites him falls under the *kherem*.
6. No one is to rent from him his house or his shop, nor to let his own to him. ***
7. If he is an artisan, it is forbidden to give him work, on pain of the heaviest *kherem*.
8. If a betrothal contract has been entered into with him, the other party is freed from it, without incurring the fine usually imposed in such cases, and reimbursement of expenses.
9. *It is lawful to proclaim in the synagogue that the rebel has eaten trèf food or infringed a fast, etc., to confirm the accusation by false testimony, and to have him punished as if he had done this thing.*

This document is approved and signed by fourteen members of the Kahal and Beth-din, and by the chief rabbi of the city of Minsk.

Nor are the Christian courts of justice less efficient tools than the local police in the hands of the Jewish rulers. One of the most common proceedings to punish disobedience or disrespect is to sue the offender in a Christian court for debt, real or imaginary. Thus, when litigation is to be decided by the Beth-din, it is

¹⁴ This strongly reminds us of the mediaeval *vehm-gericht*.

customary, in order to secure the submission of the parties to the suit, to make them both sign blank bills before the case is tried. Then, should the losing party be dissatisfied with the decision and refer the case to the Christian court, which is his right under the state laws, the Beth-din fills the blank at its pleasure, and directs the nominal holder to present this perfectly legal document for payment through the local authorities. "This," says Brafmann, "accounts for the great number of litigations always on hand in Christian courts. They are generally nothing more than legal fictions used by the Beth-din or Kahal to compel the obedience of refractory members of their communities." If offenders return to the path of duty within a certain time, the claim is withdrawn. Sometimes the Russian courts receive genuine complaints, but they are usually powerless for redress, and bitterly are the plaintiffs made to rue their audacity. In 1866, a Hebrew widow complained to the mayor and town-council of Vilna that she had been charged fifteen hundred rubles for the burial of her husband, and compelled not only to pay this sum but to sign a declaration that she had done so voluntarily for charitable purposes, the corporation of undertakers having been directed to refuse burial to the body until she had submitted, which she had done at the expiration of five days. It is further seen, from the progress of the case, that the Kahal fined her five hundred rubles more, and compelled the police to recover this sum from her by representing it as an arrear on her share of the contribution for ransoming poor and insolvent Jews from military service. The impudence of the pretense was patent, yet the local authorities could do nothing, for the Kahal, in all that regards the collection and payment of taxes for the Jewish population, is a state institution.

The meaning of the little phrase, so frequently repeated, that it is lawful to the Kahal to compel obedience "by any means whatsoever, even through the power of the *go'im*," will now be sufficiently clear not to need further illustration, though such might be produced to any extent from Brafmann's book, to which indeed full justice could be done only by translating it.

Brafmann is, we repeat, a Jewish patriot in the fullest and widest sense. He admires his race; he takes pride in belonging to it, and loves his people with a passionate pity and tenderness which make his voice break and his eyes fill when he speaks of their sufferings and moral degradation under the oppressive system which holds them in iron bands. His dreams are of their regeneration, of their future power and greatness—not as a political nation, but as a highly gifted race, living on equal terms among other races, all artificial barriers being removed, and the field opened without let or hindrance of any kind to the free development of the many noble faculties of mind and soul so characteristic of what Renan calls "the admirable minority of Israel." If, therefore, he incurred by his revelations the utmost wrath of the rulers whom he exposed, and of the ignorantly fanatical mass, to such a degree that his life at one time was not considered safe even in St. Petersburg, where he dwelt after his book appeared; on the other hand, he is comforted and secretly supported by the sympathy of many of the more enlightened Jews who, like him, sigh for release from a

bondage worse than foreign captivity. But for such support he could not have obtained possession of the precious pile of papers which were abstracted for him, not without danger, by a friend from the Jewish archive of Minsk.

