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The Role Model of the Village *wójt* in Southern Poland Until the End of the Eighteenth Century in the Light of Oaths of Office

*Wzór wójta wsi w południowej Polsce do końca XVIII w.
w świetle przysięg urzędowych*

ABSTRACT

Research on role models in Polish historiography has a long tradition, but until now it has usually focused on the representatives of the elite and upper classes: monarchs, queens, bishops, knights and nobles. The author of this study set out to identify the ideal model of a rural mayor in southern Poland until the end of the 18th century, using the content of official oaths as his source material. The choice of source was due to the performative nature of the oath, which always contained a model of institutional behaviour. The starting point for the discussion is the spread of the oath of municipal village headmen in the Polish translation by Bartłomiej Groicki and its evolution towards meeting the expectations of neighbours from the community, but above all of the manorial authorities. The mayor, chosen from among the peasants, manoeuvred between the manor and the cottage – it was the neighbours who presented candidates for mayor to the manorial

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authorities, but the final decision always rested with the landowner. As the most important official of the rural community and the head of the rural court, the village administrator undertook to settle disputes fairly, be loyal to the owner of the village, maintain order and collect taxes reliably. The oaths also confirm the growing dependence of the rural administration on the manorial authorities during this period. The results of the study provide a new perspective on the institutional model of the mayor's role as a key element of rural administration.

Key words: personal model, mayor, official oaths, rural administration, Bartłomiej Groicki

STRESZCZENIE

Badania nad wzorcami osobowymi w polskiej historiografii mają długą tradycję, jednak dotychczas zazwyczaj skupiano się na przedstawicielach elit oraz wyższych warstw społecznych: monarchach, królach, biskupach, rycerzach czy szlachcicach. Autor niniejszego opracowania postawił sobie za cel zidentyfikowanie modelu idealnego wiejskiego wójta na terenach południowej Polski do końca XVIII w., a za podstawę źródłową przyjął treści przysięg urzędniczych. Dobór źródła wynikał z performatywnego charakteru przysięgi – zawsze więc zawierał wzorzec zachowań instytucjonalnych. Punktem wyjścia rozważań jest rozprzestrzenianie się na wsi roty wójtów miejskich w polskim tłumaczeniu Bartłomieja Groickiego oraz jej ewolucja w kierunku zaspokojenia oczekiwań sąsiadów z gromady, ale przede wszystkim zwierzchności dworskiej. Wybrany spośród kmieci wójt lawirował między dworem i chałupą – to sąsiedzi przedstawiali zwierzchności dworskiej kandydatów na wójta, jednak ostateczna decyzja zawsze należała do właściciela ziemskiego. Wójt jako najważniejszy funkcjonariusz społeczności wiejskiej i zwierzchnik wiejskiego sądu zobowiązywał się do sprawiedliwego rozstrzygania sporów, lojalności wobec właściciela wsi, utrzymania porządku oraz rzetelnego pobierania podatków. Roty przysięg potwierdzają też rosnącą w epoce zależność administracji wiejskiej od zwierzchności dworskiej. Wyniki badań wnoszą nowe spojrzenie na instytucjonalny wzorzec działania wójta jako kluczowego elementu administracji wiejskiej.

Słowa kluczowe: wzorzec osobowy, wójt, przysięgi urzędnicze, administracja wiejska, Bartłomiej Groicki

INTRODUCTION

Analyses of role models and models of conduct have a long tradition in Polish historiography, although usually their authors have focused on representatives of the highest social strata. For at least a half of a century, research has been conducted into the role models of the Polish knight and nobleman, as well as into the ideal of medieval monarch or the role model of a queen¹. Although it is rightly pointed out that

¹ See e.g. J. Tazbir, *Wzorce osobowe szlachty polskiej w XVII wieku*, "Kwartalnik Historyczny" 1976, 83, 4, pp. 784–797; U. Świdarska-Włodarczyk, *Homo nobilis. Wzorzec szlachcica w Rzeczypospolitej XVI i XVII wieku*, Warszawa 2017; eadem, *O staropolskim wzorcu gospodarza raz jeszcze z punktu widzenia historyka (w świetle poradników rolniczych z XVI i XVII w.)*,

this type of research is key to learning about value systems and ethical determinants of conduct (and thus the structural elements of culture), so far there has been no study of role models for the most numerous social group of pre-partition Poland – the peasants, and above all, their representatives in the persons of jurors and *wójt* (head of the local court, Latin *advocatus*, German *Vogt*)². Unlike those mentioned above, the role model of a *wójt* remains by all means practical due to the organizational norms of the rural community. Few exceptions aside, it is devoid of any mystical values characterising the ideal of a nobleman convinced of his biological superiority, for example³. In the case of rural officials we should instead use the concept of an institutional standard of conduct, which is the product of often conflicting expectations primarily from above, but also from below. This is because both the landowner or lord of the manor and the neighbours in a rural community decided whether to extend the term of the office of a *wójt* or replace an inept official with a better candidate. In this sense, the concept of model conduct can be viewed as synonymous with the concept of social model of the professional function performed – that is, a model encompassing norms defining the qualities a given official should have and the ways in which the official in question should perform their professional functions⁴.

