

Some remarks on the history of the Karaites in Grand Duchy of Lithuania in the 15th century

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Abstract

The article deals with the medieval sources on the history of the Karaites who appeared in the Grand Duchy of Lithuania during the reign of duke Vitold (Vytautas). Many of them were already analyzed by researchers, however some questions still remained unanswered or presented not always in fully critical way. The research questions deal with the original privilege issued by Lithuanian monarchs to the Karaites, allegedly participation of the Karaites at the battle of Tannenberg or travel description left by Burgundian knight Gilbert de Lannoy. It seems that the first written document, shaping the legal position of the Karaites in the Grand Duchy of Lithuania was issued by duke Casimir Jagellonides in 1441. The charter of grand duke Vitold, drawn in 1388, was certainly forged sometime in the 15th century. The Bavarian Latin chronicle informing that a Jewish (in fact, Karaite?) military unit supported Polish-Lithuanian army at the battle of Tannenberg in 1410, transmitted only political propaganda, and did not reflect a real fact. Famous Burgundian traveler, who visited Grand Duchy of Lithuania in the beginning of the 15th century, met Karaites in Troki.

Keywords

Medieval Karaims, Grand Duchy of Lithuania, settlement

1. The origins

The origin and formation of the Karaite community in the Grand Duchy of Lithuania has been the subject of numerous studies. It seems impossible even to summarize the long-lasting debates, which were undertaken by scholars representing various academic circles and institutions. However, some questions still remain dubious and uncertain, especially the circumstances surrounding the establishment of the Karaite community in medieval Lithuanian lands which naturally influenced their legal, social, economic, cultural and religious life (SZYSZMAN 1933-1934: 29-36; SZYSZMAN 1980: 247; SZAPSZAŁ 1929: 5-22; Zajączkowski 1946: 5-34; ZAJĄCZKOWSKI 1961: 299-307; Zajączkowski 1961; Sobczak 1988: 55-58; Tyszkiewicz 1997: 45-65; Tyszkiewicz 1999: 177-186; Gašiorowski 2008; Šiaučiūnaitė-Verbickienė 2001: 218-224; Harviainen 2003: 633-655; Kizilov 2003: 29-45; Akhiezer, Shapira 2001: 19-60; Shapira 2003: 709-727; Shapira 2007: 43-64; Kizilov 2009: 30-53).

Some facts are clear. The Karaites came to the Grand Duchy of Lithuania together with the Muslim Tatars and both represented an oriental culture, distinctive different from the Old Russian Orthodox or Catholic Lithuanian population. Direct contacts between Jogaila, the grand duke of Lithuania, and Tatar khan Mamai of Blue Horde (1335-1380), arose when the Lithuanian troops conquered Southern part of Ukrainian lands, then officially subordinated to the Tatars¹. Mamai, after being defeated by Duke Dmitri of Moscow at the battle of Kulikovo in 1380, fled to Caffa where he was later assassinated. The throne of the Golden Horde was taken by khan Tokhtamysh, who was supported by great oriental ruler Tamerlane (1336-1405) (SPULER 1965; KOLANKOWSKI 1935: 279-300; SKRZYPEK 1936: 115). The alliance of these two ambitious leaders soon turned into long-lasting conflict, in which the Polish-Lithuanian state was engaged. In 1382 Tokhtamysh successfully besieged and plundered Moscow and several other Russian towns. In 1387 he openly rebelled against Tamerlane and in 1391 invaded lands of Tamerlane but was defeated in the battle of the Kondurcha River (ŻDAN 1930: 538). He did not

¹ One should also mention the previous contacts initiated by Jogaila's father, Duke Algirdas; Cf. KUCZYŃSKI 1935; KUCZYŃSKI 1938.

lose, however, his power, and in 1395 another war broke out. Tokhtamysh's troops were again defeated in the battle of the Terek River. As a consequence, Tokhtamysh had to escape to the Grand Duchy of Lithuania. The throne of the Golden Horde was given to Temür Qutlugh (c. 1370-1399) who was a khan in 1397-1399 (KOLANKOWSKI 1930: 69; MAŁOWIST 1985). Vytautas, Grand Duke of Lithuania, permitted the expelled Tatar ruler to stay in the territory of his country and started to negotiate with him some sort of political and military action against Temür Qutlugh (PROCHASKA 1912: 260-264; PROCHASKA 1914: 78; SKRZYPEK 1936: 121).

Vytautas wished to strengthen his position in political negotiations with Jogaila, king of Poland and supreme duke of Lithuania. Therefore, in 1397, after a number of political and military preparations, Grand Duke Vytautas invaded the Golden Horde. His army, originally gathered in Kiev, marched successfully along the Don River, taking many prisoners-of-war, but also numerous supporters of khan Tokhtamysh returned with Vytautas's troops to Lithuania. In 1398, the Lithuanian army headed towards Caffa (Crimean Peninsula), taking again many prisoners-of-war and treasures (ŻDAN 1930: 543-544). In order to secure the Western territories of the Grand Duchy of Lithuania, Vytautas signed a treaty on 12 October 1398 with the grand master of the Teutonic Knights, Conrad von Jungingen, on the island of Salin by the Neman River. By the virtue of this document the Teutonic Knights took control over the province of Samogitia and promised to help Vytautas in his great expedition to the East the following year (HEINL 1925). Numerous military forces, composed mainly of Lithuanian knights, but also supported by Polish and German units, clashed with the main Tatar army on 12 August 1399 at the Vorskla River. The battle started about two hours before sunset but ended soon after with the great defeat of Vytautas's army, who had to escape for their lives. The Tatar horsemen pursued them to Kiev and Lutsk to plunder Ukrainian lands. Soon, after the battle Temür Qutlugh, the khan of the Golden Horde, died as a consequence of serious battle wounds; nevertheless, Vytautas lost his political prestige; and his plans to conquer the Eastern provinces were ruined (PROCHASKA 1914: 77 ff; ŻDAN 1930: 551, 555; NIKODEM 2013). In the decades to come, the Grand Duchy of Lithuania was involved in many

