

Dorota Mazek

THE WARDSHIP OF THE MENTALLY ILL
IN THE POLISH-LITHUANIAN COMMONWEALTH
IN THE SECOND HALF OF THE 18TH C.

The concepts of madness and questions connected with the actual position of mad people in modern European societies have so far been discussed and approached in many ways. Therefore we can look for information on the subject both in publications concerning collective and individual psychological experiences and in dissertations concerned with the history of psychiatry, law, literature and art and finally hospitals¹.

An attempt to take a comprehensive view of the understanding of madness in the modern era is Michel Foucault's work *Histoire de la folie à l'Age classique*. The author, who applies the term of psychiatric discourse to the treatment of the subject in various epochs, examines the successive stages of the attitude towards the mentally ill until the emergence of mental hospitals at the end of the 18th c. He focusses his interest on the moment of the exclusion from society of persons in some way abnormal.

Foucault's work may be an inspiration to research into the situation of the mentally ill in the Polish-Lithuanian Commonwealth. His statements concerning French society, frequently

¹ Cf. e.g. J. Delumeau, *La peur en Occident (XIV^e-XVIII^e siècles)*, Paris 1978; A. Skrobacki, *Choroba Albrechta Fryderyka pruskiego i jej dziennik (The Illness of Albert Frederick of Prussia and Its Diary)*, "Rocznik Olsztyński", vol. V, 1963; T. Biliński, J. Gallus, *Psychiatria polska na tle dziejowym (Polish Psychiatry Against Historical Background)*, Warszawa 1962; W. Stryjeński, *Uwagi sądowo-psychiatryczne na marginesie historii. Zamach Michała Piekarskiego na króla Zygmunta III (Judicial-Psychiatric Remarks in the Margin of History. Michał Piekarski's Attempt on King Sigismund III's Life)*, "Przegląd Lekarski", vol. V, 1949, № 10; J. K. Goliński, *Oblicza melancholii: tristitia, invidia i acedia w polskiej poezji barokowej (The Aspects of Melancholy: Tristitia, Invidia and Acedia in Polish Baroque Poetry)*, in: *Literatura polskiego baroku. W kręgu idei*, Lublin 1995; T. Łapiński, *Szpital Jana Bożego, 200-letni jubileusz 1728-1928 (St. John of God's Hospital, the Bicentenary 1728-1928)*, Warszawa 1928.

extremely helpful in the interpretation of Old Polish sources, are not, however, quite adequate to the situation in Polish lands. Therefore, despite many difficulties concerning the sources, encountered by the researcher into these problems, I consider it necessary to take up this issue. One should at least try to answer the question of the different approach to madness in the Polish-Lithuanian Commonwealth from that in early modern Europe².

I. The Legal Situation of the Mentally Ill in the 16th–18th c. The legal situation of the mentally ill³ in Old Poland was defined quite early and marked by a certain stability. A psychical or physical defect was generally considered to be a basic obstacle to participation in public life. Legal regulations — both municipal projects or ordinances, and common law — were generally unanimous about the position of the mentally ill in society⁴.

Mentally ill persons could not independently appear before offices and courts of law. They could not be witnesses, e.g. to making a will (this is emphasized both by *The Lithuanian Statute* and the projects of Bartłomiej Groicki⁵), and being in tutelage themselves, they could not be guardians or curators⁶. Moreover, the insane persons could not make their last will, at least until “they recover their senses”⁷.

² M. Foucault, *Histoire de la folie à l'Age classique*, Paris 1979. The same investigative method was applied by Foucault in order to show the rise of the modern prison in his *Surveiller et punir. La naissance de la prison*, Paris 1975.

³ In this article the terms: “mentally ill”, “mad person” and “lunatic” are used interchangeably without any evaluating undertone.

⁴ Information on the legal situation of the mentally ill is very dispersed. As far as common law is concerned, the author of this article has used the accessible editions of *Statut Litewski (The Lithuanian Statute)* (pub. 1744 and T. Czacki's edition) as well as works on the history of law (P. Dąbkowski, J. Rafacz). Civic law articles have been presented on the basis of legal manuals by B. Groicki, published by K. Koranyi.

⁵ *Statut Wielkiego Księstwa Litewskiego (The Statute of the Grand Duchy of Lithuania)*, Wilno 1744, chap. VIII *O testamentach (On Testaments)*; B. Groicki, *Artykuły prawa majdeburskiego (The Articles of the Magdeburg Law)*, pub. K. Koranyi, Warszawa 1954, p. 29: *O świadkach, o dowodziech i o odwodziech (On Witnesses, Evidence and Appeal)*.

⁶ Cf. P. Dąbkowski, *Prawo prywatne polskie (Polish Private Law)*, vol. I, Lwów 1910, p. 231; J. Rafacz, *Dawne polskie prawo sądowe (Old Polish Law Applied in Law-courts)*, Warszawa 1924, p. 234.

⁷ *Statuty Litewskie (Lithuanian Statutes)*, in: T. Czacki, *O litewskich i polskich prawach, o ich duchu, źródłach, związku i o rzeczach zawartych w pierwszym Statucie dla Litwy 1529 Roku wydanem (On the Lithuanian and the Polish Law, Their Spirit, Sources, Links and on Things Contained in the First Statute for*

Civic law and common law did not exclude mad people from the inheritance of property. Historians of the law maintained that this was a result of the conviction that “succession is transmitted by blood not by senses”⁸. Groicki’s works also emphasize that it was possible to inherit a mentally ill person’s property.

The law mentions the inheritance of property from mad people in two contexts. First when it says that it is possible to disinherit children who did not adequately take care of their mad parents⁹. Second, when it says that it is possible to assume a succession of a mad person who committed suicide, although all the other categories of suicides are excluded from this regulation — especially if they came out against the King and the Commonwealth, and killed themselves out of fear of the pending punishment¹⁰. It is also known that suicides who were proved to be irresponsible were not denied the right to a respectable funeral.

Because of limitations to legal capacity neither mad people nor other disabled people could hold offices. However in his *Tytuły prawa majdeburckiego* (*The Titles of the Magdeburg Law*) Groicki takes into account their capability of performing some functions in the town. Although he writes: “The deaf, the blind, the dumb, the disabled, lepers, lunatics and mad people should not be appointed to offices”, yet he adds immediately: “If these disabilities happen to be helpful in their office, for this reason they cannot be dismissed from this office”¹¹. However, it is hard to tell what offices Groicki had in mind. It is important that he did not envisage the complete exclusion of the disabled from the life of the town community.

Thus 16th c. legal regulations deprived mad people of their independence. However, they granted them some privileges, above all within the framework of criminal law. This consisted in the suspension of the execution of torture, as well as of the death penalty for the murder of one’s husband. *The Lithuanian Statute* established this matter in the following way: “As regards homicide committed by mad people. Mad people or lunatics should be

Lithuania Issued in 1529), vol. I-II, Warszawa 1800, chap. V, art. 13; cf. also B. Groicki, *Tytuły prawa majdeburckiego* (*The Titles of the Magdeburg Law*), pub. K. Koranyi, Warszawa 1954, p. 180; *Testamenta*.

⁸ P. Dąbkowski, *Prawo prywatne polskie*, vol. II, Lwów 1911, p. 43.

