

Andrzej Karpiński

CHILD ABUSE IN POLISH TOWNS
16th–18th Centuries

The text below is an attempt to present various forms of violence against children at the beginning of the early modern era. It is rather a research questionnaire than an exhaustive discussion of detailed problems.

It will deal with persons who were recognised as underage persons by the law in the 16th, 17th and 18th centuries. The law of Magdeburg set the beginning of adulthood (*anni pubertatis*), which marked the end of orphan care, at the age of 13 for girls and 14 for boys. In Chełmno law it was set at 14 and 15 respectively¹. My reflections cover large cities in Poland: Poznań, Cracow, Warsaw, Lublin, Lwów and Gdańsk with only a few examples from other Polish and foreign European towns.

My essay is based mainly on the criminal records of the above-mentioned cities from the 16th to the early 18th century. Their main defect, apart from their incompleteness and only relative reliability (testimonies were often enforced), is the persistent lack of the age of the defendants and victims. Only in a few cases do the records include vague information of the type: young, old, and the like. The same can be said about other archival sources, such as guild statutes and acts, municipal accounts, books of village chiefs and aldermen, documents of

¹ B. Groicki, *Artykuły prawa magdeburskiego. Postępek sądów około karania na gardle. Ustawa płacej u sądów (Articles of Magdeburg Law. Court Proceedings in Offences Punishable by Death. Law concerning Remuneration in Courts)*, ed. K. Koranyi, Warszawa 1954, p. 190; *idem, Obrona sierot i wdów (Defence of Orphans and Widows)*, ed. J. Sawicki, Warszawa 1958, p. 109; *Historia państwa i prawa Polski (History of the Polish State and Law)*, vol. II, ed. J. Bardach, Warszawa 1966, pp. 300, 346.

hospitals and almshouses. Their imprecise terms, e.g. apprentice, servant girl, schoolboy, may apply to children below the age of 15 as well as to much older persons. This is why great caution and laborious research are required if incontestable examples are to be found. Since this situation makes it practically impossible to carry out statistical studies, the figures quoted in the text are mainly of an illustrative character.

Because of these methodological and source-related difficulties Polish historians have so far kept away from the question of child abuse. Some attention has been paid to it by J. Tazbir in an essay on the child in old Poland², M. Kamler in an article on infanticide³ and by, among others, K. Antosiewicz and M. Sierocka-Pośpiech⁴ in articles on foundlings in towns. Interesting information can also be found in some studies dealing with the social fringe and the criminal underworld⁵, customs and

² J. Tazbir, *Dziecko w okresie staropolskim (The Child in the Old Polish Period)*, in: *Rodzina — jej funkcje przystosowawcze i ochronne*, Warszawa 1995, pp. 153–166; idem, *Stosunek do dziecka w okresie staropolskim (Attitude to the Child in the Old Polish Period)*, "Problemy Opiekuńczo-Wychowawcze", vol. XXXV, 1995, No 3, pp. 35–42.

³ M. Kamler, *Infanticide in the Towns of the Kingdom of Poland in the Second Half of the 17th Century*, "Acta Poloniae Historica", vol. LVIII, 1988, pp. 33–50. Cf. W. Dżułyński, *Dzieciobójstwo w świetle postępowania sądowo-karnego w XVII stuleciu (Infanticide in the Light of Criminal Proceedings in the 18th Century)*, "Polski Tygodnik Lekarski", 1948, Nos. 6. 8–10, pp. 191–192, 253–255, 284–285, 317–320.

⁴ K. Antosiewicz, *Opieka nad dziećmi w Zakonie św. Ducha w Krakowie, 1220–1788 (Care of Children in the Holy Spirit Monastery in Cracow, 1220–1788)*, in: *Z badań nad dziejami zakonów i stosunków wyznaniowych na ziemiach polskich*, ed. E. Wiśniowski, Lublin 1984, pp. 45–88; M. Sierocka-Pośpiech, *Podrutki i dzieci nieślubne w Starej Warszawie w XVII w. (Foundlings and Illegitimate Children in 17th Century Old Warsaw)*, in: *Nędza i dostatek na ziemiach polskich od średniowiecza po wiek XX. Materiały sesji zorganizowanej przez Instytut Historii Kultury Materialnej PAN 20–22 maja 1991 w Warszawie*, ed. J. Sztetyło, Warszawa 1992, pp. 75–84.

⁵ Cf. B. Baranowski, *Ludzie gościńca w XVII–XVIII wieku (Highwaymen in the 17th and 18th Centuries)*, Łódź 1986; B. Geremek, *Obraz kondycji żebraczej w polskiej literaturze XVI i XVII wieku (The Picture of Beggars in Polish 16th and 17th Century Literature)*, in: *Kultura polska a kultura europejska. Prace ofiarowane Januszowi Tazbirowi w sześćdziesiątą rocznicę urodzin*, ed. M. Bogucka and J. Kowceki, Warszawa 1987, pp. 131–146; idem, *Świat "oper y żebraczej". Obraz wótczégów i żebraków w literaturach europejskich XIV–XVII wieku (The World of the Beggar's Opera. The Picture of Vagrants and Beggars in European Literature from the 14th to the 17th Century)*, Warszawa 1989; M. Kamler, *Świat przestępczy w Polsce XVI i XVII stulecia (The Criminal World in Poland in the 16th and 17th Centuries)*, Warszawa 1991; A. Karpiński, *Pauperes. O mieszkańcach Warszawy XVI i XVII wieku (Pauperes. The Inhabitants of Warsaw in the 16th and 17th Centuries)*, Warszawa 1983; idem, *Prostytucja w dużych miastach polskich*

the family⁶, the history of education⁷, social care and charity⁸. This is not much compared with West European historiography

w XVI i XVII w. (*Prostitution in Large Polish Cities in the 16th and 17th Centuries*), "Kwartalnik Historii Kultury Materialnej", vol. XXXVI, 1988, № 2, pp. 277-304; idem, *Kobieta w mieście polskim w drugiej połowie XVI i w XVII wieku (Woman in Polish Towns in the Late 16th and 17th Centuries)*, Warszawa 1995, pp. 314-377; J. Kracik, M. Rożek, *Hultaje, złoczyńcy, wszetecznicze w dawnym Krakowie. O marginesie społecznym w XVII-XVIII wieku (Rascals, Malefactors, Harlots in Old Cracow. The Social Fringe in the 17th and 18th Centuries)*, Kraków 1986; W. Maisel, *Poznańskie prawo karne do końca XVI wieku (Poznań Penal Law up to the End of the 16th Century)*, Poznań 1963.

⁶ See M. Bogucka, *Staropolskie obyczaje XVI-XVII wieku (Old Polish Customs in the 16th and 17th Centuries)*, Warszawa 1994; eadem, *Rodzina w polskim mieście XVI-XVII wieku: wprowadzenie w problematykę (The Family in Polish Towns in the 16th and 17th Centuries. Introduction)*, "Przegląd Historyczny", vol. LXXIV, 1983, № 3, pp. 495-507; eadem, *Die städtische Familie in Polen während des 16. and 17. Jh.*, in: *Ehe, Liebe, Tod*, hrsg. P. Borscheid, H. J. Teuteberg, Münster 1983, pp. 233-244; I. Gieysztorowa, *Rodzina staropolska w świetle badań demograficznych. Zarys problematyki (Polish Family in Old Poland in the Light of Demographic Research. An Outline)*, in: *Spółczesność staropolska. Studia i szkice*, vol. II, ed. A. Wyczański, Warszawa 1979, pp. 159-175; eadem, *Wstęp do demografii staropolskiej (Introduction to Old Polish Demography)*, Warszawa 1976; Z. Kuchowicz, *Obyczaje staropolskie XVII-XVIII wieku (Old Polish Customs in the 17th and 18th Centuries)*, Łódź 1975; C. Kukło, *Rodzina w osiemnastowiecznej Warszawie (The Family in 18th Century Warsaw)*, Białystok 1991; A. Wyrobisz, *Rodzina w mieście doby przedprzemysłowej a życie gospodarcze. Przegląd badań i problemów (The Family in Pre-Industrial Towns and Economic Life. A Survey of Research and Subjects)*, "Przegląd Historyczny", vol. LXXVII, 1986, № 2, pp. 305-330.

⁷ *Historia wychowania (History of Education)*, vol. I, ed. Ł. Kurdybacha, Warszawa 1965; *Źródła do dziejów wychowania i myśli pedagogicznej (Sources to the History of Education and Pedagogical Thought)*, vol. I: *Od wychowania pierwotnego do końca XVII wieku*, ed. S. Wołoszyn, Warszawa 1965.

