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INFANTICIDE IN THE TOWNS OF THE KINGDOM
OF POLAND IN THE SECOND HALF OF THE 16TH AND THE
FIRST HALF OF THE 17TH CENTURY

Infanticide occupies an insignificant place in the history of criminality of old Poland but in spite of this, the problem deserves attention for at least two closely connected reasons. On the one hand, it is interesting to learn about the motives which prompted the mother to kill her new-born baby contrary to the maternal instinct, on the other, the circumstances of the crime throw light on the customs of the day and on the opinions and reactions of the urban population to the pregnancy of an unmarried girl. The author has no ambition to deal with the question in a comprehensive way and will confine himself to presenting it through the prism of the statements made by women charged with this crime. The main source of our reflections are statements made by 21 women convicted of infanticide by the criminal courts of Cracow, together with Kazimierz (7 statements), Lublin (3 statements) and Poznań (11 statements) in the second half of the 16th and the first half of the 17th century (to be more precise, between 1554 and 1646).¹ As an auxiliary source, use has been made of

¹ The article has been written in connection with a broader research into felony in the towns in question. The texts of the statements are in: the Voivodship State Archive [WAP] in Cracow, Documents of the City of Cracow, pressmark 864, f. 60 (1557), f. 139 (two statements from 1563), f. 341 (1610); pressmark 865, f. 91 (1593); *ibidem*, Documents of the Town of Kazimierz, pressmark K 266, f. 211 - 212 (1595), K 267, f. 100 - 103 (1622; the same text in K 280, unpaginated plates). WAP Lublin, Documents of the Town of Lublin, pressmark 141, f. 91 - 92 (1640), f. 95 - 97 (1640); pressmark

statements by 18 women who either succeeded in refuting the charge (the children were stillborn) or were mothers of children born out of wedlock, a fact on which they sometimes supplied interesting information in statements made in connection with other offences.² There is practically no literature on infanticide in the period I am concerned with, and the references one comes across mainly concern the sentence and ignore other aspects of the question. There is quite a large publication dealing with infanticide in contemporary times which provides a great deal of interesting comparative material. In foreign literature the situation is better, studies concerning England and Germany from the 16th until the 18th centuries deserving particular attention.³

142, f. 546 - 551 (1646). WAP Poznań, Documents of the Town of Poznań, pressmark I 638, f. 187 (1554); pressmark I 639, f. 2 (1555), f. 15v - 16 (1557), f. 115 (1574), f. 233v (1583; the same text in I 659, f. 117); pressmark I 640, f. 37v - 39 (1592; the same text in I 660, f. 51v - 54v), f. 156 - 159 (1597; the same text in I 661, f. 23 - 26v); pressmark I 662, f. 5v and 12v (1601), f. 52 - 52v (1602); pressmark I 665, f. 118 (1610), f. 296 - 299v and 302 (1614). The statements of convicted infanticides account for about 0.8 per cent of all the surviving statements from that period in the criminal court records of the towns in question.

² Documents of the Town of Lublin, pressmark 140, f. 95v - 97v (1627), f. 350v - 351v (1634); pressmark 304, f. 216v - 217 and 221v - 223v (Jurisdiction of the Lublin Parish, 1634); Documents of the Town of Poznań, pressmark I 639, f. 132v - 138v (1567), f. 160v (1578), f. 169v - 170 (1579), f. 156v (1577), f. 234 - 235 (1583; the same text in I 659, f. 124 - 124v); pressmark I 661, f. 46v (1598); pressmark I 662, f. 39v - 41v (1602); pressmark I 663, f. 54v - 55v; pressmark I 664, f. 29v - 33v (1608); pressmark I 665, f. 21v - 22v (1610), f. 23 (1610), f. 353 - 353v (1615), f. 367v (1615); pressmark I 641, f. 104 (1617), f. 208 - 208v and 210 (1620), f. 272 (1623).

