

An Evolutionary Ethnographer from Lithuania: The Intellectual Biography of Jan Witort

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Ethnologist and ethnographer, researcher of customary law and the family, Jan Michał Witort (1853-1903) was a representative of evolutionism and an influential personality in late 19th century Lithuanian ethnology, with contributions that refer to both Lithuanian and Polish contexts. His life and work may be perceived as a historical fragment of the experience and scientific thinking fostered in the Central and Eastern European regions, particularly the former Polish-Lithuanian Commonwealth at the end of the 19th century. However, the wider international audience remains mostly unaware of him, and therefore he stays on the fringes of Lithuanian and Polish academic milieus.

Witort, who was born a few decades before Bronisław Malinowski (1884-1942), was connected to the Ethnological Society (Towarzystwo Ludoznawcze) in Lviv and its journal *Lud*, where Malinowski later published some of his first articles. But unlike Malinowski, Witort had neither received any formal training in the humanities, nor had he graduated from any university. The way he became interested in social theory and educated himself as an ethnologist reflects the intellectual concern with social and cultural aspects of human behaviour, social critique and positivism influenced at that time by the political and social situation of the region. It also illustrates how ideas and epistemologies travel across political boundaries, and make an impact on the intellectual contexts of geographically distant places.

The epoch

According to Witort himself, his fate was that of those who lived and came into adulthood

after the Lithuanian-Polish uprising of 1863 against Russian Imperial rule, which he witnessed himself as a child (Witort 1997; Vitartas 2017: 55 - 95) [1]. The entire epoch from the final partition of the Polish-Lithuanian Commonwealth between Russia, Prussia and Austria in 1795 was marked by resistance and uprisings against Russian Imperial rule, as well as by manifestations of social upheaval and transformation in the societies of Poland and Lithuania.

It was within the intellectual environment of the University of Vilnius of the late 18th and early 19th century that cultural reasoning of human phenomena emerged in Lithuania (Maciūnas 1939; Dundulienė 1978). The early influence of the French, Scottish and German Enlightenment nourished the emphasis on cultural differences and the discovery of the peasant as the local “noble savage”. Johann Georg Forster was invited to be Chair of Natural History at the University of Vilnius in 1784-1787. A year earlier, the Chair of History had been established in 1783 with its discipline influenced by a Voltairian understanding of history as a science of nations. Joachim Lelewel (1786-1861), its alumnus and then professor, described the notions of ethnography, ethnology and anthropology in his lectures and his book *Historyka* (1815), and treated them as methodologically significant categories of history. He saw culture (kultura) as encompassing all human affairs such as religious and moral life (social organization, character), activity, intellectual and scientific achievements (trade), etc., and an object of history and ethnography (Lelewel 1964: 282, 239, 422-423). Lelewel considered history in a broader sense, also related to geography or political geography and statistics with maps as its dominant component (Lelewel 1964, Norkus 2015). The establishment in Vilnius of a distinctive anthropological and ethnological approach to the world resulted from a variety of intellectual sources and a confluence of different disciplinary traditions. The drama of the loss of statehood and an urgent need for economic, social and intellectual reconstruction of society was the inspiration to respond to local circumstances. The development of law as a science and the influence of physiocracy should be mentioned here. Montesquieu and Rousseau’s ideas played their part in this process, as did those of Herder, or even the polemics of Kant. The same applies to the consolidation of the anthropological approach to medicine, suggesting the holistic concept of a human being with emphasis on physical and moral properties. In all disciplinary fields, scientific curiosity was directed towards the study of one’s native country and its people. The natural environment as well as folk songs, tales and legends, customs, clothing, houses and crafts were considered to have scientific value; as it was said, they represented cultural specificity and illustrated the evolutionary stages of a nation. As a result, professors and students of the University of Vilnius, along with amateurs, took part in collecting folk knowledge, rural customs and artefacts, which were conceptualized within the ideas of antiquity, comparison and progress. But the University of Vilnius was closed in 1832 after the uprising of 1831 [2].