⁸ Cf. W. Froch, *Opieka nad sierotami i żakami ze strony Lubelskiej Rady Miejskiej w XVI wieku (Orphans and Pupils under the Care of the Lublin Municipal Council in the 16th Century)*, "Przegląd Historyczno-Oświatowy", vol. XXI, 1978, № 2, pp. 153-165; Z. Kropidłowski, *Formy opieki nad ubogimi w Gdańsku od XVI do XVIII wieku (The Forms of Care of the Poor in Gdańsk from the 16th to the 18th Century)*, Gdańsk 1992; K. Kubik, *Problem opieki i wychowania dzieci i młodzieży na Pomorzu Gdańskim (The Care and Education of Children and Young People in Gdańsk Pomerania)*, "Gdańskie Zeszyty Humanistyczne", vol. XXII, 1979, № 26, pp. 3-24; Z. Podgórska-Kławe, *Warszawski dom podzulków. 1732-1901 (The Warsaw Foundlings' Home, 1732-1901)*, "Rocznik Warszawski", vol. XII, 1975, pp. 111-145; M. Surdacki, *Dzieci porzucone w Rzymie i okolicach w XVIII wieku (Abandoned Children in Rome and Its Neighbourhood in the 18th Century)*, "Roczniki Nauk Społecznych", vol. XXII, 1994, № 2, pp. 98-104; idem, *Dzieci porzucone w szpitalu św. Ducha w Rzymie w XVIII wieku (Abandoned Children in Rome's Holy Spirit Hospital in the 18th Century)*, Lublin 1998. For workhouses see: M. Bogucka, *Dom pracy przymusowej w Gdańsku w XVII wieku (The Workhouse in Gdańsk in the 17th Century)*, "Kwartalnik Historii Kultury Materialnej", vol. XXXIV, 1986, № 2, pp. 265-269; eadem, *Les origines de la pensée pénitentiaire moderne en Pologne du XVII s.*, "Acta Poloniae Historica", vol. LVI, 1988, pp. 19-28; M. Mikołajczyk, *Krakowski dom poprawy. Z badań nad dziejami więziennictwa w osiemnastowiecznej Polsce (The Reformatory in*

which for decades has conducted research on the child in the Middle Ages and the early modern era. Without going into details let us only point out that in addition to general syntheses by, for instance, P. Ariès, S. Shakar or L. A. Pollock⁹, infanticide and the question of abandoned children have been the subject of several score extensive studies in the West¹⁰.

Let us start our analysis of various forms of child abuse with the ruthless exploitation of underage workers forced under mental and physical pressure to do hard work in a family or in a guilt master's workshop. Even though the employment of children in a home or a workshop did not shock anybody in the 16th, 17th and 18th centuries and proposals were even put forward that children should start working at the age of

Cracow. Research on the History of Prison Service in 18th Century Poland, "Czasopismo Prawno-Historyczne", vol. L, 1998, N° 1, pp. 57–81; J. Rafacz, *Domy pracy przymusowej u schyłku istnienia Rzeczypospolitej (Workhouses at the End of Old Poland's Existence)*, "Przegląd Historyczny", 1932, N° 1, pp. 46–58.

⁹ Cf. P. Ariès, *L'enfant et la vie familiale sous l'Ancien Régime*, Paris 1960; L. A. Pollock, *Forgotten Children: Parent-Child Relations from 1500–1900*, New York 1983; S. Shakar, *Childhood in the Middle Ages*, Londres–New York–Routledge 1990. See also *L'enfant au Moyen Age*, Aix en Provence 1980; *The History of Childhood*, ed. L. de Mause, London 1976.

¹⁰ As regards infanticide see: Y. B. Brissaud, *L'infanticide à la fin du Moyen Age, ses motivations psychologiques et sa répression*, "Revue Historique de Droit Français et Étranger", vol. L, 1972, N° 2, pp. 229–256; E. Coleman, *Infanticide in the Early Middle Ages*, in: *Women in Medieval Society*, ed. S. M. Stuard, Philadelphia 1976, pp. 47–70; R. van Dülmen, *Frauen vor Gericht. Kindsmord in der frühen Neuzeit*, Frankfurt am Main 1991; A. Felber, *Unzucht und Kindsmord in der Rechtsprechung der freien Reichstadt Nördlingen vom 15. bis 19. Jahrhundert*, Wemding 1961; P. Hoffer, N. E. Hull, *Murdering Mothers. Infanticide in England and New England 1558–1803*, New York 1979; B. Kellum, *Infanticide in England in the Later Middle Ages*, "History of Childhood Quarterly", vol. I, 1974, pp. 367–388; R. W. Malcolmson, *Infanticide in 18th Century*, in: *Crime in England 1550–1800*, ed. S. Coburn, London 1977; R. C. Trexler, *Infanticide in Florence: New Sources and First Results*, "History of Childhood Quarterly", vol. I, 1974, pp. 98–116; O. Ulbricht, *Kindsmord und Aufklärung in Deutschland*, München 1990. As regards foundlings see: *Bastardy and its Comparative History: Studies in the History of Illegitimacy and Marital Nonconformity in Britain, France, Germany, Sweden, North America, Jamaica and Japan*, ed. P. Laslett, K. Oosterveen and R. Smith, London 1980; Ch. Carlton, *The Court of Orphans*, Leicester 1974; C. Delaselle, *Les enfants abandonnés à Paris au XVIII^e siècle*, "Annales ESC", vol. XXX, 1975, pp. 187–218; *Enfance abandonnée et société en Europe (XIV^e–XIX^e siècle)*, Rome 1991; Ch. Engrand, *Les abandons d'enfants à Amiens vers la fin l'Ancien Régime*, "Revue du Nord", vol. LXIV, 1982, N° 252, pp. 73–92; Ph. Gavitt, *Charity and Children in Renaissance Florence: The Ospedale degli Innocenti 1410–1536*, Ann Arbor 1990; V. Hunecke, *I trovatelli di Milano: bambini e famiglie epositrici dal XVII al XIX secolo*, Bologna 1989; E. Sablayrolles, *L'enfance abandonnée à Strasbourg au XVIII^e siècle et Fondation de la maison des Enfants-Trouvés*, Strasbourg 1977.

three¹¹, the ruthless exploitation of minors, especially apprentices, was definitely a specific form of violence. This must have been noticed by some people for it is said in the Cracow painters' statute of 1588: "The masters do not regard their apprentices as comrades after the expiry of their apprenticeship but as boys, and it is not just that they are slaves in his (the master's) workshop after enduring the prescribed four years"¹². The "slavery" consisted in the master forcing apprentices to do the hardest domestic work and wait on him and his family (without pay). These extrastatutory practices were usually passed over in most guild statutes¹³.

Orphaned underage children put in the care of dishonest official guardians were another object of economic exploitation. Misappropriation of the funds of helpless wards must have been a widespread practice if B. Groicki devoted a separate volume of his legal commentaries to the care of orphans and their property. He wrote: "We see that honest people ignore and reject work in welfare offices while discreditable people seek it and they manage the property of poor orphans in such a way that they either do not return the whole property to adult orphans or squander it, losing it completely ... while the poor orphans, being simple souls by their very nature, are like sheep which voluntarily, without screaming, let themselves be killed, bled and skinned"¹⁴. Even though Groicki cited several detailed instructions on how to defend orphaned children from robbery, he was sceptical about the possibility of bringing the offenders to justice. He only hoped that although they (dishonest guardians — A.K.) escape punishment in this world because of their well-hidden hypocrisy, their punishment will be all the harsher in the future, eternal world"¹⁵. Court cases brought by former wards against

¹¹ Such a proposal was put forward in 1697 by a precursor of European Enlightenment, the English philosopher John Locke (J. Tazbir, *Okrucieństwo w nowożytnej Europie (Cruelty in Early Modern Europe)*, Warszawa 1993, pp. 122-123).

¹² Quoted after Z. Pazdro, *Uczniowie i towarzysze cechów krakowskich od drugiej połowy XIV do połowy XVII wieku (Apprentices and Journeymen of Cracow Guilds from the Middle of the 14th Century to the Middle of the 18th)*, Lwów 1900, p. 20.

¹³ B. Orzelska-Konarska, *Mistrzowie i czeladnicy. Pozycja społeczna czeladzi w cechach krakowskich w XV-XVII wieku (Masters and Journeymen. The Social Position of Journeymen in Cracow Guilds from the 15th to the 17th Century)*, Warszawa 1968, p. 19.

¹⁴ B. Groicki, *Obrona*, p. 28.

¹⁵ *Ibidem*, p. 216.

their dishonest guardians are richly documented in sources and it is a pity that they have not yet become the subject of a separate study.

The wish to overcome the plague of vagrancy and begging lay at the root of the foundation of the first workhouses in the middle of the 16th century (Bridewell in England, 1552, Bologna, 1558, Amsterdam, 1587) in which able-bodied beggars and unemployed people were placed. Reformatories of this kind, usually linked to workshops, were also opened in the Polish-Lithuanian Commonwealth. A workhouse was opened in Gdańsk in 1629, in Toruń in 1718, in Cracow in 1722 and in Warsaw in the 1730s¹⁶. In addition to criminals sent there as punishment, unruly children and journeymen (at the request of their parents or employers), homeless orphans and juvenile vagrants and beggars were placed in these institutions which ruthlessly exploited their inmates. The living conditions were extremely hard (hard labour lasting more than 12 hours, small food rations, lack of heating, severe penalties for trifling offences) and the children placed there were usually treated like common offenders¹⁷.

The extant narrative and didactic sources from the 15th to the 18th century clearly show that flogging was regarded as an indispensable educational measure¹⁸. It is not surprising therefore that it was widely used at home, in craftsmen's workshops and at school. But whereas the mere infliction of corporal punishment did not shock anybody, its abuse did meet with social condemnation. For instance, Erazm Glicznier, a Lutheran, strongly condemned parents who for no reason cruelly beat their children with whatever they can get hold of, inflicting wounds and bruises on their bodies, and Adam Gdajusz, a Silesian moralist, denounced brutal fathers who "are

¹⁶ M. Bogucka, *Dom pracy przymusowej*, p. 200; *Historia Torunia (A History of Toruń)*, vol. II, part 3, ed. M. Biskup, Toruń 1996, p. 78; J. Kracik, M. Rożek, *op. cit.*, pp. 140-142; A. Wejnert, *O domu poprawy (Cuchthauzie) i szpitalu sierot moralnie zaniedbanych w Warszawie (The Reformatory and Hospital for Morally Neglected Children in Warsaw)*, in: *idem*, *Starożytności warszawskie*, vol. V, Warszawa 1857, p. 43.

