Thesis of PhD dissertation

THE CRIMINAL CASES AND JUDICIAL SYSTEM OF DEBRECEN BETWEEN 1693 AND 1715 IN THE LIGHT OF THE MAGISTRATES' COURT RECORDS

Dr. Rita SZÜCSNÉ PAPP

Supevisor: Prof. Dr. Klára Papp

UNIVERSITY OF DEBRECEN

Doctoral School of History and Ethnology

Debrecen, 2021

1. Dissertation aims and objectives, formulation of the research topic

Our dissertation focuses on the criminal cases of the city of Debrecen in the period between 1693 and 1715, presenting their context, the participants and the perception of those at the time.

The two dates are both significant milestones in the history of the city. In 1693 Debrecen was granted the status of free Royal city by King Leopold I, but it was not until the National Assembly of 1715 that it was publicly declared. This period, the end of the 17th century and the beginning of the 18th century, was a turbulent time not only in Debrecen's history, but for the whole country. The Wars of Reconquest and the subsequent Rákóczi War of Independence both tested Debrecen's resilience, demanding huge sacrifices from its inhabitants. In addition to that, the city was also threatened by Sultan Galga, son of the Tatar Khan. Partly related to these events and partly independently, it was a time of a massive internal tension for Debrecen. For instance, the so-called plebeian rebellion of 1693, or the Campus protest of the University students in July 1704. In addition to that, numerous other conflicts could be observed among the residents of the city. These include different conflicts between the separate guilds, as well as within individual guilds; while disagreements between neighbours and family members were also common, not to mention the daily quarrels and fights between drunk customers of pubs and taverns, and the list could go on.

The investigation of the lawsuits gives an insight into the innermost life of the city. In this paper we have primarily focused on criminal proceedings, with a strong

emphasis on the fact that despite those lawsuits could be distinguished in most of the cases, in the examined period the civil and criminal proceedings were not yet sharply separated, so some of them may overlap. We shall examine the most common crimes committed in the city during the examined period, the circumstances in which they were committed and the sentences delivered by the magistrate. In addition, the subjects of the lawsuits- primarily the perpetrators and defendants - will also be investigated.

Based on the archival materials, we shall attempt to reconstruct the investigation of the criminal cases of the period, their composition and nature, with an insight into the jurisdiction and the execution of sentences. Where possible, we shall try to identify the reasons behind the crimes committed, by confronting and interrogating certain sources.

2. Overview of the source material and the research methods.

As a main source, we have used the city's magistrate's records, which, in addition to being abundant in procedural material, also provided an insight into Debrecen's life in a number of different areas.

Equally fascinating and valuable are the city's criminal court records, which gather the witness testimonies related to the trials. These testimonies not only helped the judicial system of the time, but also provide important data for contemporary researchers. And although the primary source for the paper was the magistrate's protocols, the records represented the other major pillar of our research.

We have also used the city census records for the studied period as a source, in the hope that they will help us to identify the participants in the lawsuits, and for the same purpose we have also accessed the Civil Register (Matricula civium), which provides data on the city's population from 1707 onwards.

Understanding local conditions and circumstances is essential to comprehend the nature of the judicial system and the trials. This is greatly helped by two contemporary works revealing many fascinating details, such as the situation in Debrecen at the time and the problems its inhabitants had to face as a result of war periods. The first is Boldizsár Barta's *Short Chronicle*, published in 1666, and the second is the *Illumination of the miserable state of Debrecen, 1685-1696*, published by the Hajdú-Bihar County Archives in 1987, which includes four essays of János Pósalaki, the distinguished diplomat and city notary, as well as the author's biography.

As regards the sources, we must not forget about the already published magistrates' records of the town. These are the result of a thorough and meticulous work, which have made those sources available to the general public since 1547, from the time of the first surviving records. The most recent publication is the record from 1626-27.

The examination of the magistrate's records - with a total of almost 4000 pages - as well as the processing of the proceedings included in them was a lengthy process, in which compilations based on similar source material were of great help.

