Why They Left: Russian-Jewish Mass Migration and Repressive Laws, 1881–1917

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Introduction

During the thirty years between 1880 and 1910, the population of the United States grew by approximately 83 percent, from 50,189,209 to 92,228,496.¹ In that same period the American Jewish population grew 836 percent, from 250,000 to 2,349,754.² More than two-thirds of the growth of the American Jewish population was the result of immigration, primarily from the Russian Empire (from which approximately 1,120,000 of the 1,562,900 immigrants came).³

Faced with the extraordinary increase in immigration to the United States, and the growing nativist anti-foreigner sentiment, the Benjamin Harrison Administration in 1891 named a five-member commission, headed by John B. Weber, commissioner of immigration in New York, to investigate the conditions which had led to the growth in overall immigration to the United States. In the course of this investigation, Weber and one of his fellow commission members, Dr. Walter Kempster, examined the conditions which had led to the mass exodus of Jews from Russia.⁴

One result of the examination was a listing of Russia’s repressive laws, many of which were enacted after the ascent of Tsar Alexander III, who ruled from 1881 to 1896.⁵ He inherited the throne after the death of his father, Alexander II, who had been assassinated by revolutionists from the Narodnaya Volja (“People’s Will”) movement. The elder Alexander had moderated some of the existing anti-Jewish laws, particularly those relating to military service.⁶

Alexander III, under the influence of his antisemitic tutor, the reactionary chief procurator of the Russian Orthodox Church, Constantine Pobedonostsev, reinstituted, in a harsher form, the laws his father had modified.⁷
The laws listed in the report, which remained in force until March 1917, and the pogroms which they helped engender, were undoubtedly the primary cause for the mass migration of Russian Jews to the United States. This document has been virtually ignored in historical accounts of the migration. The text from the Weber Commission’s report follows.

A Report of the Commissioners of Immigration
Upon the Causes Which Incite Immigration to the United States
Abridged Summary of the Laws 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. (Sec. 81, Vol. X, Part 1, issued 1887; Weber, p. 149.)

Should either a husband or a wife (but not both) adopt [Christian] Orthodoxy, both are prohibited residence outside the Pale of Jewish Settlement. (Sec. 81, Vol. X, Part 1, issued 1887, and Sec. 31, Supp. on Passports, Vol. XIV, ed. 1857; Weber, pp. 149-150.)

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 Christian Orthodox religion. (Sec. 81, Civil Laws; Code of Laws of the Russian Empire. Vol. X, Part 1, ed. 1887; Weber, p. 150.)

Jews on reaching their fourteenth year, may be received in the [Christian] Orthodox church without permission of their parents or guardians. (Sec. 1, Supp. to Sec. 78 of the Law on Prevention of Crimes, 1876; Weber, p. 150.)

The minister of the interior may allow Jewish children to be converted to any Christian denominations that are tolerated in the Empire, even without the consent of their parents. (Sec. 3, Supp. to Sec. 76, Law Regarding the Religious Affairs of Foreign Denominations, Vol. XI, Part 1 [ed. 1857]; Sec. 1, Note to Sec. 94, Law on Prevention of Crimes, Vol. XIV, 1876; Weber, p. 150.)
If either husband or wife adopts Christianity, the children under 7 years of age of the same sex as the convert shall also be baptized. (Ibid., Supp. to Art. 76, Sec. 6; Weber, p. 150.)

Every convert to Christianity shall receive a monetary payment from 15 to 39 rubles, without distinction of sex, and children half that sum. (Sec. 6, Supp. to Sec. 78 (Note), Law on Prevention of Crimes, 1876; Weber, p. 150.)

Rural communities of Jewish agriculturists shall keep apart from settlers belonging to another persuasion. (Sec. 979, Vol. IX, 1876; Weber, p. 150.)

For the office of rabbi, only such persons are eligible who have passed a course of instruction either in old Rabbinical schools, or in a training college for teachers, or in one of the higher or middle class educational establishments. No one, except the rabbis or their assistants, may perform the rites of the Jewish faith. Marriages and divorces not having taken place before the rabbi or his assistant, will be considered illegal. (Vol. XI, Part I, Law About the Religious Affairs of Foreign Denominations, Sec. 1135, and Note, issued 1886 and 1887; Weber, p. 150.)

[Weber Commission Note: Both rabbinical schools were closed in 1873 .... Of the two training colleges for teachers, one, namely, that of Zhitomir, was closed in 1885. Besides, when these colleges were founded it was ordained by law, that such students 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 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 a theological knowledge. Thus it comes to pass, that the religious requirements of the Jewish Communities can not be provided for in a legal manner. “On Religion.”]
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 sajen [approx. 100 meters] from the latter. (Sec. 258, Vol. XII, Part I, Law on Buildings; in “On Religion,” Abridged Summary of Laws, Weber, p. 150.)

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. (Note to Secs. 1060 and 1061, Vol. XI, Part I, Law on the Religious Affairs of Foreign Denominations, 1857; Sec. 98, Vol. XIV, Law on Prevention of Crimes, 1876; Weber, p. 150.)

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 homes. (Vol. XI, Religious Affairs of Foreign Denominations, Sec. 1062; Build. Laws, Sec. 259; Weber, p. 150.)

[Weber Commission Note: Thus, in places with a smaller Jewish population, the Hebrews are prohibited public prayer under pain of criminal prosecution.]

Robbery of articles used in public worship, and of effects appertaining to the synagogue, is not considered as sacrilege. (Secs. 219-233 Penal Code, 1885; Sec. 170, Law on Punishments by Justices of the Peace; Weber, p. 150.)