¹⁷ Cf. M. Bogucka, *Dom pracy przymusowej*, p. 201; *Historia Torunia*, vol. II, part 3, p. 79; J. Bieniarzówna, *Z dawnego Krakowa. Szkice i obrazki z XVII wieku (Old Cracow. Sketches and Pictures from the 17th Century)*, Kraków 1957, pp. 78-79.

¹⁸ Z. Kuchowicz, *op. cit.*, p. 414; J. Tazbir, *Okrucieństwo*, pp. 129, 132; *idem*, *Stosunek do dziecka*, pp. 36-39.

so cruel to them [their children] that they sometimes torture them ruthlessly for no reason at all as if they were dogs"¹⁹. School teachers were advised to exercise restraint²⁰, but the frequent injunctions not to beat children with a stick or fist clearly show that they were ineffective.

Apprentices (boys were usually apprenticed between the age of 6 and 10) and domestic servants were a convenient target of violence. Jan Markiewicz, a Cracow merchant, says in his diary written in the middle of the 17th century, that he took a boy into his shop "whose shoulders and ribs were broken for his former master used to hang him up on a hook with his arms tied and then left for the night. In order to free himself the boy would try to bite through the rope, and through excessive efforts broke his arms and ribs"²¹. Underage domestic servants were sometimes treated equally sadistically by their employers, as is testified to in fragments of extant autopsies and court depositions. "He ordered ... his apprentice ... to beat the girl and force her fingers into the cocks of a gun" (Cracow, 1684); "I saw the girl named Marianna Mackiewiczówna, she lay on the ground, beaten up, her things were blue, swollen and blood-soaked from beating..." (Wilno, 1687); "she beat me with a wooden hatchet every day, this is why I ran away" (Cracow, 1698)²².

Such acts of violence were criticised by municipal and guild authorities. For instance, the Cracow guild of bookbinders decided that an apprentice bullied by a journeyman should have the right to lodge a complaint against his tormentor with the journeyman's union. An ordinance concerning domestic servants

¹⁹ E. Gliczner, *Książki o wychowaniu dzieci (Books on the Education of Children)*, Kraków 1876, p. 762; Z. Kuchowicz, *op. cit.*, p. 413; J. Tazbir, *Stosunek do dziecka*, p. 37.

²⁰ J. Tazbir, *Stosunek do dziecka*, pp. 38–39.

²¹ Quoted after B. Orzelska-Konarska, *op. cit.*, p. 20; Cf. J. S. Bystron, *Dzieje obyczajów w dawnej Polsce — wiek XVI–XVIII (The History of Customs in Old Poland, 16th–18th Centuries)*, vol. I, Warszawa 1960, p. 367; A. Karpiński, *Pauperes*, pp. 110–111.

²² Archiwum Państwowe w Krakowie — State Archives in Cracow (henceforth referred to as SA Cracow), Akta miasta Krakowa (Records of the city of Cracow) (henceforth referred to as RcC), 870, p. 68; RcC 901, p. 431; Archiwum Historyczne w Wilnie — Lithuanian State Historical Archives in Vilnius (henceforth referred to as LVIA), Magdeburgia wileńska 5339, p. 516. Cf. also A. Karpiński, *Żeńska służba domowa w miastach polskich w drugiej połowie XVI i w XVII wieku (Female Domestic Servants in Polish Towns in the Late 16th and 17th Centuries)*, in: *Ńędza i dostatek*, pp. 52–53.

was issued in Gdańsk in 1705. It forbade brutal treatment which might disable or severely injure a person under the employer's care²³. This injunction was in keeping with one of the articles of Magdeburg law which said that "the masters have the right to punish servants for their offences, but there should be no cruelty in their punishment. For should the master's punishment impair the servant's health he would be considered just as guilty as if he had killed an alien or a freeman"²⁴.

Sexual abuse of underage girls is one of the most drastic cases and this is why it is relatively well documented. It took various forms, from forced sexual relations with the employer to procuring, pandering, incest, rape and paedophilia.

The forcing of young girls to a sexual intercourse and prostitution was generally condemned at that time. The Lithuanian statutes envisaged death penalty for male and female "seducers" in keeping with *Constitutio Criminalis Carolina* (CCC). The municipal courts based on Magdeburg law meted out the same penalty. Paragraph 75 of CCC read: "Whoever shamefully seduces and prostitutes his wife, servant or relative or whoever by his habits induces his children to do this ... should be punished by loss of honour, life and limb". However, not all those guilty were to be treated in this way for another article envisaged that some procurers "should be prevented from reproducing themselves, their ears should be cut off, they should be beaten with broomsticks at the pillory and expelled from the town"²⁵. Chełmno law adopted yet another solution: those guilty of procuring an unrelated woman were punished only by loss of property, a man guilty of procuring his own wife or daughters was punished by decapitation²⁶. But in practice these severe penalties were rather seldom applied and procurers were more often punished by flogging and expulsion from their town.

²³ E. Cieślak, *Położenie materialne i społeczne czeladzi w Gdańsku w XVIII w. według ordynków Rady* (*The Economic and Social Position of Journeymen in Gdańsk in the 18th Century in the Light of the Council's Ordinances*), in: *Nędza i dostatek*, p. 131; J. Pachonński, *Zmierzch sławetnych. Z życia mieszczan w Krakowie w XVII i XVIII wieku* (*The Decline of the Famous. Burghers' Life in Cracow in the 17th and 18th Centuries*), Kraków 1956, p. 257; Cf. B. Orzelska-Konarska, *op. cit.*, p. 70.

²⁴ B. Groicki, *Tytuły prawa magdeburckiego* (*Articles of Magdeburg Law*), ed. K. Koranyi, Warszawa 1954, pp. 249–250.

²⁵ B. Groicki, *Artykuły*, pp. 154–155.

²⁶ *Historia państwa i prawa*, vol. II, p. 348.

Not many cases of child sexual abuse can be found in court records. The forcing of young girls, especially orphans and peasant girls, into prostitution must have been much more widespread, if only because of the girls' naïvety which was unscrupulously taken advantage of by ruthless pimps. Poor girls forced to prostitute themselves could seldom bring the culprit to justice for they would have run the risk of being accused of adultery, prostitution or immoral conduct.

The bawds' youngest victims were no more than 10–12 years old²⁷. Most of them were girls from the provinces lured by female pimps under the pretext of getting a good domestic job. "This Dorota Waclawowa", said Zuzanna Brudkowiczówna in a Warsaw court in 1613, "asked my mother at Wolborz to let me work in Warsaw ... several Sundays later she ... led me to a new house at Nowomiejska Gate ... and when she left [after being paid by the client — A.K.], the master had me locked, struck me twice in the face and said: be quiet for I've paid more than you're worth. He forcefully laid me on the bed, undressed me and did what he wanted with me, when I had a fainting fit he doused me with a glassful of beer and I had to spend the whole night with him"²⁸. "She [the bawd, Agnieszka Wojciechowska — A.K.] lured me to her place", complained underage Agnieszka Sarnecka in Raziwanowice to a Cracow court in 1741, "and I went with her to Wiślna street ... After a week she locked me with Mr. Ignacy Starowiejski, who frequently visited her ... he did what he wanted with me and when I cried he stopped my mouth with a cap, and Agnieszka, who had locked me with him didn't come in, though she heard everything for she stood behind the door, nor did she

²⁷ The granddaughter of a Toruń bawd was only 10 years old when she was brought by her grandmother to a nobleman's house. The villainous grandmother was drowned for her deed in 1620. See A. Stapiński, *Prostytucja w Polsce w XIV–XVIII wieku (Prostitution in Poland from the 14th to the 18th Century)*, "Przegląd Dermatologiczny", vol. LXXI, 1984, N° 6, p. 618. Only two years older were Hanna Moskiewka, ward of a Kalisz bawd Dorota Górecka (1616) and the girl Jadwiga, "deceived" by a Lublin inn-owner Anna Grzybowska from Czemierniki (1672), Archiwum Państwowe w Lublinie — State Archives in Lublin (henceforth referred to as SA Lublin), Akta miasta Lublina — Records of the City of Lublin (henceforth referred to as RCL) 139, pp. 336–337; B. Baranowski, *O hultajach, wiedzmach i wszetecznicach. Szkice obyczajów XVII i XVIII wieku (Rascals, Hags and Harlots. Sketches of Customs in the 17th and 18th Centuries)*, Łódź 1963, p. 298. Cf. SA Cracow, RcC 865, p. 140.

²⁸ Archiwum Główne Akt Dawnych — Central Archives of Historical Records in Warsaw (henceforth referred to as CAHR), Stara Warszawa (Old Warsaw) (henceforth referred to as OW) 544, pp. 52–53; A. Karpiński, *Pauperes*, p. 191.

defend me. Mr. Starowiejski tormented me for more than two hours, he injured my back and then called in Agnieszka"²⁹.

Urban bawds sometimes did not even resort to mystification. In 1609 underage Elżbieta Zaziębłowiczówna fell victim to one of them, Zofia Kolasina. Elżbieta was "nursing a child on a meadow at Promnik". Lured into a neighbouring house, she was raped "and this Zofia was there and shut her [Elżbieta's] eyes and when it was all over gave her a penny and a half". In this case the procuress, who was also accused of larceny, was sentenced to death by hanging³⁰.

