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Estate rights or service rights?

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ordre ou droits inhérents à une fonction ?*

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Soslovie et les clergés « étrangers » de la Russie impériale : droits inhérents à un ordre ou droits inhérents à une fonction ?

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- 1 In a petition to the emperor in 1896, a mullah in the South Caucasus by the name of Abdul Akhmed-ogly requested enhanced privileges for his unfortunate children. “Having devoted my entire life to the service of Your Imperial Majesty’s throne and our dear fatherland,” wrote Akhmed-ogly, “for more than twenty-three years in the named post I have experienced many, many material deprivations, mainly because, as a member of the parish clergy, which receives no defined salary, I have been compelled to support myself and my family through the voluntary contributions of my parishioners.” The poverty of his flock meant that Akhmed-ogly was scarcely able to provide for his own old age and could not support his children, who “do not acquire any rights or privileges” as a result of his clerical service. Placing his hopes in the sovereign’s “limitless mercy,” the petitioner implored the emperor to grant his children, “with the goal of freeing them from labor and money obligations,” the status of “personal honorary citizen” that imperial law otherwise granted only to members of the Islamic “higher clergy” in the South Caucasus after twenty years of impeccable service. As there were no “legal foundations” for the satisfaction of this request, however, Akhmed-ogly’s petition was rejected: only the children of the “higher clergy” were entitled to claim the status of “honorary citizen.”¹
- 2 Akhmed-ogly’s petition and its resolution point to a peculiarity of the Muslim “clergy” in Imperial Russia when compared to its Orthodox counterpart – namely, its legal division into “higher” and “lower.” To be sure, the Orthodox clergy in Russia was beset by internal distinctions, most notably between “black” (monastic) and “white” (parish). Yet for all the associated divergences in wealth, education, and esteem, a central motif in the history of that clergy in the eighteenth and nineteenth centuries is the consolidation

of a "clerical estate" (*dukhovnoe soslovie*), which featured equal status rights and privileges within its ranks.² Indeed, the experience of the Orthodox clergy was in certain respects paradigmatic for the emergence of the estate order in Russia, a proposition confirmed by the fact that it is precisely the premier social historian of the Orthodox clergy who has written probably the single most important work on the *soslovie* problem, at least in English.³ The "imperial turn" of recent years has done much to draw attention to the imperial dimension of historical problems that were previously analyzed primarily or exclusively as "Russian" issues.⁴ The question of *soslovie* in Russia represents a promising terrain for extending this approach and for linking analytically processes characteristic of the Russian center and its "borderlands" into a single, all-imperial notion of social, institutional, and legal change. After all, certain collectivities that are now regarded primarily in ethnic terms – for example, Bashkirs – were arguably a *soslovie* group more than anything else.⁵ Modes of classifying Russia's far-flung population depended on the deployment of categories and a general system that encompassed central provinces as well as the periphery.⁶ For one historian, the very institution of *soslovie* itself, as well as the consciousness of the group-based rights that accompanied it, was a product of imperial governance, which embraced, institutionalized, and legitimized difference.⁷ The issue of estate status in borderlands or ethnically and religiously mixed areas of the empire was especially complicated and has the potential to offer new insights on the nature of the *soslovie* order.⁸

- 3 This essay rests on the premise that the question of the estate status of religious servitors of Russia's non-Orthodox faiths – the so-called "foreign confessions" – represents a profitable way of uniting analytically the problems of empire and social status, for the greater illumination of both. This problem has only begun to attract the interest of scholars, who were previously inclined to see "the clergy" in Russia as exclusively Orthodox servitors.⁹ Robert Crews has described the ways in which tsarist authorities "grappled with the juridical definition of a Muslim clergy as a social estate," though his account pertains exclusively to Muslim servitors in the Volga-Ural region and thus leaves figures in Crimea, the South Caucasus, and Central Asia beyond consideration.¹⁰ M.N. Farkhshatov provides an illuminating discussion of the "Muslim clergy" across the Russian Empire, while noting the absence of a Muslim clerical estate, with the partial exception of servitors in Crimea. But on the whole the *soslovie* question is not central to his account.¹¹ In his analysis of social estates (*Stände*) in the context of the 1897 census, Christoph Schmidt notes a general tendency of imperial legislation to equalize the legal standing of the clerics of Russia's several Christian confessions, but his brief analysis is designed more as a commentary to statistical data on the census than as a systematic study of the problem of the clerical estate as such.¹² Finally, in a massive tome devoted to Imperial Russia's "soslovie society," N.A. Ivanova and V.P. Zheltova include non-Orthodox servitors in their discussion of the clergy, but their account is largely descriptive and lacks a diachronic dimension.¹³ To my knowledge, in no other cases have the status rights of non-Orthodox religious servitors been investigated systematically or related analytically to the larger problem of the estate order. Nor has there been any attempt to situate all the servitors of Russia – Orthodox and non-Orthodox alike – in a single framework for analysis of estate rights and privileges.
- 4 The present essay undertakes these tasks as part of a larger project of investigating the terms on which the foreign confessions and their adherents were integrated into the tsarist civil order, and the ways in which that integration was mediated by confessional institutions and the deep penetration of major areas of civil law by religious principles.

My goal is to ascertain the extent to which one may discern a clerical estate for the foreign confessions, the standards by which individuals were recognized as belonging to a non-Orthodox clergy, and more generally the rights and privileges to which servitors of the foreign confessions were entitled. In a broader sense, I seek to determine the extent to which a distinct "spiritual domain" (*dukhovnoe vedomstvo*) in Imperial Russia actually encompassed non-Orthodox religions,¹⁴ and thus to identify with greater precision the role of religion, in a supra-confessional sense, in the organization and functioning of the Russian Empire.

- 5 In order to clarify the rights and status of various religious servitors – Christian and non-Christian alike – I draw on a useful distinction made by Vasilii Kliuchevskii between "estate rights" (*soslovnye prava*) and "service rights" or "rights of office" (*dolzhnostnye prava*). The first, Kliuchevskii remarks, were granted "to an entire class of society in permanent possession" and were therefore distinct both from privileges given to a particular person or family and from rights acquired through service or, more accurately, through the occupation of a particular post. Thus while service rights varied substantially depending on the degree of authority associated with each office, estate rights were identical for all persons of the given estate. Moreover, whereas the member of a given estate was free to use or not use the rights of his status, this was not true of the rights and obligations of a given office, precisely because they were fundamental to the associated duties. Finally, the powers granted by office were not transferable to the next generation, whereas estate rights, by their very essence, were hereditary.¹⁵ My central conclusion in this article is that Christian servitors, beginning with the Orthodox clergy, gradually acquired estate rights, while non-Christian servitors – on the whole – were able to acquire only service rights. Yet I also propose that this straightforward conclusion, accurate in its broad outline, masks a more complicated and interesting history.

* * *

- 6 Although Imperial Russia was by no means unique for having a society made up of distinct social legal estates, the precise character of this order and the timing of its emergence set Russia apart from most of its European neighbors. Historians have sometimes exaggerated the degree of state initiative in the creation of estates in Russia, but it is hard to avoid the conclusion that the autocracy played a greater role in this process than did other European governments. This meant not only that estates in Russia were weak with respect to the monarchy and thus incapable of playing the role that they had in old-regime Europe, but also that the Russian system of estates was only in the process of construction as its European counterparts were being dismantled.¹⁶ Only toward the end of the eighteenth century did the nobility, urban population, and Orthodox clergy begin to emerge in Russia as distinct corporate bodies with specific rights and privileges. With a bit of a lag, Russian terminology reflected this consolidation. Around the start of the nineteenth century, the term "status" (*sostoianie*) came to denote "legal status group," whether privileged or not, and was used in this sense until the fall of the tsarist order.¹⁷ At approximately the same time, the term *soslovie* emerged as a rough synonym, signifying a legal, formally constituted estate. Combining the ideas of "state institution" and "social group," by the 1820s this term was being applied beyond the four principal estates – nobility, townspeople, clergy, and peasants – to other social groups, always with the implication of cultural and legal distinctiveness. Whereas *sostoianie* was the term used more often in formal law, *soslovie*

gained wider currency among educated Russians in describing their society. The consolidation of this *soslovie* order occurred primarily in the first half of the nineteenth century – the order was substantially codified in the Law Digest (*Svod zakonov*) beginning in the 1830s. To be sure, the aggregation of various social groups into estates was never completed, and the tsarist social order therefore always contained important elements of flexibility and adaptability. Moreover, new identities rooted in class and occupation became increasingly important markers of social difference as the nineteenth century progressed. But for all this, identities rooted in estates and the rights defined by ascription to one or another status in the tsarist order remained crucial until 1917. Moreover, the state's practical and ideological commitment to the estate order actually intensified after the Great Reforms of the 1860s.¹⁸

