

„Przegląd Historyczny” (Warszawa), vol. XCVIII, 2007, № 3, pp. 315–485.

During the last two years changes have taken place in the form of “Przegląd Historyczny”, the most striking being probably the appearance of monographic fascicles. In a way, this runs counter to the tradition of the periodical, each fascicle of which contained texts dealing with all historical epochs and with most diversified subjects. The only exceptions were fascicles devoted to deceased members of the editorial board or scholars closely connected with it, the content of which naturally focused on the epochs and questions which attracted the interest of these persons and their disciples. It is expected that the publication of monographic fascicles — alongside the traditional ones — will give the editorial board the possibility of presenting and — by commissioning texts — initiating research in selected fields of historiography and also of presenting questions which are of interest to the general public. Moreover, now that publications are in large supply, many readers do not want to buy a periodical for the sake of one or two articles it contains but prefer to buy it when it is devoted to a problem they are interested in; by reaching these people the periodical expects not only to improve its financial results but also to widen the circle of readers.

The first monographic fascicles appeared in 2006. № 2, which did not yet have a separate title, contained only materials dealing with mediaeval studies, and № 4 was devoted to corruption in various countries and epochs. This was connected with the widespread debate which was then being held on corruption and the ways of combating it in recent times, a debate which absorbed the attention of public opinion. The favourable reception of these two fascicles encouraged the editorial board to prepare another thematic issue which, generally speaking, deals with the cultural borderline between what is permitted and what is forbidden in intimate life. The fascicle does not discuss what might be called exotic sexuality — polygamy, polyandry, erotic services provided in temples and by hosts — but concentrates on classical antiquity and the history of Europe. In accordance with the trends in Western historiography, much place has been devoted to homosexuality.

Studies on the history of sexuality have appeared in Poland relatively recently. In old literature only short remarks were made on this subject in discussions on periods when the social elites loosened their moral norms (e.g. in the 18th century). These studies began to develop in the 1990s; they were inspired, on the one hand, by West European and American gender studies and, on the other, by historians' increasing interest in the problems of the century which was coming to an end, and in the enormous changes in customs. The only Polish synthesis on this subject Adam Krasiński's *Sex Life in Medieval Poland* appeared only recently; it shows the poverty of Polish sources from that epoch, which dramatically restricts the possibility of research. Polish historiography of homosexuality has an even shorter history. The most important Western monographs on this subject, written from the 1980s on, are only now being translated into Polish. Works by Polish historians are also appearing.

The latest number of “Przegląd Historyczny” contains two articles dealing with the history of research in this respect. More general in character is Andrzej Wyrobisz's article *Tolerance, Intolerance and Prejudices in Medieval and Early Modern Europe. Research on the History of Homosexuality, Society's Attitude to Homosexuality and the Homosexuals' Participation in Culture* (pp. 383–395). The author discusses studies on this question in Anglo-Saxon, German, French and

Polish historiographies, pointing out that the oldest works on this subject, written at the end of the 18th and in the 19th century, (Jeremy Bentham, John A. Symonds) either remained in manuscript form until quite recently or were published in but a few copies. The first research centre on homosexuality (also engaged in historical research) was set up in Germany at the end of the 19th century, but it stopped working when Hitler came to power. Later, a few articles appeared but they did not arouse any discussion. The appearance of Michel Foucault's book *Histoire de la sexualité* (1976) and especially of John Boswell's *Social Tolerance and Homosexuality. Gay People in Western Europe from the Beginning of Christian Era to the Fourteenth Century* (1980) marked a turning point in research, opening up a period of a fertile development of research, which is still continuing. Wyrobisz stresses that the small number of Polish studies is due to the poverty of source materials. He has ignored studies in which homosexuality is treated as "an illness, deprivation, sin, as a violation of moral principles and legal norms". This is a pity for the choice of arguments against homosexuality (of a religious, ethical, medical and even socio-economic nature — in the USSR homosexuality was treated as an ailment typical of "decadent bourgeois" societies) says much about society's attitude to homosexuals and about society itself.

Włodzimierz Lengauer's article *From a Disgraceful Crime to Gender Studies. Research on Greek Paiderastia in the 20th Century* (pp. 315–328) discusses research on homosexuality in ancient Greece. It was more difficult to ignore this question in Greece than in medieval and early modern societies because of the large amount of homoerotic plots in Greek sources. This is why many researchers tried to "tame" these plots, regarding them as "pure" (devoid of physical love) admiration for male youths (Kazimierz Jarecki, 1931), as an element of warriors' life (Erich Bethe, 1907, and before him Carl O. Müller, 1844), as a kind of initiation in which the older lover introduces the younger one into the social group of male adults (Kenneth Dover, 1978; Bernard Sergent, 1986) or — under the influence of gender studies — as a reflection of the domination of adult men over persons (women and male youngsters) of a lower social status (Eva Cantarella, 1993). As sources and latest literature show, homosexual love was not linked to any ritual. There was quite a large freedom of customs in this respect, though there were some exceptions, for instance, a citizen of Athens engaged in prostitution risked being deprived of some civil rights. As Lengauer points out, before long a demand was put forward (Bethe, 1907) that homosexuality should be treated without the prejudices which stem from the culture of the persons who examine it. But it was only the appearance of Foucault's *Histoire de la sexualité* in 1976 that opened the way to a wide use of this approach in research. The author also emphasises that while there are lots of sources concerning love between men there are practically none about lesbian contacts (this being the reason for the poverty of literature on this subject).

Maria Nowak (*Remarks on Prostitution in Athens in the 5th and 4th Centuries B.C.*, pp. 329–350) says that the generally accepted norms of behaviour in ancient Greece permitted the practice of prostitution (by men and women). An expression of relative freedom in this respect was the later tradition which regarded Solon as the founder of state public houses in which even citizens of limited means could benefit from erotic services. Persons engaged in this trade paid taxes on the services they performed; they worshipped Aphrodite in several temples in Greece. But their social status was very low. Moreover, in the 4th and 5th centuries Athens male citizens were deprived of political rights for prostitution and women from citizens' families lost their right of taking part in the cult of gods. These sanctions were also applied to persons who as children were induced by adult relatives to have paid sex. The sanctions were not withdrawn when the person in question stopped practising prostitution. The children of prostitutes did not have citizens' rights. This was explained by the argument that the person "who shamelessly sells his/her body will easily sell a joint business" (Aeschines). These restrictions did not apply to foreigners without political rights and

especially to slaves who, according to the author, constituted the majority of persons engaged in paid sex.

One can raise one small reservation to this article. On p. 341 the author says that "it is difficult to imagine that a free man should bring his children to the market and try to sell them". As a matter of fact there have been many cases in history, especially during periods of hunger, when the sale of children was the only way of giving them a chance to survive.

