

JEWISH BARRISTERS AND THE JEWISH BAR AS DESCRIBED BY THE ANTI-SEMITIC WEEKLY *ROLA*

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Abstract: In the early 1880s, when Russian politics took a strong anti-Semitic turn, a campaign was initiated in order to limit the number of Jews in the bar. The anti-Semitic weekly *Rola* took active part in this campaign. *Rola* claimed that a once respected profession had lost its social prestige because of the inflow of Jewish members into the bar, to which they had introduced the logic of financial profit. Its journalists condemned the moral relativism of Jewish lawyers, who had begun to “infect” Polish social life when they gradually took over public offices. This was facilitated by the professional and social links between Jewish and Polish barristers, who together formed a “Jewish-atheist clique.” According to *Rola*, the Polish bar was to be healed by elimination of unhealthy competition through the limitation of the general number of licensed barristers, introduction of official limits on the number of Jews in the barrister profession, and outlawing of the so-called private barristers with no formal legal education, whose members were mostly Jewish. When in 1889 the *numerus clausus* was officially introduced into the bar, *Rola* ceased to be interested in this topic. This sudden change of direction invites a suspicion that the weekly could have been inspired from the outside, while its activities were part of the persecution campaign of Jewish barristers organized by the Russian authorities.

Together with the processes of assimilation in Tsarist Russia and the Kingdom of Poland in the second half of the 19th century came social transformations that questioned the previous order. Jewish people took up activities formerly reserved exclusively for Christians, or, in exceptional cases, for converted Jews. However, even when they left the traditional ghetto and gave up their typical trade-related activities, Jews still encountered numerous legal limitations, which made many professions unavailable to them.¹ In this situation – taking advantage of the liberalization of regulations – they chose the available liberal professions. One of the occupations that facilitated individual advancement of emancipating Jews, as well as undergoing far-reaching transformations, was the profession of barrister. The growing number of Jews in the bar,² as well as the public presence of Jewish barristers outside the professional context, provoked the resistance of

¹ See for example: Polonsky (2013): Chapter Three.

² I would like to note here that the criteria according to which the nationality of individuals was determined were far from clear. This issue was discussed in the context of the bar by Stanisław Car (1914, 17), who wrote that in view of the lack of “appropriate criteria the nationality of individuals is largely determined

conservative circles, who were not eager to accept changes resulting from the formation of modern capitalism, where social position depended increasingly on individual career rather than privileges acquired with birth.³ In the Polish reality, the presence of Jews in the bar could also be seen as yet another element of the de-Polonization of the judiciary system in the Kingdom, which had been increasing since the Russification reform of the judiciary system had been introduced in 1876, removing the Polish language from legal proceedings.⁴

After the assassination of Tsar Alexander II, which public opinion saw as having been organized by Jews,⁵ his successor, Alexander III, introduced an openly anti-Jewish direction into Russian politics. The result was an intense campaign initiated in Russia in the early 1880s,⁶ whose goal was to limit the number of Jews among lawyers. It was argued that their number in the bar was excessive and “disproportionate,” while the standards of the professional bar were seen as deteriorating because of the Jewish members. These accusations were taken up by the Polish press in the Kingdom of Poland,⁷ while one of the magazines that put special focus on this issue was the Warsaw-based *Rola* weekly. Established in 1883 and from the very beginning edited and published by Jan Jeleński, *Rola* was the first Polish magazine to formulate its program around an openly professed anti-Semitic ideology.⁸ Part of this program was to fight assimilation, which Jeleński and the people around him considered particularly dangerous for the healthy development of Polish society. This tendency is best expressed by the words of one of Jeleński’s collaborators, Teodor Jeske-Choiński, who at the very beginning wrote in *Rola*, “If you are a Jew, stay a Jew! We prefer a dark Orthodox Jew than a civilisational zero, for the former believes in something, he is something, while the latter offers no guarantee.”⁹

Among the negative results of assimilation, *Rola* listed not only the increasingly wide presence of Jews in social life and their taking up of offices and positions formerly unavailable to them, but also the detrimental effect of Jewish characteristics transplanted by assimilating Jews into Polish society. Jeleński wrote in this context, developing Jeske-Choiński’s rather brief remark, about such flaws of assimilated Jews as “irreligious cynicism,” [*cynizm bezwyznaniowości*] “disdain for all spiritual goods,” “the dominance of material means,” and “servility which kills every man’s most precious thing: the sense of personal dignity.”¹⁰ He added that these negative features were brought by emancipating Jews to the areas of “the most noble human occupation,”¹¹ listing among them

here on the basis of religion.” Car’s remarks from 1914 can perhaps also be seen as valid in reference to the 1880s and the 1890s.

³ The relationship between capitalist transformations and the evolution of the barrister profession was aptly recognised by Datner 2007, 157. See also for a comprehensive discussion of the position of Jewish and partly Jewish barristers in the Kingdom of Poland, especially Warsaw: Datner 2007, 139-159.

⁴ Stanisław Car wrote about his reform: “Russification organised by the government was an open retaliation for the January Uprising”: Car 1914, 1.

⁵ Löwe 1993, 59.

⁶ Helena Datner (2007, 153) calls this situation “actual persecution.”

⁷ Datner 2007, 153.

⁸ For *Rola*, see Weeks 2007, 89-95.

⁹ Pancerny [Teodor Jeske-Choiński], Na posterunku, *Rola* 1883, no. 19, 9. On *Rola*’s attitude to assimilation see: Domagańska 2015, 67-88.

¹⁰ Jan Jeleński, Najgroźniejsi II, *Rola* 1885, no. 12, 133.

