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## WITCHCRAFT TRIALS IN OLD POLAND

Reflections on Małgorzata Pilaśzek's book, *Procesy o czary w Polsce w wiekach XV-XVIII (Witchcraft Trials in Poland 15<sup>th</sup>-18<sup>th</sup> Centuries)*, Kraków 2008, Universitas, 471 pp., tables, graphs, bibliography, illustrations, index of persons, summary in English

Małgorzata Pilaśzek's dissertation is an attempt, long awaited in Polish historiography, at presenting a modern, comprehensive approach to her subject<sup>1</sup>. She has written a monograph of considerable scholarly value. It has advanced our knowledge in the area which for the last forty years has been dynamically developing in Western Europe, but until recently has been neglected by Polish historiography<sup>2</sup>.

The author's competence arouses no doubt. She has taken into account and made a methodological analysis of the recent state of European research in this field. The literature she has collected for the last forty years includes hundreds of important items. Some gaps may be detected only in the earlier French

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<sup>1</sup> Cf. my methodological deliberations and a number of research theses that are generally confirmed by the author's research: S. Salmonowicz, *Procesy o czary w Polsce. Próba rozważań modelowych (Witchcraft Trials in Poland. An Attempt at Deliberations on Their Model)*, in: *Prawo wczoraj i dziś. Studia dedykowane prof. Katarzynie Sójce-Zielińskiej*, ed. G. Baltruszajtys, Warszawa 2000, pp. 303-322.

<sup>2</sup> The only attempt at a synthetic presentation of this issue, B. Baranowski, *Procesy czarownic w Polsce w XVII i XVIII wieku (Witchcraft Trials in 17<sup>th</sup> and 18<sup>th</sup> Century Poland)*, Łódź 1952, bore a number of negative characteristics typical of the historiography of the Stalinist era. The sources used in it embraced only a part of the area of the Polish Crown.

historiography or some German or the latest Polish works<sup>3</sup>. The author made scrupulous use of the Polish literature of the subject, very dispersed, and usually consisting of narrowly focussed, local studies<sup>4</sup>. The only comprehensive synthetic attempt of many years ago, by Bogdan Baranowski, has long aroused much criticism, and the author also points out its chief errors<sup>5</sup>. The dispersion and partial destruction (especially during the Second World War) of many archival materials sets a very difficult task before the researcher. The author could not be expected to embrace with an extensive analysis all the different old provinces of the Polish Crown (that is Poland *sensu stricto*) that was from 1569 part of the great Polish-Lithuanian Gentry Commonwealth<sup>6</sup>.

<sup>3</sup> I would like to draw attention to Richard van Dülmen's publications that present a different picture of everyday life, criminality and prosecution of crime in the 16<sup>th</sup>-18<sup>th</sup> centuries. Cf. among others, R. van Dülmen, *Theater des Schreckens. Gerichtspraxis und Strafrituale in der frühen Neuzeit*, München 1988; idem, *Studien zur historischen Kulturforschung*, especially vol. III, entitled *Verbrechen, Strafen und soziale Kontrolle*, Frankfurt a.M. 1990. The author could not make use of a few notable works that have appeared recently: M. Thomsen, *Zwischen Hauptwache und Stockhaus. Kriminalität und Strafrecht in Thorn im 18. Jahrhundert*, Marburg 2005; J. Włajczka, *Postępowanie sądowe w sprawach o czary w Toruniu w 1712 roku (Legal Proceedings in Witchcraft Cases in Toruń in 1712)*, "Odrodzenie i Reformacja w Polsce" vol. LI: 2007, pp. 199-212; idem, *Procesy o czary w Prusach Książęcych (Brandenburskich) w XVI-XVIII wieku (Witchcraft Trials in Ducal [Brandenburg] Prussia in the 16<sup>th</sup>-18<sup>th</sup> Centuries)*, Toruń 2007, as well as my article entitled *O procesach o czary w "Prusach Brandenburskich" (On Witchcraft Trials in "Brandenburg Prussia")*, "Czaszy Nowożytny" vol. XX: 2007, pp. 291-302. D. Kaczor's article *O przestępczości i wymiarze sprawiedliwości w osiemnastowiecznym Toruniu (On Criminality and Jurisdiction in 18<sup>th</sup> Century Toruń)*, "Zapiski Historyczne" vol. LXXII: 2007, pp. 205-220. These works correct in some details the author's statements concerning the prosecution of witchcraft in Danzig Pomerania.

<sup>4</sup> Worthy of attention are especially the latest works by Waclaw Uruszczak, and M. Mikołajczyk's substantial monograph *Przestępstwo i kara w prawie miast Polski południowej XVI-XVIII wieku (Crime and Punishment in the Law of the Towns of Southern Poland in the 16<sup>th</sup>-18<sup>th</sup> Centuries)*, Katowice 1998, as well as a number of detailed local studies by Jacek Włajczka, especially concerning the Kielce region.

<sup>5</sup> B. Baranowski, it must be admitted, wrote a few important regional source studies concerning central Poland, but his attempt at a synthesis, cited above, is today completely out-dated, cf. the author's remarks, p. 40 ff. M. Pilašek has discussed in detail the state of Polish research on pp. 36-46. She is right in underlining the significance of the pioneering pre-war works by Karol Koryński.

