

Attorneys and Notaries between two Worlds: Educated Professionals in Latvia before and after the 1918 Independence

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During the first half of the twentieth century Latvia experienced radical political regime changes. After the collapse of the Russian empire, the new liberal and democratic Republic of Latvia was proclaimed. There were obvious and far-reaching consequences: change in the political system was sudden, radical and complete. The political culture, however, changed more slowly. It took several years for businesses to adapt to the new conditions. At the centre of the state, meanwhile, stood the individual (both the sworn attorneys and the notaries) who, by virtue of his personal and professional qualities as well as his background, validated the recruitment policy of the regime.

The new regime, which was established in 1918, required new specialists. Many officials and professionals had left the territory of Latvia for good, driven away by war and revolution. Others were not ready to accept the changes which occurred in the public sphere, and left Latvia during and after the independence war in 1919 and 1920. The new state required specialists who would be able and willing to adopt the new republic as their homeland despite the lack of former social privileges (for the nobility) and professional ties (through the formerly existing institutions). It was a great challenge to many to learn the official state language, Latvian, which gradually replaced German and Russian as the *lingua franca*. The professional elite was about to appear in a new guise.

Official data for various professions essential for the existence of the legal regime, either in tsarist Russia or in independent Latvia, provide few hints regarding who was welcome and who was not among professionals of various specialities. An analysis of the biographies of notaries and attorneys provides data necessary for understanding the true nature of the recruitment policy. Thus, the comparatively small number and rather closed circles of both professions provide the basis for a case study analysis of how society changed during a longer period – from the late nineteenth century when, in 1888, a reform of the Russian judiciary system took place, through the 1905 revolution, World War I, the Russian revolution, the Bolshevik coup and finally independence and the creation of a completely different state in 1918. The question raised in my article – how did the legal profession change before and after 1918 – will make possible broader conclusions as to how the composition of educated elites changed in the same period, and why. In order to analyse biographies, biographical material compiled in four biographical dictionaries is used.¹ All the biographies were compiled from the available published sources and archives with

1 See Ēriks Jēkabsons, Valters Ščerbinskis (eds.): *Latvijas advokatūra. Latvijas zvērinātie advokāti un viņu palīgi biogrāfijās* [Latvian Sworn Attorneys. Biographical dictionary], Rīga, (2007); idem (eds.): *Latvijas notariāts. Latvijas zvērināti notāri biogrāfijās. 1889–1945* [Latvian Notaries. Biographical dictionary, 1889–1945], Rīga 2013; Valters Ščerbinskis (ed.): *Latvijas advokatūra. Advokāti, zvērinātie advokāti un zvērinātu advokātu palīgi biogrāfijās. 1944–2010* [Latvian Attorneys. Biographical dictionary of the attorneys, sworn attorneys and their assistants, 1944–2010],

the aim of describing the life and professional career of the subjects as completely and objectively as possible. However, what these dictionaries lack is a general and comparative view of the changes that occurred in Latvia. Biographies themselves provide the raw material which offers the possibility for analysis of the whole professional group.

Latvia, land and administration before and after 1918

The effect of political changes extended beyond the political sphere. New economic and social systems were also implemented, and the cultural and political environment was profoundly affected. The collapse of empires after World War I and the creation of new states brought about considerable demographic changes or at least new relations of power among certain demographic groups.²

During the authoritarian tsarist regime in Russia, the administrative territories which after 1918 made up the Republic of Latvia were divided among Courland gubernya, Livonia gubernya (its southern or Latvian part with the major city Rīga [Riga]) and three districts of Vitebsk gubernya (Witebsk/Vitebska) – Daugavpils (Dvinsk/Duenaburg), Ludza (Lyutsina/Ludsen) and Rēzekne (Rezhitsa/Rositten) – which were mostly inhabited and traditionally occupied by the Latvian-speaking population. Unlike the gubernyas of Courland, Livonia and Estonia, the Vitebsk Latvian districts did not enjoy autonomy and were fully integrated into the general Russian social and legal system. After the beginning of the Russification process which affected the Baltic gubernyas severely, various important changes took place.

It was a legal reform, along with changes in the educational and municipal systems, that made Russification dangerous for the survival of particular local practices and autonomy. Prior to the reform, the local legal system had been distinct from the one which existed in Russia and was one of the most important elements of the Baltic gubernyas. Thus, legal reform of the 1880s became highly instrumental in bringing about the process of Russification. It took many years gradually to restructure all of the legal system; formally, however, the new Russian system started to function as of 1888. Therefore, 1888 is a good point of reference for an analysis of tsarist Russia, particularly in the legal area. Because of this new system, little changed for sworn attorneys (they became subordinate to the St Petersburg institutions); the profession of public notaries, on the other hand, changed more radically. According to the Russian standards, notaries were something between state-employed and private officials, who were directly responsible to (and hired and fired by)

Rīga 2011; Valters Ščerbinskis (ed.): *Latvijas notariāts. Latvijas notāri biogrāfijās. 1944–2015* [Latvian Notaries. Biographical dictionary, 1944–2015], Rīga 2015.

- 2 There are several major reference books on the society of both tsarist Russia and interwar Latvia. Among them, I would mention the classic works of Arveds Švābe: *Latvijas vēsture. 1800–1914* [History of Latvia, 1800–1914], Daugava 1958 and Ādolfs Šilde: *Latvijas vēsture. 1914–1940* [History of Latvia, 1914–1940], Daugava 1976. More readily available in major languages are: Andrejs Plakans: *The Baltic States*, Cambridge 2011 and Erwin Oberländer, Kristine Wohlfart (eds.): *Riga. Porträt einer Vielvölkerstadt am Rande des Zarenreiches 1857–1914*, Paderborn 2004. The former contains a good general overview of Latvian society during the period under consideration and the latter gives an insight into the case study of the major city of the Baltic gubernyas and its multi-layered social and ethnic groups during the late tsarist period.

the respective district court. What is important for analysing recruitment policy is that the new system required not only a knowledge of the Russian legal system but also a very good command of the Russian language, which was quite uncommon among ethnic non-Russian professionals in nineteenth-century Latvia.

