

## THE REGULATIONS ABOUT THE JEWS SETTLEMENT IN SIBERIA FROM THE SECOND HALF OF THE 19TH CENTURY TO THE EARLY 20TH CENTURY

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### Abstract

Various aspects of Russian law about the Jews are studied by researchers constantly. Each part of the Russian Empire had its own regulations which varied each other significantly. In this view, the amount of regulation about the Jews in Siberia was so great, that required to be researched again. Siberia had never been a part of the Jewish Pale, so numerous laws and regulations were in contrast with each other. In addition, local authority enhanced mess introducing additional regulations in reward to the Jews. Also, the accuracy in Russian law's application depended on local authority's attention to the Jews. The rights of the Jews to arrive and settle in Siberia in the 19th century are researched in the article. Siberian region showed brightly the interaction between All-Russian and regional regulations about the Jews. During the 19th century local authority tried to combine the possibility of Siberia development and prohibition for the Jews to live here. The categories of the Jews who could settle and lived in Siberia were the following: exiled Jewish people; their wives, the Jewish who did agriculture (this regulation act for short time), the Jewish who had education, the Jewish who were considered as "useful" for Siberia development and the Jewish who had a business.

However, on different stages of The Russian Empire history these categories of the Jews could be widen or, vice versa, be limited in dependence to attention of local authority to the Jews. The reasons of prohibition varied in different stages of Russian history, but the main reason was the desire of Russian government to control the Jews, that was difficult on huge Siberian territory. The attention of local authority in reward to the Jews influenced significantly on the state policy. To take into account economic challenges, inconsistency in Russian law about the Jews, local authority in periods of the Jews expulsion from Siberia permitted necessary number of the Jews to stay in Siberia. So, in a result of the inconsistency in Russian law, the huge Jewish community formed in Siberia, that played an important role in Siberian development. The Jews were the owners of various industrial companies, took part in the transport system in Siberia, and in extraction of minerals, participated in agriculture, health and educational services, etc., as well as stimulated cultural development of the region in the second part of the 19th-beginning of the 20th century.

**Keywords:** The Jews, Siberia, law, settlement

## 1. INTRODUCTION

Various aspects of the legal status of the Jews in Russia have been studied by researchers constantly. The variety of regulations governing the life of Jews in Siberia is so great that makes return to their study. Each part of the Russian Empire had its own laws, regulations and numerous explanations which often contradicted each other. Before the revolution of 1917, researchers paid special attention to the rights of the Jews. At the same time the provincial government, often taking additional provisions against the Jews intensified confusion. The accuracy and thoroughness of the decrees implementation nationwide also depended on the attitude of the Siberian administration to the Jews. The rights of the Jews to arrive and settle in Siberia in the 19th century are studied in the paper. Siberian region showed brightly the interaction between All-Russian and regional regulations about the Jews. This paper investigates the laws concerning the rights of the Jews to enter and settle in the Tomsk province in the 19th century, where the all-Russian legislation interacted with its regional variant.

## 2. MATERIALS AND METHODS

The materials for this article were archive sources from the State archive of Tomsk Region grouped in different funds: Tomsk Gubernia administration fund, Tomsk police fund and Tomsk Gubernia mining authorities fund as well as some data from Siberian periodicals. In addition, some achieves from Center of Documentation of Modern History of Tomsk Oblast were used. Besides, the Code of legislative acts of the Russian Empire in the middle of the 19th – to early 20th century, regulating exile, settlement and life were analyzed. In addition to this, some research by contemporary scholars who have been studying the Jewish community history in Siberia, such as L.V. Kalmina (Kalmina, 2003, 164 p.), M.N. Savinikh (Savinikh, 2004, 164 p.), etc. as well as the works by researchers of the early 20th century: I.G. Orshanskiy (Orshanskiy, 1877, 370 p.), Yu. Gessen (Gessen, 1911, 140 p.), etc. were used.

The results presented in the paper were obtained relying on the following common research methods: description, comparison and analysis. The system approach due to which Jewish exile in Tomsk is considered to be a system of interrelated and mutually specified elements has become a methodological base of the paper. The civilizational approach is also used. The Jewish population in Siberia was under Russian civilization sphere of influence with its socio-economic, political and cultural features (Ulyanova, Kazantseva, Miroshkina (2015), p. 123). Siberian Jewish Diaspora is considered through the prism of preserved socio-cultural and spiritual elements of Hebrew civilization which accounts for using the main principles of the civilizational approach. When using it, however, it should be kept in mind that some elements of Hebrew civilization were modified; they included some Russian civilization traits.

