

New Europe College Yearbook
Gerda Henkel Program
2016-2020

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ARTEM KHARCHENKO
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EVGENY TROITSKIY

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FOREWORD

This volume presents the research articles of five younger scholars, which they elaborated as fellows of the *New Europe College* (NEC) in Bucharest. At the NEC, numerous researchers come together each academic year to work on their various projects during their stay, while at the same time engaging in exchange and discussion among each other. The mix of fellows at the NEC is different every year, but it is always variegated: the carefully selected researchers come from different countries, belong to different disciplines, and speak different languages.

Like other Institutes for Advanced Study worldwide, NEC has its characteristic place and specific formats in the fabric of academic institutions. Selected from numerous applicants, early career researchers in the humanities and social sciences are able to focus on their self-determined topics and are supported in every way possible by the institute during their residency: they receive a stipend, housing, administrative and scientific support. The simultaneous presence of fellows from a wide variety of backgrounds creates opportunities to look beyond disciplinary boundaries, to meet outstanding representatives of other disciplines, other linguistic and research traditions, to become acquainted with novel theories. The institutional framework, which includes certain obligatory elements of commonality (for example, the weekly Wednesday seminar of all fellows, but also guest lectures by renowned researchers, international colloquia, and the like), creates opportunities for this.

The common feature of the authors of the articles collected here is that their fellowships were funded by the Düsseldorf-based *Gerda Henkel Stiftung*. This foundation is one of the most important donors for research in the historical humanities around the world. Since 2016, it has sponsored one- or two-semester fellowships at the *New Europe College* for excellent young scholars from post-Soviet countries. The first five beneficiaries of Gerda Henkel Fellowships at the NEC originated from Ukraine, the Republic of Moldova, and Russia, and their research interests focused on the recent history of their greater region:

Evgeny Troitskiy from Tomsk, who was a guest at the NEC in the 2016/17 academic year, reviews the more or rather less efficient alliances Russia has made over the past decades with countries that emerged from the bankrupt Soviet Union. Aurelia Felea from Chişinău (2017/18) documents the bitter experiences of families from Bukovina and Bessarabia who were deported to the Kazakh steppes during the Stalin era. Artem Kharchenko from Kharkiv (2018/19) and Svitlana Potapenko from Kyiv (2019/20) highlight aspects of modernization in eastern Ukraine: Jewish immigrants in Kharkiv between integration and exclusion in the late Tsarist Empire on the one hand, early forms of advocacy in the 18th century as a precursor to the formalization of this profession on the other. Finally, Viktoriia Serhiiienko from Kyiv (2018/19) directs our attention to a village in the Beskids and shows how the changing political power relations of the interwar period translate into social and religious conflicts in this remote region. Thus, while each contribution addresses a different topic and tries to answer specific research questions, together they do show us facets of the circumstances and transitions of the Russian and Soviet empires, respectively, and thus contribute to a more comprehensive picture of the history of Europe.

(Katharina Biegger)



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Centuries), with a foreword by Ovidiu Pecican, Limes, Cluj–Napoca, 2007

LIVING CONDITIONS AND (RE)DEFINING IDENTITY IN THE GULAG: A STUDY BASED ON AUTOBIOGRAPHICAL TEXTS BELONGING TO PEOPLE FROM BESSARABIA AND BUCOVINA DEPORTED TO KAZAKHSTAN

Abstract

This research explores living conditions in the Soviet Gulag, as they emerge from the memoirs and autobiographical texts of deportees from the former territories of the Romanian Kingdom to Kazakhstan. It focuses on recurring elements found in testimonies: the journey to the deportation sites; living conditions in exile (special settlements, housing arrangements); work performed by the deportees and their remuneration; the acquisition of food, clothes and consumer goods (available resources and supply strategies). I aim at clarifying how the new living conditions and social circumstances influenced the subjects' socio-cultural values, their vision of the world and of themselves, and, conversely, in what way their prior identity helped them in their efforts to survive.

Keywords: memory, autobiographical narrative, identity, testimonies about the Communist era, mass deportations, living conditions

Introduction

Mass deportations in Romania's Soviet occupied eastern territories: historical and demographic data

The Soviet Union occupied the eastern territories of Romania – Bessarabia, northern Bukovina and the Hertza region – in the summer of 1940 and, again, in 1944. The process of establishing the Communist regime, triggered by the occupation, involved many repressive actions.

Among these, three operations of mass deportations took place on 12–13 June 1941, 5–6 July 1949, and 1–2 April 1951.

It is conceivable that, from the very first days of the occupation, the Soviet authorities started collecting information about the population in order to identify those people who were to be socially excluded. However, the systematization and final collection of the data which would be subsequently used for deportation probably started in the late autumn – early winter of 1941.¹ The formal decision on the first mass deportation identifies and lists the categories of persons to be removed from the republic: former members and supporters of political parties in interwar Romania; people who held positions in the Romanian administration, police officers, employees of the Romanian justice system, owners of large buildings, merchants with significant business enterprises, etc. Family members of those found guilty would also be punished in compliance with the “revolutionary justice”.²

Most of the state apparatus of the Moldavian Soviet Socialist Republic took part in the 1941 operation: the political police, the army, border troops from some districts, state and party officials. Men, heads of households (when these were absent, their place was taken by the women running the household) and young unmarried men over the age of 18 were separated from their families at train stations where the boarding took place or on a station along the route. Many testimonies state that men were separated from families when crossing the Dniester River or in Tiraspol. According to some data, this operation saw 18,392 people detained and deported from Soviet Moldavia. Of these, 4,517 men and household heads were separated from their families and sent to forced labor camps. Few men in this contingent of people subjected to repression survived: some were executed, and others died because of inhuman conditions of detention, exhausting work, disease, cold, exposure and malnutrition. The others – 13,875 people – were placed in special settlements and subjected to forced displacement.³

Similar deportations took place on 22 May 1941 in Western Ukraine, on 14 June in Lithuania, Latvia and Estonia, and on 19–20 June in Western Byelorussia. A report of the Main Camps’ Administration (GULAG) from September–October 1941 showed that 85,716 people deported from the aforementioned six Soviet republics were to be found at that time in the Kazakh SSR, Komi ASSR, Altai and Krasnoyarsk regions, as well as in Kirov, Omsk and Novosibirsk provinces.⁴ A significant part – 22,648 – was deported from the Moldavian SSR, 9,954 of whom were sent to the

Kazakh SSR (6,195 to the Aktobe oblast, 1,024 to Kyzylorda oblast and 2,735 to South Kazakhstan).⁵

During and after the Second World War, political exiles and POWs, citizens of several states, including Romania, could be found in forced labor camps in the Kazakh SSR. Prisoners worked in copper and coal mines, quarries and other high risk industries. Former convicts from Bessarabia and Bukovina left written recollections about their detention in forced labor camps situated in the area of Jezkazgan, a city in the Karaganda region. Some narrations contain valuable information about the famous 1954 prisoner uprising of detainees that took place in Kengir labor camp, which was part of GULAG.⁶ Also, some of the people released from forced labor camps and prisons across the Soviet Union ended up settling in Kazakhstan in the 1950s, as they were not allowed to return to Moldova.⁷ In some instances, people released from the Kazakhstan camps asked the authorities to allow family members deported to Siberia to settle in Kazakhstan.⁸

According to information forwarded by the Ministry of State Security in Chişinău to their superiors on the Union level, 35,796 people were deported from the Moldavian SSR during the deportation operation that took place in early July 1949, of whom 9,864 were men, 14,033 women and 11,899 children.⁹

During the mass deportation carried out on the night of 1 to 2 April 1951, 16,255 Jehovah's Witnesses were deported from six Soviet republics: Lithuania, Latvia, Estonia, Ukraine, Byelorussia and Moldavia; 2,724 of them were from Moldavia.¹⁰ Deportees were forcefully resettled in the regions of Tomsk, Kurgan, Novosibirsk, Tyumen, Chelyabinsk and Krasnoyarsk. Over time, some of them settled in other regions of the USSR, including Central Asia.¹¹

The present study examines the mass deportation of June 1941 and its impact on and traces in the memoirs of the victims. The focus of the analysis on the first mass deportation is due to the fact that most of Bessarabians and Bukovinians that we know for certain to be exiled to Kazakhstan were victims of the first operation of mass deportation, organized by the Soviet authorities in June 1941. In cases where the article addresses issues of the mass deportation operations carried out subsequently in Soviet Moldavia (1949, 1951), further details are provided.

Sources of research and interviews

The issue of mass deportations initiated by the Soviet authorities in the former territories of the Romanian Kingdom played, for the last three decades, a central place in the remembrance of communism and in the Republic of Moldova's public debates. Accounts about population displacements and deportations to Central Asia are less numerous, when compared to narratives about deportations to Siberia. It is this dearth of information that makes sources so much more precious for the researchers of the Communist regime. In some cases, life on the deportation sites is thoroughly presented by the ex-deportees in books or extended interviews, while, in other texts, the forced settlement in Kazakhstan is only mentioned incidentally.

Some of the questions that I raise are: How did the deportees perceive their exile experience? What are the recurring elements of their narratives? The project attempts to clarify how the new living conditions and social circumstances influenced the subjects' socio-cultural values, their vision of the world and of the self, and, conversely, in what way their prior identity helped them in their efforts to survive. It is important to identify the factors that enable physical survival in extreme conditions and coexistence in multi-cultural and multi-religious environments, since even today one can witness massive forced displacement of populations, accompanied by humanitarian tragedies, suspicion and culturally motivated hostility.

The list of sources includes articles and (auto)biographical interviews drawn from various periodical publications; volumes written by former deportees, which deal with their forced labour camp or deportation experiences; letters addressed to the media (printed press, radio stations or TV channels). Voices and discourses are not only multiple, but also extremely varied. Subjects come from a broad range of social and professional backgrounds (writers, politicians, teachers and peasants), and belong to different age and gender groups. The subjects are either direct witnesses or pass on second-hand testimonies. The study also entails the comparison and complementary analysis of the narrative discourses and the official sources (archival documents, press publications, images, etc.).

A preliminary analysis and sequencing of the information gathered from testimonies made it possible to highlight recurrent topics. This research focuses on some of them, namely: the journey to the place of deportation (Kazakhstan); living conditions in exile (special settlements, dwelling arrangements); work performed by the deportees and their remuneration;

acquiring food, clothes and consumer goods (available resources, supply strategies). The first two rubrics are intended to circumscribe the historical and social context of forced population resettlement, which we refer to in this study.

Three related families deported from the village of Ciuciuleni, Lăpușna County, and their memories

Among the Bessarabians deported in June 1941 one can find members of three related families – Scafaru, Pojoga and Ciobanu – from the village of Ciuciuleni, Lăpușna County, all exiled to Terenozek, Kyzylorda region, Kazakhstan.¹²

The Scafaru family consisted of Grigore Scafaru, his wife Alexandra and the couple's children, aged between seven and fifteen: the daughters Maria and Valentina, the sons Toader and Victor. In the interwar period, Grigore Scafaru was mayor of Ciuciuleni commune (1931–1938) and a Liberal Party MP in the Romanian Parliament. At the time of the deportation, Grigore Scafaru's mother, Vasilisa Ploscaru, born in 1886, and Toader Ploscaru, the adoptive father of Grigore Scafaru, born in 1873, were members of the same household. Both elders were deported together with their son's family. In Tiraspol, Grigore Scafaru was separated from his family, and then sentenced to death, a sentence commuted to detention. He was initially imprisoned at the Ivdel Forced Labor Camp in the Sverdlovsk region, and then moved to several other camps during his detention. Being released from detention in the mid-1950s, he joined his deported family in Kazakhstan, where he spent the next decade, after which he returned to Moldavia.¹³

The Ciobanu family comprised the National Peasant Party member Ion Ciobanu, the household head and a former mayor, his wife Maria (Manea), who was Alexandra Scafaru's sister, and their children, aged between 11 and 20: sons Dumitru, Vladimir and Petru, and daughters Elena and Alexandra.¹⁴ The Pojoga family included the head of household, Teodor (son of Ștefan) Pojoga, who was the brother of Alexandra Scafaru, Teodor Pojoga's wife – Sofia, and their sons Constantin (aged 13) and Vasile (aged 10).

Olga–Elena Grigoraș, another sister of Alexandra Scafaru, together with her husband Vasile and their six children, hid in the Hâncu monastery, and thus, avoided deportation. In 1941, the Romanian administration that returned to Bessarabia gave Olga–Elena Grigoraș the property of the

Scafaru family, of which, as was the case of other deportees' fate too, nothing was known. In 1944, the Grigoraș family fled across the Prut River. The head of the family, Vasile, decided to return to Bessarabia for a short time, but the Soviet breakthrough on the Romanian front stopped him from coming back to Romania. Thus, Vasile Grigoraș lost contact with his family until the late 1950s. He was deported to Siberia from Ciuciuleni on 6 July 1949; later on, he also settled in Kazakhstan. The reunification of the Grigoraș family eventually happened due to great efforts on the part of relatives who managed to flee across the Prut River in the first place. They helped Vasile Grigoraș settle in Romania.¹⁵ During the mass deportation operation in the summer of 1949, another sister of Alexandra Scafaru, Sofia, was exiled to Siberia, along with her family.

The members of the three families (with the exception of the men – heads of families) were exiled to Kazakhstan. After a few months, they all escaped from Terenozek, in Kyzylorda region, claiming to be evicted refugees, and were allowed to stay in the houses of Volga Germans (in the town of Shved), whose owners had also been deported in 1941. Subsequently, they followed the front westward, and, in 1944, returned to their native region. They resumed their lives in their native village of Ciuciuleni, the authorities gave them back some of their buildings and lands, and the youngsters enrolled in local schools. In 1949/50, they were arrested and deported again to the location of their first exile. The Gulag escape of the three families from Ciuciuleni was not the only event of this kind. Other deportees left the relocation special settlements without authorization, but all were turned back, or would be once again deported in 1949.¹⁶ Cases are known when deportees had legally returned to Moldavia, but soon fell victim to the second wave of mass displacement.¹⁷ Some were able to avoid the July 1949 deportation, when the authorities, although having had exact and detailed information about them and having conducted thorough searches, failed to locate them during the operation.¹⁸

The deportees who were children in 1941 had grown up in the meantime (by 1949); some had set up their own families. Maria and Valentina Scafaru were married. Valentina, her mother Alexandra, grandmother Vasilisa and grandfather Toader went through a series of prisons before returning to Terenozek. Maria, a student at the Chișinău Medical Institute, did not wait to be arrested, and followed her family to Kazakhstan of her own accord. According to Valentina Scafaru, her sister's husband, who remained in Chisinau, came to Kazakhstan to ask Maria for a divorce, arguing that the authorities would not allow him

to complete his studies because of having a deported wife. Valentina's husband, Nicolae Sturza, although a free person, moved to Kazakhstan to join his consort.¹⁹ Their cousin, Elena Ciobanu, also married, had a daughter, and was pregnant with her second child, but was nonetheless transferred from prison to prison, the final point of her hard journey being the Terenozek train station.²⁰

Most of the members of the three Ciuciuleni families returned to Moldavia in the 1950s and 1960s. In the post-Soviet period, they gave interviews, published articles in periodicals and books, and shared their experiences as deportees. The recorded dialogue of a journalist with Dumitru Ciobanu was one of the first materials about deportations and repressions organized by the communist regime published in Chişinău.²¹ Writer and journalist Alexei Marinat (1925–2009), a former Gulag prisoner, married Maria Scafaru on 1 June 1957. During the last years of the USSR, this writer born in Transnistria and highly regarded in Soviet Moldavia began publishing documentary prose, based on his experience as a political prisoner in the Stalinist camps.²² In some texts, he also discussed the destiny of his deported relatives from Ciuciuleni. Maria Scafaru (Marinat), Valentina Scafaru (Sturza), Elena Ciobanu (Mămăligă) and her daughter, Marcela, all testified about the deportations. Moreover, people who became relatives through marriage with the Scafaru, Ciobanu and Pojoga families from Ciuciuleni (Elizaveta Andronic, Ion Savin, Maria Sajin and Liubov Pojoga) were also interviewed. These marriages were concluded during exile, when the concerned subjects were already settled in Kazakhstan.

The Journey to the Place of Deportation

The journey to the place of deportation, in cattle cars, hopper wagons, etc., all dirty, with small windows, lasted from two–three weeks to a couple of months. Trainsets with deportees were often pulled into dead-end tracks, which made the trip even more agonizing. Several deportees state that the trains were not stationed in railway stations, but somewhere outside the settlements, in the open field. The convoy did not allow the doors to be opened, at least that was the case until they reached the Ural Mountains or Asia. Deportees would fight for breath and suffocate, particularly those suffering from asthma, young children would faint. The daily water ration was 200 ml per person. Some have described the travel as “hell on

wheels". Valeriu Harabagiu, deported from the small Bessarabian town of Komrat to Kazakhstan along with his mother – the father being separated from the family and sent to Siberia – provides a detailed account of the deportation operation:

On 13 June 1941, however, the fateful day came for us and others. By dawn, a convoy of empty carts was formed. We were "invited" to get on those carts. I do not wish anyone to live through such moments. [...] They took us to the railway station. The convoy was accompanied by KGB troops with guns and dogs. Once we got to Comrat Station, the convoy was split into two. In the first group, only able-bodied men, fit for work, like my father, were selected. Mothers, children and elders ended up in the second one. Final destinations: my dad was sent to Siberia, my mother and I – to North Kazakhstan. Those like my father were taken to the Sverdlovsk region. We were headed to Kazakhstan, crammed in compartmented freight carriages.

...We were on that train for about 20 days. They would simply leave us in various stations for hours or even days. In our carriage, hay was laid on the floor. We lived our perpetual nightmare on that straw, cramped for room beside one another. All of us were hopeless, exhausted, our souls decimated. At one of those stations, someone, perhaps a railroad worker, slipped us a newspaper. This is how we learned that the war against the USSR had begun. [...] when the train stopped, we were given soup in nesting canteens, a piece of bread, and, after finishing the soup, our water ration – a ladle each – was poured in the same unwashed canteen. Our train was a special train. For example, it stopped in the open field. And they shouted: Get off! Do your business! (Horrible! And so we did, "collectively", about one meter away from each other).

On one such occasion, a colleague of mine from primary school, Tolea Smiridov was his name, twelve years old, same as me, had an idea. The open field had bushes growing here and there. And he hid in such a bush, with the obvious intention of staying. The misfortune is that he was spotted. When the order was given "up in the carriages!" – my Smiridov remained in the bush. What was he thinking? God knows. The KGB released the dogs and set them on him. The dogs rushed toward the bush like a pack of wolves, and, in a matter of seconds, mauled the poor child. This is something I will never forget: one dog was pulling on a foot; another one had a severed hand... No words can describe this. His mother screamed, and then fainted; we were all terrified when the security guards pulled the shutters to the carriages. They locked us in – we stood there for half an hour, the KGB must have had a hard time gathering the dogs that had done their duty with such zeal.

...The train continued going east, always east. [...] After we got out of the carriages, we waited for half a day for the trucks to come. "Up!" – they shouted the order to us. They took us further for 200–300 km, deep inside Kazakhstan. Desert all around, as far as the eye can see, sand, more sand, a reddish Sahara, sandy clouds forming behind the trucks. The ordeal of that infernal journey ended on a similar note, on a certain open field in the vicinity of a small town. "Down!" [...] My mother and I were assigned to the 31st stake. Others were randomly assigned to stake no. 30, 29 ... and so on.²³

Not only the heads of the households, but also other family members were taken from the carriages without any explanation. Underage children were left in the train without parents or relatives – later they were assigned to orphanages. Children from the same family were taken to different orphanages. Ties were broken, some of them found their siblings after 40 or even 60 years, after lengthy searches and multiple inquiries directed to different authorities.²⁴

Another deportee, Nina Pănuș (Prodan), wrote the following about the journey to southern Kazakhstan: "Finally, on 29 June, the Holiday of Saints Peter and Paul, we reached our destination, in the heart of Central Asia. We were at the foot of Kyzyl–Kum, next to one of the largest "building sites of Communism". All the eye could see was sand, not even a blade of grass. We got into the carts and the luggage was loaded onto camels. The caravan brought us to the place of settlement in the "Pahta–Aral" sovkhos ("sea of cotton" in Kazakh) [...]".²⁵ The deportees were welcomed by representatives of the local and NKVD authorities. The population also wanted to meet the newcomers immediately:

The Kazakhs looked baffled upon seeing us. We were in tatters, barefoot and scared of the situation we found ourselves in. My mother tried to embrace us all so we would not be afraid.²⁶

We were taken to the Terenozek district center in Kazakhstan, Kyzylorda region. We arrived at night. They pulled the train into a dead-end track and told us to get off. We could see nothing. We walked in darkness. It was like we descended from Bessarabia to hell. Nobody knew what was there or where we were... We sat on our rummage like a bump on a log. God knows what will happen next. When dawn came, I saw children with oriental faces, men, and women. They had probably gathered out of curiosity. Their clothes seemed strange to us. Our children were scared...

Finally, some dignitaries arrived there and brought carts pulled by cows, and we were told we would be housed here. [...] Over the next few days we were all registered and they started allocating us to kolkhozes. We were close to the Syr Darya River. Our family, the Pojogas and Scafarus (who were also related to us) remained in Terenozek.²⁷

The special settlements were subordinated to the NKVD and to local executive bodies. Deportees were not allowed to leave the settlement without authorization. Violation of this legal provision was considered an escape attempt. As a result, the deportees were to be held criminally liable in case of fleeing from the settlement. Exiles were required to report regularly (at least once every two weeks) to the local government authorities and sign in a special registry. They could not be enlisted in the army and could not hold or be issued passports. Theoretically, deportees had the right to live with their family, to work, to have access to social services and decent living conditions, like the free citizens did. In practice, however, things turned out to be completely different.²⁸

Living Conditions in Exile: Settlements, Housing and Dwelling Arrangements

The Soviet state confiscated without compensation the houses and most of the possessions deportees had had in Bessarabia and Bukovina. Most victims testify that they were not allowed to take anything from their households before being deported. Some managed, however, to take food with them, but in very limited quantities, and a few personal belongings.

From a legal point of view, deportees from the western regions of the Soviet Union in the spring and summer of 1941 experienced different circumstances compared to other groups of deportees. For example, certain rights were provided for those resettled in 1936/37 (Germans and Poles dislocated from Ukraine, Koreans from the Far East): to be compensated for the goods they had had to leave behind when deported (grain crops, cattle, houses, fodder, etc.) or to have those goods replaced; to receive long-term loans for housing construction; to enter into kolkhozes and agricultural artels, etc. Similar rights were granted to deportees resettled in 1944 from the Caucasus. In the case of the 1941 deportees from Moldavia, the state declined to take any responsibility regarding their housing. The deportees were to solve this issue on their own, either by convincing the

locals to accommodate them in their homes, or by building shelters using their own resources.²⁹

Initially, deportees were accommodated in public or commercial buildings (schools, cotton dryers, warehouses, cattle stables, etc.). Also, they were assigned to houses whose tenants had left, or to huts of the cattle keepers who had traveled away with their flocks. In the autumn, the latter would return to their homes. In many cases, they were left under the open sky.

Together with other Bessarabians, my parents and relatives were assigned to the village of Semionovka. Some were left in deserted houses or in barracks; others had to build pit-houses. Stoves had to be built for warmth because the temperature could get as low as minus 42 degrees Celsius in winter.³⁰

Seventy families were living in a doorless, windowless cotton dryer. Mosquitoes tormented us by night and heat tormented us by day. When winter came, it did not bring much snow, but it was cold enough to freeze the tail off a brass monkey. We lived in plywood sheds with windows, doors and a single stove. 12 families were packed there. Everybody used the stove for cooking and drying their frequently wet feet.³¹

We were taken to a kolkhoz situated 25 kilometers away from that train station. They gave us a hay shed for several families to live in, and there we lived, summer and winter alike [...].³²

Despite the official rhetoric asserting that the Soviet government was providing adequate living conditions for the resettled, both memoirs and official documents reveal that the infrastructure for the deportees was virtually non-existent. Everything was improvised, and the results could not have been different. The deportation operations were kept secret, with only people from the top echelon of the organization being informed about them. For the necessary houses to be built, local administrations (on the republican, regional, and rayon levels) would have had to receive the necessary funds from the central government. Information about the arrival of a large number of people would have reached the population long before the deportation; it would have raised unwanted attention and would have jeopardized the resettlement operation.

After a period of temporary accommodation, the deportees were housed, wherever possible, in recently built sheds – some of them unfinished – or were put in a position to quickly build their own shelters before the onset of winter. It was extremely important for these rooms to

have stoves. Otherwise, it was impossible to endure the low temperatures of the winter season. At that point, as well as later, certain materials necessary for construction (glass, nails, wood, etc.) could not be found in sufficient quantity or were even completely absent. Materials such as reed, clay bricks sometimes mixed with straw, dung or peat were used for construction purposes. Valeriu Harabagiu remembers:

This is where you shall build a pit-house, they told us. Look, you have water nearby, reed, everything you need. Build the pit-houses now, while the weather is fine, because when the cold comes... God save you! [...] There was a river next to us, Kyshim they called it – a narrow but very deep river that ran very fast. It was swirling all the time. On the bank of that river there was reed. [...] We manufactured “chirpici” [adobe]. That is, we were molding earth mixed with straw taken from the kolkhoz into bricks. We had a “mould” and worked in a Stakhanovist rhythm. The mould could make four [bricks of] “chirpici” at a time. Next, we would dig for about 1,5 meters. One would be descending into that heaven on stairs like in some kind of underground palace. A half-meter-high “wall” would be raised above the pit. Down in the pit-house, on a sort of platform, a straw rug would be laid. On that improvised rug we would lay one next to another, about 20 people for each pit-house. During the winter nights we would wrap ourselves in whatever rags we had left. The stack of the pit-house did not rise straight up, it was somewhat “cranked” – its flue functioning as some sort of air shaft in the nights the snow simply entombed us.³³

Over time, some of the deportees built their own homes. First, they had to get permission from the authorities to build a house. For the construction of a house, all family members who shared a household pooled together resources and income. Sometimes two or three families would build a house together and split it into several dwellings dedicated to separate families. Relatives helped each other with the building process.

In Akmolinsk, my grandpa’s family lived together with ours. My father was a woodworker, and my mother was a nurse at the hospital for infectious diseases. Together, they built a large house, which then became a true meeting place for Gagauz people, who all stopped by whenever they had business in town. On long nights, they were talking about the relatives left behind in Moldova, about our native hearths. They were longing for it...³⁴

Acquisition of resources on a scale large enough to allow the construction of a house was, however, part of a range of practices officially qualified as illegal. Several subjects assert that they obtained cash from selling the meat of the livestock raised in their own household. The state could try them both for the way they were gathering food for their animals and for price gouging, called “speculation” in the Soviet Criminal Law. Overall, the best that the first deportees could do was simply to survive, save their children, and it was only the next generation that was able to have better living conditions and proper homes. The subjects describe the houses they built in Kazakhstan with a sense of pride – but only since the 1960s/70s – as being neat and well-arranged:

We had a house there, I built it with my husband, a nice place with a big garden and a summer kitchen.³⁵

We built a fine house downtown (in Kyzylorda – A.F.): four rooms, a porch, a kitchen, a bathroom, a beautiful garden, I grew grape vines from Moldova! [...] The plot around the house was treated with organic fertilizers of all kinds, with sawdust, I made the soil like we had it in Moldova – chernozem.³⁶

It is generally believed that the exiles were forcibly taken from their original location and detained somewhere for good. However, memoirs, coupled with archival data, reveal a certain logic of the deportations involving a continuous process. Authorities could always dispatch deportees to neighboring or remote localities in the same district, or to other regions of the Soviet republic than those where they were initially brought, or even to other republics. There have also been numerous transfers from farm work to industrial activities and vice versa.

After a while, they took my husband to the “trudfront” in Siberia, to a mine. After the war ended, he returned to Kazakhstan. They took us both to work in another kolkhoz. Both of us were in a foreign land, without papers.³⁷

Deportees became a mobile labour force based on the legal status assigned to them by the state authorities. This unskilled and therefore extremely cheap labour force – unskilled not because deportees did not have education or training, but often because there were no jobs suited for their training or they were not allowed to work according to their qualifications –, could be sent at any time to carry out whatever economic

and social projects the authorities conceived of. After settling down somewhere with great efforts, people were forced to start over somewhere else. Even the Soviet state recognized that such transfers were not always carried out for economic reasons, but that they could be dictated by the personal interests of local leaders.³⁸

After the death of Stalin, the Bessarabians who were deported to Siberia began moving to other regions of the USSR. The main problem to be taken care of was, once again, that of housing: "We were in contact with my mother's sister, who was in Kazakhstan, in the city of Kyzylorda, writes a former deportee to the northern territories of the Soviet Union. She urged us to go to her. Chechens, who had also been deported, were starting to leave the place, so houses were pretty cheap. In June 1955 I left for Kazakhstan and lived in Kyzylorda until 1959, and then we returned to Bessarabia".³⁹

In the regions of Kazakhstan, to which the deportees were taken, combustion materials were hard to come by. Extremely poor living conditions in overcrowded, under-heated dwellings, where personal hygiene standards were impossible to maintain, must have been responsible, at least in part, for pediculosis and contagious diseases such as typhus, diphtheria, scarlet fever, measles, malaria and trachoma.

Work and Remuneration

Some official documents point to the obligation of the military authorities – integrated into the NKVD structure – to help deportees in finding a job when they had trouble doing so.⁴⁰ This does not mean that the authorities guaranteed employment for the deportees. They also did not consider themselves obliged to take into account the qualifications of the deportees. Instead, if the local managers were in need of workforce, they could mobilize them to work at any time. It is clear from the analyzed testimonies that the Bessarabians and Bukovinians found jobs with great difficulty, especially during the first years of exile in Kazakhstan. This was a conundrum not only for deportees from Bessarabia and Bukovina. Other groups of deportees were struggling with the same obstacles, which threatened not only their integration into local society, but also their survival. A document produced after an NKVD inspection carried out in the autumn of 1940 reveals the plight of Polish deportees at that time:

1. A considerable part of the special deportees is currently unemployed and cannot find even temporary jobs; 2. Housing is not provided for the special deportees, their work is arbitrarily remunerated, and, in some places, is not remunerated at all. 3. Families with many children are unable to provide the children with material support – in addition, there are many orphaned children. 4. It is almost impossible for elder people and those who are not fit to work to make a livelihood. 5. The regional party committees, the district councils and the Soviet bodies act hesitantly on the issue of placement on the labor market, considering the special deportees as a group under the jurisdiction of the NKVD.⁴¹

Prior to arriving in Kazakhstan, most of the Bessarabians and Bukovinians were employed in agriculture and made a living from their farms. The memoirs mention people practicing other professions too: doctors, people with higher degrees in philology, economics, etc. Many of them came from families of farmers, they knew the kind of work farming implied, and they did it themselves while living in the countryside, but they were not as tough and skilled as the peasants.

In the first years of exile, deportees were engaged mainly in seasonal or temporary work. Remuneration consisted, at best, of a little food. During times when work was scarce, they had no option but to starve. Because of travel restrictions, they could not go to places where work force was needed.

We had no work and no food. [...] People from sovkhoses would come up in the summer and take us, the youth, to work, they would take us for the whole summer, until 7 November. [...] We went to a kolkhoz once [...]. There were five girls and a boy. [...] they got us on a bullock cart and took us to the steppe, we traveled the whole day. They left us there. There was steppe as far as the eye can see, no trace of houses or barns, nothing! Steppe, steppe and steppe! Instead, there was hay. We gathered some hay, raised a small haystack, climbed on it, and slept. [...] We gathered hay all summer long. An elderly man would come once a day to bring us food.⁴²

In this district center (Terenozek – A. F.) there was a basic brick factory, where all the work was done manually. And there was a sovkhos with wild olive trees scattered across the fields. We and the kids were assigned to remove the thorns. They gave us spades... That was our job. Very hard work and very low-paid.⁴³

The work of deportees was used in agriculture, field extraction (especially in coal mines, where women would be employed too), construction, forestry, wool working and tailoring workshops, etc. In constructions, they were molding clay bricks, brick burning: working the kilns, plastering the sheds and the state buildings with clay; more precisely, stretching the clay paste on the surfaces, perhaps with the aid of an improvised trowel (a small wooden plate with a handle), as they used to do it back home.

In agriculture, they were employed in cotton growing, in grass mowing and fodder preparation, in livestock care (sheep, horses) on kolkhoz and sovkhoz farms, and in the growth of silkworms.

We were brought to cultivate cotton, working from dawn till dusk, with a break between 12.00 and 15.00, when the heat is unbearable. There were no resting days or holidays, we worked the whole year round. Whoever did not work properly, did not get any food. The mosquitoes were literally eating us alive, passing tropical malaria to us. It so happened that everybody got sick with malaria, indigenous people, newcomers, and NKVD employees together. Moscow sent a commission of physicians with large powers and special funding to fight the epidemic. They were looking for physicians among the deported, so my parents were called to work. We were allowed to go to the district center, Slavianka, where father had to organize a malaria control station. It was our salvation from certain death. My mother was hired according to her training – a gynecologist. Still, death was decimating all those around us. I was looking for any job, so I could get the daily ration of 600 grams of bread.⁴⁴

I worked in the coal mines for the duration of the war, where I caught tuberculosis. To keep us from starving, we went to the train station at night and collected the beets and frozen potatoes which had fallen from the passing trains. People died by the hundreds, with bodies being simply piled up.⁴⁵

We were taking care of sheep, because the collective farm was specialized in sheep breeding and was called «Овчевод» [in Russian «Овцевод» - shepherd - A. F.]. Every day we would herd the sheep eight kilometers away, to water them at the Syr Darya river.⁴⁶

Mother was working for the war effort, spinning Karakul wool, and weaving gloves, stockings. The work was hard: spinning, balls of thread, dust, weaving all day long for the needs of the army. She was working at *raipotrebsoiuz* [the district consumption union] and was paid through the ration card system: for us [the children – A. F.] – 200 grams of bread and

for mother – 400 grams, because mother was working. I would go to the district center to pick up the bread in the early morning, before sunrise, and would wait in line till noon, when the bread was given.⁴⁷

We were working in the field, and the boys scythed the hay. The payment for our work was barley, grain, wheat, which we turned into groats and ate. We had no clothes, nothing to keep us warm.⁴⁸

During the rationalization period, the deportees with jobs were given ration cards. The cards were used to acquire bread, other foodstuffs and essential goods. The goods received on ration cards were resold or exchanged for other products. If the family had an adult male, the ration included a bottle of vodka, that could be sold for 500 rubles to soldiers leaving for the front, a former deportee remembers.⁴⁹ Workers were also paid with goods produced in their workplace: a woman deported to the Kurgan region, who worked as a milkmaid, was paid with half a kilo of bread for a day of work (the other workers received a kilo of bread) and skimmed milk.

Because, for a long time, deportees living in villages were not accepted into kolkhozes as full members, they were discriminated against when it came to wages and distribution of goods.

Deportees who retrained themselves to practice more demanding jobs – usually, young people – would get higher wages over time, but such cases were probably rather uncommon. Nina Prodan, who had studied philology at the University of Bucharest, became an engineer in hydro-amelioration and, as she writes, designed channels on Syr Darya.⁵⁰ Those who were children at the time of the deportation and those born in exile had better prospects than their parents. The first displaced people were forced to do all sorts of work – mostly unfamiliar to them – to feed their close companions: children, elders, other deportees. Older children in the family worked to support younger siblings or incapacitated parents. Because of this, many were not able to pursue secondary school, let alone higher education.

During the war, the life of the deportees was very difficult. The living conditions of deportees originating from Bessarabia and Bukovina could not have been decent given the local context: a large number of deportees brought from a huge area through several mass operations organized by the Soviet government in the second half of the 1930s and early 1940s (69,283 Poles and Germans deported from Ukraine in 1936, 95,526 Koreans in 1937, about half a million Germans in autumn 1941, etc.). Besides, taking

into account the Soviet–German war that had begun, in the Kazakh RSS there were 137,900 people who had been evacuated in October 1941 from the front and from large cities like Moscow and Leningrad (10,227 in Aktobe oblast, 8,479 in Kyzylorda oblast, 14,401 in Akmolinsk oblast, 16,100 in South Kazakhstan and 8,942 in Karaganda oblast). The number of evacuees would increase in the following months.⁵¹ It is understandable that the local economy could not absorb the growing labor force in such a short time, and the social infrastructure was under huge pressure. For the population, all this translated into malnutrition; diseases caused by malnourishment, lack of sanitary conditions, premature deaths.

It was only after the war was over that the Bessarabian and Bukovinian deportees began to be assisted by the state authorities: they were given cows, land plots on which they grew millet, potatoes, cucumbers, carrots, etc. The kolkhozes helped them work in the fields, providing traction animals for agricultural work and seedlings.

At retirement, the work done during the deportation was not taken into account for a state pension, although the deportees had been released in the meantime. Thus, children would provide from their own wages for the parents who were no longer able to work.⁵²

Acquiring Consumer Goods: Available Resources and Supply Strategies

Given the extremely modest pay, how did the deportees acquire things required for living: food, clothing, and footwear?

At first, the deportees who were able to take with them items from their household, jewelry and gold objects, traded them for food. Men's suits, towels and mats were valued commodities, but these things ran short pretty fast.

For the purchase of food, the most realistic solutions were working in local households and begging. These activities were common for all groups of deportees in difficult times – especially in the early years of exile.

My grandpa would help the local fishermen and they would share with him some of the catch. We would not eat the best fish; instead we would smoke it and sell it to passengers at the train station.⁵³

My sister and I were employed by Kazakhs; we would work the hand-mill for a handful of groats, from which mother made porridge...⁵⁴

Children were usually the ones to beg – this is confirmed by multiple testimonies. They would also be the ones to gather the grain ears left on the stubble after the harvest. They were beaten by the guards and the bosses, though it was obvious that the cereals were left to rot in the field, but their parents could have been sent to jail if they were to do it themselves.

In regions with a richer fauna and flora, people hunted, went fishing, collected edible plants (leek, wild carrot, etc.).

It was turtle soup and orach that saved us from the Grim Reaper.⁵⁵

There was a forest next to our dwelling. Men were hunting rabbits, boars. Kazakhs do not eat pork, so they did not stop us from hunting.⁵⁶

A former deportee said that at the age of five or six, she and her younger brother would catch ground squirrels, and their mother cooked the small rodents for the large family.

In order to feed their children, parents brought home products taken from the ration of the animals they looked after at state farms (a handful of barley or porridge meant to feed the pigs). If caught, they faced years of imprisonment.

In winter, the most suitable footwear was felt shoes and the best outfit – padded coats. Production did not meet demand, though. The population made footwear from machine tires and from coats' arm sleeves.

Deportees bought dung bricks from the locals. This kind of fuel was not always for sale, and even when it was, money was tight anyway. They were gathering cattle dung, mixing it with grass, for the straw had to be brought from great distances, dried the mixture in the shape of bricks, and fueled the fire with it.

With no fire, no shoes and nothing to wear, some would take jobs as animal handlers, and lived in stables.

The temperature reached minus 40–50 degrees Celsius in winter. And when they gave us 20 kg of potatoes, we put them near the stove, but they still froze. We did not have much fuel for the fire, and the winters were very long. The cold would come early in the winter and it would not get warmer until May. That is why, when asked to take care of some old man's oxen, I accepted and went on to sleep in the manger, because it was warmer.⁵⁷

Starting in 1948, living conditions began to improve to some degree – some cases were reported of deportees helping their relatives in Moldavia during the famine of 1946/47 by sending them food. Parcels from Moldavia were also sent and delivered to the deportees in Kazakhstan, but the families of deportees sent food to the heads of families detained in labor camps instead.⁵⁸

The greatest support seems to have come, however, from the local population, including from the deportees resettled in earlier waves, but especially from ordinary Kazakhs. The texts devoted to this subject are full of warmth and sincere gratitude.

