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THE ROLE OF TORTURE IN POLISH MUNICIPAL JUDICATURE IN THE SECOND HALF OF THE 16TH AND THE FIRST HALF OF THE 17TH CENTURY

Municipal criminal courts in Poland started applying torture in the 14th century but its use is not documented until the following century and it was widespread in the 16th century, having been sanctioned in *Constitutio Criminalis Carolina*¹, published in Regensburg in 1532 and made known in Poland by Bartłomiej Groicki. Torture found a reflection in belles lettres and was particularly suggestively described by Sebastian Klonowic, who knew it from his own judicial experience in Lublin, and two hundred years later in Jędrzej Kitowicz's *Opis obyczajów...*² No account needs to be taken of the principles and methods of its use since this already has been presented in scholarly literature. It is worth pointing out, however, that with the exception of the research conducted into the judicial records of Poznań by Witold Maisel and Hanna Zaremska's study on the headsman, the descriptions of investigations and torture and the historians' opinions on this subject

¹ B. Groicki, *Porządek sądów i spraw miejskich prawa majdeburskiego w Koronie Polskiej (The Constitution of the Law Courts and Municipal Matters under Magdeburg Law in the Kingdom of Poland)*, ed. K. Koranyi, Kraków 1953, pp. 190–198, and *Idem*, *Artykuły prawa majdeburskiego. Postępek sądów okolo karania na gardle. Ustawa placej u sądów (The Articles of the Magdeburg Law. Court Procedure concerning Capital Punishment...)*, ed. K. Koranyi, Warszawa 1954, pp. 105–128. For the introduction of torture into the Polish court procedure see H. Zaremska, *Niegodne rzemioslo. Kat w społeczeństwie Polski XIV–XVI w. (The Infamous Trade. The Executioner in Poland's Society from the 14th until the 16th Century)*, Warszawa 1986, pp. 34–36.

² S.F. Klonowic, *Worek Judaszów (The Sack of Judases)*, Warszawa 1936, pp. 57–59; J. Kitowicz, *Opis obyczajów za panowania Augusta III (A Description of Customs during the Reign of Augustus III)*, ed. R. Połlak, Wrocław 1970, pp. 225–233.

are based mainly on Kitowicz's text. On the basis of the information contained in Kitowicz's work, our scholars, without undertaking research into additional sources and frequently quoting *in extenso* long passages from Kitowicz's book, usually present a nonchalant picture of investigations and torture during a two century earlier period than that described by Kitowicz. Some facts, such as the drunkenness of the judges and torturers and their sadism, facts which were condemned by the writers of the time, as well as the allegedly great variety of the methods of torture and the instruments used to inflict it (the Spanish boot, the Pomeranian cap, the thumbscrew, the pouring of boiling oil down the throat, the smearing of the body with boiling pitch or sulphur, *etc.*) are insidiously presented as common and typical of the investigational procedure in the whole of the Polish-Lithuanian Commonwealth.³ In fact, barbarous as these methods were, there are no grounds to believe that most, let alone all, of the judges in towns were inveterate drunkards and sadists; hundreds of texts in the records of criminal courts show that torture in the Kingdom of Poland was mostly confined to what was known as racking (the rope-bound body was stretched, which dislocated the joints in the shoulder socket), while the burning of the sides of the body with a flame (e.g. with candles) was used far more rarely. This is why a large dose of criticism is advised with regard to some descriptions and extremely severe judgements.

³ It seems that the general picture of torture, presented in W. Maisel's, article *Tortury w praktyce sądu kryminalnego miasta Poznania w wiekach XVI–XVIII (Torture in the Practice of the Criminal Court in the City of Poznań from the 16th until the 18th Century)*, "Studia i Materiały do Dziejów Wielkopolski i Pomorza", vol. 13, No. 1, Poznań 1979, pp. 115–125, can be regarded as representative also of other large cities in the Kingdom of Poland. For the instruments of torture see Idem, *Archeologia prawna Polski (The Legal Archeology of Poland)*, Warszawa-Poznań 1982, pp. 107–108 and 177–178. Much space has also been devoted to the problem of torture by H. Zaremśka, *op. cit.*, especially pp. 33–51. For descriptions based mainly on Kitowicz see: J.S. Bystron, *Dzieje obyczajów w dawnej Polsce. Wiek XVI–XVIII (A History of Customs in Old Poland. From the 16th to the 18th Century)*, vol. 2, Warszawa 1976, pp. 332–336; Z. Kuchowicz, *Obyczaje staropolskie XVII–XVIII wieku (Old Polish Customs in the 17th and 18th Centuries)*, Łódź 1975, pp. 421–425; particularly misleading and incorrect is the study by M. Borucki, *Temida staropolska. Szkice z dziejów sądownictwa Polski szlacheckiej (The Old Polish Themis. From the History of Judicature in the Poland of the Gentry)*, Warszawa 1979, pp. 100–105, and the recently published popular booklet by A. Abramski, and J. Konieczny, *Justycjariusze, hutmani, policjanci. Z dziejów służby ochrony porządku w Polsce. Justiciaries, Guards and Policemen. From the History of the Public Order Service in Poland)*, Katowice 1987, pp. 92–103, which repeats the old errors.

However, there are two aspects of torture which should be examined thoroughly. The first is the frequency of its use during the investigation, and the second, which is most important, is the reliability of the confessions extracted under torture. Our reflections are based on the confessions made by 2,462 persons before the criminal courts of Cracow, Lublin and Poznań in the second half of the 16th and the first half of the 17th century.⁴ These people were tried for various offences (with the exception of witchcraft): for grave crimes punishable by death as well as for petty offences, where the judge could even waive the punishment.