## 3. RESULTS

Siberia has never belonged to the areas designated for the permanent residence of the Jews. Moreover, this territory, "where, in exceptional cases, could accommodate only those Jews who were considered to be the most vicious, in which the Jews with good name, Jewish labor were forbidden to settle down" (Gessen, 1911, p. 116).

Settlement of exiled Jews was in compliance with The Code of exiled like all exiled people. The adoption of Christianity did not free the Jews from exile to Siberia. But a change of religion still had some advantages: baptized Jews exiled to Siberia, on arrival in Siberia could settle in cities and work in service. It made possible for priests to watch how the Jews followed the Christian rules (Collection of Laws of the Russian Empire in 16 Volumes 1830, № 1924, p. 365). In this case, the term of their serving was reduced by 2 times up to 4 years. The status of the exiled Jew was considered as a special "rank" and his work was seen as a particular "service" (Belkovskiy, 1905, p. 8).

The National Council approved by Imperial consolidation verdict dated June 12, 1860, allowed the exiled Jews to Siberia and sentenced to hard labor Jews to be settled over not separate villages, but over old residents villages in compliance with "the instructions of Siberian authorities", except for the territory within 100 versts (approx. 66,287 miles) from the border with China. However, "in order to prevent the excessive multiplication of the number of Jews in Siberia", a reference to the exile settlement was replaced by long imprisonment in the convict battalions and workers houses (Collection of Laws of the Russian Empire in 16 Volumes, 1862, № 35922, p. 769 – 770).

The wives of the exiled Jews were allowed to follow their husbands to Siberia (Collection of Laws of the Russian Empire in 16 Volumes, 1837, № 8745, p. 4). In a case of a wife's refuse to follow her husband, did not deprive her from the right to come to Siberia and to live together with her husband (Mish, 1904, p. 268).

In December 1846 it adopted the rules under which Jewish children could follow their parents to Siberia. It was allowed to take young male children under 5 years, and a female under 10 years of age and older, if they were not married (Collection of Laws of the Russian Empire in 16 Volumes, 1847, № 20737, p. 703). At the same time, it was forbidden for husbands to follow their convicted wives to Siberia, unlike other religious groups (Collection of Laws of the Russian Empire in 16 Volumes, 1830, № 1434, p. 864). Moreover, the exiled Jewish women were forbidden to take their children except infants, and with the consent of their husbands. The Code of the exiled particularly stipulated that those people who voluntarily and legally followed into exile after their convicted relatives to Siberia, did not acquire the status of exiled since they didn't commit any crime and they enjoyed all the rights granted to them under the Act of Status.

By the end of the 19th century, there were introduced restrictions on the settlement of Jews in the provincial cities which was connected with the prohibition "to settle and to stay in provincial cities for all sentenced people" (Unpublished Doc. 1738, pp. 3 – 4]. Thus, for example, the status of Tomsk as a university city strengthened this prohibition.

With the publication of the June 10, 1900 provisional rules of replacing references to a settlement and habitation into other penalties that canceled the reference for criminal offenses to Siberia and significantly limited the administrative offence (Collection of Laws of the Russian Empire in 16 Volumes, 1902, № 18777, pp. 630 – 636), the reference completely lost its significance as a place of placement of criminals. One of the organizers of social-democratic groups in Siberia N.N. Baranskiy recalled in 1905-1907: "...exile of people to Tomsk has long ceased ... Some of political exiled "settled" in Tomsk after their exiled period finished" (Unpublished Doc. 46, p. 4). To settle legally in Tomsk was made possible only with the permission of Tomsk governor. Some exiled Jews settled in Tomsk illegally, such as, I. L. Nakhanovich (one of Bolsheviks) who lived in Tomsk under the pseudonym of Ocheretin in 1915 (Unpublished Doc. 851, pp. 23 – 24). In general, the further penetration of Jews to Siberia, not enjoying the right of permanent residence outside the Jewish Pale, was episodic and random.

Another way for Jews to settle in Siberia was to arrange agricultural settlements. In compliance with a Senate decree published in November 20, 1836, some areas in Tobolsk and Omsk provinces were provided for those Jews who decided to do arable farming (Collection of Laws of the Russian Empire in 16 Volumes, 1837 № 9722, pp. 223 – 224).