In order to arrange the most important data and information connected to criminal cases and lawsuits in a database, we used Microsoft Excel spreadsheets. The

names of the people involved in the lawsuits, the dates on which the cases were heard, pages where they can be found in the records, specification of the types of criminal offences and breaches of statutes, and finally the verdicts of the trials were indicated; and if there was any unusual or valuable information in the records - for instance, references to aggravating or mitigating circumstances - those were also included in the spreadsheet. For the sake of clarity, we have used numerical and colour coding in our chart. Different colours have been used to indicate the different types of offences, the gender of the defendants in the court cases and the date of the court hearings by month.

When writing the individual chapters - as well as when preparing the former studies - we gathered the lawsuits and cases recorded in the chart in separate databases, in order to simplify and speed up the investigation of the types of crime, which turned out to be extremely useful in the course of our work.

In a separate database, we have also compiled almost 1,800 pages of criminal court records, indicating the characters who provided witness statements and against whom, the date, where they appear in the records, how many witnesses were heard and how many of them were unable to testify or say anything of use about the people questioned. In addition, we have also recorded the names of the witnesses. Similar work has been done with censuses and the civil register.

The classification of cases and lawsuits was primarily based on the literature used, with some minor deviations. Although these works were of great help in the process of classification, we still had to face some categorization difficulties. This includes misspellings, incomplete case

extracts, frequent and repeated names, or even curses and insults that are difficult to differentiate.

In grouping the lawsuits, we had to keep in mind that the mindset and values of people of the time greatly differed fom the current way of thinking. In their eyes, property was the foundation of all things, and punishment was the main guiding principle in most of the cases, which is why it is very difficult to separate the cases. In order to better understand these proceedings and to apply a more transparent classification, which would also be the reasonable according to the sources, our analysis was primarily based on the current classification of criminal cases. In cases where there was uncertainty about the case classification, we made our decision based on the wording of the sentence or the punishment imposed.

Based on that, we categorized the cases into seven major groups, within which further sub-groups were created where this was necessary. The groups are as follows:

1. Violent crimes (crimes against life and against physical integrity)
   1.1. Homicide
   1.2. Assault, fight, disorderly conduct

2. Theft and conspiracy with thieves (offences against property)
3. Swearing, cursing and other offences against religion
   3.1. Blasphemy, swearing/profanity
   3.2. Other offences against religion
4. Defamation, slender, libel
   4.1. Insult, verbal abuse

4.2. Slender, libel

5. Fornication and adultery; offences against the sacrament of marriage (crimes against family and sexual morality)

6. Witchcraft, sorcery

7. Other criminal offences

7.1. Arson

7.2. Riot, rebellion

7.3. Breach of duty (civil and administrative separately)

7.4.

7.5. Crime of escape, elopement, sneaking back into town

7.6. Vagrancy

7.7. Falsifying documents

3. Scientific results of the doctoral thesis

3.1. The frequency of different types of crime

In addition to providing a unique and fascinating research experience, the sources used have proved to be suitable for providing an outline of the distribution of crimes and offences by their incidence. It should be noted, however, that the record also includes many entries that do not contain the charges, nor any details of the offences committed - or allegedly committed - nor the resulting conflict, since these are only excerpts of the proceedings. We therefore focused on the trials that we could identify to the best of our knowledge and to the best of our ability.

In the examined period, the most frequent crimes were undoubtedly those related to sexual offences in Debrecen, with a total of 457 cases. Most of them involved adultery (113 cases), then prostitution (94 cases), premarital sex (76 cases), followed by the less frequent bigamy (22 cases) and pimping (12 cases), then sodomy (4 cases), rape/forcible sexual intercourse (4 cases), incest (3 cases), bestiality/animal sex abuse (2 cases) and premarital cohabitation (1 case). In addition to those mentioned above, there are also cases in which the accused was confessed to by a fornicator (18 cases), or had knowingly lived with a fornicator (9 cases), or had assisted or defended fornicators (7 cases).

There is a slightly smaller amount of cases related to defamation, 441 in total, which were classified under the category of private offences (i.e. delicta privata or private law delinquency), nevertheless we considered it important to present them, since they include trials at the magistrates' court as well, which are very prominent in the records, and thus presumably in the lives of the people of Debrecen at that time. Among these, defamation and slander were quite predominant, but “ordinary" insults were also relatively common and diverse.