The question arises at once of when torture was applied. The theoretical instructions formulated by Groicki are clear: "... nobody should be put into the torturer's hands unless there are adequate indications of malefaction and the evidence is uncertain;" and further on: "The judge should not eagerly and hastily order a criminal to be put to torture... but only if the truth cannot be obtained by some milder measures, by benevolent admonition or a question; where there is clear evidence against the criminal or when he confesses of his own free will or promises to do so without torture, torturing is not necessary, unless there are adequate indications, not backed by sufficient evidence, of other offences which he is not ready to confess of his own free will, or if he refuses to name his accomplices."⁵ On the basis of the Poznań records Witold Maisel has stated that in practice torture was applied in Poznań when the accused, charged with an offence liable to the most severe punishment, refused to plead guilty in spite of clear evidence, when there were contradictions in his own statement, or if his statement differed from the witnesses' testimony, and also if there was a well grounded presumption of an offence. Maisel emphasizes that torture was not often ordered by the courts of Poznań; according to his calculations it was

⁴ In Cracow (including Kazimierz) 649 depositions from the years 1551–1635, the registers: Akta M. Krakowa (Records of the City of Cracow), henceforward referred to as AMKr, pressmark 864–866, 900a; Akta M. Kazimierza (Records of the Town of Kazimierz), henceforward referred to as AMKaz, pressmark K 266–268, K 280, K 73; Acta Castrensia Cracoviensia (ACC), pressmark 1101. In Lublin 294 depositions from the years 1550–1565 and 1622–1648, the registers: Akty M. Lublina — (Records of the City of Lublin), henceforward referred to as AML, pressmark 139–142. In Poznań 1519 depositions from the years 1550–1633, the registers: Akta M. Poznania (Records of the City of Poznań), henceforward referred to as AMP, pressmark 1 638–641, 1 657–666, 1 400.

⁵ B. Groicki, *Porządek sądów...*, p. 191

used in only 12% of the criminal cases tried there from the 16th until the 18th century.⁶ Zaremska, on the other hand, believes that the use of torture was prevalent and she ascribes to it the decisive role in the criminal procedure in Poland in the 16th century, minimizing the significance of voluntary confessions by the accused persons and the role of witnesses.⁷

This is a complex problem and one that is difficult to solve unequivocally. Witold Maisel seems to have included in his calculations of confessions obtained under torture only those where the use of torture was stated *expressis verbis*. Hanna Zaremska, on the other hand, points out that since the ways of recording confessions and the circumstances of entering them in court registers as well as the terminology used differed, it is extremely difficult and sometimes quite impossible to state whether torture was inflicted in a specific case.⁸ Zaremska is of the opinion that the most frequently used term “voluntary confession” may mean that the text entered in the court register was only a voluntary repetition by the accused in court of an earlier confession which may have been elicited by torture. It is a well known fact that the court procedure of those times required the accused to voluntarily repeat in the court room the confession he had made in the torture chamber. If this way of reasoning were accepted, it would be futile to try even approximately to define the frequency of the use of torture in the court procedure of those days. But such an interpretation of the term “voluntary confession” is only a hypothesis, and so is the consequent assertion that the court registers “record information on the use of torture sporadically and inconsistently.”⁹ For the question arises whether it was really due only to the negligence of court scribes that the same final version of a court record, containing confessions edited on the basis of earlier interrogations and frequently also on the basis of evidence given by witnesses and confrontations, in some cases mentions the use of torture while in others makes no mention of it at all. This often concerns statements entered at the same time and sometimes made by several persons who were tried jointly. After all, this was a matter of

⁶ W. Maisel, *Tortury...*, pp. 122, 124.

⁷ *Op. cit.*, pp. 37–43. This is proved not only by the individual formulations, but also by the general line of the argumentation and the choice of examples.

⁸ *Ibid.*, p. 37

⁹ *Ibid.*

great importance requiring a separate decision by the judges and one which determined the course of the investigation.

It seems purposeful to examine in greater detail the terms used in the court records to describe the way in which confessions were obtained and the contexts in which these terms appear. The terms commonly used for confessions elicited by torture, such as “on the rack”, “when put to question” (*in questionibus*), “when undergoing interrogation”, “when racked” (*tractus*) or *ante tormenta et post tormenta* do not give rise to doubt. The term *in loco torturae* is also clear and so are similar terms denoting that after a statement made of his own free will the accused was taken for further interrogation to a torture chamber where he confessed under the threat of torture but, in theory, still of his own free will. This form of recording the proceedings, found mainly in the Poznań court registers, was frequently expanded and made more precise by additional information that the accused confessing there was not put to torture (*positus in loco torturae et ligatus, non tamen tractus, sed admonitus*) or conversely, that his statement had not satisfied the judges and that torture was applied (“*3o examinatus et in locum torturae adductus et admonitus... he said he did not know more than he had said earlier... ligatus et admonitus to say something more, ille tamen respondit he knew nothing, primo tractus paulisper he did not want to say anything more... admonitus to say more...*”).¹⁰

One can have doubts about the term “asked by the master torturer”, found especially in the Cracow registers; it can denote a voluntary confession as well as one extracted by torture.¹¹ A freewill confession would only be indicated by such an infrequent expression as “he confessed his evil deeds of his own free will when he was interrogated by the master torturer.”¹² In most cases there is no indication whether the term denotes torture or not (when interrogated by the master torturer, he confessed).¹³ However, there are entries which clearly indicate the use of torture: “when interrogated by the master torturer... he confessed his

¹⁰ AMP, I 641, f. 340v and *ibid.*, I 665, f. 38. Similar expressions in, e.g.: *ibid.*, I 662, 23v, 27v, 113–114v; *ibid.*, I 664, f. 2v, 8, 24v–25, 38; *ibid.*, I 665, f. 37v, 180–180v, 187, 202v–203, 266; *ibid.*, I 641, f. 264v, 349v, 350; *ibid.*, I 666, f. 32v. AML, 140, f. 70–71.

¹¹ This term has been found in 72 confessions, that is, in 12% of the Cracow confessions examined here and almost 3% of all the confessions.

¹² AMKr., 865, f. 40, 64.

¹³ *Ibid.*, f. 27, 28, 30, 33, 34, 72, 74, 80, 81, 85, 91, 92, 95, 100, 101, 103, 104, 144, 154; *ibid.*, 864, f. 289–292, 294, 313, 315.

evil deeds... He first confessed when undergoing examination” or “by the order of the Mayor, he was interrogated by the master torturer in accordance with the law and was racked three times.”¹⁴ We are again confronted with the same problem: why do some entries using the term “interrogated by the master torturer” make no mention of torture while others, entered in the same books more or less at the same time and according to the same pattern, directly confirm the putting to torture.

