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## Where does the truth lie? Petty violence in the light of court records in Poland in the first half of the 18<sup>th</sup> century

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**Abstract:** *The omnipresence of different forms of violence, perceived as one of the ways of defending own interests and resolving conflicts, was practically a fundamental element of the popular culture of the early modern time. Petty violence is understood as all forms of unacceptable assaults – verbal and physical aggression – that does not cause serious injury, but because of its burdensomeness and frequency was treated as inadmissible and the people experiencing it sued perpetrators in local courts. The social acceptance for some types of behaviour – “reasonable correction” of wives by husbands, children by parents, servants by masters or mistresses – caused that the judges regarded such complaints with reservation and required evidence and witnesses, temporizing verdicts.*

*Contrary to the popular belief, a tendency to resolve conflicts by force was not exclusive to men, but characterised also women, weaker in terms of physical strength. However, while male violence seemed quite natural, criminal acts committed by women were perceived as some form of aberration that went against the image of women widely accepted in the Polish history. However, this is not a question of sex, but of character, social attitudes and behaviours.*

**Key words:** *petty violence – domestic conflicts – women violence – female crimes – male violence – the popular culture – old Poland – early modern era*

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Violence in the early modern era was an important element of everyday life for almost all social strata. Petty physical violence and psychological abuse existed both among the lower classes and the social elites of that time.<sup>1</sup> The omnipresence of different forms of violence, perceived as one of the ways of defending own interests and resolving conflicts, was practically a fundamental element of the popular culture of that era.<sup>2</sup> Violent crimes, (killings, mutilations, arson, violent rape and robbery) were

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1 On domestic violence in the families of the Polish magnates in the beginnings of the 18<sup>th</sup> century, see Bożena POPIOŁEK, *Kobiety świat w czasach Augusta II. Studia nad mentalnością kobiet z kręgów szlacheckich*, Cracow 2003, pp. 205–230; Iwona KULESZA-WORONIECKA, *Rozwody w rodzinach magnackich w XVI–XVIII wieku*, Warsaw 2002. Tomasz Wiślicz recently wrote on peasant marriages in Poland in the 17<sup>th</sup> and 18<sup>th</sup> centuries in Tomasz WIŚLICZ, *Upodobanie. Małżeństwo i związki nieformalne na wsi polskiej XVII–XVIII wieku*, Warsaw 2012.

2 On everyday violence in Poland in the early modern time wrote: Marcin KAMLER, *Złoczyńcy. Przestępczość w Koronie w drugiej połowie XVI i w pierwszej połowie XVII wieku (w świetle ksiąg sądowych miejskich)*, Warsaw 2010; See too: Susan Dwyer AMUSSEN, *Punishment, Discipline and Power: The Social Meaning of Violence in Early Modern England*, *Journal of British Studies* 34, 1995, pp. 1–34; Eva LACOUR, *Faces of Violence Revisited. A Typology of Violence in Early Modern Rural*

not common in those times but people had to deal with less serious but more often committed burdensome and painful forms of domestic or petty violence and widespread aggression. While domestic violence is difficult to define, because of the prevailing belief of the patriarchal society in the permissibility of the application of penalties against women, children and servants, and even condoning such behaviour by household members, then petty violence can easily be characterised.<sup>3</sup> Petty violence is understood as all forms of unacceptable assaults – verbal and physical aggression – that does not cause serious injury, but because of its burdensomeness and frequency was treated as inadmissible and the people experiencing it sued perpetrators in local courts.<sup>4</sup> However, many acts of this kind of violence were not recorded in juridical documents, because those petty crimes were considered trivial and common everyday violent interactions among women or young men, and sometimes the victims of these acts of aggression did not sue the perpetrators.<sup>5</sup> On the other hand, the number of cases recorded in municipal court books involving different forms of everyday violence – from verbal threats and aggressive gestures, through slapping, pushing, hitting with hands (punching), random objects or weapons, to severe mutilation and murder – indicates lack of acceptance for this kind of behaviour in the society.<sup>6</sup>

Acts of violence often occurred in domestic environment, defined as people living together within one household, i.e. spouses, children, sibling, close and distant relatives, and servants.<sup>7</sup> Some domestic disputes were resolved by mediation either by family members or neighbours, and only the recurrent character and increasing brutality thereof would make the parties bring their case to court. The social acceptance for some types of behaviour – “reasonable correction” of wives by husbands, children by parents, servants by masters or mistresses – caused that the judges regarded such complaints with reservation and required evidence and witnesses, temporizing verdicts.<sup>8</sup> It may be assumed that

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*Germany*, *Journal of Social History* 34/3, 2001, pp. 649–667; John CARTER WOOD, *Criminal violence in modern Britain*, *History Compass* 4(1), 2006, pp. 77–90; Maria BOGUĆKA, *Kategorie i funkcje społeczne kultury w perspektywie historycznej*, Warsaw 2013, pp. 126 ff.

3 Cf. Jeannine HURL-EAMON, *Domestic Violence Prosecuted: Women Binding over Their Husbands for Assault at Westminster Quarter Sessions, 1685–1720*, *Journal of Family History* 26/4, 2001, pp. 435–454.

4 Cf. Jeannine HURL-EAMON, *Gender and petty violence in London, 1680–1720*, Ohio 2005, p. 2.

5 Cf. Ulinka RUBLACK, *The Crimes of Women in Early Modern Germany*, Oxford 2001; Gathrine WALKER, *Crime, Gender and Social Order in Early Modern England*, Cambridge 2006 (3th ed.), p. 23; J. HURL-EAMON, *Gender and Petty Violence*, p. 5.