The above exposition of a state of things which might be pronounced wildly unreal but for the irrefragable documentary evidence adduced, though far from exhausting the material collected by Brafmann,¹⁵ will, it is to be hoped, have clearly established one fact: that, whatever historical causes may underlie the oft-recurring popular outbreaks against the Jews, race animosity, and religious intolerance have never been alone at work, and, in our days, are no longer so at all. The only case of systematic persecution of them from fanatical motives is that of the Spanish Inquisition, though the motives were far from unmixed, even there. At all events, if the fathers of St. Dominic and their secular supporters did not object to enriching themselves with the spoils of the wealthy Jews they burned, we must do them the justice to acknowledge that they burned the poor ones quite as piously and scrupulously. In all other instances "Jewish riots" begin spontaneously; something—sometimes a mere trifle—happens to infuriate the mob, and they begin to kill and plunder. The massacres spread, rage for a few days, then stop, and everything goes the old round again—for a while. Ignorant fanaticism is only an accessory—true, a terrible one—which comes into play with the greater violence the further the occurrence is removed from us, in the "dark ages." But a significant feature is that the notorious users are always the first to suffer, and the bills and securities which hold whole provinces in bondage are the first property sought after and destroyed. This was the case even in the more than usually severe outbreak at the beginning of Richard I.'s reign, which ended in the horrible catastrophe of York, and the monkish chronicler who records it in terms of unseemly exultation, amid much revolting fanatical twaddle drops a word which strangely reminds us of the burden of popular complaint which recurred all through the riots of last spring. He calls the Jews "blood-suckers."¹⁶ Another curious coincidence is that then,

¹⁵ Thus, no mention has been made of the so-called "candle-money," nor of the extraordinary contributions, mostly in the shape of a percentage on capital, personal property and wares, levied by the kahal arbitrarily on special occasions, to avert some danger threatening the entire community. Such an occasion occurred in 1802, when the poet Derjavin, a staunch Russian patriot, was in the ministry, and strove to carry through a law forbidding the Jews to keep taverns and public-houses in the villages. There was a great panic among them; the Kahals raised one million rubles for bribes and presents at head-quarters, ordered public prayers and days of fasting. Derjavin was offered one, even two hundred thousand rubles, to withdraw the project. He told the Emperor (Alexander I.), and did not take the money; but others did, and the Jews won the day. Russian writers have celebrated the event as a triumph of humane and liberal policy, and it has been rather the fashion to abuse Derjavin as a narrow-minded *retrograde*.

¹⁶ Charles Knight's "History of England," chapter 21.

in England, as nine hundred years later in Russia, “the rumor was spread that the King had issued orders to massacre the Jews.”¹⁷ The facility with which the ignorant masses lend their ears to such absurdities betrays, at all events, a latent though monstrously distorted consciousness of having received at the hands of the race such wrongs and injuries as claim redress from their natural protector, the governing power. The difference between then and now, apart from the comparatively mild form of the recent paroxysms consequent on the general softening of men's natures, is chiefly this: then, religious feeling was actively mixed up with economical grievances and hideous reprisals, while now it is totally absent. And never could this mediæval specter be dragged forth to the light of our sober, unfanatical age, to account for phenomena of which the real causes must be obvious to every unbiased observer, were it not that by far the greater part of the so-called “liberal press” in Europe is in the hands of Hebrew editors and Hebrew writers —many of them men of great culture and talent, of great and well-merited authority in the world of letters and science, but whom it suits, from mistaken national zeal, to shed a false light on certain events and sides of modern life, to blind the eyes of superficial and docile readers with the dust of those cheap and plausible phrases of which the shallow orators of 1789-93 have left us so ample a store, and which can be as easily shuffled to prove anything or nothing as the cards whose combinations furnished forth the effective and patriotic speeches of Pieborgne, the lawyer-minister in Laboulaye's “Prince Caniche.” It is time to drop the sentimental liberal slang, through whose loose, wide meshes the biggest humbug can slip unchallenged, When a question of vital import is presented to us, the thing to do is to drive it into a corner and grapple with it, not muffle it up in common-places long ago worn threadbare. The Jewish question, in Eastern Europe and Western Russia, is such a question: let us then, for once, look it square in the face. The Jews are disliked, nay, hated in those parts, not because they believe and pray differently, but because they are a parasitical race who, producing nothing, fasten on the produce of land and labor, and live on it, choking the breath of life out of commerce and industry as sure as the creeper throttles the tree that upholds it. They are despised, not because they are of different blood, because they dress differently, eat peculiar food; not even because, herding together in unutterable filth and squalor, they are a loathsome and really dangerous element—a standing institution for the propagation of all kinds of horrible diseases and contagions; but because their ways are crooked, their manner abject, —because they will not stand up for themselves and manfully resent an insult or oppose vexation, but will take any amount of it if they can thereby turn a penny, will smirk and cringe, and go off with a deadly grudge at heart, which they will vent cruelly, ruthlessly, but in an underhand manner, and not always on the offender, but on any or all belonging to the offender's race. It is an essentially oriental feature, this making light of servile forms, so the feeling of pride be secretly treasured and revenge taken at some time and in some way—a feature which our Jews could not have retained so unimpaired had they not always