However, it is the way of interpreting the term “voluntary confession” that is of decisive importance for our reflections. The contexts in which the term is used can be divided into three main groups. The first are those which have no indication of whether torture was used or not. These are the most frequent expressions, consisting only of the words “he made a voluntary confession” frequently in Latin (“*ultra recognovit*”, “*voluntaris recognovit*” “*sponste recognovit*”, „*sponste fassus*”, “*sponste et benevole recognovit*” and the like) or using a more developed form “he confessed of his own free will when interrogated by the honourable gentlemen” or “when interrogated by the village headman and assessors, she confessed of her own free will.”¹⁵ The second group consists of confessions the voluntary character of which is emphasized by such additional explanations as: “having been brought forth and asked officially, he confessed of his own free will, without coercion or constraint”, “he confessed of his own free will, not being put to any torture”, “being sound in mind and body and not undergoing torture, he freely confessed his evil deed in the presence of the torturer to the village headman and the Cracow assessors in the court room”, or “*absque tortoris libere recognovit*.”¹⁶ This group also includes texts where the term “voluntary” is repeated in the successive statement made by the same accused, allowing us to believe that torture was not inflicted and that this was not merely a repetition of a confession extracted previously by torture (“*secundo interrogata existens ultro recognovit... tercio examinata ultro recognovit*” or “*secundo examinatus... benevole fassus est*”).¹⁷ The third group clearly distinguishes between the statement made by the same accused of his own free will and that made later under torture or “*in loco torturae*” or of his own free will after the torture: “At

¹⁴ AMKr., 865, f. 5 and *ibid.*, 864, f. 334; also f. 388.

¹⁵ AMKr., 865, f. 164, AMP, I 639, f. 159.

¹⁶ AMKr., 865, f. 111, 129; *ibid.*, 864, f. 287. AML, 139, f. 36v.

¹⁷ MAP, I 639, f. 168v; *ibid.*, I 665, f. 120.

first, before torture, he stated of his own free will..." "*In tormentis* he confessed", "the second time he confessed of his own free will in the court room, after the racking", "being put to question in accordance with the law, he confessed of his own free will and confirmed this under torture", "And when it came to it that he was to be severely interrogated and had been put on the instrument of justice to undergo torture, unwilling to suffer pain, he made a voluntary confession."¹⁸

We see that there was a great variety of the terms used and of the contexts in which they were applied, and this clearly shows that the scribes took great care to ensure that the final version of the court registers contained information on the conditions in which the interrogation was held, that is, whether the accused had pleaded guilty at once and of his own free will to the deed he was charged with or had done this only when he saw the torture chamber, whether an attempt was made to supplement the voluntary confession by inflicting torture and, if torture was applied, whether it was confined to the "racking" of the accused or whether burning was also applied. An analysis of all these contexts in which an accused is said to have made a voluntary confession leads us to the conclusion that the scribes were duty bound to introduce this information into the records.

This reasoning can be backed by yet another argument, probably the most important and one that has been completely ignored so far. I have in mind the rough copies of the statements made by persons interrogated in Poznań. They show the full course of the investigations, that is, the defendants' successive changing statements taken down as the occasion arose, the evidence of witnesses, the confrontation of codefendants, and sometimes also the views of the instigators.¹⁹ They make possible a detailed analysis of the course of the investigations, contain a great deal of detailed information which is not included in the final versions of the register and very often they reveal the evolution of the statements made, from a denial of the charge up to the gradual confession.²⁰ The

¹⁸ AMKaz., K 266, f. 208. AMKz., 864, f. 384; *ibid.*, 866, f. 2. AMP, I 639, f. 17v.

¹⁹ For the period under review these are the registers from the years 1581–1616 and 1631–1633, AMP, I 658–666.

²⁰ It is worth comparing the cases from the years 1584–1592 concerning Józef Przybył, Katarzyna of Budzyń and Łukasz of Mrowin — AMP, I 639, f. 244v–247v and I 659, f. 183–191v; Stanisław Stach — I 639, f. 253v–255v and I 659, f. 202v, 203, 206–209; Grzegorz Blach — I 639, f. 262–262v and I 659, f. 215v, 218v–219, 221, 240v; Jakub Kasztelan — I 639, f. 269v–271 and I 659, f. 242–250; Tomasz — I 640, f. 17v and I 660, f.

amount of details contained in these notes and the fact that they were made during the investigation excludes the possibility of their ignoring such an important element of the investigation as the infliction of torture.

Out of the rough copies of the court records it is above all those which contain parallel extant final versions that are of special interest for our reflections. They allow us to compare the final versions with the rough ones on the basis of which the former were made, and in this way to determine whether the voluntary statements only confirmed previous confessions extracted by torture or whether the rough copies, which were undoubtedly taken down in the course of the interrogation, make no mention of torture either. We have three rough copies of court registers for the period under review, from the years 1581–1700. These contain the confessions of nearly 400 persons which are repeated in the final version, and this seems to be a sufficient number to allow comparisons and draw reliable conclusions.²¹ A detailed comparison of these texts has not revealed a single case of a final version failing to mention the fact that the accused was put to torture. All the confessions acknowledged as voluntary ones in the final versions can be regarded as such on the basis of the rough copies. In view of the clear differentiation made in hundreds of texts between voluntary confessions and those extracted by torture, a differentiation fully confirmed by the contents of the rough records, we would refute the opinion of those researchers who assert that final versions take no account of torture.

An analysis of the cases when torture was resorted to shows that on the whole such decisions were not taken rashly (which accords with W. Maisel's opinion), although such events must also have taken place. On the whole, the use of torture accorded with Groicki's recommendations and was resorted to in grave cases, when the accused had, or was thought to have, accomplices, when he refused to admit an obvious guilt, when his statement gave rise to doubts or when he was expected to own up under torture to other offences he had committed. This is confirmed by the reasons given for the decisions to put to torture, found in the records of Kazimierz: "Since they pleaded guilty to some offences and

19–19v, 24–24v, 27–28v, 29v; Anna Żelazna — I 640, f. 40–41v and I 660, f. 48–51, 70–71; Marcin Buczek — I 640, f. 42–42v and 44–45 and I 660, f. 55–60v, 65–65v, 66v–68, 69–69v, 85v; Oleszko — I 640, f. 45–46 and I 660, f. 60–62, 64v, 65v–66, 68v–69.

²¹ Rough records I 659–661 and final versions I 639 and 640.

incriminated other men, the court has decreed that they be put to torture”; “on hearing this confession, the prosecutor demanded that he be submitted to an examination concerning Galdyn whom he incriminates and also concerning a graver theft and that he should then be sentenced to death. The court ordered that the accused be put to torture, since he had been caught red-handed and had confessed.”²² It is particularly the last part that deserves attention: torture was inflicted on a man whose guilt had already been fully proven. The aim was probably to secure the confirmation of the guilt of the Galdyn, named as the one who had incited the accused to steal a lord’s silver, and also to discover whether he was not guilty of other thefts (under torture the accused confessed that he had also stolen horses and money).

