

## Austrian Law, Krakovian Habitus, and Jewish Community: The Construction of New Local Hierarchies in Habsburg Galicia

The dissolution of the estate system and the attempt to create a modern state constructed by a wider citizenship were reasons why both citizenship and confessional identity acquired new meaning and were newly negotiated in 19<sup>th</sup>-century Europe. In the eyes of the new liberal elites the traditional order was no longer suitable and became a »disorder« which had to be regulated in a newly defined way. The process of negotiating these new orders and hierarchies, and even the process of transforming and adjusting the traditional orders to the changing reality can be summarized under the term modernisation.

The tools to create the modern order included plans, maps, and statutes that stood for a new spatial and legal structure. Using the example of the city of Krakow, I will attempt to draw a connection between the relatively compact and clearly defined space that was perceived as belonging to one confession or one religious group and imperial law, which extended to everyone. My story will also be about how Christians and Jews became increasingly close to each other in urban space and in administration. In Krakow »Christian« almost exclusively meant Roman Catholic. At the end of the 19<sup>th</sup> century only two percent of the city inhabitants were Greek Catholic or Protestant.<sup>1</sup> In 1850, Jews made up about 33 and, in 1890, about 30 percent of the city inhabitants.<sup>2</sup> Up to the 19<sup>th</sup> century social intermingling with Christians was possible for Jews only for the sake of cultural assimilation. During the second half of the century the municipality made attempts to integrate Jews into the city's administration without removing them from their religious community.

- 1 Łukasz Tomasz Sroka, »The Jewish Community of Kraków in Autonomous Galicia,« *Polin* 23 (2010): 63–82, here 68.
- 2 Tomasz Gąsowski, *Między gettem a światem. Dylematy ideowe Żydów galicyjskich na przełomie XIX i XX wieku. Rozprawa habilitacyjna* (Kraków: Księgarnia Akademicka, 1996), 20; Ludwik Mroczka, *Krakowianie. Szkice do portretu zbiorowego w dobie industrialnej transformacji 1890–1939* (Kraków: Wydawnictwo Naukowe Akademii Pedagogicznej, 1999), 45.

I approach my topic in three steps. First, I describe the changes in the city articulated in urban space. Next, I present the structure of the Krakow municipality and the legal status of Jewish inhabitants in the municipal statutes. Lastly, I compare the Jewish legal position in Krakow to the one in Lviv.

### *Visible Religious Divisions in Urban Space*

As Anna Jakimyszyn points out in her analysis of authoritative governmental acts in Krakow in the first half of the 19<sup>th</sup> century, Jews were perceived in the city as »an entirely different social group,« both by themselves and by Christians.<sup>3</sup> In the time under consideration, the 1850s through the 1870s, Krakow was still visibly divided by religious affiliation, a division that mostly ran along early modern lines between estates.<sup>4</sup> To be accurate, the Jews were not an official estate, but due to their administrative autonomy<sup>5</sup> and their professional characteristics, they functioned in this way. Therefore, some scholars indeed refer to them as an estate (*stan*)<sup>6</sup> or even caste (*kasta*).<sup>7</sup>

The centre of the city, *intra muros*, was Christian. The adjacent Kazimierz, a formerly independent city mostly inhabited by Jews, served as the centre of commerce and industry.<sup>8</sup> This visible, sharp division between the Christian and the Jewish world was perceived by contemporaries as rather exceptional and

3 Anna Jakimyszyn, *Żydzi krakowscy w dobie Rzeczypospolitej Krakowskiej. Status Prawny. Przeobrażenia Gminy. System edukacyjny* (Kraków–Budapest: Wydawnictwo Austeria, 2008), 259.

4 Jacek Purchla, *Matecznik polski. Pozaekonomiczne czynniki rozwoju Krakowa w okresie autonomii galicyjskiej* (Kraków: Znak, 1992), 34; Hanna Kozińska-Witt, *Die Krakauer jüdische Reformgemeinde 1864–1874* (Frankfurt a. M. et al.: Peter Lang, 1999), 61. See also Rudolf Jaworski, Christian Lübke, and Michael G. Müller, *Eine kleine Geschichte Polens* (Frankfurt a. M.: Suhrkamp, 2000), 206–207.

5 For a detailed analysis of the concept and practice of autonomy, see Michael Ausubel and Michael J. Brody, »Legal institutions,« in *YIVO Encyclopedia of Jews in Eastern Europe*, [http://www.yivoencyclopedia.org/article.aspx/Legal\\_Institutions](http://www.yivoencyclopedia.org/article.aspx/Legal_Institutions) (accessed April 24, 2012).

6 For a first reference see Ludwik Gumpłowicz, »Stanisława Augusta projekt reformy żydowstwa polskiego«, in *Dwa życia Ludwika Gumpłowicza. Wybór tekstów*, eds. Jan Surman and Gerald Mozetič (Warszawa: Oficyna Naukowa, 2010), 217–233, here 229–231; Małgorzata Śliż, *Galicyjscy Żydzi na drodze do równouprawnienia 1848–1914. Aspekt prawny procesu emancypacji Żydów w Galicji* (Kraków: Księgarnia Akademicka, 2006), 13–14.

7 Aleksander Hertz, *Żydzi w kulturze polskiej* (Warszawa: Biblioteka Więzi, 1988), 83–88.

8 Kazimierz was called *miasto żydowskie*, *zaulek żydowski*, or *siedlisko żydowskie*. The most recent, and concise history of Jewish Kazimierz in English provided Sean Martin, *Jewish Life in Krakow, 1918–1939* (London–Portland: Vallentine Mitchell, 2004), 31–47.

characteristic of Krakow. In Lviv, for example, Jews lived predominantly in religiously mixed areas.<sup>9</sup>

Although there were always Christian inhabitants in Kazimierz, the place was imagined by both groups to be exclusively Jewish. This perception was encouraged by the fact that the borderline between Krakow and Kazimierz consisted not only of constructed walls but in the 19<sup>th</sup> century still had a natural dimension: the branch of the Vistula River known as the Old Vistula along with swamps.<sup>10</sup> By the middle of the 19<sup>th</sup> century any idea of a strict division was more of a mental one, as the urban landscape had substantially changed.

At the very beginning of the century Kazimierz had been incorporated administratively into the city of Krakow.<sup>11</sup> In addition, the city walls were dismantled in 1822. The visible boundary between the city and its surroundings thus no longer existed, as the Old Vistula and the swamps dried out, and the remains of the river were filled in the 1870s. A new park, the *Planty Dietlowskie* as distinct from the *Planty Krakowskie* situated on the former city walls – would be later created in its place.<sup>12</sup> Stradomska Street, the road between the centre of Krakow and Kazimierz, became more important not only as the connecting road between the imagined Christian and Jewish areas, but also as a place for those Jews to live who could not find appropriate dwellings in overcrowded Kazimierz.<sup>13</sup> Some time later the area formerly known as the Sebastian Meadows was used to build modern houses for better-situated Jews.<sup>14</sup>

Strictly speaking, some privileged Jews did indeed live in Christian neighbourhoods in Krakow. If they had enough money to buy municipal citizenship and changed their traditional habit into urban dress they could leave Kazimierz legally. Andrea Schmidt-Rösler records some wealthy families living for years in Christian areas.<sup>15</sup> In contrast, the Jews of Stradomska Street ignored the legal