“*Studia Europaea Gnesnensia*” 2015, 12, pp. 99–115; eadem, *Szlachecki wzorzec osobowy gospodyni w Polsce przełomu średniowiecza i czasów renesansów*, in: *Kobieta w gospodarstwie domowym: ziemie polskie na tle porównawczym*, eds. K. Sierkowska, G. Wyder, Zielona Góra 2012, pp. 21–27; eadem, *Szlachecki wzorzec żołnierza Rzeczypospolitej XVI i XVII wieku (w świetle nowej definicji pisanej na użytek badań historycznych)*, “*Kultura i Historia*” 2016, 29, pp. 138–161; K. Ożóg, *Ideał władcy w krakowskim środowisku intelektualnym na początku XV wieku*, in: *Nihil superfluum esse. Studia z dziejów średniowiecza ofiarowane Profesor Jadwidze Krzyżaniakowej*, eds. Jerzy Strzelczyk, Józef Dobosz, Poznań 2000, pp. 415–426; idem, *Rex illiteratus est quasi asinus coronatus. Narodziny średniowiecznego ideału władcy wykształconego*, in: *Aetas media, aetas moderna. Studia ofiarowane Profesorowi Henrykowi Samsonowiczowi w siedemdziesiątą rocznicę urodzin*, eds. H. Manikowska, A. Bartoszewicz, W. Fałkowski, Warszawa 2000, pp. 700–712; D. Mrówczyńska, *Wzorzec społeczny królowej w Polsce XVI wieku*, in: *Spółczeństwo staropolskie*, vol. 3, ed. A. Wyczański, Warszawa 1983, pp. 49–70.

² U. Świdarska-Włodarczyk, *Wzorzec osobowy czy wzorzec postępowania? Przyczynek do nowej definicji sformułowanej z punktu widzenia historyka na przykładzie szlachty polskiej przełomu średniowiecza i czasów nowożytnych*, “*In Gremium*” 2015, 9, p. 41. A study dealing with the topic has been presented in P. Kołpak, *Między ideałem a rzeczywistością. Prawny i społeczny model wójta w teorii i praktyce na Pogórzu Karpackim od XVI do XVIII wieku*, “*Roczniki Dziejów Społecznych i Gospodarczych*” 2023, 85, pp. 125–153. The present article is a continuation of the first part of this publication.

³ J. Tazbir, *op. cit.*, p. 790.

⁴ T. Szczurkiewicz, *Studia socjologiczne*, Warszawa 1970, p. 379; M. Nocuń-Jankowska, *Wzór społeczny w koncepcji socjologicznej Tadeusza Szczurkiewicza*, “*Ruch Prawniczy, Ekonomiczny i Socjologiczny*” 1985, 47, 3, pp. 382–383, 387.

The office of *wójt* as an administrative and judicial head of a rural community emerged from the function of *podwójci* (Latin *viceadvocatus*), that is a deputy of the hereditary village head in villages founded under German law. Among the numerous duties of the village head, one of the most important was presiding over the sessions of village courts and his frequent absence (for example, in connection with military expeditions, in which village heads were obliged to take part) meant that deputies had to be designated from among the local peasants. After the mass buyout of village headships by the nobility in the fifteenth and sixteenth centuries, landowners would often decide not to abolish village courts, but to leave the *viceadvocati*, subordinated to them, in their positions. Those rural officials would soon come to be known in Polish as *wójtowie*, similarly to the *wójtowie*, who headed the court benches in the cities⁵. The terminological complexity associated with this process can sometimes be observed in the contents of village court records, in which the same individual is referred to in Polish-language entries as *wójt* and in Latin-language entries as *viceadvocatus iuratus* – literally ‘judicial *podwójci*’⁶. The term *advocatus* was closely linked to the official’s judicial duties, although the inappropriateness of such a translation was pointed out by Bartłomiej Groicki, a German law theorist. In his 1559 work *Porządek sądów i spraw miejskich prawa magdeburgskiego w Koronie Polskiej* (The Order of Municipal Courts and Affairs under Magdeburg Law in the Polish Crown), he argued that *advocatus* was more of an advocate or defence counsel, while a more correct definition of *wójt* referred to the role of an official administering justice, that is judge (*iudex*), or the head of the judicial bench (*praefectus iudicii*)⁷. Groicki linked the duties of a town *wójt* primarily to his judicial powers, although, as it would later turn out, a village *wójt* should be also an ‘advocate’ of a rural community, primarily its most vulnerable members. This is because the duties of a village *wójt* were not limited solely to jurisdictional prerogatives; his obligations were also associated with official and fiscal matters – thus they involved collecting

⁵ A. Vetulani, *W sprawie prawa chłopskiego w Polsce feudalnej*, “Państwo i Prawo” 1956, 11, 10, p. 626; J. Łosowski, *Dokumentacja w życiu chłopów w okresie staropolskim. Studium z dziejów kultury*, Lublin 2013, pp. 46–47; S. Płaza, *Powstanie i rozwój chłopskich sądów wójtowskich w Sądceczyźnie XVI–XVIII w.*, “Zeszyty Naukowe Uniwersytetu Jagiellońskiego. Prace Prawnicze” 1966, 25, pp. 39–43.

⁶ See e.g. Archiwum Narodowe w Krakowie [hereinafter: ANK], *Variae civitates et villae – zbiór szczątków zespołów* [dalej: VCV], ref. no. 153, pp. 1241, 1242, 1253, 1265, 1269, 1271, 1272, 1281, 1284.

⁷ B. Groicki, *Porządek sądów i spraw miejskich prawa magdeburgskiego w Koronie Polskiej*, Warszawa 1953, p. 32; cf. *Adwokat*, in: *Słownik polszczyzny XVI wieku*, vol. 1, ed. S. Bąk et al., Wrocław–Warszawa–Kraków 1966, p. 88.

rents from peasants and accounting for the sums collected before both the village community and the village owner⁸.

The reference to Groicki's theoretical deliberations is not unreasonable here, because given the lack of systematized norms of the functioning of village courts, rural scribes would often use manuals of German law applicable in towns. They would use Groicki's textbook to copy and appropriately modify formulas of oaths a *wójt* or juror would solemnly swear upon his election. As performative utterances, they determined the scope of functional activity and today may serve as a basis for defining the role model of the *wójt* of the pre-partition period. Polish historians have long analysed the question of oaths and the related rituals, although such research has focused primarily on town and court oaths⁹. Yet the contents of the *wójt* oaths preserved in village court records – initially transposed from municipal oaths and then modified to varying degrees – bring us information about the conduct expected from any individual elected to preside over the village office. Thus, the aim of the following analysis is to answer the question of what traits and behaviours should define an ideal village *wójt* in the light of the oaths taken by him.