<sup>6</sup> It is worth stressing, however, that the author had devoted a lot of attention to the state of research on witchcraft trials in the Grand Duchy of Lithuania, cf. M. Pilašek, *Litewskie procesy czarownic w XVI-XVIII w. (Lithuanian Witchcraft Trials in the 16<sup>th</sup>-18<sup>th</sup> Centuries)*, "Odrodzenie i Reformacja w Polsce" vol. XLVI: 2002, pp. 7-35.

Despite those difficulties she not only made use of a large bulk of published sources (some urban, but above all rural court registers), but surveyed much archival material from courts held in various regions of Poland. On the basis of the state of research to-date and her own source studies she was able to attempt a synthesis that has taken into account both the legal and juridical structures and the chronology and regional differences in the phenomenon under analysis. While it is possible that future detailed research may modify many details of the picture presented by her, I am deeply convinced that its general features stressed by the author will remain unchanged<sup>7</sup>.

Małgorzata Pilaszek's dissertation, apart from the *Introduction* and *Conclusion* consists of 8 parts or chapters, divided into several sub-chapters. The first two parts (*How to describe witchcraft? The witchcraft craze — the phenomenon and its basis*, pp. 17–126) are a methodological introduction and show the state of discussion upon this issue in the European literature of the subject as well as the state of Polish research. Moreover, they define a few basic assumptions of this work. Further chapters, which I will discuss more extensively, concern an analysis of the Polish situation from the 15<sup>th</sup> till the 18<sup>th</sup> century. A problem which is basic, and still open to discussion, is that of the origin of the belief in witchcraft and of the massive trials instituted against alleged witches and sorcerers. Another problem is that of the complicated conditions and motivations for this massive persecution in Europe. The last question is that of the reasons for the gradual subsidence and final disappearance of witchcraft trials. The author is, in my opinion, right in avoiding extreme interpretations in this matter, since an accumulation of various reasons and tendencies could be observed everywhere. It is generally accepted that the massive persecution of witches, which has been shown by anthropological research as an inevitable phenomenon, in Christian (but rather Catholic and Protestant than Orthodox) Europe occurred at the moment of a junction of the age-long belief in black and white magic with the theological doctrine about the role of the Devil and the

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<sup>7</sup> Some questions, such as the total number of trials, and especially of the executions of judgements of death, will for ever (as in other countries) remain only a matter of estimates. This is because of a lack of sources or their brevity, or simply because it is difficult to embrace the local sources of all the country. However, in my opinion, the author's findings, considerably diverging from the earlier, exaggerated estimates of B. Baranowski, allow us to approximate the real statistical data.

contract between the sorcerer and the Devil. In “learned” terminology, from a certain moment onwards, the offence of witchcraft had been understood not only and not so much as *maleficium* (magic practices aimed at harming somebody) but a crime against the established religion. As for the gradual, chronologically differentiated, disappearance of the witchcraft trials, the author seems to be right in saying: “The mystery of the disappearance of the witch–hunt has not been satisfactorily resolved” (p. 55). Many extreme theories in this respect should be repudiated. One thing is certain, however: even in the 18<sup>th</sup>–19<sup>th</sup> centuries in the countries which ceased to prosecute the witches officially, a strong belief in witchcraft survived, and not only among the lower social strata. Nevertheless, an enormous role was played by the new concepts of philosophy and nature studies (especially from the middle of the 17<sup>th</sup> century), and the transformations of jurisdiction, as well as the growing educated bureaucracy of the absolute state. A large influence was also exerted by the doctrine of mercantilism developing in absolute monarchies, which placed enormous stress on the benefit coming from the growth of population. This opened the way to the policy of tolerance towards the religious minorities, towards “migrants”, and started to shape a more humanitarian policy of criminal law, which during the 18<sup>th</sup> century had generally triumphed in Europe<sup>8</sup>. Though even in the 16<sup>th</sup> and the first half of the 17<sup>th</sup> centuries, many protests were voiced against the cruel persecution of the alleged “accomplices of the Devil”, yet the tide of trials did not subside in many countries of Western Europe until the second half of the 17<sup>th</sup> and the beginning of the 18<sup>th</sup> centuries; due to the firm stand taken by the social élite of the Enlightenment era, the humanitarian reforms of the second half of the 18<sup>th</sup> century put an end to this phenomenon.

The first 126 pages of M. Pilaszek’s work are mainly filled by comparative and methodological deliberations that give account of the results of research into witchcraft trials conducted all over Europe. The rest of her work deals strictly with the Polish scene.

<sup>8</sup> As for the stages of subsidence of witchcraft trials cf. my remarks, *Vom Unfug der Hexenprocesse*, “Acta Poloniae Historica” vol. 74: 1996, pp. 173–180. Generally, for the history of humanitarianism and the reform of criminal law in the 18<sup>th</sup> century cf. also my attempt at a synthetic outline: *Kodyfikacje karne Oświeceni: programy i ich realizacja (Enlightenment Penal Codifications: Programmes and Their Realisation)*, in: S. Salmonowicz, *Z wieku Oświeceni. Studia z dziejów prawa i polityki XVIII wieku*, Toruń 2001, pp. 49–106.

