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WOMEN IN A SMALL POLISH TOWN IN THE 16th–18th CENTURIES

Not many researchers have taken an interest in the situation of townswomen in pre-partition Poland. The studies that have been published so far concern mainly large urban centres: Warsaw, Poznań, Cracow and Gdańsk and deal, first and foremost, with detailed questions, e.g. woman's role as mother and wife, the education of girls, women's occupations, females on the fringes of society¹. We know less about the problems of women in small towns. This is what I want to present taking Wojnicz, a small town in Little Poland, as an example.

Wojnicz, which was founded before 1278, played an important trade role up to the middle of the 15th century. It had a custom-house, a market, well developed handicrafts as well as meat, bread, salt, clothing, shoemakers' and butchers' stalls. Owing to the increasing importance of neighbouring Tarnów, Wojnicz began to decline economically in the 15th century². In

¹ E. Charewiczowa, *Kobieta w dawnej Polsce (Woman in Old Poland)*, Lwów 1937; M. Bogucka, *Białogłowa w społeczeństwie polskim XVI–XVIII wieku na tle porównawczym (Woman in Polish Society in the 16th–18th Centuries against a Comparative Background)*, Warszawa 1998; eadem, *Rodzina w polskim mieście XVI–XVIII w.: wprowadzenie w problematykę (The Family in Polish Towns in the 16th–18th Centuries: an Introduction to the Problem)*, "Przegląd Historyczny", vol. LXXIV, 1983, № 3, pp. 495–506; A. Karpiński, *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; idem, *Przekupki, kramarki, straganiarki. Zakres feminizacji drobnego handlu w miastach polskich w drugiej połowie XVI i w XVII wieku (Women Vendors, Hucksters, Stall Keepers. The Feminisation of Small Trade in Polish Towns in the Late 16th and 17th Centuries)*, "Kwartalnik Historii Kultury Materialnej", vol. XXXVIII, 1990, № 1–2, pp. 81–91; idem, *Prostytucja w dużych miastach polskich w XVI i XVII wieku (Prostitution in Large Polish Towns in the 16th and 17th Centuries)*, *ibidem*, vol. XXXVI, 1988, № 2, pp. 277–304; A. Wyrobisz, *Staropolskie wzorce rodziny i kobiety — żony i matki (Old Polish Patterns of the Family and Woman — Wife and Mother)*, "Przegląd Historyczny", vol. LXXXIII, 1992, № 3, pp. 405–421.

the 16th century it had 1,000 inhabitants and was a typical small town in the Polish–Lithuanian Commonwealth³.

The documents issued by the urban authorities, that is, councillors', chief officers' and benchers' records as well as testaments and inventories, make it possible to analyse the situation of the female inhabitants of Wojnicz⁴. Their legal status can be gauged on the basis of the printed collections of Magdeburg law and the commentaries on them⁵. According to this law, a woman became "proficient" at the age of 13 and reached the age of "discernment", that is maturity, when she was 21 years old⁶. When she reached the age of "proficiency" a girl was entitled to get married and come into an inheritance if she was an orphan; she also became responsible for her deeds. But neither "proficiency" nor "discernment" relieved her of male tutelage, the guardianship exercised by her father, husband or another male protector. In practice, a woman's legal situation depended, to a large extent, on her marital status. Unmarried girls who were still under the protection of their father or another guardian were not allowed to take any independent decisions, not even to choose a husband. Under urban law, the husband became after marriage a life-long guardian of his wife and had use of her property. Widows enjoyed the greatest independence, especially if they were independent financially. They could choose a new husband themselves, were allowed to engage in trade and handicrafts and take decisions concerning their property⁷.

² J. Szymański, *Wojnicz. Dzieje i zabytki (Wojnicz. Its History and Treasures)*, Wojnicz 1967, pp. 19–22.

³ In literature Wojnicz is regarded as a third category town; M. Bogucka, H. Samsónowicz, *Dzieje mieszczaństwa w Polsce przedrozbiorowej (The History of Townspeople in Pre-Partition Poland)*, Wrocław 1986, p. 117.

