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Religion in the Mirror of Law. Research on Early Modern Poland-Lithuania and Its Successor States in the 19th and Early 20th Centuries. Lviv / Lemberg: Emmy Noether Research Group „Pathways of Law in Ethno-Religiously Mixed Societies ", Leipzig University; in cooperation with the German Historical Institute, Warsaw; the Max Planck Institute for European Legal History, Frankfurt am Main; and the Center, 15.04.2010-17.04.2010.

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Religion in the Mirror of Law. Research on Early Modern Poland-Lithuania and Its Successor States in the 19th and Early 20th Centuries

From April 15 â 17 the conference "Religion in the Mirror of Law. Research on Early Modern Poland-Lithuania and Its Successor States in the 19th and Early 20th Centuries" was hosted by the Lviv Center for Urban History, where over 25 scholars from Poland, Ukraine, Israel, the United States and Germany convened in order to discuss legal norms and practices concerning the various religious communities from the 16th to the early 20th centuries.

The conference considered legal regulations by the state, as well as regional and local powers. In addition, the participants examined laws and religious values of specific religious groups and denominations â Roman Catholics, Uniates, Greek Orthodox, Jews and Tatars â as coexisting and competing legal systems. Within these contexts, religious, legal, cultural, political, sociological, and economic aspects were discussed.

Special attention was drawn to the periods of change in political rule: the shift from the early modern Commonwealth to the imperial administration of Russia, Austria and Prussia, and subsequently to the establishment of several independent states after World War I. Through this overarching concept a national focus was avoided in favor of a more integrated historiography of a geographical space over time. The gathering was distinguished by successfully involving scholars from a multiplicity of disciplines: legal history, law, legal anthropology, history of religion, ethnography, political science, and literature studies.

In his keynote address, YAROSLAV HRYTSAK (LÂ´viv / Budapest) delved into the entanglement of religious communities and their legal status and laws in the history of Lviv. In contrast to clichÃ©s of a multicultural Galicia, he pointed at religious barriers, separation, inequality, exclusion and competition among ethno-religious groups from the Middle Ages till the 20th century â including the extremes of ethnic cleansing under Hitler and Stalin. On the other hand, he gave examples of intermingling in language, literature and architecture.

In the methodological introduction to the gathering, YVONNE KLEINMANN (Leipzig) formulated a series of basic assumptions and hypotheses. First, she challenged the widespread idea that the interaction of different religious communities necessarily implies conflict. She considered the latter only as the âtip of the icebergâ, drawing attention to the less spectacular, but equally relevant periods and forms of communication. Furthermore she claimed that religious convictions and truth are not negotiable, whereas law and legal practice are. Therefore

legal arrangements on and between religious communities deserved special notice. Finally she put emphasis on the impact of changes in political sovereignty on a multi-religious setting. On the one hand, a new political system could reorganize hierarchies between religious communities and intervene in religious life. On the other hand, the continuity of religious communities could be considered a challenge to a newly ascending political system.

The first panel of the conference concentrated on methods and terminology. TRACIE WILSON (Leipzig) raised the crucial question how to define terms and describe concepts in an interdisciplinary setting. She referred to divergent traditions, distinct communities of scholarship, and regional variations that hamper mutual understanding. From the perspective of an ethnographer she pointed to the example of law, legal pluralism and their connection with historical research on ethnic communities. She drew from Eugen Ehrlich's concept of 'living law' as well as Franz and Keebet von Benda-Beckmann's understanding of law as performative act. Wilson acknowledged that an important risk in legal anthropology is to conclude that âeverything is lawâ. During the spirited discussion it became evident that lawyers and historians also could not provide a clear definition of law and in each case have to work on a common description.

