

ARTYKUŁY

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PRUSSIAN REGISTERS OF THE PROSCRIBED / OUTLAWS
AS A SOURCE FOR RESEARCH ON VIOLENCE IN EVERYDAY LIFE
OF A TOWN IN THE LATE MIDDLE AGES*

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Registers of the proscribed/outlaws, kept in offices of numerous towns and cities of Central and Eastern Europe, using different variants of the Magdeburg law and the Lübeck law, gained the interest of historians, especially historians of law, already in the 19th century. Surely, German researchers were the first to take note of this legacy of the late medieval judicial practice, usually conducting their research along with preparations to publish those primary sources. As an example of such edition we can call upon the long introduction by Ferdinand Frensdorff, on the nature of proscription in the Lübeck law, annexed to the edition of the register of the proscribed of the town of Stralsund¹. For a long time, this type of written artefacts were only subject to legal analysis, and the approach to them changed only after the Second World War, along with the increase of the influence of other social sciences on history. Only then did the need to research them in depth, with the use of a new research questionnaire²,

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¹ Ferdinand FRENSDORFF, *Einleitung. Die Verfestung nach den Quellen des lübischen Rechts*, [in:] *Das Verfestungsbuch der Stadt Stralsund*, hrsg. v. Otto FRANCKE, mit einer Einleitung v. Ferdinand FRENSDORFF (Hansische Geschichtsquellen, Bd. 1), Halle 1875, pp. XIII–XCVI.

² See for example Karin SCHNEIDER-FERBER, *Das Achtbuch als Spiegel für städtische Konfliktsituationen? Kriminalität in Augsburg (ca. 1348–1378)*, *Zeitschrift des Historischen Vereins für Schwaben*, Bd. 86: 1993, pp. 45–114.

as well as with utmost care resulting from a specific character of these source materials³, start to be noticed⁴.

The interest of Polish historians in the registers of the proscribed and outlaws increased significantly in the 1990s, mainly due to the work of Hanna Zaremska⁵. Initially, the research focused on the late medieval registers of two large cities of the Kingdom of Poland, namely Kraków and Poznań. Lately, Polish and German researchers have also started to pay more attention to the preserved registers of Prussian towns and cities, that is those coming from the State of the Teutonic Order in Prussia⁶. Studies on such primary sources

³ Cf. Gerd SCHWERHOFF, *Falsches Spiel. Zur kriminal-historischen Auswertung der spätmittelalterlichen Nürnberger Achtbücher*, Mitteilungen des Vereins für Geschichte der Stadt Nürnberg, Bd. 82: 1995, pp. 23–35.

⁴ František GRAUS, *Randgruppen in der städtischen Gesellschaft im Spätmittelalter*, Zeitschrift für Historische Forschung, Bd. 8: 1981, p. 421.

⁵ Hanna ZAREMSKA, *Proskrypcja i kara wygnania w Krakowie w XIV–XV w.*, [in:] *Czas – przestrzeń – praca w dawnych miastach. Studia ofiarowane Henrykowi Samsonowiczowi w sześćdziesiątą rocznicę urodzin*, ed. Andrzej WYROBISZ, Michał TYMOWSKI [et al.], Warszawa 1991, pp. 349–360; eadem, *Żywi wobec zmarłych. Uwagi w sprawie kary za zabójstwo w Krakowie w XIV wieku*, [in:] *Spółczesność Polski średniowiecznej. Zbiór studiów*, vol. 5, ed. Stefan K. KUCZYŃSKI, Warszawa 1992, pp. 215–223; eadem, *Poznański wykaz proskrybowanych (1418–1438)*, Kronika miasta Poznania, 1993, no. 1–2, pp. 23–28; eadem, *Baniści w średniowiecznej Europie*, Warszawa 1993; eadem, *Pielgrzymka jako kara za zabójstwo. Europa Środkowa XIII–XV w.*, [in:] *Peregrinationes. Pielgrzymki w kulturze dawnej Europy*, ed. Halina MANIKOWSKA, Hanna ZAREMSKA, Warszawa 1995, pp. 147–156.

⁶ Martin SCHÜSSLER, „*Vagati*“ und „*Vagatae*“ als Täter und Opfer in spätmittelalterlichen deutschen Achtbüchern, aufgezeigt am „Kulmer Gerichtsbuch“ von 1340–1428, mit einem Vergleich des Augsburger Achtbuchs von 1338–1528 und der Nürnberger Acht-, Verbots- und Fehdebücher von 1285–1403, Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Germanistische Abteilung, Bd. 124: 2007, pp. 301–310; Paweł A. JEZIORSKI, *Das Verzeichnis der von Hochmeister Ludwig von Erlichshausen Begnadigten. Eine Quelle zur Geschichte der hochmeisterlichen Landrundreise in den Jahren 1450–1451*, Ordines Militares. Colloquia Torunensia Historica. Yearbook for the Study of the Military Orders, vol. 17: 2012, pp. 157–199; idem, *Die Strafe der Ausweisung aus der Stadt im Licht der preußischen Verfestungsbücher (14.–15. Jahrhundert)*, [in:] *Gelebte Normen im urbanen Raum? Zur sozial- und kulturgeschichtlichen Analyse rechtlicher Quellen in Städten des Hanseraumes (13. bis 16. Jahrhundert)*, hrsg. v. Hanno BRAND, Sven RABELER, Harm von SEGGERN, Hilversum 2014, pp. 29–44; Janusz TANDECKI, *Proskrypcja i banicja w średniowiecznych miastach pruskich*, [in:] *Memoria viva. Studia historyczne poświęcone pamięci Izabeli Skierskiej (1967–2014)*, ed. Grażyna RUTKOWSKA, Antoni GAŚSIOROWSKI, Warszawa–Poznań 2015, pp. 703–711; idem, *Nieznane źródło do dziejów przestępczości w średniowiecznym Toruniu*, [in:] *Ecclesia regnum fontes. Studia z dziejów średniowiecza. Prace ofiarowane Profesor Marii Koczerskiej*, ed. Bartosz DZIAŁOŚZYŃSKI, Warszawa 2015, pp. 543–550; Paweł M. MODRZYŃSKI, *Średniowieczna proskrypcja z kręgu prawa chełmińskiego*, Meritum. Rocznik Koła Naukowego Doktorantów-Historyków Uniwersytetu Warmińsko-Mazurskiego w Olsztynie, vol. 8: 2016, pp. 71–84; Dietmar WILLOWEIT, *Verbrechen und Verfestung im Spiegel der Kulmer Gerichtsbücher*, Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Germanistische Abteilung, Bd. 133: 2016, pp. 488–498; Paweł A. JEZIORSKI, *Proskrypcja i banicja w miastach*

from the area of modern Poland were without a doubt vivified by the publication of numerous registers of the proscribed/outlaws (from Chełmno [German: Kulm]⁷, Elbląg [German: Elbing]⁸, and the New Town of Toruń [German: Thorn]⁹), as well as re-working of older editions, e.g. the register of the proscribed from Kraków¹⁰.

The late medieval State of the Teutonic Order in Prussia was dominated by two types of German municipal law – the Chełmno law¹¹, based mainly on regulations of the Magdeburg law, and the Lübeck law, which was used by a small number of towns and cities located in the vicinity of the Baltic Sea¹². The dissimilarity of these legal systems impinged on the nature of proscription and banishment that functioned in these cities and towns. Proscription found in the Chełmno law was most of all a form of administrative coercion and was a type of court action. Its main task was to force a person accused of a crime to appear in court and prove their innocence, possibly to come to an agreement with the aggrieved party or their representatives¹³, and if that did not happen, then to suffer consequences of their actions according to legal regulations. If the proscribed person had previously been caught and led before the court by force, they could have been sentenced to death, regardless of the nature

pruskich późnego średniowiecza, Warszawa 2017. See also reviews of this publication written by Marcin STARZYŃSKI (Roczniki Historyczne, vol. 83: 2017, pp. 308–310) and Paweł M. MODRZYŃSKI (Zapiski Historyczne, vol. 83: 2018, no. 1, pp. 215–219).