political, military and cultural relations with the Golden Horde, but never had the Lithuanian army marched so far eastwards as it did in 1398 (KOLANKOWSKI 1935: 279-300; KORCZAK 1995: 143-147). Contrary to the Tatars, the Karaites did not inhabit extensive territories in the Crimean Peninsula or the steppes around the coasts of the Black Sea. Their presence has been confirmed only in several locations in the Crimean Peninsula. Therefore, the only chance when they could have been deported by Grand Duke Vytautas from this area to Lithuania (first of all, to Troki) was in 1398 (JAKUBOWSKI 1907: 22-48; STONE 2001: 231), during the second expedition of Vytautas to the East, as was confirmed by many sources as well as the entire Karaite tradition. But neither before nor after this did the Lithuanian knights reach towns in the Crimean Peninsula where the Karaites used to live in the 14th and 15th century (ŻDAN 1930: 529-601; MAŁOWIST 1947: 23; DAVIES 2007). This fact is rather commonly accepted by researchers (DĄBROWSKI 1912; KAMIENIECKI 1911: 268-288; BORAWSKI, DUBIŃSKI 1986: 30-31; TYSZKIEWICZ 1989: 149 ff.), but what was the legal position of this oriental population?

2. The alleged privilege of Grand Duke Vytautas to the Karaites in 1388

Many authors claimed that Grand Duke Vytautas issued the privilege on 24 June 1388 to the Jews in Troki, who in fact, were supposed to be understood as the Karaites in Troki. It is worth mentioning that a great number of historians treated this document as suspicious and even a forgery; however they did not reject the possibility that some Karaites could have lived in Troki in 1388. Naturally, the original document is unknown. The text of the privilege has been cited from the confirmation act issued by Duke Sigismund the Old on 4 January 1507. It was supposedly translated into Polish by Michael Baliński (BALIŃSKI 1836: 225-233), later reprinted by Tytus Działyński (DZIAŁYŃSKI 1841: 102-112), S. Bershadskij (БЕРШАДСКИЙ 1882: 2-22) and recently by Jerzy Ochmański (OCHMAŃSKI 1986: 169-171; PROCHASKA 1882: 15).

Jan Tyszkiewicz, analyzing the forms of activity of the Lithuanian ducal chancellery, suggested that a certain number of Karaites could have moved

to the Grand Duchy of Lithuania and settled in Troki, one of the principal residences of the monarch, voluntarily before 1398 and served as translators for the Lithuanian and Tatar rulers. According to Tyszkiewicz, the Karaites were familiar with the Uyghur script, which remained the official form of correspondence in Asia. This seems rather unrealistic, because one cannot identify any historical evidence, composed in the late 14th or 15th century, supporting this theory. Furthermore, there were plenty of Tatars who remained in the service of the grand dukes of Lithuania and who could translate official correspondence between the rulers. It was reflected in the historical sources that the Tatars were also involved in oriental trade. The dukes of Lithuania did not need to employ the Karaites, whose knowledge of Uyghur is highly unlikely.

The document of Grand Duke Vytautas of 1388 must be considered as forged, and therefore, as not reflecting any historical fact. But when was it forged? Certainly, it was not produced in 1388. Grand Duke Vytautas did not have to issue a privilege to the Karaites in Troki (or to the *Jews* of Troki, as they were called in that time) in 1388, because they did not live there at that time. They appeared in Troki a decade later. Tyszkiewicz supposed that this document had been forged between 1397-1414 (most probably between the fall of 1397 and June 1399). Most probably also two another documents were forged at this same time: the privilege to the Jews in Grodno (dated 18 July 1389) as well as the privilege to the all Jews living in the Grand Duchy of Lithuania (dated 1 July 1388). Only the privilege of the Jews in Brest, issued 1 July 1388, has been not questioned (ЛАЗУТКА, ГУДАВИЧЮС 1993). Tyszkiewicz suggested that Vytautas forged these documents trying to prove his rights to Troki. In mid November 1382, after the tragic death of his father Kęstutis, Vytautas escaped to the Teutonic Knights. A month later, Jogaila offered the land of Troki to his brother Skirgailla who controlled it until 1392. When Vytautas left the Teutonic Knights in 1386, he became reconciled with his cousin Jogaila and was given the lands of Grodno and Brest (*Alexander alias Witoldi dei gracia duci Bresteni et Haradiensis*). Finally, in summer 1392 Vytautas agreed and communicated with Jogaila, and in the process regained the land of Troki. The conflict between the cousins was

commonly known among the population of Lithuania, and Vytautas's rights to the land of his forefathers were obvious. It is hard to point out what kind of political profits Vytautas would have accomplished by producing fake documents for the Jewish (Karaites) community in Troki? It seems that these documents were forged later on, possibly at the turn of the 16th century, or maybe even later, and that they never circulated among the Karaites. It must be stated that the Karaites did not preserve any copy of Vytautas's privilege of 1388 in their archives,² or at least in the collections kept today in the Russian National Library in St. Petersburg (collection F 946) and in the Library of the Lithuanian Academy of Sciences in Vilnius (collection F 301), which once belonged to the Lithuanian Karaites. Contrary to the Jewish people, the Karaites always struggled to confirm their original privilege issued by Duke Casimir in 1441. Only the Jews themselves kept asking monarchs to confirm Vytautas's charters of 1388 (ŠIAUČIŪNAITĖ-VERBICKIENĖ 2009: 74-126).

Stefan Gašiorowski, in his numerous publications on the history of the Karaites, referred to the Vytautas document of 1388. He pointed out that there are several copies of this charter (GAŠIOROWSKI 2008: 171-172, 218-223); however all of them were made as late as 17th century and their appearance was not linked with the Karaites directly (!). One can suppose that Gašiorowski is not fully sure about the credibility of this document, but he included it to his study on the legal position of the Karaites in the Grand Duchy of Lithuania (GAŠIOROWSKI 2008: 218-234)³. While describing and editing the

² SZYSZMAN 1936: 23: „Przywileju nadanego przez wielkiego księcia Witolda Karaimom dotychczas [1936 – R.W.] nie udało się odnaleźć, być może nie odnajdzie się go nigdy, ale ani dżuma, ani pożary, ani klęski wojenne w ciągu z górą 500 lat nie były w stanie zniszczyć innego dokumentu, który przechowuje się do dziś dnia i stwierdza bezspornie obowiązki, jakie w. książę włożył na ten naród. Dokumentem tym jest miejsce ich osiedlenia w obozie warownym stolicy Litwy”.