⁹ *Statut Litewski* (Czacki), chap. IV, art. 13; B. Groicki, *Tytuły prawa*, p. 22.

¹⁰ B. Groicki, *Tytuły prawa*, pp. 21, 47.

¹¹ B. Groicki, *Tytuły prawa*, p. 229.

under the wardship of their relatives, and the poor in towns under the supervision of the town office, in villages in the care of the owner or administrator of the estate. However a mad person who gets out of control and commits homicide should spend a year and six weeks in a tower, and for inflicting wounds spend half a year in a lighter prison. One who provides arms to a mad person or encourages him, should be punished as an offender. If a person who goes mad and then comes to his senses, in a new fit of madness kills somebody, he will go be executed: for aware of his madness he should be watched and provided for"¹². Of interest here is the attitude to the deed committed by a sane and insane person. A mad person who recovered his senses was automatically treated like the rest of society. His offence ceased to be treated as the frolic of an unaccountable person, the result of an illness. If he committed new offences, he did so consciously and had to be duly punished.

In the situation described above the mad person for a moment recovered the responsibility for his deeds. Generally he was supervised by his nearest family or, if they were lacking, by town and village officials. The latter also had a right to imprison those who "got out of control". However, if a mad person could not be stopped from committing even a serious crime, it was possible for him to receive a royal pardon. *The Lithuanian Statute* mentions this privilege while describing the crime of lese majesty. Only those who committed it "out of stupidity or madness" could obtain the ruler's forgiveness, although it is well-known that in practice such pardon was extremely difficult to obtain¹³.

The proposals for legal solutions at the end of the 18th c. do not present any changes in the understanding of madness or the attitude to it. *The Stanislaus Augustus Code* — i.e. the collection of documents signed during the debate of the Crown deputation on June 28, 1791 — March 17, 1792 — gives a similar qualification to the above definition of the inability of the mentally ill to manage their personal or financial affairs; wardship and the course of its execution is defined there in terms similar to the above as well¹⁴.

¹² *Statut Litewski* (Czacki), chap. VII, art. 24.

¹³ *Statut Litewski* (Czacki), chap. I, art. 5.

¹⁴ *Kodeks Stanisława Augusta. Zbiór dokumentów (Stanislaus Augustus' Code. Collection of Documents)*, pub. S. Borowski, Warszawa 1938; texts by J. Wybicki, J. Morawski, B. Garycki, G. Taszycki, A. Reptowski, J. Szymanowski.

Of greatest significance to the mentally ill was the fact of depriving them of the right to appear before a court of law, i.e. to participate in various legal proceedings, as well as to freely dispose of their property. All these actions were to be performed by the guardian, most often called *kurator*. Customarily the function of the guardian was taken by one of the relatives. The opinion prevailed that only the nearest relatives were able to take care of the sick person and honestly administer his property. However, until 1638 there was no legal regulation as regards the care of the mentally ill. The Sejm constitution *O kuratoryach*¹⁵ (*On Wardship*), issued that year, for a long time to come normalized the situation of the mentally ill in the Commonwealth.

In accordance with the Constitution the decision to grant wardship was made by the King after analysing the petition of the family and after carrying out an inquisition into the sick person's property. The King designated the commissioners who made an inquiry, examined the witnesses and collected the doctors' opinions. On acknowledging the necessity of appointing a guardian, the King issued an adequate document in which he acknowledged the full rights of relatives (*salvo iure proximiorum*). This corroborates the fact that the regulation did not actually change the character of the care of mad people, but rather sanctioned the hitherto custom of relatives' care¹⁶. However, the way the royal commission appointed the guardian could provide hope for the reduction of eventual abuses connected with exercising this wardship.

The 1638 Constitution was generally observed until the last years of the Commonwealth. We find rich material reflecting the functioning of this Constitution precisely in the second half of the 18th c. This material was discovered in the Central Archives of

¹⁵ VL vol. III, f. 952: "Wardships of *mente captos* will not be issued from our chancery until it is certified *ex inquisitione* by some deputations, either from the Senate, or of common law officers, or *ex equestri ordine illius terrae*, where the said person for whom it is designated *cum bonis suis constitit* lives, *facta et expedita*, that he is *mente captus* and *mere* requires a wardship. After which inquisition, in accordance with the ancient law and custom, wardships will be issued, *salvo iure proximiorum*".

¹⁶ In the Royal Chancery's collection of forms (Central Archives of Historical Records in Warsaw, henceforward CAHR, *Księgi Kanclerskie* [henceforward KK] 105) there is King Sigismund III's rescript of May 18, 1618, for the guardians of Stanisław Skidziński. It does not differ in form or substance from rescripts issued after 1638; Sigismund III does not, of course, invoke the appropriate constitution.

Historical Records, in Royal Chancery books. In section IX of the so-called *Metryka Litewska* (*The Lithuanian Public Register*) we find documents sent in to the departments of the Permanent Council as well as a few answers to them. Among them there are also documents concerning wardship addressed to the Chancellors who (in accordance with the constitution on wardship) were responsible for these matters¹⁷. Most of these documents come from 1777–1787, but the earliest bears the date of 1736. They come from various regions of the Commonwealth, and also from abroad. Generally, documents concerning wardship are collected in one place in the book; sometimes such a collection has a title, e.g. *Testymonia eksportowanych kurateli od pieczęci mniejszej 1758–1799* (*Testimonies to Wardships Exported with the Smaller Seal 1758–1799*)¹⁸. These documents are not complete and are usually disarranged. It is difficult to reconstruct the fortunes of concrete persons on their basis. Therefore of great value are the royal rescripts found in Chancellors' Books of 1766–1792, concerning the wardship of the mentally ill, due to which we can often know the outcome of a family's endeavours. All in all, an interesting, though incomplete documentation of 45 persons from all over the Commonwealth has been found.

Despite the above-mentioned difficulties in making the material complete, the present outline has been based only on one type of source, i.e. documents connected to granting wardship. There were many reasons for it. Primarily these documents have not been so far described in the literature on the subject and abortive attempts to utilize them rather mislead the researcher than explain the problem¹⁹. Moreover these sources are so rich

¹⁷ They were probably submitted to this office because particular departments of the Permanent Council were entitled to control the activity of the principal state offices, including chancellors. Cf. W. Konopczyński, *Geneza i ustanowienie Rady Nieustającej* (*The Origin and Instituting of the Permanent Council*), Kraków 1917, p. 343.

¹⁸ CAHR, the so-called *Metryka Litewska* (*The Lithuanian Public Register*) [henceforward ML] IX/133, f. 135.

¹⁹ In the literature the problem of the wardship of mentally ill people has been discussed only by M. Łyskanoński in a series of articles from 1969–1970, which appeared in "Psychiatria Polska". Regrettably, we cannot agree either with his method of source analysis (the accidental choice of various documents from different sets and their unreliable presentation), or with the author's largely exaggerated conclusions concerning the situation of the mentally ill. Cf. the opinion by Z. Podgórska-Klawe, *Od hospicjum do współczesnego szpitala. Rozwój historyczny problematyki szpitalnej w Polsce do końca XIX w.* (*From*

in substance that due to them one can not only reconstruct the course of legal actions connected to granting a wardship but also present the main symptoms of illnesses which made possible the distinction of normal from abnormal behaviour; hence one can try to answer the question about the image of a mentally ill person current in the society of the period of our interest.