In the article *Women's dextrarum iunctio in Roman Sepulchral art* (pp. 419–423) Krystyna Stebnička discusses the history of a Roman sepulchral relief from the end of the 1st century B.C. which shows two women shaking hands in a *dextrarum iunctio* gesture known from many iconographs. This gesture present in Roman, Greek and Etruscan funeral art, originally symbolised leave-taking and faithfulness and later, matrimonial bonds. At the beginning of the 4th century a part of one of the women's garment was hewn away and her features were changed to make her look like a man, and the other woman had her veil removed from her head and incisions were made on a finger of her left hand to imitate a wedding ring (this was done so inaccurately that a present-day researcher can guess what the figures looked like before; nor was the inscription changed). The history of the relief and the discussion on this subject show how customs have changed, for whereas formerly researchers thought that the relief shows a mother with her daughter (one of the women is visibly older than the other) or former slaves liberated together by their owner (as the inscription would indicate), the appearance of feminist historians at the end of the 20th century led to the opinion that this is a lesbian pair.

Aneta Pieniędz starts her article (*Incest in Early Medieval Society*, pp. 351–367) by naming the persons who could not contract marriage according to ecclesiastical law. She points out that at the beginning of the Middle Ages the regulations were not clear, owing to the use of three traditions — Roman, Jewish and Germanic — which differently defined the relationship which made marriage impossible (in Jewish tradition affinity was also an impediment). These regulations were unified between the 9th and 12th centuries. The group in question was extended to the seventh degree of kinship (according to the Germanic computation, which means that the persons contracting marriage had to be separated by more than seven generations from a common ancestor). Spiritual kinship was regarded as equal to biological kinship (the ties between a godparent and the godchild or between a witness of the sacrament of confirmation and the confirmed person was thought to be equal to the ties between parent and child). Marriage between some persons related by affinity was also forbidden (in this respect interpretations differed). These regulations were accompanied by stiff sanctions: if incest was discovered, the spouses were immediately separated, they were not allowed to contract another marriage (unless they were unaware of having committed incest) and their children lost inheritance rights to other relatives.

The extension of this group was against the interests of the political and financial elites for, as a rule, their influence and wealth depended on kindred and affinity with a relatively small group of families. The result was that the forbidden unions continued to be established and the rigid ecclesiastical legislation was used in political and financial disputes (denunciation of incestuous families) or to get rid of inconvenient spouses (in the 9th century some mothers brought their own children to confirmation to have their marriage annulled). Because of these difficulties in exacting the law of the Church, the charge of incest was in 1215 restricted to the fourth degree of kinship and the second or third degree of affinity.

Krzysztof Skwierczyński (*The Fight against Sodomy among Priests — Pietro Damiani's Liber Gomorrhianus*, pp. 369–382) argues with John Boswell's view that the modern dislike of homosexuals goes back to the end of the 12th century. According to Skwierczyński an important role was also played by the previous century, when the development of literacy brought about the tendency to name and evaluate various aspects of human life. As an example the author recalls the mid-11th century treatise mentioned in the title in which Pietro

Damiani insisted that the gays should be deprived of church offices and dignities. Skwierczyński emphasises that the treatise was written under the campaign of reforming church life in the second half of the 11th century. Damiani tried to attract the interest of successive reformist popes, Leo IX, Alexander II and Gregory VII, but — in defiance of his treatises against simony and the marriages of priests — his demand for the condemnation of homosexuality among priests did not become one of the main slogans of church reform in the 11th century.

In Martin Kohlrausch's article (*Homosexuality, Great Politics and the Media. The Scandal over Eulenburg 1906-1909*, pp. 397-417) the history of sexuality is the background of the author's reflections on the ways in which the press manipulates public opinion. The scandal in question broke out when one of the closest collaborators of the emperor William II, Philip Eulenburg, and persons close to him were accused of homosexual orientation. According to the accuser, the journalist Maximilian Harden, this orientation had a bearing on the "softness" of Germany's foreign policy, which ran counter to the country's great power aspirations. Moreover, Eulenburg was said to be on friendly terms with a French diplomat, that is a representative of the state with which Germany fought (unsuccessfully) for influence in Morocco. Kohlrausch analyses the beginning of the affair (the series of Harden's publications), the nature of the accusations which linked homosexual orientation with politics, and the way in which the trials were presented in the press. The author points out that the accusers were supported by nearly all periodicals which, because of the competition in the press market, tried to win over readers by publishing the most shocking details.

The author emphasises that German society's attitude to the gays in the Second Reich varied. It was best reflected in paragraph 175 of the German penal code which forbade sex relations between men but stipulated that penal sanction could be applied only if the lovers were caught *in flagranti*, which made its use practically impossible.

Agnieszka Weseli's article (*Homosexuals and Homosexuality in the Auschwitz-Birkenau Concentration Camp in the Light of Statements by Former Prisoners*, pp. 426-435) is based on interviews with former prisoners of the camp, carried out by employees of the Auschwitz Museum. In the introductory part the author draws attention to the German authorities' ambivalent attitude to homosexuality; since the Germans regarded it as evil, they combated it among the Germans but tolerated its practice by occupied nations. She also points out that gays were sent to concentration camps not to be exterminated but to be educated; the aim was to induce them to change their sexual orientation (if they signed the required declaration, they were released). The number of gays released from concentration camps increased in the second half of the war when the losses suffered by the German army forced the authorities to look for new supplies of recruits. The main part of the article shows the poverty of source materials (out of 3,000 accounts only 29 mention homosexuals) and the reason for the lack of sources; in view of the moral standards which dominated in their generation the prisoners tried to conceal their homosexual experiences and did not say much about other people. The result is that the testimonies are mainly descriptions of violence applied by functionaries (mainly Germans with a criminal past) who forced physical contacts on young subordinates who, in return, could sometimes count on their help (additional food, lighter work). We know of one gay pair who tried (with success) to be assigned to the same work place. Not a single account speaks of women.

The author says that homosexual contacts were formally forbidden in the Auschwitz concentration camp and that the prisoners caught *in flagranti* were punished (sometimes by castration). One account speaks about the murder of a doctor by homosexual fellow prisoners who were afraid he would denounce or blackmail them.

The third fascicle of "Przegląd Historyczny" also contains reviews of Polish and foreign books dealing with homosexuality.

Jacek Adamczyk

Stanisław Bylina, *Hussitica. Studia (Hussitica. Studies)*, Instytut Historii PAN, Warszawa 2007, 202 pp.

Stanisław Bylina's latest work is a collection of studies devoted to the socio-religious phenomena connected with the history of Czech Hussitism in its wider context. It is composed of ten articles written at various times. The earliest was published in 1973. Nine of them have already appeared in Polish and foreign collective works and journals. For the sake of the new publication the author has revised them and provided them with bibliographical notes. The essay on the treatise of the professor from Prague, John of Přeboram, is a new text, not published before.

