



# The Lord's Justice: Blood Libel, Legalism, and Neighborly Negotiation in an Eighteenth-Century Private Town

CURTIS G. MURPHY

*Nazarbayev University, Nur-Sultan, Kazakhstan*  
E-mail: [curtis.murphy@nu.edu.kz](mailto:curtis.murphy@nu.edu.kz)

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**Abstract** This article discusses a series of investigations from 1729 to 1730 into an alleged ritual murder in the town of present-day Niasvizh. In the eighteenth century, Niasvizh, then called Nieśwież, belonged to the Radziwiłłs, one of the wealthiest and most powerful families of the Polish-Lithuanian Commonwealth. Unlike similar cases during this period, this ritual murder investigation did not follow the standard script of interrogation by torture and public execution, in part because the private town lord fostered a culture of legality and predictability that allowed the Jewish community the opportunity to organize an effective defense. The multiple investigations carried out by the town magistracy and the lord's hand-picked officials also revealed a dense network of socioeconomic and neighborly relations between Catholic elites and Jews of both genders, a relationship that excluded non-Catholics and noncitizen residents of the town. In such an environment, blood libel served as a weapon of resentment and revenge for the disenfranchised and the excluded in order to destabilize the class oligarchy. The failure of the accusation to fundamentally alter relations between Catholics and Jews underscores the extraordinary significance of the supposedly "feudal" private town lord in enforcing cooperation and upholding legality, creating a framework in which the Jewish community had greater room to maneuver to combat a blood libel accusation than in royal towns or in even more "modern" states.

**Keywords** Blood libel · Jewish-Christian relations · Private towns · Polish-Lithuanian Commonwealth · Legal history

On October 15, 1729, Wolf Jakubowicz and ten prominent members of the Jewish community from the town of Nieśwież (Niasvizh in present-day Belarus) were arrested on suspicion of conspiracy to murder a Christian maiden. Precedent from the many similar accusations in the eighteenth-century Polish-Lithuanian Commonwealth suggests that the tragic fate of inquisition by torture and brutal execution awaited Jakubowicz and his fellow prisoners.<sup>1</sup> The town's owner, Prince Michał Kazimierz Radziwiłł, ordered

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<sup>1</sup>On blood libel trials in eighteenth-century Poland-Lithuania, see Zenon Guldon and Jacek Wijaczka, *Procesy o mordy ritualne w Polsce w XVI-XVIII wieku* (Kielce, 1995), 1–57; Magda Teter, *Jews and Heretics in Catholic Poland: A Beleaguered Church in the Post-Reformation Era* (New York, 2006), 80–98; Janusz Tazbir, "Anti-Jewish Trials in Old Poland," in *Studies in the History of the Jews in Old Poland: In Honor of Jacob Goldberg*, ed. Adam Teller

the city government to investigate the alleged crime, but shortly thereafter the inquisition diverged from the standard script. Two months after the alleged murder, the prince authorized the release of all prisoners except Jakubowicz. Jakubowicz left the lord's prison by early 1730, and all evidence suggests that the prince accepted a hefty payment from the Jewish community of 1,000 pressed thalers in lieu of a criminal sentence.<sup>2</sup> Similar instances of judicial extortion punctuate the well-known symbiotic relationship between private town lords and Jewish communities, but this particular case stands out not just for the unexpected verdict.<sup>3</sup>

Many of Nieśwież's Christian burghers also rejected the ritual murder charge, and the multiple investigations in fact revealed a dense network of socioeconomic and neighborly relations between Catholic elites and Jews of both genders, relations that excluded non-Catholics and noncitizen residents of the town. Interreligious interaction in Nieśwież, as in other private towns, resulted in part from the lord's insistence on cooperation and consultation in managing the town's affairs. In such an environment, blood libel could serve as a weapon of resentment and revenge employed by the disenfranchised to destabilize the class oligarchy. The failure of the accusation to fundamentally alter relations between Catholics and Jews underscores the extraordinary significance of the supposedly "feudal" private town lord in enforcing cooperation and upholding legality, creating a framework in which the Jewish community had greater room to maneuver to combat a blood libel accusation than in royal towns or even more "modern" states.

David Nirenberg and David Frick have each argued that violence in early modern cities where confession and legal status overlapped had a stabilizing function and, paradoxically, enabled religious coexistence. On the other hand, Magda Teter has shown how blood libels in post-Reformation Poland-Lithuania emerged out of confessional rivalry between Protestants and Catholics in a religiously diverse context. Catholics apparently resorted

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(Jerusalem, 1998), 233–45. For an English version of Guldon and Wijaczka's work, see Zenon Guldon and Jacek Wijaczka, "The Accusation of Ritual Murder in Poland, 1500–1800," *Polin* 10 (1997), 99–140. For a description of such an execution, see Andrzej Komoniewski, *Chronografia albo dziejopis żywiecki*, ed. Stanisław Grodziski and Irena Dworska (Żywiec, 1987), 565.

<sup>2</sup>For the principal case file, see Archiwum Główne Akt Dawnych w Warszawie (AGAD), Archiwum Warszawskie Radziwiłłów (hereafter AR) XV 6-20 (Two Cases of Christian Maidens Murdered by Nieśwież Jews), 1–81.

<sup>3</sup>See Murray J. Rosman, *The Lord's Jews: Magnate-Jewish Relations in the Polish-Lithuanian Commonwealth in the Eighteenth Century* (Cambridge, MA, 1990), 62, 110–40; Gershon David Hundert, *The Jews in a Polish Private Town: The Case of Opatów in the Eighteenth Century* (Baltimore, 1992), 14–68; Adam Teller, *Money, Power and Influence in Eighteenth-Century Lithuania: The Jews on the Radziwiłł Estates* (Stanford, 2016), 151–71, 188–99.

to blood libel and accusations of “profaning the host” as a means of defending the doctrine of transubstantiation. In a similar vein, Paweł Maciejko has further argued that the spike in ritual murder accusations in the late eighteenth century reflected the Frankist sect’s unprecedented decision to weaponize ritual murder in order to settle scores with their former coreligionists.<sup>4</sup> As with Teter and Maciejko’s narratives, the accusation of ritual murder in Nieśwież reflects rivalries and resentments ancillary to and even separate from Catholic-Jewish hostility, telling a story of religious inclusion and class exclusion in a region defined by religious and ethnic plurality.