¹¹ *Ibid.*, 134.

journalism turned into “speculation” and “trading the printed word”; art and literature “corrupted with extreme realism”; medicine reduced to “more or less profitable occupation,” and the bar, to which Jews were to bring, in Jeleński’s mind, “barratry and fueling of the spirit of speculation, the spirit of swindle” [*pieniactwo i podsycanie ducha grynderstwa, ducha szwindlu*].¹² It is, then, of little surprise that Jeleński’s magazine so willingly joined the press campaign against Jewish lawyers. Statements suggesting the decline of the barrister profession after it had been taken over by Jews, as well as the deplorable results of the impact of negative aspects of the profession on social life at large, can be found in *Rola* from its very first issues, and they would feature there with changing intensity throughout many years to follow.

The starting point for the critique voiced by *Rola* was an argument that “the prestige of the institution of barrister has significantly dropped in recent years,”¹³ as was suggested by Franciszek Olszewski, who wrote under the pseudonym “K. Mazowiecki.” His extensive, five-part article from 1886, titled “Jews in the bar,” is undoubtedly one of the most significant publications that addressed the issue in the Warsaw weekly. The article provides a catalogue of anti-Semitic images of the bar in that period, while its theses can be found repeated in more or less explicit versions throughout the subsequent publications in *Rola* on this topic. According to the author, the decline of the prestige of the barrister profession came with the commonly shared belief that rather than a mission requiring particular competences and high moral standards, it was merely “the same sort of industry or trade as any other profession.”¹⁴ Olszewski lamented the decline of such traditional qualities as personal dignity and honesty, which used to translate into popular respect for lawyers. However, he argued, past qualities had been abandoned, while barristers of the new type embrace a motto that has nothing to do with the former ethos: “Forget dignity, business comes first.”¹⁵ He wrote:

Indeed, under this slogan legal practice soon became a profitable business, while most of its representatives sank into the crowd of stockbrokers [sic!], stock market agents, commissionaires, and all kinds of middlemen. The toga of the Roman patron, whose folds covered the pearls of the highest virtues of society, for centuries carefully nurtured, has now been traded for Mercury’s caduceus. Take the cases that life throws at you, use all means possible in your business that should be profitable to you in the first place; if lacking clients, make them yourself by spreading barratry; above all, however, remember that laws, just like anything else in the world, are written by people and for people, so you can make money on them as well – this is the ideal of the barrister world of today, and especially of this part of it that we shall discuss below.¹⁶

¹² *Ibid.*

¹³ K. Mazowiecki [Franciszek Olszewski], *Żydzi w adwokaturze I*, *Rola* 1886, no. 1, 1. Similar complaints about the decline of the professional prestige of barristers can also be found in *Rola*’s publications about relations in Galicia – as exemplified by a text published in 1893, where the following opinion was expressed: “Increasingly Jewish-dominated are two professions of independent intellectuals: barristers and physicians; the number of Jews who offer themselves to us with their legal or medical services reached truly frightening heights. Simultaneously, the respect for both professions has reached unprecedented lows [...]”: *Zastępca*, *Listy z Galicyi*, part 70, *Rola* 1893, no. 38, 660.

¹⁴ K. Mazowiecki [Franciszek Olszewski], *Żydzi w adwokaturze I*, *Rola* 1886, no. 1, 1.

¹⁵ *Ibid.*

¹⁶ *Ibid.*

His final words suggest that Olszewski's objective is not so much to discuss the condition of the bar of his time, but to address Jewish presence within the institution. Any reader would have inferred this much earlier, however, for the topic was introduced both by the title of the article, and by consistently recurring remarks referring to the stereotypical image of Jews, such as "the industry and trade profession," as well as those about stockbrokers and stock market agents. With such references, the article evoked in readers the stereotypical figure of a Jewish trader, a stereotype juxtaposed with a contradictory, elevated vision of a traditional barrister, full of virtues and acting out of higher motivations. Olszewski does not even try to explain that some negative features associated with the lawyer profession stemmed from its specificity, and he links their emergence with the new presence of Jews in the bar, about whom he writes by invoking stereotypical images and suggesting that they found their way to the bar "almost straight from 'cubit and measure.'"¹⁷

A different approach was taken by an author hiding behind the pseudonym "Ex-jurist," who in 1898 published in *Rola* a two-part article under a very telling title: "Moral color-blindness" [*Daltonizm moralny*]. The author suggested that a certain level of casuistry, relativism, verbal jugglery, flexibility and argumentative nonchalance, or even hypocrisy, was an integral part of the barrister's profession in general. The titular "moral color-blindness" was presented as an occupational disease of barristers.¹⁸ Therefore – unlike Olszewski – he did not ascribe those ambivalent features merely to Jewish lawyers, stating that they were widespread in Poland even before the partitions. He wrote that, "the affliction concerns the entire profession and all its members are bound to be affected by it."¹⁹ Of course, just like Olszewski, "Ex-jurist" did note the presence of honest people in the bar, "Mohicans – as he called them – of a dependable bar, who speak truthfully that black is black, and white is white, not the other way round."²⁰

According to the author, one of the factors that effectively protected one from the "moral color-blindness" was religion; more precisely – Christianity. "It is Christian morality – he wrote – that forbids any ambiguous opinions or use of flexible legal formulas depending on circumstances."²¹ However, this was being ousted from legal practice by "materialism and positivism, carefully planted by various semi-gods of modern paganism."²²

In *Rola* magazine, the belief that Christian morality is an effective shield against the corruption of the barrister profession had been expressed earlier by Franciszek Lutrzykowski, who claimed that a religious peasant was able to judge a given case better

¹⁷ *Ibid.*, 2.

¹⁸ Ex-jurysta, Daltonizm moralny. Kilka uwag o adwokatach i wpływie ich na sprawy społeczne I, *Rola* 1898, no. 23, 381-382. Marian Gorzkowski (Listy z Krakowa I, *Rola* 1883, no. 11, 6), a collaborator of *Rola* and secretary to Jan Matejko, wrote in the context of the legal argument of his principal with Leon Eibenschütz about "artificial syllogisms" typifying court presentations of this Jewish lawyer.