[...] if it were not for the Kazakhs – we would have died of starvation.⁵⁹

We were not quite alone, other people had been deported here: Turkmen, Tatars, brought from the Volga as early as 1933–1936. Both the Turkmen and Tatars treated us very nicely. They helped us with food and let us sleep in their huts for weeks. People under duress help each other whenever they can.⁶⁰

These interactions are all the more noteworthy as the Kazakhs and other deportees did not understand Romanian, the Bessarabians did not speak Kazakh, and neither the one, nor the other group spoke any Russian at all, or when they did, it was quite basic. Deportees from the former territories of Romania followed the rites of Eastern Orthodox Christianity, the Mosaic religion or other Christian denominations, while, before the process of Sovietization, Kazakh society officially followed the Islamic teachings. However, when it came to local bosses, deportees expressed more critical views.

Conclusions

The deportations carried out by the communist regime transferred their victims into a very different geoclimatic environment than they had previously experienced, and into a society with a completely new property regime. The deportees were not only totally unprepared for the changes, but they were almost completely deprived of any means of subsistence, clothing, food supplies. Their identity reference points – the relationship to property, the family affiliation, the emotional bond with the geographic environment in which they were born, which was both

familiar and friendly – were severely undermined and distorted. Some, perhaps having the intuition of a enclosed horizon, took their own lives. There are numerous testimonies about suicides and suicide attempts, and even mass suicide, that occurred both during the journey toward the place of deportation and in exile. Some deportees are reported to have lost their minds. In the early years of deportation, the number of premature deaths was very high.

The inability to find a job and to make a living was the main problem of all deportees. When jobs were available, they worked hard, even for a minuscule pay, the subjects report. The situation of the deportees slightly improved when they were granted individual plots, on which vegetables, herbaceous plants and other foodstuffs would be cultivated. Youngsters began to attend various classes and took up the necessary crafts in the village economic system, such as: tractor drivers, combine harvester drivers, accountants, etc. From the testimonies, it was obvious that the deportees did their best to save their children and, then, to send them to schools: the narrators frequently point out cases of their children receiving higher education. The values shared by the deportees concerning labor, property, family, the desire to live with others and to be held in high regard do not seem to have undergone essential changes.

NOTES

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- ⁶ JOSANU, E., “Mi-a mai rămas speranța. Dialog cu Valentin Șcerbacov”, in *Literatura și Arta*, no 35 (3027), 28.08.2003, p. 6; no 36 (3028), 04.09.2003, p. 6; MÎRZA, O. [Scrisoare adresată redacției], in *Basarabia*, no 1, 1992, p. 208; GÂSCĂ, A., “Memorialul groazei”, in *Flux ediția de vineri*, no 26 (305), 06.07.2001, p. 3; MORARU, I., *Pustiirea. Treptele infernului. Fata cu miros de busuioc. Fata cu miros de busuioc și visurile spulberate*. Foreword by Iurie Roșca, Prag-3 SRL, Chișinău, 2011.
- ⁷ It is also the case of Vasile Staver, a resident of the village of Scoreni/Strășeni, arrested in 1945 and sentenced to 15 years of forced labor, a penalty later reduced to five years, in 1947. After his camp term expired, he settled in Kazakhstan. He returned to Moldavia in 1955. MELNIC, Ș., “Cevengur moldovenesc”, in *Columna*, no 2 (80), 1991, p. 58; *Cartea memoriei. Catalog al victimelor totalitarismului comunist*. Scientific coordination and editing: Elena Postică, vol. 4, Știința, Chișinău, 2005, p. 34.
- ⁸ Ion Rusu, a resident of Baccealia village/Căușeni, arrested in 1947, was detained in the forced labor camp in Karaganda. After Stalin’s death, Ion Rusu brought his wife and children, deported to the Kurgan region, to Kazakhstan. Nicolae Plushkis, President of the “Romanian Cultural Society Dacia” in Kazakhstan: “Unui basarabean din Jezkazgan i-i dor de limba română”, more on: <http://www.timpul.md/articol/unui-basarabean-din-jezkazgan-i-i-dor-de-limba-romana-33870.html>, accessed at 08.07.2018.
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- ¹⁰ CAȘU, I. *Op. cit.*, pp. 297–299.
- ¹¹ SOARE, V., “Calvarul inocenților. Etapele deportărilor comuniste”, in *Jurnal de Chișinău*, no. 867, 10.07.2009, p. 16.

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THE JEWISH COMMUNITY AND RUSSIAN AUTHORITIES

Abstract

In 1859 the Russian Empire's new policy for answering the "Jewish Question" makes an important development. The "merger" policy was supported by Jewish intellectuals and became a window of opportunity for tens of thousands of migrants. Migrant Jews had only one chance—personal integration into a society beyond the Strip of Settlement. However, migrants actually "brought" with them all social institutions typical of the traditional Jewish community. Between the Jewish population of Kharkiv and the local authorities there had been a certain model of relations which may be considered typical of the southern regions of the Russian Empire. The authorities and Jews mostly tried to avoid clashes. However, this in no way meant equal dialogue, and force was applied at will.

Keywords: Authorities, Jewish Community, Kharkiv, New imperial history, Russian Empire

Introduction

The article highlights the problem of the relationship between the Jewish population and the authorities in the latter years of the Russian Empire. Kharkiv, a city beyond the Pale of Settlement, is the focus of our attention. We will make an attempt to answer the important questions: How was the "Jewish question" formed and formulated, in particular, regarding the presence of the Jewish population according to the internal borders established by the authorities – the Pale of Settlement? What were the patterns of behavior among the Jewish population in its interactions with the authorities? How might the model of the relations between the Empire and its Jewish subjects in the city/region beyond the boundaries of the Pale of Settlement be described? Answering these questions demonstrates the ways in which the features and characteristics of Imperial politics in solving the "Jewish issue" reflect the contradictory nature of the implementation

of this policy and the diversity of reactions from the Jewish population in relation to any particular decision and its implementation.

We believe that the Imperial elite from the last third of the 19th century to the first decade of the 20th took at least two positions which would determine the policy towards the Jewish population in the Empire. The first of these was based on socio-economic considerations and was rooted in the ideology of Imperial mercantilism dating back to the time of Catherine II. The Jews had to become “good” and “useful” subjects of the Empire. This pragmatic approach was advanced by the long-standing economic contacts in the southern Empire—in particular in Sloboda Ukraine, Kharkiv at its center—with the Jewish merchants of the Hetmanate and other territories that once belonged to the Polish Commonwealth. The second position was built on the nationalist project of the “Russian people” which, in its conception, would see Jews as an obstacle, even a threat. In the 1860s-1870s pragmatic considerations prevailed, which was reflected in new attempts to answer the “Jewish question” with a new assimilation project. Since the beginning of the 1880s those who proposed the exclusion of Jewish imperial subjects from the “Russian project” were becoming more dug in; the Judeophobia with which Jews were perceived was already compounded by the modern phenomenon of anti-Semitism. That being said, Jews were not an exceptional case as Polish or Ukrainian national projects also earned the aggression of Russian nationalism. And this ambiguity between the authorities and the Jews remained valid through to the Empire’s fall. Still, it would be a mistake to chalk up all the upheavals to the plans and actions of the authorities. Neither position would ever remain within the limits of political discourse but ran over into the public space, leading to contentious debate which mobilized many intellectuals.

We will try to demonstrate that the Jewish population should be considered an active agent whose reactions to certain events could force the authorities to retreat or change course. Against the wishes of imperial bureaucrats, communities appeared at the outskirts of the Pale, and the community elites were engaged in the further development of the area, and, in fact, they succeeded in doing so. “Hidden community” institutions existed all throughout the researched period. Given the authorities’ position on individual integration, other attempts by the authorities at exclusion were often foiled.

Theoretical framework and “New imperial history”

From the end of the 19th until the middle of 20th century the general explanation according to which Imperial power was seen as an active oppressor and the Jewish population as a passive victim reigned supreme in the historiography. It should be noted that representatives of the Jewish “intelligentsia”, historians and socially active thought leaders—Ilya Orshansky, Simon Dubnov, Yulij Hessen—have also joined the ranks in formulating this descriptive model. Undoubtedly, their position grew out of the disillusionment among Jewish intellectuals in the assimilation project that the Empire offered to its Jewish communities from the late 1850s to the early 1880s. In the final decades of the 19th century they would experience the collision with modern anti-Semitism, whose ideas came from Western Europe, but roared onto the Russian scene. The new Russian anti-Semitic discourse was formed by intellectuals and was actively used in political circles and in the public space. The widespread anti-Jewish violence, so-called pogroms, piled on top of hate speech exhausted the frustration already held by many Jewish intellectuals with their own state. Their first reactions to the wave of violence in 1881 and 1882 proved to be somehow symbolic of these events—the seed of the Zionist ideology and thoughts of creating a Jewish state outside the Russian Empire. The long history of Jewish life in the Russian Empire was retroactively presented as a history of oppression and humiliation. In the decades that followed, it was through this lens that the relationship between imperial power and the Jewish population was viewed. Only in the last third of the 20th century was this concept called into question.

We view the critical approach as a rigid dichotomy—imperial power versus the Jews—however, this text is based on the direction which has appeared outside the framework of Jewish studies, “new imperial history”. From this angle, “Empire” serves only as a research subject which makes it possible to describe individual cases and models, creating a general narrative. Such phenomena as “Authority” or “Jewish population” act as categories of analysis in which variability is assumed. The Empire’s adherence to ideas of centralized policy and cohesive administrative control remains one of a certain conditionality. The full range of Imperial policy, in particular, regarding the “Jewish question” can be addressed according to the regional situation or individual preference as we discuss the capitals St. Petersburg, Moscow, northern Riga or southern Kharkiv, Yekaterinoslav, Odessa. In these local situations, there was cohesion

between the Empire's policy and the interests of local elites. Depending on this cohesion, or lack thereof, one can trace the various patterns of behavior among the actors.

Jewish populations in the Empire can be characterized by regional particularities, various social groups and religious movements. Kharkiv, one of the main centers of Jewish migration outside the Pale of Settlement, denied the settlers the opportunity of creating an official community, thus reinforcing its "hidden" existence in the city. Throughout the period, certain developments of the city's Jewish community can be traced by following the ways in which its members organized their lives internally and in their interactions with officials. At the same time, the existing legal conflict between allowing Jewish individuals to live in Kharkiv and prohibiting them from representing themselves as a community made the individual approaches to dealing with the authorities more prominent.

Another important theoretical aspect for us is to acknowledge the imperial policy of Jewish integration as a prolonged colonial project, dating back to the end of the 18th century and continuing through to the fall of the Empire. We imagine it within the framework of "internal colonization". According to the researcher, the rulers of the Empire observed various subjects from whom they did not feel protected with a rather neurotic gaze.¹ Imperial ideology treated ethnic groups living within its borders differently. Thus, Ukrainians and Belarusians were considered part of the Russian people; other Slavic subjects, the Poles, for some time had their own quasi-state, and were seen as a separate nationality. Eastern subjects of the Empire, the Kyrgyz, Kazakhs, mainly inhabitants of Central Asia, were proclaimed allogeneous ("inorodtsy"). Undoubtedly, all these policies did not remain constant and, during the 19th century, underwent some changes. The overriding principle, however, was to give form to what Imperial politicians considered to be chaotic, to place ethnic groups into order, to create categories and manage hierarchies, to impose distances and educate elites.

The policy towards the Jews did change, but it always remained colonial. From the reign of Catherine II to that of Nicolas I—from the end of the 17th to the first third of the 19th century—Imperial power administered spaces to create the so-called the Pale of Jewish Settlement and to endow the Jewish population with the usual categorizations of the Empire. The external agents of assimilation were Russian officials and soldiers who represented the Empire in the provincial Pales of Settlement. From the point of view of the officials, Jews had a single flaw which was

responsible for all the others – belonging to Judaism—the “Jewish sect”, which became a focal point for the “othering”. The Empire proclaimed Orthodox Christianity its official religion and understood a “good Jew” to mean a Jew who converted to Christianity. Since 1835 Jews were legally classified as “inorodtsy”, the category which included the nomads of the east of the Empire, the peoples of the North Caucasus and Siberia, giving this city official’s description of Jewish women an Orientalist color: “frail in their kind [...] not trained in any needlework [...] hot in their temperament [...] they, in the shortest time, give themselves to the most repulsive shameless apostasy as the only subsistence.”²

The merger policy (“sliyanie”), as a new stage of Jewish integration in the Imperial society, set forth the principle of personal assimilation, pulling out of the Pale those who seemed “useful” in the eyes of the imperial leaders. In little time, tens of thousands of people made this choice. In 1897 the “internal provinces” reported official figures of 314,000 Jews.³ This would create a certain problem for the Romanov Empire which had officially proclaimed itself to be a state and a confessional state through to end of its existence. The Jews were essentially offered a rather modern practice of individual emancipation. Nevertheless, we find that, for migrant Jews, the use of advantageous individual behavior paradoxically serves the strategy of “transferring” the usual community and its institutions beyond the Pale of the Settlement.

Finally, we must also be attentive to the issue of nationalisms which grew in importance during the period under investigation. From the middle of the 19th century, the “merger” policy was accompanied by the formation of a Russian national project which can be considered as an imperial national project. Only during the 19th century did Siberia, Volga and Kuban acquire the status of being “Russian.”⁴ Like any other national project constructing its own historical narrative, describing its own cultural and political boundaries, it was based on difference and othering. As we noted above, this project included Ukrainians or Belarusians, but excluded Poles and Jews. Of course, it’s about inclusion/exclusion at the level of ethnic group. Personal assimilation/Russification was also possible for a Pole or a Jew as well as for a German or a Frenchman. Although towards the end of the 19th century, due to the spread of anti-Semitism, this option became less viable even for assimilated Jews.

Historiographic tradition and the pool of Sources

The foundation of the literary tradition covering the relationship between imperial power and the Jewish population in the Russian Empire was laid between the 19th and 20th centuries. For the proceeding half century the narrative of S. Dubnov would provide a rubric for understanding these relations while pressure grew from the Empire which initiated anti-Jewish violence complemented by “legislative pogroms” against the relatively passive Jewish population which had no way to escape but through emigration.⁵ The works of I. Orshansky, Y. Gessen and others only expanded upon and supplemented this paradigm.⁶

In the 1970s and 1980s, a period which John Klier called the “golden period” in his studies of the Jews of the Russian Empire, there was a reconsideration of the issues. The concept described by Salo Baron as “the lachrymose conception of Jewish History” was seriously revised. The true archival revolution which followed the collapse of the USSR in 1991, as well as the discovery of sources previously inaccessible to Western researchers, confirmed the theses of new interpreters. In recent decades, Michael Stanislawski, Jonathan Frankel, John Klier, Eli Lederhendler, Israel Bartal and Eugene Avrutin have all written about the variation in the imperial policies and strategies addressing the Jewish population.⁷ Conceptual approaches to this problem have been proposed by Benjamin Nathans and Scott Uri.⁸

However, most of these works discussed the Jewish population within the Pale of Settlement. Exceptions were only the works devoted to the capital cities St. Petersburg and Moscow. B. Natans proposed in his study the original concept of “selective integration” which rejected the idea of the empire-oppressor as, contrariwise, inside imperial circles of power there were adherents of a certain emancipation, “social designers”, removing from the Pale the categories of Jews that were seen as “useful” for their integration in the “internal provinces”. In fact, this is the same principle that Nathan Meyer follows in his research.⁹ On the one hand, such a perspective is clearly validated by sources. The state authorized wealthy merchants, university students, and intellectuals to cross the Pale of Settlement. Their names remained in the documents pertaining to their corporations, official requests and permits to settle in certain cities remained in the chancelleries. On the other hand, this approach has flaws, first and foremost, it covers only a small part of the Jewish population. The fact that a significant part of the Jewish population were illegal migrants

was no mystery to the officials of the Empire, publicists, and certainly not to researchers at the time. It should be noted that this situation was typical for the non-Jewish population. The fact that a fairly large part of the Jewish population was thus beyond the control of the bureaucratic apparatus contradicts the idea of the Empire as a successful breeder. Moreover, even after the introduction of the 1882 May Laws, there was an obvious tendency to inflate the number of the Jewish population outside the Pale of Settlement. We see that the other actor—the Jewish population—was rather successful in dealing with legislative barriers, and with the officials' periodic attempts to curb Jewish internal migration.

The sources used allow us to trace the political decisions of the authorities, from the imperial orders and legislative provisions at the center of the Empire to the offices of the Governors and local authorities—the municipal advisory council (“duma”) and later to the city council (“uprava”). In the policy of the Empire, the “Jewish question” remained relevant throughout the period of 1859-1914. Appropriate legislative initiatives were developed and adopted by specialized committees created for this purpose. From 1840 to 1863, such committees searched for and identified measures to better place Jews in society. In 1881 there was a central committee for the consideration of the Jewish issue and, in 1883, the High Commission reviewed the laws in force pertaining to the Jews in the Empire, mainly operating to elaborate on the 1882 May Laws. Subsequently, their roles convened during a special meeting at the Ministry of Internal Affairs. Archive holdings from these committees contain not only relevant orders, but also long correspondence between the central and regional authorities working to arrive at a decision. The decisions of the Committee in 1840, then, were made on the basis of projects submitted by the governors regarding the “transformation of the Jews” (Russian State Historical Archive, RGIA), while the May Laws were adopted out of the study of notes by such authors as historian Simon Dubnov and writer Nikolai Leskov (The Central Archives for the History of the Jewish People, CAHJP). In 1840, the aforementioned Committee was developing and adopting proposals to authorize certain Jews to live beyond the Pale of Settlement. Similarly, committees considered household issues which, to the officials, seemed to impose significant barriers to the social assimilation of Jews and the fight against the “malicious heresy” which was Judaism—wearing traditional clothing, Jewish education, burial, etc. (RGIA, CAHJP).

At the chancellery of the Governor of Kharkiv, a special department for Jewish affairs was created containing a whole range of documents with a wide range of information (Kharkiv Region State Archive, DAKhO; State Archive of Kyiv, DAMK; Central State Historical Archives of Ukraine, TsDIAU). Executives of Kharkiv province were discouraged from discussing legal norms or special projects related to the Jewish population more strongly than were the governors within the boundaries of the Pale of Settlement. However, the central ministries of internal affairs and finance and the Treasury Chamber all required routine reports on Jews in the city and region. Other materials stored in the archives are the correspondence between the governor's office and the city authorities. The city authorities actually occupied a lower tier than the provincial administration in the imperial hierarchy, especially since they were deprived of agency in political decisions. Nevertheless, the holdings of these institutions contain the main body of information for the Jewish population of Kharkiv, from the magazines of the city дума (uprava), which detailed the discussion and decisions made the Jewish population, the correspondence between city authorities and the police, courts and gendarmes, on certain issues concerning the Jews of the city.

The official correspondence of government officials gives us little opportunity to hear the voices of Jewish imperial subjects. In discussing certain issues, governors took into account the opinions of "erudite Jews" and experts on the Jewish question appointed by the authorities, but such an institution acted only within the Pale. The lack of legal recognition of the community's existence in Kharkiv made it problematic to report the Jewish population's position in relation to power. The only permissible option was metric reporting to the Department of Religious Affairs of Foreign Confessions, which was reduced to reporting birth, death and marriage registration. Similarly, there was no Jewish press in Kharkiv, whereas the role of such an institution in Odessa, in particular, cannot be overstated.

Nevertheless, we have a sufficiently wide range of sources which allow us to directly or indirectly speak of the presence of the Jewish community in the city, to analyze its approach to the relationship with authorities, and to follow personal stories of interactions between Jews and the authorities. Information is provided by the police and judicial authorities. In certain litigations the truly "hidden community" of Kharkiv comes to the light, its institutions opened, whereby a certain internal competition and various reactions to the threats are revealed. Due to the obvious overwhelming attention, a lot of cases affect members of illegal

organizations, in particular Kharkiv's Zionist group BILU (an acronym in Hebrew for "House of Jacob Get Up and Go") which was active in the mobilization of leftist parties. Even more personalized focus is on personal income, such as that of the Zionist activist Joseph Trumpeldor (of The Central Zionist Archives), which contains the correspondence of a former soldier for the Empire to residents of various cities, including Kharkiv. The personal income of Kharkiv public figures should also be noted, those whose activities were routinely directed at the "Jewish issue" and included dedicated performances and texts—in particular, the personal income of historian Dmitry Bagalii (DAKhO). The local press published debates on the Jewish issue in their pages and they reported various relevant pieces of information (Kharkiv Korolenko State Scientific Library, National Library of Ukraine Vernadsky). Important information undoubtedly appears in sources of individual origin; representatives of the Jewish intelligentsia, cultural figures, activists of revolutionary or nationalist movements, but also non-Jews who, in their memoirs, touched on subject of Jewishness or had correspondences or various other contacts with representatives of the Jewish community.

Jewish people and Russian Authorities

The background of relations between the Jews and the Russian Empire takes us back to the divisions of the Polish-Lithuanian Commonwealth that took place in the last quarter of the 18th century. Undoubtedly, from the Grand Duchy of Moscow as the center of the future state of the Romanovs, and later to the Empire itself, there had been contacts between power and the Jewish community before, but they were rather personal stories, such as one or another Jewish merchant or specialist being given permission to stay within the country. For the majority of the population in the Russian state, "the Jew" remained a biblical character, a folk person, a puppet in a show.¹⁰ The image of Jews was not positive, and their description was determined by the rigorous tradition of the Orthodox Church. It is easy to detect this tradition's influence in the famous words of Empress Elizabeth about the impossibility of anything good coming from the "enemies of Christ". It is more interesting to follow the relationship between the Empire and the Jews, half a million of whom became its subjects following new affiliations. Documents show that as early as the first half of the 19th century the officials' knowledge of the Jewish population could not have

been reduced to simple Judeophobia and Medieval prejudices. On the contrary, the administrators in the capital demanded and received rather detailed information.

In the middle of the 19th century dignitaries from St. Petersburg maintained correspondence about the spread of Hasidism in the southwest of the Empire.¹¹ One of the religious movements within Judaism, Hasidism initially appeared to challenge the traditional elite of Jewish communities and the authority of rabbis but would gradually acquire the features of Orthodoxy. Since the 1860s, due to internal Jewish migration, Hasidism grew beyond the boundaries of the Pale of Settlement. In Kharkiv, one of the movements in Hasidism, the Habad, flourished among the Jewish community. Official correspondence discloses their awareness of the case, about its history, main features, terms. The informants are not only local officials, but also rabbis from different regions in the south of the Empire, the Yekaterinoslav and Kyiv provinces.

Once again, we can talk about the variability and unsteadiness of alliances in relations between the authorities and the Jews. The Minister of the Interior had no intention of taking a stand, convinced that any action against the Hasidim would then be in support of the “beliefs of other Jews”, and the persecution of the Hasidim would “create for them a halo of martyrdom for faith”.¹² At the local level, Pavel Ignatiev, Governor General of Vitebsk, Mogilev and Smolensk, was concerned that a lack of control and accountability would lead to the spread of Hasidism and was ready for action¹³. The rabbis mentioned above who were aligned with the authorities were also concerned about the loss of their own status and income, which was being intercepted by the Hasidic leaders, the tsadik. However, when it came to mounting real action, the Rabbi Commission, assembled in 1852, decided that “the Hasidim [...] make up only a theological school; their meetings at tsadik are of a religious and moral character, harmless to [...] public order”.¹⁴ Consequently, there is no constant confrontation to speak of between the Empire and its Jewish subjects; rather, there is a constant search for compromises wherein neither position is monolithic.

When we talk about the south of the Empire, the Jews here were longtime neighbors. During the 18th century, the prohibition of Jews’ residence in the capital faced passive resistance of the local elite, who tried to prove economic benefits from the presence of Jews through appeals to governors, the Senate. The Jews were also present on the territory of the Crimean Khanate, which existed until 1783, initially in its seaside cities.

After the state of the Crimean Tatars was disbanded and the colonization of the steppe zone began, the authorities actually turned a blind eye to the fact that there were many Jews among the invited colonizing foreigners.

Between 1859 and 1914, we identified two main periods of policies addressing the “Jewish issue” which were determined by signals from the center of the Empire and we traced their interaction with practical policy at the regional level of the region—Kharkiv province and Kharkiv itself. The main center of power in the region was the Governor, who had influence not only over the administrative area, but also over the military, judiciary, and law enforcement. This also involved the local *duma* were also affected which then provides for three centers of decision-making and implementation: metropolitan ministries or the Senate; the provincial office or government; and the city *duma* or *uprava*. The first period from 1859 to the early 1880s is one we consider as representing a policy of integration and gradual emancipation. Such a policy was a change for the better. From the end of the first third of the 19th century, the main instrument of Jewish assimilation was the army. This was not an original approach from the Russian Empire but was imported from Western European states, particularly France. However, military service in the Russian Empire was an unattractive opportunity. Russian or Ukrainian folklore is full of regret for those enlisted. The same imprint of the royal army remained in the Jewish collective memory. From now on, the authorities offered a Jew a way into “internal provinces” with the prospect of permanent residency there, while also allowing him to maintain his civilian profession or acquire a new one.

The allies of the authorities who brought this policy to bear became the supporters of *Haskalah* (Enlightenment): the Jewish intelligentsia, graduates of Imperial universities. Their main goal was to find mutually agreeable terms with the authorities. The Jews were supposed to be “good subjects” in exchange for emancipation. As early as the first half of the 19th century, a generation of Jewish intellectuals organized to write, debate and offer the authorities the path to “assimilate” the Jewish population of the Empire. It should be noted that the authorities were informed about the Berlin Jewish community and Moses Mendelssohn, considering them as viable models for Russian Jews.¹⁵ In Kharkiv, the intellectual backdrop containing similar ideas was set in place by the first half of the 19th century, and the university was clearly at the center of its formation. Since the 1820s, Kharkiv University had Jewish students including the likes of Osip

Rabinovich, a publicist and public figure, and other such proponents of the Russian maskilim (the supporters of Haskalah).¹⁶

The entire period, defined by us as the time of the official “merger policy”, the Jewish population of Kharkiv gradually increased. This was supported by the legislative initiatives in place since 1858, and which concerned various groups of Jews, including merchants of the first guild, university students, artisans in a number of domains.¹⁷ The individual request of a Jew to stay in the city could have been handled by several institutions—the state chamber, the police, the Governor. In the case of a positive response the matter was not settled, but rather sparked the “effect of friends and relatives”. A father relocated his family, a merchant invited the Jewish clerk, an artisan and his apprentices, a pharmacist and his assistant, a student tried to relocate her sick father.¹⁸ In case of refusal, the claimant had a chance to appeal to the provincial office. Interestingly, the provincial authorities in many instances overturned the decision of the city administration. Between 1859 and 1880, out of 123 appeals to the Governor for permission to stay in Kharkiv, 78 people were granted the request.¹⁹ Finally, there was always a chance to stay in the city illegally, and dozens of people assumed this risk.²⁰ Undoubtedly, they did not go unnoticed, but the authorities were forced to react in line with the official policy of the center which demanded they carefully monitor the “usefulness” of Jews outside the Pale of Settlement. Such reactions often earned the scorn of local residents. In particular, local residents would complain that police representatives were allegedly receiving bribes from Jews.²¹ Quite often, such plots fell to the local press.²² One such complaint was written in the late 1870s and relays an interesting combination of old-fashioned Judeophobia and modern anti-Semitism.²³ With the help of the document, we can follow the authorities’ response to the illusive topic which would wind up being the subject of investigation.

On January 19, 1879, a member of the Kharkiv City Council, Fedor Ivanov, received an order. Ivanov was asked to pay special attention to the Jews during the allotment of trading sites. This would determine the legality of their stay in Kharkiv and their right to trade in the city, and these actions were explained by the city council as necessary if they were to respond to the numerous complaints from locals regarding violations in the issuance of documents for the right to trade.

The author of one of such complaints was town resident Vasili Bystrovskii. To support his complaint Bystrovskii used an anti-Semitic book by Frederick Millingen, written under the pseudonym Osman Bey,

"The Conquest of the World by the Jews" (1874). In particular, he wrote: "Osman Bey, in his historic [...] research predicted the conquest of the world by Jews ... By law, undoubtedly, Jews should not live in Kharkiv".²⁴ He accused Jews of using false credentials for the right to reside in the city and speculated on damage inflicted on the state and society. The Jews "hardly in parties, not welcomed at all, boldly enter other people's homes with a proposal to sell and buy, the latter on the cheap".²⁵

Bystrovskii's complaint most likely reflects Judeophobia rather than anti-Semitism. The author of the complaint says that Jews on the Blahovishchenskyi market sell "holy icons". Here we see the classic Judeophobic conspiracy that the Jews aim to denigrate the Christian faith and its practice. A personal grudge is even more prominent, as the bourgeois buyer complained that a Jewish ragpicker did not agree to give him a discount.²⁶

The city council made the decision to check all the Jews of Kharkiv in order to identify persons who had not obtained the right to reside in the city. In an official decision they noted: "The residents have repeatedly reported that the number of Jews living in the city increases every year, and now no less than ten thousand live here. They live posing as artisans, engaging in speculation and forcing their own hands into all the small trade to the detriment of the native Russian population".²⁷

Under the usual procedure, cases concerning Jews were transferred to the Kharkiv provincial government—the highest level of power in the region. The case was to be led by Deev, a senior official for special assignments. The decision was made to set up a commission that would check all Jews in the city to "help reduce the number of Jews living in the city and prevent any further increase".²⁸

The idea of verification was supported by the city's Health Council which was paying close attention to the danger of trade in old clothes and linen in Kharkiv due to the threats posed to the city by the plague and by the "Jewish homes being extremely sluggish and overcrowded".²⁹ The members of the council did not explain that these circumstances were a product of unskilled labor with low profits, or that the housing of non-Jews who worked in this area did not differ from those of the Jews.

The case proceedings demonstrate to us not the exercise of decisive action, but rather its undoing. A month after the commission was set up, Ivanov informed his superior that its work had never begun. He took responsibility for this to Senior Officer Deev. Ivanov directly addressed him but received a reply telling him that the order had been withdrawn, and

that the case had been returned to the provincial government for additional consideration. Ivanov then sent a request to the Governor's office and discovered that the board had decided to hold a one-day census of Jews in Kharkiv in the near future. The date for this action was not indicated, as Ivanov reported to the city administration.

What can be taken away from such a finish to this affair? We see that in the "merger" era the rights of the Jewish population of Kharkiv were in a suspended state: "the legislator approaches the Jews as if they were a particular group of people for whom everything is forbidden, a group which is not allowed".³⁰ Once again, to the complaints against the Jews the authorities were supposed to react at the level of the highest authority in the region—the provincial government. However, all power is exercised by one zealous official. We do not know his motivation, perhaps the desire to show one's worth, perhaps the fear of punishment for losing the case. But both the provincial government and the city дума remained immovable, all their actions to decisions being carried out on paper alone.

The second period, from the beginning of the 1880s to 1914, may be regarded as a period of inhibited emancipation, an attempt to preserve the solution of the "Jewish issue". In ideological terms, the 1881-1882 wave of anti-Jewish violence made a decisive impact on the situation. In Kharkiv province, which was the center of the military district, it was possible to prevent open violence. The actions of Governor Dmitry Svyatopolk-Mirsky, who openly threatened the participants of the pogroms with the military court proceedings and banned the sale of alcohol, reassured the population.³¹

Open discussions on the "Jewish issue" were held at the municipal level, appearing both in meetings of the city дума and in the press. The Kharkiv Дума of this period could be divided into two camps – a conservative "merchant" camp and liberal camp. One of the leaders of the conservatives was Egor Gordienko, a public figure and mayor from 1871 to 1873. He often used anti-Semitic rhetoric, presented Jews as violators of the law and a threat to the well-being of the city.³² One of the liberals' voices is Dmytro Bahalii, a well-known historian, public figure and head of the city from 1914 to 1917. He did not distinguish Jews among other citizens of the city and advocated the general emancipation and empowerment of city self-government.³³

Many Jewish intellectuals were disappointed with the draw-back of the integration policy, and the position of the authorities was perceived as a justification for violence. Many of them were on the path of confrontation,

growing the ranks of the illegal left-wing organizations.³⁴ Others chose the path of a Jewish national project—Zionism, whose birth is associated with the creation of the BILU group, particularly took hold in Kharkiv.³⁵ Then, there were those who continued to believe in dialogue and gradual changes. However, all three options involved active public, political positions which were not typical of the majority.

General trends remained valid. The Jewish population of the city continued to grow. The flux of individual appeals from Jews did not wain, which was facilitated by the economic rise of the city and its rapid transformation into a metropolis, giving migrants new opportunities. During this period a significant number of the appeals was also approved. The Jewish share among the merchants of the first guild reached 80%, occupying certain economic niches, such as printing, clothing and footwear manufacturing.³⁶ Representatives of the Jewish bourgeoisie deployed active philanthropic activities in the interests of the community.

Is the “hidden community” showing strength?

Do we have a reason to talk about the Jewish population of Kharkiv as a community? If so, then when does it appear and how long has it existed? From the beginning or at some point along the way, ought we discuss only personal stories of people who arrived in the city and became merchants, students, craftsmen? Official statements from the authorities clearly stated that the Jewish community was not recognized as a legal entity. A protracted trial, or rather a series of trials that took place between 1900 and 1902 which were merged into a single case, may give some answers to these questions. In the litigation files, we see the “hidden” Jewish community in Kharkiv at the turn of the 20th century, the ambiguity of the actions from the authorities, as well as the conflicts within the community which would actually wind up in the Jewish community’s favor. The litigation epic began with a complaint of town resident Illia Rabynovych concerning the obstruction of his meat trade by the Kharkiv Crown Rabbi and the economic board of the houses of worship.³⁷

It should be noted that it refers to the ritual slaughter (shechita) and special butchers (shochtim). Traditionally, control over ritual slaughter was passed down to community leadership, requiring appropriate legalization of the rabbi’s actions.³⁸ There was also a purely economic interest. Fees from the Jewish population for the ritual slaughter constituted

the lion's share of the community income. In the regions of the Pale of Settlement these earnings were the highest in the special tax category, the so-called "korobochnyi sbor". Officially, it was from this tax, in particular and with the permission of the authorities, that certain public institutions were subsidized—the Chevra kadisha burial fraternity, the Cheder elementary schools for boys, and the Crown Rabbi's pay. The controversies surrounding shechita were typical of Jewish communities throughout the 19th century. Conflicts were resolved through continuous religious disputes, with responses in the form of explanations from spiritual authorities, using herem, or a religious ban, with the purpose of stopping the sale of meat that was declared non-kosher, or unsuitable for consumption by believers. The reason for the conflicts could be quite detailed technically, including the material from which the special knife was made, or the thickness of a knife blade.

Similar conflicts were also present in Jewish communities outside the Pale of Settlement, in particular, in Kharkiv. In many similar controversies researchers have found the struggle for influence in communities rather than a struggle for religious concerns.³⁹ Thus, the conflicts around shechita in Kharkiv divided the Jewish community into two opposing camps: one group was represented by former soldiers, cantonists, traders whose families had been living in Kharkiv for several generations;⁴⁰ and the other group was represented by first-generation migrants who'd been actively arriving in Kharkiv since the early 1870s. Newcomers accused the existing community of departing from traditions, insisting on the primacy of their own interpretation of religious texts.

Consequently, the plaintiff, Ilya Rabinovich, son of Solomon who lived on 1 Voznesenska Street, a house which belonged a bourgeois Glagolev, in a district of the city which, since the end of the 18th century had been settled by Jews, on June 16, 1900, made his first appeal to The Honourable Governor of Kharkiv. A short time later he would appeal to the governor with two additional requests, on July 26 and 28, 1900. Rabinovich asserted that several people in the city had conspired to prevent others from trading in meat. Apparently, for the right to slaughter cattle, one would be forced to contribute a certain sum of money to these conspirators—from 1.5 rubles up to 30 kopecks. Similarly, during the year, this group had accumulated up to 30 thousand rubles. Several names, wealthy and influential representatives of the Kharkiv Jewish community, were mentioned in the complaint. The first among them was Kharkiv merchant of the first guild Peisah Buras, who lived in his own house in

Skobelevska Square, one of the central squares of the city and a site for festive gatherings and military parades. Buras belonged to one of the richest and most famous Jewish families of the city, and the basis of his business activity was tobacco and his various properties in the city. Buras's influence among the Jewish population of Kharkiv also stemmed from his powerful philanthropic activity.⁴¹ The second was David Kabak who lived on Mykolaiv Street, one of the most respectable and attractive streets in the city. As a member of the group of cantonists, he was directly involved in the meat trade. Kabak was a quite famous person, an active participant in the internal conflicts of the Jewish community, repeatedly conflicted with the Kharkiv Rabbi Ekhezkiel Arlazorov.⁴² The issues of shechita also became the subject of the conflict. The last name mentioned was Bekker German who lived in his own house in Trade Lane, the location of many restaurants and inns which had a bad reputation as the "den".⁴³ It can be assumed that his commercial interests were indeed associated with these institutions, but this has not been confirmed.

Rabinovich argued that "among Jews in trade there are even those without a right of residence in Kharkiv".⁴⁴ In addition, Rabinovich pointed out the violation of the Senate Circular, dated December 2, 1899, which explained that "meat skill cannot be recognized as a craft that would give the right to reside outside the Pale of Settlement".⁴⁵ The complaint was backed up by several requests from other individuals. Obviously, the plaintiffs were not afraid to enter into conflict with the wealthy merchants of the community, and relied on the support of the authorities, appealing to discriminatory norms regarding the presence of Jews outside the Pale of Settlement.

The authorities had to respond to the appeal, and the case of the conspiracy of the Jewish butchers was handed over to the Kharkiv Chief of Police. The following complaints from Rabinovich were directly addressed to this imperial official. In one such complaint, the plaintiff blamed the butchers in the slaughterhouse who refused to kill the calf for him "in the Jewish way", because he did not have special permission from the rabbi. At the same time, he argued that all meat trade in Kharkiv was monopolized by 17 butchers. He listed them by name, in particular mentioning: Aron Kogan, Haim Luhovickii, Simon Ginzburg. Obviously, the plaintiff was not going to stop and the case grew as Rabinovich's list of conspirators expanded.

On June 28, 1900, Rabinovich sent another complaint which added another name to the list of the accused, Rabbi Sahnin. It should be

reminded that in the middle of the 19th century, the Russian authorities decided to restrict the Jewish community's choice of rabbis. Under the new procedure, the rabbi was elected by the community, but only with the consent of the provincial authorities. Officials insisted on the election of the rabbis by those who had a certificate from special religious institutions, such as the Jewish state school ("kazennoe evreiskoe uchilishche") or the Rabbi Teachers Institute which were organized according to the model of similar Orthodox Christian institutions. Studying in these institutions combined "ordinary" and "Jewish" subjects, with a tendency towards the Russification of the educational process.⁴⁶ Clearly, in the eyes of traditionalists, such training, as well as those who received it, had nothing to do with Judaism or its recognized religious institutions, or yeshiva.⁴⁷ A solution to this deadlock was found quite quickly, though there was no lack of conflict. The community was forced to maintain Crown rabbis—they performed their role of metrical bookkeeping, or solemn statements with the praise of the official authorities—but they were not actually allowed to resolve spiritual matters of importance to the community. This power remained with those who were called spiritual rabbis. In our case, we see that the Crown Rabbi Sahnin can be seen favoring the interests of the Jewish elite, as accused by the plaintiff.

In addition to Ilya Rabinovich, two Kharkiv bourgeois, Simon Rabinovich and Kel'man, appeared in a June 28 plaintiff's complaint which, due to their illiteracy, was signed by Ilya Rabinovich, himself. Separately, another complaint was added to the case by a bourgeois David Bronshtejn, who lived in Okhtyrka, a town in Kharkiv province. Bronshtejn accused butchers of refusing to slaughter cattle intended for sale, citing the fact that "Buras did not order them".⁴⁸

The responsibility of determining the credibility of the accusations raised in the complaints was entrusted to a member of the City Duma, Professor Ostapenko, in charge of urban butchers. Following the inspection of these establishments, the person in charge verified that the butchers in the market refused to slaughter the livestock of the plaintiffs, even in the presence of a representative of the government and despite his insistence. The next step in the case was a conversation-inquiry between the suspects referred to in complaints and representatives of the Jewish elite. During these procedures, Buras and Sahnin reported that "the rabbi's authorization to cut poultry, slaughter cattle and sell meat is based on the religious grounds and the morality of those engaged in this trade".⁴⁹

Despite the speed of the first procedural steps, the trial was delayed. Quite unexpectedly, on November 4, 1900, Rabinovich appealed to the Chief of Police to “stop all proceedings in the case concerning my complaints”.⁵⁰ The plaintiff wrote that he was convinced that all the rumors and stories about the illegal sale of kosher meat were fictional and were in no way based on fact. We do not know what caused this reversal, and we are left to assume either intimidation, or an attempt to find a compromise between the plaintiff and the interested parties.