Elite Catholics and Jews, according to all available evidence, enjoyed a neighborly relationship that extended far beyond commercial relations. They exchanged favors, shared news, and conspired to defy the owner’s residential restrictions. These interactions excluded the Ruthenian-speaking Uniates, who comprised the majority of the population in the surrounding regions but remained confined spatially and economically to the margins in Nieśwież. In an environment where inclusiveness and exclusiveness did not align with religious sensibilities, particularly in the case of Uniates, blood libel did not serve as a means of social peace but, in Theodore Weeks’s words, an attempt to “renegotiate the terms of multicultural cohabitation” wielded by the socially inferior but religiously superior, to alert all city citizens of the “natural” religious hierarchy in the city. As Valerie Kivelson discusses with witchcraft, blood libel in this case was a tool of social inversion that exploited the precarious legal position of a community collectively perceived as unjustly prosperous and elevated the status of marginal figures typically of interest only in criminal inquiries.<sup>5</sup>

In royal towns subject to the king’s stewards, a ritual murder accusation in the eighteenth century portended a grim outcome for the entire Jewish community. Hanna Węgrzynek has shown that anti-Jewish trials and blood libels in the Renaissance era frequently ended in acquittals, but in the seventeenth and eighteenth centuries the number of accusations and guilty verdicts ticked upwards significantly. This development resulted in part from the fact that the Counter-Reformation Church in Poland-Lithuania came to play an increasingly prominent role in blood libel accusations. Judith Kalik argues

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<sup>4</sup>David Nirenberg, *Communities of Violence: Persecution of Minorities in the Middle Ages* (Princeton, 1996), 30–35; David Frick, *Kith, Kin and Neighbors: Communities and Confessions in Seventeenth-Century Wilno* (Ithaca, NY, 2013), 274–89; Magda Teter, *Sinners on Trial: Jews and Sacrilege after the Reformation* (Cambridge, MA, 2011), 126–56; Paweł Maciejko, *The Mixed Multitude: Jacob Frank and the Frankist Movement, 1755–1816* (Philadelphia, 2013), 92–126.

<sup>5</sup>Theodore R. Weeks, *Vilnius between Nations, 1795–2000* (Dekalb, IL, 2015), 6–7; Valerie Kivelson, *Desperate Magic: The Moral Economy of Witchcraft in Seventeenth-Century Russia* (Ithaca, NY, 2013), 191–97.

that Church authorities gained greater authority from town magistracies in overseeing judicial processes against accused ritual murderers; meanwhile, priests such as Stefan Żuchowski publicized spurious trials and sensationalist accusations as “proof” of Jewish complicity in the murder of Christian children.<sup>6</sup> Studies of individual blood libel cases, as well as the trial transcripts collected by Guldon and Wijaczka, affirm that accusations of ritual murder in royal cities typically resulted in inquisitions, in which torture remained the accepted means of extracting confessions. The principal of collective guilt frequently obtained, and convictions concluded with grisly public executions, in some cases in front of the synagogue. The entire process from accusation to execution typically lasted less than a few days.<sup>7</sup>

However, the standard script of a blood libel accusation failed to materialize in Nieśwież in 1729 because private town lords, especially wealthy and politically influential families such as the Radziwiłłs, could afford to ignore the hysterical Judeophobia and religious intolerance of their priests. Lords did not always exercise such restraint; Jews accused of ritual murder could face interrogation through torture, as happened with memorialist Solomon Maimon’s grandfather, and some executions of “ritual murderers” did take place in private towns, but a guilty verdict in a private town was far from a foregone conclusion. In fact, Teter has recently argued that the vehemence of anti-Jewish sentiment among the clergy of Poland-Lithuania derived from the frustrated Church’s inability to challenge the economic relationship between lords and Jews.<sup>8</sup> Town lords openly expressed common prejudices against Jews, including the belief in ritual murder, but economic incentives and stereotypes about the sobriety and industriousness of Jews demanded a policy of balancing the interests of the various communities and insisting on mutual cooperation among confessions in managing the city.<sup>9</sup> For this reason, the blood libel investigation in 1729 Nieśwież unraveled without producing a verdict. Witnesses did preemptively admit their connections with local Jews to investigators, but only the priests and the underclass accusers showed any unanimity when it came to the question of guilt; nor was there

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<sup>6</sup>Hanna Węgrzynek, “Czarna legenda” Żydów: *Procesy o rzekome mordy rytualne w dawnej Polsce* (Warsaw, 1995), 112–28; Judith Kalik, “Attitudes towards the Jews and Catholic Identity in Eighteenth-Century Poland,” in *Confessional Identity in East-Central Europe*, ed. Maria Crăciun, Ovidiu Ghitta, and Graeme Murdock (Burlington, VT, 2002), 181–83; Maciejko, *Mixed Multitude*, 92–100.

<sup>7</sup>Majer Bałaban, “Hugo Grotius and the Blood Libel Trials in Lublin, 1636,” *Polin* 22 (2010): 47–67; Guldon and Wijaczka, *Procesy o mordy rytualne*, 130–41.

<sup>8</sup>Teter, *Jews and Heretics*, 80–98; Solomon Maimon, *An Autobiography*, trans. J. Clark Murray (Urbana, IL, 2001), 14–20.

<sup>9</sup>Glenn Dynner, *Yankel’s Tavern: Jews, Liquor, and Life in the Kingdom of Poland* (New York, 2014), 4–10.

evidence of torture. Instead, a series of five investigations led by the city magistracy and the owner's administration employed more contemporary police methods of weighing and comparing the evidence of witnesses, while both the city prosecutor and the Jewish community hired lawyers to argue their cases with reference to the statutory laws of the realm.