⁴ Source materials concerning the history of the town of Wojnicz have been published in the last few years under the auspices of the Society of the Friends of the Wojnicz Region. See the commentary in "Kwartalnik Historii Kultury Materialnej", vol. XLIX, 2001, № 1–2, pp. 139–140.

⁵ B. Groicki, *Artykuły prawa magdeburckiego. Postępek sądów około karania na gardle. Ustawa płacej u sądów (Articles of Magdeburg Law. Court Proceedings in Cases Punishable by Death. Rules Concerning Law Costs)*, ed. K. Koranyi, Warszawa 1954; *idem*, *Obrona sierot i wdów (Defence of Orphans and Widows)*, ed. J. Sawicki, Warszawa 1958; *idem*, *Porządek sądów i spraw miejskich prawa magdeburckiego w Koronie Polskiej (The Arrangement of Law Courts and Municipal Matters under Magdeburg Law in Poland)*, ed. K. Koranyi, Warszawa 1953.

⁶ B. Groicki, *Artykuły*, p. 190; *idem*, *Obrona*, p. 109.

⁷ A. Karpiński, *Kobieta w mieście polskim*, pp. 23, 26–27.

The law deprived women of most public rights; a woman was not allowed to hold any office or position; nor was she allowed to testify in court or before the municipal council on her own behalf. Her interests had to be defended by her husband, her guardian (if she was unmarried or a widow) or by a plenipotentiary⁸. The latter was appointed by the office or by the husband in his testament. Sometimes the woman herself appointed her plenipotentiary⁹. This was done, for instance, by Regina Mierzwińska who in 1616 appointed her brother-in-law, Marcin Suchowicz, as her plenipotentiary¹⁰. In B. Groicki's commentaries there is a note saying that "women may not testify for they change their words and give differing testimonies"¹¹. But in the documents of Wojnicz women appear as witnesses in cases concerning slander, battery, claims for damages, boundary disputes and the like¹².

Groicki wrote that a woman could not become a guardian of her children after her husband's death: "According to old laws, no woman, even (the children's) mother and her old mother, can be a guardian, for this is a position that belongs to men and not to women", but further on we read: "According to ordinary, inferior laws, a mother and the old mother can become guardians of their children and of the children's property, in addition to acquiring the protection of a superior lord, and they have precedence over the guardians appointed by the office"¹³. Even when a father did not entrust the guardianship over the children to their mother in his testament, the children were taken away from her only if she was a depraved person. What the guardian looked after was rather the property and education of the orphans. In practice, women took care of their own and even other persons'

⁸ It is stated in the commentaries to Magdeburg Law: "Women should have guardians to look after everything. First because they cannot act as witnesses. Secondly, because they themselves may neither bequeath nor give anything away, neither can they raise claims, only through a guardian", B. Groicki, *Artykuły*, p. 15.

⁹ Wojnicz sources contain several dozen bequests in which husbands, guardians or plenipotentiaries act on behalf of women, for instance, *Księgi mjejskie wojnickie (Wojnicz Municipal Records)*, henceforward referred to as *Księgi*, vol. I: *Advocatallia 1575–1627*, ed. J. Szymański, Wojnicz 1995, pp. 17, 18, 20, 22, 26, 29.

¹⁰ *Księgi*, vol. VI: *Consularia woynictensia 1603–1761*, ed. J. Szymański, B. Trelińska, Wojnicz 1997, p. 11.

¹¹ B. Groicki, *Porządek*, pp. 131–132.

¹² *Księgi*, vol. III: *Advocatallia 1630–1660*, ed. J. Szymański, Wojnicz 1995, pp. 27, 64, 70; *ibidem*, vol. VI, pp. 18, 22, 34, 40.

¹³ B. Groicki, *Obrona*, p. 48.

children¹⁴. In 1658 Krzysztof Bliziński appointed his wife Jadwiga to be the guardian of Kaśka, his daughter by his first marriage. He wrote: "I am leaving Kaśka in the care of my wife, Jadwiga, and I ask and admonish Kaśka to obey her as a mother, better than she obeyed her own mother, for she has met with generosity at her hands"¹⁵. In the same year Katarzyna Królowa, a townswo-man, wrote in her last will: "I am leaving my small children to my sister, Jadwiga Królka, to bring them up and in return for this work and care I give her my dowry for good"¹⁶.