Nevertheless, the case was not put to rest. Rabinovich was invited to talk with Senior Official for Special Assignments Gulak-Artemovsky and actually confirmed his accusations, stating that the previous reversal was demanded from him under pressure from a member of the economic board of the second Kharkiv house of worship: Peisah Buras. Presumably, the bourgeois Rabinovich felt caught between the authorities and influential Jewish representatives.

The case returned to the Governor’s office and, on March 20, 1901, from under the purview of the Governor of Kharkiv, it was handed over to the officary for Special Assignments, the titular counselor Efimovich. Given that by that time the case had been examined for ten months, one can assume that the authorities did not rush into taking a decision. Perhaps this is evidenced by the person chosen to oversee the case. The title of ‘titular counselor’ implies a junior civil servant. However, Mr. Efimovich turned out to be extremely careful, and soon provided his superior with a rather detailed report. In a report to the Kharkiv governor, he outlined his main theses: firstly, there are illegal dues from the Jews selling meat in Kharkiv; secondly, the dues are established by a joint agreement between two dozen merchants and representatives of the Jewish population; thirdly, the dues are concealed, and the amount is from 12 to 30 thousand rubles.

The official also held new interviews with the suspects, from whom he learned that “the dues have existed for so long that nobody remembers when it was introduced”.⁵¹ The direct executor of the dues was named as Shlomo Gurovich, a resident of Vitebsk. All the money was transferred to Peisah Buras. According to Buras’s statement, all these financial transactions were not organized and were recorded on “separate papers”. In his testimony, Buras provided a full picture of the dues for slaughter and the options on which the money was spent. His evidence showed that in 1900 11,800 rubles were collected. 1,800 were spent on the Spiritual Rabbi, 1,200 were given to the Crown Rabbi who was also given 100 rubles for the stationery, a pension of 600 rubles was given to the widow

of the Spiritual Rabbi Arlazorov, 1,200 went to the cheders and the Talmud Torah. The money was not entirely spent and the balance was 3,237 rubles.

The Crown Rabbi Sahnin actually advocated for Buras in his statement, saying that he had repeatedly tried to get rid of this mission, as a result of “quarrels and gossip”. In addition, Sahnin disclosed, although this was not connected to the case, that many illegal private Jewish houses of worship had been opened in Kharkiv in recent years. This nuance did not interest the official but it does add new information about the Jewish population of the city. Active Jewish migration to Kharkiv continued throughout the last third of the 19th century, and the legal migration of “useful” Jews approved by the authorities was only part of this movement. Even official statistics showed an increase in the number of Jews in the city from 1,000 in the 1860s to almost 10,000 in the census of 1897. The population was growing rapidly and required new buildings for religious practices. The bureaucracy moved too slowly to react to these inquiries and, as a result, they appeared illegally, mainly in private houses. The Crown Rabbi Sahnin had obviously not expected to intervene in the conflict with the butchers, but he was concerned about the situation with the houses of worship, and he hastened to share this information with the official.

In another eight months, on November 24, 1901, the Kharkiv Governor would personally inform the Ministry of Internal Affairs on the results of the inquiry. We have outlined the main theses of his letter: firstly, for forty years in Kharkiv there had been a tax to slaughter cattle, so it began around the end of the 1850s or the beginning of the 1860s, that is, from the decision to authorize official residence for Jewish merchants of the first guild; secondly, the tax was collected by a specially appointed person who was paid 40 rubles; thirdly, all funds were transferred to a member of the Jewish economic board, that is, Peisah Buras, and reporting and control of the tax did not exist; in the fourth, permission from the Spiritual Rabbi was required for every butcher to carry out his work, as well as to perform additional services at his request. In particular, one butcher was forced to take a clerk who was ill and unfit for work, but who had the reputation of a faithful Jew. Probably, this elderly man who was unable to work had no right to permanent residence in the city and was faced with returning to the Pale of Settlement. So, the Rabbi rescued him as a respectable man from the point of view of the community; at the same time, it points to a traditional form of care in the Jewish community for those who do not possess full rights. The fifth of the main theses was that any attempt to open a new meat trade encountered significant obstacles, including

the calls of the rabbis in official houses of worship to not buy meat from certain “treif” (“non-kosher”) traders, that is, with a kosher discrepancy. In fact, this meant that no believing Jew would dare to buy such meat, even at a lower price. The Governor noted that the cost of overcoming such obstacles is uncertain, but it is likely to be 30,000 rubles which was confirmed by the statement of “one Jew”, who promised without a thought to donate 20,000 rubles if “korobochnyi sbor” in Kharkiv was farmed out. It should be reminded that formally “korobochnyi sbor” could not exist in Kharkiv, a city beyond the Pale of Settlement. We do not know if the Jew referred to by the Governor who remained anonymous was right about the amount of the charge, but obviously all the typical terms for traditional Jewish communities were relayed in the words of Kharkiv Jews. Based on his assumption, the Governor concluded that the figure of 12,000 rubles, reported by Buras, was false, and there had to have been additional hidden expenses. Perhaps these funds were used to donate to hospitals for the poor and other charitable associations which Buras requested be opened. At the end of his letter, the Governor proposes a rather pragmatic solution to the problem, so to speak: the “withdrawal of the funds out of the shadows”, the legalization of meat charges with the tax collection.⁵²

The final point in the case was the letter from January 17, 1902, the response from the Assistant Minister of the Interior, Senator Durnovo. A high-ranking official insisted that no Jewish community “does not exist as a legal entity in Kharkiv”.⁵³ Accordingly, ordered to eliminate all obstacles in the meat trade, the rabbi and other individuals mentioned in the complaints were called to no longer interfere in trade. At that time, Rabinovich repeatedly withdrew his complaint, refuting the previous accusations. The investigation had no impact on the people we have mentioned.

This seemingly inconclusive case does, however, provide grounds for conclusions and assumptions. Obviously, we can state that despite the official position of the authorities regarding Jewish communities outside the Pale of Settlement, such a “hidden community” did exist in Kharkiv, and it had all the characteristic social institutions: rabbis, professional associations, haverot—in our case, the organization of butchers—shochtim, cheders, “korobochnyi sbor”. The community’s elite—wealthy merchants and spiritual authorities—is no less traditional. The evidence that this community appears only in the 1860s is likely an attempt to link its appearance to a legal permit for the settlement of Jews

in Kharkiv. Earlier papers show that the pre-reform community of soldiers had a house of worship, Khevre-Kadisha, cheders, and Jewish merchants in Kharkiv could already have kosher food in the city. That is, as far as the 1860s is concerned, it is more likely illustrative of a certain heredity in the existence of community institutions, not of their first appearance. A new migrant, bourgeois Rabinovich may well have considered himself a mere butcher or meat trader who came to a big city with prospects. Perhaps he was offended or he strongly believed in the power of imperial officials, perhaps he just did not immediately understand the rules of the game. The community, slowly and calmly, showed its power to him. To arrive at a happy ending, every personal story was supposed to conclude with the integration of the migrant into the existing community in the city which controlled the Jewish life of the city.

For the authorities such cases obviously had two sides. On the one hand, they demanded a response until they were submitted for consideration by the Governor and ministers. We see the first steps made quickly in the investigation, carried out by the responsible persons, and we see a constant correspondence between the departments on the results. The actual community leaders involved in the case did not so much as try to conceal anything; on the contrary, they clearly delivered the requested information to the officials. Moreover, they used this moment—as shown by the Crown Rabbi Sahnin—to inform the authorities about their problems. The city administration interfered only minimally in the case, confining its actions to one raid on a slaughterhouse, and at the provincial office level the case gradually began to grind to a halt, either due to the appointment of a chief official of a rather low rank or to the strange proposal of the Governor himself to legalize the “korobochnyi sbor”. The proposal is considered strange because of the official position of the Empire, of which the governor was quickly reminded by the deputy minister. Still, the imperial power or the power of the province or city were never brought to bear on the case. Apparently, even if new requests from the capital could have been obtained, officials from the provincial office would have referred to the plaintiff’s own letter in which he declared all his complaints to be false. We see a pragmatic strategy of imperial power in relation with the Jewish community of the city. The Empire could have officially punished the community leaders on the immediate cessation of the violations—such as collecting money for slaughter—but rather at the ministerial level tried to promote the ideas relevant for the functioning of the community. Undoubtedly, such an effort benefitted the administration,

which could then receive supplementary funds in the city or regional budget. As such, the discussion of bribes isn't relevant to this particular case, but we can hypothetically assume their actions in similar cases.

Conclusions

The "Jewish issue" arose before the Empire at the end of the 18th century and would provoke discussions and practical solutions until the revolution and the fall of the Empire in 1917. The essentially colonial project, with certain transformations, remained unchanged until the end of the Empire. In the first half of the 19th century, officials used orientalist rhetoric to mark Jews and other "oriental" backgrounds as "inorodtsy". In fact, army was the only option for integration available to all Jews and it was not at all attractive. A more attractive option was to study at the university and, though it was inaccessible to the vast majority of Jews, it nevertheless gave birth to a whole generation of supporters for "assimilation".

Changes in state policy regarding the "Jewish question" supported the Russian maskilim. "Selective integration" started in 1859 and continued without interruption until the beginning of the 1880s. Moving along the Pale of Settlement at this time became more and more attractive. In the south of the empire there were structural shifts: industrialization, urbanization, construction of railways, and others. Kharkiv was one of those urban spaces that opened windows of opportunities for migrants, including artisans, students, merchants, lawyers, doctors. Though Jews were only part of a large migration, they became one of the main actors in the creation of a new urban space. In the southern regions of the empire, the Jews were neighbors and frequent guests. So, in 1863 more than 20,000 Jews visited Kharkiv fairs.

The beginning of the 1880s brought about an abrupt change in the situation. So, the effect of the first wave of pogroms in the history of the Empire was somewhat exaggerated by contemporaries, setting the tone for a certain tradition of interpretation. Nevertheless, the murder of Alexander II and certain political changes led to the adoption of the 1882 May Laws, the mass exodus of Jews from Moscow in 1891, the introduction of quotas for institutions of higher education. At the same time, in Kharkiv, the impact of the new policy was reduced. Documents do not show an increase in the number of inspections, or an increase in the number of

Jews refusing to live in the city. The number of Jews in the city had, in fact, steadily increased.

We emphasize two important points in describing the relationship between Jews and authorities in the region: firstly, the city was outside the Smuha; and, secondly, this constantly drew the attention of the authorities to the rights of the migrant Jews to stay in the city. Official politics also constantly demanded the persecution of those who broke the rules of resettlement. The model proposed by B. Natans demonstrates the power-maker who selectively brings “useful” Jews into the existing society. The problem is that this relationship focuses only on the most “prominent” members of the groups—merchants, students, specialists in “free occupations”—while the majority of the Jewish population enjoyed far less prestigious occupations as tailors, clothiers, and so on. In addition, any study can take into account only those who had legal grounds to stay, which is to say it misses many undocumented residents.

Here we outline a model we consider typical in the big cities of the south of the empire which, during the last third of the 19th century and the first decade of the 20th century, turned into real metropolises, such as Kharkiv, Kyiv, and Yekaterinoslav. These cities became the main vectors for the movement of migrant Jews. It was precisely between these cities that the migration actually took place. The urban and regional elites were driven by material considerations in their relationship with Jews. In situations that demanded that the local authorities act decisively against the Jewish population, one can observe if not inaction, then the lack of direction. There were certain confrontations between the departments—the state chamber, the city дума, the provincial office—which, again, were material or financial in nature. At the same time, this did not mean that the police raids, litigation on individual Jews, the refusal of the father to carry the children, and the husband’s wife were not persistent phenomena. In the public discourse, the “Jewish question” was discussed in the press, but also in discussions at the city дума. The Jewish community itself, in as far as we could see, chose a line of cooperation with the authorities, of avoiding any conflicts. In the absence of official access to power, personal strategies remained the key to every Jew who wanted to live in the city.

The prospect of research remains the study of individual histories of Jews and officials, as well as the creation of a collective portrait of groups. This perspective will allow a deeper understanding of motivations and behavioral strategies.

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“INSTEAD OF MYSELF, I ENTRUST TO BE IN THE COURT AND TO ATTEND...”: ADVOCATES IN EIGHTEENTH-CENTURY SLOBODA UKRAINE

Abstract

The article explores the history of the legal profession in Ukraine focusing on a border region of Sloboda Ukraine (*Slobozhanshchyna*) throughout the eighteenth century as a case study. For the first time in historiography, the topic is analyzed on the basis of sixty-three court cases from the 1720s–1790s held in the Central State Historical Archive of Ukraine in Kyiv. In all of these cases, either one or both litigants were substituted for by an advocate known as *poverennyi* (lit., “trustworthy person”). The sources reveal that the agents who acted on behalf of their principals were also widely engaged in economic activity (e.g., contracting, bargaining and transferring property). The statistics compiled on the basis of the archival data demonstrate that the majority of the clients belonged to the nobility, that is Ukrainian Cossack officers (*starshyna*) and Russian noble families. The advocates came from various social strata with the leading positions occupied by Cossacks and the related subgroups of state peasantry, then the bailiffs of estates authorized by their landlords and finally, employees of local chanceries. From the perspective of appropriate experience and knowledge, the members of the latter group presented the closest equivalent to professional lawyers in the region prior to the official establishment of a professional bar in the Russian Empire in 1864.

Keywords: legal profession, advocacy, advocate, bar, Sloboda Ukraine, eighteenth century.

Introduction*

The legal profession traces its origins back to the classic times.¹ The Latin *advocatus* meant “counsellor”, “professional pleader”, “mediator” and “supporter”.² This name mainly referred to

* I am sincerely grateful to the colleagues who contributed to making this text better during the discussions at New Europe College, the Department for Historical and Legal Studies of V. M. Koretsky Institute of State and Law of the National Academy

the patron or to the jurisconsult, yet there would seem to be no doubt that the forensic orators and jurisconsults of the latter period of the Roman Republic, who followed the law as a profession and received *honoraria* for their services, occupied a position closely analogous to the advocate of the present day, and thus it has been said that 'the profession is older than the name'.³

In the mid-sixth century, Roman advocates attained their professional status according to the provisions of the *Codex Justinianus*, which organized them into a corporation with compulsory five-year education, qualifying exam and the oath.⁴

The "reinvention" of the profession in medieval and early modern Europe went hand in hand with the institutionalization of law schools. The school of glossators that emerged at the Bologna University in the late eleventh century was of special importance for the revival of the *Codex Justinianus*.⁵ Later, it was Italian lawyers who contributed to the flourishing of Renaissance humanism.⁶ From the mid-fourteenth–fifteenth centuries onward, the legists of the heterogeneous Holy Roman Empire graduated from the universities of Prague, Vienna, Heidelberg, Rostock and Tübingen.⁷ Advocates defended women indicted on criminal offences in the seventeenth-century German courts.⁸ In England, during the 1180s and 1190s Oxford university students began to be trained in canonical and Roman law, while accredited pleaders performed in civil processes already in the fourteenth century,⁹ and throughout the later periods the diverse branches and ranks of the English legal profession proceeded toward the composition which we observe nowadays.¹⁰ From the mid-fourteenth century, French advocates who acted in the court of Parliament were considered members of a separate order and enjoyed this status for the next four centuries.¹¹ At the same time, "the legal profession of early modern Europe was a somewhat diverse body [...] to include all those who supplied legal or quasi-legal services".¹² The functions performed by the advocates of different countries did not always coincide or at least not accurately.¹³ The advocates assisted in court as often as they acted on behalf of clients in business affairs.¹⁴ For those involved in legal work at this period even a proper educational level remained a relatively flexible requirement.¹⁵

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Similar to other European countries, the historical roots of professional advocacy in Ukraine stretch to the late medieval era. Then, subsequent to the collapse of Kyivan Rus' and the Kingdom of Galicia and Volhynia, the Ukrainian lands fell under the Polish and Lithuanian rule. In the Kingdom of Poland, as early as 1347 the Statutes of Casimir the Great declared the "natural right" of everyone to be protected as well as the obligation "to have their own advocate, procurator or defender" in the crown courts.¹⁶ In the Grand Duchy of Lithuania, the legislative framework for advocacy was ultimately set by the Lithuanian Statutes of 1529, 1566 and 1588, which were formulated with an active participation of the Ukrainian nobility.¹⁷ At that time, legal representatives were called *procurator*, *pryiatel'* ("friend") or *plenipotent*¹⁸; along with the professional advocates "a great number of amateur lawyers" supplied legal advice as well.¹⁹

In the course of the mid-seventeenth and eighteenth centuries, the Third Lithuanian Statute was adopted for the needs of the Cossack-dominated society in the early modern Ukrainian state, the Hetmanate, located on the left bank of the Dnipro River. Despite the Hetmanate's subordination to Muscovy and later the Russian Empire, the Statute remained in force until 1842. However, advocacy in the Hetmanate continued to be practiced by a wide circle of participants until Alexander II's reforms of 1864, which introduced a professional bar in the Russian Empire.²⁰

In this respect, the historical region of Sloboda Ukraine (Ukr., *Slobozhanshchyna*) provides an excellent model for investigating a borderland juridical culture. Having been the closest eastern neighbour to the Hetmanate in the eighteenth century, the region now encompasses both the far eastern corner of contemporary Ukraine (the entire Kharkiv oblast and parts of the Sumy, Donetsk and Luhansk oblasts) and the very western edge of the Russian Federation (parts of the Belgorod, Voronezh and Kursk oblasts). Settlement in this zone of the East European steppe frontier began in the 1580s–1610s, when the Muscovite state erected the first strongholds for the prevention of regular Crimean Tatar incursions into the state's heartland. The fortress of Belgorod (1596) grew into a military and administrative centre for the surrounding territory. Nonetheless, waves of the mass settlement reached *Slobozhanshchyna* several decades later from the opposite direction: the fierce war against the authorities of the Polish-Lithuanian Commonwealth (1648–1658) and the ensuing civil conflict in the Hetmanate (1659–1676) drove Ukrainians from both the right bank and the left bank of the Dnipro River eastward, to the vast realm at the Muscovite border. Muscovy was interested in colonizing this

area and granted foreigners an autonomous status under the mandatory military service as part of the Belgorod irregular borderland troops. Hence, five Sloboda Ukrainian Cossack regiments – those of Ostrohozhk, Kharkiv, Okhtyrka, Sumy and Izium – were established in the 1650s–1680s. They existed until the mid-1760s when the Russian imperial administration was brutally imposed on them in lieu of the local self-governing.²¹ In short,

Sloboda Ukraine, from the very beginning of its existence, had been forming as an innovational region on the outskirts of the Tsardom of Moscow. It was the result of a successful experiment of decentralization that aimed at the establishment of privileged settlements of the foreign colonizers, first of all, the Ukrainian Cossacks, under the state control. This policy continued in the enlightened reforms of governance and education in the second half of the 18th century, which turned Kharkiv into the centre of the vast Sloboda Ukraine region.²²

This paper focuses on the history of justice in Sloboda Ukraine with specific attention to the legal profession. I want to explore the court procedure: was it accusatory or inquisitory? What were the stages of a typical juridical process? What legislation did the local courts refer to when they were rendering a verdict? But I am also interested in the social aspects: what social strata did the advocates and their clients come from? What career path did the advocates pursue? Did any client-representative interactions exist beyond the legal work? Did women appear before a court in any role? Therefore, I see this article as a combination of social history and history of justice. This is my first attempt to elaborate on the topic and I am aware that in this text I may inadvertently omit some of its important aspects and nuances. My exploration is based on the primary sources which I have examined in the Central State Historical Archive of Ukraine in Kyiv – fifteen collections in total, containing the files of the Sloboda Ukraine regimental chanceries, the *guberniia* and provincial chanceries, the Kharkiv *namiestnichestvo* governing body, the district courts, the lower *razpravy* (summary courts) and the Kharkiv magistrate.²³ In these archival collections I have located sixty-three files of law cases in which advocates participated (see *Appendix*). A number of additional files provide information about the advocates' assistance in civil affairs.

The topic I am dealing with is rather new in the Ukrainian historiography. For my study, Viktor Brekhunenko and Ivan Syniak's work on the advocates in the Hetmanate as well as Yurii Voloshyn's monograph concerning the

Poltava Castle Court (1770s–1780s) are highly relevant.²⁴ The sources published in the series titled “The Archive of the Early Modern Ukrainian State” enable case studies in the eighteenth-century Cossack justice.²⁵ Regarding Sloboda Ukraine specifically, Volodymyr Masliychuk in his monograph on the court of conscience of the Kharkiv *namiestnichestvo* (1780–1796) explores the phenomenon of juvenile delinquency in the context of the western periphery of the Russian Empire.²⁶ On a separate note, a new monograph by the American historian Nancy Shields Kollmann, *Crime and Punishment in Early Modern Russia*, offers a valuable discussion of the development of legislation and justice in Muscovy and the nascent Russian Empire during the long period from the late fifteenth to the early eighteenth century.²⁷

I start my narrative below with a concise outline of the transformations which the juridical system in Sloboda Ukraine underwent in the course of the late seventeenth and eighteenth centuries. I intend to demonstrate how surprisingly well the Cossack justice harmonized and coexisted with the “foreign” legislation during the decades just prior to the replacement of Cossack governing with the imperial administration. I then scrutinize the procedure of the processes in which advocates were involved. From that I proceed to analyzing the social status of the advocates and their clients. I rely on numerous examples culled from my sources to elucidate the role of the representatives in property disputes, civil affairs and lawsuits concerned with health, life and violation of honour, whereas the final section highlights the deviations. In the conclusion, I share my interpretation of who and why may be considered forerunners of the professional bar in Sloboda Ukraine.

The Judiciary and the Judicial Process

The autonomy of Sloboda Ukraine entailed the privilege of the Cossack justice on the local level. In each regiment, the colonel as the chief officer adjudicated criminal offences, with the exception of the highest crimes of treason or espionage, and property disputes. It was his responsibility to give a verdict of capital punishment and confiscation of property in cases involving criminals and escapees.²⁸ There was a rank of the regimental judge as well, but the colonel’s supremacy significantly limited his influence. Each regiment consisted of ten to twenty companies, where the captains carried out civil proceedings.²⁹ In the villages and hamlets, the

elected leaders of the communities, the *atamans*, settled minor disputes, conducted community surveys and delivered suspects to their company or regimental centre.

The trials took place in the regimental chanceries, and it was the Cossacks and their officers who most frequently resolved their conflicts in court. On the one hand, the Cossack justice was built on the norms of the Third Lithuanian Statute (1588), avoided needless formalization and tended to the oral accusatory procedure. Consequently, up to the early eighteenth century the chanceries produced only a small amount of court records.³⁰ On the other hand, the distinct circumstances in Sloboda Ukraine dictated the utilization of the legislation of the Tsardom of Moscow and later of the Russian Empire – the *Sobornoe Ulozhenie* (Conciliar Law Code of 1649)³¹, the monarchs' decrees and the Senate's orders which, in the course of the eighteenth century, gained the total domination in the region.

With regard to appeals, the Sloboda Ukraine regiments were initially subject to the jurisdiction of the Military Service Chancery (*Razriadnyi Prikaz*) in Moscow. In the years 1682–1700, the purposely established Chancery of Great Russia (*Prikaz Velikoi Rossii*) oversaw the regiments and handled their “court and appeal cases of various sorts”.³² After Peter I initiated the *guberniia* administrative division (1708), the region was attached to the Kyiv and then (1727) to the Belgorod *guberniias*. The Belgorod *guberniia* chancery served as the court of appeal for the Sloboda Ukraine regiments until their liquidation (1765) save for the years 1734 to 1743.

The imperial centre repeatedly confirmed the Sloboda Ukraine self-governing, yet interfered in it constantly. Unprecedented measures were introduced in 1733–1734, when the regiments were placed under the control of the Chancery of the Commission for the Establishment of the Sloboda Ukraine Regiments.³³ The Commission was to keep an eye on the local courts and to revise their verdicts in case of complaints from litigants. The appeals of the Commission's decisions had to be lodged with the Military College (*Voennaia kollegiia*) or the Senate in Saint Petersburg. The other imperial initiative was aimed at the bureaucratization of the regimental chanceries, which were thereby turned into judicial authorities obligated to keep court records. Additionally, the land possession agencies (*krepostnyie kontory*) were set up in each regiment to document all land operations there.³⁴

On November 22, 1743, the empress Elizabeth ordered that some of the earlier changes be revoked and disbanded the Commission.³⁵ Two

decades later, however, the imperial policy led to the final elimination of Sloboda Ukraine's autonomy by the empress Catherine II in 1764–1765.³⁶ Prior to this, the Sloboda Ukraine Cossack officers were removed from their positions due to accusations of corruption and abuse. In her correspondence, Catherine II labelled them the “offenders of our laws” and the “violators of the state legitimations” who deserved the worst punishment, but the empress granted them her forgiveness “not so much in the severity of justice as in our mercy”.³⁷ Yet, this did not restore them to their former positions.

After 1765, the hierarchy of institutions in the region consisted of several levels, with the Sloboda Ukraine *guberniia* chancery on the upper, the provincial chanceries on the middle and the commissar offices on the lower levels. These bodies provided justice for the locals in court and appeal court. The commissars could adjudicate “verbally” minor misdemeanors at the amount of up to twelve rubles, especially those of “squabbles, fights, destructions of fields and meadows, seizures of livestock and the like”.³⁸ The suspects in felony crimes, particularly of murder, robbery or theft, were to be brought to the provincial chancery for investigation and trial. The appeals were directed to the governor and then to the College of Justice (*Yustits-kollegiia*) or the Senate.

Fifteenth years later, a radically new system of authorities was launched in accordance with the 1775 *Statute for the Administration of the Gubernii of the Russian Empire*. Rejecting the previous practice, the Statute “provided for a clear separation of administration, finance and justice, for the establishment of separate juridical organs for each estate, with elected participation by members of the estate, and for a degree of social participation in the management of welfare and education in each estate”.³⁹ There was a three-branch structure of the inferior and superior courts in the fifteen districts of the Kharkiv *namiestnichestvo*: the district and the higher land courts for the nobility; the town and the *guberniia* magistrates for the townsmen; the lower and the higher *razpravas* (summary courts) for the peasantry. The lower land court, which was the lowest executive, police and judicial body, and the court of equity (the court of conscience) were situated in separate places. The chambers of the criminal and civil courts inspected the local courts and accepted the appeals on their decisions, leaving the right to final judgment to the Senate and the Colleges. The procurators monitored the law enforcement and were subordinated both to the governor of the *namiestnichestvo* and to the Procurator General in Saint Petersburg. The governor of the

namiestnichestvo was not involved in delivering justice but had the right to step in case of a delay or violation of the procedure.⁴⁰

With the enthronement of Paul I, the judiciary was once again redesigned. The renewed Sloboda Ukraine *guberniia* of ten districts (1797) lost the higher and lower land courts together with the *guberniia* magistrate, whereas the district courts were transformed into the all-estate courts of the first instance. The town magistrates maintained their jurisdiction unchanged, while the chambers of the criminal and civil courts merged into the single chamber of justice and appeal.⁴¹

Kollmann argues that “in Muscovy inquisitory procedure often contained elements of the accusatory trial”.⁴² This coexistence/fusion of both formats is easily recognized in the legislation and trial protocols of the subsequent imperial period. In particular, the decree *On the Form of Court* issued by Peter I on November 5, 1723 framed litigations in keeping with the accusatory procedure (*sud*) but simultaneously reinforced their bureaucratic facet.⁴³ The Senate’s explanatory order of March 3, 1725 secured the accusatory format for the minor cases and required the inquisitorial method (*rozysk*) concerning the suspects in the higher crimes: the violators of the secular or ecclesiastical foundations of the state, along with old-believers, murderers, robbers and thieves caught in the act.⁴⁴ Catherine II went further in her Enlightenment-inspired endeavours to institute the so-called “legal monarchy” in the Russian Empire.⁴⁵ One of her first decrees issued on July 30, 1762 stipulated “the rules of appeal”: litigants were permitted to appeal a verdict they were not satisfied with, but no later than a year from the day the verdict was given; the intention to appeal had to be declared a few days after the verdict. The court in its turn was obligated to send a “description” of the case to the appeal institution.⁴⁶ These measures aimed at simplifying the procedure, preventing red tape and corruption, as well as humanizing punishments – the key goals Catherine pursued in the field of justice.⁴⁷

The sources examined for this article clearly indicate that regardless of the institution or time slot the procedure in Sloboda Ukraine remained more or less stable throughout the eighteenth century. In the cases in which advocates participated the procedure happened to be accusatory and unfolded as follows. A plaintiff or her/his advocate submitted to the court a “suing petition” (*iskovaia chelobitnaia*) written “point by point” (*po punktam*) and addressed to the sovereign. The court summoned a

defendant with an “instruction” (*instruktsiia*) three times at most so that she/he would either arrive at the court in person or send an advocate on her/his behalf. If the advocate was delegated, he confirmed his willingness to “be in the court and to intercede” with a special “statement” (*skazka*). Thereafter, the court appointed the date of the hearings and requested the litigants or their representatives to appear on that date at a certain time: the claimant or her/his representative accepted a mandatory “ticket” (*bilet*), while the opponent or her/his representative took a copy of the suing petition and gave a “reverse” (*revers*) in return. The participants were allowed to adjourn the debates (*sudebnyie rechî*) amicably (*poliubovno*), but were required to stay in the town where the process was taking place until it was terminated. The debates commenced at eight o’clock in the morning⁴⁸ with the defendant’s “response” (*otvet*) and “justification” (*opravdanie*). The plaintiff put forward “evidence” (*dokazatelstva*) in order to expose the opposite side. The court could request additional documents, question witnesses (“interrogation”) and local old-timers, inspect a scene of a wrongful act, examine bodily damage, gather material proof or conduct a community survey if it was assumed to be necessary. The collected testimonies and evidence together with the excerpts from the respective legislation were compiled in a concluding “abstract” (*vypyska*). Based on it, the court rendered a verdict called a “decisive sentence” (*reshytelnoe opredilenie*) and began with the formula “[we] have ordered” (*prikazali*). The sides were listening to the verdict in the court “with open doors” (*pri otkrytykh dveriakh*) and agreed or disagreed with it in writing (“satisfaction or dissatisfaction to sign”). If disagreed, they used the right to appeal.⁴⁹

An Advocate and a Client

The article 7 of the decree *On the Form of Court* in general terms determined the role of an advocate in the lawsuit:

Petitioners and respondents are given the freedom to send another person to the court instead of them. This person can be anyone they want but with a power of attorney. They are not to disprove what that person will commit.⁵⁰

A common name for an advocate was *poverennyi*, i.e. a trustworthy person who acted on behalf of another individual in court or in civil affairs.⁵¹ A synonymous name, *upolnomochennyi*, literally “an authorized

person", made its appearance in the 1790s. A power of attorney legitimized the representative's actions, much as it does nowadays:

A power of attorney is a legal document an individual can use to give another person (or persons) the authority to take agreed-upon actions on the individual's behalf. The individual granting the authority is the "principal," and the person acting on behalf of the principal is the "agent".⁵²

There were two variations of the power of attorney: an "entrusting petition" (*verushchaia chelobitnaia*) and an "entrusting letter" (*verushcheie pismo*).⁵³ The first, written in the form of petition, asked the ruling monarch to admit a certain person to the court on behalf of someone else. The second was less formal and addressed the entrusted person directly; here, a signature of a principal (*vveritel*) and certification from an official institution were compulsory. From the 1770s on, the entrusting letter began to be designated by a related term, *doverennost*.⁵⁴

At the present stage of my research, the earliest mention of the advocacy in Sloboda Ukraine I am aware of is located in the file on the destruction of the land, fisheries and meadows near the hamlet of Lysa Hora owned by the Countess Anna Sheremeteva, widow of the Field Marshal Count Boris Sheremetev. The Izium Cossacks were the respondents. The Belgorod *guberniia* chancery tried the case in 1726 and the bailiff of the Sheremeteva's estates (*prikazhchik*) Stepan Periachnekov solicited for the Countess. It is almost all of what we know about this proceeding.⁵⁵ The amount of relevant sources increased rapidly in the 1740s, with further persistent growth. The upper chronological limit I have reached is the year 1803, when a lawsuit of Prince Petr Volkonsky against a retired ensign and a landlord Vasyl Zelensky-Dobachevsky over the harbouring of escaped peasants was adjudicated.⁵⁶ The sixty-three case records at my disposal cover the period from 1726 to 1803.

The law cases fall into two main categories: the wrongful acts against property and those against health, life and honour.⁵⁷ The first category contains seizure of land or property (*zavladenie, vziatie, nezakonnoe vladenie*), logging in the forest (*porubka*), mowing of hay (*pokos*), peasants' escape and harbouring them (*pobeg, perederzhyvanie*), theft (*vorovstvo, krazha, zabranie*), destruction (*razorenie*), trespass (*naezd, priezd*) and offence (*obida*).⁵⁸ The second includes battery (*boi, poboï, uvechie*), assault (*napadenie, smertnyi boi, pokhvalnye slova pobit/pribit do smerti*), robbery (*razboi*)⁵⁹, *napadenie razboinichim obrazom, grabezh, usilnoe/*

zhestokoe razorenje), murder (*ubit do smerti, smertnoe ubyvtvo*), insult (*neprilichnoe rugatelstvo, nepotrebnymi slovami, bran'*) and dishonour (*ponoshenie chesti, bezchestie*). Given a usual combination of material and bodily violations in the same act, this categorization should be thought of as conditional. Furthermore, it is almost unfeasible to draw a borderline between misdemeanours and felonies, insofar as at that time Russian legislation did not distinguish them in a clear manner.⁶⁰ I came across the term "criminal case" (*delo kriminalnoe*) only once with regard to death caused by the severe battery.⁶¹

A point of particular interest is the social standing of the advocates in Sloboda Ukraine. Since there were no entrance requirements imposed, advocacy attracted members of all social layers. My calculations demonstrate that thirty-two people out of ninety-eight (32, 65 %) performing as advocates were Cossacks, common military men (former Cossacks after 1765) and *odnodvortsy* (a subgroup of the state peasantry).⁶² Near the end of the century, these groups integrated into a heterogeneous stratum of state peasantry. This fraction prevailed due to the number of cases where a few common military men or *odnodvortsy* acted all at once as community advocates. Then, twenty-nine persons were bailiffs or servants who represented their landlords (29, 59 %). Seventeen officials of various chancery ranks held the third (17, 35 %), fourteen Cossack officers and the officers of other troops the fourth (14, 29 %) and four townsmen (4, 08 %) the sixth positions. Two persons were unidentified (2, 04 %).⁶³ More information about the advocates and the careers typical for them will be presented below with the help of illustrative examples.

A counter-question arises of who the clients were. Among eighty litigants, both the claimants and the respondents, fifty-six persons (70 %) belonged to the nobility in a broad sense, i.e. the Cossack officers and members of the Russian noble estate. Large landownership and superior social position defined this group. The unexpected fact is that eleven people among them appeared to be noble widows. As a rule, their adult sons did military service far away from home and the mothers had to run vast estates and protect family material interests on their own. Then, nineteen Cossacks and the allied subgroups constituted near one fourth (23, 75 %) of the clients. The mid-1760s reforms and the *Grand Land Survey* brought about numerous land disputes between the Cossack officers or the Russian noblemen on the one side, and the common military men or the *odnodvortsy*, on the other.⁶⁴ The latter appointed several (up to ten) community advocates (*obshchestvennyie poverennyye* or *poverennyye ot*

obshchestva) from their own social stratum. In the beginning, the sides tried to reach an amicable agreement; if they were not successful, the case was going to be adjudicated. The community advocates were permitted to delegate the authority to other defender(s) who conducted the case in the court. Within an acting group of community advocates, at least one was literate and signed the documents on behalf of himself and his illiterate comrades. The litigants from the clergy and the townsmen shared the minor fractions – two persons (2, 50 %) and one person (1, 25 %) respectively. Here again, the identity of the clients in two records remained uncertain.⁶⁵

The Advocates in the Property Disputes and Civil Affairs

The violations of the property rights held uncontested priority among the sources consulted. Nothing else prompted the people of the eighteenth century to go to court as often as the risk of losing their possessions or the desire to acquire them did. Advocates, therefore, provided services in the proceedings of this sort on a regular basis. They were equally active outside the courtrooms when acting as confidants in real estate or trade transactions.

Amongst the earliest and best-preserved files, there is one that reveals a classic “battle of advocates”.⁶⁶ The case began on September 21, 1737, when the Kharkiv fellow-of-the-banner Fedir Pankratev filed a suit at the Kharkiv regimental chancery against Paraska Shydlovsky, widow of the Kharkiv and Izium colonel Lavrentii Shydlovsky,⁶⁷ because of the seizure of his pond plot (*zaima stavna*) and forest at the Merefa River on the outskirts of the village of Ohultsi. The plaintiff accused Paraska of taking over his property “for unknown reasons”, even though he could prove that as early as 1695 it had been purchased by his father Herasym for ten rubles from the Cossack widow Hanna Hryhorivna.⁶⁸

The next day, the chancery sent a courier (*narochnyi*) to the Shydlovskys’ manor in the village of Merchyk to summon Paraska “to respond in the Kharkiv regimental chancery or to delegate a *poverennyi* [to act] on her behalf with a *verushchaia chelobitnaia*”.⁶⁹ The respondent ignored this request and the lawsuit was suspended until March 30, 1742, when Pankratev handed in a new petition arguing that in 1739 Shydlovsky’s servant had beaten his worker and destroyed the distillery near the disputed plot. Simultaneously, he mandated the scribe (*pysar*) of the Kharkiv regimental chancery Semen Antonov to plead the cause instead of him. This

time Paraska asserted that she had nobody “to send against that petition and the mentioned Pankratev had to meet her son, captain of the Sloboda Ukraine dragoon regiment Roman Shydlovsky, in the court”.⁷⁰ When the *narochnyi* arrived for the second time, he was not allowed into the house. Only on the third attempt, the bailiff Ivan Zakorynsky came to the court on behalf of his landlady. It took another two years (!) for Zakorynsky to receive the power of attorney and the hearings were scheduled on February 14, 1744. That day the advocates appeared in court and “after having talked to each other postponed [the next hearing] amicably” to March 1, then to March 3 and afterwards for another month.

The debates ultimately took place on April 5: the plaintiff’s advocate referred to the documents and eyewitness evidence, while his opponent searched for inconsistencies in the testimonies of the other side and tried to turn the provisions of the law in his own favour.⁷¹ At first, Zakorynsky “said in the interrogation” (*v doprosie skazal*) that Paraska Shydlovsky did not know whether Hanna Hryhorivna had indeed given the claimant’s father the bill of sale (*kupchaia*) on the questioned land but she herself possessed the documents regarding the plot, and if Pankratev had something, he would better “demonstrate it and add to the file”. Antonov replied “in evidence” (*v uliku*) that it was the defendant’s responsibility to submit the allegedly relevant documents since it was she, Paraska, who took the property “in vain without any bills of sale forcibly”. Zakorynsky pointed out that the bill which Pankratev had just shown was dated April 2, 1698 and not 1695 as it was written in the statement of claim. Antonov explained this awkward moment by the “copyist’s error”. Zakorynsky continued that in 1698 Herasym Pankratev had given the bill of sale to Lavrentii Shydlovsky and “signed [it] personally to [secure] Shydlovsky’s wife and children [in] eternal possession”. Antonov insisted that the plaintiff’s father had not given sale documents on that land; however, should there be any, they had been written “thievishly” with no certification from the authorities. Zakorynsky explained that there was no need to certify Herasym’s purchase separately, owing to the existence of the allotting excerpt (*otkaznaia vypys*) of June 12, 1700, which Lavrentii’s uncle, the colonel Fedir Shydlovsky, obtained on his “*pomiesnaia* [acquired under the obligatory military service] land, hayfields, the land of all sorts and the mills” including the plots at the upper Merefa River. After Fedir passed away, his nephew Lavrentii inherited the estate and later Lavrentii’s family did he same “with no dispute or petition against”. The defendant’s advocate strengthened his own position with the reference to the article 54

of the chapter 16 “On the *pomiesnyie* lands” of the *Sobornoe Ulozhenie*, which permitted to dispute the lost estates up to fifteen years, and to the article 63, which ordered to refuse claims for a land that had already been allotted.⁷² Antonov disagreed, emphasizing that Herasym had possessed the land undisputedly until his death in 1736 and the Ohultsi residents could confirm this. At the very end, Antonov put forward the strongest argument: on August 26, 1742, Zakorynsky asked the suitor for settlement agreement “without going to the court” as well as promised to return the loot and repair the distillery. Zakorynsky did not get confused and confirmed his earlier intention to resolve the dispute amicably, but he abandoned this course immediately after the owners had instructed him not to allow anyone onto the land.