6 Cf. J. HURL-EAMON, *Domestic Violence*; EADEM, *Gender and petty violence*.

7 Cf. Cezary KUKLO, *Demografia Rzeczypospolitej przedrozbiorowej*, Warsaw 2009; IDEM (ed.), *Rodzina i gospodarstwo domowe na ziemiach polskich w XV–XX wieku*, Warsaw 2012.

8 Cf. Elisabeth A. FOYSTER, *Marital Violence, An English Family History, 1660–1857*, Cambridge 2005; J. HURL-EAMON, *Domestic Violence*, p. 435; G. WALKER, *Crime, Gender and Social Order*, pp. 49–54.

many similar cases never appeared in court records, as they were either covered up or the complaint could not be filed due to the fact that the victims were minors or terrorized servants. But on other hand there are many cases where the assaulted and beaten wives did not hesitate to prosecute their husbands, lovers, adult sons and sons-in-law. Perhaps, the high status of women in Old Poland decide about that. Domestic violence had a considerable impact on the relations within family, determined the position of each family member, defined their role within the household, and shaped the character of the offspring that experienced the abuse. It also affected the attitudes and fates of other people living under the same roof – distant relatives, house servants, and neighbours, who witnessed or fell victims of violence. However, in Polish historiography, this problem calls for further research.<sup>9</sup>

Contrary to the popular belief, a tendency to resolve conflicts by force was not exclusive to men, but characterised also women, weaker in terms of physical strength. However, while male violence seemed quite natural, criminal acts committed by women were perceived as some form of aberration that went against the image of women widely accepted in the Polish history.<sup>10</sup> However, this is not a question of sex, but of character, social attitudes and behaviours. Such attitudes often stem from the context, i.e. the circumstances of the crime and the scope of power held. In that era, women were often the ones who initiated disturbances or contributed to creating and fuelling conflicts.<sup>11</sup> Also, they

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9 I used materials from the records of municipal courts of different cities of the Old Polish Commonwealth, and, in one case, of the magistrates' court (*sąd grodzki*) at Lviv. The Polish judicial system in the early modern times was diverse, because there were many types of courts with different and not clearly defined jurisdiction. The magistrates' court (*sąd grodzki*) was the criminal court only for the nobles, presided over by the starost and adjudicating on the cases of the so-called "four magistrate articles" (Latin *Quatuor articuli iudicii castrensis*), i.e. assault, rape, robbery and arson. In Polish town and cities were different courts of first resort, e.g. village mayor's courts (*sąd wójtowski*) or city council's courts (*sąd radziecki*). Nowadays, most of these documents are in the archives of Lviv (Ukraine) or Wrocław (Poland). I based my research on the records of the village mayor's courts (*sąd wójtowski*) at Lviv (1699–1752), Stanisławów (1700–1760) and Grodzisk Wielkopolski (1691–1757), and of castle court (*sąd zamkowy*) at Brody (1724–1730). Marian Mikołajczyk wrote about the Polish legal system of the early modern times. See Marian MIKOŁAJCZYK, *Proces kryminalny w miastach Małopolski XVI–XVIII wieku*, Katowice 2013.

10 Archetypal woman in the Old Poland was written about by: Bożena POPIOŁEK, *Konterfekt prawdziwy umbrą fatalną malowany – wizerunek kobiety w polskich mowach pogrzebowych*, *Studia Historyczne* 47/3–4, 2004, pp. 313–324; Urszula KICIŃSKA, *Wzorzec szlachcianki w polskich drukowanych oracjach pogrzebowych XVII wieku*, Cracow 2013.

11 Cf. Andrzej KARPIŃSKI, *Kobieta w mieście polskim w drugiej połowie XVI i na początku XVII wieku*, Warsaw 1995; Cezary KUKŁO, *Kobieta samotna w społeczeństwie miejskim u schyłku Rzeczypospolitej szlacheckiej. Studium demograficzno-społeczne*, Białystok 1998; U. RUBLACK, *The Crime of Women*; G. WALKER, *Crime, Gender and Social Order*. On extraordinary aggression of women who participated in plundering property and wartime murders in the period of conflicts in the first half of the 17<sup>th</sup> century see e.g. John A. LYNN II, *Women, armies and warfare in early modern Europe*, Cambridge – New York 2008. Also see Łukasz TRUŚCINSKI, *Kobieta w obliczu sądu w późnośredniowiecznym Krakowie – sprawy karne*, in: Katarzyna Justyniarska-Chojak – Sylwia Konarska-Zimnicka (eds.),

were often involved in court cases, not only as plaintiffs, but also as defendants. Nevertheless, women's aggression was more likely to be directed to the outside and focused on their relations with neighbours, and was usually limited to threats, insults, or brawls, as well as typically "female" crimes such as witchcraft, infanticide, theft, and domestic or public disturbances.<sup>12</sup> The court records show that women, as opposed to men, were also less likely to use traditional types of weapons, such as knives, sabres, clubs, or firearms, in resolving conflicts. In their confrontation with the opponent, angry women were likely to use random objects such as dishes, sticks, wooden planks, stones, and their own hands. Rather than consciously planned, female acts of violence usually stemmed from uncontrollable anger and were less likely to be life-threatening for the victims, which did not make them any less bothersome or dangerous. People of both sexes also committed serious crimes, such as murder, arson, or sacrilege. It is also worth to note the emotional aspect of violence. While women are usually perceived as those with a tendency for violent emotional displays – crying, lamenting, weeping, and hysterics – and exaggerating the wrongdoings inflicted upon them, in the times in question an inclination to express extreme emotions characterised men and women alike.

