

REVIEW

Magda Teter, *Sinners on Trial: Jews and Sacrilege after the Reformation*, Harvard University Press, Cambridge, MA–London 2011; ISBN 978-0674052970.

In her second book Magda Teter deals with the history of Poland-Lithuania, especially religious policy and anti-Jewish prejudices. This time the author examines the subject of criminal law in post-Reformation Poland. Teter questions the opinion expressed by Janusz Tazbir that Poland was “a state without stakes,” claiming that “the process of reaffirmation of Catholic dogmas did not come through religious education and propaganda [...] but through application of criminal law, the courts’ treatment of the sacred” (225). Since Teter does not specify the timeframe of her work and, consequently, in citing examples from different periods does not pay attention to the political changes and religious situation in Poland-Lithuania, the challenge to Tazbir’s opinion is not quite justified in this case. Furthermore, the author refers neither to the works of Polish historians dealing with issues of religion nor to those of their German colleagues, including Heinz Schilling, the author of the theory of confessionalization.¹ Since Schilling’s theory is based on the German social-historical situation, Polish historians have modified it and begun to use the term “late confessionalization,” referring to a time later than the processes taking place in Germany. They have also noted that in Poland-Lithuania the re-Catholicization of the country was decided not only by kings, but also by the religious choices and evolution of the worldview within the political nation – the nobility. Therefore, Tazbir’s argument refers to the Reformation period and to the short time when Poland-Lithuania became one of the few places in Europe where one can speak about equality of the different Christian denominations. Wojciech Kriegseisen limits that period to the years 1573–1606.²

The starting point for Teter’s deliberations is the deprivation of ecclesiastical courts of the enforcement of their verdict by city captains (the unfortunate English term for *starosta*) during the reign of Sigismundus Augustus. According to Teter, “The legal reform of the mid-sixteenth century that was intended to decrease the influence of the Church in the state resulted in a close entanglement of secular courts in religious matters” (7). Consequently, the author assumes that secular courts decided in matters of faith and became a tool in the struggle for a Catholic Poland. The author’s assumptions are disputable. First, the claim that since that time ecclesiastical courts did not rule in matters of religion, such as apostasy, is not entirely true. While the inability to enforce verdicts through *starostas* obviously gradually weakened the significance of the ecclesiastical courts, they still ruled in matters concerning lay Christians and Jews, such as inheritances and dow-

¹ H. Schilling, “Confessional Europe” in: *Handbook of European History, 1400–1600, Late Middle Ages, Renaissance and Reformation*, eds. T.A. Brady, H.A. Obermann, J.D. Tracy, vol. II, E.J. Brill: Leiden, 1995, 641–681.

² W. Kriegseisen, *Stosunki wyznaniowe w relacjach państwo–Kościół między reformacją a oświeceniem*, Semper: Warszawa, 2010, 533–576.

ries of converts, prompting them to return to Judaism, etc. The struggle of the nobility to bar the enforcement of the verdicts of ecclesiastical courts by *starostas* was on the one hand associated with the Reformation and the prevention of heresy matters being tried before bishop's courts, but on the other hand it had a different, prosaic reason. Namely, the entire nobility (both Catholic and Protestant) sought to curb trials before ecclesiastical courts in secular matters, especially where land property was concerned.

Secondly, the author associates the reduction of the power of ecclesiastical courts with the reform of criminal law. The reader may be led to believe that before the reform, criminal cases of e.g. blasphemy and sacrilege had been tried before ecclesiastical courts. Polish criminal law was largely inherited from the medieval legal system and, following the prevailing belief that God's law is the most important, stated that, in the words of Joos de Damhouder,³ "Crimen laese Maiestatis Divinae, omnium criminum est gravissimum" is the gravest of crimes, punishable by a qualified death penalty. Therefore, secular courts had since the Middle Ages been trying cases of sacrilege, blasphemy and apostasy. It is impossible to treat Bartłomiej Groicki or Damhouder as authors of legal novelties trying to enforce Catholic values by means of criminal law. The issue is of course broader, since the very nature of the society at the time was confessional and the reference to Christian values was clear for all. We cannot speak of a secular state before the end of the 18th century, less so of Poland in the 16th or 17th century. For contemporary people each crime was a violation of divine law. Therefore, the author should rather reverse her concept and write about criminals as sinners. Along with the progress of the Catholic confessionalization of Poland-Lithuania, the decisions of judges sitting in criminal courts would of course increasingly reflect the Catholic interests.

It is to the author's merit that she draws attention to the use of anti-Jewish prejudices by Catholics against Protestant heresy. The main weapon was the charge of the desecration of the Host based on the rejection by Protestants of the dogma of Transubstantiation. The author provides an interesting insight into the actions of the nuncio Lippomano in the Sochaczew accusation (1556). However, Lippomano's activities resulted in his discredit, and he left Poland in disgrace the following year. Therefore, in the short run his actions gave an effect opposite to the desired. Further instances of the profanation of the Host are more complex. The author shows how allegations of the desecration were used in political conflicts. However, it is a matter for debate whether those allegations were used primarily in the service of the Counter-Reformation or by the weakened burgher elite in royal cities, who for lack of other options used popular beliefs to rid themselves of hated economic competition. Teter's conclusion that "charges [of sacrilege] had lost all political currency by the mid-seventeenth century, when Protestantism waned and its threat was less intensive," is neat but in my opinion too one-sided. It takes into account neither the complicated situation of Poland-Lithuania, nor the changes in the situation of the Jews. It is important to remember that in contrast to the first half of the 17th century, a century later most Jews lived on lands belonging to the nobility and were subject to the jurisdiction not of voivodes, but of the mostly Catholic nobility who, even if they shared anti-Jewish prejudices, were for economic reasons uninterested in escalating conflicts. Even if accusations were raised and the guilty condemned (whether rightly is irrelevant

³ J. Damhouder, *Praxis criminalium rerum*, Venetiis 1555, cap. LXI, p. 121.

in this case), there was often an amicable settlement in the end, or at least attempts to limit harsh penalties to convicted culprits. Furthermore, the Catholic Church was closely connected with the nobility, partly because the higher clergy were all of noble origins. Higher church functions were not awarded for pastoral merits but through the influence of the powerful. Ecclesiastical benefices were largely in the hands of the nobility due to *ius patronatus*. The Church could not even enforce the laws operating at the time without the approval of Catholic “lords.” Aside from the dogma of Transubstantiation, Protestants themselves shared the negative opinions of Jews held by the rest of the population of Poland-Lithuania.

Teter has therefore developed her own vision of Poland-Lithuania on the basis of several criminal cases of undoubted interest, presented in a way that captures the reader’s attention. Unfortunately, we do not know the criteria for the selection of the materials, and the vision itself seems inconsistent with reality. This is partly due to the research method chosen by the author, who refers almost exclusively to manuscript sources, early printed books and source publications, excluding the achievements of Polish historiography, i.e. the works of authors dealing with issues of crime in that period of Poland’s history, e.g. Marcin Kamler and Marian Mikołajczyk.

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