

TOMASZ WIŚLICZ

LOVE IN THE FIELDS
RELATIONSHIPS AND MARRIAGE
IN RURAL POLAND
IN THE EARLY MODERN AGE:
SOCIAL IMAGERY
AND PERSONAL EXPERIENCE

TRANSLATED INTO THE ENGLISH BY
GEORGE SZENDEROWICZ



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CONTENTS

INTRODUCTION: PERSONAL LIFE AS A SUBJECT OF HISTORICAL RESEARCH

| | |
|--|----|
| 1. History and Historical Experience | 7 |
| 2. From Microhistory to the Biography of an ‘Ordinary Man’ | 9 |
| 3. Biographical Method | 16 |
| 4. Personal Life as a Subject of Research | 19 |
| 5. First-Person Narratives | 23 |
| 6. State of Research. | 30 |
| 7. Sources and Structure of the Book. | 34 |

PART ONE: PREMARITAL RELATIONSHIPS

| | |
|--|----|
| 1. The Myth of Rural Sexual Ethics. | 37 |
| 2. Legal, Religious and Practical Aspects of Pre-Marital Sexual Activity | 41 |
| 3. The Case of Jan Wielowski and Barbara Białozielonczonka | 46 |
| 4. Discretion in Deed, Discretion in Word. | 49 |
| 5. Single People, Widows, and Youths | 41 |
| 6. In Service. | 55 |
| 7. Meeting Places | 58 |
| 8. Courtship. | 64 |
| 9. The Risk of Premarital Pregnancy | 66 |
| 10. <i>Coitus Interruptus</i> , Contraception, and Abortion | 70 |
| 11. Infanticide | 75 |
| 12. From Pregnancy to Marriage | 79 |
| 13. Establishing Paternity | 84 |
| 14. Unwed Mothers | 89 |
| 15. Non-Legalised Relationships | 94 |
| 16. Moral Assessment of Premarital Intercourse. | 97 |

PART TWO: MARRIAGE

| | |
|---|-----|
| 1. External Restrictions on the Freedom to Marry. | 101 |
| 2. Marital Consent | 104 |
| 3. Marital Compulsion | 108 |
| 4. The Marriage Policy of Peasants in the Light of Economic Issues. | 112 |
| 5. Rules of Marital Selection and How They Functioned. | 117 |

| | |
|--|-----|
| 6. Matchmaking by Parents or Guardians | 119 |
| 7. Marriage against Will? | 122 |
| 8. Marriage through Love?. | 125 |
| 9. Model of Rural Marriage | 130 |
| 10. Love, Friendship, Liking, and Favour | 133 |
| 11. Solidarity and Respect | 135 |
| 12. Marital Arguments. | 138 |
| 13. Violence. | 141 |
| 14. Sexual Life | 145 |
| 15. Sexual Freedom of Spouses. | 149 |
| 16. Marriage and Children | 152 |
| 17. ‘Divorce’ | 156 |
| 18. ‘Trading Wives’ | 159 |
| 19. Murder of a Spouse | 161 |
| PART THREE: EXTRA-MARITAL RELATIONSHIPS | |
| 1. Tales of Matrimonial Betrayal | 165 |
| 2. Adultery in the Light of Law and Judicial Practice | 166 |
| 3. Public Disgust | 170 |
| 4. Symptoms of Adultery. | 174 |
| 5. The Tavern, Alcohol, and Sex | 178 |
| 6. The Criteria of Physical Attraction | 182 |
| 7. The Criteria for Choosing a Partner | 185 |
| 8. Marriage and Extra-Marital Relationships | 189 |
| 9. Going Away and Starting a New Life | 192 |
| 10. Double Standard. | 194 |
| 11. Between Approval and Condemnation. | 197 |
| 12. Three Tales. | 201 |
| Tale One: The Deadly ‘Union’ of Regina Wydrowa with Jakub the Farmhand, 1729–1730 | 201 |
| Tale Two: The Stormy Relationship of Klemens Heliasz and Franciszka Hodorowicówna, 1741–1744. | 204 |
| Tale Three: The Fiery Romance of Jadwiga Czapucionka and Tomasz Saletra, 1719–1723 | 207 |
| EPILOGUE: CONCLUSIONS AND THESES | |
| Tabula Debitorum | 216 |
| List of Abbreviations. | 217 |
| BIBLIOGRAPHY | |
| 218 | |
| INDEX OF PERSONS | |
| 242 | |

INTRODUCTION

PERSONAL LIFE AS A SUBJECT OF HISTORICAL RESEARCH

1. HISTORY AND HISTORICAL EXPERIENCE

The only historical reality an individual directly experiences is one's own life. History cannot be experienced personally, because history, as a narrative about the past based on established facts, is but an intellectual construction, a proposition of how to categorise and interpret what we consider to be objective events in the past. The dynamics of this narrative are determined by the concept of a historical process which, paradoxically, is the product of history itself. Therefore, to determine the existence of a historical process, it is first necessary to interpret the factual data; in other words, to create history. The historical process is, as it were, a secondary construction, and its relationship to the individual experiences of a human being is open to debate. Only a very small group of people, able to reflect on such issues, might be (and are) aware of the occurrence of the historical process. Meanwhile, the direct impact of the historical process on the life of a person is generally assumed a priori, and not just by historians. We know this impact from our personal experience and daily observations, and it can also be demonstrated with the aid of theoretical models and statistical analyses.

Until recently, history paid little attention to the direct experiences of people in the past. In 'heroic' history, describing the *res gestae* of distinguished individuals, the above experiences were virtually absent. The lives of individuals were reduced to the number of people killed, usually given in round figures. At the very most, the heroes of history, as the causal factor of it, possessed some form of life. The requirements of the heroic narrative, however, restricted this to politics, diplomacy and warfare. Even sexual desire was dictated solely by the 'need to continue the dynasty'. Other aspects of the lives of eminent people appeared in historiography solely as anecdotes quoted to lend colour to the text.

Not until the application of socio-economic theories in historiography in the middle of the twentieth century did our picture of the past alter

radically. The individual's causal force was lost to global processes and determinants of development. Mass phenomena and statistical events, affecting entire societies or social groups, began to count. As a result, the biographies of 'great people' lost their importance because social history ceased to regard their deeds as the motor of the historical process. Although historians continued to occupy themselves with the lives of individuals, they began to seek the answers to the most important questions elsewhere, examining history through the prism of social groups. Demographic or prosopographic approaches were more useful in these examinations than biographical ones because it was believed that the individual and their deeds were determined by membership of a specific social group.

Nevertheless, this deviation from interest in the heroic individual has enriched our knowledge of the possible living conditions of those to whom traditional historiography has not devoted much attention, persons usually described as 'ordinary people'.¹ Historical research into social structures, the economy and technology has made it possible to recreate the conditions in which people for whom there was no room in the historical 'heroic' narrative lived. From there, it was a small step to tackling the subject of daily life, the attendant history of material culture, and the history of mentalities. Such research grew from the increasing conviction of historians that history is not only shaped by unique great events, but also by ordinary events if they are generalised as types of mass experiences. Thus, historical research began to consider the categories of reality which directly affected the broadest masses of society, and at the same time, the social perception of this reality.

Everyday life in the eyes of historians at the end of the twentieth century became a much broader and more complex concept than the authors of the popular series of books *La vie quotidienne*² could have imagined, for it was recognised as a fundamental framework in which man could assert himself, and therefore 'the direct soil of human existence, the ground for the activity of individuals and groups'.³ Thus, its historical importance cannot be overestimated. Maria Bogucka regarded everyday life as one of the three levels (in addition to 'great events' and mentalities) of the historical process

¹ See: Cartledge 2002; Stearns 2003. The concept of 'ordinary people' is extremely imprecise. The easiest way to define it is as a general sample of representatives of the lower social orders who did not make a name for themselves in the heroic historical narrative. This does not at all mean the 'average' person, because this is purely a construction of statistical analyses. Any individual who was noted in historical writings throughout early modern times was no doubt above average in one way or another.

² This revaluation was achieved mainly due to German researchers; see: Hardtwig 1994; Lüdtko 1995.

³ Bogucka 2002, p. 15.

and attached great, if not prime, importance to it. According to the model she proposed, everyday life, despite its inertia, is subject to the direct influence of great events, but at the same time also affects these events via the mentalities that are shaped by everyday life. For this reason, too, everyday life should be an important area of historical research.⁴

Thus, when describing historical everyday life, researchers began to pay attention to general, repeatable and mass phenomena, which they examined from the angle of social sciences. Such a pattern of processing history was promoted by, among others, the influential *Annales* School. However, despite its undeniable achievements in raising the status of the history of 'people who have no history', it exposed itself to the charge that by viewing history in terms of social groups, it assumed that nothing had happened within these groups, or at least nothing interesting. The deeds of the individual were supposed to be somehow determined from outside, either by membership of a particular social group or by some ahistorical structures, therefore they do not require the researcher's attention.⁵

2. FROM MICROHISTORY TO THE BIOGRAPHY OF AN 'ORDINARY MAN'

Microhistory has transpired to be a remedy for de-humanised social and structural history. It arose in Italy in the 1970s and, intended to sensitise social history to a specific context, it drew researchers' attention to phenomena to which history had previously refused to devote any significance.⁶ Small local communities, or even individuals whose names would otherwise never have appeared in historical works, became the heroes of the books by such authors as Giovanni Levi or Carlo Ginzburg. Nevertheless, the change in the scale of observation did not occur without premeditation: it brought with it a fundamental restructuring of the very basis of historical analysis. Microhistorians tried to understand past societies without the aid of predefined functional or social models. They viewed the subjects of their research through the prism of social interaction, assigning a prime role to autonomous individuals who think and act according to universal and rational principles.

In considering the fortunes of historically unimportant individuals or small communities, microhistorical studies attempted to paint an overall picture of history, regarding a case study either as an example of what is typical,

⁴ *Ibid.*, pp. 15–16.

⁵ Revel 1989, pp. IV–V.

⁶ Grendi 1996, p. 239.

or as an exception, revealing the defects in the functioning of certain social mechanisms.⁷ Researchers were convinced that what is individual may be perceived as a totality in miniature.⁸ According to Giovanni Levi, ‘to practice microhistory does not mean to look at little objects, but to regard things on a small scale’.⁹ At the same time, a researcher adopting such scale enables them to see things that are ‘exceptionally normal’; in other words, the pattern of human life which is usually omitted in the source records but which forms the framework of human experience.¹⁰ According to Jacques Revel, the very choice of the microscale of observation reflects a historian’s reconnaissance strategy and enriches their analysis of social structures by increasing the number of variables and applying more complex and varied indicators. Instead of a system of classification according to external criteria, microhistory suggests an examination of individual behaviour which shapes and distorts collective identity. Thus, research into social strategy cannot restrict itself to examining what has happened, but must also consider the other possible solutions, intentions and hesitations of individuals. Under these conditions, one cannot refer to a homogenised social context that determines the choices made by all members of the group. Hence, an understanding of the variety of social experience and perception, and the examining of the various contexts of this experience, becomes the researcher’s objective.¹¹

Despite the declarations of its authors, microhistory has not become yet another—this time ‘Italian’—path to social history.¹² The choice of this historiographical genre was not restricted to methodology, but resulted from more profound considerations: philosophical and aesthetic. As Ewa Domańska has shown, the common bounds of microhistory were set not so much by its methodological issues as by a collection of paradigmatic practices such as a concern for historical narrative, use of discourse analysis, a focus on the intentionality of actors and intercultural dialogue, a recognition of the otherness of the Other, and an interest in persons and communities marginalised in historical research up to that time.¹³

The microhistorical approach also drew historians’ attention to types of sources that had not been adequately exploited before. Emblematic sources for this stream of research became court records, especially inquisitorial and criminal ones, which formed the basis of two pioneering microhistorical

⁷ Burke 1993, pp. 41–42.

⁸ Hardtwig 1994, p. 22.

⁹ Quoted by Medick 2001, p. 283.

¹⁰ Magnússon and Szijártó 2013, p. 19.

¹¹ Revel 1996, pp. 19–26.

¹² As viewed, e.g., by Edoardo Grendi (1996, p. 239).

¹³ Domańska 2005.

books which are still the most popular in this sphere: *Montaillou: The Promised Land of Error* by Emmanuel Le Roy Ladurie (1975)¹⁴ and *The Cheese and the Worms: The Cosmos of a Sixteenth-Century Miller* by Carlo Ginzburg (1976).¹⁵ In the opinion of Arlette Farge, the use of court sources inevitably diminishes the scale of the events which are considered and reconstructed. Historians aim to approach as close as possible the event they are studying not in order to chase the past, but to ask new questions and perceive new problems, and only then step back and place this event in a broader historical context. Thus, court evidence offers 'glimmers of the Other' in which deeds and their representations coincide, while the researcher's task is to give them meaning and create an interpretative framework out of the chaos of apparently insignificant statements.¹⁶

The microhistorical method encountered both admiration and sharp criticism in the last decades of the twentieth century. It was hailed in particular for its humanist dimension and its suitability for philosophical, anthropological and ethical reflection, but it was criticised for reducing history to anecdotes and trivia, for its lack of generalisation or—conversely—for making such generalisations on an insufficient basis.¹⁷ In fact, microhistorians viewed themselves as the continuers of 'explanatory' history and on the basis of their research were fond of putting forth theses referring to fundamental social mechanisms and cultural events. Their greatest achievement, however, was that they introduced the life of ordinary people as a subject of historical research, and showed that despite the fact that the fortunes of ordinary people were repetitive to some extent, they were nevertheless heroes of distinguishable histories and should therefore be a natural subject of interest to historiography. The measurable success of Emmanuel Le Roy Ladurie's book *Montaillou: The Promised Land of Error* was not just the result of its anthropological analysis of the pastoral population of the Pyrenees, but also the result of a skilful use of—one might say—a dramatic plot that allowed a deep and sensual insight into the lives of 'ordinary people' in the middle ages. This empathic reception of microhistorical works was to a certain extent the result of the method applied, and also the result of satisfying the new expectations of readers. Ewa Domańska has pointed out that the secret behind the impact of microhistorical works is not a conscious or subconscious play on the reader's emotions, but a 'non-verbal recognition' of the heroes of microhistory with the aid of characters representing certain universal

¹⁴ English translation: Le Roy Ladurie 1978.

¹⁵ English translation: Ginzburg 1980.

¹⁶ Farge 1993, p. 188.

¹⁷ See, e.g., Kocka 1994, p. 39.

personality traits. Readers find themselves in the same 'ordinary' dimension as these characters, which enables them to learn and understand the fortunes of historical figures, despite the temporal distance and cultural differences.¹⁸ Nevertheless, this type of reception requires certain preparation, and one can agree with Alain Corbin that an interest in the fortunes of 'insignificant people' from the past was the result of a growth in the historical awareness of readers, who began to search for their historical roots or connections not among textbook heroes but among those who had passed through history without virtually leaving a trace.¹⁹

An expansion of this current was a new stream of biographical writings, different from the previous one not just because its subject was people whose names were not to be found in textbooks, but also because of its methodology. When researching the lives of 'ordinary people', the greatest problem is that they have not left much evidence of their existence. As a result, it is only possible to reproduce a hazy outline of their lives and basic biographical data, and only occasionally do sources allow a more accurate reconstruction of some excerpt from their personal history. Occasionally, such excerpt is the only information about them that exists. Due to the paucity of individual data and at the same time their considerable repetitiveness and standardisation (the information usually stems from official records), it would be easiest to conduct prosopographic research which, however, would not satisfy the need to 'meet the Other'.²⁰ Individual biographies in this stream tend to take the form of 'case studies', as Michel Vovelle described them, because it is difficult to compare them with classic biographic works.²¹ Of particular interest here are works based on the autobiographical notes of 'ordinary people'. Of course, it would be difficult to find complete autobiographies here, therefore of great help was the concept of an 'egodocument' introduced in 1958 by the Dutch historian Jacob Presser and popularised in the 1980s by Rudolf Dekker.²² At first, it denoted various types of notes written in the first person, in which the authors relates their deeds and feelings in a purposeful and voluntary manner. It included autobiographies as well as such sources as memoirs, diaries, letters and accounts of journeys taken. Not until the middle of the 1990s did Winfried Schulze expand this term also to include various unintentional notes, and even obligatory self-descriptions of historical persons in the context of their family, community, country or social class, which allow the researcher to study their individual experiences,

¹⁸ Domańska 2005, p. 256.

¹⁹ Corbin 2000, p. 162.

²⁰ Cf. Levi 1989, pp. 1329–1330.

²¹ Vovelle 1985.

²² Dekker 1989 and 2002.

fears and behaviour, and discover their individual level of knowledge and hierarchy of values.²³ Therefore, declarations in official files, supplications, court evidence, accounts, tax returns, wills, etc. have also been included in the category of egodocuments, on condition that they convey the point of view of the historical subject. Thus, such works as Carlo Ginzburg's *Cheese and Worms*, Natalie Zemon Davis' *The Return of Martin Guerre*²⁴ and other works written on the basis of court evidence may be considered to have emerged from egodocuments.

Searches of archives have also uncovered many documents that may be considered autobiographical records of 'ordinary people' to a greater extent than records of evidence. In the case of western and southern Europe, the oldest such records go back to the end of the Middle Ages, such as notes written in the fifteenth century by Benedetto del Massarizia, a peasant from near Siena, which served as the basis for the works of Duccio Balestracci.²⁵ Also worth mentioning is the diary of Jacques-Louis Ménétra, a Parisian glazier's journeyman from the eighteenth century, published with an exhaustive commentary by Daniel Roche,²⁶ and a book by Jean Vassort about an eighteenth-century peasant from Vendôme called Pierre Bordier, who left two volumes of autobiographical notes covering forty years of his life.²⁷ Of particular interest regarding this type of book is the diary of a rural cheesecloth weaver from Maine, Louis Simon (1741–1820), which was published by Anne Fillon, who wrote on this basis her treatise on the subject of love and matchmaking in the French countryside. This was possible because in his *Principaux événements de ma vie*, covering a total of sixty eight years, Louis Simon devotes over half of his memoirs (37 out of 60 pages of manuscript) to the stormy history of his engagement to his future wife Anne Chapeau, a period of nearly eighteen months, even though his life was not short of interesting events, and during the French Revolution he even became mayor of the town in which he lived.²⁸

These 'new biographies' stood out against the previous biographies of 'great people' not only because of their subject and relative scarcity of the source basis (which also necessitated a more thorough and elaborate analysis of the records that remained), but also because of a specific approach to their subject: they allowed their heroes to speak and listened to their

²³ Schulze 1996, pp. 28–30.

²⁴ Davis 1983.

²⁵ Balestracci 1999 (Italian edition entitled *La zappa e la retorica: memorie familiari di un contadino toscano del Quattrocento* published in 1982).

²⁶ Ménétra 1982.

²⁷ Vassort 1999.

²⁸ Fillon 1989 and 1996.

autobiographical tales to allow an understanding of their feelings and penetrate their historical experience which, on one hand, they shared with other members of their social group, but on the other hand was nevertheless unique and formed their personality.

The most original biography of the 'ordinary man' has come from Alain Corbin. His book, *The Life of an Unknown: The Rediscovered World of a Clog Maker in Nineteenth-Century France*²⁹ aims to recreate the life of someone who left virtually no traces in historical sources. The hero of this book, Louis-François Pinagot, left no memoirs because he was illiterate, and not much is known about him apart from the fact that he existed, survived three quarters of the nineteenth century, and made a living by making clogs. He was never involved in a scandal, was never the object of the authorities' attention, and no ethnographer was ever interested in him. This made him a perfect subject of Corbin's planned biography of a completely insignificant person. Corbin assumed that if an 'ordinary person' takes hold of a pen in order to write down his life, or is compelled by the police to do so, this very fact separates him from the society he was meant to represent, and he becomes an individual in his own unique way. For averageness is silent, and its existence is colourless. Thus, Pinagot's biography is based on traces left by that character, but none of which was recorded to impart any sense to his life. Corbin's work was therefore intended not so much to reproduce the character of Pinagot as to recreate it out of dispersed elements. Here, the historian places himself virtually in the position of a Demiurge, giving a completely forgotten person a 'second chance' to live in history.

At this point, it is worth asking why historians bother about the lives of individuals who have had no influence whatsoever on the world's fortunes. Satisfying their curiosity and the need for contact with people from another era do not seem to be adequate justifications because they do justice to the more artistic side of history than the scientific side. According to the critics of microhistory, a programmatic rejection of a concise and synthetic view would reduce historiography to the status of anecdotes, whilst a lack of theoretical reflection about the past would reduce a historical treatise to the level of a literary work. When one demands that historiography fulfils an explanatory function, one should consider whether an examination of subjective human experience may help to understand history. As I mentioned earlier, the historical process is a secondary intellectual construction based on the selection and hierarchization of facts. The value which historians attach to particular historical events changes in time, which means that the vision of the historical process also changes. It suffices to

²⁹ Corbin 2001 (French edition appeared in 1998).

recall how history was explained at a time when attention was drawn mainly to political events, and how it looked later, when economic relationships and long-term structures became regarded as decisive factors. Each of these stages, however, has enhanced our knowledge because, without completely rejecting the achievements of its predecessors, it has drawn our attention to the multi-dimensionality and complexity of the historical process.

Of course, reassessments of the importance of historical events, forming the basis of the development of historical sciences, depended on the research attitudes of successive generations of historians. Needless to say, such reassessments were not arbitrary. The researcher's choice depended on the general state of arts and sciences and—more broadly—on the current culture. In other words, when analysing historical processes, researchers tried to apply some hierarchy; traditional, ideological, or simple common sense. The post-modern current of historiography which developed rapidly in the final quarter of the twentieth century finally questioned, at least in theory, the sense of applying hierarchies, and gave the historian freedom to choose the materials on which to base the relevant historical narrative. Nevertheless, the implementation of this principle proved impossible in practice: post-modern historians were also biased in favour of certain topics such as the social construction of historical narrative or the history of subaltern groups. This resulted not so much in a rejection of a hierarchization of facts as a radical restructuring of their hierarchy. In fact, it is difficult to imagine writing historical works without applying any criterion by which to evaluate facts while at the same time avoiding charges of being unprofessional and unscientific. Postmodernism, however, has shown how ambiguous, dubious or simply ideological are the criteria previously applied by historians when reconstructing the historical process.

So, out of the endless quantity of identifiable past events, which ones can be considered important or 'history-making'? There is no clear answer to this question. We can only judge a historian's choice through the prism of the results of research and its significance to the development of further research. In this regard, the examination of the individual experiences of people in the past has been successfully verified. As Philippe Ariès has noted, it is interest in the history of individuals contextualised by the history of everyday life that has provided the impulse to reflect upon the historicity of private life and permitted an analysis of the process of defining the public sphere and separating the individual from the group, and him/her attaining a sense of intimacy and individuality. In a nutshell, it has contributed to an understanding of how modern society has taken shape.³⁰

³⁰ Ariès 2003.

3. BIOGRAPHICAL METHOD

It is probably obvious to every researcher today that ordinary events, generalised as types of mass experiences belonging to the categories of everyday life or commonness, should also be regarded as events that create history. After all, one must not forget that these generalised types of events comprise the totality of actions and thoughts of individuals and their subjective emotions. Each of them can be regarded as a contribution to an unexplored biography. Reproducing these 'microbiographies' may appear a waste of time on observing things that are petty, obvious and wholly unimportant to the historical process. The individual history of each person, however, though seemingly banal and monotonous, is a unique individual historical experience—a record of a journey through time, encapsulated in the entire complexity of human life. Nevertheless, a historian's reflection on this subject should not restrict itself to reconstructing individual biographies. The real challenge is to interpret this type of data. Some help can be expected from sociology, which may provide the historian with elaborate tools for such interpretation, for it has formulated theoretical and methodological rules for research into the course of human life, known as the biographical method.

The creators of the biographical method are considered to be William Thomas and Florian Znaniecki, authors of the highly regarded work *The Polish Peasant in Europe and America*, published in 1918–1920.³¹ They collected a huge amount of biographical material mainly about Polish immigrants to the United States and their contacts with their families back in Poland. They sifted through this documentation, selected it and published it in five extensive volumes, each with a concise introduction. As they themselves wrote, 'the analysis of the attitudes and characters given in notes to particular letters and in introductions to particular series contains nothing not essentially contained in the materials themselves; its task is only to isolate single attitudes, to show their analogies and dependences, and to interpret them in relation to the social background upon which they appear'.³² Such a research attitude arose from the principles of humanist sociology, one of whose most distinguished exponents later became Florian Znaniecki. The foundation stone of the biographical method was the 'principle of the humanistic coefficient', which he introduced. This principle states that: (1) human behaviour is a tangible object, furnished with certain meanings; (2) these meanings are imparted to it by a certain collective; (3) each collective contains established

³¹ Thomas and Znaniecki 1918–1920; cf. Chamberlayne, Bornat and Wengraf 2000, p. 3.

³² From *Methodological note* in Thomas and Znaniecki 1918–1920, vol. 1, p. 76.

social patterns that attach certain meanings to certain types of behaviour; (4) during research, one must not ignore these meanings imparted by the actors.³³ It stems from this that it is not possible to examine social structures and organisations unless one learns about the attitudes and experiences of those who belong to such structures and organisations.

From the point of view of interpretive orientation in sociology, social reality is created during the actions of individuals who interpret both their environment and themselves. This signifies the departure from social determinism because structural categories (e.g. social roles, status, cultural and institutional standards, rules of behaviour) do not determine the reflections of the individual and their actions, but operate solely as a framework and resource of meaning which people take into account as a condition of action. Thus, research into a society makes it necessary to penetrate the subjective reality of its members: learn their real experiences and the way in which they perceived these experiences.³⁴ Biographical studies serve this very purpose. According to Norman K. Denzin, they can take three forms:

1. Examining narratives about an individual's life story;
2. Collecting and grouping life stories around a common theme;
3. A comparative analysis of life stories in order to examine processes and develop a theory.

In this author's opinion, however, it is best to combine all three forms because only such a three-pronged approach has the advantage of placing biographical research in the historical world of experiences.³⁵

In modern sociology, the biographical method is used primarily to analyse the course of a human life as an excerpt of social reality. The point is to discover the historically and socially-determined regularity of the life careers of members of particular groups and generations, whereby it is usually narrowed down only to certain spheres of human activity ('thematic biography'). Nevertheless, this is a recognised way of examining the structure and history of society as a whole.³⁶

The biographical method is also used in theoretical deliberations on the subject of relations between individual biographies on the one hand, and the shape of society and the processes taking place within it on the other hand. It permits a scientific reflection on the way in which the individual perceives the social world, the course of individual socialisation, and the association between social determination and individual freedom.³⁷

³³ Znaniecki 1934; cf. Leński 1993, p. 25.

³⁴ Rokuszewska-Pawelek 1996, p. 38.

³⁵ Denzin 1989, p. 39.

³⁶ Włodarek and Ziółkowski 1990, p. 5.

³⁷ *Ibid.*, p. 6.

Such objectives and applications of biographical research differ from the writing of biographies practised by historians. For them, it is descriptions of individual life stories that are of the greatest importance. This is due to one of the basic tasks of historical research: the duty to establish facts that happened in the past. Therefore, historians generally examine the biographies of distinguished persons; in other words, those who 'create history' (leaders and politicians). Additionally, the narrative tradition that goes back to the times of the beginnings of historiography has a major impact on the shape of historical biographies.

In researching the lives of ordinary people, one must be aware that only a small part of their lives might be of interest to the realm of classical history. Social history and historical anthropology are usually interested in the fortunes of 'ordinary people' insofar as they represents a typical case or, conversely, a case so untypical that it was convenient to use that case to highlight what was typical. Meanwhile, in research into social history the basic challenge to the historian should be to shift from the life story of individuals to the history of social groups and, conversely, from the social theory to individual experience of the people from the past. Historians usually treat social groups as collective entities, assign properties and qualities to them, and monitor their actions and fortunes. In the opinion of Bronisław Geremek, such a research attitude is justified if the purpose of the research is to capture the place and role of a given group in the historical process. But if the subject of the research is only the group and not the role it played, the research should begin with the historical experiences of individuals and progress towards a conceptualisation of the structure of this group.³⁸ In other words, social history should be understood as the sum total, rather than the average, of the life stories of the people who made up a given group.

Historical research into collective biographies usually takes the form of prosopographic studies. They often use sociological tools, but differ markedly from the biographical method mentioned above. The biographical method is intended mainly to describe the qualities of a society, whereas historic prosopography tends to concentrate on statistical figures. Yet for interpretative sociology, the application of statistics to biographical materials is almost a heresy, because these materials come from various sources and are subjective and non-representational. This is due to the very strict requirements of sociology regarding the uniformity of sources for statistics, a problem that is treated much more lightly in history. There, a comparison of data that are not always consistent is meant to recreate history in approximate terms

³⁸ Geremek 2006, p. 95.

rather than in absolute ones (but unfortunately sometimes it results from a primitively-understood scientism).

When researching lives as the historical experience of people in the past, factual material, established by the methods of historical science, is obviously too fragmented and varied to be used for generalisations within the standards of sociological biographical methods. Therefore, there is no sense in literally transposing its principles to historical research—they should be adapted both to the purpose of the research and, most of all, to the specific nature of the source material and the subject of the analysis.

When setting oneself the goal of understanding the experiences of Polish peasants in the seventeenth and eighteenth centuries, one should first resolve the tension between the communal and the individual. To make a clear demarcation here, paraphrasing the basic precepts of the personality theory, one may say that some experiences a person shares with all others, some he/she shares with only a few others, and some are quite unique and concern only themselves.³⁹ The personal life of every human is composed of elements that belong to all three spheres: a person is born and dies like everyone, gets married like most people, or remains single—which is a minority group but still numerous. When seeking a future spouse, a person acts according to the customs and standards that are in force in their culture and are shared by the group to which they belong. Ultimately, the uniqueness of human life depends on a configuration of events rather than on the events themselves, most of which are repeatable in the social dimension. This applies all the more to the group that is the subject of this study: peasants living a few centuries ago whose actions were mainly aimed at biological survival, and although they were of personal character, it does not mean that they were individual because the actions of a person in this regard were generally subordinated to various kinds of communities (peer, kin, local, religious, etc.).

4. PERSONAL LIFE AS A SUBJECT OF RESEARCH

The dictionary definition of personal life identifies it with private life, which to early modern society is correct only to a certain extent. Privacy, however, is a historical category⁴⁰ and its application to the rural population of the Polish-Lithuanian Commonwealth before the partitions may arouse justified doubts. Therefore, I shall use the term 'personal life' to describe

³⁹ Cf. Runyan 1983, p. 416.

⁴⁰ Cf. Ariès 2003; Klich 2001.

the sphere of human life that concerns the individual's existence and which contributes to shaping personal identity.

From all of the issues connected with personal life, in our research into the Polish peasant community in the seventeenth and eighteenth centuries we shall focus only on one of its fundamental thematic scopes, namely sex life understood as an essential factor in the course of human life. The importance of this question to modern science stems from the fact that Sigmund Freud considered sex life vital to the formation of the human psyche, as well as from the research of social anthropologists on its importance for social organisation of non-European peoples.⁴¹ This gave rise to many works that have examined this topic in relation to the history of European societies. The most famous of these is *The History of Sexuality* by Michel Foucault, written 40 years ago,⁴² the first volume of which reaches back to the seventeenth century. However, it is of little use to our research.

Sex is the cornerstone of society's biological reproduction, and as such is a subject of interest of anthropology and medicine. It also constitutes, however, a fundamental component of the cultural norms which contribute to human civilisation. In the case of the 'popular classes', including peasant society in early-modern Poland, cultural norms pertaining to sex life played a fundamental role in the culture of everyday life due to its importance to society's biological survival. That is why most of our information is about those aspects of peasants' sex lives which entailed an engagement in social interaction, and in this way contributed to the rural culture of social life, e.g., the search for a sexual partner before marriage, matchmaking methods, relationships between spouses and procreation, as well as extramarital relationships and their social assessment.

For decades, the sex lives of peasants was a subject of reflection by ethnology and cultural anthropology. From this angle, emphasis was given to constant and universal traits, with a non-historical comparison of distant cultures. Peasant sexuality was readily presented as 'natural' and spontaneous, and even compared with that of animals. For example, the distinguished twentieth-century American anthropologist Robert Redfield wrote:

In peasant life, where work and practical good sense join with a spirit of decent restraint, there is little room for sexual exploit as a sport or for bravado. The cultivation of amorous adventure, as practiced in not a few Polynesian and Micronesian societies, or among some modern Western groups, is hardly possible in peasant communities. [...] Sex in peasant communities connects in one direction with the generative powers of nature and

⁴¹ Duby 1991, p. 9.

⁴² Foucault 1990.

the divine dispensation of fertility, and in the other with the ways of their own livestock. Ritual copulation or sexual abstinence express the former connection in the more primitive peasant communities, and frankness of speech and earthy humour represent the lower boundaries of the sexual in all of them.⁴³

Thus, the pattern for the sexual behaviour of peasants was supposedly provided by their own farm animals, and all within the framework of the sacred order of nature; sex was merely copulation dictated by common sense, whilst 'earthy humour' and 'frankness of speech' (a lack of prudishness?) were the hallmarks of the 'lower boundaries of the sexual' (lower than what?).

A different point of view emerged with modern research into the history of the family in Europe, which started in the 1960s. Insightful reflection on the structure of the family, reproduction and the manner of inheriting property revealed historical changeability and geographical variety in this sphere. The origin of the modern family model, its basic differences from historical models and the mechanisms of change now became the subjects of discussion. In his extensively-discussed work *The Making of the Modern Family*, Edward Shorter assumed that in the traditional model of marriage, in other words the prevalent model prior to what he considered two sexual revolutions (meaning before the industrial age), relationships between husband and wife were generally devoid of emotion, whilst their union was held together by problems of existence and of preserving the kin. Such marriages were arranged by the relatives of the partners, whereas their emotional isolation was ensured by a strict demarcation of the roles of both sexes and of the domestic duties of men and women.⁴⁴

In this model, spontaneity and natural behaviour were replaced by premeditated behaviour resulting from a conscious calculation of the effort of prolonging the existence of the individual and their family. This situation was guarded by a traditional society, exercising close control over the sex lives of its members. A shift towards more partner-like and sensual relationships between the sexes did not apparently occur until the seventeenth and eighteenth centuries. Anglophone researchers attributed this phenomenon to religious reforms, and chiefly to the impact of Puritanism. Spouses began to search more and more for emotional fulfilment in their marriage, instead of regarding marriage as a means of attaining social and material status; they also gained greater freedom in choosing their partner, which involved the spread of suitable language and customs, expressing feelings.⁴⁵

⁴³ Redfield 2006, p. 151.

⁴⁴ Shorter 1975, p. 55.

⁴⁵ Stone 1977, pp. 217–224; cf. Leites 1986.

The new model of marriage in the West was to spread gradually from the social elite down.

The sharp juxtaposition of the 'traditional' and 'modern' type of marriage, not just in historical terms but also in terms of class, encountered objections from people engaged in research into historical peasant communities. Martine Segalen pointed out that although a peasant marriage in the eighteenth and nineteenth centuries was primarily an economic bond, one cannot assume there were absolutely no feelings between the spouses. The emotional element of a union was assessed and expressed differently than in the modern bourgeois culture, which is why it has been ignored or not appreciated by outside observers.⁴⁶ Researchers into the more distant history of peasant communities reached a similar conclusion. Judith Bennet, examining relationships in the medieval English countryside, stressed that although there was no sense in trying to establish any influence by romantic courtly love on this community, there was no shortage of evidence that peasants expected marriage to provide both emotional and sexual satisfaction.⁴⁷

Since the end of the twentieth century, more and more researchers have considered it pointless to think that 'ordinary people' in the past were almost totally devoid of emotion, and in their personal lives guided themselves almost purely by the benefits they expected to reap. This new wave of thinking is not just the result of a new approach to sources—a departure from statistical analyses in favour of a deeper interpretation of narrative sources—but also the result of the adoption of a different philosophical attitude. In the opinion of historians representing this stream, the past may be 'a foreign country', but the people inhabiting it share with us existential experiences which provide a basis on which to identify and understand them, if not sympathise with them.⁴⁸ In this stream, the human community, joining the researchers and the subject of their research, allows one to draw far-reaching conclusions through analogy and by referring to universal characteristics. In this way Laurel Thatcher Ulrich, asserting the existence of romantic love among the settlers of New England in the seventeenth and eighteenth centuries despite being fully aware of the cultural transformations in this regard, attributed this not to romantic poetry, which one would have searched in vain in this community, but to youth, as the emotional and sexual cornerstone of a feeling known to us as love.⁴⁹

⁴⁶ Segalen 1980, pp. 21, 138–143.

⁴⁷ Bennet 1987, p. 101.

⁴⁸ Cf. Domańska 2005, p. 256.

⁴⁹ Ulrich 1982, p. 120.

5. FIRST-PERSON NARRATIVES

Classical historiography has taught us to write the biographies of great people of this world. By means of a painstaking comparison of numerous documents and messages in which their heroes appears, historians have been able to construct a credible life story of the hero, set their deeds in order and discover their intentions. This has been possible only when there were a lot of historical sources available, and naturally this was only the case with rulers, leaders, politicians, reformers or eminent thinkers. Their life stories run from one event to the next, and penetrate the fabric of global history of which they remain a part, individual and unique, though still contained within a strict chronological, geographical or social context.

The situation is different when we deal with the lives of people who could have had different names, lived a few dozen kilometres further or lived several decades later without any loss to history. Their biographies have no meaning to general history and refer to it seldom and perfunctorily, but they fulfil themselves in trivial, repeatable deeds which do not stand out from the deeds of the masses of similar people. We can refer here to the concept of ethnobiography used in social sciences, in which the heroes' fortunes are viewed as a mirror of their time and their social environment. A different approach, though often connected with ethnobiography in practice, is psychobiography, where the object is a personal perception of life by individuals as a sequence of certain events usually important only to them.⁵⁰

Attempting to penetrate the internal world of its hero, psychobiography finds sustenance in autobiographical narrative. In the case of the social elites of the early modern era, it is not difficult to find such narratives. In the case of the predominantly illiterate people of the lower social orders, autobiographical records are significant exceptions. Nevertheless, one can find various sources, usually fragmented, in which they relate their own experience. For the sake of simplicity, I shall call them 'autobiographical records', though they have virtually nothing in common with autobiography as a form of literature. They are rather 'egodocuments' in the broadest sense of the word. For the early modern era, one can find them wherever 'ordinary people' were permitted to speak out: in court files, books of miracles recorded in places of pilgrimage or in unique literary texts of folk provenance. They are often written in the third person singular, and then a scribe became apparent, who acted as a medium between the story and its record on paper.

⁵⁰ Clapier-Valladon and Poirier 1983, pp. 45–51.

But because they are so fragmented, sources like this are not suitable for traditional biographical research as they cannot be cross-checked because an individual message is usually the sole record of the person in question. If we insist that history must reflect some reality which one can establish with the help of a critical analysis of sources, then in this case we are helpless, for we cannot perform any reliable scientific procedures to show what actually happened to our heroes. Of course, this does not mean that we cannot say anything about their experiences.

Pierre Bourdieu has pointed out that every autobiographical tale is at least partly intended to impart sense to the experience, clarify it in a logical and cohesive manner and establish the cause-effect relationship between events and psychic states. This means that a description of someone's life becomes ideologised as a result of intentionally selecting significant events and combining them into sequences which justify their existence and, at the same time, lend them cohesion.⁵¹ Therefore, the correct question to be put to first-person narratives is not 'what happened?', but 'in what way did a given event become part of the personal tale?' In view of this, whether the event really did happen and whether it happened in the way described seems a secondary problem.

Modern psychology may provide the basis for a historical analysis of autobiographical narratives. It discusses the problems of association between an individual's experience and their memory. According to the psychological definition, the experience of a situation is 'nothing other than an understanding of this situation in a personal and direct way, usually with the help of emotions and all the sensory equipment'.⁵² Experiences are grouped into structures: cognitive patterns responsible for understanding and remembering phenomena and objects. In turn, these patterns become the basis on which to interpret incoming emotions.⁵³ Therefore, in man's understanding of the world, the key issue is the principle that governs the way experience is structured. In cognitive psychology, it has been determined that the conventional form of organising human experience, conveyed by culture, is narrative.⁵⁴ This means that individuals naturally interpret events (including their own conduct and emotional states) as further episodes in their expanding life stories. Therefore, their general knowledge of the world shapes reality as the scene of a story. The hero or heroine of the story is this individual person, whilst the people around them are characters in the same story.⁵⁵ Therefore, one can say that

⁵¹ Bourdieu 1986.

⁵² Trzebiński 2002, p. 27.

⁵³ *Ibid.*, pp. 19–20.

⁵⁴ Bruner 1991, p. 4.

⁵⁵ Trzebiński 2002, pp. 13, 27.

the reality experienced by individuals is constructed like a narrative: their life appears the way they tell it.

In the opinion of Jerome Bruner, the inclusion of life's experience in a narrative structure of reality takes place according to certain principles. The most important of these is diachronicity, which appears obvious to the historian whose basic task is to establish the order of events. This cognitive scientific method of history is mirrored in rudimentary autobiographical reflection. When our heroes wanted (or were forced) to relate their lives, their reports also assumed a strictly diachronic nature: their life appeared as a sequence of events and states occurring in a set order. Additionally, arranging events in chronological order places them in cause-effect relationships according to the order of events. Another characteristic of the narrative construction of reality is the great detail of the description, highlighting its individual features in order to attain the greatest effect of probability. Furthermore, the heroes of a story, whether people, animals or objects, are imbued with an inherent intentionality; in other words, they always act for the purpose of attaining the goal they wish to achieve. This quality allows the causal factor to be used to explain all events. A further quality of autobiographic narratives is that they refer to that which is considered real and credible. In other words, the story must fit within the common experience (or its imagery) of both the narrators and their listeners. In the end, narratives about reality, though fragmentary and individual, must always be normative. The reference to the norm may take various forms: the leitmotif of a story may also be a breach of the norm (intentional or not), its omission, or an objective impossibility of attaining it. In any case, in the end the norm is affirmed as all-powerful. Only in exceptional cases, however, does an autobiographical story contain a moral. Usually, the very description of the course of events is sufficiently persuasive in compliance with the principle of 'hermeneutic composability'. It is also worth drawing attention to the genericness of narratives: when telling the stories of their lives, people unconsciously give them a conventional literary form. Depending on the chosen narrative genre, they select facts in the proper hierarchy and interpret them in a manner that suits the genre. Naturally, the choice of genre reflects each author's individual knowledge, skills, taste and community rules.⁵⁶ In this regard, one cannot expect much from members of the lower social orders of the early modern Commonwealth, whose literary skills were negligible. As we shall see later, the stories of their lives mainly take the form of a tragedy which can often be assumed to have been natural in view of the circumstances (usually dramatic) in which the autobiographical reports were composed.

⁵⁶ Bruner 1991.

If we assume that the first-person narratives of our heroes resulted from the rules of the narrative construction of reality, the fragmentary and unverifiable biographic information that has been preserved in sources may be regarded as joint elements of the world of social imagery which reproduced itself in the stories, taken from the common reservoir of tales. Nevertheless, these stories have remained connected in some way with collective experience and with the personal experience of the teller. In fact, they were supposed to be a faithful report on this experience. Even if they are the only surviving report on this subject, viewing them through the prism of the narrative construction of reality allows us to interpret a person's individual and collective experience. Thus, this approach brings history down to its humanist dimension, to what history basically is: a reflection on man's existence in time.

One should also ask about the connection between autobiographical narratives and the past to which they are supposed to be related. Critics of historiography, possessing a post-structuralist attitude, are fond of saying that history is a specific type of literature whose connection with past reality is negligible or non-existent, and everything depends on the historian who, providing these so-called facts with a structure, is the real creator of history. In other words, there is no connection between the two meanings of the word 'history', between history as a 'set of past processes and events', and history as a 'the branch of knowledge dealing with the past'. But I believe one can find a link between these two strata. As David Carr has suggested, this link is a third meaning of the word 'history': 'a narrative on a past event'. Regarding an analysis of autobiographical records, Carr took the same assumptions as those presented above, namely that the world's experience possesses narrative qualities. A person sees everything that they experience as parts of a certain whole that is developing in time. The sense of experience results from temporal configurations, therefore the world itself is historical. Thus, historiographical works in their narrative dimension are not a 'literary artefact' or a distortion of human experience, but a narrative expansion of this experience, both individual and collective.⁵⁷ The historical past is a constructed reality, but constructed not by historians but by the people who experienced it. Thus, the historian's task boils down to reinterpreting the past about which we have been told.⁵⁸

Sociologists who apply the biographical method attach great importance to the way in which biographical material is reproduced and collected. Examining them, they consider the maturity of the person they are examining, their

⁵⁷ Carr 1986, p. 169.

⁵⁸ I have discussed the question of first-person narratives in: Wiślicz 2005.

memory and psychological profile, the literary form they use, etc. as possible sources of distorting the reality. To establish the facts, however, they propose a 'triangulation of sources', in other words a comparison of three independent descriptions of the same event.⁵⁹ Historians are in a rather worse situation, for they have to rely on preserved sources, usually incomplete and impossible to check against other independent reports, especially when the object of research is personal life. In addition, in sociology the biographical method is based primarily on autobiographies written or mechanically recorded. In the case of research into past communities who were basically illiterate, there can be no question of such sources. This situation renders some researchers helpless. For example, when Waldemar Kuligowski was writing his 'anthropological history' of love in the West, he found that there were definitely many more sources on the social elites than on the 'underprivileged masses', so he decided to omit them, conveniently justifying this by saying that these masses 'were devoid of the right of co-creation of the dominant cultural discourse; it is not for them that the leading role in the theatre of collective life was written'.⁶⁰ This is a comfortable excuse but, since the birth of microhistory and historical anthropology, historians have extensively used sources that provide a view of the internal world, hierarchy of values and, more generally, the entire lives of people who have been placed on the margins of traditional historiography. These are court files thanks to which, as Michael Kunze has written:

long-forgotten men and women are brought back to life; they talk about themselves, their joys, their fears, and their distresses. [...] My 'heroes' speak for themselves; they tell us what they felt and thought; what they put their faith in, and what inspired their doubts; they tell us of their remedies for poverty and sickness; they tell us how they played and laughed, suffered and dreamed.⁶¹

Michael Kunze no doubt agreed with Carlo Ginzburg that historians may conduct research similar to that normally conducted by cultural anthropologists, except that 'since historians are unable to converse with the peasants of the sixteenth century (and, in any case, there is no guarantee that they would understand them), they must depend almost entirely on written sources'.⁶² However, his optimism regarding the cognitive value of court records went too far. Although one must agree that court files are

⁵⁹ Leoński 1993, p. 30.

⁶⁰ Kuligowski 2004, p. 31.

⁶¹ Kunze 1987, pp. IX–XI.

⁶² Ginzburg 1980, p. XV.

virtually the only source allowing us to penetrate the daily world of early modern-age common folk, they have serious shortcomings which hinder the reconstruction of a reliable picture of the past reality. This is because they were created according to a specific narrative strategy, and their basic purpose makes it difficult to establish the facts they describe, even if we can make use of parallel reports on the same event produced by the prosecutor, the defendant and the court, which acted according to its own sense of justice.⁶³ Some information may be disproved with the help of knowledge obtained from other types of sources or other disciplines, although this is but a small chunk of the general subjectivity of the source material. Nonetheless, it is worth doing this occasionally; e.g., we can falsify a thesis appearing in an otherwise very interesting work by István György Tóth on the sexual habits of peasants in western Hungary in the eighteenth century. On the basis of court evidence from girls who had become pregnant, Tóth concluded that premarital relationships were just a breach in the wall of restrictive control over behaviour because the girls admitted to having had only two to five intercourses with their lovers.⁶⁴ Tóth assumed that the interrogated girls did not have to lie about their sex lives because they were in any case condemned to severe punishment for giving birth to an illegitimate child. Yet, the girls' evidence possesses little credence, for sexology maintains that a couple must have regular intimate relations for an average of six months before a child is conceived, and this applies to modern times when fertility is not jeopardised by poor hygiene and malnutrition. We can conclude that eighteenth-century rural girls had some purpose in playing down their sexual activity before the court, even if this did not affect the verdict (see below, Chapter I.9).

Very rarely, however, do we have the opportunity to conduct such an objectified analysis of sources. Most of the biographical material obtained from court files must remain subjective, and the information obtained from them impossible to verify. This is not at all an exceptional situation for the historian. In one of his later works, Jerzy Topolski maintained that historical sources do not ensure access to the reality of the past, though serious historical research cannot be conducted without them. Topolski metaphorically presented the role of historical sources as a thread that joins historical narrative and the past reality. The importance of sources is not so much that they reflect real facts that happened in the past as that they inspire the historian's work (e.g. by provoking emotions). Thus, according to

⁶³ Cf. Jacques-Chaquin 1985; Desaive 1987, p. 120; Jackson 1995, p. 70; Silverman 2001, pp. 86–87; Walker 2003.

⁶⁴ Tóth 1989, p. 45.

Topolski, working with sources allows the researcher a sensual ‘rapprochement with the past’, which is a key element of practical research.⁶⁵ This reflection by a distinguished theoretician of history may confuse research historians who tend to essentialise historical knowledge.

In the case of the biographies of early modern peasants, which are reconstructed from court records, the situation appears fairly clear: the sources we have are so fragmented that we cannot compare and verify them against each other. Thus, we are and always will be unable to say how real these biographies are. It is better to admit that we are dealing not so much with facts as with stories produced in various ways and which are generally the only place a given person receives a mention.

The subject of my research, therefore, is ‘biographical artefacts’—events and actions presented as real (whether honest or not), or regarded as real by the court, or regarded as real by the protagonist. Ultimately, the frame of reference is the reality created by the sources, and not the reality these sources are supposed to have recorded. On the other hand, source records convey the manner in which life’s experiences were perceived, as well as individual and collective knowledge of the categories of human life. Therefore, as a testimony of narrative rules, they are very reliable. This means that if they do not actually faithfully report real historical facts, they at least show how life looked or should have looked in the opinion of their authors.

A different view of the value to research of the autographical records of people testifying before a court has been presented by Arlette Farge. She has described her work with these records as ‘the capture of words’ (*saisi de la parole*). The purpose of this is to restore an existential and individual dimension to historical discourse, and it is done by drawing verbal images in which words are identifiable with events. The point is not to reconstruct the past, but to unravel the living fabric of history. This is particularly justifiable regarding source records of the eighteenth century that she investigated, because in those days court evidence was still a purely verbal entity, serving as a verbal emblem, as it were, of the people facing a court and of the stories related by them. It was equally fiction and documentation of a fact, but was unverifiable then and remains so now.⁶⁶ Such an approach somehow identifies persons from the past with stories on their subject, which in the case of representatives of the lower social orders, who have not left many traces of themselves, usually means that the historiographical existence

⁶⁵ Topolski 1997, p. 68.

⁶⁶ Farge 1994, pp. 9–12. This method of analysis was also applied by the author in her earlier work (Farge 1986).

of a given person is reduced to the level of a single narrative. Introducing this narrative to their work, historians create, as it were, a character who is autonomous from the person referred to in the narrative, but at the same time the only justifiable one.

6. STATE OF RESEARCH

Researchers dealing with peasant culture are faced with a considerable array of ethnographic records mainly from the second half of the nineteenth century and first half of the twentieth century. That is when science developed a closer interest in the peasantry, whilst the concept of peasant culture at the time regarded this culture as virtually non-historical and ignored changes and developments in search for an archaic substratum and basic, constant axiomatic systems. Such an assumption conflicts with the historical method and with the basic experience of research into written sources. It is worth quoting a significant opinion by Andrzej Woźniak, who seems to be the first Polish researcher to have criticised so sharply an unjustified transposition of ethnographical findings to the past. He wrote: 'The picture of this traditional peasant culture, created mainly on the basis of sources typical for ethnography [i.e. surveys and interviews], refers to the post-enfranchisement era—the second half of the nineteenth century and later. It is enough, however, to go back one hundred years earlier to see how different this picture was'.⁶⁷

In the case of personal life, especially the sex life, of peasants, the situation is even more complicated because there are almost no reliable ethnographical records. Except for a few valuable works,⁶⁸ most researchers either ignore this subject or claim that the norms declared are the same as those that were practised. To a certain extent, this is the result of a shortage of sources, because ethnographers in the nineteenth century simply did not ask peasants about such things and even later they were not particularly interested in this subject, or were somewhat helpless in the face of the sudden transformation of manners.

Historical sources, especially court and administrative records, provide not only different types of information, but also allow a view of the personal life of peasants from a different angle. Polish historiography, however, did not include a great deal of such research, and they can generally be described as marginal, haphazard, sensation-seeking or at least not fully

⁶⁷ Woźniak 1974, p. 47.

⁶⁸ For example, Stomma 1975; Tomicki 1977; Węzowicz-Ziółkowska 1991a, 1991b, 2008; see also: Bartmiński 1974.

premeditated.⁶⁹ Prominent among them are the works of Bohdan Baranowski from 1955 entitled *Sprawy obyczajowe w sądownictwie wiejskim w Polsce wieku XVII i XVIII* (Prosecution of moral offences before rural courts in Poland, seventeenth–eighteenth centuries), in which he paints the first concise picture of the sexual practices of Polish peasants during the ‘pre-ethnographic’ period.⁷⁰ Yet, his tailoring this topic to the needs of then-current ‘class struggle’ interpretive pattern does not seem to be a reasonable interpretation, and even in his time the author was criticised for his deficiencies in methodology and unjustified conclusions.⁷¹ Nonetheless, Baranowski’s work remained for a few decades the only book devoted to the sex life of peasants in pre-partition Poland, whilst his perspective on this topic through the prism of the history of crime, legal norms and legal culture has been used by other historians in subsequent research. In fact, it is difficult to refute this concept because most of the sources we have come from the courts.⁷²

A great deal of interesting information can be found in works on the subject of the family relationships of peasants observed mainly through the prism of social history. The oldest of these is the unfairly forgotten work of Karol Kowalski from 1932 entitled *Stosunki rodzinne i zwyczaje spadkowe włościan w latach 1775–1870 w świetle tabuli prowincjonalnej cyrkułów lwowskiego i samborskiego* (Family relations and inheritance customs of peasants from 1775 to 1870 in the light of the land registry of the Lviv and Sambor districts).⁷³ Peasant family life before the partitions has also been described by Karyna Wierzbicka-Michalska, Andrzej Woźniak and Anna Izydorczyk-Kamler.⁷⁴ Witold Kula, too, examined this topic in his study *La seigneurie et la famille paysanne en Pologne au XVIIIe siècle*,⁷⁵ which later became part of the second Polish edition of his seminal book *An Economic Theory of the Feudal System*.⁷⁶ A separate, better developed line of research into peasant families is represented by works inspired by historical demography. Beginning with the works by Marcei Handelsman and Zygmunt Nagórski about the population of the village of Bochothnica from 1904,⁷⁷ this line has produced many interesting works, including by Irena Gieysztorowa, Edmund Piasecki, Cezary Kukło, Marek Górny, Michał Kopczyński, Krystyna Górna,

⁶⁹ See, e.g. Kuchowicz 1982 and 1992; Rożek and Kracik 1986.

⁷⁰ Baranowski 1955.

⁷¹ Staszków 1958, p. 169.

⁷² See, e.g., Staszków 1958; Łaszewski 1988 and 1994; Hoshko 1999; Korzo 2003; Wiślicz 2004.

⁷³ Kowalski 1932.

⁷⁴ Wierzbicka-Michalska 1959; Woźniak 1974 and 1978/1979; Izydorczyk 1983 and 1987.

⁷⁵ Kula 1972; English translation: Kula 1976b.

⁷⁶ Kula 1976a.

⁷⁷ Handelsman and Nagórski 1904.

and, more recently, Piotr Guzowski, Sabina Rejman, Ewa M. Ryguła, Konrad Rzemieniecki, Mikołaj Szołtysek, and Mateusz Wyzga.⁷⁸

Apart from these, one should also mention several books which examine historical Polish marriage and the family in broader, socio-cultural terms, written by Maria Bogucka, Elżbieta Elena Wróbel and Andrzej Karpiński.⁷⁹ For the sake of comparison, one can also mention works on the subject of the peasant family during the ‘ethnographic period’, in other words the second half of the nineteenth and the early twentieth century, by the abovementioned authors William Thomas and Florian Znaniecki, as well as Kazimierz Dobrowolski and Włodzimierz Mędrzecki.⁸⁰ Also deserving a mention is the first attempted biography of an ‘ordinary peasant’ in Polish literature, that of Feliks Boroń of Kaszów, written by Stanisław Grodziski.⁸¹

But overall, the fruits of Polish research into the history of the peasant family in early modern times, as well as into the personal lives of ‘people without history’, are meagre compared to the achievements of Anglophone, French and German historiography. The family lives of peasants, a topic so unimportant from the point of view of heroic historiography, became one of the major issues of world historiographic research in the middle of the 1960s, together with the first successes in historical demography. Peter Laslett’s book *The World We Have Lost*⁸² launched a fundamental debate about the family of the past and changes to it, about getting married and about reproduction. It led to widely-commented books by Edward Shorter, François Lebrun, Jean-Louis Flandrin, Lawrence Stone, Martine Segalen, Michael Mitterauer, Reinhard Sieder, Alan Macfarlane, and others.⁸³ These works have thoroughly altered not only our vision of family life in the past, but also our perception of the whole of European social history. Despite advanced research, family relationships are still the subject of innovative searches. The subject has been successfully pursued in recent years by such researchers as Rüdiger Schnell, Mary S. Hartman, and André Burguière.⁸⁴

⁷⁸ For example: Gieysztorowa 1979 and 1986; Piasecki 1975, 1983 and 1991; Kuklo 1983, 2009 and 2016; Górny 1991, 1994 and 1996; Kopczyński 1995, 1996, 1997, 1998a and 1998b; Górna 1986 and 2001; Rejman 2006a and 2006b; Ryguła 2016; Szołtysek 2007 and 2015; Rzemieniecki 2008, 2010a and 2010b; Wyzga 2010, 2011a and 2011b; Guzowski 2013a and 2013b.

⁷⁹ Bogucka 1983 and 2004; Karpiński 1992 and 1995; Wróbel 2002.

⁸⁰ Thomas and Znaniecki 1918–1920; Dobrowolski 1966; Mędrzecki 2002 and 2005.

⁸¹ Grodziski 1984.

⁸² Laslett 1965.

⁸³ Shorter 1975; Lebrun 1975; Stone 1977, 1992 and 1993; Flandrin 1979; Segalen 1980 and 1986; Mitterauer and Sieder 1982; Macfarlane 1986.

⁸⁴ Schnell 2002; Hartman 2004; Burguière 2011.

Works on the subject of intimacy and sexuality are also important for the subjects we discuss here. This current of historiography goes back to the works of Norbert Elias and Michel Foucault,⁸⁵ as well as to the gender theory. I found the works of the following authors particularly helpful in gaining an overall picture of the changes to sexuality in Europe: Jean-Louis Flandrin, James A. Brundage, Jonas Frykman and Orvar Löfgren, Ute Frevert, Tim Hitchcock, Merry E. Wiesner-Hanks, A. Lynn Martin, Ruth Mazo Karras, and Faramerz Dabhoiwala,⁸⁶ To this list should also be added works discussing various sexual narrative and language, by, among others, Guido Ruggiero, Deborah A. Symonds, Tilmann Walter, and Gwendoline Hancke.⁸⁷

Among works devoted to the sexual and personal lives of peasants or, more generally, the lower social orders in early modern times on a regional scale, pride of place goes to a book by the already much-quoted Jean-Louis Flandrin. His *Les amours paysannes (XVI^e–XIX^e siècle)*,⁸⁸ published in the series ‘Archives’, reveals a broad panorama of the personal lives of French peasants, told in the words of the protagonists themselves, as required by this series. Other interesting French titles have been penned by Marie-Claude Phan, Anne Fillon, and André Burguière.⁸⁹ Of the numerous works on the subject of English and Scottish society, especially worthy of mention are books by Laura Gowing, Elizabeth A. Foyster, Rosalind Mitchinson, and Leah Leneman.⁹⁰ For comparison, one can quote the classic work by Laurel Thatcher Ulrich about settlers in New England between the mid-seventeenth and mid-eighteenth centuries.⁹¹ German and Austrian sources have been the subject of analyses by Richard van Dülmen, Rainer Beck, Peter Becker, Stefan Breit and Susanna Burghartz.⁹² Lastly, I should also mention individual works devoted to Spain,⁹³ Hungary,⁹⁴ and Russia.⁹⁵

⁸⁵ Elias 2012; Foucault 1990.

⁸⁶ Flandrin 1981; Brundage 1987; Frykman and Löfgren 1987; Frevert 1995; Hitchcock 1997a; Wiesner-Hanks 2000; Martin 2001; Karras 2005 and 2012; Dabhoiwala 2012.

⁸⁷ Ruggiero 1993; Symonds 1997; Walter 1998; Hancke 2007.

⁸⁸ Flandrin 1975.

⁸⁹ Phan 1986; Fillon 1989; Burguière 1978 and 1997.

⁹⁰ Gowing 1996 and 2003; Foyster 1999 and 2005; Mitchinson and Leneman 1989; see also: Frith 1997.

⁹¹ Ulrich 1982.

⁹² Dülmen 1990; Beck 1983 and 1992; Becker 1990; Breit 1991; Burghartz 1992.

⁹³ Poska 2005.

⁹⁴ Tóth 1989 and 1991.

⁹⁵ Levin 1989; Pushkareva 1999.

7. SOURCES AND STRUCTURE OF THE BOOK

In my search for individual stories of peasants, I perused the entire collection of surviving early modern rural court registers from about seventy villages and demesnes in Lesser Poland, about sixty from the Polish-Ukrainian ethnic borderland, and around ten from Greater Poland and Mazovia.⁹⁶ The sources are backed by entries from the court records of larger and smaller towns which sometimes examined cases involving peasants charged with the severest crimes. Due to the large number of surviving town court books, when examining them I mainly followed the references from secondary sources, especially books about old Polish criminality. Generally, the source material comprises three types of documents: firstly, civil documents such as pre-marital agreements, property contracts between spouses, wills and inventories; secondly, private judicial disputes, such as cases of broken engagements, neighbourhood arguments and fights, controversies regarding the division of property and the rules of inheritance; thirdly, criminal cases, including both petty misdemeanours examined by the owner of the demesne or rural council, and serious crimes considered by the municipal criminal courts. Most of these sources allow a reconstruction of the behaviour of peasants, occasionally in great detail, and determine their hierarchy of values. Some of these sources can even be considered kinds of autobiographies, e.g., transcripts of statements before a court by persons accused of a crime. These have traditionally assumed the form of an entire story of an individual's life and have attracted the interest of historians for a long time.⁹⁷

Other sources I have used are pastoral manuals from this period,⁹⁸ domestic handbooks,⁹⁹ various types of normative acts and literature, especially the collection of the oldest works of folk provenance published by Czesław Hernas,¹⁰⁰ as well as the earliest ethnographic records.¹⁰¹

When examining and describing the sex life of Polish peasants in the seventeenth and eighteenth centuries in the context of their individual experiences

⁹⁶ For the reasons for the unequal distribution of rural court books, see: Grodziski 1960, p. 137; Łysiak 1962, pp. 183–185. A description of rural court books as a historical source and details of surviving manuscripts from the Lesser Poland region and the Polish-Ukrainian ethnic borderland can be found in: Wiślicz 2007.

⁹⁷ See, e.g., *Oskarżenia oskarżają*.

⁹⁸ For example, Brzeżański, *Owczarnia*; Nowakowski, *Kolęda duchowna*; Nowakowski, *Przewodnik miłosierny*; Tylkowski, *Tribunał Sacrum*.

⁹⁹ For example, Haur, *Skład*; Perzyna, *Lekarz dla włościan*; Rożański, *Sztuka babienia*; Syreniusz, *Zielnik*.

¹⁰⁰ *W kalinowym lesie*, vol. 2.

¹⁰¹ For example, Czeczot, *Pieśni wieśniacze*; Czerwiński, *Okolica za-dniestraska*; Gołębiowski, *Lud polski*; Zejszner, *Rzut oka na Podhalan*.

and social imagery on this subject, I shall use a method which may be called a 'multiplied biography'. I have chosen information on these matters, taken from individual life stories, placed them into thematic groups, and then compared them and, if possible, generalised them. On this basis I have tried to reconstruct typical sequences of events that occurred in the personal lives of peasants. According to William McKinley Runyan, these events may be described as one of three types of processes: the first type are processes which determine behaviour resulting from people's interaction with situations; the second type are processes which determine a person, in other words one which create, maintain or change a personal state and characteristics; and the third type are processes which determine a situation, in other words ones through which people select, create and influence a situation that they encounter.¹⁰²

Thus, the following multiplied biography shall describe events which determine a certain standard behaviour by members of the group being investigated, events that shaped their personalities, and events which resulted from the individual actions of a person. The result will be a broad panorama of direct historical experience: that of all (or almost all) members of the peasant class of early modern times, that of just a few of its members, as well as entirely individual experiences. I do not intend, however, to provide a documentary description of specific events, but to paint a broad narrative framework which embraced both collective and individual experience and actions. Therefore, the examples quoted will serve to explain the meaning of the framework or reveal possible solutions. An examination of a multiplied biography constructed in this way will also allow the presentation of the cultural norms of sex life effective in the Polish countryside of the seventeenth and eighteenth centuries, their everyday application, ways of transgressing these norms, group supervision over their fulfilment, and the extent to which individuals adapted their lives to socially preferred patterns. Wherever possible, I shall also draw the reader's attention to how these norms changed during the period in question.