Women were comparable to men in terms of hot temper, quarrelsomeness, and stubbornness in asserting their rights, particularly in the cases of domestic or neighbour violence. Nevertheless, according to the then existing standards, men were generally the ones responsible for ensuring, by force of their authority and prestige, the obedience of their wives, children, and servants. As heads of families, they were responsible for preventing their wives from quarrelsome or belligerent behaviour, which was reflected in some of the court verdicts. Disturbing public peace by women entailed unpleasant consequences of not only legal, but also social nature – it undermined the patriarchal social system, damaged the man's reputation, men's honour, and dismantled the basic foundations of family, hence the disapproval of neighbours and judges.<sup>13</sup> The problem was that perfect models were rarely applicable in everyday life, and husbands were often powerless against the uncontrollable outbursts of their spouses. Ultimately, however, women were the main object of violence, being victims of rape, sexual exploitation, beating, murder, and psychological abuse. As stated previously, the social acceptance and the belief that women, especially wives, should subordinate to their husbands' will and power contributed to this

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Per mulierem... Kobieta w dawnej Polsce – średniowieczu i w dobie staropolskiej, Warsaw 2012, pp. 287–297; Agnieszka JAKUBOSZCZAK, *Kobieta morderczyni. Sprawa o mężobójstwo na przykładzie osiemnastowiecznego procesu Konstancji Dobrowolskiej*, in: *ibidem*, pp. 311–317.

12 Cf. A. KARPİŃSKI, *Kobieta w mieście polskim*, pp. 314–377; G. WALKER, *Crime, gender and social*, p. 4.

13 Cf. Susan D. AMUSSEN, *An ordered society. Gender and class in Early Modern England*, New York 1998, pp. 43, 96–97.

state of matters. Women were also more likely to remain passive in situations of physical and psychological abuse. On the other hand, the fact that women appeared as plaintiffs in cases concerning male use of force and power abuse demonstrates the high legal status that they enjoyed in the Republic of Poland in the modern era, as well as the goodwill and impartiality of the courts.

The question of reasons for everyday violence remains an important issue, among which it is worth to note the economic and moral aspects of family in that era. Economic disparity between spouses, lack of concern for own estate, arrears in dowry or inheritance payments, poverty, impossibility of freeing oneself from an unwanted relationship, aversion towards the spouse imposed by the family, interference of third parties (in-laws, neighbours, lovers), immoral conduct, difficult or even pathological personality of one of the spouses, and the resulting disintegration of marriage were only some of the reasons for strained relationships within the families of that time.<sup>14</sup> It is also worth to mention pathological behaviours, quite frequent in that era, caused by alcoholism, mental illness, or general degeneration.<sup>15</sup> Other important factors that contributed to the relaxation of customs and moral laxity were high social mobility and lack of clear control, and the resulting apparent anonymity of individuals.<sup>16</sup> Moreover, the higher classes, the magnates in particular, affected by the moral laxity of the age of Rococo and the Saxon rule in Poland, embraced different moral standards than the rest of the society, which resulted in the crisis of the institution of marriage.<sup>17</sup> One also needs to remember that domestic violence was not limited to conflicts and violence within marriage, but involved other family members (children, parents, siblings), as well as servants, in whose case the practice of “disciplining” could sometimes adopt quite extreme and drastic forms.

The reasons for domestic violence may also be found in the emotional background of family relationships of that time – the lack of deep sentimental connections between family members resulting from, among others, high mortality rates among children and adults, and the lack of emotional stability – a tendency towards extreme mood swings, short temper, inability to control anger, and extreme cruelty witnessed by the people of that time almost on a daily basis. The Saxon rule was distinguished in the history of Poland for considerable cruelty due to wars, epidemics, natural disasters, and the resulting

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14 See B. POPIOŁEK, *Kobiety świat w czasach Augusta II*, pp. 205 ff.

15 It is difficult to define the term “pathological behaviours” for that period, however the difference between violence, crime, cruelty and “bestiality”, i.e. getting pleasure from excessive cruelty and behaviour going beyond the generally accepted rules (e.g. uncontrollable sexuality understood as a sexual deviation) was clearly described. Cf. Elizabeth A. FOYSTER, *Manhood in Early Modern England. Honour, Sex and Marriage*, London – New York 1999, pp. 77 ff.

16 Andrzej KARPIŃSKI, *Pauperes. O mieszkańcach Warszawy XVII i XVIII wieku*, Warsaw 1983.

17 I. KULEZA-WORONIECKA, *Rozwody w rodzinach magnackich*.

increasing poverty that affected not only peasants and townspeople, but also drastically impoverished the nobility.<sup>18</sup> These circumstances had a great impact on people's emotions, triggering extreme behaviours and dulling the feelings. A certain noblewoman's will, in which she accused her husband of beating their child to death, sheds an interesting light on that era. A few years before, her husband contributed to their son's death – "*he only kicked the child once, and it died*" – wrote with bitterness the dying woman.<sup>19</sup>

One of the main reasons for everyday disputes was alcohol abuse, as emphasised by witnesses of incidents. A penchant for squabbles, brawls, and fights, often accompanied by abundant amounts of alcohol, had a detrimental effect on the cohesion of families, especially among the lower classes, undermined good neighbourly relations and social ties, and sooner or later led to court. Alcohol was one of the main factors shaping mutual relations within families, couples, and neighbourhoods of that time. Increasingly, the negative impact on human behaviour and actions was noted, and excessive drinkers were criticized.<sup>20</sup> It exacerbated resentment, deepened animosities, and gave courage to start fights, which often led to serious injuries or death of one of the participants in such domestic brawls or neighbour disputes. In many cases, alcohol was the underlying cause for violence, disintegration of marriage, or squandering of the common property. One example is the case of Dymitr from Folwarki, who had been accused by his father-in-law Petro of "*squandering*" his wife's considerable fortune – "*and that he did not make any efforts whatsoever to expand the property, or even properly maintain the property that he had received, and did nothing but lead a life of drunkenness and debauchery*". The castle court (*sąd zamkowy*) at Brody (i.e. a court of appeal for towns founded under the Magdeburg Law) endorsed Petro's complaints and made Dymitr pledge that "*from henceforth he would take better care of his modest estate*".<sup>21</sup> The problem of alcohol abuse affected wealthy families as well. One example is the disintegration of the marriage of Joanna and Stanisław Denhoff, a sword-bearer of the crown (*miecznik koronny*), due to the wife's drinking habit. Her mother-in-law reported to her son that "*she drinks like a fish and she is constantly*