Since the documentation under our analysis concerns persons from various social strata, our deliberations will go beyond the hitherto presentation of wardship, as a rule confined to the cases of degenerated representatives of the magnates. As sources show, any hierarchization of persons stricken with mental illness seems absolutely wrong, therefore the examples of well-known mad people and wastrels will be treated by us only as a complement to our exposition.

II. The Process of Wardship-Granting

The first stage was to inform the Royal Chancery about the fact of someone's becoming insane. Close relatives (most frequently brothers, parents or children) wrote to the Chancery a letter requesting the granting of a wardship. These requests were usually justified by observing some mental disorder in the person who was to become a ward. Thus the authors of requests wrote about some "senseless actions", "defects in the senses" or "taking leave of one's senses". The reason for this kind of mental disorder was in their opinion: advanced age, overuse of alcohol, and finally "dispensation of Providence"²⁰.

Since the regulation required submitting two documents in order to obtain a rescript for wardship ("two testimonies are necessary to seal the instrument of wardship"²¹), apart from the family's requests there are also letters of neighbours, clergymen living in the vicinity, and even superiors. The latter situation concerned cases when the sick person was a military man or had no family in Poland. This is corroborated by two examples: Major Reinhold from Warsaw and Piotr Henniquin, a teacher from the Knights' School. In the case of the former the request for wardship was submitted by regiment chief S. Ożarowski on October 27,

Hospice to Modern Hospital. The Historical Development of Hospital Issues in Poland till the End of the 19th c., Warszawa 1981, pp. 44-45, note 92.

²⁰ Cf. *ML IX/14*, f. 145; *ML IX/64*, f. 300; *ML IX/69*, f. 16; *ML IX/113*, f. 86; *ML IX/133*, f. 137-138.

²¹ *ML IX/133*, f. 150.

1783, in the case of the latter the college teachers applied for wardship in 1782²². Moreover, as we learn from a diarist Marcin Matuszewicz, in special situations a request for wardship could reach the King through Sejm instructions. Matuszewicz describes the case of Prince Marcin Radziwiłł, which must have shocked the whole of Lithuania, since the desperate gentry ventured to apply for the wardship of him through the Sejm²³.

The people applying for a wardship lived near the sick person, they could testify to his illness, and above all counted on their own participation in supervising him. They did not confine themselves to stating the abnormal behaviour of the mad person; they frequently cited the effects that the irresponsible behaviour had already produced or could produce in the future. Thus in Ludwik Kierski's request for the wardship of Józef Marcin Tomicki in 1766, alongside the formulation *wartat* (madman) *in sensibus*, the expression appears *in omni dispositione inhabilis*²⁴. The sick person's inability to control himself, and above all to control his property, was generally treated by all those submitting requests for a wardship as a sufficient reason for granting it. This thread appears in documents under analysis in various forms.

Marianna Kruszyńska, the Castellan of Gdańsk Walerian Kruszyński's daughter-in-law "having taken leave of her senses which were defective, has wasted the fortune of her child, encumbered it with debts, driven her subjects out of the village and ruined them completely, surrounded herself with disreputable people and counterfeiters, with whom she has made forays into the gentry's manors, arousing indignation with her evil ways"²⁵. To protect her and her son (we know that he was in his uncle, Kazimierz's tutelage) her relatives applied to the King for wardship in March 1762. A similar reason was cited by the wife of

²² The case of Major Reinhold — *ML IX/113*, f. 14; the case of Piotr Henniquin — *ML IX/113*, f. 3–4. Cf. also K. Mrozowska, *Szkola Rycerska Stanisława Augusta Poniatowskiego 1765–1794 (Stanislaus Augustus' Knights' School 1765–1794)*, Warszawa 1961.

²³ M. Matuszewicz, *Diariusz życia mego (My Life's Diary)*, pub. B. Królikowski, Warszawa 1986, vol. I: 1714–1757, p. 274. A rough copy of the rescript for wardship is in the collection of forms of the Royal Chancery (*KK 105*, k. 241–242). The endeavours to obtain the wardship of Kajetan Soltyk, whose mental illness as well as its consequences acquired in 1782 political dimensions, took a similar official form. Cf. K. Rudnicki, *Biskup Kajetan Soltyk 1715–1788 (Bishop Kajetan Soltyk 1715–1788)*, Kraków 1906, pp. 201–242.

²⁴ *ML IX/14*, f. 145.

²⁵ *ML IX/133*, f. 140.

Kajetan Ostrowski, Lord High Steward of Nur, who in 1781 wrote about her husband: "he has driven away a lot of his serfs, lost much capital and encumbered his property with debts"²⁶.

Such behaviour threatened not only the mad person, but also his family, and what is most important the children and the charges — we know that the mentally ill were forbidden by the law to exercise the wardship of anybody. Therefore the mentioned Kajetan Ostrowski's brother joined his sister-in-law in her request, since, as he wrote: "especially I wish to take care of the education of my three nephews from my brother's first marriage"²⁷. Similar concern was shown by the relatives of Adam Chłopicki, when in 1786 they applied to the Commission "in order to finally take care of the children and give them education as well as to settle honestly the legal affairs and protect the life of the said man"²⁸.

The importance of the economic factor in applying for wardship is testified by the fact that enclosed with the first requests were descriptions of estates and tables — one can find them e.g. in documents concerning Prince Klemens Czetwertyński in 1774²⁹.

Other acts of mad people were less frequently cited in applications, since they were generally described during inquisitions. Only from time to time was the mad person's special violence mentioned, their lack of respect for their parents or finally their religious errors³⁰.

The above-mentioned cases relate above all to the gentry. There are few documents which carry information on the representatives of other estates. We know most of the case of the honest Wawrzyniec Marczygłowska, about whom in 1784 the witnesses of his madness wrote as follows: "His own father tried hard first to send him to school, then to apprenticeship, finally he urged him to take to farming; Wawrzyn Marczygłowska has not benefitted from this education at all, since he does not know well even his *Pater Noster* — by the dispensation of Providence he is an unteachable melancholiac, his senses go astray and are not capable of anything"³¹. Thus it can be seen that even in this case

²⁶ ML IX/19, f. 87.

²⁷ ML IX/19, f. 89.

²⁸ ML IX/69, f. 16–16a.

²⁹ ML IX/32, f. 304.

³⁰ Cf. ML IX/19, f. 87; ML IX/133, f. 156; ML IX/133, f. 136.

³¹ ML IX/64, f. 299–300.

the economic criterion was the most important. Here, however, what counted was not the ability of manor management and rational administration of money, which was required of the gentry, but the acquisition of some practical skills helpful in work and everyday life.

The next stage in the process of wardship-granting was the appointment of commissioners by the King, who were to make an inquiry into the sick man's property or in his current place of residence. The latter situation came into account when the sick person had no property — as the above-mentioned Major of the Knights' School, Piotr Hennequin, or if he at the moment stayed in hospital — as did Klemens Czetwertyński, with whom talks were held in the hospital run by the brethren of the Order of St. John of God in Łuck.