Eighteenth-century writers, influenced by Enlightenment currents, viewed private towns as places of feudal oppression and arbitrary power, a perspective embodied by the reformist thinker Hugo Kołłątaj's categorical statement in 1788 that "private towns are not free."<sup>10</sup> For reformers of the late eighteenth century, the owner's particularly broad judicial authority in the commonwealth, including the power to prevent citizens' appeals to royal courts, denied burghers and Jewish residents the promise of rationalized jurisprudence advocated by reformers such as Cesare Beccaria. More egregiously, private towns enjoyed such judicial prerogatives as the *ius gladii* (the right to execute convicts), a privilege that purportedly gave owners the power to torture and execute subordinates at whim.<sup>11</sup>

The abolition of private town jurisdiction, effectively achieved after the final partition of 1795, therefore fits into a more generalized narrative of eighteenth-century judicial progress. By 1775, the Polish-Lithuanian Parliament had abolished *Wergeld* payments, which had allowed nobles to escape culpability for murdering peasants through the remittance of fines or compensation, and lawmakers further eliminated torture in criminal investigations in 1776, reflecting the dissemination of Beccaria's new criminology.<sup>12</sup> The parliament was also moving to restrict owners' judicial powers, transferring jurisdiction over runaway serfs to state courts. Radziwiłł's heir and successor, Karol Stanisław, even referred a 1783 anti-Jewish accusation in Nieśwież

<sup>10</sup>Hugo Kołłątaj, *Listy anonima i Prawo polityczne narodu polskiego*, ed. Bogusław Leśnodorski and Helena Wereszycka (Warsaw, 1954), 280.

<sup>11</sup>Cesare Beccaria, *On Crimes and Punishments and Other Writings*, trans. Aaron Thomas and Jeremy Parzen (Toronto, 2008), 13–17. See also Maria Bogucka, "Law and Crime in Poland in Early Modern Times," *Acta Poloniae Historica* 71 (1995): 175–95; Tomasz Opas, "Z badań nad przywracaniem miastom prawo apelacji do asesorii i innych sądów państwowych w XVIII wieku," *Czasopismo Prawno-Historyczne* 41, no. 1 (1989): 153–73.

<sup>12</sup>For the laws, see *Volumina legum: Przedruk zbioru praw staraniem XX. pijarów w Warszawie od roku 1732 do roku 1793* (VL), vol. 7 (St. Petersburg, 1860): 408, 600; idem, vol. 8, 882–83; Tomasz Opas, "Der Emanzipationsprozess der Privatgrundherrschaftlichen Städte im Königreich Galizien und Lodomerein als Forschungsproblem," *Österreichische Osthefte* 32 (1990): 358–75; Aleksander Czaja, *Między tronem, buławą a dworem petersburskim: Z dziejów Rady Nieustającej 1786–1789* (Warsaw, 1988), 212–52; Józef Mazurkiewicz, Jerzy Reder, and Jerzy Markiewicz, "Miasta prywatne powiatu lubelskiego a ich dziedzice w XIX w.," *Annales Universitatis Mariae Curie-Skłodowska, Sectio G: Ius* I (1954): 122–34.

to the local courts of the commonwealth, although this decision proved less fortunate for the accused.<sup>13</sup>

This story of judicial reform, however salutary certain elements may appear, can only seem progressive if one follows the tradition of imagining the unitary state as the natural and rational endpoint of political history.<sup>14</sup> Private towns, with their mixed constitutions and shared responsibilities, could often provide more protection to the vulnerable, while owners in many cases acted as much more predictable guardians of the law than later enlightened officials, even if the motivation rested on economic rather than moral calculations. To attract Jewish leaseholders, town owners necessarily had to offer inducements superior to those found in competing royal and private towns, and these incentives included greater freedom of residency and profession than found in towns under the king's jurisdiction. As Moshe Rosman has argued, *protekcja*, meaning the use of the lord's personal authority and political power to prevent abuses, served as a further means of encouragement. By the eighteenth century, the granting of such privileges and protections had induced the majority of Jews in the Polish-Lithuanian Commonwealth to relocate to private towns, and in many cases the Jewish community vastly outnumbered the Christian "majority."<sup>15</sup> The overall population of the country remained Christian however, and this included the Catholic elite which dominated the magistracy of Nieśwież, along with the Uniate burghers who lived primarily in the extramural districts (*przedmieścia*) of the city. Lords necessarily had to balance protection of the Jewish community with deference to the sensibilities of the Christian population who purchased the products of the town's monopolies and paid rents to the princely coffers. Even the poorest resident bought bread ground in the prince's mill or drank beer brewed by one of his leaseholders.<sup>16</sup> Balancing these competing interests meant that lords insisted on interreligious cooperation in managing the city, a factor that explains the ambiguity of the witnesses, who did not form a unanimous opinion of the ritual murder accusation. Prince Radziwiłł's delicate balancing act also explains his seemingly random actions during the ritual murder investigation of first arresting the accused Jews and then freeing them on bond.

<sup>13</sup>AGAD, AR XV 6-4 (Cases Between Burghers and Jews of Nieśwież, 1602–1790), 133–51; *Listy Księcia Karola Stanisława Radziwiłła "Panie Kochanku" (1751–1790)*, ed. Ernest Łuniński (Warsaw, 1906), 85–87.

<sup>14</sup>See, e.g., Martin van Crevald, *The Rise and Decline of the State*, 10th ed. (Cambridge, UK, 2009), 104–25.

<sup>15</sup>Rosman, *The Lord's Jews*, 62, 110–40; Hundert, *Jews in Poland*, 11.

<sup>16</sup>Most of the prince's revenue derived from these indirect sources. See AGAD, AR XXV 2658, pt. 1 (Survey of Nieśwież, Seventeenth Century), 13–26; AR XXV 2669, pt. 1 (Survey of the Nieśwież Duchy, Seventeenth Century), 16–17; AR XXIX 13 (Economic and Legal Instructions of Karol Radziwiłł, 1778–1779), 34–40.