The first part of the work is devoted to the problem of sexual activity by single persons of both sexes. Therefore, I will show the legal, religious and practical aspects of pre-marital sexual activity in the countryside, and discuss the standards of sexual ethics in this regard. Then, I shall describe the circumstances in which short-term or longer-term sexual relationships occurred, meeting places and the rituals of courtship. Next, I will look into the modes of sexual activity of single people, methods of contraception, and attitudes towards illegitimate children. Finally, I shall discuss how pre-marital

¹⁰² Runyan 1984, pp. 84–85.

relationships developed into official marriages or long-term common-law marriages, and situations where relationships collapsed despite the conception of children.

The subject of part two is marriage. I will start with the matrimonial policy of peasants and external restrictions on the freedom to choose a spouse, and then I will discuss the model of peasant marriage and the emotions that bound it. Afterwards, I will discuss the functioning of a marriage: relations between spouses, sex life, attitudes towards children, arguments and matrimonial violence. Finally, I will deal with the theoretical inseparability of a matrimonial union, or rather the conditions where marriages broke up and society's perception of the permanence of unions.

In the third part, devoted to extra-marital relationships, I shall focus on individual cases and try to portray personal experiences. For this purpose, I shall describe the typical circumstances and sequences of events that accompanied matrimonial betrayal. I shall illustrate the circumstances leading to adultery and the criteria governing sexual attraction. I shall also discuss rural society's attitude to the breach of conjugal fidelity and to longer extramarital relationships. Finally, I shall outline the main problems of non-conformity between declared and practised norms in this regard.

My first attempt to analyse the topics described in this book was an article published in the *Lud* yearbook in 2004 under the title of *Z zagadnień obyczajowości seksualnej chłopów w Polsce XVI–XVIII wieku* (On the sexual customs of peasants in sixteenth–eighteenth century Poland),¹⁰³ which concentrated on the problem of controlling public morals in a rural community. The topics I covered here return in this work. I have published theoretical considerations about first-person narratives in an article *Przykrawanie historii do rozmiaru człowieka. O interpretacji wczesnonowożytnych przekazów autobiograficznych tzw. zwykłych ludzi* (Tailoring history to human size. On an interpretation of early modern autobiographical narratives of so-called ordinary people).¹⁰⁴ Finally, the Polish version of this book appeared in 2012 as *Upodobanie: Matżeństwo i związki nieformalne na wsi polskiej XVII–XVIII wieku. Wyobrażenia społeczne i jednostkowe doświadczenia*.¹⁰⁵ One of the topics of this book I developed later in an article entitled *Dialectics of virginity. Controlling the morals of youth in the early modern Polish countryside*.¹⁰⁶

¹⁰³ Wiślicz 2004; see also: Wiślicz 2012b.

¹⁰⁴ Wiślicz 2005.

¹⁰⁵ Wiślicz 2012a.

¹⁰⁶ Wiślicz 2017.

PART ONE

PREMARITAL RELATIONSHIPS

1. THE MYTH OF RURAL SEXUAL ETHICS

Not long ago, about forty years past [ca. 1860], a harlot still had her hair cut off with an axe on a block in the middle of the inn, while the accomplice to the crime had to hold a candle and together with her was whipped and made to donate a certain sum to the church. Today, all that has survived is the fine and the harlot holding the candle while they put a bonnet on her hair at the inn, in the presence of the community elders. Today, public opinion is in itself a high penalty.

This is what an ethnographer, Bronisław Gustawicz, wrote in 1900 about the moral and penal assessment of sexual misconduct in a Sub-Carpathian village.¹ A few years later, renowned writer Władysław Reymont described, in his Nobel-winning novel *The Peasants* (1904–1909), how disastrous passion was ruining the traditional sacred order in the Mazovian village of Lipce.² An exceedingly vivid picture of strict sexual mores in the Polish countryside, ‘traditional’, therefore ‘age-old’ mores, seriously hampered ethnological research into the personal and family life of peasants. The ethnographical vision of intimate life in the countryside assumed that this life was a virtually ideal implementation of the principles delivered from the pulpit, and any deviations could be attributed to destructive influences from outside.³

Regarding the ethnological approach, the essential problem is the absence of source materials. Very rarely was intimate life the subject of field investigations; however, as the observations of Urszula Janicka-Krzywda in the Polish

¹ Gustawicz 1900, p. 79; cf. Świętek 1904, p. 92, where the girl also had her hair smeared with grease. See also: Rejman 2006a, p. 112.

² Tatarowski 2002, p. 142; this author claims that Reymont’s vision of folk culture was meant to polemise both with scientific discourses and with the views of the Church at the turn of the twentieth century (ibid., pp. 169 and 179); nevertheless, Tatarowski himself has to refer to ‘telluric semantics’ to define the status of the novel’s characters of Jagna and Maciej Boryna in the Reymont’s literary concept of the world (ibid., pp. 141–142).

³ Cf. Mędrzecki 2002, p. 122; Mędrzecki 2005, p. 115.

Spisz region and Anna Kowalska-Lewicka in Podhale highlands in the first half of the twentieth century show,⁴ such investigations could provide sensational results. From the historian's point of view, the absence of this topic in works produced during the period of the formation of Polish ethnography, in the middle of the nineteenth century, is most painful. The reasons for this state of affairs can be traced to the social and cultural conditions of anthropology and early ethnography which influenced this discipline throughout Europe, including Poland.⁵ Nineteenth-century researchers not only had a pre-conception of peasant culture which entitled them to correct the things they heard in the countryside, but were also limited by their own strict bourgeois views regarding sexuality.⁶ That is why one can learn more about the sexual life of peasants from the pioneering work of Ignacy Lubicz Czerwiński of 1811,⁷ which was written in the spirit of the Enlightenment (with all its drawbacks), than from all the works of Oskar Kolberg (1814–1890), a founding father of Polish academic ethnography. For the ethnographer never asked about sexual life—it could not interest him, but even if it did, he did not have yet the language with which to describe it.⁸ But Oskar Kolberg himself was a conscientious researcher, and when recording Polish folklore, he wrote down many peasant texts relating to sexual life; however, he did not include them in material to be printed. Fortunately, the manuscripts have survived and in recent years have provided the basis for an inspiring work by Dobrosława Wężowicz-Ziółkowska.⁹

The most interesting nineteenth-century research programme into this topic was the 'Questionnaire for Collectors of Customs and Legal Concepts among Rural and Small Town Residents' (*Kwestionariusz dla zbierających zwyczaje i pojęcia prawne u ludu po wsiach i miasteczkach*) published by Bolesław Grabowski in the ethnographic review *Wiśła* in 1889. He devoted a great

⁴ Janicka-Krzywdą 1978/1979; Kowalska-Lewicka 1971; see also: Kowalska-Lewicka 1967, pp. 234–238.

⁵ For the situation in France, see: Segalen 1980, pp. 11–12.

⁶ For example, one of the first collectors of Byelorussian folklore, Jan Czeczot (1796–1847), felt obliged to delete from the text of folk songs 'infamous vodka which was often mentioned in them, and replace it with mead and beer, which are virtually unknown to peasants today'. In this way, he wanted to combat the plague of alcoholism among peasants. See: Czeczot, *Pieśni wieśniacze*, p. IX. On similar practices by Oskar Kolberg, see: Wężowicz-Ziółkowska 2008, pp. 75–76.

⁷ Czerwiński, *Okolice za-dniestrską*.

⁸ Cf. Libera 1995, pp. 145–147; Zambrzycka 2012. If one excludes the pioneering yet forgotten remarks of Jędrzej Śniadecki (1768–1838), the beginnings of Polish sexology are marked by the curious scientific therapeutical activity of Stanisław Kurkiewicz (1867–1921), culminating in his work *Z docieków (studiów) nad życiem płciowym* (Kraków, 1906), see: Imieliński 1990, vol. 1, pp. 131–132.

⁹ Wężowicz-Ziółkowska 1991a and 1991b, cf. Wężowicz-Ziółkowska 2008.

deal of attention to questions of marriage and family,¹⁰ but failed to attract greater interest. Perhaps the only work based on this questionnaire was *Zwyczaj i pojęcia prawne ludu nadrabskiego* (Customs and Legal Concepts among the Population Living on the Raba River) by Jan Świątek (1896/1897), which received excellent reviews.¹¹

Over forty years have now passed, however, since Ludwik Stomma,¹² and after him Ryszard Tomicki,¹³ questioned the idealised picture of 'traditional' peasant morals, showing the problems with regarding a declared pattern of behaviour as an established standard. For example, evidence of compliance with the ban on premarital sex by the rural population was supposed to be the ritual bedding of the bride (including showing a blood-stained sheet in public) practised during traditional peasant weddings. According to Ludwik Stomma, this is a misconception because girls who had previously been condemned for promiscuous behaviour also went through this ritual. On the other hand, menstruation often spoiled the reliability of this test in favour of the girl being tested. In actuality, Ludwik Stomma propagated a symbolic rather than a literal interpretation of this ritual – as a blood offering meant to create a bridge between God and Man that would permit progression from destruction to creation.¹⁴

Historical research opens a completely new prospect of this topic. To realise how far the ban on premarital sex in the countryside in the eighteenth and nineteenth centuries was from being fulfilled, it is enough to take a look at the findings of historical demography on the subject of premarital conceptions and the number of illegitimate children.¹⁵ Of course, the use of numerical data when analysing a history of mentalities arouses debates about their interpretation, but one can also refer to the tools of cultural history.

Following a perfunctory review of materials on the subject of the early modern countryside, Zbigniew Kuchowicz, one of the pioneers of social history of health and medicine in Poland, noted that peasant sexual ethics in the seventeenth and eighteenth centuries were considerably less strict than the model proposed by the clergy,¹⁶ and this applied especially to sexual relationships between unmarried persons. Differences in this regard were fundamental. The concept of 'chastity' in a sexual sense seems to have been

¹⁰ Grabowski 1889.

¹¹ Świątek 1896/1897; cf. Jaworska 1982, p. 216.

¹² Stomma 1975, pp. 56–57.

¹³ Tomicki 1977.

¹⁴ Stomma 1975, p. 64.

¹⁵ See, e.g., Gieysztorowa 1981, pp. 430–431.

¹⁶ Cf. Kuchowicz 1982, pp. 210–211.

practically unknown in the peasant ethical system. Although the verdicts of rural tribunals reveal court opinions that girls should ‘preserve their maidenhood’¹⁷ and young men ‘should not yet be aware of such a sin’,¹⁸ in practice the start of sexual life depended more on biological factors than on religious principles and legal norms, which attempted to confine sexuality to marital relationships. A vulgar verse of folk provenance recorded in the early eighteenth century illustrates this problem brusquely:

| | |
|--------------------------------------|-----------------------------------|
| <i>Od sochy do sochy</i> | From plough to plough |
| <i>Niech trawa rośnie.</i> | May the grass grow yearly, |
| <i>Nie dawaj pichoły,</i> | Do not give your pussy |
| <i>Az ci porośnie.</i> ¹⁹ | Until the hairs have grown curly. |

Virginity was not a particularly valued virtue among the peasant community.²⁰ In fact, the very word ‘virginity’ hardly appeared in rural sources.²¹ Instead, the most popular word associated with the sexuality of unmarried women was a wreath (*wieniec* or *wianek*). This traditional peasant girls’ headdress may be described as a euphemistic metonym for virginity, for the wreath was a symbol of maidenhood, just as a bonnet (*czepiec*) was an attribute of married women. Therefore, instead of losing virginity, there was talk of ‘taking away the wreath’. But when analysing early modern judicial records concerning peasants, we find this present-day understanding of the term in one case only: a very uncommon and drastic instance of the rape of an 11-year-old girl.²² All other cases of the use of the phrase ‘taking away the wreath’ refer to premarital pregnancy. Let us consider a complaint from the mother of a seduced girl to the commissioner of the Myślenice district in 1788:

I, poor Salomea Wargielka of the village of Kurów, do fall at the feet of my most gracious Lord and submit a complaint against Paweł Krupka, who, being a bachelor, did court my daughter Franciszka and promise to take her [into marriage], yet in the meantime he spoiled her chastity and has a son, and now he will neither take her nor give her anything for having

¹⁷ APR Akta Gminy Błazowej 99, p. 2 [1745].

¹⁸ ANK Dep. MS 100, p. 258 [1759]; cf. *Księgi sądowe klucza jazowskiego*, No. 203 [1748].

¹⁹ *W kalinowym lesie*, vol. 2, p. 58.

²⁰ Cf. Hill 1998, pp. 180–182. Susanna Burghartz suggests that the modern notion of virginity was not formulated until the sixteenth century and was applied mainly among the social elites (Burghartz 1992).

²¹ Perhaps the term ‘virgin’ was reserved for the Blessed Virgin Mary, but even in this context it occurs very rarely. When praying to Her, peasants usually addressed Her with the names emphasising Her motherhood, such as ‘Mother of God’ or ‘Heavenly Mother’.

²² *Księgi sądowe wiejskie*, No. 7058 [1681].

taken away her wreath. In this I do beg for justice at the feet of my most gracious Lord.²³

Of course, Krupka first deprived the girl of her ‘wreath’, and later she bore a son. Loss of virginity was the *sine qua non* condition for the birth of a child, but this dependency also worked the other way: the birth of an illegitimate child was a condition necessary to establish the loss of a girl’s wreath. If a premarital relationship had broken up before a child was conceived or if early miscarriage had taken place, the girl would not have lost her ‘wreath’. What is more, if they had been married, she would have worn her wreath until the wedding ceremony despite her pregnancy. Maidenhood did not count; only the threat of giving birth to a child out of wedlock gave rise to doubts about the girl’s sexual conduct. If there was no child, the girl remained (virtually) a virgin, regardless of the condition of her maidenhead.²⁴ This may seem naïve, but due to this presumption the rural system of relationships between unmarried men and women worked—a system which played a major role in the choosing of marriage partners; in other words, in the development and continuation of the rural community.

2. LEGAL, RELIGIOUS AND PRACTICAL ASPECTS OF PRE-MARITAL SEXUAL ACTIVITY

The problem of unmarried persons of both sexes in the countryside engaging in sexual activity in early modern times is quite complicated and multidimensional, and individual pieces of this puzzle do not seem to fit together. The first dimension is the legal norms which were in force in the countryside. The legal systems at the time penalised sexual relations between unmarried persons, labelling this as fornication (from the Latin *fornicatio*²⁵). Printed sets of German law, popular in Poland, which theoretically should only apply to those villages which were founded on that law, did not devote a great deal of attention to this issue, but concentrated instead

²³ AGAD, Zbiór Branickich z Suchej 321/407, p. 258 [1788]; Cf. *Księgi sądowe wiejskie*, No. 4991 [1681]; APT ASD 1, p. 56 [1721]; APT ASD 2, p. 125 [1743]; TsDIAUL 142/1, vol. 1, pp. 318–319 [1659].

²⁴ How far the concept of virginity was removed from the modern concept of it is best illustrated by a verdict of the rural court of Ptazkowa, which convicted Grzegorz Jaskułka of a carnal sin ‘cum praegnante virgine’ (*Księgi sądowe wiejskie*, No. 4155 [1726]). It is interesting whether the court scribe who decided to use this Latinism in the written verdict did not realise that the concept *virgo praegnans* should refer only to the Blessed Virgin Mary.

²⁵ See the remarks about the translation of this term into Polish in the late Middle Ages: Krawiec 2000, pp. 55–56.

on adultery (from the Latin *adulterium*); in other words, sexual relations which violated the principle of marital fidelity. In any case, knowledge of German law in the countryside was very superficial. In fact, rural areas were governed by rural law, which was a customary and heterogeneous system of unwritten legal norms that differed from one village to another.²⁶ One of the sources of law in the countryside were ‘rural statutes’, irregular collections of laws issued by landlords of a demesne which sometimes also regulated criminal acts and sexual misdeeds. The norms laid down by these statutes no doubt had the strongest influence on the work of rural courts. They were usually entered in the court record books or at least stored in the treasure chest of the community, so that one could always refer to their injunctions.

These statutes devoted a lot of attention to *fornicatio*;²⁷ it can be said that this was the sexual misdeed which they referred to the most frequently. Most statutes primarily laid down the legal responsibility of rural householders for the morals of the members of their households. They were supposed to report any sexual misdeeds by their children, servants or tenants (*komornicy*). A failure to do so carried financial penalties. Householders were also under a duty to evict ‘immoral women’,²⁸ which may mean vagrant prostitutes as well as unmarried women who had produced yet another illegitimate child.

On the other hand, those who had committed an offence were both fined and given corporal punishment, namely flogging. In the demesne of Jazowsko, according to a statute of 1738:

A women who has no husband but who has produced issue should be punished by 100 strokes of the birch, whilst he who was the cause of this should receive 60 strokes of the rope and deliver to the church four pounds of wax, to the manor four *grzywnas* [one *grzywna* equalled half a pound of silver] and to the law two *grzywnas*.²⁹

The above statute punished a woman only in the case of established fornication, which reflected the principle of the ‘double standards’³⁰ in a moral assessment of the sexual freedom of women and men in a ‘traditional’ society. At the same time, however, there was also another trend in rural legislation,

²⁶ Vetulani 1956, pp. 623 and 630; Łaszewski 1988, pp. 5–7.

²⁷ *Księgi sądowe wiejskie*, No. 3921 [1702], No. 7333 [1570], No. 7403 [1672]; ANK IT 256b, p. 536 [1752]; AGAD, Biblioteka Baworowskich 258, fol. 133 [1654]; *Księgi sądowe kluczja jazowskiego*, No. 110 [1738]; APP Akta m. Kalisza I/232, p. 39 [1583], and p. 355 [1647]; Baruch 1930, p. 103 [1604]; *Polskie ustawy wiejskie*, p. 180 [1694], and p. 346 [1756].

²⁸ *Ordynacje i ustawy wiejskie*, No. 69 [1600], No. 76 [1604]; *Polskie ustawy wiejskie*, p. 346 [1756].

²⁹ *Księgi sądowe kluczja jazowskiego*, No. 110 [1738].

³⁰ Cf. Thomas 1959; Capp 1999.

which punished mainly men. In an ordinance of 1733 for Żegrze and Rataje, villages owned by the city of Poznań, we read:

If the son of a householder speciously seduces a peasant's daughter or a servant girl and makes her pregnant, he shall pay a fine of 30 zlotys to the parish of St. Mary Magdalene, 20 zlotys to the city, 15 zlotys to the village administrators, 6 zlotys to his village's hospice and 8 zlotys to the rural council, and should pay the pregnant girl according to her social status. If a farmhand commits such a deed, he should receive half the punishment of the son of a householder and be subjected to public work for the common good, such as cleaning drainage ditches, clearing meadows of shrubs and molehills for two weeks, and also spend a certain time in the pillory at the discretion of the authorities.³¹

According to this statute, a woman was punishable only in the event of a repeated offence. She could then forfeit her right of inheritance and be expelled from the village. Thus, the main burden of the punishment fell upon her anyway. The fact that some rural statutes concentrated more on punishment for licentious men than women probably resulted from the need to regulate in detail the question of fines to which women, who were not financially independent, were subject to a minor extent.

Legal penalties for *fornicatio* were dealt with most often and most carefully in the rural statutes of the Church's estates. The rules for the demesne of the Carmelite monastery in Czerna in 1672 laid down that 'fallen women' (unmarried women with children) including in whom 'the holy sacrament of marriage has concealed and abolished this disgrace as well as those [...] who in fallen condition remain, should deliver twelve ells of yarn to the court, for they deserve incomparably harsher punishment that they have earned'.³² According to a statute of 1702, penalties in the demesne of Strzeszyce, which belonged to the Poor Clares monastery in Stary Sącz, were much more severe:

For those women who commit a carnal sin and bear children but have no husbands, the court decrees that they shall receive one hundred strokes of the birch in a public place at the communal gathering, and if they forget themselves and commit a similar offence, shall receive a similar punishment plus banishment from the demesne, [...] whereas those who gave these women the opportunity for carnal sin should receive one hundred strokes of the birch and a 30 grzywnas fine, and give the parish church 10 pounds of wax, and if any of them does not repent, he should receive one hundred strokes of the birch and a 30 grzywnas fine, and be expelled from the community, which the rural court should execute.³³

³¹ *Polskie ustawy wiejskie*, p. 269 [1733].

³² *Księgi sądowe wiejskie*, No. 7403 [1672].

³³ *Ibid.*, No. 3921 [1702].

The statutes sounded very severe, but in practice the rural courts punished *fornicatio* rather leniently by the standards of justice in early modern times.³⁴

The second platform on which to assess fornication in the countryside was provided by religious discourse which supported the law. Grzegorz Rutkowski and Elżbieta Stasieczonka, servants in the demesne of Starogród, ‘having forgotten the fear of God and not remembering His holy commandments, dared to commit a carnal sin with each other, to the disgust of the whole village’.³⁵ Łucja Dublowna from Krzyżanowice, ‘ignoring her position as a standard-bearer in the brotherhood and her status of virginity, allowed herself to be seduced by a man incited by Satan and voluntarily consented to an immoral deed’, whilst her lover, Marcin Walczak, displayed ‘a lack of carnal restraint’ and ‘smeared his soul with an offence against God’s Law’.³⁶ Premarital sexual congress could bring misfortune on the entire village, as Antoni Majeronek and Anna Knapionka learned from the sentence imposing punishment upon them: ‘as they have offended God and thus may bring a curse upon their home and upon the village whence they came’.³⁷ The patrimonial court of the demesne of Nawojowa resorted to the same arguments in the case of Szymon Żywczak and Regina Knapionka, servants to Tomasz Klimczak in Czaczów. This case was different, however, in that the servants, ‘having committed the carnal sin’, escaped from the demesne and only their master could be punished ‘so that such an outrage, for which God because of a single perpetrator may punish the entire community, will not occur any more’.³⁸

Despite this apocalyptic tone of the verdicts, peasants did not regard fornication as a particularly serious sin. As in other countries, the Polish clergymen even had to threaten with excommunication those of the faithful who maintained that *fornicatio simplex* is not a sin at all.³⁹ The concept of sin in the context of premarital relationships in rural areas appears as quite a paradox because this word assumed a frivolous meaning in the course of time, and so during courtship it was used as an excuse to have sexual intercourse. Matyjasz Surówka used this argument when he seduced Katarzyna, daughter of Jakub Stopiński of Czukiew: ‘He came once’, she reported, ‘and began to insist that I consent to his approaches, saying that if you do not satisfy my desire, you will commit a sin for not only we simple people commit such a sin, but the clergy also do so’. Apparently, she resisted for

³⁴ Łaszewski 1994, p. 189.

³⁵ APT ASD 2, p. 348 [1742].

³⁶ ADK II PK–XV/2, p. 466 [1773].

³⁷ *Księgi sądowe klucza łąckiego*, No. 844 [1744].

³⁸ ANK F. 226, p. 22 [1767].

³⁹ Tylkowski, *Tribunal Sacrum*, p. 143; *Decretales Summorum Pontificum*, vol. 3, p. 167; cf. Nalle 1992, p. 66; Krawiec 2000, p. 55.

a long time, but in the end 'she succumbed'.⁴⁰ Another man persuaded a girl to commit the 'carnal act', convincing her that 'if she failed to do it for him, her sin would be all the greater because he could die as a result'.⁴¹ Such a distorted understanding of sin may be regarded as an example of peasants' mere eloquence, but as we can see it worked.⁴²

The third sphere of reference for premarital relationships was everyday rural life. This must appear inconsistent, however one can establish a few basic features of this system. Generally, it can be said that peasant society silently approved premarital relationships as long as certain rules of conduct were observed.

When in 1764 Anna Lachniczka and Michał Barna from Złocko near Muszyna embarked upon their amorous adventure, they encountered no obstacles to consummating their union. Anna's parents let their daughter 'sleep in barns'; in other words, spend nights outside the house, while Michała Barna's father merely warned his son: 'Love each other, but apply for a dispensation' because the couple were related in some way.⁴³ Similarly, Jan Huczyk of Czukiew allowed Iwan Socha to visit his daughter Katarzyna every day, who also left the cottage at such times and spent nights in the barn. Her father later explained: 'I understood that he [Socha] goes in friendship, and he, having poked fun at my house and my daughter, did marry another girl'.⁴⁴ As we can see, a father's approval of such open relationships by his daughter with her lover was dictated by the conviction that this relationship would lead to marriage.⁴⁵

If marriage had already been decided upon, nothing hindered the future couple from displaying their feelings openly. In the middle of the eighteenth century, Rev. Marcin Szaniawski, parson of Iwkowa, returning by horse from a fair in Lipnica, encountered the daughter of Kazimierz Dziedzic and her fiancé, Jan Tuczeń, engaged in an 'immoral act'. Unable to bear this sight,

⁴⁰ TsDIAUL 142/1, vol. 6, pp. 22–23 [1703].

⁴¹ ANK F. 227, fol. [5]v (from the back) [1758].

⁴² Cf. the remarks of Dobrosława Wężowicz-Ziółkowska, who points out that in the minds of the rural population, divine order overlapped with a natural supra-order, hence the use of religious topics for sexual descriptions, cf. Wężowicz-Ziółkowska 2008, p. 85.

⁴³ ANK Dep. MS 101, p. 174 [1764].

⁴⁴ TsDIAUL 142/1, vol. 6, pp. 43–44 [1705].

⁴⁵ For outside observers, such customs were an obvious sign of rural laxity. This is what the geologist Ludwik Zejszner (1805–1871), one of the first explorers of the Tatra Mountains, wrote about the local population: 'Generally they are very dissolute, which is no doubt due to the particular type of courtship. On Saturday evening, the lover climbs through the window to his love, and in the morning leaves by the same route. The parents are aware of these visits and they do not forbid them in any way; in fact, they even leave the chamber' (Zejszner, *Rzut oka na Podhale*, p. 147).

he beat them with his horsewhip, caught up with the girl's father, who was also returning from the market with his wife, and told him in disgust what he had seen. But the father, rather than 'thanking the parson and punishing his daughter, did insult the parson, which the parson calmly withstood, and hit him only once'.⁴⁶ When the matter came out on the occasion of hearings by the commission appointed by the bishop of Krakow to resolve a dispute between parishioners and the parson, one witness of the entire episode, a peasant from Iwkowa called Jan Kaczmarczyk, admitted that although Dziejdzic's daughter 'with her betrothed boy diverted from the thoroughfare' as though they wanted to hide from people, 'the banns had already been read',⁴⁷ which clearly exonerated their behaviour.⁴⁸

The attitude of parents to the romances of their children sometimes seems wholly light-hearted. When Agnieszka Starczalina from the demesne of Sucha romanced with Bartek Karcz, her mother, 'knowing that they were close, made fun of this and mockingly warned Karcz by saying: Be careful with my girl'.⁴⁹ But this ended badly because Agnieszka became pregnant and Karcz could not take her for his wife, as it turned out that he was already married and had merely run away from his wife.

3. THE CASE OF JAN WIELOWSKI AND BARBARA BIAŁOZIELONCZONKA

Let us take a closer look at another episode of this type. In 1731–1732, Jan Wielowski and Barbara Białozielonczonka from the Jazowsko demesne served together at the household of a certain Józef Surma. As Jan testified before the court, they began to have sexual relations after a year of working together:

I came home from Łącko with salt on the second Sunday after Epiphany, in the afternoon I went to the barn for hay for the oxen, and Barbara followed me because we had previously arranged to meet and gave ourselves [an opportunity] for superfluous and wanton larks, this was the first time this intercourse happened.⁵⁰

⁴⁶ BPAU/PAN 7121, fol. 11.

⁴⁷ Ibid., fol. 50.

⁴⁸ In the peasant culture of Europe in the early modern age, sexual relations or even co-habitation by a betrothed couple were not considered a sexual excess, cf. Flandrin 1975, pp. 180–188; Burguière 1978, p. 645; Kietäväinen-Sirén 2011, p. 52.

⁴⁹ *Księgi sądowe wiejskie*, No. 4637 [1700]; see also: ANK Dep. MS 101, p. 174 [1764]. Cf. Kuchowicz 1982, pp. 214–215.

⁵⁰ Here and later I quote from this case from the critical edition of the records of Jazowsko demesne court: *Księgi sądowe klucza jazowskiego*, No. 95 [1732].

At another time:

In the chamber I lay on a bench, Barbara came to me and presented me with an opportunity because she put my bedclothes on the bed where she herself lay, I also went to her and had intercourse with her for a second time.

Asked how soon after this second time he had intercourse with that Barbara, he replied:

We had intercourse for the third time on the bench in the chamber, and later I do not remember and I cannot enumerate because we lived together and slept in the same chamber so whenever she wanted, she gave me an opportunity, and whenever I wanted to I did likewise.

So the lovers did not hide their feelings at all, for they must have slept in the same room as the hosts, and in addition shared their bedclothes. The reaction of the householder and his wife was at most moderate, if not downright tolerant. Wielowski testified that when they noticed that ‘we had frolicked with each other, they said to her: “You strumpet, don’t pursue him unless you may catch something”, and to me they said: “You go and make your own bed and sleep alone”’. But the matter did not go further than a reprimand. Nothing suggests that the lovers were separated.

Even more intriguing is that their parish priest also reacted quite moderately. Asked by the court: ‘Did you confess those misdeeds with that Barbara, [Wielowski] replied: “I confessed in the feast of the Holiest Virgin Mary of Scapular, and the priest told me to fast for seven Wednesdays as a penance”’. Barbara confessed on the same day: “As a penance, the priest told me to abstain on Tuesdays, as I have been doing so far, and also on Fridays”’. Nothing indicated the tragedy that would occur when Barbara became pregnant, for the rural community did not notice premarital relationships until a child was conceived.

The situation of Jan Wielowski and Barbara Białozielonczonka, however, was made more complicated by the fact that they were fairly closely related—apparently first cousins—so there was no question of marriage. The peasant community, which had previously ignored their relationship, suddenly became interested in it when Barbara showed signs of pregnancy. The household master, Józef Surma, swore that he did not know that they had ‘been together’ until ‘I could see from her, whereupon I told this Jan Wielowski, vulgo Waclawik, that I hope no evil shall come about, but it was too late’. Barbara’s mother, Kunegunda, also told Surma’s wife (also called Kunegunda): ‘Dear sister, I see that Barbara is not alone’. Surma’s wife answered:

And I too see that she is not alone, and Józef my husband said: And I noticed before you did that she is like that, but you would not have believed me. And he began to say to her, what have you done, whereupon Barbara said: what's done is done, let God's will come to pass.

Barbara's mother blamed her sister, the householder's wife: 'You did not look after her properly'. To which the reply was: 'How else could we look after her, when it was impossible?'

Meanwhile, Jan and Barbara tried to find a way out: 'We talked with each other, either you go out in the world or I, and finally I submitted to God's will', which later appeared to have been the worst solution. Soon Barbara's pregnancy became difficult to hide under her clothes and she began to feel discomfort: 'When I could no longer eat', Barbara said, 'curious things happened to me, for food became loathsome, and so [mother and aunt] scolded me and told me to put on a bonnet [*zaczepić się*]'. The ritual of 'putting of a bonnet' (*oczepiny*) was a part of wedding ceremony: the bride's wreath was removed from her head and replaced with a bonnet, which signified her changing civil status. But 'bonneting' an unwed woman was dishonourable and meant a public recognition of the loss of virginity. It is also sometimes described as 'wimpling' (*zawicie się*) for the wimple or kerchief was an everyday headdress of married women, hence the now-forgotten Polish word *zawitka* ('a wimpled one', never used for nuns)—an unmarried woman with child.

The putting of a bonnet onto an unwed woman was an affront to her dignity, therefore if a pregnant girl had the slightest chance of finding a husband, the change of her headdress would be delayed for as long as possible. In 1799, Agnieszka Mamczarzonka, from the demesne of Sucha, confessed to her mother when her pregnancy became visible: 'I got pregnant during my service in the village Rabka. Hearing this, my mother hit me on the back with her fist, and I fell to her feet, begging her not to put a bonnet on me because he who was the cause of my burden is to come from Rabka and marry me'.⁵¹ Another girl, Maruszka Kołtunionka of Czukiew, heard from the priest during church confession that if she is pregnant with Grzegorz Lechowicz's child, she must 'cover' herself. Therefore, she went to her lover's parents and asked them 'to give me money for a bonnet and headscarves, and I promised to move out of the village'.⁵²

Returning to the fortunes of Barbara Białozielonczonka, when her mother told her to put on a bonnet, she replied naughtily: "I shall put on a bonnet

⁵¹ AGAD, Zbiór Branickich z Suchej 409/523, p. 283 [1799].

⁵² Cf. TsDIAUL 142/1, vol. 4, p. 93 [1683]; cf. TsDIAUL 142/1, vol. 7, p. 271 (from the back) [1731].

when I have deserved it”, [...] and when asked from whom she received this, she replied: “I have received it from God, I shall answer before God”.

The birth occurred at night, Barbara’s mother, the wife of the householder and her daughter assisted (although the householder’s wife dozed off near the stove and woke up when it was over). The baby was born alive but died before dawn, which raised suspicion of infanticide. As mentioned above, the whole episode ended tragically because, for some reason, the town court of Stary Sącz was summoned to judge the matter, perhaps because of suspected infanticide or because the couple were too closely related and might have committed incest. Jan Wielowski and Barbara Białozielonczonka were subjected to inquisition, which ruled out infanticide but confirmed incest, and because they had ‘insulted God’s law so heavily and so many times, for they had committed the sin of sodomy with each other, for which Almighty God had punished cities and provinces with fire and brimstone and other plagues’, the court sentenced the two to be beheaded by the sword and then burnt at the stake. However, ‘because there were serious and worthy instances of various spiritual and lay personages’, they were spared from being burned, but the sentence of beheading was retained.⁵³ If the sentence was indeed carried out, they were presumably the only people to be executed because of their premarital sexual relations in the Polish countryside during the period under review.⁵⁴

4. DISCRETION IN DEED, DISCRETION IN WORD

Ignoring, tolerating and approving premarital relations as long as no child was conceived required in the first place discretion. Discretion in both deed and in word. Premarital relations were not only unseen, but also unheard of, and if anyone talked about them, they were subject to substantial odium. This was the case in the demesne of Starogród, where in 1733 a farmhand dared to publicly ‘defile’ his master’s daughter, that he slept with her and committed a sin. Her father took him to court, where the farmhand explained at length that he could not remember what he had said because he was drunk, but he still had to formally apologise to the master and his daughter.⁵⁵ In a similar case at Czukiew, Jakub Stopiński sued Matyjasz Surówka for libel because

⁵³ *Księgi sądowe klucza jazowskiego*, No. 95 [1732].

⁵⁴ A very similar episode happened 14 years later at Smrokowo near Miechów, where a child was conceived as a result of romance between cousins. The matter was dealt with by the town court of Miechów, but the boy fled (probably with his parents’ knowledge), whilst the girl was sentenced to a severe whipping, see: BJ 86, fol. 96v–98 [1746].

⁵⁵ APT ASD 1, pp. 453–454 [1733].

the latter had supposedly told the public that Stopiński's daughter Katarzyna, 'had told me to visit her at night, and I did go at her command and did commit a carnal sin with her'. Before the court, he explained at length that:

She herself led me to this. She said that she slept alone in a barn and told me to come to a certain place, I came at her command and she took me to the barn and induced me to perform this act, that I had to commit this carnal sin with her four times, although I discussed with her and showed that I was an orphan, but she, not respecting this, did force me to this deed.

Of course, Katarzyna told a completely different version: it was Matyjasz who came to her uninvited and imposed himself upon her, but she succeeded in resisting these advances, therefore he should publicly 'purify' her maidenhood. But the purification did not occur because in the end Katarzyna admitted to having had sexual relations with Surówka.⁵⁶

Needless to say, it was not very easy to breach the principle of discretion, considering the above case of Jan Wielowski and Barbara Białozielonczonka, who did not conceal their romance in any case. Obviously, their conduct lay within acceptable limits. These limits, however, were exceeded by the daughter of Jan Ślusarz of Czukiew who, during Shrove time entertainment in an inn in Uherce, 'when there was thunders and lightnings at midnight, this girl danced; she went to the hall, and there [people] did see her cuddling with lads in corners'. Perhaps this would not have spread if Ślusarz's daughter had not been active in the local Church brotherhood. Some malevolent person warned the vicar that she was 'unworthy to wear a wreath and carry the brotherhood's sacred image', therefore her father brought the matter to court. And here, too, the 'no child, no case' mechanism worked: after careful consideration, the court punished the gossip-mongers and ordered them to restore the girl's good name.⁵⁷

When obvious scandals occurred, pregnancy was not required to prove fornication, as in the case of Rejna Januszonka and her lovers from the Nawojowa demesne in 1765. Someone caught her having 'congress' with Maciek Baraniak on a threshing bay, and someone else saw her 'lying' with Tomek Zaczyk in a shed,

and other people did see these three a-drinking in several places. For instance, when Maciek Baraniak with Rejna Januszonka came to the inn in Wygoda and sat by the stove to drink vodka, the innkeeper went to him with a candle. Maciek Baraniak threw the vodka in the innkeeper's eyes and the innkeeper said to Baraniak in public: 'people have been saying that you have been having

⁵⁶ TsDIAUL 142/1, vol. 6, pp. 22–23 [1703].

⁵⁷ *Ibid.*, pp. 15–16 [1703].

immoral relations with Januszonka, and I see that this is true'. The same Maciek Baraniak, Tomek Zaczyc and Rejna left the inn to go home, and while thus walking close to the manor Baraniak and Maciek did enter into a quarrel and fight, and each accused the other of having lain with Januszonka. This gave rise to rumours so that the matter was brought before the castle jurisdiction.⁵⁸

The trio did not avoid fines and corporal punishment, even though there was no evidence of fornication, i.e. pregnancy.

It is very difficult to define the limit of rural tolerance for *fornicatio*. It emerges from many records that even longer co-habitation outside wedlock was tolerated. For instance, Bartłomiej Piwowar and Stanisław Hebda, householders, had nothing against the fact that their maid, Zofia Piwowarka 'took unto herself a vagabond and lived with him as if with her husband, and they did not tell either the manor or the reeve [*wójt*], that they all lived together in one building, but kept it a secret' until someone informed the court that Zofia had become pregnant.⁵⁹ In the demesne of Sucha, Wojciech Pyka, being ill, hired Rejna Hamerszczonka as a cook and 'did perform immoral acts with her, promising to wed her, and did have a child with her, while she, not content with him, did seek others'. The demesne court awarded her standard alimony from Wojciech Pyka, but also sentenced her to receive strokes of the birch for betraying him in favour of another man, as if she had committed adultery in wedlock.⁶⁰

5. SINGLE PEOPLE, WIDOWS, AND YOUTHS

To whom did the problem of premarital relationships, or in legal language *fornicatio*, really apply? In former times, there was quite a sizeable group of people who never got married; some 10 percent of the population of England in the seventeenth century, and in eighteenth-century France from 6–7 to 14 percent of women and 8.5 to 10.5 percent of men.⁶¹ The situation in Poland was very similar. According to Cezary Kukło, in the peasant community 8 to 11 percent of women and 6 to 8 percent of men remained single.⁶² For a marriage to make sense, the spouses had to contribute something to the union—part of a field, implements, clothes or money or, usually

⁵⁸ ANK F. 227, fol. [11]v–[12]v (from the back) [1765].

⁵⁹ *Księgi sądowe klucza jazowskiego*, No. 219 [1752].

⁶⁰ AGAD, Zbiór Branickich z Sucheju 79/98, p. 113 [1704].

⁶¹ Gillis 1985, p. 11; Henry and Houdaille 1978, p. 58. It is generally held that where the European pattern of marriages applied, 10 to 20% of people never got married, see: Kowaleski 1999, p. 39.

⁶² This was in any case a much lower figure than in towns: Kukło 2009, p. 277.

the most important thing, their own ability to work and their agricultural skills. In the countryside, people who remained single all their lives were usually somehow incapable of agricultural labour – physically impaired or socially stigmatised.

The second group of people to whom *fornicatio* applied were widowers and widows. If they committed fornication, the courts sometimes pointed out that they could not use lack of experience as an excuse. Thus, a court in Czukiew admonished Anastazja Pyskaczka that ‘being a widow, she knew everything and should have taught others but instead [...] she did condescend to do it’.⁶³ Likewise a court in the demesne of Starogród told Piotr Dumka that as a widower, ‘he should be more cautious and guard himself against such a sin, and put restraint upon himself and his desires’.⁶⁴

It is generally believed that widowed persons had much greater freedom in choosing their next spouse than someone who was marrying for the first time, therefore they could seek a candidate whom they liked, and so engage themselves in emotional bonds more easily. To a certain extent, this holds true because a widower or widow with their own farm or land did not have to heed so much the opinions of their families when choosing a partner. On the other hand, they were restricted by time. Without a spouse it was not possible to run a farm for a longer period of time, and widows who had no grown-up sons were in a particularly difficult situation. As shown by Marek Górny’s research in the parish of Szaradowo in the Pałuki region, re-marriage occurred very quickly: 64 percent of widowers married within six months of the death of their wife, and 65 percent of widows married no later than after one year of widowhood.⁶⁵ One can cite a pre-matrimonial agreement from the demesne of Pieskowa Skała, where a certain Jan Gęgołek was going to marry Małgorzata Dzierzwina, so freshly widowed that she was still pregnant by her deceased husband.⁶⁶ The above figures regarding hasty re-marriages in the parish of Szaradowo apply only to those widowers and widows who entered a fresh conjugal relationship at all. Some of them remained single for good, often because of their age.⁶⁷

The most significant problem for rural sexuality were widows ‘in reproductive age’ who failed to find husbands within the usual time, so it often resulted in their social degradation. Although the ‘discourse of wraith’ did not apply to them, as widows they were obliged to observe an alleged sexual abstinence, which in practice meant a ban on bearing children.

⁶³ TsDIAUL 142/1, vol. 8, p. 27 (from the back) [1776].

⁶⁴ APT ASD 1, p. 145 [1722].

⁶⁵ Górny 1996, pp. 82–83.

⁶⁶ BPAU/PAN 1875, p. 673 [1757].

⁶⁷ Cf. Kuklo 1998, p. 61.

In European culture in early modern times, attitudes towards widows were ambivalent. On the one hand, the defence of widows was one of the duties of every Christian, and widowhood was presented as a particularly godly period in the life of women. On the other hand, widows were suspected of having an insatiable sexual appetite that had been aroused by marriage. Nevertheless, the view that widows were especially lecherous did not prevail in the Polish countryside. In any case, there is no evidence that widows were suspected of sexual provocation or initiating illicit romances more often than other women. Widows, however, more often fell victim to sexual crime; rape or exploitation by their employer. But this was probably due to their essentially lower social status. At the same time, widows' chances of re-marriage progressively lessened from one year to the next. Even if a widow became pregnant with a free man, her chances of persuading or inducing him to marry her were much less than those of a maiden. Even so, some widows successfully re-established themselves on the rural matrimonial market and observed the same principles and customs as single girls.⁶⁸

The largest group affected by *fornicatio*, however, was the 'youth', a term that we will apply to men and women aged between the onset of puberty and the end of the period where one usually marries for the first time. Yet, it is difficult to provide exact figures for this. It is generally assumed that in the seventeenth and eighteenth centuries, puberty began later than today. According to demographic estimates, women reached puberty when they were around 16 years old.⁶⁹ As far as men were concerned, we can only rely on guess work. Today, boys mature somewhat later than girls;⁷⁰ perhaps it was the same three hundred years ago? It is even more difficult to say when 'youth' ends. The average age for getting married in the Polish countryside was 20 to 24 for women and 25 to 29 for men.⁷¹ It is not possible to establish an exact age limit after which a girl became an old spinster and a boy an old bachelor, firstly because people generally had problems with determining their age with any degree of accuracy, and secondly because this depended on a subjective assessment of the social environment, to which many factors could contribute.

Nevertheless, we can say that 'youth' in the countryside lasted five to ten years, and occasionally longer. This was a special period in the personal

⁶⁸ See, e.g., TsDIAUL 142/1, vol. 7, pp. 267–268 (from the back) [1730]. Cf. the ethnographical observations of Urszula Janicka-Krzywda regarding the sexuality of widows in the Polish Spisz region (1978/1979, p. 62).

⁶⁹ Laslett 1971, p. 233; Shorter 1975, pp. 86, 293–294 (fn. 9); Shorter 1981, pp. 497, 502. In his handbook of 1793, Ludwik Perzyna stated authoritatively that the 'monthly purification' of girls begins at the age of 14 (Perzyna, *Lekarz dla włościan*, p. 129).

⁷⁰ La Rochebrochard 2000, p. 73.

⁷¹ Kuklo 2009, pp. 279–280.

and professional life of a peasant boy or girl. As Michał Kopczyński revealed in the case of the Kujawy region⁷² (although his observations may also be applied to other western parts of the Crown, confirmed for example by Mateusz Wyźga's research into the environs of Krakow and Konrad Rzemieniecki's research into the Wieluń Land and Ostrzeszów county⁷³), the countryside was governed by a model of social organisation similar to that in western or central Europe, where the period of 'youth' practically corresponded to service in a household other than the family household. Young people left home to serve a different master, usually in the same village or parish. This service may be regarded as a specific apprenticeship or additional education in the profession of farmer. From the parents' perspective, the gradual departure of their growing children was meant to delay the transfer of the property to a successor. For such a transfer signified a radical loss of social status because one ceased to be master and became 'life annuitant', a category close to a live-in labourer. Masters of households tried to avoid this as long as they had enough manpower strength and possibilities. Significantly, the place of a son or daughter who had left to do service was often taken by a farmhand or maid; in other words, the ordinary children of a different master in the village. They provided adequate manpower while staking no claims to the property.

In this system, service was a universal experience: some 15 percent of the peasant population of Kujawy was in service at the same time, and of these only 30 percent were professional servants. Therefore, the remaining 70 percent can be assumed to have been young peasants who had left the family home temporarily. Michał Kopczyński's research has also confirmed that most servants were young and single (below the average age for getting married), and more of these were men than women, at a ratio of some 150 to 100. The traditional model of young peasants' service was familial and patriarchal: a servant joined their employer's household on an equal footing with the master's own children. They lived, worked and dined together, and the master was formally and legally responsible for their conduct. Service was not a disgrace in the eyes of society, nor did it reduce a person's matrimonial value because upon completing service, it was possible to become part of the community of respected masters without any hindrance.⁷⁴

⁷² Kopczyński 1995, pp. 339–340; cf. Poniat 2015.

⁷³ Wyźga 2011b, p. 269; Rzemieniecki 2010b, p. 60; cf. Szoltysek and Rzemieniecki 2005, pp. 155–156. But in the Uniate parishes in the land of Chełm in eastern Poland and in the area of Sambor in modern-day Ukraine, the family structure varied from this pattern, see: Misiąg-Stepińska and Rzemieniecki 2009, p. 104; Rzemieniecki 2008.

⁷⁴ Kopczyński 1995, pp. 331–334, 343; Kopczyński 1998b, pp. 119–137.

'Youth' was a vital period in the personal development of men and women in the countryside. It was a period of increased socialisation: people became acquainted with members of the opposite sex; they formed short- and long-term relationships; and finally they 'prepared' for married life. Many young country people spent this period in service outside the home and beyond parental control. Of course, servants were under the supervision of their masters, who were legally responsible for their behaviour, but by the nature of things this control was more relaxed than parental supervision. The period of service allowed women in particular to seek partners independently, engage in socially acceptable encounters with the opposite sex, and practice the rituals of courtship.⁷⁵

Many informal premarital relationships were formed during service. A relationship could be between a servant girl and servant boy, but also between a servant girl and her master's son, or between a servant boy and his master's daughter. Such combinations were possible because, as noted above, there was no social divide between the master's children and the servants. On the contrary, they were treated similarly; after all, a master's children also went away to serve someone, while a servant boy or girl could in time become a master or mistress.⁷⁶

6. IN SERVICE

It was said that 'whoever serves, forfeits his freedom',⁷⁷ and the 'familial' model of service also had its negative side. The system of dependency was particularly hazardous for young women, who were frequently targets of sexual aggression from their employers or other members of the household.⁷⁸ The sexual exploitation of servants in the Polish-Lithuanian Commonwealth of that period has not yet been a subject of historical research, except in the work of Andrzej Karpiński, who nevertheless concentrated on relations in the largest cities.⁷⁹ In cities, servants were virtually defenceless against attacks from their employers: if they resisted, they could lose their jobs, while their lower social position effectively prevented them from seeking justice. Consequently, only the most drastic cases saw the light of day. The grey area of sexual exploitation of servants was concealed beneath society's silent acceptance of it.

⁷⁵ Cf. Hartman 2004, p. 56; Jones 2006, p. 129 ff.

⁷⁶ [Izydorczyk-Kamler 2005, pp. 95–96.

⁷⁷ *Księgi sądowe klucza jazowskiego*, No. 95 [1732].

⁷⁸ Cf. Quaiñe 1977, pp. 231–232; Meldrum 1997, p. 57 ff.

⁷⁹ Karpiński 1983, pp. 190–191; Karpiński 1992, p. 53.

The situation was slightly different in the countryside, mainly because most peasants went through the experience of being servants themselves. Additionally, people often served in the immediate neighbourhood, at a neighbour's house, or even at the house of a closer or more distant relative, or occasionally at the local manor. All this helped limit the danger, but did not alter mind-sets. The belief that a maidservant's body belonged to her master was restrained only by a strict system of social control inside a peasant community. This system, however, did not protect everyone to an equal degree. A maidservant from a family of tenants or stranger from far away, or otherwise socially impaired, was easy prey for her master, and rural society did not consider it necessary to reprimand him if it did not cause a public scandal.⁸⁰ It should be noted that a maidservant was not always at a disadvantage. Occasionally the situation was more complicated, and she tried to exploit her intimate relations with her master to improve her position, gain money, and even assume the position of mistress.

A master's son could also exploit his social position against a maidservant, but in the countryside this was restricted by the custom of treating servants and a master's own children equally. This custom was cemented by a master's legal responsibility for the behaviour of his servants, and indeed in the recorded cases where a master's son and a maidservant had a relationship, the motive of exploitation seldom occurs. A master's sons used promises of marriage more often than violence.⁸¹ If the girl came from a poor family, this could be termed an abuse of social differences, but at least in such cases sex became a subject for negotiation.

Working beneath one roof was an excellent opportunity for a boy and girl to get to know one another better, and such a relationship—with a little laxity from the master and his wife—need not have been conspicuous. Under such conditions, it was not very difficult for the couple to spend a quiet time together. Elżbieta Janiołówna, servant to Franciszek Sikora from Lipnica Górna, 'committed a sin' with his son 'in the time of the fair after the feast of St. Hedwig in 1753, but in the absence of the masters, for they both were at the fair in the town, only we two were in the house'.⁸² Similarly, Nacia Ławryczka and Iwan Dziurman, servants under the same roof in Strzelbice, 'in the absence of the masters did perform unchaste deeds'.⁸³ The emphasis put on the absence of the masters while the servants committed corporal sins need not reflect the real situation. Such statements in court evidence

⁸⁰ See, e.g., *Oskarżenia oskarżają*, pp. 62–64 [1747].

⁸¹ See, e.g., TsDIAUL 142/1, vol. 1, pp. 318–319 [1659]; *Księgi sądowe wiejskie*, No. 4260 [1749]; BPAU/PAN 7118, p. 79 [1754].

⁸² BPAU/PAN 7118, p. 79 [1754].

⁸³ NBLNU 555/III, fol. 31–31v [1759].

could have been aimed at the exculpation of a master who had failed to supervise his servants. Obviously, it was easier to find the time and place for intimate relations when the employers were away from home, but even their presence at home was no guarantee that servants would conduct themselves properly.

Practically all of the surviving information on the subject of informal relationships between farmhands and maids concerns situations where the girl became pregnant. This confirms the general observation that sexual relations between single persons went unnoticed as long as no child was conceived. Responsibility for this occurrence rested not only with the wrongdoers themselves, but also with their master, whose duty was to care for the good conduct of residents of the household.⁸⁴ This was reflected in the practice of the rural courts. For example, in the demesne of Strzeszyce in 1742, householder Kazimierz Stach did not exercise control over his farmhand Wojciech Piech and servant Ewa, for which the master and his wife were sentenced by the court to 30 stokes and a fine for the benefit of the Church.⁸⁵ According to the court's declaration, punishment for the master and mistress was meant to 'serve as an example to others, that servants may not be allowed licence and that [masters] must prevent God's offence'.⁸⁶

It is therefore little wonder that the masters tried to cover up the extra-marital pregnancies of their servants. For example, they helped the guilty parties escape from the village if necessary. This was particularly easy if the couple came from a different demesne. In such cases, they merely had to delay reporting the matter to the manorial authorities so that the couple had time to leave the village.⁸⁷ It does not seem, however, that whenever they covered up the pregnancies of their servants, the masters only wanted to avoid punishment for a lack of supervision. One way of minimising such punishment was to immediately report the immoral behaviour of their servants to the court or manor. Nevertheless, very seldom did masters resort to this.⁸⁸ In this, a certain level of solidarity with their servants can be perceived, in the expectation that matters will sort themselves out (for example, the girl will miscarry or quickly marry). The court evidence of guilty couples quoted

⁸⁴ See the rural statutes: *Polskie ustawy wiejskie*, p. 180 [1692] and p. 346 [1756]; *Księgi sądowe wiejskie*, No. 7333 [1570]; AGAD, Biblioteka Baworowskich 258, fol. 133 [1654]; APP Akta m. Kalisza I/232, p. 39 [1583]; cf. Staszaków 1958, pp. 178–179; Lzydorczyk 1987, p. 164.

⁸⁵ *Księgi sądowe wiejskie*, No. 3986 [1742].

⁸⁶ *Księgi sądowe wiejskie*, No. 3987 [1742].

⁸⁷ *Księgi sądowe wiejskie*, No. 3455 [1692], No. 3982 [1742]; ANK F. 226, p. 22 [1767]; *Księgi sądowe klucza jazowskiego*, No. 214 [1752].

⁸⁸ Rare examples of such a reaction are the following records: *Księgi sądowe klucza jazowskiego*, No. 222 [1753]; APT ASD 1, p. 404 [1731]; ANK F. 226, p. 26 [1767].

above, stressing that their masters knew nothing, may be a sign of gratitude. There are no known cases in written sources where a pregnant servant was simply evicted by her masters. In any case, this would not have been very expedient because the courts considered cases of fornication very thoroughly. At the home of Matis Michtarz in Kasina in 1610, 'there was a pregnant woman who died in childbirth. The law decreed that he was free because she did not become with child at his house, but at the house of Gosciey', and it was Gosciey who was punished for a lack of supervision.⁸⁹ Thus, punishment was meted out to the master in whose household a child was conceived, whether or not the guilty couple remained in his employ.

7. MEETING PLACES

Young people of both sexes were not only able to meet freely within the confines of service. The division of sexes in the Polish countryside was much less rigid than in, for example, the French countryside in the eighteenth century.⁹⁰ It was not necessary to resort to various escapades in order to meet a member of the opposite sex; there was no shortage of daily opportunities for this.

Firstly, such meetings were possible during the day's work. There was of course a division into men's duties and women's duties, but the scope of these duties often overlapped. The normal schedule of household work allowed a person to meet someone of the opposite sex in a quiet place without suspicion.⁹¹ For example, men's work and women's work overlapped in a barn or stable. The *corvée* labour was also an opportunity for young people from the entire village to meet each other. Ignacy Lubicz Czerwiński noted in the early nineteenth century an interesting model of combining work and youth entertainment in a village near Halicz:

During summer work, the owners derive much benefit from this [from the people's fondness of dancing], they invite young people to the harvest or to gather in the hay as urgent work [*tloka*], after which music is played and they receive vodka. The young people go willingly to this work because no one hurries anyone else during it, and this is the first opportunity for common work by peasant children, who could not be induced from their idleness without the prospect of dancing. In this area, or at least in my village, the young people themselves do not drink vodka during this urgent work, but pour it into bottles

⁸⁹ *Księgi sądowe wiejskie*, No. 2928 [1610].

⁹⁰ Cf. Flandrin 1975, p. 108.

⁹¹ Cf. Mitchison and Leneman 1988, pp. 487–488; Tóth 1991, pp. 47–48; Nicoară 2002, pp. 147–149.

which they bring specially and take it home to their parents. Once, in my village, instead of vodka a squire wanted to give as much money as it was worth, but the parents refused, saying that they only sent their children to work so that the children could benefit from the entertainment.⁹²

This custom probably arose after the first partition of Poland and after the limitation of corvée labour by Austrian legislation under Emperor Joseph II. However, it included earlier features in an interesting way. Firstly, the name itself, *tłoka*, was an additional feudal service to which peasants were bound when there was a great amount of field work, such as at harvest time; secondly, the dances, which young people of both sexes attended. Naturally, harvest time was a period of intense and very heavy work for the entire village, but it was also an opportunity for communal entertainment and quite carefree interactions between the sexes. A folk song from the middle of the eighteenth century regarded, apart from Carnival, the harvest as the most dangerous time for a girl's 'wreath':

*Zafrasowała się srodze,
Cosi się stał[ł]o niebodze.
Stało-ć sie ji, jak to bywa,
I na gody, i na żniwa.*⁹³

She became seriously worried,
what had happened to her, a poor soul.
This happened, what usually does
during Christmastide and the harvest.

The folk wisdom of this ditty is only partly confirmed by demographic research: if the increased number of conceptions during winter months is confirmed by figures, these figures fall from July onwards following a peak in May and June. But these statistics apply to all conceptions, i.e. mainly between married couples.⁹⁴

Something between work and play were evening meetings (*wieczornice*) which appeared under that name in Red Ruthenia, including the Lviv region. In a book called *A Sheepfold in a Wild Field (Owczarnia w dzikim polu)*, the parson of Buszcze Stanisław Brzeżański, devoted to pastoral work among simple folk, expressed the hope that the propagation of his catechistic songs would discourage even a bumpkin from 'godless encounters, namely accursed evening meetings, which in Ruthenia, due to the unchaste neglect of silly and godless parents, introduce young people to all manner of evil to such an extent, that they may provide a spark with which to ignite the wrath of God in these lands, and to excite this fire with foreign swords, and move Him to punish godless peasantry and careless lords who not only fail to forbid and prohibit these meetings, as they are obliged to do, but pay no attention to

⁹² Czerwiński, *Okolice za-dniestrka*, pp. 255–256.

⁹³ *W kalinowym lesie*, vol. 2, p. 85.

⁹⁴ Gieysztorowa 1981, pp. 430–431; Kuklo 2009, pp. 351–352.

them'.⁹⁵ For a more objective description, one should read Lubicz Czerwiński, though he too refers to this custom with disgust:

Evening meetings here among the simple people occur only in the winter when the nights are long. They are meetings of country boys and girls at the house of a master or mistress. The girls gather here so that they may spin yarn under a single light and not be bored; the boys perceive this and also, bringing geese, chickens, groats and flour wrapped in a cloth, give them to the mistress of the house to be cooked. These entertainments often provide an opportunity for complaints and for debauchery, especially because the boys do not bring their own goods but seize them from somewhere else, and take out vegetables from home without the knowledge of the masters. Therefore, this entertainment should not diminish a lord's duty to forbid such meetings in his village.⁹⁶

Lubicz Czerwiński, however, was probably more upset about the petty thefts than any debauchery.

Regarding both their declared and their actual purpose, the evening meetings are very reminiscent of the *Spinnstuben* held in Germany or the *veillées* in Francophone countries. They were condemned by the Church and by the lay authorities everywhere, yet, they were important meeting places for young people of both sexes, where they could establish romances.⁹⁷

Another opportunity for quite free contacts between young men and women was a fair or market held in a neighbouring town, to which entire families went. There it was possible to meet friends from one's own or other villages. Of course, the fairs and markets were incorporated into the rhythm of work: people sold their own produce and settled essential business, but they also provided entertainment. They included a visit to an inn, and allowed the purchase of 'luxury' goods such as ribbons or other items which could be given to a loved one as a present.

Nevertheless, banquets were the best opportunity for a meeting. These occurred at, for example, weddings, where the entire village had fun and there were plenty of opportunities for more or less intimate contacts.⁹⁸ The usual place of entertainment was the village inn, to which both men and women went. There was nothing wrong with a single girl going there on her own, for an inn was a public and a 'safe' place, in the sense that there was always an aunt, cousin or close neighbour who could act as chaperone, defender

⁹⁵ Brzeżański, *Owczarnia*, fol. C3v.

⁹⁶ Czerwiński, *Okolica za-dniestrską*, p. 258.

⁹⁷ Flandrin 1975, pp. 119–122; Shorter 1975, pp. 124–126; Matet and Pannet 1976, p. 167; Chanaud 1977, p. 61; Beck 1983, p. 141; Medick 1984; Muchembled 1991, pp. 134–135; Watt 1992, p. 179; Lombardi 2016, p. 127.

⁹⁸ For example. ANK F. 227, fol. [11]v (from the back) [1765]; ANK Dep. MS 100, p. 63 [1756]; *Księgi sądowe wiejskie*, No. 4393 [1760].

or witness. At the same time, the inn allowed quite free contacts between men and women (albeit before the eyes of everyone present): conversations, courtships, and the joint drinking of alcohol. Added to this was dancing, which afforded close physical contact approved by the community. As critically summed up by Ignacy Lubicz Czerwiński regarding folk customs: ‘High dancing skill involves tussling one’s partner in the best way’.⁹⁹

Although moralists in the eighteenth century sharply criticised dancing, the people did not understand their arguments at all because, as stated by the Stubborn Peasant in Marcin Nowakowski’s *Spiritual caroling (Kolęda duchowna)*: ‘we lay people need dancing, because without it we cannot marry’.¹⁰⁰ If we are to believe Nowakowski, there was a great deal of freedom in folk dancing. During a confession by a typical, simple peasant, the Confessor asks:

C[onfessor]: But you liked to dance?

P[enitent]: You can’t get by without it.

C[onfessor]: Did you sometimes also kiss the girl with whom you were dancing, or another one?

P[enitent]: I did.

C[onfessor]: Perhaps you also reached for where one should not reach?

P[enitent]: Ha, I saw what others were doing and did likewise.¹⁰¹

Nevertheless, parents allowed their daughters to go to an inn without significant concern. In 1696, Marusia Kazanówna from Czukiew ‘did ask her father permission to go to an inn’, where Iwan Kułdowicz seduced her during a dance, begging her not to agree to a betrothal which her father was preparing.¹⁰² Another description of having fun in an inn is also connected with breaking off a betrothal. Franciszka Krzeczowska from Szczytniki near Krakow was due to be betrothed to Szymon Bułat on Thursday evening after the feast of St. Wojciech (24 April) in 1760. Her previous candidate, who had been rejected, Marcin Zięba, met his friends in an inn to discuss how to disrupt this ceremony. Let us add that the girl’s father refused Zięba his daughter’s hand on account of some harm Zięba had done to him (likely financial). We do not know of Franciszka’s attitude towards Zięba’s candidature, but considering the further course of events, it was probably not as negative as that of her father. Two bachelors from Zięba’s entourage managed to get Franciszka out of the house before the planned betrothal ceremony and take her to the inn, where Marcin Zięba was waiting, and

⁹⁹ Czerwiński, *Okolica za-dniestrską*, p. 254.

¹⁰⁰ Nowakowski, *Kolęda duchowna*, p. 250; for these and other texts criticising dancing, see: Tazbir 2000.

¹⁰¹ Nowakowski, *Kolęda duchowna*, p. 556.

¹⁰² TsDIAUL 142/1, vol. 5, p. 177 (from the back) [1696].

‘he did lay his hand upon the said Franciszka [...] and did sit by her, and the defendants gave her vodka and kept her amused, and later when Krzeczowski, father of Franciszka, sent for her, the defendants did not want to let her go, finally releasing her, following persuasion from the innkeepers, when Krzeczowski sent his hat as a sign’. Thus, a single girl spends the day of her betrothal in an inn, drinking vodka in the company of several young men, none of whom is her fiancé, and no one seems surprised by this. The only thing wrong here is that the rejected candidate did not let the girl return home. But in the end he did. We would probably never know about this were it not for the fact that later that night, there occurred a fight between Zięba’s drunken companions and Jakub Krzeczowski’s guests, and one person was killed.¹⁰³

Even though an inn was a public place where strict control by the community over the behaviour of its individual members did not cease to function, it was nevertheless not difficult for young people to escape the gaze on their behaviour. Fortunately for historians, the flirting couples did not always manage to hide and we can learn how they tried to find their intimate moment at an inn. For example, Wojciech Radzięta and Rejna Maystrzykownica of Rajbrot, sitting in an inn in Pawlikówka, ‘flirted with each other in hidden places [...] they went to the hop garden, and although they did not commit sin, because it lasted too short, they apparently had intention to do it’.¹⁰⁴ During Christmas 1755, young persons from Czukiew, Magda, daughter of Mikołaj Lechowicz, and Danko Stronski spent a night in the inn at Błazów. Apparently, they were seen going into the hall, where they were ‘caught in the act’.¹⁰⁵ Piotr Dumka and Katarzyna Jankowa from the demesne of Starogród crept out of the inn and, on the way home, ‘performed the carnal act’. Although Katarzyna accused Dumka of rape, ‘one could not know if he had raped her, due to the fact that she left the inn together with him to return home, therefore it appears that she had consented to the deed’.¹⁰⁶ It was very difficult to prove charges of rape before courts in early modern times, whilst formally rural courts were not supposed to consider such cases, which carried the death penalty.¹⁰⁷ In the Dumka case, the judges rejected the charge of rape, ruling that Katarzyna’s allegations were obviated by the fact that she was not returning home in a larger group, but only in the company of Dumka.

In any case, an inn was the place where contacts of varying degrees of intimacy could occur between two people. Of course, in accordance with

¹⁰³ *Księgi sądowe wiejskie*, No. 7226 [1760].

¹⁰⁴ ANK Dep. MS 269, No. 61 [1761].

¹⁰⁵ TsDIAUL 142/1, vol. 3, pp. 309–311 [1755].

¹⁰⁶ APT ASD 2, p. 125 [1743].