³ *Historia państwa i prawa Polski [A History of the Polish State and Law]*, vol. II: *From the Mid-15th Century until 1795*, ed. J. Bardach, Warszawa 1971, p. 353; W. Maisel, *Poznańskie prawo karne do końca XVI wieku [The Criminal Law of Poznań until the End of the 16th Century]*, Poznań 1963, pp. 126 ff. and 219 ff. The cases for infanticide recorded in the books of the village elders and assessors of Lublin have been briefly characterized by J. Riabinin in *Materiały do monografii Lublina. Lublin w księgach wójtowsko-tawnicznych XVII - XVIII w. [Material to a Monograph on Lublin. Lublin in the Books of Village Elders and Assessors in the 17th and 18th Centuries]*, Lublin 1928, p. 22, but the examples are only from the 18th century. The article by W. Dżułyński, *Dzieciobójstwo w świetle postępowania sądowo-karnego w XVIII stuleciu*

To begin with, we must realize what infanticide meant in the practice of municipal courts in Poland in the 16th and 17th centuries. The term most likely signified the killing by a mother of her new-born baby during the parturition or shortly afterwards; a deliberate inducing of a miscarriage (abortion) was treated and sentenced in the same way. The killing of a baby later on was, as nowadays, presumably not regarded as infanticide. Although this was not formulated directly in the then binding regulations of the Magdeburg law, which were laid down by Bartłomiej Groicki, such an interpretation of the crime is indicated by Article 80 of Groicki's code.⁴ An analysis of this text shows clearly that the author only had in mind the killing of an infant by the mother during the parturition or immediately after this, and not the killing of an infant in general, also in a later period. Such a definition of infanticide—with the exception of abor-

[*Infanticide in the Light of Criminal Court Proceedings in the 18th Century*], "Polski Tygodnik Lekarski", 1948, Nos. 6, 8 - 10, pp. 191 - 192, 253 - 255, 284 - 285 and 317 - 320, has a narrow range, and deals mainly with the judicial and medical aspects of the question. Very useful is the study on infanticide in interwar and post-war Poland by J. A. Bartoszewski and J. Halaunbrenner-Lisowska, *Dzieciobójstwo. Aspekty prawne, medyczne i społeczne* [*Infanticide. Its Legal, Medical and Social Aspects*], Warszawa 1974. From among the rich English and German literature see: R. W. Malcolmsen, *Infanticide in the Eighteenth Century*, in: *Crime in England 1550 - 1800*, ed. J. A. Cockburn, Princeton, New Jersey 1977, pp. 187 - 209; P. Hoffer, N. E. H. Hull, *Infanticide in England and New England 1558 - 1803*, New York 1979; J. M. Beattie, *Crime and the Courts in England 1660 - 1800*, Princeton, New Jersey 1986, pp. 113 - 124. The legal and medical aspects of the problem are discussed in A. Felber, *Unzucht und Kindsmord in der Rechtsprechung der freien Reichsstadt Nördlingen vom 15. bis 19. Jahrhundert*, Wemding 1961, and R. Winter, *Die Lehre von Kindsmord in der deutschen Gerichtsmedizin des XVIII Jahrhunderts*, "Zeitschrift für ärztlichen Fortbildung", vol. 157, 1963, pp. 1127 - 1149.

⁴ B. Groicki, *Postępek sądów około karania na gardle* [*Court Proceedings concerning Capital Punishment*], in: *idem*, *Artykuły prawa majdeburckiego. Postępek sądów około karania na gardle. Ustawa piacej u sądów* [*The Articles of the Magdeburg Law. Court Procedure concerning Capital Punishment...*], ed. K. Koranyi, Warszawa 1954, pp. 157 - 159: "Should a woman destroy her foetus that is already alive and hath discernible limbs..."

tion—agrees on the whole with the definition now accepted in the Polish criminal code. The main difference lies in the intentions of the legislators and the penalty: in the past the intention was to inflict a particularly severe punishment on the infanticide for an unnatural act contrary to God's commandments, one that meant the eternal damnation of the soul of an unbaptized baby; at present this kind of offence is accorded special leniency (as it is a so-called privileged offence) in view of the woman's specific state of mind during parturition which to a great extent may diminish her capability of evaluating the situation and deciding on the right way to behave.⁵

In the material I have examined all the women charged with infanticide were unmarried maid-servants.⁶ Only in one case is it uncertain whether the culprit—probably the daughter of a Cracow leather-dresser—was living in her place of service or with her parents.⁷ We know the origin of 19 women: nine were of rural origin and 10 were from a town. In Cracow, five infanticides were of peasant and two of urban origin; in Lublin the two women whose origin is known were from the countryside; in Poznań two came from the countryside and eight were townswomen. However, the number is too small to permit any conclusions to be drawn.⁸ The social standing of the parents of the girls coming

⁵ For an extensive discussion of the range of the concept of infanticide and the various legal and social aspects of this question see: J. A. Bartoszewski, J. Halaunbrenner-Lisowska, *op. cit.*, pp. 9-27.

⁶ Documents of the City of Cracow, 865, f. 91.