³ GAŠIOROWSKI 2008: 218: „Pierwszy przywilej generalny przeznaczony wyłącznie dla Karaimów wydał prawdopodobnie już książę Witold. Chodzi tu o dokument ogłoszony przez księcia litewskiego w Łucku 24 czerwca 1388 dla „Żydów” (w domyśle Karaimów) mieszkających w Trokach. Jednak historycy wątpią w jego autentyczność, ponieważ w roku wydania przywileju książę Witold nie władał Trokami”.

confirmation charter issued by King Stanislas August Poniatowski,⁴ drawn up in 12 November 1776, Gašiorowski stated that Poniatowski, confirming the Casimir Jagiellonides charter and its following confirmations by other Polish-Lithuanian monarchs, referred to the Vytautas privilege too, and in doing so mentioned a donation of Alexander. According to Gašiorowski, one should understand Grand Duke Vytautas by this name, who had been baptized as Alexander (GAŠIOROWSKI 2005: 32). However, it seems more likely that the “Alexander” mentioned in Poniatowski’s charter and other previous monarchs (e.g. Vladislas IV or John Casimir) meant Alexander Jagiellonides (1461-1506), the grand duke of Lithuania since 1492 and the king of Poland since 1501, whose privilege of 1492 to the Karaites was mentioned in the register of 1677 (see annex). One can conclude that the privilege of Grand Duke Vytautas of 1388 was certainly a forgery and its creation was not related to Karaite history whatsoever.

3. Gilbert de Lannoy and his account of the Karaites in Troki

The account of Gilbert de Lannoy (1386-1462), a famous Burgundian knight and traveler, who visited Troki in 1414, was edited as late as 1840, when a very rare edition of Lannoy’s *Voyages et ambassades* (1399-1450) was published in Mons, Belgium (SERRURE 1840). Just four years later, a renowned Polish historian, Joachim Lelewel, re-edited the chapters regarding Poland, Lithuania and Russia, adding a Polish translation and very useful and valuable comments and footnotes. This book appeared in French and Polish in Brussels and Poznań (LELEWEL 1844). Soon after, some other historians prepared similar editions and translations, copying mainly Lelewel’s commentary (MIERZYŃSKI 1896: 129-131; HALECKI 1944: 314-331; KLIMAS 1945; GRABSKI 1968: 78-79; JURGINIS, SIDLAUSKAS 1988: 49-50). According to de Lannoy (SERRURE 1840: 25; LELEWEL 1844: 43; POTVIN, HOUZEAU 1878: 41):

⁴ The document was previously edited in Фиркович 1890: 6, 30-40.

<p>Item, demeurent en laditte ville de Trancquenue et au dehors en plusieurs villaiges moult grant quantité de Tartres, qui là habitent par tribut, lesquelz sont drois Sarrasins, sans avoir riens de la loy de Jhésu-Crist et ont ung laigaige à part nommé le Tartre. Et habitent samblablement en ladite ville Allemans, Létaus, Russes et grant quantité de juifz, qui ont chascun langage espécial, et est ladicte ville au duc Witholt: sy à de le Wilne jusques là sept lieues.</p>	<p>Also, a great number of the Tatars lived in the above-mentioned town of Troki and in some surrounding villages for generations. They are simple Saracens, who do not have anything in common with the faith of Jesus Christ. They have a specific language, called the Tatar. And similarly Germans, Lithuanians, Russians and great number of the Jews live in that town, and each of them have its own separate language. And this city belongs to Duke Vytautas. There are seven leagues from this town to Vilnius.</p>
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Taking into consideration the way in which the Karaites in Troki used to be named by their contemporaries in the 15th century, one should understand de Lannoy's statement about the Jews (*grant quantité de juifz*) as clearly referring to the Karaites, and not to the Rabbanite Jews. The term 'Saracens' (Muslim Tatars) applied in European medieval and early modern sources to the believers of Islam. Any suggestions linking the Karaites with the Saracens seem to be fully unjustified (Szyszman 1936: 6, 29-30), or at least they can be presented based on different kinds of sources. However, a general term "Tatar" might have been applied to other Turkic ethnic groups as well, including Karaites.

The Lithuanian researcher, Jurgita Šiaučiūnaitė-Verbickienė, in her study on de Lannoy's account of Troki, suggested that one should understand the phrase *grant quantité de juifz* as referring to Karaite and Rabbanite Jews, who were supposed to live in Troki together. She compared the text of several documents, including Vytautas's privilege to the Jews of Brest (ŠIAUČIŪNAITĖ-VERBICKIENĖ 1999: 28-37). It seems, however, that the presence of the Rabbanite Jews in Troki in the 15th and 16th centuries is inconclusive and more research is needed (KLAUPA 2005: 347).

4. Did Karaites support the Polish-Lithuanian troops during the battle of Tannenberg in 1410?

According to some historians, a unit of the Karaite soldiers was supposed to have taken part in the battle of Tannenberg on 15 July 1410, fighting against the Teutonic Knights under the command of Grand Duke Vytautas (SZYSZMAN 1934: 9-10, 24; ZAHORSKI 1902: 26).⁵ Mariusz Pawelec referring to Theodore Narbutt's book on the history of Lithuania, has recalled this information recently (PAWELEC 2010: 13-14). Narbutt published his book in 1839 and cited an anonymous Bavarian chronicle composed in the middle of the 15th century (NARBUTT 1839: 227, 237, 238, 241). In fact, Narbutt, who was more of a compiler and lover of the Lithuanian past than a professional historian, and not widely familiar with critical academic historiography, suggested that strong and numerous units of Muslim Tatars took part in this battle (NARBUTT 1839: 229-230):