The ethnographic aspect was later developed by the Vilnius Provisional Archaeological Commission (Vilniaus laikinoji archeologijos komisija, Tymczasowa Komisja Archeologiczna Wileńska) and the Museum of Antiquities in Vilnius (Senienų muziejus, Muzeum Starożytności), established in 1855, the ethnographic section of which was the first attempt in

Lithuania and Poland to include an ethnographic collection in a museum (Jasiewicz 2011: 143-144). In 1857 the Commission organized the first systematic scientific expedition in Lithuania along the river Neris to collect geographical, historical, archaeological, folkloristic, and ethnographic data, artefacts and materials, but the Commission was closed in 1865, after the uprising of 1863 [3]. The printed word in the Latin alphabet and Lithuanian language, and any kind of Lithuanian associations were forbidden, and Lithuanian and Polish cultures were oppressed. Nevertheless, scientific curiosity about 'We' and 'the Others', living nearby and in far-distant countries, and the recording of folklore, local lore and ethnography became the work of individual researchers and laymen in Lithuania and Poland during the entire 19th century (Libera 1995: 138; Jasiewicz 1976: 87-97, 2011).

In the second half of the 19th century, Lithuanian ethnography and folklore was also of interest to the Scientific Societies in Russia, Prussia and Austria – the Russian Imperial Geographical Society (Императорское русское географическое общество), established in 1845 in Saint Petersburg, the Lithuanian Literature Society (Litauische Literarische Gesellschaft) in 1879 in Tilsit, then Prussia (today Sovietsk, Kaliningrad region, Russia), and the Ethnological Society (Towarzystwo Ludoznawcze, today Polish Ethnological Society) in 1895 in Lviv, then Austria (today Ukraine) (Milius 1993). Witort was a corresponding member of the Ethnological Society from its very beginning, and collaborated with the academic circles of Cracow and Warsaw.

The Universities of Cracow and Lviv, the Academy of Learning (Akademia Umiejętności) in Cracow and its Anthropological Committee, founded in 1873, played a considerable role in the professionalization and institutionalisation of Polish ethnology and anthropology (Jasiewicz 2011: 204-213). It contributed to the maintenance and development of ethnological thinking not only in Poland, but also in Lithuania. Among the personalities associated with the University of Cracow and the Academy were Oskar Kolberg (1814-1890), a distinguished Polish ethnographer and folklorist, Jan Baudouin de Courtenay (1845-1929), a linguist and once head of the Anthropological Committee, Lotar Dargun (1853-1893), a lawyer known for his legal-ethnological studies of marriage, property, inheritance and kinship and who influenced Bronisław Malinowski, and Ludwik Gumplowicz (1838-1909), a sociologist interested in the theory of conflict. Jan Karłowicz (1836-1903) and Antoni Kalina (1846-1906), members of the Academy, were those who personally encouraged Witort's involvement in ethnological studies (Jasiewicz 2011: 201-220; Dudek 2016: 5; Gomóła 2011: 261-262).

Witort's life and background

The original title of the manuscript of Jan Michał Witort's "Autobiografia" written for the Ethnological Society has a note stating "Witorta etnografa z terenów Litwy" ("by Witort, an ethnographer from the land of Lithuania") (Witort 1997: 211). Indeed, Witort is inextricably linked with Lithuania. His name and surname is used in Lithuanian form there – Jonas Vitartas.

According to his birth record, Jan Michał Witort was born in Lithuania, Panevėžys county,

Pauslajys estate (today Kėdainiai district municipality, Truskava eldership, Pauslajys village) on November 10, 1853 (Milius 1993: 98). His parents – father Adolf Witort and mother Anna Palmira from Szemiotów – were of the local landless gentry. Panevėžys, a city located almost in the middle of Lithuania, and its surroundings were Witort's home in childhood and – with the exception of his two exiles – remained so until the end of his life. Orphaned in childhood, he was brought up and later supported by his relatives until his death [4]. It was common at that time for Lithuanian gentry to speak Polish and to be inured in Polish culture although some of them strongly stressed their Lithuanian roots and identity.