- 9 »Nicht zerstreut in verschiedenen Stadtvierteln, wie in der galizischen Hauptstadt, wohnt die Mehrheit der Israeliten Krakaus auf der Halbinsel Kazimierz [...]» A. Allerhand, »Wird der galizische Juden je ein Pole werden?« *Neuzeit*, December 2, 1870, 563, quoted in Kozińska-Witt, *Die Krakauer jüdische Reformgemeinde*, 29; Andrzej Żbikowski, *Żydzi krakowscy i ich gmina w latach 1869–1919* (Warszawa: DiG, 1994), 40.
- 10 Nathaniel D. Wood, *Becoming Metropolitan. Urban Selfhood and the Making of Modern Krakow* (Illinois: Northern Illinois University Press, 2010), 30–31.
- 11 Bogusław Krasnowolski, *Ulice i place krakowskiego Kazimierza. Z dziejów Chrześcijań i Żydów w Polsce* (Kraków: Universitas, 1992), 26.
- 12 Krasnowolski, *Ulice i place*, 48–51.
- 13 *Ibid.*, 202–215.
- 14 *Ibid.*, 21–22.
- 15 In 1843, municipal citizenship was purchased by 196 Jews (Krakow had 13,000 Jewish inhabitants), see Andrea Schmidt-Rösler, »Gesetzgebung und Politik

restrictions and resettled without changing their traditional appearance. Over time, the street became an area with a religiously mixed population.<sup>16</sup>

### *Changes in Jewish Legal Status*

At the beginning of 19<sup>th</sup> century the municipality had to be newly ordered and regulated. The inclusion of Kazimierz into the municipality of Krakow was therefore accompanied by attempts to modernize the new city district. The reorganisation began with mapping, the planning of new streets, the straightening of old ones, and the paving of the surfaces.<sup>17</sup> This also meant »cleaning« the Jewish areas and making them healthier. At the same time, the municipal authority worked to change the legal status of Jews through the introduction of new laws in order to bring it in line with the new legal system.

Since the end of 18<sup>th</sup> Century the autonomy of the Krakow *kahal*, the administration of the Jewish community,<sup>18</sup> was increasingly limited, while the governmental and municipal control of Jewish neighbourhoods and individuals was increased.<sup>19</sup> The Jewish community was eventually subordinated to the secular head of the municipal district (*wójt*). In turn, the municipal administration needed a number of officers who were adequately prepared to exercise power over the Jewish community. This was in fact the initial reason for allowing the restricted participation of some Jews in the secular municipal administration, a development that occurred during the period of the Krakovian Republic (1815–1846), when Krakow enjoyed the status of a free city. The basis for this Jewish participation was provided by the *Statute Organising the Followers of the Law of the Old Testament in the Free City of Krakow and its Environs*,<sup>20</sup> which took effect in 1817. The statute granted Jews a representation, known as the

gegenüber der jüdischen Bevölkerung in der Republik Krakau 1815–1846,« *Jahrbücher für Geschichte Osteuropas* 41 (1993): 210–241, here 219.

- 16 In 1880 39% of the inhabitants of Stradom were Jewish, see Żbikowski, *Żydzi krakowscy i ich gmina*, 40.
- 17 Krasnowolski, *Ulice i place*, 20–23; Barbara Zbroja, *Miasto umarłych. Architektura publiczna Żydowskiej Gminy Wyznaniowej w Krakowie w latach 1868–1939* (Kraków: WAM, 2005), 17–19.
- 18 On the *kahal* see Michael Stanislawski, »Kahal,« in *YIVO Encyclopedia of Jews in Eastern Europe*, <http://www.yivoencyclopedia.org/article.aspx/Kahal> (accessed March 24, 2012).
- 19 Majer Bałaban, *Historia Żydów w Krakowie i na Kazimierzu 1304–1868*, vol. 2, (Kraków: Nadzieja, 1936) 565–566; Jakimyszyn, *Żydzi krakowscy*, 26–27 and 112–115; Śliż, *Galicjyjscy Żydzi*, 20–21.
- 20 In Polish *Statut urządzający starozakonnych w Wolnym Mieście Krakowie i jego okręgu* see Michał Galas and Antony Polonsky, »Introduction,« *Polin* 23 (2010): 3–48, here 8; Sroka, *The Jewish Community of Kraków*, 72.

Committee for Jewish Affairs,<sup>21</sup> in the state's Senate.<sup>22</sup> The Committee was meant to replace the *kahal*, which had previously been abolished.

The Committee was initially headed by a Christian, although dominated by Orthodox Jews. Its main task was collecting municipal taxes from Jewish inhabitants. In addition, all acts affecting the institutions of the Jewish community had to be approved by the Committee. All religious duties and ceremonies carried out by the chief rabbi had to be practised in the presence of a Christian member of the Committee who acted as a translator – usually a converted Jew, whose influence was thus especially humiliating for the Jewish representatives. The municipal control over the Jewish community was therefore quite extensive. Although Andrzej Żbikowski asserts that the main task of the Committee was only to offer recommendations,<sup>23</sup> in practice its role appears to have been much more important.

Krakovian Jews were overwhelmingly Orthodox at the time, and interested in preserving their religious rites and way of life. In the first half of the 19<sup>th</sup> century, however, a new Jewish movement would emerge: Jews who called themselves Progressives,<sup>24</sup> had a secular education and were acculturated in non-Jewish society. They sought to reform religious habits to adapt them to the needs of modern life, establishing a new kind of worship in their own synagogue (*Tempel*) and sending their children to public schools. In this way, they created a new secular Jewish *intelligentsia* that supported the municipality in its regulatory endeavors. I use the word *Progressives* here as a descriptive term not intended to convey any judgement on their status or positions.

The Revolution of 1848 brought legal equality to all Jews of the Austrian Empire along with a new communal law (*Provisorisches Gemeindegesetz*). The situation in Krakow was more complex. After the defeat of the Krakovian Revolution in 1846, the free city of Krakow was incorporated into the territory

- 21 Bałaban, *Historia Żydów*, vol. 2, 598; Schmidt-Rösler, *Gesetzgebung und Politik*, 212–220; Łukasz Sroka, *Żydzi w Krakowie. Studium o elicie miasta 1850–1918* (Kraków: Wydawnictwo Naukowe Akademii Pedagogicznej, 2008), 42–44; Kozińska-Witt, *Die Krakauer Jüdische Reformgemeinde*, 113–114.
- 22 Janina Bieniarzówna, »Wolne Miasto Kraków«, in *Dzieje Krakowa. Kraków w latach 1796–1918*, vol. 3, eds. Janina Bieniarzówna and Jan. M. Małecki (Kraków: Wydawnictwo Literackie, 1994), 39–175, here 42.
- 23 Żbikowski, *Żydzi krakowscy i ich gmina*, 58
- 24 In Polish *postępowcy* or *Żydzi cywilizowani*, in German *Fortschrittler*. The shift from German to Polish in the official name in 1860s mirrored the Polishisation of the formerly German-oriented Reform Association. For more details, see Michael A. Meyer, »Religious Reform,« in *YIVO Encyclopedia of Jews in Eastern Europe*, [http://www.yivoencyclopedia.org/article.aspx/Reform\\_Religious](http://www.yivoencyclopedia.org/article.aspx/Reform_Religious) (accessed March 24, 2012). About the »new Jewish *intelligentsia*« and Orthodox Jews, see Rachel Manekin »Orthodox Jewry in Kraków at the Turn of the Twentieth Century,« *Polin* 23 (2010): 165–198, here 165–166 and 168.

