

Excerpts from the 1892 Foster Commission Report

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[Editor's note: These laws are an incomplete set, and are summarizations only. While I believe the content is accurate, the dates in parentheses () are not reliable. In some cases, they are the dates the law appeared in some document, rather than the date they were actually enacted, often much earlier. Since the collection contains many laws from 1873-1890, it is a good supplement to the Levanda Index. In the text, "N.B." means 'note well' from the Latin *Nota bene*.]

AN ABRIDGED SUMMARY OF LAWS, SPECIAL AND RESTRICTIVE,
RELATING TO THE JEWS IN RUSSIA, BROUGHT DOWN TO THE YEAR 1890

General observation. -- It must be remarked that many of the laws here given contradict one another. This fact must not be regarded as involving any inaccuracy in transcription or translation. In Russia, laws are piled on one another without satisfactory consolidation. Hence the contradictions, which as they exist in the original text, exist also in this summary.

ON RELIGION.

- A married (man or woman) who adopts the orthodox Christian faith must sign a declaration to the effect that (he or she) will endeavor to convert (his wife or her husband) to the same faith. (1887.)
 - Should either a husband or wife (but not both) adopt orthodoxy, both are prohibited residency outside the pale of Jewish settlement. (1857.)
 - If a Jew or Jewess converted to the Christian orthodox religion does not agree to continue his or her life with the spouse remaining in the Jewish religion, the marriage is dissolved, and the convert can marry a person of the orthodox religion. (1887.)
 - Jews on reaching their fourteenth year, may be received in the orthodox church without permission of their parents or guardians. (1876.)
 - The Minister of the Interior may allow Jewish children to be converted to any of the Christian denominations that are tolerated in the Empire, even without the consent of their parents. (1876.)
 - If either husband or wife adopts Christianity, the children under 7 years of age of the same sex as the convert shall also be baptised. (1876.)
 - Every convert to Christianity shall receive a monetary payment of from 15 to 30 rubles, without distinction of sex, and children half that sum. (1876.)
 - Rural communities of Jewish agriculturalists shall keep apart from settlers belonging to another persuasion. (1876.)
 - For the office of rabbi, only such persons are eligible who have passed a course of instruction either in the old Rabbinical schools, or in a training college for teachers, or in one of the public higher or middle class educational establishments. No one, except the rabbis or their assistants, may perform the rites of the Jewish faith. Marriages or divorces not having taken place before the rabbi or his assistant, will be considered illegal. (1886 and 1887.)
- N. B. -- Both Rabbinical schools were closed in 1873, i.e. seventeen years ago. Of the two training colleges for teachers, one, namely, that of Zitomir, was closed in 1885. Besides, when these colleges were founded, it was ordained by law, that such pupils as intended to become rabbis should not be received. As to the public educational establishments, it is well known that there neither the Hebrew language, nor the Hebrew religion is taught, but only such branches of knowledge as have nothing in common with Jewish theology. Consequently, such so-called crown rabbis must necessarily be elected who receive their education at the higher and middle class public establishments, but who are absolutely unable to perform religious rites which require theological knowledge. Thus it comes to pass, that the religious requirements of the Jewish communities can not be provided for in a legal manner.
- Synagogues and houses of prayer in the same streets and squares where orthodox churches exist must be situated at a distance of at least a hundred *sazhen* (1 s. = 2.13 meters) from the latter.

- Public prayer and worship may only be held in the synagogues and houses of prayer. Jews holding divine worship in their houses without permission of the authorities will be punished by law. (1876.)
- The establishment of synagogues is allowed only in places where there are no less than eighty Jewish houses, whereas houses of prayer can be started only in places where there are not less than thirty Jewish houses.
- Robbery of articles used in public worship, and of effects appertaining to the synagogue, is not considered as sacrilege. (1885.)

ON DUTIES TOWARDS THE STATE.

I. --*Military duties.*

- A person who is not a Christian, but whose brother has adopted orthodoxy and lives apart, will not have the right of exemption as the only support of the family. (1877, 1885.)
- Those who do not contribute to the support of the family forfeit the right of exemption of the first or second class. But this law does not apply to converts to Christianity. (1886.)
- The rules laid down in sec. 51 of the law on military duty, according to which persons called out for services or being already in service can offer as substitute a brother or another relative do not apply to Jews. (Law of 31st, January, 1889.)
- Jews can not be elected by their town as members of recruiting committees. (Imperial order of May 20, 1874.)
- In the Kingdom of Poland also, Jews can not be elected members of the recruiting committees. (1874.)
- No documents of any kind affording the right of carrying on a trade or a profession will be issued to Jews under any condition, except when they have produced evidence that they have been registered in the recruiting districts. (1886.)
- The removal of the names of Jews to divisions of other districts or governments is only permitted if they have resided in the locality to which they wish to belong not less than two years. (For non-Jews a previous residence of only three months is required.) In case of removal to divisions outside the pale of settlement, they lose all rights of exemption accruing from certain conditions of family relations. (1886.)
- The military authorities have the right to submit Jews, whose entering the service has been postponed on account of bodily infirmity or insufficiently developed muscular strength, without notice, to a medical examination; such authorities not being obliged to pay any regard to the time prescribed by law for this purpose. (1886.)
- Jews who have adopted orthodoxy, will, before they have entered the service, and notwithstanding the classification according to denominations, be considered as Jews. But once they have entered the service they will be considered as Christians. (1886.)
- Should there be in a district a deficiency in the number of Jews eligible as recruits, either of those not exempt, or of those who on account of family conditions have a right to exemptions of the third or the second class, it is permitted to draft into the army such Jews as enjoy the exemption of the first class. (1886.)
- The family of a Jew who has evaded the fulfillment of his military duties will have to pay a fine of 300 rubles. The amount of the reward paid to anyone arresting a Jew who has evaded his military duties will be fixed by the Minister of the Interior. (1886.)