¹⁹ Ex-jurysta, Daltonizm moralny. Kilka uwag o adwokatach i wpływie ich na sprawy społeczne II, *Rola* 1898, no. 24, 399.

²⁰ *Ibid.*, 400.

²¹ *Ibid.*

²² *Ibid.* This text does not mention Jewish barristers explicitly, but rather offers certain hints: it alludes to the Panama affair and suggests that lawyers, just like the press, were being used by great Jewish bankers for their own advantage.

than even the best educated lawyer possessed by “atheistic liberalism.”²³ In 1900, a similar solution was proposed by Antoni Skrzynecki, one of *Rola*’s leading journalists.²⁴ In a lengthy article about the issue of Jewish assimilation written under a pseudonym, he did not, understandably, forget to mention the presence of Jews in the bar. Interestingly, in his considerations, Skrzynecki indicated a difference between a once popular type of Jewish lawyer and a new type that was “a product of recent assimilation.”²⁵ He described the former as “honest people who chose their cases depending on moral value, who in public life often played the role of decent, sacrificing, devoted sons of their society.”²⁶ Skrzynecki explained the difference in these two groups of Jewish barristers in that the former bar gathered converted Jews, who “in the majority were devout Christians who followed Christian ethics and were therefore socialized,”²⁷ while Jewish barristers of the new type rejected those high moral standards. Meanwhile, according to Skrzynecki, without the ethical guidelines of Christianity “a man skilled and able in manipulating judicial regulations becomes a true villain,”²⁸ who for practical gains will not mind whether the case is righteous or not; he will refer to “legal loopholes,” and will not refrain from using even the “most risky argument to win his case.”²⁹ a similar opinion was expressed by “Ex-jurist,” who discussed “atheist and materialist lawyers.” “In their minds,” he wrote, “there are inherent such notions which no one is able to remove. They have a whole array of sophistic formulas that they employ to fight the voice of conscience that is natural to all men.”³⁰

For authors writing for *Rola* it was obvious that Jews were to blame for the described decline in standards of the barrister profession. This was argued in a most emphatic way by Olszewski, who wrote that the barristers whom he described:

[...] remained in no genealogical, social or scientific connection with the former generations of barristers. Instead of a legal tradition, their background is commerce and usury; instead of

²³ Bolesław Szerbiec [Franciszek Lutrzykowski], *Listy z nad Dunaju*, *Rola* 1892, no. 2, 22.

²⁴ Bol. Szymański [Antoni Skrzynecki], *Dzieci jednej ziemi* (Uwagi i fakty z asymilacji żydowskiej) (Continuation), *Rola* 1900, no. 25, 385. Notably, Skrzynecki’s text is very similar to an essay published two years earlier under the pseudonym Ex-jurist. Both contain similar arguments and similar phrasing. Skrzynecki writes about “spiritual colour-blindness” [*daltonizm duchowy*], and Ex-jurist about “moral colour-blindness” [*daltonizm moralny*]; Ex-jurist discusses “Mohicans of the dependable bar” [*mohikanie palestry sumiennej*], while Skrzynecki refers to the “last of the Mohicans of the past Warsaw bar” [*ostatni mohikanie dawniejszej palestry warszawskiej*]; Ex-jurist mentions “flexible formulas” [*elastyczne formułki*], and Skrzynecki “flexible’ morality” [*elastyczna moralność*]; Skrzynecki’s words about making black white and white black correspond with Ex-jurist’s words as well. Certainly, all this is not enough to ascertain that “Ex-jurist” was a pseudonym used by Skrzynecki, yet it is not out of the question, as he used to publish his texts in *Rola* under several different pseudonyms listed in *Polski Słownik Biograficzny* (Gajkowska 1997-1998, 440-442). One can add some others like: Sodalis, Jan Pacyna Grzmotnicki, Niesobie; see: *Ćwierćwiecze walki. Księga pamiątkowa “Roli”*, Warszawa 1910, 101-102.

²⁵ Bol. Szymański [Antoni Skrzynecki], *Dzieci jednej ziemi* (Continuation), *Rola* 1900, no. 25, 385.

²⁶ *Ibid.*

²⁷ *Ibid.*

²⁸ *Ibid.*

²⁹ *Ibid.* Strictly speaking, in Skrzynecki’s article, opinions about the new type of barristers are spoken by the author’s unnamed interlocutor, who, however, has to be seen as a fictitious figure, conceived by the author, and certainly as his *porte parole*.

³⁰ Ex-jurysta, *Daltonizm moralny*. Kilka uwag o adwokatach i wpływie ich na sprawy społeczne II, *Rola* 1898, no. 24, 400.

commandments of rectitude and conscience, they inherited the testament of swindling and wordplay.

Because of their inherent trading skills the loudest and liveliest group within this bar is made up of people who are quite new to the profession. A mismatch occurred within the barrister family, which tainted its previously pure blood.³¹

What Olszewski emphasized here is mostly the social foundation of the changes he described. Paradoxically, or perhaps maliciously, he referred to Darwin's theory, which was commonly contested among conservatives. He argued that by living for generations among foreign peoples Jews had become cosmopolites who made their "hatred of the surrounding world" their inherited trait, while money had become a tool allowing them to retain this hostile distinctiveness. This was because they had "anytime and anywhere (...) maintained only the cult of usury and trade as two parallel wheels turning on the axis of capital."³² No wonder then, added Olszewski, that the introduction of this "factor of usury and commerce" had a destructive effect on the bar.³³ Yet another argument was offered by Skrzynecki, who saw these negative processes as resulting from the workings of the Talmud. Opposing the "exceptionally flexible" particular ethics (including the ethics of barristers), he argued that its source could be found in the Talmud, which "is but a continuation of the ethics of sophists and Pharisees," that is, the makers of "casuistic ethics, which is the reverse of Revealed morality."³⁴