As a teenager, Witort was taught at the Polock military school for the orphans of the gentry in 1866-1871. He did not, however, graduate from this school but from Vilnius gymnasium in 1872. The same year he entered the Riga Polytechnic School, where he studied chemistry. In 1874 he spent a semester as a student at the Technological Institute in Saint Petersburg, but in 1875 was arrested for political reasons. After his years in school, Witort took part in illegal self-educating groups of democratic, national and leftist movements. When staying in Vilnius in 1871, he joined a self-educating group, in which Emeryk Witort, a cousin on his father's side, and an uncle participated. He studied various literature on his own including the works of French encyclopaedists, and became acquainted with Warsawian positivism, the ideas of Polish Democratic Society, and the theory of “organic work” [5]. *Cours de philosophie positive* by August Comte served as a comprehensive handbook in his future studies on social theory.

Because of his underground activities, Witort was twice arrested and sentenced to exile. In his 1891 work *Siberia and the Exile System*, the American journalist George Kennan (1845-1924) wrote that “unfortunate young men and women who perhaps had assembled merely to read and discuss the works of Herbert Spencer and John Stuart Mill were arrested and sent to Siberia as conspirators” (Kennan 1891: 30). The first time Witort was exiled to the North of Russia, the Archangelsk governate, the town of Onega in 1875-1879; the second time to Siberia, Tomsk governate and to Semipalatinsk in 1880-1887. Significantly, it was in exile where he became systematically immersed in the studies of social theory, anthropology, ethnology and ethnography.

During his first exile in the town of Onega, he returned to his earlier study of Comte's work and the other literature he had brought with him or found in the other deportees' private libraries and the town's public library. Witort also became good friends with some English engineers who worked for an English forest-trading company which had been granted concession rights there. The company had established its trading agency and workshops, smithies, large steam sawmills, storehouses and granaries, hospitals and a pharmacy there. It also had an extensive library, with newspapers in English, Russian and French received from Saint Petersburg by diplomatic post (Witort 2017: 76-78). Witort used the library for his studies, and was greatly impressed by Herbert Spencer and Edward B. Tylor's works – they became the main authors whom he followed later. In his memoirs, he wrote that while in Onega he tirelessly studied the disciplines of history, political economy, history of law and

sociological works:

This reading gradually convinced me that the basics of sociology should be found in ethnography; that so-called social truths are relative and are, so to say, historical categories. At that time I studied the works of great thinkers and philosophers, such as Herder, Kant (*The Critique of Pure Reason* translated into Russian), Spencer, Mill and others. (...) This influenced the clear formation of my outlook on the world; diligent scientific work finally made me the follower of positive scientific philosophy; the doctrine of evolutionism left a deep imprint in my mind and heart. I became its supporter and used it in the science about society and in ethics; then I truly understood that contemporary social forms are transitional and relative and, briefly put, historical categories (Witort 2017: 87, 104).

The second exile to Siberia in 1880-1887 gave him a chance to practise ethnographic research although he had already attempted to record his observations during the first exile (Witort 1896a). During this second exile in 1883, he became seriously ill. He got an inflammation of the brain and spinal cord. This forced him later to devote himself to writing and scientific endeavours.

In Siberia he had an opportunity to become acquainted with Kazakh culture. In the first days in the steppes of Central Asia which he had never seen in his life, Kazakhs, tents, minarets and melodious calls of muezzins made a great impression on him. In Semipalatinsk he met his old friend, Seweryn Gross (1852-1896), a lawyer from Vilnius and fellow deportee. Gross invited Witort to join the research on Kazakh customary law organized by the Semipalatinsk Statistical Committee. It was a study based on material from local courts, data from the Semipalatinsk Statistical Committee, and field experience in the Kazakh steppes among local people [6]. In autumn of 1884, Gross and Witort got permission from the local administration to see their acquaintance Abaj Kunanbajev (1845-1904), a well-educated Kazakh of influential Kazakh kindred, who became a famous poet and writer. Kunanbajev led a nomadic life moving in the steppes with his herds of animals and his extended family. Witort writes that they travelled in the steppes accompanied by Kazakhs from aul to aul, from tent to tent. It provided a unique experience. The Kazakhs were probably cooperating with researchers, and helped them understand Kazakh life and traditions. (Witort 1997: 242-243; Vitartas 2017: 88). But when the study on Kazakh customary law was finished neither the name of Gross nor that of Witort were mentioned in the printed publication of the research [7]. It was only later that Witort wrote an article "From the steppes of Central Asia" in the journal *Lud*, where he discussed Kazakh family organisation, marriage, and customary law (Witort 1899a).