II. --*Taxation.*

Over and above the ordinary assessments to which the rural population and the inhabitants of the towns are liable, the Jews have to pay the following special taxes:

- I. The "Box tax" which again is subdivided into two classes: (a) universal or general, (b) private or subsidiary.

The general tax is levied:

- (1) On every animal which is slaughtered kosher;*
- (2) On every bird which is slaughtered kosher;*
- (3) On every pound of meat which is sold as kosher;*
- (4) Penalties and fines for evasions of the law on this point are to be utilized for the objects for which the tax was instituted.

The subsidiary tax levied from the Jews consists of:

- (1) A certain percentage on the rents of the houses, shops, and warehouses of Jews.
- (2) A certain percentage on the profits of factories, breweries, industrial establishments, and other trade enterprises carried on by Jews.
- (3) A certain percentage of the capital bequeathed by Jews.
- (4) A tax on apparel specially worn by Jews and Jewesses. For the wearing of a skull cap a tax of 5 silver rubles a year is levied. (1857.)

- II. Candle tax (on Sabbath lights), amounting to 230,000 rubles a year. (Ibid.)

- III. Tax on printing offices, amounting to 20 rubles for every printing press worked by hand, 120 rubles for every small machine press, and 200 rubles for every large or double machine press. (1886.)

* According to Jewish rite and declared fit for food. The tax is farmed, and adds *2d.* or *3d.* to the retail price of meat.

ON THE EDUCATION OF JEWISH YOUTH.

- Jewish children are admitted only in the public and private educational establishments of places in which their parents have a right of residence. (1876)
- The issue of subsidies formerly granted to Jewish boys and girls receiving their education in the public educational establishments superintended by the Ministry of Public Education from the sums set aside for the education of the Jews, and amounting to 24,000 rubles annually is abolished. (1875)

N.B. - In accordance with section 967 of the same volume, Jews who have passed a public middle-class school are allowed to enter universities, academies, and other higher educational establishments without restriction. In 1880 the authorities commenced to restrict the number of Jews so entering. In 1882 the number of Jewish students in the Military Academy for Medicine was limited to 5 per cent. At present, no Jews at all are admitted to this academy. In 1883 the number of Jewish students in the Mining institute was also limited to 5 per cent. About the same time their number was also limited in the Engineering Institute for Public Roads. In 1885 the Jews at the Technical Institute at Charkoff were limited to 10 per cent. In 1886, a prohibition was issued against the admission of any Jews at all at the Veterinary Institute at Charkoff. In 1887 the number of Jews to be admitted at the Institute of Civil Engineers was fixed at 3 per cent. And finally, in accordance with the proposals of the committee of ministers, which received the

Imperial assent on Dec. 5, 1886, and June 26, 1887, the Minister of Public Education obtained the right of restricting the number of Jewish pupils in the educational establishments generally. The Ministry thereupon limited, in all schools and universities, the number of Jews residing in places within the Pale of Settlement to 10 per cent, in places outside that Pale to 5 per cent, but in St. Petersburg and Moscow to 3 per cent of the total number of pupils in each school or university.

- Jews are not allowed to hold university scholarships derived from the public treasury, and can only enjoy scholarships derived from private endowments. (1885)

- The proceeds of the candle tax is to be applied to the building of Jewish schools.* (1857)

N.B. - The rabbinical schools of Wilna and Zitomir have been converted into training colleges for teachers. The Jewish state schools for secondary education have been closed by Imperial order.

* As a matter of fact the money is frequently used for other purposes unconnected with educational or other wants of Jews.

ON PERSONAL STATUS AND RIGHT OF SETTLEMENT AND MOVEMENT.

- The Jews are declared to be aliens, whose social rights are regulated by special ordinances. (1876)

I. Permanent residence within the Pale of Jewish Settlement.

- In the whole Russian Empire (exclusive of the Kingdom of Poland) the Jews are prohibited from permanently residing or settling anywhere, except in the following fifteen gubernias: Bessarabia, Vilna, Vitebsk, Volhynia, Grodno, Ekaterinoslav, Kovno, Minsk, Mohilev, Podolia, Poltava, Taurida (except Sebastopol), Cherson (except Nicolaiev), and Tshernigov, also in the gubernia of Kiev, exclusive of the city of Kiev. These gubernias are, therefore, called the Pale of permanent Jewish settlement. (1886)

- Jews who are merchants of the first guild* may live in the city of Kiev, but only in the Libiedsky and Plossky districts of the town.

- In the towns Nicolaiev and Sebastopol the right of settlement, of carrying on a trade, or the business of contractor, or of obtaining house or landed property, is granted only to Jewish merchants of either guild.

- Jews are prohibited from residing permanently in the western gubernias situated next to the frontier, and also in Bessarabia within 50 versts of the frontier. From this rule are excepted those Jews who were registered in these localities before 27th October, 1858, or who possessed before 27th October, 1858, house and landed property in these localities, although they did not belong to such communities.

* The monetary qualification for this guild is payment of taxes of not less than 1,000 rubles per annum -- of course, a very exceptionable condition.

II. Permanent residence outside the Pale of Jewish Settlement.

- Outside the above-mentioned fifteen gubernias only those Jews are permitted to reside who can be classed under the following categories:

- (1) Merchants of the first guild, both of the Russian Empire and of the Kingdom of Poland, who have satisfied the special conditions established by law.

- (2) Jews who have a diploma of doctor of medicine and surgery, or of doctor of medicine; or

who have a diploma of doctor or master of one of the other faculties of the university.

(3) Jews who have discharged their military duties in accordance with the recruiting law and belong to the reserve; also those soldiers and non-commissioned officers who have unlimited furlough.

(4) Jews who have passed the higher educational establishments, inclusive of those for the study of medicine.

(5) Graduates in pharmacy, dentists, and surgeons, also midwives.