By the beginning of the First World War a series of changes began which finally led to the establishment of the independent state of Latvia. The events of 1917 and the following revolution destroyed the existing social and political system. The German occupation of large parts of the territory of Latvia prevented Bolshevik expansion. Finally, the victory of the Allied Powers and their geopolitical interests provided an opportunity for both the anti-Bolshevik and the anti-German forces, as well as the Western-oriented Latvian political elite. When independent Latvia was proclaimed, a liberal and democratic system of governance came into being after a two-year-long war. Social privileges enjoyed earlier by the few from the upper classes were abolished and all other restrictions were cancelled, at least formally. Although no ethnic or religious group was given preference, the majority – Latvians – dominated, not just because of their numerical superiority but also because of their leading role in creating the new state. The Latvian language, which earlier was only spoken inside the ethnic Latvian community, now became the official state language.

The Latvian legal system was created carefully and gradually by revoking pre- or post-1917 laws only when appropriate new legislation was ready to replace them. Thus, the Latvian legal system was essentially close to the pre-1917 Russian legislation until it was changed by new legislation. For instance, a new penal law was adopted only in 1933 and until then the pre-revolutionary law remained in effect. Immediately following the independence war, reforms within the Ministry of Justice and the district courts were initiated. The status of both sworn attorneys and notaries as the completely independent element in the judicial system (attorneys) and a semi-independent element (notaries) continued to exist in Latvia.

Lawyers, their education and society³

As indicated by the high enrolments in the department of law among students at Dorpat University before 1918 and the University of Latvia after 1919, the legal profession became very popular in Latvia in the last decades of the nineteenth and first decades of the twentieth century. Among the jobs the judiciary system offered were numerous state positions both in the courts and in various state and municipal institutions. Two jobs, in particular, were coveted.

The first was that of sworn attorney (*Rechtsanwalt* in German; *zvērīnāts advokāts* in Latvian and *prisyazhnij poverennij* in Russian) which was highly popular as a profession because of its potential prestige in society and its apparent assurance of prosperity. Unlike in several other countries, sworn attorneys in Russia were part of the so-called free professions. They participated in court proceedings after a mutual agreement with the client.

3 The most important general reference source on the legal profession in the interwar period is the overview of the entire legal system published by the Ministry of Justice: *Tieslietu ministrijas un tiesu vēsture. 1918–1938* [History of the Ministry of Law and Courts, 1918–1938], Rīga 1939.

During regime changes, attorneys kept their private status, being formally separated from the institutions of the Ministry of Justice. Before 1918, the notaries' judicial chamber in St Petersburg registered attorneys. In practice, however, there was very little interference in the activities of attorneys by the judicial chamber. Attorneys were considered as belonging to the free professions. After 1918, the key institution for the acceptance, control and supervision of new attorneys was the Council of Latvian Sworn Attorneys, a collegiate body elected by attorneys themselves.

During tsarist times and even more so during the period of independent Latvia, sworn attorneys were often on the front pages of the newspapers, not only because of their professional activities but because of their participation in politics. They sat on various company boards and socialized with actors, musicians and other wealthy, famous and influential people. Obviously, not all of the sworn attorneys (and an even smaller number of notaries was among the various elites) enjoyed these pleasures of life either before or after 1918, but the general image of this profession remained highly positive and therefore attractive and desirable to young people. The popularity of the profession was confirmed by the high number of law students at the University of Latvia⁴ and by the number of applicants, which remained generally steady despite the rather limited chances to become an attorney. In 1931, acceptance of new attorneys was suspended for an entire year, and later the Council of Latvian Sworn Attorneys tried various ways to limit the number of attorneys, particularly in Rīga.⁵

Every year, then, a constant stream of young and promising lawyers tried very hard to join the corps of sworn attorneys. In order to become a sworn attorney, young people needed to graduate from the faculty of Law and Economics, that is, to acquire the terminal degree. Before being promoted to the attorney's position, candidates had to become assistants to sworn attorneys, pass several examinations and built up a proper reputation. Even then, however, admission to the attorneys' corps was not a matter of course; the final decisions were made by the attorneys' association which either accepted or turned down candidates. Often these decisions were based on the market situation (if there were too many attorneys, the association tried to limit the number of new applicants) but sometimes they were also taken on the basis of corporate interests. Because the Baltic gubernyas were part of the St Petersburg legal region, during tsarist times new attorneys were admitted only through the institutions in St Petersburg. This certainly made conditions more complicated and expensive for young men (women in tsarist Russia could not become attorneys) who aspired to join the attorneys' ranks. Remote and generally less known professionals, however, probably had less personal impact on the decisions made by the association. On the contrary, after 1919 new lawyers were made into attorneys in Riga, where close circles of various local interest groups existed.⁶

4 For the fluctuations in student enrolment at the University of Latvia, see: Latvijas Universitāte divdesmit gados. 1919–1939. 1. daļa. Vēsturiskas un statistiskas ziņas par Universitāti un tās fakultātēm [Twenty years Latvian University. 1919–1939. 1. Part. Historical and statistical knowledge about the university and its faculties], Rīga 1939, p. 69.

5 On problems relating to the oversupply of attorneys, see: Vīkmanis K. Audiatur et al., in: Jurists [Lawyer], 1929.09.01.

6 It is difficult to prove the presence of lobby groups within the Attorneys' Association without doc-

Notaries, on the other hand, were situated somewhere in between state service and private enterprise. Considerably less visible publicly, and with less “attractiveness” about them, they constituted a group of lawyers who were employed and supervised by the state. Their income was controlled by state institutions. Because of the specific character of their profession, notaries, unlike sworn attorneys, were relatively limited in their public activities. They were not allowed to accept certain positions outside their immediate job and therefore had limited opportunities for additional sources of income. During both periods, considerably fewer notaries were active than sworn attorneys. Unlike in the case of the sworn attorneys, whose number was regulated by the market and their professional association, the number of notaries was restricted by state regulations. Therefore, becoming a notary both in tsarist times and after 1918 was somewhat less attractive, promising lower income and less prestige. At the same time, however, being a notary guaranteed a certain minimum level of income regardless of whether one was successful, hardworking or talented.⁷ Moreover, becoming a notary took considerably less time and education. During both the tsarist and independence periods, the profession of notary did not require the highest diploma. It was sometimes enough to have acquired several years’ experience as a notary’s assistant to become a notary oneself. However, as in all areas of the legal profession, reputation was crucial.