When evaluating the frequency of the use of torture by the municipal criminal courts in the 16th and 17th centuries one should therefore follow W. Maisel’s example and acknowledge as confessions extracted by torture only those where an explicit mention of torture is made; to these one can possibly add a part of the Cracow texts using the equivocal term “interrogated by the master torturer”. All the other confessions — that is, those where the term “voluntary” is used or where it is left out and only the words “stated”, “confessed”, “said” are used — must be regarded as obtained without torture, though some of them were extracted under the threat of torture (“*in loco torturae*”). One can have doubts whether it is right to include in the group of voluntary confessions those made by the accused in the torture chamber when he could see with his own eyes what awaited him should he refuse to confess. But similar doubts would also arise if these persons were regarded as having been tortured, for in fact, no physical pain was inflicted on them. The question could be solved only if we first decided whether torture — in addition to physical pain — also includes psychic pressure, for this lay behind the endeavours to extract a confession from the accused in a situation where he was intimidated by the scenery of martyrdom and instruments of torture, and sometimes even by the initial preparation for “racking” (he was stripped, bound and put on the instrument of torture). But such considerations going deep into the sphere of psychology are difficult (if not impossible) to solve and are outside the scope of this article. This is why, on the basis of formal criteria, only the persons subjected to physical pain are regarded here as having

²² AMKaz., K 266, f. 281; *ibid.*, K 267, f. 267. See also AMKaz., K 266, f. 301; *ibid.*, K 267, f. 127, 231.

been tortured. Besides, this is a group consisting of only 22 persons and whether we include them in one group or the other will not change the results significantly.

The data used in the reflections that follow and concerning persons making voluntary confessions and confessions obtained under duress and the sentences pronounced are shown in the table below. The proportion of the persons who made a voluntary confession to those from whom confession was extracted by torture varies in each of the towns examined here: in Cracow the investigations in which torture was applied (including most of the texts with the formulation "asked by the master torturer") account for 26.8% of all cases. In Lublin torture was inflicted on 62.6% of the persons whose cases are included in the court registers which have survived, in Poznań only 7.4% of the accused persons were tortured. The average for the three towns was 19.1%. To some extent, these differences may result from the differences in the methods used by the courts in each of these towns, but first and foremost they reflect the content of the criminal court records which have survived and they also confirm that the use of torture depended on the gravity of the offence examined by the court.

The Cracow records which have survived contain many serious cases in the examination of which torture was frequently resorted to. They do not include many confessions concerning petty offences which must have been recorded in other registers now extinct.²³ It should also be borne in mind that the criminals in Cracow were much more professional than those in Poznań, which must have resulted in the much more frequent use of torture in the criminal trials held there.²⁴ The reasons why the percentage of tortured persons is so high in Lublin seem to be more complex. The criminal court records of Lublin also contain few trivial cases concerning morals or petty thefts in which torture was rarely resorted to, grave crimes, especially robbery, predominating there.²⁵ It

²³ For this subject see: M. K a m l e r, *Struktura i liczebność środowisk przestępczych Poznania i Krakowa w drugiej połowie XVI w.* (*The Structure and Numerical Strength of the World of Crime in Poznań and Cracow in the Second Half of the 16th Century*), in "Przeszłość Demograficzna Polski", vol. 15, 1984, p. 74.

²⁴ *Ibid.*, pp. 85–92.

²⁵ To quote a few examples, as regards men, charges of adultery account for 2.7% of the cases in the Poznań records and 0.2% in the Lublin records, charges of theft for 62.5% and 53.1% respectively, and for robbery 5.8% and as much as 25.6%. As regards women, charges of adultery account for 7.7% in the Poznań records and 3.8% in those of Lublin, and theft for 40.9% and 30.8% respectively.

seems than in this case too, the reason for the difference in the structure of offences, calculated on the basis of the court cases entered in these registers, was not due to any real difference between the offences committed in Lublin and those in Poznań but to the fact that less significant cases were not recorded in the final versions of the Lublin registers, and this must have been the case in Cracow. These proportions are also a result of the great cycle of trials held in Lublin in the 1640s against bands of brigands, disbanded soldiers and a network of thieves' den-keepers and receivers of stolen goods. This is the reason why in this case the percentage of persons subjected to torture is so high.

Voluntary Confessions and Those Extracted by Torture and the Verdicts

	<i>Cracow</i>		<i>Lublin</i>		<i>Poznań</i>		<i>The three towns</i>	
	<i>number</i>	<i>%</i>	<i>number</i>	<i>%</i>	<i>number</i>	<i>%</i>	<i>number</i>	<i>%</i>
Persons making voluntary confessions	475	73.2	110*	37.4	1406*	92.6	1991	80.9
Known verdicts	360	75.8	53	48.2	1111	79.0	1524	76.5
Death sentences	213	59.2	32	60.4	315	28.4	560	36.7
Other sentences	147	40.8	21	39.6	796	71.6	964	65.3
Persons confessing under torture	174	26.8	184	62.6	113	7.4	471	19.1
Known verdicts	152	87.4	117	63.6	103	91.2	372	79.0
Death sentences	136	89.5	87	74.4	55	53.4	278	74.7
Other sentences	16	10.5	30	25.6	48	46.6	94	25.3

* including, "*in loco torturae*", 1 in Lublin and 21 in Poznań, which amounts to about 1% for the three towns taken jointly.

Consequently, the results for Poznań — 7.4% of the accused persons put to torture — are the most reliable. The records of this town are the fullest, especially for the second half of the 16th century and the first quarter of the 17th, and the proportions of various kinds of offences seem to be the most likely (owing, to some extent, to the fact that some rough drafts and not only the final versions have survived). The apparent precision of these results is only the effect of an arithmetical calculation and must not therefore be taken literally. They only show the size of the examined phenomenon. The most likely conclusion to be

drawn from these calculations is that in Poznań at the most every tenth accused person was subjected to torture during the period under review. The percentages for the other two towns should be greatly reduced, in the case of Lublin certainly severalfold. However, we have no grounds to make such corrections, even the most approximate ones, for we do not know what part of the charges dealing with petty offences is not included in the extant court records.