The third most common category is property crime offences, that are crimes against property, with 384 cases. According to the data available, the perpetrators in most of the cases took movable property (assets) or personal articles (102 cases), followed by larceny of livestock (63 cases), cash larceny (44 cases) and Praedial larceny, i.e. larceny of crops and fodder (33 cases). Proceedings for the theft of groceries or wine were much less frequent (8 cases), according to the court records. In

most cases, these were petty thefts, but there were also thefts of a more specific nature. These include robbery, highway robbery (17 cases), embezzlement, fraud involving property/asset misappropriation fraud (7 cases), handling stolen goods (4 cases) as well as pickpocketing and purse snatching (2 cases). It also includes lawsuits against people who assist or conspire with thieves (7 cases).

Offences against property are followed by 283 cases of blasphemy and other offences against religious beliefs. The vast majority of these were blasphemy or cursing and swearing (235 cases), and only a fraction of those were other offences against religion (39 cases). The latter included mostly cases of false swearing or lawsuits against people taking the Lord's name in vain (i.e. by swearing in the name of God falsely) (24 cases), also cases of desecration of a feast (7 cases), with only a few cases of profanation (2 cases), desecration of a cemetery (2 cases), or defamation of religion (1 case).

Next in line are the 268 offences against life and physical integrity. The majority of the 45 related murder cases were common homicides (32 cases), of which there were 17 cases of ordinary homicides and 15 aggravated murder cases. In addition, according to the records, there is evidence of violent crimes of four robbery murders and of two brutal, purposeful murders. In terms of victims of fights and violent acts, assaults on civil servants and city officials in charge were common (37 cases), as well as domestic violence (21 cases), and a large number of street fights and bar brawls had been reported.

After that, a major leap can be observed, followed by less frequent offences and misdemeanours. There are 122 cases of breach or failure to comply with official or

civil obligations, 96 cases of breach of the statutory duty, 38 cases of witchcraft or sorcery, 24 charges of absconding, escape, 16 cases of faction, 12 accusations of falsification of documents or forgery, 11 cases of vagrancy and 10 cases of arson.

3.2. The assessment of the offences

The city and the inhabitants of the purely Calvinist Debrecen at that time were permeated by religious faith of Protestant Reformation. This played a significant role in the judgement and severe punishment of particular crimes, as well as in defining what was considered a crime in the first place.

Several types of death penalty can be found in the records among the common punishments. For instance, decapitation was commonly used for adulterers, rapists, bigamists and murderers; hangings were quite normal for robbers or those who stole particularly valuable goods. Less frequently, mostly for accusations of witchcraft, sodomy or bestiality - burning at the stake, for blasphemy - stoning to death, while for murder charges execution by shooting were used.

The Magistrature, however, usually tried to avoid the death sentences, and only took such decisions in cases they considered particularly serious. They made a distinction between intentional and unintentional homicides, with consideration of the role of each person in the perpetration of the crime as well, and not only in the case of homicides, they also examined whether they had been able to prove the guilt of the defendant beyond a reasonable doubt. When sentencing, they also took into consideration the defendants' criminal history, whether

they had committed similar or other offences in the past, and whether they could see any chance for rehabilitation. The magistrate was also influenced by the manner the plot had been revealed. If the offender voluntarily came forward to confess, this was considered a mitigating circumstance and sentence was reduced to a less harsh punishment. But the senators didn't remain insensitive to the pleas of family members, as well as influential patrons had a say in the imposition of the verdicts.

For violent crimes, in the case of private prosecutions, the most common punishment was a fine - most often a fine of 100 forints for abuse of power or authority, or the most common penalty was the blood fine for shedding blood in the amount of 40 forints, as well as the barber's handling costs that could be attached to it. By contrast, in magistrates' trials, corporal punishment was commonly used, which could also be accompanied by a fine in the case of assault.

The majority of perpetrators of property crimes were also subjected to corporal punishment, which may have been accompanied by some sort of public humiliation and banishment. However, use of the neck-iron and being put in the stocks as the sole punishment is also repeatedly mentioned in the sources.