RESEARCH AND RESULTS

A model formula of the town *wójt* oath in Polish was drawn up by Bartłomiej Groicki. The overriding idea of this jurist was to translate and explain German law to jurors. He found sources of his knowledge in the Saxon Mirror (*Speculum Saxonum*), the so-called Magdeburg *Weichbild* (*Ius municipale magdeburgense*) as well as the practice of the German law court in Kraków, where he worked as the court clerk¹⁰. The Kraków cartularies with German-language legal formulas (the so-called Grabowski Code and Behem Code) must have been the basis of the *wójt* oath which Groicki translated into Polish, modifying its content to some extent¹¹:

⁸ J. Łosowski, *op. cit.*, p. 41.

⁹ See e.g. K. Piekarski, *Przegląd wydawnictw średniowiecznych zapisek i rot przysięg sądowych z ksiąg grodzkich i ziemskich*, Kraków 1919 (*Prace Komisji Językowej Akademii Umiejętności w Krakowie*, 4); S. Borowski, *Przysięga dowodowa w procesie polskim późniejszego średniowiecza*, Warszawa 1926; V. Proházka, *Przysięga w postępowaniu dowodowym narodów słowiańskich do końca XV w.*, "Czasopismo Prawno-Historyczne" 1960, 12, 1, pp. 19–84; B. Wyrozumska, *Obyczaj średniowiecznej sali sądowej*, "Zeszyty Naukowe Uniwersytetu Jagiellońskiego. Prace historyczne" 1985, 663, 74, pp. 89–95; M. Duda, S. Józwiak, *Ze świata średniowiecznej symboliki. Gest i forma przysięgi w chrześcijańskiej Europie (X–XV w.)*, Kraków 2014.

¹⁰ B. Groicki, *Porządek*, p. X.

¹¹ See P. Wiencierz, *Iuramentum na inaugurację władzy w mieście średniowiecznym. Przykład Krakowa*, "Czasopismo Prawno-Historyczne" 2017, 69, 2, p. 346. Cf. *Najstarszy zbiór*

'I, N., swear to Almighty God and to His Majesty, King of Poland, and to this town that I want to be faithful in my judgement and judge in the same fashion a rich and a poor man, a neighbour and a visitor. I want to defend orphans and widows who desire justice, as I can see and understand with my highest sense. And this I do not want to forsake for love, anger, fear, amity, enmity, favour, friendship, ill-will, gifts, benefits. So help me God, who will judge myself and all the world on Doomsday'¹².

The oath formula prepared for municipal authorities was also used by village *wójtowie*, as is evidenced by numerous examples. One of the earliest of these is a copy made as early as in the sixteenth century for the village of Ołpiny near Biecz (former Province of Kraków)¹³. The text of the oath was deliberately copied for the local bench, although the only modification confirming this was a change of the fragment 'I swear to Almighty God and to His Majesty, King of Poland, and to this town' to 'I swear to Almighty God and to His Majesty, King of Poland, and to this village'. Thus the *wójt* elect made a pledge to God, King of Poland as well as the local commune, that is all people living in his village. As head of the village court, he pledged to ensure equality before the law for both wealthy and poor neighbours, members of the village commune and visitors from outside the village. He was to take particular care of the least independent members of the local community, that is orphans and widows. He pledged that in the discharge of his judicial duties he would not be guided by anger, fear or ill-will, and would disregard personal relations with those appearing in court; in addition, he was to be wary of corruption, which was a risk for judicial officials. In such a form the oath defined the sphere of activity of the village *wójtowie* stemming from the role played by their counterparts in towns, namely the duty to deliver just judgement and to take care of the members of the village community.

The election of the *wójt* in Ołpiny was a solemn affair, which we might describe today as quasi-democratic. Let us take a look at the 1651 election. On the Monday following the fourth Sunday of Lent (known as Laetare

przywilejów i wilkierzy miasta Krakowa, ed. S. Estreicher, Kraków 1936 (*Wydawnictwa Komisji Historycznej Polskiej Akademii Umiejętności*, 82), p. 46; *Kodeks dyplomatyczny miasta Krakowa, 1257–1506*, part 2, ed. F. Piekosiński, Kraków 1882 (*Wydawnictwa Komisji Historycznej Akademii Umiejętności*, 22), p. 485.

¹² B. Groicki, *Porządek*, p. 33.

¹³ ANK, VCV, ref. no. 153, p. 1317. Cf. P. Kołpak, M. Raczyńska-Kruk, M. Solarz, *Na chłopski rozum. Wiejskie akta sądowe nowożytnych Ołpin i ich konteksty społeczne*, Warszawa 2024, p. 347.