A comparison of the sentences in the cases in which torture was applied with those where no torture was used indicates, to some extent, the gravity of the charges which led to the use of torture (see the Table). In order to simplify and clarify the subject the punishments have been divided into only two groups: capital punishment and all other punishments used at that time (flogging and banishment from the city predominated). The figures show that in the case of persons subjected to torture during the trial the death sentence clearly predominated (in the three towns death sentences were pronounced on 74.7% of the tortured persons and on 36.7% of the persons not put to torture), which indicates that torture was mostly inflicted on persons charged with the gravest crimes. This clear and expected conclusion accords both with the principles of jurisdiction of those times and with the results of W. Maisel's research. The fact that the percentages of the persons sentenced to death (for both groups of the accused) are much higher in Cracow and Lublin than in Poznań indicates that the extant criminal court registers of Cracow and Lublin contain mainly the gravest cases while the registers of Poznań include a large number of petty offences, the perpetrators of which were not liable to capital punishment. Moreover, it has been ascertained that in the second half of the 16th century the punishment of common criminals was much more severe in Cracow than in Poznań²⁶, hence the high percentage of persons sentenced to death in the former town. The proportion of death sentences to other sentences for the group of the accused put to torture is very interesting too. The fact that nearly a half of the persons subjected to torture in Poznań saved their lives while in Lublin only a quarter and in Cracow a mere tenth escaped capital punishment, indicates that in Poznań

²⁶ M. Kamler, *Kary za kradzież w Krakowie i Poznaniu w 2 połowie XVI wieku* (*The Penalties for Theft in Cracow and Poznań in the Second Half of the 16th Century*), in: *Spoleczeństwo staropolskie. Studia i szkice*, vol. 4, ed. by A. Izydorczyk and A. Wyczański, Warszawa 1986, pp. 7–17.

torture was applied much more frequently in minor cases or in cases where the guilt of the accused was problematic and had not been proven. But these conclusions should be taken with a pinch of salt in view of the fact that the Cracow and Lublin records³ are most probably incomplete. If this is so, one can assume that torture may have been applied in some trials which had not been recorded, and that the persons subjected to it may have received lighter sentences. This would, of course, change the proportions and make them more similar to those of Poznań. Anyhow, since the records from Poznań are the most numerous and the most complete, the results obtained for this town should be regarded as the most reliable.

As to the frequency of the use of torture on persons charged with criminal offences in the second half of the 16th century and the first half of the 17th — which in Poznań approximated one-tenth of the interrogated persons — the interpretations can vary. Leaving out our decidedly negative view of the use of torture as a method of eliciting a confession, one cannot but agree with W. Maisel's opinion that — considering the problem from only the quantitative point of view — torture was not used frequently and its role can hardly be regarded as dominant in the great masses of cases. Should we, however, look at the problem from the point of view of a researcher into the criminal underworld and especially its professional part and, consequently, through the prism of the weight of the examined cases, the role of torture would greatly increase. Torture was commonly used in investigations against professional thieves and robbers when groups of accomplices, whose statements covered wide circles of the underworld, were tried at the same time or at short intervals. Torture was frequently inflicted on persons who had committed a sacrilege single handedly and also on persons who perpetrated a single theft or robbery of a large sum of money, jewels or objects of great value. These were trials in which the persons accused were, as a rule, threatened with the severest punishment, frequently with the sentence of death preceded by torture. The interrogated criminals, who at first in voluntary statements denied their guilt, later on, when they were put to torture, owned up to various offences, told the court details about how they had committed them and sometimes mentioned dozens of accomplices with whom they had collaborated or of whom they had only heard. Their statements present a picture of the world of crime which in each of the three towns was

organized into a network of thieves' dens, receivers of stolen goods and prostitution centres; but it was a world with a changing composition and of great territorial mobility, embracing by its activities vast regions from Cracow up to Gdańsk and Wilno, from Poznań to Lwów. Irresistibly, the question arises: is this picture, shaped, on the basis of confessions mostly extracted under torture, true? Can confessions made "on the rack", when the men tortured by the master torturer frequently swooned from pain and probably thought of nothing else but how to end their suffering, be reliable?

Of course, these doubts also worried the thinking men of those times. Bartłomiej Groicki wrote: "Torture is used to discover the truth, but... some criminals are of such a tough constitution that no torture will extract a confession from them, while others are so soft and impatient that they prefer to say anything than to suffer excruciating pain. And this is why they incriminate many innocent people."²⁷ Similar opinions were expressed, among others, by Sebastian Klonowic, and in the 17th century by the Silesian preacher and writer Adam Gdaczusz.²⁸ The same doubts are shared by some contemporary researchers: "Tormented and maimed in the torture chamber, they pleaded guilty to deeds they had not committed. They incriminated themselves and other people and then retracted their false statements in the court room."²⁹ And yet, Maisel, though he realized that there were many such situations, emphasizes that torture was an efficacious method in the criminal trials of those times.³⁰

It seems that there are two sides to this question: first, the reliability of all the details in the statements made by persons subjected to torture. This was of great importance in the trials, since the reliability of the details was a factor determining the sentence and the decision whether to start proceedings against the persons mentioned by the accused. However, the reliability of details is not of essential importance in present-day historical research since they are not the subject of research. The second aspect of the question, namely, the reliability of the general picture which can be deduced from the statements extracted by torture, seems to be much more important.

²⁷ B. Groicki, *Porządek sądów...*, p. 191.

²⁸ S.F. Klonowic, *op. cit.*, p. 58; J.S. Bystron, *Dzieje obyczajów w dawnej Polsce (A History of Customs in Old Poland)*, vol. 2, p. 336.

²⁹ H. Zaremska, *op. cit.*, p. 42.

³⁰ W. Maisel, *Tortury...*, p. 124.

A large part of the details encountered in these confessions cannot be checked, and one must agree with the opinion that some of them may have been invented, for the tortured man may have thought this would put an end to his sufferings. This is exactly how some of the accused persons explained why they retracted before the court the statements they had made under torture. "He denied he had killed the grave-digger, for he had confessed this out of fear, under torture"; "I said whatever came to my mind... for I was afraid of suffering"; "whatever I said under torture, I said out of pain, and what I said had never happened."³¹ One cannot disbelieve this and belittle the fear of having one's joints dislocated and being burned by fire. This is proved by the suicides committed prior to and after torture.³² But many of the accused persons made false statements, frequently incriminating innocent people, not under pain but as a result of persuasion or threats by the persons concerned, also out of personal animosity and, probably the most frequently, thinking that this would result in their acquittal: "Mucha and Duliban (from the prosecuting side) visited her in prison about Lipka... and asked her not to say anything against him, promising to reward her for this; this is why she stopped mentioning him in a way"; he accused the Jews of having prompted him to commit the offence "because I thought I would be released from prison"; "And since yesterday she accused Jadwiga Szobotarka, she stated she was not guilty and she only accused her because she was not a good companion."³³

³¹ AMKaz, K 280 (confession of Grzegorz Rączka, unpaginated), also K 267, f. 179, AML, 140, f. 143; *ibid.*, 142, f. 417.