The book is divided into three parts. The first comprises two studies devoted to Czech reformatory thought in the pre-Hussite period. They discuss similar research problems and complement one another. The first (*Czech Reformatory Thought and Its Repercussions in Silesia*) shows the activity of the group of Czech reformers in the second half of the 14th century who preceded and prepared John Hus's declarations and the development of the Hussite reform in the first decades of the 15th century. Stanisław Bylina shows in it the socio-religious roots of Czech Hussitism, as well as the ideological context in which the main principles of the Hussite socio-religious programme took shape. The author presents the initiatives of religious and moral revival promoted since the middle of the 14th century by successive archbishops of Prague, especially Arnošt of Pardubice and John of Jenstein, and the preaching of Conrad Waldhausen, John Milič of Kroměříž and Matthias of Janov. Against the wide panorama of Czech history of the reign of Charles IV the author discusses the main principles of the Czech programme of reform from below, drawing attention to their inspiration sources and social reception. In the second article Bylina focusses on one of the essential postulates of the programme of reform, the frequent Communion (*The Trend of Inner Revival and the Question of Frequent Communion*). His study carries not only a detailed analysis of the views of pre-Hussite reformers on the question of the Eucharist, but also tries to explain the phenomenon of the Czech Eucharistic devotion in the Hussite period. While referring to recent studies, Bylina rightly shows that frequent Communion was perceived by the pre-Hussite reformers such as John of Milič and Matthias of Janov as a panacea against the evil spreading in the Church and as an important instrument of the revival of religious life. Throughout the Hussite revolution Communion in both kinds became not only an innovative element of religious practice, but also the symbol of all the Hussite reform.

The activity of the precursors of John Hus and his adherents has been shown against a wide background of the dispute over the ways of overcoming the crisis of the Church at the time of the Great Schism. Stanisław Bylina draws attention to the fact that the watchwords of the reform which in Bohemia sprang from below were universal in character and can be found in the programmes of various religious (among others *devotio moderna*) and intellectual trends (among others conciliarism) which developed within the framework of the 14th century *christianitas*. What made the activity of the pre-Hussite reformers exceptional was the social scope and the powerful influence of the ideas they proclaimed. They owed their success both to the attractiveness of their postulates and their unusual preaching abilities. Their critical diagnosis of the religious-moral reality in which the Church functioned at the time of the Great Schism gained many adherents in various groups of Czech society. Their sharp attack against the abuses and negligence among both the secular and monastic clergy found a well prepared ground and resulted in the intensification of religious practices.

The second part of this collection (*Hussitica*) comprises six texts devoted to the religious programme of Czech Hussitism, its evolution and related disputes. We find here studies devoted to Czech chiliasm, its origin and inspirations (*Two Trends of Chiliastic Prophecies*), to the critical assessment of the Hussite revolution written by the Utraquist from Prague Laurence of Břežova (*The Cruelty*

of the Hussite Revolution in the Eyes of Its Chronicler), as well as three studies dealing with the ideological controversies between various Hussite trends (*The Hussite Disputes Over Purgatory*, *John of Přebram Contra articulos picardorum*, *The Heresy of Vilém the Soap-boiler*). In the latter group of texts the author centres on the sharp discussions that developed within Hussitism among others about the concept of Purgatory or the attitude to the sacrament of the Eucharist. Stanisław Bylina tries above all to grasp the essence of the ideological controversy, and discusses the positions taken by the adversaries, Utraquists, Taborites, or Picards-Adamites; he cites their views and analyses their argumentation.

Due to his excellent knowledge of various sources: normative, documentary, treatises, polemics and historiography, the author can easily move in the complicated area of the religious programme of Hussitism. As a result his texts are conscientious studies devoted to issues which at first sight may seem to be of marginal or fragmentary character. Due to his approach each text becomes a "micro-story", and each "minor" problem is analysed against a wide comparative background. Hence we get a good insight into the mentality and the ways of thinking of the heroes and participants in the historic reality which they described, we come to know the sources of their inspiration and motivations for the actions they undertook. For example, in order to understand best the essence of the ideological controversies between the Utraquists of Prague and the Taborites, Stanisław Bylina analyses the pronouncements of two men who found themselves on the opposite sides of the conflict. One of his articles is devoted to the treatise of the Master of Prague, John of Přebram, directed against the Taborites, *Contra articulos picardorum*. The treatise has not been chosen accidentally, since — as the author justly stresses — "it is the first complex reply to the ideological and religious views of the Taborites, formulated by an influential representative of the Masters of Prague, conscious of the reasons he proclaims and defends" (p. 128). Bylina's detailed analysis of the treatise allows him to show the areas of conflict, especially that concerning the sacrament of the Eucharist. Professor Bylina does not confine himself, however, to presenting the matters of argument which made the Prague Utraquists view their adversaries as dangerous heretics. He indicates the sources of the Taborite views, and discusses the technique adopted in the polemic with them by John of Přebram. This aspect of his research sheds light on the way sharp ideological disputes were conducted in those times, and the methods applied in a university debate that referred to biblical and patristic *auctoritates* and principles of logical proving of one's own reasons (*rationes*). Přebram presents the views of his adversaries, and then refutes and ridicules them, showing their discrepancy with the *Holy Writ* and the tradition of the Church.

Part II closes with a study devoted to polemic works prepared by the adversaries of Hussitism (*Poems of the Enemies of Hussitism*). The author presents in it the new means of fighting against "the Czech heresy" in *vulgari*. This was done by many Czech poems, songs and pamphlets, which by means of biting irony and derision showed the evil of the Hussite revolution and the "odiousness" of its adherents. In his work Stanisław Bylina attempts to reconstruct the topic of the heretic on the basis of the above-mentioned group of Czech texts, drawing attention both to conventional elements, widespread in medieval anti-heretic polemics, and the new ones, specific to the anti-Hussite trend.

The third and last part of the book is devoted to the influence of Czech Hussitism in the Polish lands. In the first study the author discusses the circumstances of the reception of Hussite views in fifteenth century Polish society (*Repercussions of Hussitism in the Polish Kingdom*). He shows the ways of the penetration of the Hussite ideas into Poland, and discusses the social extent and influence of Polish Hussitism. In a separate study he deals with the activity of the Utraquist groups in the Kujawy region in the second half of the 15th century (*Utraquism in Poland of the End of the 15th Century*). A careful examination of the records of the inquisitional trial presided by the bishop of Włocławek, Zbigniew

Oleśnicki junior, enables the author to define the views and religious practices of the Utraquists of Kujawy, their origins and ways they were disseminated. Both texts are an important contribution to the recent animated discussion about the character of the phenomenon called Polish Hussitism.

