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**THE STATUTE ORGANIZING THE FOLLOWERS OF THE LAW  
OF THE OLD TESTAMENT IN THE FREE CITY OF KRAKÓW AND ITS ENVIRONS:  
ORIGINS, HISTORY, REGULATIONS**

The year 1815 saw the emergence of a new State on the map of Europe – the Free City of Kraków, which, because of its affiliation to the small group of European Republics, was also referred to as the Republic of Kraków. The Free City of Kraków stretched along the left bank of the River Vistula, bordering to the west with the Kingdom of Prussia, to the north and east with the Kingdom of Poland and to the south with the Austrian Empire. Its total surface area was 1150 km<sup>2</sup>, which – apart from Kraków which became the capital – also contained three small private towns, Chrzanów, Nowa Góra and Trzebinia, as well as 244 villages.<sup>1</sup>

When it first came into being the Free City of Kraków had a population of 87,000.<sup>2</sup> Over the coming decades the area witnessed rapid growth and, at the time of its fall in 1846, it contained 148,000 inhabitants.<sup>3</sup>

With the increase in population the religious structure of the Free City of Kraków also changed. Over the years the percentage of Christians dwindled (of which almost 98% were Catholics), whilst the number of Jews increased. In 1818 the latter comprised 8% of the total population, and as much as 12% just a quarter of a century later.<sup>4</sup>

Though the Jews constituted such a numerous and constantly growing group of inhabitants in the Free City of Kraków, they were not given the same kind of treatment as the Christian population. This is because they were treated as a separate social group. For this reason their legal standing was defined by a separate legal regulation – the *Statute Organizing the Followers of the Law of the Old Testament in the Free City of Kraków and its Environs* (*Statut urządzający starozakonnych w Wolnym Mieście Krakowie i Jego Okręgu*).<sup>5</sup>

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<sup>1</sup> Bieniarzówna 1948: 12; Wachholz 1957: 47; Bartel 1976: 8. See also Gierowski 1983: 149; Chwalba 2000: 252.

<sup>2</sup> Archiwum Państwowe w Krakowie (State Archive, Kraków), *Organizacja i ustroj państwa (1815–1817)*, WMK V–1, 1815.

<sup>3</sup> Zdanie sprawy o stanie Wolnego Miasta za rok 1843, *Dziennik Praw Wolnego Miasta Krakowa i Jego Okręgu*, 1844 (without number).

<sup>4</sup> Zdanie sprawy o stanie Wolnego Miasta za rok 1821, *Dziennik Rozporządzeń Rządowych Wolnego, Niepodległego i ściśle Neutralnego Miasta Krakowa i Jego Okręgu*, 1822 (no. 4552 Dz. Gł. Sen.); Zdanie sprawy o stanie Wolnego Miasta za rok 1843, *Dziennik Praw Wolnego Miasta Krakowa i Jego Okręgu*, 1844 (without number).

<sup>5</sup> Statut urządzający starozakonnych w Wolnym Mieście Krakowie i Jego Okręgu, *Dziennik rozporządzeń rządowych Wolnego, Niepodległego i ściśle Neutralnego Miasta Krakowa i Jego Okręgu*, 1817 (no. 1358 Dz. Gł. Sen.).

The *Statute Organizing the Followers of the Law of the Old Testament* was issued in 1817. However, work on a separate set of regulations defining the situation of Jews inhabiting the Free City of Kraków was started towards the end of 1815. At the time the Senate of the Free City of Kraków appointed a committee whose task it was to prepare a draft of the Regulation referred to above.

According to source materials the three-man Committee, composed of the chairman, Senator Feliks Grodzicki and two Kraków inhabitants – Michał Mohr and Marcin Okoński – took its time over things.<sup>6</sup> It is not known, however, why the draft, which the Senate of the Free City of Kraków expected to be ready at the end of March 1816 at the latest,<sup>7</sup> was only submitted by the Committee in July of that year.<sup>8</sup> The form of this document is also unknown, as neither the draft itself nor any sketch referring to it can be found in the documentary archives.<sup>9</sup>

What has survived, however, is the *Draft for Regulating the Followers of the Law of the Old Testament in the Free City of Kraków and its Environs (Projekt do uregulowania starozakonnych mieszkańców w Wolnym Mieście Krakowie i Jego Okręgu)*, prepared during this period.<sup>10</sup> Its principles were formulated on the basis of Austrian legislature of the latter half of the 18<sup>th</sup> century, Prussian regulations dating back to 1748–1797 and Duchy of Warsaw Polish norms.<sup>11</sup> The shape of the draft was also strongly influenced by the anonymous publication of a brochure entitled: *Consideration of the Question, in Other Words the Jews in Poland Are, or Are Not, to be Given Access to Rights (Uwagi nad pytaniem, czyli Żydzi w Polsce mają, tak lub nie być przypuszczanymi do praw)*,<sup>12</sup> whose author Count Stanisław Wodzicki (1764–1843)<sup>13</sup> used his own reflections on Jewish matters and combined them with the deliberations of Stanisław Staszic (1755–1826)<sup>14</sup> and Ignacy Lachnicki (1775?–1830).<sup>15</sup>