Sunday), the entire commune, that is all members of the village community, voluntarily (*libera voce*) and legitimately (*legitimo modo*) elected Tomasz Niziołek their *wójt*. The election was approved by a representative of the village owner, the Palatine of Lublin Jan Aleksander Tarło, after which the *wójt* elect confirmed the election before all present (*publicae*) by taking an oath under German law (*ut sonat in iure Mandeburien-si*). The oath thus may have featured the words of the formula known in the village thanks to the sixteenth-century copy. This was followed by the election of jurors, who also took an oath before all present ('*in facie* of all the populace')¹⁴. Subsequent *wójt* elections in Ołpiny may have looked similar in the following centuries. On Friday, 18 March 1718, Sebastian Wojnar was elected *wójt* by the permission of the local parish priest and the tenant of the local estate. The newly elected official swore before the commune to judge both the rich and the poor – it is, therefore, possible that he used Groicki's oath formula, abbreviated by the scribe taking the election minutes in his laconic description¹⁵. On Wednesday, 3 February 1734, in the presence of the dean of Biecz and the court official of the Olpin manor, Józef Konieczko was elected *wójt*, vowing to 'do justice to the rich as well as to the poor, according to holy justice'. In this case the duties of the *wójt*, in comparison with Groicki's oath formula, were expanded to include other aspects of model conduct – Konieczko pledged to take good care of fields, baulks, ploughing and fences, as well as to collect taxes fairly¹⁶. A village *wójt* was to be a good administrator and tax collector – as this was not part of typical duties of a town *wójt*, it could not have been included in German municipal law textbooks. The similar form of the ceremony and references to Groicki's oath formula suggest that, despite the decades separating them, the elections of Tomasz Niziołek, Sebastian Wojnar and Józef Konieczko were much the same.

The content of Groicki's Polish-language oath was used also by other villages in the Polish provinces and its modifications were often limited to a change of the oath addressees. This was the modification of the oath taken by the *wójt* of the village of Ptaszkowa near Grybów (former Kraków Province), which belonged to the Sącz *starostwo*. According to the 1618 regulations, a newly elected official would raise two fingers of his right hand and say the following words: 'I, N., swear to Almighty God and my

¹⁴ ANK, VCV, ref. no. 153, p. 1279. Cf. P. Kołpak, M. Raczyńska-Kruk, M. Solarz, *op. cit.*, p. 331.

¹⁵ ANK, VCV, ref. no. 153, p. 1590. Cf. P. Kołpak, M. Raczyńska-Kruk, M. Solarz, *op. cit.*, p. 403.

¹⁶ ANK, VCV, ref. no. 153, pp. 1627–1628. Cf. P. Kołpak, M. Raczyńska-Kruk, M. Solarz, *op. cit.*, p. 413.

hereditary lord that I want to be faithful to him in everything and to betray him in nothing, and in court, where I sit, I want to be faithful and judge [...]’ – the remaining part of the oath was taken literally from Groicki’s *Porządek sądów i spraw*¹⁷. Thus, in the early seventeenth century the local *wójt* addressed his oath not to the king and the commune, but to the hereditary lord of the village, probably the *starosta* of Sącz – although Ptaszkowa was a royal village.

Later accounts suggest that the Ptaszkowa oath changed slightly over the years. In 1726 the new *wójt* Piotr Kielbasa said the following words:

‘I, Piotr, swear to Almighty God, one in the Holy Trinity, to the Blessed Virgin Mary and All Saints that I will be faithful to my hereditary lord in everything, will not betray him in anything in my judgement, for which I am elected. I will be diligent and sensible to the best of my mind; respecting no one – no kinsman, no friend, no neighbour, no wealthy person – I will deliver reasonable judgement; I will do justice to orphans, widows, the poor, pilgrims and travellers, and I will not be seduced by corruption of any kind, and will give and judge, and want to do no harm. If angry with anyone, I will take vengeance neither in law nor otherwise, and I will judge and keep everything according to holy justice. So help me God and the innocent Passion of my Jesus’¹⁸.

Despite the elaborate invocation and modified *aprecatio*, both strengthening the devotional nature of the act of taking office, the content of the oath can be considered to be a local adaptation of Groicki’s formula.

In the context of these modifications, the most telling evidence of the enduring popularity of *Porządek sądów i spraw miejskich prawa magdeburgskiego w Koronie Polskiej* was the 1759 election of *wójt* Matiasz Żaczek in Górki Świątnicze (today Świątniki Górne) near Kraków. The newly elected *wójt*, kneeling before the cathedral custodian and placing two fingers of his right hand on a crucifix, recited: ‘I, Matiasz, swear to Almighty God and Most Reverend custodian of the Kraków cathedral, our lord, that I want to be faithful in my judgement’ – the remaining part of the oath was repeated literally after Groicki’s text, printed exactly 200 years earlier¹⁹.

¹⁷ *Libri iudiciorum bannitorum villae, que nuncupatur “Ptaszkowa” ab an. 1517 ad an. 1793*, in: *Księgi sądowe wiejskie*, vol. 1, ed. B. Ulanowski, Kraków 1921 (*Starodawne Prawa Polskiego Pomniki*, 11), no. 4100. The similarity between this oath and Groicki’s formula has been pointed out by A. Vetulani, *op. cit.*, p. 627.

¹⁸ *Libri iudiciorum bannitorum villae, que nuncupatur “Ptaszkowa”*, no. 4152.

¹⁹ *Acta iudicialia custodiae ecclesiae cathedralis Cracoviensis ab an. 1755 ad an. 1764*, in: *Księgi sądowe wiejskie*, vol. 2, ed. B. Ulanowski, Kraków 1921 (*Starodawne Prawa Polskiego Pomniki*, 12), no. 7216.

However, the custodian of the Kraków cathedral thought it necessary to write down some additional duties of the Górkę *wójt*: 1) the *wójt* should adjudicate and authenticate transactions in the presence of at least two jurors and village scribe; 2) the *wójt* should adjudicate according to the law and holy justice, and should not be guided by any favour, kinship, friendship, enmity, anger or impatience (which was essentially a repetition of fragments of Groicki's formula); 3) the *wójt* and the jurors should not administer punishments privately – out of anger or spite – but through the formal procedure, including entry into court records, and appeal²⁰.