¹⁷ Hume's “History of England,” chapter 10.

been forcibly kept aloof, by their own rulers, from the ennobling influence of that compound of Grecian refinement and Teutonic manliness which we call modern culture, and which instills more than it teaches that the forms of servitude are as degrading as the fact. The readiness with which they appeal to foreign sympathy and interference, and which in any set of people holding the position of citizens would be looked upon and punished as state treason of the worst kind, is but another phase of their oriental nature—the inability to grasp the first principles of state-life, or perhaps rather their determination not to acknowledge themselves as belonging to any Gentile state. They are not “persecuted.” Only, from time to time, the popular patience—that dike built up of ignorance, apathy, and habitual endurance—breaks; then there is an outpouring of angry waters. True, some things have become impossible. No invading conqueror, for instance, would dream nowadays of farming to the Jews *the churches* of a conquered people, as did the Poles when they held Galicia in the sixteenth century and later, thus authorizing them to tax the people arbitrarily for having divine service performed in their own temples. No government would now lend itself to such iniquity. Still we have just seen that, even without such open support, enough can be achieved to exasperate the most long-suffering people and goad them into momentary frenzy.

The question naturally arises: What is to be done? It is a momentous one, and might partly be answered by showing what ought *not* to be done—*i.e.*, by a review of the legislative measures, hostile or propitiating, which have been tried in different countries and at various times, and have utterly failed, as well as of the causes why they failed. Brafmann's “Kahal” and his other book, “Hebrew Corporations, Local and Universal,” contain valuable material toward working out the problem; but it is not at the end of an already long paper that this feature of the subject can be considered—a paper, too, of which the special object is only to vindicate the age in which we live from the odious imputation of “intolerance and religious persecution,” unthinkingly and indiscriminately brought against it. Yet the impression conveyed would be incomplete, nay, the entire tenor and drift of the paper might be misconstrued, without at least a hint at the solution which is desired and openly advocated by all enlightened Russians as represented by our liberal press. Briefly stated, it reads as follows:

The legal emancipation of the Jews, begun years ago by granting them the right of buying and holding land, of entering the universities, and various smaller concessions, must be completed. They must share both the rights and the duties of their Christian and Mohammedan fellow-subjects, without restraints or privileges. As the first step toward such a consummation, the Kahal must necessarily be abolished, or at all events shorn of its power—a thing very easily achieved by simply depriving it of the right of levying box-duty on the slaughtering and sale of *kòsher* meat, and forbidding the sale of *tréf* to Christians. This would at once release the Jewish population from an intolerable pressure by delivering them from an irksome duty, and by depriving the town-

councils of the means of enforcing their arbitrary separatistical ordinances by recourse to “the power of the *goim*.” The taxes would then be collected from the Jews directly by Government officials, in the same manner as they are from all other subjects; they would be brought under the census, which they have always been able to elude until now,—and all this would place them in a direct and normal relation to the rulers of the land, without in the least interfering with the full exercise of their religious worship and national customs. Left to themselves and freed from all restraint with regard to their place of residence, the process of assimilation would soon begin, and the number of Jews who discard the Talmud and keep to the simple Mosaic law in its wider and more liberal application would annually increase. But if the Government, at this critical moment, recoils from this radical change, and contents itself with half-measures, denying its Hebrew subjects their full share of civil rights and at the same time upholding the artificial separatism so baleful in its effects, the same state of things will be still further perpetuated,—consequently, the causes being unchanged, the effects will be identical, and the same deplorable scenes will be enacted from time to time,—scenes which every other European country has witnessed, and would see now, had not a wiser legislation made their recurrence impossible.

Editor’s note:

This article is reformatted with minor updates. For example, the city of Kief has been changed to Kiev, etc. The layout is changed into a single column format, instead of the original two column setting. Other than small improvements like that, this booklet is true to the original source, which can be found at

<http://cdl.library.cornell.edu/cgi-bin/moa/pageviewer?frames=1&cite=http%3A%2F%2Fcdl.library.cornell.edu%2Fcgi-bin%2Fmoa%2Fmoa-cgi%3Fnotisid%3DABP2287-0023-273&coll=moa&view=100&root=%2Fmoa%2Fcent%2Fcent0023%2F&tif=00007.TIF&pagenum=905>.

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