

**SUNDAY LAWS AND ETHNO-COMMERCIAL
RIVALRY IN THE RUSSIAN EMPIRE, 1880s - 1914**

Robert Geraci
University of Virginia



The National Council for Eurasian and East European Research
910 17th Street, N.W.
Suite 300
Washington, D.C. 20006

TITLE VIII PROGRAM

Project Information*

Principal Investigator: Robert Geraci
Council Contract Number:
Date: February 22, 2006

Copyright Information

Scholars retain the copyright on works they submit to NCEEER. However, NCEEER possesses the right to duplicate and disseminate such products, in written and electronic form, as follows: (a) for its internal use; (b) to the U.S. Government for its internal use or for dissemination to officials of foreign governments; and (c) for dissemination in accordance with the Freedom of Information Act or other law or policy of the U.S. government that grants the public access to documents held by the U.S. government.

Additionally, NCEEER has a royalty-free license to distribute and disseminate papers submitted under the terms of its agreements to the general public, in furtherance of academic research, scholarship, and the advancement of general knowledge, on a non-profit basis. All papers distributed or disseminated shall bear notice of copyright. Neither NCEEER, nor the U.S. Government, nor any recipient of a Contract product may use it for commercial sale.

* The work leading to this report was supported in part by contract or grant funds provided by the National Council for Eurasian and East European Research, funds which were made available by the U.S. Department of State under Title VIII (The Soviet-East European Research and Training Act of 1983, as amended). The analysis and interpretations contained herein are those of the author.

Executive Summary

This essay describes efforts to legislate an obligatory cessation of commercial activity on Sundays and Orthodox holidays in cities throughout the Russian empire. It documents a fascinating and revealing conjuncture of economics and ethno-national relations in the last decades of the tsarist period. Though ethnic diversity had long been a trait of Russia's entrepreneurial class – indeed, non-Russian minorities such as Germans, Jews, Tatars, and Armenians had often outshone ethnic Russians in their commercial prowess, particularly in borderland and port cities of the empire – tension and conflict in commercial interactions had for the most part remained subtle, making them (to the historian's frustration) more often a well-hidden aspect of local, everyday life than of big events and crises. The controversy over Sunday laws, however, brought such tensions into the open, perhaps even exacerbating them, and aired them on a national level.

Introduction

This essay, which is part of a larger project called “Nationality, Ethnicity, and Capitalist Enterprise in the Russian Empire, 1700-1917,” describes efforts to legislate an obligatory cessation of commercial activity on Sundays and Orthodox holidays in cities throughout the Russian empire. It documents a fascinating and revealing conjuncture of economics and ethno-national relations in the last decades of the tsarist period. Though ethnic diversity had long been a trait of Russia’s entrepreneurial class – indeed, non-Russian minorities such as Germans, Jews, Tatars, and Armenians had often outshone ethnic Russians in their commercial prowess, particularly in borderland and port cities of the empire – tension and conflict in commercial interactions had for the most part remained subtle, making them (to the historian’s frustration) more often a well-hidden aspect of local, everyday life than of big events and crises. The controversy over Sunday laws, however, brought such tensions into the open, perhaps even exacerbating them, and aired them on a national level.

“Sunday rest,” as we will see from the ensuing debates, though putatively framed as a labor measure when it emerged as an issue in the 1880s, was patently less about political authorities’ real concern for the welfare of commercial employees than about other matters such as the spiritual climate in Russia; national identity and unity; the Russian image in Europe; the social and religious needs of Russia’s entrepreneurs; and the viability of ethnic Russian commerce in the face of minority competition. In their zeal to pursue these concerns, I will argue, political and social actors in the late-tsarist era betrayed long-standing tsarist-imperial traditions of confessional toleration and inter-ethnic inclusiveness.

To trace the history of “Sunday rest” on the level of imperial politics, I have made extensive use of the published records of the Third State Duma as well as some documents from the Russian State Historical Archive. Since Sunday laws originated in municipal governments, however, and the tsarist government beginning in 1906 required all municipal governments to promulgate such statutes, many of the details we need to give a complete and more interesting account obviously remain untapped in local archives of Russia and the former Soviet Union. I have so far located only two extensive sets of local documents,

in Baku (primarily for the years before 1906) and in Kazan (primarily for the years after). Both these cities were important centers of the empire's Muslim population, and the Kazan Tatars, it just so happens, played a particularly important role in the development of Muslim consciousness in Russia.¹ So I am fortunate to be able to tell a story that weaves together national and local perspectives and events, but surely the story was different in other cities, even those with large Muslim populations. I will be continuing to look for relevant documents in local archives, and in particular hope to find good collections regarding the Jewish response to Sunday laws in the Western and Southwestern regions.

Most Christian societies have at one time or another used the power of the state to enforce the Fourth Commandment.² In Russian law, exhortations and requirements to stop work on Sundays appeared during the reigns of Aleksei Mikhailovich (in the 1649 *Ulozhenie*), Sofiia Alekseevna (a law of 18 December 1682), and Peter the Great (a law of 17 February 1719).³ One might also include Paul I's 1797 law banning Sunday *barshchina*, although it did not prevent peasants from working their own plots, and did not apply to non-agricultural work. By the middle of the 19th century, however, whatever tradition of observing the sanctity of Sundays had existed in actual practice had clearly fallen by the wayside. This was especially true with regard to commerce, in spite of vestigial (i.e. often unobserved) regulations requiring certain kinds of commerce to cease during Sunday church services. In fact (most likely because of peasants' freedom from landlords' demands on Sundays), that day was most frequently the day of local

¹ See my *Window on the East: National and Imperial Identities in Late Tsarist Russia* (Ithaca, 2001), and Christian Noack, *Muslimischer Nationalismus in russischen Reich: Nationsbildung und Nationalbewegung bei Tataren und Baschkiren, 1861-1917* (Stuttgart, 2000).

² On Sunday laws in Germany, see Joachim Krämer, "Der Streit um die Sonntagsruhe – gestern und heute," *Forum historiae iuris* (August 2000), at <http://www.rewi.hu-berlin.de/online/fhi/articles/0008kraemer.htm>, and Craig Smith, "Constitutional Drift: Toward the End of Federal Shop-Closing (Ladenschluss) Regulation," *German Law Journal* 5:9 (Sept. 2004). On Canada, see "Sunday Closing and Weekly Rest Periods: Historical Evolution and Current Situation," at http://www.hrsdc.gc.ca/en/lp/spila/elli/eslc/weekly_rest_narrative.pdf. In the United States, see Batya Miller, "Enforcement of the Sunday Closing Laws on the Lower East Side, 1882-1903," *American Jewish History* 91:2 (2003), 269-286, and the extensive literature by Seventh-Day Adventists (who advocate keeping Saturday as the holy day).

³ N. Skrobotov, *Vopros ob otdykhe v voskresnye dni: O neobkhodimosti izdaniia zakona ob otdykhe v voskresnye dni* (St. Petersburg, 1889), 15-16.

and regional bazaars, which were often raucous events involving entertainment and carousing no less prominently than buying and selling.

In the 1850s and 1860s efforts were made on the local level to bring life into conformity with the Fourth Commandment; petitions to close down bazaars or other businesses on Sundays often began with clergy or advocates of the reform of peasant morality. Isolated local efforts were sometimes killed by lack of support in St. Petersburg, but when personnel changed in the government the issue eventually gained resonance, particularly in the Holy Synod and the Ministry of Internal Affairs, which together in 1866 agreed that no new bazaars would be approved for Sundays, and that those already existing would gradually be encouraged to move to other days of the week.⁴

In 1870, when cities received the right of self-government, one of the enumerated areas of competence of the new institutions, city dumas, was the regulation of the opening and closing times of businesses on Sundays and holidays. But with the exception of a few initiatives in the late 1870s, limitations on Sunday trade became “fashionable” only beginning in the 1880s. Two reasons explain this. In 1882 the first regulations on factory labor were introduced, including creation of the factory inspectorate. Workers whose work remained unregulated—commercial employees (*prikazchiki*) in particular—became jealous and began to lobby for limits on working hours by means of mutual-aid organizations of commercial employees that had come into existence during the 1860s and 1870s.⁵ These employees, numbering some 1.5 million in the empire in the 1897 census and proliferating rapidly thereafter, often worked as many as 16 hours per day, and because so many worked for small businesses, they had no recourse to striking for better conditions. Many began their work lives from the early age of 8 or 9, when they were recruited from the poorest urban and rural population and virtually purchased as slaves. Many were taken

⁴ Skrobotov, *Vopros ob otdyke v voskresnye dni*, 19-26, 31. In that year the Synod ober-prokuror noted that the violation of Sunday observance “injures the dignity of our church in the eyes of non-Christians [*inovertsy*], especially in places populated by the followers of the laws of Mohammed and Moses.” *Ibid.*, 27.

⁵ V. I. Grachev, *O voskrenom i prazdnichnom otdyke: V pamiati piatnadsatiletiia prkrashcheniia trgovli po voskresnym i drugim prazdnichnym dniam v g. Smolenske* (1 avgusta 1881—1896 g.) (Smolensk, 1897), appendix. See also Aleksandr Kaplunovskii, “Opisyvaia imperiiu sotsial’no: ‘prikazchitskoe’ mnogogolosie v sotsial’nom registre iazykov samoopisaniia Rossiiskoi imperii,” *Ab Imperio* (forthcoming).

to faraway cities so as to separate them from parental protection. A large number were women, who were paid only half what men were paid. Public health advocates associated a variety of diseases and disorders with commercial employees' grueling work schedules.

The second factor was that the early 1880s were also a time of conservative reform, largely in reaction to the assassination of Alexander II. Russian officialdom sought to reassert (and in many cases invented) traditional national and Christian values into Russian life in order to counteract the degrading effects of processes such as urbanization, industrialization, and increased geographic and social mobility (even though state policies promoted these processes) and the emergence of a revolutionary intelligentsia. Many members of society and social groups responded, striving to show their loyalty through spiritual and social reform efforts.

The idea of improving society by encouraging (or requiring) rest and religious devotions on Sunday soon merged with the demands of commercial *prikazchiki*. Since city dumas were often composed primarily of business owners, however, it was fortunate (or more likely, ingenious) that the *prikazchiki* couched their pleas for "holiday rest" (*prazdnichnyi otdykh*) in the language of religious piety as much if not more than of proletarian emiseration and class struggle. In fact, the years following the assassination of Aleksandr II favored social expressions of religiosity as a counterbalance or antidote for political dissent, social tension, and creeping cynicism.⁶ For this reason, the perceived need for displays of Russia's predominant religious identity, and not because the climate had become so favorable to labor, the Sunday cause proved appealing to social and political elites.

Still, many Russian business owners feared that limiting the hours of trade would cause them to receive smaller profits. But word spread from some of the pioneering cities (many of which first experimented with voluntary agreements to limit or stop trade on Sundays) that Sunday rest tended not to do any harm to the total volume of commerce, which depended more on the purchasing power of consumers

⁶ Some municipalities, in fact, enacted Sunday laws as a sign of spiritual reform and political loyalty following an attempt on the life of Alexander III in 1888.

than on the total number of hours available for buying and selling.⁷ Many merchants who first approached the idea of Sunday rest skeptically became enthusiastic converts; after all, if all businesses were to shut down at certain times competition should not become an issue.