Regardless of where particular authors of *Rola* located the sources of the phenomenon they were criticizing, they were in agreement that the bar was appropriated by "*homines novi*,"³⁵ not only Jews, but also those who imitated their dubious practices and who were officially Christians, yet in essence – as Ex-jurist saw it – merely "open or disguised atheists."³⁶ This phenomenon was also discussed by Skrzynecki, who quoted his (most possibly fictitious) interlocutor as saying: "I am familiar [...] with the legal practice of my Jewish colleagues and I am telling you that abominable things are happening there. Even worse is the fact that the Jewish method has also permeated through the doings of Christian lawyers, alas! only Christian in name."³⁷ Unsurprisingly, defending their interests, those barristers of the "new school," as Olszewski called them,³⁸ disregarding all the differences within their group, in *Rola*'s opinion showed more solidarity than any other professional group, and formed a "coterie" or a "clique."³⁹ One of the methods of creating this coterie of barristers was to subordinate and deprave young Christian lawyers hired in Jewish lawyers' offices. By eliminating moral scruples in young and yet

³¹ K. Mazowiecki [Franciszek Olszewski], *Żydzi w adwokaturze I*, *Rola* 1886, no. 1, 1.

³² *Ibid.*, 2.

³³ *Ibid.*

³⁴ Bol. Szymański [Antoni Skrzynecki], *Dzieci jednej ziemi X*, *Rola* 1900, no. 33, 513. See also: Kamienny [Jan Jeleński], *Na posterunku*, *Rola* 1889, no. 40, 583. It was a common practice for *Rola* writers to blame the Talmud as the source of all pathologies linked with Jewish people. More Friedrich 2013, 145-169.

³⁵ Term used by Olszewski, K. Mazowiecki [Franciszek Olszewski], *Żydzi w adwokaturze II*, *Rola* 1886, no. 2, 14.

³⁶ Ex-jurysta, Daltonizm moralny. Kilka uwag o adwokatach i wpływie ich na sprawy społeczne II, *Rola* 1898, no. 24, 400.

³⁷ Bol. Szymański [Antoni Skrzynecki], *Dzieci jednej ziemi (Continuation)*, *Rola* 1900, no. 25, 385.

³⁸ K. Mazowiecki [Franciszek Olszewski], *Żydzi w adwokaturze II*, *Rola* 1886, no. 2, 14.

³⁹ Ex-jurysta, Daltonizm moralny. Kilka uwag o adwokatach i wpływie ich na sprawy społeczne II, *Rola* 1898, no. 24, 400.

undeveloped people, and by fueling their conviction that the legal profession should only be regarded in business terms, as Skrzynecki put it, a Jewish lawyer “shapes his future colleagues, who then walk his path with him hand in hand.”⁴⁰ This way, a new “clique of Jews and atheists” [*klika żydowsko-bezwyznaniowa*] was formed within the bar.⁴¹ The *Rola* journalist claimed that only a dozen or so lawyers in Warsaw remained outside of its influence.⁴²

Close ties were not limited, however, merely to the professional sphere. Skrzynecki lamented that Polish “bourgeois intellectuals,” as he called them, including, of course, the members of the bar, remained in a “close union” with its Jewish members also in the realm of public and social life.⁴³ This, on the other hand, translated into something that was especially distressing for *Rola* – namely, into the increasingly high position of barristers in public life. This problem was briefly defined by the editor’s son, Szczepan Jeleński, who wrote that “barristers squeeze into public life through all possible crevices.”⁴⁴ a similar diagnosis was put forward by Skrzynecki, who argued that “the newly awakened public life [...] sees barristers trying to take leading positions, take leadership and power.”⁴⁵ He explained that he meant this part of the bar which consisted of “Jews or their faithful servants who are merely disguised as Christians.”⁴⁶

Ex-jurist attempted to explain this phenomenon by arguing that while medical doctors or engineers take up their profession mostly for the common good, unwillingly detaching from their daily obligations, this strictly professional sphere of activity is hardly enough for barristers. According to the journalist, a barrister “wishes to transfer the surplus of his arguments and casuistry from the courtroom to a wider audience of public affairs. For him, the confines of his cases seem too constricting; he wishes to procure new positions, to gain wide influence among the crowds.”⁴⁷ The writer tried to be impartial here, listing certain traits in lawyers that predestined them for public and social activity. Among them were: ease in making arguments; ability to formulate logical statements; general oratory skill useful for communication with society; capability of finding one’s way in difficult situations; finally, professional knowledge useful in public service. All these, according to the author, were traits useful in social life, yet on condition “that they are made use of with temperance, not excessively, and without the advantage of one class over another, of one profession over another.”⁴⁸ Otherwise, these features, instead of serving society, would become a tool of demoralization, manipulation, and abuse. As a warning, he discussed the example of France, which was for him a practical example of “the consequences of the rule of barristers”:

⁴⁰ Bol. Szymański [Antoni Skrzynecki], Dzieci jednej ziemi (Continuation), *Rola* 1900, no. 25, 385.

⁴¹ *Ibid.*, 386.

⁴² *Ibid.* Statistics concerning the number of barristers in Warsaw were presented by Car 1914, 13-14.

⁴³ Bol. Szymański [Antoni Skrzynecki], Dzieci jednej ziemi (Continuation), *Rola* 1900, no. 32, 498.

⁴⁴ Rolicz [Szczepan Jeleński], Ciekawe rzeczy. Kronika bieżąca. Krajowa i zagraniczna, *Rola* 1899, no. 34, 559. See also: Jan Patyna Grzmotnicki [Antoni Skrzynecki], Listy Imci Pana Grzmotnickiego IX, *Rola* 1899, no. 11, 179.

⁴⁵ Bol. Szymański [Antoni Skrzynecki], Dzieci jednej ziemi (Continuation), *Rola* 1900, no. 25, 386.