She starts with the part entitled *Vox Dei*, divided into three chapters: 1. *Witchcraft and heresy*; 2. *Witchcraft trials before ecclesiastical courts*; 3. *The attitude of the Church to witches in the 16<sup>th</sup>–18<sup>th</sup> centuries*. Hence, this part describes both the problem of the fight against heresies and witchcraft in the 15<sup>th</sup> century, the role of the ecclesiastical courts in the prosecution of those accused of witchcraft, and discusses the role of the Catholic Church in those matters in the 17<sup>th</sup>–18<sup>th</sup> centuries. Here I should like to express some doubts as to the construction of the author's work. In this part of her book, as well as in the subsequent ones, the author divides her subject in a simplified way: in the chapter entitled *The world of the witches* she discusses the role of the Church, civil jurisdiction, and the dynamics of the witchcraft trials, the special problems of the urban and rural environment and the content of the accusations. Such a division has certainly both advantages and defects. It frequently obscures the general chronology of events and forces the author to recall the situation of the 15<sup>th</sup> and 16<sup>th</sup> centuries in later chapters. An arrangement that would place emphasis on the difference between the situation in the 15<sup>th</sup> and in the first half of the 18<sup>th</sup> century would be more legible. I would place the witchcraft trials in Poland in the 15<sup>th</sup>–16<sup>th</sup> centuries with a division into subchapters, and the "rather static" actual picture of prosecution until the beginning of the 17<sup>th</sup> century in Part I. In this way the chronology and structure would be more clearly associated with the actual history of the witchcraft trials. The other most important issues could be divided into two further periods: the rising tide of witchcraft trials and its climax at the turn of the 17<sup>th</sup> century, and the 18<sup>th</sup> century: the slow subsidence of the trials in the first half of the 18<sup>th</sup> century and the triumph of the attitudes of the Enlightenment after 1764. Perhaps, by placing less stress on the chronology of her division, the author achieved a better order of her subject-matter? My further remarks will follow the structural order of the book. It is impossible to present its rich content in detail, thus I will confine myself to highlighting the author's findings.

The first is the ascertainment, which has long remained unquestioned, that the tide of witchcraft trials embraced Poland rather late in comparison to the Western European countries. In Poland these matters had long been subject to the competences of ecclesiastical courts whose efforts in the 15<sup>th</sup> century were

rather concentrated on the fight against the symptoms of heresy (in the first place that of Hussitism). The question of witchcraft was a marginal problem in the practice of those courts. This was connected with the fact that demonological concepts came to Poland late from the West and took long to reach the mass of the population (a matter discussed at length by the author)<sup>9</sup>. The few well-known trials before ecclesiastical courts instituted in the 15<sup>th</sup> and 16<sup>th</sup> centuries were seldom crowned with severe verdicts, while civil courts seldom conducted such cases (a case in Poznań of 1436 was an isolated phenomenon). From the middle of the 16<sup>th</sup> century (formally from the 1560s), ecclesiastical courts lost their power of execution over the secular authorities and their actual influence on witchcraft trials. This was caused by the Polish Reformation movement, initiated by the gentry and burgher classes, who fearing the jurisdiction of the Catholic Church, deprived ecclesiastical courts (despite the Act of 1543) of a significant role also in witchcraft trials. The author has shown that when the Catholic Church, especially from the second half of the 17<sup>th</sup> century, endeavoured to restore the role of ecclesiastical courts, the strivings of the episcopate (also to stop the cruel witchcraft trials conducted by “the secular ignoramuses”<sup>10</sup>), noticeable even earlier, did not start to produce some results and reduce the tide of trials until the first half of the 18<sup>th</sup> century. It is worth recalling that the bishops who energetically took part in those cases — e.g. the illustrious German Jesuit F. von Spee — did not repudiate the teachings of the Church about the pact with the Devil, witchcraft, etc., but defended the “professional expertise” of the Church in those matters and criticised secular courts, among other things for using doubtful evidence (e.g. torture). This criticism shown by the Church produced some results as early as the first half of the 18<sup>th</sup> century, and the Polish episcopate<sup>11</sup>, at any rate after 1764, usually played a positive role

<sup>9</sup> The author is right in stressing the scantiness of Polish demonological literature in the 16<sup>th</sup>–17<sup>th</sup> centuries, as well as a lack of Polish iconography that would propagate the fight against witchcraft.

<sup>10</sup> On the factors that limited witchcraft trials from the beginning of the 18<sup>th</sup> century, cf. S. Salmonowicz, *L'apogée et la fin des procès de sorcellerie en Pologne: XVIIe–XVIIIe siècles*, in: *Auctoritas Mélanges offerts à Olivier Guillot*, G. Constable and M. Rouche (eds), Paris 2006, pp. 721–727.

<sup>11</sup> It is worth recalling that it was precisely the élite of the Polish clergy who relatively early, in the first decades of the 18<sup>th</sup> century, after their studies in Italy, started taking over the views of the early Catholic Italian Enlightenment, among others of G. F. Gravina, S. Maffei and L. A. Muratori.

in the fight against the whole heritage of beliefs, superstitions and views which led to the victimization of those accused of witchcraft.