⁷ *Das Kulmer Gerichtsbuch 1330–1430. Liber memoriarum Colmensis civitatis*, bearb. v. Carl A. LÜCKERATH, Friedrich BENNINGHOVEN (Veröffentlichungen aus den Archiven Preussischer Kulturbesitz, Bd. 44), Köln–Weimar–Wien 1999.

⁸ State Archives in Gdańsk, sign. 369,1/131, pp. 53–84; P. A. JEZIORSKI, *Proskrypcja i banicja*, pp. 199–257.

⁹ *Księga proskrybowanych Nowego Miasta Torunia (1358–1412)*, ed. Bożena WYROZUMSKA (Fontes, vol. 107), Toruń 2013. The author of this article published a review of this edition in: *Zapiski Historyczne*, vol. 81: 2016, no. 1, pp. 182–186.

¹⁰ *Księga proskrypcji i skarg miasta Krakowa 1360–1422*, ed. Bożena WYROZUMSKA (Fontes Cracovienses, vol. 9), Kraków 2001.

¹¹ See also Roman CZAJA, *Towns and Urban Space in the State of the Teutonic Order in Prussia*, [in:] *The Teutonic Order in Prussia and Livonia: The Political and Ecclesiastical Structures 13th–16th Century*, ed. Roman CZAJA, Andrzej RADZIWIŃSKI, Toruń–Köln 2015, pp. 79–108. Among the Prussian towns and cities, the registers of proscribed/outlaws analysed in this article originated from, the following used the Chełmno law: Bartoszyce [German: Bartenstein], Chełmno [German: Kulm] and the New Town of Toruń [German: Thorn].

¹² Edwin ROZENKRANZ, *Początki i ustrój miast Pomorza Gdańskiego do schyłku XIV stulecia*, Gdańsk 1962; idem, *Recepcja prawa lubeckiego w miastach nadbałtyckich*, Gdańsk 1967. Two registers of the proscribed/outlaws from cities and towns using the Lübeck law were considered in this article, that is, the ones from the Old Town of Braniewo [German: Braunsberg] and Elbląg [German: Elbing].

¹³ About the ways of freeing oneself from proscription and banishment see P. A. JEZIORSKI, *Das Verzeichnis*, pp. 157–199; idem, *Proskrypcja i banicja*, pp. 178–198.

of the alleged crime. The Chełmno law also limited procedural powers of the proscribed. Moreover, persons who sheltered or fed a proscribed person could be fined. In cities and towns that employed the Chełmno law, proscription was mostly used towards persons accused of homicide or wounding, which were treated as non-disgracing crimes. However, such crimes were punishable by death or mutilation¹⁴.

In cities and towns under the rule of the Lübeck law proscription had a more repressive nature and already in the 14th century it was rather generally perceived as a punishment, and not an action of administrative coercion, which resulted in difficulties in discriminating between proscription and banishment even on part of professional lawyers¹⁵. A proscribed person that was deprived of the protection of the law (so-called 'peace'), also in towns and cities using the Lübeck law, could be executed if he or she was caught and brought before the court by force. Similarly, in the case of this law, persons supporting the proscribed (e.g. by providing him or her with shelter or food) were held liable¹⁶. However, contrary to cities and towns using the Chełmno or Magdeburg law, in the cities and towns following the rules of the Lübeck law, the property of the proscribed person was subject to partial confiscation in favour of the city, the court and the aggrieved party (the remaining part was taken over by the inheritors of the proscribes)¹⁷. Giving proscription the nature of a penalty caused the registers of the Old Town of Braniewo and Elbląg to include both entries of proscription and banishment verdicts, that is, a penalty of a lifelong or temporary exile beyond the borders of the town and its lands. Moreover, the number of crimes which led to the sentence of proscription was significantly higher (as it was used also in case of many disgracing crimes). For example, in the register from Elbląg there are regular entries of thieves who – if they managed to flee beyond the municipal jurisdiction – were sentenced to proscription, and if they were caught and the customary death by hanging sentence was not pronounced, they were flogged at the whipping post and expelled beyond the borders of the municipal jurisdiction (sometimes even beyond the

¹⁴ See P. A. JEZIORSKI, *Proskrypcja i banicja*, pp. 130–132.

¹⁵ Ahasver von Brandt, *Proscriptio. Zur Überlieferung und Praxis der Verfestung (Friedloslegung) im mittelalterlichen Lübeck*, Zeitschrift des Vereins für Lübeckische Geschichte und Altertumskunde, Bd. 48: 1968, pp. 7–8; Thomas Vogtherr, *Verfestungen im mittelalterlichen Braunschweig. Mit einer Edition des „Liber proscriptionum Gemeiner Stadt“ für die Jahre 1351–1376*, Braunschweigisches Jahrbuch, Bd. 65: 1984, pp. 8–10.

¹⁶ Rolf Reuter, *Verbrechen und Strafen nach altem lübischem Recht (von der Stadtgründung bis zum revidierten Stadtrecht von 1586)*, Hansische Geschichtsblätter, Bd. 61: 1936 (1937), p. 70.

¹⁷ F. Frensdorff, op.cit., p. LII; R. Reuter, op.cit., pp. 69–71; A. von Brandt, op.cit., pp. 7–8; P. A. Jeziorski, *Proskrypcja i banicja*, pp. 22–24.

borders of the Teutonic commandery of Elbląg) for life¹⁸. Numerous similar cases can be found in the register of the Old Town of Braniewo as well¹⁹. For the purpose of comparison, the register of the proscribed of the New Town of Toruń comprises only a single entry, which may refer to a case of proscribing run-away thieves²⁰, and a single case concerning a robbery (*vrederob*)²¹. Similarly, the register from Chełmno includes only two proscriptions due to an alleged theft²².

The basic primary source for the study of the use of proscription and banishment penalty are the so-called registers of the proscribed/outlaws. As far as Prussian towns and cities are concerned, several such artefacts have been preserved until the present day. It should be noted that some of them come from smaller towns of the State of Teutonic Order in Prussia. These include the register of the proscribed of the New Town of Toruń, established most probably in 1381, but comprising entries from the period 1358–1412²³, as well as two short registers mentioned in the two municipal books of Bartoszyce (German: Bartenstein), that is, the book of the town court for the years 1385–1470²⁴, and the book of the town council for the period 1432–1587(1588?)²⁵. Both registers of the proscribed of Bartoszyce include mainly entries from the 1420s to the 1440s²⁶.

As far as the largest Prussian cities are concerned, the register of the proscribed/outlaws of the Old Town of Braniewo with entries from the period

¹⁸ P. A. JEZIORSKI, *Proskrypcja i banicja*, p. 212, no. 1–2; p. 213, no. 8; p. 215, no. 20; p. 217, no. 40, 44, 46; p. 218, no. 55; p. 219, no. 57, 59, 62; p. 220, no. 72; p. 221, no. 73; p. 224, no. 108; p. 255, no. 326; p. 256, no. 328; p. 257, no. 334.

¹⁹ See for example *Codex Diplomaticus Warmiensiis oder Regesten und Urkunden zur Geschichte Ermlands* (further cit. CDW), Bd. 4: *Urkunden der Jahre 1424–1435 und Nachträge*, hrsg. v. Viktor RÖHRICH, Franz LIEDTKE, Hans SCHMAUCH (Monumenta Historiae Warmiensiis oder Quellensammlung zur Geschichte Ermlands, Bd. 9, 1. Abt.), Braunsberg 1935, p. 629, no. 611: "Item Ditrich Fogelers son wart umme diebereye willen gefangen und hot dorczu bekant, das her gewest ist in allen vlogken und vorthen, do sein vater mit seyner geselschaft umme wart gehangen, und dorumme so hot her dy stat und ere freiheit vorseworen by dem galgen sich verbindende, ab her ummer in der stat adir uf der stat freiheit wurde begriffen, so sal her seyenes halses sein bestanden".