of the Habsburg Monarchy under martial law, thus losing its previous autonomy. The administrative institutions of the Krakovian Republic were dissolved. In 1848, due to the liberalisation of the Habsburg Monarchy, a Municipal Council (*Rada Miejska*) could be elected, and of 40 councillors, 10 were Jewish.<sup>25</sup> The first Municipal Council was abolished in 1853 and replaced by a nominated Municipal Board (*Wydział Miejski*) consisting of 15 Christians and five Jews, most of whom had a secular education.<sup>26</sup>

It was the first time that Jews were equal members of the Municipal Council, and not only members of a subordinated committee. The simultaneous existence of the *Committee of Jewish Affairs* and Jewish representatives in the Municipal Council alarmed some Orthodox members of the Jewish community who perceived it as a useless doubling of authority.<sup>27</sup> Conflict thus loomed between the Orthodox Committee and the Municipal Council, dominated by the Progressives.

The continual presence of Progressives in the municipal administration also influenced the shape of the still overwhelmingly Orthodox committee. In 1864 the magistrate forced the committee to co-opt additional 20 members and to constitute a *Municipal Council Department for Jewish Matters*.<sup>28</sup> Those nominated included both Orthodox and Progressive Jews. The main task of the department was to prepare a new statute for the Jewish community. In the 1860s, political authorities thought such a project to be undesirable and indeed impossible without consulting representatives of both Jewish fractions. One can conclude that from the very beginning of the department's activities there was a strong representation of Progressives in the municipal hierarchy. Later they would even come to dominate the department.<sup>29</sup>

25 Łukasz Sroka, *Żydzi w Krakowie*, 113–114; also Zdzisław Noga, »Kraków – przestrzeń władzy,« in *Kraków dziedzictwo wieków*, eds. Karolina Grodzicka et al. (Kraków: Muzeum Historyczne Miasta Krakowa, 2006), 46–73, here 63.

26 Janina Bieniarzówna, »Od Wiosny Ludów do Powstania Styczniowego«, in Bieniarzówna and Małecki, *Dzieje Krakowa*, 177–224, here 200; Noga, *Kraków – przestrzeń władzy*, 64. According to Majer Bałaban in the Municipal Board, 12 Jews were in the group of 30 councillors, in: Bałaban, *Historia Żydów*, vol. 2, 686. The latter share corresponded with the percentage of Jews among city inhabitants, in 1850 about 33 percent. See Gąsowski, *Między gettem a światem*, 20.

27 Teofilia Mahler, *Walka między ortodoksją a postępowcami w Krakowie w latach 1843–1868*, unpublished MA thesis written under the supervision of Majer Bałaban in the 1930s, in: Archive of the Jewish Historical Institute/Żydowski Instytut Historyczny in Warsaw (AŻIH), sygn. 61, 26.

28 In Polish Wydział Rady Miejskiej dla Spraw Izraelickich. For more details on the Council see HAGLA [Abraham Gumpłowicz], *Dawar baitto. Ein Wort zu seiner Zeit* (Kraków, 1868), 11; Żbikowski, *Żydzi krakowscy ich gmina*, 58.

29 Żbikowski, *Żydzi krakowscy i ich gmina*, 112–113; Kozińska-Witt, *Die Krakauer Jüdische Reformgemeinde*, 118.

In the aftermath of the defeat of the Krakovian Revolution in 1846 and the incorporation of Krakow into the Habsburg Monarchy, the task of Germanising the municipal administration intensified. The Jewish councillors who were nominated represented the Austrophile circles among the Jewish population. This Germanised Jewish *intelligentsia* was generally not very well integrated within the Jewish community (*kehila*). Its members led a rather isolated social life and were not accepted as representatives of local Jewry by the Orthodox majority. Some secularly educated Jews were foreigners, who had come to Krakow as professionals with the Austrian army, for example as physicians. They did not attain a strong position in the *kehila* of Krakow even as they fostered contacts with Austrian officials. Nevertheless, on the basis of their own assumed modernity and frequent interaction with Christian society they regarded themselves as the natural representatives of the Jewish community and were very sceptical about the political abilities of Orthodox Jews who lacked a secular education and were not respected as partners by the municipal elite.<sup>30</sup>

In spite of the self-perception of the Progressives, it was the Orthodox members of the magistrature whom the municipality regarded as official intermediaries between the *kehila* and secular power.<sup>31</sup> The Austrian authorities in Krakow had favourable opinions of the Progressives, but saw no advantage in supporting them. The Orthodox, who constituted the majority of Krakow Jewry, were known for their loyalty to the monarchy, which they proved by condemning the Polish national uprisings, as did, for example, the leader of Krakovian Orthodoxy, Salomon Deiches.<sup>32</sup> However, the Progressives tried, unsuccessfully, to humiliate the Orthodox by referring to them as »closet Hasidim«,<sup>33</sup> a group seen by enlightened Austrian officials as backward and dangerous.

The disintegration of the traditional social order – alongside the increase in religiously mixed neighbourhoods – produced an additional overlap of Jewish

30 This position is reflected in: *Neuzeit* October 12, 1866, 450, quoted in Kozińska-Witt, *Die Krakauer Jüdische Reformgemeinde*, 114.

31 One might speculate as to whether the contribution of Orthodox Jewish representatives to a programme of modernisation was the transmission of a pre-modern tradition of personal intermediation (*shtadlanut*) into the reformed institution of municipal administration. In contrast with early modern practice, not just an exceptional individual but the whole group of Jewish Orthodox councillors now served in the municipal administration.

32 Kozińska-Witt, *Die Krakauer Jüdische Reformgemeinde*, 87.

33 *Neuzeit*, November 21, 1867, 558. Hasidism is a movement of religious revival with a distinctive social profile. The followers of Hasidism, the *hasidim*, formed informal groups within Jewish communities. For more details see David Assaf, »Hasidism,« in *YIVO Encyclopedia of Jews in Eastern Europe*, [http://www.yivoencyclopedia.org/article.aspx/Hasidism/Historical\\_Overview](http://www.yivoencyclopedia.org/article.aspx/Hasidism/Historical_Overview) (accessed March 24, 2012).

and Christian concerns. The new situation required a new definition of Jewish, non-Jewish and common domains. Notably the long-term presence of Jews within the Krakovian municipal administration brought about the necessity to regulate their status through written law and to define their competence with regard to the Jewish community. This need very soon found its expression in Krakow's administrative reform. Indeed, the very first Municipal Council elected after its implementation underlined the goal of »regulating the city«. <sup>34</sup> The new city order also stood for a clarification of the administrative relationship between Jewish and Christian inhabitants in an era of legal reform.