The position of non-Christian business owners—Muslims and Jews—was more complicated. These entrepreneurs tended much more often to take their days of religious worship (Fridays and Saturdays respectively) as breaks from work without being required to do so by law. They would have nothing against making this habit a law, but generally the “Sunday”-ness of “Sunday rest” was not considered negotiable, even for part of the population, by its Christian proponents, as we will see. When local authorities required these minorities, in effect, to take two days off from work in the week, they put Jewish and Muslim entrepreneurs in the difficult position of having their religious inclinations run counter to their economic needs. To the extent that *prikazchiki* in many cities were frustrated by the objections of entrepreneurs—both Russian and non-Russian—to local proposals for Sunday laws, they began to lobby for a national law requiring making Sunday a day off.

Early Sunday Laws and the Muslims of Baku and Kazan

In 1884, a society of commercial employees in Baku submitted a petition asking for a Sunday law on religious grounds. It seems hardly to have crossed city authorities’ minds that such a law would apply to non-Christians, and they expressed some bewilderment that Christians would ask for a law that would result in their having 79 days per year of reduced trade while Muslim merchants in the city could trade freely on those days (though this observation failed to take into account Muslims’ cessation of trade on Fridays).⁸ The law they passed on 23 October 1884 stipulated that businesses belonging to Christians could be open only from 2 p.m. to 6 p.m. on Sundays, and only from 5 p.m. to 7 p.m. on 32 other Ortho-

⁷ Sovet S’ezdov Predstavitelei Promyshlennosti i Torgovli, *Zakony 15 noiabria 1906 goda ob obezpechenii normal’nogo otdykha sluzhashchikh v torgovykh zavedeniakh, skladakh i kontorakh i v remeslennykh zavedeniakh* (St. Petersburg, 1906), 6.

⁸ Report of Baku Gorodskaia Uprava, 8 October 1884, National Historical Archive of the Republic of Azerbaijan (ARDTA), f. 389, op. 4, d. 250, ll. 5-7.

dox holidays during the year. On civil holidays, all businesses had to limit their hours of operation to 5 p.m. to 7 p.m. The law had been in effect only a few months before the city received a petition from Christian merchants complaining that the limitations had resulted in their businesses being undermined by Jewish competition, and asking if the law could be amended to include Jewish entrepreneurs as well. (Quite surprisingly, nothing was said of Muslim competition, though in Baku presumably it would have been considerable, probably more so than competition from Jews.)⁹ Though the city administration (*gorodskaiia uprava*) was inclined to honor the request, the legislative body (*duma*) itself refused on the grounds that it was wrong to force members of one confession to honor the holiday of another – and even that it was wrong to force members of a different confession to honor *their own* religious traditions.¹⁰

In 1890, Baku *prikazchiki* petitioned to eliminate Sunday trade entirely, observing that Tiflis had recently adopted such a law. They denied the merchants' claims that if *prikazchiki* had an entirely free day they would spend it carousing. As for religious minorities, the *prikazchiki* hoped that the law could be applied to them as well without infringing on their freedom of worship, through their acquiescence to the will of the majority of Christian traders.¹¹ Their request was not honored until 1894, by which time the city government had received additional petitions from *prikazchiki* and from merchants themselves asking for a full trade stoppage on Sundays, with the latter now claiming that their business was being undercut by competition from Baku's Muslims.

City authorities saw two considerations standing in the way of such a law. First was the minorities' freedom of worship, which they conveniently dispatched by arguing that a law shutting down only Christian businesses would be disadvantageous to the latter, and by noting that within the Pale of Settlement as of 1882 Jews were prohibited from selling on Sundays and the twelve principal Orthodox holidays. Second, the Governing Senate had now ruled that under the imperial statute on municipalities

⁹ Letter, Baku City Chief to Baku Police Chief, 4 January 1885, ARDTA, f. 389, op. 4, d. 250, l. 13-13ob.

¹⁰ Report of Baku Gorodskaiia Uprava to Baku City Duma, 21 November 1894, ARDTA, f. 389, op. 4, d. 250, ll. 32-34ob.

¹¹ Letter, Baku store clerks to Baku City Chief, 20 November 1890, ARDTA, f. 389, op. 4., d. 250, ll. 15-18.

(*gorodskoe polozhenie*) of 1892 local governments could decide the opening and closing hours of local businesses on Sundays and holidays, but could not enact complete prohibitions of trade on such days. The *duma* overcame this possible objection by noting that both Tiflis and Astrakhan had recently adopted laws shutting down all trade on Sundays and holidays. So on 22 November 1894, the Baku city *duma* followed suit, exempting only such sectors as food sales, pharmacies, and hotels from the new law.¹²

Muslim entrepreneurs wasted no time before barraging city authorities with complaints. In December 1894, they petitioned on the basis of the Senate ruling referred to above, and although authorities correctly argued that this had already been taken into account when the November 1894 law was under consideration, in the end (in March 1895) they decided to eliminate the risk of breaking the law by allowing trade on Sundays and holidays before 10 a.m. (reasoning that allowing trade only this early might have the effect of a virtual prohibition.)¹³ Unsatisfied by this latest version, the Muslims re-adjusted their arguments, as if grabbing at straws, hoping to find one that would force the *duma* to reconsider. The only one that proved at all effective was to cite a law requiring shops to be closed on Sundays before and during church services (a conflict one would not have expected Muslims to exploit).¹⁴ Accordingly, the city *duma* revised the law so as to allow trade on Sundays and holidays only between 2 p.m. and 3 p.m., after long debates about which one-hour period would be best.¹⁵

One hour of commerce, of course, represented no significant improvement from the Muslim point of view. In numerous petitions submitted over the next few years, various communities of Muslim businessmen and craftsmen now claimed both infringement of their freedom of worship and economic disadvantage from having to shut down two days per week. They also cited a March 1896 interpretation of the Industrial Code by the State Council saying that craftsmen (*remeslenniki*) could not force employees to

¹² ARDTA, f. 389, op. 4, d. 250, ll. 32-34ob.

¹³ Minutes of meeting of Baku Provincial Office for City Affairs, 22 February 1895, ARDTA, f. 389, op. 4, d. 250, ll. 37-40.

¹⁴ ARDTA, f. 45, op. 2, d. 239.

¹⁵ ARDTA, f. 45, op. 2, d. 245.

work on a holiday observed by their religion (Christians must be let off on Sundays, Jews on Saturdays, Muslims on Fridays). With the support of at least one Muslim member of the Baku city дума, they argued that by the same token businesses could not be forced to close down on a day *not* observed by their religion.¹⁶ Although the city government found these arguments well founded and deserving of consideration, they granted relief only to the employees of the craft workshops since there was a separate law for them. As for commerce proper, the city rejected the Muslim merchants' suggestion that legislation give separate days of rest to adherents of different religions.

In 1897, merchants in Baku brought one of their petitions to the Governing Senate in St. Petersburg, where it was rejected. The Senate ruling, without even addressing the issue of freedom of worship or the financial pressure on Muslims, stated categorically that municipal “compulsory resolutions [*obiazatel'nye postanovleniia*] must be uniform for everyone, and that the дума has no right to make exceptions to the *obiazatel'nye postanovleniia* for separate individuals.”¹⁷ Even after this ruling, Baku Muslims continued to use these arguments in their petitions to city authorities. One might well question the ruling's legal soundness on the grounds that Sunday laws—in the form of “compulsory resolutions”—virtually everywhere made exceptions for merchants of certain goods, and these were not forbidden by the Senate. If exceptions were permitted on the basis of commercial necessity, why not ones based on socio-political or religious necessity? Presumably (and as a later Senate ruling would clarify) the former exceptions, unlike the latter, would not create imbalances in competition, since competition truly exists only separately for each different product or service. In any event, the best the Baku authorities were willing

¹⁶ Letter, Baku merchants and craftsmen to Baku City Duma, [April 1886], ARDTA, f. 389, op. 4, d. 250, ll. 57-58ob.; Letter, Duma member Mekhti bek Sultanov to Baku City Chief, 12 January 1898, *ibid.*, ll. 64-65; Draft manuscript, Baku City Chief, undated, *ibid.*, ll. 77-79.

¹⁷ ARDTA, f. 45, op. 2, d. 245, ll. 50-51ob. This ruling merely reaffirmed earlier Senate rulings on the issue from 1888 and 1895. *Zhurnaly i protokoly Kazanskoi Gorodskoi Dumy za 1902 god* (Kazan, 1903), p. 503-504.

to offer was (on the basis of a vote of 36 to 11) to make the permitted hours of trade on Sundays and holidays more convenient – between 2 and 6 p.m. (the hours to which only Christian businesses had been limited between 1884 and 1894), according to a new regulation of 31 March 1898.¹⁸

In Kazan, demands for a legally-enforced Sunday holiday were brought by *prikazchiki* beginning in 1882, even earlier than in Baku. And although the Kazan city дума formed a commission to consider the matter in that year, it managed to avoid any real action for two decades because it knew what a firestorm of conflict the matter would produce between Tatars and Russians; from following events in other cities and rulings from the capital, the Kazan authorities could see no satisfactory way to frame the legislation.¹⁹ Besides some concerns about the propriety of tampering with free trade and the laws of supply and demand (a purism that is itself somewhat surprising to find in imperial Russia), the question of local religious diversity weighed heavily on authorities' conscience. In 1899 a city дума commission determined that “to harmonize the contradictory religious and commercial-industrial interests of the representatives of the various nationalities and religions in the Kazan commercial class is extremely difficult, nearly impossible.” In light of this report, a majority of the дума felt that a decision on the question would be premature.²⁰

Organizations of commercial employees never stopped clamoring for a Sunday rest, however. They considered voluntary agreements among business owners to be insufficient (although such were growing in number), and were aware of the large number of cities in Russia that now had laws. They also managed to mobilize church and police officials to lobby the city дума. In 1900 the chief of police even drafted his own legislative proposal, as did *prikazchiki* from a group of prominent trading firms.²¹ In

¹⁸ ARDTA, f. 389, op. 4, d. 250, ll. 78ob-79.

¹⁹ *Sistematicheskii sbornik postanovlenii Kazanskoi gorodskoi dumy za 22 goda (s 1871 po 1892 vkluchitel'no)* (Kazan, 1898), 862-863.

²⁰ Quoted in *Zhurnaly i protokoly Kazanskoi Gorodskoi Dumy za 1902 god*, 496-97.

²¹ *Zhurnaly i protokoly*, 498-504.

1902, a majority of the city дума agreed that it must pass some sort of Sunday law in order to satisfy the demands, in spite of its awareness that rulings of the Governing Senate and the Ministry of Internal Affairs would not allow an exception for Muslims or any limits on trade for Muslim holidays.

The exact terms of the *obiazatel'noe postanovlenie* on hours of trade approved by the Kazan city дума on 28 January 1903 are obscure, and it is unclear whether the law was ever affirmed by Kazan's governor. Our knowledge of it comes primarily a file in the Russian State Historical Archive containing a scathing complaint submitted by a group of 118 Muslim merchants in Kazan to provincial authorities just five days after the regulation's promulgation.²² One article in the law made very clear that the limitations on Sunday and holiday commerce were to be observed by entrepreneurs of all religions, yet as a sort of guilt-induced afterthought to its passage, the city дума also resolved to seek Petersburg's permission to legislate different days of rest for Muslim employees, instead of Sundays and Christian holidays. This was not really a contradiction, since such permission did not necessarily imply seeking an exemption of Muslim business-owners from the prohibition of Sunday and holiday trade.