¹⁰⁷ More on rape: Wiślicz 2006; Vinnychenko 2013 and 2015; Bilous 2015; Harasymchuk 2015.

rural custom, it was held that as long as a girl did not get pregnant, there was no problem:

| | |
|--|-------------------------------|
| <i>Ach, kochana matko,</i> | My dear mother, |
| <i>Brzuch mię jakoś boli,</i> | My stomach doth somehow ache, |
| <i>Czemużeś mię wypuszczała</i> | Why did you let me go |
| <i>Do karczmy z swej woli.¹⁰⁸</i> | To the inn for my own sake. |

– complained a pregnant girl in a folk verse written at the turn of the eighteenth century.

Religious ceremonies were also a convenient opportunity to meet. Before and after mass, the faithful visited the nearby cemetery to socialise, and some even stayed there during the church service. This was especially so with young men: Jan Beuza, a parson in Wysoka near Łańcut, complained at Easter 1708 that ‘according to a new custom, the young lads of Wysoka who, having given up long-established religious worship, now spend this time, which is marked by the ringing of bells, on meeting and chatting in the cemetery’. Girls as well were probably more interested in things other than prayer: Father Beuza told the congregation to threaten with locking in jousts any girls who ‘turn their rump on the altar’.¹⁰⁹ In this way, the parson of Wysoka encountered the problem of young people using religious services as a good pretext to establish and maintain acquaintances. In a folk verse recorded at the end of the eighteenth century, a girl confesses that:

| | |
|--|---------------------------|
| <i>Kiedy ja pójde do kościoła,</i> | When I go to church, |
| <i>Poznać tam obrazy,</i> | To save myself from vice, |
| <i>Raz spojrzę na ołtarz,</i> | I look at the altar once, |
| <i>Na chłopców dwa razy.¹¹⁰</i> | But at boys I look twice. |

Ensuring the proper behaviour of young people in church was a problem not just for Father Beuza. Marcin Szaniawski, parson of Iwkowa in the middle of the eighteenth century, apparently beat a certain Jadwiga Murkówna for ‘laughing in church with other girls’.¹¹¹ For the sake of comparison, one can also cite an enigmatic entry from the chronicles of the city of Żywiec of 1706, saying that the side choirs of the parish church, ‘where young people did amuse themselves’¹¹² were abolished. We can only imagine what was meant.

¹⁰⁸ *W kalinowym lesie*, vol. 2, pp. 12–13.

¹⁰⁹ TsDIAUL 53/1, vol. 1, p. 53 [1708].

¹¹⁰ *W kalinowym lesie*, vol. 2, p. 131.

¹¹¹ BPAU/PAN 7121, fol. 65v [1749].

¹¹² Komonieccki, *Chronografia*, pp. 303–304 [1706].

8. COURTSHIP

The repertoire of socially approved methods of courtship included patting, pinching, tight embraces, dragging the object of one's desire to bed, rolling in the hay, etc.¹¹³ Hasia Tuledzyna of Czukiew related how a certain Senko molested her, trying to attract her attention: 'He went after me, seduced me; I went for water, he hid behind a corner; I went for firewood, he hid behind the shed'.¹¹⁴ Sometimes, courtship assumed a very intimate form: the Uniate parish of Banica near Muszyna was visited by a 'youth', Jan Melma, who with the parson's servant, Marianna Bilanska, 'did engage in all manner of pranks with her and wished to commit the carnal act with her, but did determine her monthly illness'; moreover:

having noticed between that talk and the pranks that she bore monthly signs, did say to her that he has information from Antoni, innkeeper at Śmietnica, that if oxen and other cattle were rubbed with monthly signs, they would be robust, therefore he did ask the said Marianna for them, who, having cut off a piece of her chemise with a knife, did give it to him.¹¹⁵

In the demesne of Łąka near Rzeszów in 1794, Jadwiga Wesołowszcanka and Szczepan Łyczko committed 'the deed' with each other, which each of them described completely differently. We cannot determine which of them was closer to the truth, but both accounts seem equally likely. According to Jadwiga:

On the Sunday after Christmas, Szczepan Łyczko, returning with my mother from the inn called Borsuk ['Badger'], entered my parent's house for supper, and when I went to the stable to feed the cattle, he followed me and tried to talk me into the carnal act with various words, and when I refused he promised to wed me, but still being unable to obtain my will he did overturn me in the stable and, taking off my headscarf to stifle my mouth, did satisfy his desire with force.

Thus, rape was preceded by ineffective verbal wooing and far-reaching promises. Łyczko's version is different:

Indeed I did follow her to the stable and did lie on pine branches and did call her to me. She came to me, I pulled her and she fell beside me and thus did we both make merry, but I neither stifled her mouth nor committed the deed. [But later he admitted that he did]

¹¹³ See, for example, ANK IT 229b, p. 34 [1680]; *Acta maleficorum Wisniciae*, p. 122 [1646].

¹¹⁴ TsDIAUL 142/1, vol. 1, p. 397 [second half of the 17th c.].

¹¹⁵ ANK Dep. MS 101, p. 207 [1765].

Therefore, Łyczko's account conveys sex with the consent of both partners, preceded by physical rather than verbal courtship. However, in one sense the accounts of both partners agree: they were both drunk.¹¹⁶

Katarzyna Zagasiowna of Filipowice was returning with Paweł Kłeczek from the inn one night, and they had intercourse in a field. According to her: 'there was no agreement between us to carry out this deed, he merely lay me down and after the deed each of us returned to our own houses'.¹¹⁷

Bold verbal declarations also played an important role. Małgorzata Wiszka was visited by a publican from Jasionka called Kazimierz Lech:

I asked him wherefore he had come, he replied: I have come to ask you whether you have repaid my debt or not. I replied to him: indeed I have already paid my debt unto you. He sat on a bench and began to persuade me to allow him to enter me. [...] At first I resisted but later I did consent.¹¹⁸

It was usually men who initiated the courtship and played the active part, but women did not necessarily restrict themselves to defending their 'virtue'. On the contrary, they occasionally behaved boldly towards the target of their feelings.¹¹⁹ In Sicinek near Wąbrzeźno, a certain Stanisław Owczarczyk was seduced by Jagnieszka, a servant at the manor: 'When he was drunk, he lay on the innkeeper's bed and slept, and she did come to him in bed and did sit by him and did kiss him while he slept'.¹²⁰ The daughter of Andrzej Rakowicowy of Krywka, in the demesne of Sambor, engaged herself in two romances at the same time, with Paweł Kiedysz and Andrzej Sikoryczów. One day, the girl 'told both of the above-named to come to her on the same night to get it on; Paweł Kiedysz, encountering Sikoryczów at hers, did cut him', after which he prudently fled the village.¹²¹

Moreover, it was believed that women resorted largely to supernatural activity in this sphere (as well as other spheres).¹²² Young women were believed to apply various magic spells to attract a man. At the manor of Stanisław Porębski in Łukowice there served 'a certain Zofia Baczonka, a shapely girl [...] of whom people did say that she had bewitched Bojarczyk who had served Stanisław Porębski, so that he had taken her unto him as a wife. And earlier she had been found [charming] in the Porębski's stable, and they dunked her in the Dunajec river, and when she came to the surface, she

¹¹⁶ BO 6115/III, pp. 160–162 [1794].

¹¹⁷ ANK IT 229h, p. 16 [1751].

¹¹⁸ BO 6115/III, pp. 139–140 [1793]; ANK Dep. MS 101, p. 207 [1765].

¹¹⁹ Kuchowicz 1982, p. 353.

¹²⁰ APT ASD 1, p. 425 [1732].

¹²¹ NBLNU 514/III, fol. 31v [1660].

¹²² Cf. Ostling 2016.

was nonetheless taken by that Bojarczyk. And people did say: That is a sign that she hath bewitched him well'.¹²³ A certain Marianna Czubatka of Konin 'spoiled' with her magic Tomek of Licheń, son of the husbandman Szczęsny, because 'he made advances to another girl and I was envious'.¹²⁴ There is no doubt that at least some women really did resort to amorous magic. During witchcraft trials, interrogated women related various practices of this type: herbal baths or amorous beverages, mixed with urine or menstrual blood, among ordinary household superstitions.¹²⁵

9. THE RISK OF PREMARITAL PREGNANCY

The rural pattern of premarital relationships allowed considerable freedom under the condition that discretion was observed—and the greatest enemy of discretion was pregnancy. Not until then did rural public opinion discover a 'breach of God's commandment', and only then would the law be introduced to the matter. Both lovers were subject to physical punishment and fines, sometimes public penance, and a black mark on their reputation, especially the girl's. Even so, single people made love, and rural society did not particularly interfere in this. This 'recklessness' was justified by two factors. First, sex did not have to result in pregnancy and childbirth, and second, if this did happen, there were ways of avoiding a scandal.

Let us begin with the first possibility. Literature on the history of sexuality in early modern-age Europe indicates that there were local customs of pre-marital sexual intercourse which did not carry the danger of pregnancy. The best-known of these was *marâchinage*, generally practised in French Vendée until the end of the nineteenth century. Young men and women were allowed to demonstrate their feelings in public by means of a prolonged 'deep' kiss, often accompanied by discreet mutual masturbation. In the Pas-de-Calais region during the same period, young people were permitted intimate meetings at night without the supervision of parents or guardians; the couple spent this time lying on a bed and displaying affection. The essential rule here was that they remained fully clothed and restricted their actions to cuddling and intensive kissing. A kind of guarantee of adherence to this rule was that several couples enjoyed themselves this way in the same room at the same time. So one can say that in this case, a peer group controlled the sexual behaviour of its members. Jean-Louis Flandrin presumed that customs like

¹²³ *Acta maleficorum Wisniciae*, p. 243 [1662]; see also: Kuczera 1935–1937, vol. 2, pp. 284–285.

¹²⁴ PTPN 859, fol. 52v [1688].

¹²⁵ *Acta maleficorum Wisniciae*, p. 218 [1659]; *Akta Sądu Kryminalnego Kresu Muszyńskiego*, No. 18 [1678]; Baranowski 1962; Biegeleisen 1929, p. 242; *Materiały do monografii Lublina*, p. 35.

this were typical of the French countryside in early modern times; he found traces of similar behaviour in sources relating to Savoy, as well as Champagne, Burgundy and other provinces.¹²⁶ But these traces did not convince Martine Segalen, who insisted that the sexual customs of nineteenth-century Vendée were the exception rather than the norm in France.¹²⁷

Nevertheless, similar practices occurred in other countries during this period, for example in the Swiss canton of Neuchâtel, where they were called *kiltgang*,¹²⁸ as well as in Sweden, Finland, Denmark and Bavaria.¹²⁹ They seem to have been genuinely widespread in England, where so-called 'bundling' excluded only the social elites. According to Laurel Thatcher Ulrich, who examined bundling among the Puritan settlers of New England, this custom was intended to preserve parental supervision over daughters within the traditional system of matchmaking in a period where sexual attraction was becoming more important in the matching of couples, in other words during the eighteenth century.¹³⁰ In bundling, the boy came to the girl at night as if in secret before her parents or hosts, whereas in fact the parents or hosts merely pretended they knew nothing. As in France, the couple were permitted to lie on the bed in their clothes, and kiss and cuddle.¹³¹

Using English memoirs of the period, Tim Hitchcock has established that bundling involved varying sexual behaviour, coupled with mutual masturbation by the lovers. A ban on penetrative sex, however, persisted until at least the beginning of the eighteenth century, which does not mean at all that young people did not enjoy a rich and satisfying sex life. Hitchcock claims that not until during the eighteenth century did sex become identified with heterosexual penetration culminating in ejaculation. A symptom of this change was the appearance of popular anti-masturbation literature and sexual manuals which dealt only with genital contact. Thus, the 'traditional' pattern of premarital sexual contacts apparently involved non-penetrative sex with various uses of the body, and only the modernisation of English society in the eighteenth century introduced the phallogocentric model of penetrative sex.¹³²

¹²⁶ Flandrin 1977, pp. 200–203.

¹²⁷ Segalen 1986, p. 130.

¹²⁸ Caspard 1974, pp. 993–996; Watt 1992, p. 180.

¹²⁹ Shorter 1975, pp. 105–107; Beck 1983, pp. 142–143; Breit 1991, pp. 97–98; Ekirch 2005, pp. 197–199.

¹³⁰ Ulrich 1982, p. 122. If we can agree with the explanation of the social conditions of bundling in this case, the connection of this phenomenon with the view that marital attraction is linked to sexual attraction, apparently stemming from the upper classes, is dubious. It is all the more unjustifiable to associate bundling with an increase in conceptions out of wedlock (as in Smith and Hindus 1975, p. 548). Cf. the opinion of Tim Hitchcock below.

¹³¹ Stone 1977, pp. 605–607; Stone 1992, p. 9; Gillis 1985, pp. 30–32.

¹³² Hitchcock 1996, pp. 79–82; Hitchcock 1997a, pp. 24–41; cf. Fischer-Yinon 2002.

Although this theory is debatable,¹³³ it does draw attention to the fact that bundling, as *marâchnage* and other practices of this type in early modern Europe, were regarded not as a sign of the collapse of morals, but as relics, pushed further and further to the side-lines of accepted social behaviour. It encourages us to seek out similar practices in the traditional cultures in other parts of Europe.

We have no trace, however, of the existence of such customs in Poland. Although young people of both sexes had quite considerable freedom in mutual contacts and there is no shortage of evidence of boys' nocturnal visits to girls, we have virtually no sources suggesting that they knew about non-penetrative sex. Thus, it is difficult to assume that this type of 'safe' sex was also practised in the Polish countryside. But neither do we have any direct references to **penetrative** sex in premarital relations. Terms such as 'committing a sin', 'having contact', 'offending God' and 'doing it with someone' say nothing about the sexual act itself. We can only guess from the context that penetrative sex was meant, because a child was conceived. An examination of eighteenth- and nineteenth-century folk verses casts a little light on this question. Such an examination, carried out by Dobrosława Wężowicz-Ziółkowska, led her to conclude that peasant sexuality concentrated on the genitals and was basically limited to copulation.¹³⁴ Virtually all folk literature refers to copulation either directly or by means of metaphors. Even the term 'give me a kiss' (*dać gęby*) was supposed to be a euphemism for the genital sexual act.¹³⁵ Hence, one can say with a high degree of certainty that if a couple decided to have sex before marriage, this involved typical penetrative sex, bearing the risk of pregnancy.

But as we know, people are capable of sex whether or not the woman is in the fertile days of menstrual cycle, so that not every sexual act leads to conception. The health restrictions of both partners also come into play. Today, the average period of regular sexual intercourse resulting in conception is said to be about six months.¹³⁶ We can assume that this period was

¹³³ Tim Hitchcock challenges the popular view that 'polymorphic' (i.e. not concentrated solely on the genitals) sex was the result of the liberalisation at the turn of the nineteenth century, and that the history of sexuality is a history of a progressive 'collapse of morals' or a gradual relaxation in the intimate sphere of life. The latest research suggests that in a world where there were not yet any effective methods of contraception, the avoidance of penetrative sex was not dictated by morals but by very practical economical aspects, see: Hartman 2004, p. 62; Cook 2007, p. 918.

¹³⁴ Wężowicz-Ziółkowska 1991b, pp. 156–157.

¹³⁵ Bartmiński 1974, p. 15.

¹³⁶ According to American surveys, a statistical average of 25–50 coituses are required for conception, see: McLaren 1984, pp. 65–66.

longer in the early modern Polish countryside because of worse health and bad hygiene. Another issue is the regularity of sex. As we are dealing with illegal relations, they naturally occurred only occasionally. If we are to believe the testimony of men and women hauled before the courts for illegitimate childbirth, they normally had ‘contacts’ only a few times over the space of many months, and in some cases a single coitus was sufficient. For example, Maruszka Teliszczakówna declared that the father of her child was Danko Kosturow ‘with whom I did have relations twice at his home and the third time in the mill, and not with someone else but with him alone’.¹³⁷ Jakub Racek and Agnieszka Sopianka of Czukiew also admitted that ‘we did it, three times, while drunk, before Shrovetide’.¹³⁸ Marianna Walowna and Jan Krol of Kokocko only performed the ‘carnal act’ once, ‘and she was pregnant forthwith’.¹³⁹

István György Tóth took such information, found in Hungarian and Slovak trials for fornication, at face value, arguing that premarital and extra-marital sex was merely a breach of the restrictive control exercised by the rural community.¹⁴⁰ Not denying that conception could indeed sometimes occur after only one intercourse, I nevertheless subscribe to the opinion of Rosalind Mitchison and Leah Leneman who, examining a similar phenomenon in Scotland, stated that the declared number of illegitimate sexual relations reflected the imagery of local society rather than the reality. Let us add that these figures had no bearing on the severity of court sentences.¹⁴¹ In my opinion, fornicators who claimed that their ‘carnal deeds’ were few and far between simply complied with the principle of ‘discretion of words’ that surrounded premarital relationships. Of course, when a pregnancy was visible to the naked eye, it was impossible to pretend that nothing had happened, but it was still necessary to minimise the sexual nature of one’s misdeed as far as possible. Rarely was a girl as honest as Feska Sidorówna of Czukiew who, describing her relations with Senko Paluch, admitted to having had quite regular sex for 18 months:

When he came to me to the barn at night for the first time, he made it with me as he liked, and from then it happened many times. I do not remember how many, and whenever he wanted he came wherever he espied me, in a field

¹³⁷ *Akta Sądu Kryminalnego Kresu Muszyńskiego*, No. 36 [1765].

¹³⁸ TsDIAUL 142/1, vol. 7, pp. 325 (from the back) [1733]. Three times is probably the most popular declared number of coituses leading to pregnancy, see also: ANK F. 227, fol. [11] (from the back) [1762].

¹³⁹ APT ASD 1, p. 324 [1725].

¹⁴⁰ Tóth 1989, p. 45.

¹⁴¹ Mitchison and Leneman 1989, p. 188; cf. Quaife 1977, pp. 232–233.

or in the house, and whenever he came I had to be obedient [...] then, being obedient, I did become pregnant.¹⁴²

This is quite an exceptional testimony because if we are to believe other testimonies, rural girls became pregnant in a similar manner as in the tales from *One Thousand and One Nights*: after the first time, or after the third time at the very most.

10. COITUS INTERRUPTUS, CONTRACEPTION, AND ABORTION

Demographic surveys show that societies in Western Europe in the eighteenth century began commonly and effectively to restrict the number of children in a family. Cezary Kuklo reached a similar conclusion when investigating fertility rates in the Warsaw parish of the Holy Cross, except that the phenomenon did not occur there until 1770–1799 (which he describes as a period of Enlightenment), and was attributable to the rapid growth of Warsaw and its development as a large capital city, including its social structure.¹⁴³ The fact that the number of children in a family began to be controlled only in that period, and only in certain social groups, does not mean that methods of contraception were not known and applied earlier, especially in premarital relations.¹⁴⁴

According to historians, the only reasonably effective method of contraception at that time was *coitus interruptus*.¹⁴⁵ The question is whether this method really was generally known. Researchers argue over whether this is a ‘natural’ method or whether it has to be learned.¹⁴⁶ It is now generally believed that the latter is the case, which takes into account the sources of this knowledge and ways of propagating it in a given community.¹⁴⁷

¹⁴² TsDIAUL 142/1, vol. 4, pp. 106–107 [1683].

¹⁴³ Kuklo 1990/1991, p. 35; these surveys of course apply to urban society. Regarding the countryside, we have no relevant sources on which to base similar demographic surveys covering the period before 1800. Nevertheless, surveys for the Hungarian village of Sárpilis illustrate a similar trend in the countryside of southern Hungary at the end of the eighteenth century (Andorka and Balazs-Kovács, 1986). Therefore, the basic question regarding contraception in early modern times was not so much the possibility of using it as the need to do so.

¹⁴⁴ Cf. Szoltysek 2005, pp. 47–48.

¹⁴⁵ Flandrin 1979, p. 221–225; McLaren 1984, p. 75; Crawford 1994, p. 99; Santow 1995, p. 29. The ‘obviousness’ of this method has recently been convincingly criticised by Hera Cook (2004, pp. 42–53).

¹⁴⁶ For a summary of this discussion, see: Santow 1995, pp. 19–20.

¹⁴⁷ Biller 1982, p. 19; Van de Walle and Muhsam 1995, p. 275.

Although the Bible contains a description of *coitus interruptus* and it was enough to consult the Old Testament in order to learn about it,¹⁴⁸ this method of learning had its weak points: one had to be able to read, and moreover read the Old Testament. The first condition was fulfilled very rarely in the Polish countryside, and the second was unthinkable. However, preachers rather reticently spoke of the ‘sin of Onan’, until it acquired quite a different meaning in the middle of the eighteenth century and the medical community joined in the campaign against it.¹⁴⁹

Sources on the subject of the Polish countryside in the seventeenth and eighteenth centuries very rarely contain entries which can be regarded as evidence that *coitus interruptus* was known and practised. The likelihood that it was practised is confirmed by the fact that Marcin Nowakowski included the following in a catalogue of questions to be put to a penitent in ‘married status’: ‘Did you not tell your wife to do something that she bore no children? Or did you not conduct yourself regarding the marriage issue in this way?’.¹⁵⁰ As we know, one of the problems facing confessors was to what degree they should question penitents about various sins without unintentionally informing them how to commit those of which they had no idea. But in this case, the term used by Nowakowski is so vague that it seems both parties, the confessor and the penitent, know very well what sin is meant, while the historian can only surmise what lies beneath the phrase ‘conduct the marriage issue **in this way**’ so that no children were conceived.

It is obvious that Father Nowakowski could have had in mind a whole range of various, more or less ‘unnatural’ sexual practices traditionally recognised by moral theology and by canonists.¹⁵¹ Therefore, what interests us more is how a peasant going to confession would understand this question. Clues can be found in court evidence. For example, Katarzyna Kubianka, seduced by a publican from Bytomsko near Wiśnicz, Sebastian Matrasz, said that when she resisted ‘committing a sin, he assured her: “Fear not! There will be nothing to you”’.¹⁵² Very similar arguments were used by Józef, the hereditary headman of the village of Słotwiny in the demense of Muszyna, to Anastazja Malarczykowa: ‘he seduced her saying to her that

¹⁴⁸ ‘And Judah said unto Onan: Go in unto thy brother’s wife, and marry her, and raise up seed to thy brother. And Onan knew that the seed should not be his, and it came to pass, when he went in unto his brother’s wife, that he spilled it on the ground, lest that he should give seed to his brother’ (Genesis 38, 8–9, King James Version). See also: van de Walle 1980, p. 150.

¹⁴⁹ Laqueur 2003.

¹⁵⁰ Nowakowski, *Przewodnik miłosierny*, p. 59.

¹⁵¹ Brundage 1984, see also: Tazbir 1985, p. 11.

¹⁵² *Acta Nigra Maleficorum Wisniciae*, p. 79 [1722].

he would not act in such a way that there would be an effect'.¹⁵³ But in both cases the 'effect' did occur, because that is why they were recorded and we know about them. But because the two abovementioned women became pregnant despite the efforts of their lovers, it means they were probably engaged in *coitus interruptus* rather than in any practice *contra naturam*, which virtually ruled out conception.¹⁵⁴

The application of *coitus interruptus* requires the ability to control one's body, which common people during the period under review might have found rather difficult.¹⁵⁵ The examples of presumed (though unsuccessful) *coitus interruptus* cited above concern experienced men: both were married and held high social status in their villages (publican, hereditary headman). Could young people only just embarking on their sex lives have been able to apply it, for it is they who are the subject of premarital relations? Unfortunately, we do not know. Those who practised it successfully did not end up in the court records. If a child was conceived, their female partners had not the slightest reason to tell that the pregnancy was caused by an error with contraception. On the contrary, they usually maintained that allured with the promise of marriage, they had commenced normal (i.e. fertile) married life prematurely.

One further issue regarding *coitus interruptus* should be noted: it was a male method of contraception.¹⁵⁶ The entire responsibility for applying it fell on the man; in other words, it was he who had to want to use it. However, eighteenth-century morality-teaching texts present *coitus interruptus* as a sign of excessive subservience by men towards the desires of women.¹⁵⁷ Apparently, it was women who imposed the technique and, as Jean-Loius Flandrin says, they did so with increasing success as relations between the sexes became more sublime. Nevertheless, the arguments he used to support this thesis apply only to the social elites.¹⁵⁸ In the Polish countryside, the use of *coitus interruptus* was largely dependent on the male. We can imagine premarital relationships where the girl's pregnancy also presented a serious problem for her lover, but probably in most cases men either did not reckon on such an eventuality or were wholly unconcerned about it. The first case applied to

¹⁵³ ANK Dep. MS 100, p. 159 [1758].

¹⁵⁴ István György Tóth, in an analysis of Hungarian and Slovak sources, uniformly interprets such assurances by men as an intention of applying *coitus interruptus*, see: Tóth 1991, p. 51.

¹⁵⁵ See: Ariès 1991, p. 117.

¹⁵⁶ Pre-Enlightenment medicine (and theology) assumed that both male and female ejaculation are required for conception, therefore it was often believed that a good method of contraception was when the woman avoided having an orgasm, see: Santow 1995, p. 31. However, we have no evidence of this opinion in the Polish countryside.

¹⁵⁷ Cf. Van de Walle 1980, p. 152.

¹⁵⁸ Flandrin 1979, pp. 223–231.

couples who might get married later, and the second was the result of egoism or a lack of imagination, which can frequently be seen in court evidence in cases involving *fornicatio*. To sum up, rural society can be said to have been acquainted with *coitus interruptus* as a method of contraception, but its application in premarital relations was definitely not widespread, but exceptional.

Female methods of contraception were more varied, involving practices which bordered on magic and herbalism. Their effectiveness was somewhat negligible. In his extensive catalogue of folk superstitions, Marcin Nowakowski mentions for example ‘putting her fingers under her body so as not to bear children’.¹⁵⁹ Another superstitious method of contraception is cited by Jan Różański in the first Polish handbook on obstetrics, entitled *The Art of Midwifery (Sztuka babienia)*:

[Midwives] claim they are able to foretell how many more children a woman shall have and that they are able to stop her from having any more. However, I have heard that a certain woman, deceived by the midwife by her side, asked her for advice that on how to bear no more children. The midwife, wishing to fulfil the woman’s desire, and at the same time show her skill, baked the placenta that had been removed from her in an oven and told the woman to eat part of it.¹⁶⁰

A witch tried at Wiśnicz described a similar process:

A certain Gi[z]ina in Gubanice, mother-in-law of the reeve, did cause that her daughter did not bear a child for three years, because after the first one she was seriously ill. [...] She did bury her placenta beneath the birch tree and did later unearth it, and she bore children again.¹⁶¹

Manipulating the placenta was a method of contraception unavailable to maidens, but was in any case generally ineffective. Herbal methods are also mentioned. Anna Dudzicha, a witch from Muszyna, ‘gave herbs to various maids and had them bathe in them so that they did wed and bear no children’. Later she specified that it was a herb called *brysztwan*.¹⁶² Another

¹⁵⁹ Nowakowski, *Koleśda duchowna*, p. 140. Despite its absurdity, this method is widely quoted in ethnographical material not only on Slavic peoples, see: Himes 1963, pp. 175–176; Krawiec 2000, p. 230.

¹⁶⁰ Różański, *Sztuka babienia*, pp. XI–XII.

¹⁶¹ *Acta maleficorum Wisniciae*, p. 256 [1662].

¹⁶² *Akta Sądu Kryminalnego Kresu Muszyńskiego*, No. 18 [1678]. According to the *Dictionary of the Polish Language in the 17th and First Half of the 18th Century (Słownik Języka Polskiego XVII i 1 połowy XVIII wieku)*, *brysztwan* is an ‘unknown herb said to have magical and healing properties’. The word probably comes from the German *Brustthee* ‘chest herbs, herbs for coughs’, or *Brustwurz*, see: https://sxvii.pl/index.php?strona=haslo&id_hasla=5390 (05.02.2018).

witch used ‘the buttercup [Pol. *żabinek*, Lat. *ranunculus*] herb from which women don’t get pregnant’.¹⁶³ Herbal contraception is difficult to distinguish from abortifacients, which at least in theory could have worked occasionally. Hanna Czelczonka, tried for witchcraft at Kobylin in 1616, confessed that:

I gave maidens a herb, which they call *limoiza* [unidentified, possibly smallage], that spoils the foetus, so that they won’t bear children. To Zaleski’s pretty lover, I gave *limoiza*, *maruna biała* [mayweed], seed of *marchew* [carrot], and red *róża* [rose]. With these I can also destroy the foetus of whomever I want.¹⁶⁴

Knowledge of the use of abortifacients was not limited to folk healers. In 1610, a country girl called Zofia of Krzeszowice, a servant in Krakow, became pregnant. She asked her aunt Helena, also a servant in that city, for help. The aunt ‘boiled her herbs, which she drank twice, but it did not help’.¹⁶⁵ The source of herbs could be yet completely different. The lover of Zofia Barylanka of Dębowiec declared that he would go to the town of Biecz to fetch herbs to induce miscarriage, ‘from an apothecary’.¹⁶⁶ In the *Herbal Book* (*Zielnik*) of Szymon Syreniusz (1540–1611), published in 1613, onion figures as an abortifacient, which ‘induces a period if the juice is drunk or placed in the womb’, as well as lady fern.¹⁶⁷ In his household manual *Repository* (*Skład*) (1693), Jakub Haur rebukes the artificial restriction of childbirth in rich noble families, but several dozen pages later gives recipes for herbal teas to induce a period, as well as ‘tested remedies to induce miscarriage among women’ with the use of silver.¹⁶⁸

Thus, it appears that a woman with an unwanted pregnancy first tried to rid herself of it at an early stage, with the aid of the resources that were generally available. As summed up by a certain Królikowiczowa of Dębowiec: ‘[maidens] bathe, smear themselves, and say that they have discharges, but they lose the children’.¹⁶⁹ But did herbal methods of inducing abortion work at all? John M. Riddle produced an entire list of herbs that have been known in Europe since antiquity and which in the opinion of contemporary medicine may have such an effect. They include: wormwood, rue, mint and juniper.¹⁷⁰ The only insoluble question is whether they were really used by the rural population to induce abortion, and if so, then whether

¹⁶³ PTPN 859, fol. 12 [1625].

¹⁶⁴ Ostling 2014, p. 191 (see this also for the identification of these herbs).

¹⁶⁵ ANK Akta Miasta Krakowa 864, p. 341 [1610]; cf. PTPN 859, fol. 23v [1640].

¹⁶⁶ ANK Dep. MS 60, p. 76 [1708].

¹⁶⁷ Syreniusz, *Zielnik*, pp. 1222 and 1524.

¹⁶⁸ Haur, *Skład*, pp. 201, 434–437; see: Kuklo 1990/1991, pp. 43–45.

¹⁶⁹ ANK Dep. MS 60, p. 608 [1728].

¹⁷⁰ Riddle 1997, pp. 40–63, see also: Macfarlane 1997, p. 337 ff.

in the correct manner and in the correct dose. For folk-healing used various substances not methodically, but symbolically, in other words by focusing on the magical properties attributed to them. The presumed effectiveness of a remedy depended primarily on when and where its ingredients were gathered, a great proportion of which were substances of absolutely no medical effect whatsoever but of great significance, such as sacramental objects or, on the other hand, disagreeable items such as toads and reptile eggs. Equally important were the rituals for applying the remedy, which often ruined its possible effectiveness because they referred to a symbolic map of the human body and ignored its physiology. Therefore, in such conditions the effectiveness of herbal abortifacients might have been a mere coincidence.

Although officially condemned by rural society, inducing miscarriage nevertheless met with certain approval. It even made its way into folk songs which refer to it in a playful rather than a moralising tone. One of the ditties to the tune of the *krakowiak* dance from the mid-eighteenth century consoled:

| | |
|---|---------------------------------|
| <i>Niech się Maciek nie frasuje,</i> | Let Maciek not worry |
| <i>Że mu psenicka nie wschodzi.</i> | That his wheat does not sprout. |
| <i>I ja zasiał u mej Zosi,</i> | I too did sow my Zosia |
| <i>A pono się nie urodzi.¹⁷¹</i> | And she will not give birth. |

11. INFANTICIDE

If pharmacological abortion failed, one could apply simple physical methods: labour beyond one's strength or activities considered harmful to pregnant women. Anna Lachniczka of Złocko, in the demesne of Muszyna, 'while removing hemp from the water tank did catch a chill, and her mistress said she had trembled unnecessarily coming out of the water and she did miscarry on the third day',¹⁷² whereas Dorota Prykowna from the village of Wyciąże, belonging to the chapter of Krakow, claimed she miscarried because 'while reaching for the cabbage [from the barrel] I had to remove a great stone and thus I made harm to myself'.¹⁷³ Zofia Fielkowna of Łomna, who became pregnant by her employer, the forester Stanisław Walczuch, deliberately carried rocks 'to lose the child'.¹⁷⁴ Such methods could cause a miscarriage or premature birth. In an advanced stage of foetal development, abortion

¹⁷¹ *W kalinowym lesie*, vol. 2, p. 79.

¹⁷² ANK Dep. MS 101, p. 173 [1764].

¹⁷³ ANK Akta Miasta Krakowa 872, p. 28 [1709]; see also: *Akta Sądu Kryminalnego Kresu Muszyńskiego*, No. 12 [1653–1654].

¹⁷⁴ *Acta Nigra Maleficorum Wisniciae*, p. 82 [1722].

smoothly turned into infanticide. Numerous women, charged with murdering their new-born child, defended themselves by claiming that the baby was stillborn. It is possible that such cases were sometimes a successful attempt at abortion in advanced pregnancy. It should be added that in Polish folk culture, quickening (when the mother first felt her foetus move) was not perceived as a turning point which marked the beginning of a child's life or the arrival of its soul, a point in time that had a great impact on abortion practices as well as on legal regulations in western Europe.¹⁷⁵

Infanticide, however, was also a certain solution to an unwanted pregnancy. For a long time this view was hotly contested by researchers who, while admitting that ethnographic records prove that infanticide was used as a method of controlling reproduction, nevertheless insisted that this occurred only among exotic 'primitive' peoples, and not in Christian Europe, where killing a new-born child was considered a grievous sin and crime.¹⁷⁶ Yet, more recent research suggests that before the end of the eighteenth century, there was a certain level of tolerance of infanticide in Europe, at least among peasant communities,¹⁷⁷ and that it was also resorted to in order to control the number of children.¹⁷⁸ The penalisation of infanticide prior to the Enlightenment is in many respects reminiscent of witchcraft trials, except that the persecution involved a different group of women: young, unmarried and poor, and usually servants.¹⁷⁹ Trials for infanticide usually ended with the death penalty, so the murder of an infant was a very serious charge and the evidence was rather nebulous, for it was difficult to draw a clear dividing line between infanticide and stillbirth, between the death of the baby due to natural causes and death due to neglect. Everything depended on the opinion of witnesses and experts (especially midwives), therefore those women became infanticidal mothers who had been singled out and condemned as such by the local community. Not until at the end of the Enlightenment did a fundamental change occur in this regard: on the one hand, control over births now became more strict and institutionalised, and on the other hand, penalties were reduced and an understanding of the problem of unwanted maternity was propagated.¹⁸⁰

¹⁷⁵ McLaren 1990, pp. 188–189; Kilday 2013, pp. 79–81.

¹⁷⁶ Himes 1963, p. 52; Wrightson 1975, p. 10; Macfarlane 1997, p. 345.

¹⁷⁷ Symonds 1997, p. 3 ff.; Tausiet 2001, p. 185; Hanlon 2003.

¹⁷⁸ Coleman 1976; Hoffer and Hull 1981, p. 154; Leboutte 1991, p. 26; Šubartová 1991, pp. 32–38; Hynes 2011; Rautelin 2013, pp. 366–367.

¹⁷⁹ Ulbricht 1990, pp. 74–75; Dülmen 1991, pp. 76–77; Dolan 1994, pp. 129–132; Kamler 2010, p. 265.

¹⁸⁰ Ulbricht 1990, p. 313 ff.; Dülmen 1991, pp. 98–108; Leboutte 1991, pp. 171–172; Breithaupt 2000, p. 165 ff.; Michalik 2006, pp. 59–60.

As shown by Marcin Kamler's and Andrzej Karpiński's research, proven cases of infanticide in early modern Poland were not numerous, as in other European countries.¹⁸¹ Both researchers examined the jurisdiction of town courts before which peasant girls from the surrounding villages also appeared, because infanticide, as it carried the death penalty, was examined by rural or manorial courts only in exceptional cases. The low number of trials for infanticide can be explained not by the fact that it occurred seldom, but by the fact that it was seldom detected. Surviving court records indicate that many cases of infanticide by the mother can be blamed on post-natal shock, but there are also cases where infanticide was coldly planned, often with the assistance of other persons, usually the mother's closest female relations. For example, Katarzyna Zajączkówna of Wilcza Góra near Kleczew was helped by her own mother, who assured her that 'you can still pretend to be a maiden'.¹⁸²

But in order for infanticide to make sense, it was first necessary to hide the pregnancy from everyone. Was this possible in a village, where privacy was at a minimum and every member of the community was under its strict supervision? In any case, efforts were made to conceal a pregnancy. We know from sources that there were attempts to wrap the stomach in rags or hide it beneath voluminous clothing, which had a chance of success in winter. Nevertheless, what would appear to be obvious signs of pregnancy such as a growing stomach and breasts did not necessarily prove an altered state. Laura Gowing, examining cases of infanticide in England, noted, not without reason, that given the level of gynaecological knowledge in early modern times and the various ideas about female physiology, some of them quite fantastic, each pregnancy could become a subject of discussion, doubt and denial almost until the very moment of birth.¹⁸³ In practice, the decision on pregnancy was reached by women in the pregnant girl's immediate entourage. They were believed to be best informed about pregnancy (usually from their own experience), and they had access to her body: they could examine her carefully and feel her breasts and stomach. Such control normally dispelled all doubt, but occasionally these women became the pregnant girl's accomplices in concealing her pregnancy. When in 1745, in Smroków near Miechów, the widower Stanisław Komeda began to suspect that his daughter had got pregnant, 'I asked her what has happened that you are now so fat? She replied that it was her menstrual retention; not believing I asked the neighbour woman to examine her, but she did not tell me anything, and indeed she

¹⁸¹ Kamler 1986; Kamler 2010, p. 264; Karpiński 1995, pp. 328–333.

¹⁸² PTPN 859, fol. 23v [1640].

¹⁸³ Gowing 1997, p. 90; Gowing 2003, pp. 138–147.

concealed it'.¹⁸⁴ Agnieszka Mamczarzonka of Sucha borrowed from her sister a chemise 'with signs of the monthly illness' to conceal her condition, but when her stomach grew her mother hid her in the cottage, saying that she had gone to work in another village, and in the end she delivered the birth professionally (being a midwife).¹⁸⁵

Another method of hiding pregnancy was to go on a journey far from one's home village. Perhaps the only possible and reliable excuse for such a journey was a pilgrimage to a holy site. Under this pretext, for example, Antoni Dubel of Krzyżanowice sent his pregnant daughter Łucja to a Calvary (probably in Kalwaria Zebrzydowska, ca. 120 km from her home village), 'and this action by the said girl was deceitful, she wanting to rid herself of the burden during the journey, and not become a subject of mockery or bring infamy upon her father'. The matter came out into the open when 'at the Calvary, standing in throng during a great concourse of people she sought to provoke premature delivery', but the birth did not occur until after her return to her home village.¹⁸⁶

Of course, the sources tell us only about cases where attempts to conceal the pregnancy and birth failed. That this was not impossible is indicated only by the evidence of the above-named Dorota Prykowna from the village of Wyciąże, who faced charges before a criminal court of Krakow of at least three infanticides or late abortions, and despite these numerous pregnancies 'she pretended she was a maid'. During questioning, she confessed:

I bore my first child dead already four years ago, it was untimely and I buried it in the soil in the chamber where I gave birth, no one was with me; when they told me that I had been pregnant, I denied it [...] then the second child, with Janek the farmhand, it was dead likewise. [...] I hid it by the river, I buried it not deeply; my mother did not ask about the first, and knew nothing about the second. [...] My aunt told me to lose the second, but it died, and she said: 'If you bear a dead child you don't need to hide it'.¹⁸⁷

Every woman accused of infanticide always explained that the child was stillborn, unless the child's body bore clear signs of murder. Nevertheless, according to the courts at the time, the every secret disposal of a body served as evidence against the girl. In the evidence given by Prykowna, the complicity or help of her aunt and the assurance of her mother's total ignorance stand

¹⁸⁴ BJ 86, fol. 97 [1745].

¹⁸⁵ AGAD, Zbiór Branickich z Suchej 409/523, pp. 281, 275–277 [1799].

¹⁸⁶ ADK II PK–XV/2, p. 465 [1773].

¹⁸⁷ ANK Akta Miasta Krakowa 872, pp. 27–28 [1709]. These testimonies sound similar to a litany of seven murdered infants in a later folk ballad called *Infanticidal Woman Taken to Hell* (*Dzieciobójczyni porwana do piekła*), Jaworska 1990, pp. 268–270.

out. This seems to be an attempt to protect the mother from justice. Trials for infanticide usually considered the possible complicity of other women, generally the accused girl's closest relatives, on account of the justifiable conviction that without their help, there was little chance of preserving the secret.¹⁸⁸

Therefore, it appears that peasant girls could consider infanticide as a way to conceal their pregnancy resulting from an informal union, but this was a final, desperate move, which always involved a substantial risk. For the infanticide to succeed, the pregnancy had to be concealed, the child had to be born in secret, and the body then disposed of. Without the help of others this was virtually impossible, and could end in a trial and death penalty. The situation was completely different in the case of married women who committed infanticide in order to reduce the size of the family. Firstly, they did not have to conceal their condition, and second, their explanations that they had delivered a stillborn child were regarded as quite credible,¹⁸⁹ whereas maidens—especially those who had tried to hide their pregnancy—were automatically suspected of attempting infanticide.¹⁹⁰ Consequently, all of the cases of infanticide found by Marcin Kamler in the records of town courts concern servant maidens; in other words, unmarried women.¹⁹¹ It must be noted that they were not always maidens: some of the accused were widows or their husbands had left them. In any case, only women who were in some way alone were suspected of child murder.¹⁹²

Another way of ridding oneself of an unwanted child—abandoning it—did not make a great deal of sense in rural society. This could only be resorted to by those peasant girls who, with an unwanted pregnancy, had decided to leave their village and go to the city. In the city, not only was it easier to start a new life, but there were also institutions which looked after abandoned children.¹⁹³

12. FROM PREGNANCY TO MARRIAGE

Sexual intercourse between single people involved a considerable risk of conception eventually, which could cause legal problems or ruin a reputation, especially for the girl, who following pregnancy had to put on a bonnet;

¹⁸⁸ Cf. Kilday 2013, pp. 52–58, 66–69.

¹⁸⁹ For example, *Księgi sądowe wiejskie* No. 4398 [1763], No. 4632 [1699]; ANK F. 227, fol. [6] (from the back) [1758]; APT ASD 9, fol. 94v–97v [1758].

¹⁹⁰ See: Dolan 1994, p. 132.

¹⁹¹ Kamler 2010, p. 265.

¹⁹² For example, ANK AD 116, pp. 507–509 [1682]; *Acta Nigra Maleficorum Wisniciae*, pp. 96–104 [1773] and pp. 157–161 [1785].

¹⁹³ Kuklo 2009, pp. 396–398.

in other words, symbolically leave the community of maidens. Given the unreliability of contraception, this would have been a very discouraging prospect. Nevertheless, in rural customs, the obvious and commonly accepted way to avoid the problems caused by premarital pregnancy was simply marriage. This solution virtually legitimised prenuptial sexual intercourse and released the child from the stigma of being a bastard.¹⁹⁴ Thus, sexual intercourse in these circumstances was accompanied by a certain degree of optimism by the lovers, stemming from the experience conveyed by previous generations. If we are to believe an epigram by the illustrious poet Wacław Potocki (1621-1696), the legalisation of an informal union following pregnancy was the common way of matching couples in the peasant community:

| | |
|--|---|
| <i>Inakszej zażywają chłopci na wsi mody, Bo i znowa na piecu i łożnica wprzody [...]</i> | The peasants employ the method they own, First wooing by the stove, then getting it on. [...] |
| <i>Aż skoro pannie młodej brzuch nosa dosięga, Wtenczas ślub i małżeńska nastąpi przysięga.</i> ¹⁹⁵ | When the girl's belly reaches her nose They come forth and marriage propose. |

An estimate of the number of peasant couples who had their first child sooner than nine months after their wedding gives a certain indication of the popularity of this custom. Demographic research provides varied figures of prenuptial pregnancy ratios: In the parish of Łomża in the first half of the seventeenth century, the figure was over 15 percent of marriages,¹⁹⁶ and in the parish of Raciborowice near Krakow in the eighteenth century, it was almost 10 percent,¹⁹⁷ among rural tenant families in Strzelce Opolskie from 1766 to 1800, the proportion reached 30.4 percent,¹⁹⁸ and in the Upper Silesian parish of Rząśnik from 1794 to 1800 it was 26.1 percent.¹⁹⁹ Therefore, perhaps as many as every fourth marriage in the countryside may have been the result of premarital conception. However, it is difficult to ascertain whether it was the pregnancy that led to the decision to marry,

¹⁹⁴ Cf. Lombardi 2016, pp. 131–134.

¹⁹⁵ Potocki, *Ogród frazsek*, vol. 2, pp. 432–433.

¹⁹⁶ Gieysztorowa 1981, p. 430.

¹⁹⁷ Wyźga 2011b, p. 255.

¹⁹⁸ Spychała 2001, p. 10.

¹⁹⁹ Górna 1986, p. 200, table 13; likewise (24%) in the villages of the parish of Krapkowice from 1761 to 1800 (Górna 2001, p. 39); cf. Kuklo 2009, pp. 349–350. On the basis of this arbitrary data, it is difficult to establish any trends in this phenomenon. Research in other European countries indicates a considerable increase in weddings by expectant partners in the middle of the eighteenth century (see: Watt 1992, pp. 192–193; Adair 1996, p. 100). This increase is usually attributed to industrialisation and the attendant relaxation of social control over maidens and bachelors. Naturally, this factor played a far lesser role in Poland, where industrialisation only began in the mid-nineteenth century.

or whether it was the decision to marry which led to regular intercourse.²⁰⁰ Probably both of these factors applied at the same time. The commencement of sexual relations signified primarily a readiness to get married, though not necessarily with that particular sexual partner. But if a child was conceived, it was necessary to bear the consequences of one's actions; in other words, to pay for the announcement of the banns.

This type of responsibility found its way into a collection of ditties to the tune of the *krakowiak* dance from the middle of the eighteenth century as a kind of moral standard:

| | |
|--|----------------------------|
| <i>Śpiewał słowik, śpiewał</i> | The nightingale sang |
| <i>Na zielony śliwce.</i> | Above the green bench, |
| <i>Kiej sie ni mas zenić,</i> | If you don't want to marry |
| <i>Nie pochlibiaj dziwce.</i> ²⁰¹ | Stop courting the wench. |

Treating marriage as an emergency exit in the event of a 'slip-up' was summed up most cynically by Senko of Czukiew who, while wooing Hasia Tuledzyna, told her: 'You're a widow, I'm a bachelor. If I do it, I will take you. If I don't, then too bad'.²⁰²

In fact, it was fairly easy to capture a girl's affection with the promise of marriage.²⁰³ Wojciech Sitowski from the demesne of Łącko, 'inducing to excess' the daughter of Bartłomiej Piekarczyk, 'promised to marry her and upon this foundation did insult God'.²⁰⁴ Marcin Łukaszewicz provides a rather deeper explanation for his desires when, regarding his lover Regina, he 'declared marital friendship, and with genuine love did allow himself corporal acts'.²⁰⁵ The trust which girls displayed on such occasions must have stemmed from group experience and in most cases probably did not fail them. This is also confirmed (though rather rarely in sources because it is difficult to prove) by cases where a girl deliberately exploited her pregnancy in order to hasten marriage with her hesitant partner.²⁰⁶

²⁰⁰ Cf. Adair 1996, p. 105.

²⁰¹ *W kalinowym lesie*, vol. 2, p. 87.

²⁰² TsDIAUL 142/1, vol. 1, p. 397 [second half of the 17th c.].

²⁰³ Cf. Calculations by G.R. Quaife for Somerset in the first half of the seventeenth century, where 60% of maidens charged with fornication claimed that they had been wooed by the promise of marriage, see: Quaife 1979, p. 59; and also Flandrin 1975, pp. 223–229.

²⁰⁴ *Księgi sądowe klucza łąckiego*, No. 868 [1753].

²⁰⁵ APT ASD 1, p. 510 [1733]; cf. also: ANK Dep. MS 268, p. 22 [1751]; BPAU/PAN 7118, p. 79 [1754]; APT ASD 1, p. 145 [1722] and p. 415 [1732]; APT ASD 7, fol. 90v–91 [1755] and fol. 351 [1757]; TsDIAUL 142/1, vol. 4, pp. 106–107 [1683].

²⁰⁶ For example, Marianna Plucińska allowed Mateusz Kumczenski to 'seduce her so that he could be her husband sooner, and thus she did quickly lose her chastity', APK Akta urzędów wójtowskich i ławniczych miast 1, p. 8 [1775]; cf. ANK Akta m. Krakowa 867, pp. 191–192

Rural opinion saw nothing wrong in such manner of establishing future couples and did not interfere if everything went through its proper course.²⁰⁷ It appears that attempts in the eighteenth century to penalise couples whose first child was born sooner than nine months after the wedding were mainly an initiative of village owners, who in this way wanted to extract additional money from peasants for the sake of the defence of morality. Such a practice occurred particularly in demesnes of ecclesiastic institutions. We know about them in the demesnes of Muszyna and Starogród, where the peasants had virtually no influence over jurisdiction and rural supervisory authorities were reduced to the role of informants. The peasants distanced themselves from these actions.²⁰⁸

Rural authorities seem to have acted as the allies of pregnant women, demanding that the lovers fulfil marriage vows, and had effective means of persuasion at their disposal. For example, a court in the demesne of Nawojowa sentenced Józef Siciński for conceiving a child with the publican's servant Ewa Galajdzionka, imposing a 12 *grzywnas* fine and 100 strokes, 'whereupon the said Józef Siciński in court did beg to be at least released from fines, pledging that soon after the Lenten season, he would wed the said Ewa', so the court withheld punishment, but threatened to carry it out if he did not fulfil his pledge.²⁰⁹ Of all the sentences involving sexual intercourse between unmarried persons registered in the court books of Kasina village from 1602 to 1714, over 29 percent ended in voluntary or court-enforced marriage of the convicted partners. In the demesne of Muszyna from 1754 to 1766, the figure reached nearly 43 percent. But these figures represent merely the tip of the iceberg. The majority of such cases were never recorded because there was usually no court intervention. People probably tended to hide illicit intercourse so as not to expose themselves to financial and physical penalties, and if the male partner was hesitant, pressure from the family and neighbours was usually sufficient.

In fact, seldom did the practice of single persons getting married as a result of the conception of a child cause any major conflicts. One of the few such conflicts we know about took place in Świątniki near Sandomierz in 1664. It is worth taking a closer look at it because it illustrates the functioning

[1685]. Tim Hitchcock correctly observed that in early modern-age peasant culture, a decision to have penetrative sex—involving the risk of pregnancy—may have been an attempt to shorten the path to marriage as a desired state, see: Hitchcock 1997b, p. 80.

²⁰⁷ Cf. Beck 1983, p. 138.

²⁰⁸ See: APT ASD 1, p. 324 [1725]; APT ASD 7, fol. 90v [1755].

²⁰⁹ ANK F. 226, p. 23 [1767]; cf. *Księgi sądowe wiejskie*, No. 2878 [1606] and No. 3988 [1742]; APT ASD 1, pp. 510–511 [1733]; BO 6115/III, p. 163 [1794]; APL AOZ 1629, fol. 21 [1785].

of this practice in the social imagery of the rural community. The start of this episode was rather banal: a certain Maryna Kwietniowa, servant in the house of Katarzyna Mikoradowa (probably a widow because not once does her husband appear in the entire case) became pregnant by the mistress's son, Jan. It is difficult to establish whether Jan promised her marriage, or whether it had already been accepted as the price of sexual relations between the two young people, but in any case he did not shirk from this responsibility and preparations for the wedding began. Everything proceeded normally until the future bridegroom contracted a serious illness or had an accident, so that his days seemed numbered. Maryna Kwietniowa, who in the eyes of rural society was already Jan's (almost) lawful wife, now stood in the face of a personal disaster. Her lover's death before the wedding meant that the child inside her would be a bastard, and that as an unwed mother she would not regain her previous status on the village matrimonial market. It is therefore no wonder that she did everything to hasten the wedding. As Katarzyna Mikoradowa, who was indisposed towards her, subsequently complained:

[Maryna] was the cause of the death of my son and her husband; for she was close to childbirth, and seeing my son practically lying on his death bed, did convince him that he must go to church with her whether sick or not, and get married, whereupon he, as a result of the excessive excitement, did expire that very night.²¹⁰

This is a biased opinion, so it is possible that Jan Mikorad also wanted to hasten the wedding, concerned about the fate of his fiancée and their unborn child. In addition, such a decision required the priest's consent, so Maryna was certainly not the sole factor, and the hasty wedding must have been approved by the local community, though not by the bridegroom's mother.

After the death of her son, Katarzyna Mikoradowa did not give up the fight, particularly because her aim now was to prevent her disliked daughter-in-law from inheriting after her husband, in other words inheriting half of the Mikorad farm (the other half was to go to Jan's sister). Maryna turned to the rural court for help in obtaining her inheritance. Her mother-in-law explained before the court the reasons why she did not regard Maryna as her son's lawful heir. She accused her firstly of having seduced her son ('she molested him and did not give him any peace'), secondly of having caused his death through the hastened wedding, and thirdly of a lack of thrift ('she is not constant, but wasteful'), but most of all she insisted that the daughter

²¹⁰ APK Sąd wiejski wsi Świątniki powiatu sandomierskiego, fol. 123 [1664].

of Maryna and Jan was a bastard 'because she became pregnant by my son before they were wed'. The court rejected the first three charges, probably attributing them to the personal animosity between the parties. The charge of 'unlawful intimacy', however, might really have been the legal reason for the debarment from succession. Nevertheless, the village court of Świątniki, backed by Father Andrzej Fiałkowicz, vicar of the church of the Blessed Virgin Mary at Sandomierz, to which the village belonged, ruled unequivocally that in this case the charge was groundless and that the child of Jan Mikorad was 'born *legitimate*' because they had affirmed each other of *confirmatum matrimonium* before the altar'. In this way, the rural elite, not without the clergyman's approval, lent expression to its acceptance of sexual intercourse before marriage provided that marriage took place before the child was born. The practice of other courts indicates that even children born before the wedding were considered lawful heirs if their parents subsequently married officially. In judging the case of Maryna Kwietniowa, the most important factor was probably the charge that she was wasteful and the fact that the court wanted to preserve the peace in the village, therefore the court resolved not to give her a share of the farm, but instead the property was valued and Katarzyna Mikoradowa was ordered to pay her daughter-in-law the corresponding value in two equal instalments.²¹¹

13. ESTABLISHING PATERNITY

When a child was conceived, a premarital relationship smoothly changed to a conjugal relationship only if there were no obstacles in canonical law and the lovers had nothing against each other, or when it was clear who the child's father was. Some premarital unions were doubtlessly monogamous and it was not difficult to turn these into marriages, but occasionally a girl who had become pregnant might point to at least a couple of possible perpetrators. Some relationships were fleeting or unstable, others were just single encounters. But it is difficult to determine their frequency. Court records primarily contain such cases, but mainly because they caused more significant conflicts than longer, stable relationships.

When a girl became pregnant, it was up to her to indicate with whom she had 'sinned'. If the accused did not admit it, he had to prove his innocence. In such cases, a court seldom permitted a man to swear he was innocent, which in rural law constituted credible evidence. This probably happened only when the court considered the girl's allegations improbable

²¹¹ All the surviving files in this case can be found *ibid.*, fol. 122v–123, 134–134v, 199–199v.

or slanderous against the suspect.²¹² In such cases, rumours were doubtlessly a court's source of knowledge: the village usually knew who was spending time with whom. The suspects generally had no clear conscience, so they preferred to confess to unlawful intercourse, but at the same time prove that in a particular case their paternity was improbable or impossible. A certain Piotr Milka from the Starogród demesne, whom Anna Szulcówna, servant to his mother, claimed was the cause of her pregnancy, told the court that 'there had been corporal union with Anna [...] but he says that she misbehaved also with another'.²¹³ The claim of immoral conduct by the girl did not help Milka, in any case only seldom did the courts regard this as a mitigating circumstance, or at least did not take it into account in their written justifications.

In such a case, the man's only possibility of proving his innocence was to exploit the fact that the girl's allegations did not match the date of the birth. As mentioned above, those charged with fornication admitted to as few occasions of illicit sex as possible, generally no more than a few. Therefore, the court required that the girl provide concrete dates on which impregnation was supposed to have occurred, and relied on the opinion of experts (usually midwives or experienced women) to establish whether the dates were correct. For example, the court of the demesne of Sucha resolved that the responsibility of Kazimierz Kołodziejczyk, claimed by Reina Filipionka to be the father of her child, would be determined by 'the findings of women knowledgeable of whether it [the birth] corresponds to the date of intercourse with her on 27 April'.²¹⁴

Court findings of this nature show that despite having commenced a sex life, some girls had very little idea about the human body.²¹⁵ At the end of November 1793, Zofia Kozionka accused Maciej Pęcdek of Jasionka, with whom she had spent one and a half years in service, of having committed a 'corporal act which, having repeated it throughout this time, left me pregnant and married another at Shrovetide. He had his last intercourse with me on the first day of the present year'. Summoned by the court, Pęcdek replied:

This I do not deny, what I did being unmarried, but it cannot be that she was pregnant by me when she herself admits that I was with her for the last time

²¹² See: BJ 122, fol. 3v [1587]; *Księgi sądowe wiejskie*, No. 4624 [1699].

²¹³ APT ASD 1, p. 198 [1723]; cf. *ibid.*, p. 324 [1725].

²¹⁴ AGAD, Zbiór Branickich z Suchej 79/98, p. 478 [1752].

²¹⁵ However, historical research suggests that people's knowledge of procreation at this time was highly uncertain and often contradictory, and the information provided by medicine only created greater confusion, see: McClive 2002; Gowing 2003, pp. 118–122; cf. Frykman and Löfgren 1987, pp. 207–211.

on the new year, and now the eleventh month is ending, therefore she must have become pregnant with someone else later, therefore I ask that she confess with whom she had intercourse for the last time, it is his fruit seed which she now carries.

Zofia declared that

I was with no else, neither can I indicate anyone else, nor did Maciej Pęcek have intercourse with me later than on the new year.

At this, the accused merely replied:

I know not what more to say if Zofia Kozionka does not wish to confess, I could not have been the father.

In this case, the court resolved to be very cautious and stated that although ‘the pregnancy of Zofia Kozionka seems to extend further along the course of nature’, it adjourned the case so that ‘following the birth and the woman’s return to health [...] experts might establish within 17 days whether birth could have occurred so late’.²¹⁶

Nevertheless, sometimes one gains the impression that unbelievable accusations like this, brought by pregnant unmarried girls against the men with whom they had had a more or less fleeting relationship, were the result of their matrimonial strategy, for the commencement of a sex life indicates a readiness to marry, but was not necessarily an introduction to a specific marriage. At least some unmarried men and women had several sexual partners. Some of these unions were stable and led to marriages, while others did not. If a girl became pregnant and was not in a stable relationship or for another reason her relationship would not lead to marriage, the best she could do was indicate as the father of her child someone who was able to marry her, and the charge against him would not be groundless. At times, the girl might genuinely be unable to say by whom she had become pregnant. In such a case, she no doubt indicated the man she considered most attractive as a husband, and therefore the likeliest marriage partner. In the end, she could indicate whichever of her partners who was suitable as a husband: anything was better than remaining a single woman with child. Thus, women sometimes accused several men in turn of being the father of her child.²¹⁷

We do not know how often pregnant girls succeeded in finding a candidate for matrimony and save themselves from social odium, but they were certainly not isolated cases. We know, however, of at least one case where a husband,

²¹⁶ BO 6115/III, p. 143 [1793]; cf. NBLNU 525/III, fol. 8–8v [1757].

²¹⁷ For example, BJ 122, fol. 3v [1587].

after the birth of the first child, discovered that he could not possibly have been its biological father, and decided to find out the truth in court and claim alimony for the child. This might have been an exceptional case, nevertheless the evidence of the witnesses casts a light on the standards of sexual behaviour of rural girls before marriage. The aggrieved party was Jan Hryckawicz, a burgher of Muszyna, who married Anna, daughter of a certain Grab from the nearby village of Szczawnik. When marrying her, he did not know that Anna was already pregnant. She herself admitted that she had ‘committed this sin *circa festum S. Laurentii in augusto* [10 August 1765] with bachelor Piotr Walczak of Szczawnik, in a mill, on the bench beneath the window at night, while his brother the miller was asleep drunk’.²¹⁸ Summoned by the court, Walczak claimed he had never slept with Anna, but:

From what people say, he suspects Wanio Duplaczek of Szczawnik that he did impregnate her, because Wanio was befriended with her and at a certain entertainment at the Uniate vicarage in Szczawnik Wanio’s wife fought with the said Anna having suspicion of adultery between Duplaczek and the said Anna. [...] [Moreover] he heard from a servant that the accuser’s brother [i.e. the brother of Anna’s husband] Leszko Hryckawicz also lay in bed with Anna in [her] father’s house. [...] [And also] Piotr, son of Andrzej the shepherd from Krynica, did lie with the said Anna in her father’s house.

Walczak, defending himself against responsibility, probably quoted all the rumours about Anna that had been circulating in his community, but in doing so he launched an avalanche. Each of the men accused by him tried to prove his innocence. Anna’s brother-in-law admitted that he had indeed lain in one bed with Anna, but only once, ‘when he came drunk to Anna’s father, Grab, and being ill did lie on her bed with the light’, and Grab was present all the time. Piotr, son of Andrzej the shepherd from Krynica, said that although he had twice been to Anna’s father to ask for her hand in marriage, he was ready to swear that he had not had any ‘corporal act’ with her. The feeblest explanation came from the married man Wanio Duplaczek, because he had been seen ‘conversing’ with Anna in a ‘suspicious manner’ i.e. not in the presence of other people. In the opinion of rural society, all of the above behaviour: asking for a girl’s hand; eye-to-eye conversation; and lying drunk in the same bed, suggested or rather confirmed that sexual intercourse had occurred, and that this was sufficient to establish the suspect’s guilt. But the case here was to establish paternity, so it was necessary to identify a specific person. In the end, the court believed Anna and the man

²¹⁸ This and further quotations from the files on this case come from ANK Dep. MS 101, pp. 268–270 [1766].

she blamed, Piotr Walczak, having spent the night in prison, confessed that intercourse had occurred between them 'once only, in a stable, not more'.

In this case there is no doubt that Anna conducted a premarital sex life, and not with her future husband, and that this was not an isolated adventure. The court admonished all of the men involved in this case (except Piotr the shepherd's son) for their suspected immoral conduct, perhaps not without any grounds. After all, all of them except Duplaczek could have married Anna in the event of conception, and one even did officially ask for her hand, and Anna herself did not avoid rather uninhibited contacts with men. The only thing exceptional about this case is that the girl married the only boy in this story who could certainly claim not to have slept with her.

The next case is certainly less exceptional than the previous one, nevertheless the quite detailed evidence provided by the parties gives an insight into the way in which responsibility for pregnancy among unmarried people was established and which could lead to a more or less enforced marriage between them. In 1756, the manorial court met in Żukowice near Tarnów in order to consider, with the village authorities, a charge by Jan Sobczyk against his former master, Jakub Koziół, who had withheld payment for service under the pretence that he 'had violated the chastity of his servant Anna Krążkówna'. Summoned by the court, Krążkówna confirmed the charges against Sobczyk, so the court, according to custom, began to question her:

How many times were you with him, or at least for how long? After pondering, she said she had done so during the forty days of Lent and throughout the time until after harvest. The first time this happened at the stove at night between the little ones and adults sleeping with her. At other times it happened wherever there was an opportunity, whether in the barn while milking the cows, or in the field or meadows, etc.

Sobczyk of course did not admit to having slept with Anna even once, but according to his evidence his conscience was probably not clear, because when preparing for his wedding with another girl at Christmas 1755, he went to Anna with his brother-in-law to officially ask 'whether the fruit within her was with him or whether at least once such a naughty deed they had performed, and whether she did not bar him from marriage' (Anna must have been seven to eight months pregnant then, for she gave birth on 19 January 1756). At that time, she publicly declared that Sobczyk owed her nothing and had nothing to do with this. The interesting thing is that she only changed her mind several months after Sobczyk's wedding, when she could no longer have derived any advantages from this, save for a one-off alimony payment. In this situation, the court could only cross-examine the parties:

And she was ordered to reveal to Sobczyk all the times this had occurred and all his promises, whereupon Sobczyk said to her: For God's sake, what have I done wrong to you? She then began to speak differently and publicly declare that he had always come to her when she asleep, never awake, and he had neither induced her nor did she feel anything whenever she did have such an occasion with him.

This seemed suspicious to the court because, according to medical literature at the time, 'a fruit cannot be implanted when the girl is asleep because the materials should erupt from affection of inner fire in the whole body'. This was confirmed by an ad-hoc body of experts summoned by the court:

Six matrons, each of whom had had several children (one had had 13, another nine, etc.), did not agree with this and each of them convinced her [Anna] and argued that the slumber of a sober woman cannot be so deep that she should not feel, even in lethargy, when something happens to her.