The Catholic Church played, however, a dual role. The Counter-Reformation policy of evangelization of "the people", zealously put into practice by some monastic orders, introduced demonological concepts to their mentality and by proclaiming a battle against the Devil created situations which triggered off successive waves of the "witch-hunt". If in the 17<sup>th</sup> century the jurisdiction in witchcraft cases had been handed over to ecclesiastical courts, where the judges usually came from the élite of the clergy, this might perhaps have significantly reduced the extent and the bloody results of the fight against the alleged witches. The author was right in emphasizing that the Polish gentry, who decided the legislation of the state, was not in favour of the broad competences of ecclesiastical courts. Here we encounter a paradox, which has not been noticed by most researchers: the Polish gentry, who until the middle of the 17<sup>th</sup> century generally broke away with Protestantism, and in the second half of the 17<sup>th</sup> century and the first half of the 18<sup>th</sup> century many times gave evidence of their religious Catholic zeal, at the same time in many matters (taxes, controversy over the privileges of the clergy), frequently showed their anti-clericalism and a critical attitude to the Papacy. The gentry were not subject to the town courts or menaced by witchcraft trials before the common law courts, in fact they were not afraid of any secular courts, and they feared being tried by ecclesiastical courts, if ecclesiastical jurisdiction were to be restored not only in witchcraft cases but also such matters as heresy or atheism.

The next part of the work discusses secular jurisdiction and the possible appeals from the verdicts of lower courts (pp. 180-265); another large part, entitled *The Dynamic of the Phenomenon*, shows the evolution of the proceedings in witchcraft trials, their territorial and chronological patterns as well as statistical data together with reflections upon the policy of reduction and liquidation of the "witch-hunt" during the 18<sup>th</sup> century (pp. 266-338). A separate part: *The Foredoomed Town-Quarters and Villages*, shows in detail the policy that accompanied the terrifying number of trials (pp. 339-389). The last of the main chapters discusses *The World of the Witches* (pp. 390-461), and describes the figures

of the witch, the Devil, as well as their coven — the witches' sabbath.

The author presents the structure and competences of various law-courts that conducted witchcraft trials, as well as the procedures they applied. From the 16<sup>th</sup> century onwards, we could observe a growing difference between the law-systems concerning various estates in Poland: the *ius terrestre* (common law) was at the same time a general state law, and that obliging especially the gentry. Of essential importance for our subject is the fact that both the clergy as an estate, and the gentry (formally on the grounds of its judicial privileges<sup>12</sup>, but also generally, because of the attitude of the ruling élite) remained outside the orbit of accusation of witchcraft. Criminal common law did not contain detailed regulations concerning the prosecution of witchcraft, and in contrast to the practice of many other European countries, no prosecution by state law-courts of witchcraft committed by the gentry or clergy can be noted in Poland. The *ius terrestre* law-courts sometimes re-tried (by way of appeal or as the first instance) the cases of prosecution of witchcraft, but this concerned the population of lower estates. Practically, from the end of the 16<sup>th</sup> century when the practice of prosecution of witchcraft started spreading, until the end of this persecution in 1776 we may say that more than 90% of all the legal proceedings concerning witchcraft took place before town or rural law-courts. Town courts on their own initiative or at the request of the owners of landed estates, tried the witchcraft cases not only concerning the inhabitants of towns, but also of the countryside, also the so-called loose people, and the place of crime did not delimit the jurisdiction of town law-courts. Also, as the author clearly shows, the majority of all the death sentences in witchcraft trials were pronounced by town law-courts<sup>13</sup>.

<sup>12</sup> Cf. S. Salmonowicz, *La noblesse polonaise contre l'arbitraire du pouvoir royal. Les privilèges judiciaires de la noblesse polonaise*, "Revue Historique de droit français et étranger", A. 72: 1994, N° 1, pp. 21–29; *idem*, *Le pouvoir absolu du noble polonais dans son manoir*, in: *Noblesse française et noblesse polonaise. Mémoire, identité, culture, XVIe–XXe siècles*, J. Dumantowski and M. Figéac (eds), Pessac 2006, pp. 153–160.

<sup>13</sup> Rural courts, dependent on patrimonial power, were frequently regarded by the owners of landed estates as not sufficiently competent in cases punishable by death. In the countryside there were no prisons, houses of torture, or hangmen. Such institutions were maintained by the towns, while the expensive professional services of a hangman were "borrowed" by smaller towns from their richer neighbours. Rural courts were as a rule more lenient, severe judgements were of-