⁷ Examining infanticide in the shires of London and Middlesex in the 18th century, R. W. Malcolmson, *op. cit.*, pp. 192 ff. says that the overwhelming majority of the culprits brought to court were unmarried maid-servants or women who left service shortly before committing the crime. The situation in Nördlingen in the 16th and 17th centuries was similar, cf. A. Felber, *op. cit.*, pp. 95-99.

⁸ No detailed research has so far been conducted on the social background of domestic servants in big Polish towns in the 16th and 17th centuries. Some idea may be obtained from the social origin of women regarded as felons (excluding infanticides) in Cracow and Poznań in the second half of the 16th century, about 63 per cent of whom were from towns and about 31 per cent from the countryside, cf. M. Kamler, *Struktura i liczebność środowisk przestępczych Poznania i Krakowa w dru-*

from the countryside is unknown. The parents of the townsgirls were mostly craftsmen.

None of the girls brought to court was permanently linked with a man, whether by marriage or informally. With the exception of one case, the fathers were more or less known. In two cases these were the masters of the households in whose service the accused were.⁹ Five maid-servants were made pregnant by journeymen or farm-hands serving the same master.¹⁰ The others were casual partners or partners of brief duration known only by their first name and surname, more often by their trade, work place or place of residence. Among them were two cobblers, two students, a carpenter (married), a cook, a swordbearer, a maltster, a captain of the starosta of Lublin, and a servant of the court marshal Andrzej Opaliński. Only in three cases are there grounds for supposing that the liaison lasted for some time.¹¹ One girl broke off with her lover because he was courting another woman.¹² It can be assumed that a liaison between maid-servants and their masters and between the servants in one household was of a slightly longer duration. This is indicated by the statements of several women other than the convicted infanticides, who had cohabited with their masters or fellow-servants for a long time, usually until the discovery of the pregnancy.¹³ It seems that in a large percentage of cases—excluding casual cohabitations

giej połowie XVI w. [The Structure and Numerical Force of the Felonry in Poznań and Cracow in the Second Half of the 16th Century], "Przeszłość Demograficzna Polski", vol. XV, 1984, p. 80, table 3.

⁹ Documents of the Town of Kazimierz, K 266, f. 212; Documents of the Town of Poznań, I 640, f. 157v.

¹⁰ Documents of the Town of Lublin, 141, f. 96; Documents of the Town of Poznań, I 639, f. 233v; I 640, f. 38; I 662, f. 5v; I 665, f. 118: In Nördlingen the fathers were usually servants, townsmen and their sons whose social background was similar to that of their partners, the infanticides, cf. A. Felber, *op. cit.*, p. 96.

¹¹ Documents of the Town of Poznań, I 639, f. 115; I 665, f. 118, 297.

¹² Documents of the Town of Poznań, I 665, f. 297.

¹³ Documents of the Town of Poznań, I 639, f. 156v, 160v; I 640, f. 157v; I 661, f. 46v; I 662, f. 39v-41v; I 663, f. 54v-55v; I 665, f. 21v-22v and 23; I 641, f. 104.

or ones broken off for other reasons (e.g. the departure of one of the partners from the town, the marriage of a widowed master who had cohabited with his servant)—the affair came to an end when the maid-servant discovered that she was with child. It was usually then that the man abandoned the maid-servant (or broke off with her) or that she moved to another place (frequently to another town).¹⁴

The widespread practice of unmarried pregnant maid-servants giving up their jobs and leaving the town indicates that their situation was by no means an easy one. It seems that mainly there remained on the spot those women who in their naivete thought they could rely on the support of the man responsible for their condition, or those who secretly tried to get rid of the child.¹⁵ Cases of maid-servants made pregnant by their employer remaining in his service and giving birth to the child in his house seem to have been exceptional.¹⁶ Public opinion in towns unequivocally condemned pregnant unmarried women; the landlords who gave them work and accommodation were sometimes also blamed.¹⁷ The reaction of Wojciech Rączka, who lived in the

¹⁴ Documents of the Town of Poznań, I 639, f. 2, 156v, 160v; I 640, f. 38; I 661, f. 46v; I 664, f. 29v - 33; I 665, f. 118, 297; I 641, f. 208.

¹⁵ Documents of the City of Cracow, 864, f. 341; Documents of the Town of Poznań, I 639, f. 115; I 662, f. 39v - 41v; I 641, f. 104.

¹⁶ Documents of the Town of Poznań, I 665, f. 21v - 22v. It is not quite clear in what situation during her pregnancy was Apolonia who was tried in 1610; having discovered that she had been made pregnant by her landlord, Gołkowski, she told him about this, but met with disbelief and derision. She probably concealed her condition, for the birth of the child was received by its father with great surprise, which may of course have been assumed.