⁴⁶ *Ibid.*

⁴⁷ Ex-jurysta, Daltonizm moralny II, *Rola* 1898, no. 24, 400.

⁴⁸ Ex-jurysta, Daltonizm moralny I, *Rola* 1898, no. 23, 382.

Because of those casuists and those professional sophists the level of atheism increased, family ties became weaker, corruption instigated by the Panama scandal developed, protected by numerous loopholes, the bourgeois of the lowest type had blossomed, honor and important patriotic feelings diminished [...].

Those are the obvious fruits of the state being dominated by *messieurs les avoués et messieurs les avocats*. They brought their casuistry of turning white into black and black into white from the courtrooms into political life. Their moral blindness was spread like a virus among vast areas of the nation, who gradually lost their notion of colors and cherish those skillfully disguised rascals who disregard decent people, who cherish ideals that have nothing to do with the cult of the golden calf.⁴⁹

Moving his reflections onto home ground, the writer stated that in Poland, the “clique” of barristers had an increasingly powerful impact on public life, planting in its tissue “this dangerous occupational disease that infects the social body.”⁵⁰ The metaphor of “infection” [*zakażanie*], “decay” [*zgnilizna*] and “gangrene” was eagerly used in anti-Semitic rhetoric. In *Rola*, it was first used in reference to Jewish barristers in a six-chapter anti-assimilation text from 1887, titled “Terrible numbers” [*Straszne cyfry*] and written by Jan Jeleński. The editor-in-chief, noting the wide presence of assimilating Jews in numerous spheres of social life – finance, the press, literature, medicine, as well as the bar – claimed that “a ‘socialized’ Jew [...] spreads gangrene in each and every nerve of our moral, social, and intellectual life.”⁵¹

Of course, according to *Rola*, the Jewish-ridden [*zażydzona*]⁵² or [*zżydzona*]⁵³ bar spread gangrene within society because it was affected by it itself. Often recurring in this context were terms such as “dirt and rot” [*brud i zgnilizna*],⁵⁴ “disease”⁵⁵ or “the morally gangrened barrister profession” [*moralnie zgangrenowany stan adwokacki*].⁵⁶ Condemnation of pathologies was an important element of the anti-barrister campaign orchestrated by *Rola*. Along with criticism of a general, moralizing nature, texts were also published that deplored particular symptoms of demoralization and the decline of the profession: collecting advances without taking any legal steps whatsoever, intentional protraction of cases; blackmail;⁵⁷ cheating,⁵⁸ and even ruining clients; keeping

⁴⁹ Ex-jurysta, Daltonizm moralny. Kilka uwag o adwokatach i wpływie ich na sprawy społeczne I, *Rola* 1898, no. 23, 382-383.

⁵⁰ Ex-jurysta, Daltonizm moralny. Kilka uwag o adwokatach i wpływie ich na sprawy społeczne II, *Rola* 1898, no. 24, 400.

⁵¹ J. Jeleński, Straszne cyfry, V, *Rola* 1887, no. 38, 446.

⁵² See for instance Zastępca, Listy z Galicji LXX, *Rola* 1893, no. 38, 661; K-ny [Jan Jeleński], Żydzi w adwokaturze, czyli pierwsza zasługa pozytywna posłów polskich w Dumie! Kronika bieżąca. Krajowa i zagraniczna, *Rola* 1908, no. 16, 248; Zażydzenie adwokatury lwowskiej. Kronika bieżąca. Krajowa i zagraniczna, *Rola* 1911, no. 5, 83.

⁵³ See for instance K. Mazowiecki [Franciszek Olszewski], Żydzi w adwokaturze II, *Rola* 1886, no. 2, 14; K. Mazowiecki [Franciszek Olszewski], Żydzi w adwokaturze V, *Rola* 1886, no. 5, 49.

⁵⁴ Kamienny [Jan Jeleński], Na posterunku, *Rola* 1889, no. 40, 583.

⁵⁵ K. Mazowiecki [Franciszek Olszewski], Żydzi w adwokaturze V, *Rola* 1886, no. 5, 50.

⁵⁶ K. Mazowiecki [Franciszek Olszewski], Żydzi w adwokaturze III, *Rola* 1886, no. 3, 26.

⁵⁷ K. Mazowiecki [Franciszek Olszewski], Żydzi w adwokaturze II, *Rola* 1886, no. 2, 14.

⁵⁸ K. Mazowiecki [Franciszek Olszewski], Żydzi w adwokaturze V, *Rola* 1886, no. 5, 49.

money coming from recovery; extortion;⁵⁹ protection of usurers;⁶⁰ and even fights between “Jewish barristers.”⁶¹

Pathological elements were mostly associated with the institution of “private barristers,” who, in contrast to “sworn barristers,” were not even required to have formal education. As a result, their fees were much lower, which made the less wealthy classes dependent almost exclusively on their services.⁶² The presence of this “clandestine bar”⁶³ was not without influence on the functioning of sworn barristers. Olszewski even wrote that “the barrister class has reached such unprecedented moral decline that it is no longer possible to distinguish within it elements of intelligence and professional education from those of ignorance and underhanded mischief.”⁶⁴ In the pursuit of clients they also lowered their standards, ceased to educate, and, above all, started paying less attention to the honest handling of their cases, concentrating instead on “searching for profitable businesses and chasing new clients.”⁶⁵ Clients also adapted to the situation, preferring “barristers to be pettifoggers, rather than real lawyers” and had more trust in “so-called ‘loopholes,’ than in the knowledge of law, skill, and honesty.”⁶⁶

All this turned the once noble profession into a “common rigmarole,”⁶⁷ “disgusting casuistry and abuse of law,”⁶⁸ or even “barrister piracy.”⁶⁹ According to *Rola*, barristers of the “new school” did not care about their clients’ interests, but merely about their own, often accomplished in dishonest way. An account of suspicious activities of one lawyer from Lvov suggested that “at every moment he was ready to sell both his body and his soul if he only knew how he could get money out of it.”⁷⁰ The regress of the barrister profession was manifested in hundreds of disciplinary cases opened against lawyers by both wronged clients and the authorities.⁷¹ In comparison to the appalling signs of moral

⁵⁹ K. Mazowiecki [Franciszek Olszewski], *Żydzi w adwokaturze IV, Rola* 1886, no. 4, 37.