The Muslim complaint was a hodgepodge of both powerful and tendentious arguments that in the ensuing years would become staples of discourse on this issue at both the local and national levels. At the center was the reasonable claim that being forced to close shop on Orthodox holidays (80 days per year) would make it financially stressful for Muslim entrepreneurs to honor their own religious tradition of shutting down on Fridays and other Muslim holidays (another 65 days per year). The complainants cited the various assertions in tsarist law that the empire's subjects were to be free to exercise their religions, and emphasized that such a state of affairs had long been a bedrock of good Russian-Muslim relations and of Muslims' loyalty to their tsar and country. To demand that Muslim entrepreneurs and employees take 145 days off per year would put pressure on Muslims to falter in their religious devotions—and in effect, to become Christians. Besides this characterization of the law as indirect infringement on freedom of re-

²² Complaint of representatives of 118 Muslim merchants in Kazan to Kazan provincial office for rural and urban affairs, 5 February 1903, in Russian State Historical Archive (RGIA), f. 1287, op. 44, otd. 7, stol 1, d. 383, ll. 22-32. I thank Aleksandr Kaplunovskii for sharing this source with me.

ligion, the petitioners also argued more dubiously that it represented direct religious oppression because not to work on someone else's holiday was tantamount to worshipping in that religion; that keeping their employees idle 145 days per year would lead to their drunkenness and moral depravity; and even that Orthodox theology in no way required (as many proponents claimed) resting on Sundays and holidays.²³

Whether the governor never approved the 1903 regulation in light of the Tatars' eloquent and forceful complaint is not immediately discernible from available records, though this appears to have been the case. But in February 1905 the city дума passed a new version of such a law that did receive the governor's official approval several weeks later (11 April 1905). That regulation was just about as restrictive as tsarist law would permit, in that it allowed trade on Sundays and holidays for only half an hour, at noon. Though it explicitly declared its application to all businesses regardless of owners' religious affiliations, it sought to placate Muslim objections by excluding from its purview businesses in the *Novo-tatarskaia sloboda*, a Tatar neighborhood in which there were no Christian-owned businesses at all.²⁴ At the same time, the дума sent a petition to the Ministry of Internal Affairs asking whether Muslims in Kazan could continue to trade on Sundays and take Fridays off instead. The ministry turned the petition down, saying that the empire's law on municipalities allowed the dumasy to limit trade only on Christian holidays.²⁵ This turn of events coincided with outcry in the Muslim community over ambiguous school laws announced by the Ministry of Education in March 1906 that seemed to require Cyrillic transcription of teaching materials in schools for Muslims. Use of Cyrillic was interpreted popularly as a prelude to forced Christianization. Propaganda against the school regulations included allegations that the government was preparing to force Muslims to celebrate Christian holidays as well (quite clearly a reference to the Sunday law). Fearing serious unrest, the governor of Kazan province distributed posters as-

²³ The weakest argument in the complaint was that the municipal regulations of 1892 included no right of city dumasy to regulate the opening and closing hours of businesses. The claim was patently false; it was based on two irrelevant articles of the law and ignored the one that was germane.

²⁴ *Sbornik obiazatel'nykh dlia zhitelei g. Kazani postanovlenii Kazanskoi gorodskoi dumy, 1872-1913 gg.* (Kazan, 1914), 61.

²⁵ Report from Kazanskaia Gorodskia Uprava to Kazanskaia Gorodskia Duma, n. 29, 4 Nov. 1909, pp. 1-2, in National Archive of the Republic of Tatarstan (NART), f. 98. op. 4, d. 2220, l. 22-22ob. .

suring Tatars (somewhat disingenuously) that “these rumors have no foundation whatsoever and represent the blatant fabrication of unknown persons who with ill intentions are trying to destroy the tranquility of the Muslim population.”²⁶ But by now initiatives in St. Petersburg were beginning to influence the range of options available locally in places like Kazan.

The Genesis of National Legislation

As stated earlier, according to a ruling of the Governing Senate, the municipal administration laws of 1870 and 1892 did not empower city dumas to forbid commerce on Sundays and holidays, only to specify its hours. By this interpretation, several cities in the empire had already broken the law (perhaps without being aware of it at first) and continued to do so. More importantly, many proponents of Sunday laws (either partial or absolute) were complaining that their efforts were not enough to persuade local authorities to adopt anything more than voluntary measures—or in some cases, to enforce laws after adopting them. A legitimate and effective shutdown of all business on Sundays and holidays -- a maximalist approach, in other words -- would require a national law.

From 1896 or possibly earlier, on the initiative of Synod Ober-prokuror Kontantin P. Pobedonostsev, the state had begun collecting opinions from around the country on the issue.²⁷ The chief correspondents were not the associations of commercial employees but the exchange committees (*birzhevye komitety*) in the major cities, most likely because they, representing commercial interests, were most likely to oppose such laws. When it was determined that there might be sufficient support for Sunday laws among business owners, the Ministry of Finance organized a special meeting (*osoboe soveshchanie*) on the issue, 31 May to 3 June, 1905.

²⁶ Poster, NART, f. 98, op. 4, d. 2220, ll. 152-153. On the school regulations, see Robert Geraci, *Window on the East: National and Imperial Identities in Late Tsarist Russia* (Ithaca, 2001), 171-172.

²⁷ Grachev, *O voskrenom i prazdnichnom otdyke*, 66.

Delegates were invited from the municipal and provincial zemstvo administrations of St. Petersburg and Moscow, and from the exchange committees, merchant estate organizations, and associations of commercial employees (*prikazchiki*) of many of the largest cities in the empire: St. Petersburg, Moscow, Warsaw, Riga, Libava, Samara, Saratov, Kazan, Khar'kov, Voronezh, Ekaterinburg, Rostov-on-the Don, Smolensk, and a few others.²⁸ Some large areas—notably the Caucasus/Transcaucasia, Central Asia, and Siberia—were not represented at all. Added to the delegates from localities were representatives of several state ministries: the Imperial Court, Finance, Internal Affairs, War, Justice, Education, Agriculture, and the Holy Synod.²⁹ Vasilii I. Timiriazev, assistant minister of finance and director of the section on trade and industry—and within months to become the country's first minister of trade and industry—presided over the gathering.

A good deal of the meeting was devoted to convincing the skeptics present—particularly business leaders from cities that had not previously adopted obligatory Sunday laws—that most of their arguments against the measures had been debunked by the experiences of those cities that already had such laws, in some cases for more than two decades. Among the most prominent of these arguments were that shutting down stores and markets on Sundays would make life intolerably hard for peasants, who would lose another day of the week in order to purchase what they needed; and (a somewhat more obviously self-serving pretext of the capitalists) that if given a whole day free from work commercial employees would fall into drink and debauchery rather than use the time for the religious, familial, and cultural purposes intended.³⁰ Other objections were economically more specific: that this or that sector of commerce

²⁸ No account gives the exact number of delegates, and clues in the record seem to contradict each other, but it appears that the number was in the range of 50. Though the matter is vague in the official record, some sources refer to a walkout by a large number of the *prikazchiki* prompted by Timiriazev's refusal to hear their concerns and demands. See, for example, the comment of Petrov 3 in *Gosudarstvennaia Duma. Tretii sozyv. Stenograficheskie otchety* (St. Petersburg, 1911), sess. III, mtg. 95 (26 April 10), 39.

²⁹ *Zakony 15 noiabria*, 5.

³⁰ *Zhurnaly zasedanii obrazovannogo pri Ministerstve Finansov Soveshchaniia dlia obsuzhdeniia zakonoproekta po voprosu ob obezpechenii normal'nogo otdykha sluzhashchikh v torgovo-promyshlennykh zavedeniiakh, skladakh i kontorakh: Stenograficheskii otchet* (St. Petersburg, 1905), esp. 29-35. A copy of this document is in RGIA, f. 821, op. 10, d. 23, ll. 391-462.

would have to be at least partially exempt from Sunday laws lest consumers suffer inordinately or the economic well-being of the country be sacrificed. Some of the more dramatic claims—for instance, that closing down international shipping operations every Sunday would mean economic ruin for Russia—were handily refuted by reminders that England, with its centuries-old tradition of strict Sunday laws (re-affirmed in 1904), had done just fine economically, in exports and imports and otherwise. In the end, it was generally the representatives of petty commerce who were most successful in convincing Timiriazev and the ministry that a national law would have to leave wiggle-room for them, chiefly for the sake of public well-being and convenience.³¹

The matter of religious minorities in commerce generated a significant amount of attention. Before the meeting, the ministry had received petitions from Muslim entrepreneurs in the provinces of Kazan, Orenburg, Samara, and Semipalatinsk asking that any national law guarantee their right to trade on all Sundays and Christian holidays.³² Letters received from the Vitebsk City Duma, pharmacy employees in Warsaw, and the Tiflis Committee of Merchants and Manufacturers all espoused the opinion that the law need not designate Sunday as the weekly day of rest, but that the determination should be made locally depending on the religions represented. A Polish delegate to the St. Petersburg meeting explained that in Warsaw a predominance of Jewish entrepreneurs and commercial employees had inspired local administration to legislate a compromise whereby the Sunday trade holiday began only at 12:30 p.m., after three hours of business. Otherwise, he explained, “[Jewish business owners] would have to keep their shops closed for two days in a row, and we also couldn’t let the Jews open their shops on Sundays but make the Christians close theirs.”³³

On the last day of the proceedings, when it appeared that a majority favored an obligatory shutdown of most business on Sundays and holidays, one of the three Kazan Tatar merchants present, Said-Girei Alkin, made a powerful plea for allowing religious minorities to close their businesses on alternative

³¹ *Zhurnal zasedanii*, 37, 40-41.

³² Ministry of Trade and Industry, “Izlozhenie dela,” 12 April 1907, in RGIA, f. 1278, op. 6, d. 19, l. 19ob.

³³ “Izlozhenie dela,” l. 19ob; *Zhurnaly zasedanii*, 33.

days—in the Muslims’ case, on Fridays and other Muslim holidays. “People have told me,” Alkin said, “that for various reasons this wouldn’t be right, first of all because the establishment of holiday rest is not about religion, since what is intended is just purely physical rest.”

But you can’t say this; we’re not saying, work for six days and rest on one, whichever you want. It’s religious questions that are being considered. Many are saying that [the day off] is for religious and moral development, which make society and families strong. An exception could be made [for Muslims] and this would be no trouble for the government. Why not give others too the opportunity to observe their own holidays? We give certain laws to the borderlands, and others to the center – why not make a special law for Muslims? We are a conquered people, we were subjugated and have never made any trouble. We are just saying: let us preserve our religion, in everything else we will submit, and the government has always taken this into account.³⁴

In Alkin’s view, Sunday laws would fundamentally threaten Muslims’ right to pursue such development and thus their freedom of religious worship. If forced by law to close up shop on Christian holidays, Muslim entrepreneurs might be pressed by financial concerns to shirk their own holiday observances. But even without such financial pressure, he implied, prohibiting them from selling on Sundays amounted to forcing them to follow the laws of a different religion.

On page 17 of the Ministry of Finance project there is cited a Most Highly confirmed opinion of the State Council, in which it says that for people of minority religions [*inoslavnykh veroispovedanii*] one must not establish alien holidays and [thus] deprive them of their freedom of religion. And now, when sacred words have come down from the height of the Throne giving everyone freedom of conscience [i.e. the law of 17 April 1905 – though in fact it did not grant freedom of conscience – R.G.] all of a sudden cutting against these words there appears a government order limiting the religious rights of the people. Then the people may think that the government’s words are at odds with its actions.³⁵

The result, Alkin warned, could pose a political crisis. “For us the question of observing Sundays touches the most sacred feelings. The people are trembling to think that someone wants to shake their religiosity. . . . The population is already so stirred up by the recent unrest, and it would be very bad to provoke [more] unrest over this question.”³⁶

Alkin’s suggestion received a variety of responses, more hostile than supportive, from others at the meeting. A. S. Vishniakov, of the Moscow city administration, urged his colleagues to take the issue seriously.