18 The Saxon period has negative opinion in old historiography for being the "obscure time", the modern historiography is changing this opinion slowly. This time was very difficult – after the long wars of 17<sup>th</sup> century the Polish territories became the battleground of the Northern War, the conflicts of the magnates and the plague. Attempts to overcome the crisis taken by some Polish magnates (the Sieniawski, the Czartoryski, the Radziwiłł or the Mniszech) required significant financial investment and time, and has not produced results until the next era. However, without detailed research into Polish economy of that time it is impossible to clearly determine the scale of the crisis or the results of the actions taken.

19 Will of Anna Rosochacka, see Bożena POPIOŁEK, „*Woli mojej ostatniej Testament ten*”. *Testamenty staropolskie jako źródło do historii mentalności przełomu XVII i XVIII wieku*, Cracow 2009, p. 211.

20 See B. POPIOŁEK, *Kobiety świat w czasach Augusta II*.

21 The case of 29 July 1729, Court records of the castle court (*sąd zamkowy*) at Brody 1724–1730, Lviv National Wasyl Stefanyk Scientific Library (hereinafter Stefanyk), fond 5, sec. 1, ms. 6279/II, p. 91.

angry”.<sup>22</sup> Joanna laid the blame for the poor condition of their marriage on her husband’s lack of affection and the fact that he was avoiding her company. Indeed, he had been forced to marry his mother’s stepdaughter, a relationship towards which he was ill-disposed from its very beginning.

Contrary to the popular belief, alcohol abuse affected men and women alike, and usually led to similar consequences in the case of both sexes. Indeed, drunk women were equally aggressive, obscene, and quarrelsome as drunk men. “*All this has been wasted by my stepmother, who sold out and squandered everything on drinking and dancing in taverns*” – complained one of the heirs to his father’s modest estate.<sup>23</sup> While Markiewicz could be suspected of partiality in his evaluation of his stepmother, in the court case between the mayor of Brody Aleksander Kureczka, his son and wife, and Bazyli Twerdyl, concerning a brawl during which “*Twerdyl and Kureczka’s son argued while dancing in the tavern, threw themselves against each other, and started fighting, while the plaintiff’s and the defendant’s wives joined in*”, the court ruled that both parties were at fault and that mayor Kureczka “*instead of maintaining peace, joined the fight himself along with his wife*”, and sentenced him to donating 6 pounds of wax to the church.<sup>24</sup> Verbal squabbles among inebriated people often ended in fist fights and brawls, and were a frequent reason for bringing charges to court. Walenty Suchocki, a soldier, and his wife accused Jan Pasztetnik, a landlord’s servant, and Anna Ostrowska of assaulting and insulting an innkeeper. The defendants – Jan and Anna – having arrived late at night at an inn owned by a certain Gryglowa were treating themselves to a jug of mead and talking. This displeased the innkeeper, who reprimanded the couple and ordered them to behave “*handsomely*” with the words: “*this place is not a brothel*”. Inebriated and indignant, Pasztetnik attacked the innkeeper, shoved her against a bed, and started hitting her, while Ostrowska barely managed to pull him away. Suchocki’s wife, who sided with the innkeeper, also received a blow.<sup>25</sup>

The brutality of mutual relations within family – regardless of the forms of violence used – always had a negative effect on the functioning of the affected family, and occasionally reached tragic proportions, especially when the victims were women and children.<sup>26</sup> There were also cases when neighbours attempted to “educate” and discipline

22 K. Denhoff to S. Denhoff, 14 July 1720. Czartoryski Library in Cracow (hereinafter BCz), ms. 5792 III, pp. 103, 603. Cf. B. POPIOŁEK, *Kobiety świat w czasach Augusta II*, p. 175.

23 *Regestr chudobki po nieboszczyku Pawle Markiewiczzu ojcu moim*, in: Court books at Lviv, Stefanyk, fond 5, sec. 1, ms. 3794, pt. 2, no. 1197.

24 Court records of the castle court (*sąd zamkowy*) at Brody 1724–1730, Stefanyk, fond 5, sec. 1, ms. 6279/II, n. pag.

25 Court records of the mayor’s court (*sąd wójtowski*) at Lviv, 1714, Central State Historical Archives in Lviv (hereinafter CPAH Lviv), p. 185, no. 128.

26 Cf. Andrzej KARPINSKI, *Wbrew prawu i moralności. Dziecko jako ofiara przemocy, agresji i deprawacji w miastach polskich w XVI–XVIII w.*, in: Maria Dąbrowska – Andrzej Klonder (eds.), *Od narodzin*

other people's children, thus entering the area normally reserved to the parents. When Łobasowa, a resident of Lviv, accused Stanisław Kazimierski, a saddler, of having beaten her son, who hit the saddler's child with a ball during playing, the judges ruled in favour of the mother, emphasizing parental authority as the basis for the functioning of family. In the aforementioned case the court ruled unequivocally against the neighbour, reprimanding him for "*punishing Łobasiewicz on his own without due respect, even though he could have accused the child before his Parents, without flying into a passion*".<sup>27</sup> This time everything ended with a few bruises and a somewhat hurt pride, but the consequences of neighbours' actions could sometimes be not only painful, but also tragic. Sometimes children were also disciplined – against their parents' will – by teachers and tutors, whose methods went beyond the acceptable standards.