On Duties Towards the State Military Duties

A person who is not a Christian, but whose brother has adopted [Christian] Orthodoxy and lives apart will not have the right of exemption as the only support of the family. (Explanation of Sen., 22 Dec., 1877, No. 9532, 1885, and Oct. 17, No. 7274; Weber, p. 150.)

Those who do not contribute to the support of the family forfeit the right of exemption of the first and second class. But this law does not
apply to converts to Christianity. (Sec. 48, Law about Military Duty, Vol. IV, 1886; Weber, p. 151.)

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; Weber, p. 151.)

Jews cannot be elected by their town as members of recruiting committees. (Imperial order of May 20, 1874; Weber, p. 151.)

In the Kingdom of Poland also, Jews can not be elected members of the recruiting committees. (Circular of the minister of the interior, 1874, May 27, No. 971; Weber, p. 151.)

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. (Section 101 [Note 2], Law on Military Duty, 1886; Weber, p. 151.)

The removal of the names of Jews to divisions of other districts or governments is only permitted if they have resided in the locality in which they wish to belong not less than two years. [Weber Commission Note: For non-Jews a previous residence of only three months was 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. (Sec. 119, Law of Military Duty, 1886; Weber, p. 151.)

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. (Note to Sec. 146, Law on Military Duty, 1886; Weber, p. 151.)
Jews who have adopted [Christian] orthodoxy will, before they have entered the service, and notwithstanding the classification according to denomination, be considered as Jews. But once they have entered the service they will be considered as Christians. (Explanation of rules by the Senate, 1886, February 19, No. 1342; Weber, p. 151.)

Should there be in any 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 and second class, it is permitted to draft into the army such Jews as enjoy the exemption of the first class. (Note 2 to Sec. 152. Law on Military Duty, 1886; Weber, p. 151.)

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 a reward paid to anyone arresting a Jew who has evaded military duty will be fixed by the minister of the interior. (Sec. 360 and Note, Law on Military Duty, 1886; Weber, p. 151.)

[Weber Commission Note: The restrictions cited under this heading were called forth by the charge leveled against the Jews, that they tried to evade their military duties. But the official data disprove the charge. The proportion of the number of Jews liable to conscription to the number of non-Jews equally liable, must necessarily equal the proportion of the Jewish male population to the non-Jewish. According to the data produced in the Journal of Statistics, issued by the central statistical committee, the male population of all denominations in European Russia, for a period of twelve years (1875–1886), consisted of an average of 37,918,932, of whom 1,496,076 were Jews, equal to 3.95 percent of the entire population. Now, it appears from the printed accounts of the ministry of the interior that during these twelve years there were called for the purpose of conscription 8,434,449 non-Jews, or a yearly average of 702,871, and 446,802 Jews, or a yearly average of 37,233. Thus 5.80 percent were Jews. This means a far higher percentage of their number in comparison with their percentage in the general population.

In 1887, according to the reports of the ministry, printed in the Gov-
ernment Gazette, there were called out: Non-Jews, 898,992; Jews, 42,407, i.e., 5.31 percent. In 1888: Non-Jews, 862,254; Jews 44,918, i.e., 5.20 percent. Finally in 1889: Non-Jews, 844,019; Jews, 46,150, or 5.47 percent. Thus, we find that whereas the fair proportion of Jewish soldiers in the Russian army should be, according to the numbers, 3.95, the actual proportion of Jewish soldiers was largely in excess of the fair percentage; indeed, nearly half as much again as the equitable proportion.] (Weber, p. 151.)

Jewish recruits may not be employed in guarding a quarantine district. (Vol. XIII, Medical Law, Sec. 1532, 1886; Collection of Military Regulations, Part 2, Book 1, Sec. 1180, Note; Weber, p. 162.)

Jewish privates and noncommissioned officers may not be employed to guard the frontier. (Vol. VI, Law on Customs, Sec. 101; Collection of Military Regulations, Part 2, Sec. 1182, Note; Weber, p. 162.)

Jews may not serve in the navy. (Collection of Military Regulations, Vol. XXXI, 30484; Weber, p. 162.)

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. (Collections of Military Regulations, Part 2, Book 1, Sec. 1184; Supp., Sec. 1, Note 1; Weber, p. 163.)

Recruits of Jewish extraction may not be employed in the navy, nor in the local divisions, nor among the miners 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. (Circular of the Principal Staff, 1889, July 31, No. 180; Instructions, Sec. 24; Supp. 3, Rules; Weber, p. 163) [Editor's Note: The Amur River forms much of the boundary between Russia and Manchuria. Biro-Bidjan, the so-called Jewish Autonomous Region of the Soviet Union, bordered the Amur River.]

Jewish soldiers and noncommissioned officers who are converts to
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orthodoxy may not serve in any regiments or divisions permanently stationed in gubernia where Jews are registered. (Collection of Military Regulations, Part 2, Book 1; Vol.V, Supp. XVII (to Sec. 213), 1859, and additions to the same, first continuation, 1861; Weber, p. 163.)

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. (Weber, p. 163.)

Soldiers and noncommissioned officers of the Jewish faith, notwithstanding they have served their time and fulfilled the required conditions, may not be appointed as porteepee younkers [higher-grade noncommissioned officers], or become candidates for any post as officer. (Weber, p. 163.)

Although Jewish privates may be promoted to become noncommissioned officers and clerks, no further promotion to any military post or position as officer is allowed. (Weber, p. 163.)

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 dispenser. (Circular of the Principal Staff, 1888, March 21; No. 66, Chief Military Authorities of Medicine; Weber, p. 163.)

Jewish soldiers and noncommissioned officers are not allowed to enter schools for the training of officers. In case Jews pass the examination in the subjects taught in 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." (Collection of Regulations, 1882, Sept. 17, No. 84, Sec. 642; Notes by the authorities; explanation from the ministry of war; Weber, p. 162.)