<p>“nasamprzód, należących bezpośrednio do Wielkiego Księcia czterdzieści [chorągwi – R.W.], pod którymi znajdowali się Litwini, Żmójdzini, Rusini, Tatarzy Litewscy” (...)</p> <p>“[Walczyło w bitwie – R.W.] Tatarów litewskich, to jest albo osiedlonych w Litwie, albo na ciągłym żołdzie służących dziesięć tysięcy, Tatarów kipczackich z sułtanem Saladynem trzydzieści tysięcy”.</p>	<p>First, some 40 [military units – R.W.] belonging directly to the grand duke, among them one could find Lithuanians, Samogitians, Russians and Lithuanian Tatars (...)</p> <p>[In the battle the participants included – R.W.] some ten thousand Lithuanian Tatars; it is those who already lived in Lithuania and were paid, as well as thirty thousand Kipchak Tatars under their sultan Saladin.</p>
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5 SYROKOMLA 1857: 72-73: „Opowiadał nam p. Firkowicz o tradycji, będącej dotąd pomiędzy Karaimami, jak zbrojne karaïmskie rycerstwo, każdego poranka, po odprawieniu krótkiej modlitwy szumnie harcowało po moście wiodącym przez jezioro Galwa na wyspie do zamku, kiedy ich służba do boku pana Litwy powoływała. Tradycja ta odnosić się musi do czasów Witolda lub Kazimierza Jagiellończyka; późniejsi bowiem władcy Litwy rzadko ... do Trok uczęszczali”.

The question of the alleged presence of the Karaite unit at the battle of Tannenberg is closely linked with a more general observation – which professions were adopted by the Karaites, who had settled in the vicinity of Troki at the end of the 14th century? It is commonly known that the Tatars had to serve in the Lithuanian army, taking part as they did in the battle of Tannenberg. This has been proved by numerous historiographers, including Johannes Długosi. But it is impossible to point out such a trustworthy source referring to the Karaites. None of the grand dukes of Lithuania who issued or confirmed any privilege for the Karaites mentioned even one sentence about this kind of praiseworthy service.

Pawelec, describing the deeds of Duke Vytautas at the battle of Tannenberg, stated that the non-Christian allied forces of King Jogaila of Poland and Duke Vytautas of Lithuania contributed to the victory, namely “Tatarzy, Żmudzini, Łotysze, a także Żydzi (*Tartarorum, Samagitarum* [s], *Litoviensium et etiam Judaeorum*)”. Pawelec suggested that by the term *Judaeorum* one should understand Turkic Karaites, and not ethnic Jews⁶. He also accepted the hypothesis of Szymon Szyszman, who suggested that a Karaite unit composed a part of the “Tatar contingent” (SZYSZMAN 1972: 381-395). Recently Giedrė Mickūnaitė also endorsed the idea that Lithuanian Karaites supported Grand Duke Vytautas in the battle of Tannenberg in 1410 (MICKŪNAITĖ 2006: 242).

Narbutt, Szyszman, Pawelec and Mickūnaitė based their opinion on a Bavarian chronicle. The author of this chronicle is well known. Andreas of Ratisbon (Regensburg) was born ca. 1380 (PLECHL 1953: 283; JOHANEK 1978: 341-348; GIRGENSOHN 1979: 609-610; Studt 2010: 39-40). From 1393 he attended a school in Straubing and in 1401 entered the St. Mang monastery of the Regular Canons in the suburb of Ratisbon. In 1405 he was ordained a priest. He spent all his monastic life as a regular canon, involved in composing historical writings. In 1422 he completed his *Chronica pontificum et imperatorum Romanorum* (often called Chronicle A) and continued his work until

⁶ PAWELEC 2010: 14 says „określenie “Judaeorum” odnosi się do wyznających religię starotestamentową tureckich Karaimów, nie zaś etnicznych Żydów”.

1438, producing a *Chronica de principibus terrae Bavarorum* (often called Chronicle B). He participated also in the Konstanz Council and prepared a seven-volume collection of the documents related to this ecclesiastical meeting. He was also interested in the history of the Hussite movement, describing its activity from the beginning to the end of 1429, as well as local history of Bavaria. He died shortly after 1438 in Regensburg (SCHNEIDER 1993: 173-226; LEIDINGER 1910: 111-115; MÄRTL 1987: 33-56; MÄRTL 1997: 99-103; DICKER 2009: 30-81). His historiographical works were well known to local historians. After his death, an anonymous writer excerpted from his *Chronica pontificum et imperatorum Romanorum* and produced a shorter text entitled *Fundationes monasteriorum Bavariae* which for a long time was ascribed to Veit Arnpeck. The original manuscript of his *Chronica pontificum et imperatorum Romanorum* is now preserved at the Bayerische Staatsbibliothek (Hs. Clm 14029), although the text was edited by Andreas Felix von Oefele in his *Scriptores rerum Boicarum* as early as 1763 (OEFELE 1763: 611, 612). He referred to an anonymous Bavarian author (*Anonymi Bavari*) of a short chronicle (*breve chronicon rerum suo tempore gestarum 1396-1418*), who described the battle of Tannenberg on 15 July 1410 (*in die divisionis Apostolorum*), when the king of Poland with his pagan brother Vitold (*Bytoldo fratre ejus pagano*) met the Teutonic Knights near the city of Ostróda (*in campo civitatis Gostorode*) and as a consequence of the battle the Teutonic knights were defeated (*cruciferi victoriam amiserunt prostrati*). The above-mentioned king won this battle, supported by enormous number of pagans, including Tatars, Samaritans (*recte Samogitians?*), Lithuanians and also Jews (*cum innumerabili multitudine paganorum, scilicet Tartarorum, Samaritanorum, Litoviensium et etiam Judaeorum*) (STREHLKE 1866: 418).

While reading the profound study on the sources referring to the battle of Tannenberg produced by Swedish-German historian Sven Ekdahl, one can also find a note on the Bavarian chronicle of Andreas of Regensburg (EKDAHL 1982: 230-231). Andreas was not the only one who mentioned the presence of non-Christian knights, supporting the Polish-Lithuanian army against the “true Christian” forces of the Teutonic Knights. The ideological controversies between Polish and Teutonic leaders started even before the war broke out.

Already in 1410, Stanislas of Skarbimierz produced his work entitled *De bellis justis* (EHRlich 1955: 90-145). Citing extensively from the treatises of St. Augustine and other Church Fathers, Stanislas argued that some wars should not be condemned, especially when 'good Christians' reacted to the evil deeds of 'bad Christians' or undertook a necessary defense against an evil attack. Good Christians were always governed by a good ruler whose life was motivated by Christian values (*iustitia, humilitas, amor Dei* or *tranquillitas*) and who also were trying to avoid bloodshed (*sine sanguinis effusione*). Some medieval lawyers and thinkers stressed the fact that war was, in fact, the only efficient way to fulfill just and righteous demands, distinguishing between 'private war' and 'legal war' (Keen 1965). Soon after the battle both parties (Polish-Lithuanian leaders and Teutonic Knights) initiated another kind of conflict presenting the enemy as a 'unrighteous ruler' who fought an 'unjust war'. The disputes were still taking place many years after 1410 (BOOCKMANN 1975; KOZŁOWSKA-BUDKOWA 1961: 55-71).