In the face of this opinion, Krążkówna withdrew her accusation against Sobczyk, but the court still wanted to know why she had accused him: 'She replied that he had often smiled to her, made jokes with her and went after her, and therefore the household residents did have suspicion, and she did admit it to bring the matter to an end more quickly'. This is a crucial statement in the whole case. Two servants living under the same roof demonstrate warm sentiments to one another: laughter, jokes, being together. For the other residents, both the servants and the masters, this is quite sufficient evidence that they are also having sex. The community intervenes only when the boy deserts the girl and marries another. In the end, Krążkówna withdrew all of her charges and apologised to Sobczyk. Does that mean that the suspicions of her fellow residents were unfounded? It seems that Sobczyk did not have quite a clear conscience, but Krążkówna was not really able to say by whom she had become pregnant. The opinion of the residents, however, was unanimous, and in other similar cases pressure from them could lead a couple up the aisle.²¹⁹

14. UNWED MOTHERS

The conception of a child in a premarital relationship where the father would not or could not marry his lover had a negative impact mainly on the woman's life, but not so great an impact on the man's. It is difficult, however, to agree with Bohdan Baranowski whereby rural society related to

²¹⁹ The whole case of Sobczyk and Krążkówna is based on *Akta w sprawach chłopskich*, edited by Stanisław Grodziski, No. 59 [1756].

such a 'fallen' woman with 'unconcealed hatred', whereas custom required that she be dishonourably expelled from the village.²²⁰ The truth is that persons cast out of the community for sexual offences seldom included men. However, upon women too this penalty was inflicted only in exceptional cases. In Kasina from 1602 to 1714, only one in every five verdicts (out of 41 recorded) for sexual offences involved expulsion. This penalty was applied mainly to repeat offenders, women who committed incest and women from the social margins (e.g. the lovers of mountain robbers).²²¹ In any case, the courts of Kasina were exceptionally severe. Between 1754 and 1766, the court of the demesne of Muszyna ordered only one offending woman to leave the village, probably sparing her the painful ritual of banishment.²²²

But another trend can be clearly observed. Women who had become pregnant out of wedlock often brought an action against the child's father before the local judicial authorities for what we would today call compensation for moral losses and alimony. For example, in 1721 Marianna Stannionka appeared before the court of the demesne of Starogród with a charge against Kazimierz Kron:

For he has ruined her honour, has induced her to a bad sin and congress with him, [...] and he did sin with her so far, that she did conceive and is now close to childbirth, [...] Marianna does beg that this Kazimierz Kron be punished and that he award her for her wreath and also provide for the child.²²³

In such cases, rural court verdicts usually ordered men to provide certain benefits for impregnated women and pay fines in favour of the court, community or Church, and occasionally also imposed a physical punishment. What is interesting is that up to the end of the seventeenth century, sentences did not give any opinions about the behaviour of the claimant, who should also have been punished because of her part in the offence. Court records suggest that the entire responsibility for unlawful sex fell on the man. This is confirmed in an epigram by Adam Władysławiusz called *On the Reeve and Maciek (O włodarzu z Mackiem)*, where the titular hero, the farmhand Maciek, talks a girl into committing a sin with him by promising to marry

²²⁰ Baranowski 1970, p. 271.

²²¹ The banishment of immoral women was envisaged in, among other things, the penal laws of villages which belonged to the Carmelite monastery in Czerna (*Księgi sądowe wiejskie*, No. 7403 [1672]) and of Łącko demesne, which belonged to the Poor Clares monastery in Stary Sącz (*Księgi sądowe kłucza łąckiego*, No. 544 [1670], No. 599 [1702] and No. 603 [1712]), but the verdicts of the courts in Łącko suggest that this law was not applied.

²²² About similar ritual in Germany, see: Coy 2008, pp. 113–136.

²²³ APT ASD 1, p. 56 [1721]; cf. also: BJ 122, fol. 3v [1587]; *Księgi sądowe wiejskie*, No. 4991 [1681], No. 7269 [1784]; APT ASD 7, fol. 131v [1755]; BO 6115/III, pp. 138–142 [1793]; TsDIAUL 142/1, vol. 6, p. 39 [1705].

her. But when she becomes pregnant, he withdraws his promise and the girl and her parents bring him before the village authorities. Appearing at court, Maciek explains:

*O pojęciu wzmianka z nią nie była.
I teraz panie wójcie, nie wiedźcie mię k temu,
Wolę raczej karaniu podlec inakszemu.
Wójt winy bykowego wprzód dać mu nakazał,
Dziewce kopę za wieniec odłożyć mu kazał;
Albo ją wziąć za żonę, na wolą mu dawał.
Ale Maciek na pierwszym wyroku przestawał
I zarazem dwie kopie na stole położył.
Wójt winy jedną kopę do swej skrzynki włożył,
Drugą dziewczę wziąć kazał. Ta licząc płakała;
Naliczywszy pół kopy, w wacek je schowała.*

*A drugie ku Maćkowi po stole pomknęła,
Mówiąc: Jużem ja swoje połowicę wzięła.
Druga się też Maćkowi słusznie zostawiła,
Bo spolna nasza praca na tę kopę była.²²⁴*

I never promised her marriage,
And now, O sir, do not induce me to this,
I prefer a different punishment.
The reeve first ordered him to pay a fine,
And pay another to the girl for her wreath
Or to marry her, whichever he preferred.
But Maciek preferred the first punishment
And placed two piles of coins on the table.
The reeve put one pile in his chest and gave
The other to the girl. She, counting it, wept.
Having counted half the sum, she hid it
in her pouch
And pushed the other half across the table
To Maciek, saying: I have taken my half,
The other half is justly due to Maciek
Because we both worked to earn this
money.

The fine mentioned in the poem is called a *bykowe* (literally ‘a bull’s fee’). It was a fine in favour of the manor or court, payable by the illegitimate child’s father or his guardians (parents or masters).²²⁵

However, in the eighteenth century a sharpening of controls over sexuality and moral standards in the countryside took place. Unmarried women with children applying to the courts for alimony began to be regarded as co-perpetrators of the sexual offence and received physical punishment, though their claims against the father were also satisfied. The abovementioned Marianna Stannionka received fifty strokes of the birch, but she also received from her ex-lover a ‘good fertile cow and a pig as well’.²²⁶ Therefore, one cannot talk of any special persecution of women who had broken the sixth commandment. On the contrary, we are dealing with a custom that shunned the morality of illegitimate births, concentrating instead on practical economic problems. Moralising was pushed to the background. This can be seen, for example, in the ‘Points against the Reverend Zagorski, vicar of Wielka Poręba’, written down by the peasant community in 1763, where the priest’s numerous illegitimate children are discussed:

²²⁴ *Polska fraszka mieszczańska*, pp. 57–58.

²²⁵ Baranowski 1955, p. 73; Hoshko 1999, p. 43; Rejman 2006b, p. 10; cf. AAC Kopiarz krzepicki, p. 30 [1615].

²²⁶ APT ASD 1, p. 56 [1721].

12. In Anno 1762 in this parish, Starmaszonka of Witów did become pregnant and had a child with this Parson, who did promise her a cow for her chastity but did not give it, so she did complain to the manor that the Parson had not given her the cow. 13. Aneczka of Krakow was seduced by the Parson, who made her a child and sent her with her belly to Krakow, whereupon she came back with her mother asking for compensation [etc.].²²⁷

In this charge, the peasants seem to be moved not so much by the debauched sexual life of their pastor as by the fact that he avoided the provision of alimony.

Despite this sober and relatively liberal approach of peasants towards illegitimate children, one should remember that an unmarried girl with child was thrust to the social margin of a village. Most of all, her chances of a favourable marriage decreased considerably.²²⁸ She was subject to certain economic and social decline, and was at an increased risk of becoming involved in crime. This can be seen from the example of the three Portasionki sisters from Skotniki Górne, orphaned by their parents,

Not caring for their chastity, they did misbehave, not heeding the good advice and warnings of neighbours, but most of all they did breach God's commandments because first the older Jadwiga and the younger Zofia did succumb carnally and since then have wandered in foreign domains and are still not in the village, whereas the youngest one committed sin not only with single men but also, as she confessed, with a married man.²²⁹

As a result, the youngest sister was deprived of her parents' inheritance and placed under the guardianship of her brother.

On the other hand, one can conjecture (though we have no appropriate sources to prove it) that the problem of illegitimate children mainly concerned a hypothetical group of rural women for whom this was an experience passed on from generation to generation.²³⁰ These would have been women from the lower social orders with no chances of improving their status. An illegitimate child did not have a tangible effect on their position in the social

²²⁷ BO 11714/III, p. 895. In fact, it was the Rev. Stanisław Kostka Podgórski who was involved here, not Zagorski.

²²⁸ According to the research of Krystyna Górna, in the parish of Krapkowice in the second half of the eighteenth century, 21% of women who had born an illegitimate child ended up marrying, of whom 2/3 did so within one year of its birth, see: Górna 2001, p. 39. However in Krasne, in 1786–1863, every third mother of an illegitimate child got married in the end, see: Rejman 2006b, p. 24–25.

²²⁹ *Księgi sądowe wiejskie*, No. 7503 [1775].

²³⁰ The phenomenon of the 'inheritability' of illegitimate births seems to be confirmed by demographic surveys, see: Gieysztorowa 1981, p. 434; cf. Macfarlane 1980, pp. 75, 81–83; Adair 1996, pp. 68–72.

hierarchy because they could not fall any lower, and a good marriage was in any case impossible.

There are some demographic data on bastardy and bridal pregnancy in the Polish countryside in the early modern era, but this kind of information is scarce and dispersed. Only a few existing registers of village parishes allow us to make a statistical analysis of the phenomenon. It is difficult to generalise on this basis, but it seems that the illegitimacy ratio was very low. According to the not-altogether-reliable estimates of Bohdan Baranowski, 3 to 10 percent of rural children were born out of wedlock.²³¹ Much better documented research by Jan Kracik for the first half of the eighteenth century in the deanery of Nowa Góra (north west of Krakow) indicates that this figure was only 1 to 5 percent in particular parishes.²³² The relatively low proportion of illegitimate births in the Polish countryside does not demonstrate the extent of premarital sexual activity.²³³ Firstly, premarital pregnancies normally led to marriage and the legitimacy of the child, and secondly, as already noted by Peter Laslett, available sources on the births of illegitimate children only show the tip of the iceberg. An illegitimate child could be entered in the baptismal register only if the child was born alive and survived a couple of days, which was when it was baptised (therefore it had to be healthy and could not be a victim of accidental or premeditated neglect),²³⁴ and lastly—and this is an important condition in the Polish countryside—the priest had to have sufficient will and concern to record this fact.²³⁵

In my opinion, such a low number of illegitimate births in the Polish countryside (as in Northern Europe generally) illustrates the effectiveness of a system that encouraged or even compelled unmarried people to get married if they conceived a child.²³⁶ However, the increase in the number

²³¹ Baranowski 1955, p. 69.

²³² Kracik 1977, pp. 207–208; likewise for Upper Silesia: Górna 2001, pp. 35–36; and Ryguła 2016, p. 15. See also the findings of the classic demographic survey by Marcell Handelman and Zygmunt Nagórski into Bochońca Królewska (Handelman and Nagórski 1904, p. 6) and the research of Mateusz Wyzga, who established that 4.95% of births in the parish of Raciborowice from 1604 to 1795 were illegitimate (Wyzga 2010, p. 158); cf. also Kuklo 2009, p. 386. In rural settlements of the parish of Szaradowo, Marek Górny did not detect any illegitimate births at all until the 1660s; only then did they begin to appear sporadically (Górny 1996, pp. 92 and 96).

²³³ Cf. Flandrin 1972, pp. 1374–1375; Kuklo 2009, p. 384.

²³⁴ Laslett 1977, pp. 108–109.

²³⁵ Cf. Kuklo 1983, pp. 192–193.

²³⁶ The low figure of extramarital births in the countryside may also suggest that unmarried expectant women left their homes and went to the towns. However, this practice does not seem to occur until later, in the nineteenth century, or is limited to the immediate environs of large towns, see: Gieysztorowa 1979, p. 167; Górna 2001, p. 36; Rejman 2006a, p. 115; and Wyzga 2010, p. 163.

of illegitimate births in the final decades of the eighteenth century in Poland²³⁷ cannot be explained in the same way as a similar but earlier increase in Western Europe in the second half of the eighteenth century; in other words, by increased sexual freedom as a result of the social changes wrought by industrialisation, urbanisation and changes to the rural labour market.²³⁸ Rather, it illustrates a gradual relaxation of the rural population's social control over the sex life of its members, at the same time as which the partitioning powers (particularly Austria and Prussia) deprived the rural communal courts of the power to judge cases of sexuality and transferred these cases to the state authorities. Seventeen ninety-one is the year of the first case we know where a couple convicted of 'conceiving an illegitimate child' by the rural bench in a certain village in Galicia (the Austrian part of Poland) filed a suit against it at the court of higher instance—and won.²³⁹ In such circumstances, the rural bench had no real arguments with which to compel the accused (especially men) to marry, which until then had been the ultimate solution in such cases.

15. NON-LEGALISED RELATIONSHIPS

But there was always a certain number of relationships between unmarried persons which could in no way be regarded as a prelude to future marriage,²⁴⁰ for example when the lovers were too closely related, which ruled out a sacramental union. This happened in the dramatic case of Jan Wielowski and Barbara Białozielonczonka described earlier. The tragic development of this romance, however, was more the exception. In 1728, in the village of Przywóz in the lands of the Cistercian monastery in Mogiła near Krakow, Błazey Włodarczyk and Jadwiga Kusiewna 'did commit a mortal sin in that she did become with that young man *pregnans*'. As usual, the rural court tried to compel them to get married, but 'because the mothers were related, the clergy does not permit marriage', so the young people were ordered to contribute candles for two altars in the local church.²⁴¹ The question is whether they realised that their relationship had no future. In their case, even the rural bench seems to have been uncertain and

²³⁷ Kuklo 2009, p. 386.

²³⁸ Caspard 1974, pp. 1007–1008; Shorter 1975, pp. 255–268; Laslett 1980, p. 23 ff.; Stone 1992, p. 11.

²³⁹ BO 6115/III, pp. 107–108 [1791].

²⁴⁰ Kuklo 2009, p. 389. For the earlier period, see: Jawor 1991, p. 49; for later times, see: Rejman 2006b, p. 37.

²⁴¹ *Księgi sądowe wiejskie*, No. 3811 [1728].

needed to consult a clergyman (who probably took part in the judiciary on behalf of the owner of demesne; that is, the monastery). Other courts tended to regard this as recklessness which was an aggravating circumstance: ‘for she knew well that he could not take her for a wife being of close relationship’.²⁴²

But occasionally it happened that despite social pressure and threats of court punishment, a man refused to marry the girl whom he had made pregnant. This was the case with Kaźmierz Szyszka and Zofia Ciaralina of the demesne of Jazowsko, whom the court ‘ordered that they marry, but the said Kaźmierz Szyszka, being defiant, did refuse and say that he would not live with her’.²⁴³ In such a situation, the court did not insist, just as the court in the village of Polany, which asked a certain Bazyli, a man in a similar situation: ‘if he has the desire to take [her for a wife], but he replied that he has no desire, [whereupon] we did not coerce him’.²⁴⁴ We do not know the context for such lenient treatment by the rural courts, but we must remember that a verdict by a rural bench was not so much intended to protect morality as to preserve the social order in the village. This is illustrated by a verdict from the demesne of Sucha ‘between Kazimierz Stanik and Anna Knapianka, who did fall from grace with him and who should have married, but the people prohibited it’.²⁴⁵ ‘People’ in this case must mean the relatives of Stanik, or the entire community, which considered this union improper, even though it would have satisfied rural feelings of morality. Perhaps the financial or social gap between the man and woman was too wide in this case, or perhaps the relatives had other marriage plans for Stanik. In such a case the man only had to satisfy claims for alimony for his illegitimate children before he could marry another woman. However, he was not in a very comfortable situation because living in the same village as the mother of his illegitimate child and her family, he was always exposed to greater or lesser harassment or mockery ‘whether in church or at the inn’.²⁴⁶

Nevertheless, some single women agreed to sex in full knowledge of the fact that their lovers would not wed them if they became pregnant. Of course, this applied when their partners were married men, but even bachelors sometimes made clear their intentions and intercourse was the subject of a specific contract. In 1752, Reina Filipionka of Kurowo, Sucha demesne,

²⁴² TsDIAUL 142/1, vol. 3, p. 250 [1753].

²⁴³ *Księgi sądowe klucza jazowskiego*, No. 222 [1753].

²⁴⁴ ANK Dep. MS 84, p. 4 [1784].

²⁴⁵ AGAD, Zbiór Branickich z Suchej 79/98, p. 94 [1702].

²⁴⁶ TsDIAUL 142/1, vol. 1, pp. 263–264 [1654]; see also: ANK Dep. MS 101, p. 236 [1765]; TsDIAUL 21/1, vol. 1, p. 19 [1635].

accused Kazimierz Kołodziejczyk of being the father of her still unborn child, but she ‘does not blame Kazimierz Kołodziejczyk that he declared to marry her, nor before nor after the deed; he was only to say if something happened I would not deny it’.²⁴⁷ So when she got pregnant, she applied to the court for it would force ex-lover to pay her the usual alimony. Of course, we can conjecture that Filipionka belonged to that hypothetical group of rural women for whom illegitimate children were an experience passed from generation to generation, and that leaving this group lay beyond the bounds of her possibility and imagination—at the most she could count on some financial compensation.

At this point, we should discuss the sexual exploitation of those women who remained socially and economically underprivileged even within their own community, but we really know nothing about these unfortunates. For it is difficult to determine from sources to what extent the shape of union between two single people was influenced by their social inequality, or whether such a disparity existed at all in a given case. Perhaps these matters were too obvious to record them in the court files? The matter becomes clear only when there is an evident system of dependency, such as master and servant or host and tenant.

Much more frequently recorded in sources are unions that obviously ignored this overriding cultural ‘from intercourse to marriage’ canon. This was probably the case with Zofia Marasionka and Tomasz Śláz from the demesne of Jazowsko, who ‘voluntarily’ committed ‘carnal sin several times’ and did not cease intercourse even after Tomasz had married another woman. The case became notorious when Zofia fell pregnant, and must have strongly upset the local community given the severe penalties which the court imposed on the two lovers.²⁴⁸

However, occasionally such relationships were quite open: the lovers lived together without marriage for a long period of time, only got married or separated following intervention by a court or landowner, and often only when threatened with an extraordinary punishment.²⁴⁹ An exceptionally large number of such cases were noted in the village of Kasina, which belonged to the Dominicans of Krakow, where supervision over public morals was particularly strict. A certain Mathyasz Bolisega lived for a whole year, ‘to the disgust of others’, with Zofia Pobiedzianka, and they got married only when the authorities intervened.²⁵⁰ The local publican Voitek Goszczy lived

²⁴⁷ AGAD, Zbiór Branickich z Sucheje 79/98, p. 478 [1752].

²⁴⁸ *Księgi sądowe klucza jazowskiego*, No. 344 [1774].

²⁴⁹ *Księgi sądowe wiejskie*, No. 2835 [1605], No. 2899 [1607].

²⁵⁰ *Ibid.*, No. 3525 [1703].

with his housewife, Katarzyna Sirsienka, but had refused to marry her despite pressure.²⁵¹ In the demesne of Jazowsko, Zofia Piwowarka, whom we mentioned earlier, lived for a long time with a vagabond without marriage, and not until she fell pregnant did the court feel obliged to intervene. What is striking in this case is that Zofia was a tenant of Bartłomiej Piwowar and Stanisław Hebda, therefore they must have approved of her illegal union, which the court also emphasised when it ruled that these two men were also guilty.²⁵² A similar situation occurred in the demesne of Strzeszyce where, in the household of Grzegorz Węglarz, his stepdaughter Regina Młynarczonka lived with Tomasz Zbozeń in an informal relationship that was so long and stable that they managed to produce two children until the administrators of the demesne intervened.²⁵³ But the record holders were Błażej Szyszka and his unnamed mistress, who lived together out of wedlock for 16 years. They must have been childless because the matter erupted only when the pair 'did in a drunken state quarrel and reveal publicly their actions with which they offended the Lord'.²⁵⁴ Finally, worth noting is the non-sacramental union of the peasant's daughter Agnieszka Błajewna and the nobleman Franciszek Wyrzyski, discovered by Marek Górny in parish records of the second half of the seventeenth century. This union lasted seven years until the woman's premature death. They had five children.²⁵⁵ In this case, however, we can assume that a vast difference in social standing between the man and woman prevented their relationship from being legalised.

16. MORAL ASSESSMENT OF PREMARITAL INTERCOURSE

The relatively lax attitude of peasants towards premarital relationships, especially those that led to marriage, changed over the two centuries which we are examining, and became more rigid. However, it is not straightforward to determine when exactly this change occurred, because sexual ethics was a permanent point of reference for moral judgments in the countryside. This can clearly be seen from arguments, especially between women. For example, the wife of Matiasz Ziecien was insulted by Dorota, wife of Jan Smowka thus: 'You were a whore before you married', to which she replied: 'You black whore'.²⁵⁶ In such cases, it is difficult to say exactly what behaviour

²⁵¹ *Ibid.*, No. 2878 [1606].

²⁵² *Księgi sądowe klucza jazowskiego*, No. 219 [1752].

²⁵³ *Księgi sądowe wiejskie*, No. 3932 [1720].

²⁵⁴ *Księgi sądowe klucza jazowskiego*, No. 202 [1748].

²⁵⁵ Górny 1991.

²⁵⁶ TsDIAUL 142/1, vol. 4, p. 73 [1683].

was criticised, and whether this was not merely a ritual exchange of insults devoid of any particular meaning.

One thing is certain: rural society supervised and judged the sex life of girls much more severely than that of boys. In some cases, this could have been the result of ‘double standards’, but may also have been caused by practical considerations: in a world where discretion of words and of deeds on the subject of premarital sex applied, discretion was most easily broken by pregnancy. Therefore, young women’s stomachs were the subject of constant observation and gossip. This is illustrated by the case of Aneczka Fuitowna of Czukiew, who in 1731 was slandered—probably without reason—for giving birth to an illegitimate child. The most damaging piece of gossip said that Aneczka ‘gave birth to a boy, but nobody saw him nor held him at the christening’. In this case, it would be a charge of not only bearing an illegitimate child, but also of infanticide. The confrontation occurred in the mill of Czukiew, where ‘there was quite a number of people, as usual in a mill’. In addition, there was Wawrzeniec, son of Szymon Micho, a farmhand; therefore, a man interested in unmarried women by virtue of his age and social status. Asked ‘what is new in the village’, Wawrzeniec answered: ‘Well, one girl has given birth to a girl and another to a boy, and he has already been christened’. As we can see, the birth of an illegitimate child was a most notable piece of information that attracted listeners’ attention. The people assembled at the mill of course asked Wawrzeniec to identify the incriminated girls. In accordance with the need to build up tension (and also, I believe, for the sake of caution), the gossipmonger did not answer directly: ‘Her father has already sieved his flour’. Indeed, this Pythian answer may have applied to two men who were present in the mill, and both of them took it upon themselves, but only Sobestian Fuit forced Wawrzeniec to confess where he had obtained this information, and then placed him before the village court. In the court, it transpired that the rumour had been growing for quite some time: someone had heard about this on the way from market at Sambor, someone had spread news throughout the village that Sobestian Fuit’s daughter Aneczka Fuitowna ‘had put on a bonnet’ (in other words, symbolically abandoned her maiden status). In this dense network of suspicion and rumours, it appears that not even the court was able to establish the source of all of the gossip. Therefore, Sobestian Fuit was asked to swear, in the company of two neighbours, that his daughter had been wrongly accused, after which the gossipmongers were fined, and two ‘ringleaders’, including Wawrzeniec Micho, received one week in prison.²⁵⁷

²⁵⁷ TsDIAUL 142/1, vol. 7, pp. 270–273 and 281–282 (from the back) [1731].

The scope of the gossip which affected the good name of Aneczka Fuitowna does not really suggest that she would have been condemned for her premarital sex life. The real subject of disapproval was the fact that she had apparently breached the principle of discretion regarding premarital relationships. One should note that women, whose pregnancy provided clear evidence of an immoral life, were more prone to breach this principle than men. Even when everything ended happily and the girl stood before the altar with the groom who had taken upon himself responsibility for conceiving the child, she still had to survive several months of gossip and rumours about her sex life. A man came under similar pressure only when he shunned responsibility and refused either to wed his lover or pay her alimony. Therefore, his problem was not so much premarital sex as a breach of the principles of social confidence.

The situation seemed to change in the middle of the eighteenth century, when written material condemning premarital sex by both women and men began to appear.²⁵⁸ In 1762, Walenty Blecharz of Filipowice angrily told his labourer, Witek Gąsiorek: 'You, scoundrel, have defiled my house' when Witek was proved to have had 'corporal contact' with a servant girl.²⁵⁹ In Rudna Wielka in 1785, the adult son of Józef Micoł went to a widow named Kotka (literally 'she-cat' or 'pussy'), who obviously enjoyed a bad reputation in the village, especially among the parents of unmarried young men. While young Micoł 'was indulging in entertainment in the house of the said Kotka', his angry mother stormed in and started to thrash her son, and the father soon joined in. We probably know about the whole episode only because Kotka herself was on the receiving end. She brought a charge against the Micołs and received financial damages from them for the harm she suffered.²⁶⁰

At the same time, illicit sex became more and more of a public affair, a carbuncle on the ethical face of the village. Pragmatic issues: inducing the couple to marry or provide alimony, began to recede into the background, their place taken by moral disgust. In 1791, the authorities of the village of Jasionka near Rzeszów exceeded the limits of their competence when they considered the case of Sobek Kurdziel and Małgorzata Wiszka for 'producing illegitimate issue'. Summoned before the manorial court, the village reeve, Krzysztof Pokrzywa, explained the arbitrary charge against them thus: 'People did say to me that it is not good that the deed committed by Kurdziel and Wiszka has gone unpunished so far, and they should be punished lest others

²⁵⁸ Cf. Lombardi 2016, pp. 137–141.

²⁵⁹ ANK IT 229h, pp. 29–30 [1762].

²⁶⁰ ANK HGZ 137, p. 9 [1785].

dare to do likewise'.²⁶¹ Thus, the community began to claim the right to bring up single people in sexual purity. Yet sixty years before the excessive zeal of the court of Jasionka described above, the reeve and elders of the village of Kamionka, in the demesne of Strzeszyce, were sentenced by the manorial court to a fine and 30 strokes for exceptional sluggishness in the case of the immoral relationship of Józef Zelek with a woman from a neighbouring village. Firstly, they had failed to report his conduct to the demesne authorities, then they probably facilitated his escape from prison, and then ignored the order to search for him. In the end, the manorial court ordered the village elders to bring Zelek to the court on pain of fines and beatings for the entire community.²⁶²

In the second half of the eighteenth century, even marriages concluded 'due to higher necessity' because of the conception of a child out of wedlock, which had previously seemed a perfectly legitimate way of bringing a couple together, now became a target of mockery and even social ostracism. This can be illustrated by a contract concluded in 1773 before the court of Markowa by Szczepan Lew and Zofia Krauzówna with her parents, whereby Szczepan undertook to wed the pregnant Krauzówna as he had promised. This pact contained a clause in which: 'it is hereby declared that let no one dare to henceforth reproach this marriage for the excess committed, and should anyone ever mock them, he or she shall be subject to strokes of the birch and a fine'.²⁶³ Previously in such cases, the courts tended to soften God's (or the manor's) justice rather than human tongues, as in the case of Błażej Leszek of the demesne of Łącko, for whom a court in 1744 thought up various excuses for his premarital relationship with his master's daughter, for example that he had taken over his master's land and was now tending it, or that he was looking after the handicapped siblings of his lover, now his wife.²⁶⁴

²⁶¹ BO 6115/III, pp. 107–108 [1791]; before this, similar situations occurred at Florynka, in the demesne of Muszyna (ANK Dep. MS 101, p. 75 [1762]), and at Rudna Wielka (ANK HGZ 137, p. 22 [1786]).

²⁶² *Księgi sądowe wiejskie*, No. 3963 [1728]; likewise in the demesne of Starogród, APT ASD 6, fol. 127–127v [1755].

²⁶³ TsDIAUL 85/1, vol. 1, p. 915 [1773].

²⁶⁴ *Księgi sądowe klucza łączkiego*, No. 842 [1744].

PART TWO

MARRIAGE

1. EXTERNAL RESTRICTIONS ON THE FREEDOM TO MARRY

Examining peasant marriages in early modern times as emotional unions is completely alien to the tradition of Polish research,¹ for normally such marriages were regarded as an ‘element of productive forces’ that reduced its members to the role of ‘suppliers of labour’. As the value of their labour could not easily be added up to a total amount and their jobs were not interchangeable due to the specialisation of roles, households were accorded an internal structure whose nucleus was meant to consist of a close or extended family (e.g. the illustrious *famille souche*). In this situation, researchers were mostly interested in the mechanisms of supplementing this structure and their impact on the household economy. This method of analysis was carried out most extensively by Witold Kula in his article *La seigneurie et la famille paysanne en Pologne au XVIIIe siècle*. This author’s desire to paint a coherent theoretical vision almost completely deprived the members of the society he described of their personality and humanity, perhaps because he based his work almost entirely on normative sources.²

Other historians dealing with peasant families, including Karyna Wierzbicka-Michalska, Andrzej Woźniak and Anna Izydorczyk, also acknowledged the socio-economic function of the family in the Polish countryside as a fundamental factor, even though they based their work on more diversified and adequate source material.³ With this approach, external restrictions on the freedom to marry and peasant marriage policy in the context of the economic functioning of the household developed into the chief issues

¹ This problem was also neglected for a long time in world historiography, see: Beck 2001, pp. 135–136.

² Kula 1972 and 1976b.

³ Meanwhile, Polish ethnographer Kazimierz Dobrowolski, creating the model of a ‘traditional peasant family’, ascribed to it not only productive, pro-creative, educational and protective functions, but also emotional, religious and cultural ones, see: Dobrowolski 1966, pp. 196–242.

of such work. Both of these issues could have had a considerable impact on the choice of marriage partner in peasant society, therefore we should examine them more closely.

According to Witold Kula, the manor, anxious to preserve a sufficient level of manpower, forbade its subjects from entering into marriage with persons employed by a different landlord. This was mainly to prevent peasant daughters from marrying men from other manors because the young wife usually moved to her husband's village. Apart from losing an employee, the manor also risked the loss of a dowry, because the property of peasants was considered the property of the owner of estate. Consequently, many rural directives issued by landowners repeated the prohibition of daughters marrying men from other demesnes.⁴ Theoretically, the manor should have welcomed the induction of people from outside into the village, because in this way the number of serfs increased. But in practice, such unions were viewed with caution because they involved the risk of long and costly proceedings with the former lord of the peasant who had been admitted into the village.⁵

Thus, according to Witold Kula's theory, any matrimonial ambitions by peasants beyond the confines of their village were restricted and strictly controlled. This would have virtually reduced the matrimonial market of peasant sons and daughters to the confines of their home community. Only in larger demesnes could relationships with members of a neighbouring village be considered, provided that both villages belonged to the same landowner. In his book on peasant marriages in Mazovia in the eighteenth century, Andrzej Woźniak reaches similar conclusions. He maintains that such manorial prohibitions, resulting from a fear of losing manpower, led to 'a kind of endogamy within properties owned by the same lord'. But in the very next sentence he softens his stance in this issue: 'Nonetheless, one easily notices that the personal interests of individual landowners took precedence over class solidarity. The same nobleman who forbade his subjects from marrying people from other demesnes allowed, and sometimes even encouraged, a single or widowed rural woman to marry an outsider as long as he took over the property'.⁶

We need not resort to the concept of a breach of class solidarity by property owners to realise that the postulated rural endogamy was practically unenforceable. As Woźniak correctly observes later on, in demesnes

⁴ For example, *Księgi sądowe wiejskie*, No. 3921 [1702]; *Księgi sądowe klucza jazowskiego*, No. 110 [1738]; *Polskie instruktarze ekonomiczne*, p. 277 [1786].

⁵ Kula 1972, pp. 950–951.

⁶ Woźniak 1978/1979, (part 1), p. 145 (also Woźniak 1987, p. 77).

comprising one or two villages with a small population, there might simply have been no suitable marriage candidate of the right age. An additional major problem was that many people were related to each other, thus ruling out the possibility of a marriage under canonical law.⁷ But in practice, endogamous marriages accounted for a considerable proportion of rural marriages. For example, in the parish of Raciborowice in the eighteenth century, 56.98 percent of newlyweds came from the same village, but it also means that almost every second person (43.02 percent) found a spouse from another village.⁸ In the parish of Monasterzyska, Ruthenian Voivodship, from 1761 to 1781, as many as 64.3 percent of the marriages were between persons from different demesnes, and the abolition of serfdom under the Edict of Emperor Joseph II of 5 April 1782 (which also abolished the restrictions on marriage) did not cause an increase in this proportion, but the very opposite: from 1781 to 1820, the number of such marriages fell to 61.6 percent.⁹ Therefore, this ‘endogamy’ of peasants seems to have resulted from reasons other than manorial policy, rather as an effect of the reduced mobility of peasants and their narrow geographical horizon, coupled with the overriding influence of local social structures.¹⁰ This is suggested by a different parameter from the abovementioned parish of Raciborowice, where during the same period when 56.98 percent newlyweds were from the same village, as many as 78.74 percent of marriages were between people in the same parish, the primary organisation of religious and social life in the countryside. In the case of ‘extra-parish’ marriages, however, most of the non-local newlyweds came from a neighbouring parish no more than 10 km from Raciborowice.¹¹ A similar endogamous figure occurred during this time among French rural communities, although there was no talk of any secondary serfdom or any deliberate manorial policy regarding marriages between peasants.¹²

⁷ Ibid.

⁸ Wyżga 2011a, p. 159; Wyżga 2011b, p. 252; for comparison, in the parish of Monasterzyska from 1796 to 1817: 52.4%, see: Rzemieniecki 2010a, p. 376.

⁹ Ibid., p. 378.

¹⁰ Cf. Gieysztorowa 1979, p. 164; Kuklo 2009, pp. 291–292; Rzemieniecki 2010a, pp. 381–382.

¹¹ Wyżga 2011a, pp. 160–161; Wyżga 2011b, p. 252; cf. Kuklo 2009, pp. 293–294.

¹² According to André Burguière, in the small parish of Romainville outside Paris, the proportion of endogamous marriages in the 18th century was 60%, which meant that every second marriage was between relatives to a degree that required a Church dispensation which, claims this author, was the result of a deliberate policy by the peasants themselves, see: Burguière 2011, pp. 235–249; cf. Burguière 1997.

2. MARITAL CONSENT

The prohibition of marriages with persons from ‘outside’ cannot therefore be considered a rule that was absolutely obeyed. On the contrary, it was so restrictive that the negotiating conditions for breaking it became the main issue. The repetition of prohibitions was meant to remind a would-be marriage partner of the need to obtain their lord’s permission to marry someone from outside, rather than prevent such marriages altogether.

So-called marital consent was one of the restrictions on peasants’ personal freedom, resulting from their serfdom.¹³ Theoretically, the duty to obtain the landowner’s permission applied only to men, and only to those who had found a candidate for a wife in another lord’s demesne. According to the Constitution of Piotrków of 1511, marriages of the daughters of peasants were to be free of restrictions, but as time went by, it became the legal custom for them to obtain permission as well.¹⁴

Marital consent can be seen as a means for an owner of estate to control the flow of manpower. This is suggested by the frequent practice where the bridegroom’s lord and bride’s lord agreed on compensation for the departure of the bride or bridegroom from the demesne. Karyna Wierzbicka-Michalska and Andrzej Woźniak have noted that such compensation could assume various forms. Firstly, it could involve an exchange of serfs. In return for releasing a serf to someone else’s demesne, the landowner could receive a new serf or a written undertaking that he would be provided with one in the future. Other possible compensation was a cash payment by the new lord, and occasionally by the serf himself.¹⁵

The settlements reached on this issue could be quite complex and were meant to safeguard the proper functioning of the peasant’s household. A letter from 1759 from Father Chryzolog Recheczyński, manager of the monastic village of Krzyżanowice near Pińczów, to Eustachy Okolski, ‘governor’ of the town of Pińczów, states that: ‘in the interests of the married couple’:

The serf of Krzyżanowice known as Kawaczyk is entering into a nuptial union with Smutkówna from Pińczów, whereupon they are beseeching me to announce the bans this coming Sunday, which I cannot do without prior permission from yourself. Whereas this man, having a widowed mother and brothers of minor age, should assume all duties of husbandry as long as the mother lives and her sons have not matured, may I ask you, Sir, to decide whether this Smutkówna may be a husbandwoman here in Krzyżanowice until such time.

¹³ Cf. Rafacz 1922, p. 128 ff.

¹⁴ Izydorczyk 1983, p. 9.

¹⁵ Wierzbicka-Michalska 1959, p. 126; Woźniak 1978/1979 (part 1), pp. 145–146.

And then this *previa[m] solutione emantipationis* [Kawaczyk] may freely depart with his wife to the property of the fathers and his own wife, as I have here the legal practice that the serfs of Krzyżanowice who transferred to Pińczów would have to pay their lords and my predecessors. Whereby most gracious Sir, *discute et discerne causam* that this may not cause trouble in future nor does it today, for I have already given consent to the departure of three women, one to Pińczów, the second to Wojsławice, the third to Galów, without having received recompense for any of them.¹⁶

Finally, however, the case of Kawaczyk was settled differently. He probably did not have to wait for his brothers to grow up before he could leave the village because he was officially released from serfdom and settled in a town under his new and more noble-sounding name of Mikołaj Kawaczyński.¹⁷

Making marital consent conditional upon the payment of money was frowned upon, especially towards the end of the eighteenth century. Apparently, it was this manifestation of serfdom that upset even ‘people who were far removed from any reformatory aims’.¹⁸ For example, Father Ignacy Grabowski in a pamphlet from 1790 entitled *Inquiry at Forefathers about Benignity towards Subjects* (*Dopytanie się u przodków czułości ku poddanym*) argued that:

The lord’s prohibition for marrying a girl with this or another lad means that she is forced to marry someone whom the lord does not forbade. And the lord’s unjustifiable demanding of the so-called *kunica*; that is, a marriage fee, makes it even more costly for the groom to wed and forces him to marry a girl who is a cheaper one rather than the one he loves.¹⁹

This criticism resulted not only from an enlightened reflection on social problems, but also from religious concerns. Marital consent struck at the very sacrament of Matrimony which, according to catholic Church doctrine after the Council of Trent, was meant to be based on the consensual and unconstrained will of both partners, and therefore on a completely free mutual choice which ‘depends on the will of the Lord God Himself who doth guide human hearts’.²⁰ Therefore, it should surprise no one that marital consent would be criticised by the clergy. Nevertheless, complaints from the clergy occurred seldom; in practice, marital consent was advocated even in Church holdings.

¹⁶ ADK II PK–XV/2, pp. 418–419 [1759].

¹⁷ *Ibid.*, pp. 419–422 [1760].

¹⁸ Wierzbicka-Michalska 1959, p. 127.

¹⁹ In: *Materiały do dziejów sejmku czteroletniego*, p. 270.

²⁰ ANK IT 263b, p. 195 [1762].

This was not the only, and not even the greatest, impediment to the freedom to choose one's marriage partner in a demesne. In at least some demesnes, payment for permission to marry simply developed into yet another fee, called *kuniczne* or *kunowe*, paid by peasants to the manor when daughters were to be married to men from other demesnes.²¹ This was the case in, for example, the royal estate of Sambor and in episcopal demesne of Muszyna in the 1760s. In the Sambor estate, this fee was 2 zlotys,²² whereas a few years later in the Muszyna demesne, the fee was 1 *grzywna* (1 mark, equivalent to 1.6 zlotys).²³ By no means was this a prohibitive fee because at the same time, 'serfs and paupers' were also charged 2 zlotys merely for receiving the sacrament of Matrimony under the terms of the episcopal tariff of *iura stolae* in the diocese of Krakow in 1737.²⁴ In any case, the *kuniczne* fee must have been insignificant compared to the total costs of the wedding.²⁵

In those demesnes where the collection of *kuniczne* was customary, this payment simply became yet another item on the list of wedding expenses. A landowner's permission for marriage was replaced by the payment of an appropriate fee. In such cases, marital consensus was in general a formality. Even in those demesnes, however, where the owner considered each application for marriage individually, it does not seem as if this right was applied in a restrictive sense. Only rarely do rural documents record cases where someone was refused permission to marry a person from a different demesne. Most of these records describe cases when a refusal was granted, but the affected party eventually married, despite the prohibition from their lord. The question arises: were these refusals so rare, or did peasants disobey the edict of their lords so rarely?

If we take a look at the known cases of refusal to consent, we see that it was not only for economic or demographic reasons. For example, Jakub Warzyszka of Popów took for his wife, 'without the will and consent of his lord', a woman who had been 'expelled from Popów a long time ago', probably for some crime such as prostitution or theft. No wonder that the owners of the village—the convent of Canons Regular in Krzepice—did not wish to see her back in Popów and ordered both of them to leave the village for good.²⁶

Another example comes from the estate of Sambor in 1748, where the wedding of the daughter of Hryc Soroka with Petro Pisanczak was

²¹ Cf. Bardach 1963, p. 96; Hoshko 1999, p. 60; Kwaśny 2001, pp. 25–26.

²² See, e.g., NBLNU 538/III, fol. 26 [1765].

²³ Łaszewski 1990, p. 119.

²⁴ *Księgi sądowe wiejskie*, No. 7472 [1737].

²⁵ Cf. Baranowski 1971, p. 325.

²⁶ AAC Kopiarz krzepicki, p. 31 [1615].

cancelled. In this case, the absence of consent may have been exploited (inspired?) by the couple themselves to break off their engagement, for Soroka's daughter did not wish to marry Pisanczak. Shortly afterwards, she married Iwan Minkowy, who may have been a better candidate.²⁷

Therefore, it seems that the owners of estates did not strive to ruin the personal lives of their subjects at all costs by denying them permission to marry; instead, they tried to coordinate the serfs' personal lives with the economic requirements of the estate. That is why, for example, the above-mentioned Father Chryzolog Reheczyński of Krzyżanowice thought up such a complicated procedure for Mikołaj Kawaczyk to move out of the village to his wife, involving a transitional period of several years during which Kawaczyk was to prepare one of his young brothers for the position of heir to the property. Nevertheless, property owners did refuse their consent to marry in order to protect their landholdings from undesirable elements or other threats to the peace of the village, such as mismatched spouses.

What were the penalties for violating the principle of marital consent? They do not seem to have been excessive. In 1748, Matus Flak of Węgrzce near Krakow was fined an unknown sum for giving his daughter to be married to a man from outside.²⁸ One hundred years earlier, in an identical situation, Tymczak of Kunkowa in the estate of Klimkówka had to pay three score *grosze* (2 zlotys),²⁹ exactly the same as the amount of *kuniczne* paid in the nearby demesne of Muszyna one century later. Though we have no sources on this subject, we can assume that allowing the sons of householders to leave the demesne to marry a girl from outside without the landlord's permission was treated more harshly. But if a householder himself married a woman from another demesne and went to live with her without his landlord's permission, he would no doubt be branded as an absconder and prosecuted. The customary practice, however, was that the woman came to live with her husband. The opposite situation, though it occurred occasionally, was regarded exceptional and treated with special attention.

Marital consent, codified in rural legislation and in the files of the demesne courts, applied only to marriages concluded with persons from a different lord's estate. Where both partners came from the same estate, obtaining permission to marry was quite a different matter. This was regulated solely by local customs. In Mazovia in the first half of the nineteenth century, the fathers of the engaged couple visited the lord a few days before the wedding, to ask him for permission for their children to marry. This was more a symbolic

²⁷ NBLNU 524/III, fol. 295–295v [1748].

²⁸ *Księgi sądowe wiejskie*, No. 7364 [1748].

²⁹ *Księga sądowa kresu klimkowskiego*, No. 595 [1648].

gesture because it is highly likely that the lord knew of preparations for the wedding, such as the banns having been posted in church, to say nothing of the fact that in a manorial estate, the establishment of a family was usually connected with the granting of land, therefore the manor had to be forewarned of everything. During such visit, apart from giving his blessing, the lord also gave material aid with which to arrange the wedding. Thus, it was materially beneficial for peasants to officially apply to the manor for consent to marry.³⁰ A similar custom existed in the southern part of Lesser Poland and in Red Ruthenia, in the early nineteenth century, even though since 5 April 1782, when the beforementioned Edict of Emperor Joseph II was introduced, permission to marry was no longer required in the territories of the first Austrian partition of Poland—it was sufficient to announce one's intention to the local representative of the public administrative body and pay the appropriate fee.³¹ It is difficult to say whether it was customary to ask a landowner for his marital consent in all villages before the partitions, but given the patriarchal relationships in the rural society that existed, this would appear logical.

3. MARITAL COMPULSION

Another way to establish a peasant family for the sake of the manor's economic interests was to compel serfs to marry. In an anonymously published work called *On Polish Subjects (O poddanych polskich)* (1788) Józef Herman Pawlikowski (1767-1829), later secretary to revolutionary hero Tadeusz Kościuszko, described the following dramatic picture:

I happened to see how a couple compelled to be together, bitterly crying, took each other's hand and swore mutual love before God's holy altar, without any liking towards each other. Can one expect from such marriages joyful effects purported by marital status?³²

The explanation for compulsion to marry was a desire to populate empty farms with a newly-formed family as quickly as possible or to preserve a farm's productivity following the death of a member of the household. According to Andrzej Woźniak, however, 'compelling people to marry could have been dictated by non-economic considerations, or may sometimes have been the whim of a lord playing the role of matchmaker among his

³⁰ Woźniak 1978/1979, (part 1), pp. 150–151; Kuklo 2009, p. 291.

³¹ Kowalski 1932, p. 46; cf. Rzemieniecki 2010a, pp. 378–380.

³² *Materiały do dziejów sejmu czteroletniego*, p. 43.

subjects'.³³ It is difficult to gauge the scale of this phenomenon, but such extreme cases were the exception rather than the norm.

Marital compulsion usually assumed other, less picturesque forms than placing before the altar two people arbitrarily chosen by the manor. Ordinarily, the purpose was not to bind a specific couple in matrimony, but rather to compel a troublesome individual to 'settle down' in the simplest way possible, by forcing him to assume responsibility for the fortunes of the family. For example, in the village of Spytkowice in the Beskid Mountains, the lord of the manor ordered Stanisław Trybulak, a man who had been involved in all kinds of affairs such as romances, drunkenness and brawls, to get married. Because all other methods had failed, the manor ordered him to find a wife, as befitted 'a mature labourer aged beyond 40 years'.³⁴

Establishing a family had a positive impact not only on daily morals. It also served to create a stronger bond with the land.³⁵ This method was applied to Michał Rączka, a potter from Olszówka, who had been wandering around the country, neglecting his land, until he was caught in Krakow and taken in handcuffs to his home village. To prevent him from escaping in future, he was told to marry, and his uncles deposited a surety for this.³⁶ Women were almost never subject to this compulsion. We know only one village court's decree on this matter, from Kasina Wielka in 1670, which states that:

There are in this village many young maidens or women who wish neither to get married nor enter into service, but who live in sin before the Lord and to the disgust of society, whereupon the community decided that they should be made either to serve or to wed, and should anyone decline to do so she should spin six ells of yarn for the manor and be punished with ten strokes, with this punishment being repeated until she restrain herself. And if they do not restrain themselves, they shall be expelled from the village and never admitted back.³⁷

The severity of this decree no doubt stems from the fact that the village belonged to the Dominican monastery in Krakow, and the monk permanently resident in the village was particularly concerned about the morals of serfs.

The cases of marital compulsion between peasants referred to in literature³⁸ should be regarded as excesses which firmly exceed normal relationships

³³ Woźniak 1978/1979, (part 1), p. 146 (also Woźniak 1987, p. 79).

³⁴ BJ 5317, pp. 285–287 [1760].

³⁵ Cf. Baranowski 1971, p. 326.

³⁶ BJ 909, fól. 56v–57 [1742].

³⁷ *Księgi sądowe wiejskie*, No. 3390 [1670].

³⁸ E.g. Woźniak 1978/1979, (part 1), p. 146; *Oskarżenia oskarżają*, p. 41 [1724].

between the manor and the village. Nevertheless, it is obvious that the manor supported marriages between its serfs not only for economic reasons (because only a family could create an efficient household unit), but also for social reasons: married peasants, responsible for their families, were the mainstay of rural society. The manor and the village concurred on this.

Consent and compulsion, the two basic instruments with which the manor pursued population policy in the countryside, have been acknowledged by Polish researchers as particularly effective, imparting a demographic countenance to the countryside and influencing the selection of marriage partners among the peasant community. For Witold Kula, it was obvious that ‘the composition and structure of the family was geared to a constant level of productive forces which a given family possessed’, and if the manor had these ‘productive forces’ at its disposal, then it was at liberty to ‘manipulate the size of families and adapt it to the existing workplace (the soil)’.³⁹ Kula found confirmation of this view in economic directives issued by landlords, and was particularly fond of quoting from the ‘Directives for the commissioner of the estate of Roś’ of 1804,⁴⁰ a document that not only appeared late, but also regulated the private lives of serfs in extraordinarily scrupulous detail, including bearing traces of the Enlightenment utopianism. Andrzej Woźniak expressed an equally strong conviction of the effectiveness of manorial family policy. In his opinion, it involved supporting early marriages among peasants, compelling widows and widowers to quickly remarry, and splitting up extended peasant families by resettling young couples on separate farms, from which they immediately had to render services for the landlord. He believed that the predominance of nuclear families among peasantry in eighteenth-century rural Mazovia confirmed the effectiveness of such a manorial policy.⁴¹

As Michał Kopczyński has rightly observed, however, ‘those researchers who underline the role of the manor [in shaping form of peasant family] also say that the natural type of family for a peasant is an extended family that exploits mainly the workforce of relatives. But that need not be so’.⁴² Indeed, under Polish conditions such a picture fits the so-called traditional peasant family, i.e. the type recorded by ethnographers on post-enfranchisement rural areas in the second half of the nineteenth century. Both Witold Kula and Andrzej Woźniak correctly noted that the family situation of peasants in the Polish lands was completely different earlier, but they reckoned this

³⁹ Kula 1972, p. 950; Witold Kula’s these have recently been acknowledged by Mikołaj Szoltysek, but he provides no fresh arguments in their support, see: Szoltysek 2003, p. 34–38.

⁴⁰ ‘Instrukcja dla komisarza dóbr Roś’ (24 VI 1804), in: *Instrukcje gospodarcze*, p. 455–464.

⁴¹ Woźniak 1987, p. 80–83 and 89–91.

⁴² Kopczyński 1998b, p. 172.

was due to direct interference by the manor in rural life. Michał Kopczyński approached this problem differently. In one of his studies entitled *Manor and Peasant Family—Compulsion and Coexistence (Dwór a rodzina chłopska—przymus i koegzystencja)*, he employed an analysis of demographic data to test to what extent the manor's policy (according to the Kula–Woźniak model) might have affected the shape of the peasant family. Although Kopczyński swore that he did not intend to polemize with these authors, he nevertheless reached conclusions totally different to theirs. It may be argued that his statements possess greater value than the Kula–Woźniak models because they emerged on the basis of statistical analyses of civil-military population censuses from the final third of the eighteenth century. I do not mean to say that quantitative surveys are superior to other methods merely because they are quantitative, but in the case of research into family structures in Europe, the achievements of historic demography cannot be overestimated. Kopczyński's analyses also fit into this stream of research. In his opinion, it is impossible to state conclusively that a peasant family was affected by direct intervention from the manor. For example, demographic data do not indicate earlier takeovers of an agricultural holding. On the contrary, it transpired that old farmers did everything they could to keep their farms for as long as possible. Young men, rather than quickly becoming self-sufficient and taking over the farm, as Andrzej Woźniak would have liked to have seen, instead went to serve other farmers. However, widowers and widows complied with the directives, quickly entering into a new marriage after the death of their spouse. Nevertheless, Kopczyński pointed out that in such cases the interests of the peasants and those of the manor no doubt coincided, and the manor 'did not wish to breach established peasant principles with its orders'. Overall, the point was to maintain the farmer in his position for as long as possible, for it is mainly long-term widowers, and even more often widows, who went into 'jointure', surrendering their farm to the younger generation.⁴³

Without completely negating the manor's influence on the shape of the peasant family, it should be noted that this role has probably been considerably exaggerated in previous writings. This applies especially to imposing the landowner's wishes regarding a marriage partner. Matchmaking at the lord's 'whim' was rather an aberration, but was willingly referred to in polemical writings. Meanwhile Jakub Haur, a practician and author of agricultural handbooks for the nobility that were very popular in late seventeenth and eighteenth centuries, advised that the peasants themselves be allowed to decide whom to wed, because he realised that marriages that did not have sufficient support from the rural community would not last.

⁴³ Kopczyński 1998a, pp. 22–23.

A peasant marriage involving a breach of emotional and social rural standards could cause the manor more trouble than benefit.⁴⁴

Bans on marriages with serfs from other estates were also not insurmountable barriers. On the contrary, such prohibitions seem to have been applied mainly to control the flow of manpower that existed. It is difficult to judge to what extent these restrictions hampered the choice of marriage partner in peasant society. Research in the parish of Łyski in Upper Silesia suggests that from 1767 to 1807, marriages between people from different villages accounted for half (50.3 percent to be exact) of all marriages, whereas following the abolition of serfdom this proportion rose to 62.1 percent (from 1808 to 1820).⁴⁵ This increase was certainly not just the result of the abolition of the restrictions on marrying, but also the result of modernisation trends in Prussia. Therefore, we should concur with the view formulated by Alfred Konieczny in the 1950s that ‘existing restrictions upon marriage probably did not assume greater proportions towards the end of feudalism, therefore they did not give rise to any more conspicuous social phenomenon’.⁴⁶

4. THE MARRIAGE POLICY OF PEASANTS IN THE LIGHT OF ECONOMIC ISSUES

When considering the criteria for choosing a marriage partner in the countryside, the focus should therefore be on internal standards of evaluating marital attraction in the peasant community. Most of all, we should examine how peasant matrimonial strategy was affected by the social stratification of rural communities. It would be wrong to automatically transpose to the past the situation described in ethnographical sources where the main criterion for the choice of marriage partners was their property, especially arable land.⁴⁷ This restricted the choice of partner to an individual’s own class, and made any inter-class union a misalliance. Karyna Wierzbicka-Michalska noted that in pre-enfranchisement rural areas, property was not that important, especially because peasants sometimes regarded the farming of greater portions of land as an additional burden because it increased the amount of corvée labour.⁴⁸ Andrzej Woźniak has discussed the problem further, convincingly undermining the role of the property criterion in the countryside

⁴⁴ Haur, *Skład*, p. 238.

⁴⁵ Konieczny 1992, pp. 99–100.

⁴⁶ Konieczny 1958, p. 138.

⁴⁷ Cf. Summary of debate on transposing the post-enfranchisement model in the past, in: Kopczyński 1998b, pp. 32–34.

⁴⁸ Wierzbicka-Michalska 1959, p. 131.

in eighteenth-century Mazovia. In those days, providing a young couple with land and even with the farming tools was the property owner's duty in any case, and it had nothing to do with the couple's economic status. It is the manor which 'decided to keep it [the married couple] at the parent's farm or give them a new one, which was usually not a major problem given the large number of unoccupied farms or neglected fields in most villages in Mazovia'.⁴⁹ Moreover, such settlement was very much in the manor's interests because it increased the number of farms obliged to render *corvée*.⁵⁰

This applies mainly to central Poland. In Lesser Poland, where numerous peasants (especially in royal demesnes) possessed a broader right to land (the 'purchase right'⁵¹), the property factor might have played a much more important role. Research by Anna Izydorczyk into the criteria for selecting marriage partners in rural areas of Lesser Poland in the fifteenth and sixteenth centuries led her to affirm the ethnographic model of 'combining properties' that was typical of post-enfranchisement rural areas. Efforts to ensure the equality of the partners led to the situation where 'each *kmięć* [full peasant] tried to get his son or daughter married to the child of a *kmięć*, and each *zagrodnik* [smallholder] tried to do likewise with the child of at least *zagrodnik*'.⁵² According to Izydorczyk, endogamy applied most closely to the rural economic elite: innkeepers, millers and hereditary headmen (*sołtysi*), and to lesser extent to 'full' peasants (*kmięć*). These formed a virtually hermetic group in this regard. If their children were unable to find a suitable partner in the same locality, they moved away from their native village more often than representatives of other classes.⁵³

Though the basis for Izydorczyk's research was very fragmentary because of the scarcity of sources from the fifteenth and sixteenth centuries, later entries in the rural court records in Lesser Poland seem to confirm this picture: property was very important for matching a couple. In 1762, at Korbielów in the Żywiec region, Jacenty Borucik talked Franciszek Pastor into marrying his sister, 'promising me a half-quarter of the land [*łan*] as her dowry'.⁵⁴ Jachym Barniak of Krzeczów also allowed himself to be tempted to marry the daughter of Stanisław Milak with the promise of receiving half of the land 'in perpetuity and for his heirs and successors'. This must have been the only criterion for bringing this couple together because after

⁴⁹ Woźniak 1978/1979 (part 1), p. 139.

⁵⁰ Cf. Kochanowicz 1983, p. 162.

⁵¹ See: Cerman 2008, p. 60.

⁵² Izydorczyk 1983, p. 10. See the description of the categories of Polish peasants in: Lukowski 1991, pp. 40–41.

⁵³ Izydorczyk 1983, pp. 11–13.

⁵⁴ ANK IT 263b, p. 118 [1762].

the wedding, it transpired that the newlyweds could not stand each other's company at all.⁵⁵ Marriages like this were usually the result of contracts between the couple's families, and matching a marriage was often akin to a commercial deal: 'I give my daughter unto your son, but you must give him a parcel of land'; that was the arrangement between Sebastian Krawiec and Michał Dubrawski of Czukiew during the courtship of their children, which lasted five (!) years.⁵⁶

In any case, it was not arable land that was the main subject of deals in matching a couple. In most villages in Lesser Poland, the custom of inheriting land ruled out its division: the land was normally inherited by the eldest or youngest son. His brothers and sisters received only movable property and money. A daughter could also inherit land under rural law, but this normally happened only if she had no brothers.⁵⁷ Thus, virtually every girl and a fair proportion of men could only contribute movable property to the marriage. On the basis of his observations in the nineteenth century, but still before the enfranchisement of rural areas, Łukasz Gołębiowski (1773–1849) wrote: 'a peasant expects from his wife money and household implements'.⁵⁸ In a booklet called *Spiritual Dessert, or Conversation of the Priest Persuading Cantankerous Spouses to Reconcile* (*Wety duchowne albo rozmowy księdza perswadującego zgodę małżonkom źle żyjącym*) by Father Marcin Nowakowski, written in the mid-eighteenth century and devoted to the pastoral problems encountered among simple folk, the Husband complains about the Wife that 'I must have been unconscious or spellbound when I agreed to marry her, for I would never have thought of her otherwise. For she has neither appearance, nor dowry, nor clothes; so I have stuck on nothing with her'. In response to the Priest's objection that 'you do not love your wife but want her possessions etc'. the Husband replies: 'Everyone who marries desires the same as I'.⁵⁹

So let us see what the second wife of certain Wawrzyniec Kurdzielik from Czukiew brought him as a dowry in 1623:

Two cows, a heifer, 12 zlotys in money, a bolt of linen, four sows, one-and-a-half bushel of linseed and one-and-a-half bushel of hemp seed, a red kersey robe, an azure kersey *żupan*, [...] two pillows and two eiderdowns, three hemp pillowcases, four tablecloths, five towels, two tubs, [...] two barrels, a sieve, riddle, butter churn, four great pots, six small ones, a bowl, three

⁵⁵ ANK Bochnia Branch, Starostwo Krzeczowskie 1, pp. 140–144 [1779].

⁵⁶ TsDIAUL 142/1, vol. 3, p. 41 [1745]; cf. *Księga sądowa kresu klimkowskiego*, No. 999 [1692].

⁵⁷ Izydorczyk 1983, pp. 15–16. On inheritance patterns see: Guzowski 2013b, p. 30.

⁵⁸ Gołębiowski, *Lud polski*, p. 220.

⁵⁹ Nowakowski, *Wety duchowne*, fol. [a4]v–[a5].

grey jugs, two water-jugs. [...] In turn Wawrzyniec as host did promise to his present wife at the act of marriage in the presence of people of good faith that he shall give her ten marks of coins [...] and furthermore, at discretion, should they become by the grace of God prosperous, one third of his property.⁶⁰

Even in the poorest families an effort was made to provide the daughter with a dowry: it usually comprised some linen, money, and cattle—at least a single cow.

Detailed decisions regarding dowries does not mean that this was the most important aspect of matching a couple, yet this is the impression given because most surviving sources on this subject are civil-law contracts, so that property matters occupy an important place in them. But this need not reflect the couple's motivations. In any case, pre-marital contracts in the countryside appear to have been the exception rather than the norm. Documents of this type appear sporadically and became more frequent only towards the end of the eighteenth century.⁶¹ Getting married in rural areas before the partitions involved either taking over a working farm from the parents of one of the partners, or establishing a new production unit, either at once or in the foreseeable future. In order for such a unit to function, it had to be supplied with a minimum array of implements and resources (a field, seed, agricultural implements, and cattle). And this is what was agreed upon during the wedding preparations. Indeed, this was not a question of financial calculation or matrimonial policy, but a question of the survival of the newly-formed family.

Apart from having a material base, the married couple also needed daily work in order to survive, work which the couple could share in running the farm. Therefore, the second basic criterion for choosing a marriage partner was his or her suitability for agricultural labour. No doubt more than one young man heard from his future parents-in-law what Franciszek Hankus of Nowa Wieś near Krakow was told: 'Dear Franciszek, on our farm you must work properly [...] I have enough land if only there would be someone to farm it'.⁶² Similar criteria applied to women. The Husband clearly defines the Wife's role in Nowakowski's *Spiritual Dessert* (*Wety duchowne*): 'For I took her for work not for cuddling'.⁶³ In 1690, before the court of Czukiew,

⁶⁰ TsDIAUL 142/1, vol. 1, pp. 18–19 [1623].

⁶¹ For example, an entire volume of pre-marital contracts in Krzeczów demesne from 1792 to 1832 has survived: ANK HGZ 36. There was also a similar volume for the village of Choczniã for 1796 to 1812, see: Putek 1969, pp. 433–436.

⁶² ANK Gm. P. IV–4, fasc. 6, p. 88 [1743].

⁶³ Nowakowski, *Wety duchowne*, fol. [a4]v.

Stefan Pak complained about his new mother-in-law that ‘she gave me her daughter’s hand in marriage, but she does not desire to work or help run the farm, and when I reprove her she does run to her mother as she has done now’.⁶⁴ Obedience was also valued highly, as illustrated by the complaints of another man from Czukiew, Wojciech Jabłoński, about his wife: ‘And now I can nothing with her and I cannot order or instruct her, she does as she likes’.⁶⁵ Łukasz Gołębiowski wrote that according to rural convictions in force at the time:

A would-be bride should be a serious, modest and quiet girl, and above all hard-working, so that she may be desirable. [...] At a public meal, a girl of marriageable age should eat and drink little, and though disturbed by hunger and thirst, she should say she is satisfied, so that she may appear not to be too demanding.⁶⁶

Among the economic criteria for choosing a marriage partner, age is also mentioned. Neither the man nor the woman could be too young because both had to be physically fit for independent work on the farm.⁶⁷ That is one of the explanations for the rather late age for getting married for the first time: about 20–24 for women, 25–29 for men. In addition, significant age differences between peasant spouses were rare, in contrast to the marriages of noblemen. Various calculations suggest that the average age difference in peasant marriages was five to six years.⁶⁸ This was due not only to economic factors, but also to cultural conditions. A large age difference was viewed very negatively among the peasant population. When a certain Gebała from Mogiła was unable to resolve conflicts between members of his household, the village court, which had to deal with the matter, blamed this on the fact that the peasant had taken for his wife a woman who was ‘unequal’; that is, too young.⁶⁹ Research by Karyna Wierzbicka-Michalska, however, indicates that unions like this were sporadic. Even widowers when remarrying usually took widows with a similar age, and not young girls.⁷⁰

⁶⁴ TsDIAUL 142/1, vol. 4, p. 310 [1690]; see also: BPAU/PAN 7118, p. 361 [1774]; *Księgi sądowe wiejskie*, No. 7300 [1787].

⁶⁵ TsDIAUL 142/1, vol. 5, p. 162 (from the back) [1696].

⁶⁶ Gołębiowski, *Lud polski*, p. 221.

⁶⁷ Wierzbicka-Michalska 1959, p. 136. See the problems of the married couple Jakub and Zofia Wielowskis, *Księgi sądowe klucza jazowskiego*, No. 150 [1740].

⁶⁸ Wierzbicka-Michalska 1959, pp. 136–137.

⁶⁹ *Księgi sądowe wiejskie*, No. 3816 [1734].

⁷⁰ Wierzbicka-Michalska 1959, pp. 138–139.

5. RULES OF MARITAL SELECTION AND HOW THEY FUNCTIONED

To sum the above up, the selection of a marriage partner was strictly connected with the need for an agricultural holding to function properly. Firstly, the partners had to contribute appropriate assets (land, implements, and cattle), which enabled them to create a farm appropriate to their social status, or continue to run the farm having taken it over from their parents. Where the land and the implements were distributed by the manor (as in Mazovia), a spouse's material resources were not as important to the farm's efficient operation, but could define a prestigious level of consumption and thus boost the couple's social position. Next, for the family's continued fortune, certain traits of character were also important, especially industriousness and thrift. These had to be accompanied by physical characteristics: health, fitness and a suitable age for farm work.

Nevertheless, we should ask: when defining such criteria for marriage selection in the Polish countryside, are we not falling into the trap of excessive rationalisation? When attributing a premeditated marriage policy to peasants of several hundred years ago, are we not overestimating their ability of economic calculation and, on the other hand, depriving them of their individual motivation and choices, which were not always premeditated? I believe we should differentiate between the standard or hierarchy of values that was declared when choosing the partner and the standard or values actually realised, whether by the pattern of behaviour or by the individual course of life.⁷¹ Regarding the marriage selection criteria in the early modern Polish countryside, the discrepancy between the declared norm and practised patterns was caused, in my opinion, by the juxtaposition of two opposing factors. On the one hand, the choice of partner was seriously limited by external factors, and on the other hand there was relatively considerable individual freedom of choice within the limits accepted by rural society.