- 7 The most cohesive of these estates was the Orthodox clergy.¹⁹ As Gregory Freeze has documented, Orthodox parish clergy underwent a fundamental transformation over the course of the eighteenth century. Among the attributes of the clergy that eventually distinguished it most sharply from its Muscovite predecessors was precisely its definition as a "clerical estate" (*dukhovnoe soslovie*), characterized by particularistic status rights, a distinct culture, and a rigidly hereditary character. This estate encompassed diverse elements within the clergy – both celibate monastic (black) and married parish (white) clergy; the two strata of ordained clerics and unordained sacristans – and also included priests' families – wives, sons, and daughters. Indeed, members of the Holy Synod under Catherine II insisted that all decisions on clerical rights concern "the clergy altogether rather than part of it," based on the proposition that "the clergy is essentially one and indivisible, since the duty of all men of the cloth is to administer the sacraments, [to] perform the Divine Service and to teach."²⁰ This outcome reflected the aspiration of both church and state to separate the sacred and the profane – that is, to consolidate a "spiritual domain." But perhaps more immediately it was a function of elites' efforts to impose a more standardized Orthodoxy on diverse local religious practices, and furthermore to elevate and dignify the clergy through education, privilege, and a more economically rational distribution of clerical posts. It was admittedly a gradual process: rights, status, and corporate character remained only provisionally and incompletely defined over the course of the eighteenth century. And although the status of the clergy had become firmly grounded in heredity through reforms of the 1760s-70s, its standing as a legal estate is probably best dated to the early nineteenth century. There also continued to be certain anomalies. In the Caucasus, some Georgian clerics even remained enserfed until 1808 (in Imeretiia until 1821), and their children born before that date often encountered difficulty in proving their free status until their entitlement to liberation was clearly specified in 1861.²¹ Still, viewed against broader processes of social amalgamation pertaining to virtually all social groups in Imperial Russia, the Orthodox clergy undoubtedly became the most cohesive of the country's various estates.²²
- 8 It would be difficult to conclude, however, that this development was necessarily beneficial to the Orthodox Church. In the nineteenth century, considerable criticism emerged from various quarters about the clergy's caste-like character, and among the reforms of the 1860s was an attempt to abolish the hereditary character of the clerical estate. Publicists and bureaucrats agreed that the estate not only produced far too many candidates for clerical vacancies, but also favored family claims over merit in appointment, channeled sons into the priesthood without regard for commitment and

zeal, and produced a peculiar culture that segregated the clergy excessively from other groups. Determined to convert the priesthood into an open social body, state officials embarked on a significant reform – even as clerics themselves exhibited rather less enthusiasm for such transformations. In 1867, the Synod abrogated family claims to clerical positions, and two years later – in immediate response to a desperate need for educated (secular) manpower in Russia's Catholic-dominated western provinces – the state conferred secular legal status on priests' children, thereby eliminating the central legal impediment to their exit from the clerical estate in favor of other careers. Now enjoying the rank of personal nobility and thus being capable of leaving the estate without falling into the ranks of the lowly poll-tax population, many clerical sons left the estate for other endeavors, especially as the reform also offered special tuition exemptions for state schools, above all in the western provinces. The reform also allowed clerical children – daughters and sons alike – to marry outside of the estate.²³

- 9 It was the issue of clerical wives that revealed the limits of this dismantling of the estate and that produced a reassertion of the estate principle (*soslovnost'*) in the 1870s. The reforms of the 1860s had logically raised the question of the status of priests' wives, especially in widowhood. Priests were determined to ensure that their own deaths not result in a social demotion for their wives, and reformers accordingly proposed that spouses, like children, obtain secular status (that of either personal noble or personal honored citizen) that would ensure privileged status independently of their husbands.²⁴ By recommending that only the clergy itself, and not their dependents, should belong to the estate, this proposal represented a departure from the estate system too great for senior officials to countenance. The State Council, while acknowledging that the Great Reforms had altered the relationship among the various estates of imperial society, insisted that those estates – including the clerical one – nonetheless would continue to exist. Indeed the Council maintained that it was neither occupation (*zvanie*), holy orders (*san*), nor degree (*stepen'*) that conferred specific civil rights on the clergy (or any other group), but precisely membership in the clerical estate.²⁵ In Freeze's view, the Council's conclusion was of "extraordinary significance," since it signaled a fundamental shift from an anti-estate orientation within the government in the 1860s back towards one determined to fortify the *soslovie* principle as a central attribute of the tsarist social order.²⁶ In short, whatever the deficiencies of the clerical estate, the autocracy was willing to go no further than allowing priests' children to leave it. Otherwise, the idea of the clergy (and their wives) as a distinct *soslovie* remained essentially in place.²⁷
- 10 If the Orthodox clerical estate had consolidated by the late eighteenth century, the development of non-Orthodox clerical estates lagged behind considerably and ultimately proved much less complete. Thus while the first edition of the Law Digest in 1832 codified provisions on the Orthodox clergy, with regard to the foreign confessions it merely noted that laws on non-Orthodox servitors properly belonged to distinct spheres of legislation – codes pertaining to specific regions or particular religious groups – that were only then being compiled.²⁸ A combination of the abolition of the Lithuanian Statute in 1840 (obviating the need for a special code in one important borderland region) and the recognition that the rights of religious servitors were not in fact a matter of regional specificity led statesmen in 1842 to the conclusion that the general Law Digest should include provisions "on the clergy of the other Christian faiths that are freely confessed in Russia under the protection of the government."²⁹ The 1842 edition partially filled this lacuna by codifying laws that regulated the status of clerics for the foreign Christian confessions, but explicitly denied non-Christian servitors the status of

clerical estates with collective status rights (see below).³⁰ Not until 1899 did the Law Digest codify a series of "general enactments" on clergies in Russia, and even then these specifically excluded non-Christian servitors.³¹

- 11 In fact, there was considerable confusion over whether non-Christian religious servitors actually constituted a clergy at all. Certainly in an informal sense Russian officials referred to such servitors using that term (*dukhovenstvo*). Yet on numerous occasions they acknowledged that this designation was not entirely accurate, as it implied elements of hierarchy and organization that often did not actually exist. Writing of the situation in the South Caucasus in 1849, the official N.V. Khanykov stressed that before the Russian annexation of the region several decades earlier, "the [Muslim] ecclesiastical hierarchy was never firmly demarcated, and the clerical class [...] did not constitute a particular caste, and only learning served as the basis for distinction between various levels of that estate."³² The governor-general of Turkestan wrote of his region at one point, "Mosque servitors (*sostoiaushchie pri mecheti*) do not carry the title of *clergy*, as that term is understood by our laws; *the local population does not know such a title*."³³ In 1856, in an apparent attempt to avoid the term "clergy," the head of the Emperor's Second Division, Dmitrii Nikolaevich Bludov, proposed the expression "spiritual parish leaders" (*dukhovnye prikhodskie nachal'niki*) to designate the various figures who performed religious functions in Islam.³⁴ In a similar fashion, a state official sent to survey Buddhism in Siberia in 1860 concluded that it was a mistake to have treated lamas as a spiritual "corporation" with a distinct hierarchy and a clear set of duties with respect to the laity.³⁵ A special government commission in St. Petersburg in 1906 likewise concluded that lamas "can under no circumstances be likened to Christian parish clergy," and used the term "servitors of the faith" (*verosluzhiteli*) to designate that group (as well as Islamic ones).³⁶ In general, the more the state learned about what non-Christian servitors actually did, the less inclined it was to see the term "clergy" as an accurate descriptor. But this knowledge, such as it was, appeared only gradually.
- 12 Nor was it clear which particular servitors, from the range of figures who fulfilled functions that could conceivably be regarded as "spiritual," actually merited inclusion in this category. For Judaism, the state's recognition of rabbis alone as religious figures meriting special privileges eliminated any need for the Law Digest even to invoke a Jewish "clergy," since it was enough simply to refer to "rabbis."³⁷ Among Buddhists in Astrakhan province, at least after 1847, the law recognized only one "lama," as well as a "bakshi" for Kalmyks in the Don region, referring otherwise to "religious figures" (*dukhovnyi litsa*), as if their identity was self-evident.³⁸ In the case of Karaites and Siberian Buddhists, the state was faced with a series of ranks and titles, but used the legal statute for each confession as an occasion to specify which of these actually constituted the "clergy" for legal purposes.³⁹ The situation was undoubtedly most complicated in the case of Islam, for which a plethora of designations – *mullah*, *akhun*, *imam*, *khatyb*, *kadi*, *muezzin*, etc. – was used to signify servitors, scholars, judges, and respected figures among Muslims. These terms were in many cases overlapping, changing, or inflected with particular regional or local meanings, and it was not always clear whether the duties involved were primarily "spiritual" – and thus the proper provenance of a "clergy" – or something else instead.⁴⁰ Archival documents suggest that imperial statesmen were in many cases uncertain about the specific functions of these figures and the relationships among them. Nor did they receive unambiguous information from the sources through which they sought to clarify the issue.⁴¹ Thus in the early 1860s, the Orenburg Muslim Assembly and the unofficial expert on Islam in the Department of

Foreign Confessions, Alexander Kazembek, reached quite different conclusions about whether the designation *akhun* represented an honorary title or a clerical rank, and therefore about the process by which the Assembly should confirm candidates in that position.⁴² Kazembek proposed, based on his reading of sharia, that a "Muslim clerical estate [...] really does exist" (*v nature sushchestvuet*), and he therefore attributed existing confusion to "the mistakes that have crept into our legislation concerning the allocation of Mohammedan clerical posts in the Tauride and Orenburg jurisdictions and the incongruous assignment of rights and privileges to those posts."⁴³ But it seems more plausible that these complications derived from the difficulty of distinguishing a Muslim "spiritual domain" and its servitors clearly from other areas of life in which Islam continued to play an important role – particularly given regional differences and the absence of a clearly defined hierarchy. More fundamentally, it seems that in contrast to a "clergy," which could be said to exist regardless of whether or not it was recognized by law, a clerical estate, entailing the official recognition of specific rights and privileges, was a function of state power and therefore could not exist "in nature;" it could only be brought into existence by law or decree.