In Semipalatinsk, Witort studied ethnographic literature about the Siberian people and as he says, systematically collected material on primitive law, thus establishing the basic schedule for future publication on the patterns of primitive law. In Semipalatinsk there was an atmosphere of intensive intellectual work among the deportees. George Kennan, who met Witort and the other deportees in Siberia, was surprised that deportees, despite their limited finances, could obtain substantial scientific literature and periodicals. Semipalatinsk public

library, which was also established through the initiative of the deportees, had more than one thousand volumes, including books by such authors as Herbert Spencer, Henry Thomas Buckle, John Stuart Mill, Hyppolite Taine, John Lubbock, Edward B. Tylor, Thomas Huxley, Charles Darwin, Alfred Russel Wallace, Henry S. Maine and others (Gomółka 2011: 253; Milewska-Młynik 2012: 138).

The third and fundamental turn in Witort's work in ethnology occurred when he returned to Lithuania in 1887, to his native town Panevėžys and to his ethnographic studies. There he began working as a private teacher, moving from one family to another. He was an active supporter of the educational society "Mother's school" in Cieszyn, Poland. In Lithuania it was a time when the Lithuanian national movement, called *litwomania* by the Poles, was gaining momentum. In "Autobiografia", Witort writes that the discussion on the so-called *litwomania* stimulated his desire to study Lithuania and the history of its people, customs, and economic situation at its very roots (Witort 1997: 248; Vitartas 2017: 93). Indeed, Lithuanian studies comprise the largest part of Witort's ethnological legacy. Ethnographic materials there are classified and analysed under the light of the theory of evolution, and with implicit assessment of his experience in the North of Russia and Siberia. His comprehensive knowledge of Lithuanian rural society made an impact on the works of Lithuanian authors; especially valuable is his attention to and insights into the fields of customary law, family and kinship, property relations, village community, and social organization. The originality of his approach is based on social critique instead of the folkloristic-philological approach, which dominated in Lithuania in the late 19th and the early 20th century.

It is also necessary to mention that Witort's primary fascination was not with social theory, but with revolutionary ideas for changing society. It was his interest in understanding how society works that anchored his curiosity. There are other cases in Lithuania and Poland when strong personal political involvement and views opposed to the imperial government gave impetus to the studies of social theory, anthropology, ethnology and ethnography. This includes, for example, the cases of Joachim Lelewel and his emphasis on the value of anthropology and ethnology; Bronisław Piłsudski (1866-1918) and his research on Ainu, Oroks, and Nivkhs in Sakhalin Island, the place of his deportation; or the "father" of the Lithuanian nation, Jonas Basanavičius (1851-1927) and his studies of Lithuanian folk materials and anthropological research in Bulgaria (his place of work in Lom Palanka). Polish researchers have stressed that the loss of the state's independence made an impact on scholarly interests of some personalities, directing their attention toward the humanities, the study of society and its historical past (Szczepański 1971, from Gomółka 2011: 13-16). They have also stated that the Polish dissidents of the 19th century who were educated, politically active, competent in the field of social issues, and acquainted with ethnography presented comprehensive descriptions of the local people in the places of their exile. Their works are considered as forming a separate trend in Polish ethnology. Witort is among them (Jasiewicz 1976, 2011: 205).

Jan Michał Witort died on April 23, 1903 in Mikolajavas, currently a part of the city of

Panevėžys. He is buried in Panevėžys, in the cemetery of St. Peter and Paul's Church. He died at forty-nine years old. In his death record, it is written that he died from tuberculosis (Milius 1993: 100). By the end of his life he was almost blind and paralyzed. Since his return from Siberia in 1887, Witort's state of health had slowly but gradually become weaker. As he had stayed single and had no children, he was living with his aunt, and earned money giving private lessons. In 1894 when his eyesight and body was getting much worse, he hired a girl as his secretary. She used to write down what he was dictating, and was his helper, colleague and co-worker. Thanks to her, Witort was able to maintain intellectual activity until the end of his life. Although he says that not all his works were done in the way he intended, their volume is impressive.