The German *ius municipale* included regulations concerning prosecution for witchcraft. In the Polish lands of greatest importance were Magdeburg law, and Chelmno law (*ius Culmense*). Of basic importance to the sinister practices of the German law courts all over the country, though their forms varied, was the widespread application of the regulations of *Constitutio Criminalis Carolina* of 1532, the famous great codification of criminal law and procedure. Formally, this codification, even in the German countries, was only of a subsidiary legal validity, but directly, or indirectly (also through the development of legal literature based on the study of CCC regulations and through the jurisdiction of various courts of higher instance), in practice it played the most important role. In Poland, its influence mainly dated from the 17<sup>th</sup> century, and even if its forms varied (the courts either formally recognized its subsidiary role, or based themselves on German precedents), it could be noted rather outside the big cities. CCC was universally applied in modified forms. Translations by the Cracow lawyer Bartłomiej Groicki (c.1534–1605), published in Polish, were at that time generally used (outside Royal Prussia) in the German law courts of Poland. These works combined the regulations of *ius municipale* with those of Carolina. Groicki's most notable publication was (first edition in 1559, followed by many others) a work about criminal proceedings entitled: "This act has been chosen from the Emperor's Law whose issue was ordained by Emperor Carolus V"<sup>14</sup>. In the 17<sup>th</sup> and 18<sup>th</sup> centuries Groicki's works were treated as a *sui generis* codification in force<sup>15</sup>.

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ten mitigated by the owner of the estate, a gentleman farmer, sometimes a magnate. Hence the bloody persecution of the witches in Poland was above all a result of the activity of courts in small towns. In bigger towns it was easier to acquire a considerate or lenient judgement.

<sup>14</sup> Bartłomiej Groicki, who played an extremely significant role in the judicial practice of towns, has not yet received a scholarly biography, nor has there appeared a learned study of his total work.

<sup>15</sup> I do not fully agree with the author's opinion on p. 182 that the Inquisition procedure was widely introduced into town courts in Poland only due to the reception of the views of the famous German lawyer B. Carpzov and his school in the 17<sup>th</sup> century. The role of the elements of Inquisition trial in town courts was growing since the beginning of the 17<sup>th</sup> century, mainly in the courts that made use of Groicki's works. The views of Carpzov (1595–1666) could reach the Polish towns to a larger extent at best in the middle of the 17<sup>th</sup> century: his chief work *Practica nova Imperialis Saxonica rerum criminalium*, the first edition, was published in 1635. It could probably be only read by the judges of bigger towns who had suitable education.

The severe treatment of witchcraft cases started with the widespread application of the procedure of the Inquisition with the use of torture by the town law-courts<sup>16</sup>. Let us add that though formally it was a rule to institute a criminal suit by lodging a complaint, and though there were many other deviations from the classic German Inquisition trial codified by CCC (for example such as a large admission of the defence, or an open-court first-instance hearing), still, despite some of Groicki's objections (he was in favour of great caution in the application of torture)<sup>17</sup>, the practice of many town courts, especially from the middle of the 17<sup>th</sup> century, formally based on a frequently superficial knowledge of Groicki's works, was very dangerous to those accused of doing harm to others by witchcraft. In keeping with the author's research we may say that the large majority of all the executions of witches and sorcerers who were sentenced to death were a result of the criminal proceedings before the town courts.

What was the pattern of witchcraft trials in Poland, their chronology and statistic and territorial circumstances?

The author has shown that Poland is one of the countries where the tide of witchcraft trials as well as of death sentences passed in them was in the middle of the range. Perhaps, the situation would have been even less tragic if the means of appeal or other forms of control of the judgements passed by lower courts had not been so tortuous and in practice ineffective in Poland. The state, in contrast to many absolute monarchies of the 17<sup>th</sup>-18<sup>th</sup> centuries, up until the second half of the 18<sup>th</sup> century did not strive to influence the jurisdiction either in the rural courts (patrimonial authorities had been exempt from state control until 1768)<sup>18</sup>, or in town courts where it was a rule for

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<sup>16</sup> In the Polish Crown the classic proceedings in cases of complaint had only continued being conducted in common law courts. In towns, on the other hand, although the proceedings were opened only with somebody's complaint, still, under the influence of the CCC the trial usually and mainly bore the character of Inquisition proceedings.

<sup>17</sup> The author is right in recalling that in the matter of torture B. Groicki, even earlier than such renowned authors as A. Tanner (1572-1632) or P. Leymann (1575-1635), and long before F. von Spee, expressed many important doubts as to the truth of explanations or confessions of the tortured persons. If, however, his cautious attitude could be appreciated by the well-educated assessors in a big town, in small 17<sup>th</sup> century towns the penal practice of the judges was more and more severe.

<sup>18</sup> The author says (p. 218) that "in an early-modern society social control was exercised, in principle, outside the state apparatus". Polish cases doubtless addi-

a verdict of the first instance (especially in small towns) not to be effectively controlled by appeals to courts above. There was no legal clarity as to the appeal from a verdict of a town court in Poland. If in big cities there was a possibility of appeal from a verdict to a higher (one or another) instance, according to the author's findings in the courts of smaller towns there were few appeals to higher instances and most frequently the sentence in a witchcraft trial was carried out almost immediately. For example, a "witch's" confession of her crime on the rack and her repeated confession of guilt during the trial were generally considered as sufficient for pronouncing a final decree, without the right of appeal<sup>19</sup>.

We already know that ultimately, as the author has emphasized, "the judicial practice is always the resultant of many variables" (p. 265). There is no doubt that although the data collected by the author are the most complete so far and she gives them a judicious interpretation, still the numerical statistics of the trials and of the verdicts passed, both because of a lack of some sources and insufficient examination of some regions can only be treated as an estimate.