- 13 Indeed, even the state's characterization of a group of servitors as a "clergy" did not mean that they necessarily constituted a legal estate. If we examine Russia's numerous religious servitors in terms of their rights, privileges, and corporative status, we find three distinct tiers. The first were the servitors of the eastern Christian confessions, Orthodoxy and Gregorianism (the Armenian Church).⁴⁴ The circle of persons enjoying clerical status rights for these two confessions included both ordained clerics (from metropolitans and bishops down to parish priests and deacons) and unordained sacristans – although the latter were on a distinctly lower economic and cultural level by the 1820s and often received new privileges later than their ordained counterparts.⁴⁵ It also included the clergy's wives and – at least until 1869-1870 – their children.⁴⁶ Indeed, as the legal scholar Konstantin Kavelin noted in 1862, only in the case of these two confessions did one see "persons who lack holy orders but belong to the clerical estate" (*ne nosiashchie dukhovnago sana, no prinadlezhashchie k dukhovnomu sostoianiiu*).⁴⁷ Moreover, these status rights were identical across the entire hierarchy and were defined in terms of a distinct "clerical estate" (*dukhovnoe sostoianie*). While legally open to people of other social status, the Orthodox clerical estate tended to be closed and caste-like, drawing new servitors primarily from among the sons of the old.⁴⁸ The extent to which this was true for the Armenian clergy remains unclear. There was, however, a general tendency on the part of the state to extend the rights of the Orthodox clergy to their Armenian counterparts, and thus to treat the two groups as identical social and legal formations.⁴⁹ These two confessions were also distinct in that the highest echelons of the hierarchy, most notably bishops, had to belong to the "black," or monastic clergy, whereas the parish clergy (the "white" clergy) was not celibate. In the case of the eastern confessions, then, the two clergies constituted a distinct estate which, at least until its opening in 1869-1870, encompassed both clergymen and their families.⁵⁰
- 14 In the second tier – the other Christian confessions – the clergy was defined more narrowly as the priesthood alone. Thus in 1851, Bludov characterized unordained servitors for this group as "hired servitors" (*sluzhashchie po naimu*) rather than "a particular status group or a class of people in the country."⁵¹ The law accordingly stated that only ordained members of the Catholic clergy were exempt from corporal punishment, and that figures such as cantors, organists, and bell-ringers in the Protestant confessions "do not belong to the clergy."⁵² The Catholic clergy could of

course not constitute a closed estate like its Orthodox counterpart, because all of its members – “white” clergy and monastic clergy alike – were celibate. Their ranks therefore had to be replenished in each generation from other social groups. Any Catholic (male) of a “free social status” could enter the clergy, and in 1839 this possibility was extended even to the tax-paying population, as long as the local community and/or landlord gave assent.⁵³ Although pastors were not celibate and therefore might have become a relatively closed clergy like that in Orthodoxy, Lutherans seem to have had at least some aversion to the idea of pastors constituting a religious caste.⁵⁴ Thus the two clergies were similar in their openness, despite their contrasting views on celibacy. The nature of clerical status in the two confessions differed, nonetheless. Ordination in the Catholic clergy constituted ascription to a distinct social status (*sostoianie*), whereas Protestant pastors were simply granted the rights of personal (non-hereditary) nobility for as long as they served in that capacity.⁵⁵ In essence, then, there was no Protestant clerical status as such, and in some regards this group might better be placed with the third tier, the non-Christian groups.

- 15 That third tier was the most complicated. On the one hand, as a matter of general principle, the law stubbornly refused to acknowledge the general existence of non-Christian clerical estates. In 1829, the head of the Main Directorate for the Foreign Confessions, Filipp Vigel', remarked that neither Muslim servitors nor rabbis constituted “a particularly privileged class.”⁵⁶ More categorical was the statement in the 1842 edition of the Law Digest: “Persons conducting religious services by the rituals of non-Christian faiths do not constitute particular estates in this country” (*ne sostavliaiut osobykh v Gosudarstve soslovii*).⁵⁷ In addressing the non-Christian confessions, the assembled statutes on the foreign confessions in the 1857 edition of the Digest avoided the expression “clerical estate,” with its implication of collective status rights, in favor of simply “clergy” (*dukhovenstvo*), which in this case signified merely an occupational group.⁵⁸ This principle – rights conferred by service rather than collective status rights – had by this time become the standard for non-Christian religious servitors. Thus if a Muslim cleric was relieved of his post, he lost his clerical privileges until he could find a new one.⁵⁹ In the case of Judaism, rabbis began to enjoy certain rights – for example, exemption from corporal punishment – only after they had served for a term of three years and had been re-elected to their positions by their local communities.⁶⁰ The proposition that these non-Christian servitors had not really acquired a new status by their election or appointment is underscored by the fact that their local communities were still responsible for the taxes and labor duties from which servitors themselves had been exempted: the state was still determined to collect taxes from them, if not directly.⁶¹ In 1899, the Department of Foreign Confessions stated explicitly that even after official confirmation in their posts, Muslim servitors remained in the same estate from which they had been elected.⁶²
- 16 On the other hand, there is evidence that at certain points the government contemplated the creation of a distinct Muslim clerical estate. This is evident in the statute of 1831 on Muslims in Crimea, which recognized a closed, hereditary Islamic “clerical estate” (*dukhovnoe sostoianie*), from which all Muslim servitors above a certain level had to be drawn.⁶³ Moreover, the first edition of the Law Digest (1832) drew a clear distinction between the “Mohammedan clergy,” whose status was yet to be described elsewhere or in later editions, and “the clergy of other non-Christian confessions,” which “does not constitute a distinct status in this country.”⁶⁴ Likewise, in arguing for the granting of certain privileges to Muslim servitors in the late 1840s, the “enlightened bureaucrat”

Pavel Kiselev clearly distinguished such servitors from their Jewish and Buddhist counterparts, if only because of Russia's large Muslim population and the even larger numbers of Muslims beyond Russia's borders, precisely where the empire seemed most likely to expand in the future.⁶⁵

- 17 In fact, however, this notion of a distinct Muslim clerical estate seems never to have had any real application beyond Crimea, and even there the idea was called into question almost as soon as it had been codified in the statute of 1831. A year later, in 1832, the mufti of Crimea complained to the government that many Islamic servitors – the number turned out to be 864 – in fact had come *not* from the clerical estate, but from the taxable population. The Muslim spiritual board in Crimea requested the expulsion of all of these servitors from their positions and the election by local communities of replacements exclusively of clerical origin. The interior ministry countered that a purge of such magnitude would disrupt religious life in Muslim communities and cause unrest among Crimean Tatars. Those servitors should therefore be allowed to remain in their positions as long as local communities had properly accepted them and were satisfied with their service. They themselves – but not their children – were to be ascribed to the clerical estate.⁶⁶ However, the state's refusal to enforce strictly the monopoly of the clerical estate over clerical positions in this case did not signal an abandonment of the idea of a hereditary Muslim clergy in Crimea. While the state subsequently sought to ensure that membership in the clergy depend on the formal occupation of a clerical post (as opposed to claims based solely on heredity),⁶⁷ the Law Digest of 1857 nonetheless confirmed the principle that only those in Crimea belonging to the clergy by descent – that is, the sons of clerical servitors – could occupy clerical positions.⁶⁸
- 18 Yet even as the law upheld the idea of a hereditary Muslim clergy in Crimea, it refused to extend this principle to Muslim servitors elsewhere. The state's opposition to the consolidation of a unified Muslim clerical estate was most clearly evident in the case of the South Caucasus, where those preparing the statutes of 1872 not only characterized the inheritance of religious ranks to be intrinsically "harmful" – in notable contrast to Crimea, but consistent with thinking at the time on the Orthodox clergy – but also explicitly stated their intention "not to allow the clergy of the whole region a single, general corporate character."⁶⁹ The division of Muslim servitors into "higher clergy" and "parish" or "mosque clergy" at the lower levels – even in Crimea – was yet another manifestation of this outlook directed against consolidation.⁷⁰
- 19 Indeed, it was generally the case that the rights of non-Christian servitors varied depending on their place in their respective hierarchies. Thus for Karaites and Buddhists, all members of the clergy were exempt from taxes and conscription, but only more senior members were exempt from corporal punishment.⁷¹ For Islam there was an added geographical dimension, as privileges differed for the jurisdictions of Orenburg and Tauride. Thus while in Orenburg's district exemption from military service was a privilege enjoyed by only the "higher" Muslim servitors (muftii and akhun), in Crimea and the South Caucasus it was a privilege of the *entire* Tatar population, clerics and non-clerics alike.⁷² Like their Christian counterparts, rabbis and some Muslim servitors were personally exempt from conscription and corporal punishment,⁷³ but only some upper-level Muslim servitors in the Tauride district were unconditionally free from taxes and duties.⁷⁴ Summarizing this situation for Islam in 1865, a state commission for review of the recruitment statute concluded that the Muslim clergy did not possess "estate rights" (*soslovnyi prava*), "for they do not enjoy identical privileges throughout the empire."⁷⁵