(6) Jews who are studying pharmacy, surgery, and midwifery.

- In the gubernia of Courland, as also in Shlok (Livonia), only those Jews may reside permanently who were registered there according to the revision before April 13, 1835. Of the Jews settled in Shlok, only those shall be allowed permanently to reside in Riga who had settled there before December 17, 1841. The settlement of Jews in Riga, whether from other gubernias or from Shlok, is prohibited.
 - Jews from Bokhara and Khiva, as also Jews of other Central Asiatic dominions, may become Russian subjects and be registered in the frontier towns of the districts of Orenburg and Turkestan; but only on condition that they belong to a merchant guild, and that the rights of other Russian Jews be granted them. (1886)
 - In the military territory of the Don, and in the old districts of Rostov and of Taganrog, at present incorporated in the Don territory, the settlement of Jews is prohibited.*
 - In the Government of Stavropol and in the transcaucasian territory, only those Jews are allowed to remain who lived there before May 12, 1837, and formed settlements of their own. (1857)
 - Jews are not permitted to enter, or to settle in Siberia. (1887)
 - The settling of Jews in Siberia for the purpose of following agricultural pursuits is prohibited. (1876)
 - Wives of Jews who have been exiled to Siberia are permitted to follow their husbands. But the husbands of Jewesses exiled to Siberia may not follow their wives. (1857)
 - Jewish exiles in Siberia are prohibited residence within a hundred versts from the Chinese frontier, and in general, from the frontier of all tribes not under the dominion of Russia. (1886)
 - Outside the places of permanent Jewish settlement Jews may adopt as children, in accordance with the general laws, only such of their coreligionists as have themselves a right to reside in all places of the Empire. (1889)
 - Jews are not permitted to dwell in the Grand Duchy of Finland.
- N.B. -- No such law exists among the laws of Old Finland, which were accepted by the Imperial Government on annexation, nor in the "Collection of Laws of the Grand Duchy of Finland" issued annually by official order from 1827 to 1890.

* This includes a district of great importance, hitherto largely populated by Jews engaged in commerce, who had been always allowed to settle there, being a part of Ekaterinoslav gubernia, and thus in the Pale of Settlement, but detached therefrom on May 19, 1887.

III. Temporary residence within the Pale of Jewish Settlement.

- Only temporary residence of Jews in the cities of Kiev and Sebastopol is permitted, and only for the following purposes:
 - (1) In order to take possession of an inheritance.
 - (2) In order to establish legal claims on property in courts of justice and in government offices.

(3) For business transactions or anything connected with government contracts; but only if such transactions take place in towns where Jews may permanently dwell.

Besides in the above-mentioned cases of residence, the Jews are permitted to enter the city of Kiev only under the following circumstances:

(a) For military duty; (b) for business during the fair; (c) for importing and selling articles of food in the markets and in the harbor; (d) for transporting passengers and forwarding goods; (e) for purchasing materials; (f) for delivering the products of their own handicraft; (g) for using the mineral waters or for attending the hospitals; (h) for attending the educational establishments; (i) for learning a handicraft.

Whenever a Jewish visitor of any of the above denominations is obliged to remain in Kiev more than twenty-four hours, the police may give a printed license, on which a special entry must be made in case the time is extended. Such extension of time is limited thus: By the expiration of the time of military duty; by the termination of the fair; by the market days. For carmen, for the purchase of materials, and for the settlement of accounts for work, by a fortnight. For invalids, by the completion of a course of mineral waters, or hospital attendance. For students, by the termination of the course of study. For apprentices, by the termination of the time fixed for the learning of a handicraft; and for those who arrive upon other business, by a maximum of six weeks. Those Jews who are temporarily in Kiev, being neither patients drinking the waters, nor being the wives or children of soldiers on active service, nor persons learning a handicraft, are only permitted a temporary residence in the Libedsky and Plossky districts of the town.

Jews from other towns who possess factories, or are merchants of one of the two guilds, are permitted to enter Sebastopol only for the purpose of doing business at the fairs, or, if they are contractors, for the supply of the Government with goods for that town; but for the sake of carrying on such business they are not permitted to employ Jews except those who are their servants or clerks. Jews living in the neighborhood of Sebastopol, and in other towns of the Pale of Jewish Settlement, are permitted to enter Sebastopol only for business on the established market days. Young Jews may only come to Sebastopol for the sake of learning a handicraft.

(1886)

- In the gubernias of Vitebsk and Mohilev, Jews are only permitted to reside in villages by special license, but they may not settle as ordinary inhabitants.
- In the gubernias of Vitebsk and Mohilev, Jews are allowed to work in the making of roads in the settlements, but only on the condition that, as soon as their work is completed, they have no longer a right to reside there. The same conditions must be observed in Courland in respect of Jews from the gubernia of Kovno, engaged in similar work. (1857)

IV. Temporary residence outside the Pale of Jewish Settlement.

- Temporary residence outside the Pale of Jewish settlement is permitted to the Jews only under the following circumstances:

(1) For the purpose of taking possession of an inheritance.

(2) For the purpose of establishing legal claims on property in courts of justice and in government offices.