Tracing the socioeconomic and geographic connections between the lord, the witnesses, and the accused Jews becomes possible not only because of the comparatively rich nature of the case file, located in the Central Archive of Historical Records in Warsaw (AGAD) but also because both principal and ancillary characters from the drama appear in numerous other files connected with the management of the town and the surrounding estate. These documents include letters to the prince and his administrators (from Jakubowicz and others), lawsuits among the principals, and detailed property surveys that shed light on the socioeconomic and religious geography of the city, especially the dense web of connections between Catholic elites and Jews.<sup>17</sup> Perhaps unexpectedly, the sources also reveal numerous accounts of Jewish women interacting with Christian men in a variety of noncommercial social situations. The class ties that transcended religious boundaries established by religious and secular authorities on both sides became apparent during the investigation as Christian witnesses showed more concern with preemptively revealing their ties to members of the Jewish community than with supporting the narrative of ritual murder pushed primarily by socially marginal outcasts from the Ruthenian-speaking, Uniate outer districts. The prince and his administration, caught between economic and social pressures, played an increasingly active role in the investigation in an effort to contain the damage and return the city to normalcy.

### **Nieśwież: A Neighborly Private Town**

In August 1727, a Jewish widow named in the documents as Basia Meierowna returned from prayer services to her home in the extramural New Town district of Nieśwież only to discover that, in her absence, some Roma had absconded with fifteen thalers from her private treasure chest. Her neighbors, Tomasz Zuczkievicz and Feodor Wasilkiewicz, informed her of the thieves' route and accompanied her to the next town, where they provided testimony to the local magistrates confirming Meierowna's story and identifying the culprits.<sup>18</sup> Although money may have been exchanged for this service, there was no reason that the two Christians had to become involved in their Jewish neighbor's misfortune. Zuczkievicz, for example, owned three properties

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<sup>17</sup>All letters were composed in the Polish-Latin macaronic style of the period, but Jews signed petitions and letters—likely written by secretaries or scribes—with the full Hebrew form of their name. My thanks to Aleksandra Oniszczyk for her assistance deciphering the signatures.

<sup>18</sup>Natsyianal'ny historychny arkhiv Belarusi (NHAB), fond (f). 1819, vopis (v.) 1, sprava (s.) 1819 (Nieśwież Magistracy Records, 1723–1737), 189–91.

on the New Town market square and presumably had no pressing need to exchange his services for financial assistance.<sup>19</sup>

Such stories of Christian-Jewish cooperation and personal interaction in fact punctuate the records of Nieśwież, in part because the Radziwiłłs, like all private town owners, depended on a basic level of cooperation between the Catholic and Jewish elite so that the institutions of the town could function. Despite restrictions on Jewish residential freedom and separate self-governing institutions for Christians and Jews, the owners' insistence that the various parties in the town work together created an atmosphere that promoted a much deeper level of interaction than mere commercial exchange. The ritual murder investigation in fact revealed just how complex social ties among the elite were, as witnesses from every estate in the town reported conversations, exchanges of favors, and social visits with their Jewish neighbors and, in particular, the principal suspect, Jakubowicz.<sup>20</sup>

As Stefan Gašiorowski has shown, owners worked diligently to ensure interreligious cooperation, despite the increasing anti-Jewish rhetoric of the Catholic Counter-Reformation. Yvonne Kleinmann, in a study of the town of Rzeszów, focused particularly on the role of the lord's written regulations as instruments to encourage cooperation and to balance the interests of Christians and Jews. Issues such as sharing public space, collecting taxes, and dividing civic obligations required detailed compromises. Some private town lords allowed Catholics and Jews to enroll in joint guilds and even serve together in town government, though the Radziwiłłs refrained from this level of integration. Such cooperation and practical toleration assumed without question that Catholic Christianity would dominate the public spaces and order the yearly calendar.<sup>21</sup> Nonetheless, this insistence on cooperation and due process meant that town lords faced pressure from all groups to act as a neutral arbitrator and tolerate a kind of multicultural interaction that religious authorities on all sides would (and did) decry. Far from arbitrary tyranny, it was the owners' insistence on due process, legality, and predictability that served to attract settlers from different confessions to populate their cities.

Nieśwież, the residential capital of the Radziwiłł family, proved no exception to the rule. Although small by European standards—the city's intermural old town and two extramural districts contained approximately 3,000 inhabitants, including no more than 500 Jews—Nieśwież would have counted as a

<sup>19</sup>AGAD, AR XXV 2689 (Inventory of Nieśwież, 1733), 1–30.

<sup>20</sup>AGAD, AR XV 6-20, 6–8, 17–20.

<sup>21</sup>Stefan Gašiorowski, *Chrześcianie i żydzi w Żółkwi w XVII i XVIII wieku* (Kraków, 2001), 158–64; Yvonne Kleinmann, "Rechtsinstrumente in einer ethnisch-religiös gemischten Stadtgesellschaft des frühneuzeitlichen Polen: Der Fall Rzeszów," in *Konkurrierende Ordnungen: Verschränkungen von Religion, Staat und Nation in Ostmitteleuropa vom 16. bis zum 20. Jahrhundert* (2015): 159–200.



major commercial center in the commonwealth, where few towns exceeded 5,000 people, and the city perfectly corresponds to the “home town” model of Central Europe described by Mack Walker.<sup>22</sup> The privilege of the Magdeburg Law, granted by the king to Nieśwież in 1589, created a framework of self-government for the Christian burghers, while the owner’s personal privileges—confirmed regularly—defined Jewish settlers’ rights and obligations, including their subordination to the typical Central European institution of Jewish self-government, the Kahal.