³⁴ *Zhurnaly zasedanii*, 36.

³⁵ *Zhurnaly zasedanii*, 37.

³⁶ *Zhurnaly zasedanii*, 37.

Russia is big and vast; besides the Orthodox there are many other nationalities [*narodnosti*] who according to their religious beliefs would like their holiday rest to take place on a day off, not on a work day. How can this be regulated with regard to Jews, Poles, and Muslims? Again, those local organs can do it. In light of this they need to have authority to transfer holiday rest from Sunday to other days, in accordance with local conditions of religious worship. Only thus can we achieve a viable law.³⁷

But one Shmelev, a Russian from the Kazan Exchange Committee, challenged the proposition on the grounds of economic competition. “Because of the structure of daily life,” he claimed, “Sundays and Orthodox holidays, with the exception of only the biggest holidays, are the days of the most lively commerce. Because of this, allowing non-Christian merchants to trade on these days, when according to common sense rest should be established for their employees, would be an obvious setback [*ushcherb*] for the huge majority of Christian merchants and would be very undesirable.”

To acknowledge the desirability of shutting down trade on Christian holidays can hardly be a violation of freedom of religion: the law does not demand of non-Christian merchants the observation [*prazdnovanie*] of Christian holidays; it only establishes rest from work on those days. . . . Our Muslims’ demand to give them Friday for rest instead of Sunday, is based only on a desire to take advantage of the Christian holidays, the liveliest days of commerce, since all workers, craftsmen, and state servitors are off from work.³⁸

Shmelev portrayed the Russian merchantry of Kazan as no less imperiled than Alkin claimed the Tatars to be. “Permission for Muslims to trade on Christian holidays will prove very unprofitable [*ubytochnyi*] for the Christians,” he said. “No doubt this will bring with it a spate of new Muslim merchants and, in the end, even in places with a predominantly Russian population, Russian merchants will have to liquidate their businesses and give up all commerce into the hands of the Muslims, which the Russian population certainly would not want.”³⁹

The reaction of one participant from Moscow suggests a fundamental communication problem that may have been caused by some Russian delegates’ lack of experience in relating to (or maybe just lack of regard for) people of other ethnicities.

³⁷ *Zhurnaly zasedanii*, 38-39.

³⁸ *Zhurnaly zasedanii*, 39.

³⁹ *Zhurnaly zasedanii*, 39-40.

The Muslim argued very forcefully that we are infringing on their religious rights. They hold their Friday holiday sacred and we respect them for that, since they are observing the rules of their religion. But why then do they see us differently? Why do they have to honor Friday, and the Jews Saturday, and we don't have to do the same for our holidays? There is a kind of logical omission here.

After being forced to clarify his proposal (he had not been suggesting that Christian merchants be made to rest on Friday rather than Sunday), Alkin made a rejoinder to Shmelev, who had claimed that nearly all of Kazan's 623 Muslim merchants did business among the Russian population (which, he claimed, was why they wanted to remain open on Sundays). "There can be no competition here," Alkin argued. "Now Muslims trade primarily in their special wares, which serve their co-religionists. If we, observing our holidays, are also going to have to observe all the Orthodox holidays, that's like forcing us not to trade for half of each year. So to limit our religious rights in order not to create paltry competition, and to risk the position that Muslims occupy now, is improper."⁴⁰ Though Alkin's characterization of the Tatars' clientele was most likely inaccurate, he may have been correct that Shmelev's sense of the competition between Russians and Tatars for customers was exaggerated.⁴¹

Finally, a well-meaning delegate from the capital dismissed the Tatar demand on practical grounds without seeming to have grasped its essence. "The request of the Muslims is important," he offered. "The Orthodox population respects their traditions, oppressing neither Muslims nor Jews in the observance of their holidays, but they still want the law to allow them the opportunity to trade on Sunday! And with the announcement of freedom of religion for them, nothing will remain of the law [on Sunday rest]. . . . If we allow an exception for Muslims and Jews, then we also have the Molokan and Subbotnik sects – they will also go out and do business on Sundays, citing freedom of religious worship. We're speaking for everyone, and therefore shouldn't single out Petersburg or Kazan or Warsaw." Instead of allowing Muslim- and Jewish-owned businesses to be open on Sundays, this delegate (noting that many

⁴⁰ *Zhurnaly zasedanii*, 40-41.

⁴¹ Russian advocates of Sunday laws often claimed that Muslim merchants in Kazan had many Russian customers, but not vice versa. Thus they implied that if Russian shops were open on Fridays the Muslim businesses would be unaffected, whereas if Muslim shops operated on Sundays this would do serious damage to Russian merchants by taking away their customers. See *O prosveshchenii russkikh inorodtsev: 30 nomerov Sotrudnika Bratstva sv. Guriia*, 744.

of the Jewish pharmacies in St. Petersburg employed Christians) suggested that these businesses hire Russians who could keep them open on Fridays and Saturdays respectively while the bosses take those days off for religious purposes. A significant number of businesses in the empire were staffed multi-ethnically, but generally these were the largest firms. In smaller, local businesses this was probably not even possible to the extent necessary to solve the problem at hand. Just as importantly, few Russians would have wanted to promote the hiring of Russians by non-Christian minorities.

Another of the Tatars, Saidashev, picked up on the theme of multi-ethnic workplaces. “We acknowledge that rest is necessary for employees, but let us give rest to our *prikazchiki* on *our* holidays. If our employees are Russian, let them have two days off – both Fridays and Sundays – but Muslims can’t take Sundays off.”⁴² Neither Saidashev nor anyone else present remarked that this proposal was also flawed from the perspective of freedom of worship. If Christian employees of non-Christian businesses were forced to take Fridays or Saturdays off because those workplaces were closed, and also wanted to take Sundays as a religious observance, then they (like the Muslims forced to take two days off) might have trouble making ends meet on five days of earnings. Only if businesses had enough employees of different religions to stay open every day (laws permitting) could everyone’s needs be met equally.

Timiriazev was clearly sympathetic to the concerns of “those merchants who would face some damage because they wouldn’t be able to trade on their holidays or on those on which trade will not be allowed at all.” But he insisted that the religious-minority question was too complicated to be resolved at present—“about that it remains for us to negotiate”⁴³—for he saw merit in the position of those who objected to the Tatars’ proposal. “If complete rest on holidays will be obligatory for Christians, and non-Christians will be given full liberty to trade, then the position of one and the other from the perspective of commerce will not be the same. You,” he addressed Saidashev and Alkin, “will be trading on the most

⁴² *Zhurnaly zasedanii*, 45.

⁴³ *Zhurnaly zasedanii*, 44.

profitable days for trade, and the Orthodox—on the other, unprofitable days.”⁴⁴ Seeking to close the meeting on an encouraging note for religious minorities, however, he gave the Tatars reason to believe that the question would be addressed in the writing of the legislation.

We all have complete respect for your religion and now as you know, from the height of the Throne religious toleration has been announced. That means that you have to banish those thoughts of yours [that the Muslim masses might interpret a Sunday law as a prelude to forced conversion to Orthodoxy]. . . . I hope that we will find some kind of solution to this. Maybe the solution will be that with certain limitations trade will be allowed on holidays and these exceptions will be the same for Orthodox and for non-Christians. I just wanted to put this question into the framework in which it must be viewed.⁴⁵

As we shall see, however, the issue was in no way resolved by the national legislation, which allowed little room for the needs of religious minorities.

After the meeting the ministry drafted a law regulating hours of business, corresponded with the exchange committees and other interests (including some in places not represented at the meeting), and sent a revised version to the State Council in early 1906. The council recommended that the State Duma look over the legislation early in its first session. After that body’s premature dissolution in the summer of 1906, however, and the continued influx of correspondence from commercial personnel to the Ministry of Trade and Industry urging the swift enactment of limitations on their working hours, the government decided to issue the law under the emergency powers of Article 87 of the empire’s Fundamental Laws.⁴⁶

On 15 November 1906, just days after promulgating Stolypin’s land reform law under Article 87, the government announced its measure “On the provision of normal rest to employees of commercial establishments, warehouses, and offices.” The law laid down core requirements but left open a number of issues and details, requiring that the representative administrative institutions (*samoupravlenie*) of each

⁴⁴ *Zhurnaly zasedanii*, 45-46.

⁴⁵ *Zhurnaly zasedanii*, 46.

⁴⁶ “Izlozhenie dela,” ll. 4-5.

locality enact an “compulsory resolution” (*obiazatel’noe postanovlenie*) on the matter. To assist local authorities in drafting these resolutions, each locality would form a “mixed commission” of equal numbers of elected representatives of business owners, commercial labor, and local administration.⁴⁷

The new law set a limit of 12 business hours per day for most enterprises (of which employees would have 2 hours’ break for meals). For food-service establishments the limit was 15 hours. In all cases, specific opening hours and working hours of employees were to be determined by local authorities. The law also allowed enterprises to be open for two additional hours, for no more than 40 days in a year; the specific days were to be determined by local authorities. Additional protections for personnel included allowance for the possibility of overtime work, with special pay, and the provision of three hours’ daily break for child employees to attend school.⁴⁸

The law’s Article 5 stated that “trade and also the work of employees associated with trade and industrial activity are not permitted at all on Sundays, on the twelve principal holidays of the Russian Orthodox church [*dvunadesiatye prazdniki*],” and possibly on additional days to be determined by local authorities.⁴⁹ The only stated rationale for completely shutting down shops for certain hours in the day and days in the week—rather than simply legislating maximum numbers of work hours for employees—was that this would make the law easier to enforce. If shops were expected to let different employees go at different times (without shutting down at these times), it would be difficult to ascertain that they were in fact doing so, whereas it was reasonably visible when shops were closed entirely. Also, if stores closed entirely at certain times, employers would have fewer temptations to delay employees’ departure.⁵⁰

⁴⁷ *Zakony 15 noiabria*, 20-26, 43-46. In the absence of any of these institutions (as might be the case in border regions), governors were given discretion to appoint representatives or to decide these matters themselves. The law did not require that the different religious groups in the local population be represented in the commissions. In assembling its commission, the city of Baku did attempt to ensure that not only different kinds of commerce would be represented, but also the different confessional groups in the city. ARDTA, f. 389, op. 1, d. 151, l. 6. This may have been the case in other cities too.

⁴⁸ *Zakony 15 noiabria*, 8-10, 19-20.

⁴⁹ *Zakony 15 noiabria*, 13.

⁵⁰ *Zakony 15 noiabria*, 6. See also Kosovskii.

Following immediately after the prohibition of trade on Sundays and holidays in the law's text was a paragraph seeming to offer an alternative to members of the commercial community who were not members of the Russian church.