### *The Krakovian Municipal Statute*

Both types of Jewish representation coexisted until the 1860s, when the Austrian Empire developed into a constitutional, federal monarchy, manifested in the Fundamental Law (*Staatsgrundgesetz*) of December 21, 1867. <sup>35</sup> In the same year new legislation formally suspended the *kahal* as an autonomous Jewish representation and replaced it by a committee that was subordinated to the municipality. In contrast, Jewish representation in form of Jewish municipal deputies in the Municipal Council was maintained. The constitution was liberal in spirit and upheld the equality of all citizens without regard for their religious affiliation. In November 1868, the Galician Provincial Parliament also confirmed the legal equality of the Jews. <sup>36</sup>

The constitution was known as the Framework Law (*Rahmengesetz*) as it created a general legal framework that integrated local law traditions, provided they did not contradict the constitution. The provincial laws (*Landesordnungen*) and municipal statutes could take on different forms due to social and economic specifics of each province or municipality. The Crown lands enjoyed home rule and self-government which in Galicia were in fact the basis for administrative Polonisation. <sup>37</sup> The Austrian officials, who rarely knew the regional languages, left Galicia, leaving their posts to Polish successors.

The Habsburg Monarchy allowed for self-government at many levels, from the provincial parliament (*Sejm Krajowy*) at the top, down through confessional

34 In the original »uporządkowanie miasta«/»in Ordnung-Bringen der Stadt.« See Beate Herget, *Die Selbstverwaltung Krakaus 1866–1915. Ein rechtshistorischer Beitrag zur Bedeutung der Statutarstädte in der Habsburger Monarchie* (Regensburg: Sophia-Verlag, 2005), 54.

35 Ibid., 24–26.

36 Żbikowski, *Żydzi krakowscy i ich gmina*, 109.

37 Harald Binder »Galizische Autonomie. Ein streitbarer Begriff und seine Karriere,« in *Moravské vyrovnání z roku 1905*, ed. Lukaš Fasora et al. (Brno: Matice moravská, 2006), 239–266.

associations at the bottom. Each of these levels had to be institutionalised and organised by individual statutes. Administrational Polonisation was an opportunity for anyone who mastered the Polish language. The Krakovian Progressives seized this occasion and began to Polonise their association and temple in the 1860s. By doing so they gained the support and esteem of the new Krakovian elite who had freshly entered office and was looking for allies.

The legal reform of the Austrian Monarchy, and the liberal constitution in particular, which granted home rule to the Crown lands, provided the basis for institutional reform in Galicia. It granted autonomy to the municipalities and to the Jewish communities, with both now governed by elected communal boards. Religious communities were autonomous in ritual and social concerns, but subordinate to local administrations in the domains of finance and secular jurisdiction. Elections to the Jewish community board thus had to be controlled and confirmed by the Municipal Council.

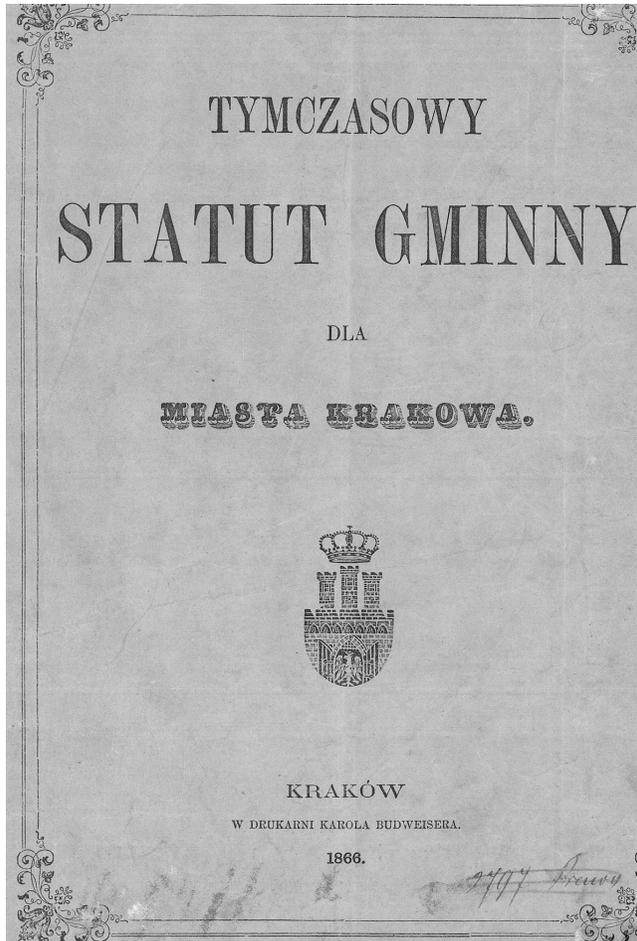
Modernisation in the Habsburg Empire was liberal in spirit and sought to erase the old estate system by introducing a new social hierarchy at every administrative level. In an enlightened vein, it stressed the economic and educational qualities of the individual. The liberal reformers supported anti-clericalism and aimed at the deconfessionalisation of politics, distinguishing between the public and the private sphere. All inhabitants were divided into privileged members of the city community (*Gemeindemitglieder*) and unprivileged foreigners (*Auswärtige*). Only members were eligible to vote and were divided into classes dependent on the amount of taxes paid.

Krakow and Lviv both belonged to a special category of 33 large cities (*Statutarstädte*) that had their own statutes within the Habsburg Monarchy.<sup>38</sup> They were removed from the administrative system of their provinces and subordinated directly to the provincial parliament and state administration. The statutes of these municipalities differed from those of other cities and included specific social characteristics. Their inhabitants were presumed to be wealthier than other municipal citizens in the monarchy, and therefore had to pay higher taxes for their individual right to participate in municipal elections. The financial status of the *Statutarstädte* was more favourable than that of other cities. After the introduction of municipal self-government, the revenues from direct taxes and indirect taxes (*akcyza*) were not passed on to higher administrative levels but were available to the local authorities. In addition, the municipal territories of the *Statutarstädte* were enlarged by incorporating suburbs and neighbouring communities.<sup>39</sup>

38 Herget, *Die Selbstverwaltung Krakaus 1866–1915*, 26–34; Hanna Kozińska-Witt, *Krakau in Warschaus langem Schatten* (Stuttgart: Franz Steiner, 2008), 40–42.

39 Herget, *Die Selbstverwaltung Krakaus 1866–1915*, 31.

Regarding the process of incorporation into one municipal administration, some exceptions from this practice were made for the Jewish communities of Brno, Prague, Krakow, and Lviv – the largest and most important of their respective provinces – communities that remained mostly independent of their municipalities. They were able to manage their properties by themselves and take care of their own religious, cultural, and social institutions.



Cover of the Provisional municipal statute of the capital city of Krakow, 1866.<sup>40</sup>

40 I would like to thank Alicja Maślak-Maciejewska for providing scans of this statute.

The *Provisional municipal statute of the capital city of Krakow*<sup>41</sup> was established in 1866 and remained in effect for 35 years. In 1866, approximately 4.4 percent of the city's inhabitants, or 2,086 of 47,500, belonged to the category of burghers and electors.<sup>42</sup> Electors were taxpayers and educated individuals, a group that included state and municipal officials, teachers, priests, rabbis, and Jewish preachers.<sup>43</sup> The statute thus differentiated between members of the traditional religious elite and those with a modern secular education. These burghers were divided into three classes (*curiae*) according to their educational level and share of governmental taxes. Each curia elected 20 city councillors of the total of 60. While councillors for the first curia could be elected by a rather small number of votes, candidates for the second and third needed much more support expressed by a larger number of electors.<sup>44</sup> The first curia in the city council was elected by the strongest taxpayers and those with a secular education. Because of the domination of the secularly educated it was called the »curia of the *intelligentsia*«. This supremacy of the *intelligentsia* was the peculiarity of Krakow in comparison with other municipalities, such as Lviv, that were instead dominated by strong economic elites. As a result of the new order, the Jewish councillors working in the municipal sphere were seen as Jewish representatives, but also as individuals representing the whole city.