Nieśwież served as the administrative center for a collection of latifundia (private estates) and villages surrounding the town, referenced in internal documents as the “Duchy of Nieśwież.” Within the owners’ castle a corpus of economic managers, tax collectors, and surveyors managed the enormous holdings of the Radziwiłłs, one of the richest and most powerful clans of the Grand Duchy of Lithuania. At the apex of this system stood an official known as the *starosta*, the judicial and administrative governor of the territory. Despite his authority, the starosta, Franciszek Wojniłowicz in 1729–1730, had no direct control over the Nieśwież city magistracy, whose Magdeburg Law charter guaranteed judicial autonomy subject to the oversight of the owner. The starosta, though, did judge court cases between Christian plaintiffs and Jewish defendants, as well as judicial business arising from disputes within the Kahal.<sup>23</sup> Criminal matters for both groups remained the preserve of the magistracy, but Jews could appeal unfavorable verdicts to the starosta’s court.<sup>24</sup> In general, the self-governing and administrative structure of Nieśwież was intended to spare the owner from the burden of daily oversight, and the complexity of the judicial infrastructure aimed to both cater to the pride of Catholic oligarchs while protecting the property and livelihood of the Jewish community, whose activities underwrote much of the Radziwiłł family’s wealth.<sup>25</sup>

Catholics made up the majority of the enfranchised town citizenry, and a tightly interconnected Catholic oligarchy presided over the magistracy and collectively owned all the most prestigious real estate within the city (fig. 1).

<sup>22</sup>AGAD, AR XXV 2689, 1–80; AR XXV 2673, pt. 4 (Inventory of the Duchy of Nieśwież, 1725), 1–30. Nieśwież contained 372 hearths, the standard unit of taxation in the commonwealth. Teller provides the estimate of 1,300 Jews in Nieśwież in 1775, presumably after the population had risen, while an early nineteenth-century survey showed 414 Jews out of a population of 1,915. See Teller, *Money, Power and Influence*, 35; A. A. Metel’skii, *Vladel’tsy starogo Nesvizha* (Minsk, 2011), 19; Mack Walker, *German Home Towns: Community, State, and General Estate 1648–1871* (Ithaca, NY, 1971), 145–84.

<sup>23</sup>AGAD, AR V 17708 (Letters of Franciszek Wojniłowicz, 1725–40), 35–37, 46–53.

<sup>24</sup>AGAD, AR XV 5-2 (Privileges and Grants of the Radziwiłł Princes to Nieśwież), 13, 53–54.

<sup>25</sup>Teller, *Money, Power and Influence*, 110–41.

We can connect political status to property ownership as a result of two surveys from the period, though one should remember that the prince commissioned these registers exclusively to determine tax-paying capacity. All householders paid ground rent (*czynsz*) in proportion to the size of their domicile, and a survey conducted between 1733 and 1737 recorded the owner of each of the city's 556 residential units minus the Jewish quarter. Family members, renters, servants, and lodgers did not appear on this survey, an unfortunate fact that leaves many of the principal witnesses from Jakubowicz's case without any identifiable location.<sup>26</sup> As an example of the connection between status and wealth, Jakub Nieczaj, a member of the town magistracy intimately involved in Jakubowicz's case, owned at least six properties in the intermural town, while the possession of two to three addresses was common for the remainder of the magistrates. Catholic religiosity also dominated the public sphere with four churches and monasteries as well as a Jesuit academy. The surrounding population, though, was overwhelmingly Uniate (Greek Orthodoxy had almost disappeared from Belarus in the eighteenth century), and the town contained one Uniate church. Uniates decidedly occupied a second-class status within the social hierarchy, and incomplete evidence suggests both economic and spatial marginalization: the majority seemingly lived in the New Town extramural districts as householders or renters.<sup>27</sup>

Jewish inhabitants appear in documents as "citizens" (*obywatele*) of Nieśwież and described themselves as "citizens" much like their Christian householder counterparts such as Zuczkiwicz. In contrast, the poorer residents of the town and its extramural districts, including the principal accuser, never received the designation "citizen" or "burgher." Nonetheless, Jews remained subject to a variety of restrictions that differentiated the community from the Christian burghers. The original privileges inviting Jews to settle in Nieśwież included a residential restriction confining the community to the extramural districts and "Jewish Street," in reality a block of streets around the two synagogues in the western corner of the intermural old town. Even though certain Jews, particularly the general leaseholders, contributed significantly to the prince's wealth in comparison with Christian burghers who paid miniscule rents, the Radziwiłłs demanded that the town present a Catholic aesthetic, particularly in such prominent ceremonial spaces as the market square and the principal arteries leading from the city gates. Violators of

<sup>26</sup>AGAD, AR XXV 2673, pt. 4, 1–132; AR XXV 2673, pt. 2 (Survey of the Duchy of Nieśwież, 1724), 1–116.

<sup>27</sup>AGAD, AR XXV 2689, 1–80. On Uniates, see Barbara Skinner, *The Western Front of the Eastern Church: Uniate and Orthodox Conflict in Eighteenth-Century Poland, Ukraine, Belarus and Russia* (DeKalb, IL, 2009).

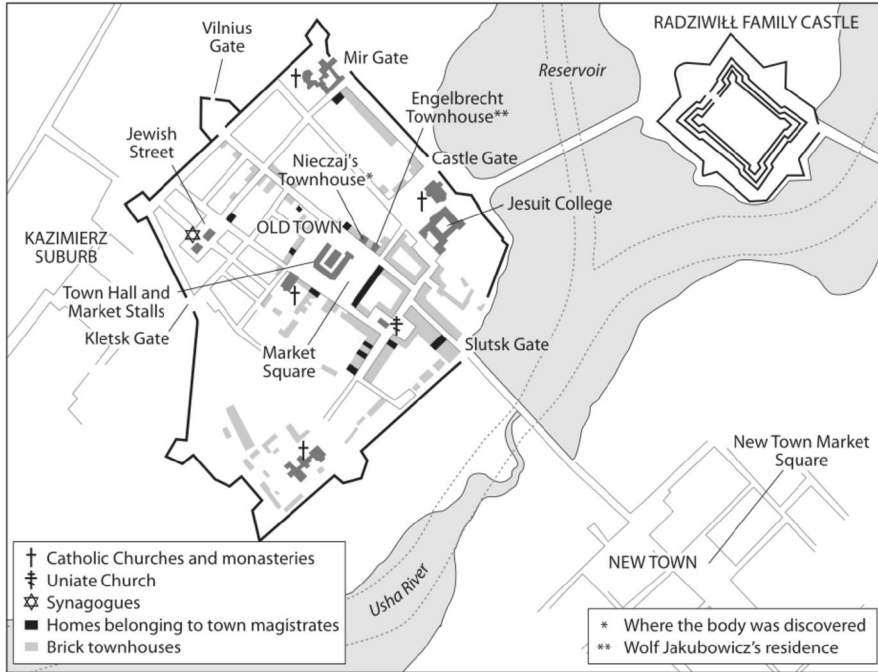


Figure 1. Nieśwież in the Early Eighteenth Century. Source: AGAD, AR XXV 2689 1–80; AR XXV 2673, pt. 4, 1–30; Metel'skii, *Vladel'tsy starogo Nesvizha*, 19. Map by Bill Wells.