All in all, sworn attorneys and notaries made up an important section among all lawyers. Professionally they were an integral part of the legal system which existed at that time in Latvia. They were also well-integrated into Latvian social, political, economic and cultural life. Therefore, the biographical materials of those people offer an empirically rich body of evidence for comparative research into the periods both before and after 1918/19.

Sworn attorneys before 1918

The number of sworn attorneys during tsarist times – that is, from the legal reform of 1888 to the collapse of the Russian empire – is not yet totally clear. Their overall numbers, however, did not differ considerably from those of the interwar era. Certain administrative and economic centres had considerably more attorneys than during the 1920s and 1930s, while in other places there were none at all before 1918. For instance, Jelgava (Mitau), the cultural, economical and administrative centre for the whole gubernya, had only 21 sworn attorneys in 1912. Rīga in 1915 had 74 sworn attorneys.⁸ There were 15 attorneys in Liepāja

umentary evidence. Yet a closer look at the biographies of accepted and rejected candidates suggests that most new attorneys belonged to three major groups: student fraternities, ethnic minorities (Germans and Jews) and political parties (in particular the Latvian Social Democratic Workers’ party), although the number of Jewish attorneys decreased. The minutes of the Attorneys’ Association contain only the final decision reached (accepted/not accepted) based on “informal reasons”. These were a sufficient legal ground, and more transparency was not required. See the Senate’s instruction to the Chamber, 1931.03.13, Latvijas Valsts vēstures arhīvs (LVVA, Latvian State Historical Archives), f. [fonds – fond] 1534, 6. apr. (apraksts – catalogue nr.), 447. l. [lieta – file].

7 The income of notaries was somewhat smaller on average than the *honoraria* of attorneys, but their income was stable. For instance, the daily newspaper “Pēdējā brīdī”, discussing the possible appointment of a new notary in Riga, noted that a notary’s job is “relaxed and well-compensated.” (Pēdējā Brīdī, 1930.06.01.)

8 Baltische Adressbuecher. Kurland 1912, p. 51; Pamyatnaya knizhka i Adres-kalendarj Lifyandskoy

(Libau), three in Kuldīga (Goldingen), two in Valka (Walk; four in 1915), two in Ventspils (Windau) and one in Jēkabpils (Jakobstadt).⁹ Only males were allowed to become sworn attorneys in tsarist Russia. There were numerous restrictions for females in tsarist Russia for many occupations and attorneys were not an exception.

Social background

Out of 21 Jelgava attorneys, four were of aristocratic background. Similarly, of 74 attorneys in Rīga in 1915, ten were of aristocratic origin. The dynamics of recruitment confirmed that the importance of belonging to the upper classes in order to be accepted as a sworn attorney in the Baltic gubernyas decreased. Because there were no existing social restrictions, more and more middle class lawyers were able successfully to compete in the job market and become sworn attorneys.

Most of the attorneys of German and Latvian ethnic background were born in the Baltic gubernyas. Knowledge of local laws and of the German language (until the Russification policy started in the late nineteenth century) was essential for them. Therefore the recruitment from outside the Baltic states was limited. Russification from the end of the nineteenth century changed the role of the German language and promoted the influx not only of various civil servants from other parts of Russia but also of lawyers, among them sworn attorneys.

It is difficult, but still possible to determine the ethnicity of certain persons if the surname is almost the only indicator. The lists in address calendars indicates that the proportion of Baltic Germans decreased slowly, too. It is clear, however, that in 1914/15 the majority of attorneys were Baltic Germans. In Riga in 1915, for instance, approximately 43% were Germans, at least 26% were Latvians, 9% Russians, 8% Poles, 5% Jews and 3% Estonians (the rest were not identifiable).¹⁰ We find a similar picture in Jelgava in 1912: 52% Germans, 29% Latvians, 9% Russians, 5% each Jews and Poles.¹¹ Elsewhere in the provinces of Livonia and Courland the Germans dominated with a few Latvians and even fewer Russians (a characteristic example is given by Liepāja: of 15 attorneys, two were Latvians, one Russian and the rest Germans).¹² The majority of Latvians started their careers in the early twentieth century. There is an historical irony in the fact that, in the aftermath of the 1905 revolution, most of them became popular defenders of the revolutionaries. One example is the sworn attorney Kristaps Sumbergs, who spent three years from 1906 to 1909 defending prosecuted persons in local and military courts. Although there were Jews among attorneys, particularly in Rīga, their status was not secure. In 1922 one of them, Ābrams Libinsons, recalled that in 1911 rumours had circulated that a *numerus clausus* might be applied to Jews as attorneys' assistants. This would have seriously reduced the possibilities for them

gubernii na 1915g. [Memory book and calendar of addresses of the Livonian governorate in 1915], Riga 1915, p. 37.

9 Baltische Adressbuecher. Kurland 1912, pp. 95, 232, 273; Baltische Adressbuecher. Vol. 1.: Livonia 1909, p. 190.

10 Pamyatnaya knizhka (see note 8), p. 37.

11 Baltische Adressbuecher. Kurland 1912, p. 51.

12 Ibid, p. 232.

to become sworn attorneys.¹³ Although such measures were considered, a *numerus clausus* for Jews was never introduced.

Ethnic background often correlates with religious affiliation. The clear majority of ethnic Baltic Germans and Latvians were Lutherans; therefore, the profession was obviously dominated by Protestants. All Russians and probably a few Latvians (and Estonians) were Orthodox, and all Poles were Roman Catholic.

With respect to education, all sworn attorneys of the tsarist period held a higher diploma in law. Presumably, most of them graduated from Dorpat University, but many also attended the law faculties of St Petersburg and Moscow universities and the Demidov Judicial Lyceum in Yaroslavl.