Commissioners were appointed, in accordance with the Constitution of 1638, from among the senators, deputies and regional land office-holders. We generally know their names (they placed their signatures at the bottom of interrogation documents). Although not all of them can be identified, one should think that most of them were active in politics and experienced in law. In Piotr Hennequin's case the commissioners included alongside teachers from the Knights' School (Ignacy Wodziński, Józef Konderski, Ferdynand Ciszewski) and the burgrave of Radom Józef Zakrzewski, also the secretary of security department of Warsaw Municipality, Jakub Loga, and royal secretary Jan Białobrzęski. Besides, in many sources we find the regional land and castle office-holders (scribes, judges), as well as representatives of the Royal Chancery, e.g. registrars.

The Constitution did not define the number of commissioners. The sources show that there could be three of them (the case of Klemens Czetwertyński), as well as ten (the case of Kajetan Ostrowski).

Before the arrival of commissioners, persons who applied for a wardship drew up points for the examination of witnesses, the so-called interrogations or questions. The authorship of these documents is testified not only by signatures (the points in the case of Marcin Stobiecki are signed by his mother, Salomea Stobiecka)³², but also by the formulation of their headings ("Points proving the weakness and imperfection of the mind of

³² *ML IX/14*, f. 80–80v.

Dominik Szczuka, the Lord High Steward of the Wizna land, on the Kotów estate, born on the 1st of July 1784, drawn up by His Majesty's Chamberlain Antoni Szczuka, submitted to the Commissioners' Assembly court of law for the hearing of the witnesses, presented in the following way")³³.

The fact that it was the family who prepared questions for the hearing had very serious consequences, especially if we take into account their formulation. The beginning generally contained the phrases: "As the witness knows, has seen and heard that ..."; "The witness knows, has heard, seen and will tell that ..."; "The witness will confess this too", or "The witness will tell it too"³⁴. This was followed by the description of the sick person's successive acts considered as strange, improper and abnormal. Regardless of the content of this exposition, this was a description of symptoms that the sick person's family saw, or wanted to see. The witnesses — neighbours, and more frequently servants and serfs — who answered these points, were expected only to confirm the suggestion contained in the question. Witnesses seldom added anything to those very extensive descriptions. Sometimes they confessed that they simply knew nothing about the given matter. The witnesses were not required to give an account of what they themselves knew about the sick, but to say "yes" or "no" to the question included in the list of points. It is sufficient to compare the points and the answers to them in order to see the great influence of the sick person's family on the course of the hearing³⁵.

The points helped the commissioners to carry out the inquisition, and certainly formalized its course. The investigation itself had three stages: a conversation with the sick person, the hearing of witnesses and a medical examination. Naturally, it was not possible to communicate with all the sick. Endeavours were made, however, since it was only conversation that could allow the commissioners to form their own opinion on the illness — "by the way our conversation developed, we examined his weakness, and learning how long it has been since he was afflicted, we came to know the great weakness of this Prince Klemens Czetwertyń-

³³ *ML IX/69*, f. 148–149.

³⁴ Cf. *ML IX/14*, f. 142, f. 144; *ML IX/69*, f. 148.

³⁵ Cf. the case of Ignacy Hulewicz: questions put to the witnesses — *ML IX/14*, f. 144; answers — *ML IX/14*, f. 94–95.

ski's mind; our discourse showed how erroneously he conducted it and finished"³⁶. The case of Aleksander Piotrowski of Świdnica tells us also that commissioners sometimes asked the sick person if they could carry out the investigation at all³⁷.

Reports of the hearing of witnesses, certificates by the doctors, commissioners, sometimes letters of other persons, especially important to the case³⁸, were sent to the Royal Chancery. Generally the document drawn up by commissioners finished with the statement of a necessity to grant wardship of the mentally ill person. Sometimes the list of proposed guardians was enclosed immediately. It included, in accordance with the recommendations of the 1638 Constitution, in the first place brothers, then more distant relatives, sometimes wealthy neighbours³⁹.

All the documents sent in to the Chancery were the basis for granting a wardship by the King. Rescripts for wardship had a very rigid form. At the beginning the King stated that he learned from trustworthy people, and also his advisers, that a given person was insane and therefore could not control his own behaviour and property. The ruler appointed guardians (from one to several people), among whom, as it has been explained above, there was always some relative of the sick person. In case of the absence of relatives (*nec extantibus eius in regno nostro sufficiens pignus responstonis habentibus consanguinets*⁴⁰) the wardship was granted to somebody from the sick person's closest entourage.

Guardians were set the following tasks: to administer the sick person's property, to care for it and defend until the mad person's recovery, to ensure to him a respectable living and take care of his eventual treatment. Most often the King ordered inventories of such care to be made, of which the guardians gave account at the moment of the revocation of wardship. Such accounts were required e.g. of the guardians of Jan Trojanowski in 1790⁴¹. The

³⁶ ML IX/32, f. 272.

³⁷ ML IX/19, f. 389–392.

³⁸ Enclosed with the documents of the case of Aleksander Potworowski is evidence by a parson and a priest, where they speak of the confusion introduced by this mad person into the religious life of his neighbourhood (ML IX/19, f. 401, 403).

³⁹ Cf. ML IX/19, f. 87; ML IX/69, f. 130.

⁴⁰ KK 73, k. 99 — the wardship of Piotr Hennequin of June 10, 1782.

⁴¹ KK 95, k. 145 — the revocation of the wardship of Jan Trojanowski, the son of the standard-bearer of Stężyca, from September 11, 1790.

rescript for wardship ended with a date and the King's signature⁴².

The granting of a wardship was not always the final step in proceedings with regard to mad people. We frequently encounter their names on the occasion of disputes over property between guardians, which were also solved in the Royal Chancery. An example of such a dispute is the case of the Galician estates of Konstanty Szaniawski, *starosta (capitaneus)* of Małogoszcz⁴³.

It also happened that new guardians had to be appointed. So it was, e.g. in the case of Konstanty Kurnatowski, who was put under restraint in 1779, and in 1789 the King had to appoint new guardians, because two of the previous ones died⁴⁴. Similarly, new guardians had to be appointed for Marcin Radziwiłł, who was in tutelage from 1748 until his death in 1782⁴⁵. These examples allow us to realize that one could be legally incapacitated for a very long time. However, not all the wards were in tutelage until the end of their lives, in some cases the wardship could be revoked.

The process of revoking a wardship followed similar lines as the process of its granting. The best documented in this respect is the case of Ignacy Rychłowski, who was acknowledged as a mad person in 1782. As early as May 1784, information started pouring to the Royal Chancery (all in all 8 letters) about Rychłowski's recovery. These letters came from various persons — neighbours, acquaintances, priests, as well as the Municipality of Siedlce, the place of Rychłowski's residence. Among them there was also a letter from one of the guardians, Antoni Kamocki, where he testified that Rychłowski "is complete in his sentiments and capable of controlling himself and administering his property"⁴⁶.

In such situations the commission was called again, and after inquiry the wardship was revoked. Konstanty Szaniawski, e.g.