Works and influences

The last period of Witort's life was the most productive in the sense of scholarship. Witort actively collaborated with Polish periodicals in Saint Petersburg, Warsaw, Cracow and Lviv. He wrote and published in Polish; at first he wrote short columns with information from his surroundings for the periodical *Kraj* in Saint Peterburg and later he published articles on local economic activities, emigration, family relations, customs, local law and courts, property relations and education in the journals *Głos* (Voice), *Ateneum*, *Wisła* (Vistula), *Kurier Polski* Polish Courier, *Przegląd Powszechny* (Universal Review), and others. His main ethnological publications are presented in the journals *Wisła* and *Lud* (People) (Gomółka 2011: 237-249) [8]. But Witort's major works are three books: *Zarysy prawa zwyczajowego ludu litewskiego* (The Patterns of Lithuanian Customary Law), *Zarysy prawa pierwotnego* (The Patterns of Primitive Law), and *Filozofia pierwotna (Animizm)* (Primitive Philosophy (Animism)) (Witort 1897-1898, 1898, 1899b, 1900-1901, 1900; Vitartas 2017). The first two he considered to be his main contribution to ethnology.

In 1892 Witort got in touch with the Academy of Learning in Cracow, and was strongly encouraged by Jan Karłowicz, a linguist, ethnographer and editor of the journal *Wisła*. But Witort's first article "Jus primae noctis", which was an ethnological attempt to participate in the discussion on the *droit du seigneur*, and the study "Przeżytki prawa zwyczajowego na Litwie" ("Survivals of Customary Law in Lithuania"), which he presented to the Academy, did not appear in its publications. They were printed later in the journal *Lud* (Gomółka 2011: 262; Witort 1896b). In 1895 he joined the Ethnological Society in Lviv, and kept up intensive correspondence on scholarly matters with Antoni Kalina, the president of the Ethnological Society, editor of its journal *Lud*, and professor of Slavonic studies at the University of Lviv. The correspondence with Kalina as well as with the other scholars was a kind of scientific institutional experience that contributed to debating scholarly issues, filling gaps in knowledge, and employing ethnographic techniques (Gomółka 2011: 263-276).

Witort wrote his books at the end of his life. They outline his scientific views. The book *Zarysy prawa zwyczajowego ludu litewskiego* (1898) is an ethnological work that synthesizes his studies on Lithuanian society. Empirically, it is based on investigation of the trials in local courts and their judicial decisions based on customary law, on personal observations, and on

publications by the local Statistical Committee. The book includes an “Introduction” where the Lithuanian historical, social and cultural context is presented, and four chapters: “Family law”; “Tangible law”; “Agreements”; and “Customary criminal law” [9]. The account focus on the study of the extended family (*spólnota rodzinna*), its organization and disintegration, relationships between family members, and the rights of ownership. It also includes the local concepts of marriage and kinship, the cases of uxorilocality classified as “a survival” of matriarchy, social interpretations of gender, age and generation, interpersonal relationships, and ideas of punishment. The ethnographic material is by interpreted applying the evolutionary concept of “survival” and emphasising the economic factor. Witort understands an extended family (joint family) to be a social institution, consisting of parents and their married and unmarried children who live under one roof, produce and consume goods together and share common property. He considers such a family as an evolutionary stage of communal life and a survival of ancient times, and compares it to Polish, Czech, and Byelorussian families, Serbian *zadruga*, and Russian *bol’shaja semja* (large family), or *pechyshe* studied by the Russian ethnographer Aleksandra Efimenko (1848-1919) in the Archangelsk governate (Witort 1898: 24-31, 68-69; Vitartas, 2017: 118-123, 152-153) [10]. Witort conceptualizes the rights of ownership, including land ownership, with attention to household organization and the views of Lithuanians on what they consider to be just. He emphasizes the essential differences between the local customary tradition and official laws of the Russian Empire, introduced during the period of post-Emancipation after the 1860s. For example, he says that Lithuanians do not know what the “common management and consumption” of a household is, provided by official laws. Lithuanians consider the household an individual property which is managed by the head of the family for the sake of the common good (Witort 1898: 70-71; Vitartas 2017: 153-154).