In the second section religion in constitutional and other normative texts was addressed. JÃRGEN HEYDE (Halle) came up with a surprising study on the anti-Jewish legislation in the Polish Sejm in the 16th century. He claimed that the legal acts did not intentionally target the Jewish population, but were rather used instrumentally as rhetorical devices by the nobility in its struggle for prestige with the king, and in addition by the Catholic Church as demonstrations of authority in times of Protestant threat. As convincing evidence, Heyde pointed to the fact that the anti-Jewish laws were never enforced after their implementation.

YVONNE KLEINMANN presented an overview of deliberations on religion in early modern constitutional thinking. Her analysis concentrated on the Warsaw Confederation Act (1573), privileges and ordinances from a noble estate, the Four-Year Sejm and the Constitution of May 3rd 1791. On the basis of these sources she distinguished between individual religious freedom of the nobility on the state level, privileges for non-Christians, and collective rights that could be negotiated according to political and economic cycles on the local as well as state level.

In her paper on federalism in the late Austrian Empire JANA OSTERKAMP (Munich) alluded to Benedict Anderson's concept of 'imagined communities' and at the same time contradicted him vigorously. She claimed that law is perfectly able to draw distinctive lines between different groups and pursued this argument through the example of Austrian legislation on religious communities in Galicia. In the case of the Jewish population she demonstrated that no attempt was made to create a Jewish crown land, and therefore Austrian federalism was at least partly imagined, as it did not clearly define its categories in terms of language, religion and culture.

The third panel examined relations between religious communities and state power. MARIA CIEÅLA (Warsaw) presented a case study on the Jews' legal status in the Grand Duchy of Lithuania in the 17th and 18th centuries. Drawing from a basis of rich sources, she was able to draw a clear line between the integration of Jewish subjects into the system of taxes and services, and the lack of political rights beyond the Jewish community.

OKSANA LESKIV (LÂ´viv) provided a microhistorical study of a court case against a Greek Catholic priest in mid-19th century Galicia. She considered this case within the context of the elevation of the Greek Catholic Church's status in the late Habsburg Empire. The presented court proceedings provide an important opportunity to study the relations between the villagers, the church hierarchy and the empire. Furthermore, they offer invaluable insight into the complex cultural heritage and folk culture of mid-nineteenth century Ruthenians.

DROR SEGEV (Tel Aviv) analysed another form of interaction between religious community and empire, exploring the debate regarding premature burial in the enlightened Hebrew press in the late 19th-century Russian Empire. The newspapers, he claimed, served as an intermediator between imperial law and Jewish religious law (Halakha).

ANNA JURASCHEK (Regensburg) offered a glimpse of the space where literature and legal studies converge. She examined the role that Shakespeareâs *Shylock* played as a symbol of the persecuted Jew of the East in texts by legal scholar Rudof von Jhering and his Galician student Karl Emil Franzos in the late 19th century. She effectively demonstrated how Jhering used Shakespeare's figure to defend the rights of the individual against the law of the state and how Franzos further employed this theory of subjective rights in the struggle for Jewish minority rights.

STEPHAN STACH (Leipzig) contributed an institutional history from the period of the Second Polish Republic (1918â1939). He delved into the activities of the Warsaw Institute for Nationalities Research. Based on the evaluation of publications and network analysis he came to the conclusion that the institute at least temporarily served as a 'think tank' in minority politics.

Papers in the fourth section addressed legal interaction between different religious communities and their institutions. ANAT VATURI (Tel Aviv) inquired the role of the Voivodes in communication between Jews and Christians in early modern Cracow. In contrast to previous studies, she emphasized that they not only exercised legal authority over the Jewish population, but also played an important role as agents of law in interreligious dialogue.

EUGENE AVRUTIN (Illinois) focused on neighbourly disputes among Jews and other ethnic groups in the northwestern provinces of the Russian Empire in the 19th century, drawing mainly on files from civil courts. He argued that conflicts between Jews and gentiles were generally the result of mundane economic interactions, rather than based on ethnic and religious tensions. However, he acknowledged the limitations of the court administrative records in revealing what people really thought and felt about their neighbours.