Violence against pregnant women and new-born infants inspired universal repugnance and social condemnation, and the same applied to accusations of infanticide. Although similar accusations were usually directed against women, and mothers in particular, men were not entirely free of suspicion either. One example is the case of Marcjanna and Jakub Piekarzewicz, a married couple accused of murdering their new-born child. The accused parents argued that the child was born dead because the mother had been trampled by a cow during pregnancy. However, there were some inconsistencies in the couple's testimony – Marcjanna testified that the child was stillborn and tiny, while her husband affirmed that even though the child was born dead, it was normal and fully formed. The midwife, who was called as a witness although she had not seen the baby, confirmed Jakub's testimony, and so did their elder daughter. Jakub buried the child at the place called *pod Bożą Męką* (i.e. a cross or a wayside shrine on the fringes of the village where unbaptized children and nameless vagabonds were buried). The court considered that since Jakub had not consulted the parish priest, the burial was performed against the canon law and, therefore, was a sin. The absence of a midwife during delivery and the hasty burial of the new-born also fuelled the suspicion that the parents may have contributed to the child's death. The judges considered that the parents were "*to be treated criminaliter according to the law, since they did not send for a midwife to assist in childbirth*". Finally, they were fined 50 *grzywny* to be paid to the town hall.<sup>28</sup>

Another type of aggressive behaviour consisted in sexual violence such as rape, forced intercourse, or forced prostitution (procurement), which were common occurrences in

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do wieku dojrzałego. Dzieci i młodzież w Polsce. Od średniowiecza do XVIII w., Warsaw 2002, vol. 1, pp. 243–266.

27 Court records of the mayor's court (*sąd wójtowski*) at Lviv, 1715, CPAH Lviv, p. 129, no. 130.

28 The case of Marcjanna and Jakub Piekarzewicz, Grodzisk Wielkopolski 1725, Court books at Grodzisk Wielkopolski, Ossoliński National Institute in Wrocław (hereinafter BOss.), ms. 1518/II, p. 45 (scan Lower Silesian Digital Library, hereinafter DBC).



those times.<sup>29</sup> Grzegorz Karasek, a wheelwright, “ignoring the Lord’s commandment dared to impregnare Agnieszka, his servant, whom he kept at this house deliberately for such pleasures”.<sup>30</sup> The court dealt with him rather leniently, taking into consideration his „*humble condition*”, fined him 120 *grzywny* and ordered him to marry the pregnant girl. A telling example is the case of Olksia, an innkeeper, who was suffering constant taunting and sexual advances of men. When the complaints addressed to the inn’s owner did not bring effect, she brought charges to the municipal court in Stanisławów against one of the inn’s regular customers for “*squeezing her in a marital manner*” and beating her severely because she “*would not let him touch her lap*”.<sup>31</sup>

Tarnishing someone’s name and public calumnies, i.e. defamation, were serious and frequent infractions according to the laws and customs of that time. Cases of defamation appeared repeatedly in court records, usually posing problems to the judges. Verbal squabbles, insults, aggressive and indecent gestures, poking, slapping on the face (*pogębki*), the actual consequences of which were difficult to measure due to the lack of obvious physical injuries, seemed to be crimes of slight importance. They were, however, bothersome and unless suppressed in time, entailed an increasing aggression that often led to tragic consequences. This form of violence, consisting in verbal aggression and physical torment, was perhaps the most common behaviour in many households, mainly towards children, women, house servants, and neighbours.<sup>32</sup> It is also worth noting that cases of defamation and damage to reputation differed significantly according to whether the victim was a woman or a man.<sup>33</sup> A woman’s reputation, or the so-called decency, had a fundamentally sexual connotation, and female actions were usually evaluated from the point of view of sexual behaviour and a broadly defined female sexuality. This was reflected in the insults directed at slandered women, such as – whore (*kurwa, murwa*), harlot (*dziewka*), trollop (*ladacznicza*), beast (*bestia*). Particular female sensitivity, sense of dignity, and above all the socially dangerous character of such accusations made women file charges for defamation and claim satisfaction in court. Indeed, reputation was an important form of social judgement and its loss could entail fatal consequences for a woman’s future, and

29 See Donatella PALLOTTI, “A most detestable crime”. *Representations of Rape on the Popular Press of Early Modern England*, *Lingue e letteratura d’Oriente e d’Occidente*, vol. 1, n. 1, 2012, pp. 287–302 (URL: <<http://www.fupress.com/bsfm-lea>> [cit. 2013-04-23]); Cf. B. POPIOŁEK, „Prowadzili się nieczystym grzechem...”. *Przestępstwa obyczajowe w księgach sądowych czasów saskich* (to be printed).

30 The case of Grzegorz Karasek, 1727, Court books at Grodzisk Wielkopolski, BOss., ms. 1518/II, p. 121 (DBC).

31 Acta praetorii civis Stanislaviensis, 1726, BOss., ms. 1356, pp. 6–7 (DBC).

32 J. HURL-EAMON, *Gender and petty violence*, pp. 2 ff. Cf. Stanisław GRODZISKI, *W obronie czci niewieściej. Szkice z dziejów kultury prawnej*, Cracow 2000 (2<sup>nd</sup> ed.).