Many procuresses were so depraved that for the sake of profit they forced their underage daughters, relatives or wards into prostitution. This was admitted by, among others, two procuresses active in Lwów, Katarzyna Krzysztofka (she prostituted her daughter in 1621) and Anna Matiaszowa, a widow (two daughters in 1641); by Cracow bawds, Anna Dziewulska vel Świdarska (a ward Krystyna in 1689) and Wnorowska (a 14-year-old ward Regina, 1694); and procuresses in Poznań, Jadwiga from Kościan (a niece, Agnieszka, 1567), Anna Strycharzówna (a 13-year-old daughter Urszula, 1581), Sobotarzowa (a daughter Jadwiga, 1574), Anna Szczęsna Cieślina (underage daughter Regina, 1573–1574) and Elżbieta Malowana (a daughter Katarzyna, 1588)³¹.

The raping of a woman, especially an underage girl, was generally regarded as one of the gravest offences punished by decapitation. A provision of Magdeburg law said: "If a man rapes

²⁹ SA Cracow, RcC 871, p. 44; A. Karpiński, *Krakowski półświatek w XVI–XVII i w I połowie XVIII wieku. Uwagi o środowisku krakowskich prostytutek i su-tenerów (The Cracow Underworld in the 16th, 17th and Early 18th Centuries. Remarks on Cracow Prostitutes and Pimps)*, in: *Studia nad dziejami miast i mieszczanstwa w średniowieczu, Studia Polonica Historiae Urbanae*, vol. I, Toruń 1996, p. 240. Cf. also SA Cracow, RcC 864, pp. 280–281 RcC 867, p. 157.

³⁰ SA Cracow, RcC 864, p. 336. Cf. also Archiwum Państwowe w Poznaniu — State Archives in Poznań (henceforth referred to as SA Poznań), Akta miasta Poznania — Records of the city of Poznań (henceforth referred to as RcP) I 641, pp. 107–108.

³¹ Archiwum Historyczne we Lwowie — Historical Archives in Lviv (henceforth referred to as HA Lviv), Akta miasta Lwowa — Records of the city of Lviv (henceforth referred to as RcLv) 302, pp. 186–188; RcLv 305, p. 66; SA Cracow, RcC 867, pp. 273–274; RcC 869, pp. 331–335; SA Poznań, RcP I 639, pp. 44, 110–112v, 145v–146v, 210v; RcP I 640, pp. 2v–3; M. Kamler, *Struktura i liczebność środowisk przestępczych Poznania i Krakowa w drugiej połowie XVI w. (The Structure and Size of the Criminal World in Poznań and Cracow in the Second Half of the 16th Century)*, "Przeszłość Demograficzna Polski", vol. XV, 1984, p. 75; A. Karpiński, *Kobieta*, p. 347; W. Maisel, *op. cit.*, pp. 250–251.

a woman or a girl, she should report this to the office ... and the rapist, even if he has raped a suspected woman, should be punished by death³². If the victim was an underage girl, the rapist could even be buried alive³³. Municipal legislators treated forcible seduction with great severity, punishment was inflicted even on men who raped a prostitute³⁴. A rapist caught in the act faced summary justice; he had no right to seek asylum or appeal to a court of a higher instance³⁵.

These principles were applied mainly to criminals from pauperised circles and the social fringe. The law was much milder with regard to well-off persons; for instance, a guardian found guilty of raping his underage orphaned ward was, according to the law, "to be called in and exiled for good... all his property should be confiscated by the royal treasury"³⁶. The law defended the interests of rich patricians better than the interests of poor servants subordinated to them. Not without significance was the fact that rape was a frequent offence, that the victim could be given pecuniary compensation and finally that it was difficult to prove the act.

In the records of five cities I have examined I have found information on several score single and gang rapes of domestic servants, orphaned wards, poor workwomen, sometimes also wives of guild masters and tradesmen. The offenders were either plebeians (servants, journeymen, farm-hands) or craftsmen and merchants who took advantage of their privileged position with regard to servant girls. Not many rapists came from criminal circles, slightly more were noblemen's trusted servants and members of wanton groups³⁷.

The statements made in court by some raped girls show that the offenders were ruthless and were even ready to kill their

³² B. Groicki, *Artykuły*, pp. 14-15. Cf. A. Karpiński, *Kobieta*, pp. 40-41.

³³ D. Janicka, *Prawo karne w trzech rewizjach prawa chełmińskiego (Penal Law in Three 16th Century Revisions of Chełmno Law)*, Toruń 1992, p. 105; *Historia państwa i prawa*, vol. II, p. 355.

³⁴ D. Janicka, *op. cit.*, p. 105; W. Maisel, *op. cit.*, p. 252.

³⁵ B. Groicki, *Artykuły*, p. 47; *idem*, *Porządek sądów i spraw miejskich prawa magdeburckiego w Koronie Polskiej (Regulations concerning Law Courts and Municipal Matters in Magdeburg Law)*, ed. K. Koranyi, Warszawa 1953, pp. 83, 162.

³⁶ B. Groicki, *Obrona*, p. 111.

³⁷ M. Kamler holds a different view (*idem*, *Świat*, p. 171).

victims to escape punishment³⁸. “He folded back my clothes, lay on me [the rapist was Grzegorz Łysy, a farm-hand — A.K.] and tried to stick it in, saying I can’t get in, your hole is too small, I began to cry, it was good I did not faint and could shout” stated in 1628 an 11-year-old workgirl Anna from Wronczyn raped in Poznań’s Kundorf; “he turned me upside down and put his fingers in [Cracow alderman Lubliński, the girl’s employer] and then he stuck something in and there was blood, I cried, he said I’ve had other better girls here and they didn’t cry, then he came a second time to me”, complained Regina Zmarlicka, an orphan from Mysłowice, before a Cracow court in 1721; “it was not once but several times that he treated me dishonestly ... he put me on the bed and the quilt and stuck unnecessary things into my secret place, I have pains, cannot sleep, my womb and belly begin to swell, and whenever I wrenched myself free ... he beat me” this is how underage Anna Gaściorówna accused her guardian Jakub Urlich, a Warsaw furrier, in 1602³⁹. The brutality of many similar acts of sexual violence against underage girls is confirmed by accounts of medical examinations⁴⁰ and notes in municipal books, e.g. two marks to be given “to the little girl for medicines so that she could heal her wounds”⁴¹.

Whereas the offenders usually tried to present a single or a gang rape of an adult woman as an act of illegal prostitution or a debauched act committed with the woman’s consent, this line of defence was untenable with regard to underage girls. For how could Stanisław, a Poznań tailor, who in 1618 raped his eight-

³⁸ Cf. SA Poznań, RcP I 639, pp. 269–269v; W. Maisel, *op. cit.*, pp. 221–222.

³⁹ SA Cracow, RcC 874, p. 72; SA Poznań, RcP I 400, p. 624; CAHR, OW 15, pp. 171–171v. Cf. SA Cracow, RcC 864, p. 360; RcC 867, p. 286; RcC 869, pp. 85–87, 443; RcC 903, p. 5; SA Poznań, RcP I 638, p. 88; RcP I 640, p. 9; RcP I 641, pp. 239–241, 325–325v; RcP I 644, p. 192; RcP I 646, pp. 10–12v; HA Lviv, RcLv 303, pp. 41–42; F. Giedroyć, *Ekspertyza lekarska w dawnych sądach polskich, do końca XVIII stulecia (Medical Experts Report in Old Polish Courts, up to the end of the 18th Century)*, Warszawa 1896, p. 51.

⁴⁰ Cf. such testimonies as: “they saw injuries and a tear in the womb of this child” (the raped Reginka, daughter of Małgorzata, a village woman from Poznań — 1581); “This girl (Anna Kotlicka, a Poznań servant — 1616) whose wounds they are dressing has been damaged by a man, and the place ... between the skirt and the female organ is torn, more than a half of it is torn, and the female organ is injured”; or “she examined the girl Barbara (daughter of Marcin Knap from Żnin, raped in Poznań in 1606) and saw that she had damaged, torn places ... with swellings which are festering” (SA Poznań, RcP I 639, p. 209v; RcP I 641, p. 4; RcP I 663, p. 50v).

⁴¹ SA Cracow, RcC 1979, p. 44. Cf. SA Cracow, RcC 1703, p. 324.

year-old servant Anna from Leszno, or a certain Walek Gałuszka from Satanów, who raped a nine-year-old girl (first half of the 18th century) prove their innocence⁴²? In such drastic cases the defendants were usually sentenced to death, and so were the rapists who murdered their victims⁴³.

Speaking about offences against morality perpetrated on underage girls, let us also mention incest and paedophilia. The first term denoted not only a father's intercourse with his daughter but also with other female relatives and stepdaughters. Incest, punishable by death, did not often find its way into a court of justice; the extant records seem to indicate that it was usually men who were the active side, the side that enforced the prohibited intercourse by raping or seducing their underage relatives. This is testified to by two drastic cases from Poznań. In 1576 Regina Babiarszewna, then under arrest, stated that she got pregnant by her stepfather, Wojciech from Grusin, who for a long time had been raping her and forcing her to have sexual contacts with him. In 1642 a Poznań fisherman, Adam Czajczyk, admitted he had tried to seduce his little daughter Regina; he said: "I uncovered her and laid myself on her and began to move my male organ. I had a good drink before"⁴⁴. Most of the persons accused of incest were beheaded⁴⁵.

⁴² SA Poznań, RcP I 641, pp. 120–121v; J. A. Rolle, *Materiały do historii prostytucji i sądowej medycyny w Polsce w XVII i XVIII wieku (Materials to the History of Prostitution and Forensic Medicine in Poland in the 17th and 18th Centuries)*, in: A. Kremer, *Rozmaitości lekarskie*, Petersburg 1862, p. 124.