In settlements with a sharply predominant non-Orthodox or non-Christian population [*s rezko preobladaiushchim inoslavnym ili inovernym naseleniem*] trade, and also the work of employees connected with trade and industrial activity, instead of shutting down on Sundays and the twelve Orthodox holidays, may be limited or stopped on other days, in correspondence with local religious conditions, if Sundays or the twelve principal holidays are not honored by the religion of the predominating local population. In such settlements on Sundays and Orthodox holidays trade and the work of employees associated with trade and industrial activity, must not, however, begin earlier than twelve o'clock noon, and on the first day of Easter, the Day of the Holy Trinity, and Christmas must not take place at all.⁵¹

This part of the law seemed to some observers a reasonable way to protect the rights of religious minorities in Russia, but the catch was that a non-Orthodox group had to be “sharply predominant” in a given local area for the rules to be changed. In other words, for any religious group to be protected from the burden of taking two days off per week, one of which honored a religion that was not one's own, locally it had to be the majority (except for the Russians, for whom special care was taken to ensure that any local Orthodox minority was protected from offense by still requiring non-Christian businesses to be closed on Sunday mornings and all day on certain holidays). Explanatory notes for the law used faulty reasoning in stating that in places where trade was normally shut down in deference to non-Orthodox worship, “with the goal of protecting the religious interests of Christian employees and affording them the opportunity to attend very important church services it is established that trade and employees' work on Sundays and holidays must not in these localities begin earlier than 12 noon. . . .” Certainly, allowing Christian employees to attend church on Sunday mornings did not really require keeping businesses from being open at this time if the owners were not Christian. It is all but certain that most minority-owned businesses in the Russian empire did not exist in the context of a local majority of that religious group. And even where they did, it was not likely that the municipal governments on which such adjustments to the law were to depend would actually adopt such measures. Under the municipal administration law of 1870, the

⁵¹ *Zakony 15 noiabria*, 14.

representation of non-Christian groups in city dumas was limited to one-third, regardless of the actual ethno-religious composition of the population, and in an 1892 municipal “counter-reform” this number had been reduced to one-fifth.

As was the case with many of its local predecessors, this national law took care to list numerous types of businesses, goods, and services that would remain partially exempt from the Sunday and holiday shutdown. As long as the local laws permitted, these kinds of trade could be conducted for up to five hours on those days (with the exception of the Easter, Trinity, and Christmas holidays noted above).⁵² The category also included all trade in rural areas, and allowed for circumstances, accidental or otherwise, in which merchandise (because of, say, spoilage) or a place of trade would be threatened by a whole day off. An even less restricted category included hotels and food services in places like train stations and steamboat piers, which could be open for up to fifteen hours per day on Sundays and holidays (though there might be further local restrictions on the sale of alcoholic beverages). Finally, pharmacies were not to be restricted at all with regard to Sunday and holiday opening hours.⁵³

Companion legislation “On the provision of normal rest for employees of craft establishments [*remeslennye zavedeniia*]” was approved by the Council of Ministers on the same day (15 November 1906). The law contained a key difference from the one for commercial employees: there was no clause establishing a blanket prohibition of work on Sundays and holidays. This was partly because the industrial code (*Ustav promyshlennosti*) in force already contained a clause limiting Sunday work in craft industries: “There are six days of craft work per week. On Sundays and the twelve principal Orthodox holidays craftspeople must not work, unless absolutely necessary.”⁵⁴ In fact, it was well established that certain kinds of craft work were necessary on Sundays—to the extent that the framers of the new law

⁵² The businesses, goods, and services included: sales of basic food items and livestock feed; trade at fairs lasting no longer than three days; eating and drinking establishments; trade at recreational sites or charitable events; swimming pools and bathhouses; trade by travelling sellers of printed literature, food, tobacco, and snacks; “employee work in various kinds of offices, warehouses, and wholesale trade” (this category was so vaguely defined that it would seem to have diluted the intent of the law considerably); and trade by petty-trade stalls (*melochnye lavki*) in urban areas.

⁵³ *Zakony 15 noiabria*, 18-19, 28.

⁵⁴ Quoted in *Zakony 15 noiabria*, 38.

placed no five-hour limitation on them. “The deviation in this regard from the rules for leisure time of commercial employees. . .,” the accompanying text added, “is explained by the fact that in some kinds of craft work (the making of bread, preserves, *kvas*, and sweets) it is necessary to give a wide berth to the determination of local requirements, since some craft productions can demand periods of time longer than five hours, according to the technical requirements of the conversion process.”⁵⁵

Presumably, as the author of the notes wanted readers to believe, this was also why the provisions for craft work in the industrial code allowed adjustments in the treatment of Sundays in the case of at least some non-Christian craftspeople.

Jewish masters are allowed to work on [Sundays and holidays], provided that they do so without employing Christian journeymen [*podmastera*] and apprentices [*ucheniki*]. Christian masters must not require Jewish journeymen and apprentices to work on days when the latter, according to their law, are not permitted to work. But instead of that they can employ Jews in work on Christian holidays and Sundays.⁵⁶

The distinction between work that may be necessary for up to five hours on a Sunday or holiday (as in the new law for commerce) and work that may be necessary all day long on Sundays and holidays (as in existing legislation on crafts) would not seem, however, to justify a distinction in what the law was willing to establish insofar as non-Orthodox personnel were concerned. Arguably, the two issues could be seen as independent, and one is forced to wonder why the wording of the above clause in the industrial code for crafts establishment was not used as a model (expanded to include others besides Jews) for how minority commercial establishments should operate on Sundays and holidays as well.

After promulgation of the regulations, the Ministry of Trade and Industry received numerous complaints about problems in the local formulation of *obiazatel'nye postanovleniia* that they required. Many of these concerned religious minorities. By April 1907, the ministry reported that, as far as it knew, no locality had yet taken advantage of Article 5's allowance for alternative rest days to Sunday and Orthodox holidays. There was uncertainty over the precise meaning of the requirement of a “sharp pre-

⁵⁵ *Zakony 15 noiabria*, 39.

⁵⁶ Quoted in *Zakony 15 noiabria*, 38.

dominance” of non-Orthodox religions: was it really a relative consideration, or did there have to be a virtually insignificant number of Orthodox in the local population to justify choosing different rest days? And numerous Jewish and Muslim business owners sent petitions claiming that the rules threatened them with financial ruin, and therefore asking for permission to conduct trade (of all sorts) on Sundays and other Christian holidays for at least for five hours. These petitions, the ministry reported, were largely supported by city authorities in light of the pressures faced by these merchants and also by consumers. Since five hours was the length of time granted for commerce in rural areas and for certain goods in cities, the acting minister of trade and industry decided to grant these requests (though still insisting that Easter, the Trinity, and Christmas be strictly off limits to business).⁵⁷ On 12 September 1907, again using Article 87, the government rescinded the law of 15 November 1906 and replaced it with a new version reflecting loosening the prohibition on Sunday business by empowering local governments to allow up to five hours of commerce (by anyone, of anything) on Sundays and holidays.⁵⁸ In December, after the opening of the Third State Duma, which had to act on the legislation (which really had only temporary status), the Ministry of Trade and Industry sent a packet of information on the regulations to its president, indicating his desire that the final law include this same compromise, clearly inspired by the situation of the Jews and Muslims.⁵⁹

It took two years of deliberation for Kazan’s local authorities (having been advised by a “mixed commission” of interested representatives as required by law) to finalize their revision of its law according to the national requirements of 1906 (and then 1907).⁶⁰ On 12 November 1908 the city дума declared that Christian and Muslim businesses in the city would be required to take different days of rest (Sundays

⁵⁷ “Izlozhenie dela,” ll. 21ob.-22.

⁵⁸ *Prilozheniia k stenograficheskim otchetam Gosudarstvennoi Dumy, 3 sozyv, sessiia II, t. III* (St. Petersburg, 1909), N. 491, 1.

⁵⁹ Letter, Acting Minister of Trade and Industry to N. A. Khomiakov, 12 December 1907, RGIA, f. 1278, op. 6, d. 19, l. 1-1ob.

⁶⁰ This section will focus solely on Kazan. In Baku, archival sources for the post-1906 period are more limited. Available sources show that in 1912 the city had still not adopted a new *obiazatel'noe postanovlenie* on Sunday and holiday trade, but beyond this few details are yet known.

and Fridays respectively, as well as on other holidays of each religion).⁶¹ Several months later, however, the provincial *Prisutstvie* for zemstvo and city affairs declared this law invalid because it did not “correspond to the precise meaning” of the national law of 15 November 1906.⁶² Presumably, the problem was that the Muslim minority in Kazan did not meet the requirement of a “sharp predominance” in the population, and that the Kazan дума had not legislated “alternative” rest days for the entire local population as allowed in the law, but just for the Muslim minority (thus violating the spirit of the Senate rulings cited above, which required that limitations in any particular branch of trade be applied universally in a locale.) The ruling frustrated дума members’ hopes of resolving the conflict fairly, and bewildered them all the more so because although the governor objected to the creation of different rest days for Muslims and Christians in Kazan, he had recently agreed to a very similar law for the city of Chistopol’, and just a few weeks after the decision on Kazan, he approved such an arrangement in the neighboring town of Arsk!

In November 1909, several of the дума’s members (led by a Russian, city chief S. A. Beketov) appealed the case to the Governing Senate, presenting a highly eloquent case for the necessity of separate rest days. The terse appeal argued primarily on the basis of the underlying purpose of Sunday laws, not on extrinsic understandings of what Russia guaranteed or owed its non-Christian subjects. If the law of 15 November 1906 was really motivated by the necessity of rest for commercial employees, interpreted in a fashion that included fulfillment of one’s religious obligations, then failing to allow members of minority religions to have their rest days coincide with their days of religious observation was self-defeating. It would deprive these people of what many in Russia had come to agree was a basic need and even a right. The law was responsible for this because although traditionally Tatar businesses had taken Friday off for religious reasons, forcing them to rest on Sunday might well tempt them to abandon this tradition (and

⁶¹ There had been limited progress toward a voluntary agreement among entrepreneurs to treat holidays in this way. Documents refer to a such a pact made in April 26 by 192 Tatar merchants in Kazan, 33 Russians, 27 Jews, and one German. The number of Russians involved was certainly not impressive. NART, f. 98. op. 4, d. 2220, l. 166ob.

⁶² NART, f. 98, op. 4, d. 2220, l. 171.

make their employees work on Fridays).⁶³ The argument did not impress the Senate, which sent its rebuff only two years later, in November 1911. It argued on the same basis as its earlier rulings on Sunday laws: that although it could see no harm coming from making exceptions to Sunday laws for certain categories of trade, it would tolerate no distinctions among entrepreneurs within any category of trade. It added that the Kazan arrangement would be especially unfair to Christians because the Muslims had fewer holidays than the Russian Orthodox, who would therefore have less selling time.⁶⁴

The State Duma

Beginning in January 1908, the Duma's Commission on the Worker Question worked for more than a year on drafting a bill. The version it unveiled in May 1909 sought to empower local administrations to satisfy partially the demands of Muslim and Jewish business owners, but it did so indirectly and subtly, without even mentioning the issue explicitly (as was the case in the revisions of 12 September 1907). Abandoning the 1906 law's demanding wording about the "sharp predominance" of religious minorities required for instituting a weekly day of rest other than Sunday, the bill instead allowed local governments to allow up to five hours of trade on Sunday with no restrictions as to types of establishments or merchandise. Sunday rest was introduced thus (now in Article 10): "Commerce, and work in commercial warehouses and offices, is not allowed on Sundays or on the twelve principal Orthodox holidays other than those listed in the previous article [Easter, Trinity, and Christmas, which in Article 9 are

⁶³ S. A. Beketov et al., appeal to Governing Senate, November 1909, NART, f. 98, op. 4, d. 2220, l. 198-198ob. The archival fond also includes a much more detailed draft for the appeal, which includes a number of additional highly persuasive points (in my opinion, ones that would have been difficult for the Senate to brush aside) that seem not to have been included in the final version (unless perhaps they were articulated in appendices). Beketov was particularly eloquent particularly with regard to the question of creating distinctions between parties in the same trade. In the draft, he asked why, if the government was so intent not to allow localities to make distinctions among individuals within certain categories of commerce, did it fail to see that making minorities take two days from trade (whereas Christians took only one) actually created such distinctions. Legislating separate rest days, Beketev implied, should be seen not as a primary violation of the law as interpreted by the Senate, but as a corrective to an aspect of the law itself that violated the Senate's principle. The draft also argued that although creating separate rest days for different groups of the population would violate the letter of the law of 15 November 1906, it would not make a local law any less effective in carrying out the intent of the law—in fact it would be more effective. *Ibid.*, ll. 171-174.