According to this decree, every settler was provided with 15 desyatins (approx. 33 acres) of arable land, the necessary agricultural equipment, cattle, and other necessary household equipment. Before gathering the new harvest, the colonists had governmental support: they got some provision; they went to the place of living funded with the money coming from the government, which didn't take the arrears for previous taxes from both the colonists and the community. This measure proved to be very popular among the Jewish population, and the number of people wishing to migrate exceeded all initial calculations. According to official statistics, 1317 Jews wanted to settle down in 5 given areas.

However, after 45 days the government by a Supreme decree of January 5, 1837 notified of the following: "To suspend the Jewish settlement in Siberia" (Collection of Laws of the Russian Empire in 16 Volumes, 1838, № 9843, pp. 33 – 34). On May 15 the same year the Rules were adopted by Imperial consolidation according to which Jewish settlement were prohibited in Siberia forever. The exile settlement for crimes was replaced: men under 35 years were sent to military service; men from 35 to 40 were sent to penal battalion, men, older than 40 years old were settled down in remote areas: in Yakutsk regions near the lake Baikal in special villages. These were the places where Jews sentenced to hard labor were exiled.

The reasons for such a radical change in the government position are difficult to explain. G.A. Belkovkiy mentioned the lack of funds allocated for the resettlement in 1837 (Belkovskiy, 1905, p. 6). According to I.G. Orshanskiy, "the law which forbade further migration of Jews to Siberia, was caused by the desire to protect it from industrial activity of the Jews, and probably owes its origin to the local merchants that saw dangerous rivals in the Jews (Orshanskiy, 1877, pp. 125 – 126). V.N. Nikitin, referring to the number of archive documents, explained all the fear of the ruling circles of deterioration of morals in the region and the fact that Jews could, for various reasons, settle in the interior provinces of Russia during transit (Nikitin, 1877, p. 208). Perhaps there were other reasons to cease settlement of Jews to Siberia, but since that time the Siberian region became a place where Jews were unable to settle down freely and legally. Only 1367 of Jews were allowed to stay in Siberia legally who settled down there during the year before publication of the Rules of May 15, 1837.

In general, the date of May 15, 1837 became a kind of feature, to share those Jews who lived in Siberia legally and illegally settled. As a result, a large-scale deportation of Jews from Tomsk Province began, which

led to the fact that numerous petitions to Tomsk governor with request to be stayed in the place of residence and complaints of improper eviction and destruction of the Jews, which could not but affect the economic life of the region. As a result, December 29, 1853 decree of His Imperial Majesty, taking into account that the measures to reduce the number of Jews ruin them, allowed the Jews who settled illegally in Siberia to stay there organizing agricultural colonies (Savinikh, 2004, p. 111).

In the reign of Alexander II, Siberia was open to settle for certain categories of Jews: merchants of the guild 1, (Collection of Laws of the Russian Empire in 16 Volumes, 1861, № 34248, pp. 206 – 207), the Jews with PhD in medicine and surgery, or PhDs in other fields (Collection of Laws of the Russian Empire in 16 Volumes, 1863, № 37684, p. 509 – 510), doctors who did not have degrees (Collection of Laws of the Russian Empire in 16 Volumes, 1867, № 42079, p. 496), and graduated a course in higher educational institutes, including health care; pharmaceutical assistants, dentists, paramedics and midwives (Collection of Laws of the Russian Empire in 16 Volumes, 1881, № 59236, pp. 26 – 27). In addition, mechanics, distillers, brewers, and, in general, all types of craftsmen were allowed to settle in Siberia, as well as retired soldiers (Collection of Laws of the Russian Empire in 16 Volumes, 1867, № 44745, p. 999).

The next emperor Alexander III changed the government policy toward the Jews radically. Accepted restrictive decrees against the Jews also did not escape the attention of the Jews in Siberia, where restrictions were even more stringent.

The section 30 of the 1886 The Code of Passports of the Russian Empire (it also was mentioned as section 11 of the Appendix to the section 68 of the 1903 Code of Passports) played a big role. According to it, "all Jews were forbidden to settle in Siberia, except those who could settle according to the Code of Exiled and the Status Right Act (who arrived before 15 May, 1837)" (The Code of laws' of the Russian Empire, 1903, p. 68).

This section is connected with the rules adopted on May 15, 1837 on the prohibition of Jews to settle in Siberia, on the basis of that, the Siberian administration concluded that Siberia was not subject to laws allowing some Jews reside throughout the Empire.

The researches of the laws concerning the Jews explained that situation because of imperfection codification technology that led to the preservation of legal anachronism, and offered the section to be abolished (Belkovskiy, 1905, pp. 33 – 34).