⁴² Cf. e.g. KK 37, k. 147–148 — *Curatoria super generoso Alexandro Karczewski generosis Josepho capitaneo Liveni et Juliano tribuno Ciechanoviensi Karczewskim cognatis illius datur*, issued by Stanislaus Augustus on September 13, 1768.

⁴³ ML IX/64, f. 37, 39, 40, 47.

⁴⁴ KK 90, k. 120.

⁴⁵ Cf. Marcin Radziwiłł's biography by H. Dymnicka-Wołoszyńska, *PSB (Polish Biographical Dictionary)*, vol. XXX, 1987, pp. 290–291.

⁴⁶ ML IX/19, f. 374.

obtained from the King freedom to act on his own — *liberam sui dispositionem*⁴⁷, which signified that he recovered all his citizen's rights.

The decision about wardship did not change much in the mad people's lives. Probably they continued living in the same way, but could no longer administer their property. Perhaps they were better watched, sometimes, e.g. in the case of Marcin Radziwiłł, they suffered some kind of internment. It was not customary to send mad people to hospital, unless, just like Klemens Czetwertyński, they had earlier been there or lived in a town, where the sick much more often than in the countryside were sent to hospital. The sick person was subjected to some medical treatment (this is mentioned mainly in the few existing medical certificates), and he himself in general accepted his fate without protest. We can consider as an exception a letter of protest by Klemens Czetwertyński, who complained to the King about the unjust conduct of his brothers who wanted to incapacitate him⁴⁸.

As it has been already mentioned, the situation was somewhat different in towns. There the sick were placed in hospitals more readily, frequently even before the decision to provide them with guardians (sometimes this decision was not given at all). The reasons for it seem to be quite clear. Mad people in towns constituted a greater social danger, since they were in contact with a larger group of people than sick landowners living somewhere in the countryside. Their abnormality was perceived sooner, thus the decision on their isolation was more prompt. Therefore in lunatic asylums we more frequently encounter town-dwellers (generally the poorer ones) than gentlemen, placed there exceptionally and on purpose.

It seems that wardship did more good to the sick person's surroundings, since at least for a certain time the insane person was removed from managing his property. We do not know, however, (except for a few cases) whether the mad people's recovery was really due to their eventual treatment.

⁴⁷ ML IX/113, f. 5–7v.

⁴⁸ ML IX/69, f. 167.

III. The Picture of a mentally Ill Person in the Light of the Documentation Linked to Wardship

The fact that the whole wardship suit was carried out above all for the comfort of the sick person's entourage becomes clear when we analyse the causes and symptoms of madness cited during the inquisition into his property. Out of the hearings of witnesses emerges a relatively coherent catalogue of a mad person's traits, which was used during wardship suits, mainly while diagnosing a real, i.e. dangerous madness.

We do not know what were the first reactions to the mad people's follies. We must remember that the majority of the descriptions of diseases come from the period when those closest to the mad people were already so tired that they had to turn for help to the authorities. However, it seems that the abnormality of one's neighbours was not initially treated seriously, although it was unmistakably felt. Some kinds of behaviour were considered to be a result of weak character ("before he took possession of his fortune he showed some light-mindedness, but now for the last few years he is literally mad"⁴⁹) or misfortune. One of the persons who knew Kazimierz Okniński, who in 1792 stayed in the hospital run by the brethren of the Order of St. John of God in Warsaw, said about him: "he is not a mad person, but a man in total misery because of his wife". He did not deserve to be treated as somebody ill. What he needed was good advice and a simple recipe for a happy life: "thus wishing to acquit myself of my duty towards miserable people, I wanted to give the colonel some good advice, and I told him: «everybody can be happy, or at least can soon get out of his misery, if only he can be calm. And in order to acquire some calmness, one should take to the book, a philosophical one, a moral one, and further to the book on that craft which gives us a way of living, and try to become better and better in this skill, by which we serve, or can serve the public»"⁵⁰.

Only later observations made by the people from the mad person's entourage give opinions, sometimes very severe. In the confessions of the witnesses the descriptions of the sick person's state became more and more precise. The sick suffer from "the insanity of the senses", "confusion and deficiency of the senses", and are "not quite right in the head"⁵¹. Their illness can be

⁴⁹ *ML IX/32*, f. 272.

⁵⁰ CAHR, The Archives of Congress Poland 240, p. 2.

recognized on the basis of “deeds and games signifying an insane mind” and of their “senseless orders”⁵². Sometimes this behaviour changes into “meanness and all kinds of indecency”, “eccentricities”, “fantasies” of which more sensitive witnesses were even ashamed to talk⁵³. However, the expression of this shame was merely an empty convention. For if somebody made up his mind to notify the authorities of the madness, he had to reconcile himself to the situation when the commissioners learned of the most intimate, also secret and embarrassing details of the sick person’s life.

The stories told to the commissioners present a whole spectrum of various cases that have one thing in common — they all testify to madness.

1. Violence

Anxiety was aroused above all by the growth of a mad person’s violence towards his surroundings. Usually it started with throwing things (“while sitting at table he threw the crockery about”)⁵⁴ and showering abuse on those closest to him; it ended up with his devastating his own fortune, inflicting injuries and even committing a homicide. The majority of those excesses took place in the insane person’s home. Those who suffered most were primarily the members of his closest family. Marcin Stobiecki, whose case was submitted to the Royal Chancery in 1777, bullied especially his mother and sisters: “when he pushed his mother with his hand so that she collapsed over the firewood, her daughter and his sister, Miss Justyna, defended her and he hit her on the back of the neck several times, and having rushed out, he made noise, chased people, beat them and drove them away”⁵⁵.

The guests who came to a mad person’s house were also exposed to danger. Dominik Szczuka, Lord High Steward of the Wizna land “always kept at hand bare swords, charged rifles, iron rails and red-hot spits and he threatens his guests that he would burn their eyes out, and suffers from increasing madness”⁵⁶. If somebody succeeded in staying longer in the mad person’s

⁵¹ Cf. *ML IX/133*, f. 137; *ML IX/14*, f. 144.

⁵² *ML IX/14*, f. 142.

⁵³ Cf. *ML IX/32*, f. 276; *ML IX/14*, f. 145.

⁵⁴ *ML IX/32*, f. 273v.

⁵⁵ *ML IX/14*, f. 80.

⁵⁶ *ML IX/69*, f. 149.

manor, he would see what destruction could result from a fit of madness. Thus e.g. mad person's rooms are described with horror — chopped floors and broken windows were "sufficient evidence" of the madness⁵⁷. Konstanty Szaniawski, Małogoszcz *capitaneus*, lived in conditions beneath human dignity: "His lordship *starosta* has lived in utter slovenliness, there is no order whatsoever in his room, there are only stone pots and wooden pails standing around, the bed where he sleeps is covered with a straw-mattress, and bedclothes are worse than Jewish"⁵⁸.

Sometimes mad people went on excursions to the vicinity and pestered their neighbours. The author of *The points proving the weakness of Dominik Szczuka* asked his witnesses: "The witness will tell us how the said Dominik Szczuka, Lord High Steward of the Wizna land, suffering from madness has raided with arms various people in their own homes, and stopped and beat those travelling on the highways. Whoever he meets on the highway, he cries: «don't meet me you sorcerer or witch»"⁵⁹. Aleksander Potworowski of Świdnica created similar problems. In a fit of madness he would go to town in order to "play some tomfooleries even in the presence of distinguished persons who frequently stayed there"⁶⁰.