²⁰ *Księga proskrybowanych Nowego Miasta Torunia (1358–1412)*, p. 4, no. 21.

²¹ *Ibid.*, p. 33, no. 627.

²² *Das Kulmer Gerichtsbuch 1330–1430*, p. 253, no. 351; p. 294, no. 405.

²³ *Księga proskrybowanych Nowego Miasta Torunia (1358–1412)*; P. A. JEZIORSKI, *Proskrypcja i banicja*, pp. 93–97.

²⁴ *Geheimes Staatsarchiv Preußischer Kulturbesitz, Berlin-Dahlem* (further cit. GStA PK), XX. Hauptabteilung (further cit. XX. HA), Ordensfoliant (further cit. OF) 85, fol. 46v–48v.

²⁵ *Ibid.*, OF 87, fol. 149v–150v.

²⁶ See P. A. JEZIORSKI, *Proskrypcja i banicja*, pp. 102–103.

1399–1435 has been preserved²⁷. Also the register of Elbląg²⁸, according to Arthur Semrau (1862–1940) – the New Town of Elbląg, written in the first half of the 15th century, probably shortly after 1426, has also been preserved and has lately been published. It consists of entries from two centuries – the oldest allegedly recorded in 1340 and the newest in 1562²⁹. The register of the proscribed of Chełmno for the years 1340–1419, preserved on the pages of one of the books of the town court was also published³⁰.

Apart from the above-mentioned registers we can also find mentions of such records that used to exist in Prussian towns and cities but, unfortunately, have not been preserved. For example, a mention of 1417 confirms that a separate register of the proscribed/outlaws (*stat ochtbuche*) was kept in the Old Town of Braniewo³¹. Furthermore, numerous texts from the 15th and early 16th centuries mention the currently lost *echterbuch* of the Main Town of Gdańsk³².

To sum up this issue, I should add that fragments of the records produced by the land court of the Teutonic commandery of Gdańsk, which included Puck (German: Putzig) and Lębork (German: Lauenburg) court districts, from the period 1368–1419 are also known³³. They comprise numerous entries dedicated to proscriptions and are worth mentioning, despite the fact that they are

²⁷ CDW, Bd. 4, pp. 56–66, no. 3; pp. 627–632, no. 611; P. A. JEZIORSKI, *Proskrypcja i banicja*, pp. 103–104.

²⁸ Cf. footnote no. 8.

²⁹ P. A. JEZIORSKI, *Proskrypcja i banicja*, pp. 104–106, 207–208.

³⁰ *Das Kulmer Gerichtsbuch 1330–1430*. Cf. Carl A. LÜCKERATH, *Stadtbücher als rechtsgeschichtliche Quellen. Aufgezeigt am Kulmer Gerichtsbuch 1330 bis 1443*, Preußenland. Mitteilungen der Historischen Kommission für Ost- und Westpreussische Landesforschung und aus den Archiven der Stiftung Preussischer Kulturbesitz, Jg. 18: 1980, Nr. 3, pp. 33–37; P. A. JEZIORSKI, *Proskrypcja i banicja*, pp. 97–101.

³¹ CDW, Bd. 4, p. 63, no. 3: “Niclos Lange von Danczik eyn schumecher hot sich gutlich entrichtt alse von der ocht wegen und wo man in vindet in der stat ochtbuche geschrieben, do sal man en usschreiben”.

³² Marcin GRULKOWSKI, *Najstarsze księgi miejskie Głównego Miasta Gdańska z XIV i początku XV wieku. Studium kodykologiczne* (Studia i Materiały do Dziejów Kancelarii w Gdańsku, vol. 2, series B: Księgi kamlarskie, vol. 1), Warszawa 2015, p. 52; P. A. JEZIORSKI, *Proskrypcja i banicja*, pp. 101–102.

³³ Gustav VON BUCHWALD, *Die Wachstafeln der Grossen Königlichen Bibliothek zu Kopenhagen*, Zeitschrift des Westpreussischen Geschichtsvereins, H. 4: 1881, pp. 1–33; August BERTLING, *Erläuterungen und Ergebnisse der Kopenhagener Wachstafeln*, *ibid.*, pp. 34–82; Lotar WEBER, *Nachträge zu den Erläuterungen der Kopenhagener Wachstafeln*, *ibid.*, H. 7: 1882, pp. 127–131; *Die Wachstafeln der Danziger Stadtbibliothek*, hrsg. v. August BERTLING, *ibid.*, H. 11: 1884, pp. 1–61. Cf. E. ROZENKRANZ, *Początki i ustrój*, p. 274; Peter G. THIELEN, *Die Verwaltung des Ordensstaates Preussen vornehmlich im 15. Jahrhundert*, Köln–Graz 1965, p. 19; Klemens BRUSKI, *Lokalne elity rycerstwa na Pomorzu Gdańskim w okresie panowania zakonu krzyżackiego. Studium prozopograficzne*, Gdańsk 2002, p. 51.

not connected with the activity of the municipal judicature, at least due to the material which they are made of, namely wax tablets.

When commencing research on the preserved Prussian registers of the proscribed/outlaws, one must realize that they were rarely the first (primary) way of making proscription notes. This results from the administrative and court practice, treating such lists mostly in terms of current use. Probably, the verdicts made by a given court regarding proscription or banishment, were first inscribed into the court reports, often written on a multiple-use material, such as wax tablets, widely used in offices in this part of Europe³⁴. First lists were made on the basis of such reports including only basic data, while omitting the rest of the details usually noted in court reports³⁵. In the case of proscription, those included data that consisted of personal data of the accused/proscribed; personal data of the victim, possibly a person pressing charges on behalf of the victim; and nature of the crime the proscribed was charged with. When preparing such a list, the proscriptions that were no longer in force, e.g. as a result of an agreement between the parties of the conflict, or the apprehension of

³⁴ Cf. Hermann FREYTAG, *Die Wachstafelbücher des Leipziger Rates aus dem fünfzehnten Jahrhundert*, Neues Archiv für Sächsische Geschichte und Altertumskunde, Bd. 20: 1899, H. 3/4, pp. 209–245; Konrad BEYERLE, *Die deutschen Stadtbücher*, Deutsche Geschichtsblätter. Monatsschrift zur Förderung der landesgeschichtlichen Forschung, Bd. 11: 1910, H. 6/7, pp. 171, 175, 185–187; Paul REHME, *Stadtbücher des Mittelalters*, T. 1, Leipzig 1927, p. 112; Irena RADTKE, *Kancelaria miasta Poznania do roku 1570*, Warszawa–Łódź 1967, pp. 34–35; Tomasz JASIŃSKI, *System literowy na tabliczkach woskowych z Wismaru*, [in:] *Mente et litteris. O kulturze i społeczeństwie wieków średnich*, ed. Helena CHŁOPOCKA, Jadwiga KRZYŻANIAKOWA, Gerard LABUDA, Bohdan LAPIS, Jerzy STRZELCZYK, Poznań 1984, pp. 135–143; Karol GÓRSKI, Witold SZCZUCZKO, *Die Wachstafeln der Stadt Toruń als Quelle zur Stadtgeschichte*, [in:] *Autonomie, Wirtschaft und Kultur der Hansestädte*, hrsg. v. Konrad FRITZE, Eckhard MÜLLER-MERTENS, Walter STARK (Hansische Studien, Bd. 6, Abhandlungen zur Handels- und Sozialgeschichte, Bd. 23), Weimar 1984, pp. 214–233; Tomasz JASIŃSKI, *Tabliczki woskowe w kancelariach miast Pomorza Nadwiślańskiego*, Poznań 1991; idem, *Das Buchstaben- und Parallelsystem der Eintragung auf der Wachspolyptycha im Deutschordensstaat*, [in:] *Les tablettes à écrire de l'antiquité à l'époque moderne. Actes du colloque international du Centre National de la Recherche Scientifique, Paris, Institut de France, 10–11 Octobre 1990*, ed. Elisabeth LALOU (Bibliologia. Elementa ad librorum studia pertinentia, vol. 12), Turnhout 1992, pp. 289–296; Witold SZCZUCZKO, *Edition der Wachstafeln aus dem Ostseeraum (14.–16. Jahrhundert)*, hrsg. v. Matthias THUMSER, Janusz TANDECKI, Dieter HECKMANN, Toruń 2001, pp. 121–130; Piotr OLIŃSKI, *Die Danziger Stadtbücher im 14. und der ersten Hälfte des 15. Jahrhunderts*, [in:] *Verwaltung und Schriftlichkeit in den Hansestädten*, hrsg. v. Jürgen SARNOWSKY (Hansische Studien, Bd. 16), Trier 2006, pp. 113–114; M. GRULKOWSKI, op.cit., pp. 79–80; Ewa WÓŁKIEWICZ, *Das Kanzleiwesen der Stadt Neisse bis zum Jahr 1400*, Krakowskie Studia z Historii Państwa i Prawa, vol. 9: 2016, no. 3, pp. 282–283.