The statute did not differentiate among burghers on the basis of their religious affiliation. As Nathaniel Wood claims, »Beginning in 1866, with the granting of self-government to the city, Jews were eligible to serve in municipal government so long as they met the criteria of the curia system, which discriminated in terms of sex, wealth, and education, but not religion«. <sup>45</sup> However, in the first sketch of the statute it was specified that only Christians could be elected to the offices of mayor and vice mayor.<sup>46</sup> The number of Jews on the Council was also limited to one third.<sup>47</sup> This suggestion originated in the traditional Krakovian election

41 *Statut tymczasowy królewskiego stołecznego miasta Krakowa / Provisorisches Gemeindestatut für die Kgl. Hauptstadt Krakau*, Kraków [1866]; reprinted in *Dziennik Ustaw krajowych*, nr. 7: *Zbiór ustaw i rozporządzeń administracyjnych*, ed. Jan Piwocki (Lwów, 1899), vol. 1, 584–607; Kozińska-Witt, *Krakau in Warschau langem Schatten*, 65–67.

42 Herget, *Die Selbstverwaltung Krakaus 1866–1915*, 49.

43 *Ibid.*, 40.

44 Jan M. Małecki, *W dobie autonomii galicyjskiej (1866–1918)*, in Bieniarzówna and Małecki, *Dzieje Krakowa*, 225–394, here 228.

45 Wood, *Becoming Metropolitan*, 31.

46 §46 of the Municipal Statute abolished by the *Landesgesetz* of November 19, 1868 (Nr. 30). *Landesgesetz*, Blatt (folio) 1. Quoted in Herget, *Die Selbstverwaltung Krakaus 1866–1915*, 43–44 and 46; Małecki, *W dobie autonomii galicyjskiej*, 226.

47 Sroka, *Żydzi w Krakowie*, 115.

system which had excluded Jews from the office of mayor and vice mayor and limited their percentage on the Municipal Council.

There were continual attempts to limit the percentage of Jews in local self-government in Galicia. At the provincial level, some additional attempts to limit the percentage of Jewish councillors were made in the *Sejm Krajowy*, in the course of negotiations over municipal statutes. For example, it was postulated by the creators of the statutes that Jews generally could not make up more than two thirds of each curia.<sup>48</sup> The Austrian authorities refused to recognise this version of the Krakovian statute as not compatible with the constitution due to the postulated limitations.<sup>49</sup> The relevant paragraphs were removed, but, as memoirs of Krakovian politicians show, the limitation regarding the religious affiliation of the mayor remained valid as customary law.

Which areas of activity were determined by the Krakovian Statute? First of all, the statute regulated how later changes in municipal territory, as well as alterations of the statute would be handled. In the following, it established who belonged to the municipality, and defined the competences of the municipality and its officials.<sup>50</sup> It also decided on the form of representation, the electoral process, and the areas of competence of the Municipal Council. Only the last part of the statute concerned the »influence of municipal power on the affairs concerning diverse religious confessions«. <sup>51</sup> Due to the imperial regulations mentioned above, for the *Statutarstädte*, the Christian and Jewish spaces of activity in the Krakovian City Council were strictly divided. Each religious community possessed its own funds that were invested exclusively in its own institutions like schools and social welfare (§ 119). Only Christian deputies could make decisions about affairs concerning Christians, just as Jewish deputies decided on Jewish affairs (§ 120). If the number of Jews on the City Council failed to reach 21, the quorum needed to make decisions, it had to call upon further representatives of the Jewish community (*mężów zaufania*) for support (§ 123).<sup>52</sup> In this way, the participation of Jewish representatives in the municipal administration was affirmed and even prescribed by secular law. The body was to become a connecting link between confessional and secular authorities.<sup>53</sup>

48 Śliż, *Galicjyscy Żydzi*, 36.

49 Sroka, *Żydzi w Krakowie*, 115–116; Herget, *Die Selbstverwaltung Krakaus 1866–1915*, 46

50 Herget, *Die Selbstverwaltung Krakaus 1866–1915*, 41.

51 »O wpływie władzy gminnej na sprawy dotyczące różnych wyznań religijnych« / »Von der Versorgung der speciellen Angelegenheiten der christlichen und der israelitischen Bevölkerung.« *Statut tymczasowy / Provisorisches Statut*, Part (*Dział / Hauptstück*) VI, §§ 119–123, 43–44. For more details see Herget, *Die Selbstverwaltung Krakaus 1866–1915*, 46–47.

52 There was no equivalent to this rule for the Christian members of the council.

53 Kozińska-Witt, *Die Krakauer Jüdische Reformgemeinde*, 121.

## Dział VI.

### Tytuł 17.

#### O wpływie władzy gminnej na sprawy dotyczące różnych wyznań religijnych.

##### §. 119.

Każde wyznanie religijne pozostaje w posiadaniu i używaniu zakładów, fundacyj i funduszków przeznaczonych na jego cele duchowne, naukowe i dobroczynne, i opędza wydatki swe z własnych zasobów.

Każdy członek gminy miasta Krakowa przyczynia się do wydatków tego tylko wyznania religijnego, do którego sam należy, o ile takowe według ustaw administracyjnych nie są ciężarem realności przez niego posiadanych.

##### §. 120.

Specjalne sprawy chrześcijańskie zostają pod wyłącznym zarządem chrześcijańskich członków gminy krakowskiej.

Sprawy te są:

- a) dotyczące przedmiotów duchownych, szkolnych i dobroczynnych, tudzież zakładów wyłącznie z funduszków chrześcijańskich dotowanych;
- b) wykonywanie praw patronatu, prezentowania i mianowania pasterzy dusz i nauczycieli jakoteż nadawanie stypendyów.

##### §. 121.

W zarządzie spraw w paragrafie powyższym wymienionych zastępują gminę członkowie Rady miejskiej chrześcijańskiego wyznania.

Do wydania ważnej uchwały w sprawach tego rodzaju obecność  $\frac{2}{3}$  części członków Rady miejskiej wyznania chrześcijańskiego jest konieczną.

##### §. 122.

O ile zakłady na cele niżej wyrażone w przyszłości z majątku gminy miasta Krakowa fundowane nie będą, gmina izraelska pokrywa z własnych swoich zasobów wydatki:

- a) na swoje cele religijne;
- b) na zaopatrzenie swoich ubogich i chorych;
- c) na utrzymanie swoich szkół i szpitalów;
- d) na zaspokojenie innych właściwych swoich potrzeb.

Dochody jednakże, które na zaspokojenie potrzeb tego rodzaju przez ogół mieszkańców wnoszone były, rozłożone zostaną na użytek każdego wyznania, w stosunku przykładowania się jego wyznawców.

##### §. 123.

W sprawach dotyczących przedmiotów w powyższym paragrafie wymienionych, o ile takowe pod rozpoznanie gminy przychodzić będą, stanowiąc mają pod przewodnictwem prezydenta członkowie Rady miejskiej wyznania izraelskiego, w komplecie przynajmniej  $\frac{2}{3}$  części członków tego wyznania.