Mad person's violence was frequently utilized by common criminals. I have mentioned earlier the tutelage of Marianna Kruszyńska, who surrounded herself with disreputable people and counterfeiters, threatening the neighbourhood.

It happened that violence led to homicide. The sources under my analysis contain, however, only one case of homicide committed by a mad person. Kajetan Ostrowski, Lord High Steward of Nur, in a fit of madness wounded many people, two of whom died⁶¹. Interestingly, his wife who notified the authorities of his illness did not think this deed was worse than running barefoot about the village or wasting the property.

⁵⁷ ML IX/14, f. 80v.

⁵⁸ ML IX/64, f. 49.

⁵⁹ ML IX/69, f. 148.

⁶⁰ ML IX/19, f. 381.

⁶¹ ML IX/19, f. 87.

2. *Overexcitability*

What offended the closest entourage most was not the insane person's violence, but his "fantasies". They could not be explained by his hot temper. They were often ridiculed and aroused fear. Most conspicuous was the insane person's general overexcitability. His gestures, pulling faces and "prattling" were observed with anxiety. If the sick person laughed too often, sang, danced and talked to himself, and additionally it was known that he was scheming something evil, his entourage started to fear him.

Sometimes this psychophysical overexcitability resulted in the sick person's nonsensical performances in public. Mad people above all offended various institutions. Dominik Szczuka "caused various distresses and displeasures to the court of justice, he reviled and scolded this court in public, called for vengeance and through this deficiency of his mind he invited law-suits against him"⁶². The burgrave of the Wizna castle recounted in this connection, how he was being forced to accept a writing of Szczuka "without any decent sense, so that I did not enter this manifest in the books of the castle of Wizna, for which he reviled me. Furthermore, while meeting me in the Jedwabno presbytery on the 23rd of March the current year 1784, without pretext he libelled me, saying «you Calvinist, Lutheran, deist, you have stolen the deists' mare» and did many other indecorous things which, since they are irrelevant, I do not mention; he struck me on the face, grabbed a scourge from the wall and wanted to hit me, he challenged me to a duel. This happened on the very day of a new moon"⁶³.

3. *Behaviour Degrading the Sick Person*

Behaviour that degraded the sick person in the opinion of his surroundings was noticed as soon as his violence and overexcitability. Among the most frequently mentioned extravagancies was stripping oneself in public as well as stripping one's serfs. Going about naked and barefoot was offensive to public morals. One of Ignacy Hulewicz's serfs related that his lord "went about naked without a shirt, without shoes, and if he met somebody, he fled aside and rode bare-back by day and night, and stood

⁶² ML IX/69, f. 148.

⁶³ ML IX/69, f. 145.

stark-naked in the presence of his serfs"⁶⁴. It was related with horror that Marcin Stobiecki undressed himself in public, threw his clothes into a pool and sent country wenches to pick them up⁶⁵.

It was indecorous not only to go without clothes or shoes, but also to parade on foot. Klemens Czetwertyński's family could not forgive him that "during his travels and at home he leaves his people, secretly moves out, leaves his coaches alone, and runs to various places on foot"⁶⁶. Also Konstanty Szaniawski behaved indecorously; he "rode on horse in the streets, and ate rolls and bread while riding a horse". Apart from that he took to things unbecoming his social position: "he rode the horses himself to water them together with the stable-boys"⁶⁷.

4. *Sexual Violence*

Of great importance among the "fantasies" was sexual violence. The endurance of the surroundings finished when the sick person's follies started to produce serious social consequences. Aleksander Potworowski "persuaded his married female serfs to divorce their husbands, he wanted to give them other husbands, and to give the husbands other wives and organized various indecencies, and made some girls pregnant"⁶⁸.

In the case of Konstanty Szaniawski sexual overexcitability became, alongside drunkenness, the most important reason why his family applied for his tutelage. The points, according to which the witnesses were examined, include many words like adultery, licentiousness, kept women. Szaniawski not only committed excesses with his concubines, he also had sexual contacts with the wives of his stewards and servants. If his former doings led to slaps in the face not without "signs on the cheeks", the latter led to the ruin of his property, since the mad man used to present his lovers with large sums of money⁶⁹.

⁶⁴ *ML IX/14*, f. 94.

⁶⁵ *ML IX/14*, f. 83.

⁶⁶ *ML IX/32*, f. 276v.

⁶⁷ *ML IX/64*, f. 49, 50.

⁶⁸ *ML IX/19*, f. 388.

⁶⁹ *ML IX/64*, f. 49, 50.

5. *Thriftlessness*

It has been mentioned several times how much attention was paid to the sick person's prodigality, by the family who notified the authorities of his madness. Actually the charge of thriftlessness was made in all the descriptions of madness. In the modern era spendthrifts were customarily associated with other groups of people who could not administer their property, i.e. with the disabled, orphans and widows, persons advanced in age as well as mentally ill. The family, helpless in face of the sick person's thriftlessness, tried to find a pretext which would enable them to control his doings. And generally this control was readily made accessible to them. It often happened, as is shown by the well-known case of Stanisław Lubomirski, who was put under restraint in 1769 after he had been robbed of his property by way of various swindles, that such control by the family, despite the interested person's protests, could last until the end of his life⁷⁰.

In sources under analysis the charge of prodigality appears in the central place only once. One of the questions concerning a noble, Ignacy Hulewicz ran: "The witness will tell that this said Hulewicz did not care for his manor at all, but in time when sowing or harvest was necessary, he ordered ditches to be dug and filled up in vain, as well as to cut down the trees and so that they did not shoot new twigs from the stump, to set fire to them"⁷¹. The outraged witnesses, mainly peasants, also told about their lord's other, quite fantastic ideas, such as destroying the sty and sowing rye in its place, burying and digging up trees as well as eating grilled or raw rye and oats.

A lot of emotion was also aroused by the facts of robbing the mad person's farm by his own serfs. One should emphasize here that the lord's mental disease influenced deeply his relations with his serfs. These people were silent (but only to a limit) witnesses of his follies and most often fell victim to them. It was a rare thing for a landowner to give up deciding the fate of his serfs. On the contrary — usually the mad person enjoyed his power to rule the lives of his peasants. Thus it happened that the mad lord interfered in the private life of his serfs, deciding on the marriages of women, and also establishing intimate relationships with them.

⁷⁰ Cf. Stanisław Lubomirski's biography by W. Szczygiełski, PSB vol. XVIII, 1973, p. 52.

⁷¹ *ML IX/14*, f. 144.

6. *Religious Manias*

Equally destructive were religious “fantasies”. Mad people imposed on their serfs various religious practices which were the products of their insane imagination. Aleksander Potworowski “called himself enlightened by God, so that he would teach, admonish, and warn others, who only by obeying him would be saved, otherwise they would be condemned”⁷². Thus his serfs each time had to obtain his consent to receive the Holy Sacraments. The matter was even more complicated because Potworowski was a Protestant. Thus both the Catholic priest and the Protestant minister complained about him. He was accused of usurping for himself *tus sacra peragendi*⁷³. Potworowski declared to his Catholic serfs that he was a vice-bishop and held services for the Protestants in his own manor: “although he is of the Reformed religion, or the Augsburg Confession, he barred the peasants from Holy Communion and going to the local Protestant church, while he himself holds services for them in his house, takes collections, preaches exhortations and causes inconveniences at public funerals”⁷⁴.