The second book *Zarysy prawa pierwotnego* (1899b) which Witort wrote was inspired by Ludwik Krzywicki’s (1859-1941) anthropological publication *Ludy. Zarys antropologii etnicznej* (Peoples. The Pattern of Ethnic Anthropology) (Krzywicki 1893; Witort 1997: 249; Vitartas 2017: 94). Witort, unlike Krzywicki, who deals with the physical and cultural characteristics of human groups, decided to emphasize social development. Witort’s study comprises twelve chapters. They include a methodological and theoretical introduction and the themes of the origin of law and legal institutions, interpersonal and family relations, social structures, equality, folk gatherings, the development of governance, the evolution of concepts of property and land ownership, the emergence of criminal law and forms of punishment. The development of social structures and governance and the concepts of ownership and punishment are at the core of his discussion. Witort emphasises that the processes of social differentiation and integration, although the opposite of each other, are inseparable, and form the perspective of social development. In the concluding chapter, he summarizes that human beings, on the one hand, try to adapt to the environment and to develop abilities that would increase their success in accommodating to a particular environment and circumstances, and, on the other hand, they try to modify the environment to best suit human nature. In this developmental process, Witort notes, the segments that constitute an

ethnic group are not involved equally.

In the third book *Filozofia pierwotna (Animizm)* (1900), Witort presents the theory of animism developed by Tylor [11]. At first sight, and even if the “Introduction” also refers to Spencer’s concept of “the double”, he follows Tylor so closely that we might say he establishes but a compendium of *Primitive Culture*’s ideas with regional materials added from Byelorussia, Poland, Siberia and Russia, Lithuania and other countries. Upon a closer look, however, there is one point in which he seems to join independently, not to say anticipate, the turn of century critique (namely by Andrew Lang and Robert Marett) of some fundamental Tylorian principles. He doubts Tylor’s evolutionary consideration that primitive philosophy is a prerequisite of religious belief and stresses that the category of “religious belief” is too broad and vague. He says,

According to Tylor, primitive philosophy leads toward the existence of religious beliefs. Then one needs to ask a question: are or were there any primitive peoples without any religious beliefs? It is very difficult to answer the question, because it depends on a precise definition of the expression “religious belief”. If we are to understand that it refers to a whole system of religious beliefs which is arranged and managed systematically, then the answer would be positive; but if we are to understand that the expression “religious beliefs” means a belief in any kind of spirits then the answer would be ambiguous, between “yes” and “no”, because there are not enough empirical facts to strictly support “yes” or “no”. (Witort 1900-1901, 6(1): 14)

Witort enriches his hesitation with an example from Spencer – the well-known dialogue between Sir Samuel Baker and Commoro, a chief of the Latuka, a Nilotic ethnic tribe. In the conversation, Commoro denies the existence of any spirits, souls and life after death, and compares humans to animals. Witort stresses that “[p]robably, after closer and more detailed research, it would appear that this tribe has a belief in spirits: there is a number of such examples” (Witort 1900-1901, 6(1): 14-15). But Witort leaves the question of relationship between primitive philosophy, animism and religion unanswered.

Witort is noted for being a representative of social and cultural evolutionism. The contribution of the works by Herbert Spencer and Edward B. Tylor, he emphasizes, is fundamental to his theoretical views and ethnological engagements. Among the authors whom Witort mentions, to whom he refers, or with whom carries on a discussion are also Adolf Bastian, Lewis H. Morgan, as well as George A. Wilken, Theodor Waitz, Andrew Lang, Charles Letourneau, Hutcheson Macaulay Posnett and others. But two authors – Julius Lippert and Albert Hermann Post – are almost as significant for him as Spencer and Tylor.

The first, Julius Lippert (1839-1909), is an Austrian cultural historian and evolutionist. His views and his concept of “care for life” are discussed in Witort’s book *Zarysy prawa pierwotnego* (Witort 1899b: 5, 10, 114-115; Vitartas 2017: 233, 236, 304-305). In his “Introduction” to the English version (1931) of Lippert’s book *The Evolution of Culture*, George Murdock asserted that Lippert was far from being a “unilineal” or “monotypical” evolutionist and that

he did not confine cultural evolution to a universal line, but emphasised instead that human ingenuity strived in different places to achieve the goal set by the “care for life” (Lebensfürsorge) with elements locally at hand (Murdock 1931: xiv). In his outlook on social and cultural evolution, Witort encompasses Lippert’s concept “care for life”, his idea that human adaptation is a mental rather than physical process, as well as his consideration of economic factors (Witort 1899b: 173-177; Vitartas 2017: 342-344).