⁶⁰ Zbigniew Kościeszka [Antoni Skrzynecki], *Z końcem wieku. Ze wspomnień dziennikarza, Rola* 1901, no. 35, 545.

⁶¹ Kamienny [Jan Jeleński], *Na posterunku, Rola* 1885, no. 47, 564.

⁶² K. Mazowiecki [Franciszek Olszewski], *Żydzi w adwokaturze II, Rola* 1886, no. 2, 14.

⁶³ *Ibid.*, 13.

⁶⁴ K. Mazowiecki [Franciszek Olszewski], *Żydzi w adwokaturze IV, Rola* 1886, no. 4, 37.

⁶⁵ K. Mazowiecki [Franciszek Olszewski], *Żydzi w adwokaturze II, Rola* 1886, no. 2, 14. This problem was not acknowledged exclusively by anti-Semites, as manifested by the words of a famous barrister of Jewish background, Henryk Cederbaum, who wrote, “[...] sadly, there are colleagues – I have to shamefully admit – who are plagued by hunting trials, in whose offices there is always a crowd of factors”: Cederbaum 1911, 43.

⁶⁶ This observation was published by *Słowo* and cited with satisfaction in *Rola*. Kamienny [Jan Jeleński], *Na posterunku, Rola* 1889, no. 40, 583.

⁶⁷ K. Mazowiecki [Franciszek Olszewski], *Żydzi w adwokaturze IV, Rola* 1886, no. 4, 38.

⁶⁸ Karol Warski, *Zawsze oni... (Z okazji jubileuszu Wszechnicy Jagiellońskiej), Rola* 1900, no. 26, 402.

⁶⁹ K. Mazowiecki [Franciszek Olszewski], *Żydzi w adwokaturze II, Rola* 1886, no. 2, 14.

⁷⁰ Stanisław Z...ski, *Judaica, Rola* 1888, no. 25, 294. Skrzynecki put this question in a similar way when writing about Jan Finkelhaus (Skrzynecki describes him as Jankiel Finkelhaus) “who was more interested in making desirable mammon rather than taking care of his good name”: Zbigniew Kościeszka [Antoni Skrzynecki], *Z końcem wieku. Ze wspomnień dziennikarza, Rola* 1901, no. 37, 578. It is also worth mentioning that the barrister Jan Finkelhaus himself had its literary prototype in one of *Rola*’s spectacular series, “Podskarbiowie narodu,” mockingly named as “Jukiel Szwindelmaus.” See more: *Ćwierćwiecze walki. Księga pamiątkowa “Roli”* (1910), 74, 117; Swojak [Antoni Skrzynecki], *Podskarbiowie narodu: Kanaliensohny, Rola* 1896, nos. 1-9 [except no. 4].

⁷¹ K. Mazowiecki [Franciszek Olszewski], *Żydzi w adwokaturze III, Rola* 1886, no. 3, 26.

decline of the bar, its parallel intellectual decline was only hinted at. “Obsessed with the pursuit of money,” wrote Olszewski, “barristers have no time to read academic papers and books, or even less to write them.”⁷² As a result, a significant drop in the level of law-related publications and journalism was noted.

Understandably, a diagnosis formulated in such radical terms required certain recovery measures. Olszewski presented them in the final, fifth part of his lengthy article from 1886, where he proposed a four-step remedial program, whose realization could, in his own words, “obviate the sorry specter of the bankruptcy of the barrister profession.”⁷³

In the first point, the *Rola* journalist proposed limiting the general number of barristers, which would be organized by closing the list of barristers and keeping their number exclusively by filling in the vacated positions. This step was supposed to eliminate unhealthy competition between lawyers, which, according to the author, was one of the most important causes of the described pathologies.⁷⁴

Secondly, regardless of whether the first step would be realized or not, Olszewski suggested limiting the number of Jews in the bar by introducing accurate official regulations, modeled on the limits to the numbers of Jewish citizens in the judiciary system and local governments in the Empire. Obviously, this postulate stemmed from the belief that Jewish barristers were the source of pathology within the bar.

Thirdly, Olszewski thought it was of paramount importance to close down the institution of private barristers, which in the light of accusations against them seemed to be an obvious step to make. In this case, however, he voiced the reservation that if this step was impossible to implement, then at least the Jewish population should be excluded from this profession. In this case – unlike in the case of sworn barristers – Olszewski proposed completely excluding the “swindling, exploiting Jewish element”⁷⁵ from the profession.⁷⁶

Finally, the fourth argument was to establish chambers of barristers that would safeguard the observation of professional and ethical standards, removing from the bar all those who did not adhere to them. According to Olszewski, this kind of corporate control device would have been “the most effective shield against all forms of abuse.”⁷⁷

As was suggested above, *Rola*’s campaign against corruption in the bar, and, in essence, against something that Jeleński’s journalists referred to as its “Jewishness,” did not emerge in a social and political vacuum, being merely a part of a wider campaign

⁷² *Ibid.*

⁷³ K. Mazowiecki [Franciszek Olszewski], *Żydzi w adwokaturze V, Rola* 1886, no. 5, 50.

⁷⁴ The belief about the excessive growth of the bar in the Kingdom of Poland was also expressed outside anti-Semitic circles. This opinion was shared by some members of the bar, as well as, for example, Adolf Suligowski, an acclaimed lawyer and theoretician of law who in 1886, when Olszewski published his text, issued an article about the results of a survey conducted among barristers. Suligowski wrote that “too many people have recently been admitted among the noble profession of barristers.” Cited in: Datner 2007, 155 and see also p. 140.