³⁵ See *Die Wachstafeln der Danziger Stadtbibliothek*, passim; CDW, Bd. 4, pp. 59–60, 65, no. 3; P. A. JEZIORSKI, *Proskrypcja i banicja*, pp. 103–104.

the proscribed and their punishment, were omitted as well. Lists of this type were prepared many times for each register, probably every time that they had become unreadable due to a growing number of invalid proscription entries being crossed out, and added comments informing, for example, about fees paid by the proscribed or their representatives and connected with the process of freeing oneself from the proscription³⁶. Sometimes, if an opportunity arose, there were attempts at arranging the proscription notes, by grouping them by charge types³⁷. Obsolete registers of the proscribed/outlaws were probably not kept further unless it was considered purposeful for some reason³⁸. To sum up, the currently known registers of the proscribed/outlaws include material more or less incomplete³⁹, which greatly decreases their research value. Moreover, it should be added that sometimes the material was distorted by the scribes themselves who, while copying proscription notes, were not always able to properly read the previous registers⁴⁰.

Specific character of late medieval Prussian registers of the proscribed/outlaws determines a limited scope of research queries that they can answer. For example, it is difficult to analyse the nature of crimes committed in cities and towns on their basis, especially in a statistical manner. It is caused by the fact that they include only specific types of crimes. In case of registers from towns and cities using the Chełmno law, these are mainly homicides and inflicting severe wounds⁴¹. Also, on the basis of this type of primary sources we are unable to indicate the precise number of verdicts of proscription or banishment issued by municipal courts⁴².

Despite the above-mentioned shortcomings the registers of the proscribed/outlaws remain interesting and valuable primary sources. Their significance is especially visible in the context of research on late medieval court practice, as well as on social strata that are usually not mentioned in written sources, chiefly the poorest dwellers of a late medieval European town or city. Moreover, they allow to observe various forms of violence present in everyday life of

³⁶ Cf. *Księga proskrybowanych Nowego Miasta Torunia (1358–1412)*, p. 31, no. 572; *Das Kulmer Gerichtsbuch 1330–1430*, p. 218, no. 311.

³⁷ Friedrich W. SCHIRRMACHER, *Vorwort*, [in:] *Urkundenbuch der Stadt Liegnitz und ihres Weichbildes bis zum Jahre 1455*, hrsg. v. Friedrich W. SCHIRRMACHER, Liegnitz 1866, p. VIII; A. VON BRANDT, *op.cit.*, pp. 13, 15–16; P. A. JEZIORSKI, *Proskrypcja i banicja*, pp. 81, 86, 96.

³⁸ See the example of the register of the proscribed from Chełmno in: P. A. JEZIORSKI, *Proskrypcja i banicja*, p. 98.

³⁹ *Ibid.*, pp. 125–127.

⁴⁰ *Ibid.*, p. 94, 131.

⁴¹ P. A. JEZIORSKI, *Die Strafe der Ausweisung*, pp. 36–37; *idem*, *Proskrypcja i banicja*, pp. 130–131.

⁴² H. ZAREMSKA, *Poznański wykaz proskrybowanych*, p. 25; D. WILLOWEIT, *op.cit.*, pp. 491–492; P. A. JEZIORSKI, *Proskrypcja i banicja*, pp. 125–127.

central-European towns and cities in the late Middle Ages. Thus, such observations are the purpose of this article.

Getting to the main point of the issue being developed, an attempt to answer the question about which social (professional) groups most frequently appeared on the pages of the analysed registers will be made. The most represented groups in the preserved registers of the proscribed/outlaws from Prussian towns and cities, both among the accused and victims of violence, are apprentices and various servants⁴³. Their domination among the proscribed results mostly from their low financial status. It effectively blocked any attempts to settle a dispute with the aggrieved party or its representatives, or even to pay administrative fees connected with crossing one's name out of the register of the proscribed⁴⁴. On the other hand, the overwhelming number of apprentices and servants among both the proscribed and the victims of violence does not seem to be only a matter of coincidence. It needs to be emphasised that this phenomenon can be noticed in the case of all preserved Prussian registers of the proscribed/outlaws, regardless of their incompleteness or the character of the town those primary sources originate from. This phenomenon was most probably caused by the high probability of engagement into conflicts, which was characteristic of both communities (apprentices and servants). This probability was increased by a low social and financial status, high mobility and the lack of possibilities to stabilise family life and acquire social promotion⁴⁵. All these factors contributed to low 'resilience' to any, often prosaic, conflict situations, damaging honour and reputation which were key notions for late medieval urban communities⁴⁶.

⁴³ The insight presented above refers only to persons with assigned profession. In case of an overwhelming number of the proscribed, their victims, and at times persons pressing charges, we have no information about their occupation. See comments based on the registers of the proscribed from the New Town of Toruń and Chełmno: P. A. JEZIORSKI, *Proskrypcja i banicja*, pp. 148–153.

⁴⁴ See more about means of freeing oneself from proscription and costs connected with this process in: Stefan PATERNOWSKI, *Finanse miasta Poznania w wiekach średnich* (Poznańskie Towarzystwo Przyjaciół Nauk. Prace Komisji Historycznej, vol. 11, no. 1), Poznań 1937, pp. 35, 48; Witold MAISEL, *Sądownictwo miasta Poznania do końca XVI wieku*, Poznań 1961, p. 295; idem, *Poznańskie prawo karne do końca XVI wieku*, Poznań 1963, p. 106; H. ZAREMSKA, *Proskrypcja i kara wygnania w Krakowie*, pp. 351–352, 354, 357; eadem, *Poznański wykaz proskrybowanych*, pp. 24–25; P. A. JEZIORSKI, *Proskrypcja i banicja*, pp. 137–145, 178–198.

⁴⁵ Cf. Janusz TANDECKI, *Rzemiosło i cechy w średniowiecznym mieście hanzeatyckim*, [in:] *Archaeologia et historia urbana. Pamięci Tadeusza Nawrołskiego*, ed. Grażyna NAWROŁSKA [et al.], Elbląg 2004, pp. 255–262; idem, *Rzemiosło i cechy w mieście hanzeatyckim. Stereotypy i rzeczywistość*, [in:] idem, *Szkice z dziejów Torunia i Prus w średniowieczu i na progu czasów nowożytnych*, Toruń 2008, pp. 177–194.