- 20 There was, admittedly, some movement towards the consolidation of a coherent class of non-Christian servitors in the tsarist social order. The state proved partially receptive to a series of petitions, beginning in 1841, from Muslim servitors of the Orenburg jurisdiction to grant legal recognition of corporative privileges for them. In 1850, the State Council accordingly granted them exemptions from military conscription and from corporal punishment – privileges that had already been conferred on the upper echelons of the Islamic hierarchy.⁷⁶ But in most cases such developments stopped short of any meaningful change. A project for the reform of the state rabbinate in the early 1860s could be construed – and indeed was construed by some contemporaries – as an attempt to create a spiritual *soslovie* for Jews, at least in the sense of a hierarchy. Yet this proposal encountered both the typical bureaucratic inertia and also principled opposition to the idea that a “Christian state” should do any more than it already had to organize non-Christian religions.⁷⁷ In the mid-1860s, Kazembek agitated for a standardization of rights and privileges of Muslim servitors in the jurisdictions of Orenburg and Tauride, which would allow the government both to express “its concern for its Muslim subjects” and “to relieve itself of many *extraneous titles* that have wrongfully been given particularistic rights and privileges.”⁷⁸ For reasons that are not clear, however, no such simplification actually occurred. The extension of the exemption from corporal punishment to *all* non-Christian servitors and even to their children in 1863 perhaps reflected the state’s desire to constitute a full-fledged non-Christian clerical estate.⁷⁹ But this aspiration was essentially at odds with the anti-*soslovie* orientation of policy on the Orthodox clergy at the same time.
- 21 In any event, the law’s 1842 declaration that the executors of non-Christian religious services “do not constitute particular estates in this country” was repeated in almost all subsequent editions of the Digest – and in contrast to the 1832 edition, Muslim servitors were no longer considered an exception to this rule.⁸⁰ Throughout the imperial period, codes on the social status of the empire’s population accordingly addressed only the rights and privileges of the Christian clergies.⁸¹ In short, non-Christian servitors slowly acquired attributes of a clerical estate, but this process remained incomplete and conditioned by the state’s stubborn refusal to recognize such a thing explicitly.
- 22 Although specific privileges varied somewhat from religion to religion (and within Islam on the basis of geography and cleric “rank”), we may say that clerical servitors generally enjoyed an enhanced status when compared to the vast majority of the population. Most, eventually, acquired exemptions from taxation and duties, military conscription, and corporal punishment – regardless of whether they were recognized as a clerical estate akin to the Orthodox one. It should be noted, however, that for most religions the law allowed clerical servitors of noble origin to retain their noble rights, including the right to acquire land occupied by serfs.⁸² Such cases seem to have been rare in the case of Orthodox and Protestant clerics,⁸³ while it was apparently more common in the case of Catholicism.⁸⁴ In short, noble status trumped all others, and clerical service could therefore enhance one’s rights and privileges, but not reduce them.
- 23 To the extent that even non-Christian servitors represented privileged groups, the imperial government had good reason to regulate the process of entrance into their ranks. The state’s general aspiration – and this pertained to almost all of the confessions – was to inhibit the proliferation of “excess clergy.” In this regard three motivations – aside from limiting access to privilege – were central. The first of these was financial, since it was clear that in many locales parishioners could only support so many religious

servitors. In this regard Orthodoxy, the empire's "ruling" faith, was no different than the other confessions and was indeed the first to incur these limitations. Secondly, the state was generally reluctant to sanction numbers of clerics that would place non-Orthodox faiths at an advantage with respect to Orthodoxy. Thus, in 1849 the emperor authorized the extension of privileges only to those Muslim servitors who belonged to an official, registered clergy (*shtatnoe dukhovenstvo*) that would be defined "with reference to [the number of] Orthodox [clergy] in relation to the population."⁸⁵ Yet officials proved willing not to insist on this condition too categorically, noting, for example, that the dispersed character of Tatar settlement among Russians might justify a higher clergy-to-parishioner ratio.⁸⁶ Finally, the government also harbored particular prejudices against the servitors of the foreign confessions and was therefore determined not to permit their unwarranted "multiplication." Thus after the opening of the Catholic priesthood to the taxable population in 1839 produced a flood of new aspirants to the clergy, the governor-general in Vil'na invoked the "fanaticism" and "tendency to proselytism" supposedly characteristic of Catholic priests to conclude, especially in light of the recent absorption of Uniates into Orthodoxy, that "the multiplication of this class can in my opinion scarcely be unharmed."⁸⁷ Comparable statements could be produced for other servitors, especially by the 1860s or so.

24 Provisions preventing the appearance of "excessive" clergy took several forms. For Orthodoxy, Peter the Great established a new clerical registry (*dukhovnyi shtat*) to address this problem in 1722. The registry specified a three-man clerical staff for every 100 households, though admittedly this new standard was not rigorously enforced for the next half-century or so. A new registry in 1778 established 150 households as the minimum for such staff, and now enforcement became more serious.⁸⁸ Broadly similar requirements were established for other confessions in time. A Senate decree of 1819 specified one Catholic priest for every 400 souls.⁸⁹ In Siberia, entrance into the Buddhist clerisy was limited by a registry created in 1853 and by the requirement that rendered eligible only the third son of each set of parents, while each Buddhist temple among Kalmyks could have only twelve lamas.⁹⁰ Less concrete provisions existed for Islamic servitors. A decree of 1850 implied that a registry [*shtat*] would eventually be produced for servitors in the Orenburg district. As this never occurred, however, numbers were indirectly limited by the provision that each Muslim "parish" have no fewer than 200 male souls.⁹¹ This provision of course did not directly limit the number of Islamic clerical servitors, and some mosques in fact served far fewer than 200 souls.⁹² There is reason to believe that other limitations could also not always be upheld.

25 It would be wrong, however, to suppose that the state sought always to impose excessive limitations on the clerical ranks of the foreign confessions. In response to the Vil'na governor-general's trepidations about large numbers of Catholic priests (noted above), the Department of Foreign Confessions in St. Petersburg noted, following the local Catholic bishop's assertions, that by existing standards the diocese was entitled to have more priests, and the government should not inhibit attainment of the 1:400 ratio (though the papacy complained that strict enforcement of this principle was resulting in the closing of Catholic parishes).⁹³ In 1849, Khanykov argued that the government had done too much to block entrance into the Muslim clergy in the South Caucasus and instead advocated a balance between promoting "the unlimited spread of that class" and the adoption of "stern measures that serve to limit its expansion but do not accord with local custom."⁹⁴ In the case of the Armenian confession – perhaps by oversight – there was in fact no legal regulation of the size of the clergy at all, although officialdom was

convinced by the late nineteenth century that their numbers were "excessive."⁹⁵ Nor am I aware of such limitations in the case of Protestant pastors.