(3) For business transactions or anything connected with government contracts; but only if such contracts take place in towns where Jews may permanently dwell. In all such cases, the police are authorized to permit the Jews to remain, but for no longer than six weeks. The authorities of such gubernias can not prolong their stay beyond two months unless they have obtained permission from the higher authorities. (1886)

- Jewish mechanics, distillers, and brewers, and generally master artisans and their journeymen, may reside outside of the Pale of Jewish Settlement, but, in order to obtain their passport (which is to be renewed periodically) they must produce a certificate of their calling in accordance with the rules established by law for that purpose. Young Jews under 18 years of age are permitted to live in places outside of the Pale of Jewish settlement, for the purpose of learning a handicraft, but only for a period of not more than five years.*
- Jewish cutters and tailors may live in places where regiments are located, or where military training colleges exist, but only until the term of their contract with the military authorities has expired. (1857)
- Jewish artisans may reside in the fortress towns on the eastern shore of the Black Sea and in the towns of Temruk and Suchum-Kale; also on the northwestern shore of the Caspian Sea; and in the town of Petrofsk; but only temporarily, and in such manner that the field of their trade activity does not extend beyond the boundaries of these towns. (1886)
- Jewish carmen, who have brought goods to places outside the Pale of Jewish settlement, are not permitted to remain in such places longer than a fortnight. (1857)
- Jewish merchants of the first guild, not yet qualified to settle outside the Pale, are permitted to come personally, or to send their accredited agents, to the capitals and other towns for the purpose purchasing goods; they may do so twice a year, on condition, however, that their total stay does not exceed six months of the year. Such merchants may visit the fairs at Nijni-Novgorod, Irbit, Charkov, and Summi, both for buying and for selling wholesale.
- Jewish merchants of the second guild are permitted to come personally, or to send their accredited agents, to the capitals and other towns, for the purpose of purchasing goods, only once a year for two months.
- Merchants of both guilds are permitted to visit the Christmas and summer fairs in Kiev, and carry on business there, both wholesale and retail, whether in Russian or foreign commodities. Their stay must terminate with the termination of the fair.
- Jews of the gubernias of the Kingdom of Poland may as a rule visit the gubernias within the Pale of Jewish Settlement; but only guild merchants may visit the other gubernias of the Empire and they only once a year, and then only for two months, for the purpose of doing business, of contracting with the Government for the supply of goods, but only for such places where Jews may permanently reside; and on condition that in case such transactions take place in the interior provinces of the Empire, and are being managed by themselves, no Jews be employed by them. (1886)
- Jewish tradesmen who are settlers of old standing in the transcaucasian territory may visit Astrachan to sell "Marena" dye, but only twice a year, and only for an aggregate of six months in any one year. (1857)

* In the report several cases are cited expelling artisans in direct conflict with the above privilege. We call attention to the fact that these laws are brought down only to the year 1890, since which time additional laws and regulations have been promulgated all in the direction of greater restrictions. In several cases referred to, renewal of permission to stay was granted and stamped on passports, and within a short time thereafter peremptory orders to leave within twenty four hours were endorsed on the same documents.

ON PASSPORTS.

- Jews within the pale of Jewish settlement are only permitted to dwell outside the towns in which they have been registered according to the revision, if provided with passports. (1857.)
- Jews can obtain licenses for traveling only into those gubernia where Jews have the right of permanent settlement. (Ibid.)
- Traveling within the Pale of Jewish settlement is permitted to Jews, provided they have a passport in which it is observed that such passport is only valid in places set aside for their permanent residence; and in the certificates issued to merchants it is indispensable that the religious persuasion of their holders be mentioned. (1878, 1889)
- Immediately on the arrival of Jews in the capitals the police are required to examine their passports and to inquire into their right of visiting such capital. Those who have no right to visit the capitals are to be immediately sent back to their places of residence. (1857.)
- Jews who do not own land abroad can not receive yearly license to go abroad.

ON THE RIGHTS OF PROPERTY.

- Landed estates, including also land which has been apportioned to peasants for their permanent use, can not be sold to Jews. (1887.)
- Land, and other appurtenances belonging to an estate, and which are not part of allotments made to peasants on their emancipation, may not be sold to Jews. (Ibid.)
- Estates in the Western and Baltic provinces, formerly belonging to the Jesuits, and which have to be sold by auction to satisfy the debts of their owners, can not be bought by Jews.
- Jews are not admitted to the public auctions of crown lands.
- Jews are not admitted to attend the public auctions of property mortgaged to banks and forfeited for nonpayment. (1857.)
- Jews are not admitted to public auctions of allotments of lands forfeited by peasants who have made default in payment of serfdom commutation tax, or State land tribute, or, in Bessarabia, their land rate.
- All Jews, without exception, are prohibited from purchasing landed property from landowners or peasants in the nine Western gubernias. (1886.)

N.B. -- The meaning of the foregoing seven laws is that Jews are not allowed to purchase landed estate anywhere.

- Throughout the Pale of Jewish settlement the issuing of title deeds of landed or house property and mortgages in the name of Jews is suspended, as also the registration of Jews as lessees of landed estate, situated outside the precincts of towns and townlets, and also the issue of powers of attorney enabling Jews to act as agents for the managing and disposing of such property.* (Ibid.)
- No Jews, even those who are merchants of the first guild, may purchase landed or house property in any part of the town of Kiev. Only those merchants of the first guild are excepted who, before being registered as merchants at Kiev, have been during five years merchants of the first guild in one of the towns with the Pale of Jewish settlement. (1886.)
- Jews possessing a diploma of doctor of medicine and of surgery, or who have a diploma of doctor, master, or ordinary first-class diploma in one of the other faculties of the University, do not transfer to their wives or their children their right of acquiring house property outside the Pale of Jewish Settlement. (1889.)
- With the exception of those who have a scientific university degree, all Jews are prohibited from obtaining, or renting, or farming landed property in the military territory of the Don, as also

in the districts formerly belonging to Rostov and to the city of Taganrog, but at present included in the Don territory. (1886,1887.)