Gdyby liczba wybranych członków Rady miejskiej wyznania izraelskiego 21 nie wynosiła, natędy liczba ta powołaniem do obrad mężów zaufania przez członków Rady miejskiej wyznania izraelskiego uzupełnioną będzie.

The 6<sup>th</sup> part of the Krakow statute: »On the influence of municipal power on the affairs concerning diverse religious confessions«.

The Krakovian Statute was the basis for the first election to the Municipal Council. Among 60 elected councillors, 12 were Jewish.<sup>54</sup> Their percentage was within the stipulated limit and was even lower than in the analogue institutions of the past, the Municipal Council and the Municipal Board. Following the Municipal Statute, a mediating institution for Jewish concerns was established under the name Municipal Department for Jewish Affairs (*Wydział Miejski do Spraw Izraelickich*).<sup>55</sup> It consisted of twenty-one Jewish members and supervised the financial affairs of the Jewish community, the appointment of doctors to the Jewish hospital, and of teachers to the Jewish school in Kazimierz.

Regarding municipal law, Beate Herget asserts that Jews and Christians generally enjoyed an equal status, and emphasizes the influence of the constitution of December 1867, which brought an equal legal status to all the inhabitants of Krakow, irrespective of their religion.<sup>56</sup> Even though these »foreign« principles of equality conflicted with traditional Krakovian practice, the integration of Krakow into the Austrian Empire was closely tied to the implementation of imperial law.

The evolution of the statute illustrates the potential of imperial law with regard to the abolishment of discriminatory habits. Additionally, it demonstrates how »foreign« imperial law was adapted by local groups to take a changing reality into account: It was the Krakow conservatives (*konserwatyci krakowscy*), a Polish elitist group, who influenced the local shape of the statute. They exercised real power in the municipality and proclaimed a programme of social solidarity (*solidaryzm społeczny*). This slogan entailed imagining society as a joint organism, in which every social class and religious community has its own duties to fulfil. Jews were seen as an integral part of this organism. They were meant to assume specific functions that no other group was able to assume, and therefore were not necessarily perceived as competitors of the Christian population. The programme of the Krakovian conservatives intended to promote solidarity, stressing the peaceful cooperation of all social groups led by the conservative elite.<sup>57</sup>

54 Małecki, *W dobie autonomii galicyjskiej*, 227.

55 On the department see Galas and Polonsky, »Introduction,« 14. The authors claim that the department consisted of only 12 Jews, but this was contradictory to the stipulations of the statute. The 12 Jews mentioned were probably the regular municipal council members.

56 Herget, *Die Selbstverwaltung Krakaus 1866–1915*, 46–47.

57 Philip Pajakowski, »Ambiguities of Assimilation. The Kraków Conservatives and the Jews,« *Polin* 23 (2010): 83–102, here 83–85; Hanna Kozińska-Witt »Wielkomięjska Galicja w oczach konserwatystów krakowskich: Kraków i Lwów w »Przeglądzie Polskim« (1866–1913),« *Kwartalnik Historyczny* 68 (2011): 453–479, here 459–460.

The statute as a written law differentiated between municipal domains, for which the religious affiliation of city councillors did not play a role, and confessional affairs, for which religion was of substantial importance. This division between Jewish and Christian spheres corresponded with the customary spatial order of the estates in Krakow. The Christian »collective« property was mostly located in the city centre – with some important exceptions in Kazimierz –, while the Jewish »collective« property was exclusively in Kazimierz. The Christian property included the property of Christian institutions, such as hospitals, schools, and social welfare institutions that were managed mostly by churches and convents.<sup>58</sup> By contrast »Jewish property« in the city centre belonged exclusively to individuals, while the Jewish community did not possess anything corporately.

Even though the Municipal Statute was indeed a means to adjust the municipality to a changed reality, it paradoxically built on Krakow's traditional social order. The new legal order, dissolving the formerly clear-cut Christian and Jewish neighbourhoods and merging Krakow and Kazimierz into a single municipal administrative unit, however, created the basis for new problems.<sup>59</sup> The process of municipalizing confessional institutions with the aim of religiously »neutralising« them was part of a series of reforms that had already begun throughout Galicia in the 1860s. This was marked by conflicts that lasted for years.<sup>60</sup> This municipalization was strongly interconnected with the financial system, as the costs of institutions were no longer covered by religious communities, but by the municipalities, who generally provided more money and better standards for schools and social welfare.<sup>61</sup> Each confessional group was meant to contribute to the municipal funds proportionally to its percentage of city inhabitants or taxes paid.<sup>62</sup>

As a result of the law, the boards of religious communities lost control over municipalized institutions, which the established religious authorities naturally disliked. In addition, some areas financed traditionally by the municipality, i.e.

58 A later comment on this paragraph mentioned that Christians and Jews continued to keep property of this kind. For institutions, which in the past had been financed by municipal funds, this financing was to be continued.

59 Śliż, *Galicjacy Żydzi*, 36.

60 About the municipalizing of hospitals, see Kozińska-Witt, *Die Krakauer jüdische Reformgemeinde*, 139 and 259–260. Żbikowski mentions the hospital taxes covered by individual Jews or the Jewish community during the 1870s. Żbikowski, *Żydzi krakowscy i ich gmina*, 138–139.

61 Żbikowski, *Żydzi krakowscy i ich gmina*, 204.

62 The meaning of this sentence was not clear and it was postponed to the following version of the Statute (§ 122: *w stosunku przekładania się jego wyznawców*).

Hebrew and Jewish religion lessons in schools, were now declared to be a confessional matter and meant to be financed by the Jewish community.<sup>63</sup> Despite these limitations, the legal differentiation between Christian and Jewish spaces and competences can be seen as an improvement over the past, when Jewish affairs were conducted by Christians and converts. The division between Jewish and Christian funds also had a positive impact, as Jews could not be legally forced to cover the costs of Christian institutions. The consequences in legal practice can be illustrated by the protests of Jewish councillors against the municipal financing of the Association for Affordable Housing for Catholic Workers (*Towarzystwo tanich mieszkań dla robotników katolików w Krakowie*) in 1904. They successfully withheld their support for the association because of its confessional exclusiveness.<sup>64</sup>

#### *Comparisons with the Municipal Statute in Lviv*

The other *Statutarstadt* in Galicia was Lviv, the political capital, which is therefore of special interest in terms of comparison. The debates accompanying the preparation of the municipal statute in Lviv involved a general attempt to limit the percentage of Jewish councillors and to exclusively admit Christians to the office of mayor and deputy mayor.<sup>65</sup> The debate between the imperial administration and the municipality of Lviv on these limitations lasted for four years and delayed the enacting of the statute, which only came into power in 1870. As in Krakow it was ultimately the imperial government that imposed the removal of some restrictive paragraphs from the statute as not compatible with the Imperial Constitution of 1867. The ultimately approved version of the Lviv Municipal Statute did not explicitly exclude non-Christians from the office of mayor or vice mayor; it only specified that non-Christian office holders were prohibited from dealing with Christian concerns.<sup>66</sup> On the other hand, paragraph 27 introduced a limitation of another kind: In a spirit of secularisation it excluded clergymen of any religion from the office of mayor. Similar to the Krakovian statute, the liberal election regulations connected the right to vote with a tax census, thus privileging the wealthy and educated. In contrast to the

63 Kozińska-Witt, *Die Krakauer Jüdische Reformgemeinde*, 145.

64 Sroka, *Żydzi w Krakowie*, 122.

65 Heidi Hein-Kircher, »Concerning the Legal Status and Extent of Jewish Participation in the Lemberg Local Self Government: The Provisions of the Lemberg Statute of 1870«, *Simon Dubnow Institute Yearbook* 10 (2011): 237–254.