- 26 As noted above, the 1899 edition of the Law Digest (vol. IX) included several "general enactments" on clergies in Russia, yet the relationship between religious servitors and estate status remained inconsistent as the country entered the twentieth century. The promise of religious reform after the Revolution of 1905 might perhaps have provided a logical occasion for the imperial government to address this issue definitively. Yet the question of estate status did not occupy a prominent place in reform efforts, which focused primarily on the issues of conversion, family law, the juridical status of religious communities on the local level, and the reorganization of institutions of confessional administration.⁹⁶ In the post-1905 period, perhaps the most contested issue involving a non-Orthodox clergy concerned the Old Believers, to whose servitors the regime had long denied recognition as a clergy in order to uphold the official church's exclusive claim to embody Orthodoxy. In the famous decree of 17 April 1905, Old Belief essentially gained the status of a recognized "foreign confession," and its servitors accordingly acquired many of the basic rights enjoyed by other (Christian) clerics, perhaps most notably exclusion from the ranks of the urban lower middle class (*meshchanstvo*) or the peasantry (*sel'skie obyvateli*).⁹⁷ Yet even here the clerical issue concerned above all nomenclature and its canonical significance – i.e., whether these servitors were entitled to the designation "clergymen" (*sviashchenno-sluzhiteli*), with its implication of apostolic succession and parity with their official Orthodox counterparts, or merely the titles of "deans" and "mentors" (*nastoiateli* and *nastavniki*), which would reinforce their inferior standing. As with so many other issues of religious reform, these remained unresolved on the eve of the Great War.⁹⁸

* * *

- 27 If the Orthodox clergy constituted a coherent social estate by the early nineteenth century, the same cannot be said for the servitors of most of the other foreign confessions. True, the Armenian clergy had a status essentially identical to that of the Orthodox, and ordination in Catholicism endowed servitors with a distinct social status (though the institution of celibacy distinguished the Catholic clergy substantially from the married clergy of the eastern Christian confessions).⁹⁹ Protestant pastors simply acquired personal nobility, which was something different from a distinct *soslovie* or even real membership in the nobility.¹⁰⁰ Despite the state's apparent contemplation of creating a Muslim clergy as a distinct order, this idea was realized only partially in Crimea, and even then with the retention of a clear distinction between higher and lower clergy. For the remaining non-Christian servitors, there were even fewer markers of *soslovnost'*. In short, if Christian servitors tended to enjoy *soslovie* rights, then the rights of the non-Christian servitors (and also Protestant pastors) are best understood as service rights. Yet it is also clear that various servitors gradually acquired greater rights and privileges, which placed them in a distinct position – at least for the duration of their clerical service – in relation to the emperor's other subjects.
- 28 The prospects for the creation of non-Orthodox clerical estates were probably greatest in the decades from the 1830s to the 1860s. Arguably it was only with the first edition of the Law Digest (1832) that even the status rights of the Orthodox clergy were fully codified in law. By the 1830s, the state was in the process of producing statutes for the foreign

confessions, which in some cases involved the explicit definition of rights and privileges of religious servitors. The gestures towards the possibility of a Muslim clerical estate suggest that there was some impetus towards the aggregation of the various servitors. By the 1860s, state policies on the Orthodox clergy turned away from the *soslovie* principle and, despite a certain reassertion in the 1870s over the issue of priests' widows, never sought to reinstate them with the same vigor as before. It seems possible to conclude that any impulse towards the full organization and elaboration of non-Orthodox *sosloviia* simply came too late to receive any kind of realization. By the time such aspirations – if indeed they did exist – could be fully formed, the state was already turning away from the *soslovie* principle. Even so, the decision of tsarist lawmakers to exclude from the 1876 edition of the Law Digest the declaration that non-Christian servitors “do not constitute particular estates in this country” – only to reintroduce it in 1899 – is tantalizing. Might this have signified a willingness to contemplate non-Christian clerical estates or perhaps even a general clerical estate for the servitors of Russia's recognized religions?

- 29 Still, there are also good reasons for supposing that the state never really seriously entertained the idea of having *sosloviia* for all the empire's recognized faiths, let alone a general clerical status for all of them. Two considerations appear to have been central. First, our account suggests that imperial officials probably never knew enough about these servitors and their precise functions to institutionalize clerical estates for all of them. Regional and sectarian variations only complicated the matter. Second, there was clearly a reluctance even to gesture towards the equality of various non-Christian servitors with Christian – and especially Orthodox – ones. Here it is notable that the principal tsarist proponent of extending the exemption from corporal punishment to the “Muslim clergy” – Minister of State Domains Pavel Kiselev – felt compelled to state explicitly that he had no intention of equalizing the rights of the Muslim clergy with those of “the clergy of the Christian confessions.”¹⁰¹ The creation of estates might establish a disturbing equivalence, implying that the state was somehow indifferent to the content of the various religions that these servitors represented. In the end, then, the state held to the principle that non-Christian servitors were not an estate of the realm, and parish mullahs like Akhmed-ogly, despite their extensive service, were denied the possibility of conferring privileged status on their children.

NOTES

1. RGIA (Rossiiskii gosudarstvennyi istoricheskii arkhiv), f. 821, op. 8, d. 1072, l. 13-13ob; *Svod zakonov Rossiiskoi Imperii* [Law Digest – henceforward *Svod zakonov*] vol. XI, part 1 (1896), art. 1591. On the category of “honorary citizen,” see Leszek Zasztowt, “Modernization of Structure: Implementation of the ‘Honorary Citizen’ Category into the Social Structures of the Russian Empire, 1830-1900,” in Michael Branch, ed., *Defining Self: Essays on Emergent Identities in Russia, Seventeenth to Nineteenth Centuries* (Helsinki: Finnish Literature Society, 2009), 449-461.

2. See above all the two major works by Gregory L. Freeze: *The Russian Levites: Parish Clergy in the Eighteenth Century* (Cambridge: Harvard University Press, 1977); and *The Parish Clergy in Nineteenth-Century Russia: Crisis, Reform, Counter-Reform* (Princeton: Princeton University Press, 1983).
3. Gregory L. Freeze, "The Soslovie (Estate) Paradigm in Russian Social History," *American Historical Review*, 91, 1 (Feb. 1986): 11-36.
4. For an excellent example of this approach, see Mikhail Dolbilov's analysis of the nationalist dimensions of the emancipation of 1861: "The Emancipation Reform of 1861 in Russia and the Nationalism of the Imperial Bureaucracy," in T. Hayashi, ed., *The Construction and Deconstruction of National Histories in Slavic Eurasia* (Sapporo: Slavic Research Center, 2003), 205-230. The issue is not that historians previously ignored the question of emancipation in borderlands such as Georgia and the Baltic provinces, but rather that nationalist concerns, shaped by the imperial context, were crucial to the formulation of the emancipation within Russia itself.
5. See the illuminating discussion of the Bashkir issue in M.I. Rodnov, "Chislennost' tiurkskogo krest'ianstva Ufimskoi gubernii v nachale XX veka," *Etnograficheskoe obozrenie* 6 (1996): 121-131. On the problem of Jews and Russia's estate hierarchy, see Benjamin J. Nathans, *Beyond the Pale: The Jewish Encounter with Late Imperial Russia* (Berkeley: University of California Press, 2002), esp. 23-79. Consider also the issue of "aliens" (*inorodtsy*) as an estate – and more – as recounted in John W. Slocum in "Who, and When, Were the *Inorodtsy*? The Evolution of the Category of 'Aliens' in Imperial Russia," *Russian Review*, 57, 2 (1998): 173-190 and Natal'ia Anatol'evna Ivanova and Valentina Pavlovna Zheltova, *Soslovnoe obshchestvo Rossiiskoi Imperii, XVIII – nachalo XX veka* (M.: Novyi Khronograf, 2009), 657-718.
6. Several historians have done crucial work in making this point. See most notably Charles Steinwedel, "Making Social Groups, One Person at a Time: The Identification of Individuals by Estate, Religious Confession, and Ethnicity in Late Imperial Russia," in Jane Caplan and John Torpey, eds., *Documenting Individual Identity: The Development of State Practices since the French Revolution* (Princeton: Princeton University Press, 2001), 67-82; Juliette Cadiot, *Le laboratoire impérial: Russie-URSS, 1860-1940* (P.: CNRS Éditions, 2007), esp. 63-68; and Andreas Kappeler, "Russia as a Multi-Ethnic Empire: Classifying People by Estate, Religion and Ethnicity, 1760-1855," in Branch, ed., *Defining Self*, 59-74.
7. Jane Burbank, "Thinking Like an Empire: Estate, Law, and Rights in the Early Twentieth Century," in Jane Burbank, Mark von Hagen, and Anatolii Remnev, eds., *Russian Empire: Space, People, Power, 1700-1930* (Bloomington: Indiana University Press, 2007), 196-217. See also her article, "An Imperial Rights Regime: Law and Citizenship in the Russian Empire," *Kritika: Explorations in Russian and Eurasian History*, 7, 3 (2006): 397-432.
8. With its remarkable mixture of peoples and estates, the region extending from the middle Volga to western Siberia strikes me as particularly promising in this regard. For a broad overview, see Andreas Kappeler, *Rußlands erste Nationalitäten: Das Zarenreich und die Völker der Mittleren Wolga vom 16. bis 19. Jahrhundert* (Cologne: Böhlau, 1982).
9. For example, Elise Kimerling Wirtschafter's illuminating extended essay on social identity in Russia makes no reference at all to anything other than Orthodoxy and Old Belief in discussing "clergy" (49-60). Admittedly, she frames her book in terms of "Orthodox Great Russian society" (x), but this formulation supposes a discrete entity, whose boundaries are clear and in which non-Orthodox servitors have no place. See her

Social Identity in Imperial Russia (DeKalb: Northern Illinois University Press, 1997). Essentially the same is true for Boris Mironov's monumental social history of Russia, which at various points exhibits an admirable appreciation of the imperial dimension of Russian history and, on the inside back cover of volume II, includes images of a Roman Catholic priest, an Armenian Catholicos, a Buddhist monk, a Jewish rabbi, and a Lutheran pastor. See *Sotsial'naia istoriia Rossii*, vol. 1 (SPb.: Dmitrii Bulanin, 1999), 19-75 (on expansion and empire) and 98-110 (on the Orthodox clergy). Note, similarly, that the illuminating comparative dimension of Freeze's work on the Orthodox clergy almost always entails the clergies of foreign countries, and not the non-Orthodox clergies of Russia itself. See for example *The Parish Clergy*. Nor do clerical servitors represent a major component of Andreas Kappeler's impressive synthetic work, *The Russian Empire: A Multiethnic History*, trans. Adam Clayton (Harlow: Longman, 2001).