- Jews are prohibited from obtaining landed property of any kind in any part of the Baltic Governments. (1869)
 - In the Baltic provinces Jews can not lend money on the security of house or landed property of any kind, either in the country or in the towns. (1864)
 - The acquisition of land or house property in Turkestan is prohibited to Jews not domiciled there. Jews born in the countries of Central Asia which are situated in the vicinity of Turkestan are subject to the common law relating to foreign Jews. (1887)
 - Land and house property which has been obtained by Jews by inheritance outside those places where they are permitted to possess such property must be sold by them in the course of six months. (1886)
 - The Jews are prohibited from renting mills and factories from the Crown in places where they are not allowed to reside. They are also prohibited from retailing intoxicating liquors on Crown lands, even in places where there are allowed permanently to reside, *i.e.*, in the Pale of Settlement. (1876)
 - The leaseholder of an estate belonging to the Crown, and situated in the Western and Baltic governments, may not sublet a country inn to a Jew. (1876)
 - Persons who have received temporary grants of Crown revenues in the Western and Baltic governments according to the privileges of 1775, and by imperial ukases, are prohibited from assigning their interests therein to Jews.
 - Jews are prohibited from being managers or stewards of inhabited estates, and from farming from the landowners the incomes they derive from the peasants. (1886)
 - In Courland, Jews may not farm the rents due by the peasants to the landowners. They are also prohibited from renting inns and public houses in townlets and villages.
 - In places where Jews may not permanently reside, they may not be admitted to the public auctions where chattels belonging to the Crown are being sold. (1887)
- N.B. -- Under the laws cited in the preceding heading, the Jews, with a few exceptions, are deprived of every right to acquire or hold house or landed estate outside the towns within the Pale of Settlement.

* This is one of the "May Laws" of 1882.

ON AGRICULTURAL PURSUITS AND HUSBANDRY.

- The application of a part of the income derived from the box tax to the training of Jews as agriculturalists is abolished.
- The Jewish Colonization fund, which was kept on deposit at the State Treasury by the Minister of Crown Lands, and at the Odessa treasury by the Cherson-Bessarabia superintendent of Crown lands, has been transferred to the funds of the Imperial treasury.
- Jews are prohibited from settling in Siberia for the purpose of becoming agriculturalists. (1857, 1886)

N.B. -- Acquisition or renting of rural property of any kind, as well as the settlement outside of towns, being prohibited to Jews, agricultural pursuits are rendered impossible to them. As an exception to the rule, some agricultural colonies which were established in certain places chosen by the Government in the reigns of Alexander I and Nicholas I still exist, but no new colonies are permitted to be established.

ON COMMERCIAL RIGHTS.

- Trading in the gubernias outside the Pale of Settlement without restriction is allowed only to Jews who have acquired the position of a merchant of the first guild while within the fifteen gubernias of the Pale.
- In order to become a merchant of the first guild in the above gubernias, a Jew must have been previously a merchant of the first guild in the Pale of Settlement for five years.
- The Jew who has become a merchant of the first guild and settles outside the Pale of Settlement, forfeits his rights, and is obliged to return into the Pale, if he ceases to pay the fees of the first guild, unless he has paid the fees for at least ten years. (1886.)
- Jewish merchants of the first guild, belonging to the Pale of Settlement, are allowed to visit the capitals and the other towns outside the Pale, for purchasing goods, only twice a year, and provided that both visits should not altogether exceed six months. (1886)
- In Siberia, merchant licenses are given only to the following categories of Jews: (1) to the children of Jewish convicts who came there with their parents or who were born there; (2) to Jewish convicts who have been condemned to deportation without loss of civil rights. (1887) N.B. -- It follows, therefore, that Jewish criminals and their sons are the only Jews who can obtain a license to trade in Siberia, certain parts of which are extremely prosperous and full of natural resources.
- Jews of the Western gubernias, not belonging to any guild, may not take any Government contract or farm royalties, nor may they sell wholesale by powers of attorney anything belonging to a member of the nobility, nor carry on business within the Empire and beyond the frontier, even if it be only to forward and sell actual land produce. (1887)
- Jewish merchants of the first guild in the Pale of Settlement, may receive goods directly from the capitals and from the ports, but only wholesale, and only through firms residing at those places, or by means of correspondence with the manufacturers. Jewish merchants of the first guild are prohibited from employing Jews in the management or superintendence of contracts concluded by them in the interior provinces.
- The sale of products of gubernias within the Pale of Jewish Settlement may be effected by Jewish merchants of the first guild of the Pale, in the capitals and ports, but only wholesale, and with the help of Christian employees, or local merchants, or by mercantile firms, or by means of correspondence with the manufacturers. But such Jews are forbidden personally to sell goods in the capitals and ports, or to open shops at these places, under pain of immediate expulsion and confiscation of their goods.
- Within the Pale of Jewish Settlement, Jewish merchants of the first guild may, by order of Christians residing in other gubernias, clear goods from the custom-house which their owners would be entitled to receive through the custom-house situated in the Pale.
- Such Jews are, however, prohibited from selling their own goods which they have to receive and which have to pass through the same custom-houses, outside the Pale of Jewish Settlement, even though they employ Christians for the purpose.
- Jewish merchants of the first guild, belonging to the Pale, may sell foreign goods at the fairs of Charkov and Summi, but only wholesale. At other fairs they may not sell foreign goods, whether on their own account, or as consignees.
- Foreign goods, which require to be sealed by the custom-house officers may not be brought to the fairs by Jewish manufacturers, viz, neither to Nijni-Novgorod, Irbit, Charkov, nor Summi; although such goods may have undergone a certain manufacturing process at their factories. e.g. by dyeing, etc.

- Jews visiting places where they are only allowed to reside temporarily for business transactions, may not during their visit sell goods in a house or by hawking them in the street, and any infraction will be punished by law.
- Jews are prohibited from acting as commission agents of any foreign firm for sending goods from the custom-houses at the frontier to places where Jews may not permanently reside.
- The custom-house officers may not accept a declaration from Jews, or from their agents or employees, nor may they issue a license for the passing of goods belonging to Jews destined for the custom-houses of gubernias outside the Pale of Settlement. (1886)
- Everyone may keep his books in whatever language he likes, except the Jews. They are obliged to use either Russian or the language in business use at the place where they live, but in no case Hebrew. (1887)
- Jews can not act as agents for contractors for delivery and supply of goods in any place where they themselves have no right to be contractors for the delivery and supply of goods.
- In places of permanent Jewish settlement, Jews are prohibited from carrying on business on Sundays, and on the principal Christian holidays.