³² Wacław Czarny, wrongly suspected of having stolen two oxen, died in Poznań in 1582 after two interrogations as a result of the wound he had inflicted on himself in a suicide attempt. Before his death he made yet another horrifying statement: "last Sunday when he was in the stocks something told him: 'kill yourself for you have suffered enough wrongs and will suffer more', and so he started thinking what he could kill himself with, not having anything on him, and he felt a spoon under his fingers and he lifted it, put it on the stocks and pressed it with his belly until it got into his belly and pierced two holes near the navel. Then taking the spoon out of his belly, he began to pray to the Lord, saying: 'what have I done?'. " He later added: "Having found a knife on the floor, he stuck it in the hollow of his throat right up to the hilt and tried to make a better job of it, but the knife had twisted in his throat." AMP, I 639, f. 216v (also T 659, f. 24-27v). For other incidents see e.g. AMKaz, K 267, f. 55. AML, 142, f. 383. AMP, I 640, f. 203.

³³ AMKaz., K 267, f. 241. AML, 140, f. 269. AMP, I 639, f. 146. These examples can be multiplied.

It is difficult to appraise the retractions of statements made under torture. It would be naive to think that these retractions, though most frequently made in the face of death and sometimes under the influence of a priest's persuasion, were always truthful.³⁴ In some cases they can be proved to have been false. For instance, in Lublin in 1639, Stanisław Urbański and Walenty Kapusta incriminated Janusz Poznańczyk in their statements, and then, when they were about to die "the said criminals, having been brought to the place of execution, began to revoke, in loud and distinct voices, what they had said about a certain Poznańczyk, saying he was not guilty and had not been stealing together with them, and they repeated these words for the second and third time when they were already standing on the ladder." But several days later Zofia of Zwoleń, during her trial in Lublin, again accused Poznańczyk of theft and his wife of receiving stolen goods.³⁵ Also in Lublin in 1644, Grzegorz Olszewski, a robber, when facing death denied that his landlord whom he had previously incriminated and his own servant Widanek were guilty; but we know from many other depositions, including that made by Widanek, that the landlord in question ran a den of thieves and robbers in a manor in the Regowski area and that Widanek had taken part in the robberies perpetrated by his master.³⁶ But in most cases the data we have are insufficient to form an opinion on whether the retractions made shortly before death were true or false and what their real intention was.³⁷

It seems that in interpreting the texts of the statements made by the accused, one should not assume that those made of the prisoners' own free will were more reliable than those extracted by torture. This applies in particular to the confession of professional criminals, many of whom, whether they confessed of their own free will or under torture, tried to deny all the charges for as long as possible. In the texts we often find instructions given by the more experienced rogues to their younger colleagues: "don't give yourself away... even if they try you", "endure the

³⁴ W. M a i s e l, *Tortury...*, p. 124 is, probably rightly, of the opinion that a retraction of an earlier confession could have been intended to postpone the execution. For a retraction following a priest's persuasion see: AMKaz., K 266, f. 155.

³⁵ AML, 141, f. 29, 33, 38–38v, 46, 50.

³⁶ AML, 142, f. 31–51, 57–59, 249, 274, 276–278.

³⁷ For other retractions see, e.g.: AMKr., 864, f. 137, 215; *ibid.*, 865, f. 13–15; *ibid.*, 866, f. 11. AMKaz., K 266, f. 256, 332; *ibid.*, K 267, f. 13, 50. AML, 140, f. 116, 258v (see also f. 276). AMP, I 639, f. 178.

torturing, don't confess, we will get you healed" or "even at the very end of your life say you're not guilty, then nothing will happen."³⁸ Besides, a voluntary confession of guilt did not protect the prisoner from torture, a fact which was well known to Stanisław Gulczewski, a professional thief of noble origin who instructed his prison companion in Lublin in 1644 "not to confess anything... for even if you tell the truth, they won't believe you and will torture you in the old way."³⁹ A large part, if not the majority, of the cases when torture was ordered took place after an extensive statement by the accused in which he pleaded guilty to the offences he was charged with, incriminated his companions and accomplices, etc. In a large part of the cases the statements extracted under torture added nothing or practically nothing to the case.⁴⁰ Some of the accused persons did not plead guilty in spite of torture and were either acquitted or, in view of other evidence, were convicted. In Poznań in 1615, Jadwiga from Słupca, suspected of having stolen money, was admonished by "the village headman to plead guilty of her own free will in order to avoid torture. She said she had nothing to state for she did not owe anybody anything, and had not stolen anything from anybody. The village headman said: since you do not want to confess of your own free will, you shall do so under duress, and ordered the master torturer to take her. Manibus positus legatus, she said: let them torture me as they will, I shall say nothing, for I stole nothing from him and God will punish him for me. And being interrogated there...", she did not confess.⁴¹

But torture usually made the interrogated persons talk. Those who had previously asserted they were innocent, confessed, the reticent ones had their tongues loosened revealing the circumstances of their offence, their companions and accomplices. What is particularly important is

³⁸ AML, 140, f. 22; *ibid.*, 141, f. 140v-141; *ibid.*, 142, f. 423. See also AMKaz., K 266, f. 107. AML, 140, f. 23-25; *ibid.*, 141, f. 137, 142v.

³⁹ AML, 142, f. 28.

⁴⁰ For instance: AMKaz., K 267, f. 3-13; AML, 140, f. 250-250v, 260-260v, 260v-262, 274v-275, 277v-279, 284-284v, 320-321v, 347, 361, 383v-384v, 432-433, 434v-435v, 437-438v, 449v-450; *ibid.*, 141, f. 21v-22v, 62v-63, 69v-71v, 84, 95, 98-99v, 104, 108v, 132v-133; *ibid.*, 142, f. 155-157, 165-166, 186-189, 221-222, 233-234, 262-267; 305. AMP, I 638, f. 158-159v, 166v-167; *ibid.*, I 665, f. 31-31v, 35-35v and 37, 180-183v, 187, 396-396v; *ibid.*, I 641, f. 72v-73v, 345v-346; *ibid.*, I 666, f. 31-34.