A change in the punishment of swearing and cursing could also be observed in the course of these few years. While until 1704 the most common punishment was being put on a wooden horse, in the following years flagellation, flogging or whipping became the most frequent sorts of retribution, after which the convicts were often banned from the city. In addition to these, they also used the practice of being put in a neck iron or stocks, being publicly carried through the streets and

church discipline and penance had to be practiced as well. We see similar punishments for other crimes against religion, such as corporal punishment, using a neck iron and banishment. Those who took a false oath were made to wear a shaming straw wreath on their heads and sometimes they were sentenced to expulsion from Debrecen wearing a shameful straw wreath.

The most common penalty for defamation was a 100 forint language fine. The offender sometimes had to apologise to the offended party, which could be accompanied by a return punishment, but putting the victim in the neck iron was also a standard punishment. The latter could include caning or flogging, but this was usually done if the person insulted someone with abusive language or offended a person acting on behalf of the town. Women who committed the crime of fornication were often taken by the tongue to the place of punishment by the executioner if they confessed to an innocent - or supposedly innocent - man.

People convicted for crimes against family and sexual morality also received beatings for their offences in most of the cases. This could be accompanied by expulsion from the city, banishment, and occasionally - usually for repeat offenders - stigmatisation.

The punishment for witchcraft and sorcery was death by burning at the stake, but most of the defendants in the trials we have examined managed to escape execution, and were driven out of the town instead. The reason for that was usually lack of evidence.

The cases that we classify as “Other offences” are very diverse, and consequently the penalties imposed are also very diverse. In the case of arson, for instance, the sources examined are not sufficiently detailed to identify

the most commonly used punishment or punishments. In the verdicts that have survived, we see several different methods, but each of them only once. Thus, arson fires, wilfully and maliciously set fires, were punished with corporal punishment; while for accidentally or negligently lit fires the offenders were punished with an iron collar or being put on a wooden horse - and both cases the convicts had to cry out in public what they had done. Sentences to perform community service for one year, bound in chains were common as well. It is certain, however, that according to the studied records, none of the defendants were sentenced to death for their actions, which was the standard penalty for despicable arsonists.

For rioters and rebels the standard punishment was death as well according to the judgement of the time, but the magistrate refrained from doing so even in the event of a serious riot. The punishment was normally nevertheless very severe, and in many cases the convicts were shamed by putting on straw wreaths and being led through the streets before being expelled from Debrecen.

The sanctions for breach of the statutory duty were also very diverse, due to the diversity of cases. For more serious offences, such as ignoring wage limits or violating trade rules, a fine of 200 forints or even the deprivation of civic rights could be imposed. For violating the useful rights of the town, a fine of 40 forints and the same amount of days of imprisonment were a common punishment. But lighter criminal sentences have also been used occasionally.

3.3. The parties involved in the lawsuits

Unfortunately, the investigation of the litigants

did not proceed as expected. The sources included in the research were not sufficient to study the accused and suspects, nor the other persons involved in the crimes, and to determine their age, origin or even their social background. In fact, most of the trials in the examined protocols are not sufficiently documented to enable us to come to firm conclusions. Unfortunately, in many cases we only seem to get certain information on the gender of the individuals concerned.

At the beginning of our investigation, we had high expectations that the names and details of witnesses listed in the criminal court records could be used to identify the persons involved in the trials, but we have been disappointed.

The same can be said of the city census records and the Matricula civium, which, while useful in some cases, were inconclusive for most of the accused because of the frequency of names and the sparseness of the records in this area. One thing is certain: the defendants and the people involved in the trials include people from a wide range of social backgrounds, even if the proportions are obviously not the same.

The gender distribution of perpetrators is the most reliable information we have. Based on these, it can be seen for which gender certain sins were most common. The accused of witchcraft and sorcery were overwhelmingly female, with 32 of the 40 accused being women and only 8 men. The proportion of women prosecuted for crimes against family and sexual morality is similarly high. Of the 507 people involved, 323 were women and 184 were men.

However, the opposite is normally the case for other types of crime. One sub-group is an exception, as

50 of the 79 people prosecuted for violation of statutes regarding the sale of alcoholic beverages were women and 29 were men. And for escapes and elopement, the number of men and women prosecuted is the same, 12-12. However, there is a clear male dominance among the perpetrators of other crimes.