N.B. -- One of the May Laws. This is a great hardship in those towns where the Jews form the great bulk of the population. In many towns, Sunday is the legal and customary market day. There is no restriction to the Sunday trading of Mahommedans and other non-Christians.

- Jewish merchants of the first guild who, observing the conditions established by law, settle in places outside the Pale of Jewish Settlement may take with them Jewish clerks and domestic servants, that is to say, in both the capitals as many as the local governor and the governor-general will allow; in the other cities of the Empire not more than one Jewish clerk or employee, and not more than four servants, for every family. (1886)
- Jews who hold a university diploma or a scientific degree, and who enjoy by law the right of residing in any place in the Empire may (for the purpose of carrying on business and industrial pursuits), during the time of their residence outside the Pale of Jewish Settlement have with them beside the members of their families, domestic servants from among their coreligionists, but not more than two. Such of them as become merchants of the second guild may, besides, have a clerk or employee of their own faith.
- Shares in the company of the "Upper and Middle Market Rows", in the Krassnoi Square in Moscow, may not be transferred to Jews, even if they become converts to orthodoxy, because only persons born Christian are allowed to obtain such shares. (1890)
- Jews may not possess shares in the joint stock company for the manufacture of sugar Kordelefka, in the district of Vinitza, in the government of Podolia; they may not be members of the board of that company, nor be appointed to the office of manager or trustee. (1890)

ON THE TRADE IN INTOXICANTS.

- Jews may deal in intoxicants only in places where they are allowed to reside permanently, but not otherwise than in their own houses. Jewish potmen may be employed, but only in public-houses belonging to Jews. (1887.)
- Outside the boundary of towns and hamlets, Jews may carry on business in spirits, but only in houses which are their own property, built on ground belonging to them, and acquired by them before 3d May, 1882. But Jews may not deal in spirits in houses and on ground belonging to them only for life, or of which they have only a lease. (Ibid.)
- The brewing of beer and mead for their own domestic use is permitted in such Jewish settlements as contain not fewer than ten houses. (Ibid.)

- Retired soldiers and noncommissioned officers of the Jewish faith, settled in places outside the Pale of Jewish Settlement, in accordance with the old privilege, shall not enjoy the right to deal in spirits in such places. (Ibid.)
- In the gubernias of the Kingdom of Poland, Jews are permitted to retail spirits, but only in towns and townlets, and in such villages as are inhabited by Jews only. (Ibid.)
- Jews who have the right to reside permanently in Siberia may not carry on business there in intoxicants. (Ibid.)
- Jews who have removed to Turkestan from the interior gubernias of the Empire are prohibited from manufacturing and dealing in intoxicants in Turkestan. (1889.) The clauses of the law forbidding the opening of establishments for retailing beer and spirits in the vicinity of churches, houses of prayer, mosques, etc., do not apply to the vicinity of Jewish synagogues and houses of prayer. (Ibid.)

ON INDUSTRIAL PURSUITS.

- Jews are not permitted to occupy themselves in gold mining in places where they are prohibited to reside permanently.
- Jews not being allowed to occupy themselves in gold mining can not be agents for others in that industry.
- In those places where trade guilds exist, plasterers, bricklayers, masons, quarrymen, carpenters, and paviors, as also servants, are exempt from belonging to such guilds, but not if they belong to the Jewish faith. (1887.)
- In places of permanent Jewish residence Jews can not be elected as masters of trade guilds. (Ibid.)
- In the committee of trade guilds, consisting of Christians and Jews, the master and vice-master must be non-Jews. (Ibid.)
- In places of the Pale, the governing body of such guilds are obliged to take note of all Jews as have joined the guild, so that those Jews may be expelled from the guild who have not followed their calling during six months, without sufficient cause. (Ibid.)
- Jewish workmen are allowed to have Christian apprentices only when at least one of their foremen is a Christian, and when they have obtained a special authorization from the committee of the guild. (Ibid.)
- Jewish artisans residing outside of the Pale of Settlement may sell only the products of their own work; a license of a guild merchant obtained by these Jews does not give them the right of selling articles not of their manufacture. (1874.)
- Jewish photographers are not permitted to open photographic establishments outside the Pale of permanent settlement, nor to enjoy as artisans the right of residing there. (1875.)

ON CIVIL SERVICE.

- It is prohibited to receive Jews into the civil service, except those of the following categories:
 - (1) Jews who have the scientific degree of doctor or master, or the first-class university diploma, may be admitted in any part of the Empire.
 - (2) Jews who have a diploma of a physician of the second class are admitted into the public medical service only within the Pale of Settlement. Outside of the Pale they are admitted only in the department of the Ministry of Education, and of the Ministry of the Interior, but not in St. Petersburg or Moscow, or in their respective provinces.
 - (3) In the civil service of the Army the proportion of Jewish surgeons is limited (since 1882) to 5 per cent. Promotion is given to them only up to the fifth medical class, but with the consent of the chief commanders of the military districts. To posts above the first class they are not to be

appointed at all. In a hospital there may be only one Jewish surgeon. To the district medical administration offices, to the chief medical administration offices, as well as to hospitals and offices in fortresses, they are not to be admitted at all. (Imperial order, April 10, 1882)

- The same rule as to the 5 per cent proportion is to be applied to military surgeons' assistants and surgeons' apprentices. (Ibid)

N.B. -- In fact, even the Jews who possess all the exceptional qualifications determined by the law are not admitted as a rule into civil service, even for the most subordinate positions. Lately, notwithstanding the foregoing permissive laws, no Jews have been admitted as army surgeons.