As mentioned above, as far as these external restrictions are concerned, the restriction on personal freedom imposed by serfdom did not play a significant role. The prime factor was the demographic situation of the Polish countryside. This, combined with cultural norms—the isolation of rural society and the low social and geographical mobility of peasants—was the greatest obstacle to the selection of marriage partners. Let us consider as an example the village of Bejsce near Kazimierza Wielka, whose well-preserved parish marriage registers were examined by Edmund Piasecki. As late as from

⁷¹ See Ryszard Tomicki on the danger of an unjustified identification of norms and patterns in his research into so-called traditional peasant culture, Tomicki 1977, pp. 43–44.

1811 to 1820, endogamous marriages in this parish accounted for almost 60 percent of the total.⁷² At the turn of the nineteenth century, the average age of men getting married for the first time in Bejsce was 24.1, and that of women was 20.6. Assuming that the most popular category of marriages was one where the man was three to seven years older than the woman, then according to the census of 31 December 1800, a 24 year-old man probably sought his future wife among 149 women aged 17 to 21, whilst a 20 year-old girl had 84 men aged 23 to 27 to choose from.⁷³ It is difficult to gauge what proportion of these were relatives to a degree where marriage was forbidden under canonical law, but this no doubt seriously restricted the number of people among whom a future spouse was sought. It would be no exaggeration to say that even in a large village such as Bejsce, a husband or wife were chosen from several dozen people, most of whom the person intending to marry had known since childhood and who probably comprised a local peer group.

In these circumstances, people were hardly likely to observe only declared standards when choosing a marriage partner. This does not mean that these standards ceased to apply. On the contrary, they fulfilled their purpose as justification for a choice of partner made another way. Of course, some marriages were concluded under parental pressure, or, rather, were matched according to family wishes. But the margin for a free choice of partner was fairly wide. It was part of the very social structure of the countryside and was also connected with peasants' silent approval of premarital relationships between young men and women, especially during service—a key period in the lives of young rural people. For it is difficult to ignore such a reason for a choice of partner as the conception of a child. In such a case, the couple usually got married because they were under strong social pressure. Considering the high rate of pre-marital conceptions in rural areas (10 percent to 30 percent), sexual characteristics should also have played a part in choosing a marriage partner. Although in this case the pattern of behaviour was far different from the declared norm, usually there was no obstacle in referring to this norm when justifying the choice of partner made. It was a characteristic feature of rural relationships, however, that a tolerance of pre-marital unions applied only to people who might eventually marry; people who satisfied both formal requirements and social expectations, and in particular had the potential to create a farm that functioned well.

Proceeding to examine individual histories handed down to us in sources, we must note that the basic point of reference for establishing a marital union

⁷² Piasecki 1991, p. 164, table V.3.

⁷³ My own calculations based on Piasecki's data (1991, pp. 76–77, table III.1; p. 149, table V.9).

was religious discourse. After all, this was a question of religious sacrament, and there is no doubt that it is mainly from the pulpit that peasants heard the language that described and extolled marriage. Thus, a marriage is formed ‘in conformity with the will of God’;⁷⁴ parents give their daughter to be wed ‘because the Lord God on high doth give her unto a worthy man’,⁷⁵ or ‘first they commit [her] unto the Lord, [and] thereafter [...] they commend and submit her to her betrothed’.⁷⁶ We can regard these remarks as a stylistic framework encapsulating the conclusion of a marriage, but we should also bear in mind that religious imagery formed the highest set of values shared by the entire community. Obviously, these values were fulfilled in various ways and to various extents depending on the situation, but even the adoption of different and sometimes completely alien criteria did not rule out a reference to the generally accepted Christian ideals of marriage. Even if sources make no reference to the religious nature of a marriage, the act of marriage as a sacrament was a religious act per se.

In a religious context, the early modern dichotomy between the voluntary nature of marriage, determined by its sacramental nature, and the strong social control over the actual choice of partner appears intriguing. Considering this phenomenon, Jean-Louis Flandrin underlined the paradoxical ways in which these opposing trends were reconciled both in Church teachings and in law, by manipulating the concepts of freedom and obedience. He assumed, however, that a correlation of stances on this issue did not abolish the fundamental discrepancies between religious moralising and social interests (represented in his analysis as state law).⁷⁷ Yet, such a juxtaposition does not appear justified, at least under Polish conditions where the teachings of the Church and social standards supported each other in producing a compromise between the freedom to marry on the one hand and parental control—or, more broadly, control by the community—on the other.

6. MATCHMAKING BY PARENTS OR GUARDIANS

The most common way of finding a marriage partner in the Polish countryside in early modern times was probably when the parents chose one. This was especially so among the better-off groups of peasantry such as *kmiecie* (full peasants) and *zagrodnicy* (smallholders). Finding a suitable partner was

⁷⁴ *Księgi sądowe wiejskie*, No. 5029 [1708].

⁷⁵ TsDIAUL 37/1, vol. 3, fol. 91 [1745].

⁷⁶ BPAU/PAN 1875, p. 46 [1613].

⁷⁷ Flandrin 1979, pp. 131–136.

particularly important if one's child had been nominated as heir to the landholding, for it was a question of finding someone who would not only acquire the fruits of one's long years of labour, but who would also look after him or her during the last years of life during the 'lifelong maintenance' (after handing over the farm to the heir) and take care of the funeral arrangements.⁷⁸ This was usually not a sudden decision that took the persons involved by surprise. After all, communities were small and closely-knit, and the potential marriage partners had probably known each other since childhood. Therefore, such unions were prepared over the space of years, and there was plenty of time to convince the children of the choice that had been made. The wills of Stanisław and Katarzyna Parzymięso of Świeciechów reveal an interesting case of selecting marriage partners for the heirs of a farm. The Parzymięsos must have had no children of their own (or at least no child had lived to adulthood), so they left their property to Stanisław's niece Alszka, coaxing her to marry Andrzej Sudak. The two knew each other very well because Sudak had been brought up by the Parzymięsos (probably having been an orphan). No doubt they had an emotional bond with both Alszka and Andrzej, and would have been happy to see them both before the marriage altar. But the will says nothing of preparations for the wedding. Perhaps Alszka was still too young (Andrzej was probably old enough because he had taken over the running of the farm from the Parzymięsos). Therefore, the Parzymięsos formulated their marriage plans rather as a proposal than a command: 'for if it be the will of God that they take each other, then so much the better'.⁷⁹

We usually discover the fortunes of marriages arranged by the parents only when the wedding does not take place or when the marriage breaks up. In fact, it was very difficult to force one's child to marry against their will, especially in the case of boys. This is an account of the losses which Jan Goleniec of Rajbrot gave his father in 1796:

My expenditures when I was forced by my father to strive for the hand of Kazimierz Pachoła's daughter:

1. Jan Goleniec when, with the connivance of Kazimierz Pachoła, was threatened by his father Kazimierz Goleniec and sent two neighbours to the house of Kazimierz Pachoła to arrange for his daughter to wed Jan, which neighbours drank five quarts of vodka at 1 złoty and 10 groszy, [which makes] 6 złoty 20 groszy.⁸⁰

⁷⁸ I discuss the problem of unions between inheritance and religious duties in a separate article, see: Wiślicz 2000, pp. 59–61.

⁷⁹ *Księgi sądowe wiejskie*, No. 7043 [1616] and No. 7044 [1618].

⁸⁰ 1 złoty was made up of 30 groszy.

2. When Kazimierz Pachoła was to issue the act of inheritance to his daughter Agata and Jan Goleniec, Jan secured that this transaction would cost him naught. Pachoła's son, Kazimierz Pachoła Jr., having heard of this act, first lodged protest against it and went to the parish priest to block the banns; and so I had to pacify them all, though unwillingly, thus I lost 12 złoty.
3. After the banns had been announced, when in some way Kazimierz Pachoła learned that I intended to forsake his daughter Agata, he, to multiply my losses, requested from my father Kazimierz Goleniec that I should perform the betrothal, although the custom is that it is usually organised before the banns have been read, for which betrothal I was bound to purchase 10 quarts of vodka at 1 złoty 10 groszy [which gives] 13 złoty 10 groszy.
4. According to the custom here, I did expend on the visit the following day: 1 złoty 10 groszy.
5. *Item* before the wedding and after the betrothal I did drink there 2 draughts of vodka: 20 groszy. [...] And this is all my loss for my father declared to cover these expenses, but did not and deserted me. [...] On all this I am ready to swear if necessary.⁸¹

Jan Goleniec, obedient to his father's will, went through all the stages of preparation for marriage: sending out matchmakers, settling property matters, arranging the banns and the engagement ceremony (together with a next-day extension), and even preparing the wedding reception, on which he spent a lot of money, expecting that the money would come from his father. But the participants of this spectacle must have known that Jan Goleniec was sabotaging his father's will, hence the would-be father-in-law's bid to carry out a betrothal (which had been illegal since 1782, for all this took place under the Austrian partition, and Austrian law forbade such a ceremony). In the end, the wedding did not take place; perhaps Kazimierz Pachoła himself concluded that nothing good would come of it?

Girls did not have such a possibility of expressing their dissatisfaction with the choice made by their parents; for in marriage arrangements, they usually played a passive role. Even in their case, however, complying with their parents' desires could have had certain limits. At Tyniec, Jakub Siwek and his wife resolved to wed their daughter to the son of Szymon Radocha. Both sets of parents reached agreement and the young Radocha started courting the girl, and her mother 'persuaded her daughter because she did desire Radocha's son for a son-in-law, and for this purpose she did beat her daughter and did tell her: do not say that you will not go, but you will go, whereupon the daughter did not desire to go and marry out of compulsion'. The mother tried to set herself as an example 'saying that I also would not have married my husband unless beaten with a stick', but attained nothing, and the girl

⁸¹ ANK Dep. MS 269, No. 162 [1796].

rejected Radocha's advances. In addition, the Siweks had to repay the Radochas 46 złoty 18 groszy, which the young Radocha had spent on striving for the hand of their daughter, having been substantially misled by her parents.⁸²

7. MARRIAGE AGAINST WILL?

Occasionally, the parents insisted on having their own way against all the odds. If the marriage partners turned out to be wholly mismatched, they became the laughing stock of the village. Part of the blame also fell on those who arranged the relationship; nevertheless, it had to continue. This is illustrated by a case of 'forced marriage' from Olszówka:

Walanty Banka and Maryanna his wife, both of unripe age and of imprudent mind, nevertheless on account of their guardians Walanty Kowal and Piotr Ludwiak, have been joined in marriage; and in a conjugal union they may preserve and observe these Christian customs which they hitherto did not do, but to the displeasure of the Lord God on high and to the amusement of the accursed devil and to the mockery on behalf of injudicious people and neighbours, they did spend their lives only in discord and marital friction.⁸³

When the manor heard of this, the administrator resolved to lead them onto the path of righteousness by means of whipping and imprisonment, and supervision over their union was entrusted to neighbours, who were compelled to guarantee the continuity of the marriage.

The abovementioned *Spiritual Dessert* by Marcin Nowakowski, a clergyman no doubt experienced in working among people and endowed with a great sense of observation, contains a 'Conversation between a Priest and a Woman Who Disrespects her Husband'. This is a dialogue that reveals the great danger of arbitrary matchmaking by parents, yet at the same time justifies the correctness of this process. When the Woman complains about her husband, the Priest stops her by asking:

Priest: But you should know who should command whom, the woman should command the husband or the husband command the wife, who did swear obedience, you to him or he to you?

Woman: Just as I knew not what I said there, I know not what he said. I did say what they told me to say because I had to.

⁸² *Księgi sądowe wiejskie*, No. 7286 [1785]. Cf. also: NBLNU 555/III, fol. 109v [1764], where Iwan Kunik, striving for the hand of the daughter of Petro Furdyczka, after the introductory negotiation, sent matchmakers but they failed because, contrary to the father's will, Furdyczka's daughter 'did not wish to give a fair answer'.

⁸³ BJ 909, fol. 77v-78 [1777].

Priest: But the priest did ask you whether you enter into marriage without coercion, freely and wholeheartedly? You should have replied that I do not have the will to marry N., but they are compelling me.

Woman: I did fear my mother for she did threaten to beat me and cast me from the house if I did not marry him.

Priest: You should have told the priest about this earlier, so that he could persuade your parents, nevertheless subsequently you did consent to living together, and now you should live in harmony. [...] [You will make your husband good] by observing that which you promised him upon marriage.⁸⁴

Further on, the Priest spells out the rule that ‘those marry best who agree with the wishes of their parents, because parents do not wish children ill, and want the best for them’. At the same time, they are best able to judge the qualities of a candidate for the hand of their daughter, whilst a young girl may easily be misled by appearances: ‘You did not consider who is more thrifty and serious, but instead who is younger and more handsome. You did not consider that appearance and beauty have led many souls astray, both one’s own soul and other people’s’. The Priest’s support for marriages arranged by the parents, however, is not diminished by the possibility that the parents could also make a mistake. That was the case with the Woman whose mother regretted her daughter’s marriage belatedly:

Your poor, poor thing! You have ended up with a rascal, you would rather hang a stone around your neck and drown yourself than marry this hunchback, this scruff; you are yet young, you have not aged, had you waited, N.N. would have taken you. And now what will you do? An unhappy mother am I. I should have given you to the pigs instead of marrying you to this wretch; I would rather see a rotten dog than this disgusting smelly ruffian. God have pity, bad people advised me, recommended him to me. I did think he would be decent, if they recommended me then I did arrange for him to be with you.⁸⁵

What solution does the Priest see to this stalemate? The only thing for the Woman to do is to ‘willingly suffer all misfortunes’ because under the sacrament the daughter vowed to love her husband. Thus, the unhappy wife could only fulminate in her heart, like in the following eighteenth-century lament:

*Bogdaj głębiej piekła gorzała
Matka, co mię za chłopa dała,
Niescesna ja teraz.*⁸⁶

Go deeper to hell,
My mother who did me to a peasant sell,
Unhappy am I now.

⁸⁴ Nowakowski, *Wety duchowne*, fol. [b4].

⁸⁵ *Ibid.*, fol. [c2]v.

⁸⁶ *W kalinowym lesie*, vol. 2, p. 30.

The collective wisdom of folk ballads recorded in the nineteenth century displays the tragic fate of those who did not listen to their parents regarding the choice of spouse, as well as of those who were forced by their parents to marry against their will. This would be a typical example of the heterogeneity of common knowledge putting a question mark over the purpose of obeying its edicts.⁸⁷ In this case, however, these contrasting narratives could be used to negotiate a candidate satisfactory to both sides. As we have seen above, parents could enforce their decision, yet ignoring the will of a child could result in a mismatched, and therefore unhappy, marriage. When Stanisław and Rejna Gałuszka of Świnna saw their daughter Katarzyna, ‘crying when she gave her hand at the betrothal ceremony’, they withdrew their plan to marry her off to Tomasz Tomasiak and cancelled the contract the day before the wedding, exposing themselves to large financial losses and the need to compensate the parents of the would-be bridegroom.⁸⁸

But occasionally it seems that parents in concert with their daughter manipulated her consent to marry, perhaps seeking in this way the best candidate or conducting a matrimonial strategy which is not clear to us today. That is probably how it was in the case of Matyjasz Kozioł of Tyniec and his daughter Franciszka. Matyjasz promised his daughter’s hand to Franciszek Marcyk, and there was even an engagement, but ‘when the banns were announced and the wedding was to take place, he forbade his daughter to marry. [...] Asked the reason for this prohibition, the father replied [...] it is because my daughter has lost interest in him and found another, that is Krzysztof Siwek, and she does now desire him for a spouse’. The village court ordered Kozioł to reimburse the would-be bridegroom’s expenses, but must have suspected some kind of scheming in the entire affair because it added an extraordinary warning, whereby ‘if Matyjasz Kozioł and Krzysztof Siwek dare to commit some trickery in arranging a marriage, they shall be bound to recompense double the costs’. It transpired that the court’s suspicions were correct because shortly afterwards, Kozioł ‘forbade to give his daughter’s hand to a new favourite, that is Krzysztof Siwek, because of various gossip which he could not prove, whereupon summoned to the court and asked why he does not wish his daughter to marry a new favourite, he could not provide a satisfactory reason’. Eventually:

The daughter was asked with whom it was her unfettered desire to be with; she replied with the first, that is Franciszek Marcyk, because she had been trickily and deviously persuaded into marrying the second by her parents [...] Thus, according to her unfettered consent, Franciszek Marcyk is assigned as

⁸⁷ Hołówka 1986, pp. 131–132.

⁸⁸ ANK IT 263b, pp. 195–196 [1762].

her husband, to whom her parents shall be obliged to issue the dowry as it should be.⁸⁹

Matyjasz Koziol's daughter was probably not just a mere passive object of matrimonial bargaining. On the contrary, it is her father who no longer knew how to unravel the entire mix-up. But both of them probably collaborated: the choice of spouse was a very serious matter for the entire family. Given the narrow room for manoeuvring—how many bachelors could have sought Franciszka's hand?—every point in favour of and against the candidate was considered.

8. MARRIAGE THROUGH LOVE?

Family calculations were only one of the possible ways of choosing a spouse. In the previous chapter, I noted that premarital sexual relations could lead to marriage. In taking up sexual activity, the primary criterion was the mutual attraction of the partners, though social considerations could also play a role: it was safer to have sex with someone who could become a spouse if a child was conceived.⁹⁰ So did marriages in the peasant community result solely from calculation or sexual desire? Were there no other sentiments?

We can find evidence of a very strong emotional commitment to a marital union. In 1756, a certain Marynka worked for the administrator of the Ryczywół demesne: 'Through her desire and persuasion' she induced a certain Filip to ask her for her hand in marriage. There were no obstacles to the marriage, and the administrator even agreed to discharge Marynka from service before the end of her contract, provided that her betrothed found someone to replace her. However, he 'was not completely inclined to Marynka, and in the meantime he met another more attractive partner than Marynka, so left her and married the other'. The rejected Marynka 'apparently fell into despair and did desire to drown herself'.⁹¹ The source does not mention that the girl got pregnant, in which case the matter would have ended before the village or manor tribunal. Her attempt at suicide must have resulted from what we would call unrequited love.

Such situations offer a clear and unequivocal explanation: love. But is it correct to apply this term to the Polish countryside before the partitions?

⁸⁹ *Księgi sądowe wiejskie*, No. 7309–7310 [1788].

⁹⁰ As correctly noted by Stefan Breit, a researcher into the Bavarian countryside in the early Modern Age, peasants saw no contradiction between love (or emotional involvement) and material security, see: Breit 1991, p. 229.

⁹¹ APR Archiwum Lubomirskich 692, fol. 14 [1756].

Today's meaning of the term 'love' is very far removed from its meaning in the early modern era. We will discuss this further when we examine 'marital love'. The sentimental dimension of the term 'love' began to be propagated in popular literature not earlier than in the middle of the eighteenth century. As Anne Fillon showed in her analysis of the memoirs of the weaver Louis Simon from Maine province in France, not until the end of the eighteenth century did this concept reach the more prosperous layers of the French peasantry, who had already crossed the threshold of literacy and could now avail themselves of printed works.⁹² The Polish countryside was certainly not acquainted with printed matter, including sentimental works, but this does not mean we cannot apply the concept of 'love' to the peasant community, just as we apply the term 'legislative authority' or 'executive authority' to political systems which existed before Montesquieu. After all, in the Polish countryside in early modern times, we can find feelings, emotions and convictions which we would regard as love.

As this concept does not fit in the language of the time, however, we can only detect it when the values that constitute love were put into practice. This occurred in extraordinarily dramatic situations connected with deprivation and disappointment. Happy, fulfilled love was not recorded in written documents. In fact, it is doubtful whether it was expressed at all. As a result, our perception is limited to dramatic cases where love was put to the test.

It so happens that the firm majority of the cases where we can perceive love concern women, as if they were more strongly emotionally involved in their relationships and were unable to cope when these relationships failed. But we should search for explanations not in the strength of emotions, but in the differences between the roles of both sexes and in the ways in which they were permitted to express and realise their desires. A man in love has traditional tools at his disposal: he invites matchmakers and, officially according to custom, asks his lover's parents for her hand in marriage. A woman can only wait for a marriage proposal, and the first person to agree to it is her male guardian (father, stepfather or brother). The actions the woman can take are informal: she can resort to persuasion, secret negotiations, gossip and, ultimately, love spells.

If a man's love is rejected, he possesses acceptable forms of expressing it. For example, he can beat his rival up. Such aggression was a way of discharging masculine emotions. If it was not quite acceptable, it was at least coldly acknowledged, as illustrated in a folk ditty recorded at the end of the eighteenth century:

⁹² Fillon 1989, pp. 317–341; Darrow 1985, p. 268.

| | |
|--|----------------------------|
| <i>Albo mnie zabiją,</i> | Either they shall kill me, |
| <i>Albo ja też kogo,</i> | Or I shall kill somebody, |
| <i>O ciebie Anusiu,</i> | Over you, Anusia, |
| <i>O ciebie, niebogo.⁹³</i> | Over you, my dear. |

But the Marynka we mentioned earlier, having been rejected by Filip, tried to commit suicide. This was a far more dramatic deed than starting brawls; moreover, it was completely rejected by the rural system of values in force at that time.⁹⁴

Obviously, love did not have to end so tragically. Agnieszka Zawadzka of Łąka was probably just as strongly engaged in a relationship with Antoni Malawski, a coachman to Count Morski. When Malawski was going away from the village with his lord, he begged Agnieszka not to marry and wait until his return. But in the meantime, other suitors vied for her hand and her parents were keen to marry her off. First she rejected a proposal from Jędrzej Piekło, even though the banns had already been announced, and her father had to pay back the suitor the money he had already invested. With Walenty Sierzęga things went much further: the date of the wedding was fixed. On the day before the wedding, which was a Saturday, Agnieszka and her sister entered the inn, where she met her beloved coachman Malawski who had just returned from his journey. Malawski ‘told her not to marry Sierzęga and to ask her parents to pay the costs, and that Antoni Malawski was prepared to wed her if only in the shirt on his back’. Believing these assurances, Agnieszka escaped from home on the wedding day and hid so well that it was impossible find her and the wedding was cancelled. This story, however, has no happy ending because Malawski did not keep his word: he resolved to marry another girl. Agnieszka’s father immediately took him to court, which ordered the coachman to pay his would-be father-in-law substantial compensation. The court’s verdict is highly significant because it placed the whole blame for the affair on Malawski, charging him with misleading the girl. To no avail were his explanations that Agnieszka had broken the principle of obedience to her father, that she had run away from home, no one knew what she had done in the meantime, and that Malawski had not promised her anything officially. The court rejected these objections. In this way, it recognised a girl’s right to fall in love carelessly and defend her love even despite the wishes of her parents.⁹⁵

⁹³ *W kalinowym lesie*, vol. 2, p. 133.

⁹⁴ Such an unheard-of crime as suicide was believed to bring misfortune upon the entire village, see: Komonieccki, *Chronografia*, p. 369 [1712] and pp. 462–463 [1715].

⁹⁵ BO 6115/III, pp. 185–190 [1794].

Finally, a third case and at the same time a third model of love in which the active party is the woman. The heroine of this tale is Agata Mardakówna of Rzędzin Stary near Tarnów, who dearly wanted to marry Wawrzyniec Galus, ‘and she did urge him publicly and did promise him as a dowry two cows, a pair of oxen etc. from her father’, but he ‘took to fancy another girl and wed her, and did not want Agata’. Their relationship, however, was more emotional than it appears from this dry account, because after they had broken up, Galus began to fear Mardakówna and when he contracted a mysterious rash, he was convinced that the rejected girl had spiked his drink during the wedding reception at Janora’s, which they both attended. To support his claim, he told a story which had happened at some earlier time:

Having got drunk in the town and come to the inn at Rzędzin to continue, when night fell he left the inn and, falling down in the grass, fell asleep. Whereupon Mardakówna, returning home from the inn with another girl and not seeing him, said these words to her companion: that Wawrzyniec Galus does not want me for a wife, but if he marries that love of his, he shall not live long. Lying drunk in the grass and asleep he did not see them, but recognised the voice of Agata complaining about him, but did not know who the other girl was.

Therefore, Galus took Agata to court for harming his health. Yet, it appears that he overestimated the strength of her feelings. She wanted to marry, but was considering other candidates. The best evidence of this is that before the wedding of Wawrzyniec Galus, she established some sort of contacts with his fiancée; so close that she asked her to help arrange a wedding with her future brother-in-law, using these words:

Because this Wawrzyniec Galus does not want me for a wife, but only you, at least compel him to persuade Piotr, his older brother, and you as well, that Piotr Galus should marry me.

So we can say that Mardakówna opposed the patriarchal system of social values in the countryside. Not only did she—a maiden and not an orphan—propose marriage to men she chose herself, but in the face of a refusal she resorted to spells, a typical feminine method of social struggle. The court, however, acted completely contrary to patriarchal logic and ruled in favour of Mardakówna, restoring her good name, and ordered Wawrzyniec Galus to apologise to her and to ‘publicly, before the entire community and in all four corners of the chamber’, recant the slander, remain in stocks for as long as Agata did while waiting for trial, and in the end perform public penance in the parish church, standing with a cross above his head during two Sunday services. We should note that the court’s verdict—in this case,

it was the general court of the entire demesne—did not seem to depend on the gender of the persons appearing, but was based on a rational consideration of the statements and evidence. Galus' evidence was seen to contain many chronological inconsistencies which undermined the integrity of his allegations. Moreover, 'the court did secretly examine the actor Wawrzyniec's body to discover any rash, which he did not have, but his skin and face were white and unblemished, whereof he justified himself that the rash is visible on him only at the new moon'. Unfortunately, the court hearing had been held immediately after the new moon, so this evidence of Agata's magic was rejected. Nevertheless, we have here a case of very strong emotional involvement by one of the parties, and were it not for the fact that one of them rejected the other, it could have developed into a marriage through love. In any case, it is quite possible that at first, the feelings of both parties were mutual, which would explain Wawrzyniec's later fear of how Agata would react to the emotional disappointment.⁹⁶

And what kind of loving wife would an anonymous unknown woman who had unsuccessfully tried to save Wojciech Stokłosa of Zabłocie, sentenced to be beheaded in Żywiec for stealing horses, putting a kerchief over his head before execution, have been? The executioner displayed no understanding for her feelings and ignored this old custom of saving the life of a convict by a maiden taking him into marriage. Yet, when removing the girl from the scaffold, the executioner struggled with her so much that he died soon afterwards because of this.⁹⁷

Finally, let us consider one more attempted but failed marriage. This time, the emotional involvement was mutual and was fulfilled to a certain extent. However, the excessively close kinship of the partners proved to be an obstacle. In 1776, Jan Michalik, reeve of Ptaszkowa (therefore probably a widower, because he would not have become a village elder if he had been unmarried), caused a 'public outrage' by 'cavorting with his relative, a step-sister, whom he insisted on marrying and did drink with her and wander around towns with her, and apparently expressed a matrimonial desire for her, and of whom certain reliable persons did report that he slept with her'. Therefore, this was a consummated relationship born of mutual feelings. We cannot fail to note the emphasis on their joint entertainment ('drank with her'), which was even excessive by rural standards ('wandering round towns'). But we do not really know how their story ends: perhaps they were granted a dispensation and legalised their union? This matter appeared in the court records because Michalik was dismissed from his post

⁹⁶ *Akta w sprawach chłopskich*, No. 69 [1756].

⁹⁷ Komonicki, *Chronografia*, p. 239 [1684].

by the manor. The affront to custom was only a marginal issue because Michalik was a stubborn reeve, 'under his office the forests did become deserted, whereas if something evil happened in the village, he did not impose punishment for it nor report it to the manor, but was himself disobedient towards the authorities of demesne', until he led the community to the brink of a 'revolt' against the manor.⁹⁸

9. MODEL OF RURAL MARRIAGE

What did it exactly mean to get married in the countryside in the seventeenth or eighteenth century? From a social angle, this provided confirmation of maturity and independence. It applied most strongly to full peasants and smallholders, where marriage usually meant taking over a farm or creating a new one. By marrying, a young man ceased to be a farmhand or employee on his father's land, but became a master himself, joining a narrow group with the greatest responsibilities but also the greatest influence in the peasant community. Likewise, a young woman getting married rose from the status of a servant to that of mistress, with all the duties and privileges this position carried. For example, married women were entitled to a different (better) seat during church services. Laura Gowing and Elizabeth Foyster have recently revealed in English sources that in folk culture in early modern times, marriage was also vital in establishing the gender identity of both men and women. Only in marriage could gender identity find confirmation and social acceptance.⁹⁹

Polish researchers into the history of peasant families before the partitions were not particularly concerned with these socio-cultural conditions of marriage. Not counting the demographic approach, the most widespread is the functional model of marriage, which has been proposed by Witold Kula and Andrzej Woźniak. Analyses of rural families in the so-called traditional culture, i.e. in post-enfranchisement times, also focus on the functions of marriage,¹⁰⁰ whereby the question of the emotional function of family already raised by Kazimierz Dobrowolski has never been expounded at length.

Therefore, to me the most interesting model of rural marriage is the sociological model created by William Thomas and Florian Znaniecki, who attempted to recreate the 'traditional system' of attitudes and values associated with marriage. Thomas and Znaniecki assumed that the mainstay of marriage

⁹⁸ *Księgi sądowe wiejskie*, No. 4188 [1776].

⁹⁹ Gowing 1996, p. 8 ff.; Foyster 1999, p. 46.

¹⁰⁰ The most important theoretical work about this model is a study by Kazimierz Dobrowolski (1966); the work of Danuta Markowska (1964 and 1976) is based on similar assumptions.

in peasant culture was the joining of two families by means of a conjugal union between their members. Such marriage remains under the permanent control of both the husband's and the wife's relatives:

The relation of husband and wife is controlled by both the united families, and husband and wife are not individuals more or less closely connected according to their personal sentiments, but group-members connected absolutely in a single way. Therefore the marriage norm is not love, but "respect," as the relation which can be controlled and reinforced by the family, and which corresponds also exactly to the situation of the other party as member of a group and representing the dignity of that group. The norm of respect from wife to husband includes obedience, fidelity, care for the husband's comfort and health; from husband to wife, good treatment, fidelity, not letting the wife do hired work if it is not indispensable. In general, neither husband nor wife ought to do anything which could lower the social standing of the other, since this would lead to a lowering of the social standing of the other's family. Affection is not explicitly included in the norm of respect, but is desirable. As to sexual love, it is a purely personal matter, is not and ought not to be socialized in any form; the family purposely ignores it, and the slightest indecency or indiscreetness with regard to sexual relations in marriage is viewed with disgust and is morally condemned.¹⁰¹

Although this sociological view in its historical dimension pertains to the second half of the nineteenth century, it nevertheless attempts to describe traditional culture, or even peasant culture in general, as a certain universal phenomenon. Much of the social imagery on marriage raised by Thomas and Znaniecki can be found in sources dating from before the partitions, which would indicate a certain stability of the peasant vision of marriage. But on the other hand, it is worth pointing out certain differences that reveal not so much in categories of valuating conjugal relations as in the personal experience that permitted such valuation. The historian is mostly interested in the things that change with the passing of time, therefore the Thomas-Znaniecki model is a good starting point for a retrogressive examination of the social view of marriage in rural communities in the seventeenth and eighteenth centuries.

Let us begin, however, with the objective prerequisites for peasant marriages revealed by historical demography. A great service rendered by this discipline is that it has overthrown the myth that men and women got married very young during the pre-industrial age. This myth emerged on the one hand from the findings of law historians on the subject of canonical law, which allowed girls aged 12 and boys aged 14 to marry, and on the other hand from an extension to the whole of society of the standards applicable

¹⁰¹ Thomas and Znaniecki 1918–1920, vol. 1, p. 90.

to royal and ducal families, and the upper aristocracy. Demographic research based on parish registers has shown that for most societies in the West, the great age gap between the attainment of puberty (estimated for women to be about 16 years of age in the eighteenth century¹⁰²) and the first marriage was usual. Depending on local circumstances, women stood before the marriage altar usually at between 20 and 24 years of age, and men between 25 and 29 years of age. Such a late age of marriage is usually explained by the fact that in order to set up a family, it was necessary to have complete crafts or agricultural workshop, which had to be either taken over from parents or purchased with savings.¹⁰³

Demographic research into the Polish countryside shows that its marriage patterns generally belonged to the western European model, only the age for getting married was a little lower. According to Irena Gieysztorowa, in Poland two patterns for getting married can be distinguished: the western one, where the newlyweds were aged 25–29 in the case of men and 20–24 in the case of women; and the eastern one, where the average age for getting married was 25 and 20 respectively.¹⁰⁴ This is confirmed by detailed examinations of marriage registers in individual villages. Edmund Piasecki has determined that in the parish of Bejsce in Małopolska, the average age of newlyweds in the second half of the eighteenth century fluctuated between 25.4 and 26.8 (men) and between 19.3 and 21.3 (women).¹⁰⁵ Marek Górny's examination of records dating from 1721 to 1800 in the parish of Szaradowo in Pałuki provides a similar result: men married for the first time at the age of 27.4 and women at the age of 21.9.¹⁰⁶ An examination of the parish records of Raciborowice near Krakow by Mateusz Wyzga reveals that from 1741 to 1750, the average age of a man getting married for the first time was 25.73, and that of a woman 20.44.¹⁰⁷ As we can see, the regional differences were not all that great and were probably not the result of different social practices.

Thus, the people getting married were already mature, with several years of adulthood and life experiences behind them. They had at least 20 years of a joint life ahead of them,¹⁰⁸ but because of the relatively high mortality

¹⁰² Laslett 1971, p. 233; Shorter 1975, pp. 293–294 (fn. 9); Shorter 1981.

¹⁰³ Cf. Gillis 1985, p. 13; Górny 1994, pp. 115–116; Kuklo 2009, pp. 279–280.

¹⁰⁴ Gieysztorowa 1979, p. 166.

¹⁰⁵ Piasecki 1975, p. 73.

¹⁰⁶ Górny 1996, p. 77.

¹⁰⁷ Wyzga 2011a, p. 175; Wyzga 2011b, p. 256.

¹⁰⁸ Kuklo 2009, p. 285. Zbigniew Kwaśny believes that in rural areas in Upper Silesia in the 18th century, a marriage of full peasants (*kmiecie*) lasted almost 28 years on average, and a marriage of cottagers (*chalupnicy*) 26, see: Kwaśny 1995, p. 26. Twenty-six years was the average

rate, second marriages were quite frequent. Edmund Piasecki has calculated that in the parish of Bejsce, each man had an average of 1.5 marriages and each woman 1.2,¹⁰⁹ which might mean that on average, every other man and every fifth woman married for a second time.

10. LOVE, FRIENDSHIP, LIKING, AND FAVOUR

‘The marriage norm is not love, but *respect*’, wrote Thomas and Znaniecki. This says more about the bourgeois culture of the first half of the twentieth century, to which both authors belonged, than it does about peasant customs. The model of marriage involving romantic love between a man and a woman became a typical feature of Western civilization in the nineteenth century, propagated especially by the bourgeois class. This model is believed to have been shaped by various factors such as a reevaluation of marriage in Protestant theology, especially Puritan practice in this regard, an enhancement of the status of the nuclear family versus kin structures, and the sexualisation of gender roles.¹¹⁰ One of the key issues here was the creation, in the eighteenth century, of a suitable language with which sentiments of marital love could be expressed. In the French countryside, this type of language appeared towards the end of the eighteenth century and, according to Anne Fillon, enabled the rural weaver Louis Simon to describe his love for his wife in a sentimental manner.¹¹¹

This does not mean that there had been no talk at all of marital love in rural areas earlier. However, as Martine Segalen stressed, ‘love’ meant something different to rural societies than it did to nineteenth century ethnologists.¹¹² During early modern times, the ‘peasant concept’ of love did not differ greatly from the views of other social groups on this subject. Marital love was viewed not as a sentiment, which made the basis for the establishment of a formal relationship, and which then consolidated this relationship and imparted sense to living together. According to early modern imagery, the sequence and hierarchy were opposite: love resulted

duration of a marriage in the parish of Raciborowice in the 18th century, as determined by Mateusz Wyzga (2011a, p. 175; 2011b, p. 255). In the parish of Bejsce in Małopolska, first marriages concluded from 1801 to 1810 lasted 20–22 years on average (obviously, repeated marriages were correspondingly shorter), see: Piasecki 1991, pp. 153–154, table V.11 and V.12.

¹⁰⁹ Piasecki 1983, p. 101.

¹¹⁰ See: Macfarlane 1986; Schnell 2002; Daumas 2004; Jarzebowski 2014.

¹¹¹ Fillon 1989, p. 317 ff.

¹¹² Segalen 1986, p. 131.

from marriage; it was somehow encoded in the institution of marriage and was supposed to manifest itself if not straight after the wedding, then later during the course of the relationship.¹¹³

Of course, such love was not expressed in the romantic terms to which literature has acclimatised us. It was more similar to the ‘respect’ (*szacunek*) which the peasant interlocutors of Thomas and Znaniński talked about at the beginning of the twentieth century. Two centuries earlier, it had been described by the words ‘love’ (*miłość*), and more often ‘friendship’ (*przyjaźń*).¹¹⁴

In any case, the concept of love was referred to reluctantly, for love was not an intimate matter like it is today, but a public feeling because it was one of the principles of Christian interpersonal relationships. Thus, rather than marital love, sources talk more often of parental love, love of one’s relatives and neighbours, and even love towards fellow Christians in general. It was associated with the official character of the terminology connected with love that appeared in legal documents as a kind of religious reference, for God was considered the source of love. On the other hand, feelings during marriage were very rarely discussed, or at any rate very rarely written about. If a marriage fulfilled the standard of love on a daily basis, there was no reason to express those feelings in writing. Some testaments were an exception. They used terms like: ‘harbouring the mutual love of one towards the other’ (*będąc miłością zobopólną jedno przeciwko drugiemu poruszeni*),¹¹⁵ concerning relationships between spouses. But such expressions do not appear in formulary of standard rural wills. They were probably used only when it was necessary to provide additional explanations for an inheritance under a will. For example, they were used particularly frequently in settlements regarding the property of marriages where there was no biological heir.

Therefore, writing about love may be seen as a kind of inability to express feelings about a spouse, since people resorted to the religious concept which concerned the public sphere. Nevertheless, there were attempts to use other terms that possessed weaker connotations. That is probably the reason why the term ‘marital friendship’ (*przyjaźń małżeńska*) appears so frequently in sources.¹¹⁶ It should be added, however, that in its reflections on marriage, the Church usually takes marriage to mean friendship (in Latin: *amicitia*).¹¹⁷

¹¹³ Cf. Beck 2001, p. 151; Kietäväinen-Sirén 2011, p. 59.

¹¹⁴ Cf. Fillon 1989, pp. 127–129.

¹¹⁵ BPAU/PAN 3910, fol. 88v–89 [1582]; see also: BJ 909, fol. 19v [1695]; AGAD Zbiór Branicznych z Suchej 79/98, p. 432 [1737].

¹¹⁶ APR Akta Gminy Błazowej 107, p. 270 [1683]; AGAD Księgi wiejskie: Akta samorządu-sądu wsi Rogi, fol. 457v [1704]; BPAU/PAN 7118, p. 171 [1761]; BPAU/PAN 2552, fol. 47v–48 [1777]; *Księgi sądowe klucza łackiego*, No. 660 [1726].

¹¹⁷ Schnell 2002, p. 158 ff.

The rural population no doubt heard this from the church pulpit, and in their opinion it probably reflected the relationship between spouses better than the word ‘love’.

Stronger emotions, albeit within certain constraints, were expressed by the term ‘liking’ (*upodobanie*). The verb form of this, *upodobać sobie kogoś* (to take a liking to someone), signified an active attitude towards someone else, bestowing feelings on that person and at the same time an admission that it was worth entering into a relationship with him or her.¹¹⁸

Finally, in exceptional cases the term ‘favour’ (*przychylność*) was used to describe the relationship that joined spouses.¹¹⁹ This may seem an inadequate term to describe a relationship, and seems to downplay it altogether, but it also represented the strongest individual feelings towards a spouse outside the stiff formal language of civil law records.

Whatever we call them—respect, love, friendship or liking—the feelings between spouses were fulfilled in deeds, in mutual conduct and in the way in which the couple presented their relationship to the outside world. We can discover the standards for doing so from written sources that describe breaches of these standards, for only when standards were broken did they become a subject of interest to the authorities and were subsequently described in the files.

11. SOLIDARITY AND RESPECT

One of the clearest forms of marital love in the countryside was solidarity in labour. Running a farm was the business of both man and wife. Effort, skill and cooperation were required of both of them. A harmonious and conscientious performance of duties, agreement regarding the priority of expenditures and savings, and co-responsibility for the condition of the farm were a sign of mutual love. A loving marriage in an economic dimension was a union worthy of trust, formed of partners who understood each other very well.

Of course, leadership of the farm was assigned to the man, but more was expected of the woman than would appear from her subservient position. A failure to establish an efficiently functioning ‘union’ signified the practical break-up of the marriage. Wojciech Kłapka of Lipnica Górna, having married Teresa Gerpełka, bought a farm from her father for which he paid 70 zlotys. However, ‘he has no friendship from this wife, nor housekeeping; he could

¹¹⁸ For example, TsDIAUL 142/1, vol. 2, p. 486 [1678]; BPAU/PAN 1875, p. 843 [1735]; *Księgi sądowe wiejskie*, No. 7030 [1740]; *Akta w sprawach chłopskich*, No. 69 [1756].

¹¹⁹ ANK F. 227, fol. [24] [1779] and BPAU/PAN 3911, p. 7 [1790].

not bear for shame and even left her several times, so being unable to bear her misdeeds, he gave over this landholding to the laborious Paweł Wiecheć with these buildings for the same sum for which it had been bought from Wojciech Gorpel'. Kłapka was so desperate that he sold the farm fully sown and before the harvest, being unable to 'come to any beginning or end with his wife', so he was afraid that he would lose everything 'because of this wife he cannot run a farm'.¹²⁰

A marriage devoid of economic solidarity could develop into real hell, as shown by the testament of Zofia Breszowska of Krzeszowice, who even doubted whether her husband would care for her body and soul after her death. The eight years of her marriage were certainly not happy ones. Coming from a poor family, she spent many years (apparently 30) in service, until she saved a little money and resolved to marry, thus altering her social status:

I wanted to rest after my heavy toil. But the Lord God deigned to punish me for my sins in that I entered into great misery because my husband only took me because he expected great money from me, although I did keep telling him I did not have money save for the meagre items I had from my service such as dresses, white kerchiefs and other sundries, whereas he did say he did not believe me but expected me to have a lot of money from such long service and thus did I suffer greatly with him.

The economic union in this marriage virtually collapsed to such a degree that she reported that:

I poor woman did have to buy bread for he bought nothing, neither for lunch nor for dinner; and if he bought anything he went into a corner and ate there alone, while I had to feed myself and his children.

When she fell ill she feared that 'not having any help from any one she should die miserably'. Instead of being an established housemistress, she again had to find work with strangers:

Having returned to health I again had to go and do service—together with him. But what benefit did I have from this if instead of helping me he spent more time in the town of Olkusz than at the farm, which he had undertaken to manage, and I had to perform all the work for him and for his children, while he did amuse himself solely with entertainments, and if he stayed for a week instead of help he only caused harm which I had to swallow and bear trouble from my master.

¹²⁰ BPAU/PAN 7118, pp. 361–362 [1774].

In the end, the union indeed collapsed completely:

Asked by the authority whether she had anything in particular to give back to her husband, she replied: I have nothing to give and nothing to give it for, because when leaving me in my present illness he pushed me so that I fell and acquired more pain, and he did say if the devil does not take you I will finish you myself and did wave his fists at me.¹²¹

It was the husband's duty to ensure that there was enough to eat at home. Hunger caused by his bad management or neglect put a question mark over the marriage. A wife who had nothing with which to prepare meals felt entitled to reject her husband.¹²² In 1701, Grzegorz Pokratka of Czukiew found a job as a coachman and left his newlywed wife for six weeks, also leaving his children from his previous marriage in her care. He did not, however, leave her sufficient food or fuel (it was winter). Therefore, she left the house (and the children) and went back to her father. Of course, the village condemned her for leaving her stepchildren to their fate, but censured Pokratka even more severely for 'leaving his wife and his own children for so long and in such poverty'.¹²³

If it was the husband's duty to provide resources, it was the wife's duty to manage them rationally. Krzysztof Bartog, a prosperous peasant from Błażowa, quarrelled with his wife 'for instead of preserving the fruits of her husband's work, she did squander resources while he was away, organising parties and inviting musicians into the home. He discovered the truth when he returned, knowing what he had left, such as corn and butter, all of which had gone'. It transpired that during his absence, his wife led quite an active social life with neighbours and relatives, using up the household stocks of food. The husband interpreted this frivolity as a clear breach of the standards of marital co-existence.¹²⁴

Normal marital relationships also required that a spouse be treated suitably. Getting married was always a type of social advancement, from whatever level. Rural society sanctioned such change, therefore it had to be reflected in the marital relationship. In 1778, Marianna Wyśmierska of Nawojowa packed her bags while her husband was away and ran away from home. She was stopped on the way, however, and referred to the manorial court, which investigated the matter and decided that the reason for her desertion was the fact that her husband, Sebastian Wyśmierski, 'treated her like

¹²¹ ANK IT 229d, pp. 52–56 [1651].

¹²² See, e.g., BO 6115/III, pp. 241–242 [1797].

¹²³ TsDIAUL 142/1, vol. 5, p. 225 (from the back) [1701].

¹²⁴ APR Akta Gminy Błażowej 99, pp. 10–12 [1746].

a servant'. While not expressing approval of her departure, the court ordered Wyśmierski to treat his wife properly and urged her to complain if this should ever happen again.¹²⁵ Similarly, In the demesne of Sucha Katarzyna Swierkoszowska beat her second husband, Krzysztof Stachowiak, 'treating him like a farmhand and not as a husband [...] forcing him to do various kinds of work, did not let him sleep with her and, according to her own statements, did look upon other men'. In this case, the breach of social norms was so serious that the court threatened Katarzyna with the death penalty if she 'argued with her husband and failed to respect and love him'. However, said the court, Krzysztof Stachowiak 'should live with his wife, complain about her if she fails to listen to him, and should not beat her but live with her in harmony'.¹²⁶

Marital solidarity also involved preserving a spouse's good name. In Dębniaki near Nowa Góra in 1687, Anna, wife of Matyjasz Kupczyński, publicly accused her husband of burning down a certain burgher's barn. As this was a very serious charge, Kupczyński was questioned by the court of Nowa Góra, but fortunately he was able to prove his innocence. His wife admitted that she had accused him out of anger, whereupon the court sentenced her to be whipped and expelled from the village. Her husband did not want to accompany her, so she left on her own.¹²⁷ Clearly, neither party believed in this marriage. But occasionally a person expelled or escaped from a village was accompanied by his or her spouse in keeping with the principle of solidarity in the face of misfortune, even when a particularly disgusting crime had been committed. In Spytkowice in 1773, Jan Tomczyk was followed by his wife and child, leaving their farm behind, even though the husband had been found guilty of adultery and incest with a female cousin.¹²⁸

12. MARITAL ARGUMENTS

A marriage collapsed only in exceptional cases (see Chapter II.17 below). The spouses usually had to tolerate each other, and sources mention only scandals that shook the entire village community, such as the court decision in the case of Tomasz and Regina Lelon mentioned in the village register of Tyniec in 1782:

¹²⁵ ANK F. 227, fol. [19] [1778].

¹²⁶ *Księgi sądowe wiejskie*, No. 4654 [1701].

¹²⁷ ANK IT 229b, pp. 138–140 [1687].

¹²⁸ BJ 5317, pp. 339–340 [1773]; see: Kracik 1983, p. 182.

This was an old marriage yet living in constant discord, always complaints, always arguing and fighting between them; several times they were ordered to live in harmony but nothing helped, whereupon as of this day we decree that should they continue to live in discord they shall each Friday be subject to ten strokes during the court session.¹²⁹

Obviously, the village had had enough of their quarrelling.

The disharmony of a single marriage sometimes seriously disturbed the life of the whole village. Regina and Wojciech Firlej, 'not wishing to live in harmony', first sold their farm, but later 'again re-established friendship', and the purchaser of the farm, Kasper Kierczak, was obliged to return the farm to them on a decree by the village reeve. 'And they did bear the farm for three years until again matrimonial discord set in and the farm fell into disuse. They neglected the house and cut down the trees in the garden although it was fresh'; therefore, under pressure from the village authorities they again transferred the farm to Kierczak. Thus, their rows became a public issue regarding ownership and management over the farm, but the village authority was probably mainly concerned about the payment of tithes and taxes.¹³⁰

On a personal level, excessive quarrelling meant a breach of the principles of conjugal love, especially when the conflict between the couple and their behaviour were made public. The entire village knew about the Głaszczyńskis of Jazowsko demesne and that 'they quarrel regularly, beat each other, swear, etc'. The case was referred to a court when Głaszczyńska 'attacked him [her husband] and hit him in the face in the presence of people', whilst he did thrash her with a walking stick and an earthenware pot.¹³¹

We will return later to the question of lawful or unlawful violence between marriage partners. For the time being, we should note that marital conflicts often reflected not so much the mutual feelings of the man and wife as the relationships between their families. After all, a peasant marriage did not exist in a social vacuum: it was subject to constant control and influence from the relatives of both spouses. Although such situation could give rise to conflicts, it nevertheless allowed the spouses to balance their positions in the marriage. The husband's traditional dominance, based on legal privilege and physical force, was softened by the wife's father or bothers, who felt obliged to intervene in her defence. Nevertheless, the husband's family also tried to regulate his marriage relationships. Petro Bilicki of Strzelbice complained that his wife 'lives badly with him and there are frequent arguments and misunderstandings, as if encouraged by her parents', and

¹²⁹ *Księgi sądowe wiejskie*, No. 7257 [1782].

¹³⁰ ANK IT 210, p. 284 [1701].

¹³¹ *Księgi sądowe klucza jazowskiego*, No. 168 [1741].

when ‘he wanted to punish his wife and her parents heard of this, they did beat their son-in-law, and the summoned parties did explain that this is the fault of my son-in-law’s mother who induced her son to quarrel with his wife, therefore they do live in discord’. Clearly, this marriage was a hotbed of conflict between the parents of both spouses.¹³²

Let us take a closer look at the marital problems of Józef and Zofia Apostoł of Tyniec, because in their case virtually every principle of marital respect and good co-existence was violated. They argued for two years until the matter ended up before the village bench, submitted by Zofia. The bench ruled that Józef was to blame for the marital disharmony,

Because he shut everything away from his wife, giving her only food (but it was not proved that she had ever anything taken away from home), nor giving her any food for her child, but merely complaining that you scoundrel do hide before me and eat in secrecy.¹³³

So here we have a typical case of the wife being treated badly due to suspicions about running the household and the husband not providing food for his wife and child. In addition, he beat his wife excessively and even threatened to murder her (‘he promises to drown her’, ‘he often says that I will kill you, you scoundrel’), so it is no wonder that Apostoł was sentenced to be whipped and to perform two days of hard labour, and was warned that if he should continue to mistreat his wife, he would be drafted into the army.¹³⁴ (This episode occurred in that part of Poland partitioned by Austria, so the local authorities were obliged to choose peasants who were subjected to military service.)

During the same period, the court of Tyniec considered another case of marital discord between different Apostołs: Mateusz and Franciszka. In 1784, Franciszka’s father, Jakub Adamiec, brought a charge against Mateusz for ‘treating his wife in a tyrannical manner [...], beating her while pregnant’.¹³⁵ The court ordered the couple to make peace, but clearly failed to resolve the dispute because two years later, the father-in-law again accused Mateusz Apostoł of ‘unjustly beating his wife, almost every day, and always driving her out in winter’, in addition to which he publicly shamed his wife by saying that the child in her womb ‘is not mine, but communal’, being convinced that she had had relations with other men. And in this case as well the court came out in the wife’s defence, sentencing Mateusz Apostoł

¹³² NBLNU 555/III, fol. 196v–197v [1766].

¹³³ *Księgi sądowe wiejskie*, No. 7292 [1786].

¹³⁴ *Ibid.*

¹³⁵ *Ibid.*, No. 7275 [1784].

to be whipped and threatening him with criminal court if he should commit a similar offence again.¹³⁶

The picture of Franciszka as the victim of a brutal husband, however, contains a certain crack, at least in the eyes of the Tyniec bench. Whenever there was an argument, she usually went to live with her father, where ‘she did entertain herself, neglecting her household’, whilst her father ‘listened to her tales, and did motivate her to oppose her husband’.¹³⁷ Of course, it is no surprise that Franciszka escaped to her parents when her husband mistreated her—this was common among young spouses—nevertheless it was viewed askance by the rural community, as in the case of Zofia Wielowska of the demesne of Jazowsko:

who leaves her husband and goes to her mother for petty reasons and remains there for several weeks and does leave her small child, forgetting her vow that she will not leave her husband till death us do part, etc, and although even a beast does not forget its breed, nevertheless she does dare to leave both husband and child, which is against nature.¹³⁸

By moving away from her husband to her parents, a wife undermined the very meaning and permanence of marriage, and broke the vow of marital obedience. For this reason, rural societies preferred conflicts to be resolved by a village tribunal, not by the family, and encouraged mistreated wives to file complaints against their husbands. But there is no doubt that village judges, when considering cases involving their own daughters or sisters, resorted to unofficial but more effective solutions: pressure from the family.

13. VIOLENCE

Beating a wife was completely normal in marital relationships in rural areas before the partitions. It was not so much a designator of relationships between the genders as a manner of communication between people on different rungs of the social ladder. The nobleman or estate manager beat the peasant, the peasant beat his wife, and the wife and husband together beat their children and servants. There was nothing exceptional about this unless the hierarchy of beating was broken, i.e. unless a child hit its parents, a wife hit her husband or a peasant hit his lord. In the case of beating wives, there were also certain limits which could not be exceeded.

¹³⁶ Ibid., No. 7297 [1786].

¹³⁷ Ibid., No. 7300 [1787].

¹³⁸ *Księgi sądowe klucza jazowskiego*, No. 182 [1742].

Essentially, no weapons or implements could be used (if one was used at all, then just a thin stick), and there could be neither internal injuries nor bloodshed.¹³⁹

A man was supposed to exercise control over the residents of the household and correct their behaviour. The simplest way to do so was to use his fists. All rural authorities made sure that the social order was not broken in this regard. In 1756, in a village belonging to the cathedral of Krakow, a bench found Katarzyna, wife of Jakub Prawda, guilty of causing ‘arguments and disturbances because these come mainly from Jakub’s wife and daughter, whose mother does not allow her husband any punishment whereas the father wishes to punish the daughter for some offence, as fathers do, but instead of hitting the children, the wife does beat her husband’. The tribunal had to take the matter into its own hands and sentence Katarzyna to 50 strokes of the birch. Her husband Jakub, however, was also sentenced to be whipped because ‘as head of the family and his wife’s master, he cannot or will not exercise paternal authority where necessary’, and his closest neighbours were told to report to the court any further violations of gender hierarchy in the home of the Prawdas.¹⁴⁰

This does not mean that husbands were allowed to beat their wives as much as they wanted. As noted above, the courts defended women who had been excessively mistreated according to the standards of the day. In drastic cases, a court could even deprive a husband of the right to punish his wife, ‘even if she deserved it’, as in the case of Kasper Kulczak of Tarnawa, who apparently ‘thrashed his wife with deadly blows and in the end chased her from the house’. In the event of conflicts, the court allowed him to complain about his wife to the authorities, but nothing more, ‘when he himself had no indulgence in punishing her’.¹⁴¹ Occasionally the manor intervened, as in the case of Jakub Zabiciel of the demesne of Gorajec, whom ‘the administrator gave fifty strokes of the birch for mistreating his wife’.¹⁴²

A woman’s family, however, provided the best control if her husband abused his right to beat his wife. In Czukiew in 1728, Matyjasz Łukawiecki complained about Jakub Bosko, in whose house he lived as a tenant, that

¹³⁹ Cf. Śliwa 1964, pp. 147–148; Amussen 1994, pp. 77 and 82; Foyster 2005, pp. 39–46; Nolde 2005 and Nolde 2008; Liliequist 2011.

¹⁴⁰ *Księgi sądowe wiejskie*, No. 7187 [1756]. Cf. Also the punishment of other masters suspected of not introducing sufficient discipline in their households: TsDIAUL 53/1, vol. 1, p. 63 [1708]; APT ASD 6, fol. 126 (330) [1755].

¹⁴¹ AGAD Zbiór Branickich z Sucheń 79/98, p. 469 [1751]; cf. ANK HGZ 137, p. 26 [1788], where a husband who used excessive violence could be deprived of his farm if he repeated his crime.

¹⁴² APL AOZ 1627, fol. 43v [1768].

when he once ‘beat his wife for being disobedient’, Bosko hit him. Bosko explained that:

It is true that I as master did start the work that I was bound to do, whereupon he [Łukawiecki] did also begin to spin the yarn when his wife said to him as to a husband: You are putting father’s yarn with your own yet the yarn is not like ours for it is thinner and the spindle shorter, whereupon he did set upon his wife and did hit her in the face and grab her hair, and she did cry: uncle do not suffer this for he shall yet kill me, and I did pull her away from him. [...] Amidst this shouting, I grabbed him by the head and said: depart from my house, do not make any more noise here.¹⁴³

Needless to say, rural public opinion tolerated arguments and a ‘normal’ beating of wives to a considerable degree. Only occasionally do we discover from sources what this looked like, when someone from outside suffered as a result of marital violence. For example, Marcin Marchlik of Starogród demesne ‘beat his wife and chased her around the garden because the children were crying, and during this time he was drunk’.¹⁴⁴ In Rajbrot, however:

Antoni Łyszczarz, having been on Ash Wednesday at the inn, came home and did commence his usual beating of his wife and noisemaking, going so far that his wife ran away to the house of the said [Helźbieta] Kowalka, and did shriek outside her house demanding help from her, whereupon she did take her unto the chamber, whereupon Łyszczarz did also enter the house of Kowalka and there did promptly make much noise, and beat his wife, as well as Kowalka and her daughter.¹⁴⁵

From the evidence provided by witnesses, it emerges that the threshold of tolerance for beating a wife was very high. Franciszek Wilk of Niedźwiadka near Głogów Małopolski saw how his employer Wojciech Niezgoda ‘held his wife by the head with one hand and with the other hit her’.¹⁴⁶ Matyjasz Łukawiecki of Czukiew, whom was mentioned earlier, wound his wife’s hair around his hand to stop her from escaping and hit her in the ribs. Such treatment of wives occasionally led to attempted suicide. In Kasina in 1632, Błażejowa Strzyżowa wanted to hang herself because her husband had beaten her, but her mistress saved her from suicide at the last moment.¹⁴⁷ Although we do not know to what degree her husband tormented her, following this incident the rural court ruled that her husband had gone too

¹⁴³ TsDIAUL 142/1, vol. 7, pp. 231–233 (from the back) [1728].

¹⁴⁴ APT ASD 1, p. 516 [1733].

¹⁴⁵ ANK Dep. MS 268, pp. 88–89 [1756].

¹⁴⁶ APR Akta m. Głogowa Małopolskiego 5, p. 317 [1787].

¹⁴⁷ *Księgi sądowe wiejskie*, No. 3134 [1632].

far. It is difficult to establish the cultural limits of the tolerance of battered wives, but the most drastic case known to me occurred in a small town, Rohatyń to be exact. According to a witness, a certain Jacio Stiazakowy 'led his wife to the pigsty, bound her hand and foot to a post, and beat her, and she did say: beat me as much as you want but do not shout at me lest people come running to wonder'. Apparently he beat her often and his wife bore this humbly.¹⁴⁸

If battered wives found no support either in the law or in the family (and they usually did not find any support if the beating had been 'moderate' or 'justified'), they could resort only to the typical weapon of weak people: magic spells. It is surprising that much evidence in cases involving alleged witches talks of marital violence for which the wife exacted revenge in the form of spells, at least in her imagination during interrogation. For example, Reina Kowalka of Popielewo, accused of witchcraft by the court of Kleczew during a field session in 1693, confessed that: 'I did cast a spell upon my husband which destroyed four of his cattle because he beat me'.¹⁴⁹ Almost fifty years later, Jadwiga Marcinkowa of Wilczyn told the same court that 'I did administer to my husband a powder and he did become as dry as a twig because he beat me'.¹⁵⁰ Alleged witch Barbara Jewionka of Bochnia apparently took it upon herself to exact vengeance for harm suffered by local women. A certain Katarzyna Poruczniczka related that when she was angry at her husband:

Thus unfortunate woman, Jewionka, came to me and said: [...] you see me, a poor woman, yet I know and see many things that happen. And I had heard that she was a real sorceress. And she told me—I do not know whether she had heard this from the devil or what—that my husband would kill me and was searching for a weapon to use, because she had been pouring wax and could see the weapon, whereupon I said it is to no avail for I have already suffered from his hands.

When her husband, however, beat her so much that she had to escape to a neighbour's house, she remembered Jewionka and asked her for help. The witch gave her 'something red and squashed in a mug' to be mixed with beer. And they were 'tiny worms with tails, and other green and algal ones, which can be found in old ponds. She told me to heat them with the beer, then drain the worms and give him the beer to drink. She also brought red mushrooms and live worms. She said I should mix all this with beer and barley groats, and he became ill because of it. [...] And before she told me

¹⁴⁸ TsDIAUL 42/1, vol. 1, p. 543 [1692].

¹⁴⁹ PTPN 859, fol. 113v [1693].

¹⁵⁰ *Ibid.*, fol. 92v–93 [1738].

that the worms would live and the mushrooms grow inside him, and he was very sick from this'. Nevertheless, Poruczniczka's husband somehow survived all this, so in the end the plotters put rat poison in his beer.¹⁵¹ It should be noted that Poruczniczka was not the only battered wife to be saved from her husband by Jewionka. Out of the evidence provided by her, the court of Wiśnicz proved one more case of the murder of a husband by his wife. No doubt a major part of these crimes occurred only in the imaginations of the persons accused, but these fantasies show that domestic violence, even if within then accepted limits, fuelled the need for vengeance.¹⁵²

14. SEXUAL LIFE

We have virtually no sources telling us what the sex lives of marriage partners were like. This was never a subject of interest to rural communities, who glossed over it as if they never noticed it.¹⁵³ This is odd because sexual intercourse had to take place almost in public. Rural huts had one room, two at the most. In a single room slept the man and wife, their children, servants, and sometimes even some tenants—who might also have been a married couple. In such conditions, there was no question of intimacy. We have descriptions of situations where the man and woman sought privacy either by shutting themselves in a closed space or going to a place seldom frequented, such as an attic. But all such cases involved illegal sexual relations, premarital or extramarital. It seems as if any attempt to escape the eyes of other people meant a desire to commit an offence against morals. But this picture may be distorted by the complete ban on talking about marital sexual life. It is possible that a married couple also sought privacy in this way, except that no one paid any attention to it, or in any case no one talked about it. On the other hand, seeking privacy in attics, barns and other such locations was not in keeping with the social status of a married couple, for they possessed a piece of furniture clearly associated with marital sex life: a bed. The question is whether every rural couple really did have a bed, or rather paillasse only, but this is not the most important matter here, for a bed tended to be understood as the symbolic location of marital sex. This association was so strong that if for some reason one of the partners slept somewhere else, the marriage was suspected of having fallen apart. Thus,

¹⁵¹ *Acta maleficorum Wisniciae*, pp. 224–225 [1659].

¹⁵² Cf. Desaive 1987, p. 124.

¹⁵³ Cf. Remarks by Jonas Frykman and Orvar Löfgren about this atmosphere of silence concerning the sex lives of Swedish peasants at the turn of the 20th century, in Frykman and Löfgren 1987, pp. 209–211.

a man and wife should 'lie where necessary – whether in a chamber or other room – wherever they like', as long as they are together.¹⁵⁴

We can suspect that intimate marital life took place almost in public. An effort was made at discretion, but even so, involuntary witnesses were expected not to notice what went on in a marital bed at night, when darkness assured a minimum of privacy in a room full of household residents.¹⁵⁵ In exceptionally rare circumstances, reports on observations of a married couple having sex were based on hearing, not seeing. In his handbook on confession, Father Marcin Nowakowski suggests that a maiden be asked: 'Did you not **hear** [emphasis mine – T.W.] what the man and wife said or did while they slept together?'.¹⁵⁶ In a coarse folk ditty noted by Adam Kęmpski in the 1720s, the sense of hearing also plays the main role:

| | |
|--|-------------------------------|
| <i>Komora się rozstękała,</i> | The chamber did make a noise, |
| <i>Łóżko nie może.</i> | The bed cannot. |
| <i>Pierzyn[a] się rozigrała,</i> | The bedclothes did move |
| <i>Już tam niedobrze.</i> ¹⁵⁷ | Something is not right. |

Noises and movements of the bedclothes were no doubt noted by the curious. It was not right to talk about this, but in essence there was nothing to talk about because this behaviour was quite normal and typical for married people, as illustrated by another verse of folk provenance:

| | |
|--|-------------------------|
| <i>Chatupecka niska,</i> | The hut is low, |
| <i>Ojciec matkę ściska,</i> | Father squeezes mother, |
| <i>I my tak będziemy,</i> | That is how we will be |
| <i>Jak się pozeniemy.</i> ¹⁵⁸ | When we get married. |

One should note that in the nineteenth century, as noted in ethnographical records, peasants still did not regard sexual behaviour, at least its socially acceptable form, in terms of sin. According to Dobrosława Wężowicz-Ziółkowska, peasants believed that 'sex is not an affront to God's order, on the contrary it is a confirmation thereof'.¹⁵⁹

As mentioned above, we have practically no information about the sexual lives of married couples. The information we do have is about exceptional circumstances: either very rare breaches of the norm, or extra-marital

¹⁵⁴ ANK Dep. MS 59, pp. 236–237 [1764].

