

Adam Moniuszko, Crimes against Life and Health Tried by the Płock Land Court at the End of the Sixteenth Century

The article is a contribution to research into crimes and the application of violence in the society of the gentry. The author discusses cases of the violation of bodily integrity tried by the land court in Płock in the years 1591–1592 within two categories: manslaughter (seven cases) and assault causing assorted bodily harm (86 cases).

In the first instance, the cases involved both the commission of a crime and widely understood accomplices. The penalties issued by the court were concurrent with norms introduced by the constitution of 1588: imprisonment in a tower and murdrum for the family of the victim.

A typical petty (so-called civilian) crime examined by the land courts was bodily harm, divided into bloody wounds and bruises. In addition the land court considered a category of *vulnera lacerata*. The conducted analysis demonstrated that about 90% of the wounds examined in the autopsy were slight, without more serious health consequences. The perpetrators and victims of this sort of crime tried by the court were mainly male representatives of the gentry estate, although it is worth noting a certain percentage of peasants and women – with the latter appearing as the victims. Characteristically, the injuries suffered by the women were more numerous but not as grave as those of the men. Apparently, bodily injury was the effect of a previously unplanned decision to resort to violence while resolving spontaneous conflicts. Since the summons, as a rule referred to statutory penalties it is rather difficult to determine the actual size of the compensation. Certain data indicate that in this respect the prevailing practice differed –the estimates of the injuries were concurrent with those mentioned in the constitutions although lower ones also occurred.

An analysis of the land court acts showed the limitations of this category of sources. They did not mention marital or domestic violence, and the notes are so brief that they make it impossible to extract a more profound cultural context of the application of violence. Despite those shortcomings, they possess foremost importance for research concerning multiple aspects of applying violence in the society of the gentry.

Translated by
Aleksandra Rodzińska-Chojnowska

Paweł Klint, The Art of Effective Persuasion in Gentry Court Protestations in Greater Poland during the Seventeenth Century

The objective of this article is to describe court protestations in crime cases involving the gentry in seventeenth-century Greater Poland from the vantage point of their reliability and the applied rhetorical means. Although the protestations filed in gentry courts may be accused of unreliability and exaggerated descriptions of events, attention should be drawn to the fact that they rarely contain lies or falsified images of reality. As a rule, the protesting gentry attempted, with the aid of various stylistic and rhetorical means, to emphasise the gravity of the committed crime and to inspire compassion for the victim and condemnation for the perpetrator. The protesting persons included into the descriptions of the crimes moral assessments of the conduct of the felons, stressed the circumstances, exaggerated the injury, underlined that they did not inspire the events and even hampered the aggressive declarations of the perpetrators, and cited the statements of the victims in order to stress the premeditation of the accused and the moral chasm between them and the victims.

Translated by
Aleksandra Rodzińska-Chojnowska

Marian Surdacki, Social Conflicts and the Crime Rate in Urzędów during the Seventeenth and Eighteenth Century

A prominent place in studies on the life style, daily culture, behaviour and customs of an Old Polish town community is occupied by social conflicts. In the presented article these problems have been recreated upon the example of Urzędów, a royal town in the region of Lublin located by King Władysław Jagiełło upon the basis of the Magdeburg law in 1405.

The daily life of the community in question was full of conflicts. A catalogue of various forms of negative conduct ultimately resolved in court is extremely extensive and encompasses hundreds of petty or grave issues and misdemeanours, such as manifestos, protestations, contention between neighbours, quarrels, frequent resort to courts, imprecation, vulgar speech and cursing, libel, drunkenness, brutal assault, arrests, bodily assault and robbery. The majority of the mentioned pathologies assumed the character of local, individual, private and neighbourly conflicts, but many were public and involved groups. As a rule, they were accompanied by drunkenness and broke out in taverns and inns as well as during fairs and markets.

Acts of violence and assault were also committed by stationing soldiers or Polish and foreign armies passing through Urzędów. The conflicts involved the burghers and the Jews, as well as the inhabitants of Urzędów and the population of nearby villages. Frequently, the initiators and participants of the conflicts and acts of aggression were women. The courts also tried multiple cases associated with the execution of debts and strife between neighbours. The considerable frequency of conflicts breaking out between officials is particularly noteworthy, and testifies to the contentions between the ruling élites and the rivalry for power accumulated by a narrow group of related persons. The most celebrated and tragic epilogue was that of a brawl in the local town hall (1625), in which mayor Jacob Thusto was killed.

Depending on the type of brawl or assault and the degree of their consequences, the participants of the events were punished by flogging, imprisonment in a tower and financial fines. The highest punishment meted by the courts was the death penalty and banishment from town. The sources did not record a single execution of the death sentence in Urzędów.