However, in the 90th of the 19th century, in the framework of the government policy tightening, the existence of this situation led to the fact Siberia was removed from the rules on universal residence of Jews. The legislator concluded that the phrase "the right of residence throughout the empire," was not enough for Siberia which should be added specially.

In 1891 the Governing Senate confirmed that the right of Jews to live outside the Pale did not apply to Siberia, therefore the Jews who had lived in Siberia legally before, were outside the law. Ministry of Internal Affairs by a circular number 173 of 14 of January, 1893 ordered to expulse all Jews residing illegally in Siberia. (Unpublished Doc. 99, p. 28). This was the beginning of large-scale expulsion of the Jews. The Jews, who were subject to the expulsion, were given a period of 4 months to complete all the activities but the term could be extended, at the request of the local authorities till November 1, 1893.

According to the directive, 415 Jewish families were subject to the expulsion from Tomsk in the spring 1893, among them 8 families were allowed to stay (Unpublished Doc. 2573, pp. 2 – 63). Most of them lived in Tomsk for a long time and possessed real estate.

The widespread eviction of the Jews could not but affect the economic interests of the non-Jewish population. On July 14, 1893, Tomsk governor finding it "difficult" the expulsion of Jewish owners of goldmines from Tomsk because of possible economic problems, in an address to the head of the Tomsk mining administration offered him to express the views on the issue of Jewish abandonment.

To comply with the economic interests of the region, the term of expulsion by supreme order of June 21, 1893 was extended for a year, and the forced expulsion was prohibited. Then the deadline was extended to June 1, 1895. In this, Siberian authorities could apply for the abandonment of "useful" Jews to review the "general of the current legislation on the Jews" (Rogovin, (Ed),1913, p. 86).

Severe socio-economic and political situation in Russia at the beginning of the 20th century, a wave of pogroms swept across the western and southern provinces, led to the fact that Jews illegally left the Pale of settlement and settle in the interior provinces of Russia and Siberia. As a result, the Jews, who migrated illegally before August 1, 1906, by P.A. Stolypin's circular number 20 released on May 22, 1907, were

allowed to stay in their places of residence if they possessed 'good real estate' and had a family (Savinikh, 2004, p. 99).

Permission to stay outside the Pale, Stolypin's circular number increased the confusion in an already complex legislation on the Jews in Siberia, because it was not clear who was to be evicted. Obscure definition of 'real estate' provided an opportunity for its wide interpretation that increased bribery at different levels and arbitrary decisions by police.

On September 30, 1911, Tomsk police-officer informed the local authorities that 18 Jews with families resided without authorization in section 5 of Tomsk under his controlled. He asked the additional instructions about their rights to live in the city and what measures he should take. His information concerned 2 jewelers, engraver, watchmaker, 2 chemists, midwife, confectioner, 2 servants in print shop, and tailors (Unpublished Doc. 1996, pp. 21 – 24).

The Ruling Senate decree on September 19, 1907 reiterated that all categories of the Jews without exception were not allowed to arrive and settle in Siberia (Kalmina, 2003, p. 40). However, at this stage it acted only the Jews coming back to Siberia but those who had already settled could also stay in Siberia.

According to the decree "On Abolition of Restrictions Based on Religion and Nationality" from March 20, 1917 by the Russian Provisional Government, all the laws and statuses ceased to operate, whether it effected throughout Russia or in its various parts, including Siberia.

#### **4. CONCLUSION**

In general, summing up the consideration of the Russian legislation concerning the rights of Jews to settle in Siberia, it should be noted that throughout the period from the second half of the 19th century to the early 20th century the government tried to relate the interests of economic development of the region with the desire to prohibit resettlement of Jews to Siberia. .

The reasons for prohibition varied in different stages of Russian Empire history, but the main reason was the desire of the government to keep under control the Jewish population, which in the vast territories of Siberia was very difficult to do.

The attitude of local authorities to the Jews influenced significantly the state policy. On the basis of its own economic interests, and using published contradictory laws of the Jews, the provincial government, even in times of the Jews expulsion from Siberia, permitted the necessary number of the Jews to stay in Siberia.

As a result of exile and voluntary placement, a significant Jewish community formed in Siberia, which became part of the Siberian society and played an important role in its development. The Jews were the owners of various industrial companies, took part in the transport system in Siberia, and in extraction of minerals, were involved agricultural work, health care and educational services, etc., as well as stimulated cultural development of the region in the second half of the 19th century to the early 20th century.

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