¹⁷ Documents of the Town of Poznań, I 640, f. 38; *ibidem*, f. 156v: "you wicked woman [...] you would have brought shame on this house, I don't want you here any longer, and should the master come, he might give you a good drubbing [...]". Although in her successive statements Dorota gave a different account of the events, so that the mistress of the house may not have uttered the above quoted sentence at all, the fact that in her first statement the accused gave this version shows that this reaction was most likely and, what is more important, in accord with the reactions of many other townswomen in Poznań, described in various statements. Cf. *ibidem*, I 665, f. 297 - 297v, 367v; I 662, f. 5v. R. W. Mal-

jurisdiction of the Lublin parish, seems very characteristic ; when accused by the local assessor in 1634 of "hiding a suspected woman", he explained that he had taken that girl into his service and "having noticed that she was pregnant, did not want to employ her any longer."¹⁸ It is not surprising, therefore, that the girls tried to conceal their condition until the very end by repeatedly changing their place of work and explained that their enfeebleness and indisposition were due to some undefined ailment.¹⁹ A particularly drastic picture is contained in the first statement made in 1597 by Dorota, daughter of a tailor from Kalisz, who had been in service in Poznań for several years and had been seduced by her employer, an organist.²⁰ According to this version, Dorota was turned out of the house by her mistress, and freezing in the March cold and in the throes of labour wandered in the Poznań suburbs in a vain search for refuge. In her successive statements Dorota gave a different account of the

colmson, *op. cit.*, pp. 192 ff. also says that a maid-servant was at once dismissed from her job if she was found to be pregnant, and had no prospects of getting permanent employ. These girls either had to take up the heaviest job (e.g. washing) or looked for odd jobs, or drifted into the underworld, becoming thieves or prostitutes. See also J. M. Beattie, *op. cit.*, p. 114. In Nördlingen pregnant maid-servants were also dismissed from work, see A. Felber, *op. cit.*, p. 97.

¹⁸ Documents of the Town of Lublin, 304, f. 216v - 217, 221v - 223v. In spite of the employer's typical reaction to Barbara's pregnancy, the case had an unusual ending. Even though the charge of rape which she laid against her former employer and the father of the child she was expecting turned out to be false, she was not punished for a false accusation and for adultery with a married man but was awarded 20 grzywnas as compensation.

¹⁹ Documents of the Town of Poznań, I 640, f. 38 ; I 662, f. 40v. In Nördlingen in the 16th and 17th centuries and in England in the 18th the girls in this situation also tried to conceal their pregnancy until the end, cf. R. W. Malcolmson, *op. cit.*, pp. 193 ff. ; J. M. Beattie, *op. cit.*, A. Felber, *op. cit.*, p. 97. Contemporary research into infanticide in Poland also shows that the women who commit this crime conceal their pregnancy, see, J. A. Bartoszewski, J. Halaunbrenner-Lisowska, *op. cit.*, p. 68.

²⁰ Documents of the Town of Poznań, I 640, f. 156 - 159. Dorota from Kalisz bore her baby in the fifth month of pregnancy and the baby died immediately after birth, see below.

circumstances, but her first version, even though probably partly invented, coincides with the realities of that time as known from other statements.

Practically none of the seduced girls received any help or even a kind word from the father of the expected child. We do not know much about how these men reacted on learning about their partners' condition. Although the above mentioned Gołkowski rented a cubby-hole in a baker's house in a suburb behind St. Martin's church for his partner and gave her as much as 12 florins, it seems that he did this not so much out of goodness of heart as out of the fear that she might defame him before other people.²¹ Another girl described how her former employer and the master of the house with whom she had had a sexual relationship for a short time, when he was a widower, had refused to help her and how, when she was pregnant, she had been turned out by his new wife.²² Some men may have never learned about the pregnancy, but this could not have been the typical situation, if we exclude casual relationships (e.g. with passing travellers); others remained where they lived and lost contact with their partner when she, fearing opprobrium and condemnation, left for another town; still others intentionally went away to avoid

²¹ An important circumstance was the fact that Gołkowski was married, although apart from this information nothing is known about his wife and she was probably not at home in Poznań during the girl's pregnancy and the child's birth. Owing to the fear of the harsh punishment which was usually meted out to adulterers (as a rule it was the death sentence for both partners or one) and also probably to the desire to avoid trouble with the wife, married men who had fathered illegitimate children tried to prevent the seduced girls from making the case public by buying them off with money (as Gołkowski did). These sums were sometimes very small, e.g. in 1578 Andrzej, a glazier in Poznań "would send her [...] a grosz or two, asking her not to defame him"—Documents of the Town of Poznań, I 639, f. 160v. In connection with the punishment for adultery, see from among the texts used for this article, Documents of the Town of Poznań, I 663, f. 54v - 55v. Cf. also W. Maisel, *Poznańskie prawo karne [The Criminal Law of Poznań]*, pp. 255 - 259.