The law of inheritance did not discriminate against girls. Sons and daughters could inherit their parents' property in equal proportions¹⁷. Hence the equally divided bequests¹⁸. A part of the legacy (*gerada*) was excluded from the hotchpotch. It included the things a woman brought in as her dowry, for instance, land, cattle, horses and personal belongings, such as dresses, jewel-ery, dishes, bed-clothes and the like. This part of the legacy was inherited by a daughter or the nearest female relative¹⁹; in 1602 a certain Jan Kaldunek, being honest, testified in the presence of aldermen that he had given his wife's dowry to his sister Jadwiga; it comprised "five eider-downs, one large eider-down cover, one pillow-case, one sheet, and one table-cloth"²⁰. A guardian appointed by the deceased parent or by the magistracy looked after the property of an orphaned girl and the girl herself until she got married. He was to be a righteous, just man who could manage the orphaned girl's property appropriately, to her benefit. The guardian had to account for his dealings. The law provided for the punishment of persons who did not administer

¹⁴ In 1656 Jan Matuszowski wrote: "So that their mother should have jurisdiction and power over them and punish them when they are disobedient and unruly", *Testamenty mieszczan wojnickich 1599–1806 (The Testaments of the Townspeople of Wojnicz 1599–1806)*, henceforward referred to as *Testaments*, ed. P. Dymmel, Wojnicz 1997, p. 69; for other texts showing that children were not taken away from their mothers see *ibidem*, pp. 16–17, 33–35, 35–36, 71, 128, 136, 143.

¹⁵ *Ibidem*, p. 77.

¹⁶ *Ibidem*, p. 83.

¹⁷ B. Groicki, *Artykuły*, p. 6.

¹⁸ *Ibidem*, pp. 16–17, 55–56.

¹⁹ B. Groicki, *Artykuły*, pp. 10–12; *Inwentarze mieszczan wojnickich 1588–1822 (Inventories of the Townspeople of Wojnicz 1588–1822)*, henceforward referred to as *Inventories*, ed. B. Trelińska, Wojnicz 1995, pp. 70, 75; A. Karpiński, *Kobieta w mieście polskim*, pp. 29–30.

²⁰ *Księgi*, vol. I, p. 75.

an orphan's property well, who diminished or lost it (even when the guardian was the orphan's father or mother)²¹.

One of women's most important privileges was their right to a dowry, for this enabled them to contract an advantageous marriage. It was the parents' duty to ensure a dowry to their daughters²². The dowry usually consisted of cash, land, grain, livestock, household goods (e.g. dishes), foodstuffs, personal belongings (for instance dresses, bed-clothes, ornaments), and the like²³. It was customary for the bridegroom to compensate the bride, by cash or his property, for the sum she had brought in as her dowry (sometimes the bequest was made immediately after the wedding)²⁴. Such a contract was concluded in 1659 by Wawrzyniec Biały and his wife Apolonia with Grzegorz Michtarowicz from Łysa Góra, who was an organist in Porąbka. Biały gave Michtarowicz his daughter Anna in marriage and a dowry of 200 zlotys in cash and 400 zlotys in kind and the bridegroom gave the bride 600 zlotys in cash²⁵. If an engagement was broken the case could be brought to court and the side which had broken it off had to pay the law costs and damages. When Regina Dułkowa broke off her engagement to Jan Matuszewski the case was brought before the municipal council in Wojnicz in 1630²⁶. Unfortunately we do not know how it was solved.

Marriage was usually almost a commercial transaction. Financial reasons, e.g. the size of the dowry, played the decisive role. After the wedding the husband took control of the wife's property. The Magdeburg law stipulated that "as long as the husband is alive the wife has no control over the dowry and her belongings, that is *utensilibus*, everything is under the husband's control"²⁷. But the same law recognised the principle of the spouses' separate individual property²⁸. In practice, the husband

²¹ B. Groicki, *Obrona*, pp. 22-25.