Indicating the presence of Jewish (Karaites?) fighters among Polish-Lithuanian knights was intended, first of all, to discredit the victory of King Jogaila and his supporters. The Catholic king of Poland was accused of making an alliance with Tatars (Muslims), Samogitians (still pagan before the introduction of Christianity in the province in 1416), Lithuanians (recently baptized Baltic pagan tribes) and even Jews. This very powerful non-Christian coalition overcame the power of the "true and just Christian" rulers of their Baltic state – the Teutonic Knights. Adding Jews to the list of already condemnable enemies (Tatars, Samogitians, Lithuanians) meant an even stronger reason to align themselves to the Teutonic Knights in the very harsh ideological disputes with the king of Poland. It is possible that Andreas himself added the Jews to his chronicle, because many other late medieval German authors who described the events in the summer 1410 only referred to Tatars, Samogitians and Lithuanians. The latter ones really took part in the battle, but the alleged presence of the Jews should be understood only as an element of the political, religious, ideological and legal confrontation between the defeated Teutonic Knights and the victorious King Jogaila (BELCH 1965; EHRlich 1966-1969; WEISE 1970).

5. The privilege of Grand Duke Casimir Jagellonides of 1441

As was explained above, Karaites and Tatars used to live in the Grand Duchy of Lithuania, or at least in Troki and its surroundings, without any privilege in written form in the first decades after their (voluntarily or mandatory) arrival. Many aspects of their life in Lithuanian lands were stimulated by personal verdicts of the monarch or his advocates (SOBCZAK 1984; TYSZKIEWICZ 1989).

It is clear that the privilege of Grand Duke Casimir Jagiellonides was in many ways exceptional, innovative and decisive. It was also portentous in regard to the other documents issued traditionally by a ruler to Jewish people (RAUDELĪŪNAS, FIRKOVIČIUS 1975: 48-53).

The Latin text of this privilege clearly indicates that it was drawn up on 27 March 1441, by Casimir, Grand Duke of Lithuania (*Casimirus, Dei gratia Magnus Dux Litvaniae, Russiae, etc.*) (БЕРШАДСКИЙ 1882, по. 2; ФИРКОВИЧ 1890: 1-4; BALIULIS 2008: 75-77).⁷ He was motivated by poverty and some damages of the Jews in Troki (*considerantes egestatem nostrorum Judaeorum in Troki et damna...*), which they had recently suffered. The monarch decided to improve the conditions of their life (*eorum conditionem facere meliorem*), relieving them in their losses (*de eorum hujusmodi inopia valeant relevari*). In order to achieve this he gave them the German code of law of the city of Magdeburg (*jus Theuthonicum Maydeburgense*). According to the duke's wish, the Jews of Troki should obtain and preserve the entire Magdeburgian code of law (*in omnibus clausulis et articulis prout hoc libri ejusdem juris Maydeburgensis Theutonici demonstrant*), in the form which it was observed in other cities of the Grand Duchy of Lithuania (*ipsum jus Maydeburgense theutonicum in aliis civitatibus nostris, et praecipue in Vilna, Troki et Kowna, tenetur et servatur*).

This was, in fact, a revolutionary charter in the life of the Lithuanian Karaites, a small and not influential non-Christian minority, living in the heart of

⁷ The original charter has been lost, but a copy of it was inscribed to the State Record Books of the Grand Duchy of Lithuania (Metrika Litevska, Księga Wpisów), No. 121, fol. 168.

the Lithuanian state. The spread of the code of German law of the city of Magdeburg within the Grand Duchy of Lithuania took place in a different way than in the medieval Kingdom of Poland. The most important difference between the Polish and Lithuanian realms was based on the fact that the Lithuanian monarchs included both Catholic and Orthodox townsmen in a municipal community, and they jointly created one urban, civic, social structure. The foundation charters issued to the cities of Vilnius, Kaunas and Troki clearly proved this (KIAUPA: 2005, 345-352). Among many different charters one can mention a privilege issued by Sigismud Koributovitch in Troki in 1432, confirming the rights and privileges of the Magdeburgian code of law, given to the city of Vilnius (*praefatae civitati Vilno*). This document was issued to all inhabitants of that town, contemporary and future, both Catholic and Orthodox (*omnibus et singulis civibus et incolis inhabitantibus praesentibus et futuris jus theotonicum quod magdeburgense dicitur denuo damus, donamus, conferimus, inscribimus et largimur ibidem perpetuo duraturum tam fidei catholicae cultoribus quam etiam ruthenis*) (DUBIŃSKI 1788: 2-3).

Certainly this same legal situation could be applied to the town of Troki. The foundation charter of the city of Troki was drawn by Duke Vytautas (1392-1430) most probably shortly before the end of the 14th century or in the first years of the 15th century (BALIULIS 1992: 30-42). Troki, a ducal residence, was flourishing and the contacts between the merchant townsmen of Troki, and other cities located along Baltic Sea and Black Sea in that period were confirmed in the historical sources (BALIULIS, MIKULIONIS, MIŠKINIS 1991: 38, 43, 63). As a consequence of the issuing of the foundation charter the municipal self-governmental institutions in Troki were gradually developed. In 1441 Duke Casimir did not include the Karaites to the already existing municipal community, but permitted the Karaites to organize, in fact, another municipal community, functioning according to this same code of law. By virtue of Duke Casimir's document, the Troki Karaites could develop their social life not in an abbreviated, shortened or chosen form, but according to the full text of the Magdeburgian code of law. Future events would rather lead one to conclude that they preferred to accept from this code what was useful and/or necessary to preserve their unique religious regulations and customs.