²² The father of the child (who was stillborn, so that the accused was only banished from the town) was Jan, a bookbinder, Documents of the Town of Poznań, I 662, f. 41.

trouble and perhaps also punishment.²³ These situations as well as the subsequent fate and wanderings of the lonely girls show that the culprits had no intention of taking responsibility for their misdeed. This behaviour on the part of the men was facilitated by the low social standing of the seduced girls, the fact that they were quite alone, the realization that they met with general condemnation (also from their own family) and the slender possibilities of forcing the father of their child to give them help. In this respect the situation of seduced girls from well-off townsmen's families was much more favourable, as is proved by the case of Katarzyna Schlusselfelderówna, held in 1576 and 1579 and extensively documented. Katarzyna Schlusselfelderówna, from a prosperous patrician family in Poznań, and later the wife of a goldsmith, Krzysztof Józefowicz, had been seduced by one Grot, a merchant.²⁴ Although the father of her daughter (who was born in secrecy, but in Katarzyna's own home, amidst members of her family and the servants) also tried to evade responsibility, and Katarzyna was banished from Poznań (she went to live in Chwaliszewo and later in Sródka), yet, perhaps frightened by the threat that he would be charged with rape, he paid maintenance for his illegitimate daughter who was fostered out to a woman living at Rybitwy. The circumstances of this case as well as Grot's reaction are in marked contrast to the analogous cases in which maid-servants were involved.

As a rule, the parturition took place in secret with no other person present. Only one of the infanticides was helped by an aunt, who had been let into the secret and took care of the girl up to the end.²⁵ Feeling that their time was near, the girls tried to sleep alone or shammed illness in a small room or some recess, usually in the house of their employers.²⁶ In one case the parturition took place on a shakedown at the foot of a bed in which a

²³ Documents of the Town of Poznań, I 639, f. 233v ; I 662, f. 52 ; I 665, f. 118.

²⁴ *Ibidem*, I 639, f. 132v - 138v and 169v - 170.

²⁵ Documents of the City of Cracow, 864, f. 341.

²⁶ Documents of the City of Cracow, 864, f. 139 (two statements) ; Documents of the Town of Lublin, 142, f. 547 ; Documents of the Town of Poznań, I 638, f. 187 ; I 639, f. 15v, 233v ; I 662, f. 5v, 52 ; I 665, f. 118.

tenant who had given refuge to the girl slept.²⁷ Dorota from Kalisz, whom we have mentioned before, gave birth to her baby in bed, at the feet of the two children who were sleeping in it. Two girls had their babies in the garden adjoining the house (one of them was ashamed to waken her mother who was sleeping with her in the room).²⁸ Immediately after the parturition, the unfortunate mothers committed infanticide, usually by smothering the new-born baby (with a pillow, a feather quilt, a handkerchief, by hand), by breaking the baby's spine or by drowning it, and then tried to hide the corpse, usually by burying it in the ground (in one case in a recess) or dungheap or throwing it (frequently alive) into water or into a privy.²⁹ Sometimes the girls did not try to get rid of the corpse or did this in such a way that the fact was discovered at once (e.g. by putting it into a pot and leaving it in the room, by hiding it under the staircase of the house).³⁰ Some mothers kept the bodies of their children with them the whole night, or even for several days.³¹ One girl, obviously unable to bear the mental stress, confided what she had done to the house-cook, who immediately told the mistress of the house; thanks to this, the case ended happily, for the baby, thrown alive into

²⁷ Documents of the Town of Poznań, I 640, f. 38.

²⁸ Documents of the City of Cracow, 864, f. 60; Documents of the Town of Poznań, I 665, f. 298. Both in 18th century England and 20th century Poland the infanticides were completely alone during the childbirth and frequently gave birth in extremely difficult conditions, cf.: R. W. Malcolmson, *op. cit.*, p. 195; J. M. Beattie, *op. cit.*, p. 117; J. A. Bartoszewski, J. Halaunbrenner-Lisowska, *op. cit.*, p. 69.