The ethnic, religious and social diversity of the attorneys, particularly in Rīga, was first of all determined by the complexity of the local population. A generally growing economic well-being and rising level of education resulted in a changing composition of the attorneys' corps in Livonia and Courland. This process, however, was slow: one finds a clear indication in the fact that the offspring of the upper classes and Baltic Germans were still heavily over-represented. Latvians, in contrast, who constituted the majority both in Rīga and in the countryside, were under-represented. Jews were also under-represented among attorneys, particularly because the civil service in Russia was in most cases closed to them. As a result, a high number of Jewish alumni were employed in various private law firms.

Sworn attorneys after 1918

The overall numbers of the sworn attorneys during the period from 1918 to 1940 (that is, before Latvia was occupied by the Soviets) grew from year to year. In 1921 there were 89 registered and practising attorneys, 154 in 1925 and 178 in 1929. The growth of their numbers did not decrease even during the years of the Great Depression: there were 193 attorneys in 1931, 195 in 1932 and 204 in 1933. In spite of the limited market, their numbers still continued to increase during the years of the authoritarian regime, from 225 in 1935 to 283 in 1938.¹⁴

A principal difference to the pre-1918 period was the acceptance of women as attorneys. According to the new democratic legislation, women and men became equal in political life. Consequently, equality became necessary also in other fields, including the various professions. An increasing number of female students at the University of Latvia showed that privileges and possibilities for males and females were equalized. In theory this meant that after 1918 most jobs were open to both women and men; in practice, however, it took several years for the first signs of gender equality to become apparent. The very first woman admitted to the attorneys' corps was Otilija Ķempele, who in 1922 became the first attorney's assistant and in 1929 the first sworn attorney of her sex. Ķempele was born in 1893 into a bricklayer's family in Rundāle parish, not far from the prominent cultural and educational centre of Jelgava. In 1912 she graduated from Jelgava girls' gymnasium and, as a refugee, completed her studies at the Law faculty of Moscow University in 1916. Political

13 LVVA, 7354. f., 1. apr., 481. l., 30. lp.

14 Tieslietu ministrijas un tiesu vēsture (see note 3), p. 433.

turmoil in tsarist Russia after 1917 offered wide opportunities for groups that had earlier been marginalized. Ķempele took various positions which required a knowledge of law in Moscow and after returning to Latvia in 1921 became secretary at the Commission for the Reshaping of Criminal Law at the Ministry of Justice. A year later she applied for the position of attorney's assistant and, after finishing her apprenticeship and passing all the necessary exams, became a sworn attorney in 1929.¹⁵ The mass media of the day did not pay much attention to this fact. The tabloid "Aizkulises" was among the few that noticed the acceptance of the very first female attorney: "Ķ[empele] is really a sympathetic and pleasant lady. [She] is a specialist in rental issues and has a very good practice."¹⁶ She was very active both in politics and professionally, often raising questions of female equality in the Latvian law. She left Latvia in 1944 and died in the United States in 1990.

In 1925 there were five, in 1930 thirteen females among attorneys and their assistants. The 1930s saw a further increase in numbers. In 1936 there were already five women among all attorneys (or 2.1%) and 25 among the assistants (or 14.4%).¹⁷ Those numbers clearly show that the proportion of females was growing. However, the process somehow was still slow, since already in the very beginning of the 1920s – in fact immediately after the opening of the University of Latvia – the overall number of female students was greater than that of males. A considerable portion of them chose to study law, but a female presence in the legal professions became visible only later, starting in the 1930s.

In the post-1918 period, while the democratic and liberal regime existed in Latvia, all privileges that the previous regime had secured for the higher classes were abolished. Thus, various obstacles for the lower classes simply disappeared. Because of the status of sworn attorneys as a free profession, however, the recruitment of new attorneys did not necessarily reflect the recruitment policy at the state or municipal institutions. There were many more lawyers originating from the upper classes, including the Baltic German aristocracy and the middle class that had produced lawyers over several generations; while a disproportionately high number originated from merchant families (10%). The largest number (approximately one fifth) of attorneys came from farmers' families.¹⁸ However, this self-description found in their autobiographies might be misleading, since it could include large landowners from aristocratic families as well as small leaseholders who employed workers on their farms. Generally, the increasing number of attorneys of Latvian ethnic origin meant that the proportion of attorneys from the lower and middle classes was growing. What is also characteristic for the sworn attorneys' corps is, that many attorneys, often very successful ones, were themselves the sons of sworn attorneys. There are many examples of the father's profession being chosen by the son and even the grandson or, as in Tenis Golde's case, of both sons becoming attorneys.¹⁹ Another example is the Hilmans family: father Marks Mendelis (Mark Mendel) and mother Gitele were both sworn attorneys, their son Jūlijs (Julius) became an attorney only after Soviet occupation. Before the coup d'état

15 LVVA, 7354. f., 1. apr., 379., 380., 382. l.

16 Aizkulises, 1929.05.07.

17 Ščerbinskis, *Zvērināti advokāti* (see note 1), p. 22.

18 Ibid.

19 Golde was an attorney's assistant before 1918 and became a sworn attorney in 1920. LVVA, 7354. f., 1. apr., 228., 229. l.

of 1934 the father was a member of the Latvian Social Democratic party; after the coup, his son became a member of the illegal communist youth organisation. This political orientation, however, did not save them from Soviet repression: the mother and son were both deported and the father was sent to a Soviet concentration camp.²⁰

Most of the attorneys were born in the territory of Latvia. Since the majority of those who practised after 1918 were born in the late nineteenth century, their birthplace was usually Riga, the industrial and cultural centre of all the Baltic provinces. Most Latvians were born in the countryside, mostly in Livonia or Courland province. Traditionally, very few (mostly Jews) were born in Latgale. This region was obviously under-represented among attorneys, lawyers and educated professionals in general. In the late 1930s, however, more and more young lawyers from this economically and culturally backward area advanced into the attorneys' corps. Unlike Kurzeme (Courland) and Vidzeme (Livonia), the Latvian Roman Catholic population of Latgale had for centuries belonged to different administrative entities. Thus, Latgale had a distinctive history prior to 1918. Due to various economic and social factors Latgale was not able successfully to compete in the educational and professional market during the interwar years. The only ethnic group that was more or less successful in getting ahead in the social environment was the Latgalian Jews.