It is worth taking a look also at the oath taken by the *wójt* and entered, most likely in the mid-seventeenth century, in the court records of the village of Husów near Łańcut (former Ruthenian Province). The oath is preceded by an introduction which stresses that the new jurors headed by the *wójt* should adjudicate justly in accordance with God's commandment: 'love thy God with all your heart and with all your mind, and love your neighbour as yourself. Consider this commandment of God in order for you to keep it, for whoever loves God, loves his neighbour, and whoever loves his neighbour, loves God as well'²¹. The following text of the oath taken by the *wójt* in Husów is a slight modification of Groicki's formula, the only qualitative change being the addition of the pledge: 'I will judge everyone justly, without hurting anyone, also in the matter of all communal taxes'²². Having spoken these words, the newly elected official, holding a crucifix in his hand, called on the Saviour to help him in adjudicating matters justly, for example, asking Christ's pierced feet to make him follow the path of the commandments in court, entreating Christ's wounded side to fill his heart during hearings, begging Christ's mouth for his own mouth to speak justly during court sessions, and Christ's head – to help him deliver just judgments. Then the village scribe once again copied the oath formula, which, however, was complemented by an elaborate devotional sanction:

'If I adjudicate unjustly, [...] may God's punishment fall upon me and my wife, and my children, and all my family. If I adjudicate unjustly, make brimstone, tar and burning fire rain upon me, oh God,

²⁰ *Ibidem*. The same oath formula was repeated one year later by the new *wójt*, Jan Knapczyk, with the custodian entering analogous instructions. See *ibidem*, no. 7223.

²¹ *Księga sądu ławniczego wsi Husów (1625–1870)*, ed. E. Szal, Husów 2008 (*Biblioteka Stowarzyszenia Społeczno-Kulturalnego im. Wincentego Stysia Husowie*, 1), p. 139. See also Muzeum Etnograficzne w Rzeszowie, *Księga gromadzka Husowa*, p. 247; after M. Boratyn, *Wieś w okresie staropolskim*, in: *Husów. Wieś na Pogórze Dynowskim w ujęciu monograficznym*, Husów 2010, p. 175.

²² *Księga sądu*, p. 140.

as it did on Sodom and Gomorrah, for nine days and nine nights, make the earth devour me so that the earth would not bear my injustice. If I adjudicate unjustly, may I, oh God, and my wife and children suffer punishment in our bodies. So help me His holy name and may devils take me alive with my soul to hell²³.

Thus in Husów Groicki's oath was to a large extent entrenched in religious content: a rather brutal devotional sanction – in which the newly elected official asked God numerous times for punishments for unjust adjudication for himself and his family – as well as an interesting pleading. In it the newly elected *wójt* appealed to various parts of Crucified Christ's body to fill parts of his own body (heart, legs, mouth, head) 'participating' in the judicial process with love and justice.

This sanctification of an official should perhaps be understood as spiritual anointment as judge, part of the ceremony of assuming the office of head of the court and the commune. The spheres of the sacred and the profane are intertwined here, giving the *wójt* elect a sense of social advancement, but also imposing strictly defined sanctions on him. In betraying justice, the *wójt* risked not only the wrath of his neighbours and lord of the manor, but also the inevitable punishments of hell – which certainly was not without influence on his imagination. Groicki, too, pointed out that, like any other judge, a *wójt* had to remember all the time that 'on God's Seat he sits'²⁴. The oaths taken by those elected to the office of *wójt* contained clear references to God, Christ's Passion, Virgin Mary or all saints, which provided religious legitimacy to the office²⁵. The devotional nature of court hearings, or rather adjudication in the name of God, is also evident in the description of the village court as 'God's law' – court records from Ołpiny usually began with the words: 'having sat by the faithful law of God', and the mitigation of harsh court sentences was signalled by, for example, the words 'God's law changes this decree'²⁶. A lecture on the divine origin of the functions performed by the *wójt* and the jurors was given by the village scribe in Markowa near Lańcut (the former Ruthenian Province) in 1718. At the time, the community elected a *wójt* 'for the order of the entire village of Markowa, as the father of the children with all the law of God [that is, the court]', and the Creator of Heaven and Earth himself 'gave us this, that we should have the teaching of the Holy Spirit, and that in this Spirit we should listen

²³ *Ibidem*.

²⁴ B. Groicki, *Porządek*, p. 32.

²⁵ J. Łosowski, *op. cit.*, pp. 180–181.

²⁶ ANK, VCV, ref. no. 153, *passim*.

to their judgments of God, and they as the law of God judged according to their conscience'²⁷. Sessions of village courts sitting in the name of God were given religious legitimacy, which further legitimized the decisions of the *wójt* and the jurors in the eyes of all present on the occasion.

The villages of Ołpiny, Ptazkowa, Świątniki Górne and Husów, although all located in the Carpathian foothills, were one far away from each other and differed in terms of type of ownership: the first and the last belonged to noblemen, the second was part of the royal estates, while the third belonged to a wealthy ecclesiastical institution. Despite these differences in each of these villages the *wójt* began his term in office by taking an oath copied from Bartłomiej Groicki's German law textbook from the mid-sixteenth century. This certainly testified to the extraordinary popularity of this publication not only among town jurors (to whom it was indeed addressed), but also among their rural counterparts (or at least rural scribes). Nevertheless, cosmetic modifications to the content of the oaths demonstrate that the formula from *Porządek sądów i spraw miejskich prawa magdeburgskiego w Koronie Polskiej* was copied consciously. Although in Ołpiny the oath was sworn to the King of Poland, the municipal addressee was changed to a rural one. However, this is an exceptional situation, since the addressee of the pledges of early modern *wójtowie* was almost always primarily the owner of the village, a state of affairs obviously associated with the strong dependence of the 'third estate' on the manor throughout the early modern era.