33 Cf. E. A. FOYSTER, *Manhood in Early Modern England*; S. D. AMUSSEN, *An ordered society*, pp. 99–104; U. RUBLACK, *The Crimes of Women*.

even pose a threat to her life. On the other hand, insults and curses were primary weapons of women, who used them against each other as well as against men. In the case of men, insults directed at them usually alluded to typical anti-social offences and infringing upon social norms, which posed a threat to the community larger than the family itself – e.g. thief, ruffian, drunk, blasphemer, scoundrel. Therefore, men and male “infamy” were defined from the point of view of their actions that were detrimental to the public interest, while women were defined through sex. If there were any insults involving sexuality thrown at men, they concerned indirectly their relations with women – mothers or wives – e.g. son of a whore (*kurwi syn*) or cuckold (*rogacz*). As has been mentioned above, the insults frequently questioned good reputation and moral conduct, emphasized the illegitimate parentage of slandered individuals – bastard (*bękart, bękartka*) –, their belonging to a broadly despised community – filthy Jews (*parchy żydowskie*), or compared them to animals – musty dog (*pies opleśniały*). One example is the dispute between Jakub Bogdanowicz, an Armenian townsman and merchant, and Jan Kaczorowski, also a townsman and sword-bearer (*miecznik*) from Brody, about Kaczorowski’s wife, Anna, stating publicly that Bogdanowicz’s wife was not her father’s legitimate daughter, but a “bastard”, and accusing her of indecent conduct before marriage. Since the witnesses did not attend the trial and Kaczorowska swore her innocence, the court ordered both parties to maintain silence.<sup>34</sup>

Ruling in the cases of defamation was quite troublesome, as both the defendants and the plaintiffs rarely admitted to starting the dispute and who was the first one to throw insults at their partner or neighbour. In such cases, once again, both men and women appeared as plaintiffs. In the case of women, however, the accusations were usually more serious, since – as has been mentioned before – they touched upon private matters, intimacy and morality, and occasionally also such serious crimes as witchcraft or infanticide. One example is the case of Jan Baczyński, a shoemaker and resident of Brody, who claimed that Anna, married to Daniel, a coppersmith, “insulted the plaintiff and his wife in the tavern without any reason, saying that she was not an honest woman, but a whore, because when she was still a girl she had a bastard, which she personally buried in the ground behind the hill”.<sup>35</sup> This was a serious double accusation of immorality and infanticide. After hearing “honest and reliable people, it turned out that the wife of Daniel, the coppersmith, spent every Sunday drunk in the tavern dancing, shouting, and insulting both the plaintiff’s wife and her sister Maksymowa, calling them whores...”.<sup>36</sup> The witnesses did not confirm

34 The case of Bogdanowicz v Kaczorowski, 8 October 1727, Court records of the castle court (*sqd zamkowy*) at Brody 1724–1730, Stefanyk, fond 5, sec. 1, ms. 6279/II, n. pag.

35 The case of 28 October 1728. Ibidem, n. pag.

36 Ibidem.

the accusations, therefore, the court ruled that “*all this had been said out of drunkenness and her uncontrollable, bad mouth, unjustly and dishonestly*”. And although she deserved a solid punishment, the court sentenced her to six months in the tower.<sup>37</sup> Kazimierz Koza’s wife also committed public defamation against her neighbour Głowacki and his wife, calling them “*that whore’s son, boorish son, and that Jewish whore*”.<sup>38</sup> The court of aldermen (*sąd rajecki*) at Grodzisk Wielkopolski that tried the case ordered Kazimierz’s wife to publicly withdraw her calumnies at the town hall and fined her 9 *grzywny*, while her husband was sentenced to spending two days in the town hall prison. A brotherly conflict between Tomasz and Maksym Sokołowski reached a similar conclusion after Tomasz accused Maksym of invading his house and beating his servants, and rebuked his brother for having brought a woman, formally “*a housekeeper, whom he keeps as a whore, living with her and acting as if she was his wife, while his own married wife lives in Słuck*”.<sup>39</sup> Failing to abide by the sixth commandment was punishable with particular severity by the canon law and was considered a grave sin. Therefore, accusations such as the above could entail tragic consequences should the judges prove particularly inquisitive.<sup>40</sup>

Often the underlying reason for family disputes were unresolved property issues – unsettled dowry matters, outstanding inheritance claims, or ongoing financial disputes, which involved the entire family, both close and extended. A good example is the case of Teresa Żukowa, a resident of Lviv, who sued her son-in-law Krzysztof Caban, a butcher from Lviv, for insulting and beating her. The reason behind the assault was unpaid dowry. Żukowa claimed in court that she had not promised Caban a dowry, but to “*give away her daughter with a certain amount of money according to my capacity and my modest estate, and I gave him what I could*”.<sup>41</sup> She even lent him some money, but she quickly took it back because of his inappropriate treatment towards her – not only had he insulted her, tore her clothes on her, and blocked her way while drunk, but he also beat his wife, threw her out of the house in the middle of the night, and scattered her belongings on the street. However, when he broke into Teresa’s house drunk, threatening her with a whip, she gave as good as she got “*and I hit him first across the face*”.<sup>42</sup> According to Krzysztof’s explana-

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37 Ibidem.

38 The case of Głowacki v Koza, January 1725. Court books at Grodzisk Wielkopolski, BOss., ms. 1518/II, p. 31 (DBC).

39 The case of 7 October 1727. Court records of the castle court (*sąd zamkowy*) at Brody 1724–1730, Stefanyk, fond 5, sec. 1, ms. 6279/II, n. pag.

40 Krzysztof SZCZYGIELSKI, *Terminologia odnosząca się do konkubinatu w polskim ustawodawstwie synodalnym XII–XVIII wieku*, in: Adam Lityński – Piotr Fiedorczyk (eds.), *Miscelanea Historico-Iuridica*, vol. 6, Białystok 2008, pp. 27–40.