The copies of the abovementioned Hanna Hryhorivna’s bill of sale (1698), the allotting extract (1700) and Zakorynsky’s request for the settlement agreement (1742) are all attached to the file.⁷³ Doubts arose concerning Herasym Pankratev’s bill of sale (1698): Zakorynsky reported that it had been transferred to the Kharkiv regimental chancellor Ivan Nesterov for certification, but thereafter Nesterov went to the Military Chancery in Moscow and his trace was lost. Meanwhile, the regimental chancery ordered the Valky captain Yakiv Bohaievsky to inspect the borders of the disputed plot and gather evidence from the Ohultsi old-timers. The litigants or their advocates were to be present during the procedure, but the respondent’s side ignored the order. This investigation turned in the claimant’s favour: the locals confirmed Herasym Pankratev’s purchase from Hanna Hryhorivna in 1698 and his possession of the land prior to 1736.⁷⁴

The case drew out to three decades and was terminated amicably in 1775. That year the litigants’ descendants, the retired captain Heorhii and corporal Prokip Pankratev on the one hand, and the major Hryhorii Shydlovsky on the other hand, submitted a joint petition to the Sloboda Ukraine *guberniia* chancery declaring that:

There is a court case already debated but still unfinished due to the death of our father, [Fedir] Pankratev, and my, Shydlovsky, grandmother. And whereas after the plaintiff we, the Pankratevy, and after the defendant I, Shydlovsky, inherited legally all the immovable property, then having considered this case and with no intention to wait until it would be decided upon, we talked to each other and settled it amicably under the condition that since this petition is submitted all the property remains in my, Hryhorii Shydlovsky’s, possession and in the possession of my heirs.⁷⁵

The Pankratevy apparently relinquished the land for a reward. I retold this case in detail finding it indicative for both the accusatory process in the eighteenth century Sloboda Ukraine and for the occupations of the two advocates': a scribe and a bailiff. Semen Antonov's career has proved to be a model for the representatives from office staff. Born into a Cossack family near 1720, Antonov was enrolled at the lowest office rank of copyist (*pisets'*) at the Kharkiv regimental chancery in 1734. Two years later, he rose to scribe and in 1745 was appointed clerk (*kantseliaryst*) "by virtue of his diligent service, enduring work and assiduity".⁷⁶ Through 1747, Semen was occupying a profitable place of a keeper (*nadsmotrshchik*) at the Kharkiv Land Possession Agency and thus was responsible for certifying property operations in the whole regiment. In ten years, he received the rank of captain and soon, like many other Cossack officers, was indicted for abuse and exploitation of rank-and-file Cossacks.⁷⁷ The following anecdote that occurred in 1762 survives in the case file. When the courier arrived to summon him to Kharkiv for testifying at the Commission on the Sloboda Ukraine Regiments, the captain, having caught sight of the messenger, prudently hid inside the house, while his wife Iryna

behaved disobediently and scolded both him, the courier, and the personnel of the Kharkiv regimental chancery with obscene words, announced that neither she nor her husband was obeying the brigadier and the colonel as well as the Commission, eventually drove the courier by the neck out of the house and locked herself from the inside inaccessibly.⁷⁸

Such among Antonov's colleagues as the scribe of the Okhtyrka regimental chancery Ivan Kardashev⁷⁹ and copyists Pavlo Yahotynets⁸⁰ and Petro Perebyinis participated in the trials of the 1740s.⁸¹ The latter worked at the Okhtyrka Land Possession Agency in 1745 and defended clients in two trials simultaneously.⁸² Being already a clerk (1764), Perebyinis earned a yearly salary of five rubles. The scribes then received three rubles and the copyists were not paid at all.⁸³ To compare, at that time a saddle "with the supplies" or a sheepskin coat (*kozhuikh*)⁸⁴ cost three rubles, a rifle – six rubles and a half, and an ox cost ten rubles.⁸⁵ This gives a clue why the chanceries' employees practiced advocacy so enthusiastically: it provided them with a certain extra income.

There is more biographic information about the officials of the Kharkiv regimental chancery who supplied legal aid in property operations. For example, Ivan Pashchenko from the Cossack officer's family started as a

copyist (1740), in twelve years ascended to clerk (1752), then headed the Kharkiv Land Possession Agency (1760) and retired a captain (1764).⁸⁶ In 1763, he signed the testament of the noblewoman Kseniia Abaza on her behalf and took the original document back after the keeper Andrii Sydorenko had copied it into the register.⁸⁷ The same year Kardashev took care of the registration of the bills of sale of his wife Maria, the Cossack Piddubny and the captain Hryhorii Chornohlazov.⁸⁸ The aforementioned Sydorenko occupied the keeper's position for 1763–1765 and in 1764 certified the sale of land by the *odnodvoretz* Fedir Prokopov to Count Petr Devier.⁸⁹ The soldier's son Semen Shaforostov began his career also as a soldier (1744), then became a squadron scribe (1747), a copyist (1749) and a clerk (1752) at the Kharkiv regimental chancery.⁹⁰ In 1763, "according to the power of attorney" issued by the Khotomlia resident Yakiv Polupanov, Shaforostov signed and collected a bill of sale on two plots at the Khotomlia River.⁹¹

In the late 1760s–1770s, the lower staff of the Sloboda Ukraine chanceries continued to perform additional paid duties despite the negative attitude towards this activity on the part of the governor Yevdokim Shcherbinin. To Shcherbinin's mind, the residents were forced "to incur the substantial costs of the 'eagle' paper, court fees and hiring the advocates owing to their own misunderstanding of the court procedures; the poorest of them lost even more".⁹² The instance of the copyist of the Kalytva commissar office Mykhailo Zhelezniakov reveals some possible "losses" of the clients and anticipated "profit" of the advocates to illustrate the governor's words. Aged twenty-two (1773), Mykhailo was exposed for "bribery" (*likhoimstvo*) and under interrogation told the following about himself. Being of low origin, he learnt literacy when he attended church and later himself taught children "to write in Russian" for the reward of fifteenth kopecks and did copying of documents for ten kopecks. Once he was asked to compose a request for permission to produce wine and "to intercede [*khodataistvovat*] in that case" on behalf of a common military man, resident of the hamlet of Krasnohorska Hordii Butenko, who "gave him, Zhelezniakov, three rubles of money, not by coercion but solely out of good will".⁹³

Completing the section on the advocates with office background, a trial over the heritage of the Sumy colonel Vasyl Perekhrestov-Osypov⁹⁴ heard at the Sloboda Ukraine chancery (1770–1775) must be elucidated.⁹⁵ To be precise, there were two related lawsuits between the same sides. The suitors were a noble married couple, the Konovnytsyn: Lieutenant

of the Preobrazhensky lifeguard regiment and future Saint Petersburg governor Petro, together with his wife Hanna and her minor children, Yemii and Anastasiia, born in her first marriage to Vasyl Perekhrestov-Osypov's son Vasyl. The respondents were Hanna's sisters-in-law by the first marriage, Yevdokiia Perekhrestova-Osypova, then already a widow, with her children Mykhailo, Vasyl, Hanna, Paraska and Anastasiia, and Iryna Smakovska, in the first marriage Perekhrestova-Osypova, with her son Petro. The matter of contention pertained to the village of Krynychne in the Okhtyrka province, "illegally possessed" by the defendants, and to the joint payment of the loans inherited from the colonel. Hanna's sister-in-law Iryna Lesevytska, Vasyl Perekhrestov-Osypov's daughter, supported the Konovnytsyny. The claimants hired the retired clerk Dmytro Andrievsky, but the respondents impeded the hearings for three years: they neither attended the court themselves, nor sent anyone else in their place. They justified themselves on the grounds of their gender and helplessness:

Since we, Yevdokiia [Perekhrestova-Osypova] and Iryna [Smakovska], are of female gender [*zhenskoho pola*] and our children are minor, and we possess no competence in the juridical procedures, for this reason we are not able to respond to their, [Hanna] Konovnytsyna and [Iryna] Lesevytska's, petition, and we have no relatives or servants who would respond according to the power of attorney; on this account, we are now forced to search for such a man among the outsiders knowledgeable in court procedures but have not found anyone yet.⁹⁶

The case was settled amicably in 1775, when the claimants withdrew the case.⁹⁷ However, it would be wrong to consider family relationships exclusively from the point of never-ending confrontations: relatives assisted each other too. For instance, adult sons solicited for their widowed mothers, like Ivan and Oleksandr Kvitkas did in 1754 and in 1760 respectively, when they sued instead of Paraska Kvitka.⁹⁸ Nephews acted on behalf of their uncles as Andrii Kaplunovsky, nephew of the Court chorister Fedir Kaplunovsky, did in the case regarding land seizure (1756–1760).⁹⁹ Another example came from 1767–1769, when the clerk Hryhorii Tomashevsky substituted for his wife Olena and his brother, the priest Ivan, in a similar case against Sofiia, wife of state councillor Nikita Bestuzhev.¹⁰⁰ Nevertheless, apart from family relationship, common material interest should also be taken into account when analyzing cases of this sort.

The situation with the estate staff who rendered a wide range of services on behalf of their property owners looks somewhat different: advocacy apparently belonged to the scope of their “direct” duties. In 1762, the bailiff Vasyl Yershov carried out two errands in Moscow according to the power of attorney received from Paraska Shydlovsky’s son Roman: Yershov delivered the saltpeter produced in the Shydlovskys’ estates to the Chancery of the Main Artillery and Fortification, as well as petitioned the Senate for the exemption of the estates from quartering troops.¹⁰¹ A year later, Roman’s wife Kateryna authorized Yershov to collect the money lent to Hanna Konovnytsyna on a bill of exchange (*po vekseliu*) and should the debtor refuse to pay to bring an action to the Belgorod *guberniia* chancery.¹⁰² The same year, the bailiff Vasyl Sokolov went to Moscow with Shydlovskys’ saltpeter and the bailiff Ivan Fylkevych filed a lawsuit in the Kharkiv regimental chancery against the Zolochiv Cossacks on the charge of “merciless” logging and constant thefts of Paraska Shydlovska’s forest.¹⁰³

The servants of the Kulykovsky noble family fulfilled similar responsibilities. For instance, in March 1757, Vasyl Tatarynov, servant of the acting Kharkiv colonel Matvii Kulykovsky, asked the Kharkiv regimental chancery to force the captain Stepan Nadarzhynsky to give the bill of sale on the Pylevtsy manor sold to the colonel for three thousand rubles.¹⁰⁴ In 1760, Ivan Dankov and Danylo Kyrychevsky, the bailiffs of the village of Borky owned by Matvii’s brother Yurii, submitted statements of claim over the theft of hay from their landlord’s field and the reaping and theft of barley.¹⁰⁵ In 1765, the bailiff Andrii Levchenko defended Matvii Kulykovsky from an identical accusation brought against his “people” by the Stara Vodolaha landowner, officer Oleksandr Dunin, who was represented by his manager Ivan Mokiiev.¹⁰⁶

An entangled dispute was adjudicated over the estates belonging to the most prosperous family of the Sumy regiment, the Kondratevys.¹⁰⁷ In January 1741, the Sumy regimental aide-de-camp Ivan Kondratev started proceedings in the Chancery of the Commission for the Establishment of the Sloboda Ukraine Regiments against the widow of Prince Aleksei Shakhovskoi, Princess Tatiana, and her son, Lieutenant of the lifeguard horse regiment Prince Nikolai. The plaintiff complained about the appropriation “disguised as a purchase” of his “grand-paternal and paternal immovable property”, namely the village of Ilek, the hamlet of Zakobyliie and four mills in the Krasnopillia company,¹⁰⁸ committed by Prince Aleksei Shakhovskoi in 1734; the property was subsequently inherited by the Prince’s family. Already in 1737, Ivan Kondratev sent a commissioned

servant to Moscow with a letter demanding the property back from Princess Tatiana; she promised to reimburse him one thousand rubles but did not keep her word.¹⁰⁹

The Commission ordered the Zakobyliie bailiff Petro Sokolov to find Prince Nikolai in Saint Petersburg and inform him of Kondratev's suit, so that he would issue the power of attorney. In February 1742, Sokolov reported that his trip was unsuccessful because of his landlord's participation in a military campaign outside Saint Petersburg.¹¹⁰ On January 1743, Ivan Kondratev died and his widow Uliana Kondrateva joined the lawsuit.¹¹¹ The Commission sent an inquiry to the Senate regarding the case and was instructed in the reply to summon Sokolov again. In spite of the bailiff's refusal to attend while there were no documents in his hands, he was forcibly taken to Symu for the third summon.¹¹² However, the lawsuit slowed down for another couple of years and was reactivated in 1747 by Ivan Kondratev's sister Marfa Zarudna. The servant Ivan Khoinsky performed on her behalf.¹¹³ And it was Marfa who ultimately won the dispute: the Land College (*Votchinnaia kollegiia*) ordered the Sumy regimental chancery to allot to her the villages.¹¹⁴

Later on, Marfa's son, officer Ivan Zarudny, inherited Zakobyliie and the other lands owned by his mother.¹¹⁵ He was married to Matvii Kulykovsky's daughter Yevdokiia and possessed vast estates with nearly two and a half thousand tenants.¹¹⁶ Zarudny appeared in a number of cases in the local courts in the last decade of the eighteenth century. In the trial of 1791, his advocate, the minor nobleman Hryhorii Huzhvytsky¹¹⁷, was in charge of legalizing the client's paternal property: a mill with a miller's yard, a plot of land and a forest in the village of Kozyntsi. The Kupyansk district court examined the indisputability of the ownership through the Kupyansk lower *razprava* and allotted the property to the claimant.¹¹⁸ Huzhvytsky continued working for Zarudny later on: in 1797, he issued a revision report (*revizskaia skazka*) on the tenants in the village of Khatnie, which Zarudny also had inherited from his mother.¹¹⁹ This report served as an argument in the case of the fugitive tenant, where the gubernial registrar Oleksii Birailov appeared for Zarudny.¹²⁰

One more dispute involving Ivan Zarudny exemplifies the work of the community advocates.¹²¹ In 1794, the common military man Yerofii Popov, "authorized from the common military men community of the hamlet of Olkhovatka of the Kupyansk district", filed an action stating that a Chuhuiv landowner, the retired ensign Ivan Kartavy, sold the arable and non-arable land, hayfields, a forest and a mill in the vicinity of Olkhovatka

to Zarudny in spite of the fact that the ownership of these landed properties had been attached to the Olkhovatka community during the *Grand Land Survey* partition (1780).¹²² He asked the court not to certify the bills of sale. After consideration, the court ordered to allot twenty-five *desiatynas*¹²³ to the claimants and the rest of four hundred one *desiatyna* to Zarudny.

The confrontation between the retired lieutenant Yakiv Danylevsky and the former Cossacks of the hamlet of Andriivka of the Izium province lasted many years. The first proceeding was launched at the Izium province chancery in 1769, after the filing of Danylevsky's complaint against the local residents Fedir Vasylenko, Serhii Mereshchenko and Mykola Shevchenko "with comrades" about the illegal logging in his forest near Andriivka.¹²⁴ The common military man Petro Kolodiazhny substituted for the respondents. The verdict passed in 1775 was in favour of Danylevsky.

In the second lawsuit during 1773–1781 at the same court, the sides exchanged the roles: the residents of Andriivka Mykyta Zharko, Andrii Lymanny, Petro Kolodaizhny (once again), Pavlo Dub, Hryhorii Nechytailo, Yakiv Shelest, Havrylo Orobets, Vasyl Perepelytsia, Vasyl Serdiuchenko, Tymofii Myshura, Vasyl Kriachko, Fedir Kupchyn, Anton Panenko, Danylo Puhach, Pylyp Zherebny and Ivan Zhukov "along with all common military men of that hamlet" charged Yakiv Danylevsky with the seizure of the arable "communal" plots at the Bolakliia River in 1768–1772, alleging that his action had caused them "extreme offence".¹²⁵ The claimants asked the court to oblige the respondent to return the land and to redress the loss and court fees. Being busy with seasonal agricultural work, Andriivka's residents empowered Lieutenant Borys Korolkov to "testify and intercede in the court prior to the decision instead of us, as stated in our petition".¹²⁶ The chancery summoned the respondent, he arrived and by mutual agreement the parties postponed the debates for a month and a half until June 1, 1773. In fact, that was a trick aiming at delaying the proceeding: Danylevsky immediately petitioned the court and blamed the claimants for being "renowned rebels", who, in line with the article 2 of the chapter 53 of the 1720 *General Regulation (Generalnyi reglament)* concerning publicly defamed people, were not to be heard in court. Simultaneously, the defendant insisted on an amicable settlement, but neither he nor his representative attended the proceedings.¹²⁷ Although the claimants were going to "search for their satisfaction wherever the decrees require", even in 1781 the case still remained "undecided" and neglected by the litigants. For this reason, and because the *General Land Survey* had already been completed, the Izium district court asked the

Kharkiv *namiestnichestvo* governing body for permission to finally close the case.¹²⁸

The Advocates in the Lawsuits concerning Health, Life and Violations of Honour

It often came about in the eighteenth century that a property dispute or a trivial squabble evolved into violence and physical harm. We are dealing here with “this image of a society in which violence was endemic, and conflict a feature of everyday life”,¹²⁹ even if it appears overstated. Cruelty constituted a daily norm, with the gender identity of neither the culprit nor the victim predetermined. Symbolic injury to honour and reputation was perceived as being as offensive as bodily harm, especially with respect to social elites.

There are representative materials among the files investigated to support the above statements. In a case from 1749, the aforementioned scribe of the Okhtyrka regimental chancery Ivan Kardashev defended the Kotelva captain Ivan Matiushynsky from the accusations of assault put forward by the Cossack of his command Osyp Hnylosyr.¹³⁰ Osyp acted as the plaintiff (*istets*), but in fact he appeared for his wife Tetiana and his father (whose name is unknown), both of whom the captain had abused. The story started on the day when Tetiana and the ensign Angelov's wife were drinking “*horilka*”¹³¹ at her [Tatiana's] home” and began to fight. The intoxicated Tetiana came to the captain Matiushynsky's home to complain, but unexpectedly met there the Cossack wife Zabashta, who started accusing her slanderously of the theft of sheep milk. Tatiana

justified herself and went out of the yard; but having just stepped out she was overtaken by the Cossack Shevchenko of the captain's command and by his servant [...] and they grabbed her forcibly and dragged her along the street, and when they were at the yard, the captain ordered the Cossack to whip her [*bit' pletiu*], and then the captain himself grasped her by the hair, dragged her to the yard and having taken away the whip from the Cossack, together with his wife and servant were whipping, punching and kicking her to half-death, so that she barely survived, and wounding her, and abusing her with indecent words [...] [they] let her go home barely alive.¹³²

The next day Tetiana's father-in-law went to the captain in order to find out what had happened on the previous day

and then he, the captain, without any of the father's fault hit him in the cheek and grasped him by the hair, and was dragging him on the earth, stomping and kicking mercilessly, and broke a rib, and being unsatisfied with all that ordered the Cossack Shevchenko to fetter him at the town hall, and the Cossack obeyed and fettered [him around] the neck, and kept in custody [...] innocently.¹³³

The advocate Kardashev employed the tactics of proving his client to be innocent: he dismissed Hnylosyr's accusations and blamed the victims for provoking Matiushynsky. The captain was deemed guilty, but the file has survived incomplete and it remains unclear whether he received any punishment.

The earlier trial of 1741 between the nobleman Fedor Turgenev, represented by the bailiff Serhii Alekseev, and the Krasnopillia captain of the Sumy regiment Ivan Romanov unfolded according to a similar scenario.¹³⁴ Alekseev complained to the Sumy regimental chancery that the captain had beaten a peasant from the hamlet of Tymofiivka "with the sticks and whipped deadly" during fieldwork, put the victim in stocks (*kolodki*) and kept him in custody threatening to "beat [him] to death"; he had also robbed the peasant of two horses, a cart, harnesses and some money.¹³⁵ The defendant was summoned three times, but did not arrive: he referred to urgent matters in the company and assured repeatedly of commissioning an advocate. The "outsiders" (*storonnie liudi*) examined the victim and "the fighting signs of this kind appeared: the shoulders, the back from the waist to the neck and the belly are all beaten and covered with scars".¹³⁶ On the basis of the *Sobornoe Ulozhenie* (the articles 94, 113, 117, 124, 133 and 141 of the chapter 10, "On the Court"), the court found Romanov guilty and ordered him to pay two hundred sixty rubles and fifty-nine kopeks as compensation and court fees, as well as to collect a surety bond (*poruchnaia zapis'*) in order to prevent him from murdering the peasant. However, Turgenev's subsequent petition from October of that year demonstrates that the captain ignored the verdict.¹³⁷

The lawsuit of Motrona Hoholeva vs. Yakiv Borodaevsky was taking place later, in 1773–1776, with an unexpected turn along the way.¹³⁸ On February 25, 1773, Motrona filed a lawsuit in the Sloboda Ukraine *guberniia* chancery stating that

in the former year of 1770 my husband marched to the Turkish campaign and I stayed where we were stationed, in Valky; and the last year of 1772, visiting the house of the retired captain Raiakovych, I was innocently offended, insulted with all sorts of low and obscene words and hit on the cheek and the head by captain Borodaevsky with [his] hand.¹³⁹

The claimant recounted the conflict during dinner at the home of the Raiakovych couple, who were hosting guests after the Sunday service. They invited the priest of Saint Ilia's church Andrii Leontovych, Motrona with her sister Yevdokiia and Yakiv Borodaevsky with his wife Yefrosyniia. At first, everything was fine: when meeting, the guests "kissed" each other and then "had fun" playing checkers and "joking". Suddenly Yakiv lost to the priest, lit a pipe and approached Motrona. He began to denounce her for gossiping about his daughter Ksenia on "giving birth to a child while being a maiden". The woman objected, but "being excited" the captain was shouting at her, then grasped her, hit on the cheek and, after she fell to the floor, was dragging her by the hair "until [he] became weary".¹⁴⁰

Motrona authorized the aforementioned retired clerk Dmytro Andrievsky. The defendant did not react to two summons and on December 19 of that year, in response to the third summon, sent a retired gubernial registrar, resident of Kharkiv Ivan Nosachov, with a power of attorney "who the same day, on December 19, signed his willingness concerning that case".¹⁴¹ The investigation led to new facts, such as Father Andrii's dispute with Borodaevsky over the seizure of his own paternal land. The Raiakovychs refused to appear in Kharkiv to give evidence, saying that they were ill. At last, Uliana Raiakovych testified that the "squabble" (*ssora*) indeed erupted in her house, but she missed the beginning "staying in the other room". She caught only the moment when the captain was grabbing Motrona "by the nape"; though it did not come to the "battery" (*boi*) thanking to the guests' and her personal intervention.¹⁴² Borodaevsky himself rejected the incriminations and insisted that "the plaintiff [*istitsa*] was neither insulted nor beaten by him".¹⁴³

On October 2, 1775, Hoholeva, "at the end of that trial because of ill health" entrusted her husband, a captain Petro Hoholev, who was back from the Turkish campaign, "to participate, to sign the abstract and to hear it, to receive a copy of the decisive determination and to sign the satisfaction or dissatisfaction instead of me in that court case, on my behalf".¹⁴⁴ On May 5, 1776, the court announced the verdict which convicted Borodaevsky pursuant to the article 153 of *The Military Articles*

(1715) on the loss of the right by those who insulted, as well as in response to the decree of February 21, 1697 on witnesses' testimonies in lieu of face-to-face confrontations in the trials for insult, assault, battery, injuries and destructions.¹⁴⁵ Borodaevsky was to compensate the plaintiff in the amount of four thousand eighty-two rubles and ninety kopeks.

The defendant predictably remained dissatisfied. He announced his intention to appeal to the College of Justice and for this reason refused to pay the sum stipulated. The appeal, nonetheless, suffered complications: Borodaevsky's second advocate, a landlord from the town of Bolkhiv, Lieutenant Afanasii Logvynov, filed the appeal in Moscow on May 24, but on his way back reportedly fell ill for ten days in the village of Znamenske of the Bolkhiv district. He confessed and received communion there.¹⁴⁶ The illness prevented him from delivering the College's order to the Sloboda Ukraine *gubernia* chancery on the non-execution of the sentence within the time allotted for the appeal. But on September 30 of the same year, the College issued a new order and explicitly prohibited the chancery from enforcing the verdict until the final decision.¹⁴⁷ At this point the file ends, leaving the impression that Logvynov's illness, whether pretended or not, served the purpose in delaying the trial.

The Cossack and advocate Danylo Bublyk encountered obstacles too, when the case in which he acted on behalf of his wife Yevdokiia and her sister Feodosiia was under appeal at the First Department of the Kharkiv *guberniia* magistrate in 1794.¹⁴⁸ The women took action against Pavlo Serdiuk the Younger, son of the Bilopillia merchant of the Third Guild Petro Serdiuk, on battery and insult. Problems arose when Bublyk came to the court to sign his statement of satisfaction/dissatisfaction and the court did not admit him to the procedure. The advocate protested and asked the governor of the Kharkiv *namiestnichestvo* Fedir Kyshensky to interfere. Kyshensky sent a request to the First Department of the *guberniia* magistrate and they replied that the sisters had authorized Bublyk because of their "weak health" but had not submitted a doctor's certificate in support of that claim. Thus, the court ordered the local doctor to examine the plaintiffs and should their illness be confirmed, the advocate would be allowed to represent them.¹⁴⁹

From the petitions submitted by managers of noble estates we learn of two cases of massive robberies. Namely, on July 22, 1762 the aforementioned Shydlovskys' bailiff Vasyl Sokolov reported to the Kharkiv regimental chancery the capture of "two vagabonds" (*dvoe burlak*), Nykyfor Fedorenko and Kornii Telbushenko, in his employers' estate.¹⁵⁰

It turned out that in 1759 they attacked the Merchyk manor following the tips of the Shydlovskys' escaped peasant Hryhorii and under the guidance of the "ringleader" (*vatah*) Fedir Svyrydenko. The gang stabbed a servant and stole horses, silver and money inflicting five thousand three hundred fifty rubles worth of damages. The suspects were, therefore, interrogated "separately" and "fettered in heavy hand and leg irons under a strong guard".¹⁵¹ They confessed that the gang included seventeen participants and kept the stolen goods "in a hidden place" (*tainyk*) in the forest. However, the Cossacks sent to inspect the place found nothing. Further search led to the bailiff of the noble Rozumovsky family Ivan Vodianytsky, but ultimately stalled.¹⁵²

The second case comes from 1771: the robbery of the captain Havrylo Venetsky's manor in the village of Yendovyshche of the Osrohozk province. The case was later considered by the Voronezh *guberniia* chancery, but Venetsky's servant Ivan Bily immediately filed a suit at the Ostrohozk province chancery. He complained that at dawn on February 2 the squad of Lieutenant Colonel Stepan Titov counting nearly two hundred people burst into the manor's yard, damaged it badly, stole fifteen barrels of "wine" and numerous household belongings costing six thousand one hundred eighty-one rubles and seventy-four kopeks, then "undressed my landlord, captured him, put him into the sledge and took somewhere".¹⁵³ When Havrylo Venetsky was released from the Voronezh custody, where Titov had kept him for a few days, he composed a new petition and a supplementary list of the stolen goods.¹⁵⁴ He recounted that "these villains" (*sii zlodei*) dirtied their faces and put on "peasant clothes"¹⁵⁵ so that they could not be recognized. They broke into the house "with a great noise and mischief", caught the captain by the hair, kicked him, tore his fox fur coat, "then threw me undressed and without a hat onto the sledge and were driving me to Voronezh in severe cold". Venetsky's wife, "being in fear of mortal danger", begged the attackers to stop, but "neither the tears of the children nor the yells of the wife" affected them. Even more, "some of that robber band" (*razboinichei shaiki*) went even further and "kicked her heavily and tore off her shawl, her kerchief and her shirt".¹⁵⁶

Apart from such "extreme" cases, there are dozens of files where violence comes into view in a so to say routine way, as a sideshow to property disputes. In 1745–1749, the Ohktyrka regimental chancery tried the unlawful deeds of Martyn Hlazenko (Hlaz), Cossack of the Zhyhailivka company. He was accused by his cousin, the Cossack of the Boroventka company Stepan Hlazenko (Hlaz), of the illegal possession of a forest in

the vicinity of Borovenka (which Martyn's father captured by force from Stepan's widowed mother in 1733), as well as of the battery of Stepan's nephew Danylo, the threats "to beat Stepan to death" and the theft of harvest.¹⁵⁷ The debates took place on January 22, 1746 and the copyist of the Okhtyrka regimental chancery Pavlo Yahotynets defended Martyn. However, three years later, in June 1749, the plaintiff complained that "this case has not yet been finalized with a decision, because of his, Martyn's, excessive and needless justifications, which he provided by means of false petitions posterior to the trial; all that has led me to a considerable loss".¹⁵⁸

For the duration of this trial, Pavlo Yahotyhets was engaged in affairs on a significantly greater scale.¹⁵⁹ Being an experienced "informer" (*donoschik*), he intrigued against the top officers of the Okhtyrka regiment, blaming them for the abuse and appropriation of the state finances. The Okhtyrka command, in their turn, inculpated Yahotynets in regular thefts of tax money which he as a scribe was responsible for gathering and registering. In 1747, Yahotynets went to Moscow aiming at acquiring additional incriminating evidence and even allegedly pleaded on behalf of his friend, the nobleman Subochiev, at the Land College. His new accusations happened to be much more serious: he stated that on April 25, 1746 the Okhtyrka colonel Spetan Lesevytsky and other officers failed to attend the solemn church service in honour of the anniversary of the empress Elizabeth's coronation because they were drunk. His accusation reached the Secret Inquisitorial Chancery but was adjudicated false and Yahotynets was sentenced to be punished by whipping.¹⁶⁰

Certainly, not all the advocates were as skilled in scheming as Yahotynets.¹⁶¹ Nevertheless, some of them carried out their cases for long periods of time. For example, Tymofii Lebedynsky, "an advocate on behalf of the Ostrohozk common military men, resident of Ostrohozk", promoted the community's legal interests for around ten years.¹⁶² In the trial which took place at the Ostrohozk provincial chancery in 1766, he competed with the advocates of the Kalytva common military men over the hay meadows at the Chorna Kalytva River appropriated by the Kalytva side. The residents of Ostrohozk also threatened their opponents, promising "to beat them to death". The case was reactivated in 1773, but the chancery's survey approved the earlier amicable separation (1768) and the Ostrohozk side lost the case.¹⁶³

A similar lawsuit developed in 1770–1772 at the Sloboda Ukraine Department of Estates and later at the Okhtyrka provincial chancery over the lands in the vicinity of the hamlet of Yamna.¹⁶⁴ The litigants were Prince

Nikolai Golitsyn substituted for by the bailiff of the hamlet of Pysarivka Dmytro Sokolovsky and the Yamna common military men together with the Volny *odnodvortsy*. The latter delegated the authority to the retired hussar Mykhailo Ionin and *odnonvoret*s Osyp Pafomov, who neglected their responsibilities and did not appear at the Department to listen to the decision. Then, a new team of advocates got involved with the case: Nykyfor Bondarev, Tymofii Stelmakh, Illia Taranets, Ivan Zolotukhyn, Havrylo Pohotovka, Ivan Myronenko (Yamna), Vasyl Chervianov, Ahei Kramsky and Maksym Antypov (Volny).¹⁶⁵ This time the defence performed in a more responsible way and made a written commitment “to remain with our possessions as the Manifesto [of September 19, 1765 on the *Grand Land Survey*¹⁶⁶] found us, not to extend them and not to engage in disputes, squabbles and fights under the threat of a fine for default”.¹⁶⁷ Despite this undertaking, violence near Yamna went on: in June 1772, Sokolovsky reported that “on different days, the residents of the hamlet of Yamna of the Okhtyrka province gathered in crowds, equipped with clubs and spears (*dubem i kopiamî*), assaulted Pysarivka’s tenants, robbed them and once murdered a peasant”.¹⁶⁸

The Deviations

Exploration of deviations or, in other words, divergences from norms and rules dominant in a particular community during a given period of time presents one of the key problems confronted by scholars of early modern societies. In this light, court records are of exceptional significance insofar as they reveal a vast palette of wrongdoings and crimes officially condemned there and then.¹⁶⁹ However, this palette comes through not only (and not so much) in the “official” judicial courts and procedures, but rather through the episodes which fall out of the general picture.

Some instances have been already considered, such as Pavlo Yahotynets’s intrigues or the disregard towards the judicial process by Mykhailo Ionin and Osyp Pafomov. In fact, the latter ignored his duties not only once: in the trial of 1740–1741, Pafomov defended the Sumy fellow-of-the-banner Ivan Hadiatsky from the accusation of trespass and robbery of the village of Kostevka owned by the Borovenka captain of the Okhtyrka regiment Petro Romanov. On the first attempt, the *narochnyi* did not find Hadiatsky at his home in the village of Semerenky. In response to the second summon he did not set off either, but “sent an advocate on

his behalf, resident of Volny Osyp Pafomov, and he, the advocate, did not wait in Sumy until the petition would be submitted and ran away to an unknown place".¹⁷⁰ The third summon was also fruitless and the case ended in nothing.

In 1763–1764, the Borovenka company scribe Hryhorii Sumsky participated on the plaintiff's side in two processes adjudicated in the Okhtyrka regimental chancery.¹⁷¹ In the inheritance dispute between the members of a family of Cossack officers, brothers Semen and Andrii Smakovsky, Sumsky appeared for the former. Due to the reluctance on the part of the litigants, the advocate was left out in the cold: the client picked up all the relevant documents and did not supply the advocate with the financial resources to cover the court fees. Next year the dispute was decided amicably. In the second trial where the bailiff of the Rozumovskys' estate Ivan Vodianytsky sued against the Krasny Kut Cossacks Mykhailo Luchys, Mark Yakovenko and Stepan Raroh over illegal logging in the forest and battery on the foresters, it was Sumsky who neglected his responsibilities: "Insofar as he, Vodianytsky, noticed that he, Sumsky, had no involvement and diligence in the case, he, Vodianytsky, authorized the Okhtyrka resident, the scribe Zakharii Boiko, to submit a petition and attend the court".¹⁷²

Another example of the advocate's carelessness concerns the abovementioned lawsuit of the Tomashevsky family against Sofiia Bestuzheva. After Bestuzheva lost the case at the Sumy province chancery, on August 28, 1767 her servant Roman Tukhlychenko lodged an appeal with the Sloboda Ukraine *guberniia* chancery, but did not pay six rubles of fees and "secretly" departed from Kharkiv.¹⁷³ The *guberniia* chancery ordered the province authorities to search for Tukhlychenko and this command was redirected to the Myropillia commissar office. The advocate came to the commissar centre in December and reported that the money had been sent earlier with the respondent's servant. The Sumy province chancery summoned him anyway and the Myropillia office replied: in her statement, Bestuzheva testified that in August she handed the cash to Tukhlychenko and delegated him to the *guberniia* chancery, he then returned and assured of the successful execution of this errand. Later, "for her domestic needs, he [Tukhlychenko] was sent to the hamlet of Popivka of the Sumy province riding her own horse and did not come back yet, and nobody knew wherein he was staying".¹⁷⁴

Karp Ruban, retired ensign and advocate of the nobleman Mykola Donetsk-Zakharchevsky in the property dispute with his brother Yakiv

Donets-Zakharzhevsky, behaved in a completely brutal manner toward the noble assessor of the Kupiansk lower land court Yevdokym Onufriev, who arrived to inspect the disputed place in the first days of 1798. In the victim's own words:

In the fulfilment of the Sloboda Ukraine *guberniia* governing body's order issued to the Kupiansk land court, I was assigned to remove the peasant house settled forcibly by the captain Mykola Donets-Zakharzhevsky on the land owned by the major Yakiv [Donets-Zakharzhevsk] [...] Subsequent to my arrival, in order to oblige the captain with the pledge [*podpiska*] on not-expanding his possession there I required the pledge from the captain Mykola Donets-Zakharzhevsky according to the order, and the captain assured [me] that the retired ensign Karp Ruban had been authorized and delegated by him with a lawful power [of attorney] to perform [on his behalf]. And being convinced therewith, me and the outsider witnesses [*storonnie poniatyie*] accompanied by Ruban came to the plot with that house. Regarding the power of attorney, I demanded from Ruban that pledge on the removal of the house and not-expanding. But instead of the proper obedience to authorities, he, Ruban, did not give the document demanded and, furthermore, rebuked me with reproachful words, threatened me with his hand and menaced with an inevitable punishment in case I began to accomplish the order, which the mentioned outsiders can testify. Whereas the outsiders and I were protesting, he, Ruban, tried to disguise his guilt and demonstrated to us a wrong pledge and referred to the inappropriate power of attorney, a copy of which I am submitting here and asking the land court to consider the reproachful words and the threats addressed to me while I was performing the official duties in accordance with the law.¹⁷⁵

The Kupiansk district court ordered the lower land court to arrest Ruban and interrogate him. Nonetheless, the search for the advocate turned into a genuine detective story: he disappeared from Mykola Donets-Zakharzhevsky's manor and was therefore listed as wanted over the neighbouring *gubernias*. The reply arrived in a couple of months from the Voronezh *guberniia* governing body that on April 12, 1798 "he, an ensign Ruban, pursuant to the case of the major Count Devier and major Polutov for the tortures of the doctor Gezy and the doctor's ensuing death [...] and for receiving two thousand rubles for that from the Lieutenant Colonel's wife Poiarkova has been exiled to a textile factory in Irkutsk".¹⁷⁶

Sometimes the advocates found themselves in the role of a victim. The servant Ivan Notych solicited for his landlord, major Oleksii Yershov in

the dispute with the Bohodukhiv captain's widow Hafiia Lysenko, her mother-in-law, the captain's widow Yefymiiia Pavlova and Yefymiiia's grandson, the Okhtyrka fellow-of-the-banner Maksym Pavlov.¹⁷⁷ Yershov accused Lysenko of retaining for over a year the estate near Bohodukhiv purchased in August 1750 (Lysenko herself acquired the land from her mother-in-law) and of assaulting his servants. The claimant requested six hundred forty-one rubles and eighty-seven kopecks as compensation for the "red tape and damages". Notych left Okhtyrka for a couple of days in order to visit the village of Perekhodivka which he managed, and:

The Bohodukhiv captain Ivan Novoselsky in agreement with the aforementioned captain's widow Yefymiiia Pavlova wishing to repel him [Notych] from that purchase and the suit, called him to Bohodukhiv ostensibly for some urgent needs; and when he [Notych] arrived to the town of Bohodukhiv, the captain placed him in custody for six weeks under a strong guard, threatened to beat him, reproached [him], and by means of that arrest prevented him from attending the court. And on his release, he, Notych, having experienced such a distress and the attacks on the village of Perekhodivka as well as being afraid of beatings and mutilations, abandoned the case and the village of Perekhodivka, entrusted to him by the major, and was forced to run away to an unknown place in 1751.¹⁷⁸

Later, Yershov petitioned himself, but the case fell apart due to the delays on the side of the defendants. This tactic of postponing hearings was popular among the litigants. I recounted the case of Paraska Shydlovsky vs. Fedir Pankratev at the beginning of the article and would like to round off with another two examples related to the Shydlovsky family. In 1746–1747, the Kharkiv regimental chancery tried the cause initiated by Feodora Lukianenko, Cossack daughter from the village of Liubotyn, on the seizure of her grand-paternal land with a mill, a distillery and an apple orchard at the Merefa River by the Kharkiv colonel Fedir Shydlovsky and inherited by Paraska Shydlovsky. The respondent, in her usual manner, ignored the summons but finally sent a servant Ivan Husak (Husakovsky) to Kharkiv. The advocate came to the regimental centre and on October 15, 1747, after two weeks of purposeless stay there, asked the court for a permission to return due to the prolonged absence of the claimant and as a consequence his "vain losses".¹⁷⁹ At that moment, Husak could not have predicted that he would reappear in Kharkiv two years later, in August 1749, this time to file a claim instead of Roman Shydlovsky about the trespass of the estate, the theft of twenty-eight beehives and the

assault against the beekeeper committed by the Liubotyn Cossacks and their captain Andrii Petrovsky. The attackers were caught and arrested, but soon fled from the Kharkiv custody, while the captain did not attend the court at all.¹⁸⁰

Conclusions

Thus, this article presents a study on the history of the legal profession in a borderland region of Sloboda Ukraine throughout the eighteenth century. My primary goal was to approach the topic from the perspectives of social history and history of justice combined and based on the examination of mostly archival primary sources. While conducting this research and later being engaged in writing, and also during discussions with colleagues, I tried to make sure that this article corresponds to the higher standards of historical scholarship and that it is relevant to imperial studies, history of bureaucracy and economic history. I intend to continue investigating these fields further and hope to expand my research into the first decades of the nineteenth century.