Ethnicity was the indicator which showed how deep the changes were that took place in local societies. Of all sworn attorneys in interwar Latvia, 65% were Latvians, 20% Germans, 15% Jews, 7% Russians and the rest belonged to other groups (nine Poles, two Lithuanians, one Hungarian and one Georgian).²¹ If in the early stage of independence the proportion of Latvians was considerable but not yet overwhelming, during the late 1920s and particularly during the 1930s it increased significantly. After the independence war, when the regulations for the legal profession were established, attorneys of non-Latvian ethnic background were given a few years to learn the Latvian language (which in the independent Latvia was the only official language) in order to qualify to participate in their profession. Some learned the language quite fast, while a few were given several time extensions (the same principles applied to university professors). Several attorneys of German and Jewish origin, although they were formally included in the first list of independent Latvian attorneys, left Latvia soon after 1919 and settled in Germany. One example was Karl Friedrich Gustav Freiherr von Freytag-Loringhoven, an attorney in Rīga as of 1911 who left Latvia for good around 1920. He spent the last years of his life in Weimar, where he died in 1934.²² Although Freytag-Loringhoven was not closely connected to the Baltic gubernyas (he was born in Stockholm), another emigrant, Konstantin von Grewingk, was born in Dorpat to a prominent Baltic German family. He spent all his life in Baltic gubernyas until 1922 when he left Latvia for Germany; he died in Berlin in 1937.²³ There were also a few Jews among the emigrants, like the Liepāja attorney Lev (Leo) Levenberg. Among various reasons for the emigration of Jews, the main one was almost certainly insecurity about the future of Latvia and their

20 LVVA, 7354. f., 1. apr., 295., 296., 297., 298. l.; Latvijas Valsts arhīvs (Latvian State Archives), 1986. f., 1. apr., 19365. l.

21 Ščerbinskis, *Zvērināti advokāti* (see note 1), p. 23.

22 LVVA, 235. f., 2. apr., 1157. l., 22. lp.; 1169. l., 4. lp.; 296. l., 19. lp.; *Genealogisches Handbuch der Baltischen Ritterschaft*, Görlitz 1929, p. 437.

23 LVVA, 1534. f., 6. apr., 6. l.; 1638. f., 1. apr., 184. l.; *Philisterverein der Livonia* (ed.): *Album Livonorum*. Dorpat. 1822–1934, [Lübeck] 1958.

place in its changing society. In the early 1920s the future of Latvia as an independent state seemed highly uncertain. Many Baltic Germans expected that the majority population of ethnic Latvians would take revenge once they gained power through democratic elections. Additionally, the language issue was of serious concern for lawyers, particularly those of advanced age. Without competence in the Latvian language it was virtually impossible to practice, and although the Ministry of Justice extended by several years the deadline by which all attorneys should achieve fluency in Latvian, some of them never mastered the language.

Although the number of Latvians increased, they were still under-represented in 1936. Table 1 shows several important tendencies which existed in the labour market at that time. Although ethnic Latvians made up about 75% of the population of the country according to the 1935 census, they represented just less than half of all attorneys in 1936. In contrast, Germans were heavily over-represented: at just 3.2% of the population they made up almost one third of all attorneys in 1936. The same thing (though in a lesser degree) may be said of Jews: they constituted 4% of the population of Latvia yet almost one fifth of attorneys.

Table 1: Number of sworn attorneys and their assistants in 1936.²⁴

Ethnicity	Number of sworn attorneys	%	Number of sworn attorneys' assistants	%
Latvians	99	42.49	94	54.02
Germans	65	27.89	29	16.67
Jews	45	19.31	38	21.84
Russians	15	6.43	11	6.32
Poles	6	2.57	2	1.15
Others	3	1.28	0	0
All	233	100	274	100

How do these numbers correlate with the overall numbers of sworn attorneys for the whole period, and how can they be explained? The larger overall share of Latvians during the whole period (65% versus 42% in 1936) suggests that Latvians were characterized by a high degree of professional mobility. There were no official limitations for minorities in the civil service, yet for several reasons there were few non-Latvians working for the state and municipal institutions. Unlike other ethnic groups, Latvians were prominently represented at all levels of the civil service and must therefore have been disinclined to undertake a socially and economically risky activity in private enterprise (including the profession of attorney). Instead, they remained in or sought jobs in the seemingly less advantageous but more secure civil service. Germans and Jews generally had less access to other jobs. Often a career as an attorney was the only professional activity they were allowed to undertake.

²⁴ Tieslietu Ministrijas Vēstnesis (1936), No. 2, p. 383.

The table also indicates the growing number of Latvians and Jews among attorneys' assistants. Since an assistant position was the most important and final step towards acquiring the rights of an attorney, it is reasonable to assume that these numbers most probably reflected the future ethnic structure of the legal profession. Indeed, demographically, the number of Germans was dramatically decreasing. Many of them had studied in Rīga as well as at some German university before 1918, and some of them did not return to Latvia.

To a large extent, denominational affiliation reflected ethnic composition. Of 716 persons who were attorneys during the Interwar years, 68% were Lutherans, 15% Jews, 12% Orthodox (half of them ethnic Latvians, the other half Russians), 3% Roman Catholics and the few remaining from the Reformed church as well as one Greek Catholic, one Baptist and three whose denomination is unknown.²⁵ Even more than ethnicity, religious affiliation shows clearly the divisions within Latvian society. Approximately one quarter of the Latvian population were Roman Catholics who lived mostly in the Latgale region. This striking difference between the small number of Roman Catholics among attorneys and one quarter of the entire population living in a predominantly Roman Catholic area demonstrates the huge social, educational and economical disproportions in Latvian society. In a similar and probably even more critical situation were the Oldbelievers. Not a single one of them became an attorney (even among students at the University of Latvia there were very few of them), although they constituted around 5% of the population. Not surprisingly, Lutherans (Germans and the majority of Latvians) were over-represented. This proportion also points to the thorough dominance of Lutherans in the legal profession.