On the basis of the collected data, the author has prepared a number of significant tables. Let us cite some of her global findings. She has corrected the earlier results of B. Baranowski and found that in the 16<sup>th</sup> century in the Polish Crown only 52 trials were known, in the 17<sup>th</sup> as many as 488 (that is over 50% of the total) and in the 18<sup>th</sup> century 327 trials, that is 37.7%. In

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tionally undermine a number of theses of the French researcher Robert Muchembled, who places special emphasis not on the accusations of witchcraft coming "from below", but on the role of absolute power which realised its political goal of imposing discipline on society. This phenomenon certainly existed and was represented in Western European countries by the firm policy of religious discipline conducted both by the Reformation and Counter-Reformation. It would be, however, difficult to accept it as a general phenomenon. Cf. my criticism of R. Muchembled in the article entitled *O dążeniu do nadmiernej racjonalizowania procesów historycznych słów kilka* (A Few Words On the Tendency to the Excessive Rationalization of Historical Processes), "Historyka" vol. 24: 1994, pp. 91-98. Cf. also remarks by M. Bogucka, *Witchcraft Trials*, "Acta Poloniae Historica", vol. 97: 2008, pp. 167-174.

<sup>19</sup> What was most often needed was the consent of the court giving decision to lodging an appeal. The appeal was expensive. If any town court lodged an appeal with the Crown Assessors' Court in Warsaw (the supreme state court for town cases), or with superior courts of German law, in the few cases of such appeals known to us today the superior courts were more lenient or cautious in their decisions. At the turn of the 17<sup>th</sup> century the Crown Assessors' Court (especially by its Judicial Ordinance of 1672) tried to reduce the licence and severity of town courts, however, before 1764, to little avail.

all the author has found 867 trials. The western regions: Great Poland, Royal Prussia, and (with some delay) Little Poland were the leaders in this respect. The number of trials decreases as we move eastwards and to the south east; besides, in the mentioned regions witchcraft trials occurred mainly towards the end of the 17<sup>th</sup> century, or even in the 18<sup>th</sup> century. This seems to be proof of the influence from the German countries. It is not clear, however, whether such a geography of persecution may be associated with the spread of Protestantism. The first great tide of witchcraft trials came in 1626–1675 (about 22% of the total), and the biggest in the years 1676–1725 (about 45%). After 1750 there was a rapid drop in their number: the years 1751–1774 saw only 4.7% of trials. The author is right in associating the growth in the number of trials with the growing religious Counter-Reformation zeal (“the first wave of the Reform of Trent”, p. 281), while the definite growth in their number at the turn of the 17<sup>th</sup> century evidently resulted from a combination of factors. What was at work here was not only the second wave of the sermonizing zeal of the Catholic Church<sup>20</sup>, but also the crisis of the state, economy and culture as a result of wars and plagues from 1648 up till 1660. I agree with the author that the wave of persecution surged a few years after military defeats and epidemics, and not while they were still devastating the country, since such a reaction is usually caused by the hardship of life and the resultant social conflicts that follow in their wake: “... during the first years of peace and calm: it is then that in a difficult situation caused by war, epidemic or bad crops, the Devil and the witch enter on the scene in full” (p. 315).

I cannot, of course, relate all the author's analyses. Let me only underline a few significant points: in Poland the so-called “chain” trials, involving dozens of victims after successive “imputations” under torture were rather unusual. Here I would like to stress that since these trials affected the rural population of serfs, the owner of the estate, generally motivated by his economic interest, tried as a rule (in one or another way, not mentioned in the judicial records) to halt the too far-reaching accusations of the successive witches. Hence, in the Polish circumstances, the

<sup>20</sup> This especially concerned the predicant mission of some monastic orders. The reports to the Apostolic See abound especially in successes achieved in the evangelization of small towns and villages.

accusation and verdict seldom embraced more than a few persons. It is impossible to establish the total number of those who lost their lives as a result of witchcraft trials in old Poland other than by an estimate based on the known executions of judgments of death: this amounted to 32.5% of the total number of witchcraft trials. We omit here the cases of lynch law. The author says that the sources known to her show that cases of lynching witches were very rare in old Poland. The exaggerated estimates of Bogdan Baranowski (10 thousand victims), and the more cautious estimates by J. T a z b i r (about 4–6 thousand victims) should no longer be taken into account. The findings of the author, who has underlined in her tables that many trials finished with the non-guilty verdict (16% of the cases), show that at least in 309 trials under examination the death sentence was passed. In some trials not one but several persons were sentenced to death. Being short of the complete data, can one in this situation risk a quantitative estimate? The author has found that at least 60–70% (?) of all the trials ended in sentences. Thus one should accept that the total number of persons sentenced for witchcraft who lost their lives in the territory of Poland in those times rather did not exceed 1000 — at the most 1,100 victims<sup>21</sup>. This is much less than suggested by various late-Enlightenment and nineteenth century descriptions which speak of one million victims in Europe. This, however, does not change the fact that witchcraft trials are a sad heritage of that era and its mentality, its attempts at solving its frustrations, conflicts and controversy over religious concepts by way of a bloody application of criminal law.