The sources identified so far have made it possible to explore the beginnings of advocacy in Sloboda Ukraine from the 1720s. In the mid-eighteenth century, the involvement of the advocates in the judicial processes became a common practice in the local courts. Although the juridical organs in the region underwent frequent redesigns during the period, the demand for legal support persisted. The lawsuits in which the advocates participated took place in keeping with the accusatory procedure. The legislation of the Tsardom of Moscow and later of the Russian Empire dominated the local courts of Sloboda Ukraine.

The earliest original term for an advocate was *poverennyi*, and it was only in the closing decades of the eighteenth century that a synonymous designation *upolnomochennyi* came into use. Being authorized with the power of attorney (*verushchaia chelobitnaia*, *verushcheie pismo* or *doverennost*), an advocate or a group of them pleaded the case in court as well as tackled a wide range of legal issues on behalf of another individual or a whole community. Managers of private estates and chancery office staff typified the social strata from which legal practitioners were initially enlisted. The Ukrainian Cossacks, reduced in 1765 to the status of common military men, and the *odnodvortsy* lobbied mostly for the interests of their communities. There were isolated cases of advocates originating from

townsmen and clergy. Another trend detected is that of relatives soliciting for their kindred. The widows figured in lawsuits quite frequently, yet they were represented in court either by someone from their own family and household (husband, son, servant or estate manager) or by an advocate hired from the outside.

Advocacy in the period under discussion remained essentially a practical endeavour. None of the advocates who participated in the sixty-three processes that formed the source base for this article could boast specialized education in the juridical field. However, their proficiency was acquired and honed through practical work. To some extent, it was about common sense, ability to reason, talent for eloquence, good memory. These competencies facilitated the legal work at the time when neither a formal training nor corporate requirements restricted it in the region. Bearing in mind this precondition of intellect and experience, the representatives of the chanceries' personnel (copyists, scribes and clerks) appear to have been the most professional lawyers in the region during the period preceding the establishment of a professional bar, official introduction of the advocate's name and founding of the legal corporation in the Russian Empire in 1864. Through their routine exercises – registration of incoming and outgoing documentation as well as legal acts, scribing and copying by hand numerous reports, orders, summons and court records – they acquired appropriate knowledge and honed their skills. They worked and performed at the same institutions, i.e., regimental, provincial and *guberniia* chanceries or bodies of the *namiestnichestvo*, and in contrast to the Cossacks or managers of estates they did not interfere in a "foreign" area of expertise.

The most common deviations committed by the advocates seem to have been limited to skipping court sessions or escaping the court entirely, as well as abandoning the duties of representation undertaken previously. Sometimes this occurred owing to the advocates' personal irresponsibility, but in other instances the clients clearly left their agents no choice, having deprived them of necessary funding or relevant documents. Karp Ruban's behaviour is a case apart. In a narrow sense, it appears to be the result of his own criminal background and inclinations. But viewed in a broader context, it supports the idea of the presence of habitual violence in the everyday life of eighteenth-century Sloboda Ukraine.

Appendix

	Year	Plaintiff	Plaintiff's advocate	Defendant	Defendant's advocate	Subject, accusation	Verdict, result
1	1726	Anna Petrovna Sheremeteva, Countess, widow of Field-Marshal Count Boris Sheremetev	Stepan Periachnekov , bailiff of Sheremeteva's estates	The officers and Cossacks of the Izium regiment	–**	Destructing of the hamlet of Lysa Hora's land, fisheries and meadows	–
2	1737–1775	Fedir Pankratev, fellow-of-the-banner of Kharkiv	Semen Antonov , scribe of the Kharkiv regimental chancery	Paraska Shydlovsky, noblewomen, widow of the Izium colonel Lavrentii Shydlovsky	Ivan Zakorynsky , bailiff of the estates	Seizure of a pond plot and forest at the Merefia River	Settled amicably in 1775 by the litigants' descendants
3	1737–1738	Fedor Turgenev, nobleman, major	Pylyp Zalonsky , servant	An unknown captain, apparently Ivan Romanov	–	An assault	–

** The en dash denotes the absence of an advocate in a given case or the lack of relevant data in the case file.

4	1740– 1741	Petro Romanov, the Borovenka captain of the Okhtyrka regiment	–	Ivan Hadiatsky, fellow-of- the-banner of Sumy	Osyp Pafomov , resident of Volny	Trespass and robbery of the plaintiff's village of Kostevka in the Volny district	–
5	1741	Fedor Turgenev	Serhii Alekseev , bailiff of the estates	Ivan Romanov, the Krasnopillia captain of the Sumy regiment	–	Trespass, assault on a peasant, robbery of belongings and money, putting in stocks, keeping in custody and threats	The respondent found guilty but ignored the verdict

6	1741– 1747	1) Ivan Kondratev, nobleman, aide-de-camp of the Sumy regiment; 2) Uliana Kondrateva, Ivan's widow; 3) Marfa Zarudna, née Kondrateva, Ivan's sister	–	Princess Tatiana Shakhovskaia and her son, Prince Nikolai Shakhovskoi	Petro Sokolov , bailiff of the estates	Seizure of property	Marfa Kondrateva won the case
7	1745– 1749	Stepan Hlazenko (Hlaz), Cossack of the Borovenka company (Okhtyrka regiment)	–	Martyn Hlazenko (Hlaz), Cossack of the Zhyhailivka company (Okhtyrka regiment), the plaintiff's cousin	Pavlo Yahotynets , copyist of the Okhtyrka regimental chancery	Seizure of the "paternal forest" in the vicinity of Borovenka, assault on the plaintiff, battery of his nephew Danylo and theft of the harvest	–

8	1745	Yosyp Nadarzhynsky, landlord	Hryhorii Karlovsky, servant	Stepan Halkyn “with his comrades” from the town of Vilshana (Okhtyrka regiment)	–	Logging in the forest	–
9	1745	“The plaitiffs Yakubynskys”	Avram Dobroghorsky	Vasyl Lysniak, Hryhorii Vovnianyk and Spetan Volyk, residents of Borovenka	–	–	The case was in progress
10	1745	Tymofii Kramar (Karbovsky), Cossack of the Okhtyrka regiment	Avram Dobroghorsky	Trokhym Illin, the Bohodukhiv lieutenant	Petro Perebyinis, copyist of the Okhtyrka regimental chancery and Okhtyrka Land Possession Agency	–	The case was in progress

11	1745	Ivan Koltunovsky	–	Unnamed defendants	Petro Perebyinis , copyist of the Okhtyrka regimental chancery and Okhtyrka Land Possession Agency	–	The case was in progress
12	1746–1747	Feodora Lukianenko, Cossack daughter from Liubotyn (Kharkiv regiment)	–	Paraska Shydlovsky	Ivan Husak (Husakovsky) , servant	Seizure of the grant-paternal land	–

13	1749	Hryhorii Kletsunov, resident of Hadiach	–	Residents of the hamlet of Mykytivka (Kharkiv regiment), which belonged to Kasandra Khrushchova, widow of the late Ivan Khryshchov, colonel of the Nizhyn regiment	Oleksii Sokolovsky, servant	Assault on Kletsunov's "people" and the robbery of 6 oxen and 3 carts of fish	–
14	1749	Roman Shydlovky, nobleman, son of Lavrentii Shydlovsky, retired prime-major, and his wife Paraska	Ivan Husak, servant	The Liubotyn captain Andrii Petrovsky and Cossacks under his command	–	Trespass of Shydlovsky's estate, theft of 28 beehives and assault on the beekeeper	–

15	1749– 1752	Danylo Kapnist, fellow-of-the- banner	1) Leontii Kucherenko , bailiff of the Riasne estate; 2) Anton Osypov , clerk of the Sumy regimental chancery	Brothers Hryhorii and Lukian Savchenko and Krasnopillia Cossacks of the Sumy regiment	1) Hryhorii Savchenko , on behalf of himself and his brother; 2) Mark Lazarev , a resident of Sumy	Battery of the tenants, robbery of 12 oxen, 4 horses, 12 carts, their yokes, etc., and killing of 2 oxen and 1 horse; seizure of a forest, hayfield and pond. The defendants continued logging in the forest during the trial	Lukian escaped from custody in the Sumy chancery. Hryhorii was released on surety bond on the eve of Easter. The claimant won the case, but the respondents were delaying the payment of the compensation and fees
16	1749– [1750]	Osyp Hnylosyr, Cossack of the First Kotelva company (Okhtyrka regiment)	–	Ivan Matiushynsky, captain of the First Kotelva company	Ivan Kardashev , scribe of the Okhtyrka regimental chancery	Assault on the plaintiff's wife Tetiana and his father	Incomplete file; "he, the captain, to be accused"

17	1751 – 1759	Oleksii Yershov, landlord, prime-major, later together with his wife	<p>1) Ivan Notych, bailiff of the estates; 2) Hryhorii Shapoval, bailiff, got ill; 3) Fedir Afanasev, bailiff of the estates</p>	<p>1) Hafia Lysenko, widow, in succession, of the Bohoduukhiv captain and Berezivka captain (the Chernihiv regiment); 2) Yetymtia Pavlova, widow of the Bohoduukhiv captain, Hafia's first mother-in-law, together with her grandson Maksym Pavlov, fellow- of-the-banner</p>	<p>Fedir Krylov, aide-de- camp of the Moldavian hussar regiment; Pavlova's son- in-law</p>	<p>Seizure of the estate in the Bohoduukhiv company of the Ohktyrka regiment</p>	<p>The case fell apart</p>
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18	1756– 1760	Fedir Kaplunovsky, chorister at the Court	Andrii Kaplunovsky, plaitiff's nephew	Hanna Illinska, widow of the Rublivka captain Fedir Illinsky, and her son Kostiantyn Illinsky, fellow-of-the- banner	Kostiantyn Illinsky, respondent's son	Seizure of a pond plot at the Merl River	Considered in the Okhtyrka and then in the Sumy regimental chanceries
19	1757	Matvii Kulykovsky, prime-major, the acting Kharkiv colonel	Vasyl Tatarynov, servant	Stepan Nadarzhynsky, captain of the Okhtyrka regiment	–	Sale of property without a bill	The respondent fulfilled the demand

20	1759– 1763	Roman Shydlovsky	Vasyl Sokolov , bailiff of the estates	“Two vagabonds” Nykyfor Fedorenko and Kornii Telbushenko, their “ringleader” Fedir Svrydenko, and Hryhorii, a fugitive tenant of Shydlovsky	–	Trespass and robbery of the Merchyk estate	The investigation conducted by the Kharkiv regimental chancery
21	1760	Paraska Kvitka, widow of the Izium colonel Ivan Kvitka	Oleksandr Kvitka , claimant’s son, officer	–	–	Theft of 60 beehives from the plaintiff’s cellar	The suing petition only
22	1760	Paraska Kvitka	Oleksandr Kvitka	Yurii Kulykovsky, prime-major, with his son	–	Trespass on the claimant’s estate	The suing petition only

23	1760	Yurii Kulykovsky, prime-major	Ivan Dankov , bailiff of the estates	–	–	Theft of hay from the plaitiff's field	The suing petition and the counter-petition only
24	1760	Yurii Kulykovsky	Danylo Kyrychevsky , bailiff of the estates	–	–	Reaping and theft of the barley	The suing petition and the counter-petition only
25	1760	Matvii Kulykovsky, prime-major, the acting Kharkiv colonel	Yurii Kolorat , bailiff of the estates	von Ziegler, lieutenant colonel, neighbouring landlord	–	Plowing Kulykovsky's field and assaulting his tenants	–
26	1760	Oleksandr Dunin, officer, nobleman	Ivan Mokiiiev , bailiff of the estate	Matvii Kulykovsky, prime-major, the acting Kharkiv colonel	Andrii Levchenko , bailiff of the estate	Theft of hay from the plaitiff's field	The suing petition and the counter-petition only

27	1761	Mark Zhyvotovskyy, priest	Fedir Yakovlev , scribe of the church vestry	Serhii Turchyn, resident of the village of Polkova Myktyivka	–	Seizure of a hereditary arable field and forest	–
28	1761 – 1768	Ivan Zarudny, major, nobleman	Roman Kochiukov , clerk	Roman Romanov, the Sudzha captain (Sumy regiment), with his nephews, workers and tenants	Vukol Bogdanov , servant of the retired brigadier Osyp Kutuzov	Night theft of the bread barn and logging in Zarudny's forest	The case left unfinished
29	1763	Paraska Spychansky, noblewoman	Ivan Fylkevych , bailiff of the estates	Zolochiv Cossacks of the Kharkiv regiment	–	Logging in and constant thefts from the forest	The petition was to be sent to the Commission on the Sloboda Ukraine Regiments

30	1763– 1764	Semen Smakovsky, nobleman	Hryhorii Symsky , scribe of the Borovenka company	Andrii Smakovsky, nobleman, the Okhtyrka aide-de-camp, the claimant's brother	–	Seizure of the movable and immovable property bequeathed to the plaintiff by their father	Settled amicably
31	1764	Oleksii Vodianskyi, bailiff on behalf of Oleksii Rozumovsky	1) Hryhorii Symsky , scribe of the Borovenka company; 2) Zakharii Boiko , scribe	Mykhailo Luchys, Mark Yakovenko and Stepan Raroha, residents of Krasnyi Kut	–	Logging in the forest and battery of the foresters	The case was in progress
32	1764	Yosyp Tansky, retired captain, nobleman	Pypyl Martynov , resident of Okhtyrka	Kostiantyn Chuto, second-major, the claimant's son-in-law, and Ivan Chertov, bailiff	Andrii Paskevych , scribe of the Kobyshecha company of the Kyiv regiment (the Hetmanate)	Seizure of the estate	The case was in progress

33	1766– 1773	Common military men of Ostrohozsk	Tymofii Lebedynsky, – resident of Ostrohozsk	Common military men of Kalytva	“Advocates on behalf of the common military men of Kalytva”	Seizure of hay meadows at the Chorna Kalytva River and assault on Ostrohozsk residents	The Ostrohozsk side lost the case
34	1767 – 1769	The Tomashevskys: Clerk Hryhorii, his wife Olena and his brother, priest Ivan	Hryhorii Tomashevsky, clerk	Sofia Bestuzheva, wife of State Councillor Nikita Bestuzhev	Roman Tukhly- chenko, servant	Seizure of inherited land	The case was decided in favour of the claimants, the opposite side appealed

35	1770– 1775	1) Hanna Konovnytsyna, with her minor children born in her first marriage; 2) Iryna Lesevytska, her sister-in-law in that marriage; 3) Petro Konovnytsyn, officer, the Okhtyrka voevoda, Hanna's husband	Dmytro Andrievsky , retired clerk	Hanna and Iryna's sisters-in-law: Yevdokiia Perekhrestova-Osypova, widow, and Iryna Smakovska with their children	Vasyl Perekhrestov-Osypov , officer, Yevdokiia's son, joined the case upon returning from the war	Payment of loans inherited from the Sumy colonel Vasyl Perekhrestov-Osypov and "illegal possession" of a village	Settled amicably
36	1770	Petr Sheremetev, Count, landowner	Andrii Kazakiev , bailiff of the estates	<i>Odnodvortsy</i> of the village of Ruska Lozova	–	–	Amicable separation

37	1770	Common military men of Nadruhaiiv	Bulhakov , collegiate assessor, comrade of the Putyvl voevoda's	Odnodvortsy of Nadruhaiiv	–	–	Amicable separation
38	1770	Anastasiia Myklashevska, noblewoman	Ivan Myklashevsky , officer, her son	Ivan Lysohub, standard-bearer, and his brother Ivan	–	Robbery of the hamlet of Oknynsky, theft of hay and battery of bailiff and a tenant	Decided in favour of the claimant at the Sloboda Ukraine department of estates

39	1770– 1772	Prince Nikolai Golitsyn, officer	Dmytro Sokolovsky , bailiff of the hamlet of Pysarivka	Common military men of Yamna and <i>odnodvortsy</i> of Volny	1) Mykhailo Ienin , retired hussar, and Osyp Pafomov , residents of Volny; 2) Nykyfor Bondarev , Tymofii Stelmakh , Illia Taranets , Ivan Zolotukhyn , Havrylo Pohotovka and Ivan Myronenko , residents of Yamna, Vasyl Chervianov , Ahei Kramsky and Maksym Antypov , residents of Volny	Disagreement over borders of the surveyed land in the vicinity of the hamlet of Yamna, later mutual assaults, robberies and murder of a peasant	The case was considered at the Sloboda Ukraine department of estates, later transferred to the Okhtyrka provincial chancery
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40	1770– 1776	Ivan Karpov, the retired Okhtyrka regimental judge	Tymofii Kravtsov , retired wachtmeister, Okhtyrka resident	Andrii Sydorenko, <i>otaman</i> of the hamlet of Pysarivka, “with comrades”	–	Theft of hay in the vicinity of the village of Riasne	Decided in favour of the claimant, but he received “no satisfaction” and asked the provincial chancery for the compensation
41	1771	Havrylo Venetsky, former Cossack captain	Ivan Bily , servant	Stepan Titov, lieutenant colonel and his command	–	Robbery of the claimant’s household, battery and dishonor of the claimant and his wife, kidnapping of the claimant and holding him in custody, the damages	The case was considered in the Voronezh guberniia chancery

42	1772	Petro Shcherbinin, nobleman, second-major	Ivan (?) Filevsky , retired clerk	Kateryna Bulska, colonel's wife	Petro Kaleev (?) , <i>odnadvorets</i>	–	The plaintiff's petition to allow Filevsky "to sue Bulska"
43	1772	Ivan Gendrikov, Count	Kashevtsov , scribe, resident of the hamlet of Rubizna	–	–	Escape of the landlord's peasants	The "appearing petition" only
44	1772	The advocate's son	Ivan Veis , retired wachtmeister	–	–	–	Asked to allow him to petition on behalf of his son
45	1772	Hryhorii Kremenetsky, former fellow-of-the-banner, presently common military man	Hryhorii Kremenetsky and Yakiv Strilets, common military men	Petro Konovnytsyn, the Okhtyrka voevoda	–	Theft of public pears	The suing petition only

46	1773– 1776	Motrona Hoholeva, noblewoman, wife of Petro Hoholev, officer	1) Dmytro Andrievsky , retired clerk; 2) Petro Hoholev , the claimant's husband	Yakiv Borodaiev-sky, retired captain	1) Ivan Nosachov, retired gubernial registrar; 2) Atanasii Logvynov, nobleman from Bolokhov	Dishonor and battery of Motrona Hoholeva	The defendant appealed to the Justice College, but the advocate fell ill and the case was not decided on time
47	1773– 1774	Common military men of Livenky	Kindrat Durakov and Osyp Dubovy , “the advocates of the common military men's community of the hamlet of Livenky of the Biriucha district”	Kateryna Putilina, noblewoman, widow of Hnat Putilin, officer	Yefym Putilin , bailiff of Ivan Betsko	Flooding of the gardens, seizure of the land and mowing of the meadow belonging to Livenky	The case fell apart

48	1773	Common military men of Bilohore	Nykon Lytvynov , common military man	Yakiv Svitlychny, common military man of Bilohore	–	Seizure of the estate sold by the respondent	The provincial chancery ordered not to register the purchase
49	1773–1781	Common military men of Andriivka	1) Mykyta Zhyrko, Andrii Lymansky, Petro Kolodiazhny and Pavlo Dub , common military men of Andriivka; 2) Borys Korolkov , lieutenant	Yakiv Danylevsky, nobleman	–	Seizure of the arable plots that caused the plaintiffs "extreme offence"	The Izium district court asked the Kharkiv <i>namiestnichestvo</i> governing body to close the case as not decided
50	1775	Yakiv Danylevsky, nobleman	–	Common military men of Andriivka	Petro Kolodiazhny , "the advocate of that hamlet"	Logging in the forest	The verdict in favour of the plaintiff

51	1779–1780	Common military men of Kolomak	Vasyl Borysenkov, Ivan Zolotarev and Semen Vedmid "on behalf of the whole community"	Andrian Lesevitsky, retired major, and Ivan Butovych, Cossack captain	–	Seizure of land, theft of hay and assault	Amicable separation
52	1786	Petro Shcherbinin, nobleman	Mykola Hnypov , bailiff of the estates	Semen Turkovsky, <i>horodnychy</i> of Bohodukhiv	–	Harboring of runaway peasants	The advocate asked the governor to interfere and handle the situation
53	1791	Ivan Zarudny, nobleman, major	Hryhorii Huzhynsky , nobleman, retired ensign	–	–	An estate near the hamlet of Kozynka	The estate was allotted to the claimant
54	1792	Brothers Mykhailo and Dmytro Zhuravel, Cossacks	Ivan Zhuravel , retired Cossack, the plaintiffs' cousin	Shevelev, Cossack	–	The "apiary place" sold by the claimants' sister to the respondent, battery of one of the plaintiffs	The advocate asked the <i>namiestnichestvo</i> 's governor to interfere

55	1792	Mariia Varavkyna, noblewoman	Ivan Varavkin , retired second-major, the claimant's husband	Kanevetsky , ensign	–	Seizure of land	The advocate asked the <i>namiestnichestvo</i> 's governor to interfere
56	1794	Feodosiia Pasynko and Yevdokia Bublyk, sisters	Danylo Bublyk , Cossack, Yevdokiia's husband	Pavlo Serdiuk the Younger, son of a merchant of the Third Guild of Bilopillia	–	Battery and insult	The advocate asked the <i>namiestnichestvo</i> 's governor to interfere
57	1794	Hryhorii Vyrodov, officer, secretary at the headquarters of the army corps	Oleksii Bazhenkov , Zolochiv merchant	Brothers Heorhii and Ivan Vyrodov, captains, second cousins of the claimant	–	Inherited property	The claimant Hryhorii won the case, but the respondents appealed to the Zolochiv higher land court

58	1794	Yevstafii Zabashta, peasant (kazennyi obyvatel) of Izium	–	State peasants of Izium	Hryhorii Kucherev, Herasym Tahai, Fedir Klymash, Ivan Husak and Hryhorii Koval	Damage and sowing of the plaitiff's field	The claimant won the case
59	1794	Hryhorii Vyshnevsky, retired ensign	Pavlo Kupatsov , retired clerk of the Izium magistrate	Kuzma Seredyn, peasant (kazennyi obyvatel) of Izium	–	Insult with abusing words	The case was in progress
60	1794	Common military men of the hamlet of Olkhovatka	Yerofii Popov , common military man of Olkhovatka	Ivan Kartavy, retired ensign, landlord	–	An estate near Olkhovatka	The claimants asked not to register the purchase of the estate. The court ordered a return of 25 <i>desiatynas</i> to the plaitiffs

61	1796–1803	Prince Petr Volkonsky	1) Ozeretsky , bailiff of the estates; 2) Omelian Marchenko , servant of the hamlet of Vesela; 3) Roman Kovalchuk , gubernial secretary	Vasyl Zelensky- Dobachevsky, landlord, retired ensign	Hryhorii Kartashevsky , collegiate registrar	Harboring of escaped peasants	The plaintiff lost the case and was to pay a compensation and fees
62	1797	Ivan Zarudny	1) Oleksii Birailov , gubernial registrar; 2) Hryhorii Huzhynsky confirmed the information about the peasant	Yakiv Levchenko, fugitive peasant	–	Escape of a peasant	The advocate brought the peasant to the court to investigate his escape

63	1798	Yakiv Donets-Zakharzhevsky, nobleman	–	Mykola Donets-Zakharzhevsky, retired captain, nobleman	Karp Ruban , retired ensign	Peasant hut built illegally on the plaintiff's land	Decided in favour of the plaintiff. Insult and assault on Yevdokym Onufriev, noble assessor of the Kupiansk lower land court
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NOTES

- ¹ Anton-Hermann Chroust, "Legal Profession in Ancient Athens", *Notre Dame Law Review* 29, no. 3 (1954): 339–389.
- ² "Advocatus", in <https://www.online-latin-dictionary.com/latin-english-dictionary.php?lemma=ADVOCATUS100> (accessed 07.06.2020).
- ³ E. M. Timberlake Jr., "Origin and Development of Advocacy as a Profession", *Virginia Law Review* 1, no. 1 (1922): 27. Also, Anton-Hermann Chroust, "Legal Profession in Ancient Republican Rome", *Notre Dame Law Review* 30, no. 1 (1954): 97–148.
- ⁴ Yevgenii Vaskovski, *Organizatsiia advokatury* (Saint-Petersburg: Tipografiia P. P. Soikina, 1893), 1: 34–37; Anton-Hermann Chroust, "Legal Profession in Ancient Imperial Rome", in *Notre Dame Law Review* 30, no. 4 (1955): 606–614.
- ⁵ Hunt Janin, *Medieval Justice: Cases and Laws in France, England and Germany, 500–1500* (North Carolina: McFarland & Company, 2004), 172–174.
- ⁶ William J. Bouwsma, "Lawyers and Early Modern Culture", *The American Historical Review* 78, no. 2 (1973): 303–327.
- ⁷ Janin, *Medieval Justice*, 152.
- ⁸ Ulinka Rublack, *The Crimes of Women in Early Modern Germany* (Oxford: Clarendon Press, 1999), 63, 65.
- ⁹ John Briggs et al., *Crime and Punishment in England: An Introductory History* (London: Routledge, 1996), 9.
- ¹⁰ Anton-Hermann Chroust, "The Ranks of Legal Profession in England", *Case Western Reserve Law Review* 11, no. 4 (1960): 561–601; W. W. Boulton, "The Legal Profession in England: Its Organization, History and Problems", in *American Bar Association Journal* 43, no. 6 (1957): 507–510, 566–568.
- ¹¹ William Forsyth, *The History of Lawyers Ancient and Modern* (New York: James Cockcroft & Company, 1875), 212–215.
- ¹² Bouwsma, "Lawyers and Early Modern Culture", 305.
- ¹³ Chroust, "Legal Profession in Ancient Athens", 339.
- ¹⁴ Bouwsma, "Lawyers", 311; Chroust, "Ranks of Legal Profession in England", 591–593.
- ¹⁵ Bouwsma, "Lawyers and Early Modern Culture", 305. Chroust emphasized that even in the mid-twentieth century the educational level of the English lawyers varied, so that solicitors were usually better prepared than barristers, whom he defines as "simply [...] tested and qualified gentlem[en] [...] permitted to speak or act on behalf of a client before a court or advise him in his legal affairs" ("The Ranks of Legal Profession in England", 597–598).
- ¹⁶ "Quia euilibet sua defensio et tuitio (cum juris sit naturalis) non est deneganda; ideoque statuimus quod in judicijs nostri Regui, quilibet homo cujuscunque sit status et conditionis, potest et debet habere suum advocatum

- procuratorem, seu prolocutorem" (*Volumina Legum* [Saint Petersburg: Nakładem i drukiem Jozafata Ohryzki, 1859], 1:3).
- 17 Mykhailo Dovbyshchenko, *Ukrainska advokatura Voluni lytovsko-polskoï doby (XVI–XVIII st.)* (Kyiv: KVITs, 2019), 66–91. The most up-to-date Ukrainian publication of the Statutes is: *Statuty Velykoho Kniazivstva Lytovskoho: In three volumes* (Odessa: Yurydychna literatura, 2002–2004).
- 18 Natalya Starchenko, "Umotsonovani – prokuratory – priiateli: Khto vony? (Stanovlennia instytutu advokatury na Volyni v kintsi XVI st.)", *Sotsium: Almanakh sotsialnoi istorii* 1 (2002): 111–144; Viktor Brekhunenکو and Ivan Syniak, *Advokaty v sudochynstvi rannomodernoi Ukraïnskoï derzhavy Hetmanshchyny* (Kyiv: KVITs, 2017), 10; Kyrylo Vyslobokov, ed., *Prava, za yakymy sudytisia malorosiïskiy narod, 1743* (Kyiv: IDP im. V. M. Koretskoho, 1997), 120.
- 19 Dovbyshchenko, *Ukrainska advokatura*, 203.
- 20 Brekhunenکو and Syniak, *Advokaty*, 95–128, 218; Yurii Voloshyn, *Kozatska Femida: Grodske sudochynstvo v Hetmanshchyny* (Kyiv: KIS, 2019), 55–60.
- 21 There is a considerable body of literature on the history of Sloboda Ukraine, the most recent publications are: Dmytro Bahalii, *Istoriia Slobidskoï Ukraïny*, foreword and comments by Volodymyr Masliychuk, ed. Oleksandr Savchuk (Kharkiv: Vydavets Oleksandr Savchuk, 2019); Volodymyr Sklokin, *Rosiiska imperiia i Slobidska Ukraïna u druhii polovyni XVIII st.: Prosvichenyi absoliutyzm, imperska intehratsiia, lokalne suspilstvo* (Lviv: UCU Press, 2019); Volodymyr Masliychuk, *Zdobutky ta iluzii: Osvitni initsiatyvy na Livoberezhnii ta Slobidskii Ukraïni druhoï polovyny XVIII – pochatku XIX st.* (Kharkiv: Kharkivskiy pryvatnyi muzei miskoi sadyby, 2018).
- 22 Volodymyr Kravchenko, "Provincial Searches for Collective Identity: The Case of Sloboda Ukraine", in *Imperial Identities in Ukrainian History (the 18th and the First Half of the 19th Century)*, eds. Vadym Adadurov and Volodymyr Sklokin (Lviv: UCU Press, 2020), 125.
- 23 The Central State Historical Archive of Ukraine in Kyiv (TsDIAK of Ukraine, henceforth – TsDIAK), fond 380 "The Sumy Regimental Chancery", fond 1721 "The Okhyrka Regimental Chancery", fond 1722 "The Izium Regimental Chancery", fond 1723 "The Ostrohozsk Regimental Chancery", fond 1725 "The Kharkiv Regimental Chancery", fond 1710 "The Sloboda Ukraine Guberniia Chancery", fond 420 "The Sumy Provincial Chancery", fond 1584 "The Izium Provincial Chancery", fond 1801 "The Okhyrka Provincial Chancery", fond 1807 "The Ostrohozsk Provincial Chancery", fond 1709 "The Kharkiv Namiestnichestvo Governing Body", fond 1760 "The Kharkiv Guberniia Magistrate", fond 1840 "The Kupiansk District Court", fond 1860 "The Chuhuiv District Court" and fond 1906 "The Izium Lower Razprava". My search in fonds 1723 and 1760 has not so far yielded any results.
- 24 Brekhunenکو and Syniak, *Advokaty*; Voloshyn, *Kozatska Femida*.

- 25 *Arkhiv rannomodernoï Ukraïnskoï derzhavy*, vol. 1: Viktor Brekhunenko and Inna Tarasenko, eds., *Dokumenty kolektsii Oleksandra Lazarevskoho* (Kyiv: IUAD NAN Ukraïny, 2019); vol. 2: Ivan Syniak, ed., *Dokumenty Nizhynskoho polkovoho sudu, 1736–1747* (Kyiv: IUAD NAN Ukraïny, 2019); vol. 3: Ivan Syniak, ed., *Dokumentu Nizhynskoho polkovoho sudu, 1745–1758* (Kyiv: IUAD NAN Ukraïny, 2020).
- 26 Volodymyr Masliychuk, *Nepovnolitni zlochyntsi v Kharkivskomu namisnytstvi. 1780–1796 rr.* (Kharkiv: Kharkivskiy pryvatnyi muzei miskoi sadyby, 2011).
- 27 Nancy Shields Kollmann, *Crime and Punishment in Early Modern Russia* (New York: Cambridge University Press, 2012). Kindle.
- 28 Volodymyr Masliychuk, *Kozatska starshyna slobidskykh polkiv druhoï polovyny XVII–pershoï tretyny XVIII st.* (Kharkiv: Kharkivskiy pryvatnyi muzei miskoi sadyby, 2003), 44–45.
- 29 Filaret [Dmitrii Gumilevsky], *Istoriko-statisticheskoe opisanie Kharkovskoi yeparkhii*, vol. 2, *Uezdy Kharkovsky i Valkovsky* (Kharkiv, 1859), 118.
- 30 M. Ye. Slabchenko, *Malorusskii polk v administrativnom otnoshenii (Istoriko-Yuridicheskii ocherk)* (Odessa: Tekhnika, 1909), 310–312. Recent contributions to the historiography of administering justice in Cossack Ukraine include: Kyrlo Vyslobokov, “Sudova vlada v Hetmanschyni”, in Ihor Usenko, ed., *Sudova vlada v Ukraïni: Istorychni vytoky, zakonomirnosti, osoblyvosti rozvytku* (Kyiv: Naukova dumka, 2014), 149–187; Viktor Horobets, *Konflikt i vlada v rannomodernii Ukraïni: Sotnyk novhorod-siverskyi proty hetmana Viiska Zaporozkoho, 1715–1722* (Kyiv: IIU NASU, 2016).
- 31 *Polnoe Sobranie Zakonov Rossiiskoi Imperii* (Saint Petersburg, 1830), 1:1–161; the modern edition is: Arkadii Mankov, ed. *Akty Zemskikh soborov*, in Oleg Chistiakov, ed., *Rossiiskoe zakonodatelstvo X–XX vekov* (Moscow: Yuridicheskaiia literatura, 1985), 3:76–446. See also: Arkadii Mankov, *Ulozhenie 1649 goda kak kodeks feodalnogo prava Rossii* (Leningrad: Nauka, 1980). For the earlier legislative tradition see: Daniel H. Kaiser, *The Growth of Law in Medieval Russia* (Princeton: Princeton University Press, 1980).
- 32 Gurov, ed., *Sbornik sudebnykh reshenii, sostiazatelnykh bumag, gramot, ukazov i drugikh dokumentov, otnosiashchikhsia k voprosu o starozaimochnom zemlevladdenii v mestnosti byvshei Slobodskoi Ukrainy* (Kharkov: Tipogr. Okruzh. Shtaba, 1884), 493. See also: S. Pyatnytska, “Prykaz Velikiia Rossii”, in *Pratsi Komisii dlia vyuchuvannia istorii zachidno-ruskoho ta vrkaïnskoho prava 2* (1926): 29–251.
- 33 Volodymyr Masliychuk, *Provintsii na perekhresti kultur: Doslidzhennia z istorii Slobidskoï Ukraïny XVII–XIX st.* (Kharkiv: Kharkivskiy pryvatnyi muzei miskoi sadyby, 2007), 105–138.
- 34 *Polnoe Sobranie Zakonov Rossiiskoi Imperii*, 9:386–387.

- 35 Vasilii Gurov, *Sbornik*, 529–533.
- 36 I discuss the mid-1760s reforms in more detail in the following articles: “Sluzhbovtsi polkovykh kantseliarii Slobidskoï Ukraïny pershoï polovyny 1760-kh rokiv: Chyselnist, personalnyi i sotsialnyi sklad, rodynni zviazky”, *Naukovi Zapysky Instytutu ukraïnskoï arkheohrafiï ta dzhereloznavstva im. M. S. Hrushevskoho NAN Ukraïny* 16 (2008): 67–99; “Kantseliarski ustanovy Slobidskoï Ukraïny druhoï polovyny 60-kh rr. XVIII st.: Osoblyvosti funkcionuvannia ta personalnyi sklad sluzhbovtsev”, *Naukovi Zapysky Instytutu ukraïnskoï arkheohrafiï ta dzhereloznavstva im. M. S. Hrushevskoho NAN Ukraïny* 18 (2009): 5–22; “Cossack Officials in Sloboda Ukraine: From Local Elite to Imperial Nobility?”, in “Dimensions of Modernity: The Enlightenment and its Contested Legacies”, eds. Pawel Marczewski and Stefan Eich, special issue, *IWM Junior Visiting Fellows’ Conferences* (Vienna), 34 (2015) <http://www.iwm.at/publications/5-junior-visiting-fellows-conferences/vol-xxxiv/cossack-officials-in-sloboda-ukraine/> (accessed 07.06.2020).
- 37 The Russian State Archive of Ancient Acts (RGADA), fond 16, op. 1, no. 938, fol. 283.
- 38 From the *Instruction to the Commissars* (1766) published by Dmitrii Bagalei in *Materialy dlia istorii kolonizatsii i byta stepnoi okrainy Moskovskogo Gosudarstva (Kharkovskoi i otchasti Kurskoi i Voronezhskoi gubernii)*, vol. 2 (Kharkov: Tipografiia K. P. Schastni, 1890), 301. The other known version of this document stipulates concisely: “The commissars are to adjudicate verbally the litigations and the first thefts among the common men (*mezhdû obyvateliām*) [of amounts] up to twelve rubles with a single journal record and a fine from a *poltna* [fifty kopeks] to three rubles” (RGADA, fond 16, op. 1, no. 939, fol. 34).
- 39 Isabel de Madariaga, *Russia in the Age of Catherine the Great* (London: Wieldenfeld and Nicolson, 1981), 282.
- 40 The 1775 Statute’s text was published in: *Blagochestiveishaia, Samoderzhavneishaia, Velikiia Gosudaryni Imperatitsy Yekateriny Vtoryia Uchrezhdeniia dlia Upravleniia Gubernii Vserossiiskoi Imperii* (Saint Petersburg, 1779).
- 41 For an overview of the imperial justice in Ukraine from the late eighteenth to the mid-nineteenth century see: Oleksandr Malyshev, “Sudova vlada na ukraïnskikh zemliakh Rosiiskoi imperii”, in Usenko, ed., *Sudova vlada v Ukraïni*, 179–206.
- 42 Kollmann, *Crime and Punishment*, 113.
- 43 *Polnoe Sobranie Zakonov Rossiiskoi Imperii*, 7:147–150.
- 44 Ibid., 466–467. For the civil, criminal and procedure legislation of Peter I see: Arkadii Mankov, ed. *Zakonodatelstvo perioda stanovleniia absolutisma*, in Oleg Chistiakov, ed., *Rossiiskoe zakonodatelstvo X–XX vekov* (Moscow: Yuridicheskaia literatura, 1986), 4.