10. Robert D. Crews, *For Prophet and Tsar: Islam and Empire in Russia and Central Asia* (Cambridge: Harvard University Press, 2006), 99-109 (citation at 99).

11. M.N. Farkhatov, "Musul'manskoe dukhovenstvo," in S.M. Prozorov, ed., *Islam na territorii byvshei Rossiiskoi Imperii: Entsiklopedicheskii slovar'*, vol. 2 (M.: Vostochnaia literatura RAN, 1999), 67-72 (esp. 68).

12. Christoph Schmidt, "Stände," in Henning Bauer, Andreas Kappeler, and Brigitte Roth, eds., *Die Nationalitäten des Russischen Reiches in der Volkszählung von 1897*, vol. A (Stuttgart: F. Steiner, 1991), 398-400.

13. Ivanova and Zheltova, *Soslovnnoe obshchestvo*, 303-316. Their account is based almost exclusively on editions of *Svod zakonov* (vol. XI [1896] and vol. IX [1899]) and thus neglects both the evolution of legislation over time and the forces behind these developments.

14. On the issue of "spiritual domain," see Gregory L. Freeze, "Institutionalizing Piety: The Church and Popular Religion, 1750-1850," in Jane Burbank and David Ransel, eds., *Imperial Russia: New Histories for the Empire*, (Bloomington: Indiana University Press, 1998), 210-49.

15. Vasilii Kliuchevskii, *Istoriia soslovii v Rossii*, third ed. (Petrograd: Komissariat narodnogo prosveshcheniia, 1918), esp. 3-5.

16. Boris Mironov nonetheless registers the appearance of certain characteristics of estates even in the seventeenth century. See his *Sotsial'naia istoriia*, vol. 1, 79-80.

17. Note, for example, that volume IX of the Law Digest, concerned with the definition of rights, was entitled "On Statutes" (*O sostoiianiiakh*).

18. Freeze, "Soslovie Paradigm," esp. 16-21, 27; Wirtschafter, *Social Identity*; Mironov, *Sotsial'naia istoriia*, vol. 1, 77-81. On the crucial period of Catherine II and her policy on estates (also emphasized by Mironov), see A.B. Kamenskii, "Soslovnaia politika Ekateriny II," *Voprosy istorii*, 3 (1995): 29-45. On the overlapping and confused character of the terms *soslovie* and *sostoiianie* – and on the hereditary and personal character implicit in each – see Konstantin Kavelin, "Ob ogranichenii grazhdanskoi pravospособnosti v Rossii po zvaniiam i sostoiianiiam," *Zhurnal Ministerstva iustitsii*, no. 3 (1862): 481-544, esp. 488-90. The persistence of "estate segregation" in the case of the peasantry, even after the emancipation of 1861, is an important theme for Francis Wcislo in *Reforming Rural Russia: State, Local Society, and National Politics, 1855-1914* (Princeton: Princeton University Press, 1990). A somewhat contrary position on various aspects of *soslovie* – but one with which I disagree on certain important points – is provided by Michael Confino, "The *Soslovie*

(Estate) Paradigm: Reflections on Some Open Questions," *Cahiers du Monde russe*, 49, 4 (Oct.-Dec. 2008): 681-699.

19. To quote Boris Mironov, the Orthodox clergy "became the most estate-like of all the estates" [*stalo samym soslovnym iz vseh soslovii*]. Mironov, *Sotsial'naia istoriia*, vol. 1, 104.

20. Quoted in Olga A. Tsapina, "Secularization and Opposition in the Time of Catherine the Great," in James E. Bradley and Dale K. Van Kley, eds., *Religion and Politics in Enlightenment Europe* (Notre Dame: Notre Dame University Press, 2001), 350.

21. For details, see E.K. [Kirion], *Kratkii ocherk istorii gruzinskoi tserkvi i Ekzarkhata za XIX stoletie* (Tiflis: Tipografiia K.P. Kozlovskago, 1901), 263-264; *Polnoe sobranie zakonov Rossiiskoi Imperii* [henceforward *PSZ*] (1), vol. 30, no. 23146 (7 July 1808): 427; and *PSZ* (2), vol. 36, no. 36891 (18 April 1861): 662-664.

22. The classic work on these processes is Freeze, *Russian Levites*. See also Wirtschafter, *Social Identity*, 49-60 (who draws almost exclusively on Freeze's various works); Mironov, *Sotsial'naia istoriia*, vol. 1, 98-104 – although Mironov contends that the Orthodox clergy was in fact acquiring a strongly hereditary character already by the end of the seventeenth century. There are indications that the description provided above does not pertain fully to the Orthodox clergy in the western provinces, many of whom were Uniate before 1839. On these particularities, see Mikhail Dolbilov, *Russkii krai, chuzhaia vera: Etnokonfessional'naia politika imperii v Litve i Belorussii pri Aleksandre II* (M.: Novoe literaturnoe obozrenie, 2010), 216, 815 (n. 165).

23. On the reform itself, see Freeze, *Parish Clergy*, esp. 308-315; Mironov, *Sotsial'naia istoriia*, vol. 1, 106-107. On the cultural consequences of the exodus from the clerical estate – most notably, the injection of clerical values into the late-imperial intelligentsia – see Laurie Manchester, *Holy Fathers, Secular Sons: Clergy, Intelligentsia, and the Modern Self in Revolutionary Russia* (DeKalb: Northern Illinois University Press, 2008).

24. Orthodox priests' widows who did not remarry had retained their husbands' status since 1808. See Abby M. Schrader, *Languages of the Lash: Corporal Punishment and Identity in Imperial Russia* (DeKalb: Northern Illinois University Press, 2002), 23.

25. See the informative consideration in RGIA, f. 821, op. 7, d. 88, l. 67-85 and especially l. 86-89 (for the State Council's perspective).

26. The problem of clerical wives was accordingly addressed without their exclusion from the estate, allowing this to occur only when widows remarried outside of the order. See Freeze, *Parish Clergy*, 400; RGIA, f. 821, op. 7, d. 88, l. 105-130. Ivanova and Zheltova report that priests' widows *did* in fact receive the status of personal nobility or personal honored citizen, but I suspect that these authors are referring to cases of remarriage. See *Soslovnnoe obshchestvo*, 270-271.

27. Mironov sees the Orthodox clergy as an emerging profession by the twentieth century, but he does not really address the state's reinforcement of the *soslovie* principle (described by Freeze) and acknowledges that in 1904 only 3 percent of Orthodox priests were of non-clerical origin. Mironov, *Sotsial'naia istoriia*, vol. 1, 107-108. The discussion here also casts doubt on Confino's assertion that the clergy's recognition as a *soslovie* "did not add much to their internal structure and social functions" (688), if only because of clerical wives and children.

28. On the Orthodox clergy, see *Svod zakonov*, vol. IX (1832), arts. 173-239. The Digest made reference to "particular digests of local (provincial) laws" and to "a particular digest of institutions for the administration of foreign confessions." Statutes on the

foreign confessions were in most cases formulated later in the 1830s, and a "digest" of those legal provisions appeared only in 1857. On that process, see my article, "The Institutionalization of Confessional Difference: 'Foreign Confessions' in Imperial Russia, 1810-1857," in Branch, ed., *Defining Self*, 152-172.

29. This was the opinion of the director of the Emperor's Second Division, Dmitrii Nikolaevich Bludov, submitted to the Sovereign on 29 January (and subsequently approved): RGIA, f. 1261, op. 4, d. 3, l. 249-253 (citation at l. 253).

30. *Svod zakonov*, vol. IX (1842), art. 234-457 (citation is in note to art. 457).

31. *Svod zakonov*, vol. IX (1899), art. 393-404.

32. In I.P. Petrushevskii, ed., *Kolonial'naia politika rossiiskogo tsarizma v Azerbaidzhane v 20-60-kh gg. XIX v.*, chast' 2 (M.: Izdatel'stvo Akademii nauk SSSR, 1937), 369.

33. RGIA, f. 1276, op. 2, d. 593, l. 109 (emphasis in the original).

34. RGIA, f. 821, op. 8, d. 990, l. 30ob. In this case Bludov sought to replace the term *mullah*, which encompassed only one of the several figures that performed religious functions on the local level. Modern historians generally tend to avoid using the term "clergy" for Muslim servitors (the *ulema*) or at least apply it only in a provisional sense. See for example Farkhshatov, "Musul'manskoe dukhovenstvo," esp. 67; and Allen J. Frank, *Muslim Religious Institutions in Imperial Russia: The Islamic World of Novouzensk District and the Kazakh Inner Horde* (Leiden: Brill, 2001), 99-102.