¹⁵⁵ Cf. Laslett 1983, p. 180.

¹⁵⁶ Nowakowski, *Przewodnik miłosierny*, pp. 65–66.

¹⁵⁷ *W kalinowym lesie*, vol. 2, p. 54.

¹⁵⁸ *Ibid.*, vol. 2, p. 83.

¹⁵⁹ Wężowicz-Ziółkowska 1991b, pp. 150–151.

adventures. Nevertheless, on the basis of these we can attempt to recreate the standard of sexual activity in the countryside. Marital sex probably differed from extra-marital sex only in external circumstances.

What was actual sex like? We can surmise with a high degree of probability that it was mostly performed in the missionary position, lying down, face to face, with the woman lying on her back. Not only is this the most popular position for sex in European culture, but it is the one most often quoted in sources, for example in statements from witnesses on the subject of adultery. This does not mean that this was the only known and recognised position, and the only one regarded as natural. Sources also record sex in an upright position,¹⁶⁰ and Zbigniew Kuchowicz has suggested that other positions may also have been known, especially those imitating the sexual behaviour of animals.¹⁶¹

Of other sexual techniques, *coitus interruptus* was known and practised primarily as a method of contraception.¹⁶² There is also no lack of evidence of the popularity of oral-genital techniques, which are mentioned more often in folk literature than in court records.¹⁶³ As far as anal sex is concerned, information is unusually meagre. This practice was often associated with certain ethnic groups in order to discredit them, for example Jews and the Uniate (mostly Ukrainian) clergy. This shows that it was viewed in negative terms. But on the other hand, as Zbigniew Kuchowicz correctly noted, it also shows that this sexual practice was generally known.¹⁶⁴

Numerous sources talk of an excessive brutality of sexual behaviour among peasants, noted even by members of the nobility who themselves could not be described as possessing inborn gentleness. The noble poet of seventeenth century Waclaw Potocki wrote that 'peasants thrash their wives with sticks while making love'.¹⁶⁵ The miller Wojciech Sroka from the village of Łęka near Nowy Sącz explained that he killed his wife quite by accident because 'when she lay next to me on the bed she did not wish to succumb to her marital duty. Thus I got angry, hit her on the breast with my fist and she promptly fainted; I did not notice this and, resting my senses, did fall asleep'.¹⁶⁶ A soldier stationed near Krakow in 1742 is said to have asked his

¹⁶⁰ ANK Dep. MS 100, p. 63 [1756]; *Acta Nigra Maleficorum Wisniciae*, p. 153 [1784].

¹⁶¹ Kuchowicz 1992, p. 291.

¹⁶² ANK Dep. MS 100, p. 159 [1758]; APT ASD 7, fol. 369v [1757], see also: *ibid.*, fol. 106 [1755], where 'thigh sex' may have been meant.

¹⁶³ *W kalinowym lesie*, vol. 2, p. 50; APT ASD 7, fol. 345 [1757]; cf. Kuchowicz 1992, pp. 290–291.

¹⁶⁴ Kuchowicz 1992, pp. 321–322.

¹⁶⁵ Potocki, *Ogród fraszek*, vol. 1, p. 141.

¹⁶⁶ ANK AD 116, p. 70 [1657].

lover, Mitulska: 'Do you love me, Zosia? She is said to have replied; I do love you, whereupon he did hit her several times in the face, asking what do you love me for? Am I your husband?'.¹⁶⁷

The aggressiveness and coarseness of rural lovers sometimes assumed forms that shocked both the then elites and twenty-first-century readers, but generally peasants complied with the cultural principles in force in the peasant community. In any case, apart from violent and egoistic behaviour, one also notices much delicacy and sensitivity towards a partner.¹⁶⁸ Kissing, stroking and cuddling are mentioned as typical features of sexual relationships.¹⁶⁹ One also observes an interest in nakedness and a partner's corporal attraction, not just in the context of sexual intercourse.¹⁷⁰

One can also conjecture that verbal contact also played an important role. The skill of peasants in employing sexual metaphors is illustrated by surviving erotic verses in which the sexual act is described by various euphemisms such as work in the fields or farmyard, gathering fruit, various handicrafts (e.g. blacksmithing), dancing and playing musical instruments, cooking meals, ruining clothes or injuring the body.¹⁷¹ The freedom of expression on the subject of sex is illustrated by the statements of a girl from Żukowice near Tarnów who, trying to prove that a certain Jan Sobczyk was the father of her child, was asked by the court to describe:

What instrument for such a deed does Sobczyk have? She replied that it is small, thin as a middle finger on a thin hand, yellow, not bald, brown hair. Having noted these words, the court did summon the said Sobczyk, and told everyone to leave and ordered Sobczyk to present himself. And it transpired that what she had said was true, save for his hair which was fair, not brown.¹⁷²

The details of this description, provided by a young girl who was an average servant maid, show that an ability to talk about these matters was quite common in the rural community.

¹⁶⁷ ANK KL 68, p. 172 [1742]; cf. also Kuchowicz 1992, p. 293.

¹⁶⁸ Despite the opinion of Mitterauer and Sieder, who completely ruled out the possibility of such behaviour among peasants until the end of the 19th century, see: Mitterauer and Sieder 1982, p. 127.

¹⁶⁹ APT ASD 1, p. 425 [1732] and p. 510 [1733]; ANK KL 69, p. 192 [1765].

¹⁷⁰ See: APT ASD 7, fol. 370 [1757].

¹⁷¹ Wężowicz-Ziółkowska 1991b, pp. 141–147; see also: Wężowicz-Ziółkowska 1991a, pp. 150–162; Bartmiński 1974, pp. 19–20.

¹⁷² *Akta w sprawach chłopskich*, No. 59 [1756].

15. SEXUAL FREEDOM OF SPOUSES

An interesting matter is the limit on permissible sexual freedom among marriage partners. Marriage as an institution was under the particular care of the peasant community, consequently any suspected betrayal was strongly condemned. However, on the other hand there is no shortage of documents showing that at least some peasant couples lived a very free sex life and were mutually permissive to a degree that strongly contradicts our view of a traditional peasant family. For example, Franciszek Solorz of Ołpiny not only allowed his wife to have sexual relationships with labourers working on his land, but even:

laughs at this and encourages them [...] and they have enough to eat and drink at work, but they are not content with this but come there [to Solorz's hut] to wash and change clothes, and waste valuable hours at this amusement, and the husband does see all this and is not disgusted.¹⁷³

A miller from Siary, Jan Glista, hired an apprentice who helped him not only at the mill. It was reported to a tribunal that the miller 'himself slept upstairs, and his wife slept with the said apprentice Aleksander in the chamber'. Such situations were rightly regarded as obvious tolerance of illicit sexual relations.¹⁷⁴

Sebastian Warcholak of Rybie in the demesne of Nawojowa once climbed atop a stove where his wife lay with a servant girl called Maryna Francianka, 'and he did grab both of them by the neck, his wife and the servant Maryna, and the wife said to the servant girl as he pulled her by the neck: Why do you not go to him, he shall not eat you'. Another time, 'when there had been drinking', Warcholak's wife said to the servant: 'Drink, my girl, drink, for in the night you will do nothing'; after which Warcholak's wife went to sleep in the chamber 'and left the servant girl with the miller in the workshop, and thus did it happen twice'.¹⁷⁵

In 1702, in the demesne of Żbikowice which belonged to the Poor Clares monastery in Stary Sącz, Piotr Kaczmarczyk and his wife Katarzyna became an object of the manorial court's interest when it transpired that Kaczmarczyk was the father of a child that had just been born to a different woman, a certain Katarzyna Byaczowna. This was her fourth illegitimate child, and perhaps also the fourth with Kaczmarczyk. Moreover, she was married

¹⁷³ ANK Dep. MS 197(h), fol. 21 [ca. 1770]; see also: *Księgi sądowe wiejskie*, No. 7139 [1685] and APT ASD 6, fol. 126–126v [1755].

¹⁷⁴ *Księgi sądowe wiejskie*, No. 7139 [1685].

¹⁷⁵ ANK F. 227, fol. [5]v (from the back) [1758].

but her husband probably did not live with her. The court ruled that this was really a ‘criminal matter according to Magdeburg law’ because she had already been ‘thrice convicted by a court but had not ceased her misdeeds’. Kaczmarczyk’s wife, however, did not want to indict her criminally, perhaps because she herself was suspected of ‘having produced issue with someone other than her husband, Piotr Kaczmarczyk’. He, on the other hand, ‘did not defend her against these charges, he himself being an adulterer’. The Kaczmarczyks found sexual partners outside their marriage, and yet displayed a certain level of solidarity towards each other, so their marriage had not really fallen apart. Nevertheless, the scandal they caused was too large to be hushed up. Kaczmarczyk and his lover were punished very severely with 100 strokes of the birch each and expulsion from the demesne of Żbikowo, while Kaczmarczyk’s wife was cleared of charges due to the attitude of her husband, who did not want to testify against her.¹⁷⁶

In all of the cases quoted above, the behaviour of these couples was condemned by the local community, or at least by its opinion-forming circles. But opinions were not always so severe. In Rajbrot in 1743, Jan Solenka and his wife were hired by Antoni Mulka to help him in his trip to the market in Wiśnicz. Mulka intended to take plums to be sold, and on the way back went via Bochnia to buy some salt. On the way to Bochnia night fell and they had to sleep in someone’s barn in Kurów. Solenka relates: ‘They entered this barn and, having lay down, this Antoni did take to playing with my wife, after which we lay and I fell asleep, and later it felt as if in a dream that something was pushing me. I did spring up and there was Antoni Mulka on top of my wife’. In the morning he said to Mulka: ‘Antek, Antek, you slept with my wife, but he made this into a joke’. But Solenka was probably in no mood for a joke and upon return to his home village he told his brothers and sisters about the whole thing. Interestingly, they fully believed his tale but completely rejected his accusations against his wife and neighbour, advising him: ‘Leave the matter be, for this is why a man does live in this world. And do not tell his [i.e. Mulka’s] wife, because she is pregnant’.¹⁷⁷

But more frequent than such tolerance was a strict adherence to marital fidelity by both man and wife. Betrayal was burdened with a vast emotional load, which we shall see in the next part of this work dealing with extramarital relationships. At this point, it is worth examining how petty insinuations about marital infidelity could lead to crisis in a marriage. In 1784 in Ślemień, Michał Bieroński accused Kazimierz Krzak of spreading rumours that he had

¹⁷⁶ *Księgi sądowe wiejskie*, No. 3928–3929 [1702].

¹⁷⁷ ANK Dep. MS 269, No. 35 [1743].

had illicit contact with the latter's wife. Krzak explained that he had learned of this from his tenant, Zofia Kubieska, and added that he also suspected his wife of sleeping with the reeve Jan Chyleński, and with Walenty Słaby, 'and thus does he live in disharmony and trouble with her', and all because of information provided by his tenant. In any case, not just the Krzak couple argued because of these rumours, but the wives of the disgraced men also had a grudge against them. Kubieska denied everything before the court, but the tribunal of Ślemień found her guilty of spreading unnecessary rumours, and because 'may couples have such unrest and disharmony because of her', she was sentenced to 25 strokes of the birch in public at the market square in Ślemień, and to be whipped out of the village 'unto the Beskid mountains'. This story about a female gossip sowing discord between marriage partners with her loose tongue nevertheless contains a certain flaw. Krzak's wife confessed before the court that 'she had had an affair with the abovementioned Słaby', so this was not just a fabrication by Kubieska. If we were to delve deeper into this case, other details might come to light. But the court decided not to open this Pandora's box and expelled the tenant, who had spent too much energy on controlling the sexual morality of her master and his wife.¹⁷⁸

In Czukiew in 1714, it was not the tenant but two rural officials, Hryc Deyneka and Hryc Stecułak, who discovered that the wife of Piotr Kunas was having suspicious relations with Wawrzeniec Cieśla while her husband was away. Kunas' reaction was interesting, for when he returned from his journey he took the officials to court for slandering his wife, arguing that when he left 'he never asked them to investigate my home or my wife'. In this case as well the court preferred to decide that nothing had happened, despite the quite serious evidence of the guilt of Kunas' wife.¹⁷⁹

Overall, sources describe a very ambiguous picture of the extent of permissible sexual freedom among spouses. On the one hand, we read of tolerance and even encouragement in individual cases, while on the other hand there exists a total ban on such freedom, backed by strict control by the rural community. This is attributable to the gulf between the generally declared model of conduct, guarded by the entire community, and its practical realisation. Some of these cases of surprising sexual freedom by married couples were certainly pathological and were stigmatised by society. But this is not the only explanation. We must realise that a peasant marriage was not a sentimental-erotic union. In marital love, sex was but one of many factors, and not at all the most important one. Many other factors could cause a spouse to seek a sexual partner outside his or her marriage. If this had no effect on

¹⁷⁸ AGAD Zbiór Branickich z Suchej 321/407, p. 169 [1784].

¹⁷⁹ TsDIAUL 142/1, vol. 6, pp. 241–243 [1714].

the other criteria of good co-existence in the marriage, such a union could function satisfactorily. Although such situation was dangerous both socially and psychologically, it could nevertheless affect many peasant marriages.

16. MARRIAGE AND CHILDREN

One of the basic aims of marriage was to have children. This task was dictated by Church teachings and by everyday customs and practice, where great importance was attached to a kin and family unit. An absence of offspring in due time after the wedding put a question mark over the sexual ability of both man and wife, and sexual relations between a young couple occupied the entire village's attention. For example, there might be rumours that the wife was 'disgusted' with her husband.¹⁸⁰ Regardless of public opinion, infertility was a significant problem for marriages. If women could not get pregnant by their men, they resorted to various means of conceiving a child. In Czukiew in 1737, on the Uniate holiday of Holy Maccabean Martyrs (1st of August), Anna Kazanowa and another woman stole into the church belfry and rang the bell three times before they were apprehended. They were suspected of wanting to scrape the 'soot' off the bells, which was used in harmful magic. But Anna confessed that 'we did do this and rang the bells on this holy day, so that the Lord God may bless me with children that I do not have, so that He may give me children' (however, her companion wanted to get married as quickly as possible).¹⁸¹ In Kasina in the middle of the eighteenth century, Katarzyna Krostkowa, having lived childless with her husband Marcin for several years, 'because my husband was sickly', resolved to become pregnant by her neighbour, Iosek Szyrka, which happened with the knowledge and approval of the latter's wife.¹⁸²

But the most dramatic episode probably occurred in Krowodrza outside Krakow in 1763:

Franciszka Kramarzowa, because her husband was of ill will because she has no children with him, did wrongly pretend that she was pregnant and enfold her belly, then, recently, she went to Sir Laskiewicz, administrator of the hospital of the Holy Spirit in Krakow, asking to be given an infant from the hospital to be brought up, and when the administrator did ask her where she was from, she lied that she was from the village of Wola outside Zwierzyniec, and that her family name was Niedowarzyna. The administrator Laskiewicz did not permit

¹⁸⁰ APK Akta urzędów wójtowskich i ławniczych miast 1, p. 2 [1780s?].

¹⁸¹ TsDIAUL 142/1, vol. 7, p. 385 (from the back) [1737].

¹⁸² *Księgi sądowe wiejskie*, No. 3714 [1759].

the infant to be taken out of the hospital, nonetheless she did go to the hospital of the Holy Spirit, falsely claiming that she had been given permission by Sir administrator to take an infant to be brought up, whereupon they did give her an infant already christened, and thus she did cheat the women at the hospital and did take this child home with her to Krowodrza, where she did smear between her legs with cattle blood as a birthmark, and did pretend before her husband and household that she was unwell and that the Lord God had delivered her of the child, and the husband believing her did send for the midwife Rozalia Skawińska, a resident of Krowodrza, who at her request did go to the parish church of Saint Stephen in Krakow where the child was christened, although it had already been christened in hospital.¹⁸³

Thus, Kramarzowa made a big effort to simulate a birth, nevertheless eventually word got out that she had kidnapped the child from the hospital. This exposed her to condemnation and ridicule from her neighbours, not to mention corporal punishment, especially for allowing a child to be christened twice. She tried to explain before the court that she had done everything out of regret that she had miscarried or given birth to a stillborn child, which the court dismissed as a lie following a bodily examination. The midwife Skawińska must also have been involved in this entire affair because she fabricated a birth, pretending a two week-old child was a newly-born one.

The demographic research done by Edmund Piasecki concludes that rural women had their first pregnancy, resulting in a live birth, at the age of 22 (in other words, shortly after the wedding), and had their last child at the age of 41.¹⁸⁴ This would mean almost twenty years of fertility in a marriage. Zbigniew Kwaśny obtained different data for villages in Upper Silesia. In his opinion, women normally bore their first child at the age of 24 and the last child at the age of 35, in which case the fertility period was only 10 to 11 years.¹⁸⁵ Interestingly, both researchers obtained very similar figures regarding the number of live births in a marriage: four or five on average. To give more exact figures, in the parish of Bejsce (in Kazimierza Wielka district) in the second half of the eighteenth century, the average number of live births in a marriage was 4.0–4.6,¹⁸⁶ whilst in Upper Silesia the number was 4.3–4.4.¹⁸⁷ The actual number of children in a family, however, was lower because as many as 35 percent of infants died in their first

¹⁸³ *Ibid.*, No. 4398 [1763].

¹⁸⁴ Piasecki 1983, p. 118.

¹⁸⁵ Kwaśny 1995, p. 27.

¹⁸⁶ Edmund Piasecki, however, points out frequent cases of repeated marriages. Taking these into account, from 1781 to 1880 the average number of live births by rural women in all of their marriages was 6.38; see: Piasecki 1983, p. 117, table 12.

¹⁸⁷ Kwaśny 1995, p. 27.

year.¹⁸⁸ On the basis of parish records from the village of Czacz in southern Wielkopolska, Stanisław Borowski estimates that the average number of children in rural families was 2.2 in the seventeenth century, rising to 2.4 a century later.¹⁸⁹

Demographic records note large intervals between the birth of successive children; almost three years. Researchers into the history of the family in western Europe have discovered a similar trend there. As possible explanations they cite the poor health of women which delayed their return to reproductive ability after a birth, inadequate hygiene, disease, malnutrition, and long periods of breast-feeding and religiously-motivated sexual inhibitions.¹⁹⁰

Only recently have researchers asked themselves whether families in early modern times deliberately restricted the number of children. This would not fit the established model of a traditional family striving to have as many heirs as possible, and not applying any contraceptive measures. An investigation of the records of the parish of the Holy Cross in Warsaw by Cezary Kuklo casts an interesting light on this issue. The results of this investigation lead to the conclusion that contraceptive measures were used in Warsaw as early as at the end of the eighteenth century.¹⁹¹ But could they have possibly spread to the countryside?

As noted in that part of this work dealing with pre-marital unions, various methods of contraception or birth prevention were known in the Polish countryside. Their effectiveness varied, but it is difficult to assume that after getting married, people forgot about the methods they had practised while still single. Therefore, the basic question was not 'how?', but 'what for?'. Rural communities generally glossed over this issue, so again we can refer only to exceptional, dramatic situations. In 1733, Agata Bibrczicka from the village of Smolice was taken before the court in the nearby town of Oświęcim, charged with murdering one of her illegitimate children. Asked for the motive behind this atrocity, she replied: 'When the labourer Walek Okrasa proposed marriage to me, and I said I already had several children. He replied: no problem, the Lord shall feed them'. Nevertheless, numerous children were probably an obstacle to marriage in their social circle because Agata arrived at the murderous idea of relieving her burden by drowning one of her children: 'I did this to have fewer children so that I could marry sooner'.¹⁹² Perhaps the principle of 'The Lord hath given; the Lord shall

¹⁸⁸ Gieysztorowa 1979, p. 169.

¹⁸⁹ Borowski 1977, p. 153.

¹⁹⁰ Segalen 1986, p. 162; cf. Piasecki 1980, p. 12.

¹⁹¹ Kuklo 1990/1991.

¹⁹² ANK Dep. MS 327, fasc. VIII, fol. 10v–11 [1733].

provide' was not widespread among the population, which lived in constant fear of hunger.

This is certainly an extreme case, but there were circumstances in the Polish countryside where the birth of yet another child was not the best idea, for example in the event of protracted financial troubles, failed harvests, hunger or war.¹⁹³ Children were quite an expensive investment, and having many children was the privilege of more prosperous sectors of the rural population. According to the calculations of Krystyna Górna, in the Silesian parish of Rzańnik in the last years of the eighteenth century and first half of the nineteenth century, a full peasant family had four children on average, whilst a tenant family had only two.¹⁹⁴

Nonetheless, we have practically no records of the use of contraception by peasant couples, which comes as no surprise given that we also know very little about sex lives in marriages. If marital sex was stable, satisfying and within the bounds of social acceptability, there was no reason to write about it. As I have already noted, the problem of contraception appears in the *Merciful Guidebook* (*Przewodnik miłosierny*) by Marcin Nowakowski, in which he advises confessors to ask husbands: 'Did you not tell your wife to do something that she bore no children? Or did you not conduct yourself the marriage issue in this way?', and to ask wives: 'Did you not take measures to prevent there being more children?'.¹⁹⁵ Nowakowski discussed this issue in greater detail in his *Spiritual caroling* (*Koleśda duchowna*), in a fictional account called *The Manner of Confessing Simple People* (*Sposób słuchania spowiedzi prostych ludzi*), in which a confessor asks a penitent about his individual sins:

C[onfessor]: And did you sin against the fifth commandment?

P[enitent]: I did not.

C[onfessor]: Did you ever beat your wife pregnant?

P[enitent]: This often happened when she did not want to work.

C[onfessor]: And did she not miscarry because of this?

P[enitent]: She did miscarry once, and another child was born dead, but I am not at fault, it was God's will.

C[onfessor]: If from beating, you killed children's body and soul.

P[enitent]: But there is a misery with them, so one is pleased that they will be born dead; begging your pardon, I also often conducted the marriage issue in this way that there will be no children of it.¹⁹⁶

¹⁹³ Cf. Van de Walle 1980, pp. 155–156; Pollock 1990, p. 58.

¹⁹⁴ The exact average was 4.1 for full peasants and 2.2 for tenants, see: Górna 1986, p. 199, table 12.

¹⁹⁵ Nowakowski, *Przewodnik miłosierny*, pp. 59 and 63.

¹⁹⁶ Nowakowski, *Koleśda duchowna*, p. 563.

This brings back the problem of violence in marriages, but let us concentrate on the Penitent's last statement. Firstly, it confirms previous assumptions about the reasons for limiting the number of children: 'there is a misery with them' and secondly, regarding the use of contraceptive techniques, the Penitent probably admits here to having practised *coitus interruptus* which, it seems, was not only practised by unmarried couples. Gigi Santow claims that *coitus interruptus* could have been quite popular in the pre-industrial age and it served mainly for married couples to extend the interval between successive pregnancies.¹⁹⁷

In any case, it is difficult to judge the use of contraceptive techniques and resources in peasant marriages. Not even demographic research can explain much because contraception did not necessarily have to find reflection in the structure of a family. Experts stress that 'anti-natalist safeguards in the past could have assumed the form of irregular action, independent of the number of children and not geared to the specific size of the family, undertaken with regard to current or expected living conditions and previous experience'.¹⁹⁸

17. 'DIVORCE'

In one fundamental point, the peasant concept of marriage differed from the pattern propagated by the Church. According to Catholic teachings, marriage was an inviolable sacramental union. But rural communities took a different view and the separation of unsuitable couples was often accepted. In 1620, Jan Gogoliński, administrator in the demesne of Łąka, referred to court the case of the miller Marcin Wróbel and his wife Małgorzata, who had separated. Neighbours were questioned but 'no one knew the reason, nevertheless people say it was by the mutual will of both parties', which was obviously a satisfactory explanation for them.¹⁹⁹ But in the case of Ewa and Marcin Burdeł of Sucha demesne, the neighbours were well aware of the circumstances of their separation because 'having nothing that would keep them together, but only anger and suffering, for two years they have not lived together and each one foes avoid the other'.²⁰⁰ If such an unlawful separation ended before a village court, both partners received heavy corporal punishment and were ordered to live together on pain of further punishment and fines. Although neighbours could have understood such a situation, the community as a whole could not sanction such behaviour, which was

¹⁹⁷ Santow 1995.

¹⁹⁸ Szoltysek 2005, p. 47.

¹⁹⁹ *Księgi sądowe klucza łączkiego*, No. 444 [1620]; see also: *Księgi sądowe wiejskie*, No. 4723 [1750].

²⁰⁰ *Księgi sądowe wiejskie*, No. 3944 [1721].

clearly against the village's social order. Therefore, mismatched couples sometimes tried to legalise their separation, trying to get the Catholic Church to annul their marriage or in the case of the Uniate rite, obtain a church divorce.²⁰¹

But occasionally a husband threw his wife out of the farm and brought in his lover in her place.²⁰² In exceptional cases, it is the wife who threw the husband out.²⁰³ This could only happen if the husband or wife had contributed nothing valuable to the marriage and their relatives were not interested in their fortunes. As with separation by mutual consent, such situations annoyed the community and provoked a reaction from society.

But the easiest and, assumedly, the most frequent way of ending a mismatched marriage was to escape from the village and begin life anew somewhere else. Such a step was taken more often by men, who combined escaping from their wives with an opportunity for a more prosperous existence.²⁰⁴ But this was a heavy blow, and not just an emotional one, for the wife who was left behind. The husband's departure normally meant the collapse of the farm.²⁰⁵ The husband usually took any reserves of money, a horse and even cattle, leaving debts. A farm could not be run by the woman alone, even if there were hired labourers. After three or four years at the most, the deserted woman had to sell the farm, falling to the level of a landless tenant.²⁰⁶

But sometimes, a man's departure from the village, recorded in the files, could be the first step in the entire family's departure. In winter 1729, the shepherd Mikołaj ran away from the village of Babin, leaving his landlord's sheep in the field. But in the spring he returned, 'secretly by night and smuggled out his wife and child, with the cattle and possessions'. When his landlord discovered that he had settled in Brudzewo nearby, he ordered him to be brought back by force, but somehow Mikołaj escaped. So only his wife and child were brought back to Babin, however 'this Mikołaj did after a short while return openly to his wife, declaring in front of the people that

²⁰¹ For example, ANK Gm. P. IV-4, fasc. 6, pp. 28-29 [1736]; APT ASD 6, fol. 104 [1755]; *Akta w sprawach chłopskich*, No. 52 [1756]; Śliwa 1964, pp. 144-146; Jawor 1986/1987, pp. 86-87; Urban 1987, pp. 132-133; Kuklo 2009, p. 276; in the Uniate community, e.g. *Księga sądowa kresu klimkowskiego*, No. 1202 [1720]; cf. Bardach 1963, pp. 94, 106 and 126.

²⁰² *Księga sądowa kresu klimkowskiego*, No. 593 [1648]; *Księgi sądowe wiejskie*, No. 4372 [1698]; AGAD Zbiór Branickich z Suchej 79/98, p. 469 [1751].

²⁰³ *Księgi sądowe klucza jazowskiego*, No. 155 [1740].

²⁰⁴ Andrzej Woźniak established that in 70% of cases, it was the men who ran away from their wives, see: Woźniak 1987, p. 88.

²⁰⁵ In one case known to me it was the other way round: the destruction of a farm by fire caused the husband to leave his wife, leaving her behind among the embers, see: *Księgi sądowe wiejskie*, No. 7465 [1725].

²⁰⁶ BPAU/PAN 1875, p. 660 [1741]; *Księgi sądowe klucza jazowskiego*, No. 304 [1768] and No. 330 [1773]; ANK IT 229m, p. 148 [1744].

he had come to apologise to his landlord'. But soon afterwards, having again 'schemed with his wife', they both escaped once more, but not far enough because Mikołaj was caught and this time hauled before the criminal court in the town of Słupca, which is how we know his story.²⁰⁷

Men found it easier to restart their lives somewhere else than women. Under the care of a new landlord, they could even take over the running of a farm and gradually re-establish their social position. A woman's work was considerably less appreciated, and her status depended on that of her husband or family. That is why women more often escaped with or to their lovers, in this way at least providing themselves with a minimum of security in a new world. Occasionally they returned to their village or husband, who accepted them back, even if the wife had lived with another man for some time. For example, a certain Pazia of Czukiew left her husband and with her relative, a Uniate parson's son, 'departed hence, living together for three years and did bear a child. Later, she did leave her companion and return to her husband, who did take her back, mitigating the clergy and his landlord Jan Borowiecki'.²⁰⁸ There was nothing odd about this because the departure of one partner placed the other in a difficult situation. The deserted partner was left alone, but at the same time could not think about legally entering into a fresh relationship. The escapee's return at least resolved the problem of insufficient manpower at the farm.

Meanwhile, a spouse who had left and recommenced his or her life far from their home area often pretended to be single and sometimes succeeded in getting married again. Such cases of bigamy seldom occur in sources, but probably most of them were never disclosed, except by chance. When deciding to take this severely punishable step, it was indeed necessary to sever all ties with one's home village and entire past. If the bigamy somehow came out into the open, it was punished by death. In this way, Szymon Chałajczyk from the village of Bączal died in 1663, who 'during confession prior to his second marriage denied his first wife'.²⁰⁹ In this way, Dorota Koczyfarówna from Cisna near Żywiec was also executed, whom not even a complete change of environment helped, for she had apparently married for the first time in Bratislava (Pozsony).²¹⁰

²⁰⁷ APP Akta m. Słupcy I/5, fol. 50–53v; see also: NBLNU 555/III, fol. 241v [1768]; cf. Woźniak 1987, p. 88.

²⁰⁸ TsDIAUL 142/1, vol. 5, p. 25 (from the back) [1692].

²⁰⁹ ANK Dep. MS 6, p. 259 [1663].

²¹⁰ *Materiały do dziejów zbójnictwa*, No. 9 (BJ 1106, fol. 11) [1595]; see: Komonieczki, *Chronografia*, p. 106.

18. 'TRADING WIVES'

The conviction of peasants that a marriage could disintegrate in justified cases obliged the Church and lay authorities to defend the institution of marriage in the shape imparted by the Council of Trent. An interesting symptom of this campaign was a series of very serious court cases regarding a game of words played in inns while drinking, involving the jocular selling of a wife. We can establish how this game was played from the court records of Czukiew. In 1722 at the inn there, local peasants Franciszek Czerwonka, Paweł Hrycyk and Jakub, son of the widow Ciupcina, played this game. According to statements by witnesses (the players themselves claimed that they remembered nothing), the amusement started, in compliance with the ritual of drinking, when Czerwonka turned to his neighbour Jakub:

'Drink to me, Jakub'.

He replied:

'I will not, for I am angry with you, because you did not want to accept my drink²¹¹ when I bought a horse'.

Czerwonka said:

'Buy a mare from me'.

Ciupcina's son, Jakub, replied:

'I shall not, for you only have one'.

The merchant replied:

'So what? I would even sell you my wife'.

To this, Paweł Hrycyk said:

'Sell her to me, I will buy her'.

He replied:

'Buy her, I will sell'

'How much do you want for her?'

'Give me forty and five thalers'.

Franciszek Czerwonka then ordered a quart of vodka, but Szymon Busko spilled it because he was terribly drunk. Then, Paweł Hrycyk ordered another quart and invited Franciszek Predymajło and Michał Rosmarynowski to drink, saying:

'Here you are, Franciszek and Michał, here's to the purchase'.

Predymajło said:

'Why are you buying someone else's wife when you have your own?'

'I'm buying her so that she can work for me'.

Jakub, son of Jan Rak and Franciszek Czerwonka's brother-in-law, then began to criticise him:

And he did stand dumbfounded and said nothing. And then he said:

'You bought a mare from me, not my wife'.

²¹¹ *Łitkup* or *mohorycz*: ritual drink meaning the completion of a transaction, usually shared by witnesses of a sale, see: Ibbetson 1992, pp. 7–8.

Paweł Hrycyk replied:

‘And where do you have such a mare that I would give forty and five thalers for her? I did buy your wife, not a mare’.

They then began to fight, and then Franek said:

‘Give me my money’.

The buyer replied:

‘Let us go and fetch your wife’.²¹²

In the end, the entire deal disintegrated into a row about who should pay for the vodka that was consumed to clinch the deal. News of this spread throughout the village and both participants were hauled before the local tribunal, no doubt through the efforts of the Catholic and Uniate priests. Both seller and buyer received very serious punishments: one hundred strokes of the birch and a fine of twenty marks of silver each, and were also ordered to do public penance by lying prostrate in church during three Sunday masses. Such severe punishment was given only in exceptionally scandalous cases of adultery. In addition, both men had to apologise to the parents of the ‘sold’ wife in public in both Catholic and Uniate churches. In the reasoning of the judgement, the court recalled that Franciszek Czerwonka:

Had sworn to his wife in the holy Catholic Church obedience to God’s law, and then having forgotten his vow and God’s commandment did turn his wife into a chattel which he sold to Paweł Hrycyk. [...] Whereas the buyer, having his own wife to whom he also vowed fidelity before the altar of the Uniate Church and broke God’s commandment by buying someone else’s wife when he already had his own.²¹³

At Krowodrza in 1699, Marcin Multanik and Jan Koczczek, who ‘while drinking and merrymaking’ traded their wives ‘as a jest, which the holy Catholic Church and those faithful to God’s Church abhor as an affront to church rites’, were fined and given three days in jail.²¹⁴ A more imaginative sentence was handed down in 1624 by the court of Czukiew to Jakim Cziuyko and Hryń Pasternaczek, ‘for committing a sin against the Lord God and the holy Church, by trading with their wives [...] as a jest which to ordinary people is not amusing’. As a punishment, they were ordered to lie on the threshold of the Uniate church during four Sunday services, ‘so that people entering and leaving the church shall pass over them, one of them lying and the other bound to a post with a chain around his neck’.²¹⁵

²¹² TsDIAUL 142/1, vol. 7, pp. 119–120 (from the back) [1722].

²¹³ TsDIAUL 142/1, vol. 7, p. 121 (from the back) [1722].

²¹⁴ ANK Gm. P. VI–3, p. 54 [1699].

²¹⁵ TsDIAUL 142/1, vol. 1, pp. 107–108 [1624].

'Trading' wives in country taverns conjures up associations with the English practice of actual 'wife-selling' at a public market, which was supposed to be a response to the ineptitude of the English legal system regarding divorces in the eighteenth and early nineteenth centuries.²¹⁶ Needless to say, such practice was completely unknown in Poland, where 'selling' women was merely a game of words. According to ethnographic research, bargaining was generally understood as a sex metaphor and was applied during courtship, as in the common custom of 'auctioning girls' during Shrovetide.²¹⁷ But only if this pastime spread to married couples did the authorities or rural community react, and the severity of the punishments indicates a serious breach of a declared norm.

19. MURDER OF A SPOUSE

The most extreme way of ending a marriage was the murder of a spouse.²¹⁸ We have a number of sources that record this matter, and literature also provides testimony. These sources give the general impression that such crimes were committed surprisingly often. As we have no way of calculating how many marriages actually did end in murder (certainly only a few), let us regard these sources as a springboard for the collective imagination rather than an accurate record of reality. A man murdering his wife or a wife murdering her husband, even if mentioned in sworn court evidence, seems to be almost like archetypal literary figures or the heroes of mass imagination. Those accused of murdering their spouse state in their evidence not how it happened, but how it should have appeared. Such evidence cannot be verified by comparing it with the evidence of the other party, because the other party was no longer able to appear in court. We suspect that the murderer was lying, but lying was meant to be as credible as possible and adapted to the social imagery.

I mentioned above battered wives who dreamed of taking revenge on their cruel husbands, poisoning them with some devilish concoction. But what if some of them did not restrict themselves to imagination and actually did attempt to turn a dream into a deed? In 1692, Katarzyna Kanionka of Wola Kalinowska was accused by the rural community of poisoning her husband Sebastian and their three children. The matter was resolved only by the manorial court of Pieskowa Skala, which considered a statement

²¹⁶ Laslett 1983, p. 174; Stone 1993, pp. 18–19.

²¹⁷ Matlakowski 1889; Dekowski 1966; Wężowicz-Ziółkowska 1991a, pp. 152–153.

²¹⁸ Cf. Muravyeva 2013.

issued to the accused by ‘the illustrious doctor Wosiński of the Academy of Krakow and alderman of the city of Krakow’:

As far as I could understand and determine, these children who are ill and those who have already died have not been poisoned deliberately. But doubt arises if this was not caused by mushrooms because they also had tightness in the throat, and there are some kinds of mushrooms, perhaps also meat of ill pigs, which they might have eaten and suffered the same effects. Signed in Krakow on 27 July 1692 by Antoni Wosiński *manu propria*.

Thus the court established ‘from witnesses and from a doctor’s report that they did die not of poison but by the will of God or otherwise’.²¹⁹

Poisoning with the aid of mushrooms was perhaps indeed the easiest and most effective method, though it also placed the lives of other household residents at risk, especially if everyone ate from a common bowl. Nevertheless, apart from the above case, there is no other mention of mushrooms. If any poisonous substances are mentioned, they are usually foul magical concoctions, rather than poison.²²⁰ If they did not work, rat poison was used.²²¹

Men killed their wives in anger, sometimes explaining that they had meant to ‘normally’ punish them but they had hit them too hard.²²² But women prepared their crime over a longer period of time: considering whether to use poison or finish him off in a different way. Due to their physical disadvantage, they tried to obtain the help of a man. This was usually their lover, but sometimes it was a brother,²²³ or someone paid specially for this purpose. A female innkeeper from Dąbrowa talked an errant thief, Klemens Bochenek, into murdering her husband, in return for which he received some old clothes of the murder victim and a small amount of money.²²⁴ The most shocking case of marital murder was noted by Komoniecki in 1698. A certain Agnieszka Barankowicowa of Krzeszów, ‘having hit her drunken, sleeping husband on the head with a piece of wood, killed him and then, cutting him into pieces with an axe, burnt him in the stove at night, buried the bones and used his body fat as fuel in a cresset’. The Żywiec court

²¹⁹ BPAU/PAN 1875, p. 941 [1692].

²²⁰ On the use of such substances, see: Muszyński 1931.

²²¹ ANK Dep. MS 6, pp. 472–475 [1692]; APP Akta m. Słupcy I/5, p. 87 [1730]; *Acta maleficorum Wisniciae*, p. 226 [1659]; Komoniecki, *Chronografia*, pp. 210–211 [1666]; *Księgi sądowe wiejskie*, No. 4637 [1700]; TsDIAUL 104/1, vol. 1, pp. 649–651 [1732].

²²² *Księgi sądowe wiejskie*, No. 4511 [1663]; *Acta Nigra Maleficorum Wisniciae*, p. 50 [1695]; Komoniecki, *Chronografia*, p. 350 [1711]; AGAD Księgi wiejskie: Akta samorządu–sądu wsi Lubatówka 1473–1740, fol. 372–376v [1731].

²²³ Komoniecki, *Chronografia*, p. 243 [1688]; cf. her remarks on the help of a woman’s relatives in killing her husband: Butler 2007, pp. 186–198.

²²⁴ ANK AD 67, pp. 155–156 [1615].

sentenced her to have her hand cut off and then she was burnt at the stake in her home village.²²⁵

But let us examine a rather average murder, if that is what we can call it, of a spouse in the countryside. It happened in 1749 in Morawica, a village west of Krakow near Nowa Góra. Zofia Adamkówna, wife of the steward Kazimierz Bartyzel, talked her labourer Jakub Sobczyk into helping her murder her husband. They even became lovers, but the erotic element in this union does not receive much attention in the evidence. Zofia herself admitted that during Sobczyk's two years of service in her household they had only had 'illegitimate relations' twice, which he hardly mentioned. Only when questioned did he say that 'it did not happen more than six times', and that it was she who had taken the initiative. Perhaps in this way Zofia wanted to ensure the loyalty of her accomplice, or perhaps after she had been charged with the murder she tried to explain his motives, referring to the popular model of killing a husband as a result of matrimonial betrayal (see Chapter III.12). However, Jakub Sobczyk blamed Zofia for her insistence on helping him commit the crime: 'As soon as he came to the deceased for service, Zofia his wife never gave him peace, but followed him wherever he turned and did incite him to try and remove him from this world in some manner'. Apparently, Zofia admitted to him that she had made several attempts to poison her husband:

She did tell him: I give my husband various things and cannot poison him because he has a devilish soul that nothing harms him. I did mix lime with his food so many times, but it did not harm him. She asked her sister, married in Balice, for some rust from copper to put in his food. Only once did he feel ill, having eaten this rust, but saved himself by vomiting [...] she did also catch lizards and snakes and put them in his food, but it did not harm him. Also a dead animal's head she did scrape into his food so that he should wither and not survive the year. Also her sister-in-law Zofia of Burów, with her brother who lives behind Krakow, did buy quicksilver to give to her husband [...] but he does not remember whether she gave him this quicksilver or not.

As we can see, she used various toxic substances, both magic and genuinely harmful. And here too, as in the case of Katarzyna Kanionka described above, children are accidentally poisoned: 'Another time she cooked him food containing this rust or other substances, which he did not eat but his children did eat, and they soon died one after the other, day after day, a boy aged seven and a girl aged three'. Women who kill their husbands are blamed for all deaths in the immediate neighbourhood, especially of those people who, like a husband, merit love and care.

²²⁵ Komonieccki, *Chronografia*, p. 266 [1698]; see: *Materiały do dziejów zbrojnictwa*, No. 129 (BJ 1106, fol. 60 [1698]).

A labourer's collaboration in a murder meant using means other than poison: 'Wherever her husband and labourer worked together in the fields, she did induce him [Sobczyk] to run him over with a cart when carrying hay or barley, which he did promise to do and when he did not do this she was angry with him and promised to recompense him for killing her husband, if only by selling two cows'. So since she had failed to engage his assistance with feelings, she tried to do so with money.

The murder finally occurred on Saint Bartholomew's night. Regarding the course of events, the evidence of both accomplices is contradictory and, moreover, offers little clarification. In any case, it seems that the killing was somewhat accidental. Bartyzel went to the manor of the administrator in the neighbouring village to find out the work schedule (for he was the steward), and while he was away his wife received Sobczyk, who had been dismissed from service two months previously, no doubt under suspicion of excessively close relationships with Zofia. Returning in the evening, Bartyzel found his wife and Sobczyk conversing in the chamber. He entered through the window and fell upon Sobczyk. But Sobczyk, 'with Zofia's help, threw Bartyzel to the floor; Zofia did seize him by the groin and Sobczyk did hit him with his knees and squeeze his throat' so effectively that they finished off Bartyzel. Apparently, Sobczyk himself drew up a plan of how to get out of this situation. Sobczyk told Zofia: 'Go to sleep with the servant girl in the stable and tell her your husband is sick, that he has pain inside [...] and at dawn enter the chamber, shout and cry that your husband has fainted, and send for his brother so that he may help him. Which she did, and did cry until people did come running, but they did not revive him because he was already dead'. Yet, for some reason Zofia and Sobczyk failed to simulate a natural death.²²⁶

What is most striking in this tale, described in detail in the court protocol, is that there was no motive for the murder. We know nothing about the married life of Zofia and Kazimierz Bartyzel before Zofia resolved to kill him. This marriage somehow worked for at least a few years—they had two children and ran a farm, but their emotional life remains a complete mystery until the moment when violence erupted. This is how our entire knowledge of marital relationships in the countryside in early modern times appears: we have virtually no information until something drastic happens which disturbs the order of things. Therefore, the picture that we do have appears too dramatic. But only by means of such extreme events can we decipher everyday life, which itself has left virtually no traces.

²²⁶ BJ 122, fol. 10–11 [1749].

PART THREE

EXTRA-MARITAL RELATIONSHIPS

1. TALES OF MATRIMONIAL BETRAYAL

In discussing the permissible level of sexual freedom in marriages, I noted a certain contradiction between, on the one hand, an absolute ban on sex outside marriage, rigorously controlled by the rural community, and, on the other, the occasionally surprising permission to seek a partner outside marriage, no doubt the result of a pragmatic approach to the question of marital fidelity. A peasant marriage was not a sentimental-erotic union, so its proper functioning could have been attained even when the spouses were unfaithful to each other. But even if they were unfaithful occasionally, this must have been the exception rather than the rule. There were many factors determining that, on a social and psychological level, mainly harmonious, lasting relationships were rewarding. In general, infidelity was caused by the breaking up of a marriage, or it was in itself the cause of a breakup—no wonder it was condemned by the community.

In principle, therefore, extra-marital relationships constituted a breach of norms, which meant that every such case was in a certain sense exceptional, 'abnormal'. As a result, it is difficult to establish any typical characteristics of this phenomenon or identify a general pattern. Thus, I shall merely outline certain circumstances that accompanied extra-marital unions in the countryside and a certain sequence of events and details that may tell us more about the protagonists of these tales.

It should be appreciated that tales of marital betrayal are no doubt the most fallacious sources of all those used in this book. Most are court statements submitted under threat of the severe punishment that waited adulterers. Therefore, they were meant as an excuse, to minimise guilt, rationalise experience or convince the court of innocence. They say how things should have been, 'how things happened'; therefore, they say more about their authors' imaginations than about their authors' deeds and feelings.

On the other hand, autobiographical tales of extra-marital relationships bear a substantial emotional weight, both because of the circumstances in which these tales were recorded—for adulterers faced severe penalties—and because of the very nature of adultery, for engaging in it was a breach of the legal, religious and social order; in other words, a voluntary separation from society. For this reason, too, these tales are very personal, and occasionally very detailed, in both a ‘narrative’ and a ‘psychological’ sense, so when reading them the impression is conveyed of experiencing the ‘real life’ of people in the past. However, we should approach their documentary dimension with caution: after all, we must grant accused persons the right to defend themselves even with lies. Similarly, psychological conditions and declared intentions, as related by these source records, may be part of a strategy in court. Therefore, the following paragraphs can be classified as an analysis of a specific literary sub-genre: evidence in court cases involving adultery. But at the same time, we can assume that although those records repeated stock narratives and stereotypes, to a certain extent they also reflected social imagery and the hierarchy of values, and ultimately even real events, although it is difficult to establish which of them really did occur.

2. ADULTERY IN THE LIGHT OF LAW AND JUDICIAL PRACTICE

The legal framework for judging adultery in the Polish countryside was provided by relatively ambiguous German law regulations. Beheading by the sword (for men) and public whipping at the pillory (for women) was considered the just punishment, backed by tradition, for adulterers. It was also permissible for the wronged party to kill the guilty party if the latter was caught in the act, i.e. ‘if the husband caught the adulterer with his wife’. These regulations, however, remained a distant point of reference. Bartłomiej Groicki (ca. 1534–1605), a Polish jurist, whose publications contributed substantially to the popularisation of German law in Poland, proposed more lenient punishments: ‘According to municipal law: hunger, expulsion, social exclusion, especially for those who are poorer, whereas those who are rich should pay a fine or receive another punishment at the discretion of the authorities’.¹

Rural legislation devotes much less attention to adultery than to *fornicatio*, usually limiting itself to a general statement that adultery must be punished. Perhaps in the case of *adulterium*, the manor relied more on

¹ Groicki, *Porządek sądów*, p. 205.

the role of the Church in combating this sin than in the case of fornication. Unlike extra-marital pregnancies that were visible to the naked eye, adultery was probably revealed only during confession. Perhaps the reticence of the lawmakers was due to the fact that the manor and the rural community shared a similar moral assessment of adultery, whilst views on the subject of sexual relations between unmarried people were often in complete discord and required a more exact codification? Jakub Haur (1632–1709), an experienced administrator of landed property and the author of popular household manuals, advised the nobility to adopt the following policy regarding their subjects committing adultery:

Whoever shall lie together with someone else's wife or husband, and of this there is clear evidence from several witnesses that they were caught in the act, the wronged husband or wife may apply for a judgement. So after a sworn inquisition, just punishment shall be meted out in the form of a month of imprisonment, whipping or fines; such case may also be placed before a higher authority as a criminal matter, if somebody wanted to make a criminal case out of it and spend money on this, nobody would contradict. Whereas, if he does not insist on capital punishment and does not want to avenge his harm, then the manor should punish the guilty in the presence of all the community, for *nemine instigante reus absolvitur*.²

So Haur also considered the possibility of sending an adultery case up to the municipal courts, which had the authority to impose capital punishment, even though such sentence might have reduced the number of subjects. Nevertheless, in line with his general view of social relations between subjects, Haur believed that punishment should be determined by the community according to its customs, and could include all available rural penitentiary means such as imprisonment, whipping or a fine, preferably applied in public to provide an example. A similar attitude is adopted by the *Instruction for collecting fines in the demesne of Tuchla (Instrukcja do wybierania win w włości tuchelskiej)* of 1620–1623, but here the death penalty was handed down only if adultery resulted in the birth of a child.³ In essence, the legislation of landowners ensured that these affairs did not escape the attention of the manor and were not resolved by the local peasant community without any supervision by higher authorities. The reason for this seems to be that first, the rural courts were deemed incompetent to handle such cases (as punishable by death), and second, there were fears that the local peasant community would simply sweep the matter under the carpet.⁴

² Haur, *Skład*, pp. 237–238.

³ *Polskie ustawy wiejskie*, p. 93.

⁴ ANK IT 256b, p. 536 [1752]; APT ASD 6, fol. 127 [1755].

Suspicious that the rural courts treated adultery too leniently seem somewhat exaggerated. Although these courts could not sentence anyone to death, they were fond of frightening adulterers with execution if they committed adultery again.⁵ They only did this, however, in extremely scandalous cases such as the abovementioned case of Katarzyna Swierkoszowska of Sucha, who not only betrayed her husband Krzysztof Stachowiak with Janek Mędralczak, but also treated her husband as a labourer, beating him and forcing him to work. In this case, both Katarzyna and her lover were told that unless they improved their lives, they would face the executioner the next time. They were each sentenced to 100 lashes of the whip, which was also a very heavy punishment. Its severity was dictated mainly by the scandalous breach of domestic order between genders, although the wronged husband himself was not entirely blameless because, as it transpired during the trial, he had also used physical force against his wife.⁶

Similarly, Katarzyna Byaczowna of Wola Stankowa, whom we have already mentioned, was told by the court that ‘she deserved to die according to the law of Magdeburg’ because she had given birth to a fourth illegitimate child, this time sired by a married labourer called Piotr Kaczmarczyk, while she herself was married. This case has recently been examined in detail by Stanisław Witecki.⁷ Here we need only say that in this case, the court acted according to the recommendations of Jakub Haur: as Piotr Kaczmarczyk’s wife had not filed a formal criminal indictment against Byaczowna, which might have provided the basis for the death sentence, the court gave her the highest possible punishment under rural law: 200 stokes of the birch and eviction from the village.⁸

But occasionally the manor did refer cases of adultery to a municipal court, which could engage the services of an executioner. This is what happened in the case of Franciszek Kwaśniak and Regina Bielczanka of Krzeszów in the demesne of Sucha who—despite both having legal spouses—‘committed carnal acts’ for three years and produced two children. This must have caused such a scandal that the land administrator Kazimierz Karski, acting on the authority of the landowner, the Poznań voivode’s wife Anna Konstancja Małachowska, engaged the town court of nearby Żywiec to judge them. The court met in Krzeszów manor on 13 January 1699, presided by the mayor of Żywiec Andrzej Komoniecki (1658–1729), author of the famous local chronicle *Chronografia* (however, he never mentioned

⁵ AAC Kopiarz krzepicki, p. 31 [1615]; ANK Dep. MS 197(h), fol. 3 [1718]; *Księgi sądowe wiejskie*, No. 3917 [1682], No. 4664 [1704]; Podgórski, *Wola Żarczycka*, p. 32 [1635].

⁶ *Księgi sądowe wiejskie*, No. 4654 [1701].

⁷ Witecki 2011.

⁸ *Księgi sądowe wiejskie*, No. 3928–3929 [1702].

this episode in this work). As the defendants had admitted their guilt, the judges referred to the provisions of the *Speculum Saxonum* (*Sachsenspiegel*, probably the edition by Bartłomiej Groicki), from which they read that *qui in adulterio fuerit deprehensus, capite plectitur*, therefore they sentenced Kwaśniak to be beheaded by the sword and his lover was sentenced to be banished from the demesne, but not until the infant had grown.⁹ Nevertheless, Kwaśniak did not lose his head, as indicated by an unsigned annotation to the sentence in the court register: ‘Falsely were they judged: cancellation of sentence; he did not deserve death’.¹⁰ No doubt the author of this annotation was land administrator Karski, in accordance with the custom where a sentence by a town court was to be approved by the administrator of the estate from which the convicted peasant came. In such cases, the point was not so much the justness of the verdict as economy (an executioner cost money) and the inconvenience of losing a pair of workhands, even if they belonged to a morally suspicious individual.

Thus, capital punishment for adultery was more a rhetorical threat, but nevertheless the sentences handed down by the rural authorities for this offence were very severe. The usual sentence was flogging: one hundred strokes or more, as well as fines. In one of the most scandalous cases, the community even evicted an adulterous householder from his land,¹¹ which normally happened only in the worst criminal cases. The courts were more eager to evict women from a village, often sentencing them at the same time to the degrading ritual of banishment.¹² But these were the exception rather than the rule. Usually, convicted adulterers were allowed to continue to function in the local community, but they were not spared having to do public penance, ‘although this punishment shall not do justice to the harm and ignominy caused to God’s Majesty’¹³ as read the justifications for sentences. Nevertheless, convicted adulterers were ordered to lie prostrated in church during several masses, which certainly drew the congregation’s attention to their deed, and received a public flogging, sometimes in degrading conditions (e.g. ‘being bound naked to a post’).¹⁴ An example of such a broad punishment is Katarzyna Błaszowska of Popów who, for betraying her

⁹ Ibid., No. 4615 [1699].

¹⁰ AGAD Zbiór Branickich z Suchej 79/98, p. 13.

¹¹ APR Akta Gminy Błazowej 107, p. 364 [1719]; cf. *Księgi sądowe wiejskie*, No. 5036 [1729] and AGAD Branicki collection from Sucha 79/98, p. 298 [1722].

¹² ANK Gm. P. VI–3, pp. 42–43 [1698]; ANK F. 227, fol. [6]v [1760], fol. [7] (from the back) [1758?]; ANK Dep. MS 84, p. 11 [1785].

¹³ *Księgi sądowe wiejskie*, No. 3988 [1742].

¹⁴ Ibid., No. 3510 [1702], No. 3517 [1703], No. 4250–4251 [1677]; AGAD Zbiór Branickich z Suchej 79/98, p. 298 [1722].

husband with his labourer, was first sentenced to be beaten with brooms in the middle of the village (all her female neighbours are supposed to have administered the blows), and then to ‘lie in the shape of the cross by the great door’ of the local church during six Sunday masses and to lie thus until the end of the mass, with a break for the sermon. Having completed this apart of her punishment, she was to go on pilgrimage to sanctuary at Jasna Góra (from her village it was not far away, though), and there take confession and do penance, and to obtain a certificate of confession from the confessor and present it to her parish priest.¹⁵ Lying prostrated during mass certainly aroused the curiosity and feelings of the congregation. So that the punishment could remain ‘secret’, as in the case of another woman who betrayed her husband with a farmhand, it was sufficient to book a mass and, kneeling throughout the service, beg for God’s forgiveness. This conduct was probably not vastly different from the typical way in which illiterate peasants took part in a church service. Only if she committed the crime again did the court threaten her with a public punishment, which in this case might have been a whipping before the entire community.¹⁶

3. PUBLIC DISGUST

‘Secret’ punishment was no doubt a concession made by the courts to those guilty of adultery, for this offence obviously ruined the reputations of both the man and the woman, and careless accusations of adultery caused violent rows and fights.¹⁷ We know of two cases of murder committed by adulterers, to which they were driven by a desire to preserve their good name. The first case involves Jakub Kulerz from the village of Siepraw, who murdered a servant girl in his household in 1715. Clearly, they had had a secret romance, and when she became pregnant he killed her in case she ‘grassed’ on him, and he buried the body in a chamber under the wall. We know too little about this case to determine of what exactly Kulerz was afraid, for not even the worst punishment for adultery could match being flayed and quartered, to which he was sentenced by the municipal court of Dobczyce.¹⁸

¹⁵ AAC Kopiarz krzepicki, p. 23 [1607].

¹⁶ ANK F. 226, p. [66] [1774].

¹⁷ For example, *Księgi sądowe wiejskie*, No. 3488 [1698]; TsDIAUL 53/1, vol. 1, p. 63 [1708]; TsDIAUL 166/1, vol. 1, p. 63 [1708]; APT ASD 1, pp. 195–197 [1723]; ANK Dep. MS 268, p. 86 [1755]; *Akta w sprawach chłopskich*, No. 53 [1756]; *Księgi sądowe klucza jazowskiego*, No. 414 [1793].

¹⁸ ANK Dep. MS 67, pp. 64–65 [1715].

In the second case, we can at least assume that it was a crime committed in the heat of passion. In 1762, Piotr Bartoszczyk of Wojkowa was beheaded for murdering his lover, the widow Ewa Czekanka. He found her asleep in her own house and strangled her because she had told the reeve—truthfully—that he was the cause of her pregnancy. ‘The reeve and another neighbour told him he had done wrong, whereupon he was angered and got drunk at the inn and on his way home he did enter the house of the deceased and deprived her of her life’. Although the sources say that their relationship was adulterous, it really was not because Bartoszczyk was a bachelor and Czekanka a widow. Nevertheless, it could not be classified as simple fornication. Considering the reaction of the rural authorities, the lovers must have exceeded some significant social boundaries: perhaps their relationship started while Czelanka’s husband was still alive, or perhaps the social or age gap between them was too wide. In any case, the village expressed its disapproval so strongly that the drunken Bartoszczyk felt the urge to vent his anger on his lover.¹⁹

These examples may certainly be regarded as wholly marginal, but they do show that an accusation of adultery was perceived as a serious danger in rural society. Insofar as rural people were relatively tolerant of sexual relationships between single people, especially if they led to marriage, standards of behaviour for married persons were much more stringent. Married couples were practically under constant observation and all the members of the community reserved the right to publicly criticise and admonish persons who, in their opinion, sowed indignation. In 1726, in Kokocko near Chełmno, Jakub Klata slapped Krystian Fyszer in the face when he appeared in public (probably in a tavern) ‘with a suspicious person with whom he did shamelessly cavort and play’, and had not lived with his wife for three years. Fyszer suited Klata for assault, but this only made matters worse because the court ordered him to move out of the estate and return to his wife, ‘which unless he did so voluntarily, he would be forced to by the guards’.²⁰

The case of Fyszer was exceptionally straightforward: he had left his wife and enjoyed the company of ladies of ill repute; therefore, the reaction from the community was unequivocal. But it was more difficult to establish guilt when suspicion of adultery was the result of a gradual decomposition of a marriage in front of the entire community. Such a situation occurred in the marriage of Paweł Hrycyk of Czukiew, where arguments and disagreements, probably brought on by financial problems, made Hrycyk’s wife

¹⁹ *Akta Sądu Kryminalnego Kresu Muszyńskiego*, No. 34 [1762]; ANK Dep. MS 101, pp. 42–44 [1762].

²⁰ APT ASD 1, pp. 356–357 [1726].

run away from her husband on several occasions, while Hrycyk himself maintained a friendship with the daughter of a certain Predymajło. This caused gossip and, ultimately, a public accusation against Hrycyk, expressed in vulgar language, as was often the case in taverns: ‘Why aren’t you screwing your wife, but you are screwing Predymajło’s daughter?’. The Czukiew tribunal, however, found no confirmation of this charge; perhaps Hrycyk and Predymajło’s daughter were indeed innocent, but nevertheless the breakup of the Hrycyk marriage aroused suspicions about the sexual cause of this crisis.²¹ In fact, lesser circumstances could lead to accusations of adultery; it was sufficient to be ‘indiscreet’ or ‘entertain oneself’ with inappropriate people, and immediately ‘tongues did wag’. Exposure to suspicions did not prevent gossip about the suspicious behaviour of other people. In the village of Wysoka in 1708, a court decided that it was time to deal with mutual suspicions and accusations among the village women and ordered their husbands to punish their wives on pain of sitting in the stocks for four Sundays.²²

It seems that peasants were required by custom to react quickly, at times perhaps too quickly, to any suspicious behaviour by married men and women. Talking, joint entertainment or drinking alcohol in mixed company provided the fuel for gossip and curiosity about the intimate lives of other people.²³ But occasionally it is difficult to distinguish genuine indignation from coarse humour. Mateusz Staga of Czukiew kept repeating to the innkeeper Ewa: ‘I caught you screwing Staś and I hit you on the arse’. This sounds like a coarse verse of the kind sung by peasants while drinking, but the innkeeper felt insulted, brought the matter before the village court and compelled Mateusz to apologise in public. Perhaps she had something on her conscience, so she decided to strike first.²⁴

The reputations of married men and women in rural communities depended largely on opinions about their sex lives. The means with which to create such an opinion was gossip, which must be regarded as one of the most effective ways for the peasant community to control the lives of its individual members.²⁵ Any rumours of extra-marital adventures, even if unfounded, could tarnish a person’s good name and lose the trust of their neighbours, so rumours like this often became the subject of court cases in which the defendants tried to defend their good name.²⁶ For

²¹ TsDIAUL 142/1, vol. 7, pp. 195–197 (from the back) [1726].

²² TsDIAUL 166/1, vol. 1, p. 63 [1708].

²³ ANK Dep. MS 101, pp. 153–154 [1764]; NBLNU 542/III, fol. 213 [1718].

²⁴ TsDIAUL 142/1, vol. 1, p. 259 [1654].

²⁵ Cf. Sharpe 1980, p. 20; Lipscomb 2011.

²⁶ See: *Księgi sądowe wiejskie*, No. 4237 [1654], No. 4278–4279 [1750], No. 7156 [1755]; APT ASD 6, fol. 126 [1755], ASD 7, fol. 285 [1756]; ANK HGZ 137, p. 6 [1784].

example, at Ladzin near Rymanów in 1783, Kazimierz Jasiński and the wife of Szymon Smoleń sought justice before the tribunal when Matiasz Walus publicly charged them with having illicit relations. This charge must have spoiled the relationship between the Smoleńs since the tribunal reminded the husband that 'he should live in harmony and not have an evil heart towards his wife, and should he possess such a heart, he should receive corporal punishment'. The instigator of the rumour was sentenced to a public beating, church penance and a fine, and was to apologise to Smoleń's wife for 'groundless defamation'.²⁷

We can assume that Walus' accusations were quite specific. Nevertheless, a piece of gossip could conjure up quite extensive associations. Jan Kobylaczek of Wzdów once told Jan Bębnista: 'Are you going to the town of Jaćmierz? [...] So tell Konieczna alias Mazurka and Adamowicz, Jan's son, that they should stop searching for acorns in my woods and making a noise there'. As soon as Bębnista reached the village of Posada Jaćmierska where Katarzyna Mazurka and her husband lived, he repeated Kobylaczek's words, possibly adding something himself 'because his words spread like fire throughout the Jaćmierz and Posada'. The outraged Mazurkas, accompanied by Matiasz Corlik, alderman of Jaćmierz, went to the authorities of Wzdów, demanding justice from Jan Kobylaczek. But he insisted that he had said nothing about Mazurka's 'ungodliness' with Adamowicz and pinned the blame on Bębnista. Even so, he was ordered to buy two large candles for the church and everyone was warned not to spread such rumours any more.²⁸

Once lost, it was difficult to re-establish a good name. Even though they might be proven false, rumours could always return in the event of a conflict between neighbours. In Lisia Góra near Tarnów in 1756, Jacenty Reczkowicz accused Michałowa Zauchszka of having betrayed her husband with Stanisław Karaus of Zaczarnie while her husband was away for several weeks. As evidence, he said that he had seen her dancing with Karaus at the inn; on another occasion he discovered that Zauchszka had spent the night in a deserted building and in the morning there were fresh footprints in the snow. In the end, he said that she had already been convicted of adultery by a village court in Wałki. Following careful investigation by the tribunal of the demesne, it transpired that Zauchszka had an alibi, while Reczkowicz was obviously acting out of hatred for Zauchszka and her husband because after selling them his hut, he entered into a drawn out dispute with them that was only resolved through the intervention of the manor. In the end, the reeve and elders of Wałki were summoned, who admitted

²⁷ TsDIAUL 33/1, vol. 1, fol. 3 [1783].

²⁸ TsDIAUL 51/1, vol. 1, fol. 24v–26 [1693].

that Zauchska had been charged with adultery, not with Karaus but with Jan Masło, and that the whole affair was dubious. The tribunal: ‘concluded from the story of the innocent Susannah that the old age of Reczkowicz should not lead to trust’ and pointed out that Reczkowicz was dragging many other people through the courts, ‘even Jews’. Ultimately, it appears as though Reczkowicz tried to exploit the rumour of woman’s immoral conduct to his advantage in a dispute with her husband.²⁹

4. SYMPTOMS OF ADULTERY

Insofar as rural morality tended to tolerate sexual relations between single people until a girl was no longer able to hide her extra-marital pregnancy, in the case of adultery there was a reaction to very conspicuous behaviour which could only suggest that married persons had exceeded the bounds of sexual norms. The jurist Groicki classified the symptoms of infidelity according to their probability:

When people say that they like seeing each other and love each other, the sign of adultery is distant, but nearer when one visits someone else’s wife at her home when her husband is absent, and closest when they are caught in the same bed.³⁰

In rural areas, mere ‘giving a cause for suspicion’ (*udanie się do podobieństwa*) was viewed askance.³¹ This term meant behaviour by a man and woman which was not accepted by the rural system of ethics, and which suggested that they were interested in each other sexually, intolerable if one of them was already married. The catalogue of such suspicious behaviour was quite long, ranging from quite obvious ‘coming with vodka and spending the night in the husband’s absence’,³² via ‘loitering at fairs and entertainments’,³³ all the way to offering drink in a tavern, picking out lice³⁴ and ‘unnecessary conversation’,³⁵ Such mutual behaviour by persons married to other people was usually severely criticised because it could suggest adultery. So it is not surprising that Marianna, wife of the hereditary headman of the Polany

²⁹ *Akta w sprawach chłopskich*, No. 29 [1756].