⁷⁵ K. Mazowiecki [Franciszek Olszewski], *Żydzi w adwokaturze V, Rola* 1886, no. 5, 50.

⁷⁶ The opinion about the harmful consequences of the institution of a private barrister was quite widespread. One of the few people who expressed a contradictory opinion was Adolf Suligowski. In 1884 (two years before Olszewski’s publication) he argued in favour of keeping the institution of private barristers, suggesting that this was often the only available form of legal representation in provincial areas. At the same time, he insisted on the need to introduce harsher requirements for potential candidates. Cf. Datner 2007, 144.

⁷⁷ K. Mazowiecki [Franciszek Olszewski], *Żydzi w adwokaturze V, Rola* 1886, no. 5, 50. Notably, the institution of a Chamber of Barristers was already present in other places in the Empire. Cf. Datner 2007, 140.

addressed against the presence of Jews in the bar throughout the Empire. It is difficult to determine whether anti-Semitic publications in the Polish press were directly inspired by the Russian authorities, who in the 1880s realized Alexander III's anti-Jewish policies and introduced harsher restrictions against Jews,⁷⁸ or whether their authors simply followed the general atmosphere that welcomed such opinions. One way or another, it is clear that the anti-Semitic press campaign coincided with the preparation of the official limitation of the number of Jews in the bar,⁷⁹ which was finally introduced in 1889, effectively preventing Jews from entering the bar.⁸⁰ We should note that, after this date, for a long time *Rola* did not engage in the topic of the bar and did not attempt even to trace changes initiated by the new law. This sudden lack of interest might suggest that perhaps *Rola* was indeed inspired to take up this topic by some outside source.⁸¹

Admittedly, in 1889, Jan Jeleński noted with satisfaction that five Jews had been refused entry to the sworn bar and, at the same time, four Catholic barristers were admitted, interpreting these events as changes that were to “stop the Jewish inflow.”⁸² But the next text on the topic, which referred to the introduction of the *numerus clausus*, was published by Jeleński's magazine only eleven years later. In 1900, Antoni Skrzynecki observed that there would have been twice as many Jewish barristers if no limitations had been introduced, yet he also regretted that they were introduced so late.⁸³ The following year Skrzynecki expressed a hope that “thanks to the preventive legal restrictions Jews would soon be merely an island on the sea of the Warsaw bar.”⁸⁴ It is hardly surprising, then, that several years later, when the Duma was established, and the MPs of the Polish Circle [*Kolo Polskie*] opted for equal rights for Jews in the bar, Jeleński accused them of contributing to “even greater Jewishness, depravation and ultimate degradation of the standards of the Polish bar, whose honesty and prestige were long gone because of the Jewish influence!”⁸⁵ Those were the final words that *Rola* dedicated to the problem of the bar in Poland. In the following years, its journalists commented only briefly on the situation in Galicia, which witnessed a “true Jewish flood” in its bar.⁸⁶

This statement could provide a conclusion to the presentation of the issue of how the Warsaw weekly approached the issue of Jewish presence in the bar. This, however, does not fully cover the problem. After all, the message sent by *Rola* was not limited to the more or less truthfully presented “content” – facts or arguments – which could be seen, with some exaggeration, as rooted in reality. Equally important, or often more so, were certain linguistic tricks, rhetorical devices, and means of presenting facts, or, on the con-

⁷⁸ Cf. Löwe 1993, 62-76.

⁷⁹ Helena Datner (2007, 153) writes that the regulations from 1889 were actually “a culmination of the press debate”.

⁸⁰ Heinz-Dietrich Löwe (1993, 72) claims that in 1889 Jews in the Russian Empire were effectively blocked from joining the sworn barrister office.

⁸¹ Between 1889 and 1898 *Rola* did not publish even the briefest remarks on the issue of the bar in Poland, although it did mention on several occasions the situation of the bar in Austria and Galicia.

⁸² Kamienny [Jan Jeleński], Na posterunku, *Rola* 1889, no. 40, 583.

⁸³ Bol. Szymański [Antoni Skrzynecki], Dzieci jednej ziemi (Continuation), *Rola* 1900, no. 25, 385.

⁸⁴ Zbigniew Kościeszka [Antoni Skrzynecki], Z końcem wieku, *Rola* 1901, no. 36, 561.

⁸⁵ K-ny [Jan Jeleński], Żydzi w adwokaturze, czyli pierwsza zasługa pozytywna posłów polskich w Dumie! Kronika bieżąca. Krajowa i zagraniczna, *Rola* 1908, no. 16, 248.

⁸⁶ Ch., Potop żydowski. Kronika bieżąca. Krajowa i zagraniczna, *Rola* 1910, no. 14, 220. See also: Zażydzenie adwokatury lwowskiej. Kronika bieżąca. Krajowa i zagraniczna, *Rola* 1911 no. 5, 83.

trary, measures used to avoid certain facts or events. Those methods provoked emotional involvement in readers and, as a result, decided upon the powerful influence of particular texts and, more importantly, the ideological effectiveness of the anti-Semitic weekly.⁸⁷

Clearly, then, the very complex and multifaceted problem of the bar in the Kingdom of Poland was reduced by *Rola* to one common denominator – namely, Jews. Texts about the bar, even when they did not refer directly to Jews, were full of words that the reader could easily associate with them, such as *geschefts*,⁸⁸ *geschäftmacher*⁸⁹ and *geszefciarstwo*,⁹⁰ “swindle” [*szwindel*]⁹¹ and “swindlers” [*szwindlerzy*],⁹² as well as “factor” [*faktor*]⁹³ and “factorage” [*faktorstwo*].⁹⁴ When *Rola* informed about the evil doings of one lawyer from Lviv, it never failed to note that although known by the name of Emanuel Roiński, “not many years ago he used to be a simple Jew called Wurst,”⁹⁵ thus suggesting that Jews often used Polish-sounding names.