⁴⁶ See Friedrich ZUNKEL, *Ehre, Reputation*, [in:] *Geschichtliche Grundbegriffe. Historisches Lexikon zur politisch-sozialen Sprache in Deutschland*, Bd. 2, hrsg. v. Otto BRUNNER, Werner

Another large group of the proscribed/outlaws in Prussian registers consists of craftsmen and various hired workers. The representatives of the following professions are often noted as the proscribed in registers of the New Town of Toruń: cobblers, brewers, woodworkers, porters, tailors, and charcoal burners. Furthermore, among the victims of violence listed in this primary source, representatives of the same crafts and the same types of workers are very numerous. However, this group is supplemented by much more affluent butchers, bakers, millers, and bath owners. They all had one thing in common, that is, a profession that required constant interaction with other people. Therefore, their occupation probably increased the chances of disputes and conflicts to occur. Sporadically, also priests, village governors (German: *Schultheiß*), school disciples, and less prominent municipal officials appeared both as the proscribed and crime victims. However, their presence does not disrupt the tendencies described above, but it may confirm that in the late Middle Ages anyone, regardless of his or her social status, could experience everyday violence⁴⁷.

Similar conclusions can be reached by the observation of the proscribed and their alleged victims in Chełmno during the period from the 14th to early 15th centuries. However, compared with the data from the register of the New Town of Toruń, the large number of peasants and people working with clay (both among the proscribed and the plaintiffs) is striking. This may be the effect of the city owning large areas of land, but also can be connected with the process of 'agrarianization' of the town of Chełmno in the late Middle Ages and growing significance of agricultural professions in the life of the town⁴⁸.

The preserved Prussian registers of the proscribed/outlaws are dominated by poor people. Of course, this does not mean that the wealthy burghers rarely committed acts of violence. Late medieval towns and cities of the Teutonic Prussia were no different from other European urban settlements⁴⁹.

CONZE, Reinhart KOSELECK, Stuttgart 1975, pp. 1–63; Katharina SIMON-MUSCHEID, *Gewalt und Ehre im spätmittelalterlichen Handwerk am Beispiel Basels*, *Zeitschrift für Historische Forschung*, Bd. 18: 1991, pp. 1–30; Klaus SCHREINER, Gerd SCHWERHOFF, *Verletzte Ehre – Überlegungen zu einem Forschungskonzept*, [in:] *Verletzte Ehre. Ehrkonflikte in Gesellschaften des Mittelalters und der Frühen Neuzeit*, hrsg. v. Klaus SCHREINER, Gerd SCHWERHOFF, Köln–Weimar–Wien 1995, pp. 1–28; Jörg ROGGE, *Ehrverletzungen und Entehrungen in politischen Konflikten in spätmittelalterlichen Städten*, [in:] *ibid.*, pp. 110–143.

⁴⁷ P. A. JEZIORSKI, *Proskrypcja i banicja*, pp. 149–151.

⁴⁸ *Ibid.*, pp. 151–153.

⁴⁹ Claude GAUVARD, *Criminalité et violence à la fin du Moyen Age*, *Perspectives Médiévales*, no. 19: 1993, pp. 6–11; Martin SCHÜSSLER, *Die Entwicklung der Gauner- und Verbrechersprache „Rotwelsch“ in Deutschland von der Mitte des 13. bis zur Mitte des 16. Jahrhunderts*, *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Germanistische Abteilung*, Bd. 118: 2001, pp. 390–391, 419; Ulrich HENSELMEYER, *Ratsherren und andere Delinquenten. Die Rechtsprechungspraxis bei*

Thus, also in Prussia representatives of more wealthy strata appeared as assailants or victims of violence⁵⁰. However, the analysis of Prussian registers shows a significant disproportion, that is, while among the victims/accusers there are many burghers (merchants, wealthy craftsmen, etc.), they are very rarely found among the proscribed. It seems that the main reason for this was their financial status that enabled them to quickly settle an agreement with the aggrieved party or their representatives and, if need be, to immediately complete all formalities connected with crossing their names out of the register. Unfortunately, incompleteness of Prussian registers of the proscribed/outlaws makes it impossible to answer the question of the real share of the more affluent inhabitants of Prussian cities and towns among the proscribed/outlaws.

Despite the often stressed shortcomings of the Prussian registers, as well as the domination of men on their pages, such primary sources provide astounding amount of information about conflict situations that women participated in. They appear mostly as victims of assaults, homicides (also by the hand of their own husbands), and serious injuries (e.g. a woman who lost her hand in Chełmno in 1403). Furthermore, they were the victims of verbal attacks, robberies, and even kidnappings (suffered also by married women)⁵¹. Rape, even group rape, was also a quite common crime against them⁵². If they were in conflict with the law, then mostly as thieves (often operating with a partner, children or in larger groups)⁵³, co-perpetrators of crimes (mainly fights, but also murders connected with robberies)⁵⁴ or as infanticides⁵⁵. This tendency to avoid operating alone⁵⁶,

geringfügigen Delikten im spätmittelalterlichen Nürnberg (Konflikte und Kultur-Historische Perspektiven, Bd. 6), Konstanz 2002, passim.

⁵⁰ Cf. P. A. JEZIORSKI, *Proskrypcja i banicja*, pp. 162–171.

⁵¹ *Das Kulmer Gerichtsbuch 1330–1430*, p. 207, no. 301a; p. 222, no. 315b; p. 242, no. 338; CDW, Bd. 4, pp. 56–66, no. 3; P. A. JEZIORSKI, *Proskrypcja i banicja*, p. 214, no. 15; p. 220, no. 70; p. 221, no. 221; p. 226, no. 119; p. 227, no. 124, 129; p. 228, no. 135; p. 230, no. 151, 153; p. 231, no. 155–156; p. 232, no. 160–161; p. 236, no. 183; p. 237, no. 190; p. 243, no. 224; p. 245, no. 236–237; p. 246, no. 246; p. 249, no. 275; p. 250, no. 284; *Księga proskrybowanych Nowego Miasta Torunia (1358–1412)*, p. 18, no. 334; p. 31, no. 578; p. 32, no. 604; p. 32, no. 606; p. 33, no. 617; p. 33, no. 636; p. 36, no. 692; p. 38, no. 752; p. 40, no. 791–792; p. 42, no. 826; p. 43, no. 839.

⁵² P. A. JEZIORSKI, *Proskrypcja i banicja*, p. 230, no. 153; *Das Kulmer Gerichtsbuch 1330–1430*, p. 221, no. 314b; p. 252, no. 350a; p. 254, no. 353; p. 304, no. 413; p. 308, no. 417b.

⁵³ P. A. JEZIORSKI, *Proskrypcja i banicja*, p. 212, no. 1–2; p. 215, no. 27; p. 217, no. 47; p. 256, no. 327, 329.

⁵⁴ GStA PK, XX. HA, OF 85, fol. 48; *Księga proskrybowanych Nowego Miasta Torunia (1358–1412)*, p. 7, no. 91; p. 16, no. 285; p. 18, no. 328, 333; p. 34, no. 660; p. 35, no. 669; P. A. JEZIORSKI, *Proskrypcja i banicja*, p. 215, no. 25; p. 228, no. 133; p. 239, no. 201.

⁵⁵ P. A. JEZIORSKI, *Proskrypcja i banicja*, p. 220, no. 66.

⁵⁶ Of course, this does not mean that there were no cases of men being victims of women operating alone, but these events must be treated as exceptions, see *Księga proskrybowanych Nowego Miasta Torunia (1358–1412)*, p. 16, no. 281; p. 17, no. 327.

unless another woman was the victim⁵⁷, was most probably caused by natural limitations of the gender (e.g. physical strength), as well as by disadvantages resulting from cultural conditions.