The second, Albert Hermann Post (1839-1909), is a German legal anthropologist, evolutionist and the founder of comparative law studies. He was the first to suggest the comparative study of legal relations of indigenous peoples, which he called “ethnologischen Jurisprudenz” (ethnological jurisprudence) (Post 1891). In his book *Zarysy prawa pierwotnego*, Witort considers these novel studies of comparative law an independent scientific field, the essence of which is to study ethnic life. It is evident that especially impressive for Witort is Post’s concept of the “Volksleben” translated as “życie etniczne” – “ethnic life” (Witort 1899b: 4-5; Vitartas 2017: 232-233). Witort uses the category of the “ethnic” in his works, namely to entitle an “ethnic cell” (komórka etniczna), an “ethnic-morphological individual” (osobnik etniczno-morfologiczne), or an “ethnic group” (grupa etniczna) as the basic social unit and entity of analytic concern.

The ideas and scholars whose contribution can be identified in Witort’s works, especially Comte, Spencer, Tylor, as well as Lippert and Post, were well-known in Poland and in Lithuania. Not only Spencer and Tylor, but also Lippert and Post were read, studied and referred to by authors of that time, including Bronisław Malinowski [12]. In the period 1862-1889, the works of Buckle, Mill, Lubbock, Spencer, Tylor, Charles Letourneau, Lippert, Morgan, Émile Louis Victor de Laveleye and others were already translated and published in Polish, but also were read in the original languages (Winclawski 2009; Jasiewicz 2011: 182). According to the Polish Jewish lawyer, politician and intellectual Ludwig Gumpłowicz (1839-1909), Comte, Spencer, Bastian and Lippert were “the leaders in sociology” and “what others have done is of secondary importance” (quoted in Murdock 1931: v). Undoubtedly, the major works of the British, German, and Viennese schools, and French sociology and anthropology, recognized and debated on local grounds and re-arranged in their own ways, formed the foundations of the intellectual background of social theory in Poland as well as in Lithuania. This surely applies to Witort.

At the end of “Autobiografia”, Witort writes, “I performed my duties honestly” (Witort 1997: 250; Vitartas 2017: 95). Indeed, Witort’s ethnological legacy establishes a significant event and a turning point in the historiography of Lithuanian ethnology. His sociological approach to ethnography, interest in the studies of customary law, family and folk economy and theoretical participation in the discussion on social evolution as well as original ethnological insights grant him a unique, and still current place in Lithuanian ethnology. In turn, his life and experience inform the vitality of scientific ideas and specificity of historical and political circumstances which made an impact on the development of ethnological thinking in the region, and uncover the routes along which scientific ideas travel, crossing political

boundaries and obstacles.

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[1] Witort's "Autobiografia" is the main biographical source. He wrote it, but it was, in fact, dictated to his secretary in 1898, five years before his death when he was almost blind. Probably, "Autobiografia" was written according to the request of Ethnological Society in Lviv. The manuscript in Polish was first published in 1997 in *Lud* (Witort 1997), and translated into Lithuanian in 2017 (Vitartas 2017: 55-95).

[2] The uprising of 1831 was a rebellion against Russian Imperial rule. It began in Warsaw on 29th November, 1830, and is known in Poland as the November Uprising (1830-1831). In Lithuania, the uprising erupted in the spring of 1831. Its goal was to re-establish the independent Polish-Lithuanian Commonwealth. Among the leaders there were a few who intended to abolish serfdom.

[3] The uprising of 1863-1864 was the biggest military rebellion against Russian Imperial rule in Lithuania, Poland and some places of Byelorussia and Ukraine. It originated in Poland on 22nd January, 1863, and is called the January Uprising in Poland. The political and social goals of the uprising were the re-establishment of the Polish-Lithuanian Commonwealth, and societal transformation based on the abolishment of serfdom. All social groups and classes, including peasantry, joined the rebellion in Lithuania. Its collapse was followed by severe repressions – public executions, mass exiles to Siberia, re-settlement of Russians, closing of Catholic churches and monasteries, Russian as an official language, a ban on using the Latin alphabet for Lithuanian, and other means. Intensive Russification of society in all its forms and domains stimulated strong resistance, including secret publishing of Lithuanian books in the Latin alphabet, and smuggling to Lithuania.