It must be stressed that Duke Casimir did not refer in his privilege to the alleged privilege of his predecessor Vytautas whatsoever. The practice of law or implementation of law, as it was understood and exercised at that time by monarchs or ruler's chancellery, would have required that Duke Casimir determine his will regarding previously drawn-up charters. A new charter should basically either confirm or change a previously concluded legal situation. It is impossible to imagine that Duke Casimir's document would have not referred to Duke Vytautas's charter, even in a single sentence, especially in the context that the newly introduced German code of law was not in concordance with the essence of the alleged privilege of Duke Vytautas. Introducing a new legal system, Duke Casimir would have had first to cancel Duke Vytautas's regulation, or at least suspend them, otherwise such *modus operandi* could be understood as truly unique in the context of the entire legal tradition of the late Middle Ages. The fact that Casimir did not tackle this issue is, in fact, the most convincing reason that the Karaites in Troki did not receive any privilege from Vytautas when they were settled in Lithuania in the end of the 14th century and instead had to wait around 50 years to be granted the first and fundamental ducal charter.

The Karaites (*Judei Trocenses*) should be subordinated only towards their own judge (*coram advocato*), who would be nominated at that time, and who would be loyal to the duke or his governors (*coram Nobis vel Nostro iudicio*). The Karaites' judge would be able to take and resolve any kind of court case (*re parva aut magna*), but in accordance with the customs of the German law of Magdeburg (*jure Maydeburgense theutonico*).

Moreover, the governor of the province of Troki or any other clerk acting in his name (*nullus palatinus seu capitaneus noster, vel vices ipsorum gerens*) should not interfere in the life and business of the Karaites, unless it were a case between Karaite and Christian (*cum litvano aut rutheno*). In that circumstance the Karaite judge should fulfill his duties in the presence of the governor or his representative (*cum palatino Nostro, aut ipsius vices gerente*).

The monarch also stated that the Karaites (*praefati Judaei Trocenses*) should pay a tax (*census sive exactiones*) once a year like in other cities where German law of Magdeburg was introduced (*jure Maydeburgensi gaudentes*). The Karaites were not obliged to pay more taxes to the duke,

unless a new, extraordinary and general tax would be imposed on the entire people of Lithuania (*necessitate ingruente, generalis exactio super totam terram poneretur*).

Moreover, the duke transferred to the Karaites half of the incomes effected by city scale (*medietatem fructuum butinae sive staterae*) and half of the incomes from the production of wax (*medietatem fructus caldar, in quo cera liquefieri solet*).

The witnesses to this charter were the governor (*palatinus*) of the district of Troki, Basil Wasilione Gastold, the governor of Kiev, Michael Calginowicz Hossuta, and the chancellor of the Grand Duchy of Lithuania, Michael Orgalowicz.

It is also worth mentioning that Duke Casimir did not mention any kind of military obligations, either imposing it on the Karaites or deposing this duty from them. It is clear that, contrary to the Tatars, the Karaites were not involved in active military service.

The spread of the Magdeburg's code of law among the townsmen of strictly non-German origin resulted in translations of Latin and medieval German versions of the *Jus municipale* into Polish. One of the most popular Polish version was produced and printed by Paul Szerbic (KOWALSKI 2011). Granting to the Karaites Magdeburg's code of law did not mean that they openly and widely accepted it. It seems quite clear that the religious traditional Karaite law was stronger and restricted the impact of Magdeburg's principles. The range and intensity of the implementation of Magdeburg's law among the Karaites should still be discussed; however a limited number of the preserved sources make it difficult. The Karaites certainly possessed half of the territory of Troki, where they built their houses and shrine (*kenesa*). They also paid taxes from the possessed buildings and fields, as did the Tatars and Christians who lived in the Karaites' district of Troki. In 1470 King Casimir Jagellonides issued a document, addressed to the governor of Troki, Radivon Ostikovitch, in regard to the tax regulations (*Zbiór* 1843: 163-164). Several years later, in 1509, the Karaite community sign a consent with the Christian community of Troki, regulating the quantity of the tax. In 1519, the governor of Troki, Gregory Ostikovitch issued a verdict in a dispute between Karaites and Christians of

Troki on this same matter.⁸ Another document, drawn up by King Sigismund the Old after the session of the parliament in 1524, requested from the Karaites and Christians of Troki to pay an equal amount of tax.⁹ Similarly to other townsmen in the Grand Duchy of Lithuania, e.g. in Vilnius and Kaunas, the Karaites were freed from the obligation to offer lodging to ducal clerks, unless the duke resided in Troki in person (*Zbiór* 1843: 164-165).¹⁰ In 1552, Grand Duke Sigismund August liberated the townsmen of both communities (Karaites and Christian) in Troki from the obligation to assist ducal messengers by providing them a horse or lodging (*Zbiór* 1843: 168-169).¹¹

The Karaites also used the necessary symbols of their municipal authority by sealing documents with their own seal. According to Edmundas Rimša, the earliest Karaite-preserved seal can be dated back to 1509; however, it is very likely that they used it even before that year (RIMŠA 1999: 545-546). Troki's Karaites and Christians could also struggle for their common and basic needs and jointly approached the ruler to grant them a privilege. For example, in 1516 leaders of both communities: Christians (Catholic and Orthodox) and Karaites (*Били нам чолом воить места троцкого и бурмистри и радцы и вси мещане как римского закону так и греческого и жидова вся троцкая*) asked Duke Sigismund the Old to permit them to organize two fairs, which was granted by the ruler in his privilege signed in Vilnius (*Zbiór* 1843: 166; BALIULIS 1992: 53). It seems to be clear that since the middle of the 15th century the town of Troki was composed of two parts: Christians, both Catholic and Orthodox, and Karaite. One cannot find anywhere else in the Grand Duchy of Lithuania such a unique cultural, religious and legal situation.

⁸ Vilnius, Lietuvos Mokslų Akademijos Biblioteka, F 301-6; copy of this document, written in Old Belorussian but with Latin script in the 18th century.

⁹ Vilnius, Lietuvos Mokslų Akademijos Biblioteka, F 301-13; copy of this document, written in Old Belorussian but with Latin script in the 18th century.

¹⁰ The document was signed in 1522 by king Sigismund the Old and addressed to the governor of Troki, Albrecht Gasztold.

¹¹ The document was signed in 1552 by king Sigismund August and addressed to the governor of Troki, Nicholas Radziwiłł.