A similar concern for the salvation of his serfs was shown by another mad person, Dominik Szczuka. He would “cut the ears of cats and dogs, and the heads of geese and other poultry, carry them into the ravines, saying «there they have to be buried, since I will erect a church in this place». And having erected a little house in the form of a chapel in his courtyard, having made various inscriptions on the walls as if he had some wondrous visions, he burned things and collected the ashes into a paper and held them to be sacred relics”. He nailed down a cross to the well-sweep, in order to defend his manor against witches. In front of this cross his serfs were to pray. Szczuka also wrote letters to the local priest asking him to teach his serfs. One of such letters was enclosed with the inquisition documents. We can read in it, e.g. that his serfs “do not want to pray to God or His Saints, but have their own superstitions and witchcraft, and they blow abominably their lord in the face”⁷⁵.

⁷² ML IX/19, f. 387.

⁷³ ML IX/19, f. 403.

⁷⁴ ML IX/19, f. 381.

⁷⁵ ML IX/69, f. 149, 152.

Moreover, mad people created new songs and prayers and made their serfs learn them. Aleksander Potworowski "changed words in songs, and when people did not want to sing according to his words, he swore at them". He also made his serfs say their prayers in his room, "and when some of them could not quickly bare their knees, he made them throw off their trousers and they had to stand erect in front of him in his room for a quarter of an hour or longer"⁷⁶.

His serfs were punished not only for disobedience in religious matters, although it was precisely in those situations that the mad people could justify most easily their own cruelty. Kajetan Iwański, e.g. was ready to kill one of his people, since he contended that "The Lord has endowed me with all the command on earth"⁷⁷. In other cases people were punished without any justification or for very trivial reasons.

The most frequent punishment for recalcitrance was the above-mentioned stripping, beating, putting in the stocks or making people drink their own urine. Aleksander Potworowski made his serfs undress themselves, since he wanted to check "which of them is Esau and which Jacob, i.e. with hairy chest or without". Moreover, he used to bully children. The rumour was "that when in spring the children used to dress themselves up as Winter and Summer, he made the head of the hamlet fasten the Summer to a stake with an iron ring, and make Winter beat it, and then having let Summer free, he put Winter there and made Summer beat it"⁷⁸.

7. *Psychosomatic Disturbances*

The humiliating treatment of serfs by mad people had many unwanted effects. The serfs deprived of the lord's control stole his property or escaped to other villages. Those who remained were frequently witnesses during an inquisition. Most of them were the closest servants. Not only had they observed the follies of their lords, but also had known the most intimate details of their lives. It is precisely in their confessions that we can read about the direct influence of psychical disturbances on the insane person's body. Most frequently they talked of insomnia, epileptic fits,

⁷⁶ ML IX/19, f. 385, 381.

⁷⁷ ML IX/133, f. 136.

⁷⁸ ML IX/19, f. 383, 384.

persecution manias, hypochondria, finally about various kinds of delusions. The sick suffered from insomnia, especially on the new moon, some of them were in constant fear for their lives. Józef Grodzicki, e.g. was afraid of being poisoned: "he does not trust his food or drink and he never starts eating first, before somebody else, whom he makes eat by force"⁷⁹. Ignacy Rychłowski, Chamberlain of Piotrków, was afraid that somebody might deliberately bring disease on him: "while drinking coffee he continually suspects others of putting in it poison or some pills that would send him mad"⁸⁰.

Nor did the mad people trust the physicians. However, since they were convinced that they were seriously ill, they diagnosed themselves on their own. Józef Grodzicki went so far in his hypochondria that "while being in constant fear he washes with his urine and checks his excrement, and makes his servant mix it"⁸¹.

Equally frequent symptoms of a mental illness were hallucinations, among them "delusions", so frequently described in medical literature. In his popular manual Jakub Kazimierz Haur provides a colourful description of this ailment: "others think themselves to be gods, kings, princes, yet others imitate the gestures and voices of various beasts, others think they are made of glass or clay, hence they are always afraid of breaking into pieces. Others think they are dead. Others seem to see some nightmare or wraith before them. Others think they have no limbs. Others are afraid to collapse. Some quarrel, others continually pray. Others do nothing but learn. Some discourse on wars etc."⁸²

In the sources under analysis some of the most colourful stories of the sick persons' lives are devoted to "delusions". Rumour was that e.g. Józef Grodzicki "is frequently deranged,

⁷⁹ ML IX/69, f. 156.

⁸⁰ ML IX/19, f. 366.

⁸¹ ML IX/69, f. 146.

⁸² J. K. Haur, *Ekonomika lekarska albo domowe lekarstwa przez Jakuba Kazimierza Haura dla publicznej wiadomości ku zaratowaniu zdrowia ludzkiego wynaleziona, która okazuje znaki wszelkich chorób ludzkich i lekarstwa na też podaje. Z przydatkiem sekretów lekarskich Hirneysa (niegdyś sławnego doktora) przedrukowana za zezwoleniem zwierzchności (Medical economy or home-made physics invented by Jakub Kazimierz Haur for public knowledge how to secure human health, which shows the symptoms of all human diseases and provides remedies for each. With the addition of the medical secrets of Hirney (once famous doctor) reprinted with permission of the authorities)*, Berdyczów 1793.

and calls himself king, cardinal, bishop of Cracow, the highest lord. In these eccentricities he retains the haughty bearing typical of such dignitaries, and composes orally and in writing reforms of the country's government"⁸³. When another mad person, Marcin Stobiecki, returned from his crazy excursions to the vicinity, he said "he was in Warsaw, and talked to the most distinguished lords, amused himself, and has got a commission to recruit soldiers for Saxony"⁸⁴.

A frequent delusion was seeing the devil. Mad people were afraid of him, saw him everywhere, even among their serfs. E.g. Józef Grodzicki "said that somebody came to him and cracked his whip. He ordered his servants to watch lest his soul left him, and to hold it back"⁸⁵. Dominik Szczuka's servant told the following story: "when he rode with me from Chełmincka and saw a wood-pecker in a pine, he said it was the devil, and told me to kill him, I shot and killed him, and he asked me «have you got a scapular or picture», I said I had not. My lord replied «you old devil you have killed a young one». Then he said his rosary and a holy medal from it dropped into his carriage and presently he said «the devil has taken it». Having found it in the carriage I gave it to him. He answered «the devil has dropped it in»"⁸⁶.

IV. The Consequences of Mental Illness

The symptoms of madness described above appeared in the witnesses' confessions most often. The sick person became the laughing stock of the people from his surroundings. He lost dignity not only in the eyes of his equals, but also in the eyes of his own serfs. Indeed, his behaviour ruined the established system of values.

Above all, it led to the disintegration of the family. The wives of the mad people known to us usually left them or were forced to a life of humiliation. Ignacy Hulewicz, "having moved his wife into a hut without windows, built in a wasteland, and having driven her to work unbecoming her class, made her go bare-foot"⁸⁷.