How does the author present “the world of the witches”? The Polish witch is an embodiment of the “pre-Christian” concept of an evil-doer who disturbs the peace of the microcosm by her bad deeds. The model of a witch as the Devil’s accomplice did not spread in Poland until the turn of the 17<sup>th</sup> century, and was connected with the belated Counter-Reformation activity of the lower clergy, and especially the monastic orders. A Polish witch had much in common with the general European model. Women constituted 90% of persons accused of witchcraft. Children were

<sup>21</sup> Let us remember that in 32.5% of the cases available to the author we do not know the verdict. In 16% the verdicts were that the person tried was not guilty. Especially in small towns in various regions of the country we know little about the number of trials, while it was there that the accused were most frequently condemned to the stake.

rarely the object of accusations. Women also prevailed among those sentenced to death. There were some acquittals and penalties of milder kind, but these occurred mainly in rural courts. There were frequent judgements of "banishment", the expulsion of a given person from the community, which, especially for a lonely and elderly woman was a very harsh penalty. But there were also milder penalties, also monetary, sentenced arbitrarily by the courts which actually had full discretionary powers. The author discusses at length the characteristics of the persons who were most frequently victims of persecution. There were also, though infrequent, cases of profound faith of a given person in her own witchcraft powers. There were trials with evidence presented that the incriminated person signed the so-called contract with the Devil, while seeking his aid in her troubles. The mechanisms of accusations in small communities (they generally came "from below") were quite typical and similar almost all over Europe. Just as the mechanisms by which the accused were either saved or doomed. What determined their fate was the "scheme of relationships" in their place of residence. In fact it was a rule that all the participants in the trials, including the judges, shared the same concept of the world. This need not, however, have led to the sentencing of the victim. The imputation might be discarded by the community which, without renouncing its faith in witchcraft, might provide the victim with a testimony of a good name. The judges, certainly, played in it an important role, but it was generally the "witnesses" who decided; what mattered was their social status and credibility. The records of the trials show that the basic criterion determining the institution of a suit was one of good or bad relationships in the neighbourhood. "The persons whose relations with their neighbours were tense, sooner gained the reputation of witches", says M. Pilaszek (p. 388). Thus the author, on the basis of the Polish source material confirms the theses of A. Macfarlane and K. Thomas that the dynamics of persecution, its bloody harvest, depended mainly on the relations between neighbours in small rural communities. Incidentally, in many respects Polish situations bear a similarity to the earlier English situations.

The image of the Devil in Poland had long been rather a product of folk fantasy: he was identified with "a gentlemanly Devil" (!), or with "a foreigner" ("the German Devil"). Even the

so-called "Owl-Glass" burghers' literature of the first half of the 17<sup>th</sup> century continued to present the Devil in a satirical form, close to the concept of the folk Nativity show. It was only the "evangelizing" efforts of the clergy that popularized the image of Satan in "a vulgar and brutal mask" (p. 417) and it was the preachers who pointed to the sexuality of the witches (the role of the witches' sabbath on Łysa Góra [Bald Mountain], the fame of which took long to spread outside the western part of the country)<sup>22</sup>. M. Pilaszek is right in saying that the belief in witchcraft and the witches met the need for order, which every era tries to satisfy in a different way (p. 461).

In October 1776 the Polish Sejm, at the initiative of enlightened magnates and bishops and with the personal engagement of King Stanislaus Augustus Poniatowski, passed an act that put an end to the prosecution of witches in Poland. In fact, such prosecutions had been stopped in many European countries much earlier. The Polish decision was preceded by the act of Maria Theresa, of 2 January 1776, in Austria. The Polish Sejm did not formally renounce the belief in witchcraft, so as not to enter into the theological competences of the Catholic Church; what they intended was to prevent in practice the criminal prosecution of witchcraft by the civil courts, and to establish two fundamental principles, firstly to forbid under a severe penalty any application of torture aimed at making the accused plead guilty in such a trial, and secondly to forbid *in causis maleficis* the passing of the judgement of death. Due to these decisions, as the author's research shows, after 1776 there were no sentences for witchcraft in Poland. There were still some attempts to bring accusations of witchcraft, however, the accused never suffered any harsh consequences through such procedures. The era of early Romanticism produced many falsified relations of allegedly historical facts. This was the case of the so-called account of the alleged great trial of the witches at Boruchów in 1775. However, no traces of such a trial have been found in the sources. M. Pilaszek has established that the last judgement of death was passed on a witch in Poland in 1774.

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<sup>22</sup> On p. 74 the author says something essential of the typical Polish situation: "However, if we consider the folk beliefs and the charges made in witchcraft trials, it will turn out that the concept of the cult of the Devil was of marginal significance in the Polish persecution of the witches".

It is worth recalling here that the last known execution of a witch in France took place in 1754, and in the German countries new discoveries are being made of previously unknown executions of the late 1780s or even the beginning of the 1790s; the last legal execution of a witch in Switzerland took place in the Glarus canton in 1782. The German literature, however, makes a mistake by frequently citing the information about the alleged judicial execution of witches in Great Poland in 1793<sup>23</sup>.