²² *Ibidem*, p. 89.

²³ *Testaments*, pp. 27-30, 38-41, 43-44; *Księgi*, vol. III, p. 116.

²⁴ *Inventories*, pp. 14-15.

²⁵ *Księgi*, vol. III, p. 116.

²⁶ "16.1.1630 The case of Regina Dułkowa breaking off her engagement to Janusz Matuszewski. 18.1.1630 continuation of the breach of promise case: "evidence given by Kasper Bujakowicz and Adam Czurka from Zakliczyn to whom she has also become engaged", *Księgi*, vol. VI, p. 42.

²⁷ B. Groicki, *Artykuły*, p. 14.

²⁸ M. Bogucka, *Rodzina*, p. 50; A. Karpiński, *Kobieta w mieście polskim*, p. 33.

could not dispose of the wife's property (sell, pawn or give it away) without her agreement. Many transactions, especially the sale and purchase of realty, were concluded jointly by the spouses²⁹. For instance, in 1580 Walenty Szczyglik and his wife Helena Jędrkówna sold Paweł Żyłka a house which stood between the houses of Wojciech Andrzejowicz and Paweł Żyłka and received 23 marks for it³⁰. There are many documents drawn up by spouses who donate each other the property they had. For instance, in 1578 Zygmunt Serafin, a townsman, prompted by "great marital love" gave his property to his wife Małgorzata Hinkówna, who in return bequeathed her property to him³¹; in 1582 Wojciech Chępa and his wife Katarzyna (she acted through her plenipotentiary Jan Mołdawa) gave each other the title deeds to what they owned³²; in 1631 Walenty Giemza and his wife Anna Kubalonka bequeathed their property to each other³³.

In the course of marriage, emotional ties — intimacy, friendship, respect and even love — arose between the spouses. In their last wills the husbands often tried to make their wives secure financially after their death. In 1742 Jan Wolski stated: "to my present wife, Katarzyna, by whom I have the son Franciszek, I give 500 złotych as a dowry; being the mistress of this sum, she can do with it as she pleases and no son has any right to any part of this sum"³⁴. Bequests to wives sometimes include notes saying that the wife has the right to "turn to profit" the property received from her husband, that is, to sell, give away or exchange it³⁵, or that "my lady should make no inventory for anybody in the world; let her be a lady in *suo esse* as she was before"³⁶, in return she had sometimes to pay her husband's debts³⁷. Now and again, a husband bequeathed his property to his wife and gave her "full freedom", but "if she deviates from the paths of virtue, the

²⁹ Notes to this effect can be found in *Księgi*, vol. I, pp. 16, 18, 21, 22, 23, 24, 25, 26, 28.

³⁰ *Ibidem*, p. 21.

³¹ *Ibidem*, p. 17.

³² *Ibidem*, vol. I, p. 29.

³³ *Ibidem*, vol. III, p. 19.

³⁴ *Testaments*, p. 116.

³⁵ "Katarzyna, my wife, is entitled to sell or pawn all my property, movables and immovables", *Testaments*, pp. 38–41, *ibidem*, pp. 69–70.

³⁶ *Ibidem*, pp. 75–77.

³⁷ *Ibidem*, p. 15.

gentlemen guardians should give her only 10 marks"³⁸. Usually the husband bequeathed his property to his wife for life; after her death it was to pass to the children or other persons mentioned in his last will³⁹. What was known as food bequests was another form of ensuring the lives of wives and children, for instance, I am leaving "two cows, two heifers, and six pigs for the nourishment of my children and my wife"⁴⁰. These bequests were prompted by concern for the future of the man's wife and children. But marriage was not always an idyll. There must have also been less peaceable matches which resorted to quarrels and even fisticuffs, but there is no trace of this in the Wojnicz sources. There is only one case of a man complaining that his wife is bad and explaining that this is why he is not bequeathing any part of his property to her⁴¹.