⁸³ *ML IX/69*, f. 156.

⁸⁴ *ML IX/14*, f. 80v.

⁸⁵ *ML IX/69*, f. 162.

⁸⁶ *ML IX/69*, f. 146.

⁸⁷ *ML IX/14*, f. 144.

Moreover, a mental illness introduced much confusion in social life. Not only did it infringe the sick person's authority over his serfs, but also brought about a disrespect of the most important social institutions. The Church suffered most. The mad people were either overactive in respect of religion, or ignored it completely.

The first situation, which found its expression in the above-mentioned exaggerated concern for the serfs' salvation, was very disadvantageous to the clergy. The mad persons depreciated the local priests in the eyes of their serfs: they called themselves the only exponents of the true faith, and also affronted the clergy in public. Marcin Stobiecki, though he served at Holy Mass, drank up the priest's wine, pushed him and treated him to tobacco⁸⁸.

The sick person's religious indifference also aroused many objections. The witnesses knew very well when he last attended the service or received the Holy Sacrament (in seven years Ignacy Hulewicz "only twice went to confession, and at other times I did not see him either in the Catholic church or in the Orthodox")⁸⁹. In the case of Kazimierz Brodowski his errors in the articles of faith and obduracy were the most important charges made against him⁹⁰.

The threat to public safety was another serious consequence of madness. People were afraid not only of the mad person's violence, but also of various types of rascals who frequently visited him in his manor.

The threats created by the mad person made people notify the authorities of his/her madness and apply for wardship. It is difficult to say what was the direct reason for such decisions in individual cases. We have already mentioned that various kinds of violent, untypical behaviour were long accepted by the community. In fact people tried to rationalize them. Violence was understood as a special trait of temper, irrationality in management — as inborn wastefulness. However, these symptoms too, were included in the catalogue of charges made against the mad people. Most probably they were mentioned because of serious social consequences they entailed. In fact the mental illness remained a person's private problem as long as it ruined only him

⁸⁸ *ML IX/14, f. 84v.*

⁸⁹ *ML IX/14, f. 94.*

⁹⁰ *ML IX/133, f. 136.*

and nobody else. When it became a threat to his surroundings, it had to be restrained. However, the point was not to cure the sick person himself, but to stifle the behaviour which ruined social order.

Although people felt intuitively when the mad person crossed the limit of his surroundings' endurance, they notified the authorities only in the last resort. This decision was taken especially when social and material respects came into play. One should remember that the mad person was exploited not only by dangerous criminals, but also by his own family. Some harmless eccentricity might become a pretext for depriving somebody of his property. The charges of wastefulness, most frequently made against mad people, could be a matter of manipulation. At the same time the consequences of mismanagement were most conspicuous to the commissioners who came for an inquisition, since material losses were relatively easy to estimate.

The mad person's family from the beginning till the end of the investigation shaped the image of the sick person in the eyes of commissioners. They exposed such kind of behaviour which they acknowledged as abnormal and which could make the greatest impression on the representatives of power. The commissioners usually yielded to the suggestions of the family. This, however, does not mean that they gave up checking whether the opinion of the family agrees with the actual state of the sick person. They talked to him before they started the investigation, and the examination of witnesses could yield new, surprising details, contrary to the scenario composed by the family. Nevertheless the only case known to us where the commissioners considered wardship not necessary, was that of Kazimierz Okniński, a fake mad person. Kazimierz Okniński, involved in an abortive attempt to abduct King Stanislaus Augustus in 1791, sought rescue from the verdict of justice in madness. He knew perfectly well how people would react to his behaviour. He ordered to have his moustache, beard and eyebrows shaven off, and beat the barber who refused to do it, finally stripped himself and ran about the town in his shirt, "all this to let the public know that he had gone mad". He managed to get away with it. He larded in the hospital run by the brethren of the Order of St. John of God in Warsaw, and even a suit for his tutelage was brought. Although the doctor who examined him, Hiacynt Dziarkowski, found "his natural

temper melancholico–choleric”, yet he did not find him mad. Only a more penetrating examination revealed him as a fake⁹¹.

One can, however, try to explain why the opinion of the family agreed with that of the commissioners. The latter agreed with the family, because they were of the same mind, and the facts found during the inquisition spoke for themselves. This signifies that in the old Commonwealth there was a relatively clear and homogeneous image of a mad person (formed e.g. by the popular medical literature), which was applied when the decision had to be taken to qualify somebody as mad.

There is another explanation of this phenomenon. The process of granting a wardship was a legal action. People subject to it had to fulfil certain conditions, i.e. behave so that their entourage noticed something abnormal about them. At some moment the family, for various reasons, most frequently financial, decided to commence legal proceedings and apply wardship for such people. In accordance with the general legal consciousness nobody interfered in the family's action. The state even sanctioned the family's right to decide on the mad person's fate. The visit of commissioners in fact was not aimed at acknowledging somebody's madness. This was done in order to satisfy the demands of the law. If all the legal conditions were fulfilled — there was a sick person, the family who wanted to take care of him, and witnesses ready to confirm each point of the description of an illness prepared by the family — the commissioners' action was mere formality. Their task was not to make a medical diagnosis, but to regulate the legal status of the sick person and his property.

Although certain ideas of what was normal and what was not were rooted in social consciousness, yet in social practice they were applied quite freely. Sometimes an illness became finally a matter of public interest because of simple fear or weariness. The concern for the mad person's health, life and soul was in this situation of marginal importance.

The process of granting wardship of insane people was in the old Commonwealth a stable procedure. One cannot distinguish clear changes and stages in the history of the attitude to mad

⁹¹ CAHR, *The Archives of Congress Poland* 240, p. 21v, 27; cf. A. Zahorski, *Centralne instytucje policyjne w Polsce w dobie rozbiorów (The Central Police Institutions in Poland During the Partitions)*, Warszawa 1959, pp. 218–219.

people, as it was done by Michel Foucault for Western Europe and especially for France. In France, only towards the close of the 18th c. was the process of granting wardship formalized. Earlier a *lettre de cachet*, for which the family applied, was simply issued by the king. This kind of document can hardly be acknowledged as a counterpart of the Polish rescript for wardship. The histories of the law confirm that *lettres de cachet* were the result of the king's decision, not preceded by any investigation, and changed the insane person's way of life diametrically, as a formal consent to his internment⁹².

The specific attitude to the mentally ill people in the old Commonwealth was above all due, it seems, to the specificity of the social structure of the country. Those who had administered the property throughout their lives needed some legal settlement. The mad person's property, in the opinion of his contemporaries, could not stay useless. Somebody had to take care of it, so at the same time he took care of the mad person, too. But the immediate isolation of the sick person, unless he was troublesome to his family, was not considered necessary. So madness in fact might for a long time not be noticed even by the closest neighbours. And probably it would not have been noticed by historians, if the families had not applied for wardship. Documents connected to this process are frequently the only source of our knowledge about the situation of the mentally ill in the old Polish-Lithuanian Commonwealth.

(Translated by Agnieszka Kreczmar)

⁹² Cf. M. Foucault, *Histoire de la folie*, p. 125.