As Stanisław Bylina says in his *Introduction*, "this book is an expression of [a] long-standing interest in the history of religious nonconformity, or strictly speaking — of the adherents of heterodoxy and their relations with the spokesmen of orthodoxy" (p. 7). He goes on to stress that "*Hussitica* presents [only] a fragment of the picture of Czech Hussitism and the phenomena connected with it" (p. 9). He does not pretend to show an exhaustive picture of various aspects of the historic phenomenon of Hussitism, which was so rich in meaning. Instead, on the basis of chosen issues, he offers his reflections upon the origins of the Hussite reform, the ideological controversies within this trend and its influence in the Polish lands. The issues he takes up in separate studies present the attitudes to and opinions about the various phenomena of the Czech reform formulated both by individuals (John of Přeboram, Laurence of Březova, Vilém the Soap-boiler), and concrete groups (anti-Hussite polemicists, Taborites, Polish Utraquists).

The issues connected with heresies and Hussitism are an important area of Stanisław Bylina's research. The articles included in the book under discussion show the directions and stages of development of his scholarly interests. His initiative to publish his dispersed papers in one book seems invaluable. On the one hand it reintroduces to the scholarly circulation the texts that have lost none of their value, on the other it gives us access to important analytic studies of the problems which have not yet been adequately examined or described in Poland. Despite the author's own opinion, *Hussitica*, although they are a loose collection of texts written at various times and realising various research purposes, are a work bound together by internal logic and a clearly outlined area of research. And, most important, what links those texts is the passion of a researcher who has been studying the issues connected with the phenomenon of "the Czech Reformation" for over thirty years.

Paweł Kras

Stanisław Bylina, *Na skraju lewicy husyckiej (On the Fringe of the Hussite Left)*, Warszawa 2005, Instytut Historii PAN, 220 pp.

Stanisław Bylina's latest book deals with a question which is not well known to Polish readers, namely, the episode of the Hussite revolution whose heroes were members of the radical Picart group. The foundation and fall of this small community "on the fringe of the Hussite left" has become the subject of an animated scholarly discussion which resulted in the publication of many monographs, the most important being those by Czech historians (Josef Macek, Robert Kalivoda, František Šmahel, Jiří Kejř, Petr Čornej) and German scholars (Ernst Werner, Martin Erbstösser, Bernard Töpfer and Alexander Patschovsky).

Bylina's book consists of six chapters. In the first (*The First Stormy Years*) the author presents the social conditions and religious climate which led to the mass chllastic movement in Bohemia. He depicts the beginnings of the Taborite brotherhood from which the Picart group later arose. The second chapter (*The Picards and the Picarts*) is devoted to the establishment and fall of the Czech Picarts. The author analyses the links between the Picarts and the emigrants from Picardy, the Picards, who arrived in Prague in 1418, and also discusses the religious dispute between the heretical Picart minority and the "orthodox" Taborite majority in the winter of 1421. The dispute ended with the arrest of the Picart leader Martin Huska, and the expulsion of his supporters from Tabor. The author discusses the fate of the exiles up to their extermination in the autumn of 1421.

In the next chapters Bylina deals with the individual elements of the Picarts' socio-religious programme. Chapter III (*Beyond Good and Evil*) analyses the

formation and spread of the free spirit heresy, the ideas of which exerted an influence on Hussite chiliasm. The fourth chapter (*Bread Remains Bread, and Wine Remains Wine*) deals with the opinions on the Eucharist held by the Hussite movement and the Picarts. The fifth chapter (*Towards The Freedom of the Spirit*) discusses the influence of the Free Spirit heresy on Bohemian picartism. In the sixth chapter (*Towards the Freedom of the Body*) the author presents the Picart-Adamites' views on sexuality.

In his book Bylina draws attention to many controversial questions. Even the name "Picarts" gives rise to many controversies. The term "picardi", "pikharti" had been used long before the formation of the Bohemian Picarts. In the middle of the thirteenth century it referred various categories of sinners. In the late Middle Ages the word "Picart" was a synonym of a heretic, especially of a supporter of the Free Spirit heresy. Bylina points out that this identification of the two concepts was historically justified. In the late Middle Ages many heterodox religious movements operated in Picardy: the Waldenses, the Beghards and also the brothers and sisters of the free spirit heresy. In fifteenth century Bohemia the concepts "picardi" or "pikharti" denoted various kinds of religious heterodoxy. Laurence of Březova linked the beginnings of Bohemian Picartism to a group of several score Picards. Bylina thinks that they were adherents of the Free Spirit heresy who may have influenced the doctrine of the Taborites. However, no source materials confirm the existence of a direct link between the exiles from Picardy and the radical group of Martin Huska. It seems that Huska's supporters were called Picarts mainly for propaganda purposes. The Bohemian Picarts became a distinct heresy in the Hussite movement, a heresy condemned and oppressed by both the Taborites and the Prague Utraquists.

Discussion on the principles of faith, on the interpretation of the *Scriptures*, liturgy and also on social and ethical questions was on the whole free in the Hussite movement. But the debate on the Picarts' views became violent and their supporters were declared heretics. Bylina points out that it was the sacrament of the Eucharist that was at the core of the "Picart controversy". Unlike the moderate Prague Utraquists who, like the Roman Church, recognised transubstantiation, or the Taborites who, following John Wyclif, thought that Christ was only symbolically present in the consecrated host (*remanentio*), Huska and his adherents treated the Eucharist only as a memento of the Saviour's sacrifice. That is why they rejected all forms of cult of the Eucharist. Their adversaries accused them of profaning the sacrament, of scattering the hosts and destroying liturgical vessels.

As Bylina rightly emphasizes, the Bohemian Picarts were one of the heterodox groups which opposed the Church teachings about the sacrament of the altar and rejected the traditional forms of Eucharistic piety. The Picarts may have been influenced by the Waldenses and the supporters of the Free Spirit heresy. Bylina denies Wyclif's inspiration for in his opinion they were too poorly educated. However, recent research on the reception of Wyclif's ideas in Hussite Bohemia has demonstrated that this inspiration cannot be ignored despite the low level of the Picarts' education. The Picarts may have accepted Wyclif's Eucharistic views just as the rural groups of the English Lollards did.

Furthermore, the reasons for the conflict between the Picart minority and the Taborite "party of order" were much deeper than the Eucharistic controversy and were connected with the ideological revolution of the Hussite left. Bylina analyses in detail the circumstances and consequences of the split which occurred in Tabor at the end of 1420 and the beginning of 1421, but he marginalises the social reasons of the crisis. The Picarts' action coincided with the consolidation of the organisational structure and the crystallisation of a uniform religious programme of the Taborite brotherhood. Tabor's religious and political stabilisation and its gradual departure from chiliastic ideas led to a crisis. We can assume, as Kalivoda does, that Huska's party was unable to accept the changes occurring in Tabor and remained faithful to the chiliastic programme.