⁴³ It follows from M. Kamler's calculations that in the 16th and early 17th centuries 19 men were sentenced to death for rape in Lublin, Cracow and Poznań, i.e. 82.5 per cent of all those who had been proved guilty of this offence. *idem*, *Kary za przestępstwa pospolite w dużych miastach polskich, XVI–XVII (Punishment for Common Offences in Large Polish Cities, 16th–17th Centuries)*, "Kwartalnik Historyczny", vol. CI, 1994, No 3, p. 280. Cf. A. Karpiński, *Przestępczość we Lwowie w końcu XVI i w XVII wieku (Crime in Lwów in the Late 16th and 17th Centuries)*, "Przegląd Historyczny", vol. LXXXVII, 1996, No 4, pp. 761, 765; J. Kracik, M. Rożek, *op. cit.*, pp. 154–155; H. Łaszkievicz, *Kary wymierzone przez sąd miejski w Lublinie w drugiej połowie XVII wieku (Punishments Meted out by the Municipal Court in Lublin in the Second Half of the 17th Century)*, "Czasopismo Prawno-Historyczne", vol. XLI, 1989, No 2, p. 143; W. Maisel, *op. cit.*, p. 222.

⁴⁴ SA Poznań, RcP I 639, pp. 142v–143; RcP I 641, p. 329. Cf. SA Cracow, RcC 874, p. 312.

⁴⁵ Cf. HA Lviv, RcLv 302, p. 178; SA Poznań, RcP I 639, p. 142v; A. Komonieczki, *Chronografia albo dziejopis żywiecki (Chronology or History of Żywiec)*, ed. S. Grodziski, J. Dwornicka, Żywiec 1987, p. 249; J. Putek, *Mroki średniowiecza: obyczaje, przesady, fanatyzm, okrucieństwa i ucisk społeczny w Polsce*

Early medieval municipal statutes did not distinguish paedophilia as a separate category in which the above-mentioned rapes of little girls would now be included. It was among the rapists that one could find various sexual perverts like Bohdanowicz, an 18-year-old inhabitant of Warsaw, who in 1666 dragged four-year-old Katarzyna into an out-of-the-way place... *ratione attentati stupri et deflorationibus*⁴⁶, or the completely perverted or insane Jan Witkowski from Wolborz. The following is a fragment of a voluntary statement by the latter before a Cracow court in 1778: "I had a carnal act with a little girl who was perhaps twelve years old ... then some thirty or forty times I had the same act with hens, and one even with a goose ... being lustful, I had carnal acts with mongrels, perhaps a dozen times or more ... and in Piotrków also with a swine and once also with a sheep ... I also wanted to have a carnal act with a cat and put my genitals into its snout but the *effectus* was *nullus*, and it was the same with a squirrel"⁴⁷. There must have been a good deal of fiction in this self-indictment.

In the light of extant sources nothing can be said about the scale of homosexuality in the towns of the Polish-Lithuanian Commonwealth, about homosexual seductions and the rape of underage boys. However, the research conducted by West European scholars seems to indicate that homosexuality could be quite widespread also in Poland, especially in isolated male communities⁴⁸.

The abduction of a woman, also an underage one, was punished by death, irrespective of whether it was done with her consent or against her will⁴⁹. In practice, however, if abduction ended in marriage and the woman lodged no complaint, the only result was negative consequences with regard to property

(*The Dark Middle Ages: Customs, Prejudices, Fanatism, Cruelty and Social Oppression in Poland*), 4th ed., Warszawa 1985, p. 259.

⁴⁶ F. Giedroyć, *op. cit.*, p. 50.

⁴⁷ SA Cracow, RcC 886, p. 48.

⁴⁸ See A. Wyrobisz, *Sodoma i Gomora we wczesnorenasansowej Florencji; w związku z książką M. Rocke's, Forbidden Friendships. Homosexuality and Male Culture in Renaissance Florence*, Oxford-New York 1996 (*Sodom and Gomorrah in Early-Renaissance Florence; in connection with M. Rocke's book Forbidden Friendships. Homosexuality and Male Culture in Renaissance Florence*, Oxford-New York), "Przegląd Historyczny", vol. LXXXVIII, 1997, N°1, pp. 152-159.

⁴⁹ B. Groicki, *Artykuły*, pp. 153-154.

rights. Legal proceedings were softened under the influence of district legislation which from the middle of the 16th century regarded only an abduction carried out against the woman's will as an offence punishable by death⁵⁰.

Abductions of married girls from their homes or convents can only exceptionally be regarded as kidnapping for most of those girls were adults. The kidnapping of small children was a different case and was usually linked to alleged ritual murders said to be committed by Jews. Vagrants and beggars were often accused of kidnapping⁵¹. There are no traces of kidnapped children being sold to beggars in Poland. Such proceedings were from the Middle Ages well known in France and Spain and conducted by special criminal organisations⁵².

Kidnapping was linked with other aggressive actions the aim of which was to force children to change their faith. Sometimes this was a result of squabbles in religiously mixed families, but let us note that according to Polish historian Tadeusz Wasilewski there were cases of young Protestants being kidnapped and baptised in Lithuania in the second half of the 17th century⁵³. Similar practices were used several score years later with regard to juvenile Orthodox believers in Ukraine and in Byelorussian territories to force them to convert to the Uniate faith⁵⁴.

According to J. Goldberg similar methods were used with regard to Jewish children. It was Benedict XIV's bull of 1747 which gave boys and girls the right to change their confession from the age of seven that acted as a spur. In this situation some ardent Catholics, taking advantage of the fact that indebted Jews sometimes pawned their underage sons and daughters, tried by

⁵⁰ *Historia państwa i prawa*, vol. II, p. 336.

⁵¹ Accusations of kidnapping were brought against Regina Rawska (1686), a Lwów beggar, Tomasz Kokoszka (1639), a Jewish navy from Lublin, and a certain Tabaczka, an unlicensed midwife from Poznań (1620) — SA Cracow, RcC 867, p. 203; SA Poznań, RcP I 641, pp. 200-202; SA Lublin, RcL 141, pp. 67-70; Cf. similar documents: SA Poznań, RcP I 641, p. 102v.

⁵² See B. Geremek, *Ludzie marginesu w średniowiecznym Paryżu (The Social Fringe in Medieval Paris)*, Wrocław 1971, pp. 201-202; J. Tazbir, *Okrucieństwo*, p. 130.

⁵³ T. Wasilewski, *Tolerancja religijna w Wielkim Księstwie Litewskim w XVI-XVIII w. (Religious Tolerance in the Grand Duchy of Lithuania in the 16th-18th Centuries)*, "Odrodzenie i Reformacja w Polsce", vol. XIX, 1974, p. 127.

⁵⁴ J. Goldberg, *Żydowscy konwertyci w społeczeństwie staropolskim (Jewish Converts in Old Polish Society)*, in: *Spółczeństwo staropolskie. Studia i szkice*, vol. IV, ed. A. Izydorczyk and A. Wyczański, Warszawa 1986, p. 209.

hunger and beating to force Jewish children to convert to Catholicism. Sometimes they succeeded, but there were also cases when the young Jews refused to eat non-kosher food and starved⁵⁵. Trying to find a way out, Jewish communities sent supplications, asking “that our children should not be harmed by clergymen and the mob, for they are caught in villages and their homes and forced to convert to Catholicism”⁵⁶.

Even though it was clearly stated in canon law that a voluntary choice of the spouse was an indispensable condition of marriage, decisions in this respect, especially with regard to daughters, were in the hands of parents. Many young girls were forced to marry old men. Age was not taken into consideration in the case of inmates of almshouses, orphans and converts, and sometimes even ten-year-old girls were married⁵⁷.

The fate of girls who for various reasons were placed in convents was not always a happy one. Even seven-year-old daughters of townsmen and noblemen were “locked” in convents for life⁵⁸.

The practice of forcing small children to beg, in the belief that they would stimulate people's generosity, is widespread even today. To curtail the scale of this practice the statutes of some beggars' confraternities in Western Europe envisaged that each professional beggar should have no more than four small (several-year-old) helpers⁵⁹. The ordinance issued by the Wilno beggars' corporation in 1636 included the following provisions: “Women should not lie with their children in the streets... boys from villages should not be allowed to beg, they should go into

⁵⁵ J. Goldberg, *op. cit.*, pp. 209–210.

⁵⁶ Quoted after J. Goldberg, *ibidem*.

⁵⁷ J. Goldberg, *op. cit.*, p. 227; M. Surdacki, *Małżeństwa wychowanek szpitala św Ducha w Rzymie w XVII-XVIII w. (Marriages of the Wards of the Holy Spirit Hospital in Rome in the 17th and 18th Centuries)*, “Kwartalnik Historii Kultury Materialnej”, vol. XLIV, 1996, № 2, p. 148.

⁵⁸ Teresa Kotowiczówna, daughter of Wilno castellan, Klara Bielińska, a sickly disabled daughter of Poland's swordbearer and Anna Bokumówna, a crippled granddaughter of the court marshal Jan Klemens Branicki were all put in the convent of Sisters of the Visitation in Warsaw at the age of five. B. Fabiani, *Warszawska pensja panien wizytek w latach 1655–1680 (The Visitation Sisters' Boarding School in Warsaw in 1655–1680)*, in: *Warszawa XVI-XVII wieku*, № 2, Studia Warszawskie, vol. XXIV, ed. A. Wawrzyńczykowska and A. Sołtan, Warszawa 1977, pp. 186–187.

⁵⁹ B. Geremek, *Świat “opery żebraczej”*, p. 202.

service ... the blind should not employ small boys to lead them, the lame who see should lead the blind"⁶⁰.

There is a lack of information on small children being maimed and sold to professional beggars in the Polish-Lithuanian Commonwealth. This did happen in France and Spain where so-called *dacianos* prowled around, broke the arms and legs of small children, gouged their eyes out or cut off their feet. Then they sold the crippled children at a great profit to professional beggars⁶¹.