[Weber Commission Note: 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 commis-
sion. 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.] (Weber, p.163.)

Jews belonging to the reserve or being substitutes for those entering active service, according to the regulations of the military law, have no right to residence outside the Pale of Jewish Settlement. (Resolution of the Senate, 1st Department, 1885, May 1, No. 3372; Weber, p. 163.)

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. (Resolution of the Senate, 1st Department, 1885, October 3; Circular of the ministry of the interior, November 6, No. 29; Weber, p. 163.)

**Taxation**

Over and above the ordinary assessments to which the rural population and the inhabitants of towns are liable, the Jews must 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;

[Weber Commission Note: According to Jewish rite meat and fowl must be slaughtered in the kosher method to be fit to eat. The tax is farmed out and adds four to six cents to the retail price.]
4. Penalties and fines for evasions of the law on this point to be utilized for the objects for which this tax was instituted.
The subsidiary tax levied on 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 enterprise carried on by Jews.
3. A certain percentage of capital bequeathed by Jews.
4. A tax on apparel specially worn by Jews and Jewesses. For the wearing of a skull cap (used by Jewish men at prayer in home) a tax of 5 silver rubles a year is levied. (Secs. 1, 5, 8, 10 to Sec. 281, Law on Taxes, Vol.V., 1857.)

II. Candle tax (on Sabbath lights), amounting to 230,000 rubles a year (Ibid., Secs. 9 and 67.) [Weber Commission Note: It is the religious duty of every Jewish housewife to light at least two candles on the eve of Sabbath and festivals, and this custom is most rigorously carried out.]

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. (Note to Sec. 158, Vol. 14, Law on Censure, 1886; Weber, p. 152.)

On the Education of Jewish Youth

Jewish children are admitted only in the public and private educational establishments in which their parents have a right to residence. (Sec. 966, Vol. IX. Circular of 1876; Circular of minister of public education, 1884, July 15, No. 9846.)

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 sum set aside for the education of the Jews, and amounting to 24,000 rubles annually is abolished. (1875: July 25 (54,934A); Imperial Assent to the Budget of the Committee of Ministers; Weber, p. 152.)

[Weber Commission Note: In accordance with section 967 of the previous citation 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 com-
menced 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 percent. At present no Jews at all are admitted to this academy. In 1883 the number of Jewish students in the Mining Institute was limited to 5 percent. 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 [Kharkov] were limited to 10 percent. In 1886 a prohibition was issued against the admission of any Jews at all at the Veterinary Institute at Charkoff [Kharkov]. In 1887 the number of Jews admitted to the Institute of Civil Engineers was fixed at 3 percent. And finally, in accordance with the proposals of the committee of ministers, which received the Imperial assent on December 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 Jewish settlement to 10 percent, in places outside that pale to 5 percent, but in St. Petersburg and Moscow to 3 percent of the total number of pupils in each school or university. This without regard to the proportion of Jews to the general population in any one place. In some places the (Jews are ... 80 percent) of the total population.] (Weber, p. 152.)

[Weber Commission Note: Since 1885 Jews are not allowed to hold university scholarships derived from the public treasury, and can only enjoy scholarships derived from private endowments.

The proceeds from the candle tax was to be used for the building of Jewish schools. The proceeds of the tax was, as a matter of fact ... frequently used for ... purposes unconnected with educational or other wants of Jews.

The rabbinical schools of Wilna [Vilnius] and Zhitomir have been converted into training colleges for teachers. The Jewish state schools for secondary education have been closed by Imperial order. Those for elementary education have been preserved only in those places where the number of public schools proved insufficient on account of the large population of Jews. The training college of Zhitomir has been closed by order.] (Note to Section 1083, Law on Religious Affairs
On Personal Status and Right of Settlement and Movement

The Jews are declared to be aliens, whose social rights are regulated by special ordinances. (Note 7, Sec. 835, Vol. IX, 1876; Weber, p. 153.)

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 gubernia: Bessarabia, Vilna [Vilnius], Vitebsk, Volhynia, Grodno, Ekaterinoslav, Kovno, Minsk, Mohilev [Mogilev], Podolia, Poltava, Taurida (except Sebastopol), Cherson [Kherson], and Tshernigov [Chernigov], also in the gubernium of Kiev, exclusive of the city of Kiev. These gubernia are, therefore, called the Pale of permanent Jewish Settlement. (Section 16 of the Law of Passports, Vol. XIV, 1886.)

Jews who are merchants of the First Guild [Weber Commission Note: The qualification for this guild is paying of 1000 rubles or more in taxes annually] may live in the city of Kiev, but only in the Libiedsky and Plossky districts of the town. (Section 17 of the Law of Passports, Vol. IV, 1886.)

In the towns Nicolaev 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. (Law on Passports, Art. 16.)

Jews are prohibited from residing permanently in the western gubernia situated next to the frontier, and also in Bessarabia within 50 versts [165 miles] of the frontier. From this rule are excepted those Jews who were registered in these localities before 27th October, 1858, or who possessed 27th October, 1858, house and landed property in these localities, although they did not belong to such communities. (Ibid., Sec. 23.)
Outside the above-mentioned fifteen gubernia 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 noncommissioned officers who have unlimited furlough. [Note: This privilege had by 1891 been lost by Jews.]

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

5. Graduates in pharmacy, dentists, surgeons, and midwives.

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

(Vol. XIV, Law on Passports, Sec. 17)

In the gubernium of Courland [Latvia, particularly southern Latvia] as also in Shlok (Livonia) [northern Latvia and southern Estonia] 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 gubernia or from Shlok, is prohibited. (Volume XIV, Law on Passports, Sec. 17.)

