

UNDER THE PRESSURE OF MODERNITY. THE AUTHORITIES OF THE DUCHY OF WARSAW AND THE JEWS

Summary

The book focuses on the Jewish policy of the Duchy of Warsaw (1807–1815). A product of Napoleon's intervention into the Polish lands, this new state lay at the crossroads of the old feudalism and modernity. As such, it provoked normative clashes, clearly noticeable in the policy towards the Jewish population. The central authorities found themselves under the double pressure of modernity: the French Emperor demanded the implementation of egalitarian laws that were in line with Enlightenment conceptions of shaping a new society. These approaches, however, coexisted alongside a general social aversion to deep and radical changes and a strong attachment to the past and its symbols. This reluctance to radical social change also characterised members of the Duchy government and was reflected in their varied actions towards the Jewish population. Therefore, the Jewish policy of the Duchy of Warsaw serves as an example of forced modernising practices, resulting in hybrid public policies.

Previous research on the issue has generally led to uniform conclusions. Earlier historiography aptly noted that the authorities of the Duchy of Warsaw set up particular difficulties for Jews in many respects and did not fulfil Jews' demands for equal rights. This study aims to go beyond this statement and to determine the complex conditions and dimensions of this policy. In order to achieve this goal, it employs a broad source base: the research covered not only legal acts and statements of the central authorities that have been previously analysed, but also correspondence and other official documents of lower levels of the administration. It also takes into account judicial sources, journalistic brochures, and diaries (including one written by a Jew), as well as the press – notably one of the most important titles of the time (*Gazeta Warszawska*) and two official, departmental periodicals (*Dziennik Departamentowy Krakowski* and *Dziennik Departamentowy Łomżyński*). Finally, I examine the debates on Jewish policy (mainly governmental, but also public ones to some extent), the content of the adopted regulations, and everyday administrative practice. The book makes extensive use of extant documents that the Jewish communities produced themselves (i.e., the records of the Kazimierz kehillah).

The book is divided into five chapters. The first chapter deals with administrative procedures pertaining to the whole of the Duchy's population. This chapter demonstrates that the Duchy administration was the only area that implemented the modern egalitarian principle widely. The analysis shows that general administrative rules governed the approach to individual Jewish petitions. The uniformity of the procedures, combined with the inclusion of Jews under the general category of "suppliant," is noteworthy. Primary sources reflect the authorities' efforts to ensure the legality of actions taken towards individual Jewish petitioners. Significantly, there is no particular difference in this respect from the treatment of the rest of the population, in cases involving both men and women. The reasons for these

attempts to follow general procedures and to maintain at least the appearance of equality were pragmatic. From this perspective, the Jewish community gained a degree of agency in a new area. Thus, although the direct aim of the legislation on administration was not to create conditions for equality, it provided the Jews with a new tool to facilitate the realisation of individual aspirations as a side effect. The opening of the newly established public courts to Jews had a similar effect. Although the traditional Jewish justice system had not been abolished, the very presence of Jews in the new public courts – as both defendants and plaintiffs – heralded social change. Importantly, the courts, like the administrative offices, created a relatively neutral space for Christian-Jewish relations, stimulating social change.

The first chapter also formulates an observation on the role of the *kahals* as a quasi-state organ of the administration, being an indicative of a certain Enlightenment-style approach to statecraft. The *kahal* operated as a kind of a tax authority and as an intermediary in various cases when public authority needed to reach Jewish individuals. Through cooperation with the elders of Jewish communities, state authorities strove to create an efficient mechanism for carrying out administrative tasks.

The second chapter concentrates on Jews' political and civil rights – an issue extensively discussed in earlier historiography. The new analyses led the author to formulate an observation that this area was particularly symptomatic of a clash of old and new assumptions. As aptly emphasised in the literature, strong anti-Jewish prejudices provided the real motive for issuing the decree of 1808 that suspended the political and civil rights of Jews for ten years. Therefore, the highest authorities hoped to delay the spectre of equality and to maintain the current shape of social and political relations. But the decree of October 1808 was not a pure continuation of the former solutions: it provided new justifications for the restrictions in arguing that the cultural practices and external outlook of the Jews were proof of “insufficient civilisation”. In this way, it legitimised the new view that the main problem in relations between Christians and Jews was not religion itself, but a deeper civilisational or cultural backwardness of the latter separation and alienation. Such an approach was much more in line with the Enlightenment discourse, constantly referring to categories of progress, and to some extent overlooking religious matters. The 1808 decree also reflected the new idea that society could be transformed by reasonably designed laws. The act was therefore a hybrid of old and new views, both transforming and legitimising old assumptions.