At the same time, however, in the southern Poland we can find oaths of newly elected *wójtowie*, which were either modelled on Groicki's – but clearly interfering with the content of the oath – or formulated anew, using, for example, the oaths in force in neighbouring villages, or a different translation of oaths contained in German legal collections. This may have been the case of the oath recorded in Polish in 1602 and taken by the heads of the village of Krzyżowniki near Kępno (the former Duchy of Oleśnica) – it corresponds to German-language municipal models, but is not linguistically similar to Groicki's translation:

'I N. vow and swear to God Almighty and to the noble lord N.N., my hereditary lord, that in this office, to which I have been elected by his lordship as village head or elder in N., I wish to conduct and govern all matters faithfully and justly, according to the highest reason and my ability. To know and do holy justice to a visitor, a local,

²⁷ *Libri iudiciorum bannitorum villae, que nuncupatur "Markowa" ab an. 1591 ad an. 1795*, in: *Księgi sądowe wiejskie*, vol. 1, no. 4532. Cf. Центральний державний історичний архів України м. Львів, фонд 85, опис 1, справа 1, р. 708.

to the rich, to the poor, and not to neglect this for love, hatred, friendship, gifts, money, fear, nor for any contrived custom. So help me God Almighty and His Most Sacred Word. Amen'²⁸.

The essence of Groicki's oath as well as the translation used in Krzyżowniki was – obviously, given their municipal origin – just adjudication as a fundamental duty of a *wójt*. In some villages the formula of the oath taken by the *wójt* deviated considerably from it, or had no closer connection with it, and still referred exclusively to this aspect. This was the case in Świlcza near Rzeszów (the former Ruthenian Province), where, according to the 1628 hereditary lord law, a newly elected *wójt* should swear that he would judge faithfully and virtuously in court, at all times 'not flattering a kinsman, or a rich man or a poor man, not being lenient or taking gifts – with a guarantee of free appeal to the hereditary lord for each party'²⁹. Mikołaj Ligęza, the owner of the village and author of the law, recommended that the *wójt* and the jurors should be elected from among people who were 'suspicious in nothing and live virtuously, and fear God and are not stupid and well settled'³⁰. On the other hand, an out-of-context oath, probably from around 1676, has been found in Wysoka near Łańcut (former Ruthenian Province). Its content, rich in religious themes, also refers exclusively to just fulfilment of judicial duties:

'I, N., swear to Almighty God, one in the Holy Trinity, the Blessed Virgin Mary and all the holy angels of God that I should not let myself be deceived by any father or brother, or any of my relatives, by corruption or persuasion, for fear or on account of being badmouthed by people, so help me God and All the Saints'³¹.

Yet the practice of daily life of a village community placed on the *wójt* more than the duty of handling court cases in a just manner. True, an exemplary official was supposed to be an indomitable judge placed at the head of the village community, but in addition he was expected to be a faithful executor of the orders of the manor, a responsible administrator, who took care of order in the village, and an honest tax collector. We have

²⁸ *Księga ławnicza osad wiejskich Krzyżownik i Proszowa w dawnym Księstwie Oleśnickim z l. 1558–1583*, ed. W. Klementowski, Kępno 1917, pp. 1–2.

²⁹ Archiwum Państwowe w Rzeszowie [hereinafter: APR], Akta gminy Świlcza [hereinafter: AGŚ], ref. no. 49, *Księga wójtowsko-ławnicza wsi Świlcza 1631–1838*, p. 2. Cf. A. Kamiński, F. Kotula, *Ustawa dla wsi Świlczy i Woliczki z roku 1828*, Rzeszów 1948.

³⁰ APR, AGŚ, ref. no. 49, p. 2.

³¹ *Księgi gruntowe wsi Wysoka k. Łańcuta 1632–1791, 1789–1873*, ed. A. Techmański, Kraków 2020 (*Bibliotheca Iagellonica. Fontes et Studia*, 36), no. 7B.

already seen these features in the cosmetic modifications of the oaths in Ptaszkowa or Husów. They can also be found in oaths that were not derived from Groicki's formula. In 1706, in Siary near Gorlice (former Kraków Province), a newly elected *wójt* took the following oath:

'I, Jędrzej Galaś, elected by the will of God and the will of the lord and the entire community the *wójt* of the village of Siary, swear to God, one in the Holy Trinity One, and to His Lordship Popławski of Popławy, [...] that I will faithfully and kindly serve as *wójt* for both parties, and will bring order and adjudicate justly, and will not favour anyone, nor will I covet the money of the entire community, so help me God and all the saints'³².

This oath is in line with the above-mentioned norms for village *wójt*, whose duties were just adjudication, loyalty to the village owner, taking care of order in the village and collecting taxes honestly. Worthy of note here is the promise to refrain from excessively collecting taxes and stealing money from the communal (court) box, which is how we should understand the phrase 'I will not covet the money of the entire community'.

The process of increasing dependence of the village community on the lord of the manor's will is made evident in the formulas of the oaths, which had more and more obligations to the landowners added to them. In 1663 in Jazowsko near Nowy Sącz (former Kraków Province) the jurors headed by the *wójt* vowed to warn the entire community against any neglect in working for the manor, and in Olszówka near Rabka (Kraków Province), the oath of 1716 even included words forbidding the peasants to organise clandestine gatherings³³. Above all, however, the *wójt* promised to look after the economic and fiscal interests of the manor. In 1753, during a court sitting, the community of the village of Ptaszkowa elected Jakub Michalik to serve as its *wójt*. A representative of the *starosta*, who was present there, approved the election, and then appealed to the newly elected officials to always bear in mind the words of the oath and to 'perform [their duties well], neither despising nor disparaging anyone, rich or poor, to collect taxes of all kind from the community justly, taking nothing above what is due from anyone'³⁴. We do not know the exact content of Michalik's oath, and thus we do not know whether it included fiscal

³² *Libri iudiciorum bannitorum villae, que nuncupatur "Siary" ab an. 1581 ad an. 1714*, in: *Księgi sądowe wiejskie*, vol. 1, no. 7152; see also J. Łosowski, *op. cit.*, p. 181.