As was the case in tsarist Russia, one needed to graduate from university in order to become an attorney. Consequently, only alumni of the various institutions of higher education were allowed to become candidates. Because of recent history, slightly fewer than half graduated from the various universities in Russia (one quarter graduated from Dorpat University, 72 from St Petersburg University, 68 from Moscow University) and almost 400 were graduates of the University of Latvia.²⁶ Many students of German and Jewish origin spent the first years of their studies abroad, almost always at German universities. In order to get a job in Latvia afterwards they were also required to graduate from the University of Latvia. However, this requirement rarely extended their studies by more than one year.

Notaries before 1918

Unlike attorneys, the number of notaries was determined by state institutions. In 1897 there were 42 notaries in all three Baltic gubernyas (Courland, Livonia and Estonia), the largest number of them – seven – being appointed in Rīga. From 1889 to 1917 in the territory of Latvia altogether 89 notaries were certified (eighteen of them in the Latgale region, that is, in the three districts of Vitebsk gubernya inhabited mostly by Latvians and added to the Republic of Latvia after 1918).²⁷

²⁵ Ščerbinskis, *Zvērināti advokāti* (see note 1), p. 24.

²⁶ *Ibid.*

²⁷ Ēriks Jēkabsons, Valters Ščerbinskis: *Notariāts un notāri Latvijā. 1889–1945. gads* [Notaries and Notary's Office, 1889–1945], in: *idem*, *Latvijas notariāts* (see note 1), p. 50.

According to the conservative employment policy, women were not allowed to hold the title of notary. Only after the revolution of 1917, in August, was the very first woman appointed as a notary. Ludmila Jakuboviča (Jakubowicz) was the widow of the deceased notary Stefan Jakubowicz.²⁸

Although many Baltic Germans and local Poles were of aristocratic origin, their ranks still included the son of a skipper, sons of pharmacists and many who had a family background in civil service in the Baltic gubernyas. Almost all Russians came from the upper- or middle-class families of state bureaucrats or clergymen. All Latvians were born either into the families of farmers, foresters or craftsmen. In German and Polish families the notary's job was frequently inherited, as in case of the father and the son Kiersnowski, both notaries in Rīga. All in all, those proportions clearly did not reflect the composition of the societies in the Baltic provinces. Of the offspring of the majority population in Baltic gubernyas – that is, of workers and farm labourers – only one Latvian became a notary. All other Latvians represented the economically and culturally quickly growing class of farmers and craftsmen.

Almost all notaries of German and Latvian origin were born in the Baltic gubernyas. The Baltic Germans born there had graduated from Dorpat University. They spent all their professional career either in Livonia or in Courland. Latvians were more flexible regarding their future careers. Because of the limited possibilities in the job market for the socially more lowly ranked sons of farmers and workers, they often found jobs somewhere in Russia. Almost all Poles and Russians were born outside this area. For instance, the notary Georgiy Bogdanov, who was born in the Voronezh gubernya, graduated from the University of St Petersburg and after a few years' service in the district court in the capital city was sent to the Baltic gubernyas. As soon as the war started, however, he left Rīga for South Russia.²⁹

Much as they were among attorneys, Germans were also highly over-represented among notaries (29, or one-third of them all). There were also 13 Poles (mostly in the Latgale region, but also in other areas), 13 Russians and 12 Latvians. The ethnicity of four persons is indeterminate, though their surnames suggest that two were Poles and two Germans. Russian law forbade Jews to be employed in the civil service; therefore the notary's profession was closed to them. In the late nineteenth century there were very few Latvians; however, by 1910 their numbers were slowly increasing (the first notary of Latvian ethnicity, Andrejs Derkēvičs, was appointed as early as 1890, but the first notary in an economically desirable location, Rīga, only in 1906: that was Frīdrihs Veiklevičs). The lack of Latvians among notaries caused even more frustration in places like Liepāja, where Latvians constituted the majority of the population but where not one notary was able to speak the Latvian language.³⁰

The denominational division was unmistakable: all Germans and Latvians were Lutherans (42 persons), all Poles were Roman Catholics (13 persons) and all Russians were Orthodox (13 persons). There were almost no local non-Lutherans; almost all of them arrived in the territory of present-day Latvia from somewhere else. This meant that local Roman Catholics from Latgale and Orthodox believers from Latgale or Livonia either did not have

28 Ibid, pp. 142 f.

29 Ibid, pp. 92 f.

30 Liepājas Atbalss, 1913.11.08.

enough experience and education, or were discriminated against because of their social, ethnic or religious background.

Unlike attorneys, notaries were not obliged to meet definite educational requirements. All candidates were required to pass the special notary examination, which included specific knowledge which could be obtained, first of all, through professional experience or, secondly, through education. Although most of the notaries were graduates of the universities, many were not. Half of the graduates graduated from Dorpat University, others from various universities in Russia. Others who did not have the degree in law were either graduates of secondary or elementary schools. Many notaries were retired officers, former civil servants of various legal institutions, notaries' assistants or secretaries.

Notaries after 1918

From 1918 to 1940 there were 113 notaries in independent Latvia. Although the Ministry of Justice and the Notary Council (a collegiate institution created by notaries) tried to limit the number of notaries (there were 61 in 1938), and although by March 1940 the number had decreased to three, still the number of notaries compared to the overall number of their colleagues during the previous period was larger.

In independent Latvia gender restrictions were abolished, so theoretically the doors were open for females to enter the notary profession. However, altogether only seven females became notaries during the interwar period. Almost all of these women were related to male notaries, either as wives or daughters. In the 1930s, notary Erna Slokenberga complained that in 1928 she had passed the notary exam but for a long time was not given a position "because I was a woman."³¹ When we look at the number of female students at the faculty of Law and Economics at the University of Latvia, where there were almost as many female students as males, we see a clear disproportion, since women often remained outside the job market.

Unlike notaries before 1918, notaries of the independence period were mostly sons and daughters of farmers. The majority of them were most probably from the families of small or middle-size land-owners of Latvian ethnicity.