²⁹ English infanticides acted in a similar way. In court records one can find accounts of infants killed by unknown mothers having been found; in most cases it is not known whether the search for the culprits ended in success, as for instance in a rather typical text of 1642 from the St. Wojciech jurisdiction in Poznań—Documents of the Town of Poznań, Jur. 23, f. 92.

³⁰ Documents of the Town of Poznań, I 639, f. 233v; I 638, f. 187. In our times, too, infanticides often do not try to hide the child's body, cf. J. A. Bartoszewski, J. Halaunbrenner-Lisowska, *op. cit.*, pp. 42, 69.

³¹ Documents of the Town of Lublin, pressmark 142, f. 547; Documents of the Town of Poznań, I 662, f. 5v; I 640, f. 158 - 158v.

the privy, did not drown and was saved, and the girl escaped a cruel death.³²

Many statements raise the question of the motive for the crime. Most of them indicate directly or in an easily recognizable way that the girls were ashamed at having a child out of wedlock and were afraid of the reaction of their environment and of their parents. Now and again we read "I smothered it [...] so that nobody should know about it [...] and there was nobody there to dissuade me from what I did", "wishing to conceal and keep this secret", "I concealed this out of shame and grief, my own and my mother's so that nobody should know about it", "so that my father should not get to know about it", "I was afraid of the mistress of the house".³³ One can also come across attempts to lay the blame on "temptation by the devil" or some undefined inner compulsion.³⁴ Thus, the motives of the crime, as indicated in the statements of the accused, were almost exclusively psychic and emotional. They were not the kind of motives which could have impressed the judges and induced them to pronounce a lenient sentence. There are almost no attempts to explain the crime by the living conditions and the fear of not being able to earn one's living with an illegitimate child to support; one can assume that such motives would have been mentioned in the statements if these factors had played a significant role in subsequent fate of the unmarried mothers. There is only one case where a girl feared she would not find a job "so [...] that she might later on go into service with people."³⁵ But the ease with which maid-servants changed jobs at that time (one can find a great deal of information on this subject in the statements of women tried for various offences) and the frequency of these changes clearly show that

³² Documents of the Town of Poznań, I 665, f. 118.

³³ Documents of the City of Cracow, 864, f. 60; Documents of the Town of Lublin, 141, f. 91v-92, 96; Documents of the Town of Poznań, I 639, f. 15v; I 665, f. 298. How similar are the explanations of contemporary girls: "I had nowhere to go back to", "father has thrown me out", "I thought I should not be able to bring it up", cf. J. A. Bartoszewski, J. Halaunbrenner-Lisowska, *op. cit.*, p. 68.

³⁴ Documents of the Town of Poznań, I 639, f. 2; I 665, f. 118.

³⁵ *Ibidem*, I 639, f. 115.

there was then a large demand for female labour in towns. There was also a deficit of female labour in the countryside, especially during the period when field work was in full swing. One can therefore assume that unmarried mothers, especially if they moved with their babies to another town, experienced no particular difficulty in finding a job. This is also indicated by the statements of other unmarried mothers who never said they had encountered any special difficulty in maintaining themselves and their child. Nor is there any trace of the mothers meeting with painful manifestations of social condemnation. In their statements these women treat the fact of having had an illegitimate child with considerable unconcernedness, as a fact which, though not very commendable, was not a problem that would induce them to embark on such a drastic measure as infanticide. Some of these women had had several illegitimate children, each by a different father, though they were not prostitutes.³⁶ The punishments meted out by the courts for loose living were among the most lenient (if an indictment was made at all, which was rare); of course this only applied to cases not involving adultery with a married man, for which the punishment was severe.³⁷

The results of research into infanticide in various countries and at various times (Germany in the 16th and 17th centuries, England in the 18th century, Poland in the 20th) show that the factors exercising the decisive influence on the perpetration of this crime have not changed much during the last 400 years. In the 16th century as well as in the 20th the conduct of the infanticides was determined by a whole nexus of factors, the decisive role being probably played by the existing social conditions. Fear of being condemned by the environment and the family, wanderings and conflicts with employers, fear of one's fate after the birth of the child (even though exaggerated), complete loneliness and

³⁶ Małgorzata of Głogów was the mother of five illegitimate children and was expecting a sixth, Małgorzata of Golub had two children born out of wedlock. Documents of the Town of Poznań, I 639, f. 234v; I 641, f. 272.