⁴¹ AMP, I 665, f. 365v. See also: AML, 140, f. 254v-256v and 265v, 351-351v; *ibid.*, 142, f. 67-71. AMP, I 641, f. 120-122v, 124 and 125, 140-141, 143-143v, 144-145, 148v-149, 152-153, 305, 326v, 347v-351.

that in many cases the testimony of other people, who were frequently interrogated quite independently and at a different time, confirm many of the circumstances and facts confessed by the tortured men. Out of hundreds of examples it is worth quoting a few typical ones. The confession made under torture in Kazimierz in 1575 by Stanisław of Mszczonów was fully confirmed by Jan Kuchta, who was tried after Stanisław's execution.⁴² The statements extracted under torture from six members of a thieving and robbing gang in Kazimierz in 1580 concur in many details.⁴³ The statement elicited under torture in Kazimierz in 1586 from Jan Oczko, a professional thief, was confirmed by three other rascals, and the statements made there by another four rogues, tried there in 1597, also concur with and supplement one another.⁴⁴ In 1602, Błażej Czuryło confessed and confirmed the statement of his companion Marcin Gołąb, who was executed earlier, only when he was tortured, and the statements of the two were confirmed a year later in Cracow by the confessions of Krzysztof Nosek and Jan Baran.⁴⁵ An extensive confession extracted by torture from a professional thief Stanisław Urbański in Lublin in 1639 was confirmed by the confession of his companion, Walenty Kapusta.⁴⁶ Grzegorz Olszewski, a robber, tried in Lublin in 1644, denied the charge at first, but when he was put to torture, he admitted he was a robber, and many of the details and facts mentioned by him were confirmed by other rogues.⁴⁷ Also the Poznań records contain dozens of statements extracted by torture which can be partly verified by statements made by other accused persons.⁴⁸

⁴² AMKaz., K 266, f. 97–99 and AMKr., 864, f. 208–210.

⁴³ AMKaz., K 266, f. 126–139 and 142–148, statements by Wojciech from Michałowice, Adam Dzieatek, Jan Kozieł, Walek from Czajowice, Walek Jękot and Adam Koga.

⁴⁴ AMKaz., K 266, f. 186–199 — statements by Jędrzej Mach, Wojciech Pluta, Jan Oczko and Stanisław Szklarczyk; *ibid.*, f. 224–241 — statements by Jakub Kędziorka, Łukasz Goloński, Jan Skrzypek and Wojtaszek.

⁴⁵ AMKaz., K 266, f. 256–264. ACC, 1101, f. 278–288. AMKr., 864, f. 308–309.

⁴⁶ AML, 141, f. 24v–34 and 37v–38v.

⁴⁷ AML, 141, f. 134v–141; *ibid.*, 142, f. 31–71 — statements by Aleksander Domaradzki, Grzegorz Olszewski, Aleksander Piasecki, Krzysztof Szumowski.

⁴⁸ See, for instance, the confessions by Jakub of Koźmin and Stanisław Chylik from 1552 (AMP, I 638, f. 172v–174), Zofia Sebastianowa, a thieves' den-keeper from 1554 (*ibid.*, f. 183–186v), Stanisław of Pułtusk, Krzysztof Werda and Stanisław Czerski from 1577 (*ibid.*, I 639, f. 150–154v), Regina of Lwówek from 1585 (*ibid.*, f. 263–265v), and Michał Pilarz from 1597 (*ibid.*, I 640, f. 143v–145v, 146v–147v, 150v, 153).

A detailed comparison of hundreds of statements made by indicted rogues, especially those from the criminal underworld, confirms the veracity of many of the accusations which they levelled against their companions, accomplices or persons involved in criminal activities with whom they did not cooperate directly. One cannot, of course, assert that all the persons incriminated during the interrogations, whether this was done with or without torture, were guilty. But the many examples of justified accusations allow us to acknowledge that on the whole such statements were reliable. The incriminated persons, who were frequently brought to court at long intervals, sometimes deposited under various names or nicknames, and very often were defined only by their Christian name or trade. In such cases they could be identified on the basis of repeated characteristic circumstances of their activity, their spoils and the companions they mentioned. Many of them are known to us only from statements made to the court by their companions, but some were apprehended years later and executed. Their statements in turn reveal the characteristics of their *déad* companions who had earlier incriminated them. Statements made years before are thus confirmed. The circle is closed. The Cracow records contain frequent references to, among others, Jurek Czosak, a thief mentioned in 1570–1572 and 1575; Stanisław Golec, a thief incriminated in 1558 and 1559, apprehended and executed in the following year; Jędrzej Lacheta, mentioned in depositions made in 1612 and 1613, apprehended in March 1614, flogged and employed by a torturer as his assistant, but tried again for theft in July and hanged; Grzegorz Grodzicki called Rączka (the Hand), a thief and robber incriminated in 1605 and 1618, and apprehended and hanged the following year; Mikołaj Tarnogórski, son of a Cracow thieves' den-keeper Krzysztof Bała who was active in Podzamcze in the 1580s; he was incriminated in 1584 and executed in 1589.⁴⁹ From Lublin it is worth mentioning the professional thieves and robbers Aleksander Domaradzki, Władysław Świdziński and Jędrzejek mentioned in statements by many criminals between 1638 and 1645.⁵⁰ In

⁴⁹ Czosak: AMKr., 864, f. 174–176, 192, 195, 200, 202–203, 208; AMKaz. K 266, f. 89. Golec: AMKr., 864, f. 78, 84, 95–99; AMKaz., K 266, f. 41. Lacheta: AMKaz., K 267, f. 32; AMKr., 864, f. 365, 367–370, 372–375. Grodzicki: AMKr., 864, f. 326; AMKaz., K 266, f. 282, 285, 312–319. Tarnogórski: AMKaz., K 266, f. 163, 173; AMKr., 865, f. 28–29.

⁵⁰ AML, 140, f. 434, 435v–436; *ibid.*, 141, f. 99v, 103v–104v, 134v–143; *ibid.*, 142, f. 14, 29, 39, 41, 55, 56, 195, 197, 198, 203, 205, 241, 242, 244, 248, 250–252, 260–265, 267, 275, 286–288, 294, 296–299, 301, 302, 316, 323, 326, 340, 373 (Domaradzki was convicted and executed in 1642).

Poznań Dorota, a female thief from Oborniki, was incriminated in 1578 and 1589, and in 1607 and 1610 another female thief, Duranowska was incriminated; Jan Goły vel Wojtek was for the first time incriminated for theft in 1593; his name kept returning in court records in 1608–1611, until he was hanged in 1613.⁵¹ Dozens of tortured rogues incriminated for years the same thieves' den-keepers and receivers of stolen goods.