The fate of the Picarts after they were expelled from Tabor is pretty well known. Their leader, Huska, was imprisoned and burnt at the stake in August 1421. His adherents, condemned by all Hussite groups and persecuted by their former brethren from Tabor, had to live in their own community. Isolating themselves from the hostile world, they tried with an even greater determination, to enforce the chiliastic ideas and attain spiritual perfection. It was then that a group of several persons, reported in some sources as Adamites, separated from the rest of the Picart community. Contrary to some studies which treat the Picarts and the Adamites as two separate groups, Bylina stresses their ideological and organisational unity. In his view Adamitism was a decadent phase of the Picart heresy. The Adamites were said to propagate sexual freedom which became an outward manifestation of spiritual and corporal perfection. Most historians have held the view that this attitude was influenced directly by the Free Spirit heresy. Bylina does not exclude other sources of inspiration in the Adamites' activity, saying that "the rituals of a small group of dissidents from Orthodox Hussitism contained components of completely different origins". The idea of a return to the happiness of paradise was held with varying force in other movements of medieval heterodoxy. It reflected the common people's longing for "paradise happiness", in which one lives in a state of spiritual and corporal perfection, without sin and the toil of earthly existence.

A historian who analyses the views and practices of the Picart-Adamites is faced with a serious source problem. Some historians have uncritically accepted the sources emphasising the Adamites' licentiousness while others have doubts about their reliability. As Patschovsky has recently pointed out, the descriptions of Adamites' behaviour contain many elements attributed to medieval conspiracy of heretics, according to which, they set up closed communities which paid tribute to Satan and organised ritual orgies. Medieval anti-heretical literature accused representatives of nearly all heterodox movements — the Cathars, the Waldenses, the Beghards, and especially the supporters of the free spirit heresy — of sexual freedom. In each of these cases sexual licentiousness was treated as an endemic element of heresy, which *ex definitione* rejects the Church teachings in the sphere of religion and morality. The picture of the Picarts perpetuated in fifteenth century chronicles, annals and polemical works shows a dangerous "sect" which not only came out against the religious programme of the Hussite reform but also attacked the traditional system of social and moral values. It is still an open question whether the Bohemian Picarts were not the target of a demonisation propaganda campaign.

Paweł Kras

Edward Opaliński, *Rodziny wielkosenatorskie w Wielkopolsce, na Kujawach i na Mazowszu za Zygmunta III (Upper Group of Senatorial Families in Great Poland, Kujawy and Mazovia under Sigismund III)*, Warszawa 2007, DiG, 401 pp., bibl., tables, index of persons.

Research on elites and the formation of theories concerning elites were undertaken at the turn of the 19th century thanks, at first, mainly to Italian sociologists (Vilfredo Pareto, Gaetano Mosca) and a German sociologist, Robert Michels who, however, lectured above all in Italy. In the 20th century the subject was taken up by American sociologists, Charles Wright Mills and Harold D. Lasswell, as well as by the Spaniard Ortega y Gasset, who in his famous book about the revolt of the masses (*La rebelion de las masas*, Madrid 1930) warned that an attack on the elites would be a catastrophe for civilisation. It was the question of power, of the division of societies into the rulers and those under their rule — a question connected with current events and socio-political movements of the day — that predominated in research on elites; the question of intellectual elites and their role in the development of culture being less interesting

for researchers. What did attract their attention was the conditions an individual had to fulfil to be considered an elite member and the mechanisms in which elites were shaped. Pareto thought that an individual's intellectual qualities were of decisive importance. According to Mosca, Michels and also Max Weber it was an individual's unique mentality that designated him as a member of an elite. Ortega y Gasset also held the view that an individual's intellectual and moral qualities were the main criterion. Lasswell and Mills identified elite membership with the individual's position in the socio-political, economic and scientific structure of a given society.

Opaliński refers neither to the international nor the national reflections and disputes. He does not recall to the discussion held in the 1970s on the genesis, structure and functioning of magnates' groups in the old Polish-Lithuanian Commonwealth¹. Tacitly, however, he accepts the theories of Lasswells and Mills by linking elite membership with position in the social structure, in this case with membership in the great senatorial family.

As the title says, the book deals with a precisely defined geographical area (Great Poland, Kujawy, Mazovia) and chronological period (the reign of Sigismund III Vasa). In the preface (pp. 11–26) the author explains that his geographic choice was dictated by the fact that the territory in question was a political entity (it constituted one parliamentary province and was marked by strong family ties). The choice of Sigismund III's reign would be quite natural but the author goes beyond that period, beginning his story in the middle of the 15th century, under the last kings of the Jagellonian dynasty, and the first elected kings. This allows him to examine the problem in "a long-term perspective" and draw a number of interesting conclusions, which he could not do if he had confined himself to the Vasa period. It is a pity that this has not been stressed in the title.

The book is based on the author's meticulous search in Polish archives (Warsaw, Gniezno, Poznań) and archives abroad (Berlin-Dahlem, Vienna, Stockholm) and in the manuscript sections of many libraries (Cracow, Kórnik Wrocław, Vilnius). The bibliography of the studies used by the author is most impressive, but it is a pity that it does not include studies on the theory of elites and disputes over magnates' groups.

The author has researched 60 families, 88 representatives of which performed the functions of "great" senators during the reign of Sigismund III. Their individual careers are for Opaliński the starting point for analysing the position of the whole family and its strategy (marriage policy, the number of offspring, the practice of some descendants following an ecclesiastic career, efforts to obtain crown lands, and the like) Chapter I, *Social Origin* (pp. 27–80), discusses the question of "old" and "new" families and analyses family links, that is, marriages and degrees of kinship within the group. Chapter II, *Careers and Their Financial Foundations* (pp. 81–185), examines in detail the wealth of individual families and their members (in addition to hereditary property also crown lands, land granted to *starosts*, church benefices, and the like). The author says that in order to keep up their social and economic status all families had in each generation to consolidate their position by advantageous marriages and by acquiring crown lands or church benefices. Nothing was given for good. The situation required special strategies. Chapter III, *The Ways of Making a Great Senatorial Career* (pp. 186–273), analyses these strategies in three periods: in the second half of the 15th century, the first half of the 16th century, and the second half of the 16th century. The author points out that the strategies differed in each of these periods. In the second half of the 15th century it was possible to win the ruler's support by service at the royal court, in the army or by granting loans to the king. Opaliński says that the persons and families who could not show their usefulness to the ruler

¹ Cf. *Magnateria polska jako warstwa* (*The Polish Magnates as a Class*), ed. W. Czaplinski, A. Kersten, Toruń 1974; A. Kersten, *Les magnats — elite de la société nobilitaire*, "Acta Poloniae Historica", vol. 36, 1977, pp. 119–133.

were not given important posts during that period. New possibilities and strategies emerged in the first half of the 16th century: a bishop could help his family to achieve importance, and parliament also opened the road to a career. Links to the royal court, especially to the royal chancellery, became very important in the second half of the 16th century (did this not begin earlier, in the first half of the 16th century?). According to Opaliński an important role was played in those years by activeness, education and talent, while the religious factor was of secondary importance (was it not so also at the beginning of the 17th century?).