35. V. Vashkevich, *Lamaity v vostochnoi Sibiri* (SPb.: Ministerstvo vnutrennikh del, 1885), 81-82. See also *O lamaistve v Zabaikal'skom krae* (n.p., n.d.), 4-5, 12; Veniamin (Episkop Selenginskii), *O lamskom idolopoklonicheskom sueverii v vostochnoi Sibiri* (Irkutsk: Tipografiia N.N. Sinitsyna, 1882), 15-16.

36. RGIA, f. 1276, op. 2, d. 593, l. 36ob.

37. *Svod zakonov*, vol. XI, part 1 (1857), arts. 1060-1096. The Digest did, however, designate some duties for "scholars" (*uchenye*), "elders" (*goba*), and "treasurers" (*neimon*). See, e.g., art. 107.

38. *Svod zakonov*, vol. XI, part 1 (1857), arts. 1260, 1263; N.E. Ulanov, *Buddiisko-Lamaiskoe dukhovenstvo donskikh kalmykov: Ego sovremennoe polozhenie* (SPb.: Parovaia skoropchetnia "Vostok", 1902), 8.

39. For Karaites the law identified as "clergy" the *hakham* ("spiritual head"), *gazzan* (two for each synagogue), and a *shamash* (supervisor of the synagogue's property). For Buddhists, the law construed the "clergy" as consisting of five levels: *bandido-khambo-lama*, *shiretui* (superior of each temple), *lamas* (*gelong* and *gestul'*), *bandi*, and *khuvarak*. See *Svod zakonov*, vol. XI, part 1 (1857), arts. 1097, 1107-1108; "Polozhenie o lamaiskom dukhovenstve v vostochnoi Sibiri," in T.V. Ermakova, *Buddiiskii mir glazami rossiiskikh issledovatelei XIX-pervoi treti XX veka* (SPb.: Nauka, 1998), 65.

40. Farkhshatov, "Musul'manskoe dukhovenstvo," 67-72 (esp. 67); Frank, *Muslim Institutions*, 106-151; and RGIA, f. 821, op. 8, d. 611 (report of Orenburg Assembly), l. 76.

41. For such a case involving Bludov in the 1830s, see Crews, *For Prophet and Tsar*, 103-104.

42. RGIA, f. 821, op. 8, d. 1000.

43. RGIA, f. 821, op. 8, d. 1026, l. 4ob, 34; also RGIA, f. 821, op. 8, d. 1000, l. 41-41ob. Kazembek was behind a proposal in the 1860s to standardize administration under the Orenburg and Tauride jurisdictions by recognizing only three clerical ranks for Islam: *kadi*, *imam*, and *muezzin*. See RGIA, f. 821, op. 8, d. 594, l. 57ob, 99-101; RGIA, f. 821, op. 8,

d. 611, l. 7ob. On Kazembek's narrow reading of sharia (more accurately, its Hanafi school), see Crews, *For Prophet and Tsar*, 182-189.

44. The Uniate clergy became Orthodox before its status rights could be fully defined, but elements of Orthodox clerical status were already being extended to them in the 1830s, on the eve of their union with Orthodoxy. See RGIA, f. 824, op. 1, d. 6.

45. See Freeze, *Parish Clergy*, 52-54, 155-164; Ivanova and Zheltova, *Soslovnoe obshchestvo*, 269-270, 277. The distinction here is between *sviashchennosluzhiteli* and *tserkovnosluzhiteli*.

46. In general, women gained the social status of their husbands if it was higher than their own, but retained their own status (whether by birth or an earlier marriage) if it was not. However, a woman's status was not transferable to either husband or children. See *Svod zakonov*, vol. IX (1832), art. 5.

47. Kavelin, "Ob ogranichenii grazhdanskoi pravospobnosti," 504.

48. *Svod zakonov*, vol. IX (1842), arts. 259-264, 271, 279-281, 433-438.

49. RGIA, f. 1268, op. 3, d. 253, l. 12ob-13, 23-24; RGIA, f. 821, op. 150, d. 474, l. 40; PSZ (2), vol. 27, no. 25964 (4 Feb. 1852): 95; PSZ (2), vol. 45, no. 48343 (11 May 1870): 610.

50. RGIA, f. 821, op. 7, d. 88, l. 9-33; PSZ (2), vol. 45, no. 48343 (11 May 1870): 610.

51. RGIA, f. 1268, op. 3, d. 253, l. 23-23ob.

52. *Svod zakonov*, vol. IX (1842), arts. 334, 369.

53. PSZ, second series, vol. 14, no. 12799 (23 Oct. 1839): 781-82; LVIA (Lietuvos valstybes istorijos archyvas), f. 378 (BS), op. 1840, d. 942, l. 1-1ob, 8ob; K. Bogoslovskii, *Gosudarstvennoe polozhenie rimsko-katolicheskoi tserkvi v Rossii ot Ekateriny Velikoi do nastoiashchego vremeni* (Khar'kov': Tipografiia gubernskago pravleniia, 1898), 128. Elena Filatova suggests that this was a consequence of the considerable reduction of Catholic monastic clergy after the closing of many monasteries in the 1830s, since a high proportion of Catholic parish clergy – e.g., 60 percent in the diocese of Vil'na in 1803 – had been monastic. E.N. Filatova, *Konfessional'naia politika tsarskogo pravitel'stva v Belarusi, 1772-1860 gg.* (Minsk: Belorusskaia nauka 2006), 37, 83.

54. On the latter point: RGADA (Rossiiskii gosudarstvennyi arkhiv drevnikh aktov), f. 1274, op. 1, d. 698, l. 13; GARF (Gosudarstvennyi arkhiv Rossiiskoi Federatsii), f. 109 (pervaia ekspeditsiia), op. 18, d. 83, l. 25.

55. *Svod zakonov*, vol. IX (1842), arts. 385, 395. Those status rights were retained by those pastors who left service because of illness or old age (*ibid.*, art. 402).

56. RGADA, f. 1274, op. 1, d. 528 (memorandum by Vigel' to Bludov describing his first six months as head of the Directorate, 12 May 1829), l. 5-5ob (citation at l. 5ob). Vigel' indicated that this circumstance was partly responsible for his ministry's limited work with regard to those two religions.

57. *Svod zakonov*, IX (1842): 457 (footnote). For the background, see Bludov's report to the Emperor: RGIA, f. 1261, op. 4, d. 3, l. 258-62.

58. Note that the Law Digest seems to avoid the term *dukhovenstvo* when discussing rabbis. Even in the Digest's sections on Muslims in Crimea, in most (though not all) cases the expression "clerical status" (*dukhovnoe sostoianie*) was removed from the original 1831 statute.

59. This principle was clearly stated in a directive of the interior ministry: RGIA, f. 821, op. 8, d. 1000, l. 1-2, 8-8ob, 10ob. Farkhshatov accordingly states that outside of Crimea, Muslim servitors constituted "a service category of the population" (68).

60. *Svod zakonov*, vol. IX (1842), art. 1092.

61. Whereas local Jewish communities were required to fulfill taxes and duties of the rabbis they elected, Muslim communities in the Orenburg jurisdiction were given a choice concerning whether or not to do so, and Farkhshatov asserts that almost everywhere they did (70). In Crimea, Muslim servitors were truly exempt from taxes and duties; the community was required to pay in their stead. See *Svod zakonov*, vol. XI, part 1 (1857), arts. 1094, 1147, and 1231.

62. RGIA, f. 821 op. 8, d. 1072. As such, they were not exempt from the administrative punishments prescribed by local land captains.

63. This included the mufti, the kadi-esker, district kadis, khatybs, imams, and mullahs. Certain lower-level servitors (e.g., *miudarissy*) were meanwhile defined as belonging to the Muslim "parish clergy" (*prikhodskoe dukhovenstvo*), but not to the clerical estate (*dukhovnoe sostoianie*). Ivan Aleksandrov, "K istorii uchrezhdeniia Tavricheskago magometanskago dukhovnago pravleniia," *Izvestiia Tavricheskoi uchenoi arkhivnoi komissii*, 54 (1918): 316-355 (arts. 7, 20, 41).

64. *Svod zakonov*, vol. IX (1832), art. 173. See also Khanykov's 1849 proposal – never enacted – which declared that Shia Muslim clergy "constitutes an estate [*soslovie*] in the country" – although his elaboration implied personal service rights open to all rather than an estate as such (377).

65. RGIA, f. 1261, op. 1, 1848, d. 170, esp. l. 6ob-7ob.

66. *PSZ* (2), vol. 8, no. 6466 (3 Oct. 1833): 545-47. The execution of this provision is the central concern of RGIA, f. 383, op. 2, d. 1417.

67. See, especially, an enactment of 1848, which dismissed any further claims to membership in the Muslim clergy based on heredity. This provision was grandfathered in, so that members of the clerical estate who did not occupy a post could retain certain rights (exemption from taxes and duties) but were compelled within one year to enroll in another, non-clerical social status. *PSZ* (2), vol. 23, no. 22297 (24 May 1848): 357.