Translated by
Aleksandra Rodzińska-Chojnowska

***Marian Mikołajczyk, Sacrilegious Acts in Town Courts in Little Poland in the Sixteenth-
eighteenth Century***

In early modern Poland towns used a separate legal system, derived from the Magdeburg law. There also existed a distinct municipal court system. Among the penal cases tried by the town courts a small but distinctive percentage consisted of those concerning sacrilege (*sacrilegium*). This was a crime predominantly against religion and thus it encompassed such deeds as stealing the Most Holy Sacrament, the performance of the functions of a priest by persons, who had not taken holy orders, etc. As a rule, the accusations concerned thefts in churches and chapels.

The perpetrators originated from different social estates, although they mainly plebeians, who usually acted on their own and only rarely acted as members of organised groups. As a rule, they stole such elements of the church outfitting as tablecloths, candlesticks, *vota*, etc. Only a few dared to take Mass chalices, monstrances or patens.

The different penalties frequently involved the death sentence. A particularly characteristic punishment was the stake, to which the courts sometimes added cutting off one or both hands. As a rule, the courts adjudicated less severe sentences: hanging, beheading, exile or imprisonment. Apparently, the town judges did not act automatically, and were capable of taking into account a whole gamut of circumstances, both aggravating and alleviating,

Translated by
Aleksandra Rodzińska-Chojnowska

Wacław Uruszczak, An Inquisition Trial Concerning Sacrilege in Nowy Wiśnicz in 1643

The so-called *libri maleficorum* or *acta maleficorum*, kept by the town or borough courts and known also as the “black books” or the “tar books”, are a valuable source for becoming acquainted with crime in Old Poland. The book of the criminal court in Nowy Wiśnicz (seventeenth century), whose manuscript is kept in the Diocesan Archive in Tarnów, contains 47 copious reprints from penal trials held by the local court in 1629-1665. Each of these reports includes, apart from information about the judges, also an extensive trial protocol composed of: the text of the accusation, the response of the defendant, the testimony of the witnesses and of the accused while undergoing torture, if the latter was applied, and after the tortures, and, finally, the sentence together with a record of its execution. The books portray representatives of assorted estates: the gentry, the townspeople (merchants, artisans), the peasants (farmers, innkeepers, tenant farmers), the military, manorial servants, members of the Jewish community, and social outcasts. The accounts also reveal multiple aspects of social life, both material and intellectual, making it possible to learn about the details not only of the material existence of the inhabitants of Poland of the period but also – and this is extremely valuable - of their mentality and thus their world outlook, values, and attitudes.

In 1643 the court in Wisnicz tried a case involving sacrilege, whose chief protagonist was a peasant named Jan Baran. Sacrilege comprised a direct offense of God, and its essence consisted of an intentional profanation of places, things or persons regarded as holy and objects of religious worship. This was the crime purportedly committed by Baran, accused of a profanation of the Host by taking it into his hand during a Holy Mass celebrated on the day of St. John (24 June) 1643 in a parish church in Chelm. In view of the fact that the accused did not admit to having committed the crime, but only confirmed that the Host accidentally fell into his hand, the “lenient” court sentence ordered to cut off his hand, which was later to be burned.

Translated by
Aleksandra Rodzińska-Chojnowska

Beata Diakowska, Crimes Committed by “Loose People” in Warsaw at the End of the Eighteenth Century according to Announcements in the Local Press

The text concerns crimes among the lower strata of the Warsaw population, examined upon the basis of announcements found in the Polish press of the eighteenth century. The source foundation is composed of announcements printed in periodicals, with greatest attention paid to those about searches for criminals, escaped servants, or the owners of lost objects. The described “loose people” as a rule committed petty thefts or were runaways, although they also represented all categories of felons who committed assault, robberies and murders. The text contains numerous quotations from eighteenth-century statutes concerning the “loose people” and fragments of announcements in the Warsaw press of the period.

Translated by
Aleksandra Rodzińska-Chojnowska

Sławomir Szczocki, Banditry, Robberies and Thefts from the Middle of the Sixteenth Century to the Eighteenth Century in the Light of Printed Rural Court Books

The purpose of this study is to show crime against property in the villages of Little Poland during the titular period. The study has been based on published rural court books.

Although the used material provides excellent insight into brigandage, thefts and robbery in the countryside, it does not entitle far-reaching generalisations. Presumably, throughout the whole period the dominating felony was petty theft, committed by almost all the members of the discussed community, regardless of gender (although the decisive majority were men), age, religion and even prosperity, who stole all valuable objects. Most often, the loot included farm products and food, sometimes clothes or, less often, farm animals. The rarest articles stolen in the villages were those made of precious metals.

A prominent problem in the southern parts of Little Poland were gangs of robbers, which posed a threat to traders, wealthier farmers, gentry manor houses and even rectories and churches. They were also a menace for the owners of grazing cattle and sheep and for totally accidental persons.

Trying and punishing the crimes were most frequently the domain of jurors' courts headed a *wójt* and enjoying the right to apply a whole range of penalties. The practice of the rural courts was, however, much more lenient than that of their town counterparts, and the most frequent forms of punishment were corporal and financial.