The Prussian registers of the proscribed also include information on events which were participated by the broadly defined dregs of society. Such primary sources present various types of entertainers (German: *Spielleute*), as well as prostitutes, beggars and outlaws. In most cases they act as victims of violence (mainly assaults, but also homicides and serious injuries, including mutilation)⁵⁸, less often as perpetrators⁵⁹. Court ushers (German: *Gerichtsdienner*) and executioners often make appearance on the pages of those texts. Despite being in the service of a city or town, they performed a profession that had a bad reputation, which was despised, even hated, by other inhabitants⁶⁰. Such antipathy often resulted in open aggression towards them and their relatives⁶¹. The fact of proscribing people suspected of violent acts against the dregs of society indicates that the municipal authorities treated the rule of law seriously⁶².

In a late medieval town or city of Central and Eastern Europe, just like in modern times, a typical sequence of escalation of violence could be observed – from verbal aggression, usually in the form of words generally considered to be offensive, to physical violence, resulting in fisticuffs or an attack with a weapon⁶³. Prussian registers of the proscribed/outlaws include vestigial information on the insults used by aggressors. These were often imprecisely described as

⁵⁷ P. A. JEZIORSKI, *Proskrypcja i banicja*, p. 237, no. 185; *Księga proskrybowanych Nowego Miasta Torunia (1358–1412)*, p. 16, no. 303; p. 18, no. 328; p. 21, no. 388; p. 30, no. 570; p. 41, no. 816; p. 42, no. 824.

⁵⁸ *Das Kulmer Gerichtsbuch 1330–1430*, p. 195, no. 292; p. 207, no. 301a; p. 217, no. 310a; p. 237, no. 334b; p. 238, no. 334b; p. 239, no. 335; p. 240, no. 336a; p. 245, no. 342; p. 246, no. 345; p. 247, no. 345; p. 259, no. 364–365; p. 278, no. 390; p. 312, no. 219; P. A. JEZIORSKI, *Proskrypcja i banicja*, p. 216, no. 29; p. 234, no. 172; *Księga proskrybowanych Nowego Miasta Torunia (1358–1412)*, p. 14, no. 230.

⁵⁹ *Das Kulmer Gerichtsbuch 1330–1430*, p. 299, no. 407; P. A. JEZIORSKI, *Proskrypcja i banicja*, p. 251, no. 292.

⁶⁰ Cf. U. HENSELMEYER, op.cit., pp. 114–119; Paweł A. JEZIORSKI, *Margines społeczny w dużych miastach Prus i Inflant w późnym średniowieczu i wczesnych czasach nowożytnych*, Toruń 2009, pp. 67–306.

⁶¹ P. A. JEZIORSKI, *Proskrypcja i banicja*, p. 213, no. 6; p. 216, no. 30; p. 219, no. 58; *Księga proskrybowanych Nowego Miasta Torunia (1358–1412)*, p. 3, no. 7; p. 17, no. 321; p. 21, no. 396–397; *Das Kulmer Gerichtsbuch 1330–1430*, p. 205, no. 299a; p. 207, no. 301a; CDW, Bd. 4, pp. 63–64, no. 3.

⁶² P. A. JEZIORSKI, *Proskrypcja i banicja*, pp. 135–137.

⁶³ Cf. U. HENSELMEYER, op.cit., pp. 75–101.

“bad words” or “bad words against honour” (*bosze wort, dy treten dy ere an*)⁶⁴. However, even in the case of this incomplete material we can clearly notice that such vulgar epithets as *hurra* (*verlouffene hu(e)re von allen vier anen, dybische vorheite hure*), *horrenson* (*hornson, hurson*), *hurren kint* (*hurren hurren kint, horren kint*), *horrenschalk*, *hurrenkrotenson*, *krotenson* (*krothenson, virwerfe krothen son, peken krotenson*), *krothentochter*, *kroten kint*, *krotenschalk*, *krote*, *kutzenson*, *tefenschalk* or *schalk* were considered especially derogatory⁶⁵. For they damaged the reputation of the victim by suggesting, among others, the immorality or illegitimacy, and in effect could cause measurable losses if there was no adequate reaction⁶⁶. Also, saying that someone was a *bosen wicht*⁶⁷ was considered offensive.

Sometimes a conflict ended at the stage of insults and was later brought into a town court, but usually it was only the prelude to a more serious clash, that resulted in bringing the victim to the ground and using fists, feet or sharp objects, knife being the most popular among them. It should be noted that the use of swords is mentioned surprisingly rarely in Prussian registers of the proscribed/outlaws⁶⁸. Perhaps it was the effect of the regulations commonly applied in Prussian cities and towns, that prohibited swords and long knives to be carried around within the borders of the municipal jurisdiction⁶⁹, and a testimony to effective enforcement of this law by the urban authorities. On the other hand, the registers often mention cases of inflicting heavy injuries

⁶⁴ P. A. JEZIORSKI, *Proskrypcja i banicja*, p. 232, no. 165; p. 235, no. 178; p. 246, no. 245. Cf. CDW, Bd. 4, pp. 56, 58, no. 3.

⁶⁵ CDW, Bd. 4, pp. 56–66, no. 3; pp. 627–632, no. 611; P. A. JEZIORSKI, *Proskrypcja i banicja*, p. 242, no. 220.

⁶⁶ On the attitude towards illegitimate children and prostitutes in the late Middle Ages, see *Illegitimität im Spätmittelalter*, hrsg. v. Ludwig SCHMUGGE, München 1994; Annette LÖMKER-SCHLÖGELL, *Prostituierte „umb vermeidung willen merers übels in der cristenhait“*, [in:] *Randgruppen der spätmittelalterlichen Gesellschaft. Ein Hand- und Studienbuch*, hrsg. v. Bernd-Ulrich HERGEMÖLLER, Warendorf 2001, pp. 58–89; P. A. JEZIORSKI, *Margines społeczny*, pp. 307–416.

⁶⁷ CDW, Bd. 4, p. 60, no. 3.

⁶⁸ *Ibid.*, p. 57, no. 3; *Księga proskrybowanych Nowego Miasta Torunia (1358–1412)*, p. 3, no. 10.

⁶⁹ *Thorner Denkwürdigkeiten von 1345–1547*, hrsg. v. Albert VOIGT (Mitteilungen des Copernicus-Vereins für Wissenschaft und Kunst zu Thorn, H. 13), Thorn 1904, p. 17; Arthur SEMRAU, *Die mittelalterlichen Willküren der Altstadt und Neustadt Elbing*, Mitteilungen des Copernicus-Vereins für Wissenschaft und Kunst zu Thorn, H. 34: 1926, pp. 37–38; Georg MICHELS, *Die Ordnung als Spiegel der Stadt. Städtische Willküren als Zeugnisse städtischer Probleme*, [in:] *Das Preußenland als Forschungsaufgabe. Eine europäische Region in ihren geschichtlichen Bezügen. Festschrift für Udo Arnold zum 60. Geburtstag gewidmet von den Mitgliedern der Historischen Kommission für ost- und westpreußische Landesforschung*, hrsg. v. Bernhart JÄHNIG, Georg MICHELS (Einzelschriften der Historischen Kommission für ost- und westpreußische Landesforschung, Bd. 20), Lüneburg 2000, pp. 378–379.

(mainly to upper limbs), including cutting a finger, hand or a larger part of the limb off. For example, the register of the proscribed of the New Town of Toruń mentions 30 cases described as *mutilatio*⁷⁰. It was rather impossible to inflict such injuries using a short knife. In addition, it is impossible to rule out that bleeding from wounds inflicted by a sword was the cause of many deaths noted in the registers. Also, other objects were used to hit opponents during fights. Some of them can be quite unusual and can serve as a testimony to randomness of clashes, during which anything that was close at hand was used as a weapon. The register of the Old Town of Braniewo mentions stones, pitchers or, as it seems, a mace or club (*kule*), also one made of iron (*yserynne kule*)⁷¹. Shooting the opponent with a crossbow was mentioned once⁷². The register from Elbląg noted also a case of using a mace/club (*kulenslag*)⁷³. We do not know, however, if it was a professional weapon.