In the *Conclusion* (pp. 274–323) the author sums up his reflections, emphasising the dynamic changes which took place in the power elite during the *longue durée* process presented in the book. By following the changes in the position of individual families Opaliński tries to find the reasons for their rise or decline; to some extent this is a repetition of what has been said in the earlier chapters. But he also draws some important general conclusions, such as the observation that the new families took advantage of the political changes which occurred in Poland in the 15th and 16th centuries, the weakening role of the group of magnates and the rising importance of the chamber of deputies; the formation of the nobility's Commonwealth made it possible to make a career not only thanks to the ruler's support but also by winning popularity with the nobility. Political events, such as the "war of the hens", Sigismund Augustus' marriage to Barbara, and the elections also opened ways to a career. Wealth played of course an important role. Opaliński points out that the changes in the status of individual families, their rise or decline, depended not only on whether a family had energetic, talented individuals but also on the deliberate policy of the rulers, the last Jagellons and the first elected kings trying to make the power elite useful for the throne.

As regards the models of careers, Opaliński draws attention to the increasing importance of activity in the dietines and in the Sejm. The main way of securing advancement for an individual and a family was to combine popularity among the nobility with links to the royal court. Efforts were always made to turn a personal career into a career of the whole family.

This interesting book contains a lot of factual materials; it is a genuine encyclopaedia of the elites of old Poland. It will undoubtedly be used by many researchers as a source of inspiration and information. Opaliński's reflections throw light not only on the power elite of the Polish–Lithuanian Commonwealth in the 15th–17th centuries, but also on the role of the family and family solidarity, which to a great extent determined the framework in which the individual existed in that epoch.

Maria Bogucka

Igor Kąkolewski, *Melancholia władzy. Problem tyranii w europejskiej kulturze politycznej XVI stulecia (The Rulers' Melancholy. Tyranny in Europe's Political Culture in the 16th Century)*, Warszawa 2007, Neriton, 481 pp., bibl., index of persons, sum. in English.

Igor Kąkolewski's extensive study bears a suggestive though confusing title *The Rulers' Melancholy*. In fact the title refers only to one chapter, the first chapter of Part 3, which deals with the reign and mental illness of Albrecht Frederick of Prussia and Eric XIV of Sweden. The real content of the book is explained in the subtitle: *Tyranny in Europe's Political Culture in the 16th Century*.

The book consists of an introduction, three parts divided into chapters, and final remarks. The introduction, entitled *Unity of the Opposition: Eulogy of the Monarchy and Criticism of Tyranny in Antiquity and the Middle Ages* (pp. 9–32), opens with an analysis of the notion of tyranny, especially in 20th and 21st century philosophy and politics, and the development of the notion from ancient times through the Middle Ages. The author says that he wanted to provide the broadest possible territorial perspective in order to compare the Europeans' political consciousness in the 16th century. This is why his reflections cover West

European countries (Italy, France, the German Reich, and England) as well as the peripheries of Europe (Scotland, the Polish-Lithuanian Commonwealth, the Duchy of Prussia, Sweden); though as regards the West, he ignores the Netherlands and its revolt against the tyranny of the Spanish Habsburgs (G. Parker's important works on the Netherlands' revolt and its ideological leaders are not even mentioned in the text and in the bibliography). Kałolewski states that it was not his intention to depict conceptions and doctrines (as he says, the book is not a history of ideas or political thought), but to present the history of ideas as a history of culture and political mentality in action (p. 29). This ambitious aim, difficult to realise, seems to have been only a paper promise.

Part 1, *The Machiavellian Revolution: the Tyrant à rebours. The Beginning of a New Epoch* (pp. 32-181) opens with an analysis of the notions and terms "Machiavellian", "Machiavellic" and their use in history up to the 20th century. The author then discusses Machiavelli's famous work *The Prince*, its genesis, content and political significance. Very interesting is his comparison of Machiavelli's views with the opinions expressed by other writers of that epoch, especially Guicciardini, Thomas More and Erasmus of Rotterdam. Next, Kałolewski switches to the Polish-Lithuanian Commonwealth and discusses in detail the so-called Callimachus' *Counsels*, their genesis and their functioning in Polish 16th century political culture, which was completely different from the political culture of Renaissance Italy. The value of these reflections lies not so much in their originality as in their erudite comparison of the views and opinions of many researchers.

Part 2 bears the title *The Anti-Machiavellian Moment: the Tyrant Restored. The Tyrant as an Alien during the Epoch of Rebellions and Religious Wars in Europe* (pp. 182-285). The author points out that in the 16th century three events had an impact on the model of the ruler and the way he was perceived: the Reformation, the religious wars and the birth of early modern absolutism. Kałolewski is right when he says that the second half of the 16th century was a period of frequent abdications, dethronements and attempts on rulers' lives, it seems, however, that they were no less frequent in the 17th and 18th centuries (they are after all mentioned by the author). What is characteristic is that Kałolewski looks for the reasons of the changes then taking place only in the political-religious sphere, without considering the economy and social structures (development of the middle class, the germs of capitalism, new ways of financing socio-political life). Much space is devoted to the development of theories concerning the subjects' right to resistance, presented in Chapter I, which deals with the Reformation (pp. 182-208). The author rightly attaches great importance to the spread of printing and to the emergence of early modern public opinion. He draws attention to the role of political philosophy in Luther's teachings, thanks to which tyranny began to be viewed as confessional strangeness. But Luther stressed also that it was the subjects' duty to obey the ruler as long as he does not ask them to do immoral things, incompatible with their faith and conscience. Similar views were promoted by Calvin. It was only T. de Bèze and F. Hotman who, under the influence of the events in France, developed views concerning the right of people to active resistance. Kałolewski analyses the development of European 16th century political thought on the basis of a rich literature but, on the whole, does not add any new elements. More original are Chapter II (pp. 209-230) and Chapter III (pp. 231-251). Chapter II presents the birth of anti-Machiavellism mainly through an analysis of *Discours contre Machiavel* by the Huguenot Innocent Gentillet who presented the tyrant not as a man professing a different religion but as a foreigner (Catherine de Medici and the members of her court were Italian). Chapter III (pp. 231-251) analyses the work of Jean Bodin who depicted despotism as a structure alien culturally and who at the same time built the theory of absolute monarchy in which the subjects had a very restricted right to resistance. The most interesting is Chapter IV (pp. 252-285) for it is mostly based on the author's own research and reflections. It presents the picture of

a tyrant in the propaganda literature of the first interregnum in the Polish-Lithuanian Commonwealth. But why did not the author refer also to the second and the third interregnum? It could have certainly enriched his observations. It is also amazing that he has not made use of some important studies, especially Konrad Zawaadzki's studies on leaflets and occasional papers, produced in Poland in this period.