Among the rioters and rebels, however, we only find men. Most homicides were also committed by men, and they typically committed the crimes requiring greater physical force and the use of weapons, such as robbery or highway robbery. But it was also men who were involved in the bar brawls and street fights, just as the perpetrators of domestic violence and assaults on the city officials were mostly men. So it is no surprise that of the 278 prosecutions for offences against life and physical integrity, 244 were men and only 34 were women. The proportion of men prosecuted for blasphemy or other crimes against religion is similarly high. Of the 262 people, 227 were men and 35 were women. The same applies to the breach of duty offences, where 121 of the 151 persons arrested were men and 30 were women, and to offences against property, where among the 311 persons, 247 were men and 64 were women. The number of men causing fires is also higher, 11 out of 14. When examining the defendants, nearly three quarters of the accused who falsified documents were of the stronger sex, with only 5 of the 21 being women.

About 35% of the defamers prosecuted were women, 141 out of 411, and their percentage of those accused of vagrancy exceeded 36%, although there were only four women and seven men. If we examine the total number of breaches of the statutory duty, the proportion of women - "thanks" to the aforementioned offences

regarding the sale of alcoholic beverages - is close to 40%, which is 53 female defendants compared to 81 men.

3.4. The jurisdiction in Debrecen in the examined period

Looking at our sources, it is clearly visible that the city administration was able to stand its ground even in these turbulent times, and paid great attention to ensure that the justice system ran smoothly. This is reflected not only in the large number and variety of litigations, but also in the measures taken to deal with them.

Compared to the irregularity of the earlier years, by 1700 one can observe a tendency for regular court sessions, mainly held on Mondays, Thursdays and Saturdays. This growing regularity was supported and maintained by a decree of January 1700, and then finalised by a decree of January 1701. It is also clear from the records of the years investigated that the city authorities were constantly vigilant about efficiency, and if they found that a problem arose in the course of a trial that hindered the smooth and proper functioning of the administration of justice, they immediately intervened. A new regulation was immediately created to remedy the problem so that it would not happen again in the future.

It is also obvious from the examined trials that investigation and collection of evidence played a significant role in the litigation, so the investigative (inquisitory) procedural system was the dominant one in the contemporary judgment of the people of Debrecen. This is confirmed by the involvement of expert witnesses

- midwives, barbers - in the investigation. The magistrate took the opinions of these experts and the results of their investigations very seriously, and the verdicts were made based on them.

But it was not just the examination of persons and corpses that was considered a standard method of investigation. There are several examples of other types of lawsuits where it was considered important to find out what really happened. So among other things, a thorough investigation was carried out in the case of fires as well. Among other things, in addition to examining the furnaces of the people concerned, they also inspected the evidence and visible marks to check whether the fire in the furnace had been thoroughly extinguished. They also considered it important to determine the place of origin, the starting point of the fire.

During the procedure, witnesses were also questioned to find out as much as possible. These testimonies, like those of the barbers and midwives, also had a significant impact on the outcome of the trials. However, we should not overlook the fact that the interviewees were people with their own interests, and sometimes they tried to protect their loved ones, to discredit their enemies or to minimize their own role in a crime. In the course of our research, we have also found that the credibility of certain witnesses, especially of family members, seems to be dubious and questionable. The suitability and compatibility of the witnesses was therefore also investigated and discussed by the magistrate.

The use of written evidence in trials also became more prevalent, and documentary and other written forms of evidence became more common. But the predominant

role of attorneys at law, and the increase in their numbers over these few years, reflects the growing demand for professionalism.

An interesting duality can be observed when studying the jurisdiction of Debrecen in that period. Although there was a growing tendency towards professionalism - to secure the smooth flow of justice, the prominent role of experts and lawyers - and to ensure that guilt rather than innocence was proven, the aim of punishment was mainly to deter and disgrace, not to educate. With the focus on investigation and discovering the truth, we still find examples of witches convicted on the basis of incredible stories and testimonies, and stories of witches prosecuted and beheaded for adultery.

However, when examining the verdicts and sentences, the idea of an educational approach appears, since it had been recorded in many of the sentences that the offender was pardoned at his or her own entreaty or others' request, with the hope that he or she will be rehabilitated.