Though there is no way of determining whether and how the Draft of the Committee differed from the *Draft for Regulating the Followers of the Law of the Old Testament in the Free City of Kraków and its Environs*, both were accepted by the Senate of the Free City of Kraków.<sup>16</sup> On their basis a final version was drawn up of the draft Statute for Jews, which was given the name *Rapport sur le système futur des Juifs*.<sup>17</sup>

From 14 September the *Rapport sur le système futur des Juifs* was debated by representatives of the three occupying powers – Austria, Russia and Prussia (as these played

<sup>6</sup> Meciszewski 1846: 128–129; 1851: 337; Tessarczyk 1863–1870, 94.

<sup>7</sup> Archiwum Państwowe w Krakowie (State Archive, Kraków), *Żydzi (1816–1843)*, WMK V–59, 22 III 1816.

<sup>8</sup> Meciszewski 1851: 337.

<sup>9</sup> See Wachholz 1957: 364.

<sup>10</sup> Archiwum Państwowe w Krakowie (State Archive, Kraków), *Akta Komisji Organizacyjnej (1815–1818, 1838)*, WMK I–11; *Żydzi (1816–1843)*, WMK V–59.

<sup>11</sup> Archiwum Państwowe w Krakowie (State Archive, Kraków), *Akta Komisji Organizacyjnej (1815–1818, 1838)*, WMK I–11.

<sup>12</sup> [Wodzicki] 1816.

<sup>13</sup> Gerhardt 2001.

<sup>14</sup> Staszic 2003.

<sup>15</sup> Lachnicki 1815.

<sup>16</sup> Archiwum Państwowe w Krakowie (State Archive, Kraków), *Protokoły obrad Senatu (18 X 1815–2 VIII 1816)*, WMK IV–1, 8 VII 1816; Meciszewski 1851, 337.

<sup>17</sup> Archiwum Państwowe w Krakowie (State Archive, Kraków), *Protokoły organizacyjne (2 IV 1816–17 XII 1816)*, WMK I–3, 14 IX 1816.

the role of Republic of Kraków guardian states). The *Rapport* was particularly opposed by the representative of Prussia, Ernest Reibnitz, who even submitted an application to postpone editorial work on it.<sup>18</sup> The positive stance of Russia towards the Draft led to Reibnitz withdrawing his reservations on 14 April 1817. On the same day the *Rapport sur le système futur des Juifs* was once more checked and then sent to the Senate of the Free City of Kraków, which submitted it to its secretary, Jacek Mieroszewski, with the purpose of translating it into Polish.<sup>19</sup> The Polish translation was given the name *Statut zarządzający starozakonnych w Wolnym Mieście Krakowie i Jego Okręgu*.

The *Statute Organizing the Followers of the Law of the Old Testament* was checked once again by the Russian representative and speaker of Polish, Ignacy Miączyński,<sup>20</sup> and released for printing. However, when it was published in the *Journal of Regulations of the Free City of Kraków (Dziennik Rozporządzeń Wolnego Miasta Krakowa)* it turned out that it contained a significant oversight. The issue date of the Act was not in the text.<sup>21</sup> This was particularly serious as many of the provisions of the *Statute Organizing the Followers of the Law of the Old Testament* were to be binding from the day of announcement of the Regulation; these were adjusted by decision of the Senate of the Free City of Kraków on 28 May 1817.<sup>22</sup> It was decided that the official date for announcement of the *Statute Organizing the Followers of the Law of the Old Testament* would be 1 June 1817, when the provisions contained in the document were publicly announced to the Jewish inhabitants of the Free City of Kraków<sup>23</sup> and published in the daily press.<sup>24</sup>

The *Statute Organizing the Followers of the Law of the Old Testament* comprised 31 paragraphs, which may be divided into four topic groups:

- The functioning of communities – principles (§§ 1–12)
- Education topics relating to the Jewish inhabitants of the Free City of Kraków (§§ 13–15)
- Rights and duties of the Jewish population (§§ 16–18, §§ 22–23, §§ 26–31)
- Jewish trade, craft and industry (§§ 19–22, §§ 24–25).