The unusually permanent court system created in the Polish countryside managed to successfully tackle local crime. If one takes into count the fact that the judges lacked thorough legal training and that the villages did not have special technical amenities for judging the suspects (the absence of a hangman or prisons), then the effects of their work should be considered as extraordinarily good and equal to those attained in the towns. Without special input the peasants were capable of independently detecting the crimes, and of capturing, judging and penalising the guilty parties. On their own, the owners of the villages would have been incapable of creating a more effective system.

Translated by
Aleksandra Rodzińska-Chojnowska

Marcin Kalmer, Brigandage and Robbery in the Beskidy Mts. during the Second Half of the Sixteenth Century and the First Half of the Seventeenth Century

Brigandage, a phenomenon similar to the robbery committed in the lowlands of the Commonwealth but governed by a different set of rules and with a different social makeup of the people involved, existed exclusively in the highlands of southern Poland – mainly in the Beskidy Mts. as well as in regions along the border between Poland, Bohemia and Hungary. The presented studies have been based on testimony from 130 court trials held in Muszyna, Sanok, Zywiec and Kraków. The records mention a total of 1 600 men tried and summoned, who came from 468 villages and small towns. The robbers acted in gangs known as societies, with several score members either organised for the purpose of carrying out a previously planned crime or staying in the mountains from late spring to early autumn when it was easier for them to spend the nights in the open and gather food.

On a daily basis the members of societies organised for only a single occasion worked on their farms. Polish brigands cooperated with the highlanders of Moravia, Slovakia and Orawa as well as the borderlands of the Hungarian state. They attacked the highways, and usually their victims were merchants and travellers but also poor peasants. They took money, valuables and food (mainly from the shepherds' huts high in the mountains), weapons, clothes, and from the poor -small sums of money and clothes. If the victims dared to resist they were killed, sometimes for no reason. The brigands also attacked manor houses and the landed estates of the gentry, houses in small towns and peasant cottages (the owners were frequently tortured with fire to reveal the whereabouts of the hidden money) and even entire villages, a crime unheard of in other parts of Poland. Felonies characteristic for the region of Sanok were thefts of cattle and horses, subsequently sold in Hungary. Brigandage was widely supported by the rural highlander communities, sometimes in distant villages, as a result of family and neighbourly ties and friendship. The brigands were assisted by numerous persons who personally did not participate in the crimes. The backing of rural communities as well as frequent attacks against manor houses and other buildings distinguished brigandage from robbery in the lowlands of the Commonwealth, but the purposes and degree of cruelty were quite similar. Legends about noble brigands who took from the rich and gave to the poor were simply not true.

Translated by
Aleksandra Rodzińska-Chojnowsk

Maria Cieśla, Jewish Criminals in the Commonwealth

Describing the specificity of Jewish crime in the Commonwealth of the sixteenth and seventeenth century the author based herself primarily on court acts from royal and private towns. The first part of the analysis encompasses a typology of the felonies most often committed by the Jews: bootlegging and fencing, followed by thefts. During the analysed period the Jews specialised also in the forgery of coins and promissory notes. The towns of the Commonwealth included a topographic concentration of Jewish crime – as rule, the distinguished Jewish quarter. The eighteenth century witnessed a certain change in the structure of the crimes committed by the Jews: attacks by organised gangs became a characteristic novelty. The Jewish criminal groups were composed of more than ten persons, usually related. In the majority of the cases the criminals were impoverished tavern keepers, although many felons had never previously pursued a profession. It is difficult to precisely define the age of the Jewish criminals, but it appears that they were slightly older than their Christian counterparts. The criminal environment was an excellent form of Christian-Jewish integration since the majority of the gangs were composed of Jews and Christians. This integration was rendered even more profound thanks to the policy of the kahals.

Translated by
Aleksandra Rodzińska-Chojnowska

Przemysław Zarubin, The Jewish Social margin in Kraków 1764-1793

The article portrays the Jewish social margin in the Kraków agglomeration during the era of King Stanisław Augustus Poniatowski. The author sought similarities and differences in the activity of the Jewish and Christian criminals. In doing so, he conducted a classification of Jewish felonies, dividing them in accordance with the canon of law into crimes against persons and property and economic crimes. Crimes characteristic for the Jews during this period were theft, bootlegging and the forgery of money. The author also describes the methods of perpetrating the felonies, the activity of the prison functionaries of the period, and the administration of justice in Kraków. The prime source of inspiration for the criminals was the poverty of the residents of the Jewish City. An escalation of crime occurred particularly in the suburbs, which acted as a refuge; for economic reasons the owners of such districts preferred not to notice the criminal occupations. The article describes the methods of committing assorted crimes. The Jewish felons, who were recruited from among tavern keepers and incomers, especially from Silesia and Galicia, cooperated with their Christian counterparts and the converts, who tried to integrate themselves with the town community. The author also supplements our knowledge about the “loose people” and begging among the Jews.

Translated by
Aleksandra Rodzińska-Chojnowska