UNIVERSITY AND NATIONAL LIBRARY
UNIVERSITY OF DEBRECEN
H-4002 Egyetem tér 1, Debrecen
Phone: +3652/410-443, email: publikaciok@lib.unideb.hu

Registry number: DEENK/387/2021.PL
Subject: PhD Publication List

Candidate: Rita Papp Szűcsné
Doctoral School: Doctoral School of History and Ethnology
MTMT ID: 10056790

List of publications related to the dissertation

Hungarian book chapters (2)

1. **Papp, R.**: "Deliberatum est?" Ítélethozatal és büntetések Debrecenben a 17-18. század fordulóján. In: Tavaszi Szél : Tanulmánykötet. Szerk.: Keresztes Gábor, Doktoranduszok Országos Szövetsége, Budapest, 493-503, 2017. ISBN: 9786155586187
2. **Papp, R.**: A család rendjét és a nemi erkölcsöt sértő bűntettek Debrecenben 1693 és 1705 között. In: Tavaszi Szél Konferenciakötet. Szerk.: Keresztes Gábor, Doktoranduszok Országos Szövetsége, Budapest, 449-459, 2016. ISBN: 9786155586095

Foreign language international book chapters (1)

3. **Papp, R.**: Alltagsleben im reformierten Debrecen zwischen 1693 und 1715. In: Reformáció Közép-Európában II.. Szerk.: Annamária Kónyová, Peter Kónya, Vydavatelstvo Presovskej Univerzity, Presov, 411-427, 2018. ISBN: 9788055522661

Hungarian scientific articles in Hungarian journals (9)

4. **Papp, R.**: Tűzesetek és tűzokozás Debrecenben 1693 és 1715 között. *Debr. Szle. 1*, 36-44, 2021. ISSN: 1218-022X.
5. **Papp, R.**: Erőszakos bűncselekmények Debrecenben 1693 és 1715 között. *Tört. Tanulm. 28*, 123-165, 2020. ISSN: 1217-4602.
6. **Papp, R.**: A református Debrecen hétköznapjai (1693-1715). *Új Nézőpont. 5* (1), 45-56, 2018. ISSN: 2064-7042.
7. **Papp, R.**: A tanúvallomások szerepe a debreceni bíráskodásban 1701 és 1705 között. *H-B M. Levélt. Évkv. 35*, 221-236, 2018. ISSN: 0133-8528.
8. **Papp, R.**: "Perellyenek az ördögök vélle!": Mocskolódás, rágalmazás, becsületsértés Debrecenben 1693 és 1703 között. *Új Nézőpont. 4* (1), 21-34, 2017. ISSN: 2064-7042.
9. **Papp, R.**: Nők Debrecen magisztrátusi jegyzőkönyveiben (1697-1705). *Új Nézőpont. 2* (3-4), 23-38, 2016. ISSN: 2064-7042.

UNIVERSITY of DEBRECEN

UNIVERSITY AND NATIONAL LIBRARY
UNIVERSITY OF DEBRECEN
H-4002 Egyetem tér 1, Debrecen
Phone: +3652/410-443, email: publikaciok@lib.unideb.hu

10. **Papp, R.**: Katonák Debrecenben: terhek, konfliktusok, bűnesetek a 17-18. század fordulóján. *Új Nézőpont. 2* (1-2), 39-51, 2015. ISSN: 2064-7042.
11. **Papp, R.**: Bűnesetek és büntetések Debrecenben a 18. század első évében. *Debr. Szle. 3-4*, 104-111, 2012. ISSN: 1218-022X.
12. **Papp, R.**: Debrecen bűnesetei 1701 és 1705 között. *Hallg. Műhtanulm. 1*, 46-61, 2012. ISSN: 2063-6024.

Foreign language scientific articles in Hungarian journals (1)

13. **Papp, R.**: Soldiers in Debrecen: burdens, conflicts, crimes at the turn of the 17th and 18th centuries. *Hallg. Műhtanulm. 3*, 53-65, 2015. ISSN: 2063-6024.

Other journal articles (1)

14. **Papp, R.**: Beszámoló a Bihar-kutatás 2014 konferenciáról. *Új Nézőpont. 1* (3-4), 77-78, 2015. ISSN: 2064-7042.

The Candidate's publication data submitted to the iDEa Tudóstér have been validated by DEENK on the basis of the Journal Citation Report (Impact Factor) database.

16 July, 2021