The Wojnicz sources also include bequests which show that married women had their own property and took independent decisions about it in the course of their marriage; this was usually a property inherited from the parents, a dowry or a property inherited from the first husband. In 1627 Anna Stodupka bequeathed the part of the property to which she was entitled after her father's death to the children of her sister Dorota Mysłakowska, "leaving nothing to her husband, for he did not bring anything into the household"⁴². Usually the townswomen bequeathed (or gave) their realty and movables to their husbands, children, close relatives, the Church or a hospital.

Widows and professionally engaged townswomen enjoyed relative freedom and financial independence. There is no doubt that their chief occupation was housework, care of children, work on the family's land, and help in the craft shops belonging to their fathers or husbands. There is no information in sources on whether women belonged to guilds. But the women of Wojnicz were engaged in trade and liquor selling and they also owned bakeries⁴³. They are mentioned in the last wills of their parents

³⁸ *Ibidem*, p. 17-18.

³⁹ *Ibidem*, pp. 16-17, 33-35, 35-36.

⁴⁰ *Ibidem*, ppp. 75-77, 35-36.

⁴¹ *Ibidem*, pp. 129-130.

⁴² *Ibidem*, p. 54.

⁴³ *Ibidem*, pp. 55, 14; *Inventories*, pp. 51-52; *Lauda miasta Wojnicza 1575-1801 (Resolutions of the Town of Wojnicz 1575-1801)* henceforward referred to as *Lauda*, ed. J. Szymański, Wojnicz 1994, pp. 17, 28, 29, 37, 40, 43, 45; *Testaments*, pp. 55-56.

or husbands as inheritors of a brewery, a farm, a bakery, a shoemaker's stall, or a set of craftsman's tools, e.g. for coopering⁴⁴. Money lending (frequently on security)⁴⁵, land leasing, and property deals were popular occupations among the townswomen (especially widows) of Wojnicz⁴⁶. Poor women took work as servants⁴⁷.

Great attention was paid to the morals and conduct of the townswomen; wives, mothers, daughters had to have an unblemished reputation. Unfortunately, the women of Wojnicz were not sinless. Court records contain information on the immoral conduct of some female inhabitants. In 1632 Walenty Mrozowicz was accused of copulating with the wife of Stodup, "which leads to rows"⁴⁸. In 1636 an action against Katarzyna Zarębina for "intercourse with a married fiddler, Tomasz Polanowski who has come from Tarnów", was brought before the Wojnicz council⁴⁹. In the next year the townswoman Greta Kunarska sued Tomasz Fukas for slander for he asserted she had committed adultery with Wawrzyniec Biały⁵⁰. Adultery was punished severely: by a fine, a prison sentence, flogging and even expulsion from the town. The above-mentioned Katarzyna Zarębina was sentenced "to stay in prison tied to a stick and to pay a fine"⁵¹. The municipal authorities endeavoured to prevent such offences. There is a note in municipal books that Greta Kunarska, mentioned above, was looking for a husband but could not find a candidate. This is why the municipal council ordered her to leave the town. But on May 17, 1637 Seweryn Tworzyski, a leaseholder in Wojnicz, annulled the verdict and ordered Kunarska to find a husband by St. John's day⁵². Abortion and infanticide were heavy crimes sentenced by death; the accused was buried alive or impaled⁵³. In 1633 there was "a case against a woman sentenced to prison

⁴⁴ *Ibidem*, pp. 33–35, 38–39, 42–43, 55–56, 72, 75; *Księgi*, vol. III, p. 12.

⁴⁵ *Ibidem*, pp. 13, 15; *Testaments*, pp. 31–33, 45.

⁴⁶ *Księgi*, vol. I, pp. 18, 24, 26, 27, 29, 30; *ibidem*, vol. VI, p. 53.

⁴⁷ *Testaments*, pp. 17–18, 21, 31–33.

⁴⁸ *Księgi*, vol. III, p. 25.

⁴⁹ *Ibidem*, vol. VI, p. 54.

⁵⁰ *Ibidem*, p. 55.

⁵¹ *Ibidem*, p. 54.

⁵² *Ibidem*, p. 55.