Prussian registers of the proscribed/outlaws carefully described the nature of injuries suffered by victims. The number of bruises, bloody wounds, bone fractures, etc., as well as their nature, decided on the consequences threatening a proscribed/outlaw⁷⁴. By scrutinizing, for example, the number of inflicted injuries we can notice a predominance of single or double wounds. Cases of inflicting a larger number of wounds or even massacring the opponent (even more than 10 wounds!)⁷⁵ are very rare. This may be treated as a hint that strong emotions influencing the participants of a given fight were calmed down rather quickly, maybe in fear of possible legal consequences⁷⁶. Due to their character, most registers do not describe the circumstances of homicides, wounds or other types of injury. Details of particular events were probably noted only in court reports. The register of the proscribed/outlaws of the Old Town of Braniewo is unique in this regard, it provides very picturesque, sometimes even macabre, details of committed crimes⁷⁷.

⁷⁰ However, taking into account all the other cases of injury recorded in the New Town of Toruń (almost 700), mutilations constituted a small percentage of the total, see P. A. JEZIORSKI, *Proskrypcja i banicja*, p. 130.

⁷¹ CDW, Bd. 4, pp. 56–66, no. 3; pp. 627–632, no. 611.

⁷² *Ibid.*, p. 65, no. 3: “Item Andres, der Jacob Schulendorf hot gedynt, ist geechtit, das her eyn armbrost hot gespannen und hot mit eynem boltzen geschossen noch Cadauwen sone und sprach: du hurson, hir synt noch scharffer pfeile genug”.

⁷³ P. A. JEZIORSKI, *Proskrypcja i banicja*, p. 225, no. 117.

⁷⁴ *Ibid.*, pp. 132–133.

⁷⁵ *Das Kulmer Gerichtsbuch 1330–1430*, p. 209, no. 302a; p. 215, no. 309a; p. 216, no. 309a; p. 216, no. 309b; p. 231, no. 327; p. 283, no. 396; p. 292, no. 403; p. 298, no. 407; p. 305, no. 413; p. 309, no. 419; p. 318, no. 430d; *Księga proskrybowanych Nowego Miasta Torunia (1358–1412)*, p. 12, no. 196; p. 15, no. 265, 274; p. 24, no. 451.

⁷⁶ P. A. JEZIORSKI, *Proskrypcja i banicja*, pp. 130–131.

⁷⁷ Cf. CDW, Bd. 4, p. 57, no. 3: “Item Kirsten eyn fischerknecht hot eyn messer getzogen uf Balgemans knecht und slug en in dy kenebacken und his en eynen krotenson, und dorumme ist

The registers of the proscribed/outlaws from Prussian towns and cities confirm one more tendency. The scrutiny of the personal data of the proscribed proves that very often more than two persons took part in fights⁷⁸. However, clashes with more than 10 participants, as in Chełmno in 1391, when 11 men were proscribed for an attack on the town watchmen, were very infrequent⁷⁹. It was very common for the assailants or their victims to be connected by family ties (e.g. husband and wife, father and son, brothers)⁸⁰; relations between a servant and master⁸¹; belonging to the same profession⁸²; and, as we may assume, living in the same neighbourhood⁸³. In the case of members of the same profession, it is highly likely that personal motives usually created conflict situations, but we cannot rule out that, at least in some cases, they were the result of professional competition⁸⁴. Sometimes the registers note conflicts between representatives of the same profession that come from different cities. In such cases, attempts to counter professional competition are noticeable⁸⁵. The analysis of personal data of figures noted on the pages of the Prussian registers of the proscribed/outlaws shows that some clashes probably originated from more complicated conflicts that developed over time, and finally took the form of a bloody vendetta⁸⁶. However, this issue still requires further and deeper research.

To conclude, it needs to be emphasized that the major shortcoming of the Prussian registers of the proscribed/outlaws is the lack of connection between their content and the urban space, that is, the custom of not specifying the place where the acts of violence happened. No such information can be found in registers from Chełmno, the New Town of Toruń, or Bartoszyce⁸⁷. Regis-

her geecht”; p. 629, no. 611: “Item eyn ungenanter ist geecht umme I mort, gewurcht an eyne manne, dem her sein haupt was apgehauwen, der by Sandekaw wart gefunden”.

⁷⁸ P. A. JEZIORSKI, *Proskrypcja i banicja*, p. 160.

⁷⁹ *Das Kulmer Gerichtsbuch 1330–1430*, p. 220, no. 314a.

⁸⁰ P. A. JEZIORSKI, *Proskrypcja i banicja*, p. 214, no. 11; p. 215, no. 25; p. 216, no. 34; p. 226, no. 119; p. 227, no. 129; *Das Kulmer Gerichtsbuch 1330–1430*, p. 207, no. 300b; p. 260, no. 366; p. 281, no. 394b; p. 306, no. 414; CDW, Bd. 4, p. 56, 58, 61, no. 3; *Księga proskrybowanych Nowego Miasta Torunia (1358–1412)*, p. 6, no. 58–60, 70–73; p. 18, no. 333.

⁸¹ *Das Kulmer Gerichtsbuch 1330–1430*, p. 241, no. 336a; CDW, Bd. 4, pp. 65–66, no. 3.

⁸² See for example *Das Kulmer Gerichtsbuch 1330–1430*, p. 222, no. 315b; p. 234, no. 332.

⁸³ Cf. H. ZAREMSKA, *Żywi wobec zmarłych*, p. 223; P. A. JEZIORSKI, *Proskrypcja i banicja*, p. 158.

⁸⁴ P. A. JEZIORSKI, *Proskrypcja i banicja*, pp. 171–173.

⁸⁵ *Das Kulmer Gerichtsbuch 1330–1430*, p. 303, no. 413; p. 304, no. 413; P. A. JEZIORSKI, *Proskrypcja i banicja*, p. 172.

⁸⁶ Cf. P. A. JEZIORSKI, *Proskrypcja i banicja*, pp. 161–162.

⁸⁷ One of the exceptions which can be found in the register of Bartoszyce is a mention of an inn being the place of a murder (perpetrated by the innkeeper), see GStA PK, XX. HA, OF 87, fol. 150v.

ters of the proscribed/outlaws from Prussian cities and towns which used the Lübeck law are a bit more useful in this regard. In the register of Elbląg, several places where conflict situations occurred were mentioned. These include the house of a court usher or an executioner (*botelye, temenitcze*)⁸⁸, a building used for baking bread, located near one of Elbląg's cemeteries⁸⁹, private apartments and their surroundings⁹⁰, or even a forest owned by the town⁹¹. The register of the Old Town of Braniewo mentions a wine cellar (*weinkellir*), the vicinity of an unspecified bridge, a private apartment, a wayside cross near the New Town of Braniewo, and especially often – the place of residence of the local court usher or executioner (*boteleye*)⁹².

Of course, the article does not cover all the issues connected with violence in everyday life of cities and towns in the State of the Teutonic Order in Prussia during the late Middle Ages, which were presented in the preserved Prussian registers of the proscribed/outlaws. However, the investigations presented above prove that even such incomplete primary sources, plagued by numerous shortcomings, if submitted to a directed and careful analysis, can provide us with many interesting pieces of information.

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⁸⁸ P. A. JEZIORSKI, *Proskrypcja i banicja*, p. 216, no. 30; p. 243, no. 224.

⁸⁹ *Ibid.*, p. 255, no. 326. Cf. Karl HAUKE, Horst STOBBE, *Die Baugeschichte und die Bau-denkmäler der Stadt Elbing* (Bau- und Kunstdenkmäler des Deutschen Ostens, Reihe B, Bd. 6), Stuttgart 1964, p. 77.