Jews from Bokhara [former emirate bordering on Afghanistan] and Khiva [near the Aral Sea northwest of Bokhara] as also Jews from other Central Asiatic dominions, may become Russian subjects and be registered in the frontier towns of the districts of Orenburg [near border of European and Asian Russia] and Turkestan [near the Caspian Sea] but only on condition that they belong to a merchant guild, and that the rights of other Russian Jews be granted them. (Vol. IX, Sec. 992, Note 1886; Vol. XIV, Law on Passports, Sec. 17.)

In the military territory of the Don, and the old districts of Rostov
and Taganrog, at present incorporated in the Don territory, the settlement of Jews is prohibited. (Law on Passports, Sec. 17) [Weber Commission Note: This includes a district of great importance, largely populated by Jews engaged in commerce, who had been always allowed to settle there, being a part of Ekaterinoslav gubernium, and thus in the Pale of Settlement, but detached there from on May 19, 1887.]

In the Government of Stavropol [in the northern Caucasus] and in the Transcaucasian territory [Armenia, Azerbaijan, and Georgia] only those Jews are allowed to remain who lived there before May 12, 1837, and formed settlements of their own. (Sec. 27, Law on Passports, Vol. XIV, 1857.)

Jews are not permitted to enter, or to settle in Siberia. (Law on Passports, Sec. 30, 1887.)

The settling of Jews in Siberia for the purpose of following agricultural pursuits is prohibited. (Sec. 978, Vol. IX, 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. (Note 1 to Sec. 40, Law on Deportation, Vol. XIV, 1857.)

Jewish exiles in Siberia are prohibited residence within a hundred versts [66.29 miles] from the Chinese frontier and, in general, from the frontier of all tribes not under the dominion of Russia. (Law of Deportation, Note to Sec. 363, 1886.)

Outside the places of permanent Jewish settlement Jews may adopt as children, in accordance with the general laws, only such of their co-religionists as have themselves a right to reside in all places of the Empire. (Collection of Laws, 1889, No. 35, Sec. 298.)

Jews are not permitted to dwell in the Grand Duchy of Finland. [Weber Commission Note: 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.] (Temporary Residence Outside the Pale of Jewish Settlement, Weber, pp. 153-154.)
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 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 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 the 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 business days. Young Jews may only come to Sebastopol for the sake of learning a handicraft. (Sec. 284, Law of Passports, Vol. XIV, 1886.)

In the gubernia of Vitebsk and Mohilev [Mogilev], Jews are only permitted to reside in villages by special licenses, but they may not settle as ordinary inhabitants.

In the gubernia 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 right to reside there. The same conditions must be observed in Courland [Latvia] and Kovno [Kaunas] engaged in similar work. (Ibid., secs. 16, 20, 21, 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, and for everything 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 gubernia can not prolong their stay beyond two months unless they have obtained permission from the higher authorities. (Sec. 283, Law on Passports, Vol. XIV, 1886.)

Jewish mechanics, distillers, and brewers, and generally master artisans and their journeymen, may reside outside 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 eighteen years of age are permitted to live in
places outside the Pale of Jewish Settlement, for the purpose of learning a handicraft, but only for a period of not more than five years. (Ibid., Note 3 to Sec. 283.)

[Weber Commission Note: In the body of the report several cases are cited expelling artisans in direct conflict with 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 was granted and stamped on passports, and within a short time thereafter peremptory orders to leave within twenty-four hours were indorsed on the same documents.] (Weber, p. 155.)

Jewish cutters and tailors may live in places where regiments are located, or where contract with the military authorities has expires. (Ibid., Sec. 19, 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. (Ibid., Sec. 28, 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. (Ibid., Sec. 285, 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 of purchasing goods; that they do so twice a year, on condition, however, that their total stay do not exceed six months of the year. Such merchants may visit the fairs at Nijni-Novgorod, [Nizhni-Novgorod], Ibit, Charkov [Kharkov], 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 fairs at Nizhni-Novgorod ... 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 gubernia of the Kingdom of Poland may as a rule visit the gubernia within the Pale of Jewish Settlement; but only guild merchants may visit the other gubernia 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. (Ibid. Sec. 298, 1857.)

[Adding insult to injury, Jews were required to have passports for travel within Russia even in towns within the Pale of Jewish Settlement. These passports had to note that they were valid only in places “set aside for their permanent residence.” Moreover, from 1857 on only Jews who owned land in a foreign country were allowed to visit that country.]

[The Weber Commission noted that the residence restrictions and passport laws violated the penal code of the Russian Empire (Sections 30-32, 48, 49, 51, of the 1885 Law of Punishment) which was considered punishment for a limited time only for various serious criminal convictions as decided by the courts.

Under the May Laws of 1882 Jews were, in effect, barred from purchasing land, outside the towns of the Pale, or attending public auctions of landed estates.]

[Weber Commission Note: Under the laws cited in the preceding heading “ON THE RIGHTS TO PROPERTY,” 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. And besides these enactments, the code of laws contains old regulations which do allow Jews to acquire or hold such property, to rent land, farm rents, and like obligations appertaining to land, to possess distilleries, to rent and manage mills and factories. (Volume X, Law of Status, secs. 959, 961, and Supp. 963.) These regulations have in 1891 not been repealed and remain on the statute books, and serve only to gloss over the Jewish disabilities. As a matter of fact, they have been rendered absolutely nugatory by the May laws, being practically and legally repealed by them.]
Training of Jews in agriculture was abolished and income from the tax, collected exclusively from Jews ostensibly for that purpose, was diverted to the Imperial Treasury.

Jews were barred from settling in Siberia in order to farm. So, too, was the renting of farm properties. Jewish farm colonies established during the reigns of Alexander I (1777–1825; tsar 1801–1825) and Nicholas I (1796–1855; tsar 1825–1855) were allowed to continue, but no new colonies were permitted.