The absolute majority of notaries were born in one of the two former Baltic gubernyas: either in Courland (57 notaries) or in Livonia (24, including Rīga). This is significant because now, in independent Latvia, the majority of notaries were ethnic Latvians. By the end of the nineteenth century, Rīga, where most notaries were born, was not yet the important centre it was later to become in terms of concentrated population and educational institutions. Accordingly, small towns and the countryside contributed a significant number of notaries. Only eight notaries were born in Latgale; again, this is a significant indicator that shows that Latgale was behind other regions and was consequently seriously under-represented in many professions which required education and experience. Unlike during tsarist times, almost all notaries from the Latgale area were Latvians.

Of 113 notaries during the independence period 95 were Latvians, 11 Germans, four Russians, two Poles and one a Finn. These numbers reflect the general trends existing in

31 LVVA, 3282. f., 1. apr., 130. l., 165. lp.

the state apparatus of independent Latvia. The group of civil servants was dominated by ethnic Latvians, and notaries were no exception to the rule. The comparatively large and over-represented proportion of Germans reflected the fact that Baltic Germans were deeply rooted in the various law professions. Most of those Baltic Germans were individually deeply assimilated into the Latvian environment. Only a few of them differed culturally from the surrounding Latvians. Although there were no Jews among notaries of the interwar period, Jews were now admitted into state institutions. For instance, Jūlijs Bergers after graduation held from 1930 to 1933 a position at the Rīga district court, afterwards becoming a sworn attorney's assistant.³² Cases of Jews (and Germans, too) being employed at state institutions were, however, quite rare. Again, the notary's profession was no exception to this rule.

This profession was dominated by Lutherans (91) during the interwar period. There were also nine Orthodox (five of them Latvians and four Russians), eight Roman Catholics and four whose denomination is unknown (most probably they were Lutherans, too).³³ Religious affiliation as such had lost its importance. As an indicator of ethnic background and birthplace, however, it reflected existing recruitment trends inside the state institutions.

The Ministry of Justice did not require higher education for notaries. Therefore they came with various educational backgrounds. Although the absence of strong educational requirements would suggest that the general education level must have been low, the situation among notaries was different. Only four notaries had only an elementary, that is, a lower education. 43 had graduated from university and 20 had not finished their studies for various reasons.³⁴ Those numbers suggest that more than half of all notaries had attended a university, most of them the University of Latvia. Usually older notaries had more experience. They had often already worked as notaries' assistants during tsarist times. They had considerably less education. One example is one of the most prominent notaries of the interwar period, Jānis Krūklāns, who gained both his prestige and wealth without higher education. Krūklāns graduated as an external student from a district school in 1902 and later worked as the assistant and secretary in various legal institutions. He made his career after 1919, when he participated in the creation of the district court in Rīga.³⁵ In contrast, all but one female undertook university studies in order to prepare to qualify for the notary position. The only exception was Jakuboviča, who became the very first female notary as early as 1917.

Conclusions

The biographies of sworn attorneys and notaries, analysed from the end of the nineteenth century to 1940, clearly reflect the political changes that took place in Latvia. Constituting to a certain extent the judicial elite of the local legal profession, both attorneys and notaries illustrated the favoured position enjoyed by some groups through under- and over-representation.

32 LVVA, 7354. f., 1. apr., 45. l.

33 Jēkabsons, Ščerbinskis, Notariāts un notāri Latvijā (see note 27), p. 54.

34 Ibid.

35 See Krūklāns' biography in: LVVA, 1376. f., 2. apr., 12452. l., 185. lp., 1636. F., 2. apr., 562. l., 1193. lp. and in Jēkabsons, Ščerbinskis, Notariāts un notāri Latvijā (see note 27), pp. 168 f.

Regarding place of birth, it was clear that people from the Latgale historical region, particularly those of Latvian (and Roman Catholic) origin, lagged behind in the professional competition. This situation changed very slowly. During the independence period there were a number of native Latgalians among the notaries and a very slowly increasing number of attorneys. Gender issues were not raised during the authoritarian tsarist regime; women were not allowed to take many jobs and were thus excluded from the job market for attorneys and notaries. In the generally liberal and democratic regime after 1919, however, equality was given in theory, although in practice it was not at all easy for women to find jobs that were mainly secured by males.

Ethnic affiliation changed very much during those two different political periods. In tsarist Russia, as can be seen from the large proportion of Baltic Germans (and to a certain extent Russians and Poles), the native population and Jews were obviously under-represented. Not belonging to the local elite, they were generally excluded from the most attractive positions in the Baltic gubernyas; very few were able to achieve the position of either notary or attorney in Rīga. This fact certainly indicates a bias in favour of local Baltic Germans and Russians. Conditions were reversed after 1918 when the majority, consisting of ethnic Latvians, was in charge of all institutions and responsible for decision-making in the newly born state.

The same can be said about the change of social background for these two professions. The proportion of members of the upper class among notaries decreased dramatically during the 1920s and the 1930s because during this period notaries were appointed by the ministry. It also decreased among sworn attorneys, but to a much lesser extent because attorneys retained their autonomous status. Since in the civil service non-Latvians (particularly Baltic Germans and those with an aristocratic background) were unwelcome, they concentrated their efforts on the free professions. Among these, the profession of sworn attorney was very prominent. Jews also had limited access to the state civil service, so many of them also chose various free professions. Although we have no direct evidence for this trend in archival documents, we may assume that a strong unofficial lobby for some groups existed in the autonomous Council of Latvian Sworn Attorneys, the body that decided who should be admitted and who should not. These groups were most probably the Baltic Germans, Jews, Latvian Social Democrats and Latvian student fraternal alumni. The influence of these groups seems to have decreased during the years of the authoritarian Ulmanis regime from 1934 to 1940, when an influx of new attorneys from various backgrounds took place.

Although religion did not play a major role in local society by the end of the nineteenth century and during the independence period, when the state was secular in every respect, the religious affiliation of notaries and sworn attorneys confirms the above-mentioned conclusions about the under- and over-representation of certain groups. Lutherans were considerably better represented than non-Lutherans; their proportion in both groups of professionals was stable and impressive. Even though the Baltic gubernyas were part of the Orthodox hegemony in tsarist Russia, the Protestant element in the Baltic area was very strong. It continued to be the visible and dominating element among all religious denominations during the 1920s and 1930s despite the secular character of the new Republic of Latvia.