⁹⁰ P. A. JEZIORSKI, *Proskrypcja i banicja*, p. 215, no. 25; p. 231, no. 156, 158; p. 242, no. 220; p. 243, no. 223; p. 253, no. 307–309.

⁹¹ *Ibid.*, p. 253, no. 313.

⁹² CDW, Bd. 4, pp. 56–66, no. 3; pp. 627–632, no. 611.

PRUSSIAN REGISTERS OF THE PROSCRIBED/OUTLAWS
AS A SOURCE FOR RESEARCH ON VIOLENCE IN EVERYDAY LIFE
OF A TOWN IN THE LATE MIDDLE AGES

Abstract

Keywords: proscription, banishment, punishment, Prussian towns, late Middle Ages, court registers, town books, town judiciary, State of the Teutonic Order, Chełmno law, Lübeck law

The main purpose of the presented text is an attempt to demonstrate the usefulness of the registers of outlaws established in late medieval Prussian cities for the research on the issue of the presence of violence in the everyday life of Prussia's inhabitants. The primary sources used in the article consisted of preserved registers from Prussian cities governed according to the rules of the Chełmno law (Bartoszyce, Chełmno, the New Town of Toruń) or the Lübeck law (the Old Town of Braniewo, Elbląg). The starting point for further analysis was the discussion of the basic differences between proscription (administrative coercion and procedural measure, aimed at forcing the accused to appear before the court) and banishment (temporary or lifelong exile from a specific territory). What the author also addresses in the text is the question: how the proscription, by the virtue of the Lübeck law, acquired a much more repressive character (exhibiting features typical of punishment). Subsequently, the characteristics of the preserved Prussian registers of outlaws (14th–16th centuries) were analyzed in terms of their usefulness for research. Attention was drawn to the shortcomings of these primary sources, primarily to their incompleteness (to a greater or lesser extent); the reasons for this situation were presented as well. Given these shortcomings, an attempt was made to demonstrate the usefulness of the preserved registers in historical investigations. It was pointed out that they could be used for research, e.g. on the origins of conflicts among specific socio-professional groups, the character of women's participation in acts of violence, or the attitude of municipal authorities towards cases of violence against representatives of the social margin. The article also refers to forms of verbal aggression and physical violence, also with the use of dangerous tools.

PREUSSISCHE VERFESTETEN-/VERBANNTENREGISTER
ALS QUELLE FÜR FORSCHUNGEN ÜBER DIE GEWALT IM ALLTAGSLEBEN
DER SPÄTMITTELALTERLICHEN STADT

Abstract

Schlüsselwörter: Verfestung, Verbannung, Strafe, preußische Städte, Spätmittelalter, Gerichtsregister, Stadtbücher, städtische Gerichtsbarkeit, Deutschordensstaat, Kulmer Recht, Lübisches Recht

Das grundsätzliche Ziel des vorliegenden Textes ist der Versuch, die Nützlichkeit der in den spätmittelalterlichen preußischen Städten entstandenen Verfesteten-/Ver-

banntenregister für die Forschungen an der Frage des Vorkommens von Gewalt im Alltag der Stadtbewohner nachzuweisen. Die Quellengrundlage des Beitrags bilden die erhalten gebliebenen Register aus den preußischen Städten, die nach dem Kulmer Recht (Bartenstein – poln. Bartoszyce, Kulm – poln. Chełmno, Neustadt Thorn – poln. Nowe Miasto Toruń) und dem Lübischem Recht (Altstadt Braunsberg – poln. Stare Miasto Braniewo, Elbing – poln. Elbląg) regiert wurden. Den Ausgangspunkt für weitere Analysen stellte die Erörterung grundlegender Unterschiede zwischen der Verfestung (dem administrativen und prozessualen Zwangsmittel, um den Verfesteten zum Erscheinen vor Gericht zu zwingen) und der Verbannung (der Strafe der zeitweiligen oder lebenslänglichen Verweisung aus einem bestimmten Territorium) wie auch des Sachverhalts dar, dass die nach dem Lübischem Recht angewandte Verfestung einen deutlich repressiveren Charakter (also straftypische Eigenschaften) erhielt. Anschließend wurden die erhalten gebliebenen preußischen Verfesteten-/Verbanntenregister (14.–16. Jh.) im Hinblick auf ihre Nützlichkeit für die Forschung charakterisiert. Der Artikel weist auch auf die Nachteile dieser Quellen hin, vor allem auf die Tatsache, dass sie (in geringerem oder höherem Maße) unvollständig sind, und schildert die Ursachen dieses Phänomens. Unter Berücksichtigung dieser Mängel wurde der Versuch unternommen, die Nützlichkeit der erhalten gebliebenen Register für die historische Forschung nachzuweisen. Es wurde bewiesen, dass sie für die Forschung u. a. zum Konfliktpotential bestimmter Sozial- und Berufsgruppen, zur Ausprägung der Beteiligung von Frauen an Gewalttaten oder auch zur Einstellung der Stadtbehörden zu Gewaltfällen gegenüber den Vertretern gesellschaftlicher Randgruppe von Nutzen sein können. Der Beitrag spricht ebenfalls Formen verbaler Aggression und körperlicher Gewalt, auch unter Einsatz gefährlicher Werkzeuge, an.

PRUSKIE REJESTRY PROSKRYBOWANYCH/BANITÓW
JAKO ŹRÓDŁO DO BADAŃ NAD PRZEMOCĄ W ŻYCIU CODZIENNYM
PÓŹNOŚREDNIOWIECZNEGO MIASTA

Abstrakt

Słowa kluczowe: proskrypcja, banicja, kara, miasta pruskie, późne średnio-wiecze, rejestry sądowe, księgi miejskie, sądownictwo miejskie, państwo zakonu krzyżackiego, prawo chełmińskie, prawo lubeckie

Zasadniczym celem prezentowanego tekstu jest próba wykazania przydatności rejestrów proskrybowanych/banitów powstałych w późnośredniowiecznych miastach pruskich do badań nad zagadnieniem obecności przemocy w życiu codziennym ich mieszkańców. Podstawę źródłową artykułu stanowią zachowane rejestry pochodzące z miast pruskich rządzących się według przepisów prawa chełmińskiego (Bartoszyce, Chełmno, Nowe Miasto Toruń) lub lubeckiego (Stare Miasto Braniewo, Elbląg). Punkt wyjściowy dla dalszych analiz stanowiło omówienie podstawowych różnic między proskrypcją (przymus administracyjny i środek procesowy, mający za zadanie przymuszenie oskarżonego do stawienia się przed sądem) i banicją (kara czasowego lub

dożywotnego wygnania z określonego terytorium), a także problemu nabycia przez proskrypcję stosowaną na mocy prawa lubeckiego znacznie bardziej represyjnego charakteru (nadania jej cech typowych dla kary). W dalszej kolejności dokonano charakterystyki zachowanych pruskich rejestrów proskrybowanych/banitów (XIV–XVI w.) pod kątem ich przydatności badawczej. Zwrócono uwagę na mankamenty tych źródeł, przede wszystkim na fakt ich zdekompletowania (w mniejszym lub większym stopniu) oraz przedstawiono przyczyny tego zjawiska. Mając na uwadze owe braki, podjęto próbę wykazania przydatności zachowanych rejestrów w badaniach historycznych. Wskazano, że mogą one służyć do badań m.in. nad konfliktogennością określonych grup społeczno-zawodowych, charakterem udziału kobiet w aktach przemocy czy stosunkiem władz miejskich do przypadków przemocy wobec przedstawicieli marginesu społecznego. W artykule odniesiono się także do form agresji werbalnej oraz przemocy fizycznej, także z użyciem niebezpiecznych narzędzi.

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