41 The case of Teresa Żukowa v Krzysztof Caban, Lviv, June 1714. Minute books of the mayor’s court (*sąd wójtowski*) at Lviv, CPAH Lviv, fond 52, sec. 2, case 560, pp. 40–41, no. 48.

42 Ibidem, p. 40.

tions, it was his wife's arrogant attitude that triggered the altercation with his mother-in-law. He argued that his wife overstayed at her mother's and when he complained about that, she mocked him and his financial condition saying – "*and what have I found at your house, only two dogs and nothing else*"<sup>43</sup>. The court ruled in favour of Żukowa, considering unacceptable the behaviour of Caban, who "*tussled his mother-in-law and tore her clothes on her*", and granted her 3 *grzywny* in damages. Unfortunately, the court's ruling proved inefficient and shortly afterwards Krzysztof Caban once again beat his wife. He explained that she would not cook him meals on time nor do what she was told, so first he struck her with a whip and then went to town to get drunk, "*and once I came back home I hit her with the bridle, but without wounding her*".<sup>44</sup> This time the judges saw the blame on both sides and advised the mother-in-law not to let her daughter overstay at her house nor indulge her excessively, as this could lead to marital disputes. Another case involved Elias Semenowicz, who sued his own brother Jan Semenowicz and his two sisters – Mariuszka, a saddler, and Oryszka Żmuryczka – for defamation, invading his house, and beating his wife.<sup>45</sup> However, it turned out that it was Elias who having argued with his brother Jan "*shamed and dishonoured his mother Janowa Sztocka with indecent words*", tried to hit Jan, and provoked a family brawl during which his wife hit her mother-in-law, leaving her with "*a bloody mark on the forehead wider than a talar coin, and a bloody nose*". In reply, Mariuszka started throwing pots and hitting Elias's wife. The court found Elias guilty and sentenced him to one week of imprisonment in the tower, and ordered him to donate two pounds of wax to the church. Just in case, all the remaining participants in the brawl were punished too.<sup>46</sup> The case of Agnieszka Tyszyńska and Anna Andrzejowa Lepiarka concerning defamation and assault could entail even more serious consequences. Lepiarka called her opponent "*a whore and a witch*", after which she took a piece of oak wood and hit Tyszyńska "*in the face, nearly knocking out her teeth*", and then she threw her to the ground, sat on her, and was beating and tussling her until they were split. Forensic examination showed marks and bloody bruises on Tyszyńska's body, and the court decided to ignore the accusation of witchcraft.<sup>47</sup>

Among court cases one could also find repeated offences against marriage, with spouses accusing one another of destruction of marriage and domestic violence, not shying away from sensitive subjects. A frequent cause for the use of physical violence or defama-

43 Ibidem.

44 The case of Klara Caban v Krzysztof Caban, Lviv, August 1714. Ibidem, pp. 56–57, no. 65.

45 The case of Elias Semenowicz v Jan Semenowicz, 28 September 1729. Court books at Grodzisk Wielkopolski, BOss., ms. 1518/II, pp. 95v–96 (DBC).

46 Ibidem.

47 The case of Anna Tyszyńska v Anna Lepiarka. Court books at Grodzisk Wielkopolski, BOss., ms. 1518/II, p. 289.

tion were offences against marital fidelity, namely adultery<sup>48</sup> and bigamy. A certain Jan Kłyeh from Orzeczna, being legitimately married but “*disregarding his marital vows and faithfulness in marriage*”, abandoned his wife and remarried, by which “*he committed a grave sin against the divine law and caused moral outrage among many people*”. His crime could have serious social consequences, as it went against the law and the fundamental moral principles, therefore, the court sentenced him to death by decapitation. Unexpectedly, the first wife and some “*respectable people*” interceded on behalf of the bigamist and the court decided to spare his life, changing his punishment to 70 lashes and banishment from the town along with his first wife.<sup>49</sup> Another example was the case of Andrzej Orzełek, who broke marital vows, abandoned his legitimate wife, and wandered through the world, while his wife “*developed a penchant for promiscuous life*” and started living with a certain Jakub Punk, which many people could have found quite outrageous.<sup>50</sup> The very same Punk was sentenced to 70 lashes and banished from the town for “*ignoring the Lord’s commandment Thou shall not covet your neighbour’s wife*” even though he knew that her legitimate husband was alive, while the Orzełek couple had to atone for their sins lying flat on the church floor, serving as a cautionary example to their neighbours. The content of court rulings indicates that the moral aspects of the offences committed were an important factor in imposing punishment.

Among relatively frequent cases of degradation of marriage due to the participation of third parties one may find not only offences against marital fidelity, adultery, or physical violence, but also the interference of other family members, mothers/mothers-in-law in particular, meddling in the couple’s private affairs. Therefore, one may presume that the origins of the bad mother-in-law stereotype go back to remote times. Indeed, attempts at influencing the actions of married children were quite common. Mothers-in-law often tried to control their married daughters, especially when they were very young, while in the case of married sons their mothers controlled the behaviour of their sons’ wives. When Magdalena Sidorowicz filed charges against her son Wojciech for insult and battery, it was soon unveiled that the real reason behind the dispute were the insults that Magdalena threw against the detested daughter-in-law. Wojciech complained before the judges that his mother insulted his wife calling her a “*half-witted windbag*” (*gęglawa niedorobiona*). Despite the above and in order to emphasize the parental power and authority, the court ordered the son to apologise to his mother and to fear “*the Lord’s retribution for not re-*

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48 K. SZCZYGIELSKI, *Terminologia odnosząca się do konkubinatu*.