- The board of judges, and the council of sworn advocates, may receive among the number of private and of sworn advocates persons who are not Christians; but they may not accept them without the express permission of the Ministry of Justice. (1889)
- A special permission of the Ministers of the Interior and of Justice is required for the reception of non-Christian private attorneys in the district sessions. (1890)

N.B. -- Since the two foregoing regulations were enacted not one Jew has been admitted as sworn advocate or private attorney.

ON REPRESENTATION.

- The election of Jews, in places of their permanent residence, to offices which they are allowed to fill, and which are of secular communal interest, can be effected only by their own congregational body, and apart from the elections for the same offices made by the Christian community.
- The number of non-Christian members of a town council may not exceed one-third of the entire number of members. (1886)
- The number of members of the committee of the bourse in Odessa not professing the Christian religion must not exceed one-third of the entire number of members. The president of the committee and the government broker may not be Jews. (1890)
- A Jew is not eligible for the post of mayor, nor can he act as his *locum tenens*. The number of non-Christian deputies in the municipal council may not exceed a third of the entire number.
- As Jews have no right to fill the duties of a mayor, they are altogether excluded from the presidency of municipal meetings. (1879)
- Jews are not admitted at all to take part in the election of members for the local district and provincial assemblies, nor can they be elected to any office in these bodies or their boards. (1890)
- By virtue of a general rule as to the eligibility of Jews it is enacted that in the composition of official bodies not more than a third may consist of Jews, so that the two-thirds and the president must be Christians.
- Jews may not be elected to fill the office of president of school boards, whether in district or in provincial towns, nor can they be chosen as members of the same by rural or urban electors. (1889)
- Jews are not eligible for the offices of mayor or police counselors. Nor may they fill any other duties necessary in a town, which either have to be filled exclusively by Christians or which from their nature can not be conveniently and decently intrusted to Jews.
- In the nine western provinces, as also in the governments of Bessarabia, Ekaterinoslav, Poltava, Taurida, Cherson, and Tshernigov, on the appointment by rotation of thirteen jurors and three substitutes, the rule is to be observed that the number of Jews be in proportion to the number of Christians as the number of Jewish inhabitants of each district to the total population. (1886)

- In the nine western governments, as also in the governments of Bessarabia, Ekaterinoslav, Poltava, Taurida, Cherson, and Tshernigov, the foreman of a jury may not be a Jew. (1886)
- In the Kingdom of Poland Jews can not be elders of a hamlet unless it is exclusively inhabited by Jews.
- Jews are eligible for the office of "lavnik" in hamlets inhabited by a mixed population, but only in cases in which they comprise not fewer than a third of the population.
- Jews can be elected to the office of "soltiss" (bailiff) only of such hamlets as are exclusively inhabited by Jews.

ON MILITARY SERVICE.

- Jewish recruits may not be employed in guarding a quarantine district. (1886.)
- Jewish privates and noncommissioned officers may not be employed to guard the frontier.
- Jews may not serve in the Navy.
- Jews may not serve as gendarmes in the districts of Warsaw and in the Caucasus; even such Jews as have embraced orthodoxy are disqualified from this office.
- Recruits of Jewish extraction may not be employed in the Navy, nor in the local divisions, nor among the minors and sappers, nor in the commissariat service, nor as clerks. Recruits of all other denominations, who serve in the districts of the Amoor, have the right to take their families with them at the expense of the state, on condition of their settling permanently in that district on their entering the reserve. But Jewish recruits have not that permission. (1889.)
- Jewish soldiers and noncommissioned officers who are converts to orthodoxy may not serve in any regiments or divisions permanently stationed in gubernias where Jews are registered. (1859, 1861.)
- It is not allowed to employ Jewish soldiers as attendants upon officers. Jewish medical officers in the army, on the other hand, may employ none but Jewish attendants. (Ibid.)
- Although Jewish privates may be promoted to become noncommissioned officers and clerks, yet no further promotion to any military post or position as officer is allowed. (Ibid.)
- Soldiers and noncommissioned officers of the Jewish faith, notwithstanding they may have served their time and fulfilled the required conditions, may not be appointed as porteepee youngers* or become candidates for any post as officer. (Ibid.)
- Jewish soldiers and noncommissioned officers who belong to the reserve, although they may possess a degree in chemistry not lower than that of dispenser, may not, in case of a mobilization of the army, be appointed to fill the post of army dispenser. (1888.)
- Jewish soldiers and noncommissioned officers are not allowed to enter the schools for the training of officers. (Ibid.)
- In case Jews pass the examination in the subjects taught at the military schools the following words shall be omitted from their certificate: "As far as their knowledge is concerned, there is no objection to admitting them to the military schools." (1882.)
- Since 1887 Jewish volunteers are no longer admitted to the examination for the rank of officer, either in the military schools or in those for the training of officers or by special commission.
- Since 1889 Jews are no longer permitted to serve in the army as bandmasters, and of young Jewish soldiers no greater proportion may be appointed as musicians than one-third of the total number of members of the band.
- Jews belonging to the reserve or being substitutes for those entering active service, according to the regulations of the military law, have no right of residence outside the Pale of Jewish Settlement. (1885.)

- The law which forbids Jews from residing outside the precincts of towns and townlets applies also to Jews belonging to the reserve or having unlimited furlough, who have completed their military duties according to the previous recruiting law. (1885.)

* An upper degree of noncommissioned officer permitted to carry swords.

ON LEGAL PROCEDURE IN REFERENCE TO THE JEWS.

- In gubernias where Jews are permitted to reside permanently they are allowed to give evidence in actions concerning such of their coreligionists as have embraced Christianity, but only in such cases where a sufficient number of Christian witnesses can not be found.
- In actions concerning Jews who have embraced Christianity, Jews may not be admitted as witnesses if an objection is raised against such admission.
- In the form of oath specially administered to Jews the following extra words must occur: "With a pure heart and without mental reservation, but in accordance with the thoughts and intention of those who administer the oath to me." (1886)

ON PUNISHMENTS.