- ⁴⁵ Oleg Omelchenko, *Zakonnaia monarchiia Yekateriny Vtoroi: Prosveshchionnyi absolutizm v Rossii* (Moscow: Yurist, 1993). On the discussion around the understanding and acceptance of a notion of “law” during the rule of Catherine II see the new contribution by Elena Marasina: *‘Zakon’ i ‘grazhdanin’ v Rossii vo vtoroi polovine XVIII veka* (Moscow: Novoe literaturnoe obozrenie, 2017).
- ⁴⁶ *Polnoe Sobranie Zakonov Rossiiskoi Imperii*, 16:29–31.
- ⁴⁷ Oleg Chistiakov, ed., *Zakonodatelstvo Yekateriny II* (Moscow: Yuredicheskaiia literatura, 2001), 2:866–881; Simon Dixon, *Catherine the Great* (Harlow: Pearson Education Limited, 2001), 130–140. As attested by her letters, the empress’s attitude towards advocacy seems to have been negative: “Lawyers, depending on when and how much they were paid, support either truth or lie as well as either justice or injustice”; “Advocates and procurators do not legislate in my country and will never do while I am alive and they will follow my principles thereafter” (quoted in: Iosif Gessen, *Istoriia russkoi advokatury* [Moscow: Isdatelstvo Soveta poverennykh prisiashnykh, 1914], 1:26). However, the issue requires further investigation.
- ⁴⁸ There are several indications of 8 a.m. as the time when trials started: TsDIAK, fond 380, op. 2, no. 12, fol. 3; fond 1725, op. 1, no. 66, fol. 18; fond 420, op. 2, no. 37, fol. 37; fond 1906, op. 1, no. 53, fols. 12–15.
- ⁴⁹ These files are probably the most representative with respect to the original terms characterizing the judicial process: Ibid., fond 1725, op. 1, no. 66, 109 fols.; fond 420, op. 2, no. 37, 128 fols.; fond 1860, op. 1, no. 1038, 305 fols.
- ⁵⁰ *Polnoe Sobranie Zakonov Rossiiskoi Imperii*, 7:149. It seems that in the Petrine legislation, the term “advocate” (*advokat*) appears for the first time in the *The Land Forces Regulations* (1716) with regard to a commissar’s participation in trial (Ibid., 5:227). The standard names for advocates in early modern Russia were *khodatai* and *striapchii*. See the abovementioned monographs by Yevgenii Vaskosky and Iosif Gessen as well as Yevgenii Solomatin’s article “Doreformennaia advokatura v Rossii: Osnovnie tendentsii i problemy razvitiia”, *Izvestiia Tulskego gosudarstvennogo universiteta: Ekonomicheskie i yuridicheskie nauki* 2 (2011): 185–195. Gessen came to the conclusion that the absence of legal regulations before Alexander II’s reforms “did not prevent the practice of interceding at court [*sudokhozhdenie*] from the development into a certain social phenomenon which undoubtedly played a prominent role in that time social life” (*Istoriia*, 1:3).
- ⁵¹ L. A. Glinkina, *Slovar zabytykh i trudnykh slov iz proizvedenii russkoi literatury XVIII-XIX vekov* (Orenburg: Orenburgskoe knizhnoe izdatelstvo, 1998), 136; L. V. Belovinskii, *Illustrirovanyi entsyklopedicheskii istoriko-bytovoi slovar russkogo naroda. XVIII–nachalo XIX veka* (Moscow: Eksimo, 2007), 489.

- 52 Sheila-Marie Finkelstein, "Powers of Attorney", in "Estate Planning", special
issue, *GPSolo* 33, no. 4 (2016): 37.
- 53 For the entrusting petitions and entrusting letters bound in volumes see:
TsDIAC, fond 1725, op. 1, no. 1017–1037 and others; fond 1710, op. 2,
no. 2394, 2450, 2700, 2723 and others.
- 54 Ibid., fond 1801, op. 1, no. 314, fol. 4; fond 1584, op. 2, no. 265, fol. 4a;
fond 1807, op. 1, no. 1620, fol. 1; fond 1710, op. 2, no. 772, fol. 77v.
- 55 Ibid., fond 1722, op. 1, no. 34, 27 fols.
- 56 Ibid., fond 1860, op. 1, no. 1038, 305 fols. Three advocates – the bailiff
Ozeretsky, servant Omelian Marchenko and gubernial secretary Roman
Kovalchuk – solicited for the plaintiff who ultimately lost the case and was
ordered to pay compensation. The defendant at first empowered a collegiate
registrar named Hryhorii Kartashevsky, but later ended up acting in his own
defence, skilfully enough.
- 57 Here, I interpret the categorization introduced by Mikhail Vladimirkii-
Budanov in *Obzor istorii russkogo prava* (Kiev: Litotipografiia I. N.
Kushnerev, 1907), 357–363.
- 58 There is no certainty about *obida*. Daniel H. Keizer, an American historian
of the Russian legislation, explains it as "offense or slander. Gradually
converted into a sense of economic loss. Consequently, composition for
certain non-lethal affronts was expressed as payment 'for the offense' (*za
obidu*)" (*Growth*, 269).
- 59 "Recidivist serious criminal activity, especially homicide and assault" (Ibid.,
272).
- 60 See Kollmann's reflections on the question in *Crime and Punishment*, 27–29.
Nonetheless, theft, robbery, murder and dishonour undoubtedly constituted
serious crimes.
- 61 TsDIAC, fond 380, op. 2, no. 20, fol. 7.
- 62 The calculations mentioned above were done on the basis of the data culled
from the sixty-three files tabulated in *Appendix*.
- 63 TsDIAC, fond 1721, op. 1, no. 139, fols. 12, 41, 45, 76; fond 380, op. 2,
no. 49, 171 fols.
- 64 I examine how the *Grand Land Survey* affected the social transformations in
Sloboda Ukraine in my article on "Loyalty in Exchange for Wealth: Sloboda
Ukrainska Peripheral Nobility in the Late Eighteenth and Early Nineteenth
Centuries", in "Ukraina Moderna", special issue, *The Economic Elite of
Ukraine from a Comparative Historical Perspective* 25 (2018): 103–120. See
also Volodymyr Sklokin's considerations on the problem: *Rosiiska imperiia
i Slobidska Ukraina*, 161–177.
- 65 TsDIAC, fond 1721, op. 1, no. 139, fols. 12, 76; fond 1710, op. 2, no. 2549,
fol. 2.
- 66 Ibid., fond 1725, op. 1, no. 66, 109 fols.

- 67 The Shydlovskys descended from the Izium (1693–1711) and Kharkiv (1706–1709) colonel Fedir Shydlovsky and were related to the Kharkiv colonel family Donets-Zakharzhevskys. Fedir’s nephew and Paraska’s husband Lavrentii headed the Kharkiv (1709–1712) and Izium (1725–1735) regiments subsequent to his uncle (Masliychuk, *Kozacka starshyna*, 164–165).
- 68 TsDIAK, fond 1725, op. 1, no. 66, fols. 2–2v.
- 69 Ibid., fols. 3–3v.
- 70 Ibid., fol. 8.
- 71 Ibid., fols. 21–24v.
- 72 *Polnoe Sobranie Zakonov Rossiiskoi Imperii*, 1:82–84, 86.
- 73 TsDIAK, fond 1725, op. 1, no. 66, fols. 26–32.
- 74 Ibid., fols. 79–79v.
- 75 Ibid., fols. 104–104v.
- 76 Ibid., fond 1725, op. 1, no. 802, fol. 79.
- 77 Ibid., no. 467, fols. 24v, 49; no. 511, fols. 19v, 24v; Svitlana Potapenko, *Elita Slobidskoï Ukraïny: Spysky kozatskoï starshyny 60-kh rokiv XVIII stolittia* (Kharkiv: Kharkivskiy pryvatnyi muzei miskoi sadyby, 2007), 102, 251.
- 78 TsDIAK, fond 1725, op. 1, no. 515, fol. 38.
- 79 Ibid., fond 1721, op. 1, no. 52, 62 fols.
- 80 Ibid., no. 32, 84 fol.
- 81 Ibid., no. 139, fol. 51; no. 56, 27 fols.
- 82 Ibid., no. 139, fols. 41, 45, 51.
- 83 Ibid., no. 215, fol. 19. For comparison, in the late 1760s domestic workers in the neighboring to Sloboda Ukraine Poltava regiment of the Hetmanate received wages between one and five rubles per year: Tymofii Brik, “Wages of Male and Female Domestic Workers in the Cossack Hetmanate: Poltava, 1765 to 1769”, in “Economic History of Developing Regions”, special issue *The Economic History of Eastern Europe* 33, no. 2 (2018): 123–146.
- 84 Traditional Ukrainian winter outerwear.
- 85 TsDIAK, fond 1721, op. 1, no. 215, fol. 270v.
- 86 Ibid., fond 1710, op. 2, no. 115, fol. 87; fond 1725, op. 1, no. 977, fols. 1–1v; Volodymyr Masliychuk, *Kozatska starshyna Kharkivskoho slobidskoho polku 1654–1706 rr.* (Kharkiv: Universytet vnytrishnikh sprav, 1999), 66.
- 87 TsDIAK of Ukraine, fond 1725 op. 1, no. 1016, fols. 2–3v; no. 1017, fols. 4–4v.
- 88 Ibid., no. 1016, fol. 2; no. 1018, fols. 6–6v, 54.
- 89 Ibid., no. 1017, fols. 5v, 8v; no. 1018, fol. 1v; no. 1033, fol. 13; no. 1037, fols. 3v, 10.
- 90 Ibid., fond 1710, op. 2, no. 115, fol. 29v; fond 1725, op. 1, no. 515, fol. 44; fond 1817, op. 1, no. 28, fols. 75–75v; Potapenko, *Elita Slobidskoï Ukraïny*, 255.
- 91 TsDIAK, fond 1725 op. 1, no. 1018, fol. 8v.

- 92 RGADA, fond 16, op. 1, no. 951, fol. 108. "Eagle" paper denoted sheet paper stamped with the image of the coat of arms of the Russian Empire (the double-headed eagle) which was compulsory for usage in court proceedings and paid for by litigants.
- 93 TsDIAK, fond 1807, op. 1, no. 1599, fol. 22v.
- 94 Vasył Perekhrestov-Osypov, son and grandson of Okhtyrka colonels, commanded the Sumy regiment in 1728–1737 (Masliychuk, *Kozatska starshyna*, 163, 166).
- 95 TsDIAK of Ukraine, fond 1710, op. 2, no. 772, vol. 1, 97 fols; vol. 2, 100 fols.
- 96 Ibid., vol. 1, fol. 77v. Interestingly enough, excuses referring to "female gender" and "weakness" were frequently invoked before the court by female suspects and litigants: Rublack, *Crimes*, 60–64; Olga Posunko, 'V razsuzhdenii zhenskago polu moiego neudobno...': Zakhyst mainovykh interesiv zhinok u sudakh Katerynoslavskoho namisnytsvtva u 80–90-kh rr. XVIII st.', *Sotsium: Almanakh sotsialnoi istorii* 13–14 (2017): 215–232.
- 97 TsDIAK, fond 1710, op. 2, no. 772, vol. 1 fol. 95–96v.; vol. 2, fol. 18.
- 98 Dmitrii Bagalei, "Iz vlechenie preosviashchennogo Filareta iz familnykh zapisok Kvitok", *Khakovskii sbornik* 3 (1889): 194; TsDIAK, fond 1725, op. 1, no. 196, fols. 17–17v., 31–32.
- 99 Ibid., fond 380, op. 2, no. 49, 171 fols.
- 100 Ibid., fond 420, op. 2, no. 21, 22 fols.
- 101 Ibid., fond 1725, op. 1, no. 1009, fols. 6v–7.
- 102 Ibid., no. 1037, fol. 11v.
- 103 Ibid., no. 1021, fols. 10–10v., 13–13v.
- 104 Ibid., no. 196, fols. 7–7v.
- 105 Ibid., 18–18.
- 106 Ibid., 60–66.
- 107 Ibid., fond 380, op. 2, no. 21, 149 fols.
- 108 Ivan Kondratev, son of the Sumy colonel Ivan Kondratev (1708–1728), grandson and great-grandson of Sumy colonels, inherited Zakobylie and Ilek a few years before from his mother Hanna, who herself acquired the ownership in 1728, having won the case on the repartition of the Kondratev's estates. The property's description compiled then lists a church, a manor house, eighty-seven tenant households and two forest apiaries in Zakobylie with another manor house, twenty-eight tenant households, three mills and a forest apiary in Ilek (Dmitrii Miller, *Arkhivy Kharkovskoi gubernii* [Kharkov, 1902], 169).
- 109 TsDIAK, fond 380, op. 2, no. 21, fols. 1–2.
- 110 Ibid., fols. 3–5.
- 111 Ibid., fols. 9–10.
- 112 Ibid., fols. 11–19.

- 113 Ibid., fols. 40–43.
114 Ibid., fols. 130–130v.
115 Volodymyr Pirko, ed., *Opysy Kharkivskoho namisnytsva kintsia XVIII stolittia* (Kyiv: Naukova dumka, 1991), 156.
116 The Russian State Historical Archive, fond 1343, op. 51, no. 543, fol. 19.
117 Svitlana Potapenko, *Elita Slobidskoï Ukraïny*, 339.
118 TsDIAK, fond 1840, op. 1, no. 50, 45 fols.
119 Ibid., no. 80, fol. 6; Pirko, *Opysy Kharkivskoho namisnytsva*, 156.
120 TsDIAK, fond 1840, op. 1, no. 80, 13 fols.
121 Ibid., no. 57, fol. 16.
122 Ibid., fol. 1.
123 1 *desiatyna* equalled 1,0925 hectare.
124 TsDIAK, fond 1584, op. 2, no. 298, 35 fols.
125 Ibid., fond 1584, op. 2, no. 265, fol. 49.
126 Ibid., fols. 6–6v.
127 Ibid., fols. 21–21v.
128 Ibid., fols. 65–66v.
129 Neal Garnham, “How Violent Was Eighteenth-Century Ireland?”, *Irish Historical Studies* 30, no. 119 (1997): 377. Jim Phillips notes about “the violent nature” of the eighteenth-century Halifax society with regard to the crimes committed by female culprits as well as against women: “Women, Crime, and Criminal Justice in Early Halifax, 1750–1800”, in *Essays in the History of Canadian Law*, vol. 5 of *Crime and Criminal Justice*, eds. Jim Phillips, Tina Loo and Susan Lewthwaite (Toronto: University of Toronto Press for The Osgoode Society for Canadian Legal History, 1994), 174–205.
130 TsDIAK, fond 1721, op. 1, no. 52, 62 fols.
131 Traditional Ukrainian strong alcohol beverage.
132 TsDIAK, fond 1721, op. 1, no. 52, fols. 55–55v.
133 Ibid., fol. 55v.
134 Ibid., fond 380, op. 2, no. 17, 32 fols.
135 Ibid., fols. 3–3v.
136 Ibid., fol. 16.
137 Ibid., fols. 16–24.
138 Ibid., fond 1710, op. 2, no. 1455, 76 fols.
139 Ibid., fols. 9–9v.
140 Ibid., fols. 12v–13.
141 Ibid., fol. 8v.
142 Ibid., fol. 13.
143 Ibid., fol. 29.
144 Ibid., fol. 6.
145 *Polnoe Sobranie Zakonov Rossiiskoi Imperii*, 3:278; 5:364.
146 TsDIAK, fond 1710, op. 2, no. 1455, fol. 53.

- 147 Ibid., fols. 70–71.
- 148 Ibid., fond 1709, op. 2, no. 2307, 6 fols.
- 149 Ibid., fols. 4v–5.
- 150 Ibid., fond 1725, op. 1, no. 591, fol. 73.
- 151 Ibid., fol. 20v.
- 152 Ibid., fol. 23.
- 153 Ibid., fond 1807, op. 1, no. 1193, fols. 1–1v.
- 154 Ibid., fols. 10–14.
- 155 There is another case describing masquerade elements of a crime: in 1760, the young noble brothers Petro and Pavlo Chornohlazovy “arrived purposefully at night in two carts with a crowd dressed in women’s clothes and hats and equipped with sticks” to kidnap a widowed female servant with her daughter from the captain Andrii Petrovsky’s house (Ibid., fond 1725, op. 1, no. 196, fols. 34–34v.).
- 156 Ibid., fond 1807, op. 1, no. 1193, fols. 10–10v.
- 157 Ibid., fond 1721, op. 1, no. 32, 84 fols.
- 158 Ibid., fol. 82.
- 159 Andrei Shymanov, “Deiateli Slobodskoi Ukrainy proshlogo veka”, *Kievskaiia starina* 6 (1891): 423–445.
- 160 Ibid., 429.
- 161 The Yahotynets’ intrigues could be treated in terms of a so-called *yabednichestvo* or “dirty” (insidious and fraud) methods of legal work: Sergei Gavrilov, *Professionalnoe yabednichestvo v istorii Rossii XIX veka (Avtoreferat na soiskanie uchienoi stepeni kandidata istoricheskikh nauk, 07.00.02 – otechestvennaia istoria)* (Arkhangelsk, 2005).
- 162 TsDIAK, fond 1807, op. 1, no. 1616, fol. 1.
- 163 Ibid., fol. 8. In the midst of this confrontation, Lebedynsky asked the provincial chancery for a “passport” to visit Moscow “due to the lawsuit considered in the Moscow *Guberniia* Survey Chancery” regarding the Ostrohozk lands (Ibid., no. 1620, fol. 1).
- 164 Ibid., fond 1801, op. 1, no. 219, 117 fols.
- 165 Ibid., fol. 7.
- 166 *Polnoe Sobranie Zakonov Rossiiskoi Imperii*, 17: 329–339.
- 167 TsDIAK, fond 1801, op. 1, no. 219, fol. 74.
- 168 Ibid., fols. 96–96v.
- 169 Masliychuk is the first author to address the issue of deviations and their gender aspect based on the source material of Sloboda Ukraine: *Provintsiia na perekhrestii kultur*, 304–338.
- 170 TsDIAK, fond 380, op. 2, no. 15, fols. 5–5v.
- 171 Ibid., fond 1721, op. 1, no. 96, 94 fols.
- 172 Ibid., no. 215, vol. 1, fol. 180.
- 173 Ibid., fond 420, op. 2, no. 21, fol. 1.

- ¹⁷⁴ Ibid., fol. 19v.
¹⁷⁵ Ibid., fond 1840, op. 1, no. 128, fols. 4v–5.
¹⁷⁶ Ibid., fols. 19–19v.
¹⁷⁷ Ibid., fond 1721, op. 1, no. 54, 62 fols.
¹⁷⁸ Ibid., fols. 10v. –11.
¹⁷⁹ Ibid., fond 1725, op. 1, no. 193, fols. 11–11v.
¹⁸⁰ Ibid., no. 247, 23 fols.

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*** The list includes the archival files referred to in the body of the article, as well as those used for culling the information presented in the *Appendix*.



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HRABSKÉ IN SEARCH OF “DIVINE AND HUMAN LAW”: THE HISTORY OF GREEK CATHOLIC – ORTHODOX CONFLICT IN ONE VILLAGE IN INTERWAR SLOVAKIA

Abstract

The article examines how the Greek Catholics of Eastern Slovakia viewed the ambiguous role of Orthodoxy, one of the fundamental components of all-Russian ideologies, in discussions about religious and national belonging among local Ruthenians/Ukrainians. The unfolding polemics illustrate the process of the reinterpretation of the image of the self among local Greek Catholics, who understood that it had become impossible to adhere to the old “Orthodox” rhetoric and who were looking for new words and meanings to re-describe their role in the region. The case of Hrabské is typical, but at the same time particularly interesting, because it reflects the reaction of different levels within the structures of the Czechoslovak state to a quite ordinary conflict between the Orthodox and Greek Catholic inhabitants of one East Slovak mountain village.

Keywords: Russophiles, Ukrainophiles, the Greek Catholic Church, the Orthodox Church, Eastern Slovakia.

Orthodoxy in Eastern Slovakia: Austro-Hungarian and Czechoslovak History

Orthodoxy in the Ruthenian/Ukrainian¹ villages of Eastern Slovakia and in neighbouring Subcarpathia/Zakarpattia began to appear in the early 20th century in response to the “magyarization” of the Greek Catholic priesthood taking place at the time. The seeds of Orthodox agitation fell on the fertile and grateful soil of romantic Russophilism which had been spreading through the local intelligentsia since the time of the “awakeners” in the mid-19th century. One of the sources of this spread of Orthodoxy were former Greek Catholic priests and believers. After emigration to America, they had often converted to Orthodoxy in protest against the

attitude of the local Roman Catholic episcopate there who were insensitive to Byzantine liturgical issues and Greek Catholic church history. Orthodox ideas also came from another direction, from the Russian Empire, which supported these ideas within the framework of its foreign policy doctrine. The Hungarian authorities, who governed Slovakia and Subcarpathia/Zakarpattia after the Compromise of 1867, implemented a repressive policy in respect of Orthodox believers. (This policy took on especially harsh forms on the eve of the First World War with the search for alleged Russian spies among the Orthodox.) The darkest chapter in that story were the two Máramarosziget trials against some Subcarpathian/Zakarpattian villagers who wanted to convert to Orthodoxy.²

After the revolution and the rise of Czechoslovakia, the religious liberalism of the newly formed state, bound by many international obligations regarding national minorities, created new opportunities for the spread of the Orthodox movement.³ Several considerations determined Czechoslovak government policy on Orthodoxy. Firstly, Prague tried to emphasize its difference from the pre-revolutionary Hungarian past. Secondly, the policy of non-interference put the authorities in the privileged position of arbitrator in inter-confessional conflicts. That is to say, if the Hungarian authorities, through their rigorous (even brutal) policies in confessional matters, had intensified anti-government sentiment, then Prague largely deflected aggression against the state. On the other hand, the role of observer often adopted by the Czechoslovak authorities tended to direct inter-confessional conflicts inwards – onto the religious communities involved. To this general picture was added the anti-clericalism typical among the Czech (but not Slovak) intelligentsia and the popular slogan of the time, “Away from Rome!”. In addition to these domestic political calculations the ongoing negotiations with the Vatican on the *Modus Vivendi* of 1928 should not be forgotten.⁴ The spread of Orthodoxy and the capacity of the Czechoslovak authorities to regulate it also constituted a form of pressure on the Holy See. For some time, Prague even tried to maintain its own Orthodox project, officially registered as “The Orthodox Czech Religious Community” under the rule of Archimandrite Savvatij (secular name Antonín Jindřich Vrabec) (1880–1959), consecrated by the Patriarch of Constantinople Meletius (Metaxakis) as the Archbishop of Prague and All Czechoslovakia.⁵

Beside this, in order to contextualise the spread of the Orthodox movement in Eastern Slovakia, it is important to mention several key figures in the story. Among them was Jurko Lažo (1867–1929) – a public figure

and the only Ruthenian deputy in the Czechoslovak Parliament, where he actively, if somewhat hopelessly, defended the interests of his voters. Lažo was from a peasant family: he lived in predominantly Ruthenian/Ukrainian Svidník and his mentors were two Ruthenian “awakeners” – Alexander Duchnovič (1803–1865) and Alexander Pavlovič (1819–1900). Jurko Lažo was a supporter of Orthodoxy, seeing in it salvation from a largely “magyarized” Greek Catholic clergy.⁶ The other important figure (supported by Jurko Lažo) was Vitalij Maksimenko (1873–1960), one of the leaders of the Black Hundred movement in the Russian Empire and the former Archimandrite of the Pochaïv Monastery in Volhynia. During the period in question Maksimenko was the head of the Orthodox movement in Eastern Slovakia.⁷ From the Greek Catholic side of the story it is impossible not to mention the two bishops who governed the Greek Catholic Eparchy of Prešov during the interwar period:⁸ Dionýz Njarady (1874–1940), who came from a Ruthenian village in Serbia,⁹ and his successor Pavel Peter Gojdič (1888–1960), born into an old local priestly family and subsequently recognized as one of the Righteous Among the Nations for helping and rescuing Jews during the Holocaust.¹⁰

Greek Catholics in Search of a Confessional Identity

Among the priests of the Greek Catholic Eparchy of Prešov, even in the late 19th and early 20th centuries, it was common practice for them to call their parishioners “Orthodox Greek Catholics”. This testifies that their way of thinking went beyond a strict confessional division. However, with the arrival of representatives of the Russian Orthodox Church and the return from the United States of those Greek Catholics who had converted to Orthodoxy there, new issues arose. The biggest was the issue of rethinking their own confessional identity since the Orthodox claimed an exclusive right to represent the “faith of the forefathers” to the local Greek Catholic population. Interestingly, the Orthodox agitated among conservative-minded villagers to convert not to a new belief (in the confessional sense, at the time of the Union of Uzhhorod of 1646, Orthodoxy was only in the process of creation there), but by presenting it as a return to the “lost traditions of old”.

Paradoxically, however, the Greek Catholics were caught in a trap they had unintentionally made for themselves. The parishioners remembered that they had been taught by their priests to call themselves “Orthodox”.

Not only did the Orthodox agitators take advantage of this habit, it also caused misunderstandings with representatives of the Czechoslovak state. The Lodomirová newspaper "Pravoslavnaia Karpatskaia Rus'" described a case where local Greek Catholics at the time of the general census of 1930 had said that they were Orthodox and the census-taker had fined them for providing false information. As reported, the priest Teodor Rojkovič¹¹ (1877–1963) (he was the editor-in-chief of the Greek Catholic newspaper "Russkoe Slovo" at the time the article appeared) had taught his parishioners that they were "Orthodox" over the preceding twenty-five years. In an article in response, Rojkovič commented that "the rascals had gulped their words in front of the clerk-advisor and that father R. (Rojkovič meant himself – V.S.) had always added [to the term "Orthodox"] the words "of the Christian Greek Catholic faith"". He explained himself by saying that he had always taught his pupils at school to use this form of words and he had made a separate announcement about it again before the census.¹² But it was hard to sort out completely the sense of what had been said to the peasants by the priest.

In addition, it was necessary to reconcile the adherents of the so-called "Ruthenian faith" ("Ruska vira"), who called only their Roman Catholic neighbours "Catholics", with a sense of their own Catholicism. So the Greek Catholic journalists of the newspaper "Russkoe Slovo" attempted to explain that "Orthodox" and "Catholic" are synonymous in signifying the "universality" and "unity" of the Church as the mystical body of Christ. That is to say, by using the arguments of the 17th century:

However, if you open the Orthodox catechism issued in Vyšnij Svidník, you will read: "I am an Orthodox Christian of the Orthodox Catholic faith." You see, the word Catholic is not so terrible as you might think. I have one Orthodox prayer book from the year 1600, where in the Liturgy of St. Basil the Great there is one prayer for the Catholic Church and for the Patriarch of All Russia all at once.¹³

Of course, this kind of argument was inappropriate in a world divided into confessions and could function only at a certain moment in a relatively isolated mountain region like the one where the Ruthenian/Ukrainian villages of Eastern Slovakia were situated. Until recently, the local Greek Catholics had needed to separate themselves on a confessional spectrum from Roman Catholics but not from the Orthodox, who had been almost non-existent there.

Nonetheless, Greek Catholics began to realize the need for the standardization of terminology and its usage in the confessional sense. In the Greek Catholic press, it was common to call opponents *schismatics* and “the Orthodox” (in quotes). In this way they would replace the name of the confession with an implied question about its (non)orthodoxy. In the end, arguments went full circle, culminating in statements like this with references to church history:

The fact is that they call themselves “Orthodox” and our official circles call them “Orthodox” as well, but this is incorrect. The correct name for them is “Greek-Eastern”, which was defined a long time ago in German, Magyar and other languages, ‘griechisch orientalisches’, ‘görög-keleti’ ...

Only the faithful of the Eastern or Western rite, who in unity, in the union with Rome, recognize the Roman Pope as the head of the universal Christ[ian] Cat[holic] Church, can properly be called Orthodox ...¹⁴

The Orthodox brought with them questions not only about the name of their confession. They also accused local priests of the Latinization of the rite in the Greek Catholic Eparchy of Prešov, in particular the shortening of church services; the replacement of the Julian calendar with the Gregorian one; and the likeness of appearance of the local priests to their Roman Catholic counterparts. At the time, questions like these were a typical subject of discussion in various Greek Catholic dioceses,¹⁵ and because of their public visibility they were an effective way of campaigning for believers.

In general, it seemed that the Greek Catholics were not ready for polemics with the Orthodox, because they were disorganised and defensive in their approach. They also lacked theological training. The talented journalist Alexei Iljkovič (1910–1944),¹⁶ who came from the family of a local Greek-Catholic priest, explained the situation as follows:

[...] our priests were brought up in the spirit of Latin seminars, so they knew the particular issues of the Eastern Church only very superficially. As a result their defence was very cumbersome and often not very convincing. Indeed, one might say that if the arguments of the Orthodox were demagogic, the arguments of the “Uniates” were not even demagoguery. The level of their defence has declined so much that often its subject is only the greasy cassocks, the ungroomed beards, and the general unkempt appearance of the Orthodox priests.¹⁷

In these disputes, the Orthodox also instrumentalized the phenomenon of “*Ruska vira*”. Since religious affiliation was the only identity for Ruthenian/Ukrainian peasants which extended beyond the boundaries of their own village, the Orthodox coming from the former Russian Empire attempted to politicize it. First, I will refer to the entourage of the above-mentioned Vitalij (Maksimenko), one of the leaders of the Black Hundreds and an active opponent of the Ukrainian movement. I mention this question only in passing because it will form the subject of my next piece of research.

Speaking from the standpoint of the so-called “*triune Russian people*” and using Uvarov’s formula of “*Orthodoxy, Autocracy, Nationality*”, these people spread their ideas to Eastern Slovakia via the aforementioned newspaper “*Pravoslavnaia Karpatskaia Rus’*.”¹⁸ In their articles, they took away from the Greek Catholics the right to call their faith “*Ruska vira*”, explaining that while it had been one thing during the Austro-Hungarian Empire, when Uniatism had been a kind of “*compromise*” in the face of the threat of Catholicization and Magyarization, now, however, they further proclaimed, peremptorily:

Not the “*Union*” but Orthodoxy is the Russian faith! The “*Union*” is a dark legacy of the mournful past of our long-suffering people, and the sooner we get rid of it, the better it will be for us.¹⁹

In this way the local Greek Catholic intelligentsia, among whom since the time of the “*awakeners*” had been rooted a tradition of romantic Russophilism (and the further west across the region of Ruthenian settlement, the more Russophile they were), found themselves in an uncomfortable and incomprehensible situation. They considered themselves genuine “*Rusians*”, but their language (non-standardized local dialects and a superficial knowledge of literary Russian among the local intelligentsia) and faith were not worthy of pious “*reverence*” in the eyes of the foreigners:

Russianness without Orthodoxy? Is this even possible? Was it not a selfless devotion to the lofty precepts of the holy Orthodox faith which created those attractive traits of the Russian soul that the best foreigners hold in awe?²⁰

Of course statements like the one above provoked an abrupt rejection in response:

So we Greek Catholics are not ‘*Rusians*? Or what? ...’ – “Russkoe Slovo” wrote with indignation. – “Is not the “Nar[odnaia] Gazeta”²¹ spreading Ukrainianness²² with writing like this, at least indirectly?²³

The Greek Catholic newspaper was mistaken, because none of these people was going to spread “Ukrainianness”. The idea was that folk religion needed to be associated in the minds of the local Ruthenians/Ukrainians not with Greek Catholicism, but exclusively with Orthodoxy.

And here the Greek Catholic journalists took one very rash step:

You, our dear intellectuals, who in your extreme enthusiasm think you will only protect and save Russianness if we all become “Orthodox”, are much mistaken, because faith has nothing in common with nationality (originally *narodnost* – V.S.): there is no such thing as the “Slavic” or the “Latin” faith – there exists only the faith of Christ.²⁴

This quotation manifested the whole essence of the way of thinking of a Greek Catholic believer, for whom religious identity was the main thing. But statements like this opened the way to opportunities for Slovak national activists from the “Slovak League.” Because the most important slogan of the Greek Catholic Eparchy of Prešov during the time of Pavel Peter Gajdič, “Whoever is Greek Catholic is Ruthenian” (“Čo gréckokatolík, to Rusín”), had now been undermined.

Believers of the “*Ruska Vira*” between the Greek Catholic and the Orthodox Choice

The majority of the villagers, however, who largely remained illiterate, were not interested in the abovementioned polemics in the newspapers about theological and identity issues (let us now leave this level of argument to one side). The truth was that the spread of Orthodoxy in Eastern Slovakia was not connected with arguments of a dogmatic nature. As explained by the editor-in-chief of the “Narodnaia Gazeta” Ivan Zhidovský (1897–1982):

Since 1914, the common man has been through many troubles here, even mortal ones, and without the presence of a priest, who accompanied him neither in war nor in captivity. [...] We only rarely see a priest here even now, as a cultural or economic worker among the people. [...] The result is complete alienation, helped along by the fact that almost every parish priest and his family have not drawn closer to the people even in the language they speak. They scoff in Hungarian no worse than the descendants of Attila, although we have now been living in a Slavic country for twelve years already. [...] Today the situation is that the Gr[reek] Cat[holic] priests, brought up to be “lords and masters,”²⁵ who have got themselves families which need supporting and children who need educating, are now for their impoverished people a “luxury” – and the people prefer the less demanding Orthodox clergy.²⁶

The author of the sentences quoted above had in mind the “natural obligations” of the villagers towards their priests (the so-called “koblina” and “rokovina”), of which the villagers highly disapproved. Living in a poor mountainous area, which had suffered during the First World War, it was difficult for these villagers to feed not only the priests but even their own families. Because of this the Czechoslovak authorities in 1920, on the eve of the elections, had taken a very popular decision allowing the redemption of these obligations. The villagers, however, who had grown accustomed during the war to not fulfilling these obligations, now refused to acknowledge any material obligation in respect of the priests, who were in fact economically dependent on their parishioners. This worsened the already not very friendly relationship between the Greek Catholic laity and their clerics.²⁷ Orthodox priests from the former Russian Empire, who in their émigré poverty were content to receive a minimal recompense (often only food and housing), would take advantage of these conflicts.

Equally important for understanding the religious conversions of peasants in Eastern Slovakia is their aforementioned imprecise understanding of their denominational belonging. The so-called “Ruthenian faith” (“*Ruska vira*”) implied the possibility of being both Greek Catholic and Orthodox. After all, the components of this folk religion were the Byzantine liturgy (with certain local modifications), worship in the Church Slavonic language (with the haphazard inclusion of local words) and sermons “in our language,” that is, in one of the Ruthenian/Ukrainian dialects. The peasants were far from fully understanding Catholic dogmas or the essence of the meaning of the form of worship. As one local priest noted:

If a cantor had dressed in priestly vestments and “done” a good church service, many of our people would have praised him: “He did that nice and loudly!” Indeed, in one village our country folk said: “Why can’t we be done with church services? We could sing as priests ourselves.”²⁸

These words are characteristic both of the so-called “darkness” (uneducatedness) of the villagers and the unscrupulous ministry of the priests, who often treated their parish like a more or less profitable family business.

However, these preconditions might not apply if the villagers were satisfied with their priest. And vice versa: often the direct cause of conversion to Orthodoxy was the personal conflicts between a church community and a pastor. The absence of a permanent Greek Catholic priest would also provoke Orthodox activism. In order to fill the vacancies, consecrations of Orthodox priests would take place after a few months of training for those who only yesterday had been ordinary villagers or cantors.

The Case of the Village of Hrabské

The case of Hrabské is typical, but at the same time an interesting one, because the local Orthodox community, in looking for the decision they required, went through every possible decision-making body, including in Prague. Thus one can see the reaction from every different level of authority to this quite ordinary conflict between the Orthodox and the Greek Catholics of one East Slovak mountain village.

It is important to note that the village of Hrabské (in the county of Košice) was situated in the northeastern part of Slovakia. This was a Ruthenian/Ukrainian village²⁹ on the border with Poland which had cross-border contacts with Lemko villages where Orthodoxy was spreading at the time. Incidentally, Czechoslovak border guards had been deployed there during the period in question, in fact on the church lands, to prevent smuggling in the village. Until recently, the village had officially been counted as almost entirely Greek Catholic.³⁰ However in 1920 Michal Čisárik (1841–1920), who had been the Greek Catholic priest of Hrabské, died. The archdeacon (vicar general) Mikuláš Rusznák (1878–1954) did not appoint anyone to the vacant position (due to a lack of priests): instead the administrative functions of the parish were carried out by priests from

neighbouring Snakov – Kornel Rokický (1879–1943) and Štefan Beskid (1892–1950). The residents of Hrabské felt dissatisfied with the lack of a permanent priest, as well as with the high fees they were paying for priestly services. Štefan Beskid was even transferred to another village for corruption by the episcopal administration after taking higher than usual fees for a funeral. A Slovak representative to the Czechoslovak Parliament, Igor Hrušovský, recounting the villagers' complaints, noted that the priests "would demand for a funeral, for example, 100 Czechoslovak crowns, a chicken, a piece of cloth, and a drink."³¹ The two next priests (appointed after Štefan Beskid) also stayed only for a short time. One of them came "just to gather the harvest from the priest's arable land, to sell it and then to give the land back to the village to look after."³² It seems that the poor state of the vicarage also influenced the longevity of the priests' stays in the village, because it meant they had to live in one of the rooms in the schoolteacher's house. So the coincidence of several factors (the lack of a permanent priest, the high prices charged by the visiting priests for their services, and the Lemko villages just over the border) caused most residents in the village to start calling themselves Orthodox. Evidently Orthodox activism was also a factor, begun in the outskirts in 1921 by Jurko Lažo, a Rusyn deputy to the Czechoslovak Parliament, and Father Baran, an Orthodox priest from America, originally a native of the village. Concerned about this agitation, the Prešov Greek-Catholic episcopal administration and Mikuláš Russnák in person sought the support of local officials and, in particular, wrote to inform the prefect of the county of Šariš, Pavel Fábry, on 23 March 1921 as follows:

I request and urge you to remove this Orthodox clergyman from Makovice and to control the [parliamentary] deputy Lažo and take him under your supervision. In spite of the fact that he is a senator, he is not authorised to act in a way which is harmful to the state.³³

Events unfolded quickly, however, and according to official data from the census of 1921, among the 479 residents of the village of Hrabské there were 57 Greek Catholics and 399 were Orthodox.³⁴

Residents of the village (now as Orthodox rather than Greek Catholic parishioners) continued to use the church, the school and the priest's estate. This relatively peaceful coexistence between the Orthodox and the Greek Catholics in the village lasted for some time. However in 1924 the Prešov Greek Catholic episcopal administration initiated a bureaucratic

procedure to allow it to make use of the church property again. The district government in Bardejov, in order to consider the case, requested an extract from the land register administered by the local land management service. According to the cadaster (land register) of 1888, the church and another legal object (probably the priest's estate) belonged to the Greek Catholic community of Hrabské. On the basis of this information, the head of the district government in Bardejov and then the head of the county of Košice, who confirmed the initial decision, concluded: "The Orthodox have occupied the church property of the Greek Catholics unlawfully and it is the duty of the authorities ... to return the property which has been seized to its legal owner."³⁵

In both instances, it was a question of the self-same people who had first been Greek Catholics and then gone over to Orthodoxy. The fact is that despite the existence of liberal legislation establishing the general principles protecting freedom of conscience and the activities of religious organizations in Czechoslovakia, particular pre-revolutionary regulations had remained in place and were therefore not always appropriately up-to-date. In particular, the Hungarian Law XX of 1848 regulated changes of denomination and the legal procedure for the transfer of ownership of property in such cases. The law had been adopted by Hungarian liberals in earlier times who had aimed on the one hand to guarantee denominational equality and, on the other, to strengthen the power of the state at the expense of the Catholic Church. It was this law which had first proclaimed the equality of churches before the law: "Complete equality and reciprocity without any discrimination are hereby declared in respect of all legally-existing religious denominations of the fatherland."³⁶ However, according to the same law, it followed that when somebody converted to another confession, they lost the right to own a share of the property belonging to their original community. Thus on the one hand this Hungarian law in theory protected a community from abuse on the part of the church authorities but on the other it did not allow people to dispose of their share of the common property if they decided to change denomination. (There was only one exception to this rule: if the whole community changed denomination, down to its last member, then the property could be re-registered.) It should also be mentioned that the Orthodox Church had no legal personality in Eastern Slovakia at the time, so it was not able to own any property there even in theory.³⁷

Another episode is also important in relation to this case. In 1922 some former villagers from Hrabské, who some time previously had left

for America for work, sent 16,900 Czechoslovak crowns to their fellow villagers in Hrabské to buy a church bell. Village residents added their own savings to this money and purchased a bell for 19,000 crowns. In the same year, at the community's expense, the church underwent a major renovation costing 85,000 crowns. In respect of this newly-acquired property there was also a dispute over ownership and an important argument in the resolution of the dispute was determining the point at which the majority of the community moved over to Orthodoxy. In other words, the question was this: to whom was this gift made and who exactly repaired the church – the Orthodox or the Greek Catholics? Interestingly, the head of the county of Košice, Ján Rumann (1876–1925), was on the side of the Greek Catholics and wrote in his decision that the Orthodox had appeared in Hrabské only in 1923. However, as we saw from the abovementioned official census data published in 1927, most villagers had already begun to consider themselves Orthodox in 1921. In other words, the head of the county of Košice not only chose an easy way out by avoiding asking the statistical office for the perhaps unofficial but at least reliable information essential for deciding the case but also arbitrarily took one side in the case without any supporting reasoning. At the same time Ján Rumann did not check with the American Ruthenians who had been the intended recipients of their donation. Only the evidence from the Greek Catholic side was taken into consideration, and it was on this basis that the decision was made. (For example, the former Greek Catholic priest Štefan Nemetz provided clarifications, but in the case file the position of the other party to the conflict was not to be found.) The case was only considered administratively, which is inherently not a format that allows for contestation. It means that solely administrative officials selected the information to be included in the case files, information which as a result became the primary facts on the basis of which the decision was taken.