49 The case of Jan Kłyeh, 1723. Court books at Grodzisk Wielkopolski, BOss., ms. 1518/II, pp. 22v–23 (DBC).

50 The case of Andrzej and Magdalena Orzełek, September 1723. *Ibidem*, p. 15.

*specting his Mother, for the Lord commanded to honour thy Father and thy Mother*”.<sup>51</sup> However, shortly afterwards the matters took a different turn and Wojciech was brought once again before the court, this time for beating his wife and her mother, although he insisted that he was acting in self-defence, because his mother-in-law was hitting him on the head with a pot.<sup>52</sup> The judges, obviously tired of the family’s squabbles, admonished both sides, sent Sidorowicz for a few days to prison, and ordered his wife to go back home and mind her business. As to the mother-in-law, she was told not to meddle in the married couple’s affairs and not to stir her daughter’s anger. What is interesting is that in the cases of repeated domestic disputes the court used to call neighbours as witnesses of the relations existing between the spouses. This underscores the importance of social ties within the group of people (a town or a village) and the disastrous consequences of a potential breakup of marriage, which could affect the entire community, “infected” by such bad example. The importance that the judges gave to maintaining public order, patriarchal social forms, and – above all – the inviolability of marriage, as well as maintaining mutual respect between the spouses were clearly reflected in the ruling pronounced in the dispute between Katarzyna and Paweł Grzycki, burghers from Lviv, whose disputes shocked and upset the neighbours. Paweł accused his wife of treating him like a farmhand, refusing to live together, and “*practically tyrannizing him*”, while Katarzyna accused her husband of neglecting the household and not providing for the family, but instead demanding food and drink, wandering from bar to bar with his friends, insulting her, her mother and children from the first marriage, and supporting his parents instead of working along her side to support their family. The judges warned the Grzycki couple that their “*shameful and undignified*” relationship set a bad example to the community, and that they should stop arguing and start living in mutual love and harmony.<sup>53</sup>

The problem of violence tended to spread on to the larger community, extending beyond the limits of the household and engaging the neighbours. Violence towards the neighbours was in fact a form of internal violence, considering that the life in that time was confined to small spaces, especially in towns. Conflicts between neighbours usually revolved around the issues of property, professional or commercial rivalry, minor offences such as theft, appropriation, fraud, and disturbing the peace and order of the neighbour’s property, but they could also consist in a series of minor issues that occasionally would become serious and finally end up in court. Sometimes it was difficult to determine

51 The case of Magdalena Sidorowicz v Wojciech Sidorowicz, Lviv, 10 July 1715. Minute books of the mayor’s court (*sąd wójtowski*) at Lviv, CPAH Lviv, fond 52, sec. 2, case 560, p. 134, no. 135.

52 The case of Franciszkowa Wicińska v Wojciech Sidorowicz, Lviv, 4 September 1715. *Ibidem*, p. 141, no. 143.

53 The case of Paweł Grzycki and Katarzyna Grzycka née Bartoszewicz, Lviv, June 1703. Court books of the nobility court (*sąd grodzki*) at Lviv, CPAH Lviv, fond 52, sec. 1, case 561, pp. 625–626.

the real reason for the disputes between neighbours, since the uncompromising attitude of both sides would not allow to settle the conflict amicably. A “wrong” look or a small insult would suffice to exacerbate the dispute. Then it would come to scuffles, blows, and even murders. Destruction of the neighbours’ property was a common occurrence, and was done either out of spite or in order to get retribution for the previously committed wrongs. Sometimes, conflicts would arise from envy or rivalry in craftsmanship or commerce.<sup>54</sup> In these cases once again aggressive behaviours were initiated by both men and women. One typical example is the case of the wife of Jakub Jasiński, a mason, who was beaten by their neighbour Jacenty Kisztun, a furrier from Brody. Accused of stealing and selling mead, “*Kisztun, a furrier, was roaming the streets drunk as a beast and assaulting women*”, whom Jasińska tried to defend.<sup>55</sup> Neighbours often arbitrated in domestic conflicts and fights, thus becoming parties in these disputes. The success of such informal arbitration depended largely on the arbiters’ social position and their esteem among the local community. Occasionally, instead of helping to reach an agreement, the arbitration would exacerbate the conflict even further, involving more people, or the aggression of the participants in the dispute would backfire against the peacemakers.

A separate issue was the “external” violence, resulting from the arrival of random aggressors – soldiers, muggers, bandits, *kup swawolnych* (i.e. lawless bands of runaway serfs, deserters, and impoverished nobility wandering the roads and living of theft and robbery), that is people from the dregs of society. During the Saxon era many acts of violence, sometimes quite drastic, were perpetrated by foreign or national armies. These acts of violence – plunder, arson, extortion by torture, rapes, and murders – were directed mainly against members of the lower classes, who did not have many possibilities of defending themselves. External violence did not spare the wealthier classes either, if they were not capable of ensuring their own security. The consequences of this type of violence included the increasing impoverishment of the robbed and often badly beaten or wounded people, who could not hope for any kind of justice.

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54 See: B. POPIOŁEK, *Trudne sąsiedztwo. Przestępstwa z udziałem ludności żydowskiej w miejskich księgach sądowych XVIII wieku w kontekście antropologicznym*, Conference Speech, Cracow 27–28 XI 2013, “Cracow’s Jews 1795–1918. History. Culture. Heritage. Sources” (to be printed).

55 The case of Jakub Jasiński v Jacenty Kisztun, Brody, 9 June 1728. Court records of the castle court (*sąd zamkowy*) at Brody 1724–1730, Stefanyk, fond 5, sec. 1, ms. 6279/II, n. pag.