68. *Svod zakonov*, vol. XI, part 1 (1857), arts. 1147, 1178. These provisions were retained in the 1896 edition, even as the Orthodox clerical estate had been opened. See *ibid.*, vol. XI, part 1 (1896): 1350, 1368. This heredity principle did not apply to the small Muslim community in the empire's western provinces, which were under Tauride's jurisdiction.

69. RGIA, f. 821, op. 8, d. 599, l. 89.

70. On this division, see Farkhshatov, "Musul'manskoe dukhovenstvo," esp. 68.

71. That is, only the hakham (for Karaites) and bandido-khambo, shiretuis, and lamas (for Buddhists). See "Polozhenie o lamaiskom dukhovenstve," 60 (art. 38); *Svod zakonov*, vol. XI, part 1 (1857), arts. 1113, 1118.

72. RGIA, f. 821, op. 8, d. 1026, l. 14-23ob; RGIA, f. 1261, op. 1, 1848, d. 170, l. 32ob-33.

73. The senate ruled in 1822 that mullahs were subject to corporal punishment (RGIA, f. 796, op. 103, d. 528), but in 1850 the exemption from corporal punishment was extended to mullahs and imams under certain conditions (*PSZ* (2), vol. 25, no. 23932 [20 Feb. 1850]: 126).

74. *Svod zakonov*, vol. XI, part 1 (1857), art. 1147.

75. RGIA, f. 821, op. 8, d. 1026, l. 1ob.

76. *PSZ* (2), vol. 25, no. 23932 (20 Feb. 1850): 126; Crews, *For Prophet and Tsar*, 106-108; Schrader, *Languages*, 60-64; Charles Robert Steinwedel, "Invisible Threads of Empire:

State, Religion, and Ethnicity in Tsarist Bashkiria, 1773-1917," Ph.D. dissertation, Columbia University, 1999, 73-76. All Tatars in the Tauride jurisdiction were already exempt from conscription, but this 1850 enactment apparently extended the exemption from corporal punishment to Muslim servitors there as well.

77. On this project, see Dolbilov, *Russkii krai, chuzhaia vera*, 137-140.

78. RGIA, f. 821, op. 8, d. 1026, l. 6ob (emphasis in original).

79. PSZ, second series, vol. 38, no. 39504 (17 April 1863): 352.

80. This assertion was included in the 1857 edition (article 422) and, after disappearing from the 1876 edition (for reasons I have not been able to ascertain), was reincorporated into the 1899 edition (article 404).

81. *Svod zakonov*, vol. IX (1842), arts. 234-457; *ibid* (1857), arts. 244-422; *ibid.*, (1876): 339-492; *ibid.*, (1899): 393-501.

82. *Svod zakonov*, vol. IX (1842), arts. 282, 335-36 (on Orthodoxy and Catholicism).

83. It appears that the vast majority of Protestant clergy were not nobles, at least in the 1830s. See GARF, f. 109, op. 18, d. 83, l. 69ob (footnote 68).

84. But see PSZ (2), vol. 14, no. 11954 (24 Jan. 1839): 70.

85. RGIA, f. 1261, op. 1, 1848, d. 170, l. 9.

86. *ibid.*, l. 23.

87. LVIA, f. 378 (BS), op. 1840, d. 942, l. 10ob-11.

88. Freeze, *Russian Levites*, 114-117.

89. LVIA, f. 378 (BS), op. 1840, d. 942, l. 9. Apparently this meant 400 souls of both sexes.

90. See arts. 27 and 29 of the *Polozhenie* of 1853, as well as the registry at its end, in Ermakova, *Buddiiskii mir*, 59-65; Ulanov, "Buddiiskoe-Lamaiskoe," 8. The statute in Siberia allowed for 285 clerics ascribed to 34 *datsans*, without provision for an increase in the numbers of either.

91. PSZ (2), vol. 25, no. 23932 (20 Feb. 1850): 126; PSZ (1), vol. 14, no. 10597 (1756). See also E.A. Malov, "O tatarskikh mechetiakh v Rossii," *Pravoslavnyi sobesednik* III (Dec., 1867): 313-18.

92. RGIA, f. 821, op. 8, d. 594, l. 10ob.

93. LVIA, f. 378 (BS), op. 1840, d. 942, l. 12. On the papacy's complaint, see Adrien Boudou, *Le Saint-Siège et la Russie: Leurs relations diplomatiques au XIX siècle*, vol. 1 (P.: Librarie Plon, 1923), 311-312.

94. Khanykov in *Kolonial'naia politika*, 377.

95. RGIA, f. 821 op. 150, d. 474, l. 6.

96. On state efforts at religious reform after 1905 – most of them unsuccessful – see A.A. Dorskaia, *Svoboda sovesti v Rossii: Sud'ba zakonoproektov nachala XX veka* (SPb.: Izdatel'stvo RGPU im. A.I. Gertsena, 2001); Diliara Usmanova, *Musul'manskaia fraktsiia i problemy "svobody sovesti" v Gosudarstvennoi Dume, 1906-1917* (Kazan: Master Lain, 1999); A.A. Safonov, *Svoboda sovesti i modernizatsiia veroispovednogo zakonodatel'stva Rossiiskoi Imperii v nachale XX v.* (Tambov: Izdatel'stvo Pershina, 2007).

97. PSZ (3), vol. 25, no. 26126 (17 April 1905), art. 7. Strikingly, the decree gave no indication as to which estate these clerics should be ascribed after their exclusion from others.

98. On this issue of nomenclature, see *ibid.*, arts. 7-8; N.D. Kuznetsov, *Zakon o staroobriadcheskikh obshchinakh v sviazi s otnosheniem tserkvi i gosudarstva* (Sergiev Posad: Tipografiia Sv.-Tr. Sergievoi Lavry, 1910), 132-141; and Peter Waldron, "Religious Reform after 1905: Old Believers and the Orthodox Church," *Oxford Slavonic Papers*, 20 (1987): 110-139 (esp. 117, 127, and 135).

99. For an interesting critique of Roman Catholic celibacy, supposedly based on a small movement among Polish priests in the 1860s to end that institution, see D.M. Miliutin, *O bezbrachii (tselibate) rimsko-katolicheskago dukhovenstva v Pol'she* (Warsaw: Tipografiia Varshavskago uchebnago okruga, 1897).

100. Kliuchevskii notes that, despite the terminology, personal nobility was not a *soslovie* or even a component part of the nobility (*razriad dvorianstva*), but rather a "lifetime title of respect" (*pochëtnoe pozhiznennoe zvanie*) that substantively did not differ from the status of "honored citizen." Personal nobles, for example, were not included in local noble societies and did not have the right of serf ownership before the emancipation.

101. RGIA, f. 1261, op. 1, 1848, d. 170, l. 8. See also Schrader, *Languages*, 63.

ABSTRACTS

Abstract

This essay addresses a significant imperial dimension of the *soslovie* question by analyzing the estate status of the religious servitors of Russia's non-Orthodox faiths (the "foreign confessions"). Its goal is to ascertain the extent to which one may discern a clerical estate (*dukhovnoe sostoianie*) for the foreign confessions, the standards by which individuals were recognized as belonging to non-Orthodox clergies, and the rights and privileges to which these religious servitors were entitled. Drawing on a distinction offered by Vasilii Kliuchevskii between "estate rights" (*soslovnye prava*) and "service rights" (*dolzhnostnye prava*), the author argues that Christian servitors, beginning with the Orthodox clergy, gradually acquired estate rights, while non-Christian servitors were generally able to acquire only service rights. The reasons for this outcome should be sought in a combination of practical and ideological concerns having to do with the state's limited knowledge about non-Orthodox servitors, its commitments to the privileging of (Orthodox) Christianity in Russia's social order, and broader shifts in the state's *soslovie* policies.

Résumé

Par son analyse du statut social des serviteurs religieux des confessions non-orthodoxes de Russie (« les confessions étrangères »), cet essai aborde une dimension impériale significative de la question des ordres (*sosloviia*). Le but est d'établir dans quelle mesure on peut mettre en évidence l'existence d'un ordre clérical pour les confessions étrangères, distinguer les critères selon lesquels les individus étaient reconnus comme relevant de clergés non-orthodoxes et pointer les droits et privilèges auxquels ces serviteurs religieux pouvaient prétendre. En reprenant la distinction, avancée par Vasilij Ključevskij, entre « droits inhérents à un ordre (*soslovnye prava*) » et « droits inhérents à une fonction (*dolžnostnye prava*) », l'auteur démontre

que les serviteurs chrétiens, à commencer par le clergé orthodoxe, avaient progressivement acquis des droits inhérents à leur ordre, tandis que les serviteurs non-chrétiens n'avaient généralement pu acquérir que les seuls droits propres à leur fonction. Cet état de fait résulterait de la combinaison d'intérêts pratiques et idéologiques, associés à la connaissance limitée de l'État sur les serviteurs non-orthodoxes, aux engagements de celui-ci à privilégier la chrétienté (orthodoxe) dans l'ordre social de la Russie, et aux modifications de sa politique visant les *soslovija*.

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