Both education (in the case of sworn attorneys) and professional experience (in the case of notaries) constituted significant factors for the professional career of lawyers. The necessity of an advanced education was certainly a serious obstacle for those who were not

rich enough to acquire one in the years prior to 1918. After 1918, however, and particularly in the 1930s, more and more professionals came from humbler backgrounds, although during most of those two periods none originated from the families of workers. Education continued to play a major role during the interwar years; but because conditions were more democratic and education became accessible to larger parts of the population, it provided an additional factor for the diversification of the professional lawyers' corps.

Biographical data reveal that sworn attorneys and notaries during tsarist times did not reflect the overall ethnic, social and denominational structure of Latvia. Heavily over-represented Baltic Germans, Russians and to a certain extent Poles, along with the offspring of the upper classes, often coming from various estates or minor towns in the Courland and Livonia gubernyas, indicate where class and ethnic privileges existed. These were reinforced by institutional factors, such as the restriction of Jews to certain positions in the job market. Independence brought about considerable changes to this situation. Instead of the formerly privileged groups, Lutheran Latvians with varied social backgrounds now filled the gaps left by retreating Baltic German and Russian civil servants from the nobility. However, whereas in governmental institutions the personnel changed rapidly and radically (as in the case of notaries), state policy still had very little impact on private professions. It might be said that the generally unwritten policy of the Latvianization of the educated professions that took place was essentially fair because it reflected the preponderance of Latvians in Latvia; and (with certain reservations) that the process of composing the professional elite of sworn attorneys and notaries became considerably more liberal and open once it was based on the principles of equality.

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Zusammenfassung

Die Ereignisse des Jahres 1918 – Revolution, Krieg, Unabhängigkeitserklärung – führten zu Veränderungen der Gesellschaft. Traditionen aus der Zeit vor 1918 wurden aufgegeben, Gesetze wurden geändert. Nach und nach nahm die Gesellschaft der unabhängigen Republik Lettland eine neue Form an. Für die staatlichen und kommunalen Einrichtungen wurden neue Verwaltungsstrukturen geschaffen. Die politischen, wirtschaftlichen und kulturellen Eliten erlebten einen tief greifenden Wandel. In der vorliegenden Fallstudie werden Biografien von vereidigten Rechtsanwälten und Notaren ausgewertet. Ziel des Artikels ist es, anhand von biografischen Angaben aufzuzeigen, wie sich diese Berufe insbesondere nach 1918 veränderten.

Untersuchungen zeigen, dass bestimmte Gruppen unter den vereidigten Rechtsanwälten und Notaren vor und nach 1918 deutlich über- bzw. unterrepräsentiert waren. Es gab sowohl vor als auch nach der Unabhängigkeit nur eine geringe Zahl von Katholiken unter ihnen (bei einer ebenfalls niedrigen Zahl an Lettgallern), auch wenn ihr Anteil ab den 1920er Jahren geringfügig zunahm. Genderfragen wurden während des autoritären Regimes der Zarenzeit nicht aufgeworfen; Frauen blieb der Zugang zu vielen Berufen verwehrt und so waren sie auch von Rechtsanwalts- und Notarstätigkeiten ausgeschlossen. Nach 1918 wurden die Zulassungsschranken aufgehoben und immer mehr Frauen ergriffen diese Berufe. Auch die ethnische Zusammensetzung in den Berufssparten änderte sich: Im zaristischen Russland

waren die lettischen und jüdischen Bevölkerungsteile unterrepräsentiert, Deutschbalten (und zu einem gewissen Maße an Russen und Polen) dominierten die ethnische Zusammensetzung der beiden Berufsfelder. Die Verhältnisse kehrten sich nach 1918 um, als die aus ethnischen Letten bestehende Bevölkerungsmehrheit die Verantwortung und die Zuständigkeit für alle Einrichtungen übernahm.

Auch wenn die Religion am Ende des 19. Jahrhunderts und während der Unabhängigkeit, als der Staat in jeder Hinsicht säkular ausgerichtet war, in der Gesellschaft keine zentrale Rolle spielte, bestätigt die Religionszugehörigkeit von Notaren und vereidigten Rechtsanwälten die oben genannten Rückschlüsse in Bezug auf die Unter- und Überrepräsentanz bestimmter Gruppen. Lutheraner waren deutlich zahlreicher vertreten als „Nicht-Lutheraner“; ihr hoher Anteil gegenüber anderen Konfessionen blieb auch in den 1920er und 1930er Jahren bestehen.

Sowohl Ausbildung (im Falle der vereidigten Rechtsanwälte) als auch Berufserfahrung (im Falle der Notare) stellten bedeutende Faktoren für die berufliche Laufbahn von Rechtsanwälten dar. Die Notwendigkeit einer gehobeneren Bildung war sicherlich in den Jahren vor 1918 ein ernsthaftes Hindernis für diejenigen, die nicht über ausreichend finanzielle Mittel verfügten, um diese zu erlangen. Nach 1918 und insbesondere in den 1930er Jahren gelang immer mehr Fachkräften der Aufstieg aus bescheideneren Verhältnissen, jedoch niemandem aus einer Arbeiterfamilie. Bildung spielte auch in der Zwischenkriegszeit eine wesentliche Rolle. Da nun größere Teile der Bevölkerung Zugang zu Bildung erhielten, wirkte sie sich verstärkend auf die Diversifizierung des Berufsstandes der Anwälte aus.

Die ethnische, soziale und konfessionelle Struktur Lettlands spiegelte sich nicht in den Daten zu den vereidigten Rechtsanwälten und Notaren für die Zeit der Zarenherrschaft. Nach 1918 füllten lettische Lutheraner unterschiedlicher sozialer Herkunft die Beamtenstellen, die zuvor mit adeligen Deutschbalten und Russen besetzt gewesen waren. Während es in staatlichen Einrichtungen schnell zu tief greifenden personellen Veränderungen kam (wie im Falle der Notare), hatte die Politik weiterhin nur sehr geringen Einfluss auf Berufe in der Privatwirtschaft. Eine Lettisierung der Ausbildungsberufe kennzeichnete auch die Entwicklung der vereidigten Rechtsanwälten und Notare als sozialer Elite.

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