³⁷ For instance, Anna from Zerków, who had a child by her landlord, was banished from Poznań in 1577—Documents of the Town of Poznań, I 639, f. 156v.

the usually extremely difficult conditions of the secret parturition, combined with the specific mental condition experienced by every woman during childbirth, a state which can sometimes lead to disturbances of consciousness or depression, all this created a situation pushing less resistant persons to crime.³⁸ A perusal of some of these laconic and tragic texts suggests that at least some of these girls not only did not consciously decide to kill their children but were not even aware of what they were doing and what consequences this would have. I think that this is how we can interpret the statement made by Magdalena of Dolsko, brought to trial in Poznań in 1610. "But she did not think about this nor had she wanted to destroy the child, but when she was lying in bed and the child was with her for half an hour and cried [...] something seemed to say to her 'throw the child into the privy' [...] and being so advised, she took the child and threw it into the privy [...] and it cried there. But she regretted having done this."³⁹ Nor is there any trace of a conscious decision in the statement made by Anna of Kobylin in 1614: "she went out of the cubby-hole, ran about in the orchard [...] and gave birth to the child at night in the garden, standing and leaning against a tree [...]", and then "having delivered the child, she at once took it by the legs and struck it against the ground and changed a living child into a dead, lifeless one".⁴⁰ The case of Dorota of Kalisz, who has been mentioned several times before, is a typical example of a mother causing the death of her child by not giving it the necessary post-natal attention. This seems to have been the result of her restricted consciousness resulting from a difficult and solitary confinement: "and lying in that bed at the feet of the children, she gave birth to a baby who began to cry [...] but she could not move for pain and she lay dizzy, and the baby lay

³⁸ These factors are pointed out by researchers into infanticide in the past (cf. R. W. Malcolmson, *op. cit.*, p. 207), in contemporary times in Poland as well as by the Polish criminal code and a verdict of the Supreme Court, see. J. Bartoszewski, J. Halaunbrenner-Lisowska, *op. cit.*, pp. 21, 63, 67-69, 70-72, and W. Dżułyński, *op. cit.*, pp. 319 ff.

³⁹ Documents of the Town of Poznań, I 665. f. 118.

⁴⁰ *Ibidem*, f. 298 and 302.

beneath her under the feather quilt, and when the pains and the dizziness had abated, she reached out for the baby to lift it up and take it to herself, but she was unable to do so for it got entangled in something, and she endeavoured to get up, and when she was getting up, the naval cord snapped and when she lifted up the baby, it only yawned a few times and died [...] upon my word I did not want to destroy it, but since there was nobody to take it away from me, I could not manage by myself because I was lying ill.”⁴¹ Some statements are too general for any conjectures to be made about the emotional state of the girl in question, but nothing in them indicates any deliberate, premeditated action. Only two statements contain information about the intention to procure an abortion or kill the baby.⁴² The girls on trial could hardly be expected to depreciate themselves in the eyes of the judges by telling them how they had planned the crime, but the excerpts we have quoted show that in many cases it is extremely difficult to find any profound motive. We must also remember that there was a possibility of getting rid of the baby in a much less dangerous way, for instance, by abandoning it in a church in some other town (this was practised on a large scale in many European countries).

The court proceedings were usually short for when the child's body was found, the girls as a rule confessed to the crime. The judges were particularly interested in whether it was a live birth, for this was of decisive importance in qualifying the deed and determining the penalty. The difficulty arose when the accused maintained that the child was stillborn. In contentious cases in Poznań, a doctor examined the body and expressed the opinion whether the child had been born alive.⁴³ In the cases I have researched torture was not applied in Cracow and Poznań, even

⁴¹ Documents of the Town of Poznań, I 640, f. 158v.

⁴² Documents of the City of Cracow, 864, f. 341 ; Documents of the Town of Poznań, I 639, f. 115 .

⁴³ Documents of the Town of Poznań, I 662, f. 40 and 41v. W. Dżułyński, *op. cit.*, *passim*, shows how unreliable the doctors' opinion on this matter were even as late as the first half of the 18th century by examining in detail the opinions of Wrocław doctors in the cases of three infanticides from the years 1772, 1724 and 1730.

when the accused, contrary to the opinions of experts, asserted that the child had been stillborn.⁴⁴ In Lublin the women charged with infanticide were usually tortured, even when they had pleaded guilty.⁴⁵ The maintenance, in spite of torture, of the assertion that the child had been stillborn gave grounds for acquitting the accused or meting out a lenient sentence for concealing her condition and the childbirth or for an offence against public decency.⁴⁶