The purpose of the first group of provisions was to make the Jewish population fall into line with the state authorities. In order to attain this it was intended to abolish the separate Jewish structures – the communities (*gminy*)<sup>25</sup> – and to replace these with two Jewish administrative units, known as districts (*obwody*).<sup>26</sup> Public officials were granted full authority in these units. It was also planned that each district would contain a Jewish administrative body, the committee, guided by the presidency of an administrative official and on which would sit a rabbi and two members chosen by Orthodox

<sup>18</sup> Tokarz 1932, I: 137–138, 168–169, 185–187, 201–202, 207–209.

<sup>19</sup> *Ibid.*: 283.

<sup>20</sup> *Ibid.*: 323.

<sup>21</sup> Statut zarządzający starozakonnych w Wolnym Mieście Krakowie i Jego Okręgu, *Dziennik rozporządzeń rządowych Wolnego, Niepodległego i ściśle Neutralnego Miasta Krakowa i Jego Okręgu*, 1817 (no. 1358 Dz. Gł. Sen.).

<sup>22</sup> *Dziennik Rządowy Wolnego Miasta Krakowa i Jego Okręgu*, 31 V 1817 (no. 20); Archiwum Państwowe w Krakowie (State Archive, Kraków), *Żydzi (1844–1853)*, WMK V–60, 28 V 1817.

<sup>23</sup> Archiwum Państwowe w Krakowie (State Archive, Kraków), *Żydzi (1816–1843)*, WMK V–59, 3 VI 1817.

<sup>24</sup> *Gazeta Krakowska*, 1 VI 1817 (no. 44).

<sup>25</sup> Statuty zarządzające starozakonnych w Wolnym Mieście Krakowie..., § 1.

<sup>26</sup> *Ibid.*, § 11.

Jews.<sup>27</sup> However, the range of duties granted to these committees was extremely limited. These duties involved nothing more than the drawing up of the annual Jewish Community budget and the distribution of its contributions, earmarked for maintaining religious buildings, paying the rabbis and Christian translators.<sup>28</sup> At the same time, however – and this concerned commissioned work – the committees were not granted a free hand. All activities were inspected by the Senate of the Free City of Kraków, whose permission and approval were required for the committees to pass any resolution.<sup>29</sup> Furthermore, with the abolition of the communities (*gminy*), the scope of rights of Jewish officials was also significantly limited. More than anything limitations were imposed on rabbis. They were prohibited from interfering in any matters concerning the administrative, judicial or police authorities. As a result, the only authority they were left with concerned religious ritual,<sup>30</sup> education<sup>31</sup> and jurisdiction.<sup>32</sup> In addition, in order to consolidate supervision of the authorities over the rabbis, an official Christian translator/interpreter was to be ascribed to each of these, whose obligation would be to submit to the Senate monthly reports on the activities of the rabbi and to inform the authorities about all instances of malpractice.<sup>33</sup>

In turn, on the strength of regulations referring to education of the Jewish inhabitants of the Republic of Kraków, announcement was made of the closing down of separate Jewish denominational schools<sup>34</sup> and plans to introduce equal rights principles in education. By this virtue Jews would be guaranteed free access to all elementary, secondary and higher level state education<sup>35</sup>.

The third group of regulations in the *Statute Organizing the Followers of the Law of the Old Testament* concerned the rights and obligations of Jewish inhabitants of the Republic of Kraków. On the basis of these, measures were taken aimed at estimating the level and limiting the mobility of the Jewish population of the Free City of Kraków. From the time of announcement of the provisions of the *Statute Organizing the Followers of the Law of the Old Testament* limits were imposed on the right of foreign Jews to settle freely in the Free City of Kraków.<sup>36</sup> However, temporary stays in the Free City of Kraków were permitted, provided that these were notified together with the period of stay to the central administrative authorities.<sup>37</sup> Furthermore, both domestic Jews and those Jews paying temporary visits from abroad were prohibited from settling in any part of the Free City of Kraków<sup>38</sup> (this right was reserved only and exclusively to those Jews who could prove appropriate qualifications in terms of property, profession, academic or artistic activity, who wore “European” attire on a daily basis, expressed themselves

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<sup>27</sup> *Ibid.*, § 9.

<sup>28</sup> *Ibid.*, § 9.

<sup>29</sup> *Ibid.*, § 9.

<sup>30</sup> *Ibid.*, § 2.

<sup>31</sup> *Ibid.*, § 3.

<sup>32</sup> *Ibid.*, § 7.

<sup>33</sup> *Ibid.*, § 7.

<sup>34</sup> *Ibid.*, § 13.

<sup>35</sup> *Ibid.*, § 14.

<sup>36</sup> *Ibid.*, § 26.

<sup>37</sup> *Ibid.*, § 26.