⁵³ A. Karpiniński, *Kobieta w mieście polsktm*, p. 44.

for trying to kill her child"⁵⁴. Children born out of wedlock did not have full civil rights: they could not inherit their parents' property and engage in trade or handicrafts. A person suspected of illegitimacy could be excluded from the town's community, placed outside the pale. This is why it was very important to have a certificate of one's origin⁵⁵.

The female inhabitants of Wojnicz frequently engaged in quarrels; they were also sued for causing damage, hurling insults and spreading slanders⁵⁶. The penalties varied, from fines to prison. There was no lack of women among the victimised persons. In 1616 Melchior Jeżowski was sued by Maciej Kochanek and Walenty Balwierz "for beating and insulting their wives"; he had dislocated Katarzyna Kochankowa's finger. The husbands of the victims asked the municipal council for damages⁵⁷. Sometimes women were sued for having failed to fulfil a testamentary duty or a case may have been brought by a woman who did not get the property she was entitled to.

Church and religion played an important role in the lives of the female inhabitants of Wojnicz. This is testified to by bequests and donations to the Church, the *Corpus Christi* brotherhood, priests, organists and for dinners for the poor⁵⁸. Of the 22 testaments drawn up by women of Wojnicz in 1604-1797, five (22.8%) are bequests to the Church. Two of the three testaments drawn up jointly by spouses are also bequests to the Church⁵⁹. Nor did the female inhabitants of Wojnicz forget the local hospital in their financial instructions⁶⁰.

In the 16th-18th centuries a woman's situation in a small town in the Polish-Lithuanian Commonwealth depended on ma-

⁵⁴ *Lauda*, p. 60.

⁵⁵ In 1630 Wojciech Duralek testified that Eufemia was his legitimate daughter born by his wife Zofia, *Księgi*, vol. VI, p. 43.

⁵⁶ *Księgi*, vol. III, pp. 52, 53, 55, 93, 99, 100, 103; *ibidem*, vol. VI, pp. 25, 26, 75.

⁵⁷ *ibidem*, p. 12.

⁵⁸ In 1604 Małgorzata Zmarzła bequeathed 10 florins to Father Samuel "for alms, so that he should commemorate her soul spiritually ... and what remains should be spent on a dinner for the poor and the clergy, the rest is for St. Laurence's church", *Testaments*, pp. 15-16; in 1620 Barbara Kurkowa, widow of Piotr Straszyccki, and Marcin Kurek, a councillor, gave 40 złotych for the collegiate church, *Księgi*, vol. VI, p. 19; for other bequests see: *ibidem*, p. 34; *Testaments*, pp. 15-16; *ibidem*, pp. 26, 32, 46.

⁵⁹ *ibidem*, pp. 46-49, 49-51.

⁶⁰ *Księgi*, vol. VI, pp. 33, 40; *Testaments*, p. 31.

ny factors: on the one hand it depended on the legal regulations that were in force, on the other, on her position in the given urban community, her origin, wealth, occupation and also her personal qualities. The documents issued by the authorities of Wojnicz, that is chief officers' and assessors' books, testaments, and inventories, provide a great deal of information on the female inhabitants of that town, their legal situation, the property they had, their participation in economic and religious life. They show that despite legal discrimination women played a very important role in the town's community. They appeared in courts as witnesses, plaintiffs and defendants, they took part in the town's economy by being engaged in trade, lending money and dealing with servants; they had their own houses and land which they could dispose of, and they often shaped public opinion. Despite the patriarchal family model, they often had the decisive voice in family matters. In contrast to large cities, there is no trace of such offences as prostitution, homicide, or spell casting in Wojnicz sources. The picture presented above may not be typical of the majority of towns in the Polish-Lithuanian Commonwealth but it is undoubtedly very close to reality. In order to reply to all questions about the life of the female inhabitants of Wojnicz we would have to peep through the frequently closed doors of their homes, workshops and stalls. As far as small towns are concerned, there are unfortunately no diaries which would allow us to look at women's life not only from the point of view of an office.

(Translated by Janina Dorosz)