Perhaps the most interesting device was that Skrzynecki used the term “the Jewish method” [*metoda żydowska*]⁹⁶ to define pathological phenomena within the bar. This simple phrase allowed both the author as well as the readers to unreflectively accept that all kinds of depravation and perversion of the barrister profession did not concern Jews only, but also Christian Poles, who constituted a great majority of the bar.⁹⁷ *Rola* writers used methods to convince their readers that even if Christian lawyers employed some immoral means, this did not result from some general social, economic, and cultural changes, or from the weakness of human nature, but stemmed from the influence of “the traditional traits of the Israeli people,” who triggered with their demoralizing influence the bar’s “moral collapse,” as stated by Olszewski in 1886.⁹⁸

⁸⁷ Interesting in this context is the opinion most likely expressed by Skrzynecki himself (although he did not sign this part of the text), who after Jeleński’s death discussed the contents of particular issues of *Rola* and noted about the year 1886: “Persecution of *Rola* by elements remaining in close contact with the Jews becomes more energetic, especially after the magazine lifted the veil surrounding the dealings of certain bankers and revealed the Jewish influence on our bar in a series of articles titled ‘Żydzi w adwokaturze.’” See *Cwierćwiecze walki. Księga pamiątkowa “Roli”* 1910, 112-113.

⁸⁸ Karol Warski, *Zawsze oni... (Z okazji jubileuszu Wszechnicy Jagiellońskiej)*, *Rola* 1900, no. 26, 402.

⁸⁹ K. Mazowiecki [Franciszek Olszewski], *Żydzi w adwokaturze III*, *Rola* 1886, no. 3, 26.

⁹⁰ Kamienny [Jan Jeleński], *Na posterunku*, *Rola* 1889, no. 40, 583.

⁹¹ K. Mazowiecki [Franciszek Olszewski], *Żydzi w adwokaturze II*, *Rola* 1886, no. 2, 14; Kamienny [Jan Jeleński], *Na posterunku*, *Rola* 1889, no. 40, 583.

⁹² K. Mazowiecki [Franciszek Olszewski], *Żydzi w adwokaturze II*, *Rola* 1886, no. 2, 14.

⁹³ K. Mazowiecki [Franciszek Olszewski], *Żydzi w adwokaturze V*, *Rola* 1886, no. 5, 50.

⁹⁴ K. Mazowiecki [Franciszek Olszewski], *Żydzi w adwokaturze IV*, *Rola* 1886, no. 4, 37. The opinion that Jews turned barristers into factors was also expressed in 1886 by Mazowiecki ([Franciszek Olszewski], *Szczerłość – za szczerłość... (Z powodu Memoriału Warszawskiego Komitetu Giełdowego w sprawie żydowskiej)*, *Rola* 1886, no. 32, 373).

⁹⁵ Stanisław Z...ski, *Judaica*, *Rola* 1888, no. 25, 294.

⁹⁶ Bol. Szymański [Antoni Skrzynecki], *Dzieci jednej ziemi (Continuation)*, *Rola* 1900, no. 25, 385.

⁹⁷ In the light of statistics presented by Stanisław Car, the actual number of Jews in the bar both in the Kingdom of Poland as a whole, as well as in Warsaw itself, was around 10-15 percent. Even if we assumed that some Protestants and Catholics noted in the statistics were actually converted Jews, their number would still not exceed one quarter of the bar, cf. Car 1914, 17-20. *Rola* writers criticised (at least indirectly) the instrumental treatment of baptism by Jewish barristers: Bol. Szymański [Antoni Skrzynecki], *Dzieci jednej ziemi (Uwagi i fakty z asymilacji żydowskiej)*, *Rola* 1900, no. 20, 306.

⁹⁸ K. Mazowiecki [Franciszek Olszewski], *Żydzi w adwokaturze II*, *Rola* 1886, no. 2, 13.

Finally, it is worth noting that Jeleński's weekly also used a similar tone to describe the condition of the bar outside of Poland.⁹⁹ In this way, it indicated that the deplored phenomena were not so much the result of local conditions, but were of a universal nature and, indeed, were rooted in the Jewish nature – perennial and unchangeable.

All these factors produced a situation whereby the topics of the bar and the presence of Jews therein were often covered by *Rola*,¹⁰⁰ yet still, again and again, readers would be served the same statement presented through many different voices. Its essence is perfectly expressed by the words of Jan Jeleński, the founder, publisher, and editor of *Rola* for a quarter of a century, words that can be considered the *pars pro toto* of the opinions of the anti-Semitic circles on this issues:

Our bar has succeeded in realizing its noble task and proudly manifested its purity only until its body was invaded with “Mosaic Poles” [*Polacy mojżeszowi*], who are persistent in their “depravation” of all that is pure and honest. When they invaded, they immediately infected our bar with the venom and dirt of their *gescheft* culture [*Gdy władz, zakaził też od razu adwokaturę naszą jadem i brudem geszefciarsta*], while one of the noblest professions, the profession of barrister, was transformed into an arena for swindles. From that moment on, that is, from the moment the Jew entered this place, this profession has lost its prestige, its dignity and respect, while justice has not gained anything from it, for wherever resounds the tone of elevated message, the words: Jew, Talmud, Judaism must either be excluded or justice will be befouled and – defiled.¹⁰¹

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⁹⁹ Bolesław Szczerbiec [Franciszek Lutrzykowski], Listy z nad Dunaju, *Rola* 1892, no. 22, 21-22; Ex-jurysta, Daltonizm moralny I, *Rola* 1898, no. 23, 382-383.

¹⁰⁰ Between 1883 and 1910 around thirty texts were written about the topic of interest here, with varying degrees of elaboration.

¹⁰¹ Kamienny [Jan Jeleński], Na posterunku, *Rola* 1889, no. 40, 583.

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