RUTH LEISEROWITZ's (Warsaw) research also addressed the same geographic region, analysing Tatars' legal status and infrastructure in the Lithuanian provinces. She supported the thesis that no autonomous rights were conceded to the Tatar community due to its official military status. As part of the local notability, the Tatar elite closely cooperated with Jewish and Catholic peers.

The fifth panel focused on the question to what extent law and religion went hand in hand and what efforts, if any, were made to divide them into two separate spheres. HANNA KOZIÅSKA-WITT (Halle / Rostock) presented a study of 19th-century local administration in Cracow and gave ample evidence that religious communities were effectively integrated into municipal self-government. From the example of Jewish representatives, she demonstrated that the intense communication with the imperial administration produced a new secular Jewish elite.

VLADIMIR LEVIN (Jerusalem) considered the problem of how Russian imperial law and Jewish Halakhah interacted in the 19th and early 20th centuries. Based on the files of the Rabbinic Commission (1848â1910), which was concerned with the most important religious matters of the Jews in the empire, he claimed that both the Orthodox rabbis as well as the tsarist officials were convinced that their own laws were not negotiable, while legal practice was another matter.

In her biographic inquiry on Hersch Zvi Lauterpacht, REUT PAZ (Berlin) connected the beginnings of International Law to the Jewish experience in late 19th- and early 20th-century Galicia. She argued that Lauterpacht's Jewish upbringing, minority status and Zionist engagement predestined him for a career in International Law. This view was strongly challenged in the discussion as similar biographies led to other paths.

The participants of the last panel considered changes in political rule and their impact on religious communities. STEFAN RUPPERT (Frankfurt am Main / Berlin) analysed changes in legal terminology concerning the status of religious communities in Prussia, Russia and Austria in the early 19th century. On the basis of normative sources he pointed to the effort of the three partition powers to transform church hierarchies and elites of religious communities into pillars of the public order.

ANGELA RUSTEMEYER (Cologne / Vienna) looked at penal law and confessional conflict after the first partition of Poland. She claimed that especially in cases of religious conflict the question who is a proper judge could not be clearly answered, as political and religious hierarchies were turned upside down. However, the tsarist government in an enlightened vein tried to reduce the prominence of religious offenses in penal law.

SEBASTIAN RIMESTAD (Erfurt) examined a further change in political rule, delving into the legislation on the Greek-Orthodox Church in independent Lithuania and Latvia after World War I. His special interest was to trace the evolution in the legal status of the church that had enjoyed a privileged position during the Tsarist Empire. In a comparative analysis he discovered that the young Lithuanian state was ready to accept the Orthodox Church as a legitimate religious and even political actor, while the Latvian government suspected the Orthodox hierarchy of having ties with Moscow and refused denied its legal status.

LILIANA HENTOSH (LÂ´viv) provided a detailed examination of the status of the Greek Catholic Church in independent Poland and Ukraine after World War I. She focused on the perspective of Metropolitan Andrei Sheptytskyi whose biography was rooted both in the Roman- and Greek Catholic milieu. After the Polish-Ukrainian

war, she argued convincingly, such a double loyalty was no longer tenable: Sheptytskyi chose the Ukrainian cause and accepted the loss of his Polish network.

In summary, the individual papers and lively discussions demonstrated the deep entanglement of legal and religious aspects that must be taken into account in research on ethno-religiously mixed societies â in this case the Polish-Lithuanian territories in longue durÃ©e. Furthermore, such research reveals that interreligious and interconfessional relations as well as the legal status of the various groups involved were continuously objects of negotiation. The basic question, how to define law and how to advance in interdisciplinary legal research, was answered differently by the convened scholars â according to their individual academic training. Of course, the debate could not be exhaustive, and should be continued on a broad basis of methods and new sources.