Trading in the gubernia outside the Pale of the Settlement without restriction is allowed only to Jews who have acquired the position of a merchant of the first guild while within the fifteen gubernia of the pale.

In order to become a merchant of the first guild in the above gubernia, 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 cease to pay the fees of the first guild, unless he has paid the fees for at least ten years. (Vol. XIV, Statute on Passports, Sec. 283, 2, contin. ed. 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. (Vol. IX, Law on Status, Supp. to Sec. 974; Note 3, contin. ed. 1887.)

[Weber Commission Note: 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.]

V. 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. (Sec. 18, Law on Passports, Vol. XIV, 1857.)
Jews can obtain licenses for traveling only into those gubernia where Jews have the right to permanent settlement. (Ibid., Sec. 121.)

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. (Ibid., Sec. 286, 1889; Circular of Minister of the Interior, 1878, June 24, No. 73.)

Immediately on the arrival of Jews in the capitals the police are required to examine their passports and to inquire into the 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. (Ibid., Sec. 294, 1857.)

Jews who do not own land abroad can not receive yearly license to go abroad.

[Weber Commission Note: The laws laid down under the preceding five chapters deprive 5,000,000 Jews of one of the most essential personal rights, enjoyed not only by all Russian subjects, Christian, Mahommedan or Heathen, without distinction, but also by foreigners, namely the right of residing anywhere and of free movement throughout the Empire. At the present time the whole mass of Russian Jews, with only a few exceptions, are caged and crowded in the narrow confines of the territory which is called the Pale of Jewish Settlement; and even then exclusively in towns. In all civilized states the right of settlement in any place is recognized to be one of the most essential and natural laws of every subject. In time of peace, foreigners even enjoy the right. The deprivation of such a right is regarded, even by the Russian legislation (Secs. 30-32, 48, 49, 51 of the Law of Punishment, 1885), as a punishment inflicted for various criminal offenses, and then only for a period fixed by sentence in a court of justice.]

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On the Rights of Property

On the acquisition of property; on the mortgaging and leasing of the same; and on farms and their management.

Landed estates, including also land which has been apportioned to
peasants for their permanent use, cannot be sold to Jews. (Vol. IX, Laws on Status. Supp. I. to Sec. 330 (Note); Sec. 3, 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., Sec. 4; Supp. 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. (Vol. VIII. Law on the Administration of Crown Property in the Western and Baltic Governments; Supp. to Sec. 1 (Note 1), Sec. 7.)

Jews are not admitted to the public auctions of crown lands. (Ibid., Supp. to Sec. 2 (Note 2), Sec. 3, 1857.)

Jews are not admitted to attend the public auctions of property mortgaged to banks and forfeited for non-payment. (Vol. XIII, Law of Common Aid, Supp. to Sec. 165 (Note 2), Sec. 3, 1857.)

Jews are not admitted to public auctions of allotments of land forfeited by peasants who have made default in payment of serfdom commutation tax, or State land tribute, or in Bessarabia, their land rate. (Rules about the Peasantry, Special Supp., to Vol. IX.; Rules on Distress, Secs. 135-138; Rules on Peasants belonging to the State, Supp. to Sec. 15 (Note 1), Sec. 7; Rules About the Tsarani [peasants in Bessarabia], Sec. 95; Sec. 5.)

All Jews, without exception, are prohibited from purchasing landed property from landowners or peasants in the nine Western gubernia. (Note 3 to Sec. 959, Vol. IX, Law on Status, 1886.)

[Weber Commission Note: The meaning of the foregoing seven laws is the Jews are not allowed to purchase a 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 issue of powers of attorney enabling Jews to act as agents for the managing and disposing of such property. (Ibid., Sec. 2; Note 4 to Sec. 959.)

[Weber Commission Note: This is one of the “May Laws” of 1882, and it practically annuls all the limited powers of acquisition of landed and house property conferred by the other laws except only
in towns within the Pale.

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 within the Pale of Jewish Settlement. (Resolution of the General Meeting of the Department of Cassation and of the First and the Second Department of the Imperial Senate, 3d November 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. (Resolution of the General Meeting of the First Department and the Department of Cassation of the Imperial Senate, 1889, No. 25.)

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. (Vol.XIV, Law on Passports, Sec. 17; Vol.VII, 1886, and Note to that section, 1887.)

Jews are prohibited from obtaining landed property of any kind in any part of the Baltic Governments. (1869, 30 May (47152); Imperial ukase promulgated by the senate and the ministry of the interior, 1865, 18 February (43031), imperial assent to the law of the Baltic Committee.)

In the Baltic provinces Jews cannot lend money on the security of house or landed property of any kind, either in the country or in the towns. (Collection of Local Laws of the Baltic Governments, Part III, Book II, Secs. 1504, 1512. 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. (Vol. IX, Law on Status, Sec. 1003, Note 3, 1887; Collection of Laws, 1889, No. 76, Sec. 666.)

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. (Ibid., Sec. 960, 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 liquor on Crown lands, even in places where they are allowed permanently to reside, i.e., in the Pale of Settlement. (Vol. VIII, Part I, Law on Crown Rents, Sec. 22, 1876, and Note on same, 1886.)

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. (Ibid., Law on Crown Property in the Western and Baltic Government, Sec. 35, 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 interest therein to Jews. (Vol. VIII, Part I, Law on Crown Property in the Western and Baltic Governments; Supp. to Sec. 2, Note 3, Sec. 18.)

Jews are prohibited from being managers or stewards of inhabited estates, and from farming from the landowners the incomes they derive from farming from the landowners the incomes they derive from the peasants. (Vol. IX, Sec. 961, 1886)

In Courland [Latvia], 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. (Collection of Local Laws of the Baltic Governments, Part I, Sec. 1401, No. 3, Part III, Sec. 4041.)