³³ *Księgi sądowe wiejskie klucza jazowskiego 1663–1808*, ed. S. Grodziski, Wrocław–Warszawa–Kraków 1967 (*Pomniki Prawa Polskiego*, ed. A. Vetulani, Dział II, *Prawo wiejskie*, vol. 5), no. 1; S. Płaza, *op. cit.*, p. 53.

³⁴ *Libri iudiciorum bannitorum villae, que nuncupatur "Ptaszkowa"*, no. 4166.

responsibilities or whether it was a suggestive recommendation. What is worthy of here, however, is that a manor official warned jurors against over-collecting taxes from their neighbours. Thus the *wójt* was to be not only faithful to the owner of the village, but also honest in dealing with other members of the community.

In order to better understand the role model of the *wójt* in southern Poland in the early modern era, it is also worth browsing through legal and economic textbooks from that period. The often-cited Bartłomiej Groicki pointed out that a *wójt* should hold his office with dignity and repeatedly called for judgments to be fair. Otherwise, the *wójt* would 'become a perjurer, lose his office, compensate for the sufferer's injury and settle other charges himself'³⁵. In one of his subsequent books, *Tytuły prawa magdeburskiego* (Titles of Magdeburg Law), published in 1567, he recalled Moses' words to the people of Israel in the context of juror election: 'Choose wise, understanding, and knowledgeable men from among your tribes, and I will make them heads over you' (Dt 1:13)³⁶. The wisdom of officials should come from the fear and glory of God, the prudence that came from experience was to be directed towards just delivery of judgments, while virtue, exemplary life, level-headedness and dignity were to ensure 'that they are not despised as irresponsible people'³⁷. In addition, Groicki had some advice concerning the wealth of the elected officials. In his opinion, it was better not to choose a rich man for such positions, as there was a risk that such a man would be patronising and would multiply his wealth instead of caring for the poor. It was also good not to choose a poor man, because such a person should serve – it would be bad if he was served. The best candidate was a middle-income man, who was satisfied with what he had and did not covet someone else's property³⁸. The author warned against electing people with disabilities or with mental and physical disorders: 'deaf, blind, mute, leprous, crippled, sleepwalking, mad'³⁹. Yet at the same time he stressed that if any of these ailments ever struck an official while he remained in office, they could not be the grounds for his dismissal.

Choosing the right man for the office of village head was important from the perspective of the members of the village community, who

³⁵ B. Groicki, *Porządek*, p. 33.

³⁶ B. Groicki, *Tytuły prawa majdeburskiego*, ed. A. Piskorz, W. Barabas, M. Mikuła, Kraków 2022 (Fontes Iuris Polonici. Series: Prawo Miejskie), p. 147.

³⁷ *Ibidem*.

³⁸ *Ibidem*, p. 148.

³⁹ See also J. Rafacz, *Ustrój wsi samorządnej małopolskiej w XVIII wieku*, Lublin 1922, pp. 236–237.

usually elected their representatives, but also for the landowners, who ultimately approved or rejected them. That is why the circumstances surrounding the operation of village courts were described by early modern economists, who wrote agricultural and economic manuals intended for manor officials and landowners. The author of one of them, Jakub Kazimierz Haur, wrote in the second half of the seventeenth century: 'And when the village is far away from the manor, it is necessary to appoint a *wójt*, so that the community for some attack and various adventures would have an elder among them, having chosen for this position a bright, level-headed and careful man'⁴⁰. What, in the economist's view, should be the characteristics of village officials and how should they be selected? Haur explained that the village community had to choose from among its members neighbours who were appropriate, balanced, prudent and businesslike, as well as foresighted and thrifty. From among such people the village owner or his representative should appoint the *wójt*, jurors and scribe⁴¹. According to the oath, this village judicial bench was to judge everyone fairly and equally, remember the Ten Commandments, could not be deceived by promises and gifts (so as not to go the way of Judas), and in passing judgements should not be guided by kinship, friendship or private dislike of the parties involved in the trial, 'lest the dishonest one be punished by God on his property, crops, health and household'⁴².

A testimony to a very different time is the oath found in the instruction on the functioning of the village office, imposed by the lord of the Zator estate on the village of Rzyki near Andrychów on 24 March 1798. The numerous duties of village officials included those pointed out in the oath of the local *wójt*:

'I swear to God Almighty, one in the Holy Trinity, to the Blessed Virgin Mary and to all the Saints, and to Francis the Second, the Holy Roman Emperor and our gracious monarch, as well as to my lord, that having been elected by the people to the office of *wójt*, and confirmed by the lord, I will diligently, faithfully, soberly and justly hold this office, observing all the commands of the national government and my lord. I will not reveal the secret entrusted to me with regard to the taking of recruits, nor in such a case will I wish to do so in revenge, but I will act justly in judging all matters and in all the affairs of the village in accordance with the instructions prescribed for me by my lord, without being seduced by any bribery or promise, fear, friendship,

⁴⁰ J.K. Haur, *Skład albo skarbiec znakomitych sekretów oekonomiey ziemianskiej*, Kraków 1693, p. 257.

⁴¹ *Ibidem*, p. 262.

⁴² *Ibidem*, p. 263.

kinship or any deceit, I will not oppress the rich or the poor, but all this I will do in accordance with the order of God, conscience and justice, together with my jurors with the greatest obedience to the national government and my lord, so help me God'⁴³.