The third chapter analyses the various sorts of public levies paid by the Jews. In line with the earlier statements of historiography, it discusses the particularly burdensome nature of public levies imposed on Jews and considers the issue of diversity of tax obligations. The Jews did not bear an equal tax burden compared to other residents; and there were important distinctions the old and the new department of the state and between town and village. The author observes that regardless of the intentions of the authorities, the fiscal policy towards Jews did have a discriminatory character: whereas the general fiscal system was heading towards uniform taxation for the whole population, a number of legal acts still defined the fiscal situation of Jews differently. Therefore, one may speak of fiscal inequality only in relation to the Duchy of Warsaw and not to the Polish–Lithuanian Commonwealth. After all, in the old feudal Poland, the principle was to differentiate the tax situation of the inhabitants in relation to state divisions, while in the Duchy the initial universal principle was already adopted, from which exceptions were made only in relation to Jews. Tax inequality could therefore only come to light when uniform and assumedly universal rules were formulated.

The fourth chapter approaches the question of the place of residence and possibilities of purchasing real estate. Urban space in a few cities and towns was to be separated into areas either accessible or inaccessible to Jews. Authorities marked out an area in the centre of Warsaw where Jews, as a rule, were not allowed to settle; they established similar Jewish districts in other towns and cities (Wschowa, Kraków and Kazimierz, Płock, Maków, Przasnysz, and Radom) and contemplated similar actions in several other places. The policy also reflected a clash between two normative orders. These solutions were based on the medieval Christian

reluctance to live in the direct vicinity of Jews and the conviction that the two groups needed to be spatially separated. The idea of “Jews as sub-tenants in Polish territory” – i.e., as people who stayed only temporarily and who should not have access to all places – was also important. This was intertwined with a new conceptualisation of urban space that had begun to evolve in the final years of the Polish–Lithuanian Commonwealth and gave greater attention to aesthetics, order, cleanliness, and matters of public safety. The resulting conviction aimed to bring order to city centres (and especially the centre of Warsaw, conceptualised as a zone of prestige) by requiring the majority of the Jewish community to move out of these areas. In this case the recent civilisational arguments also provided justification for restrictions.

The fifth and last chapter focuses on the professional sphere. Paying particularly close attention to the professions where Jews were accepted or not accepted, it argues that these views reflected more general beliefs about the desired place of Jews in society. The analysis indicates a particularly varied policy in this area: the authorities, more or less consciously, divided the Jewish community into three categories: those useful to the state, those employed in ‘combated professions’ (related to the alcohol industry) and the rest. As the sources reflect, the authorities applied three different measures in this respect. They treated the first class in a favourable way and accorded the highest degree of trust to the army suppliers. This latter group, on whom the feeding and clothing of thousands of soldiers depended, was perceived as a unique one; internal correspondence generally lacked the accusations of immanent dishonesty that typified the authorities’ rhetoric towards the Jewish population at large. Characteristically, the authorities and public opinion also constantly criticised Jews who were involved in alcohol production and trade, although the state policy was not fully consistent. No clear policy dictated the treatment of the entirety of the rest of the Jewish population, which, in most cases, was subject to the same rules as Christians. The chapter also discusses the crucial role of Jews in the Duchy’s economy.

The book devotes extensive consideration throughout to the context of the policy and the reasons behind it. The research combines the methodological approach typical for the general historiography and to the history of law, while referring also to Jewish Studies. Wherever source material allowed, it was also attentive to gender-related issues.