66 »Statut królewskiego stołecznego miasta Lwowa«, *Dziennik ustaw krajowych*, no. 79, 515.

three-curia structure of the Krakovian Municipal Council, the Lvivian structure consisted of only one curia.

The Lviv statute, like its Krakovian counterpart, differentiated between general municipal and specific religious concerns. In the sixth part it touched upon religious affairs.<sup>67</sup> The division between Jewish and Christian spaces and areas of activity was similar to the one in Krakow: each religious community possessed its own institutions and funds. However, in Lviv, »Christian« not only meant Roman Catholic, but could also refer to the significant Greek Catholic minority.<sup>68</sup> The main difference between the two statutes consisted in the paragraphs involving the bodies responsible for decisions about specific religious affairs. While the Krakovian statute created an informal body consisting of Jewish municipal deputies and some representatives of the Jewish *kehila*, the Lviv statute concentrated on defending Christian interests through the establishment of a special Christian board. In Paragraph 97 it excluded Jewish deputies from dealing with specific concerns of the Christian inhabitants and ordered:

In case less than 80 deputies of Christian confession are among the members of the Municipal Council, according to § 24 of the election regulations, a Christian administrative board should be created to administrate the special concerns of the Christian people on the basis of this statute.<sup>69</sup>

Paragraph 24 also prescribed that the members of the Christian administrative board should be elected from the Christian elector lists of the previous elections.<sup>70</sup> Therefore, the provision for 80 Christian members in the statute did not concern the Municipal Council as a whole, as postulated during the previous debates, but the specific Christian administrative board consisting of the municipal deputies and the electors of Christian confession. The option to include external members mirrored the Christian fear of being outnumbered by Jewish peers on the Municipal Council. This apprehension seemed to be absent in Krakow where Jews were more likely to be outnumbered by Christians. In this point, the Krakovian elites seemed generally more self-assured and less afraid

67 In the original *O zawiadywaniu specjalnymi sprawami ludności chrześcijańskiej i izraelickiej / Von der Versorgung der speciellen Angelegenheiten der christlichen und israelitischen Bevölkerung*. Ibid., 503–505.

68 In 1910: 51.2% Roman Catholic, 19.1% Greek Catholic, 27.8% Jewish. See Rudolf M. Mark, *Galizien unter österreichischer Herrschaft. Verwaltung – Kirche – Bevölkerung*. (Marburg: Herder Verlag, 1994) 109.

69 »Gdyby między członkami rady miejskiej nie znachodziło się ośiemdziesięciu (80) radnych religii chrześcijańskiej, natenczas utworzoną będzie według postanowień § 24. ordynacyi wyborczej rada administracyjna chrześcijańska, która według przepisów niniejszego statutu zawiadywać ma specjalnymi sprawami ludności chrześcijańskiej.« Printed in *Dziennik ustaw krajowych*, 504.

70 Ibid., 513–514.

of »Jewish influence« than the Lvivians. The Christian board of Lviv was apparently more institutionalised – it had a proper name and consisted of electors, members of the municipality whose common marker was their belonging to a Christian confession.

In 1867, the Viennese newspaper *Neue Freie Presse* commented on the composition of the Lvivian Municipal Council. It observed a tendency to exclude all members of the local *intelligentsia* and to privilege artisans and merchants.<sup>71</sup> In this way the paragraphs discriminating against Jews could be regarded as a strategy for the old urban elite to maintain power. This segment of society often felt threatened by the entire *intelligentsia* consisting of both Christians and Jews.

The secularly educated Jews of Lviv were largely Germanised by the beginning of the 19<sup>th</sup> century.<sup>72</sup> Christians were therefore able to make use of convenient cultural arguments to exclude them from power. While liberalism made religious discrimination less likely, the idea of »Galician autonomy« provided the means of pushing the German language out of the local public sphere, while the Polish-speaking elite was able to acquire better social positions. Lastly, the imperial order forced the Polish elite in Lviv to open its ranks to newcomers. As a counter measure, the Polish burghers used their political influence against Germanised Jews. They decided to establish only one curia in the municipal council with the intention of appearing more egalitarian than its Krakow counterpart. In actual fact this structural equality masked anti-Jewish resentments.<sup>73</sup>

The debates regarding Jewish participation in the Municipal Council seemed to be more heated in Lviv than in Krakow. One can explain the more exclusive tendencies in Lviv with the different social compositions of the municipalities: Krakow was imagined as exclusively Polish, socially dominated by aristocracy, and politically conservative. The old village pact between the gentry and Jewish mediators had been transferred to the city. This pact was one basis for the

71 »Die Rede von Herrn Wild (Buchhändler) während der zweiten Wählerversammlung bei den Stadtratswahlen,« *Neue Freie Presse*, April 19, 1866, 4. The discussions held in the Municipal Council allow us to see this institution not only as a discriminatory structure but also as an arena, in which open negotiations were possible. See Karsten Holste, Dietlind Hüchtker, and Michael G. Müller, »Aufsteigen und Obenbleiben in europäischen Gesellschaften des 19. Jahrhunderts. Akteure, Arenen, Aushandlungsprozesse,« in *Aufsteigen und Obenbleiben in europäischen Gesellschaften des 19. Jahrhunderts. Akteure, Arenen, Aushandlungsprozesse*, eds. Karsten Holste, Dietlind Hüchtker, and Michael G. Müller (Berlin: Akademie Verlag, 2009), 9–19.

72 Galas and Polonsky, *Introduction*, 13.

73 Kozińska-Witt, *Die Krakauer Jüdische Reformgemeinde*, 238.

previously mentioned programme of social solidarity in Krakow.<sup>74</sup> In contrast, Lviv was politically more contested, egalitarian, and »bourgeois«,<sup>75</sup> hence the competition between Jews and Christians was stronger and influenced their interaction in self-government.

The debates on the differentiation between Christian and Jewish property allow us to understand the difficulties of creating a municipal, religiously neutral sphere in a changing, but still socially and religiously divided society.<sup>76</sup> First of all, the religious topography of Krakow and Lviv differed considerably: Krakow had a clear spatial division between Jewish and Christian areas in contrast to Lviv with its ethno-religiously mixed streets.<sup>77</sup> Svjatoslav Pacholkiv has analysed descriptions of Lviv in 19<sup>th</sup>-century city guide books (*skorowidz*). Beginning in 1870 there was no city space referred to as a »Jewish district« because of the generally mixed composition of neighbourhoods.<sup>78</sup> While Jewish and Christian property in Krakow could be clearly identified, this was less unequivocal in Lviv. The social composition of each municipality and especially the individual division of confessional and professional spaces affected the local interpretation and application of imperial law.<sup>79</sup>

Ultimately, the Municipal Statute in Lviv ignored the most recent changes in the urban landscape, namely the dissolution of religiously divided neighbourhoods. Remaining in the past, it mirrored the traditional understanding of spatial division which claimed the city centre as exclusively Christian. Communal property was defined as Christian *ex cathedra*, thus setting the scene for future conflict.<sup>80</sup> By maintaining the early modern order, the municipal statute created exclusively Christian and Jewish territories and properties, which in current local practice had already disappeared.