⁶⁴ Copy of Senate ukaz, 11 November 1911, NART, f. 98, op. 4, d. 2220, ll. 199-200.

listed as days with no trade whatsoever] as long as exceptions to this will not be allowed by compulsory resolutions [*obiazatel'nye postanovleniia*] (Art. 14, par. g) in accordance with local conditions and needs.”⁶⁵ Referring to Article 14, paragraph g, which lists the issues to be addressed by local authorities in the *obiazatel'nye postanovleniia*, we find one of these to be “permission to engage in trade and work on Sundays and holidays (Art. 10), with the time of trade and work not to exceed 5 hours per day. Permission to engage in trade and work on Sundays and holidays may be applied at once to all kinds of commerce and work, or only to specific kinds thereof.”⁶⁶ The only hint in the bill about the possibility that localities might adjust the regulations for reasons of religious diversity was Article 11, which offered: “Commerce, and work in commercial warehouses and offices, may through the *obiazatel'nye postanovleniia* (Art. 14, par. zh) be restricted in time or prohibited on other days, besides those mentioned in Articles 9 and 10, that have the significance of holidays according to local conditions.”⁶⁷ The commission, while following the Ministry of Trade and Industry’s wish to loosen the Sunday prohibition for the sake of minority-owned businesses (as well as to allow, for the sake of minority employees, the required closing of trade on minority holidays) chose to soft-pedal the issue perhaps to prevent heated inter-ethnic conflict in the Duma’s debates on the bill.

From the Commission on the Worker Question, next the bill went to the Duma’s Commission on City Affairs, which held meetings in the fall of 1909 and unveiled its conclusions on 7 December 1909. This commission was much more inclined toward a stricter interpretation of the principle of “Sunday rest,” and revised the bill so as to undo the more liberal possibilities the Ministry of Trade and Industry and the Commission on the Worker Question had added. Article 10, this commission remarked, began by declaring Sundays and holidays to be free of commerce, but then within the same sentence pulled the rug

⁶⁵ *Prilozheniia k stenograficheskim otchetam Gosudarstvennoi Dumy, 3 sozyv, sessiia II, t. III* (St. Petersburg, 1909), N. 491, 10.

⁶⁶ *Prilozheniia k stenograficheskim otchetam Gosudarstvennoi Dumy, 3 sozyv, sessiia II, t. III* (St. Petersburg, 1909), N. 491, 11.

⁶⁷ *Prilozheniia k stenograficheskim otchetam Gosudarstvennoi Dumy, 3 sozyv, sessiia II, t. III* (St. Petersburg, 1909), N. 491, 10.

out from under that claim by revealing that there might in fact be five hours of trade. “In the law there must be a definite statement,” the commission wrote. “Either commerce on Sundays is prohibited unconditionally, or else it is permitted for a period of a few hours, in which case that must be said precisely in the law itself, and not give leave the resolution of this matter up to the local authorities.”⁶⁸

But this commission did not really support a draconian prohibition of Sunday and holiday trade that would have done away with all the allowances present in the law of 1906 and most previous local ordinances. It did seek to remove a few of these using specific arguments against their absolute necessity (most significantly, the allowance of trade in rural areas), but what it really wanted to avoid by invoking the need for “unconditionality” was any blanket allowance for all kinds of trade on those days, even for just a few hours. So while the Ministry of Trade and Industry had thought that fully allowing “business as usual” for five hours on Sunday was a way to placate religious minorities without doing them any special favors (let alone giving them a commercial advantage), this degree of permissiveness violated the principle of Sunday rest more than these delegates could bear.

But the commission offered no alternative way to address the complaints the government had received from Jewish and Muslim traders. Though members of the Duma’s Muslim fraction were present and vocal in the commission’s deliberations, the majority of members did not sympathize with the fraction’s arguments for allowing Muslim merchants to rest on Fridays instead of Sundays (as Alkin had suggested in 1905, and as others in Kazan and Baku had done earlier). The committee’s report declared that idea “unacceptable.”

Russia is a Christian state, and therefore it is necessary to establish holiday rest for all citizens on days honored by the Christian religion. Besides, permission for non-Christians to engage in trade on Sundays and the twelve principal Orthodox holidays is inadmissible because it could bring a [podryv] to the trade of Christian merchants, since it is well known that trade always goes especially [boiko] on holidays, when everyone is free. But at the same time, taking into account the re

⁶⁸ *Prilozheniia k stenograficheskim otchetam Gosudarstvennoi Dumy, 3 sozyv, sessiia III, t. I* (St. Petersburg, 1910), N. 98, 1.

ligious demands of the non-Christians and wanting to give them the opportunity of holiday rest on days honored by their religion, the commission sees fit to add to Article 9 a special notation by which in localities with a non-Christian population business operations can be prohibited or limited [for all – R.G.] by the *obiazatel'nye postanovleniia* on days celebrated by non-Christians according to their religions, in addition to Sundays and the twelve principal Orthodox holidays.⁶⁹

The Commission on City Affairs could hardly have been unaware that this last provision was already in the bill of the Commission on the Worker Question (in Article 11). All it did was to that version was to insert the phrase “in localities with a non-Christian population” instead of leaving the context vague. Surely, though, the commission could not have thought that shutting down trade on additional holidays would solve the issue satisfactorily from the Muslims’ point of view. If authorities in heavily Muslim-populated areas were to declare a few Muslim holidays to be days without commerce, that would have been a gesture in the direction of accepting Muslims as citizens on equal terms with Christians. But unless such authorities declared every Friday (or half of every Friday) to be off-limits to business—an extremely unlikely event, since that would have to be in addition to Sundays—this formulation was not likely to eliminate the disadvantage to Muslim businesses from obligatory Sunday rest.

In any event, the Commission on the Worker Question had the last word, since it received the bill back and could either accept or reject the changes that City Affairs had made. Though it did retain some of the changes, with regard to the impact of the law on religious minorities its report of 31 March 1910 simply changed the legislation back to the way it had been before—restoring the provision for allowing any kind of trade for five hours on Sundays and holidays (still without reference to other religious diversity), and even taking such reference out of the article allowing for prohibiting or limiting trade on additional holidays.⁷⁰

The bill was now brought to the floor of the Duma for discussion in late April and early May of 1910. In presenting it to the delegates, Minister of Trade and Industry Timashev made a strong stand for Christianity and Russian nationalism in the justification for the choice of rest day. He declared it “inad-

⁶⁹ *Prilozheniia k stenograficheskim otchetam Gosudarstvennoi Dumy, 3 sozyv, sessiia III, t. I* (St. Petersburg, 1910), N. 98, 4-5.

⁷⁰ The commission’s explanations for rejecting these changes made no specific references to the complaints or needs—or even the existence of—religious minorities.

missible” that trade might be conducted on Sundays as on any other day; “there is no question that in a Christian state Sunday in particular must be honored, and not some other day.” Even France, known for its godless secularizing, had such a law.⁷¹ But in his view the government’s law of 12 September 1907 (allowing up to five hours of trade on Sundays and most holidays) was the best solution to the problem posed by the Russia’s religious diversity, since it was absolutely out of the question to let Muslims trade on the most active commercial day when Christians could not.⁷² The 1907 law also took care of the numerous demands of various commercial sectors claiming the need for exemptions from an absolute prohibition of trade on Sundays and holidays. Nearly half of the 600-some localities for which the government had information, Timashev said, had taken advantage of the loosening under the 1907 law to allow some trade on Sundays (and half of these were allowing the maximum 5 hours).⁷³

Given that debates in the Duma (as earlier discussions had too) often gravitated around the rights and interests of entrepreneurs (and sometimes consumers), socialists and some Kadets faced a continual challenge in returning the focus to the needs of commercial employees (the “commercial proletariat” in socialist parlance), which were the titular justification for the legislation in the first place. They were on the whole disappointed by the government bill. Even the 1906 law had represented a setback for some *prikazchiki*, they claimed, who locally had achieved much farther-reaching limitations on work hours. Then the 1907 revision whittled the concept of employees’ “Sunday rest” down to nearly nothing. To placate capitalists, the bill embraced a ten-hour work day (with longer hours possible on some occasions) rather than the desired eight of the labor movement, and it allowed too many exceptions (few of them

⁷¹ *Gosudarstvennaia Duma. Tretii sozyv. Stenograficheskie otchety*, sess. III, mtg. 95 (26 April 1910), 16. Hereafter cited as *GDSO III*.

⁷² *Ibid.*, 19. Reference to Sunday as the most lively (*boikii*) day of commerce, was so taken for granted by discussants that no one ever entertained the thought that with at least Christian-owned businesses closed, it would always remain so. Clearly, many advocates of a Sunday law were hoping to change the behavior not only of entrepreneurs and workers, but of Christian consumers too. So this argument may have been over-emphasized by those disinclined to make special allowances for non-Christians.

⁷³ *Ibid.*, 18.

really necessary) to maximum working hours and a work-free Sunday.⁷⁴ But socialists and liberals were more inclined than most delegates to recognize that religious minorities must be accommodated, and as a result they questioned the necessity of singling out Sunday as the only possible rest day. According to the SD Kuznetsov from Ekaterinoslav, this represented the attempt of “dark forces” to revive the moribund tsarist formula of “Autocracy, Orthodoxy, and Nationality.”⁷⁵ The SDs generally favored a uniform decision in each locality as to which day would be honored as the day of rest, not the Muslim-advocated formula of letting different religious groups take different days.⁷⁶

The delegate Bobrinskii from Kiev generated considerable discussion by asserting that the means by which the government’s bill operated did not fit the purpose of the law. Instead of tampering with the work regime of commerce in general, why not just regulate the work schedules of the individual employees, using the principle of shifts (which admittedly had barely penetrated Russian commerce by this time)? Bobrinskii’s chief concern was to protect small “Mom and Pop” business owners who had no employees (why should labor legislation force them to shut down?), but speakers with other concerns were inspired by his deconstruction of the law. It showed, of course, that labor conditions were far from the

⁷⁴ Some thought that the relative strictness of the 1906 law was a response to the strike movements of 1905, and was designed to help conservative forces in the elections to the Second Duma in early 1907. Once the government no longer needed to curry favor with the public, the argument went, it was free to revise the law so as to make it much less favorable to commercial workers. See the comments of Predkal’n, *ibid.*, 29-30, Petrov 3, 39, and Shchepkin, 59.

⁷⁵ *GDSO* III, sess. III, mtg. 100 (3 May 1910), 496-497.