In other words, all this testifies in favour of biased decision-making by the head of the district government in Bardejov and his superior in Košice. The possible cause of this bias might be explained, for example, by personal sympathies or by bribery. However, an interesting letter of 1924 drew my attention. In it Štefan Fabián, the head of the district government in mostly Ruthenian/Ukrainian Vyšný Svidník, wrote with some thoughts about the state of affairs in the district to the head of the county government in Košice, Jan Rumann. The functionary from Vyšný Svidník argued that because the territories where the Ruthenians lived had to be prevented from being separated from Eastern Slovakia and becoming

part of Subcarpathian Rus`, they, the officials of the administration, should for this reason support the Greek Catholics in local inter-confessional conflict. "Because we can always reach an arrangement with the Gr[reek] Cat[holic] priests, and in twenty years our schools will have done their job with the people, but with the Orthodox priests we could never make that work, and then if the region does not join Subcarpathian Rus`, they [the Orthodox priests] will fanatically set the people against the [Czechoslovak] state. [...] In a word, Orthodoxy means the loss of this land for Slovakia."³⁸

While these bureaucratic decisions were being made, events in Hrabské itself were intensifying. The head of the district government in Bardejov wrote on 22 July 1925 to the county government in Košice:

The Orthodox priest Vasilij Horochovský has been continually inciting people to rebellion with the slogan "the church is yours," so that they do not give in, and telling them that they "do not need any government", so that they are going to take up sticks and stones and beat up anyone [government officials – V.S.] who comes to take back the church [...] so when the head of the district for the first time went to Hrabské to visit the church without any police assistance, it was only a lucky coincidence that he had met a resident of Hrabské on the road who told him that the villagers were waiting for him armed with sticks and stones, and consequently he had to turn back [...].³⁹

There was evidently a conflict between the local authorities, who were on the side of the Greek Catholic eparchal administration, and the Orthodox community. Highly indicative in the quotation is the reference to the idea that villagers "do not need any government." It is also worth paying attention to the crystal-clear connection between religious conversion to Orthodoxy and the socio-economic dissatisfaction of the Ruthenian peasants, caused by the lack of concern shown to them by the state. It was no accident that there was an armed anti-government peasant uprising in the Ruthenian villages of Čertižné and Habura, recently converted to Orthodoxy, in Labyrshchyna in 1935.⁴⁰ Only when the situation had reached the verge of civil conflict did the government begin to understand what the local clerical and non-clerical intelligentsia had tried to convey through the democratic process over the last decade-and-a-half, telling them about the "Ruthenian question" in Eastern Slovakia. For example in 1924 the aforementioned Jurko Lažo wrote to the Prime Minister of Czechoslovakia, Antonín Švehla, saying that the authorities

probably did not understand what was happening in Eastern Slovakia and explaining that:

Our population in Slovakia are almost entirely peasants, but they have so little land that families cannot feed themselves. This is the cause of emigration to America, which has now been made almost impossible. [...] The land reform has been approved, but is not being carried out at all. Also there are not enough schools. [...] The worst situation is in religious matters. The Ruthenian people have already had enough of the Union [with the Catholic Church], which came at a very high price, as they learned perfectly during Hungarian times, so they are returning en masse to the faith of their ancestors. Although freedom of religion is guaranteed in our country, in reality it does not exist.⁴¹

To return now to the village of Hrabské. In order to implement earlier administrative decisions the Greek Catholics, led by two priests, one of them Štefan Nemec (1858–1930), who had been appointed in 1923 to Hrabské from neighbouring Malcov, intended to occupy the church, for which purpose they announced a religious procession from “Malcov and Livov to Hrabské to take their church back and to sanctify it.” For the preservation of order on the day the procession was to take place, the district government in Bardejov sent eight police officers to the village. But when the procession reached Hrabské, the Orthodox women began shouting and driving the Greek Catholics away and stripping the priests of their vestments. To avoid further complications the Greek Catholics temporarily went back on their plan. Interestingly, according to one informant, the police officers who were to ensure the peaceful transition of the church to the Greek Catholics not only were not barring the Orthodox from taking the abovementioned action but were supporting them with the words, “Hold on, because the church is yours.”⁴² An internal investigation was conducted about this item of information but it failed to prove the guilt of the police officers. If this behaviour did indeed take place, it would have been difficult to bring the police officers to justice because they would have had no interest in reporting on their own actions.

Finally on 1 March 1925 a permanent Greek Catholic priest, Andrej Židišin (1900–1991?), was appointed to the village. Representatives of the local Orthodox community then took from the contested place of worship some items they needed for church services. In response, Židišin filed a statement with the district government in Bardejov about the theft.

The statement claimed that the stolen church items were to be found in the house of the Orthodox priest Vasilij Horochovský and in the building where the Orthodox, after their expulsion from the church, were holding services.⁴³ In response to the statement, the district government in Bardejov on 8 May 1925 made a search at the addresses indicated, resulting in the discovery of several missing church items. Horochovský, who held a passport issued by the Russian Empire, was arrested and his case was sent to the district court in Bardejov. However, a few days later, at the request of the prosecutor's office of the city of Prešov, the court released him.⁴⁴ Some of the villagers went back to Greek Catholicism out of fear of punishment. Although thereafter no court opened criminal proceedings about the incident, according to Hrushovský, "the political persecution of Orthodox citizens by the government [...] continued uninterrupted under the pretext of searching for hidden church articles."⁴⁵

The arrest of Horochovský drew the attention of the Archbishop of Prague and All Czechoslovakia Savvatij (Vrabets), who used the opportunity to write to the Minister of Education about the Orthodox Church situation. In particular the Archbishop, in his submission dated 30 April 1925, argued that the local authorities in Slovakia "do not defend public order and the interests of the state, but represent the interests of one religion at the expense of another." He also emphasised that, because of the uncertain legal status of the Orthodox Church in Slovakia, its faithful found themselves in an inequitable situation, because they received no state assistance (for example, for building churches or supporting the activity of their priests etc.), unlike other confessions.⁴⁶

Conflicts in the village did not die down and moved to the local national school, where learning stopped on 1 February 1926. First, there was a dispute between Orthodox parents and the Greek Catholic teacher, Ondrej Andrásy, who had worked there for several decades. The children of Orthodox parents began to boycott his lessons: he tried to restore order, but the parents did not want to put up with him any more and at the beginning of 1924 Andrásy had to leave the village. In the same way after just six months the Greek Catholic church teacher Aurelia Desjatníková was forced to leave the same job. The Orthodox children had been making fun of her, causing a short-term nervous disorder for which she was now seeing a psychiatrist. Two years earlier there had been a similar conflict in the village of Lodomirová, but in that case it was the Orthodox children who were victimised. The local Greek Catholic teacher Anna Sedlak made

her pupils kneel and beat them for walking out of school in protest at the arrival of the Greek Catholic priest Ivan Baitsura.⁴⁷

In general, the religious conflict in Hrabské proceeded typically and it was by no means the worst. In an appeal to government officials, residents from the area of Makovica, signing themselves as "Greek Catholics: the true Orthodox clergy and faithful" complained about some Orthodox activity:

The villagers of Medvedže have been throwing stones at the current mayor of Šarbové while he was going about his job. [...] Last year in Ladomirová during a violent attempt to seize our church one of our men was beaten up so badly that he lay sick for a week [...] two of our priests were forcibly removed from the church building and one of them was pelted with rotten eggs! [...]

They trample all over our property rights! They pour petrol down the wells of our faithful, they smash windows with stones, they damage rooves and orchards, they drive our children and our cattle with them off the common pastures, they ban people from our shops under threat of huge fines [...] they cut our corn while it is still green, they damage our church property and stop us from exercising our rights over parish and church belongings.⁴⁸

Violence on the part of the Greek Catholics, however, was no less acute. The long-term consequences of the First World War, the bloody battles of which had swept through the Carpathian region, also in a sense overlapped with it. In 1926, in the village of Vyžní Apši in Subcarpathia/Zakarpattia, Ivan Popovič, an Orthodox priest, was killed because of a religious dispute. He was shot in his own house through a window from a military rifle which had been hidden from requisitioning. On suspicion of committing the crime, a church cantor from the local Greek Catholic church, Nikolaj Derda, and two half-brothers of the murdered man were arrested.⁴⁹

When they found out that they had lost the church property, the Orthodox community of Hrabské judged the decision of the local authorities to be "wrong and not commensurate with either divine or human law." Although the decision of the head of the county of Košice said that it was final and could not be appealed, the community applied to the Supreme Administrative Court in Prague.⁵⁰ On 11 May 1926 the court upheld the complaint, noting that only the Ministry of Education could make a final decision.⁵¹

Interestingly, taking the side of the Orthodox villagers was a Czechoslovak politician, a supporter of official Czechoslovakism and deputy to the National Assembly from the Czechoslovak National Socialist Party, the already-mentioned Igor Hrušovský. It is natural to assume that his colleague Jurko Lažo, who had defended the Ruthenian minority in Slovakia on various issues, had attracted the deputy's attention to the case. Using the right of a deputy to make an interpellation to a state institution, Hrušovský (together with 24 other deputies who added their names to the interpellation), even before the announcement of the court decision, in fact on 15 March 1926, sent an interpellation about the persecution of the Orthodox residents of the village to the Minister of Education.

In response, on 12 July 1926 the Ministry of Education in Bratislava and the Ministry of Slovak Affairs sent an urgent request to the county government in Košice to clarify the information set out in the interpellation. It turned out that the county government, whose resolution had been appealed against by the Orthodox community, was required to review its own decision and scrutinise it for misuse of power. The process had gone full circle. The new head of the county government in Košice, Juraj Slávik (1890–1969), delegated the Ministry's request downwards to the head of the district government in Bardejov, who, as might be expected, did not find any violations. On 7 September 1926 the county government in Košice made use of its powers to issue a final decision which was no different from the previous one.

In November 1934 the newly-built Orthodox church in the village of Hrabské was opened. People from the surrounding villages came to the consecration ceremony. The community had been making donations towards the church for some time and had built it with their own hands. Vitalij (Maksimenko), who somewhat earlier that same year had left his temporary shelter in the little Ruthenian/Ukrainian village of Lodomirová and accepted the post of Archbishop of All North America and Canada, also contributed a donation.⁵²

The spread of Orthodoxy in Eastern Slovakia in the 1920–30s was closely linked to similar processes in Subcarpathia/Zakarpattia. It was based on the same preconditions but was not as successful. As of 1930, the percentage of Orthodox and Greek Catholic worshippers in Slovakia and Subcarpathia/Zakarpattia was slightly more than 4% and 31% respectively.⁵³ Why so? This can be explained by the coincidence of many

factors. I will name just three of the most important in my opinion. Firstly, the loyal position taken by the official Greek Catholic Eparchy of Prešov during the times of Njaradi and Gojdič (the pro-Hungarian Bishop Štefan Novák had been removed in 1920). In Subcarpathia/Zakarpattia, on the other hand, until 1924 the diocese had been led by Bishop Antal Papp (1867–1945), who had not reconciled himself with the terms of the post-WWI Treaty of Trianon: his pro-Magyar attitude was felt as a threat by the Czechoslovak government and a portion of the faithful had felt an acute intolerance towards him since Hungarian times. The greater unanimity of the Greek Catholic priesthood in Eastern Slovakia is also important: they were not so much divided between the Ukrainophile and the Russophile movements as was the case in neighbouring Subcarpathia/Zakarpattia. At the same time, most of the small number of Orthodox priests whom the Czechoslovak state had allowed to stay in Slovakia (including the leader of the movement, Archimandrite Vitalij (Maksimenko)) were foreign citizens, so it was easier there to present the entire Orthodox movement as brought in from outside and as something alien.

What does the case of Hrabské add to our understanding of inter-confessional relations between Greek Catholicism and Orthodoxy in interwar Slovakia? Events around this conflict in the village of Hrabské (in the county of Košice) can be understood in a variety of ways. As an example of the limitations of the liberal Czechoslovak state during the interwar period. (The impossibility of achieving equal rights for Orthodox believers.) Or as different interpretations of what constitutes public interest and state security. (The positions of the district and county governments on the one hand and of the Prague authorities on the other.) The case of Hrabské is also an illustration of arbitrariness on the part of local officials and unselfish assistance on the part of some not-indifferent individuals (the Member of Parliament Jurko Lažo). Finally, this may be a story about self-organization by the members of a community who united their efforts in a common cause (the construction of a new church) when the institutions of government did not hand them down a fair decision.

NOTES

- ¹ Here I use the double name *Ruthenians/Ukrainians* because it reflects the complexity of identity of those inhabitants of Eastern Slovakia.
- ² About Máramarossziget trials and the spread of Orthodoxy in Subcarpathia/Zakarpattia see: DANYLETS, Y., *Pravoslavna Tserkva na Zakarpatti u pershij polovyni XX stolittia*, Vydavnytstvo «Karpaty», Uzhhorod, 2009; DANYLETS, Y., “Peresliduvannia rusyniv za viru v Avstro-Uhorshchyni naperedodni Pershoi svitovoi vijny (do 100-richchia druhoho Maramorosh-Syhotskoho protsesu 1913–1914 rr.)” in *Rusyn*, No. 4, 2013, s. 16–31.
- ³ An interesting moment: despite the widespread perception of Tomáš Garrigue Masaryk as a straightforward anti-Catholic, the views of the first president of Czechoslovakia (1850–1937) on religious issues were, however, more complex. In his earlier years, Masaryk had been very interested in religious quests. He looked at these questions from a philosophical point of view, considering faith a basis for human existence. However, not connecting his future to religion, Masaryk became a professor of philosophy at Charles University. There, under the influence of the local intellectual atmosphere, he began to hope that “the scientific point of view was to be an inspiring substitute for the religion that failed to meet the spiritual needs of the modern man”. However, religious issues continued to occupy him: “It held for him an endless fascination; he said about the religious question: “It has always existed, and it will always exist ... All my life experience and study have confirmed me in this conviction again and again ...” (Quoted after: SZPORLUK, R., *Political thought of Thomas G Masaryk*, Columbia University Press, New York, 1981, p. 51.).
- ⁴ Negotiations between the Holy See and the Czechoslovak authorities in the 1920s focused on the right of appointment of bishops, the division of the bordered dioceses, and church property distribution, which Masaryk regarded as part of national sovereignty. Other issues, like limiting the teaching of religion in schools to the first classes and the change of some national holidays, like the commemoration of the day of the burning of Jan Hus, provoked active protests of the Vatican and caused complications in their relations. For more information see: KONÍČEK, J., *Modus vivendi v historii vztahů Svatého stolce a Československa: církevně-politický vývoj v letech 1918–1993*, Společnost pro dialog církve a státu, Olomouc, 2005; HELAN, P., “Československo a Svatý stolec na složité cestě k Modu vivendi”, in *Střed: Časopis pro mezioborová studia střední Evropy* 19. a 20. Století, Vol. 10, Issue 1, 2018, p. 9–29; HELAN, P., “Vztah Československa a Vatikánu z pohledu Kongregace pro mimořádné církevní záležitosti v letech 1919–1928”, in *Studia Historica Brunensia*, Vol. 61, Issue 2, 2014, p. 207–220; DEJMEK, J., “Československo-vatikánska jednání o modus vivendi 1927–1928”, in *Česky časopis historický*, Vol. 92, Issue 2, 1994, p. 268–285.

- 5 For more information about Savvatij (Vrabetš) see: MAREK, P., BUREHA, V., Danilec, J., *Arcibiskup Sawatij (1880–1959). Nástin života a díla zakladatelské postavy pravoslavné církve v Československé republice*, Univerzita Palackého, Olomouc, 2009.
- 6 About Jurko Lažo see: ŠVORC, P., *Od pluhu do senátorského kresla. Jurko Lažo a jeho doba (1867–1929)*, Universum, Prešov, 2018.
- 7 For more information on Vitalij (Maximenko) and how the pro-monarchist Black Hundreds became unintentional allies of the Ukrainian movement see in: Fedevych, K. K., Fedevych K. I., *Za viru, tsaria i Kobzaria. Malorosijski monarchisty i ukrains'kyj natsional'nyj rukh (1905–1917)*, Krytyka, Kyïv, 2017.
- 8 Although in historiography the contrast between “Ukrainophile” Njarady and “Ruthenophile” Gojdič is widespread, they, apparently, would not understand such an opposition. In the archives of the Greek Catholic Eparchy of Prešov are kept the letters of Njarady to Gojdič, written in a friendly manner after the removal of the first one from the position of the apostolic administrator.
- 9 For more information on Dionýz Njarady see: CORANIČ, J., *Dejiny Gréckokatolíckej Cirkvi na Slovensku v rokoch 1918–1939*, Prešovská univerzita v Prešove, Prešov, 2013.
- 10 For more information on Pavel Peter Gojdič see: ŠTURÁK, P., *Pavol Peter Gojdič OSBM – Prešovský Gréckokatolícky biskup (1926–1960)*, Prešovská univerzita v Prešove, Prešov, 2013.
- 11 In 1950, when the Greek Catholic Church was banned in the Czechoslovak Socialist Republic, Teodor Rojkovič was one of those priests who did not convert to Orthodoxy. For this consistent position, the court sentenced him to three years' imprisonment. (BABJAK, J., *Zostali verní. Osudy gréckokatolíckych kňazov. II zväzok*, PERTA, Prešov, 2011, s. 94.)
- 12 o. R., “Ruku na serdse i hovoryty pravdu” in *Russkoe slovo*, No. 12 (318), 03 April, 1931, s. 4.
- 13 “Otvét na statiu “Narodnoj Gazety” ch. 6. “Zhalkij napriam verkhnostej gr.-kat. Tserkvi k zapadu” ” in *Russkoe slovo*, No. 13 (276), 10 April, 1930, s. 3–4.
- 14 O.V., “Pouchenie avtoru izv. stat'i Slov. Dennika”, in *Russkoe slovo*, No. 32 (338), 02 October, 1931, s. 3.
- 15 For more information see: MAGOCSI, P. R., “Prystosuvannia bez asymiliatsii: heniial'nist' Mukachivs'koï hreko-katolyts'koï ieparkhii” in *Kovcheh*, No. 4, 2004, s. 162–169. Compare about so-called “latynnyky” and “vostochnyky” in the prewar Halychian context of the discussions between the Ukrainophiles and the Russophiles: WENDLAND, A. V., *Die Russophilen in Galizien. Ukrainische Conservative zwischen Österreich und Rußland, 1848–1915. Studien zur Geschichte der Österreichisch-Ungarischen Monarchie*, vol. 27, Verlag der Österreichischen Akademie der Wissenschaften, Vienna, 2001.

- 16 Alexei Iljkovič wrote this analytical note in 1941, deprived of the opportunity to engage in journalistic activities and being under the stakeout, immediately after the release from a seven-month arrest committed by the Slovak authorities without indicating any accusation. All this happened in the context of the growing Slovak-Hungarian tension and spy hunting. The note was added to the police materials and sent to archive storage. In 1944, Iljkovič was arrested again by the secret police of the Third Reich. He tragically died on December 20 the same year during the aerial bombing of Prešov by the Soviet airforces, including the Gestapo house where he was imprisoned. (ILJKOVIČ V., ed., *Rusyns'kyj novynar*, Spolok rusyns'kykh pysateliv Slovenska, Prešov, 2014, s. 15, 17.)
- 17 Štátny archív v Prešove. Fond Odbočka Ústredne štátnej bezpečnosti pri Policajnom riaditeľstve v Prešove. Inv. č. 1477. Iljkovič A.I. Poznámky k problémom podkarpatoruským. 1941. Strojopis, s. 47.
- 18 It should be noted that Jurko Lažo (on whose name was registered the printing house, which published the newspaper "Pravoslavnaia Karpatskaia Rus") had a different attitude on identity issues than the supported by him Vitalij (Maksimenko). The logic of Lažo's conversion to Orthodoxy was the logic of negation. Like peasants, whose tribune he became in the Czechoslovak Parliament, Lažo turned away from Greek-Catholicism because it compromised itself during the Hungarian times.
- 19 "K chemu obiazyvaet prazdnovanie "Dnej Ruskoj Kul'tury" ", in *Pravoslavnaia Karpatskaia Rus*, No. 11 (193), 1 June, 1936 (Old Style), s. 6.
- 20 AVERKIJ, Ieromonakh (from Uzhhorod), "Russkost' i Pravoslavie", in *Pravoslavnaia Karpatskaia Rus*, No. 5 (187), 10 March, 1936 (Old Style), s. 4.
- 21 The "Narodnaia Gazeta" – was published in Prešov at the expense of American Ruthenians and the "Russian People's party", which was the part of the National Democratic Party, guided by the first Czechoslovak Prime Minister Karel Kramář. The "Narodnaia Gazeta" shared all-Russian ideologies.
- 22 The exposure in an opponent's camp of the ghost of "Ukrainianness" was used by both sides as discrediting tactics. Also, Greek Catholics in the press and their appeals to Czechoslovak officials often used the accusations of Orthodox fugitives from the former Russian Empire in supposedly Bolshevism and anarchism.

Interestingly, the Ukrainophiles of Eastern Slovakia clearly spoke on the side of the Greek Catholic Church. At the same time, Iryna Nevyts'ka (1886–1965), editor-in-chief of the only one Prešov newspaper of Ukrainophile direction "Slovo Naroda", desperately wrote about false priorities of local discussions. She wrote: "The people in the mountains die of hunger – and our intelligentsia breaking their heads while discussing the "language issue", schools are undergoing Czechization in a terrible way – and ours are

- debating on "Orthodoxy", all the governments are occupying exclusively with Czech officials – and ours are choking on the joy of a successful day of culture in Khust. What a terrible reality. How gray is around and dark." (NEVYT'SKA, I., "Do vsikh narodovtsiv-natsionalistiv", in *Slovo Naroda*, No. 13, 01 July, 1932, s. 2.)
- 23 "Sredi gazet", in *Russkoe slovo*, No. 20 (237), 23 May, 1929, s. 3.
- 24 "Horyt' ", in *Russkoe slovo*, No. 15 (232), 12 April, 1929, s. 2.
- 25 The perception of the behavior of the Greek Catholic priesthood as being "lords", that is, superiority regarding peasants, also indicates the absence of a significant cultural distance between two social groups. It was difficult for a peasant to respect someone who was not too different in style of his life, education, and breadth of interests, but represented in his eyes a more privileged category of the population.
- 26 Zhydovsky, I., "Otchego shyritsia pravoslavie v Priashevskoy Rusi. (Perepechatano iz Ameryk. "Russ. Vestnyka")", in *Pravoslavnaia Karpatskaia Rus'*, No. 6, 15 March, 1931, s. 2–3.
- 27 In the archives of the Greek Catholic Eparchy of Prešov, there are numerous complaints on non-fulfillment of "koblina" and "rokovina" by the parishioners, as well as the refusal of the priests from their functions for this reason. For more information see: Fond Bežna agenda. 1922. Inv.č. 438, Sign. 797. Odopieranie cirkevných funkcií farármi na vých. Slovensku pre naturálne nedoplatky; Fond Bežna agenda. 1923. Inv.č. 439, Sign. 2014. Zrušenie kobliny a rokoviny na Slovensku a Podkarpatskej Rusi a štátna záhoha za nedodané rokoviny.
- 28 "'Hollandia docet". O.S.R. (Prodolzhenie)", in *Russkoe slovo*, No. 6 (223), 08 February, 1929, s. 3–4.
- 29 According to the first Czechoslovak census of 1921, the village was inhabited by the following nationalities: 431 – "ruská národnost", 16 – "československá", 8 – "židovská", 16 – "iná", under which in this case meant Gypsies. (Statistický lexikon obcí v republice Československej. Úradný soznam miest podľa zákona zo dňa 14. Dubna 1920, čís. 266 sb. zák. a nar. Praha: Ministerstvo vnútra a Štátny úrad statistický na základe výsledkov sčítania ľudu z r. 1921, 1927, s. 122.)
- 30 At the same time, among the inhabitants of Hrabské was an understanding that in the early 17th century this village was Orthodox. This can be understood from the fact that later, during the competition for church property between the Greek Catholics and Orthodox communities, this idea arose as an argument in the dispute.
- 31 Štatny archív v Košiciach (hereafter: ŠA KE), Fond Košická Župa (1923–1928) (hereafter: KŽ), č.š. 121, inv.č. 85, 1926 r. Údajné prenasledovanie pravoslavia, s. 689.
- 32 Ibid.

- 33 Quoted after: HORKAJ, Š., PRUŽINSKÝ, Š., *Pravoslávna Cirkev na Slovensku v 19. a 20. storočí. L'udia – udalosti – dokumenty*, Prešov University, Prešov, 1998, s. 101.
- 34 Statistický lexikon obcí v republike Československej. Úradný soznam miest podľa zákona zo dňa 14. dubna 1920, čís. 266 sb. zák. a nar. Praha: Ministerstvo vnútra a Štátny úrad statistický na základe výsledkov sčítania ľudu z r. 1921, 1927, s. 122.
- 35 ŠA KE, KŽ (1923–1928), č.š. 121, inv.č. 85, 1926 r. Údajné prenasledovanie pravoslavia, s. 700.
- 36 Quoted after: KISH, G. A., *The Origins of the Baptist Movement Among the Hungarians: A History of the Baptists in the Kingdom of Hungary from 1846 to 1893*, Brill, Leiden, 2011, p. 189.
- 37 In the 1920s, the representatives of several Orthodox jurisdictions, such as the Serbian Patriarchate, the Patriarchate of Constantinople and the Russian Orthodox Church abroad, which had no canonical status, operated in Eastern Slovakia and Subcarpathia/Zakarpattia. From the point of view of Czechoslovak law, no proper legal procedures regulating the status of Orthodoxy in these territories were implemented during those years.
- 38 Quoted from: ŠVORC, P., *Od pluhu do senátorského kresla. Jurko Lažo a jeho doba (1867–1929)*, Universum, Prešov, 2018, s. 269.
- 39 ŠA KE, KŽ (1923–1928), č.š. 84, inv. č. 84, 1925 r. Zatknutie pr. kňaza, s. 480 (back).
- 40 See more about the uprising in Čertižné and Habura: Dokumenty o malorol'nickej vzbure v Čertižnom a Habure roku 1935. Prešov: III Oddelenie KV KSS a odbor školstva a kultúry rady KNV v Prešove, 1960; "Chertizhniansko-haburske selianske zavorushennia", in VANAT, I., *Narysy Novitnoi istorii ukrainsiv Skhidnoi Slovachchyny (1918–1938)*, Slovatske pedahohichne vydavnytstvo v Bratislavi, Viddil ukrainskoi literatury v Priashevi, Prešov, 1979, s. 238–247.
- 41 ŠA KE, KŽ (1923–1928), č.š. 47, inv. č. 83, 1924 r. Pravoslávne hnutie, s. 392 (back).
- 42 ŠA KE, KŽ (1923–1928), č.š. 121, inv.č. 85, 1926 r. Údajné prenasledovanie pravoslavia, s.736.
- 43 ŠA KE, KŽ (1923–1928), č.š. 84, inv. č. 84, 1925 r. Zatknutie pr. kňaza, s.478.
- 44 Ibid., s. 478 (back).
- 45 ŠA KE, KŽ (1923–1928), č.š. 121, inv.č. 85, 1926 r. Údajné prenasledovanie pravoslavia, s. 698.
- 46 ŠA KE, KŽ (1923–1928), č.š. 84, inv. č. 84, 1925 r. Zatknutie pr. kňaza, s. 486.
- 47 ŠA KE, KŽ (1923–1929), č.š. 38, inv.č. 83, 1924 r. Pravoslávne hnutie v obci Ladomirová. Vyšetovanie, s. 79.

- 48 ŠA KE, KŽ (1923–1928), č.š. 52, inv.č. 83, 1924 r. Stážnosť obce Makovce, s. 103.
- 49 ŠA KE, KŽ (1923–1928), č.š. 130, inv. č. 85, 1926 r. Zastrlenie pravoslávneho knaža, s. 676.
- 50 ŠA KE, KŽ (1923–1928), č.š. 121, inv.č. 85, 1926 r. Údajné prenasledovanie pravoslavia, s. 695 (back).
- 51 Ibid., s. 742.
- 52 “Nabliudatel’”, “Torzhestvo osviiashcheniia pravoslavnoj tserkvi v s. Hrabskoe, vozle Bardieva na Priashevskoj Rusi” in *Pravoslavnaia Karpatskaia Rus’*, No. 22, 15 November, 1934, s. 5.
- 53 Calculated based on the Czechoslovak census of 1930. The number of Orthodox in Slovakia – 9,076 people, in Subcarpathia/Zakarpattia – 112,034 people. The number of Greek Catholics (along with Armenian Catholics) in Slovakia – 213,725 people, in Subcarpathia/Zakarpattia – 359,167 people. (Sčítání lidu v republice Československé ze dne 1. prosince 1930. Díl I. Phara: Vydal státní úřad statistický – v komisi knishupectví Burskík & Kohout v Praze, Státní tiskárna v Praze, 1934, s. 105–106.)



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DEAD-LETTER REGIMES IN THE POST-SOVIET SPACE: STRATEGIES AND COMMUNICATION

Abstract

This paper explores why dead-letter regimes, sets of norms and institutions with low efficiency and few expectations of tangible output, have become an enduring feature of international politics in the post-Soviet space. It focuses on the Collective Security Treaty Organization and the Eurasian Economic Union, the two regional regimes endorsed by Russia. The paper analyzes their emergence and evolution, normative frameworks, performance and member states' expectations. It argues that, while mostly failing as instruments of strategic action, these regimes have become important conduits of communicative action and arenas enabling member states to enact specific international roles.

Keywords: dead-letter regimes, Collective Security Treaty Organization, Eurasian Economic Union, post-Soviet space, communicative action, strategic action

Introduction

International regimes are classically defined as “sets of implicit or explicit principles, norms, rules and decision-making procedures around which actors' expectations converge in a given area of international relations”.¹ A spin-off of the neo-liberal paradigm of international theory, the international regime theory aims at explaining cooperation among states without reducing it to the effects of international system and balance-of-power calculations. Among international regimes there is a peculiar type known as the “dead-letter regime”. These types of international regimes are distinguished by their high level of formalization in principles, norms, rules and procedures, paired with low expectations that the norms would actually be observed.² The opposite of a dead-letter regime is referred to as a full-blown regime.

A striking feature of international politics in the post-Soviet space is the proliferation of dead-letter regimes—sets of norms and institutions with surprisingly low efficiency and few expectations for tangible output. Throughout the 1990s dead-letter regimes in security and economy were established throughout the region, including the Commonwealth of Independent States (CIS), the Central Asian Economic Community and the Customs Union of Russia, Belarus, Kazakhstan and Kyrgyzstan. This pattern continued into the next decade, with the Union State of Russia and Belarus, the Eurasian Economic Community (EurAsEC) and the Central Asian Cooperation Organization which fail to meet their objectives.

This paper focuses on the Collective Security Treaty Organization (CSTO) and the Eurasian Economic Union (EAEU), the two international regimes Russia has most heavily invested in, both politically and financially. What do the member states expect of these regimes? Do the CSTO and the EAEU meet their stated objectives and the expectations of members? Are they dead-letter regimes, full-blown regimes or somewhere in the middle on this spectrum? What functions do they perform in interstate relations? How might they evolve? These are the questions this paper seeks to explore.

Methodologically this research relies on the theory of international regimes and on the distinction between two types of social action—strategic and communicative—introduced by the German philosopher Juergen Habermas. Strategic action “aims at influencing others for the purpose of achieving some particular end” whereas the goal of communicative action is “to reach an agreement or mutual understanding with one or more actors about something in the world”.³ For the purposes of this research both are posited as ideal types, ends of “a continuum between a situation where power asymmetry destroys communication completely and a threat-free debate among equals”.⁴ Starting with reconstructions of CSTO’s and EAEU’s emergence and evolution, this paper analyzes their normative frameworks, performance, member states’ expectations and strategic and communicative functions and proceeds to the evaluation of their prospects.

The Collective Security Treaty Organization: the Alliance in Decline

Emergence and Normative Framework

The CSTO emerged out of the Collective Security Treaty signed by Russia, Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan and Armenia in May 1992. Azerbaijan, Belarus and Georgia joined in 1993. The Treaty established a classic military alliance, its 4th article stating that an aggression against one signatory shall be considered an aggression against all Treaty participants. If “threats to security, territorial integrity and sovereignty of one or several participating states arise”, treaty participants enter into consultations “to coordinate their positions and take measures to remove the threat”.⁵

Throughout the 1990s the CST remained a dead letter. Moscow declared that it sought an efficient defense union based on the treaty, but at the same time Russia seemed quite indifferent to the CST. Administratively, it remained linked to the fading CIS structures. It produced a number of documents, including the Collective Security Concept providing a long list of threats to military security, with international terrorism placed at the bottom. The concept laid out ambitious plans for the future, including the organization of collective military formations and of the joint air defense system; here, even the question of organizing the united military forces was debated.⁶

However, the joint military buildup did not materialize, and the CST did not even proceed in organizing its own Joint Staff. As the Taliban expanded its control over Afghanistan, foreboding an increased tension in Central Asian secular regimes—if not a direct threat to the southern reaches of the CIS—Russian and Central Asian officials voiced reminders that the CST remained in force, but no additional Russian military deployments to Central Asia followed. The joint air defense system did not cover Kyrgyzstan, Tajikistan or Uzbekistan. Another ambitious plan that had never moved forward was the establishment of a joint border defense perimeter where the CIS borders would be protected by Russian military.

Within the CST the contradictions between alliance members were often sharper than those of potential external adversaries. Armenia and Azerbaijan were locked in a conflict over Nagorny Karabakh. Georgia was increasingly critical of the CIS (in fact, Russian) peacekeeping operation in Abkhazia as well as Moscow’s support for Abkhazian and South Ossetian separatism. Uzbekistan was unhappy with Russian policies in Tajikistan.

In April 1999 when the CST's first five-year term expired Azerbaijan, Georgia and Uzbekistan refused to extend their participation. The new configuration of the CST shifted its center of gravity to Central Asia, with only one country in the South Caucasus region, Armenia, remaining a signatory. The new grouping had no glaring internal contradictions but lacked cohesion.

Putin's ascension to the presidency brought about a sustained effort from Moscow to transform the CST into an instrument of Russian foreign policy and national security. Quite in line with its professional background, the new Russian leadership adhered to a heavily securitized vision of Moscow's interests in the post-Soviet space. "Making the multilateral and bilateral cooperation with the CIS member states equal to the tasks of the country's national security" came to be seen as a foreign policy priority.⁷ And Central Asia was then regarded second only to the North Caucasus—where the second Chechen War was unfolding—in terms of regions posing the greatest threat to Russian national security.

In August 1999 the Islamic Movements of Uzbekistan (IMU) moved into the Batken region of Kyrgyzstan, putting the vulnerability of Central Asian states and the weakness of their militaries in full view. The "Batken events" made these member states more eager to align with Russia, in particular as the latter began demonstrating greater willingness to provide help. Russian military officers were dispatched to southern Kyrgyzstan, paving the way for an uneasy cooperation between Moscow and the Uzbek government.

The escalating threats from the IMU and Afghanistan combined with the enhanced bilateral cooperation with Central Asian states allowed Russia to breathe new life into the CST. In June 2000 the CST participants agreed that weapons and equipment for other parties' militias included in joint military formations should be delivered at the same price as those for national military forces. The CST summit of May 2001 decided to establish CST's first joint military formation, the Rapid Deployment Forces with about 1,500 personnel.

The strategic landscape around Central Asia changed unexpectedly after 9/11. Facing the imminent war between the United States and the Taliban, as well as the deployment of American military bases in Central Asia, Russia tried to convince Central Asians to work out a unified position vis-à-vis the US military presence in the region. Moscow intended to talk to Washington on behalf of its Central Asian allies. However, realizing that the US did not need Russian mediation and Central Asians were keen to

seize the opportunity to host US bases even without Moscow's approval, Russia announced that it would support American military deployment to the region. At the same time Russia made it clear that it saw US military presence in the region as temporary and recognized only the Afghan operation as legitimate.

The cooperation over Afghanistan brought about a marked easing of tensions in the relations between Russia and the US, and between Russia and NATO. The CST states felt less pressure to choose between cooperating with Russia and building bridges with the US which made it easier for Moscow to pursue the transformation of the CST. In May 2002 the CST summit declared that a regional organization would be developed on the basis of the treaty. A few months later the CSTO Charter was signed.

The charter defines the CSTO's objectives as strengthening "peace, international and regional security and stability" and ensuring "the collective defense of the independence, territorial integrity and sovereignty of the member States". It establishes that CSTO decisions are binding on member states. The signatories commit to "coordinate their foreign policy positions regarding international and regional security problems" and to take measures to "harmonize" national legislation in the areas of defense and security. The charter requires that signatories determine the stationing of third countries' military facilities in their territories "after holding urgent consultations (reaching agreement) with the other member States".⁸

Judging by the charter and regulations on the organization's institutions and bodies, the CSTO is a collective defense regime where principles and norms are coherent and formalized, but rules and decision-making procedures are rather shifty and opaque. In particular, the crucially important Article 4 virtually hangs in the air, as the procedure for triggering the article has never been worked out. In the subsequent years Russia put much effort into developing the CSTO's normative framework. In 2004 the organization's Joint Staff began its operations. In 2005 an agreement on the training of military personnel was signed which included provisions for training officers entirely at the host country's expense. This was followed by a legal framework for CSTO peace-keeping operations. In 2009 the alliance was endowed with another military tool, the Collective Operative Reaction Forces (CORF) intended to cope with "local" conflicts and terrorist attacks.

The outburst of ethnic violence in Kyrgyzstan in 2010 forced Russia to initiate a revision of the CSTO norms. The amendments to the 1992 treaty and the charter approved in late 2010 included provisions for the

CSTO's "reaction to crisis situations threatening the security, stability, territorial integrity and sovereignty" of the member states.⁹ The CSTO could now deploy the CORF to a member state if it appealed for help in a "crisis situation", not only in case of outside aggression. Along with military forces, the Organization could use police units, security services and border guards. Thus, the CSTO's mandate was significantly expanded to allow for interference in the internal crises facing the members. At the same time, the reform weakened the coherence of the Organization's normative framework, as rather vague notions of "stability" and "crisis situations" obfuscated a clear concept of external aggression.

Expectations and Performance

Initially, Russia saw the CSTO as the would-be "Eurasian NATO": an alliance underpinning Russia's foreign policy objectives across different regions and around the world. Other member states had narrower, regional and local expectations of the CSTO and tried to avoid being dragged into Russia's cycles of confrontation with the West.

Armenia needed the alliance with Russia as a guarantee that Azerbaijan (probably in alliance with Turkey) would not resume a war over Karabakh where the 1994 cease-fire established a status quo favorable for Yerevan. However, Armenia was actively developing relations with NATO, officially regarding the latter, in a glaring contradiction to Moscow's position, as a force for "reducing threats" to the country's military security.¹⁰ Blockaded by Azerbaijan and Turkey, Armenia could not afford to risk ties with Georgia nor could it display solidarity with Moscow in its confrontation with Tbilisi. At the same time, Armenia, unlike other CSTO countries, had a keen interest in the Article 4 and was dissatisfied that this provision remained normatively unsubstantiated.