these provisions faced periodic threats of expulsion in the eighteenth century, though in fact Jews always occupied spaces outside of Jewish Street.<sup>28</sup>

Jews also had to pay separate taxes, including the so-called *kapszczyzna*, the capitation tax (literally the “hat-tax”). For this reason, Jewish property owners appear on a separate survey, in this case conducted between 1724 and 1725.<sup>29</sup> One may be tempted to connect the owners’ residential restriction with the growing Judeophobic rhetoric of the Counter-Reformation Church in the commonwealth, of which the Radziwiłłs were prominent supporters. In reality, though, Catholic pieties played a small role in the family’s seigneurial politics. For the Radziwiłłs, dividing public space between Christians and Jews served to reinforce intercommunal peace by catering to the pride of the magistrates and merchants whose economic contributions paled in comparison to those of the most prominent Jews. Jews faced certain restrictions and limitations, but they were not “others” in the real sense of the term. On the

<sup>28</sup>AGAD, AR XXV 2689, 1–20; AR XXIX 13, 178–181; AR XXIX 15 (Regulations of Karol Radziwiłł, 1780–1783), 312–13.

<sup>29</sup>AGAD, AR XXV 2673, pt. 2, 1–10; AR XXV 2673, pt. 4, 1–7.

contrary, court documents reveal that the seigneurial administration and in particular the starosta were intimately familiar with the personal and economic affairs of most individuals in the Jewish community.<sup>30</sup>

Moreover, the Radziwiłł family staunchly defended the Jews of Nieśwież from external interference or oppression. Kopel Ickowicz, a member of the Kahal, was one of the ten arrested along with Jakubowicz in 1729, but earlier in the same year the prince had sought justice for him against a violent, noble servitor. The noble in question, Jan Mianowski, had stopped at Ickowicz's tavern in the New Town district while en route to Nieśwież for a funeral. Instead of partaking of the owner's services, Mianowski violently assaulted Ickowicz and his wife, in the end absconding with fourteen thalers from the family's storage chest. In a letter to the prince, Ickowicz observed that the assault and theft targeting a Kahal member represented an insult to Radziwiłł's honor and status, and the prince responded promptly to this argument. On January 20, the prince's lawyer inscribed a complaint against the nobleman into the register of the Main Tribunal of the Grand Duchy, the highest judicial instance in the land. Four days later, the court issued a summons to Mianowski, dispatching a court beadle to arrest the perpetrator and impound 4,000 zlotys as security. Mianowski sat in prison in Nowogródek (Navahrudok) until November 9, when the prince brokered an agreement with the accused, inscribed into the Nowogródek castle court (*sąd gródzki*). According to the settlement, Mianowski would repay the fourteen thalers and be released from jail a day later, though he was allowed to salvage his noble honor by recording a statement denying that the theft had taken place.<sup>31</sup> Ickowicz would have received his fourteen thalers back only one month after exiting the prince's prison, a timely reminder of the lord's attempt to balance protection of Jewish elites with deference to Christian sensibilities.

The princes also proved willing to violate their own residential restrictions in the interest of economic improvement. In the first years of Radziwiłł's rule, Nieśwież was still recovering from the depredations of the Northern War (1700–1717), during which time the city had suffered repeated occupation by Swedish and Russian soldiers. The Radziwiłł family fortunes were also at a nadir as much of their property had been lost to collateral lines or inheritance disputes.<sup>32</sup> The owners sought to remedy their financial ills in part by attracting prosperous residents with taxable capital. In 1724, while still heir to the

<sup>30</sup>For examples of inter-Jewish cases judged by the starosta, see AGAD, AR XV 4-1 (Decree Protocol for the Duchy's Court, 1750–1760), 253–55, 500.

<sup>31</sup>AGAD, AR V 6-18 (Suit in the Name of Prince Michał Radziwiłł about an Assault on a Jewish Citizen of Nieśwież), 1–2, 4–9, 12–19, 23.

<sup>32</sup>Zbigniew Anusik and Andrzej Stroynowski, "Problemy majątkowe Radziwiłłów w XVIII w.," *Roczniki dziejów społecznych i gospodarczych* 48 (1987): 79–112; Teller, *Money, Power and Influence*, 5–21, 188–99.

fortune, Radziwiłł had launched a campaign to attract neighboring burghers from Vilnius and Minsk with promises of tax exemptions and guarantees of the right to resettle at will.<sup>33</sup> Such efforts apparently achieved limited success. The survey of 1733–1737 lists numerous vacant lots and abandoned homes. In an attempt to fill vacant buildings, the owner granted numerous exemptions to individual Jews, who received the right to occupy or lease real estate on the market square and prestigious arteries. Such exemptions did not change the general principle that Jews should be prosperous, but not seen. Town magistrates followed Radziwiłł's example and rented their own numerous properties to Jews with no apparent consideration for the lord's residential restrictions. The surveys recorded only the Christian owner, not the tenant or tenants, a fact that conveniently disguised the legal impropriety, and the owner and his administration seemed willing to feign ignorance.<sup>34</sup>