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. (Vol. X, Sec. 1500, 1887.)

[Note by Weber commissioners: Under the laws cited in the preceding headings, 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. And besides these enactments, the code of laws contains old regulations which do allow Jews to acquire or hold such property, to rent land, farm rents, and like obligations appertaining to land, to possess distilleries, to rent or to manage mills or factories] (Vol. IX, Law of Status, Secs. 959, 961, and Supp. 963.)

[Weber Commission Note: These regulations have not been re-
pealed and remain on the statute books, and serve only to gloss over Jewish disabilities. As a matter of fact, they have been rendered absolutely nugatory by the May Laws [of 1882], being practically and legally repealed by them.]

On Agricultural Pursuits and Husbandry

The application of a part of the income derived from the box tax to the training of Jews as agriculturists 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 [Kherson]—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 agriculturists. (Vol II, Part 2, Positions of Aliens, Sec. 833, Note; 1886; Note 2 to Sec. 1; Supp. to Sec. 281; Law on Taxes, Vol. V, 1857; Collection of Regulations, 1887, No. 62, Sec. 553, Vol.IX; Laws on Status, Sec. 978.)

[Weber Commission Note: 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 reign of Alexander I still exist, but no new colonies are permitted to be established.]

[Editor's Note: Alexander I (1777–1825; tsar, 1801–1825) encouraged Jewish agricultural colonies under the statute of 1804; his brother, Nicholas I (1796–1855; tsar, 1825–1855) encouraged Jewish agricultural colonies in 1835. These colonies still existed in the 1890s.]

On Commercial Rights

Trading in the gubernia 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 gubernia of the pale.

In order to become a merchant of the first guild in the above guber-
nia, 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 to the Pale, if he cease to pay the fees of the first guild, unless he has paid the fees for at least ten years. (Vol. XIV, Statute on Passports, Sec. 283, 2, contin. 1886.)

Jewish merchants of the first guild belonging to the Pale of Settlement, are allowed to visit the capitals and other towns outside the Pale, for purchasing goods, only twice a year, and provided that both visits should not together exceed six months. (Vol. XIV, Statute on Passports, Sec. 283, 2, contin. 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. (Vol. IX., Supp. to the Sec. 974 (Note), 3, contin. ed. 1887.)

[Weber Commission Note: 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 gubernia, 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 to sell actual land produce. (Vol. IX, Law on Statute, Supp. to the Sec. 974; (Note 2), Sec. 7, 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 gubernia within the Pale of Jewish Settlement may be effected by Jewish merchants of the pale of the first guild, 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 gubernia, clear goods from the customs-house which their owners would be entitled through the customs-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 customs-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 at Charkov [Kharkov] and Summi, but only wholesale. At other fairs they may not sell foreign goods, whether on their own account or as consignees. (Ibid., Sec. 2.)

Foreign goods, which require to be sealed by the customs house officers may not be brought to the fairs by Jewish manufacturers, viz, neither to Nizhni-Novgorod, Irbit, Charkov, [Kharkov], nor Summi; although such goods may have undergone a certain manufacturing process at their factories, e.g., by dyeing etc. (Ibid., Sec. 3.)

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. (Ibid., Sec. 5.)

Jews are prohibited from acting as commission agents for any foreign firm for sending goods from the customs-houses at the frontier to places where Jews may not permanently reside. (Ibid., Sec. 6.)

The customs-house officers may not accept a declaration from Jews, or from their agents, nor may they issue a license for the passing of goods belonging to Jews destined for customs-houses of gubernia outside the Pale of Settlement. (Vol. VI. Law of Customs, Sec. 954, 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 where they live but, in no case Hebrew.

[Editor's Note: This appears to be an error in translation of the original, which outlawed Yevreyski yazik, which translates to "Jews'
language,” or Yiddish. The Russian translation for “Hebrew” is Perevoya Yevreyski yazik.] (Vol.IX, Law on Status, Sec.955; Vol.XI, Part 2, Commercial Law, Sec.610, 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. (Vol.X, Civil Law on Delivery and Supply for the Crown, Sec.7, Note.)

In places of permanent Jewish settlement Jews are prohibited from carrying on business on Sundays and the principal Christian holidays. (Vol.IX, Sec.959; Notes 4 and 3; Vol.XIV, On Prevention of Crimes, Sec.16, Note.)

[Weber Commission Note: One of the May (1882) 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 Mahomedans and other non-Christians.]

Jewish merchants of the first guild who, observing 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 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. (Vol.XIV, Law on Passports, Art.17, Sec.1, 1886.)

Jews who hold a university diploma of 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 besides 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 employs’ of their own faith. (Ibid., Sec.2.)

Shares in the company of the “Upper and Middle Market Rows,” in the Krasnoi Square in Moscow, may not be transferred to Jews, even if they become converts to [Christian] Orthodoxy, because only persons born Christian are allowed to obtain such shares. (Collections of Regulations, 1890, No.82, Sec.817, 818.)
Jews may not possess shares in the joint stock company for the manufacture of sugar Kordeleska, in the district of Vinitza, in the government Podolia; they may not be members of the board of that company, nor be appointed to the office of manager or trustee. (Collection of Regulations, 1890, No. 89, Sec. 889; Sec. 9, Note; Sec. 23, Notes 1 and 2.)

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. (Law on the Tax on Spirits, 1887, Sec. 366.)

Outside the boundary of towns and townlets, 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 land belonging to them only for life, or of which they have only a lease. (Ibid., Sec. 363, Notes 1 and 3.)

The brewing of beer and mead for their own domestic use is permitted in such Jewish settlements as contain no fewer than ten houses. (Ibid., Sec. 108, Note 1.)

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., Sec. 363, Note 1.)