The instruction, of which the oath is the essence, as it were, lists a number of duties and tasks of the *wójt*, namely faithful, sober and conscientious service to his lord, obedient execution of his orders, and, finally, just settlement of disputes and court cases. It emphasizes the need to act in accordance with the orders of the monarch and lord of the manor, and to avoid corruption and nepotism. The oath taken by the *wójt* before God, the imperial authority and local lord, was meant to be an expression of devotion to public service, a commitment to honest performance of duties as well as observance of justice and morality. In this context the *wójt* was becoming an official not only of the village and the manor, but also a formal functionary of the Habsburg state. Compared to the pre-partition oath formulas, a distinct novelty here is the promise to keep secret the matters relating to the so-called taking of recruits, a duty that became an exceedingly oppressive phenomenon for rural communities under Austrian rule⁴⁴.

CONCLUSIONS

The contents of the oaths of office analysed above, supplemented by the opinions of early modern authors of legal textbooks and economic manuals, make it possible to define the role model of the village *wójt*, who was the head of a rural community in southern Poland before the partitions. The primary source for this model is the formula of the oaths taken by municipal *wójtowie* presiding over municipal court benches organized in accordance with the principles of the so-called German law, translated from German by Bartłomiej Groicki. In the elaborate governance structure

⁴³ Archiwum Państwowe w Katowicach Oddział w Bielsku-Białej, ref. no. 192, *Księga sądowa wsi Rzyki, 1787–1833*, no pagination. A critical edition of the court records of the village of Rzyki will soon be published by the Institute of History of the Polish Academy of Sciences.

⁴⁴ For example, in October 1785 the *wójtowie* of villages subordinated to the recruitment command in Żywiec were summoned to 'send these recruits to Żywiec on the 15th of this month in the morning, that is at dawn, and this without the slightest violence and vehemence, but in a good and exemplary manner [...]. In the end it is recommended for the authority in question that all this be done in all quietness and secrecy, and that the dominion endeavour to send the people listed below at the time indicated'. See Archiwum Główne Akt Dawnych, Zbiór Branickich z Suchej, ref. no. 321/407, p. 144.

of cities in that period the bench had judicial rights, meaning that the *wójt* performed judicial duties above all. That is why we find in his oath of office the promise of delivering judgments equally and justly, without regard to the wealth of the parties, their background or their social ties to members of the bench. Considerable emphasis was placed on possible corrupt behaviour – the *wójt* vowed to disregard gifts, benefits or favours promised by the parties. The process of forming village benches, which often consisted of peasants and manor officials imitating solutions used in towns, as well as the lack of top-down norms defining the functioning of the village community, prompted members of village courts (primarily literate notaries) to turn to Polish-language legal textbooks. This explains the remarkable popularity in villages of the *wójt* oath translated by Bartłomiej Groicki. The oaths of *wójtowie* from Husów, Ołpiny, Ptaszkowa or Świątniki Górne – although these villages are separated by dozens of kilometres and type of ownership – testify to the extraordinary popularity of Groicki's books during the two centuries preceding the partition of the Polish-Lithuanian Commonwealth.

At the same time, however, we should bear in mind that the remit of village courts was not limited to juridical and procedural duties. The village bench also performed clerical and housekeeping functions, which is why the range of desirable qualities of village *wójt* was not limited to fairness in judgment. Jakub Kazimierz Haur stressed that the *wójt* should be elected from among the most prominent members of the community, be characterized by level-headedness, reasonableness, experience and economic stability, and should perform the function with the dignity appropriate to the office. Haur's vision corresponds to local modifications or vows which were added to Groicki's oath but were not copies of it. In Świlcza the ideal *wójt* was irreproachable before the law, lived virtuously, was God-fearing, reasonable, and thrifty, while in Ołpiny he vowed to meticulously care for the fields, balks, ploughing and fences in the village. In addition, village officials headed by the *wójt* also performed representative and fiscal functions stemming from the peasants' dependence on the manor. The passage concerning allegiance to the lord of the village was the most common modification of Groicki's oath; among the analysed oaths it does not appear only in the earliest known copy, that of Ołpiny. Nevertheless, in a copy of the oath taken by jurors in this village a later hand added the following sentence – perhaps referring also to the oath of the *wójt*: 'and in the affairs both of the lord and of the village I vow to do all kinds of service'⁴⁵. This allegiance also involved

⁴⁵ ANK, VCV, ref. no. 153, p. 1317. Cf. P. Kołpak, M. Raczyńska-Kruk, M. Solarz, *op. cit.*, p. 347.

prudently making sure that serfdom and fiscal obligations were fulfilled by all members of the community – in this the newly elected *wójt* would sometimes vow, when taking his oath, not to harm his neighbours with excessive tax collection.

The role model of the early modern *wójt* thus comprised three groups of qualities associated with his duties: remaining loyal to the lord and the community, delivering fair judgments and maintaining order in the village (this included dignified performance of his official duties). The complete decalogue of the personal qualities of the *wójt*, compiled on the basis of the above-mentioned accounts, looks as follows: the *wójt* 1) is faithful to the village owner, 2) collects taxes honestly, 3) takes care of his neighbours, 4) takes special care of orphans and widows, 5) refrains from misappropriating the goods of the community, 6) treats all defendants equally before the law, 7) disregards personal ties to the defendants, 8) is wary of corrupt behaviour, 9) seeks to maintain moral order in the village, 10) holds his office with dignity. The figure of the village official was summarized briefly yet accurately by the master of Polish humanism, Mikołaj Rej, in his 1543 work entitled *Krótką rozprawą między trzech osobami, panem, wójtem a plebanem* (A Brief Discussion among Three Persons: a Lord, a *Wójt* and a Priest). Rej put the following words into the mouth of one of his protagonists:

I sit as a righteous man,
I am not pained by other people's affairs.
Yet I am troubled by misery somewhat,
So I will suffer in the world.

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