[4] In "Autobiografia" Witort doesn't give much information about the relatives; he just mentions them from time to time. We know that in his childhood, his aunt, a father's sister, fostered him; they maintained relations later as well. At the end of his life, he lived in Panevėžys together with his widowed mother's brother's wife whom he called an aunt. He had also a younger brother Cezary, and there were distant relatives living in the environs of Panevėžys as well as in Vilnius, and Ryga.

[5] "Organic work" is Herbert Spencer's concept adopted by Polish positivists, which emphasises the principles of education of masses and socio-economic reforms in strengthening the nation (Blejwas 1982).

[6] In 1834 the department at the Ministry of Inner Affairs of Russia was founded in Russia, and in 1852 the Statistical Committee. The Statistical Committee collected all kinds of data – demographic, geographic, historical, economical and ethnographic. There were also regional Statistical Committees, which were concerned with collecting regional data about the locality and its people (Milewska-Młynik 2012: 139-143).

[7] Piotr Makovecki, a local lawyer in Semipalatinsk, initiated the study on Kazakh customary law. It was done by the deportees: Seweryn Gross, Jan Witort, Aleksandr Blek (Blok), and Aleksandr Leontjev. But the study was published under the name of Makovecki: *Materialy dla izuchenija juridicheskich obyčajew kirgizow* (Materials for the Study of Kirgiz Legal Customs), P. E. Makovecki (ed.), Omsk, 1886 (Milewska-Młynik 2012: 175-179; Gomółka 2011: 253).

[8] Some of Witort's articles are signed under a pseudonym or initials – Jan Syrokomla, J. Syrokomla, J. W. Syrokomla, J. W., or W. Witort's bibliography is presented by Antoni Kuczyński, and Zbigniew Wójcik (1998).

[9] In the "Introduction" Witort presents the history of Lithuania from a social and cultural point of view, and draws on the studies of the professors of the University of Vilnius – Józef Jaroszewicz (1793-1860), a historian and lawyer, a teacher on Lithuanian and Polish law, diplomacy and statistics, and an author of the book *Obraz Litwy pod względem jej cywilizacji od czasów naidawniejszych do końca wieku XVIII* (The picture of Lithuania from the point of view of its civilization from the ancient times till the end of XVIII century), 1844-1845; Ignacy Daniłowicz (1787-1843) a lawyer, researcher of history of law, the Statutes of Lithuania (1529, 1566, 1588) and Lithuanian Chronicles of the 15th and 16th centuries; as well as Teodoras Narbutas (1784-1864), an author of the ancient history of Lithuanian nation in nine volumes (1835-1841), which include folk materials: customs, tales and mythology.

[10] Witort compares *pechyshche* to "*le feu* in ancient French law". He mentions Sokolovski and M. Kovalevski's studies on Russian family, but the main attention is given to Aleksandra Efimenko, an ethnographer and historian, and her famous work on peasant property in the North. Efimenko was from the Archangelsk governate by birth, was married there, and lived in Archangelsk during her husband's exile in the 1870s. Her historical and ethnographic works on peasant culture and legal consciousness were especially popular in Russia in the 1870s and 1880s. Witort mentions Efimenko in his memoirs *On the shore of the White sea* (Witort 2017: 88)

[11] Few years before Witort's book *Filozofia pierwotna (Animizm)*, 1900, Tylor's *Primitive Culture* was translated into Polish and published (Tylor 1896-1898).

[12] In his early work "The Sociology of Family", 1913-1914, Bronisław Malinowski emphasises that scientific studies of family emanated from jurisprudence, then studies of legal history, moral history and general cultural history, and refers to Lippert and Post among others. He says that Lippert is strongly influenced by Bachofen's views, and Post "has very much expanded the range of comparative jurisprudence in Germany and created, to some extent, a useful basis for later investigations". (Thornton, Skalnić 1993: 255-256, 247). Malinowski also mentions Post among the researchers into primitive law in his *Crime and Custom in Savage Society*. He says that "about a half century ago there was an epidemic of research into primitive law, especially on the Continent, more particularly in Germany" (Malinowski 1926: 2).