Because of difficult material conditions, rape, extramarital pregnancy or the fear of discrimination, many poor women in town and country (domestic servants, seasonal workwomen, very poor tradeswomen) as well as women from the social fringe and the criminal underworld (beggars, prostitutes, thieves) decided to abandon their newborn baby or infant. Such deeds, which could lead to the death of the unwanted child, were severely punished. Article 81 of *Constitutio Criminalis Carolina* said: "If a child forsaken by its mother who wants to renounce it and know nothing about it is found and brought up and the woman responsible for the deed is later found, she should be punished according to the advice of persons proficient in the law, but not by death. And if the forsaken child, before its whereabouts is known, dies as a result of having been abandoned ... she should be punished in limb or in life"⁶².

The fact that desperate mothers usually left their newborn babies near churches, convents, hospitals, houses or busy streets⁶³ seems to indicate that they hoped the baby would soon be found. Nevertheless, many died; those that survived were placed with wet-nurse employed by the Church or municipal authorities⁶⁴ or were taken in by an almshouse. There were not many charity institutions engaged in the care of foundlings and small orphans in Polish towns. The odelst was the Holy Spirit hospital in Cracow founded in the late Middle Ages⁶⁵. In Gdańsk

⁶⁰ LVIA, Magdeburgia wileńska 5102, pp. 170v-171.

⁶¹ B. Geremek, *Ludzie marginesu*, pp. 201-202; idem, *Świat "opery żebraczej"*, pp. 147, 211; J. Tazbir, *Okrucieństwo*, p. 130.

⁶² B. Groicki, *Artykuły*, p. 159. Cf. D. Janicka, *op. cit.*, p. 96; Z. Kropidłowski, *op. cit.*, p. 117.

⁶³ Cf. A. Karpiński, *Pauperes*, p. 344; M. Sierocka-Pośpiech, *op. cit.*, p. 80.

⁶⁴ A. Karpiński, *Pauperes*, pp. 280, 344; idem, *Kobieta*, pp. 99-101.

⁶⁵ K. Antosiewicz, *op. cit.*, p. 53.

a similar institution was set up in the first half of the 16th century, in Warsaw and Wilno — nearly two hundred years later⁶⁶.

The accounts of the institutions mentioned above show how widespread the abandonment of children was. For instance, in 1601–1613 the Holy Spirit hospital in Cracow gave refuge to some 1,200 foundlings⁶⁷ and the respective institutions in Gdańsk and Warsaw sheltered an average of several dozen foundlings a year⁶⁸. Girls predominated among the foundlings; they were forsaken by their parents usually in the first week after their birth⁶⁹. Some of them remained under the care of a hospital wet-nurse, others were sent to the country. The latter practice resembled the custom widespread in the West, where nobility and rich burghers used to send their children to the provinces to be raised by village women. The high death rate of the children sent to villages has aroused the researchers' suspicion that this may have been a concealed form of infanticide⁷⁰.

Hospital statistics show that the majority of the babies in the homes for foundlings died in the first few weeks after their admission. For instance, out of the 314 newborn babies admitted to Gdańsk's Children's Home in 1740–1749, 290 died, in Warsaw's Foundling's Home the annual death rate in the 1760s was between 50 and 80 per cent, and in Cracow's Holy Spirit Home of the 250 infants placed there in 1747–1748, only 22 were still

⁶⁶ Cf. LVIA, Fond 694 op. I 60, p. 186v; Z. Kropidłowski, *op. cit.*, p. 118; Z. Podgórska-Kławe, *op. cit.*, pp. 113–115. Orphanages were another institution that looked after parentless children. In the 17th century two institutions of this kind operated in Warsaw: St. Benon's hospital (for boys), set up in the 1620s and the orphanage of the Sisters of Charity (for girls), erected in 1659. A. Karpiński, *Pauperes*, pp. 271–272, 275. For institutional care of foundlings in Western Europe see: K. Antosiewicz, *op. cit.*, pp. 48–49; Ch. Black, *Italian Confraternities in the Sixteenth Century*, Cambridge–New York–New Rochelle–Melbourne–Sydney 1989, pp. 201–206; M. Surdacki, *Dzieci porzucone*, pp. 84–85; A. Wyrobisz, *Rodzina w mieście*, pp. 312–313.

⁶⁷ K. Antosiewicz, *op. cit.*, pp. 56, 61. *Some Roman, Florentine and Venetian almshouses admitted several hundred foundlings a year* (Ch. Black, *op. cit.*, pp. 192, 200–206).

⁶⁸ Cf. Z. Kropidłowski, *op. cit.*, p. 121; Z. Podgórska-Kławe, *op. cit.*, pp. 118–120.

⁶⁹ Cf. Ch. Black, *op. cit.*, pp. 201–206; C. Delasselle, *op. cit.*, p. 199; M. Sierocka-Pośpiech, *op. cit.*, p. 80; A. Wyrobisz, *Rodzina w mieście*, p. 317.

⁷⁰ Cf. I. Gieysztorowa, *Rodzina staropolska*, p. 168; A. Wyrobisz, *Rodzina w mieście*, p. 313.

alive at the beginning of 1749⁷¹. These figures are very significant even if we compare them with the death rate of children up to the age of one, which amounted to 33–35 per cent of all live births. This was due to the fact that many foundlings were seriously ill when they were admitted to a hospital and also to the low level of hygiene, which in these dirty, overcrowded institutions led to frequent epidemics. No less responsible were the heavy diet, dirt, insects and lack of proper medical care. Even when a foundling was saved, its chance of survival in a hospital or under the care of a village wet-nurse was much smaller than in a family. It is no exaggeration to say that in practice a mother who abandoned her unwanted child unintentionally sentenced it to death.

Not only the murder of a newborn baby but also abortion was considered a crime. It was committed mainly by very poor women and women from the social fringe. Abortion was liable to cruel, sophisticated penalties. Groicki says in his commentaries that “A woman who kills her live foetus whose limbs are recognisable ... should, in accordance with the custom, be buried alive and pierced with a stake. She may be drowned in order not to plunge other women into depression by the severity of the punishment. However, should such a cruel deed happen frequently in a province or town, such an evil woman should be punished in the former manner in order to frighten evil women and teach them a lesson, or before being drowned such a woman should be tormented with burning-hot tongs”⁷². Since this offence was regarded as one of the gravest crimes, attempts were always made to find the perpetrator as quickly as possible. Suspected girls were observed, carefully examined⁷³, midwives were consulted and torture was used.

It is difficult unequivocally to define the motives of infanticide in the light of the extant sources, most of which are depositions

⁷¹ J. Kracik, M. Rożek, *op. cit.*, p. 125; Z. Kropidłowski, *op. cit.*, p. 121; Z. Podgórska-Klawe, *op. cit.*, p. 121; cf. K. Antosiewicz, *op. cit.*, pp. 64–65; M. Surdacki, *Dzieci porzucone*, pp. 102–106.

⁷² B. Groicki, *Artykuły*, pp. 157–158. Cf. D. Janicka, *op. cit.*, pp. 50–51.

⁷³ Paragraph VIII of *Constitutio Criminalis Carolina* envisaged the following procedure in such cases: “a woman who after having a big belly no longer has it and is emaciated and is therefore suspected of having committed such an act should confidentially and in secret be taken to staid, wise women, and should other signs appear in the course of such an examination ... that is, should milk come out of her breasts and should she deny (her offence) she can be put to torture”. (B. Groicki, *Artykuły*, p. 112).

made in law courts and reports on executions and trials. It seems that the main role was played by psychological and emotional factors: fear of local ostracism and condemnation, the feeling of having discredited the family and the employer, an irrational fear and dislike of the newborn baby caused by the post-natal shock⁷⁴. Some of the accused women said that the devil made them do the repulsive thing, others said they felt some undefined inner pressure⁷⁵. Only a few of the accused tried to explain the murder by their difficult economic situation or the fear of losing their job⁷⁶. The lack of economic reasons is rather surprising in view of the living conditions of poor single mothers and the fact that in all probability they would have to live in abject poverty and would find no permanent job.

The scale of infanticide is unknown for the courts dealt only with cases which were reported by a neighbour or a member of the household. Moreover, let us not forget that the death rate of newborn babies was very high — which undoubtedly weakened social suspicious and impeded investigation — and that some plebeian women kept moving about, which made it easier for them to efface the traces of their crime. As a result, only a small percentage of persons who might have committed infanticide were brought to court. According to Marcin Kamler's calculations infanticide trials held in the courts of Cracow, Poznań and Lublin in the 16th and 17th centuries accounted for only 0.8 per cent of all criminal cases heard there⁷⁷. This does not seem to be a precise figure for in Lwów, for instance, girls accused of infanticide accounted for about a tenth of all killers and murderers sentenced there in 1598–1678⁷⁸. In Warsaw women-infanticides accounted for nearly 12 per cent of all criminals executed in the 16th and early 17th centuries and in Gdańsk for over 13 per cent of all women brought to trial in 1558–1731⁷⁹.

⁷⁴ Cf. HA Lviv, RcLv 311, p. 516; SA Cracow, RcC 864, p. 60; RcC 867, p. 221; SA Lublin, RcL 141, p. 96; SA Poznań, RcP I 639, pp. 15v–16; RcP I 643, p. 28v; RcP 662, pp. 5v, 52–52v; M. Kamler, *Infanticide*, pp. 39–40; J. Kracik, M. Rożek, *op. cit.*, p. 156.

⁷⁵ Cf. M. Kamler, *Infanticide*, p. 39; A. Karpiński, *Kobieta*, p. 328.