<sup>38</sup> *Ibid.*, § 18, § 22.

and wrote in Polish or German, and whose children attended state school).<sup>39</sup> The *Statute Organizing the Followers of the Law of the Old Testament* also deprived the Jewish population of the free right to acquire real estate and land in the Free City of Kraków.<sup>40</sup> The *Statute* also defined the conditions required for Jews to avail themselves of political and civilian rights. These rights were granted to those persons who had acquired the right to free settlement, in that such rights could only be granted when the persons referred to had lived among Christians for six years and during that time had proven that they were publicly useful. However, there were no details as to what this proof should actually consist of.<sup>41</sup>

The increase in the birth rate of Jews inhabiting the Free City of Kraków was also subject to control. With this purpose in mind, in keeping with the provisions of the *Statute Organizing the Followers of the Law of the Old Testament* the Jewish population was limited in its right to marry – civil marriages were only granted to those persons who had been given permission to marry. This permission would be issued only to those persons who had reached the required age under civil law. In applying for permission men had to demonstrate that they were employed or owned property, permitting them to maintain their future families. After six years of announcing the *Statute* those wishing to marry had the additional obligation of submitting a certificate of elementary school graduation.<sup>42</sup> Furthermore, in order to supervise the number of Jews inhabiting the Free City of Kraków, it was decided to set up separate marriage and death registers.<sup>43</sup>

The *Statute* also made reference to taxation. Its provisions placed the rights of Jewish inhabitants of the Free City of Kraków on an equal footing with those of the Christian population.<sup>44</sup>

The *Statute* also contained provisions on Jewish trade, craft and industry. Under these provisions Jews could engage in the above activities in a very limited manner, covering only a specific part of the Free City of Kraków.<sup>45</sup>

The original assumptions of the *Statute Organizing the Followers of the Law of the Old Testament* were to bring about the assimilation, acculturation, secularization and Polonization of the Jewish inhabitants of the Free City of Kraków. However, even a superficial analysis of the provisions of the *Statute* allows one to come to the conclusion that the document was clearly characterised by a dichotomy of approach. This is because on the one hand the provisions retained the existing barriers. These were clearly visible in the limits imposed on the free settlement of Jews or on their right to purchase movables and property. On the other hand, some of the provisions contained also regulations aimed at erasing existing differences. Of particular importance in this context are the provisions intended to abolish administrative differences e.g. the provisions on transforming the community (*gmina*).

At the same time it must be stated that there was a huge chasm between the theoretical assumptions and their actual implementation. This was because the majority of Jews

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<sup>39</sup> *Ibid.*, § 23, § 28.

<sup>40</sup> *Ibid.*, § 18, § 23, § 28.

<sup>41</sup> *Ibid.*, § 28.

<sup>42</sup> *Ibid.*, § 17.

<sup>43</sup> *Ibid.*, § 17.

<sup>44</sup> *Ibid.*, §§ 29–30.

<sup>45</sup> *Ibid.*, §§ 19–22, §§ 24–25.

did not see the need to submit to binding legislation. For them, religious rights were of basic meaning. These were seen as more binding than the provisions of secular law imposed by the state. This approach was most clearly demonstrated in matters relating to civil marriages and state school education. Furthermore, many of the binding provisions were extremely favourable only for assimilated persons who were interested in abiding by them. This was the case concerning the acquisition of civil and political rights and secular education (the latter of these not only permitted the cultural and real departure from the ghetto, but also allowed the shaping of a new intellectual elite amongst Jews).

In analysing the implementation of the acts one comes to the conclusion that their meticulous observation was something that not only the Jewish population was not interested in, but also the authorities of the Free City of Kraków itself. This situation was brought about by imperfections, lack of enforceability and inconsistency in determining the binding provisions, insufficient strength and means permitting implementation. Furthermore, legal norms evolved far more quickly than changes in the mentality of Jews and Christians. Moreover, it may be said that in the three presented topics, i.e. legal status, the opening of state schools for Jews and economic matters, the provisions of the *Statute Organizing the Followers of the Law of the Old Testament* made reference to already existing models. Conversely, regulations amending the organisation of the community (*gmina*) constituted a group of innovative provisions, previously never come across, nor existing in the parallel legislation of neighbouring states. These observations may refer to the binding provisions of the neighbouring powers of the time. In this respect Austrian norms were and are of particular importance for the Jewish inhabitants of the Free City of Kraków (as in 1846 the Free City of Kraków was annexed by the Austrian Monarchy). As a result, it is necessary to note that both Free City of Kraków legislature, as well as supervision of the authorities of the small state of Kraków, far more interfered in the multifaceted existence of Jews than the parallel norms of Galicia. What's more, this state of affairs was permanent. This is because following the annexation of the Free City of Kraków by the Austrian Monarchy, the provisions of the *Statute Organizing the Followers of the Law of the Old Testament* remained in force, whilst the unification process of binding law in the former Free City of Kraków continued until as late as the end of the 1860s.

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