In fact, Belarus and Central Asian CSTO member states displayed reluctance to so much as hint at solidarity with Armenia in the event that its war with Azerbaijan resumed, with Kazakhstan especially active in developing ties with Baku. Armenia's bilateral alliance with Russia, underpinned by a Russian military base and Russian border guards, provided a sufficient guarantee of its fundamental strategic interests, the residual political import of the CSTO lying in the hope that Kazakhstan and Kyrgyzstan, as Yerevan's allies of the moment, would be reluctant to support Azerbaijan in international and regional forums.

For *Belarus*, under sanction by the EU and the US for human rights violations, the major danger could come from anti-government protests supported (and, in the government's view, certainly engineered) by the West. A union with Russia was from the outset chosen by the country's perpetual leader, Alexander Lukashenko, as a means of protecting and consolidating the resilient, albeit anachronistic, Belarusian political and economic system. As such, the bilateral alliance with Russia in the military and security areas was sufficient for Minsk. The CSTO's added value consisted in it becoming one of the arenas in which Minsk could demonstrate its loyalty to Russia or its dissatisfaction with Moscow's policies. Remarkably, while the country's national security apparatus says all the "right" things about "raising the CSTO's efficiency" and making it "the major instrument of collective security in the post-Soviet space"¹¹, Belarusian legislation prohibits the involvement of its armed forces in military conflicts beyond its territory. Belarus made it clear that under no circumstances would it send troops to Central Asia. In 2009, when Russia banned Belarusian dairy products from its market—allegedly for sanitary reasons—Lukashenko boycotted the CSTO summit, demonstrating his disdain of the entire framework.

Kazakhstan is a strategically vulnerable country. Its huge territory is sparsely populated and unprotected by natural barriers, it shares long borders with China and southern Central Asian countries, while its northern border with Russia the longest in the world at 7,600 km. Understandably, as even Kazakh experts close to the government have acknowledged, the country was hardly capable of protecting its landmass on its own.

Kazakhstan, too, which has maintained the bilateral military alliance with Russia since its first days of independence, seemed to be satisfied with the way in which the country's vulnerabilities to external threats were being addressed, given the circumstances. Nevertheless, the CSTO had additional strategic significance for Kazakhstan as it provided the assurance that Russia would intervene should Kyrgyzstan or Tajikistan face destabilization, thus relieving Kazakhstan of the burden to cope with these countries' vulnerabilities. Kazakhstan could hope to have some influence over—or at least more information about—Russian policies in Kyrgyzstan or Tajikistan if Moscow chose to act there within the CSTO framework.

Despite its CSTO membership, Kazakhstan was actively developing cooperation with NATO and the US. Its military doctrine of 2007 referred to meeting "NATO standards" in pursuit of the modernization of the country's Armed Forces and strengthening cooperation with the

US.¹² In 2006 the country signed the Individual Partnership Action Plan with NATO. Reportedly, Kazakhstan helped Washington negotiate the extension of the American military base in Kyrgyzstan.

Kyrgyzstan, with its almost dysfunctional military and the lowest defense expenditures in the CIS, needed a military alliance with Russia as a shield against armed incursions from the south, insurance against internal disturbances and a source of money and ammunition. Being unable to contribute anything to the multilateral security regime and lacking any strategic expectations from its members, Kyrgyzstan primarily played lip service to the CSTO's importance. While Russia did help the Kyrgyz military and opened an air base in the country in 2003, Moscow clearly separated its own interests from the aspirations of the increasingly voracious Kyrgyz leadership. Then during a February 2009 visit to Moscow Kyrgyz President Bakiyev pledged that the US military base in Kyrgyzstan would be closed. Deemed by both parties as a mere coincidence, the visit brought cash inflows from Russia and promises of much more to come. However, a few months later Bishkek, having secured more US money for the base, decided to retain the base and to rename it the Transit Center, at which point the negotiations with Moscow on the opening of a second Russian military base in Kyrgyzstan stalled.

There is, thus, little wonder that when Bakiyev's regime was violently overthrown in April 2010 there was no support from Russia to the embattled government. On the contrary, Russian officials castigated Bakiyev for corruption, finding themselves in the unusual position of solidarity with the revolt against state officials. Disloyal allies heard the message.

When ethnic violence engulfed southern Kyrgyzstan in June 2010 the interim government in Bishkek asked Russia to send peacekeepers to Kyrgyzstan. Moscow, unwilling to meddle with risky and uncertain situations unless its strategic region-wide interests were at play, responded that the violence was Kyrgyzstan's internal affair and the Kyrgyz authorities should "cope by themselves".¹³ The Russian government referred the matter to the CSTO which, here, effectively provided Moscow the opportunity to shirk responsibility for its lack of action. Interestingly, Bishkek was actually barred from addressing the CSTO directly because the organization's Secretary General disagreed with the interim government as to who the country's legal representative in the CSTO was.

The military option was clearly off the table since Russia did not call for the CSTO emergency summit, opting to convene a meeting of national

security council secretaries. The secretaries promised to help Bishkek with military equipment and material and did not exclude that the situation might necessitate a CSTO summit. The interim government withdrew its request for peacekeepers but asked Russia to provide troops to defend infrastructure like dams and factories. Again, the answer was negative.

Moscow's response to the Kyrgyz crisis spared Russia human and economic losses as well as international criticism. However, the CSTO's credibility took a hit, and the difference between what a small member state and the powerful leader of the alliance could expect of the organization became glaring. The Russian leadership acknowledged that the CSTO had to be revitalized and endorsed a set of amendments to the charter in late 2010.

Tajikistan emerged from the civil war of the early 1990s as a fractured state where the Russian military contingent, ready to support President Rakhmon's government, underpinned a fragile peace settlement. Though gradually getting more entrenched, the regime in Dushanbe remained critically dependent on the Russian military support. With Afghanistan on the brink of a renewed wide-scale civil war and continued strained relations between Tajikistan and Uzbekistan over water and border issues, this dependency showed no signs of abating. Russia rebuffed Tajikistan's sporadic attempts to extract concessions from Moscow and prevented it from going too far in the pursuit of its proclaimed "multi-vector" foreign policy. Tajikistan demonstrated loyalty to the CSTO by dutifully endorsing all the documents and only once having threatened to boycott its summit because of "the energy crisis in the country" (a hint that it expected more Russian support in the row with Uzbekistan over dam constructions).¹⁴ However, what Dushanbe needed was provided by the alliance with Russia; the CSTO hardly added anything, and Tajikistan's own contribution to the collective military build-up was purely symbolic.

Uzbekistan joined the CSTO in 2006 in what was seen as a major boost to the Organization's capacity. After the Andijon events and Western condemnation of the Uzbek government, followed by American and EU sanctions, Tashkent found unwavering support in Moscow. The agreement with Russia was not only a signal to the West that isolating Tashkent would be counter-productive. As President Karimov suffered a humiliating foreign policy defeat, the country's political and economic elite along with its security apparatus, who'd long been dissatisfied with Karimov's rule, seized the opportunity to rein in the President's power.

At this critical juncture, the Uzbek leader urgently needed support from abroad to counterbalance internal challenges to his government.

As such, the CSTO membership was not a reflection of Tashkent's changed assessment of the security environment and strategic interests but rather one in a series of concessions it reluctantly made to Russia in return for Moscow's support. Tashkent's decision was a means of facilitating communication with Russia by resolving the thorny issue of CSTO membership in their bilateral agenda and handing Moscow a diplomatic victory. It wasn't long before Uzbekistan began delaying the ratification of CSTO agreements, insisting rigorously that they should not be implemented unless ratified. Interestingly, even the treaty on joining the Organization was not ratified by Uzbekistan until 2008. In 2009 Uzbekistan openly broke the CSTO's ranks when it refused to sign the CORF agreement and voiced concern about Russian plans to set up a second military base in Kyrgyzstan. As the country's relations with the US improved and the Western sanctions were removed, Uzbekistan's contribution to the CSTO began dwindling to a mere formality. In 2012 Tashkent suspended its membership indefinitely.

It's no wonder then that *Russia's* expectations of the CSTO were frustrated by the organization's performance and Moscow's enthusiasm for the alliance was waning. The CSTO's normative framework was undermined by non-compliance among its ranks. There was no coordination on key foreign policy issues and allies were only ready to speak with one voice on the most generalized principles or on matters of secondary importance. Decisions on military deployments of third countries were made without so much as perfunctory consultations with other member states, as demonstrated by Kyrgyzstan's renewal of US basing rights. No coalition forces ever materialized and the CORF remained the apex of the CSTO military build-up. Moscow has yet to succeed in convincing NATO to deal with the CSTO as a collective body even on politically "safe" issues like drug trafficking and illegal migration as the Atlantic alliance insisted on interacting with the CSTO members on bilateral terms.

In July 2008 the Russian Foreign Policy Concept called the CSTO the "key instrument of maintaining stability and providing security in the CIS space".¹⁵ However, the CSTO members quickly failed what in Russia's eyes was a major test of solidarity. At a summit convened after the Russo-Georgian war, Moscow's allies joined in condemning Georgia but disagreed on the term "Georgian aggression" in the final declaration.

Despite pressure from Russia, especially on Belarus, no CSTO member state sided with Moscow in recognizing Abkhazian and South Ossetian independence.

Russia's dissatisfaction with the CSTO grew over time, especially following the late addition of Uzbekistan, which proved to be more liability than asset. The 2010 reform only increased Russian commitments while those of its allies remained amorphous. In 2011, Russian political elites began to ponder a new reform of the CSTO. A group of experts close to the presidential administration suggested introducing majority voting for some of the CSTO's decisions and pressuring Uzbekistan either to comply or to leave.¹⁶ Uzbekistan soon made its choice, but a shift to majority voting—an idea that was sure to meet fierce opposition even from the most loyal allies—was never seriously discussed. Russia's interest in the integration of post-Soviet countries shifted to the EAEU project. Moscow's Foreign Policy Concept of 2013 subtly acknowledged the CSTO's unsatisfactory performance, emphasizing the importance of its "further transformation into a universal international organization" and the need for "strengthening the operative reaction mechanisms, the peacekeeping potential and the foreign policy coordination of the CSTO member states".¹⁷

The Decay of the Alliance

The Ukrainian crisis and the "war of sanctions" between the West and Russia sent the CSTO into disarray. Russian allies refused to recognize Crimea as Russian territory and showed little solidarity or even sympathy with Russia as it faced off with the US and the EU. On the one hand, the rift between Russia and the West provided an opportunity for Russian allies to elevate their international profile as mediators or to redeem their refusal to side with Russia for considerations from the West. Belarus was especially adroit in pursuing these strategies, but other CSTO members acted in the same vein. On the other hand, and more importantly, Russia's audacity and eagerness to go to the extremes in what was perceived as the defense of Russian national interests made its allies, even—or, rather, especially—the closest ones like Belarus and Kazakhstan, feel increasingly distrustful of Moscow's policies.

As tensions between Russia and the West showed no signs of abating, Russian allies were less and less inclined to go on with military integration under the banner of the CSTO. Belarus refused to host a second Russian military base, pointing out that what it needed was military aircraft for its

national air force, not “warplanes from other states”.¹⁸ Kazakhstan was alarmed at Russia’s launching of cruise missiles over the Caspian Sea to hit targets in Syria, to which Moscow responded, “we will do it so far as we find it necessary”.¹⁹ Even Kyrgyzstan declared that the Russian base would have to leave the country after the relevant agreement expires. Among the CSTO members, only Armenia supported Russia in its row with Turkey over the shooting of a Russian fighter jet.

The CSTO’s flaws were also on display when the hostilities in Karabakh resumed in April 2016. Although the ceasefire was violated by Baku, Kazakhstan and Belarus displayed sympathy for Azerbaijan. Yerevan never expected much solidarity from these countries but their pointed refusal to take at least a neutral position was an unpleasant surprise. The Belarusian ambassador was summoned to the Armenian Foreign Ministry in protest against what was seen as the violation of Minsk’s obligations under the CSTO. The CSTO Secretary-General’s statement blaming Baku for the violation of the ceasefire was hardly consolation for Armenia.

The message Astana and Minsk intended to convey was of course for Russia rather than for Armenia. And the message was that Kazakhstan and Belarus would not allow themselves to be dragged into the escalating row between Russia and Turkey whom Moscow accused of “pouring oil” on the Karabakh flame.²⁰

The controversies between Armenia and Kazakhstan (supported by Belarus) nearly paralyzed the CSTO. In 2015 the member states had agreed that the position of the Secretary-General should be rotated among them in alphabetical order (previously, it had been understood that the CSTO highest official would be a Russian representative). An Armenian representative was the first to take the helm. However, Kazakhstan blocked the appointment from 2016 to the first months of 2017. In October 2016 President Nazarbayev did not attend the CSTO summit in Yerevan, an unprecedented move on the part of the person who had preached the virtues of the Eurasian integration since the early 1990s. Lukashenko boycotted the next summit, convened in December 2016 in Moscow, as he tried to extract Russian concessions over gas prices and imports of Belarusian dairy products.

As the CSTO was visibly declining, so was Russian interest in the organization. Rather than investing time and effort in patching the holes in the CSTO, Moscow focused its efforts on building tactical alliances with major regional powers—in particular Iran and Turkey—while managing post-Soviet relations on bilateral bases. The Kremlin evidently decided

that the CSTO had not lived up to its strategic expectations. Though the latest Russian Foreign Policy Concept in 2016 would extol the CSTO's importance, it would conspicuously fail to mention the concrete areas of its future development. The renewed confrontation with the West and the cracks and holes it has revealed in the CSTO may have cemented the Russian leadership's conviction that Moscow has only "three allies: its army, navy and the military industry".²¹

Eurasian Economic Union: Great Expectations and Hard Times

Emergence and Normative Framework

The EAEU was developed out of a number of failed attempts at integrating the economies of post-Soviet countries. Starting from the early 1990s, Moscow's policy towards the economic integration with its immediate neighbors has been ambiguous and hardly consistent. On the one hand, the prevailing liberal economists in the financial and economic ministries regarded Russia's own integration into the global economy as the highest priority. Aware of Russia's economic weakness, they looked skeptically at the benefits of investing in the economies of post-Soviet countries. Similarly, the newly arrived Russian oligarchs, mostly busy with exporting commodities, had little interest in post-Soviet markets. On the other hand, the military and secret services were focused on retaining Russian influence in the "near abroad", regarding it as imperative for maintaining Russia's own security and international role. They saw economic integration as a means to achieve strategic objectives. Russian producers of manufactured goods, in need of access to post-Soviet markets, were in favor of prioritizing closer economic links with the near abroad.

In the chaos of Yeltsin's foreign policy of the early 1990s, the liberals' approach generally prevailed. The disintegration of the former Soviet Union economic space moved forward offhandedly and with hardly any damage control. While Moscow initiated the signing of dozens of CIS documents on multilateral economic coordination, the Russian government followed the trajectory of liberal economic reforms and vigorously pushed other countries from the ruble zone.

By the mid-1990s, the liberals' influence in the Yeltsin administration began to wane. They lost the first Duma election. The partnership with the West did not bring the results Moscow had hoped for, with the unrealistic

expectations turning into accrued disappointment and irritation. Moreover, as the presidential election of 1996 neared, Yeltsin was anxious to curb the Communist Party's potential to exploit the electorate's nostalgia for the Soviet Union.

In the mid-1990s the discourse of integrating the post-Soviet space around Russia became entrenched as one of the core elements of Moscow's foreign policy positions. Russia's strategy in the CIS enacted by presidential decree in 1995 approved the model of integration "at different speeds" while retaining the overarching goal of integrating the entire CIS "economically and politically".²² Moscow's efforts shifted from trying to breathe life into the moribund CIS structures to arranging narrow but presumably cohesive and efficient integration frameworks.

Obviously, Belarus and Kazakhstan were the two countries most ready to set course for integration with Russia. They had high levels of economic interdependence with adjacent Russian regions, their living standards were close to those of Russia and their leaders were outspoken figures for Eurasian integration. In 1995 Russia, Belarus and Kazakhstan signed an agreement on the customs union. In 1996 Kyrgyzstan joined, and a four-party treaty for deepening the integration in economic and humanitarian areas was signed. This treaty's objectives included the completion of the customs union by the end of 1996 and coordination of structural, monetary and social policies.

In reality, these treaties remained expressions of general principles with unsubstantiated norms and rules. The customs union would never materialize in the 1990s, stalled by a myriad of practical problems and fundamental disagreements about the common market for oil and gas—one of Belarus's key interests so that it could buy hydrocarbons at internal Russian prices—as well as free access to transit pipelines—one of Kazakhstan's points of interest. After Yeltsin's reelection, Russia's attention to the customs union project evaporated as the Kremlin was engulfed in the power struggle over the first president's successor and the funds to pay for integration costs remained scarce. The financial crisis of 1998 exposed the truth that the customs union existed on paper only. As the ruble was devalued and Russian exports became cheaper, the customs union members did not hesitate to impose restrictions on Russian imports.

The Putin administration saw the economic integration of post-Soviet states through the lens of security, and Moscow turned sustained attention to this policy area. Growing economy, both in Russia and in most of post-Soviet states, brought about the expansion of trade and labor migration,

creating incentives for the clearing the hurdles to economic flows and creating incentive for Moscow to foot the integration bills.

As with the CSTO, Russia tried to build on the foundation laid in the 1990s. In October 2000 members of the dysfunctional customs union established a new organization, the Eurasian Economic Community (EurAsEC).²³ Its objectives were essentially the same as those that the customs union had failed to achieve, but its main executive body, the Integration Committee, introduced a new decision-making procedure by a two-thirds vote. Russia had 40 votes, Belarus and Kazakhstan—20 each, Kyrgyzstan and Tajikistan—10 each. The authority of the Integration Committee remained, however, very limited. All the issues dealing with the EurAsEC's strategy, and which were "aimed at the implementation of its goals and objectives", were delegated to the heads of state and heads of government who took decisions unanimously.²⁴

In 2003 the EurAsEC approved an ambitious development program which foresaw the "completion" of the customs union, the integrated energy market, free movement of capital and the unification of transport policies, including even, in the more distant future, the introduction of the single currency. After Uzbekistan joined the community in 2005 following the reorientation of its foreign policy with Moscow, the EurAsEC Secretariat seized on the idea of a "water-energy consortium" in Central Asia under the community's auspices.

The EurAsEC's far-reaching plans hit economic and political snags. Uzbekistan was unwilling to allow EurAsEC's institutions any influence over its policies, thus nipping the idea of a "water-energy" consortium in the bud. Kyrgyzstan and Tajikistan, low-income economies with most of workforce employed in agriculture, did not need the tariffs on manufactured goods which Russia and Belarus were keen on maintaining to protect their industries. For its part, Russia was reluctant to distribute the funds necessary to make the customs union attractive for Kyrgyzstan and Tajikistan.

After Moscow's design of a joint economic space with Belarus, Kazakhstan and Ukraine—a plan intended to tie Ukraine to the Russia-led customs union—was frustrated by the Orange Revolution, Russia focused on consolidating a narrower economic grouping with Belarus and Kazakhstan. In August 2006 the EurAsEC summit decided that the customs union would materialize in two phases. First, it would encompass Russia, Belarus and Kazakhstan and then other countries would join the "core" once they were prepared. This decision marked a division within

the EurAsEC between the trio of more economically advanced countries and the duo of “poor relatives” (Uzbekistan suspended its membership in 2008).

From 2007 to 2010 multiple agreements aimed at launching the customs union were signed by Russia, Belarus and Kazakhstan. In 2009 the supranational executive body, the Commission of the Customs Union, started its operations. The Union’s Customs Code came into effect in July 2010 and the customs controls on the borders between Russia and Belarus and between Russia and Kazakhstan were lifted on July 1, 2011, a development hailed by Moscow as “the most important geopolitical and integration event [...] after the breakup of the Soviet Union”.²⁵

In December 2009 the presidents of the three countries signed a statement on moving to a higher stage of integration, the Common Economic Space (CES). It was to include a common market of goods, capital and labor, coordinated tax, monetary, fiscal and trade policies, and unified energy, transport and IT networks. In 2012 the CES was inaugurated and the Eurasian Economic Commission (EEC), its highest executive body, took over from the Commission of the Customs Union.

The CES had not yet come into existence when another chapter of integration began to unfold. As Putin’s campaign for his third presidential term was launched in the fall of 2011, a series of far-reaching initiatives was unveiled. Among them was the continued integration within the customs union which was to be recast as the “Eurasian Union”, a project outlined in Putin’s article published in October 2011. The treaty on the EAEU was signed in May 2014 and went into effect on January 1, 2015, thus terminating the EurAsEC. Armenia joined the EAEU on January 2, with Kyrgyzstan following in August 2015.

In many respects, the EAEU’s normative framework marks a departure from the previous attempts at post-Soviet economic integration. It is unusually coherent and thick, with principles and norms duly underpinned by elaborate rules and decision-making procedures. The cornerstone of the whole edifice is the liberal economic ideology. Indeed, the text of Putin’s article on Eurasian integration might make a reader believe that it was written by a paragon of liberalism. Citizens were promised “a free choice about where to live, study or work”, businesses, “all the advantages of a domestic producer” in the Union’s countries and member states, and “partners” in the EU, the eventual integration into “Greater Europe united by shared values of freedom, democracy, and market laws”.²⁶ A special treaty signed in 2011 in view of Russia’s accession to the World

Trade Organization made the WTO norms a part of the customs union's legal system.

The EAEU's main objective is to ensure the free movement of goods, services, capital and labor and the customs union's functionality. When the union's normative framework was negotiated, there was a common understanding that the EAEU would focus on economy and become as "depoliticized" as possible. Kazakhstan was particularly intent on prioritizing economy and blocked Russian suggestions to endow the EAEU with responsibilities in foreign policy coordination, border defense, visa policies, health care, education and culture. On the Russian side, the chief negotiator was the Ministry of Economic Development, the bulwark of liberal economic thinking within the Russian bureaucracy.

The EAEU's supranational component is stronger than that of the EurAsEC or of any other post-Soviet regional organization. It has a supranational judiciary to which the EEC, member states and legal entities can appeal. Its decisions, in a significant departure from previous attempts at establishing international courts in the post-Soviet space, are legally binding. The court has become an important actor within the EAEU institutional setting which tends to take a broad interpretation of its competence.

Each country appoints three members of the EEC Board wherein decisions are made by a two-thirds majority. This means that every country, including Russia, can be outvoted in the board, an arrangement representing Moscow's unprecedented concession to Minsk and Astana and their concern that the EAEU might become an instrument of Russia's hegemony. The EEC's decisions are directly binding on member states and legal entities. However, its autonomy vis-a-vis the member-state governments is limited by the fact that decisions deemed "sensitive" are the prerogative of the EEC Council which consists of deputy prime ministers and acts by consensus.

The EEC is meant to become a "breeding ground" for transnational bureaucracy. The Commission consists of 25 departments with more than 1,000 employees who must be selected by open competition. The EEC places emphasis on maintaining dialogue with businesses, national ministries and agencies through numerous consultative committees.

Performance and Expectations

The normative framework of the customs union and the SES (“rebranded” as the EAEU with little substantive change) was negotiated in 2009-2012, the years of a relatively benign international climate marked by a “reset” of US-Russian relations. Spurred by high oil prices, the Russian and Kazakh economies were growing, with a spillover effect for Belarus due to its close ties with the Russian market. Changes in the international setting and economic situation would be brought to bear on the transition from the SES to the EAEU and the Union’s first years of operation.

The crisis in Ukraine shook the foundations of the EAEU. As Russia responded to Western sanctions with a ban on agricultural imports from the EU and stopped free trade with Ukraine and Moldova, there was no such response with other EAEU members. Kazakhstan did, however, openly question Moscow’s assertions that the EU-Ukraine Association Agreement was detrimental to Russian economic interests while Belarus engaged in re-exports of “sanctioned” goods to Russia. In a clear departure from the EAEU norms, Russia restricted Ukrainian transit to Kazakhstan. After the Russian-Turkish row over a downed jet poisoned the relations between Moscow and Ankara in late 2015, Russia retaliated with economic sanctions to which none of the other EAEU countries joined.

The drop in oil prices and the effects of Western sanctions sent the Russian economy into recession, with the GDP shrinking by 3.7 % in 2015 and by a further 0.6 % in 2016. Belarus took a direct hit from the Russian recession, losing 3.9 % of its GDP in 2015 and 2.6 % in 2016 while Kazakhstan’s annual economic growth slowed to 1% in 2015 and 2016.²⁷ All the EAEU currencies were devalued.

The Russian foreign policy turn in 2014 and the change in its international standing undermined the EAEU’s fundamental principle of free trade. With Moscow’s new “selective” implementation of the union’s basic principles, its normative framework became much more difficult to sustain. As tensions with the US and the EU began to mount, Russia moved to “securitize” the EAEU, seeing it more and more as an area of political influence. Armenia was compelled to abandon its long-term objective of concluding the Association Agreement with the EU and to declare its intention to join the EAEU. This about-face following the Russian-Armenian summit came as a surprise to Belarus and Kazakhstan, the latter then balking to endorse Armenia’s membership. Kyrgyzstan,

unprepared for membership and deemed to be years from accession, was hastily recruited in the EAEU in 2015.

Another challenge to the EAEU came from Kazakhstan's admission to the WTO in late 2015. Kazakhstan agreed to lower its weighted mean customs tariff from 10.4% (established under the EAEU) to 6.5% across more than 3,000 categories of goods.²⁸ The EAEU exempted these goods from its customs tariff and Astana pledged to restrict their circulation to Kazakhstan's internal market. Russia would then have to deploy "mobile customs groups" not only near the border with Belarus (to restrict the smuggling of agricultural products from the EU) but also to the Kazakh border (to curb the illegal imports of "exempt goods").

Unsurprisingly, in 2014-2016 the EAEU would see a reduction in the free movement of goods as compared to 2011-2013. Unable to use tariffs and quotas against one another, the EAEU countries resort to wide-scale exploitation of sanitary and veterinary controls to advance their political and economic interests. Though Russia's meat and milk "wars" with Belarus have gained particular notoriety, with Minsk even opening a criminal investigation against the head of the Russian agency for consumer protection, Kazakhstan and Belarus often take similar measures. The long-promised establishment of a joint body of sanitary and veterinary control remains a feature of some distant and uncertain future. The single market for oil and gas is planned for 2025, and the decisions on how it would function are yet to be made.

The EAEU has demonstrated some progress in the trade of services. 43 sectors of services have been liberalized since January 2015 and 18 sectors, including construction, engineering, tourism and research, have been approved for further liberalization.²⁹ The liberalization of financial services has been delayed to 2025. Education has become one of the contested areas, as Russia has tried to expand integration to include this area claiming that it is a service inherently linked to the common labor market while Kazakhstan has staunchly objected to the idea and Belarus has shown little enthusiasm.

The EAEU has made tangible progress in facilitating the movement of labor. The time which labor migrants have to get registered at the new place of residence was extended and the number of necessary papers reduced. The uniform rules of access to health care and preschool education have been introduced and the agreement on labor migrants' pension rights is under consideration. Though it is essential for labor migrants that the EAEU has inherited a visa-free regime from the EurAsEC

and member states cannot arbitrarily introduce visas in relations with each other, most labor migrants continue to work illegally and rarely benefit from these new developments.

Hard economic times and currency depreciations largely account for the EAEU's disappointing progress in 2015 and 2016. After years of rapid growth in mutual trade (it grew by 29% in 2010, 34% in 2011 and 9% in 2012), the trade turnover of the SES countries fell by 5% in 2013, by 11% in 2014 and by 25.5% in 2015. In 2016 it further reduced by 6.7%. Physical trade volumes fell by 7.5% in 2015 and slightly increased by 0.4% in 2016.³⁰ In 2017, as oil prices stabilized and the EAEU currencies began to recover some of their previous losses, mutual trade began to rebound. However, the EAEU's trade with external partners suffered heavier losses, and the share of the intra-EAEU trade in the total turnover, while remaining rather low for an integrated economic grouping, increased from 11.3% in 2014 to 13.6% in 2015 and further to 14.2% in 2016.³¹

Unsurprisingly, the EAEU members are largely disappointed with its progress. *Armenia* has no common borders with other EAEU states and joined the Union under pressure from Moscow. The EU and Russia each account for a quarter of Armenian trade turnover, and its trade with Kazakhstan and Belarus is miniscule. Yerevan had hardly any expectations from EAEU membership in terms of economic benefits and joined the union simply to engage as a loyal ally to Russia and to avoid snubbing Moscow at a time of escalating geostrategic tensions. Armenian officials and experts are rather candid in explaining that their EAEU accession was necessary to avoid harm rather than to bring about improvements, hinting that Russia would probably have raised gas prices if Yerevan had not joined.³² Still, the first years of the EAEU membership have been a disappointment for Yerevan as investment from Russia and revenues from tourism have plunged. In April 2016 Kazakhstan, intent to show solidarity with Azerbaijan after the Karabakh flare-up, insisted on moving a EAEU prime ministers meeting from Yerevan to Moscow which Armenia denounced as "detrimental to the EAEU's reputation".³³ No wonder Armenia's public support for the EAEU is the lowest of all member states.³⁴

Belarus, with half of its foreign trade tied to Russia, had quite clear expectations of the EAEU. It wanted lower prices on Russian oil and gas and free access to the Russian market for its agricultural products and machinery. Having its expectations repeatedly dashed, Minsk has become the most openly dissatisfied EAEU member and the only one to threaten withdrawal from the Union. To this Russia did not hesitate to respond

that Belarus, were it to withdraw, would have to pay much more for oil and gas.³⁵

Kazakhstan's expectations included having Chinese imports protected and developing non-commodity exports, benefiting from a single electricity market, and gaining access to Russian pipelines. Astana also hoped to build bridges between the EAEU and the EU. The support of the EAEU project marked Astana's decision to avoid getting caught in the "gravitational field" of the Chinese economy and to develop its own industry and technology.

Kazakhstan's expectations have also mostly been thwarted. The increase in non-commodity exports to the EAEU market has been quite modest, hindered by numerous Russian administrative barriers. The EAEU electricity market has been delayed to 2019 and the access to Russian pipelines is another feature of an indefinite future. The Ukrainian crisis cast doubt that the EU and the EAEU would be entering into a dialogue on economic cooperation in "wider Europe" anytime soon. Seeing the EAEU's performance as largely disappointing, the Kazakh elite have come to a consensus that no integration in other areas (such as social policy or visas and migration) would be possible within the EAEU until its initial objectives are reached.

Kyrgyzstan joined the chorus of discontents. Bishkek had hoped that joining the EAEU would open Russian and Kazakh markets for its agricultural products and bring the Russian money for the construction of hydroelectric plants, an investment Moscow had been promising for years. In reality, Astana had placed hurdles blocking the sale of Kyrgyz meat in Kazakhstan and its transit to Russia. In late 2015, Moscow told Kyrgyzstan that it had no resources to fund the \$3 billion hydroelectric projects,³⁶ though some smaller financial rewards from Russia followed in 2016 and 2017.

The EAEU's economic significance is limited for *Russia* whose trade with the Union's members accounts for less than 10% of total turnover. Moscow expects that the EAEU would help to link the member states' economies to Russia so closely that their long-term political loyalty could be guaranteed. The EAEU is the economic means to consolidate Russia's position as a world power and to demarcate its zone of privileged interests from those of the EU and China. So far, the progress in this direction remains limited and reversible, with both Kazakhstan and Belarus doing all they can to maintain as much policy leeway as possible.

Conclusions

More than a decade of CSTO's performance shows that it can be categorized as a dead-letter regime, with members hardly expecting its norms and rules to be followed. The CSTO is largely redundant for its participants in terms of their strategic objectives. However, it is relevant as a stage on which the member states perform their roles as Russia's allies. As such, it is a conduit of communication, and leaving the CSTO or reducing the level of its engagement would be unthinkable for any of the participants as it would mean snubbing Moscow and undermining bilateral relations with Russia.

The EAEU is a more complicated case. In its current form, it is only in the third year of existence which is obviously too new to achieve its ambitious goals. It is not a single international regime but a framework of four different overarching regimes (for goods, services, labor and capital). The EAEU does provide tangible benefits for citizens and businesses. At the same time, it risks degenerating into an assemblage of predominantly dead-letter regimes as the chasm between member states' expectations and reality grows, as its normative framework is diluted, and its activities are politicized.

More often than not the EAEU fails as an instrument of strategic action. However, by way of its functioning transnational bureaucracy and the dense webs of intergovernmental interactions it weaves, the union has become a major conduit of communicative action in the post-Soviet space. At the very least, it allows member states to come to a shared understanding of economic realities and of obstacles to further cooperation. It has codified a shared set of economic and legal definitions which serve as a frame of reference for national bureaucracies and judiciaries. It requires permanent dialogues between member states in multilateral settings and increases the density of communication between countries that would otherwise be less interested in dealing with each other (Kazakhstan and Belarus coordinating their positions with regard to Russian policies is one example).

Russia remains persistent in trying to bring forward the EAEU project. However, it is increasingly inclined to use "sticks" rather than "carrots" in relations with its partners, an approach which decreases the likelihood that the EAEU collapses but makes the deepening of integration more problematic. As Russian foreign policy tends to become riskier and more of a challenge to the post-Cold War status quo, the international regimes Russia has built in Eurasia are less likely to progress to their objectives. At

the same time, they are likely to retain importance for Russia's neighbors as a means of communication with Moscow, allowing for better access to information about Russia's intentions and reducing the level of mutual misperceptions.

NOTES

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NEW EUROPE FOUNDATION NEW EUROPE COLLEGE

Institute for Advanced Study

New Europe College (NEC) is an independent Romanian institute for advanced study in the humanities and social sciences founded in 1994 by Professor Andrei Pleșu (philosopher, art historian, writer, Romanian Minister of Culture, 1990–1991, Romanian Minister of Foreign Affairs, 1997–1999) within the framework of the *New Europe Foundation*, established in 1994 as a private foundation subject to Romanian law.

Its impetus was the *New Europe Prize for Higher Education and Research*, awarded in 1993 to Professor Pleșu by a group of six institutes for advanced study (the Center for Advanced Study in the Behavioral Sciences, Stanford, the Institute for Advanced Study, Princeton, the National Humanities Center, Research Triangle Park, the Netherlands Institute for Advanced Study in Humanities and Social Sciences, Wassenaar, the Swedish Collegium for Advanced Study in the Social Sciences, Uppsala, and the Wissenschaftskolleg zu Berlin).

Since 1994, the NEC community of fellows and *alumni* has enlarged to over 600 members. In 1998 New Europe College was awarded the prestigious *Hannah Arendt Prize* for its achievements in setting new standards in research and higher education. New Europe College is officially recognized by the Romanian Ministry of Education and Research as an institutional structure for postgraduate studies in the humanities and social sciences, at the level of advanced studies.

Focused primarily on individual research at an advanced level, NEC offers to young Romanian scholars and academics in the fields of humanities and social sciences, and to the foreign scholars invited as fellows appropriate working conditions, and provides an institutional framework with strong

international links, acting as a stimulating environment for interdisciplinary dialogue and critical debates. The academic programs NEC coordinates, and the events it organizes aim at strengthening research in the humanities and social sciences and at promoting contacts between Romanian scholars and their peers worldwide.

Academic programs organized and coordinated by NEC in the academic year 2019-2020:

- ***NEC Fellowships (since 1994)***

Each year, the NEC Fellowships, open both to Romanian and international outstanding young scholars in the humanities and social sciences, are publicly announced. The Fellows are chosen by the NEC international Academic Advisory Board for the duration of one academic year, or one term. They gather for weekly seminars to discuss the progress of their research, and participate in all the scientific events organized by NEC. The Fellows receive a monthly stipend, and are given the opportunity of a research trip abroad, at a university or research institute of their choice. At the end of their stay, the Fellows submit papers representing the results of their research, to be published in the New Europe College Yearbooks.

- ***Ștefan Odobleja Fellowships (since October 2008)***

The Fellowships given in this program are supported by the National Council of Scientific Research and are part of the core fellowship program. The definition of these fellowships, targeting young Romanian researchers, is identical with those in the NEC Program, in which the *Odobleja* Fellowships are integrated.

- ***UEFISCDI Award Program (since October 2016)***

The outstanding scientific activity of the NEC was formally recognized in Romania in 2016, when the *Executive Unit for Financing Higher Education, Research, Development and Innovation* organized a competition for institutions coordinating ERC projects. New Europe College applied and won two institutional prizes for coordinating, at that time, two ERC grants. A part of this prize was used to create the *UEFISCDI Award Program*, consisting of fellowships targeting young

international researchers, also meant to complement and enlarge the core fellowship program.

- ***The Pontica Magna Fellowship Program (since October 2015)***

This Fellowship Program, supported by the VolkswagenStiftung (Germany), invites young researchers, media professionals, writers and artists from the countries around the Black Sea, but also beyond this area (Armenia, Azerbaijan, Belarus, Georgia, Moldova, Russia, Ukraine), for a stay of one or two terms at the New Europe College, during which they have the opportunity to work on projects of their choice. The program welcomes a wide variety of disciplines in the fields of humanities and social sciences. Besides hosting a number of Fellows, the College organizes within this program workshops and symposia on topics relevant to the history, present, and prospects of this region. This program is therefore strongly linked to the former *Black Sea Link* Fellowships.

- ***The Pontica Magna Returning Fellows Program (since March 2016)***

In the framework of its *Pontica Magna* Program, New Europe College offers alumni of a previous *Black Sea Link* and *Pontica Magna* Fellowship Program the opportunity to apply for a research stay of one or two months in Bucharest. The stay should enable successful applicants to refresh their research experience at NEC, to reconnect with former contacts, and to establish new connections with current Fellows.

- ***The Gerda Henkel Fellowship Program (since March 2017)***

This Fellowship Program, developed with the support of Gerda Henkel Stiftung (Germany), invites young researchers and academics working in the fields of humanities and social sciences (in particular archaeology, art history, historical Islamic studies, history, history of law, history of science, prehistory and early history) from Afghanistan, Belarus, China (only Tibet and Xinjiang Autonomous Regions), Kazakhstan, Kyrgyzstan, Moldova, Mongolia, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan, for a stay of one or two terms at the New Europe College, during which they will have the opportunity to work on projects of their choice.

- ***The Spîru Haret Fellowship Program (since October 2017)***

The *Spîru Haret* Fellowship Program targets young Romanian researchers/academics in the humanities and social sciences whose projects address questions relating to migration, displacement, diaspora. Candidates are expected to focus on Romanian cases seen in a larger historical, geographical and political context, in thus broadening our understanding of contemporary developments. Such aspects as transnational mobility, the development of communication technologies and of digitization, public policies on migration, the formation of transnational communities, migrant routes, the migrants' remittances and entrepreneurial capital could be taken into account. NEC also welcomes projects which look at cultural phenomena (in literature, visual arts, music etc.) related to migration and diaspora. The Program is financed through a grant from UEFISCDI (The Romanian Executive Unit for Higher Education, Research, Development and Innovation Funding).

- ***Lapedatu Fellowships (since June 2018)***

Thanks to a generous financial contribution from the *Lapedatu* Foundation, NEC invites to Bucharest a foreign researcher specialized in the field of Romanian Studies, who is currently conducting research in one of the world's top universities. On this occasion, he will spend a month in Romania and work with a young Romanian researcher to organize an academic event hosted by the NEC. At this colloquy, the *Lapedatu* fellows and their guests will present scientific papers and initiate debates on a theme that covers important topics of the Romanian and Southeastern European history in both modern and contemporary epochs. Such events will also provide the opportunity of highlighting the contribution of the *Lapedatu* family members to the development of Romania.

New Europe College has been hosting over the years an ongoing series of lectures given by prominent foreign and Romanian scholars, for the benefit of academics, researchers and students, as well as a wider public. The College also organizes international and national events (seminars, workshops, colloquia, symposia, book launches, etc.).

An important component of NEC is its library, consisting of reference works, books and periodicals in the humanities, social and economic sciences. The library holds, in addition, several thousands of books and documents resulting from private donations. It is first and foremost destined to service the fellows, but it is also open to students, academics and researchers from Bucharest and from outside it.

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