⁷⁶ For instance, SA Poznań, RcP I 639, p. 115; RcP I 641, pp. 106–106v.

⁷⁷ M. Kamler, *Infanticide*, p. 31.

⁷⁸ A. Karpiński, *Przestępczość we Lwowie*, p. 761.

⁷⁹ R. van Dülmen, *op. cit.*, p. 48; A. Karpiński, *Pauperes*, pp. 239–240.

Of the nearly 100 well known Polish infanticides over 90 per cent were women. The men mentioned in these cases were usually accomplices who helped to efface the traces of crime. More than nine-tenths of the murderers of newborn babies were servants in burghers' houses, the others were workwomen, prostitutes, vendors and needlewomen; young women-artisans were an exception⁸⁰. More than a half of the accused came from craftsmen's families in large and small towns; but some were peasant women living in villages near a large urban centre⁸¹.

Unmarried women with illegitimate infants predominated in the analysed group⁸². They were helped by distant relatives⁸³ or by some poor persons met incidentally. The fathers of the illegitimate children were mostly employers of the accused women, municipal workers or journeymen.

Marcin Kamler vividly describes the difficult living conditions of the future infanticides, their social isolation, the contempt in which they were held, expulsion from the home and dismissal from work. In his opinion this was the real reason why the women hid their unwanted pregnancy from the family and employers. Many pregnant women tried to prevent the birth of their child by abortion. Advised by quacks and midwives, they drank all kinds of herbal brews, took hot baths, resorted to blood-letting; some tried to lift heavy loads to provoke the hoped-for miscarriage⁸⁴. We do not know how effective these practices were and how many

⁸⁰ A. Karpiński, *Kobieta*, p. 329.

⁸¹ Cf. M. Kamler, *Infanticide*, p. 33 ff; A. Karpiński, *Kobieta*, p. 329.

⁸² Of the ca. 40 infanticides about whom we have adequate information 83 per cent were unmarried women. Among the murderers of newborn babies whose cases were examined by M. Kamler there was not a single widow or married woman (idem, *Infanticide*, p. 33 ff).

⁸³ For instance, in 1549 Anna Paplewska from Sołacz admitted in Poznań she had killed her daughter Jadwiga's illegitimate newborn baby (SA Poznań, RcP I 638, pp. 148–148v; W. Maisel, *op. cit.*, p. 220); in 1610 Helena from Radzimirzyce, aunt of the infanticide Zofia from Krzeszowice, was executed in Cracow for being an accessory to the crime (SA Cracow, RcC 864, p. 341; J. Kracik, M. Rożek, *op. cit.*, p. 156; M. Kamler, *Infanticide*, pp. 36–38).

⁸⁴ Cf. SA Poznań, RcP I 639, p. 115; SA Cracow, RcC 864, p. 341; RcC 3563 — the case of a certain Smońkowicz from 1719, s. 1.; Akta miasta Kazimierza — Records of the town of Kazimierz (henceforth referred to as RtKaz) 268, pp. 76–77; M. Dąbrowska-Zakrzewska, *Procesy o czary w Lublinie w XVII i XVIII wieku (Trials for Witchcraft in Lublin in the 17th and 18th Centuries)*, Lublin 1947, pp. 9–10, 33–34; W. Maisel, *op. cit.*, p. 220; J. Riabinin, *Prawo małżeńskie wedle praktyki miejskiej lubelskiej w XVII wieku (Marriage Law in Lublin's Municipal Practice in the 17th Century)*, Lublin 1933, p. 17.

women resorted to them. But the fact that they did happen means that a certain percentage of the offenders were determined to commit the crime of infanticide.

The circumstances in which these unwanted children were born and murdered are described in many depositions. The girl was usually alone, the birth took place in a secluded place (a recess, garden, cellar, lavatory) in conditions which defied the most elementary principles of hygiene. The crime was always committed immediately after the delivery, the mother strangling, smashing or drawing the unwanted child. The accounts are still shocking: "... the baby was alive and was crying, and she at once ... stoped its mounth ... wrapped it up in an apron, buried it in the recess and put tubs with butter on the place, this is where the townhall workers found it" (Helena from Radzimierzycze, a servant in Cracow, daughter of a wandering singer, 1610); "when the baby came into the world I put it under the quilt ... and after throwing the baby into the lavatory, I plunged it into the filth" (Barbara from the village of Wielkie, a servant in Lublin, 1646); "she put her hand into the mouth of her live prematurely born baby, conceived in harlotry, so that it should not cry and with the other hand she took it up by the neck and strangled it ... she covered the strangled child with hay and put it under the thatch" (Regina Baranowszczanka from Lwów, 1658); "she gave birth to a live child in the recess downstairs in the forenoon, and having borne it, she took it up from the ground, took it to the lavatory and threw it in, then she poures those things into a pot and trew the pot into the lavatory" (Kachna from Lepnica, a Cracow servant, 1563); "she bore a live child in the recess upstairs ... when it started to cry, she broke its neck, put it into a pot and left it in the recess" (Agnieszka Lechówna, a Poznań servant, 1583); "when her time came, she went into the garden, bore the child there, and when it was born, she stopped its mouth, strangled it and buried it in a garden patch" (a Cracow servant, Katarzyna, from the village of Czebrowice, 1557)⁸⁵. In all such

⁸⁵ SA Cracow, RcC 864, pp. 60, 139, 341; SA Poznań, RcPI 639, p. 233v; HA Lviv, RcLv 302, pp. 256-257; SA Lublin, RcL 142, pp. 547-548. Cf. also records from Wilno LVIA, Magdeburgia wileńska 5339, p. 557; A. Karpiński, *Prostytutki, złodziejki, czarownice. Z badań nad kobiecą przestępczością w Poznaniu w drugiej połowie XVI i w XVII wieku (Prostitutes, Thieves, Witches. Studies on Crimes Committed by Women in Poznań in the Late 16th and 17th Centuries)*, "Kronika Miasta Poznania", N° 1-2, 1993, p. 128; i d e m, *Przestępczość we Lwowie*, p. 761.

cases the infanticides tried to hide the baby's body quickly, but they seldom left the town in which they committed the crime. They may have thought that they were safe and anonymous in a town.

In cases of infanticide the investigation was usually very thorough. In addition to interrogation, accompanied by torture⁸⁶, the suspected women had to go through a medical examination, and a *post-mortem* was carried out on the body of the murdered child. The first treatises which were to make it easier to establish whether a crime had been committed appeared in the 17th century⁸⁷. Expert midwives were also consulted for they could sometimes establish whether the baby was stillborn or murdered. Their opinion could seal the suspected woman's fate, as was the case in Cracow in 1681. Zofia Kuźnicka, a midwife who gave evidence in the trial of Zofia from Zwierzyniec, undermined the defendant's line of defence (a mishap), stating that "it is impossible to bear a child in the place she mentions for there is no room there and there was no trace of a birth having taken place there ... the child ... was born in the kitchen and lay on top with its face up, had she born it there, its head would have sloped down and sunk"⁸⁸. On the other hand, favourable opinions of court experts saved the life of Feska Jaczkowa from Lwów (1654) and an anonymous female servant from Zębrzyce who was brought to court in Cracow in 1694⁸⁹.

To plead guilty or be proved guilty meant death and this is what an overwhelming majority of the several score convicted infanticides were sentenced to. But whereas in Poznań the death sentence was usually carried out in a qualified way (the convict was buried alive and pierced with a stake)⁹⁰ in other towns infanticides were usually decapitated or drowned⁹¹.

⁸⁶ According to M. Kamler torture was not inflicted on infanticides in Cracow and Poznań but this method was applied in Lublin (idem, *Infanticide*, pp. 33 ff). Some women suspected of infanticide were tortured in Warsaw and Lwów (CAHR, Warszawa Ekonomiczne (henceforth referred to as WE) 245, pp. 90, 439; HA Lviv, RCLv 302, pp. 94, 236-237; RCLv 312, pp. 634-635).

⁸⁷ Cf. F. Giedroyā, *op. cit.*, pp. 7-8.

⁸⁸ SA Cracow, RCLv 867, p. 76v.

⁸⁹ It was proved that these were both stillbirths (HA Lviv, RCLv 302, pp. 232-233; SA Cracow, RCLv 869, p. 396).

⁹⁰ This cruel punishment was inflicted, for instance, on the Poznań women Anna Skultetówna (1548), Anna Trelkówna (1554), Elżbieta from Turwia (1555), Anna Sloninówna (1557), Agnieszka Lechówna (1583) and Regina from Poznań (1592)

Things looked different if it was not proved that the defendant committed the murder deliberately with premeditation. But she was seldom acquitted. In such cases the sentence usually envisaged flogging, expulsion or both⁹².

The widespread use of corporal punishment or other forms of violence against children sometimes led to their death. It sometimes happened that a drunk, aggressive man unintentionally killed his son, daughter⁹³ or an accidentally met boy who angered him in one way or another⁹⁴. There were also premeditated murders, the perpetrators of which were sentenced to death. Marta Golczewska confessed to the Poznań court in 1544 that “she stabbed her daughter Helena in the throat, killing her ... out of sheer spite” and added that she “also knifed her stepdaughter Barbara who could already walk and speak”. She was sentenced to be buried alive and be pierced with a stake for this double murder⁹⁵. In 1660 a certain Szymon Zganiacz from Lwów knifed Leszek, an underage son of Paraszka from Opary. In 1578 Sebastian from Bochnia, a Cracow thief and burglar, killed Jadwiga, a gunsmith’s wife and her several-month-old

as well as on the Cracow woman Małgorzata Olizowczanka from Zarzecze (1595) and the Lwów woman Jadwiga from Rzeszów (1629) — SA Poznań, RcP I 638, p. 138v, 187; RcP I 639, pp. 2, 15v–16v, 233v; RcP I 640, p. 39; SA Cracow, RtKaz 266, p. 212; HA Lviv, RcLv 302, p. 94; cf. also CAHR, WE 240, p. 134.