⁷⁶ Only a few SDs advocated that each religious group be given the opportunity to designate its day of rest, because most feared that divergence in work schedules would create a fragmentation of experience and thereby erode proletarian solidarity in a given locality, and that regulations would be enforceable only if uniform for a locality. One commentator, V. Kosovskii, who thought those concerns were exaggerated, argued that employees of different religions could take different days off. Nonetheless he thought that firms with religiously mixed personnel would have to choose one day or another; he assumed that most of these firms were not big enough to offer all employees the day off corresponding to their religion. In any event, he reasoned, this was the solution that would offend the fewest people since there were few such businesses in the first place. Some SDs, to avoid such conflicts, argued that decisions as to rest days should always be made at the level of the firm. V. Kosovskii, “K voprosu o prazdnichnom otdykh torgovykh sluzhashchikh,” *Nasha zaria* (August-September 1910), 47-58. For an SD defense of the Sunday standard, see Fedor Dan, “Eshche k voprosu o prazdnichnom otdykh,” *Nasha zaria* (November-December 1910), 17-26.

chief motivator of the legislation, which was designed to address the perceived spiritual-cultural needs of Russia as well as the interests of Russian business.

The Duma's Muslim fraction proposed an amendment to the legislation which would have made Articles 9 and 10 inapplicable to Muslims of the empire. Muslims would be prohibited from doing business on Fridays and Muslim holidays instead of Sundays and Christian holidays. The members of the Muslim fraction who spent the most time on the podium – Gaidarov from Daghestan, Khas-Mamedov from Baku, Maksudov and Enikeev from Kazan -- were quite unified in the arguments they presented, many of them from the repertoire Tatars had used in Kazan since 1903. They made it clear that the 5-hour compromise represented by the government bill was as unacceptable to them as previous laws because it limited Muslim commercial activity more than Christian and refused to accommodate religious diversity. The argument about damage to Christian businesses from letting Muslims trade on Sundays, they argued, was a double-edged sword; it should be balanced against the fact that Christian merchants could take advantage of the absence of Muslim competition on Fridays. They stressed the loyalty of Muslims in the empire, and its dependence on full religious freedom.

Among the deputies from Poland, a small battle took place over the issue over which calendar – the old Julian (used by the Orthodox Church) or newer Gregorian (Catholic) – to use in determining holidays. Russian nationalists, led by the deputy and Orthodox Bishop Evlogii, presented an amendment that would have used the Julian calendar even in regions with insignificant numbers of Orthodox (whereas even imperial administrative offices in Poland used the Gregorian calendar). Catholic Poles advocated using the Gregorian calendar but allowing Orthodox employees to be released on their own holidays (some also advocated making an adjustment for the Jewish population of the region).⁷⁷ The perspective of Jewish entrepreneurs and employees was less present in the discussions than one might expect. Although the Party of Popular Freedom (affiliated with the Kadets) sponsored an amendment to let both Jews and Mus-

⁷⁷ *GDSO III*, sess. III, mtg. 96 (28 April 1910), 161-163. See also *ibid.*, sess. III, mtg. 100 (3 May 1910), 541-543.

lms substitute their own rest days for the Christian Sunday, few Jews spoke up for it.⁷⁸ At times Jews were presented by Russians as similar to Muslims in their voluntary tradition of refraining from business on their days of worship and in their ambition to dominate commerce.⁷⁹

It was in the bill's "second" (article-by-article) discussion in the Duma on 1 and 3 May 1910 that the Muslim amendment (and the religious issue generally) generated the most contentious, and occasionally ugly, exchanges. S. N. Maksudov of Kazan began with the provocative claim that the intent of any bill making adherents of all religions take Sunday off was to force religious assimilation. The notion of Russians being threatened by commercial competition from Muslims, he claimed, was a red herring. His argument proceeded speciously, however: per capita, he said, there were fewer Muslim than Russian merchants in the country, since much of the Central Asian population was nomadic; a voice on the right queried, "And among the Tatars?"⁸⁰ This was followed shortly by a chauvinistic barrage by a conservative delegate (and small trader) Sushkov from Kursk. "Who are the merchants here? The inorodtsy chased them all out long ago. This isn't uncommon. I think the Moscow deputies know that there is more Jewish capital in the first guild than Russian. . . . Where are the Russians? Russia long ago ceased to be Russian."⁸¹ When I. V. Godnev, a Russian Octobrist delegate from Kazan, held up the 1908 Kazan law an example of the correct, tolerant approach to religious questions raised by the law (whereas most Octobrists advocated a "pure" Sunday rest law), and claimed that Russian merchants in Kazan did not feel as threatened by such a compromise as one might think, a voice from the right side of the chamber shouted out: "Bought by Tatar votes."⁸² G. G. Zamyslovskii, a rightist from Vilnius who advocated a wholesale prohibition of trade on Sundays, claimed that all commerce in the Western region had been

⁷⁸ See *ibid.*, sess. III, mtg. 30 (3 December 1910), 2659.

⁷⁹ *Ibid.*, sess. III, mtg. 98 (30 April 1910), 260.

⁸⁰ *GDSO III*, sess. III, mts. 99 (1 May 1910), 375.

⁸¹ *Ibid.*, 395.

⁸² *Ibid.*, sess. III, mtg. 100 (3 May 1910), 495. See also the remarks of Kariakin, another Russian Octobrist from Kazan who held up the 1908 law as a model. *Ibid.*, sess. III, mtg. 96 (28 April 1910), 155-156.

“seized by the Jews,” and insinuated that allowing non-Christians to work on Sundays would serve Jewish interests. “In the West we see that the Jewish holidays really appear solemn, and holiday-like. Everything is closed and it’s impossible to buy anything anywhere, whereas on Christian holidays the city looks like it does on a week day. . . . This doesn’t correspond at all to the position that a dominant religion should have in the country.”⁸³

In the voting on amendments relevant to Articles 9 and 10, all potential concessions to religious minorities were squarely voted down, including the bill’s allowance for up to five hours of trade of any kind on Sundays and holidays. The Octobrist position – more restrictive than the government’s own position – had carried the day. To aid in the defeat of the Muslim amendment, some right-wing delegates propagated (probably insincerely) the misconception that the fraction wanted Friday to be the day of rest for all peoples in the empire, not just Muslims. After the amendment’s defeat, deputy A.O. S. Syrlanov of Ufa led a Muslim protest and walkout.⁸⁴

The bill then went back to the Commission on the Worker Question, which in the fall of 1910 restored the provision allowing local authorities to sanction up to five hours of Sunday trade.⁸⁵ In December the bill was again submitted to the Duma for the third and final discussion. In spite of the urging of the Minister of Trade and Industry, the restored passage (the last vestige of a concession to religious minorities) was again eliminated by a wide vote.⁸⁶

⁸³ Ibid., 541.

⁸⁴ Ibid., 552-555, 574.

⁸⁵ *GDSO III*, sess. IV, pril. 47 (1911).

⁸⁶ *GDSO III*, sess. IV, mtg. 34 (10 December 1910), 2853; mtg. 35 (13 December 1910), 2994. The bill never emerged as a law. For information on the State Council’s handling of the bill, see M. B—ov, “Gosudarstvennyi Sovet i prikazchiki,” *Nasha zaria* (January 1913), “Vnutrennee obozrenie,” 76-82.

Sunday Laws in Kazan after 1911

After the Senate decision of 1911, provincial authorities directed the Kazan city дума to revisit the law on business hours as soon as possible. But the city dragged its feet, understandably perhaps, because there was no way to resolve the situation without incurring the wrath of a large part of the population. While the status of the Sunday legislation remained unsettled, legally the regulation of April 1905 was still in effect, demanding that everyone (except businesses in the *Novotatarskaia sloboda*—interestingly, the government had never questioned this aspect of the law) cease trading on Sundays except for one half-hour period. But the city *de facto* allowed Muslims to take Friday off instead of Sundays (or enforced the law half-heartedly, by imposing only nominal penalties), since it believed that law as written was unfair to them.⁸⁷ This caused indignation among Russian (and in at least one case self-identified Jewish) merchants, who submitted petitions to the city detailing the ways in which the arrangement was working to their disadvantage. Muslims, many of them claimed, were taking unfair advantage of the situation by opening new businesses in Russian neighborhoods where they knew they would have a monopoly on Sundays, allegedly charging higher prices than on other days, and thus gradually taking over commerce in the city generally.⁸⁸ (It is unclear whether Russians engaged in similar tactics on Fridays, when they could count on Muslim businesses being closed.) It is worth noting, however, that not all complaints were about Muslims or other non-Christians. Since some kinds of businesses were exempt from the Sunday law, they were also taking advantage by broadening their sales to include products whose usual vendors were closed for the day. For example, bakeries (deemed a basic necessity and allowed to remain open) were now selling more and more non-bakery kinds of groceries, causing the consternation of owners of grocery (*bakaleinye*) shops, who could not open on Sundays for more than half an

⁸⁷ It was reported that between 1909 and 1911, only 357 of 1,214 cases of violation of the Sunday law led to convictions. In 857 cases the accused were acquitted. Only 195 people were fined, and the fines were miniscule, ranging from 30 kopeks to 1 ruble. Letter, Governor I. V. Strizhevskii to Vasilii Dmitrievich [?], [?] Nov. 1913, NART, f. 98. op. 4, d. 2220, ll. 291-294ob.

⁸⁸ Petitions to Kazan gorodskaiia uprava and city дума, NART, f. 98, op. 4, d. 2220, ll. 158-160, 156 [sic], 264-65, 383-385ob., 396-397. See also allegations made at a meeting of the city дума, in *Zhurnal*, 8 January 1914, *ibid.*, ll. 320-322.

hour. The city also received complaints from small businesses in which the owners themselves did all the selling. These people wondered: if the Sunday law was enacted in order to force businesses to ease up on their employees, then why should businesses without any employees have to shut down too?⁸⁹

Kazan's Tatar population refused to give up even as an unfavorable resolution of the issue loomed overhead. Since revision of the law of 15 November 1906 was still under consideration in the State Duma, in 1912 they petitioned the city to "leave the question open," letting them continue for the time being to trade all day long on Sundays.⁹⁰ But Russians wrote in too, begging that the city cease its indulgence of the Tatars and their "special privilege not to obey the law."⁹¹ These petitioners claimed that of all Russian cities only Kazan remained in this difficult situation because of the Tatars' "impertinent willfulness."⁹² Other cities with non-Christian merchants, they claimed, had solved the problem by allowing everyone to trade for a more substantial length of time on Sundays (four or five hours), as allowed by the national law of 12 September 1907, which because of the failure of State Duma legislation was still in effect (but which was unacceptable to Muslim leaders in Kazan and elsewhere, as indicated in discussions in the State Duma).⁹³

An interesting shift in rhetoric appears in an eloquent petition addressed to the city duma from the "Muslim population of Kazan" (signed by hundreds of individuals, not just merchants) on the eve of a meeting in early 1914. Knowing that the duma was scheduled to consider the issue of trading hours, the authors urged the duma not to decide the Sunday law issue to the Muslims' detriment – and the only way

⁸⁹ Petitions to Kazan city duma, in NART, f. 98, op. 4, d. 2220, ll. 211-212, 230-231ob.

⁹⁰ Ibid., ll. 261-261ob. Even as late as January 1914, by which time the interests of religious minorities had long been eliminated from State Duma legislation, Tatars were using that legislation as a stalling mechanism. When a sympathetic Russian delegate in the Kazan city duma remarked that the Duma had decided the issue in a way favorable to Muslims (perhaps because of the influence of Kazan's delegate S. N. Maksudov), and that the legislation was awaiting the approval of the State Council, Maksudov (a member of both the city duma and the State Duma) allowed this untruth to go unchecked presumably for this reason. Zhurnal of Kazan city duma, 8 January 1914, NART, f. 98, op. 4, d. 2220, ll. 320-320ob.