³⁰ Groicki, *Porządek sądów*, p. 193.

³¹ *Księgi sądowe wiejskie*, No. 4637 [1700]; APT ASD 6, fol. 127 [1755]; ANK Dep. MS 100, p. 18 [1754] and p. 38 [1755].

³² *Księgi sądowe wiejskie*, No. 4704 [1725]; cf. ANK Dep. MS 100, p. 276 [1766].

³³ ANK Dep. MS 197(h), fol. 3 [b] [1718]; ANK Dep. MS 101, pp. 59–60 [1762].

³⁴ ANK Dep. MS 269, No. 20 [1720].

³⁵ AGAD Księgi wiejskie: Akta samorządu-sądu wsi Rogi, fol. 446v [1697]; TsDIAUL 166/1, vol. 1, p. 63 [1708]; *Księgi sądowe wiejskie*, No. 3937 [1720], No. 4726 [1750].

village, blamed her husband for adultery with Ewa, the wife of Maciej Dziopka, when she discovered them standing together near the threshing bay and Ewa promptly hid herself.³⁶ Similarly, Wojtek Kęsik of Zbędownice near Kazimierz Dolny, saw his wife talking to someone from the same village, and later they hid behind a pigsty:

Having seen them from afar, Kęsik wondered what they were going to do, and when they were amusing themselves behind the pigpen he developed a fit of passion and ran to them with a stick, whereupon they did promptly separate; he could not determine what they would have done, but merely suspected them of dishonourable behaviour.³⁷

In 1758, Jacko Groć of Śnietnica, in the demesne of Muszyna, accused his wife Tatiana of ‘having relations’ with the local Uniate priest. The priest’s overly frequent visits to Tatiana were meant to be evidence of this. Although the court ruled that the charge was baseless, nevertheless it forbade the priest and Tatiana from visiting each other in order to ‘prevent suspicion’.³⁸ In this case, the visits probably took place by daylight and were within the limits of ordinary everyday village behaviour, except that they perhaps occurred too frequently. But genuinely suspicious was a visit by a certain Łaboski, son of the hereditary headman of Bielanka village, to the Uniate vicarage in that village. Returning from a wedding with the wife of local Uniate priest, Łaboski ‘entered silently her house at night and there spent a lot of time in the dark’. Unfortunately, all this was observed by Leszko Rusinko, who had also been having fun at the vicarage ‘in a bad way’, but with the Uniate priest’s female tenant. The gossip quickly spread through the village and compelled the authorities to intervene. The court sentenced both men to whippings and fines, but for the women merely issued an opinion about their conduct: the female tenant was described as ‘loose’, but the other woman was dealt with in much more delicate terms, without directly accusing her of a carnal sin: ‘Because it so happens that his [i.e. the Uniate priest’s] wife is found of going with and talking to various people at night, thus giving cause to various rumours’. Therefore, the priest was to keep his wife ‘in discipline’, which probably meant not letting her go out at night, for that was in itself a suspicious act for a married woman.³⁹

We can agree with Bartłomiej Groicki, that if a man and woman begin to be interested in each other, they ‘like seeing each other’, and this does not

³⁶ ANK Dep. MS 101, pp. 133–134 [1763].

³⁷ APL Jurysdykcja dominialna Końskowoli i Puław 21, fol. 93 [1784].

³⁸ ANK Dep. MS 100, pp. 206–207 [1758].

³⁹ *Księga sądowa kresu klimkowskiego*, No. 1003 [1692].

just apply to secret meetings between the two of them, but also to ordinary appearances in public. A court forbade the wife of Andrzej Warszawski from Limanowa to ‘converse’ with a certain man called Stolarczyk, suspecting him of an excessively close friendship with her. They were forbidden to talk to each other not only at home, but also in the tavern and the market square.⁴⁰ Jacek Kopiec of Nawojowa discovered that his wife Jewdokia was having a romance with Jan Stachłosiński when people began to tell him they had been seen many times ‘talking to each other’, in the bakery or in the barn, in other words wherever their paths crossed during their daily work. They must have met too often, and in this case the jealous husband did not believe that the meetings were accidental. The court of the demesne upheld the husband’s suspicions, ordering Stachłosiński to be evicted from the estate and sentencing Kopiec’s wife to be whipped and held in the pillory during five church services. Interesting in this case is that after receiving these punishments, Jewdokia was also to be banished from the demesne of Nawojowa, which meant the practical breakup of the Kopiec’s marriage, a rather unusual verdict considering that the courts tried to preserve even the most mismatched marriages, even by force. In this situation, Jewdokia herself fled from the village before her punishment could be meted out to her.⁴¹

Rural suspicion about the moral conduct of married men and women often turned into straightforward inquisitiveness.⁴² During an examination whether Andrzej Lega and Marianna, wife of Dmytro Roman, had committed adultery, the court of Czukiew heard evidence from Piotr, son of Senczycha Ledzycha, who while working at the farm noticed that Andrzej and Marianna had gone inside the cottage. The witness was bold enough to go to the window, and saw that ‘they were lying together beneath the sheets’.⁴³ In a similar situation, Szymon Jasiński and Reina Pieterkowa, seeking privacy, covered the window with a cloth, which deeply annoyed the woman who tried to spy them because she was unable to see exactly what was going on. But she did notice that Reina was lying on the bed naked from the waist down.⁴⁴ The most detailed report from a voyeur comes from Chełmno demesne in 1757. Katarzyna, a servant girl to the blacksmith Wawrzeniec Rudzicki, bustling around the house in the afternoon while her mistress was away, heard her master’s voice coming from a small chamber, talking to someone and giggling. Katarzyna later described in detail what then transpired:

⁴⁰ ANK IT 230, p. 115 [1623].

⁴¹ ANK F. 227, fol. [6]v–[7] [1760].

⁴² Cf. Tóth 1991, p. 46.

⁴³ TsDIAUL 142/1, vol. 7, pp. 358–359 (from the back) [1735].

⁴⁴ ANK AD 609, pp. 12–13 [1698].

I looked through a hole in the door and saw Marcjanna [Wawroszczonka] with my master who, lying sideways atop the bed linen, was kissing [her] on the mouth, and then, bending lower, did kiss her on the legs, after which he did get up and lower his trousers. Thereupon Marcjanna raised herself and lowered her skirt, and he again lay her on the bed and embraced her, which she did attempt to resist a little, but he lay on top of her and she embraced him, and he, thus lying on her, did raise his shirt also.⁴⁵

This was by no means a case where someone noticed marital infidelity by accident. The observation was so long and detailed that it appears to be a case of voyeurism.⁴⁶ But that was not the end of the issue. Katarzyna drew away from the door and called to Pawłowa Marszeńska who was passing by: ‘Come here, Pawłowa, and you still shall see something’. Marszeńska looked through the window, but this was a worse viewpoint for she saw only the blacksmith ‘lying half naked, so that his penis could be seen. [...] But she did not see Marcjanna because although she too was there, it was difficult to see her because of the pillows on the bed’. Marszeńska ran to fetch her husband and a certain Stachowszczyk so that they could also see for themselves, but they refused, not wishing to have trouble with a prosperous neighbour: ‘Whatever happened there, the blacksmith has money and can buy himself out, and we can be punished’.⁴⁷

A similar situation happened in Krzeszów in 1774. During a wedding feast at the local inn, Mikołaj Chwała took Agnieszka Karbowiaczka by the hand and they went to the barn of Jędrzej Świrko. Clearly they were not too concerned about the secrecy of their intentions. Several peasants, suspecting them of adultery (and they were both married), ‘did follow them spying and found them standing in the barn’. This *ad hoc* civic guard of morals, however, did not prevent the sin from occurring, because having been taken by surprise in Świrko’s barn, Mikołaj and Agnieszka continued to wander through the village a little, until in the end they lay down in the stable of Agnieszka’s husband.⁴⁸

Ten years later, the night watch—peasants engaged by the landowners to guard the estate against robbery—began to assume the right to guard the morals of their neighbours. On one night in July, they saw Mateusz Duc creeping to the hut of Rozalia Hyrlikowa. As she was married, the guards

⁴⁵ APT ASD 7, fol. 346 [1757].

⁴⁶ Cf. comments by Laura Gowing, who claims that reports of observed sexual conduct during early modern times can be considered as a way of satisfying the need to discuss sex, desire and related moral standards, and at the same time as a celebration of voyeurism in harmony with the prevalent standards of decency (Gowing 2003, pp. 103–106).

⁴⁷ APT ASD 7, fol. 345v.

⁴⁸ ANK IT 256b, p. 610 [1774].

went after him and tried to get into the hut, but the door was bolted from the inside so they broke it down. Hyrlikowa and Duc escaped through a hole in the roof to the barn, from where the woman ran off into a field and the man hid himself in a corner, where he was not found until dawn and led away under arrest.⁴⁹

The descriptions of voyeurism and communal intervention in defence of morality confirm that in the countryside in early modern times, it was very difficult to find intimate places away from the inquisitive eyes of neighbours. It is interesting that reactions like these were recorded almost solely regarding suspicions of marital infidelity. This serves to highlight even more the tolerance of sexual relationships between unmarried people, though they too could become the targets of observation and supervision. Nevertheless, in this case discretion prevailed.

5. THE TAVERN, ALCOHOL, AND SEX

In view of the clear disapproval of extra-marital sexual activity by the rural population, close observation of sexual behaviour and the severe penalties handed down to adulterers, we should consider who took such a risk and why. Of course, it is difficult to state the motives and intentions of those caught red-handed, especially because their confessions were an attempt to reduce their guilt. There is much to be said, however, about the circumstances in which adultery occurred: most of all inside a tavern or while in a state of drunkenness, which we can say is the universal European model.⁵⁰

The village inn was an excellent meeting place for young people who were only just looking for their future partners, but even for established members of the community the inn offered a—let us say—erotic ambience. For it was a public place visited by men and women, and social gatherings and conversations between the two sexes were within the accepted bounds of convention because, formally, the inn was under full control by the community which monitored the behaviour of its members: everything there occurred openly and in public, and if anyone broke the rules the community could react immediately. But at the same time, alcohol, music and dancing, which provided typical entertainment, served to relax the atmosphere. This was noticed by Marcin Nowakowski, who recommended to clergymen that they ask simple parishioners during confession:

⁴⁹ AGAD Zbiór Branickich z Suchej 321/407, p. 175 [1784].

⁵⁰ Cf. Martin 2001, p. 79 ff.

C[onfessor]: Did you not get someone drunk?
 P[enitent]: This had to happen for the sake of sociability.
 C[onfessor]: And did you not break the Sixth Commandment?
 P[enitent]: I did not.
 C[onfessor]: Did you not converse with some else's wife about improper things?
 P[enitent]: This usually happens when sitting and drinking.
 C[onfessor]: Apparently you invited her to do evil things.
 P[enitent]: I did invite, but there was no deed.
 C[onfessor]: Was there no relative?
 P[enitent]: A sister-in-law and two fellow godmothers.
 C[onfessor]: Well, you broke the Sixth Commandment by evil intent, though not by deed.⁵¹

In this fragment of his *Spiritual caroling* (*Kolęda duchowna*), Marcin Nowakowski points out first of all the popularity of drinking as a social pastime, secondly the tendency to talk about 'improper' things and flirt caused by the alcohol, and thirdly the danger of 'incest'; in other words, directing one's sexual attention towards persons who are sufficiently closely related for the Church to prohibit this. The popularity of this behaviour is understandable in view of the fact that in small communities, there was always a considerable number of people who were somehow related to each other, and after they had married the number of relatives increased even further. At the same time, it was easiest for relatives to socialise in a tavern without arousing suspicion. In the Penitent's defence in Nowakowski's work, all we can say is that he receives absolution because 'no deed had been committed'. The Confessor merely tells him to be ashamed, but from the point of view of rural morals the Penitent did not exceed the bounds of decency.

Obviously, there were those who wanted to conclude a flirt with sex. The problem then was how to get out of the tavern without being seen, and here, as usual, an inquisitive person might always be encountered. Piotr Durski was accused of adultery with Agnieszka Rozmuska by the widow Salomea Grabowska, 'when they were entertaining themselves and he danced with Rozmuska, and after the dance they both went to a hall, and that Grabowska followed them and told everyone they were going to commit an evil deed'.⁵² But Grabowska presented no evidence, perhaps indeed Durski and Rozmuska merely wanted to have a rest after the dance. Other people were not concerned about the possibility of sexual relationships or were too drunk to perceive such a danger. On another occasion, one Gasper Grzybowski took a certain Marianna Brzanina by the hand and

⁵¹ Nowakowski, *Kolęda duchowna*, p. 563.

⁵² ANK IT 229h, pp. 31–32 [1764].

Led her through the back door for she was drunk, and when they reached the door he held her with one hand and with the other hand held the door. Then he wound a rope around the doorknob so that it would not open. Then behind the door they lay on the manure and he said: 'O, my Molly, my Molly, you are my heart' and she replied 'Just do not press too hard'.⁵³

Of course, we know about the above episode from a voyeur. Matys Skorupa waited until Grzybowski had 'finished his business', and hit him with a stick while he was still kneeling between Brzanina's legs, accusing him at the same time of adultery. In reply, Grzybowski tried to ply Skorupa with vodka in order to keep the matter secret, but to no avail, although such bribery might have worked in other cases.

Occasionally, however, everyone in the inn was so drunk that they could not or would not see any signs of adultery. Typical here is a statement by the administrator of the village of Rajcza, Józef Dąbrowski, who came on business to Ślemień on Saint John's Day 1784 and slept at the inn. There he witnessed a case of adultery between Wojciech Rusin and the widow Agata Wnętrzaczką,

whom he found in the cellar and, having admonished them, summoned Paweł Golec reeve of Ślemień as a witness, who also saw the aforementioned adultery, whereupon Agata Wnętrzaczką escaped through the window [...], and it was heard that previously through all the day Wojciech Rusin did some touching her and other actions.⁵⁴

From Dąbrowski's testimony it emerges that Rusin and Wnętrzaczką did not even take pains to conceal their caressing and no-one was particularly concerned until the nobleman intervened. The Ślemień court, however, which was supposed to examine Dąbrowski's complaint, had a major problem establishing what had actually happened because 'on that night, Dąbrowski, as well as the reeves and everyone else in the tavern were drunk', while Wnętrzaczką, as the sister of Rusin's daughter-in-law, remained beyond suspicion, at least formally.⁵⁵

Very interesting in Dąbrowski's testimony is the remark whereby 'Wojciech Rusin did some touching' to Wnętrzaczką. This is fascinating because we have very little information about caresses between men and women, and indeed about any bodily contact that is not sex. If such things are mentioned, they are almost always about drunk people. For example, Szymon Tabisz of Trzeźniów allowed himself to 'touch bodily' Jadwiga

⁵³ BJ 5934, fol. 65 [1733].

⁵⁴ AGAD Zbiór Branickich z Suchej 321/407 p. 179 [1784].

⁵⁵ Ibid.

Proroczka, probably only because both were drunk, and Jadwiga was almost unconscious.⁵⁶ Nevertheless, such ‘touching without result’ was sometimes attributable to the fact that a drunken man was incapable of sex.⁵⁷ The image of drunken men and women lying next to each other must have conjured up suspicion of marital infidelity. That is how Osyf Szewczyszyn and Katarzyna Żegiestowska from the demesne of Muszyna were treated when, while lying drunk in the tavern garden, someone played a trick on them and removed some very symbolic items of clothing, his hat and her apron. According to Katarzyna’s evidence, she had left the tavern ‘because her head was reeling and fell asleep in the garden’, and later the equally drunk Osyf lay down next to her. In the end, Osyf was found guilty of creating ‘suspicion of adultery’ because he had fallen asleep near Katarzyna.⁵⁸

Excessive consumption of alcohol was frowned upon even if a man was in the habit of getting drunk in the company of his own wife. For this reason, Mielnik from the demesne of Sambor was given one week in jail for ‘frequently being drunk and dragging his wife around taverns, when both of them get drunk, so [he is punished] to prevent the offence of God, and avoid such a drunkenness which sometimes give rise to fornication’.⁵⁹

Drunkenness is most often mentioned in the case of one-off marital infidelity, which seems to be dictated simply by circumstances, impulse or the availability of a sex partner. In no way can such cases be called ‘relationships’. They may be attributed to a relaxation of moral standards following the consumption of alcohol, or to the specific nature of entertainment inside taverns, but there is no shortage of records showing similar behaviour in other contexts. For example, in 1751, on her way back from a fair, Marcinowa Żołnina met Jan Klimek, who was carrying a sack of flour from the mill. So they walked together and, according to Żołnina, ‘he told me to get off the road and I let him seduce me, but I resisted verbally, whereupon he did not care about it and said that we would confess to this and he did commit this sin with me’. But Klimek claimed Żołnina took the initiative: ‘I was coming from the mill with the flour and she was waiting for me on the other side [...] and she sang to me about what she wanted, which I did do’.⁶⁰

⁵⁶ TsDIAUL 48/1, vol. 4, fol. 2 [1784]; cf. also: APT ASD 1, p. 425 [1732]; ANK Dep. MS 101, p. 268 [1766].

⁵⁷ APT ASD 7, fol. 369v [1757].

⁵⁸ ANK Dep. MS 101, pp. 153–154 [1764].

⁵⁹ NBLNU 542/III, fol. 213 [1718].

⁶⁰ BPAU/PAN 7118, p. 66 [1751]; cf. ANK Dep. rkps 197(h), fol. 3 [1718]; ANK F. 227, fol. [5v]–[6] [1760]; *Księgi sądowe klucza jazowskiego*, No. 313 [1769]; ANK Dep. MS 269, No. 196 [1802].

Nevertheless, impulsive one-off sexual relations are a minority. Generally, when adultery was discovered, it often transpired that the partners had had a longer relationship, often with emotional involvement. Before we examine this type of relationship, we should consider the basic criteria of mutual attraction between men and women which led them to engage in sexual conduct that was risky from both a social and a legal standpoint.

6. THE CRITERIA OF PHYSICAL ATTRACTION

Let us start with physical attraction which seems, at least in contemporary popular culture, the primary criterion for choosing a sexual partner. It is difficult to say if this was also the case in a society where virtually no one used a mirror and never had any portrait of his or her own or anybody else's.⁶¹

Our imagination of the physical appearance of the peasantry in early modern times has been shaped by two opposing trends. The heritage of the idyllic-pastoral view of the countryside is generally rejected today, and the obsession with the peasantry prevalent at the end of the nineteenth century is criticised, though the decorative wedding folk costumes from this period are still considered to be typical peasant clothing. The second trend was set by the paintings of Pieter Bruegel the Older and his imitators, and, in Poland, the descriptions of enlightened reformers, showing peasants as huddled, dirty and wretched victims of ignorance and exploitation. This problem is difficult to expound, and not merely because anthropological research is fragmentary. Aesthetics is a relative criterion, and there is no objective answer to the question asked by Françoise Piponnier and Richard Bucaille in an article on the physical appearance of the French peasantry in the late Middle Ages: *la belle ou la bête?*⁶²

An interesting problem for research is how male and female peasants assessed each other, what criteria attracted them, and what role these criteria played when choosing a sexual partner. As far as physical attraction is concerned, one should most of all ask whether this possessed any significance at all to peasant communities in the Polish-Lithuanian Commonwealth in early modern times. In old folk literature, it is difficult to find any descriptions of physical appearance. The first fragments of such descriptions only appear in the material collected by Oskar Kolberg, but they are either very general, as in the following quatrain:

⁶¹ Cf. Gowing 2003, p. 6.

⁶² Piponnier and Bucaille, 1976.

*Cy ciebie Marysiu
odmalował malarz,
w całej parafii
takiejby nie znalazł,*⁶³

If a painter were to paint
Someone like you, Marysia,
He would find no one
in the entire parish.

or have clearly been inspired by the literature of other social classes, e.g.:

*Twoje modre ocki jak przylascki grajo,
A twe białe rękulecki śniegu się równajo.*⁶⁴

Your blue eyes do shine like liverleaves,
And your white hands are whiter
than the snow.

Nevertheless, the total absence of descriptions of physical appearance in the few seventeenth- and eighteenth-century folk poems known to us should come as no surprise. The rediscovery of the aesthetics of the human body is attributed to elite milieux of the Renaissance who drank deeply from the stream of classical heritage. Compared to Italy or France, the Renaissance in Poland appears rather plain or even prudish: it has bequeathed to us only a small number of images of naked bodies and coarse eroticism. But this was enough to awaken a certain interest in the human body, which continued in the Baroque age. According to Tadeusz Chrzanowski, a typical feature of old Polish attitudes towards the human body was the inability to talk about it.⁶⁵ If the intellectual elites had a problem with this, what can we expect of illiterate peasants?

Nevertheless, in old Polish folk literature we can find traces of interest in the human body, except that it concentrates on the genitals. According to Dobrosława Wężowicz-Ziółkowska, in obscene folk songs, the sexual organs are a 'subject of constant, broad interest and objects of delight and fascination' and even of aesthetic reflection.⁶⁶ The question of course is to what extent works of a primarily obscene nature can serve as evidence of the above fascination. This is not the place for deliberations about the concept of *obscenum*, but it is worth citing a few examples of this genre of creativity. They all come from the collection called *Mazovian Songs (Pieśni mazowieckie)* collected and written down by poet Adam Kęmpski (?-after 1766) in the 1720s, but they were censored in the 1965 edition of this work prepared by Czesław Hernas. The first two are devoted to the male and female sexual organs:

⁶³ Kolberg, *Mazowsze*, p. 262.

⁶⁴ Kętrzyński, *O Mazurach*, p. 44.

⁶⁵ Chrzanowski 1977, p. 68.

⁶⁶ Wężowicz-Ziółkowska 1991a, pp. 173–174.

*Dziewcyno, twardo spisz, twardo spisz,
A dajże mi tej dziurecki, co nią scys.*⁶⁷

Girl, you sleep hard, you sleep hard.
Give me this hole, that you piss.

*Ja ubogi Jan parę jajek mam.
U tych jajek wisi walek
Przydałby się dla kucharek
Zawiertywać krzan.*⁶⁸

I, poor Jan, do have two eggs,
Next to these eggs there hangs a roller
It will be useful for the kitchen girls
To bake a cake.

The third verse compares them with each other:

*Już ci moje, jako moje,
Wisi razem wszystko troje,
Ale twoje kata zjadło.
Co się na poly rozpadło.*⁶⁹

Of my things
There hang three,
But your things
Have split in half.

Finally, the fourth verse presents them in action:

*Leciały gile
I krzywonosy.
Picka się rozdziewa
A kusia się wznosi.*⁷⁰

Bullfinches and ducks
Do fly,
The aperture does widen
And the road does rise.

Despite the blunt openness with which folk literature describes the sexual organs, peasant communities did not find it easy to talk about physical appearance. When Jan Tyszarowic of Czukiew, danced in a drunken state with Bujalska, a local petty noblewoman, he wanted to pay her a compliment and, according to a report by Sebastian Kowal, said: ‘what beautiful bootees Mrs. Bujalska has’.⁷¹ No doubt he did not really mean her footwear, but due to the absence of culturally acceptable epithets about the aesthetic values of female legs, Tyszarowic was compelled to employ a metonym to indicate the object of his interest.

The concept of attraction, however, was not restricted to physical features, but also embraced a person’s psychic profile and preferred personal and social characteristics. So when anyone tried to say what made a man or woman so attractive, he or she referred to an entire series of various characteristics. For example, a certain Regina Kucianka—the cause of much sighing by men in Żukowice near Tarnów—was described by her neighbours as ‘charming, witty in discourse, young, sociable, and fond of dancing. With

⁶⁷ BC 783, p. 540.

⁶⁸ Ibid., p. 541; cf. *W kalinowym lesie*, vol. 2, p. 249.

⁶⁹ BC 783, p. 543.

⁷⁰ Ibid., p. 542.

⁷¹ TsDIAUL 142/1, vol. 5, p. 153 (from the back) [1696].

these qualities she attracts many men's hearts, especially drunken'.⁷² Let us add that she declared all the time that she was a 'pure virgin,' even though she had a husband.

But such a cool and objective statement of the reasons for a woman's attractiveness was very rare in the countryside. Peasants were usually unable to state the reasons for their emotional engagement. A certain Franciszka Hodorowicówna of Bystra near Jordanów, the heroine of a stormy and lengthy romance with Klemens Heliasz (see Chapter III.12, Tale Two), when asked by a court how they had developed such a friendship, replied 'I do not know where this blindness came from that we loved each other so'.⁷³ For male and female peasants, feelings were quite a secret phenomenon, and they sought their origin not inside themselves but somewhere else. The abovementioned Regina Kucianka felt such repugnance towards her husband that

Not only does she not wish to eat nor live with him, but not even to look at him, because she has such a defect, probably caused by a spell, that she must not look at him even if she so desires. But when someone mentions her husband to her, anger does awaken within her.⁷⁴

7. THE CRITERIA FOR CHOOSING A PARTNER

The ideal model of partnership propagated from the church pulpit assumed that the mutual attraction of two people was the result of God's plans, should lead to a 'state of marriage', and should be fulfilled only in this form. But, in fact, neither the dictates of the heart were the sole criterion for choosing a partner, nor was marriage the only possible form of union between the sexes. Insofar as a pre-marital union could be recognised as a union on the path towards the ideal model, i.e. marriage, extra-marital unions were a blatant violation of this norm. So let us consider more closely what values two people saw in each other that made them decide to violate customs and legal and religious regulations. I shall not discuss cases where intercourse was brought on either by the use of force or—much more frequently in rural areas during this period—by the application of one's superiority in the hierarchical social system (as in the case of maidservants, who were exploited quite often); neither will I deal with rural prostitution, although some relationships where one partner expected material benefits from the other may be included in this category. It is difficult, however, to

⁷² *Akta w sprawach chłopskich*, No. 52 [1756].

⁷³ BJ 5934, fol. 113 [1744].

⁷⁴ *Akta w sprawach chłopskich*, No. 52 [1756].

draw a clear dividing line between prostitution and non-prostitution, given the laconic tone of sources. For example, was Magdalena, stepdaughter of Piotr Boroń, with whom the innkeeper Gaweł Orłow 'did commit adultery in a field three times, the first time giving her a piece of cheese, the second time a groat of money, and the third time a position as servant',⁷⁵ a prostitute?

According to many records not on the subject of rural prostitution, extramarital sex was often connected with material benefits for the woman, although usually with a mere symbolic value. A man giving presents to a woman was quite a typical element of romance in the Polish countryside,⁷⁶ but it is quite possible that in some cases, it was the hope of receiving some benefits that dictated the choice of lover. This was evidently the case with Anna Pawełczakowa of Muszynka, who had a six-year romance with her brother-in-law Leszek, who 'gave her money for this', so when she finally was summoned before a court, told 'where he put the money and where he sinned with her'.⁷⁷

What other qualities apart from generosity did rural women appreciate in their would-be lovers? Sources frequently indicate that the men were from outside, beyond the woman's day-to-day environment: soldiers, clergymen, butlers. The frequency of such reports may of course be due to the fact that such relationships were more difficult to conceal, in addition to which they challenged not only public morals, but also the pride of the fellow male residents. Nevertheless, from many sources it emerges that women yearned for a different style of life than that of a peasant. In the case of the clergy, the disproportions in social status and culture (not to mention money) are obvious.⁷⁸ Even the Orthodox or Uniate clergy, despite their very close connections with the village, were distant from the rest of the community. Roman Catholic priests were under a duty of celibacy, which prevented any hope of a legitimate union.

The attractiveness of soldiers was more of a problem because they had been around in the world and had money to spend; unlike peasants, who could not afford unnecessary luxuries. The billeting of a unit of soldiers in a village caused 'demoralisation': an increase in scandals such as that at Skotniki Górne in 1750, where the wife of Piotr Buła, Małgorzata Zapalonka, 'did not live with him as *matrimonialis status* obliges, but the next day after their wedding left him' because she preferred to be with the soldiers who were billeted in the village. And when Buła begged her not to go, she told

⁷⁵ ANK Dep. MS 197(h), fol. 5 [ca. 1720].

⁷⁶ Kuchowicz 1982, p. 359.

⁷⁷ ANK Dep. MS 101, pp. 31–32 [1761].

⁷⁸ Putek 1969, p. 440; cf. ANK Dep. MS 100, pp. 206–207 [1758].

her soldiers to beat him up.⁷⁹ What is striking in this story is Małgorzata's complete disregard of public opinion in the village. Despite her conduct, she no doubt reserved her right to a part of her husband's farm. Yet, a longer relationship with a soldier simply meant rejecting one's native community, wandering and, in the end, a loss of status. Nonetheless, sometimes even established housewives left their home and husbands to go off with a soldier.⁸⁰ The question of the attractiveness of robbers in highlander communities was probably similar.⁸¹

Finally, sources provide interesting evidence that rural women were also attracted to a group of men who did not differ from peasants either in their origin or in their social status, and were sometimes even poorer than them; in other words, various kinds of 'servants to the nobles'. For example, Agnieszka Zawadzka of Łąka fell in love with Antoni Malawski, coachman to count Aleksander Morski, to such a degree that she rejected several respectable suitors, to whom her father had to repay the costs of the matchmaking.⁸² What could have been so attractive about him? Perhaps 'better' manners acquired during his service at the nobleman's manor? Perhaps it was the coachman's livery (provided by his employer)? But perhaps it was because of the lowly status of work on the land in the eyes of peasants themselves. Compared to this, service in a nobleman's stable was considered a social advance. This is evident from the explanation provided by the abovementioned Regina Kucianka regarding why she did not want to live with her husband:

Because he is a big, nasty simpleton, so she cannot love him and would not love him or live with him even if her head were to be cut off, for she had a suitor from among courtiers but was compelled to marry a labourer.⁸³

The criteria of female attraction in the eyes of men appear far more straightforward. The basic question is general physical appearance which, as I mentioned earlier, was something that peasants were incapable of speaking of and simply referred to it with the easiest of labels, such as 'youth'. This is illustrated by the case of Szymon Wojakowski of Jazowsko who, 'having a wife, already old, did not wish to content himself with her but did meet with his servant girl [Konda Klazonka] [...] to perform the carnal act, to which she confessed in court'.⁸⁴ During his service in Dzierżenina, the labourer

⁷⁹ *Księgi sądowe wiejskie*, nr 7483 [1751].

⁸⁰ ANK KL 68, p. 172–176 [1742]; TsDIAUL 142/1, vol. 3, p. 271 [1753], p. 307 [1754]; *Księgi sądowe wiejskie*, nr 7315 [1792], nr 7483 [1751].

⁸¹ E.g. ANK AD 67, p. 155 [1615]; *Materiały do dziejów zbójnictwa*, p. 162–164 [1762].

⁸² BO 6115/III, p. 185–190 [1794].

⁸³ *Akta w sprawach chłopskich*, No. 52 [1756].

⁸⁴ *Księgi sądowe klucza jazowskiego*, No. 213 [1752].

Kazimierz Bartczak met a certain Małgorzata and even promised to marry her, 'but dishonestly because people discouraged [him], for she was too old'.⁸⁵ In any case, youth was a trump card not just for men, but also for women. Three years earlier, in Jazowsko, an illegal relationship between Zofia Kołodziejczykowa and Szymon Pęciak, a labourer in her husband's employ, came to light. According to the court, Pęciak was a 'young man – he should be tending geese and not looking at other men's wives'.⁸⁶

On the basis of sources, we can surmise that in numerous extramarital relationships that the deciding factor was physical attraction. This probably explains the extraordinary success of some people, such as Tanka, wife of Waśko Śpiewak from the demesne of Klimkówka, who fuelled the passion inside two other peasants striving for her sympathy to such a degree that one of them murdered the other.⁸⁷ This might also explain the attraction of Jan Kozioł of Ołpiny, who was fancied by two sisters (both of them married),⁸⁸ or the similar case of Jan Chomiak of Milik near Muszyna.⁸⁹

In the above cases, the primary role in choosing a partner was sexual desire, which depended upon the partner's physical attraction. But more frequent are cases where a partner was chosen mainly because he or she was available. This applies especially to women because, due to the divergent values attached to the sexual conduct of both genders, women were subject to closer control. That is why a considerable proportion of the women tried for fornication or adultery are 'repeat offenders', whilst similar information about their lovers has seldom been recorded. Thus, a certain Kuźmicha, who during a wedding feast was caught 'in a discreet place' making love to the reeve of Śmietnica, 'is suspected of such circumstances not only with that person, but also with others'.⁹⁰ Hasia Tuledzyna of Czukiew, who demanded alimony from a certain Senko, had been living a free life for years 'and had favoured more than one man'.⁹¹ Likewise, Małgorzata Wiszka of Wólka, who became pregnant by Kazimierz Lech and, 'had been living a loose life for a long time and had already been punished because of it, but the punishment was ineffective'.⁹²

But this does not mean that extramarital relationships between peasants were for the sole purpose of quickly satisfying sexual desire on a single

⁸⁵ *Oskarżenia oskarżają*, p. 61 [1746].

⁸⁶ *Księgi sądowe klucza jazowskiego*, No. 203 [1748].

⁸⁷ *Księga sądowa kresu klimkowskiego*, No. 1200 [1720].

⁸⁸ ANK Dep. MS 197(h), fol. 25 [1778].

⁸⁹ ANK Dep. MS 100, p. 278 [1759].

⁹⁰ ANK Dep. MS 101, pp. 59–60 [1762].

⁹¹ TsDIAUL 142/1, vol. 1, p. 398 [2nd half of 17th c].

⁹² BO 6115/III, p. 142 [1793].

occasion. Many of these unions were very stable, so they must have satisfied other desires in addition to sex. That must have been the case with Jakub Turaszowicz of Olszana, who 'seduced the wife of Wojciech Babicht and lived with her for three years in the Spisz region, in the village of Czwartek [now Spišský Štvrtok in Slovakia] and continued to live there until her death'.⁹³ Błażej Szyszka of Jazowsko lived with his lover for over 16 years until the affair reached the ears of the leaseholder of the demesne.⁹⁴ Thus, regarding stability, these unions are comparable to marriages.

Finally, there is no shortage of evidence that the cause of a union was quite simply love. Telling the court the story of her stormy romance with Klemens Heliasz, Franciszka Hodorowicówna of Bystra near Jordanów relates:

When I was to get married, he said either you will die or he whom you are to marry; later he talked me into coming to him and killing his wife.⁹⁵ (See Chapter III.12, Tale Two)

This was a genuine case of murder through love. Similarly, a miller from Łęka near Nowy Sącz, Wojciech Sroka, charged with murdering his wife, explained under torture that he had done it because of his great love for his servant Jagnieszka: 'I fell in love with that girl, but she fell in love with me even more and said: If she were to die we would be together, and again she said leave your wife, we will go away together'.⁹⁶ There are not many examples of amorous declarations, however, probably because peasants declared their love in deeds rather than words, and their recorded remarks on this subject are usually simplified clichés.

8. MARRIAGE AND EXTRA-MARITAL RELATIONSHIPS

Most of the known cases of adultery in rural areas came out into the open during quarrels between the spouses, but such cases were not one-night stands but mainly involved lengthy extra-marital affairs which caused a crisis in the marriage or even its disintegration. Although the model of rural marriage did not leave a great deal of room for feelings and romanticism, focussing on social and economic considerations, an extra-marital emotional involvement by one of the spouses nevertheless violated the fundamental

⁹³ ANK AD 67, p. 104 [1601].

⁹⁴ *Księgi sądowe klucza jazowskiego*, No. 202 [1748].

⁹⁵ BJ 5934, fol. 113v [1744].

⁹⁶ ANK AD 116, p. 72 [1657].

principles of a marriage: respect and solidarity. Therefore, it is little wonder that an affair by one of the partners caused major social repercussions and the marriage ceased to function within the bounds of accepted rural norms. Thus, the marriage of Jadwiga and Jan Bandura collapsed due to his five-year relationship with Anna Rusinionka, a servant at the farm of Bandura's older brother, Michał. Jadwiga struggled to preserve her marriage, rebuking her husband and the servant girl, 'especially when she noticed something improper', and tried to throw the girl off the farm, but this only angered Jan Bandura, who began to beat his wife regularly and finally threatened to kill her if she tried to resolve the problem by legal means. Her brother-in-law did not help her in her struggle against her husband's lover because he refused to sack Rusinionka, 'and even talked Jan into punishing his wife for wanting to disgrace their home'.⁹⁷ So here we have a desire to preserve discretion at all costs, and perhaps fraternal solidarity. Eventually, Jadwiga succeeded in having the servant girl expelled from the village, but we do not know how their marriage fared afterwards.

Occasionally, a legitimate wife lost against her husband's lover and had to leave the home.⁹⁸ Such situations often occurred during a romance between the master of the house and a servant girl, or between the mistress and a male labourer. The old master or mistress was then replaced by someone younger, although initially only in bed. But subsequently, appetites increased and an effort was made to normalise or even legalise such a relationship. If there was big age difference between the spouses, sooner or later one of them would be widowed and would then be able to enter into a relationship with his or her lover quite legally. The only problem was not to cause a scandal that would cast a shadow over such a relationship. Nevertheless, many people decided to take a shortcut and attempted to rid themselves of their spouse somehow. Simply throwing him or her out of the house caused a conflict with the husband's or wife's family, and could result in social ostracism and even a court case, but given the sluggishness of the legal system, it could take several years for this to happen.

No doubt the murder of the spouse provided more certainty, especially if the death could be made to appear natural (see Chapter II.19, III.12 Tale One and Tale Two). This must have occurred only in exceptional circumstances; however, it is an ever-present point of reference in court cases where a master's affair with a servant girl or a mistress's affair with a labourer exceeded the safe limit of the sexual exploitation

⁹⁷ AGAD Zbiór Branickich z Suchej 79/98, pp. 467–468 [1751].

⁹⁸ E.g. NBLNU 515/III, fol. 119v [1670]; AGAD Zbiór Branickich z Suchej 79/98, p. 469 [1751].

of servants.⁹⁹ It is interesting whether anyone succeeded in taking a master's or mistress's place in the household by breaking the marriage up, murdering the rival, and making it look like an accident. Of course, sources only record cases where such plans failed.

For the spouses of men and women who had embarked upon a romance, the main objective was to preserve the marriage and remove the rival. In 1736, Jadwiga, wife of Marcin Marchlik, 'dared to break God's commandment and her marriage vow' and met with Kazimierz Pawlik whom, 'being young of age, [...] she dared to receive in her house and did visit him on any occasion'. The union was very emotional because rumours arose that Pawlik wanted Jadwiga to get rid of her husband. In the opinion of the court of Starogród, Marcin Marchlik satisfied every prerequisite to commence criminal action against his wife and her lover, but he was satisfied with a sentence of whipping and church penance for the two of them, and a ban on them meeting again. In this way, he succeeded both in punishing his wife and preserving his marriage, at the same time as which he also disgraced his rival and separated him from his wife.¹⁰⁰

Spouses aimed to protect their marriages not only to preserve their emotional bond and social prestige, but also to protect their possessions and the economic efficiency of the farm, for people engaged in extra-marital affairs often neglected work on the land or even squandered the income on maintaining their affair. A typical example here is Iwan Rejko of Klimkówka, who 'gave all his goods to the wife of Michał Szula and drank away everything with her', leaving his own wife and children destitute. But Rejko ended badly because he was charged with stealing oxen, sentenced to death, and executed in Muszyna.¹⁰¹

Rural tribunals took the side of those who wanted to preserve their marriages whatever the circumstances. In the demesne of Jazowsko in 1778, the court observed that Marcin and Zofia Dynowska had not been living together for several years. Asked why she did not want to live with her husband, Zofia replied:

I have no heart for him and even if I were forced to live with him, I would not do so, not knowing the cause of the lack of friendship between us.

⁹⁹ ANK AD 116, pp. 63–73 [1657]; *Acta Nigra Maleficorum Wisniciae*, pp. 42–45 [1692]; ANK Akta Miasta Krakowa 872, pp. 500–505, 513–514 [1716]; BJ 122, fol. 10–11 [1749]; BJ 5934, fol. 138 [1750].

¹⁰⁰ APT ASD 1, pp. 620–623 [1736].

¹⁰¹ *Księga sądowa kresu klimkowskiego*, No. 969 [1688].

Meanwhile:

After long investigations under the supervision of the manor and the authority here, Marcin Dynowski admitted that it is his unwavering intention to preserve his avowed wife and continue his duties under proper friendship [...] , [and] I do desire that my spouse live with me and that we have enough for bread [without] offending God, but [...] my wife does not want to live with and does join others.

The court ruled that Zofia must live with her husband and sentenced her to a public flogging. But her husband too was punished for ‘indulging his wife in living a frivolous life’.¹⁰²

Suspicious of marital infidelity, however, usually ended in an argument and fight. In 1670 in Szumiacz, in the demesne of Sambor, the wife of Iwan Rewtowy followed her husband around when she suspected him of having a romance with the wife of Rurmus. Clearly he confirmed her suspicions because she ran up to Rurmus’ wife and tore her bonnet from her head, which was a grave insult to a married woman. Iwan threw himself on his wife and beat her up badly. This caused a great scandal: Iwan ended up in jail and Rurmus’ wife ran away from the village.¹⁰³ In the same area, in the village of Wiciów, the Kłymkowicz couple had frequent arguments because the wife was suspected of having a romance with Iwan Krzyniecki. Ultimately, violence erupted and Hryć Kłymkowicz beat up his wife’s alleged lover and his mother publicly, in a tavern.¹⁰⁴

But sometimes, the involvement of one spouse in an extra-marital relationship led to (or was caused by) a complete transformation of a marriage. At Kasina in 1626, Jan Lach was charged with impregnating someone else’s wife, Jadwiga Mordelka, while his own wife got pregnant by Wojciech Jagoda, who was also married to another woman. This very complicated situation, however, soon became simpler when Mordelka was widowed and Lach’s own wife, Zofia, died while giving birth to Jagoda’s child.¹⁰⁵

9. GOING AWAY AND STARTING A NEW LIFE

If someone wanted to start a new life in a new relationship, the obvious decision was to leave the village and go and live with his or her lover in other, preferably distant demesne. This was rather risky, but no more risky than

¹⁰² *Księgi sądowe klucza jazowskiego*, No. 356 [1778].

¹⁰³ NBLNU 515/III, fol. 105v [1670].

¹⁰⁴ NBLNU 555/III, fol. 40v–41 [1760]; see also: ANK Akta Miasta Krakowa 873, pp. 62–63 [1717].

¹⁰⁵ *Księgi sądowe wiejskie*, No. 3086–3088 [1626].

living in an illegal relationship in their own rural community. The decision to abandon the village was easier for those who were already on the social and economic margins, so they did not have much to lose. But among those who did leave their village to start their lives anew, we can also find representatives of the rural elite. For example, the wife of the reeve of Klimkówka 'left her husband voluntarily' and went off over the Bieszczady Mountains into Hungary to start a new life, and stayed there until her husband's death, when she returned to her village to claim her share of her husband's estate. The reason why she took this step was serious matrimonial misunderstandings: she claimed her husband had thrown her out of the house, but the village remembered it differently. Anyway, this was a genuine case of the breakup of a marriage, probably due to a romance by one of the spouses.¹⁰⁶

In sources we encounter many men who were bold enough to take someone else's wife and move somewhere else. In 1606, Jakub Ząbek stood before the municipal court of Miechów, for he had gone off with Anna, wife of Paweł Burgrabia of Jeźówka village, and had lived with her near Skalbmierz for five years, raising Burgrabia's child and producing his own.¹⁰⁷ In 1692 at Nowa Góra, Mikołaj Ziábka received 200 strokes for leaving his wife and going off into the world with another, with whom he wandered around for a long time. But eventually he came back alone to his village and seduced a maiden, Regina Niepsujanka, and had two children by her.¹⁰⁸ In this case, we are probably dealing with someone who had grown fond of the life of a vagabond and succeeded in converting two women to this lifestyle. It was probably the same with Jacko Cuchrynow of Grażiowa who, 'having seduced' the wife of Iwan Grażiowski, 'went with her wherever he wished for quite a time'.¹⁰⁹ At times, escape from the village was simply a way of protecting oneself against possible punishment for adultery. Thus, when Hryc Karpczarz of Leluchów had 'sinned with the wife of another,' he ran away with her to Hungary, where he remained for a while until he returned. But we do not know what happened to the woman; whether she came back with him to the village or stayed in Hungary.¹¹⁰

Perhaps leaving the village was a genuine solution for couples who wanted to be together but their marriages were an obstacle to this. Typical here is the tale of Anna Zworska of Czukiew whom Pańko Kubryk had, in her own words:

¹⁰⁶ *Księga sądowa kresu klimkowskiego*, No. 1220 [1721].

¹⁰⁷ BJ 86, fol. 29v [1606].

¹⁰⁸ ANK IT 229b, pp. 195–196 [1692].

¹⁰⁹ NBLNU 514/III, fol. 11 [1659].

¹¹⁰ ANK Dep. MS 100, p. 58 [1756].

Induced me for five years into having his way with me, promising me he would take me for his wife, but then he left me for another [...] and then having married her he did not cease this deed with me [...] when I tried to oppose him, because he already had a wife, he said [...] I shall go away with you.¹¹¹

The promise of marrying Anna, which Kubryk did not keep, turned into a promise to leave the village with her, which Anna believed and continued to have sexual relations with him in the hope of a stable life with her chosen one.

In Lublin in 1635, a couple, Błażej Jakubczyk and Anna Omelianowa, were tried for *adulterium*. According to their evidence, two years earlier Błażej had seduced Anna, wife of Omelian Andrzejowicz, who lived near Kobryń (then in the Grand Duchy of Lithuania). But this time the fault was on the woman's side:

Asked why he had seduced Omelian's wife, he replied that Anna Omelianowa with Osierowa and Ubiana had put a spell on me, so that I could not stand my service and sometimes I did take leave of my senses and thus did I require care from someone else.

From Anna's statements, however, we can conclude that her motives were rather more down-to-earth. She had lived with her husband for twelve childless years, and her husband had beaten her regularly. Indeed, there was nothing to keep her with Omelian, so she resolved to go off into the world with Jakubczyk.¹¹²

Formally, leaving the village with one's lover was an offence, but it was sometimes understood by the peasant community because it was an honourable exit from a marriage that had completely fallen apart, even though the rejected spouse could not enter into a new legitimate relationship. Evidence that such a way of arranging an informal divorce was tolerated to a certain degree is provided by the participation of a clergyman, a certain Father Krzykowski, in organising the unsuccessful escape of lovers Dominik Kuchcik and Zofia Nowaczonka from their spouses and from the Bishop of Chełmno's lands.¹¹³

10. DOUBLE STANDARD

In 1959, Keith Thomas introduced to historiography the concept of the double standard, encouraging a historical look at this phenomenon. He defined it as the view whereby pre-marital or extra-marital sexual contacts, if a crime,

¹¹¹ TsDIAUL 142/1, vol. 2, p. 545 [1679].

¹¹² APL Akta Miasta Lublina 141, pp. 777–780 [1635].

¹¹³ APT ASD 7, fol. 270v [1756].

are regarded insignificant and forgivable if committed by a man, but if committed by a woman they are a serious matter.¹¹⁴ Since then, historians of early modern times have attempted to relativize this problem, but without denying that there were double standards in this regard depending on which sex we are dealing with.¹¹⁵

In the Polish countryside in the seventeenth and eighteenth centuries, this double standard was reflected, for example, in the court sentences handed down for *fornication*, both in the manner of punishment and in its burden (see Chapter I.2 and I.14). In the case of adultery, this is more difficult to judge because adultery also involved external circumstances which we cannot always identify or understand.

In a moral public discourse, this misdemeanour was universally condemned, which suggests that the sixth and ninth commandments were deeply embedded in the rural system of ethics. Nevertheless, even in this system the seriousness of adultery was mollified by various pragmatic factors, depending on the external circumstances. This is particularly evident in the cultural differentiation of sexual freedom between the sexes. For example, men enjoyed a broader range of socially accepted mitigating circumstances for adultery. The arguments most frequently applied regarded the status of the target of the offence; in other words, responsibility for one's own sexuality was placed on the woman. In peasant communities, a man charged with adultery usually blamed the woman of immoral conduct, as if the fact that she 'with others also consorted in an improper way' lessened the gravity of his own offence.¹¹⁶ Such argument did work occasionally, even before courts, as indicated by a decree from the manorial court of Bratkowice, which treated lightly the adultery committed by Mikołaj Dziuba because it occurred 'not with a maiden, nor with a married woman, but with an unwed mother' (see Chapter I.14); in other words, with a woman automatically considered 'morally fallen'.¹¹⁷

A clear differentiation between the genders can also be seen in the sentences of banishment hand down to those guilty of a sexual offence; practically only women received such treatment (see Chapter I.14). This was largely due to economic considerations, because from the point of view of landowners, it was better to lose a pair of female hands for work than male hands. Nevertheless, the grounds for the sentences of banishment given to women

¹¹⁴ Thomas 1959, p. 195.

¹¹⁵ Ulrich 1982, p. 94; Fletcher 1995, p. 104; Walker 1996; Capp 1999; Foyster 1999, p. 77; Bailey 2003, p. 147.

¹¹⁶ APT ASD 1, p. 198 [1723].

¹¹⁷ AGAD Archiwum Roskie, CLXIV/126 [1732]; cf. also: APT ASD 1, p. 198 [1723] and p. 324 [1725].

found guilty of breaching the social norms of sexual life sometimes compared those women to ‘bad sheep that infected others’, and therefore they had to be separated from the rest of the flock.¹¹⁸ This refers to the view of a woman as a potential sower of sin: if men lose control over her sexuality, she may infect other women and become a hazard to men.

Let us try to analyse a few court decisions involving adultery. We will begin with a small town, Nowa Góra, where in 1698 one of the town’s burghers, Michał Jurski, was found guilty of *adulterium* with a local village girl who was his servant, Dorota Gabrisianka of Tenczynek. Considering the guilty couple’s social inequality and the customs in effect during this period, we can say with virtual certainty that Dorota was a victim of sexual exploitation by her employer, and when she became pregnant a scandal erupted that shook the whole town. The court gave both of them three weeks in jail, but for Jurski the sentence was not too harsh because ‘ignoring injunctions, rather than in prison he emptied glasses in taverns’. The final sentence gave him an extra two weeks in jail and a fine of 45 marks, in addition to which he had to lie prostrated in church during two Sunday masses. From Dorota it was certainly not possible to extract 45 marks, an equivalent to nine kilogrammes of silver, so she was spared the fines and church penance, instead of which she received strokes with a birch and was banished from the town as soon as she would recover postpartum.¹¹⁹ Thus, corporal punishment for adultery befell only the girl, and for the sake of certainty she was removed from the town lest, with her very presence, she reminded everyone of a good citizen’s adultery. In this case, the disproportion between the punishments was no doubt due not only to the different genders, but also to the social gap between the offenders.

The second case comes from Błazowa near Rzeszów. In that village, Anna Brzozowszczanka, a servant in the village inn, ‘committed a sin *from* Piotr Bartoń’ (*dopuszcila się grzechu od Piotra Bartonia*). This statement, formulated by the rural tribunal, is of capital significance for it completely releases the man from moral responsibility for his adultery: the sin in this case is not having sex with a married man, but becoming pregnant from him as a result. Moreover, Anna tried to protect her lover from judicial liability, claiming that the child’s father was Szczepan Drozd, who was a bachelor, so the legal qualification for the offence would have changed to *fornicatio*. But Drozd refused to admit that he had had contact with the girl, so the court resolved to extract the truth from Brzozowszczanka, frightening her with flogging, and in the end even ordering her to receive several strokes. Only

¹¹⁸ *Księgi sądowe wiejskie*, nr 3928 [1702]; ANK Dep. MS 84, p. 11 [1785].

¹¹⁹ ANK IT 229g, pp. 70–72 [1698].

then did she confess that her lover was Piotr Bartoń, 'having a wife and behaving properly for several years without any suspicions against him'. Their testimonies were so detailed and conformant with each other that it was not possible to hush up the entire affair. In view of the defendant's good standing, the court sentenced him to 30 strokes of the birch, a fine and church penance, while Anna was burdened with the chief punishment because 'knowing that he had a wife, did approach him and not preserve her maidenhood', therefore she received the main burden of the corporal punishment, taking 100 strokes of the birch.¹²⁰

Even if we assume that the serious fines imposed on men were somehow equivalent to the flogging imposed on women, we can hardly talk of symmetry in the above cases. Both of the women sentenced above were victims rather than co-perpetrators. The courts (and probably rural public opinion) shouldered them with responsibility for the misdeeds of the men. On the other hand, in some much rarer cases where a mature and respected woman seduced a young man who was financially dependent on her, the courts applied no leniency. This was the case with the abovementioned Zofia Kołodziejczykowa of Jazowsko, who was a 'more willing perpetrator of an evil deed' with Szymon Pęciak, an oxherd at her farm. Both of them received equal fines and physical punishments, and were ordered to do public penance, but there was no talk of evicting anyone from the village.¹²¹ In cases such as the affairs between Kołodziejczykowa and Pęciak (and those between other mistresses and their labourers), it is apparently the mistress, not the labourer, who bore the social price of illegal sexual relations; in other words, an illegitimate pregnancy. The woman was thus always the loser in the struggle to rid herself of the moral responsibility.

11. BETWEEN APPROVAL AND CONDEMNATION

The functioning of double standards and moral assessments of extra-marital relationships depended on various contexts that are not always understandable today. Pragmatic views and decisions also played a major part; these were a temporary reaction to the situation at hand. Nevertheless, the effects of these decisions were permanent because they influenced the further development of relationships. Consequently, virtually every single extra-marital relationship was judged on both a social and individual level on the basis of a unique set of factors. Fortunately for our ability to assess them, the range of permissible

¹²⁰ APR Akta Gminy Błazowej 99, p. 2 [1745]; see also: ANK Dep. MS 269, No. 21 [1720].

¹²¹ *Księgi sądowe klucza jazowskiego*, No. 203 [1748].

reactions was not very extensive and fluctuated between approval on the one hand and condemnation on the other.

Let us look at two cases of suspected unlawful extra-marital relations which caused arguments and squabbles. In 1750, the court of the Sucha demesne was worried about the situation in the households of Szymon Listwan and Kazmierz Swierkosz, who did 'perform with their wives all manner of cursing and fighting, at home and in the tavern, and on the public roads'. The reason for these heated scenes was the wife of Jan Biernacik, who apparently engaged herself with both the above named peasants in 'eating, drinking and other entertainments', not only in the tavern but also at her home. Therefore, the wives of Listwan and Swierkosz suspected their husbands of 'evil conduct', in other words adultery. As no one was able to prove anything before the courts, and the two wives did not want either to give evidence or indict their husbands, the court ordered Listwan and Swierkosz to keep away from Biernacikowa, not drink with her in the tavern or visit her at home. If they violated this ban, they were to receive high fines and severe corporal punishment of 300 strokes of the birch, which was probably included in the verdict solely as a deterrent. But their wives too were ordered to discontinue arguments on this subject and avoid the subject altogether, also on pain of corporal punishment, but this time 100 strokes.¹²²

This whole situation is puzzling: if the charges by both wives contained a grain of truth, it means that their husbands sought amusement and perhaps emotional satisfaction outside their marriages. They did this in a manner quite typical in rural society: drinking and having fun in a tavern in company which they considered interesting. This norm was only exceeded when the entertainment became too intense, especially when the scene of this activity moved to the home of another woman. Of course, this might give rise to suspicions of adultery. Secondly, the abovementioned Biernacikowa is an interesting figure. No doubt her company appeared attractive to the married men—more attractive than the company of their own wives. But Biernacikowa herself seemed to enjoy greater freedom. Being married herself and without any recorded problems from her husband, she had fun with married men in the tavern and perhaps even invited them to her home. What is interesting is that the verdict of the manorial court makes no mention of her whatsoever, as if she were completely beyond its jurisdiction or her behaviour were regarded as completely within the norm. We can suspect that this could have been a different norm to that on the basis of which the wives of Listwan and Swierkosz were judged; in other words, she was a woman of so-called

¹²² *Księgi sądowe wiejskie*, No. 4726 [1750].

'loose morals'. Yet, in this case the court would have had no reasons not to put the entire blame for the marital disharmony upon her and punish her in order to set an example. And the third observation regarding this case is this: the wives of Listwan and Swierkosz could have had a public row with their husbands inside the tavern because of their contacts with Biernacikowa, but they did not want the court to intervene. No doubt they wished to preserve their marriages and eliminate any competitor for their husbands' hearts, but given this stage of their relationships with Biernacikowa—still very cautious but not quite innocent—transferring the matter to the courts could have had the opposite effect to the one intended.

The second case occurred 30 years later in the demesne of Ślemień, not far away from Sucha. In the village of Las, a certain Dorota Pajtaczka, servant to Tomasz Scelina, was the cause of arguments in more than one household. In this case, the woman's role is quite clear: she was a spinster with two children and of rather loose morals, though it seems that she invented many details about her romances, which was perhaps her way of establishing an identity and creating self-esteem. One witness, Błażej Cacak, said that one day in the mill, Dorota boasted:

'What does that Michał Gibas want from me? I am neither pretty nor important, and just as he used to visit me when he was a farmhand he still does so [now he is a master], but (tells me) do not tell anyone, for even if I had an affair with you I would not betray you.'

And he [i.e. Cacak] asked her:

'Did he give you anything for this?'

She replied that he did and said that Michał Gibas went from Ślemień drunk and visited my master asking where I was, and my master replied I was in another cottage but in fact I was hiding in a chamber. Not until the next day, when he sent me to fetch a stone for weighing the hay did he ask why I had hid from him, saying I would not have eaten you.¹²³

Thus, the attention from men (Gibas was not the only one) was a source of pride for her, although—and we should not deny this—they were also willing to pay for sex with her, so that she may rightly be called a village prostitute, but all semblances of romance, seduction and other efforts at attraction were preserved. When she became the cause of arguments between the Gibas couple, and also between the Kwaśnys, she was taken to court but confessed to nothing. Even so, she was given sixty strokes 'as a deterrent', but only received fourteen. Her master Tomasz Scelina, however, received a fine, against which he appealed to the district authority (as the episode took

¹²³ AGAD Zbiór Branickich z Suchej 321/407, p. 20 [1780]; the whole episode reported here is recorded on pp. 20–25.

place in the part of Poland partitioned by Austria, peasants had the right to do this). Following further investigations ordered by the local authorities, it transpired that Scelina could not be objective in this case because someone had seen him with Dorota staying for a night during a fair in Wadowice, and 'behaving like a husband towards his wife, for the moon was shining and the shutters were not closed'. There were also rumours that Dorota's second child was in fact Scelina's grandson because his son was said to be sleeping with her. Meanwhile, Michał Gibas and the innkeeper Antoni Kwaśny, mentioned by Dorota as two of her lovers and serving as reeve and an alderman respectively in the community of Las, decided that she should be banished from the village. Kwaśny was supposed to carry out this sentence but did nothing because Dorota's master, Scelina, objected, telling him that 'you cannot rule over me here in my home'.

In this situation, the wives of the two officials took the initiative. Following an argument with her husband over Dorota, during which he beat her with a rope, Apolonia Kwaśna ran to Tomasz Scelina's farm. There, she led Dorota's two children out of the cottage and tried to get to Dorota, calling out: 'Why are you preying on human misfortune?'. But Dorota had barricaded herself behind a door. In the end, the two women had a fight in which Dorota proved to be stronger because she apparently beat Kwaśna until blood flowed. But a few hours later, Dorota decided to make it up with Apolonia. She engaged the service of Anna Cwajnicka and went to Kwaśny's tavern, where they ordered vodka and went up to Apolonia to formally apologise to her. But Apolonia refused to partake of this vodka of reconciliation and both women began to insult each other and then started to fight again, which was only stopped by a musician present in the tavern. The exact course of the fight is not known because all of the women who took part and all those who watched were drunk. Neither do we know how the entire scandal ended.

We can note, however, the clear difference in the way in which women and men assessed adultery. Not only were the women sharper in their condemnation of Dorota and, anxious to preserve their marriages, tried to get rid of her, but they also viewed Dorota's extra-marital affairs differently than those of the men who romanced with her. From this angle, Dorota committed a grave sin by bringing misfortune upon the village's inhabitants (not at all a religious sin but quite an everyday one: arguments between husbands and wives), and yet the men who slept with her were not called to account at all as long as their family lives were unaffected. One of them—Tomasz Scelina—was even treated with consideration because 'his wife is old', as stated in the record that explained his behaviour while defending Dorota against banishment from the village.

12. THREE TALES

The picture of extra-marital relationships in the Polish countryside in the seventeenth and eighteenth centuries thus appears to be a rather chaotic mosaic of, on the one hand, declared norms and, on the other hand, widely divergent practices based on circumstances that are not always discernible. This is also largely attributable to coincidence and various pragmatic decisions of a temporary nature, whose impact nevertheless proved to be permanent and affected the general nature of relationships. Therefore, it is most beneficial to examine the complete histories of extra-marital affairs in their various contexts. Unfortunately, in the case of peasant communities, we are seldom able to reconstruct a longer sequence of people's biographies, and wholly unable to compare them with other types of data, or at least other, independent tales about the lives these people led.

Below I present a reconstruction of three different extra-marital relationships of which we possess relatively extensive documentation. Such detailed descriptions can only come from criminal court records, which of course means that we are dealing with extraordinary situations, usually murder or attempted murder. Yet, the statements of the defendants in these cases disclose the circumstances in which extra-marital affairs developed and how they were viewed by rural society. Murder and other serious crimes were the consequences of these affairs, yet their individual stages need not have led to such tragic endings. Therefore, I examine these histories not because of their element of crime or suspense, but in order to show how the actors experienced emotionally important episodes in their lives.

TALE ONE. THE DEADLY 'UNION' OF REGINA WYDROWA
WITH JAKUB THE FARMHAND, 1729–1730

In autumn 1729, a farmhand called Jakub commenced employment with Józef Wydra, a half-farm peasant in the village of Krępkowo near Słupca.¹²⁴ He very quickly entered into an intimate relationship with the farmer's wife, Regina Wydrowa. No doubt alcohol played a certain role here because the first intercourse occurred on the way back from the tavern:

When we went for a beer during Christmastide, I treated her with it, and when we were returning from the inn we held hands, and it was slippery, and she slipped and I held her fast, whereupon she put her arms around my neck and things proceeded from there and we did have intercourse.

¹²⁴ I relate this story based on: APP Akta m. Słupcy I/5, fol. 86–87v [1730].

In December it can be slippery and one can fall, but it is also cold, so sex in the open air could not have been particularly comfortable. It is also difficult to believe that it happened on the spur of the moment. The two of them had probably desired each other for some time, perhaps even 'at first sight', because Jakub had only been working for the Wydra's for a few weeks. In any case, they probably did not go together to the inn without good reason. For the woman, a romance with the farmhand could have been a remedy for her husband's brutality, as he did not spare her blows from his fist. Regina explained her discordant marriage by the fact that it had been arranged against her will. Appearing before the court, Jakub related what Regina had once told him after she had been beaten by her husband: 'If only I had had something with which to kill him, I would do so for I did not and do not love him, for I was compelled to marry him'.

It is more difficult to decipher Jakub's motives, but a certain circumstance suggests the kind of person we are dealing with. Jakub confessed not only to having intercourse with the farmer's wife, but also to raping her daughter Teresa, no doubt still a child, because—as he himself confessed—'In sooth I did have relations with her daughter twice but I did not get far in that matter, for she is yet small and young; nevertheless, I did satisfy my desire'. The taboo of paedophilia was not as strong then as it is today, but nevertheless sexual relations with a minor were a severe breach of socially accepted standards. So perhaps Jakub did not attach any significance to his choice of sexual partner, and when he began to live at the Wydra's he of course directed his attention to Regina, but without ignoring her underage daughter.

Meanwhile, Regina became emotionally involved with the farmhand and started to plan a future together with him. One evening, when Jakub was reluctant to lead the sheep into the barn, she encouraged him with the words: 'Lead the sheep there my darling, for soon all this will be yours'. But to fulfil this plan it was necessary to get rid of old Wydra. And here Regina considered the classic female method of secret murder: poison. One day, 'the girls went out into the fields to rake the hay and killed a viper by chance, and she deliberately went to find it so that she could make a powder out of it and poison him, and when she returned she did complain that she could not find that viper'. As dried reptiles were widely used in magic practices, someone else must have appropriated this animal. Jakub liked the general idea and suggested the use of a different legendary poison: rat bait,¹²⁵ if only they knew where to buy it. Rodent poison was probably rather difficult to obtain because in the end, the conspirators decided to use simpler methods.

¹²⁵ See: *Acta maleficorum Wisneciae*, p. 226 [1654].

On Saint James' Day (25 July 1730), the Wydras went to the tavern in Gonice, a few kilometres away. Jakub remained at home until dusk, and then went out to meet the returning couple at a place agreed upon with the farmer's wife. Wydra was drunk and his wife was leading him home, but along a forest track instead of the usual road. She had arranged to meet Jakub by the 'water', probably the Struga River flowing nearby. Wydra, however, was too drunk and 'fell down and refused to go any further'. So Regina first decided to leave him and go for her lover. Yet, she then succeeded in arousing him and forcing him to continue the journey. Jakub followed them at a certain distance so that Wydra did not see him. When they reached the river, Regina pushed the drunken man 'with his mouth into the river', while Jakub—to use his own words—'waiting for this moment, I jumped from behind and pushed him by the neck into the water until it covered him'. Having drowned the drunken man, they returned home unnoticed by anyone.