⁹¹ For instance, in 1557–1563 three murderers of newborn babies, Katarzyna from Czebrowice, Marusza from Pilcza and Kachna from Lepnica, were drowned in Cracow, and in 1640 two Lublin infanticides, NN Jadwiga and NN Katarzyna, were decapitated and quartered after their death — SA Cracow, RcC 864, pp. 60, 139; SA Lublin, RcL 141, pp. 92, 97; as regards Lwów cf. HA Lviv, RcLv 302, pp. 237, 259; RcLv 312, p. 635; for Gdańsk see D. Kaczor, *Władza i przestępcy. Sankcje karne za przestępstwa kryminalne w Gdańsku XVI–XVIII wieku (The Authority and the Criminals. Legal Sanctions for Criminal Offences in Gdańsk 16th–18th Centuries)*, in: *Mieszczanieństwo gdańskie*, Gdańsk 1997, pp. 166–167.

⁹² Cf. A. Karpiński, *Kobieta*, p. 333; H. Łaszkiwicz, *op. cit.*, pp. 143–144.

⁹³ Cf. SA Cracow, RcC 867, p. 304; W. Karkucińska, A. Pawlaczek, J. Wiesiołowski, *Księga cudów poznańskiego kościoła Bożego Ciała (Book of Miracles of the Corpus Christi Church in Poznań)*, “Kronika Miasta Poznania”, N° 3–4, 1992, p. 108.

⁹⁴ For instance in 1586 Jan Wioteska from Jazdów killed an underage hospital inmate in Warsaw, a Cracow servant Andrzej killed the son of Andrzej Herman in 1692, and in 1508 Jan Dobrostański, a nobleman from the neighbourhood of Lwów, killed a pupil who was asking him for something (CAHR, WE 215, p. 179v; SA Cracow, RcC 869, p. 106; B. Zimorowicz, *Historia miasta Lwowa (A History of the City of Lwów)*, ed. M. Piwocki, Lwów 1835, p. 151).

⁹⁵ SA Poznań, RcP I 638, p. 83v.

baby, and in 1585 Piotr Janowski, a rapist from a place near Poznań, murdered a girl he had previously raped⁹⁶.

It is possible that the Christian children allegedly murdered by Jews were victims of manslaughter or homicide. What I mean is not that the Jewish communities committed ritual murders, for this has been proved to be a product of a sick imagination, but that the majority of these cruel trials started with the discovery of the body of a small child, usually injured or maimed⁹⁷. The child could have of course been killed in an accident but it could also have been murdered by an unknown pervert.

Like all adult civilians, children often fell victim to massacres during hostilities, various tumults and pogroms in towns. Since violence inflicted on minors could be the subject of a separate extensive study, let me only signal some questions connected with this issue. There is not a shadow of a doubt that soldiers, irrespective of their nationality, were extremely cruel to women and children. The following passage describes the crimes committed against Jews in Ukraine by Bohdan Chmielnicki's Cossacks in the middle of the 17th century: "... they disemboweled pregnant women and put a live cat into their bellies ... they hung infants on their mothers' breasts, they stuck other children on roasting spits, made a fire, roasted the children and brought them to the mothers to eat"⁹⁸. This cruel description taken from Natan Hanover's Jewish chronicle is probably not exaggerated for Polish soldiers behaved in a similar way in the Duchy of Moscow during the Time of Troubles (1605–1613) and during the brutal pacification of Transylvania in 1657–1658⁹⁹.

Cruelty was a characteristic feature of religious tumults which kept recurring from the end of the 16th century and led to

⁹⁶ SA Poznań, RcP I 639, p. 269; SA Cracow, RtKaz 266, pp. 110–112; HA Lviv, RcLv 302, p. 269. Cf. also HA Lviv, RcLv 305, pp. 242–243; W. Maisel, *op. cit.*, p. 222.

⁹⁷ See for instance, CAHR, OW 540, p. 107v; SA Lublin, RcL 140, pp. 395–399; F. Giedroyć, *op. cit.*, pp. 63, 66–67; Z. Guldon, J. Wijaczka, *Procesy o mordy rytualne w Polsce XVI–XVIII wieku (Ritual Murder Trials in Poland from the 16th to the 18th Century)*, Kraków 1995, pp. 12, 96–101; J. Tazbir, *Okrucieństwo*, pp. 56–61.

⁹⁸ Quoted after J. Tazbir, *Okrucieństwo*, p. 165.

⁹⁹ *Ibidem*, p. 105.

the death of many children. Some of the little martyrs became objects of a specific cult promoted by their co-religionists¹⁰⁰.

Aggressiveness and ruthlessness were the characteristic traits of organisers of Jewish pogroms. One such pogrom organised by Stefan Czarniecki's soldiers at Łęczyca in 1656 was described as follows by an anonymous informant: "In the chaos they (i.e. Jews), women and children, were killed and fire devoured an even greater number. A certain nobleman ... gave instructions to collect all small Jewish children, most of them were half burned"¹⁰¹.

In concluding this survey of various forms of aggression and violence against children let us say a few words about children's criminal responsibility. Under the law of Magdeburg persons below the age of 14 could not be tortured and children below the age of seven could not be sentenced to death¹⁰². Lithuanian law was much more liberal in this respect for it did not allow offenders below the age of 16 to be sentenced to death¹⁰³. Naturally, these regulations were not always observed and many underage offenders were put in the pillory, imprisoned and tortured.

In the case of some offences, in particular witchcraft, collective responsibility was applied, that is, sons and daughters were considered responsible together with their parents. It follows from the research conducted by B. Levačková and R. Briggs that in the 16th and 17th centuries children in many regions of Europe were sent to the stake together with their mothers accused of witchcraft¹⁰⁴. There is no confirmation of these practices in extant Polish sources, but underage daughters of Polish witches were

¹⁰⁰ *Ibidem*, p. 125. Cf. also S. Bylina, *Okrucieństwo w rewolucji husyckiej. Świadectwo Wawrzyńca z Brezowej (Cruelty during the Hussite Revolution. Testimony by Wawrzyniec from Brezowa)*, in: *Kultura staropolska — kultura europejska. Prace ofiarowane Januszowi Tazbirowi w siedemdziesiątą rocznicę urodzin*, Warszawa 1997, pp. 125–126.

¹⁰¹ Quoted after L. Lewin, *Die Judenverfolgungen im zweiten schwedischen-polnischen Kriege 1655–1659*, Poznań 1901, p. 11.

¹⁰² J. Kracik, M. Rožek, *op. cit.*, pp. 53–54, 60.

¹⁰³ J. Tazbir, *Okrucieństwo*, p. 126.

¹⁰⁴ For instance, during the infamous witch-hunt in Würzburg underage children accounted for about a quarter of the 160 "Satan's accomplices" burned there in 1627–1629, and in Nysa 21 children, all below the age of 15, were sent to the stake in 1651. K. Lamprecht, *Hexenverfolgung und Zaubereiprozessen in den schlesischen Territorien*, Köln 1995, p. 612. Cf. also R. Briggs, *Witches and Neighbours. The Social and Cultural Context of European Witchcraft*, London 1996, pp. 233–237.

interrogated in courts, the assumption being that through their daily association with the alleged witch they could have acquired the skill of white and black magic. This is why they were often sentenced to undergo preventive flogging¹⁰⁵.

This outline of child abuse does not exhaust the subject. Many questions have only been signalled here. Their full explanation will require solid additional research. It is interesting that many practices which are controversial or even censurable today were, to a greater or smaller extent, approved of by society at that time (corporal punishment, the fact that parents determined the career of their children, child labour, abandonment of children) while other (procuring, rape, infanticide) were, and still are, regarded as objectionable and repulsive.

Some forms of violence (trials of juvenile witches, the maiming of small children) are not documented in Polish early modern sources. In my opinion this does not mean that Polish society was on a higher level of civilisation but is due to the different character of some social processes in Poland and the paucity of sources. A city dweller in Poland could be very cruel to his/her own and other people's children. This is confirmed by statements made during the trials of infanticides, rapists and pimps and by chronicles of war-time massacres and religious pogroms.

The forms of aggression and violence against children did not change significantly in the course of the three hundred years analysed here. What is more, many are still used in our times, to mention only indiscriminate beating, procuring, child prostitution, paedophilia, rape and infanticide.

The daily association with aggression, force and violence could exert an influence on children's character. It could make them callous, inculcate censurable principles in them and even

¹⁰⁵ Cf. B. Baranowski, *Życie codzienne małego miasteczka w XVII i XVIII wieku (Everyday Life in a Small Town in the 17th and 18th Centuries)*, Warszawa 1975, p. 169; J. Kracik, M. Rożek, *op. cit.*, pp. 112–113; J. Kwak, *Obyczajowość mieszkańców miast górnośląskich w XVI–XVIII wieku (The Morals of the Inhabitants of Upper Silesian Towns in the 16th–18th Centuries)*, Opole 1986, p. 20; S. Wasylewski, *Sprawy ponure. Obrazy z kronik sądowych wieku Oświecenia (Dismal Cases. Pictures from Law Court Chronicles of the Age of Enlightenment)*, Kraków 1963, p. 34.

cause sexual deviation. In consequence, this could lead to the depravation of juveniles, especially those from poor families, the social fringe and the criminal underworld, circles in which violence was rife.

(Translated by Janina Dorosz)