This study remains in line with the previous historiography in pointing out that the fundamental principle of equality before the law – the basis of the Duchy’s Constitution – was not observed with regard to the Jews. The legal status of this group was definitely worse than that of the gentry or Christian bourgeoisie. The central authorities used decrees to pursue a deliberate policy that would limit political and civil rights for the Jewish community, believing that this group did not deserve them. Stereotypes that had existed for centuries were at the root, and Enlightenment concepts were superimposed on them, modifying, or rationalising some of the beliefs. Members of the authorities at various levels constantly expressed perceptions of Jewish vices, referring mainly to dishonesty, idleness, as well as civilisational backwardness that were manifested in the difference in appearance, ‘selfishness’ and ignorance of non-Jewish languages. Undoubtedly, the Duchy authorities, at least those at the central level, commonly rejected the option of immediate equal rights for Jews and opted instead for gradual changes.

It seems, however, that the authorities’ unanimity ended here. The authorities expressed varied opinions with regard to the possibility of reform and the means to achieve it, just as it was a few decades earlier in Prussia. Therefore, although the term ‘authorities’ is used repeatedly in this work, this group was not monolithic in their views.

Looking at all decrees issued regarding the Jews in the Duchy one can notice a logical contradiction – on the one hand, the authorities declared their intention of integrating the Jewish population (postulating acculturation, conforming to the general society), while on the other hand there were attempts to create, for example, exclusively Jewish districts or a ‘twin town’ in Maków that would sharply separate Christian and Jewish communities. A characteristic feature of the Duchy’s Jewish policy was also the constant issuing of decisions that

were intended to be temporary, e.g., consisting in – according to the declaration – applying the regulations of previous authorities on a temporary basis, until a comprehensive regulation was adopted; this made it possible to postpone a number of decisions until a later date.

Artur Eisenbach treated these contradictions and the postponement of decisions as evidence of the authorities' insincere intentions, but it is also possible that the authorities did not all share a single vision, and that certain solutions were adopted on an *ad hoc* basis due to a momentary advantage of a given view within the Council of State or the Council of Ministers. The heterogeneity of views may also reflect the pressure of conflicting values (a legalism resulting in the need for change vs. an attachment to the existing social order). The source material confirms the need to reject the interpretation the ruling circles can be divided into a 'progressive' camp with views sympathetic to the Jews, and a group of 'backward' anti-Semites. The actual picture was much more nuanced.

Normative pluralism (or multinormativity) is a key concept to understand the policy of the Duchy of Warsaw. Authorities drew upon different, incompatible orders in regulating Jewish affairs: some regulations were introduced following the Napoleonic model, but earlier legal systems were also used on an *ad hoc* basis. The way the so-called 'Jewish question' was approached was itself a combination of approaches: references were made to the debate at the end of the First Republic, but also to the rhetoric of the General Statute; the categories of usefulness for the state, reinforced by the Prussian authorities, were largely present. The lack of internal and external stability prevented immediate, comprehensive regulation of all areas anew and to a certain extent justified reaching for existing solutions. The aforementioned attachment to the known order provides an equally important reason that correlated frequently with opposition to drastically new solutions.

The variety of motives behind the authorities' actions is also important for the assessment of the Jewish policy. The main goals of this policy were to quicken 'productivity', to make this community useful, and to gradually acculturate it into Polish culture, all while maintaining the essence of the existing social hierarchy. The authorities intended to make Jews useful to the state and society, to weaken manifestations of their separateness, but at the same time they feared that 'civilising' the Jews might endow them with greater power and social significance and made efforts to prevent this outcome.

In view of the inconsistency and incoherence of the actions taken against the Jews of the Duchy, it might be more appropriate to speak of policies in the plural. These policies exemplify a clash between a very traditional (feudal) reality and the imposition of modernisation from the top down. The implementation of radically new regulations usually does not take place immediately, for new legal acts rarely have such great causative power. Rather, the establishment of a new legal regime first requires breaking habits, traditions, and customs that societies as a whole rarely see reason to abandon. The Duchy of Warsaw is no exception. The failure to modernise immediately reflects not the Duchy's peculiar historical path but the general habits of societies, especially pre-modern ones.