- No persons, except rabbis authorized by the Government, and their assistants, are allowed to perform the ceremonies of the Jewish religion, as laid down in the law concerning alien religious denominations. Those who infringe this regulation are liable to the following penalties: For the first offense, imprisonment from fourteen days to four months; for the second offense, to penal servitude for four years. The head of the family at whose instance such ceremony has been performed, has to pay a fine not exceeding 20 rubles.
- Non-Jews, guilty of concealing military deserters, are liable to imprisonment from two to four months, or to military arrest from three weeks to three months. But a Jew who has concealed a Jewish deserter, even during ever so short a time, is liable to penal servitude from twelve to eighteen months. In addition to this, the members of the Jewish community where a Jewish deserter has been concealed will be sentenced to a fine not exceeding 300 rubles. (1885)
- If a non-Jew evades the fulfillment of his military duties, the liability, according to sections 506-520, to punishment lies only upon him personally. But if a Jew evades the fulfillment of his military duties, his family is liable to a fine of 300 rubles, over and above his own personal responsibility. (1886)
- Non-Jews convicted of contraband importation of foreign goods, and of smuggling in general, or of participation in the same, are liable to punishments laid down in Penal Code, secs. 744-764, 766-781, 784, 787, 790, 801-817, 819-821. But Jews, besides the ordinary punishment, will be removed to a distance of 50 versts from the frontier, not merely if convicted of smuggling, but even if suspected of that offense. They may be thus removed with their families without a regular sentence by a judge, and merely on the requisition of the custom-house authorities. (1886)
- Persons of all denominations, other than Jewish, who have infringed the regulations as to the education of youth, are liable to pay the fines laid down in secs. 1049-1052 of the Penal Code. But Jewish teachers (melamdim), for the same offense are liable, for the first and second offenses, to a fine of twice the amount of the penalty to which non-Jews are liable under the same circumstances; for the third offense, over and above the payment of the fine, to an imprisonment of four to eight months.

- Jewish colonists, if guilty of negligence in their occupation, or of carrying on a trade not permitted them, are liable for the first offense to imprisonment of two to four months, for the second offense, to double that punishment, for the third offense to penal servitude for four years.
- Those who are guilty of building synagogues or houses of prayer without permission, or who have built such within the distance from Christian churches prohibited by law, are liable to a fine not to exceed 200 rubles.
- Persons of all other denominations who carry on a trade not permitted them by law are, if found guilty, liable, according to section 1169, to a fine not exceeding 300 rubles. But Jews who carry on any trade outside the pale of Jewish settlement are punished by the confiscation of their goods and immediate expulsion.
- Non-Christians who have performed the ceremony of marriage on persons who have not reached the age prescribed by law, or who have performed an illegal divorce, will, as well as their accomplices, lose their posts and be imprisoned for a period of two to four months. But rabbis convicted of such breach of the law for the second time will be punished with penal servitude for four years.

ON REGULATIONS AS TO FOREIGN JEWS.

- Foreign Jews who obtained by inheritance house or landed property in Russia must sell the same within the period of six months. (1887)
- Foreign Jews who are not Karaites are not permitted to immigrate into Russia, or become Russian subjects.
- Every foreigner on producing his passport will be required to declare, among other things, to which religious denomination he belongs. (1886)
- Foreign Jews shall be furnished with passports, on which it shall be expressed that the same is valid only for such places where the Jews may permanently reside.
- Foreign Jewish subjects known from their social position and from their large business transactions, on visiting Russia, are permitted to carry on their business within the Empire, and to found banking houses, subject to their becoming merchants of the first guild. This can take place only if a special permission has been granted to that effect by the Ministers of Finance, of the Interior, and of Foreign Affairs; such permission must be solicited again at every renewal of the merchant guild certificate. (1887)
- All foreigners who visit Russia for the purpose of transacting business, either without becoming Russian subjects or with the intention of becoming Russian subjects, are required first to produce a certificate from a foreign Consistorium or any other high clerical authority, to the effect that they and their families are Christians. The same law applies to those who arrive from the Kingdom of Poland, and from the Grand Duchy of Finland.
- Jews from Roumania who have no means of subsistence will not be admitted into Russia. (1886)
- The local authorities shall keep a strict watch that no foreign Jews reside under Christian names in places where they are prohibited to stay. (1886)
- Foreign Jews may not manage or farm inhabited or uninhabited estates.

General observations. -- The restrictive laws herein before enumerated, the stringency of which is sufficiently obvious, give a very inadequate idea of their full working effectiveness. Their practical working is intensified by a series of rulings by the Senate (the court of judicature), which has almost invariably interpreted the laws in a sense unfavorable to the Hebrews. It may

therefore be readily understood that these laws are not only applied, but overstrained in their scope and intention by the Russian officials.

Background Note

The above information was extracted from a report commissioned by Charles Foster, U.S. Treasury Secretary, in 1891. At the time, U.S. immigration was administered by the Treasury Department. The purpose of the Commission was to determine "the principal causes that incite emigration to the United States", as well as whether current immigration laws were being followed or abused by the steamship companies and others. The Commission members, separately and together, spent months traveling throughout Europe and Russia, within the Pale of Settlement and outside it. With the assistance of virtually every U.S. Consul in Europe, the commission members had little trouble accumulating the information they wanted and interviewing whomever they wished. To their credit, they not only met with the major players, steamship executives, immigrant aid groups, etc., but also spent considerable time interviewing ordinary Jews. Their (fully indexed) report runs hundreds of pages, containing observations and an eclectic mix of raw research. The report provides insight on the mechanics of Jewish emigration from Russia, as well as laws regarding Jews. Among the material included is:

- Various transcriptions of passport documents, steamship circulars and regulations, and interview notes
- laws of various countries, primarily those regarding immigration/emigration and steamship operation

Source: House of Representatives Executive Document No. 235, 52nd Congress, 1st Session, Serial Set 2957