It is also worth recalling that in Poland attempts were made to stop witchcraft trials as early as the middle of the 17<sup>th</sup> century. The author acknowledges them. These attempts were connected with the activity of the intellectual centre in Poznań and the influence of the episcopate as well as some of the magnates. These matters, however, in my opinion have not been examined broadly enough so far, and require a monographic study<sup>24</sup>.

The last remarks of the author (pp. 462–471) perhaps do not satisfy all our questions, but she has formulated many valuable synthetic opinions earlier on. Let us now consider what is especially worth stressing as the most valuable results of her work.

1. The more we know about witchcraft trials in Europe the more difficult it is to formulate any mono-causal generalizing statements. There were certainly some all-European convergences, but also many significant differences in many respects; the chronology of events, various local specificities, differences in the

<sup>23</sup> In my opinion, this is either an ordinary falsification, typical of the Romantic period, or perhaps, in some village of Great Poland a case of lynch indeed could be noted. However, we should discard the possibility of a court verdict. Great Poland, as a result of the Second Partition, was then already under the Prussian rule.

<sup>24</sup> Cf., the author, pp. 156–161. The bookseller and printer of Poznań, Wojciech Regulus, attached to the episcopal curia and the wealthy Opaliński family, published a few texts directed against the tide of witchcraft trials. The publication of the book by Daniel Wisner (a figure of whom we know nothing to this day), entitled *Tractatus brevis de extramagis lamitis, veneficis ... Posnaniae 1639*, was probably patronized by the bishop of Poznań, Kazimierz F. Czartoryski. This text as well as another, published at the same time in Polish, *Czarownica powołana ... (The Witch Called Upon ...)*, which had several editions, have been discussed in detail by K. Koranyi. In 1647 Regulus published the famous book by the Jesuit F. von Spee, entitled *Cautio Criminalis*, and dedicated it to the Opalińskis. All those texts "... have one goal in common, to fight against the cruel treatment of those accused of witchcraft", cf. K. Koranyi, *Danielis Wisneri "Tractatus brevis de extramagis lamitis, veneficis" a "Czarownica powołana". Szkic z dziejów polskiej literatury prawniczej (Danielis Wisneri "Tractatus brevis de extramagis lamitis, veneficis" and "The Witch Called Upon". An Essay on the History of Polish Legal Literature)*, in: *Pamiętnik Trzydziestolecia pracy naukowej prof. dr. Przemysława Dąbkowskiego*, Lwów 1929, p. 139.



structures of societies, their legal and political systems, gave rise to many local variants both in the so-called centre and the peripheries of Europe.

2. There were many causes, the most important being perhaps the late Christianization of Polish society, of the marginal character of witchcraft trials in Poland of the 15<sup>th</sup>–16<sup>th</sup> centuries. These trials were mainly connected with the activity of ecclesiastical courts, the social significance of which finally broke down in the 1560s in connection with the successes of the Polish Reformation.

3. The Polish social estate system, the rule of the gentry, made the privileged élite — that is the clergy and the gentry — immune from witchcraft trials. Because of the weakness of state power, most witchcraft trials were not controlled by the royal courts or any superior courts.

4. While the rural courts (and ultimately often the decisions of patrimonial authorities, that is of the landed proprietors) were restrained, or even lenient in the administration of justice, the town courts, especially of small towns and in reference to the rural population, were generally very severe.

5. The geography and chronology of Polish witchcraft trials differs from that in Western Europe: the tide of mass trials slowly moved from the western frontiers of Poland (and the influence of German law) towards the south-eastern borderland. In accordance with the author's research the climax of witchcraft trials came in Poland in the years 1670–1700. In the first 30 years of the 18<sup>th</sup> century a slow decrease in the number of sentences can be observed.

6. The essential difference from the countries of western Europe can be explained by the weakness of central authorities in 17<sup>th</sup>–18<sup>th</sup> centuries in Poland and the fact that the country was not subject to an absolutist power: the gentry and clergy on the basis of their wide privileges remained immune from witchcraft trials, and those trials had never been an instrument of political struggle, a situation characteristic e.g. of France in the times of Richelieu.

It is worth stressing one more significant element. Many works, formally discussing witchcraft trials all over Europe, either bypass the problems of its eastern part, or present them on the basis of fragmentary or out-dated information. A com-

parative analysis of the phenomenon of belief in witchcraft in the whole area of Europe, including the Orthodox countries (in many respects differing from the rest) should make use of Polish, Balkan and Russian material. The dissertation under analysis, which combines the analysis of Polish problems with a confrontation with the latest findings or views on witchcraft in Western Europe may help to conduct a broader comparative study taking all of Europe into account. Thus, it would be useful to publish this dissertation, even in an abridged version, in English.

Małgorzata Pilaszek has written an ambitious work, surpassing by far the level of an ordinary doctoral dissertation. The author has combined her erudition in comparative studies with a knowledge of the state of Polish research on witchcraft trials, and made many substantial archival studies on her own. She has offered us a modern, interesting, convincing and comprehensive picture of the problem.

*(Translated by Agnieszka Kreczmar)*