⁹¹ NART, f. 98, op. 4, d. 2220, ll. 383-385ob., 396-397 (quote from 384ob.).

⁹² Ibid., l. 384ob.

⁹³ Petition from "Kazan merchants" to city duma, 22 January 1914, NART, f. 98, op. 4, d. 2220, ll. 383-385ob.

to do that was to allow Muslims to take Fridays off instead of Sundays. But because the Tatars had become familiar with allegations that their interest in being allowed to trade on Sundays was motivated by economic gain rather than religious devotion they chose to emphasize the religious argument more than ever and downplay the economic one. Instead of claiming, as before, that taking two days of rest per week represented an economic hardship, they stated categorically that

there is not and cannot be competition between us and Russian merchants to any serious extent. Trade on Sundays presents no special privilege or profitability, because as everyone well knows in Kazan 95% of the [Muslim] merchants are located in the outer part of the city – beyond the Bulak – and the customers of these traders are exclusively Muslims, as are the employees of these firms, so that Sunday trade in no way plays a big role for us.⁹⁴

As stated earlier, without intensive research it is nearly impossible to determine whether such claims about the economic segregation of traders and consumers in Kazan were true. Even so it is striking that the Muslims, under the pressure of Russian opinion, were willing to pretend that they had no fear of losing customers. The statement also included passages denying that Muslims in Russia represented a “politically unreliable” or “dangerous element”. Clearly the Tatars were responding to recent events, in which progressive intellectual-cultural currents among Muslims of the Volga region were being demonized and even criminalized by tsarist authorities as manifestations of an anti-imperial, separatist “Pan-Turkic” or “Pan-Islamist” movement.⁹⁵

In the summer of 1914, the Kazan city дума, perhaps buckling under public pressure and perhaps now having a higher number of delegates unsympathetic to Tatar interests, passed a law generally prohibiting trade on Sundays and holidays, with only a few specific exceptions and no mention whatsoever of Muslim interests (in spite of urging from the дума’s judicial commission).⁹⁶ After approving the law in July, the governor reported in September that the Ministry of Internal Affairs had struck down the law. The MVD gave no reason, but city authorities speculated that a complaint of prominent Muslim merchants had been instrumental. In reporting this development, the governor also issued a “temporary regu-

⁹⁴ NART, f. 98, op. 4, d. 2220, ll. 300-313 (quote 305ob.).

⁹⁵ See Geraci, *Window on the East*, chap. 8.

⁹⁶ Doklad Kazanskoi Gorodskoi Dumy no. 90, in NART, f. 98, op. 4, d. 2220, ll. 517-523ob.

lation” that was more or less identical to the law of September 1907, allowing all forms of trade on Sundays and most holidays from 12 to 5 p.m.⁹⁷ Clearly, the government had painted itself into a corner. Unwilling to reconsider its refusal to allow exceptions according to religious affiliation, it knew that it had to insist on a relatively liberal version of “Sunday law” to prevent Muslim insurrection in places such as Kazan. In spite of city authorities’ claims that the governor had overstepped the limits of his powers, the MVD let the temporary regulations stand.⁹⁸

Conclusions

Numerous persons involved in the Sunday law controversy in late tsarist Russia, by no means all of them Muslims, were taken aback by the government’s persistent refusal to make any explicit accommodation to religious minorities in the determination of which day would be subject to a compulsory stoppage of commerce. Since the time of Catherine the Great and the creation of the Muslim Spiritual Administration (and other analogous bodies for other confessions), the Russian state had approached its diverse subjects as what Robert Crews has called a “confessional empire” or “confessional state,” taking upon itself to ensure the proper functioning of religious traditions of the empire’s peoples.⁹⁹ Now it was functioning more like a nation-state, at some times seeming to ignore the fact that its subjects did not all share the same religious traditions, and occasionally (including, arguably, in the case of Sunday laws) even endeavoring explicitly to block subjects from observing their own customs (even if not always pressuring them to assimilate) so as to ensure that Russian subjects and their interests would predominate. Although the creation of the Pale of Jewish Settlement in the 1790s is generally described as an attempt to shield Moscow entrepreneurs from Jewish competition, in the 19th century the Russian state had often

⁹⁷ Draft of Kazan city дума complaint to Governing Senate, [September 1914], *ibid.*, ll. 542-544.

⁹⁸ The city дума appealed the decision to the Governing Senate in September 1914, but it is unclear whether the case was ever decided.

⁹⁹ Robert Crews, “Empire and the Confessional State: Islam and Religious Politics in Nineteenth-Century Russia,” *American Historical Review* 108: 1 (February 2003). This concept is implicit in the work of many other recent historians of nationality policies in tsarist Russia, including my own.

disappointed those Russian entrepreneurs who sought commercial advantages or protection on the basis of their religion or ethnicity (whether the perceived foes be Muslims, Armenians, Greeks, Germans or foreigners), instead insisting on a rough equality of opportunity (which, admittedly, least often embraced the Jews). By the early 20th century, the policy of ethno-confessional tolerance in capitalist opportunity had been absorbed significantly into popular consciousness, although the artificially engineered composition of the Third State Duma made it impossible for such tolerance to prevail in the consideration of Sunday law legislation (and the outbreak of war in 1914 would result in an explosion of hostility against German entrepreneurs several months later).¹⁰⁰

Some significant political figures (in the Ministry of Trade and Industry and Ministry of Internal Affairs, for example) at least supported indirect concessions to religious minorities in the form of the 5-hour allowance on Sundays and holidays if only for the sake of preventing serious ethno-confessional unrest among Muslims in Russia. The Duma's elected representatives—especially those from regions with no significant Muslim population—were not as well aware of this danger and were willing to fan the flames of ethnic hostility, and it in this regard it is striking that Russian delegates from Kazan (where an even-handed law had been enacted in 1908) supported the defense of Muslims' rights even when their party colleagues (usually Octobrists) from elsewhere did not. Jewish protest, on the other hand, was not a concern. In my continuing research I hope to find explanations for why Jews were so much less vocal than Muslims in defending themselves against Sunday laws. Perhaps, though, the answer is obvious: Jewish entrepreneurs had been so consistently targeted as economic enemies in tsarist Russia that they could hardly be surprised by these fresh offenses. They had lost hope of thwarting such policies, had learned to make the best of legal obstacles, fought their battles quietly, and certainly did not want to react in any way that might confirm negative stereotypes of them as parasites; the need for such caution seems to have been realized by the Kazan Tatar community only around 1914.

¹⁰⁰ See Eric Lohr, *Nationalizing the Russian Empire: The Campaign against Enemy Aliens during World War I* (Cambridge, Mass., 2003).

Though it would be difficult to argue that paralyzing the power of minority entrepreneurs was a chief motivation behind the government's espousal of Sunday laws, it is clear that the protection of the economic interests of Russian entrepreneurs was a strong factor in state decision about how to structure the laws. But how the state went about protecting Russian interests is curious. The Senate decisions against a separate day off for Muslim businesses used the sanctity of free markets and equal competition (or as they saw it, avoidance of competition) as rationale. But of course, as Kazan authorities pointed out, in denying this to Muslims they were creating a competitive disadvantage on the basis of religion. The whole language and imagery of inter-ethnic commercial competition used by various Russian legislators, in fact, was quite strikingly myopic. We may never know the empirical truth behind many of the assumptions used by the discussants (the distribution of businesses in different neighborhoods, the ethnicity of clientele, and so on) but there is a whole sociology of capitalism behind many of the assertions made, and many questions to ask. If it was so bad for Muslims to charge higher prices when only they were selling on Sundays, then why did the customers purchase from them? Why was it wrong for Muslims to take advantage of their Sunday monopoly by opening more stores, and had Russians really not done the same when they had a monopoly on Fridays (if they hadn't, why not)? Russian nationalists and the state, by demonizing such behavior, showed distrust of the free-market forces they claimed to honor. And if the Sunday laws were supposed to change the economic and religious climate in Russia (their motivations were primarily non-economic, after all), then why treat the Russian public's affinity for Sunday commerce as an eternal given that would cripple Orthodox entrepreneurs should non-Christians alone be allowed to trade on Sundays? If minority competition threatened such a calamity for Russian dignity, why couldn't Russian consumers be made to support Russian businesses?

It is clear from the rhetoric surrounding the Sunday laws that this legislation was rooted chiefly in concerns about Russia's national and confessional identity (in addition to some concern for labor). The spectacle of commerce ceasing on one's day of worship, it appears from several statements in these debates, was taken as a sign of the strength of a people's culture (and perhaps economic power). If the cities of Russia stopped in their tracks on Fridays or Saturdays, but remained chaotic on Sundays, then that re-

flected poorly on Russians as an imperial people. Concern for the morality of the population was frequently evident as well; not only did authorities prefer that Russians attend church more often, but they may also have been concerned with the corrosive effects of commercialization and consumerism. But the crux of the impasse created by the laws seems to have been that in pursuing an economic manifestation of religious devotion, the Russians sought to make theirs mandatory, whereas their perceived competitors, Muslims and Jews, had for years refrained voluntarily from trade on their days of worship (though how unanimously they did so we admittedly do not know). So, it appears, did Protestant entrepreneurs in the Russian empire. A survey in the late 1890s by a proponent of Sunday rest had found strong traditions in the Baltic region and Finland whereby shopkeepers voluntarily shut down on Sundays; those places were also among the first to give such traditions the force of law when urged to by commercial employees.¹⁰¹ (Russians were also well aware of a very strong Sunday law tradition in England, and recent laws in Germany.) Perhaps Weber's "Protestant ethic" and "spirit of capitalism" were not only about work-discipline but also rest-discipline. Protestants, and the many other entrepreneurial groups to whom the "Protestant ethic" has been ascribed¹⁰², were not only experts at the drive toward capitalist work; they also taught themselves when to stop working, and that was no less key to their success. One Orthodox commentator in the early movement for Sunday laws thought that his position was justified by Jews' greater success in commerce than Russians':

Jews don't trade on their Saturday [holidays], but Christians do trade. It would seem that on Saturdays the buyers would go to the Christian merchants and the Jews would take a loss, but whose commerce goes better? Isn't everybody complaining that the Jews are taking greater and greater control of commerce?¹⁰³

A great number of Russian entrepreneurs must have been cognizant of this paradox, and it may help explain their sense of relief in the 1880s and 1890s when they discovered that limiting the hours of trade would not necessarily harm them financially. A group of *prikazchiki* in Baku explained in an 1884 peti-

¹⁰¹ See Grachev, *O voskresnom i prazdnichnom otdyke*.

¹⁰² See Yuri Slezkine, *The Jewish Century* (Princeton, 2004), Chap. 1.

¹⁰³ D. Smirnov, *Prazdnovanie voskresnogo dnia* (Kiev, 1893), 405.

tion to the city chief: “It is an established fact that our bosses themselves are not against spending Sundays relaxing, but they. . . by the power of custom follow one another’s example, and the result is the involuntary, on their part, enslavement [*kabala*] of their service personnel.” And perhaps of themselves as well. If the power of the law could free them from this self-imposed bondage, then they might not only be able to treat their employees better but make themselves the true masters of the empire. For many, and for their advocates in state and society, it was evidently a sense of Russian entrepreneurs’ inferiority to the empire’s minority entrepreneurs that made them insist on holding the reins of this experiment so tightly.