Conference Overview:

Harald Binder (L'viv/Vienna)
The Center for Urban History â an Introduction

Yaroslav Hrytsak (L'viv/Budapest)
Keynote: Religion in the mirror of law: examples in L'viv

Yvonne Kleinmann (Leipzig)
Introduction: Conceptional considerations

I. Methodology and legal terminology

Tracie L. Wilson (Leipzig)
Traditions of naming and describing: Reflections on historical ethnography and legal pluralism

Stefan Ruppert (Frankfurt am Main/Berlin)
Between religious constitutional law and âStaatskirchenrechtâ â a survey of the legal relationship between state and religious communities in the 18th and 19th century

II. Religion in constitutional texts and other legal sources

JÃ¼rgen Heyde (Halle)
Polemics and participation â anti-Jewish legislation in the Polish Sejm in the 16th century and itâs political contexts

Yvonne Kleinmann (Leipzig)
Religious communities in early modern constitutional thinking: Perspectives of the noble estate, urban dwellers and deputies of the Four-Year Sejm

Jana Osterkamp (Munich)
Imagined federalisation and âimagined communitiesâ in the Polish partition of the Habsburg Empire

Sebastian Rimestad (Erfurt)
From empire to nation state: The consolidation of the relationship between the Orthodox Church and independent Lithuania and Latvia after World War I

III. Religious communities and the state power: loyalty to one's religion â loyalty to one's state

Maria CieÅla (Warsaw)
The other townsmen â the legal and social position of the Jews in cities of the Grand Duchy of Lithuania in the 17th and 18th centuries

James A. Lenaghan (Ohio)
The âPrawa i WolnoÅciâ texts: Ruthenian religion, religious law and the national conversation in Poland-Lithuania, 1605â1845

Oksana Leskiv (Lâviv)
Relations of Galician Ruthenian priests and peasants: between trust and conflict. The case of Josyf Lewitski, a priest of Nahujevychi Parish (1801â1860

Dror Segev (Tel Aviv)
Between tradition and science, Orthodoxy and Enlightenment: Premature burial in the Jewish Pale of settlement reflected in the Hebrew press of the 1880s

Anna Juraschek (Regensburg)
Shylock as a symbol of the disenfranchised Jews â A comparative study of discourse in literature and legal theory in 19th century Galicia

Stephan Stach (Leipzig)
From science to practice? The Warsaw Institute for Nationalities Research (1921â1939) as a 'think tank' in minority politics

IV. Interaction of religious/confessional communities: competing and overlapping values

Anat Vaturi (Tel Aviv)
Voivodes as agents of law in interreligious dialogue. Officium Palatinum and the Jews in early modern Cracow

Eugene M. Avrutin (Illinois)
Economic entanglements and neighborly disputations in the northwest provinces of the Russian Empire

Ruth Leiserowitz (Warsaw)
Tatars in Lithuania. Changes and challenges in the

northwest provinces of the Russian Empire during the 19th century

V. Secularization â Separation and/or unification of law and religion?

Hanna KoziÅska-Witt (Halle/Rostock)
Shtadlanut in Krakow. A contribution of secular law to the development of a âneutral societyâ?

Vladimir Levin (Jerusalem)
Russian imperial law versus Jewish Halakhah in the 19th and early 20th centuries

Reut Y. Paz (Berlin)
The importance of being Lâvivian: Hersch Zvi Lauterpacht's commitment to Jewish communal life, Zionism, political activism and International Law

VI. Shifts in political rule and its consequences for individual religious communities

Angela Rustemeyer (Cologne/Vienna)
Blasphemyâs long shadow: penal law and confessional conflict after the first partition of Poland

Oleksandr Svyetlov (DÃ¼sseldorf)
Eastern Galicia before and after 1918: politics, religion and ethnicity

Liliana Hentosh (Lâviv)
The Greek-Catholic Church facing the Polish and Ukrainian states after WW I. The perspective of Metropolitan Andrei Sheptytskyi

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