In Poznań the sentences for infanticide were in accord with the recommendations of Groicki, and in Cracow they did not differ much.⁴⁷ In Poznań all the unquestionable infanticides were sentenced to being buried alive and having a stake driven into their body; deliberate abortion was punished in the same way as the killing of a newborn baby.⁴⁸ Dorota of Kalisz whose baby died probably through her fault, but cannot be said to have committed direct infanticide (through premeditated action) was only sentenced to be banished from the town. This extremely lenient sentence was laconically explained by the grave illness of the accused; I think the judges had in mind her very poor physical condition at the time of the parturition, which had a decisive influence in her omission to do what was necessary for the infant, a circumstance which greatly extenuated the qualification of her deed.⁴⁹ In the case mentioned above where the child was saved, the mother was flogged at the corners of the market square and banished from the town for good. In Cracow three girls were drowned in the Vistula, one was buried alive and had a stake

⁴⁴ Documents of the Town of Poznań, I 665, f. 298 - 299v and 302, but at the last moment the accused admitted having committed the crime.

⁴⁵ Documents of the Town of Lublin, 141, f. 95 - 97.

⁴⁶ *Ibidem*, 140, f. 95v - 97 and 350v - 351v.

⁴⁷ B. Groicki, *Postępek sądów*, pp. 157 - 158, Article LXXX, Recommendations concerning the conducting of investigation in cases of infanticides, *ibidem*, pp. 112 ff. and 158 ff.

⁴⁸ Documents of the Town of Poznań, I 639, f. 115.

⁴⁹ Documents of the Town of Poznań, I 640, f. 159. See also W. Maisel, *op. cit.*, p. 220, whose mention of this case implies that the aim was not to inflict a cruel punishment on a seriously ill person. This interpretation does not seem to be correct for the execution of the sentence could have been put off until the health of the sentenced woman improved.

driven into her body, still another, together with her aunt who was accessory to the crime, instead of being clawed with red-hot pincers, buried and impaled, a sentence which should have been pronounced (as was stressed in the verdict), was sent to the block, following the intervention of influential people; one girl was sentenced to decapitation in Kazimierz and in one case the death sentence was not defined ("she went to face God's judgment"). In Lublin all the three accused who were proven guilty were sentenced to decapitation, a much more lenient sentence and one not foreseen by Groicki for this type of crime.⁵⁰ The less cruel sentences pronounced in Lublin are in a certain contradiction to that town's practice of torturing women accused of infanticide. It is noteworthy, however, that the three sentences come from 1640 and 1646; also the only information from Cracow (Kazimierz) about the penalty of beheading comes from as late as 1622 (this is also the last sentence from Cracow which I had at my disposal). Unfortunately, I do not know what kind of death sentences were imposed for infanticide in Lublin in the second half of the 16th century and in Poznań after 1614 (the last sentence known to me), for the question arises whether the less cruel sentences in Lublin and the one in Cracow did not indicate a tendency to alleviate the method of punishing common criminals in the 17th century.

The material presented above allows us to formulate several general conclusions. The crime of infanticide was committed by single maid-servants who got no support from the men responsible for their pregnancy and who were almost as a rule separated from their family. Not a single case has been found of such a crime having been committed by a woman living in a permanent, even unconventional, union with a man, let alone by a woman having her own legally sanctioned family. Of course one cannot say that

⁵⁰ In Nördlingen in the 16th and 17th centuries all infanticides were liable to a death sentence by beheading, cf. A. Felber, *op. cit.*, p. 99. Until the end of the 18th century this crime was punished all over Europe by various kinds of death sentence. This penalty was abolished first in Austria (1803); in the second half of the 19th century, infanticide was gradually recognized as a privileged offence, cf. W. Dżułyński, *op. cit.*, pp. 319 ff.

infanticide was not committed by such women, but I think it was a much rarer phenomenon and one that was much easier to conceal.⁵¹ Not one concrete reason can be given as the direct motive for infanticide. It seems that the most important factor which led less resistant girls to a nervous breakdown and, in consequence, to infanticide, was the atmosphere of general condemnation and chicaneries surrounding them, especially in the final stage of their pregnancy, loneliness and the frequently tragic conditions of the parturition, which intensified their depression. In all probability economic factors, which did not endanger the existence of an unmarried mother and her child and probably for this reason are practically unmentioned in the statements of the accused, played an insignificant role in the majority of the cases.

(Translated by Janina Dorosz)

⁵¹ R. W. Malcolmson, *op. cit.*, p. 206, also draws attention to the fact that a married woman had many possibilities of getting rid of an unwanted child in a safe and veracious way.