Part 3, *Theatre and Life Stage: Humanised Tyrant. The Picture of Rulers during the Period of Abdications and Dethronements* (pp. 286–411) opens with a chapter on insane tyrants, mentally ill rulers: Albrecht Frederick of Prussia and Eric XIV of Sweden. Kałolewski has earlier written about these men, hence his choice. But would it not have been necessary to deal with other personalities too, perhaps even more characteristic, like Ivan the Terrible or Rudolph II? Kałolewski discusses the illness of Albrecht and Eric against the background of the Renaissance fashion for melancholy but he has not made use of G. Rosen's important book *Madness in Society. Chapters in the Historical Sociology of Mental Illness* (New York 1969). Nor has he consulted the medical remarks of the eminent psychiatrist Antoni Kępiński (*Schizophrenia*, 1972, *Melancholy*, 1973). A comparison of Kępiński's books with the works of historians who analyse 16th century sources and opinions could supply interesting results and undermine — or strengthen — the conviction that a ruler's mental illness was connected to a political game held within the framework of despotism. It would also allow us to assess to what extent it was a reply to the pose of melancholy, which was indeed a specific fashion in Renaissance culture.

Chapter II, *Tyrant as a Human Being: Machiavellism in England and the Elizabethan Theatre* (pp. 329–359), presents an interesting study of the British 16th century theatre which was dominated by political subjects. It includes an analysis of Shakespeare's dramas. Reflections on the tyrannical figure of Lady Macbeth lead the author to the question of women rulers. Chapter III (pp. 360–411) bears the significant title: *Woman as a Tyrant: Mary Stuart, Queen of the Scots, versus Elizabeth the Great, Queen of England*. The choice of the two queens is rather surprising for the 16th century was a period when many women wielded power. Why did he choose Elisabeth but not Bloody Mary? Why Mary Stuart and not Catherine de Medici? By way of introduction Kałolewski quotes only J. Bodin's views on women in power, which is a simplification, for animated discussions were held on this subject with the participation of dozens of lawyers, theologians and philosophers from many countries. He discusses at length however the opinions of the Protestants John Knox and George Buchanan on Mary Stuart's "tyranny" and the views of her Catholic apologist John Leslie; he also discusses the growth of Elizabeth's cult. What is missing is a reference to the characteristic attitudes taken by, for instance, Calvin and many other Protestant as well as Catholic writers. It is a pity that Kałolewski has not consulted Mariusz Misztal's works on England during the times of Elizabeth, James I and Mary Stuart (e.g. Misztal's fundamental work *The Elizabethan Courtier. Ideal versus Reality Embodied in Robert Dudley, Earl of Leicester*, Kraków 2002). Nor did he show the attitudes of broad circles of European population to women's rule, restricting his reflections to intellectual and political elites.

The final remarks, entitled *The Relativisation of Tyranny in 16th Century Political Culture* (pp. 412–438), sum up the elements of the epoch's political ideology (the question of its ancient roots, the influence of Machiavelli's theory and the birth of anti-Machiavellism, the development of the concepts of freedom, tyranny and the right to resistance, the impact of the "revolution in media" on the ruler's image and on the upsurge of social energy). Kałolewski extends his story to the 17th and 18th centuries, includes Hobbes and Montesquieu in his reflections, and goes up to the 19th century when, as he thinks, the words tyranny and despotism became synonymous and when the legacy of Machiavellism inspired both the philosopher Hegel and Burckhardt, a researcher of the history of culture.

It is not easy to assess Kąkolewski's book. It presents a very rich survey of international literature on the development of political ideology in the 16th century with many excursions into the 17th and the following centuries. But I cannot help thinking that his choice of examples, issues and works he refers to was fortuitously influenced by his seven-month stay in Wolfenbüttel and his ten-month sojourn in London. He has ignored the important Spain–Netherlands issue, restricted the presentation of Polish examples and failed to use many important works by Polish authors. He does not even mention E. Opaliński's studies on the Polish nobility's political culture, quotes S. Płaza's *Attempts to Reform the Political System during the First Interregnum*, Kraków 1969, but does not mention his fundamental book *The Great Interregnum*, Kraków 1988; I have already said that he has completely ignored the studies by M. Misztal and K. Zawadzki, which are extremely important for the question he discusses. The structure and concept of the book do not seem to have been carefully planned; they are nor a result of prepared research questions but rather of a fortuitous use of consulted libraries. The author does not even try to explain his choice of presented countries and rulers. He does not explain his working methods, nor does his book contain a critical review of used sources and literature. The book seems to be a collection of accidental notes and impressions of different books which though interesting and large in number, produce an accidental and chaotic picture. Moreover, the author tends to formulate pathetic, bombastic titles, from the title of the book to the titles of its parts and chapters. Instead of thorough information the reader often gets pretentious epitomes and slogans as if the author only wanted to impress him. A greater simplicity would undoubtedly make the argumentation clearer, for the book concerns essential, interesting problems. Despite some gaps, however, one must admit that the book contains a wealth of findings, which testifies to the author's erudition; it also contains some apt, original reflections and is therefore worth reading.

Maria Bogucka

Andrzej Wrzyszc, *Okupacyjne sądownictwo niemieckie w Generalnym Gubernatorstwie 1939–1945. Organizacja i funkcjonowanie (German Occupational Jurisdiction in the General Government 1939–1945. Its Organisation and Functioning)*, Lublin 2008, Wydawnictwo Uniwersytetu Marii Curie–Skłodowskiej, 437 pp.

This work by a historian from Lublin deserves to be brought to the attention of researchers specialising in the Nazi epoch. The literature on the mass war crimes committed in 1939–1945 is enormous, but researchers have seldom dealt with administrative and judiciary structures or with the laws applied by the Nazi authorities in a country occupied by Germany. Discussing this question many years ago, I wrote: "Though this may sound correct, it would be wrong to suppose that since the national-socialist governments manifested no cult of the law in all their actions, they developed only minimal legislative activity. On the contrary. All fields of social life were inundated with the countless legal regulations issued in the Third Reich"¹. It is worth adding that this also applies to the Third Reich's activity in many occupied countries: from the first days of the war Hitler's state ruled by emergency legislation observed neither the principles of the Hague conventions on the conduct of war nor the general rules of international law, and usurped the right to incorporate parts of the Polish state into the Reich when the war was still going on. In his interesting book Andrzej Wrzyszc does not examine to what extent the Third Reich's legal system introduced by the Germans in the Nazi-created General Government was *ex definitione* contrary to international

¹ S. Salmonowicz, *Państwo stanu wyjątkowego (The State of Emergency Legislation)*, "Czasopismo Prawno-Historyczne", vol. XVII: 1965, 2, pp. 270–284; idem, *O rzemiośle recenzenta. Studia z warsztatu historyka (The Trade of a Reviewer. A Historian's Study)*, Warszawa 1999, p. 102.

law, but in a highly professional, detailed and thorough way he presents the structure, competence and functioning (but rather not the judicial practice) of German jurisdiction in that part of occupied Polish territories. There is not a shadow of a doubt that we shall all benefit from the author's work which sets our knowledge in order, presents various forms of the administration of justice in the General Gouvernement (or extrajudicial forms like the notorious police courts), their competence, staff and forms of activity, all the more so as the book raises many aspects of everyday life under the occupation, aspects which haven't yet been well known.