It should not be striking to us that the Karaites paid attention to obtain the ruler's confirmation to this charter. In 1492 in Troki Duke Alexander issued his confirmation act (Фиркович 1890: 7-9), and in 1507 in Grodno a similar document was signed by Duke Sigismund the Old (Фиркович 1890: 12-15). Subsequent rulers issued similar confirmation acts up to the end of the Polish-Lithuanian Commonwealth in 1795 (GAŚSIOROWSKI 2002: 311-330; GAŚSIOROWSKI 2003: 47-51; GAŚSIOROWSKI 2005: 31-40).

Taking into consideration the legal position of Rabbanite Jews and Karaites of Troki, one can clearly say that they lived according to **very different codes of law**, as was designed by the privileges in 1388 and 1441. The entire tradition initiated by the privilege of Duke Boleslas the Pious of Greater Poland (Wielkopolska) in 1264, and later on transmitted to the Grand Duchy of Lithuania by Duke Vytautas and his privilege issued to the Jewish community in Brest on 1 July 1388, shaped Jewish life in a different way than Karaite life in Troki.¹² Being closely linked and combined by many factors, e.g. usage of Hebrew and scrolls of Torah, Karaites in Lithuania were often named – Jews (*Judaei*). One should not forget the fact that the Karaites often called themselves as Beit Israel (House of Israel), therefore the term “Jews” describing them may be fully understandable. As late as 1646 they were called *Judaeorum Trocensium ritus karaimici*, which was one of the first such statements in official documents.

The unique form of the legal position of the Karaites in the Grand Duchy of Lithuania with regard to other non-Christian minorities resulted in creation and development of the unique and specific ethnic and religious group who survived for centuries (KIZILOV 2003a: 759-787; KIZILOV 2007: 139-155).

12 Some authors claim that Karaites and Jews lived closely together, cf. GREENBAUM 1995: 7: “While Jewish sources shed little light on the origins of the Lithuanian Jewry, Karaite tradition states that the first Karaite community was founded in Troki, where Karaites, Jews and others lived side by side for many centuries. (There are Karaites in Troki to this day). Like the Jews, they sent their sons, to yeshivot in the south of France (e.g. that of Rabbenu Tam) and Constantinople-Istanbul in Turkey, in order to benefit from the erudition of the renowned rabbis”.

Annex

The register of the privileges and other documents issued for the Karaites in Troki between 1442-1663 (with emendations in 1701 and 1776 and preserved by the elders of the community), was composed on 8 April 1671 and includes 108 files; now preserved in Vilnius at the Lietuvos Mokslų Akademijos Biblioteka (Library of the Lithuanian Library of Sciences), F 301-67.

- 1) Privilege of Grand Duke Casimir, addressed to *Żydom karaimom zboru trockiego*, 1441
- 2) Privilege of Grand Duke Casimir, addressed to *Żydom karaimom trockim*, 1492
- 3) Letter of King Alexander to the governor of Troki, Nicholas Nikolaievitch, 28 May 1492
- 4) Letter of King Alexander to *voigt* and all members of city council of the town of Kaunas, requesting to permit *mieszczanom i Żydom zboru trockiego* to trade in Kaunas, 17 July 1492
- 5) Letter of King Alexander to the governor of Troki, Peter Janowicz, to permit *Żydom trockim przynależącym do zboru trockiego* hiring Christians for house service, 17 March 1493 (?)
- 6) Privilege (in Latin) of Duke Sigismund the Old, issued in Grodno, 11 November 1507
- 7) Privilege (in Latin) of Duke Sigismund the Old to *wszyscy Żydzi W.X.L., to jest karaimowie zboru trockiego y Żydzi grodzieńscy, brzescy, luccy, włodzimierscy, pińscy, kobrzyńscy i inni*, 31 March 1507 (?)
- 8) Privilege of Duke Sigismund the Old to permit Karaites to travel along the road from Vilnius to Kaunas, 26 August 1516
- 9) Letter of King Sigismund the Old to Stanisław Rayski concerning some pieces of land in Troki, 30 October 1518
- 10) Letter of King Sigismund the Old concerning the complaint of Cefania Malinowski against Peter Potocki, governor of Polotsk, 17 July 1528
- 11) Letter of King Sigismund the Old to *voigt* and townsmen of Troki concerning the piece of land on Trocka street, 10 April 1529

- 12) Letter of King Sigismund the Old addressed to *Żydom zboru trockiego*, 13 April 1529
- 13) Letter of King Sigismund the Old that *voigt* of Vilnius forbade trading in Vilnius, 30 October 1529
- 14) Copy of privilege, King Sigismund the Old, 11 May 1534
- 15) Letter of King Sigismund August to Hryhory Stanislas Ostikovitch, governor of Trocki, 28 April 1546
- 16) Letter of King Sigismund August to Nicholas Jurewitch, governor of Troki, 13 October 1552
- 17) Letter of King Sigismund August to Nicholas Jurewitch, governor of Troki, 23 August 1555
- 18) Letter of King Sigismund August to Albrecht Marcinowitch, governor of Troki, 12 March (?)
- 19) Letter of King Sigismund August to the townsmen of Troki, 11 April (?)
- 20) Letter of King Sigismund August to Nicholas Nicholaievitch, governor of Troki, 16 April)
- 21) Letter of King Sigismund August to the intendent of Troki, 30 August 1555
- 22) Copy of the letter of King Sigismund August to governors and castellans of the Grande Duchy of Lithuania, 12 May 1566
- 23) Letter of King Sigismund August to Stefan Andrzejewitch Zbaraski, governor of Troki, 23 August 1569
- 24) Letter of King Sigismund August to *tiwun* and *aedilis* of Troki, Peter Oberski, 23 August 1561
- 25) Letter of King Sigismund August to Stefan Zbaraski, governor of Troki, 2 April 1568
- 26) Copy of the letter of King Sigismund August to *wszystkich Żydów zboru trockiego*, 29 August 1568
- 27) Letter of King Sigismund August *za skargą Żydów zboru trockiego*, 31 July 1570
- 28) Decree of King Stefan Bathory, 1576
- 29) Privilege of King Stefan Bathory, 15 May 1579
- 30) Privilege of King Stefan Bathory, 15 May 1579