One might ask how long early modern property perceptions influenced municipal life. Krakovian customary law, which mirrored the early modern

74 Żbikowski, *Żydzi krakowscy i ich gmina*, 85.

75 See Harald Binder »Politische Öffentlichkeit in Galizien. Lemberg und Krakow im Vergleich,« in *Stadt und Öffentlichkeit in Ostmitteleuropa 1900–1939. Beiträge zur Entstehung moderner Urbanität zwischen Berlin, Charkiv, Tallin und Triest*, eds. Andreas R. Hoffman and Anna Veronika Wendland (Stuttgart: Franz Steiner, 2002), 259–280.

76 Kozińska-Witt, *Die Krakauer Jüdische Reformgemeinde*, 214–224.

77 Wood, *Becoming Metropolitan*, 30–31.

78 Svjatoslav Pacholkiv »Zwischen Einbeziehung und Ausgrenzung: Die Juden in Lemberg. 1918–1919,« in *Vertraut und fremd zugleich. Jüdisch-christliche Nachbarschaften in Warschau-Lengnau-Lemberg*, eds. Alexandra Binnenkade et al. (Köln et al.: Böhlau, 2009), 155–216, here 162.

79 Śliż, *Galicyscy Żydzi*, 37.

80 Hein-Kircher, »Concerning the Legal Status, 251; Kozińska-Witt, *Die Krakauer Jüdische Reformgemeinde*, 219.

order, was still influential in efforts to exclude Jews from the office of mayor and deputy mayor. Nevertheless, this mental reservation seems to have vanished with time and the implementation of imperial power. From the very beginning of the 20<sup>th</sup> century, one of Krakow's deputy mayors was always Jewish. This practice occurred not only in Krakow, but also in smaller Galician towns. Wherever Jews constituted a considerable share of the town population, they acquired important positions in the municipal administration.<sup>81</sup> Usually the mayor would be a Roman Catholic and the deputy mayor a Jew.<sup>82</sup> At the turn of the century, Lviv, in spite of the remarkable anti-Jewish atmosphere in its city administration, also shifted with regard to this practice, falling in line with this regional trend,<sup>83</sup> and in 1909 a barrister named Tobiasz Askenaze was elected to the office of deputy mayor.

### Conclusion

The case of the Krakow municipal statute presented here demonstrates the entanglement of diverse political impulses and their interaction in a local context. The 1860s were a time of changing orders and hierarchies: citizenship, belonging to the municipality and to the Jewish community were matters newly negotiated and redefined. The first impulses for municipal reform were precipitated by imperial law, attempting to accommodate an already altered social reality.

The implementation of civil equality opened the municipal administration to some Jews. Nevertheless, the new legal option to differentiate between exclusively Jewish and Christian spaces included certain discriminatory potential: Previously established religiously mixed spaces were at risk of disappearing again. The differences between Krakow and Lviv consisted not only in the social composition of their inhabitants. In Krakow the process of developing ethnographically mixed spaces was only beginning when the municipal statute

81 Jan M. Małecki traces the generally high percentage of Jews in the magistrates of Eastern Galicia at the beginning of 20<sup>th</sup> century back to lower numbers of wealthy and educated Christians, mostly Ruthenians in this region. See Jan M. Małecki »Udział Żydów w organach samorządowych większych miast galicyjskich na początku XX wieku,« in *Polska i Polacy XIX–XX wieku. Studia ofiarowane Profesorowi Mariuszowi Kulczykowskiemu w 70. rocznicę Jego urodzin*, ed. Krzysztof Ślusarek (Kraków: Historia Jagellonica, 2002), 43–60, here 58.

82 Annamaria Orla-Bukowska, »Shtetl Communities: Another Image,« *Polin* 8 (1994): 89–113, here 103; Małecki, »Udział Żydów w organach samorządowych,« 53–60.

83 Waclaw Wierzbieniec, »Lvov, Przemyśl and Rzeszów. Jewish Representation in Municipal Self-Governments,« *Simon Dubnow Institute Yearbook* 10 (2011): 255–273, here 257.

came into rule. Therefore, the religious division of property introduced anew by the statute did not meet serious resistance. In contrast, mixed spaces in Lviv were already well established. Hence, the Jewish inhabitants regarded the religious segregation postulated by the municipal statute as a discriminatory act.

The main benefactors of the liberal reforms were wealthy and secularly educated Jews who advanced in the municipal hierarchy and acquired stable positions in the administration where they could influence municipal, as well as Jewish politics. This real power over Jewish communal affairs was the reason why Orthodox Jews in Krakow finally accepted the Progressives in the administration of the Jewish community.<sup>84</sup> These changes can be attributed to the impact of imperial law on the traditional Krakovian municipality. The intervention of the imperial and municipal authorities forced the Orthodox to recognize the Progressives, even though they practiced modified religious rites, were not among the wealthiest, and made up less than one percent of the community.

The Orthodox decided to search for a *modus vivendi* with their new competitors which required the general acceptance of cooperation with the Progressives within the Jewish community. This cooperation concerned not only the problem of how the community should deal with the secular authorities, but also the character of relations between the different factions within the community. The acceptance of the Progressives as official representatives of the Jewish community was the fleeting result of the temporary weakness and disintegration of Orthodoxy. The Orthodox tried to reverse this development by mobilizing an opposition movement that consolidated their ranks and established a modern form of Orthodox politics, including the ability to negotiate with the secular world. Rachel Manekin describes this process as a move »from a traditional society to an Orthodox one – that is, a society that fights the danger of the modern world by employing that world’s methods and tools, and by internalizing some of them«.<sup>85</sup>

The implementation of »foreign« imperial law stood at the beginning of the municipal and communal changes described here. It strongly influenced the municipalities by creating opportunities for Jewish participation. As a consequence, some elements of the traditional social order collapsed. Nevertheless, these changes built upon local needs for modern regulation in urban topo-

84 Hanna Kozińska-Witt »The Association of Progressive Jews in Kraków, 1864–1874,« in *Polin* 23 (2010): 119–134; eadem, »Stowarzyszenie Izraelitów Postępowych, 1864–1874,« *Biuletyn Żydowskiego Instytutu Historycznego* 192 (1999): 19–32. These articles summarize the results of my doctoral thesis. See Hanna Kozińska-Witt, *Die Krakauer Jüdische Reformgemeinde 1864–1874*, Ph.D. thesis, Tübingen 1996.

85 Manekin, *Orthodox Jewry*, 174 and 179.

graphy and legal orders, as the old ones had become outdated. For example, strict divisions between Jewish and non-Jewish spaces no longer existed in their original sense. The traditional segregation was seen as an obstacle to the development of the municipalities into modern cities as it excluded part of their inhabitants from participating in local administration and by segregating areas by religion.

Imperial law provided a structural framework for changes, which were negotiated in various arenas among the representatives of different local milieus and groups. The results of this process differed depending on the social context of each municipality. Nevertheless, imperial law served to influence every level of regional administration and every dimension of local reality, including citizenship and confessional affiliation.

Hanna Kozińska-Witt