The high degree of cooperation between Catholic elites and prominent Jews, which was required for the town to function, developed into a kind of neighborly interaction that often exceeded the boundaries of the owner's intentions. Jakubowicz serves as a case in point. He leased the so-called Engelbrecht townhouse from the magistracy for sixty zlotys per annum, a property that had been confiscated by the city as late as February 1729.<sup>35</sup> During the inquisition, burghers, nobles—men and women—and students from the Jesuit Academy reported having visited Jakubowicz, his wife, and his mother, who had apparently been fixtures of the town for over a decade. Several witnesses offered testimony about the existence of the supposedly dead maiden on the basis of their visits to Jakubowicz's house. The number of people who had visited the principal suspect suggests that Jakubowicz was running some kind of tavern.<sup>36</sup> The puzzle is that no one by the name Wolf Jakubowicz appears in the 1724 or 1725 register of Jews paying the capitation tax. If this were a singular incident, we might attribute this omission to poor record-keeping or confusion (a "Wolf Pinczak" does appear, for example, in New Town), but in fact a number of prominent Jews, including at least one member of the Kahal and virtually all those arrested with Jakubowicz in August 1729, do not appear on the capitation register.<sup>37</sup> Moreover, there is no record of an officially licensed tavern in the Engelbrecht townhouse (unlike Ickowicz's tavern, which does appear), which would place any alcohol business conducted by Jakubowicz in violation of the prince's alcohol monopoly. Indeed,

<sup>33</sup> AGAD, AR XV 5-2, 133–4.

<sup>34</sup> AGAD, AR XXV 2689, 1–30; AR XXV 2690, no. 2 (Survey of Nieśwież, Late Eighteenth Century), 1–20.

<sup>35</sup> AGAD, AR V 17708, 25–26; AR XV 5-2, 171; AR XV 6-22 (Lawsuit between Christians and Jews of Nieśwież Over Debts), 5.

<sup>36</sup> AGAD, AR XV 6-20, 4, 6–8, 58–61.

<sup>37</sup> AR XXV 2673, pt. 4, 1–132; AR XXV 2673, pt. 2, 1–116.

when the ritual murder investigation started, Jakubowicz's mother pressed one of the Christian burghers about whether witnesses had revealed the family's store of contraband vodka to the prince.<sup>38</sup> It seems that the Jewish elite of Nieśwież was living in unsanctioned neighborhoods and engaging in illicit trades with the connivance of their Christian neighbors. Perhaps the prince's insistence on elite cooperation between Christians and Jews had been more successful than the family might have preferred.

### The Cottager's Tale

This seemingly neighborly atmosphere began to collapse on May 31, 1729 when a Jewish widow, Mowsza Manowa, requested the help of her neighbor, Stefan Nieczajewski, to find a runaway chicken. Manowa, identified in the sources via the Polonized female form of her late husband's name, lived with her two children in Jakub Nieczaj's market square townhouse facing the townhall, and she thought that the chicken had escaped into a vacant store in the basement of their shared townhouse. Lighting a torch and proceeding into the store, Nieczajewski instead discovered a rotten body lying face down. Nieczajewski sent word to Nieczaj, whose servants informed the economic administrator and the starosta before arriving to offer assistance. The discovery occurred on a market day, so news of the body quickly spread and a great crowd gathered before the servants could arrive. Pushing through the crowd, Nieczaj's servants proceeded with Nieczajewski's help to turn the body face up. The corpse was in a state of extreme decomposition—the nose detached when the witnesses rotated the body, and no one then or later could offer a positive identification.<sup>39</sup> Witnesses disagreed about the condition of the corpse as well. Some affirmed that the body's legs had been bound with hemp, others stated that the arms were tied with a *namiotka* (bridal veil). Some claimed that there were visible puncture wounds on the sides of the body, "evidence" of ritual murder since the blood libel mythology held that Jews drained their victims of blood to mix with Passover matzo.<sup>40</sup>

The same day—or possibly three days later, as the sources are inconsistent—the economic administrator ordered the body cleaned and presented in the market square for a public autopsy. After two female servants washed

<sup>38</sup> AGAD, AR XV, 6-20, 6–8.

<sup>39</sup> AGAD, AR XV, 6-20, 1–2, 6–8, 17–20.

<sup>40</sup> AGAD, AR XV, 6-20, 12–27. On blood libel mythology, see Hannah R. Johnson, *Blood Libel: The Ritual Murder Accusation at the Limit of Jewish History* (Ann Arbor, 2012), 91–128. See also Teter, *Jews and Heretics*, 80–98; Guldon and Wijaczka, *Procesy o mordy ritualne*, 43–64; Węgrzynek, "Czarna legenda," 22–30.

the body, Michał Karpowicz, a barber-surgeon, conducted the examination. According to a later report from Nieczaj, who eventually became one of the investigators into the case, Karpowicz had originally informed the economic administrator, Paszkowski, and the rector of the Jesuit Academy that he had observed wounds on the body, but Karpowicz himself told investigators a different story. When interrogated on August 21, the second round of interviews in the case, Karpowicz claimed that he been unable to tell if there were wounds or simply punctures caused by his own instruments due to the degree of decay. The two women who prepared the body for viewing concurred that no wounds other than those caused by decomposition were visible, though no one bothered to interview them until October. In fact, there was no consensus either in May or later as to whether someone had deliberately bound and stabbed the woman or whether decay had simply reduced her clothes to rags and compromised her body.<sup>41</sup> More people claimed to have observed some kind of bindings around the arms or legs, including Nieczajewski, but opinions about puncture wounds were more divided. During the initial autopsy, no one seemed to be pointing any fingers, not least because no one could identify the body.<sup>42</sup>

The matter might have rested there had not a witness come forward to propose an identity for the corpse. Alena Adasiukowna, a crippled beggar woman who frequently lived and worked at Jakubowicz's home, informed the magistracy that a fellow servant had recently disappeared from the house in mysterious circumstances. Her claim had the effect of transforming a murder inquiry into suspicion of a conspiracy to commit ritual murder. The magistracy began an investigation on June 21, 1729 by interviewing some witnesses to the autopsy, but no arrests occurred immediately, possibly because of widespread confusion as to the existence of a crime. On July 18, Wojniłowicz reported to Radziwiłł that he had taken no action with regard to Adasiukowna's claim and requested further instructions. Meanwhile, the city magistracy was engaged in its numerous investigations of Christian witnesses. Interrogations of varying numbers and combinations of people took place on June 21, August 21, and October 7. Members of the city council led these three inquiries, as well as a fourth on January 13. One may suspect that the gravity of the inquiry increased over time, as city councilors led the initial investigations, while members of the more powerful mayoral council, including Nieczaj, took charge of subsequent inquiries.