- 31) Letter of King Stefan Bathory, 2 April 1579
- 32) Letter of King Stefan Bathory to the city fathers of Kaunas, 17 June 1579
- 33) Official proclamation, 29 May 1579
- 34) Letter of King Stefan Bathory to the governor of Troki, 25 June 1579
- 35) Official proclamation of King Stefan Bathory, 28 October 1580
- 36) Official proclamation of King Stefan Bathory, 26 April 1581
- 37) Verdict of the land disputes made by King Stefan Bathory, 27 June 1581
- 38) Court verdict, 1582
- 39) Decree of King Stefan Bathory, 1582
- 40) Letter of the of King Stefan Bathory, 20 July 1582
- 41) Letter of King Stefan Bathory, 15 October 1582
- 42) Verdict of the land disputes made by King Stefan Bathory, 1582
- 43) Copy of the letter of King Stefan Bathory, 14 April 1584
- 44) Letter of King Stefan Bathory to governor of Troki, 8 June 1584
- 45) Decree of King Stefan Bathory, 1585
- 46) Letter of King Sigismund III Vasa, 28 March 1589
- 47) Privilege of King Sigismund III Vasa, 2 November 1611
- 48) Privilege of King Sigismund III Vasa, 2 November 1611
- 49) Privilege of King Wladislas IV Vasa, 28 June 1633
- 50) Privilege of King Wladislas IV Vasa, 3 October 1646
- 51) Privilege of King Wladislas IV Vasa, 3 October 1646
- 52) Letter of King Wladislas IV Vasa, 1642
- 53) Privilege of King John Casimir, 27 July 1654
- 54) Decree of King Sigismund, 29 January 1547
- 55) Decree of King Sigismund, 29 January 1547 (copy)
- 56) Decree of King Sigismund, 29 January 1547 (copy)
- 57) Decree of King Sigismund, 29 January 1547 (copy)
- 58) Letter of King Sigismund to the *voigt* of the Karaite community, 24 October (?)
- 59) Letter of King Wladislas IV Vasa, 23 November 1644
- 60) Letter of Troki governor *na obranie wójta żydowskiego*, 25 November (?)
- 61) Letter of Ivan Hronostaj, 15 July (?)
- 62) Letter of Stanislas Albrychtowitch Gasztold, 4 August 1542

- 63) Letter of Duke Konstantyn Ostrowski, 15 September (?)
- 64) Letter of Duke Konstantyn Ostrowski, 15 October, (?)
- 65) Letter of Ostykowicz, 1 April (?)
- 66) Letter of Martin Albrecht Gasztold, 12 May (?).
- 67) Voucher of Ivan Hornostaj to *Żydów trockich*, 8 October 1546
- 68) Letter of a clerk, 6 January
- 69) Letter of Janusz Jurewicz Ostrowski, 25 July 1546
- 70) Letter of Janusz Jurewicz Ostrowski, 3 June 1545
- 71) Letter of court marshal Ivan Hornostaj to *voigt* and mayor, 2 September 1552
- 72) Confirmation letter of Nicholas Juzewicz, 23 August 1553
- 73) Decree of Jan Hlebowicz, 1 July 1566
- 74) Letter of the Troki governor, 11 February 1567
- 75) Two letters of the Troki governor
- 76) Letter of the Samogitian bishop George Pietkiewicz, 24 May 1572
- 77) Letter of the Troki governor Stefan Zbaraski, 13 August 1576
- 78) Letter of the Troki governor Stefan Zbaraski, 11 September 1576
- 79) Letter of the Troki governor Stefan Zbaraski, 30 November 1577
- 80) Litigations of the Troki Karaites, 10 April 1568
- 81) Excerpt from the records books of Troki governor Jan Hlebowicz, 19 July 1588
- 82) Letter of Vilnius city council representative Frąckiewicz, 12 February 1585
- 83) Letter of the Troki governor Stefan Zbaraski, 24 September 1576
- 84) Letter of the Troki governor Stefan Zbaraski, 25 November 1582
- 85) Letter of Vilnius city council representative Nicholas Jurevitch, 1 July 1593
- 86) Letter of the governor Michael Radziwiłł, 12 January 1595
- 87) Letter of the governor Michael Radziwiłł, 2 February 1599
- 88) Letter of the governor of Vilnius, Christopher Radziwiłł, 31 January 1606
- 89) Voucher of deputy treasurer Christopher Naruszewicz, 13 June 1618
- 90) Court verdict, 13 September 1620
- 91) Court verdict, 1 April 1623

- 92) Poll tax voucher, 16 August 1627
- 93) Letter of the Troki governor Peter Pac, 9 August 1641
- 94) Letter of the Vilnius governor, 1641
- 95) Letter of the governor of Troki, Jan Skumin Tyszkiewicz, 3 March 1634
- 96) Letter of the governor of Troki, Jan Skumin Tyszkiewicz, 14 April 1634
- 97) Letter of the governor of Troki, Jan Skumin Tyszkiewicz, 20 April 1636
- 98) Letter of the governor of Troki, Peter Pac, 9 August 1641
- 99) Letter of the governor of Troki, Alexander Słuszka, 28 August 1643
- 100) Two letters of the governor of Troki, Alexander Słuszka, 20 August 1644
- 101) Letter of the governor of Troki, Alexander Słuszka, 23 February 1646
- 102) letter of the governor of Troki, Nicholas Stefan Pac, 1652
- 103) Letter of deputy governor of Vilnius Paul Marcinkiewicz, 13 March 1654
- 104) Letter deputy governor of Vilnius Jan Ogiński, 9 November 1665
- 105) Letter deputy governor of Vilnius Alexander Woyna, 1663
- 106) Confirmation charter of the general privilege (*Konfirmacja przywilejów y wolności nadanych wszystkim Żydom Karaimom Trockim w Wielkim Księstwie Litewskim*), 20 June 1701
- 107) Confirmation charter of the general privilege (*Konfirmacja przywilejów y wolności nadanych wszystkim Żydom Karaimom Trockim w Wielkim Księstwie Litewskim*), 20 June 1701
- 108) Confirmation charter of the general privilege (*Konfirmacja przywilejów y wolności nadanych wszystkim Żydom Karaimom Trockim w Wielkim Księstwie Litewskim*), 12 June 1776

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