In the gubernia 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., Sec. 363, Note 2.)

Jews who have a right to reside permanently in Siberia may not carry on business in intoxicants. (Ibid., Sec. 363, Note 4.)

Jews who have removed to Turkestan from the interior gubernia of the Empire are prohibited from manufacturing and dealing in intoxicants in Turkestan. (Ibid., Sec. 102, Note 2; Sec. 363, Note 5, 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., secs. 414, 498, and 499.)
Jews are not permitted to occupy themselves in gold mining in places where they are prohibited to reside permanently. (Vol. VII, Law on Private Gold Mining, Sec. 30, Note 1.)

Jews not being allowed to occupy themselves in gold mining can not be agents for others in that industry. (Ibid., Sec. 31.)

In those places where trade guilds exist, plasterers, bricklayers, masons, quarrymen, carpenters, and paviors [pavers], as also servants, are exempt from belonging to guilds, but not if they belong to the Jewish faith. (Vol XI, Law on Industrial Professions, 1887, Sec. 285.)

In places of permanent Jewish residence Jews can not be elected masters of trade guilds. (Ibid., Sec. 306, Note.)

In the committee of trade guilds, consisting of Christians and Jews, the master and vice-master must be non-Jews. (Ibid., secs. 338 and 474.)

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 who have not followed their calling during six months, without sufficient cause. (Ibid., Sec. 346.)

Jewish workingmen 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., Note to Art. 300.)

Jewish artisans residing outside 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. (Ibid., Art. 103, Resolution of the Senate, 1874, No. 731.)

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. (Circular of the minister of interior, 1875, April 3, No. 4395.)
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. (On Civil Service, Vol. III, Art. 7, 46.)

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. (Ibid., Art. 57.) [Weber Commission Note: ... These regulations are a dead letter.]

3. In the civil service of the Army the proportion of Jewish surgeons is limited (since 1882) to 5 percent. 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 percent proportion is to be applied to military surgeons' assistants and surgeons' apprentices. (Ibid.)

[Weber Commission Note: In fact, even the Jews who possess all the exceptional qualifications determined by the law are not admitted as a rule into the civil service, even for most subordinate positions. Lately, notwithstanding the forgoing 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. (Collection of Regulations, 1889, No. 127, Sec. 1031.)

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. (Collection of Regulations, 1890, No. 47, Sec. 398.)

[Weber Commission Note: 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 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 office made by the Christian community. (Vol. IX, Law on Status, Sec. 984.)

The number of non-Christian members of a town council may not exceed one-third of the entire number of members. (Local Institutions, 1886, Art. 1982.)

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. (Collection of Regulations, 1890, No. 78, Sec. 794.)

A Jew is not eligible for the post of mayor, nor can he act as his locum tenens [temporary substitute]. The number of non-Christian deputies in the municipal council may not exceed one-third of the entire number. (Local Institutions, Art. 2035.)

As Jews have no right to fill the duties of a mayor, they are altogether excluded from the presidency of municipal meetings. (Circular of the local department of the ministry of the interior, 1879, Oct. 12, No. 7795.)

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. (Statute on province and district local institutions (zemstva); Sec. XII of the law sanctioning the statute of 12th June 1890; Collection of Laws, No. 63, Sec. 597.)

[Weber Commission Note: This wholly excludes Jews from local self-government, except municipal, and even then their number is limited to one-third.]

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 two-thirds and the president must be Christians. (Vol. IX, Law on Status, Sec. 983.)

Jews may not be elected to fill the office of president of school boards, whether in district or provincial town, nor can they be chosen as members of the same by rural or urban electors. (Collection of Laws, 1889, No. 13, Sec. 166.)

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. (Vol. IX, Law on Status, Sec. 989.)

In the nine western provinces, as also in the governments of Bessarabia, Ekaterinoslav, Poltava, Tasurida, Cherson [Kherson], and Tshernigov [Chernigov], the foreman of a jury may not be a Jew. (Law on Criminal Procedure, Sec. 670, 1886.)

In the Kingdom of Poland Jews can not be elders of a hamlet unless it is exclusively inhabited by Jews. (Civic Regulations of the Kingdom of Poland, book I, Sec. 16; VII, Sec. 1.)

Jews can be elected to the office of “soltiss” (bailiff) only of such hamlets as are exclusively inhabited by Jews. (Ibid., Note 3.)

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On Legal Procedures in Reference to Jews

In gubernia where Jews are permitted to reside permanently they are allowed to give evidence in actions concerning such of their co-religionists as have embraced Christianity, but only in such cases where a sufficient number of Christian witnesses can not be found. (Vol. X, Part 2, Sec. 233; Vol. XV, Part 2, Sec. 251.)

In actions concerning Jews who have embraced Christianity, Jews may not be admitted as witnesses if an objection is raised against such admission. (Law on Criminal Procedure, Sec. 96, Note; 4707, Note 5; Law of Military Courts, secs. 621, 848; Law of Naval Courts Martial, Secs. 318, 767.)

In the form of oath specially administered to Jews the following words must occur: “With a pure heart and without mental reservation, but with the thoughts and intention of those who administer
the oath to me.” (Vol. XI, Part I, Law on Foreign Denominations, Sec. 1081 (Note); Supp. continued, 1886.)

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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. (Criminal Law, Sec. 302.)

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 deserter is liable to penal servitude from twelve to eighteen months. In addition to this, the members of Jewish community where a Jewish deserter has been concealed will be sentenced to a fine not exceeding 300 rubles. (Criminal Law, 1885, Secs. 528 and 530.)

If a non-Jew evades the fulfillment of military duties, the liability, according to sections 506-530, 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. (Law on Military Duty, 1886, Sec. 360.)