The death of the drunk Wydra could have looked like an accident. Regina and Jakub no longer had to hide from the master, and after a while they began to wonder how to legalise their union, probably also because Regina was now pregnant. Perhaps they had already paid for the banns because they wanted to go together to confession. At this time, a curious problem arose, which reveals the popular attitude towards this sacrament. Jakub began to consider how to settle his conscience in such a situation. He discussed this with Regina:

'Am I to confess that we killed the master?'

To which she replied:

'Eh, why talk about it? Leave it alone. We can later go off somewhere else and confess there.'

So they decided not to mention their terrible sin during confession in their own church. Nevertheless, their 'moral compass' told them that they should nonetheless confess, but to an unfamiliar priest and in another parish.

It is difficult to establish how it happened that, almost three months after the murder, the lovers were charged with the crime. The accuser was the murdered man's brother, Wojciech Wydra. Perhaps the circumstances of Józef's death seemed suspicious from the very beginning, but not until the relationship between Regina and Jakub was publicly announced was it possible for the relatives to join the facts together, thus revealing the likely motive for the murder? Put before a criminal court, Jakub and Regina told the whole story about the mistress and the farmhand, who seized with erotic

passion, had murdered the master so that the younger man could take his place.¹²⁶ The verdict was as expected: they were both sentenced to death, except that Regina was granted a stay of execution until the birth of her child.

TALE TWO. THE STORMY RELATIONSHIP OF KLEMENS HELIASZ
AND FRANCISZKA HODOROWICÓWNA, 1741–1744

A similar story happened in 1744 in the village of Bystra near Jordanów.¹²⁷ Its protagonists are Franciszka Hodorowicówna and Klemens Heliasz, and their romance lasted three years. When they first became intimate, Franciszka was single and Klemens was married. He had probably married a widow who had inherited a farm from her dead husband, because the sources name her as Zofia Kulaczka and their cottage is called Kulakówka. These names must have been taken from the nickname of the previous owner, who might have been called Kulak. This might suggest that Heliasz had married recently, and perhaps he was younger than his spouse. We have no basis on which to assume that the relationship between Franciszka and Klemens was a continuation of their pre-marital friendship, as was the case with Pańko Kubryk mentioned earlier, who after a five-year relationship with Anna Zworska married another woman, but even so did not ‘cease this deed’ with Anna afterwards, tricking her into believing that he would leave his wife and that they would leave the village together.¹²⁸

In the case of Heliasz and Hodorowicówna, neither of them had a good reason to maintain a relationship and become emotionally involved. Hodorowicówna was not a servant of Kulaczka and Heliasz. She probably still lived with her mother and had a lot of bachelors to choose from. Not once did Heliasz complain about his wife; indeed, he probably owed his economic advancement to her. His union with Hodorowicówna was no secret in the village. ‘He visited me,’ Franciszka related, ‘and I did have association with him at his place, which was known by everyone’. Perhaps the neighbours viewed this relationship as a series of sexual adventures and not as an emotional bond. But the community did not allow rumours to spread through the district. When one day the reeve of Bystra saw the lovers at Jordanów displaying their affections too openly, he probably punished them on the basis of his authority. In any case, they began to be careful about showing their feelings afterwards.

It is Franciszka Hodorowicówna who was the author of the remark quoted earlier: ‘I do not know where this blindness came from that we

¹²⁶ Cf. Bailey 2003, p. 153.

¹²⁷ The basis for discussing this story is: BJ 5934, fol. 113–116 [1744].

¹²⁸ TsDIAUL 142/1, vol. 2, pp. 545–547 [1679].

loved each other so' (see Chapter III.6). For Heliasz, too, it was probably incomprehensible, nevertheless their passion rose over the space of their three-year romance, though it was no doubt quite a stormy relationship. Franciszka claimed that Klemens was more concerned with preserving the relationship and did not wish to sever it. When Franciszka began to look for a husband, probably with her family's help, Heliasz firmly forbade her to do so, threatening her with dire consequences: 'He said [to me] either you will die or he whom you are to marry'. So Franciszka easily abandoned these matrimonial plans: perhaps her search for a husband was merely a playing card in the relationship between the lovers? Following such a declaration, Heliasz could only dream of getting rid of his legal wife in order to formalise his union with Franciszka.

Another bargaining chip, and quite a macabre one, was the child conceived during Franciszka's relationship with Klemens. Franciszka delivered the child while returning from a trip to Czarny Dunajec, by the stream at Bielanka. She claimed that no one had helped her with the delivery, and that 'although the child was born alive it yawned twice and died'. The circumstances, however, pointed to infanticide. The courts were very wary when unmarried women who had given birth without any witnesses told them that their child was stillborn or had died soon after birth, or the unofficial 'water baptism'.¹²⁹ Therefore, the court asked: 'Have you lost many children?'

Having given birth to the child alone, Franciszka sat by the stream until nightfall, when she took the infant's body and, not stopping anywhere on the way, 'through shame' took it home and hid it 'upstairs, in a chest between cloths, for three days'. What was the purpose of keeping a body in an attic for three days? Infanticides usually got rid of the bodies of infants by throwing them into reservoirs, burying them or throwing them into animal troughs. But Franciszka's action possessed a certain intention: 'I showed it to Klemens, so that he would henceforth leave me in peace', and only then did she bury the body beneath a roadside cross. Displaying a child's body in order to deter a lover? In this case, it was more a clear show of sacrifice for the sake of the relationship: just as Franciszka had eliminated the inconvenient evidence of their unlawful union, so she expected Klemens to bring her the head of his wife, and if he was not ready for such a sacrifice, he should 'leave her in peace'.

The court evidence of Franciszka and Klemens is mutually contradictory. Whose idea was it to murder Heliasz's wife, and which of them insisted on this more strongly? Franciszka said it was Klemens who talked her for

¹²⁹ Cf. PTPN 859, fol. 1 [1624?], where even the same expressions are used: 'It yawned only once and soon died'.

a whole year into murdering Kulaczka: 'He said kill her at last, throw her either into the well or somewhere into the water; once he sent me and her away from the town, saying find a place and do it there'. In the end, the preparations for murder became the joint venture of both lovers. At the crack of dawn, Franciszka stole into Heliasz and Kulaczka's cattle pen. There, Heliasz hid her in the hay:

And he brought me bread and showed me how to stick the bread in her mouth and seal her lips with my hand; then in the evening he led me from the cattle pen to the stable and I was left among the cows; he himself went out and closed the stable door. Soon his wife came to milk a cow, and I stood there among the cows, ran to her and stuck the piece of bread in her mouth, she fell down beneath the cows [...] I held her, closed her mouth with my hand, placed her on the ground, pressed her chest with my legs until she died—and went out, shutting the door. I went up home through the fields and up the hill as he told me. He knew everything that had happened.

Klemens Heliasz confessed that he had known of his lover's intentions and himself led his wife to the stable where Hodorowicówna lay in wait. But he also fell victim to a kind of blackmail. On that fateful day, Franciszka came to the farm

And said to me:
 'Either you kill her or I shall kill her'.
 I replied:
 'I shall not do this'.
 'I shall not leave here any more,' she replied.

A few days later, the lovers met at Kulaczka's funeral. Heliasz still could not believe what had happened:

I said to her:
 'What have you done to me?'
 She replied:
 'I did it so you would take me'.

So Franciszka's intention was to take the place of Klemens' lawful wife. Klemens also seems to have wanted this but lacked the determination. This came to light when the court investigated rumours that Hodorowicówna wanted to set fire to Kulakówka, in other words the farm of Kulaczka and Heliasz. Questioned directly about this, Franciszka replied: 'What for should I have burned it when he [Klemens] said we shall be together, all this will be yours'. This statement convinced the court, which must have heard dozens of tales about lovers who had committed murders in order

to assume the place of mistresses of the household, with all the social and economic privileges of this position. But in the case of Hodorowicówna and Heliasz, such rational calculation probably did not occur. Instead, fuelled by passion their relationship went awry and developed in a manner independent of the will of its participants. As a result, both lost their lives. The court sentenced them to cruel deaths: Heliasz was to be broken on the wheel, while Hodorowicówna was to be impaled. But due to the intervention of the local clergy, their sentences were commuted to beheading by the sword, and they were allowed a Catholic burial at the parish church.

TALE THREE. THE FIERY ROMANCE OF JADWIGA CZAPUCIONKA
AND TOMASZ SALETRA, 1719–1723

The protagonists of the next story are Tomasz Saletra, a blacksmith from Jazowsko, and Jadwiga Czapucionka. We know their story from the files of their case before the demesne court of Jazowsko in 1723 in the presence of magistrates of the town of Stary Sącz, for the charges against them carried the death penalty.¹³⁰ Tomasz and Jadwiga's intense romance lasted for four years, so it must have begun in 1719. Tomasz was already married then and Jadwiga was single, though probably not without an unblemished reputation because during the trial, there were rumours that she had 'engaged in unchaste deeds while still a girl', although nothing was proven. Later, when she was already involved with Saletra, she got married but soon became a widow. Nonetheless, as a married woman she did not stop her relationship with Tomasz, and from time to time also slept with a certain Wojciech Wróbel, who 'bought her some lace' in return. The matter came out into the open and 'her husband punished her for that and Wróbel's wife beat her up'.

If we are to believe Saletra's evidence during torture, although in these circumstances it might not be very credible, Jadwiga encouraged him to commit adultery, 'seducing him, persuading, visiting him, and at all times being an occasion to the offence of God'. No doubt in this Saletra wanted to minimise his guilt before the court, because he exploited the popular tale of a woman as the source of sin against which men are virtually defenceless. Czapucionka had put a spell on him, and the power of female charm was semi-magical, so he could not defend himself.¹³¹

What did their meetings look like? Her brother caught her 'having adultery' with the blacksmith in the shed at least six times. Apart from that 'they did meet at various places': in Saletra's hut, in stables, in the fields and other such places. Their affair was no secret to the village. The miller woman

¹³⁰ I relate this story based on: *Księgi sądowe klucza jazowskiego*, No. 81 [1723].

¹³¹ Cf. Rublack 1999, p. 160.

with whom Czapucionka lived often 'scolded her for her evil conduct', until in the end she wanted to evict her, but Saletra threatened that he would cut off her hands if she did so.

The scandal also reached the manor, which issued several warnings to them and in the end tried and sentenced them, probably to fines and flogging as was usually the case in such situations, or perhaps to perform penance in church, such as kneeling with a lighted candle or lying prostrated during Mass.

People engaged in relationships of this kind were suspected of all manner of sexual misdemeanours, so during the trial Czapucionka was asked whether perhaps she had attempted abortion or infanticide. But nothing was proven against her, all the more so because she later gave birth to Saletra's child. According to the evidence, it is because of the birth of this child that Czapucionka ended up in jail. Saletra tried to get her out of jail as quickly as possible, and obviously he was also emotionally attached to his child because he 'felt sorry for the child whom she had with me'. Therefore, he tried to compel his wife to say in court that the real father of the child was the shepherd Szyszko, with whom Jadwiga was said to have had an 'affair' during a visit to the town (probably Stary Sącz). This Szyszko was probably a bachelor, so the legal qualification of the offence would have been different and Czapucionka's punishment lighter.

But we do not know if Saletra's wife agreed to do this and help get her rival out of jail. In fact, the relationship between Czapucionka and her lover's wife are a separate chapter in this story. Saletrowa caught the lovers red-handed at least once, which caused a violent argument in which it was probably Czapucionka herself who attacked first because she later confessed to beating the blacksmith's wife several times. Saletra seemed to be exceptionally gentle towards his wife by rural standards, because his lover encouraged him to 'beat his wife as other men do beat their wives'. Evidently, Saletra did not prove equal to the task, while Czapucionka knew about beatings from husbands from experience because she herself had been married, albeit briefly.

The story ends in a manner we have already encountered: the lover is induced to kill his wife who is an obstacle to the legalisation of his extra-marital union. Czapucionka was to pave the way 'by various means and by various descriptions, telling him his wife is ugly and dirty'. The problem of course was to get rid of the rival in a way that would look like a natural death. Czapucionka seemed to prefer poison, suggesting to Tomasz, just like Regina Wydrowa, to 'boil a snake and have her drink it'. The court succeeded in proving only that such a persuasion did occur, but the lovers took no specific action to deprive Saletrowa of her life.

Thus far, we have been dealing with a stormy extra-marital relationship in which the participants attempt to establish permanence and eliminate the competition at the same time. The public nature of this union (numerous witnesses, punishment at the manor, and finally an illegitimate child) must have caused a scandal in the village. Perhaps this pushed Saletra and his lover to the social margins, or perhaps they themselves resolved to retreat from the community, contesting the disapproval of their neighbours. In any case, added to the adultery was the theft which both of them began to commit. Czapucionka stole some pots from Jan Chudoba's oven, and from his brother Józef she picked onions from the field. She is also said to have stolen kerchiefs from her lover's wife. Meanwhile, Saletra stole some blacksmith's tools at night from the smithy of the reeve Jan Polnarowicz. It looks as though the lovers began to endure an increasingly worse opinion among the community, because if anything disappeared, suspicion fell upon Saletra and Czapucionka, as in the case of the sheep which was lost to Pawłowa Wielowska. Before the sheep turned up elsewhere, Saletra managed to have a serious argument with Wielowska, saying in anger that he would 'beat, crush or burn her'.

Arson was one of the heaviest crimes in early modern times, and, apart from magic, one of the most appalling deeds which a person could commit.¹³² Throwing around threats of fire meant that the lovers had entered the sharpest stage of their conflict with the community. Czapucionka threatened to burn down the farm of Marcin Kudłaty, but 'said this out of regret because he did not want to give me back my little chest'. But soon fires really did break out in the village. Saletra confessed to having 'taken a flame in an amadou and in anger, forgetting about God and my brothers, Jędrzej the miller and Błażej Czaputa, did burn their granaries with grain, and several cattle did also perish'. The reason for the arson must have been trifling because, as the arsonist confessed: 'I burned the miller because of anger, for I had asked for three measures of grain and he refused me'. He even boasted of it to his wife. It seems that Tomasz and Jadwiga had entered into such a sharp conflict with the community that there was nothing left for them to do but openly ignore the standards of social co-existence and terrorise the neighbours. This was of course a hazardous road to take.

In the end, the manor of Jazowsko burned down. Although there was no evidence of Saletra's and Czapucionka's involvement in this, it nevertheless provided a pretext by which to apprehend the couple, which had made enemies of the whole village, and bring them to court. The questions put to the defendants during the trial indicate that Czapucionka was even suspected

¹³² Cf. Thomas 1970, p. 65.

of witchcraft. For example, she was asked: 'Why did you tell Błażej Czaputa that he will derive no benefit from this cow which he had taken from you, and later this cow ceased to yield milk?' In this question we see a reference to the magic power of words, perhaps the suggestion of casting a spell on a cow so that it gave no more milk. The next question from the prosecutor is very interesting and suggests some magic practices: 'Why on her way from the community did she go into the bushes with a rope and shout and wail as someone possessed?' Czapucionka explained that she did so 'through great despair'—and indeed it is difficult to talk of any magic here—and the court accepted her explanation. Nevertheless, all of these details give us a picture of the scale of the emotions that accompanied this relationship that was directed against the village. Czapucionka, on her way back from the 'community'; in other words, probably from the communal tribunal where she must have been rebuked, directs her steps towards some bushes where she screams off her anxieties so dramatically that the neighbours compared her to someone possessed. The only thing unclear about this is the purpose of the rope, though perhaps the further course of events may cast some light on this.

During the trial, Tomasz Saletra and Jadwiga Czapucionka were found guilty of arson, adultery and theft. The court stated that for these three crimes: Saletra should be punished by 'triple death': for arson, burning at the stake; for theft, hanging; and for adultery, beheading. As it was impossible to execute him three times, the court resolved to punish him in a cruel but spectacular way: first, his right hand was to be cut off, nailed to a post and exhibited by the public road 'to deter and punish wrongdoers'. Then, he was to be burned alive at the stake. Czapucionka, who was not proven to have been directly involved in the arson, was to be punished only for adultery and causing discords between the married couples; in other words, in line with *Sachsenspiegel*—beheading by the sword.

A postscript to the story of Tomasz Saletra and Jadwiga Czapucionka can be found in the same Jazowsko court record in an entry made 15 years later, in 1738.¹³³ It transpires that the sentence on Jadwiga was not carried out. She was rescued from the place of execution through a guarantee provided by 'some citizens of this demesne of Jazowsko', probably a few influential neighbours, perhaps relatives. She returned to the village, but despite the loss of her lover she did not 'cease her evil ways', or to be more exact: theft. In the end, she was tried as a thief and sentenced to be flogged and banished from the demesne. The 1738 decree, however, does not deal with theft, but attempted suicide. Despite the earlier sentence, Czapucionka

¹³³ *Księgi sądowe klucza jazowskiego*, No. 133 [1738].

did not leave the village, but even so could not find a place for herself and was evicted by her employers. Finally, she tried to hang herself in the hut of Jan Skowronek, as if through fear of having to leave the village, and only by chance did the mistress of the house find her hanging and 'cut her down'. Fifteen years earlier, when Jadwiga went into the bushes with a piece of rope to scream out her anger and disappointment, perhaps she had wanted to commit suicide then? This time the attempted suicide made the court revoke her sentence of eviction, especially because her son-in-law, Kasper Sopata, had pledged to look after her until death, make sure she did no one any harm, and that she begged for 'God's mercy for her deeds'. The presence of the son-in-law is also interesting, for we have no record of Czapucionka having had a legitimate child. So perhaps was Sopata's wife the daughter of Tomasz Saletra, this illegitimate child for the birth of which Jadwiga went to jail? We do not know exactly when the child was born, but if it was born within one or two years of the start of Czapucionka's romance with Saletra, then in 1738 she could have been 17 to 18 years old. If indeed it was this child, her origin from an illegal and stormy union between an adulteress and an arsonist did not ruin the girl's position in the village's matrimonial market.

EPILOGUE

CONCLUSIONS AND THESES

I hope that this excursion into the world of early modern peasants (and their sexuality) has given the readers a close encounter with the historical experience of people who lived a few centuries ago, and that the description of this experience has enabled them to understand it, not necessarily in the sense that they agree with the choices and actions of these people, but in the sense that the reader can imagine the circumstances of their actions and the historical criteria for assessing their decisions. I also hope that at least once I succeeded in arousing the reader's sympathy towards the protagonists in this book, for history lets us live the lives of other people in the same manner as literature does—except that the historical narratives remain in a certain relationship with real events, and the whole historiographical operation is meant to make them credible instead of fictionalising them. At the same time, writing and reading about these people allows them an opportunity for a 'repeated existence' in history and in human memory, and that is a right which no one should deny to the departed.¹

Fulfilling an intended aesthetic and ethical concept, however, was not the only, or even the chief, purpose of this book. Most of all, I wanted to propose a model of personal life in the peasant community of early modern times on the basis of an analysis of historical sources. This model assumes that during the 'pre-ethnographic age' there existed a set of cultural standards that determined the behaviour of members of the peasant community regarding their personal and sexual lives. This set of standards has clearly been encapsulated in sources, but it is relatively heterogeneous and historically, geographically and socially variable. Nevertheless, it is worth expounding several characteristics of it, or rather advancing certain theses regarding its key distinguishing features. These theses stem from an examination of the historical material available to us, and offer a key to further discussions on this subject.

¹ De Baets 2004, p. 143.

1. Regarding peasant sexual ethics during the period we have considered, it is wrong to believe that the declared standards of behaviour were actually fulfilled in everyday life. The declared model was meant to coincide with the teachings of the Church, whilst the model of peasant behaviour was much less rigid, especially as far as the question of sexual activity between unmarried people was concerned.

2. In shaping the personal lives of men and women in the countryside, a vital role was fulfilled by the period of 'youth'; in other words, the interval between puberty and the typical age for getting married. Many boys and girls spent this period in service at other people's farms and beyond parental control, which encouraged intense socialisation, getting to know the other sex, and forming short-term and long-term relationships. Nevertheless, young people who stayed beneath the family roof still had an opportunity to meet members of the opposite sex quite freely during their daily work, at religious festivals or markets, and ultimately during entertainments at the village inn, which was regarded as a public place and hence 'safe', because there was always someone to supervise the behaviour of young people.

3. The rural community approached pre-marital relationships with a level of indifference that bordered on acceptance, as long as no child was conceived. The basic principle guiding lovers and the community was the principle of discretion both in word and in deed: people simply pretended not to notice pre-marital relationships.

4. The risk of pregnancy during a pre-marital relationship encumbered mainly the woman, who thus lost her status on the matrimonial market or left it altogether. Even so, women took the risk of pre-marital sexual activity in the expectation that if they did become pregnant, their lover would feel obliged to legalise the union through marriage. Rural public opinion clearly preferred this solution and was able to compel hesitant men, via the mediation of the communal authorities, to marry, or at least to make him pay alimony for the child. An obstacle to marriage in such cases was often the fact that the couple were related to some degree or were separated by too wide a social gap.

5. Another way of minimising the risk of pre-marital pregnancy was to apply a contraceptive technique. Researchers generally concur that *coitus interruptus* was only a partially successful method, but there is no wide evidence of its application in Poland. Various techniques involving non-penetrative sex may also have been used, but we have even less information about this. On the other hand, there were widespread contraceptive practices involving an entire series of procedures which employed magic spells and herbs, but their effectiveness was no doubt minimal.

6. Women with an unwanted pregnancy first tried to rid themselves of the foetus at an early stage with the aid of generally available means and techniques with which to cause a miscarriage, but these were either not very effective or involved a major health hazard. A safer method was infanticide, which before the end of the eighteenth century was tolerated in Europe to a certain degree, at least in rural communities, where it was an effective method of controlling the number of births.

7. A key problem when considering the choice of spouses in the Polish countryside in the seventeenth and eighteenth centuries was to establish a balance between external restrictions and freedom of choice. Formally, the choice of spouse was limited to residents of the same land, because any union with someone from the 'outside' of a demesne required permission from the landowner or from the administrator, who defended themselves against the loss of manpower. Nonetheless, 'marital consensus' from the manor did not destroy the personal life of peasants, for it was the aim of both sides to reconcile future marriage plans with the economic requirements of the demesne. A more serious external restriction was the demographic situation in the Polish countryside, due to which the group of people from whom a partner could be chosen was relatively small.

8. Parents and relatives exercised serious influence over the choice of partner. They wanted to be sure that the new family would be able to run the farm. Both sides were expected to contribute certain resources (land, tools, and cattle), to enable the farm to be run to a standard appropriate to their social status, or continue operations on a farm handed down from parents. This does not necessarily mean that the aim was to 'unite property.' In those areas where land and production implements were distributed by the manor (e.g. in Mazovia), a spouse's material resources were not as important to create an efficiently functioning farm. More important were physical qualities: health and a predisposition to hard work, as well as certain character traits: industriousness, thrift and a certain level of agricultural knowledge and experience.

9. Despite all this, there remained a broad margin of freedom in choosing one's spouse. The pre-marital relationships tolerated by the rural community could lead straight to marriage. In such case, the criterion was the mutual attraction of the partners, though social considerations also came into play as certain occupational groups considered particularly attractive among rural societies. Perhaps as many as one-third of young maidens facing the altar were pregnant. This may suggest that getting married after becoming pregnant during a pre-marital relationship was very popular, though it may also suggest that in the minds of peasants, betrothal was a sufficient qualification to embark upon a sex life.

10. The feelings that brought a married couple together did not stem from sentiment. Love was supposed to be the consequence of the formal marriage ceremony; it was enshrined in the institution of marriage and was to manifest itself if not right after the marriage, then at least later on. A good marriage was to be based on the principles of respect, favour, and economic solidarity. Maintaining a farm required effort, skill and cooperation from both partners. Mutual love was meant to be manifested in a harmonious and solid performance of the couple's duties and in co-responsibility for the condition of the farm.

11. The community placed the highest value on harmonious and durable marriages. Yet, occasionally marriages broke up, of which the rural community approved in certain cases despite the views of the Catholic Church. Such situations sometimes ended in one of the spouses leaving the village and starting a new life in another demesne.

12. If rural society tried not to notice sexual relations between unmarried people, it was very concerned about the slightest signs of possible marital infidelity that suggested a breach of sexual standards. Any sign of unfaithfulness was severely criticised by rural opinion. On the other hand, there is no shortage of records indicating that at least some rural married couples approached their sex life very liberally and were mutually permissive to a degree glaringly different from the standards dictated by the peasant community.

13. The infidelity of spouses was generally the result or cause of a breakup of the marriage. Although the model of rural marriages did not leave much room for feelings and romance but focused on economic and social functions, nevertheless the emotional engagement of one of the spouses outside the legal relationship seriously breached the basic principles of its durability: respect and solidarity. An extra-marital relationship by one of the spouses normally met with a strong reaction from the community, and the marriage ceased to function in compliance with rural standards.

TABULA DEBITORUM

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LIST OF ABBREVIATIONS

- AAC – Archiwum Archidiecezji Częstochowskiej (Archives of the Archdiocese of Częstochowa)
- ADK – Archiwum Diecezjalne w Kielcach (Archives of the Diocese in Kielce)
- AGAD – Archiwum Główne Akt Dawnych w Warszawie (Central Archives of Historical Records in Warsaw)
- ANK – Archiwum Narodowe w Krakowie (National Archives in Krakow)
- APK – Archiwum Państwowe w Kielcach (State Archives in Kielce)
- APL – Archiwum Państwowe w Lublinie (State Archives in Lublin)
- APP – Archiwum Państwowe w Poznaniu (State Archives in Poznań)
- APR – Archiwum Państwowe w Rzeszowie (State Archives in Rzeszów)
- APT – Archiwum Państwowe w Toruniu (State Archives in Toruń)
- BC – Biblioteka Książąt Czartoryskich w Krakowie (The Princes Czartoryski Library in Krakow)
- BJ – Biblioteka Jagiellońska w Krakowie (Jagiellonian Library in Krakow)
- BO – Biblioteka Zakładu Narodowego im. Ossolińskich we Wrocławiu (Library of the National Ossoliński Institute in Wrocław)
- BPAU/PAN – Biblioteka Naukowa Polskiej Akademii Umiejętności i Polskiej Akademii Nauk w Krakowie (The Scientific Library of the Polish Academy of Arts and Sciences and the Polish Academy of Sciences in Krakow)
- NBLNU – Naukova biblioteka L'vivs'koho nařional'noho universytetu imeni Ivana Franka (Scientific Library of Ivan Franko National University of Lviv)
- PTPN – Biblioteka Poznańskiego Towarzystwa Przyjaciół Nauk w Poznaniu (Library of the Poznań Society of Friends of Learning)
- SPPP – Starodawne Prawa Polskiego Pomniki (Monuments of Old Polish Law)
- TsDIAUL – Třentral'nyř derřhavnyř istorychnyř arkhiv Ukraïny u L'vovi (Central State Historical Archives of Ukraine in Lviv)

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Liber actuum villae nostrae hereditariae Popow, in: Kopiarz krzepicki, pp. 3–40.

ADK: Archives of Diocese in Kielce (Archiwum Diecezjalne w Kielcach)

II PK–XV/2: Akta Wójtowskie prawa Magdeburgskiego b. miasteczka Krzyżanowice 1528–1777.

AGAD: Central Archives of Historical Records in Warsaw (Archiwum Główne Akt Dawnych w Warszawie)

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Księgi wiejskie: Akta samorządu–sądu wsi Rogi 1531–1778.

Księgi wiejskie: Akta samorządu–sądu wsi Lubatówka 1473–1740.

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HGZ 36: Księga kontraktów przedślubnych w Krzeczowie 1792–1832.
HGZ 137: Xięga do zapisywania dekretów w sprawach gromady wsi Wielkiej Rudny z nakazu zwierzchności krajowej zrobiona w roku 1782–gim.
IT 210: Księga wójtowska miasta Andrychów 1624–1740.
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AOZ 1629: Księga [sprawiedliwości] Klucza Janowskiego [...] Roku 1783.
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APP: State Archives in Poznań (Archiwum Państwowe w Poznaniu)

Akta m. Słupcy I/5: Acta utriusque Officii Słupcensis 1727–1758.

Akta m. Kalisza I/232: Acta villanorum 1581–1695.

APR: State Archives in Rzeszów (Archiwum Państwowe w Rzeszowie)

Akta Gminy Błażowej, sygn. 99: Księga sądowa wsi Błażowej 1749–1830.

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ASD 1: Księgi ławnicze starogrodzkie 1, 1721–1738.

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**BC: The Princes Czartoryski Library in Krakow (Biblioteka Książąt Czarto-
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MS 783: Zbiór excerptów z Kempkiego y z innych przez ś.p. JW. Ogrodzkiego Sekre-
tarza Wielkiego Koronnego in a.1730 et 1731.

BJ: Jagiellonian Library in Krakow (Biblioteka Jagiellońska w Krakowie)

MS 86: Liber maleficorum Miechowa 1571–1747.

MS 122: Pisma zw. XVI/XVIII do historii miasteczka Nowej Góry pod Krakowem

MS 909: Acta tam advocatalia quam scabinalia in villa Olszówka in unum conscripta a.
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MS 5934: Liber constitutionum oppidi Jordanow 1721–1757.

**BPAU/PAN: The Scientific Library of the Polish Academy of Arts and Sciences
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akcyi wsi Lipnicy Górnej ... w roku Pańskim 1794 sprawiona.

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niawskim.

BO: Library of the National Ossoliński Institute in Wrocław (Biblioteka Zakładu Narodowego im. Ossolińskich we Wrocławiu)

MS 6115/III: Księga II. Dekretów y Komplanacyi w Sądzie Państwa Łąckiego od roku 1787 zaszytych y dalej zachodzących.

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PTPN: Library of the Poznań Society of Friends of Learning (Biblioteka Poznańskiego Towarzystwa Przyjaciół Nauk)

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INDEX OF PERSONS

The index lists two categories of people:

1. names in antique, which are historical figures. As the protagonists of this book are representatives of the peasant class and, during the period covered in this book, this class was only just beginning to receive permanent surnames, not everyone has a surname. In the case of persons known only by their forenames or nicknames, other identifying features have been provided, such as the place where they came from, trying to retain the same spelling as in the sources;
2. *names in italics*, which are the names of the authors of academic works and printed source texts.

- Adair Richard* 80–81, 92
Adamiec Jakub, father of Franciszka Apostołowa 140
Adamkówna Zofia, wife of Kazimierz Bartyzel 163–164
Adamowicz Jan 173
Agata, daughter of Kazimierz Pachoła 121
Aleksander, apprentice to Jan Glista of Siary 149
Alsza, niece of Stanisław Parzymięso 120
Amussen Susan Dwyer 142
Andorka Rudolf 70
Andrzejowicz Omelian 194
Aneczka of Krakow 92
Anna, daughter of Grab of Szczawnik, wife of Jan Hryckawicz 87–88
Anna, wife of Paweł Burgrabia 193
Antoni, innkeeper of Śmietnica 64
Apostoł Józef, husband of Zofia Apostoł 140
Apostoł Mateusz, husband of Franciszka Apostoł 140–141
Apostoł Franciszka, daughter of Jakub Adamiec, wife of Mateusz Apostoł 140–141
Apostoł Zofia, wife of Józef Apostoł 140
Ariès Philippe 15, 19, 72
Babicht Wojciech 189
Baczonka Zofia 65–66
Bailey Joanne 195, 204
Balazs-Kovács Sandor 70
Balestracci Duccio 13
Bandura Jadwiga, wife of Jan Bandura 190
Bandura Jan, husband of Jadwiga Bandura, brother of Michał Bandura 190
Bandura Michał, brother of Jan Bandura 190
Banka Maryanna 122
Banka Walanty 122
Baraniak Maciek 50–51
Barankowicowa Agnieszka 162–163
Baranowski Bohdan 31, 66, 89–91, 93, 106, 109
Bardach Juliusz 106, 157
Barna Michał 45
Barniak Jachym 113–114
Bartczak Kazimierz, a farmhand 187–188
Bartmiński Jerzy 30, 68, 148
Bartog Krzysztof 137
Bartoń Piotr 196–197
Bartoszczyk Piotr 171
Bartyzel Kazimierz of Morawica, husband of Zofia Adamkówna 163–64

- Baruch Maksymilian* 42
 Barylanka Zofia 74
 Bazyli of Polany 95
 Bębnista Jan 173
Beck Rainer 33, 60, 67, 82, 101, 134
Becker Peter 33
Bennet Judith M. 22
 Beuza Jan, rev. 63
 Białozielonczonka Barbara 46–50, 94
 Białozielonka Kunegunda, mother of Barbara Białozielonczonka 47
 Bibrzicka Agata 154–155
Biegeleisen Henryk 66
 Bielczanka Regina 168–169
 Biernacik Jan, husband of Biernacikowa 198–199
 Biernacikowa, wife of Jan Biernacik 198–199
 Bieroński Michał 150–151
 Bijaczówna Katarzyna see Byaczowna Katarzyna
 Bilanska Marianna, servant of parson in Banica 64
 Bilicki Petro 139–140
Biller P.P.A. 70
Bilous Nataliia 62
 Błajewna Agnieszka 97
 Blaszkowa Katarzyna 169–170
 Blecharz Walenty 99
 Bochenek Klemens 162
Bogucka Maria 8, 32, 216
 Bojarczyk 65–66
 Bolisega Mathyasz 96
 Bordier Pierre 13
Bornat Joanna 16
 Boroń Feliks 32
 Boroń Piotr 186
 Borowiecki Jan, hereditary reeve of Czulkiew village 158
Borowski Stanisław 154
 Borucik Jacenty 113
 Boryna Jagna (Paczesiówna) 37
 Boryna Maciej 37
 Bosko Jakub 142–243
Bourdieu Pierre 24
Breit Stefan 33, 67, 125
Breithaupt Fritz 76
 Breszowska Zofia 136–137
 Bruegel Pieter the Elder 182
Brundage James A. 33, 71
Bruner Jerome 24–25
 Brzanina Marianna 179–180
Brzeżański Stanisław 34, 59–60
 Brzozowszcanka Anna, servant in the inn at Błażowa 196–197
Bucaille Richard 182
 Bujalska 184
 Buła Piotr, husband of Małgorzata Zapalonka 186–187
 Bułat Szymon 61
 Burdeł Marcin 156
 Burdeł Ewa 156
Burghartz Susanna 33, 40
 Burgrabia Paweł 193
Burguière André 32–33, 46, 103
Burke Peter 10
 Busko Szymon 159
Butler Sara M. 162
 Byaczowna Katarzyna 149–150, 168
 Cacak Błażej 199
Capp Bernard 42, 195
Carr David 26
Cartledge Paul 8
Caspard Pierre 67, 94
Cerman Markus 113
Certeau Michel de 216
 Chałajczyk Szymon 158
Chamberlayne Prue 16
Chanaud Robert 60
 Chapeau Anne 13
 Chomiak Jan 188
Chrzanowski Tadeusz 183
 Chudoba Jan, brother of Józef Chudoba 209
 Chudoba Józef, brother of Jan Chudoba 209
 Chwała Mikołaj 177
 Chyleński Jan, reeve of Ślemień village 151
 Ciaralina Zofia 95
 Cieśla Wawrzeniec 151
Clapier-Valladon Simone 23
Coleman Emily 76
Cook Hera 68, 70
Corbin Alain 12, 14, 216

- Corlik Matiasz 173
 Coy Jason P. 90
 Crawford Patricia 70
 Cuchrynow Jacko 193
 Cwajnicka Anna 200
 Czapucionka Jadwiga 207–211
 Czaputa Błażej, brother of Jędrzej Czaputa 209–210
 Czaputa Jędrzej, miller at Jazowsko, brother of Błażej Czaputa 209
 Czeczot Jan 34, 38
 Czekanka Ewa 171
 Czeczonka Hanna 74
 Czerwiński Ignacy Lubicz 34, 38, 58–61
 Czerwonka Franciszek 159–160
 Cziuyko Jakim 160
 Czubatka Marianna 66
- Dabhoiwala Faramerz** 33
 Dąbrowski Józef 180
 Darrow Margaret H. 126
 Daumas Maurice 133
 Davis Natalie Zemon 13
 De Baets Antoon 212
 Dekker Rudolf 12
 Dekowski Jan Piotr 161
 Denzin Norman K. 17
 Desaive Jean-Paul 28, 145
 Deyneka Hryc 151
 Dobrowolski Kazimierz 32, 101, 130
 Dolan Frances E. 76, 79
 Domańska Ewa 10–12, 22
 Drozd Szczepan 196
 Dubel Antoni 78
 Dublowna Łucja, daughter of Antoni Dubel 44, 78
 Dubrawski Michał 114
 Duby Georges 20
 Duc Mateusz 177–178
 Dudzicha Anna 73
 Dülmén Richard van 33, 76
 Dumka Piotr 52, 62
 Duplaczek Jan (or Iwan) 87–88
 Durski Piotr 179
 Dynowska Zofia, wife of Marcin Dynowski 191–192
 Dynowski Marcin, husband of Zofia Dynowska 191–192
- Dziedzic Kazimierz 45–46
 Dziedziczka, daughter of Kazimierz Dziedzic 45–46
 Dzierzwina Małgorzata 52
 Dziopka Ewa, wife of Maciej Dziopka 175
 Dziopka Maciej, husband of Ewa Dziopkowska 175
 Dziuba Mikołaj 195
 Dziurman Iwan 56
- Ekirch A. Roger* 67
Elias Norbert 33
 Ewa, innkeeper at Czukiew 172
 Ewa, servant to Kazimierz Stach of Krosno 57
- Farge Arlette** 11, 29, 216
 Fiałkowicz Andrzej, rev. 84
 Fielkowna Zofia 75
 Filip of Ryczywół 125, 127
 Filipionka Reina 85, 95–96
 Fillon Anne 13, 33, 126, 133–134
 Firlej Regina, wife of Wojciech Firlej 139
 Firlej Wojciech, husband of Regina Firlujowa 139
Fischer-Yinon Yochi 67
 Flak Matus 107
Flandrin Jean-Louis 32–33, 46, 58, 60, 66–67, 70, 72, 81, 93, 119
Fletcher Anthony 195
Foucault Michel 20, 33
Foyster Elizabeth A. 33, 130, 142, 195
 Francianka Maryna, servant of Sobestian Warcholak 149
 Franciszka, daughter of Matyjasz Kozioł of Tyniec 124–125
 Freud Sigmund 20
Frevert Ute 33
Frith Valerie 33
Frykman Jonas 33, 85, 145
 Fuit Sobestian 98
 Fuitowna Aneczka, daughter of Sobestian Fuit 98–99
 Furdyczka Petro 122
 Fyszer Krystian 171
- Gabrisianka Dorota** of Tenczynek 196
 Galajdzionka Ewa 82

- Galus Piotr 128
 Galus Wawrzyniec 128–129
 Gałuszka Katarzyna, daughter of Stanisław and Rejna Gałuszka 124
 Gałuszka Rejna, wife of Stanisław Gałuszka 124
 Gałuszka Stanisław, husband of Rejna Gałuszka 124
 Gąsiorek Witek 99
 Gebała of Mogiła 116
 Gęgołek Jan 52
Geremek Bronisław 18
 Gerpełka Teresa, wife of Wojciech Kłapka 135–136
 Gi[z]ina in Gubanice 73
 Gibas Michał, reeve of Las village 199–200
Gieysztorowa Irena 31–32, 39, 59, 80, 92–93, 103, 132, 154
Gillis John R. 51, 67, 132
Ginzburg Carlo 9, 11, 13, 27
 Głaszczyńska, wife of Antoni Głaszczyński 139
 Głaszczyński Antoni 139
 Glista Jan, miller at Siary 149
 Gogoliński Jan 156
Gołębowski Łukasz 34, 114, 116
 Golec Paweł, reeve of Ślemień village 180
 Goleniec Jan, son of Kazimierz Goleniec 120–121
 Goleniec Kazimierz 120–121
Górna Krystyna 31–32, 80, 92–93, 155
Górny Marek 31–32, 52, 93, 97, 132
 Gorpel Wojciech 136
 Gosciey (of Kasina) 58
 Gosczy Voitek (may be the same as Gosciey of Kasina) 96–97
Gowing Laura 33, 77, 85, 130, 177, 182
 Grab, father of Anna wife of Jan Hryckawicz 87
 Grabowska Salomea 179
Grabowski Bronisław 38–39
Grabowski Ignacy rev. 105
 Grąziowski Iwan 193
Grendi Edoardo 9–10
 Groć Jacko, husband of Tatiana Groć 175
 Groć Tatiana, wife of Jacko Groć 175
Grodziski Stanisław 32, 34, 89
Groicki Bartłomiej 166, 169, 174–175
 Grzybowski Gasper 179–180
Gustawicz Bronisław 37
Guzowski Piotr 32, 114
H
Hamerszczonka Rejna 51
Hancke Gwendoline 33
Handelsman Marceli 31, 93
 Hankus Franciszek 115
Hanlon Gregory 76
Harasymchuk Mariiā 62
Hardtwig Wolfgang 8, 10
Hartman Mary S. 32, 55, 68
Haur Jakub Kazimierz 34, 74, 111–112, 167–168
 Hebda Stanisław 51, 97
 Helena, aunt of Zofia of Krzeszowice 74
 Heliasz Klemens, husband of Zofia Kulaczka 185, 189, 204–207
Henry Louis 51
Hernas Czesław 34, 183
Hill Bridget 40
Himes Norman E. 73, 76
Hindus Michael S. 67
Hitchcock Tim 33, 67–68, 82
 Hodorowicówna Franciszka 185, 189, 204–207
Hoffer Peter C. 76
Hołówka Teresa 124
Hoshiko Irii 31, 91, 106
Houdaille Jacques 51
 Hryckawicz Jan 87
 Hryckawicz Leszko 87
 Hrycyk Paweł 159–160, 171–172
 Hrycykowa, wife of Paweł Hrycyk 171–172
 Huczyk Jan 45
Hull N.E.H. 76
Hynes Laura 76
 Hyrlikowa Rozalia 177–178
I
Ibbetson David 159
Imieliński Kazimierz 38
Izydorczyk Anna see *Izydorczyk-Kamler Anna*
Izydorczyk-Kamler Anna 31, 55, 57, 101, 104, 113–114

- Jabłoński Wojciech 116
Jackson Louise 28
Jacques-Chaquin Nicole 28
 Jagnieszka, servant at the manor of Sicinek 65
 Jagnieszka, servant to Wojciecha Sroka 189
 Jagoda Wojciech 192
 Jakub, farmhand of Józef and Regina Wydra 201–204
 Jakub, son of Jan Rak 159
 Jakub, son of the widow Ciupcina 159–160
 Jakubczyk Błażej 194
 Janek, farmhand, lover of Dorota Prykowna 78
Janicka-Krzywda Urszula 37–38, 53
 Janiołówna Elżbieta, servant of Franciszek Sikora 56
 Jankowa Katarzyna 62
 Janora of Rzędzin Stary 128
 Januszonka Rejna 50–51
Jarzebowski Claudia 133
 Jasiński Kazimierz 173
 Jasiński Szymon 176
 Jaskułka Grzegorz 41
Jawor Grzegorz 94, 157
Jaworska Elżbieta 39, 78
 Jewionka Barbara 144–145
Jones Karen 55
 Joseph II, Austrian emperor 59, 103, 108
 Józef, hereditary headman of Slotwiny 71–72
 Judah 71
Jurkowlaniec Grażyna 216
 Jurski Mikołaj 196
- K**aczmarczyk Jan 46
 Kaczmarczyk Katarzyna 164–165
 Kaczmarczyk Piotr 149–150, 168
Kałwa Dobrochna 216
Kamler Anna see *Izydorczyk–Kamler Anna*
Kamler Marcin 76–77, 79
 Kaniotka Katarzyna of Wola Kalinowska 161–163
 Karas Stanisław 173–174
 Karbowiaczka Agnieszka 177
 Karcz Bartek 46
 Karpczarz Hryc of Leluchów 193
Karpiński Andrzej 32, 55, 77
- Karras Ruth Mazo* 33
 Karski Kazimierz, administrator of Sucha demesne 168–169
 Katarzyna, daughter of Jan Huczyk 45
 Katarzyna, daughter of Jakub Stopiński 44–45, 50
 Katarzyna, servant to Wawrzeniec Rudzicki 176
 Kawaczyk (or Kawaczyński) Mikołaj 104–105, 107
 Kazanowa Anna 152
 Kazanówna Marusia 61
Kępski Adam 146, 183
 Kęsik Wojtek 175
 Kęsikowa, wife of Wojtek Kęsik 175
Kętrzyński Wojciech 183
 Kiedysz Paweł 65
 Kierczak Kasper 139
Kietäväinen-Sirén Hanna 46, 134
Kilday Anne-Marie 76, 79
 Kłapka Wojciech, husband of Teresa Gerpełka 135–136
 Klata Jakub 171
 Klazonka Konda, servant of Szymon Wójcikowski 187
 Kłeczek Paweł 65
Klich Barbara 19
 Klimczak Tomasz 44
 Klimek Jan 181
 Kłymkowicz Hryć 192
 Kłymkowiczka, wife of Hryć 192
 Knapianka Anna of Sucha demesne 95
 Knapionka Anna of Łącko demesne 44
 Knapionka Regina 44
 Kobylaczek Jan 173
Kochanowicz Jacek 113
Kocka Jürgen 11
 Koczczek Jan 160
 Koczyfarówna Dorota 158
Kolberg Oskar 38, 182–183
 Kołodziejczyk Kazimierz 85, 96
 Kołodziejczykowa Zofia 188, 197
 Kołtunionka Maruszka 48
 Komeda Stanisław 77
Komoniecki Andrzej 63, 127, 129, 158, 162–163, 168–169
 Konieczna (alias Mazurka) Katarzyna 173
Konieczny Alfred 112

- Kopczyński Michał* 31–32, 54, 110–112
 Kopiec Jacek, husband of Jewdokia Kopiec 176
 Kopiec Jewdokia, wife of Jacek Kopiec 176
Korek Maciej 216
Korzo Margarita 31
 Kościuszko Tadeusz 108
 Kosturow Danko 69
 Kotka, widow 99
 Kowal Sebastian 184
 Kowal Walanty 122
Kowaleski Maryanne 51
 Kowalka Helżbieta 143
 Kowalka Reina of Popielewo 144
Kowalska-Lewicka Anna 38
Kowalski Karol 31, 108
 Koziół Jakub 88
 Koziół Jan of Olpiny 188
 Koziół Matyjasz 124–125
 Kozionka Zofia 85–86
Kracik Jan 31, 93, 138
 Kramarzowa Franciszka 152–153
 Krauzówna Zofia 100
Krawiec Adam 41, 44, 73
 Krawiec Sebastian 114
 Krążkówna Anna 88–89
 Krol Jan 69
 Królikowiczowa of Dębowiec 74
 Kron Kazimierz 90
 Krostek Marcin, husband of Katarzyna Krostkowa 152
 Krostkowa Katarzyna, wife of Marcin Krostek 152
 Krupka Paweł 40–41
 Krzak Kazimierz 150–151
 Krzeczowska Franciszka, daughter of Jakub Krzeczkowski 61–62
 Krzeczowski Jakub, father of Franciszka Krzeczowska 62
 Krzykowski, rev. 194
 Krzywiecki Iwan 192
 Kubianka Katarzyna 71
 Kubieska Zofia, tenant at Kazimierz Krzak 151
 Kubryk Pańko 193–194, 204
 Kuchcik Dominik 194
Kuchowicz Zbigniew 31, 39, 46, 65, 147–148, 186
 Kucianka Regina 184–185, 187
Kuczera Aleksander 66
 Kudłaty Marcin 209
Kuklo Cezary 31–32, 51–53, 59, 70, 74, 79–80, 93–94, 103, 108, 132, 154, 157
Kula Witold 31, 101–102, 110–111, 130
 Kulaczka Zofia, wife of Klemens Heliasz 204–206
 Kulczak Kasper 142
 Kułdowicz Iwan 61
 Kulerz Jakub 170
Kuligowski Waldemar 27
 Kumczenski Mateusz 81
 Kunas Piotr 151
 Kunik Iwan 122
Kunze Michael 27
 Kupczyńska Anna, wife of Matyjasz Kupczyński 138
 Kupczyński Matyjasz, husband of Anna Kupczyńska 138
 Kurdziel Sobek 99–100
 Kurdzielik Wawrzyniec 114–115
Kurkiewicz Stanisław 38
 Kusiewna Jadwiga 94
 Kuźmicha 188
 Kwaśna Apolonia, wife of Antoni Kwaśny 199–200
 Kwaśniak Franciszek 168–169
 Kwaśny Antoni, innkeeper, alderman of Las, husband of Apolonia Kwaśna 199–200
Kwaśny Zbigniew 106, 132, 153
 Kwietniowa Maryna, wife of Jan Mikorad 83–84
La Rochebrochard Elise de 53
 Łaboski, son of the hereditary headman of Bielanka 175
 Lach Jan, husband of Zofia Lachowa 192
 Lachniczka Anna 45, 75
 Lachowa Zofia, wife of Jan Lach 192
Laqueur Thomas Walter 71
 Laskiewicz, administrator of the hospital of the Holy Spirit in Krakow 152–153
Laslett Peter 32, 53, 93–94, 132, 146, 161
Łaszewski Ryszard 31, 42, 44, 106
 Ławryczka Nacia 56
Le Roy Ladurie Emmanuel 11

- Leboutte René* 76
Lebrun François 32
 Lech Kazimierz 65, 188
 Lechowicz Grzegorz 48
 Lechowicz Mikołaj 62
 Ledzycha Senczycha 176
 Lega Andrzej 176
Leites Edmund 21
 Lelon Regina, wife of Tomasz Lelon 138–139
 Lelon Tomasz, husband of Regina Lelonowa 138–139
Leneman Rosalind Mitchison 33, 58, 69
Leoński Jacek 17, 27
 Leszek Błażej 100
 Leszek, brother-in-law of Anna Pawełczakowa 186
Levi Giovanni 9–10, 12
Levin Eve 33
 Lew Szczepan 100
Libera Zbigniew 38
Liliequist Jonas 142
Lipscomb Suzannah 172
 Listwan Szymon 198–199
Löfgren Orvar 33, 85, 145
Lombardi Daniela 60, 80, 99
Lüdtke Alf 8
 Ludwiak Piotr 122
Lukowski Jerzy 113
 Łukawiecki Matyjasz 142–143
 Łyczko Szczepan 64–65
 Łyszczarz Antoni 143
Łysiak Ludwik 34

Macfarlane Alan 32, 74, 76, 92, 133
 Magda, daughter of Mikołaj Lechowicz 62
 Magdalena, stepdaughter of Piotr Boroń 186
 Majeronek Antoni 44
 Małachowska Anna Konstancja, wife of voivode of Poznań 168
 Malarczykowa Anastazja 71–72
 Malawski Antoni, coachman to count Morski 127, 187
 Małgorzata, lover of Kazimierz Bartczak 188
 Mamczarzonka Agnieszka 48, 78
 Marasionka Zofia 96

 Marchlik Marcin, husband of Jadwiga Marchlikowa 143, 191
 Marchlikowa Jadwiga, wife of Marcin Marchlik 143, 191
 Marcinkowa Jadwiga 144
 Marczyk Franciszek 124–125
 Mardakówna Agata 128–129
 Marianna, wife of the hereditary headman of Polany village 174–175
Markowska Danuta 130
 Marszeńska, wife of Paweł Marszeński 177
 Marszeński Paweł 177
Martin A. Lynn 33, 178
 Marynka, servant of administrator of Ryczywół demesne 125, 127
 Masło Jan 174
Massarizia Benedetto del 13
Matet Jean 60
Matlakowski Władysław 161
 Matrasz Sebastian, innkeeper in Bytomsko 71
 Maystrzykowcina Rejna 62
McClive Cathy 85
McLaren Angus 68, 70, 76
Medick Hans 10, 60
 Mędralczak Janek 168
Mędrzecki Włodzimierz 32, 37
Meldrum Tim 55
 Melma Jan 64
Ménétra Jacques-Louis 13
 Michalik Jan, reeve of Ptaszkowa village 129–130
Michalik Kerstin 76
 Micho Szymon 98
 Micho Wawrzeniec, son of Szymon Micho 98
 Michtarz Matis 58
 Micoł, son of Józef 99
 Mielnik of Sambor demesne 181
Miesiąc-Stępińska Anna 54
 Mikołaj, shepherd from Babin 157–158
 Mikorad Jan, husband of Zofia Kwietniowa 83–84
 Mikoradowa Katarzyna, mother of Jan Mikorad 83–84
 Milak Stanisław 113–114
 Milka Piotr 85
Milo Daniel S. 216

- Minkowy Iwan 107
Mitchison Leah 33, 58, 69
Mitterauer Michael 32, 148
 Mitulska Zofia 148
 Młynarczonka Regina 97
 Mordelka Jadwiga 192
 Morski Aleksander, count 127, 187
Muchembled Robert 60
Muhsam Helmut V. 70
 Mulka Antoni 150
 Multanik Marcin 160
Muravyeva Marianna 161
 Murkówna Jadwiga 63
Muszyński Jan 162
- Nagórski Zygmunt* 31, 93
Nalle Sara T. 44
Nicoarã Toader 58
 Niepsujanka Regina 193
 Niezgoda Wojciech 143
Nolde Dorothea 142
 Nowaczonka Zofia 194
Nowakowski Marcin 34, 61, 71, 73, 114–115, 122–123, 146, 155, 178–179
- Okolski** Eustachy 104
 Okrasa Walek 154
 Omelianowa Anna, wife of Omelian Andrzejowicz 194
 Onan 71
 Orłow Gaweł, innkeeper 186
 Osierowa 194
Ostling Michael 65, 74
 Owczarczyk Stanisław 65
- Pachoła** Kazimierz 120–121
 Pajteczka Dorota 199–200
 Pak Stefan 116
 Paluch Senko 69–70
Pannet Robert 60
 Parzymięso Katarzyna 120
 Parzymięso Stanisław 120
 Pasternaczek Hryń 160
 Pastor Franciszek 113
 Pawelczakowa Anna of Muszynka 186
 Pawlik Kazimierz 191
Pawlikowski Józef Herman 108
 Pazia of Czukiew 158
- Pęccek Maciej 85–86
 Pęciak Szymon, oxherd 188, 197
Perzyna Ludwik 34, 53
Phan Marie-Claude 33
Piasecki Edmund 31–32, 117–118, 132–133, 153–154
 Piech Wojciech 57
 Piekarczyk Bartłomiej 81
 Piekło Jędrzej 127
 Pieterkowa Marianna 176
 Pinagot Louis-François 14
 Piotr, son of Andrzej shepherd of Krynica 87–88
 Piotr, son of Senczycha Ledzycha 176
Piponnier Françoise 182
 Pisanczak Petro 106–107
 Piwowar Bartłomiej 51, 97
 Piwowarka Zofia 51, 97
 Plucienska Marianna 81
 Pobiedzianka Zofia 96
Podgórski Marian 168
 Podgórski Stanisław Kostka rev. 92
Poirier Jean 23
 Pokratka Grzegorz 137
 Pokrzywa Krzysztof, reeve of Jasionka village 99–100
Pollock Linda A. 155
 Polnarowicz Jan, reeve of Jazowsko village 209
Poniat Radosław 54
 Porębski Stanisław 65
 Portasionka Jadwiga 92
 Portasionka Zofia (the elder) 92
 Portasionka Zofia (the younger) 92
 Poruczniczka Katarzyna 144–145
Poska Allyson M. 33
Potocki Wacław 80, 147
Praczyk Małgorzata 216
 Prawda Jakub, husband of Katarzyna Prawdzina 142
 Prawda Katarzyna, wife of Jakub Prawda 142
 Predymajło Franciszek 159, 172
 Predymajło's daughter 172
 Proroczka Jadwiga 180–181
 Prykowna Dorota 75, 78–79
Ptaszyński Maciej 216
Pushkareva Natal'ia L'vovna 33

- Putek Józef* 115, 186
 Pyka Wojciech 51
 Pyskaczka Anastazja 52

Quaife Geoffrey Robert 55, 69, 81

Racek Jakub 69
 Rączka Michał, potter of Olszówka 109
 Radocha Szymon 121–122
 Radzięta Wojciech 62
Rafacz Józef 104
 Rakowicowy Andrzej 65
Rautelin Mona 76
 Recheczyński Chryzolog rev. 104–105, 107
 Reczkowicz Jacenty 173–174
Redfield Robert 20–21
 Regina, lover of Marcin Łukaszewicz 81
 Rejko Iwan of Klimkówka 191
Rejman Sabina 32, 37, 91–94
Revel Jacques 9–10
 Rewtowy Iwan 192
Reymont Władysław 37
Riddle John M. 74
Rokuszevska-Pawelek Alicja 17
 Roman Dmytro, husband of Marianna 176
 Roman Marianna, wife of Dmytro 176
Rosik Stanisław 216
 Rosmarynowski Michał 159
Rożański Jan P. 34, 73
Rożek Michał 31
 Rozmuska Agnieszka 179
Rublack Ulinka 207
 Rudzicki Wawrzeniec 176–177
Ruggiero Guido 33
Runyan William McKinley 19, 35
 Rurmus, husband of Rurmusowa 192
 Rurmus' wife 192
 Rusin Wojciech 180
 Rusinko Leszko 175
 Rusinionka Anna, servant of Michał Bandura 190
 Rutkowski Grzegorz 44
Rygula Ewa M. 32, 93
Rzemieniecki Konrad 32, 54, 103, 108

Saletra Tomasz, blacksmith 207–211
 Saletrowa, wife of Tomasz Saletra 208
Santow Gigi 70, 72, 156

 Scelina Tomasz 199–200
Schnell Rüdiger 32, 133–134
Schulze Winfried 12–13
 Sebastian, husband of Katarzyna Kanionka 161, 163
Segalen Martine 22, 32, 38, 67, 133, 154
 Senko, servant to Sprynski of Czukiew 64, 81
Sharpe James A. 172
Shorter Edward 21, 32, 53, 60, 67, 94, 132
 Siciński Józef 82
 Sidorówna Feska 69–70
Sieder Reinhard 32, 148
 Sierzęga Walenty 127
 Sikora Franciszek 56
 Sikoryczów Andrzej 65
Silverman Lisa 28
 Simon Louis 13, 126, 133
 Sirsienka Katarzyna 97
 Sitowski Wojciech 81
 Siwek Jakub 121–122
 Siwek Jakub's daughter 121–122
 Siwek Jakub's wife 121–122
 Siwek Krzysztof 124
 Siwek Krzysztof's daughter 124–125
 Skawińska Rozalia, midwife 153
 Skorupa Matys 180
 Skowronek Jan 211
 Słaby Walenty 151
 Ślaz Tomasz 96
Śliwa Tadeusz 142, 157
 Ślusarz Jan 50
Smith Daniel Scott 67
 Smoleń Szymon 173
 Smoleń Szymon's wife 173
 Smowka Dorota, Jan's wife 97
 Smowka Jan, husband of Dorota Smowka 97
 Smutkówna from Pińczów 104–105
Śniadecki Jędrzej 38
 Sobczyk Jakub, servant to Kazimierz Bartyzel 163–164
 Sobczyk Jan 88–89, 148
 Socha Iwan 45
 Solenka Jan 150
 Solorz Franciszek 149
 Sopata Kasper, son-in-law of Jadwiga Czapucionka 211

- Sopianka Agnieszka 69
 Soroka Hryc 106–107
 Śpiewak Waśko 188
Spychala Jerzy 80
 Sroka Wojciech, miller of Łęka 147, 189
 Stach Kazimierz 57
 Stachłosiński Jan 176
 Stachowiak Krzysztof, husband of Katarzyna Swierkoszowska 138, 168
 Stachowszczyk 177
 Staga Mateusz 172
Stańczak-Wislicz Katarzyna 216
 Stanik Kazimierz 95
 Stannionka Marianna 90–91
 Starczalina Agnieszka 46
 Starmaszonka of Witów 92
 Staś, violinist 172
 Stasiczonka Elżbieta 44
Staszków Michał 31, 57
Stearns Peter N. 8
 Stecułak Hryc 151
 Stiazakowy Jacio 144
Stoczkowski Wiktor 216
 Stokłosa Wojciech of Zabłocie 129
 Stolarczyk of Limanowa 176
Stomma Ludwik 30, 39
Stone Lawrence 21, 32, 67, 94, 161
 Stopiński Jakub 44, 49–50
 Stronski Danko 62
 Strzyżowa Błażejowa 143
Šubartová Alena 76
 Sudak Andrzej, pupil of Stanisław and Katarzyna Parzymięso 120
 Surma Józef, husband of Kunegunda Surma 46–48
 Surma Kunegunda, wife of Józef Surma 47–48
 Surówka Matyjasz 44, 49–50
 Susannah 174
 Swierkosz Kazimierz 198–199
 Swierkoszowska Katarzyna, wife of Krzysztof Stachowiak 138, 168
Świętek Jan 37, 39
 Świrko Jędrzej 177
Symonds Deborah A. 33, 76
Syreniusz Szymon 34, 74
 Szaniawski Marcin rev. 45–46, 63
 Szewczynsyn Osyf 181
Szołtysek Mikołaj 32, 54, 70, 110, 156
 Szpyrka Iosek 152
 Szula Michał 191
 Szulcówna Anna 85
 Szyszka Błażej 97, 189
 Szyszka Kaźmierz 95
 Szyszko, shepherd 208
 Tabisz Szymon 180–181
 Tanka, wife of Waśko Śpiewak 188
Tatarowski Lestaw 37
Tausiet Maria 76
Tazbir Janusz 61, 71
 Teliszczakówna Maruszka 69
Thomas Keith 42, 194–195, 209
Thomas William I. 16, 32, 130–131, 133–134
 Tomasik Tomasz 124
 Tomczyk Jan 138
 Tomek of Licheń, son of Szczęsny 66
Tomicki Ryszard 30, 39, 117
Topolski Jerzy 28–29
Tóth István György 28, 33, 58, 69, 72, 176
 Trybulak Stanisław 109
Trzebiński Jerzy 24
 Tuczeń Jan 45–46
 Tuledzyna Hasia 64, 81, 188
 Turaszowicz Jan of Olszana 189
Tylkowski Wojciech 34, 44
 Tymczak of Kunkowa 107
 Tyszarowicz Jan 184
 Ubiana 194
Ulbricht Otto 76
Ulrich Laurel Thatcher 22, 33, 67, 195
Urban Waclaw 157
Van de Walle Etienne 70–72, 155
Vásort Jean 13
Vetulani Adam 42
Vinnychenko Oleksiï 62
Vövelle Michel 12
 Walczak Marcin 44
 Walczak Piotr 87–88
 Walczuch Stanisław 75
Walker Garthine 28, 195
 Walowna Marianna 69
Walter Tilmann 33

- Walus Matiasz 173
 Warcholak Sebastian 164
 Wargielka Franciszka, daughter of Salomea
 Wargielka 40–41
 Wargielka Salomea 40–41
 Warszawski Andrzej 176
 Warzyszka Jakub 106
Watt Jeffrey R. 60, 67, 80
 Wawroszczonka Marcjanna 177
 Węglarz Grzegorz 97
Wengraf Tom 16
 Wesołowszcanka Jadwiga 64–65
Wężowicz-Ziółkowska Dobrosława 30, 38, 45,
 68, 146, 148, 161, 183
 Wiecheć Paweł 136
 Wielowska Pawłowa 209
 Wielowska Zofia, wife of Jakub Wielowski
 116, 141
 Wielowski Jakub, husband of Zofia Wie-
 łowska 116, 141
 Wielowski Jan vulgo Waclawik 46–50,
 94
Wierzbička-Michalska Karyna 31, 101, 104–
 105, 112, 116
Wisner-Hanks Merry E. 33
 Wilk Franciszek 143
Wiślicz Tomasz 26, 31, 34, 36, 62, 120
 Wiszka Małgorzata 65, 99–100, 188
Witecki Stanisław 168
Władysławiusz Adam 90–91
 Włodarczyk Błażej 94
Włodarek Jan 18
 Wnętrzacza Agata 180
 Wojakowski Szymon 187
 Wosiński Antoni, doctor, alderman of Kra-
 kow 162
Woźniak Andrzej 30–31, 101–102, 104,
 108–113, 130, 157–158
Wrightson Keith 76
Wróbel Elżbieta Elena 32
 Wróbel, wife of Wojciech Wróbel 207
 Wróbel Małgorzata, wife of Marcin Wró-
 bel 156
 Wróbel Marcin 156
 Wróbel Wojciech 207
 Wydra Józef, half-farm peasant of Krę-
 kowo, husband of Regina Wydrowa
 201–204
 Wydra Wojciech, brother of Józef Wydra
 203
 Wydrowa Regina, wife of Józef Wydra
 201–204, 208
 Wydrówna Teresa, daughter of Józef and
 Regina Wydra 202
 Wyrzyski Franciszek 97
 Wyśmierska Marianna, wife of Sebastian
 Wyśmierski 137–138
 Wyśmierski Sebastian, husband of Marian-
 na Wyśmierska 137–138
Wyżga Mateusz 32, 54, 80, 93, 103, 132–133
 Ząbek Jakub 193
 Zabiciel Jakub 142
 Zaczyk Tomek 50–51
 Zagasiowna Katarzyna 65
 Zagorski, rev. see Podgórski Stanisław
 Kostka, rev.
 Zajączkówna Katarzyna 77
Zambrzycka Marta 38
 Zapalonka Małgorzata, wife of Piotr Buła
 186–187
 Zauchszka Michałowa 173–174
 Zawadzka Agnieszka 127, 187
 Zbozeń Tomasz 97
 Żegiestowska Katarzyna 181
Zejszner Ludwik 34, 45
 Zelek Józef 100
 Ziąbka Mikołaj 193
 Zięba Marcin 61–62
 Ziecien Matiasz's wife 97
Ziółkowski Marek 18
Znanięcki Florian 16–17, 32, 130–131,
 133–134
 Zofia of Burów 163
 Zofia of Krzeszowice, servant in Krakow
 74
 Żołnina Marcinowa 181
 Zworska Anna 193–194, 204
 Żywczak Szymon 44