It is just these depositions which, being repeatedly confirmed, are reliable that give us a picture of the underworld of those days, of its internal connections and dependences, the role and importance of thieves' dens, the size and ways of the activity of thieves' and robber gangs. The confessions are frequently verified by outsiders' depositions and confrontations of the persons accused. The general belief is that the witnesses' role in criminal trials was decreasing at that time and that more attention was paid to the confessions extracted by torture, but this opinion seems to be too categorical.⁵² In the criminal court records examined here there are many cases in which depositions by witnesses and confrontations of the defendants, frequently repeated several times, played an important role; such cases can be found especially in the rough copies of Poznań records, which would imply that most of these depositions were not transferred to the final versions of the registers.⁵³

These reflections on the role played by torture in municipal criminal trials during the period under review allow us, it seems, to formulate a few conclusions of a more general nature. It can be noticed that the use

⁵¹ Dorota: AMP, I 639, f. 163v–165, 190–191v. Duranowska: AMP, I 664, f. 8v; *ibid.*, I 665, f. 35v, 39, 39v. Goły: AMP, I 640, f. 65v–66v, 68; *ibid.*, I 660, f. 124v; *ibid.*, I 664, f. 39–39v, 41; *ibid.*, I 665, f. 2v, 120v, 121, 183, 185–185v, 262v–264, 265–266.

⁵² H. Zaremska, *op. cit.*, pp. 38, 43; Zaremska refers here to the opinion of K. Bukowska, explained in *Historia państwa i prawa Polski (A History of the Polish State and Law)*, vol. 2, ed. by J. Bardach, Warszawa 1971, pp. 413, 421.

⁵³ Depositions by witnesses, among others: AMKr, 866, f. 7–12, 26. AMKaz., K 266, f. 332–340; *ibid.*, K 267, f. 306–313; *ibid.*, K 73, f. 469–485. AML, 141, f. 57–59v; *ibid.*, 142, f. 134–136, 138–140. AMP, I 638, f. 192v–194; *ibid.*, I 21, f. 352; *ibid.*, I 639, f. 118v–120, 126–127, 143–144, 193–193v, 208–209v, 241–242v; *ibid.*, I 640, f. 28v–37v, 103v–104v; *ibid.*, I 641, f. 81–86v, 226–236v, 248–249v, 287–295; *ibid.*, I 400, f. 559–569; *ibid.*, I 660, f. 71v–87; *ibid.*, I 662, f. 11–16v, 33v–35, 38–38v, 119–119v; *ibid.*, I 664, f. 47v; *ibid.*, I 665, f. 170–171v, 231v–236; *ibid.*, I 666, f. 7–15, 18–18v, 38v–42. Confrontations: AMKaz, K 267, f. 189. AML, 140, f. 56v–58, 112v–113v, 212v–213, 324–324v; *ibid.*, 141, f. 40–40v, 47–47v, 49; *ibid.*, 142, f. 231, 263–264. AMP, I 640, f. 153; *ibid.*, I 641, f. 253–262; *ibid.*, I 661, f. 38–39; *ibid.*, I 662, f. 33v–35, 38–38v, 84v–85; *ibid.*, I 663, f. 10; *ibid.*, I 664, f. 34v, 36v–37; *ibid.*, I 665, f. 33–33v, 38, 38v, 44–44v, 183–183v.

of torture was not so frequent as is sometimes supposed. The criteria of all judgments in this respect are of course relative and it is disputable whether 10% or 20% of the defendants interrogated under torture is a high figure. Nevertheless, it is a fact that the overwhelming majority of the trials were held without the use of this extreme method of seeking the truth. If we divided the interrogated persons into casual offenders and those who belonged to the criminal underworld or had close ties with it or could have been suspected of having such ties, it would turn out that the former group only exceptionally came into contact with torture. Of course the threat existed all the time and it is difficult to say whether the realization of this fact induced the accused to make sincere statements and confess their guilt or whether it was a restraining factor. I am leaving aside professional criminals or persons whose crimes were liable to capital punishment. For them confession meant the death sentence. The above mentioned professionalist's instructions to claim innocence until the end are not, therefore, surprising. But the decision was not easy for all the others: petty thieves or those guilty of one big theft, trollops and adulterers, various helpmates hanging around criminals and benefiting from their spoils from time to time. We must always bear in mind the already quoted fragment of a court's decision: "The court ordered that the accused be put to torture since he had been caught red-handed and had confessed."

The danger was much greater for those defendants whom the judges regarded as confirmed criminals or who could have been suspected of maintaining contacts with the underworld. One could always suspect that such persons, even if they pleaded guilty to the offence they were charged with, were probably concealing other misdeeds they had committed and in particular, their accomplices. The reasoning could run thus: if he has so easily pleaded guilty to one offence, he is probably concealing other, even worse ones; if he has at once mentioned one or two accomplices, it is most likely that he had more. This was usually the line of interrogation during torture. Thus, torture was inflicted both on those who refused to plead guilty if the evidence or suspicions were evident, and also on those who not only confirmed the charges of the indictment but also spoke extensively of their criminal activity, incriminating many helpmates on that occasion. In such situations torture was ordered quite frequently, but a large part of the statements made then usually did not add anything new to the investigation. The opinion

of the Lublin professional criminal that “even if you tell the truth, they won’t believe you but will torture you in the old way” was however only a half-truth: such treatment of an accused person belonging to the underworld was very frequent, but it was not the rule. On the other hand, those representatives of the underworld who in defiance of aggravating circumstances and even of clear evidence refuted the charges nearly always ended up in the torture chamber.

It does not seem to be the most important thing for contemporary historical research to establish whether all the details extracted from a defendant in a torture chamber were absolutely true. If, unable to endure the pain inflicted by the master torturer, the accused pleaded guilty to some additional thefts he had not committed or incriminated one or several innocent persons, this mattered only at that time, having consequences for the innocently accused persons and determining the punishment the accused was given. We must add, however, that such cases do not seem to have been frequent, considering the large percentage of the tortured defendants who did not add anything new to their previous voluntary statements or continued to deny their guilt. The small part of facts which may have been untrue is a matter of no importance for our research. The general picture of the criminal activity of these people remains unchanged. A large part of the information contained in the confessions extracted by torture can be checked, and the resulting general picture of the activities of these people is in ideal harmony with the voluntary statements made prior to torture or by the accused who were not subjected to it.

(Translated by Janina Dorosz)