Non-Jews, convicted of contraband importation of foreign goods, and of smuggling in general, or of participation in the same are liable for punishments laid down in Penal Code, Secs. 744-764, 766-781, 784, 787, 790, 801-817, 819-821. But Jews, besides the ordinary, will be removed to a distance of 50 versts [33.14 miles] 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. (Vol. XIV, Law on Passports, Sec. 23, Note, 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. (Penal Code, Sec. 1056.)

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. (*Ibid.*, Sec. 1056.)

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 exceeding 200 rubles. (*Ibid.*, Sec. 1974.)

Persons of all other denominations who carry on 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. (*Ibid.*, Sec. 1171.)

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. (*Ibid.*, Sec. 1579.)

*Regulations as to Foreign Jews*

Foreign Jews who obtained by inheritance house or landed property in Russia must sell the same within a period of six months. (Vol.IX, Laws on Status, Sec. 296, 1887.)

Foreign Jews who are not Karaites [a small quasi-Jewish sect centered in the Middle East and Crimea] are not permitted to immigrate into Russia or to become Russian subjects. (Vol.IX, Laws on Status, Sec. 991.)

Every foreigner on producing his passport will be required to de-
clare, among other things, to which religious denomination he belongs. (Vol. XIV, Law on Passports, Sec. 486, Note, Sec. 7, 1887.)

Foreign Jews shall be furnished with passports on which it shall be expressed that the same is valid only in places where the Jews may permanently reside. (Ibid., Secs. 8, 2.)

Foreign Jewish subjects known for 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 only take place 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. (Vol. IX, Sec. 1001, Note 1, 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. (Ibid., Note 3.)

Jews from Romania who have no means of subsistence will not be admitted into Russia. (Vol. XIV, Law on Passports, Sec. 487, contin., 1887.)

The local authorities shall keep a strict watch that no foreign Jews reside under Christian names in places where they are prohibited to stay. (Vol. XIV, Law on Passport, Sec. 531, 1886.)

Foreign Jews may not manage or farm inhabited or uninhabited estates. (Vol. IX, Sec. 1004.) [General observations by Weber Commission staff: 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 effect 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.]
Concerning the carrying into execution of the Imperial decree for the expulsion of Jews from Moscow and its government the following three classes are established.

To the first belong those Jews who have lived in Moscow or its government not longer than three years, and who are either single or married, but childless and who keep only one assistant artisan.

To the second belong those Jews who have four members in their family and who have not more than four assistant artisans, and who have lived in Moscow or its government not less than six years.

To the third belong those Jews who have larger families and who have more than four assistant artisans, and who long (more than six years) ago settled in Moscow and its government.

For the voluntary departure of Jews of the first class from three to six months' time is given.

For the second, from six to nine months, and for the third from nine months to one year.

Those artisan Jews who are to be expelled must be warned of their expulsion by the district police, and their signature to this warning obtained, three months before the time of leaving.

For the Jewish artisans who own immovable property two years' notice is given with a timely warning of the same.

Concerning the Jews who remain in Moscow or its government by virtue of the circular of the ministry of the interior for 1880, paragraph no. 30 (which permits Jewish merchants of the first guild and their employees to live in Moscow), the same, identical measures must be taken; but only two periods for the time of leaving shall be fixed, to wit: for those employed as clerks or who have insignificant occupations six months' time to leave is fixed. To those who are engaged in commercial affairs, especially with Russian manufacturers, one year is given, and the manufacturers must be warned of the expulsion of such six months previously.

For agents and those who have powers of attorney from the larger Russian manufacturers the time of leaving must be extended to two years.
In fixing the time of leaving for each class attention must be paid to the dates when commercial documents (licenses to do business) were issued to the Jews, which are in force until January 1.

The Jews who have paid their commercial taxes and duties may be permitted to remain until the time named in the document expires, although they may belong to one of the classes to whom a shorter time is fixed. [Weber Commission Note: This clause of the ukase is utterly disregarded.]

In defining the rights of some Jews to reside in Moscow and its government permanently, each case must be considered separately, and is subject to special solicitation. The computation of time for leaving of Jews of all three classes shall begin from the date of receipt of this paper. [Weber Commission Note: We found that the last sentence of this ukase is entirely disregarded. The custom being for the police to send for a man, obtain his signature to the “voluntary obligation to leave” without furnishing a copy of the paper.]

[Weber Commission Note: This same ukase was issued by the chief of police of Moscow, with the following heading: “Circular, very secret. To the district pristavs [police captains]. Then comes the ukase as given above with the following directions to his subordinate officers:]

Therefore notify your hignoborn noblenesses that you take due action and that you personally verify in all the shops and factories kept by Jews, the number of the assistant artisans; also what category the Jews belong to, and the time of their arrival in Moscow for residence. And then take their signature to a notice of voluntary departure from the capital, warning them that the computation of their terms of stay will begin on the 14th of July instant. Also take a registry of names in alphabetical order of Jewish artisans, and second of Jews living in Moscow under the right of circular No. 30 issued by the minister of the interior in 1880, specifying in special columns the time of arrival in Moscow, number of assistant artisans, number in family, and the expiration of term of departure. In reference to Jews residing according to circular of 1880, their occupations, also the names of commercial houses where they are employed, and present them to me within two weeks; also furnish me with the list of Jews pertaining to any of the foregoing categories who own immovable property here.
Bernard K. Johnpoll, professor emeritus at the Graduate School of Public Affairs at the State University of New York at Albany, is the author of nine books.

Notes

8. Cyrus Adler and Aaron Margalith, American Diplomatic Action Affecting Jews: With Firmness in the Right (New York: American Jewish Committee, 1946), completely ignores this report, as do virtually all other books about Russian Jewry. Greenberg, Jews in Russia, appears to have been the only study to make use of the report, to which it devoted two pages.