The list of sources and works used by the author shows that the book is based on solid foundations, not only on Polish archival sets entitled "The Government of the General Gouvernement", which was headed by a well known German lawyer Hans Frank, but also on the documents of individual German offices and courts from the entire territory of the General Gouvernement, documents concerning the *Galizien Distrikt* (the territories of eastern Little Poland which were incorporated into the G.G. when they were seized by the Germans in 1941). The author has also made use of some sets from the *Bundesarchiv Berlin* (*Reichskanzlei, Kanzlei d.Generalgouverneur, Reichsjustizministerium* and many others), archival materials from Lviv in Ukraine, and quite a large number of published sources (including the results of German legislative activity during that time). The literature strictly concerning the subject is rather poor (with the exception of cases referring to war crimes) and this is why most of the author's detailed reflections are based on sources. It is, of course, impossible to present a detailed summary of Wrzyszczyński's monograph. Let me only emphasise that apart from introductory notes and the summing up, the book consists of five extensive chapters which bear the following titles: I. The Model of Occupation Jurisdiction in the General Gouvernement; II. German Penal Jurisdiction in the G.G.; III. German Civil Jurisdiction in the G.G.; IV. The Administration of the Department of Justice in the G.G.; V. The Law Used in German Jurisdiction in the G.G.

Let us recall that after the period of military administration which existed in the territory in question until October 25, 1939, the Germans placed the central authorities of the G.G. in Cracow as a kind of capital of the General Gouvernement and took decisions on the system of courts that was to be in force in that territory. This territory which lacked a defined political system was "in fact, subordinated to the sovereignty of the German Reich" (p. 61) and the so-called government of the G.G. headed by the Governor General acted either on the basis of regulations or recommendations of the Third Reich's central authorities or, spurred by the personal ambitions of Hans Frank, the governor of that part of Polish territory, exercised (tried to exercise?) its own powers. Generally speaking, the system of jurisdiction in the G.G. was based on dualism: to some extent Polish courts were preserved; they were to make judgments (with some restrictions) about the penal and civil cases of Poles or, if necessary, Polish citizens, but not of persons of German nationality. Cases of German citizens (or rather of persons of German nationality) were in the competence of German courts set up in the G.G.; various forms of penal courts were also established with an exclusive or convertible competence covering the entire population of the G.G. In practice, in addition to summary police courts (which helped to carry out the policy of terror) and non-legal forms of terrorising the population, there existed special SS and police courts (which passed judgments on offenders in police and SS organs), German military courts (of the Wehrmacht), special civil courts and higher German courts. What characterised this complex system of jurisdiction was that questions of competence were frequently vague, especially in penal cases: in fact for a purely criminal or a political offence a Pole could be given different penalties, depending on the kind of court or other extrajudicial body. It is well known that conflicts over these questions were constantly breaking out between various German authorities; their aim was not so much to do justice to the defendants as to defend the competence of the department of justice in the G.G.: "Of crucial importance

was the rivalry between Frank and the SS and police commanders, for it exerted an essential influence on the actual scope of the courts' jurisdiction" (p. 20). As the war continued, Himmler's people achieved ever more victories in disputes with Hans Frank. The author does not deal in the book with the still existing lower Polish courts which "adjudicated only those cases that were not in the competence of German courts" (p. 16). In practice, Polish courts were under the supervision of the occupation authorities and adjudicated some smaller penal cases between Germans as well as civil cases in which the German authorities were not interested. The Polish Underground State disapproved of the activity of Polish courts at that time, although, to a limited extent, they undoubtedly solved matters that were essential for the population². The author presents not only the work of the department of justice in the G.G., the activity or competence of German public prosecutors, lawyers and notaries, but in Chapter V he also supplies brief information on the law applied in the G.G. Polish legal regulations were binding only if they were not at variance with the Third Reich's supreme authority. In practice Polish laws were seldom annulled *expressis verbis* and most problems were arbitrarily resolved by the courts and administrative bodies of the occupation authorities. The G.G. was given a number of German laws and regulations which were either issued for the Greater Reich or by the authorities of the General Gouvernement. All in all, the Third Reich, that "state of emergency legislation", maintained a specific legal chaos also in the G.G. The author stresses at the very outset that he analyses in detail the legal structures and their competence in the G.G. being aware of the fact that "German jurisdiction in the G.G. did not administer justice in the ordinary sense of the word. It returned verdicts which implemented the political aims of the Third Reich" (p. 13). In nearly every case (concerning the implementation of some criminal policy) stress was laid on creating a legal framework for the activity of the German army, administration and jurisdiction; this "concern for the law" made it easier to subordinate those elements in Germany which either observed the "letter of the law" without analysing its content or believed in the old principle that *Befehl ist Befehl*. Generally speaking, this is what characterised the situation, but the author also mentions cases when some German judges or leading officials of the administration of justice in the General Gouvernement defended legal procedure or expressed support for more civilized verdicts. This, of course, led to attacks by police or administrative authorities, not excluding Hans Frank himself, who demanded severe sentences from German judges. But the majority of judges both in the Reich and the G.G. meekly followed the political line of the Third Reich³.

To sum up, this is a solid work which will be very useful in further research on the Third Reich's rule in Poland. Unfortunately, it does not contain a German summary.

Stanisław Salmonowicz

² Cf. my remarks on this question in the study *Tadeusz Żenczykowski (1907-1997) a koncepcja walki cywilnej w latach 1939-1945* (Tadeusz Żenczykowski, 1907-1997, and the Concept of Civil Struggle in 1939-1945) [forthcoming], in which I recall that since the courts were under German control, Poles were advised not to lay private charges in penal cases with Polish courts.

³ Cf. H. Schorn, *Der Richter im Dritten Reich. Geschichte und Dokumente*, Frankfurt a.M. 1959, and also the remarks in my view of the work by E. Schmidt, *Einführung in die Geschichte der deutschen Strafrechtspflege*, 3rd ed., Göttingen 1965, published in "Revue Historique de Droit Français et Etranger", vol. 44, 1966, 4, pp. 638-642. It is a well known fact that Hitler was constantly criticising lawyers and judges for impeding his work, although the majority of German professional judges were loyal to the policy and laws of the Third Reich. Hitler is even reported to have said in 1942: *ich werde nicht eher ruher, bis jeder Deutsche einsteht, dass es etne Schande ist, Jurist zu sein*, quoted after H. Schorn, *op. cit.*, p. 11. It is a fact, however, that only one judge was prematurely retired in the Third Reich during the war for coming out against the use of martial law in the Third Reich.