On February 22, almost a year after the alleged crime, Prince Radziwiłł took personal control of the investigation and appointed officials from his seigneurial administration to conduct a fifth inquiry, which took place on

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<sup>41</sup>AGAD, AR XV 6-20, 17-27, 58-61.

<sup>42</sup>AGAD, AR XV 6-20, 4-5.

March 10.<sup>43</sup> The five investigations took testimony from almost forty witnesses, representing all strata of society except—bizarrely—the Jewish community itself, but no coherent picture of events ever emerged. Ritual murder accusations generally included Jewish testimony, even if coerced, so the absence of any Jewish witnesses in the case presents a puzzle and leaves us with only second-hand evidence and hearsay about the accused.

While never denying the existence of ritual murder *per se*, the prince and his administration approached this accusation with a great deal of skepticism and hesitancy, perhaps because such a socially unsettling event could only jeopardize plans to revitalize the town's economy. The starosta himself indicated in a letter to the prince some personal doubt as to the existence of a ritual murder crime in this case and mentioned that while some proofs existed, these were not sufficient even to demonstrate the existence of a crime. In fact, throughout the entire course of the investigation, Wojniłowicz devoted much more of his correspondence with Radziwiłł to questions of the magistracy's performance and the allocation of the Jewish tax burden than to the investigation. In one letter he thought it necessary to defend the *syndyk* (capitation-tax collector) against the Kahal elders, who he claimed were maneuvering to include "the poor Jews who barely earn a shilling along with the wealthy" into the *kapszczyzna* calculation.<sup>44</sup> One has the impression from the starosta's letters to the prince that Wojniłowicz considered the accusation an unpleasant distraction from his duties.

Nonetheless, on August 15, Radziwiłł intervened and ordered Jakubowicz along with ten prominent Jews arrested and confined to the prison in his residential castle. Those arrested included the four members of the Kahal, Ickowicz, Jowna Rabinowicz, Szmoyło Michałowicz, and Meier Boruchowicz, as well as the assistant rabbi, cantor, and bailiff. Wojniłowicz reported the arrests to the prince and, in a separate letter to the magistracy dated August 19, the starosta informed the city government that the prince had specifically requested the urban authorities to take charge of the investigation.<sup>45</sup> Given the typical procedure of extracting confessions from the accused by torture, often in conjunction with the hostile revelations of recent converts, the imprisonment of the eleven Jewish defendants would appear to augur poorly, especially since Radziwiłł had himself authorized the execution of "ritual murders" in his smaller towns.<sup>46</sup>

<sup>43</sup>AGAD, AR XV 6-20, 4-5, 6-8, 17-20, 33-34.

<sup>44</sup>AGAD, AR V 17708, 35-36; AR XV 6-20, 4-6.

<sup>45</sup>AGAD, AR XV 6-20, 17-20, 36, 64-6. AR V 17708, 39-42.

<sup>46</sup>Kaźmierczyk, *Żydzi w dobrach prywatnych*, 116-17, 192-94; Guldon and Wijaczka, *Procesy o mordy ritualne*, 43-64, 130-41; Maciejko, *Mixed Multitude*, 103-26.



Radziwiłł's actions in this case, however, appear to have spared the accused from torture as the family castle remained outside the city's jurisdiction. Significantly, there is no evidence in this case that the executioner ever subjected the defendants to torture, despite the gravity of the crime and the comparatively large amount of paperwork generated through multiple investigations. As Marcin Kamler argues, the use of torture usually left some documentary trace, if only in the misleading statement, "the accused confessed voluntarily" or in the laconic notation that "the witness was subject to corporal inquisition."<sup>47</sup> Radziwiłł had no opposition to torture per se and, indeed, insisted upon the use of torture when authorized by statutory law. Files for Nieśwież throughout the eighteenth century contain numerous references to "corporal inquisitions" and, on at least one occasion, Radziwiłł refused to hear an appeal in a criminal case on the grounds that in the original trial the magistracy had failed to subject the accused to torture as required by law.<sup>48</sup>

There is no record explaining the prince's actions in this case or his later decision to free the accused on bond. Most likely, the prince sought above all to maintain peace in the city. By offering the appearance of taking action, Radziwiłł could prevent rumors and conspiracy theories from provoking an anti-Jewish riot at a moment when he was actively seeking to attract residents. This would not be the last time that the family would imprison the Kahal for a crime committed by a Nieśwież Jew. In 1783, prince Karol Stanisław Radziwiłł responded to an accusation that Jewish parents had murdered an apostate daughter by imprisoning the Kahal for several months, despite the fact that no member of the Kahal had any connection to the alleged crime.<sup>49</sup>

The eleven accused Jews had to languish in the castle prison until the remaining members of the Jewish community, led by the rabbi, succeeded in gaining an audience with the prince and petitioning for clemency. Two days after the audience, on October 7, the prince ordered Wojniłowicz to release all the imprisoned Jews except for Jakubowicz on a bond of 1,000 thalers, while fourteen members of the community additionally pledged themselves to answer for the crime should the accused abscond.<sup>50</sup> Jakubowicz remained in prison, and he eventually wrote his own letter to the prince on November 29 asking for mercy for himself and his family. The third inquiry led by the

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<sup>47</sup>Marcin Kamler, "The Role of Torture in Polish Municipal Judicature in the Second Half of the Sixteenth and the First Half of the Seventeenth Century," *Acta Poloniae Historica* 66 (1992): 53–74.

<sup>48</sup>NHAB, f. 1819, v. 1, s. 1819, 294. For evidence of torture in inquisitions, see AGAD, AR XV, 6-20, 81–87.

<sup>49</sup>*Listy Księcia Karola*, 85–87; AGAD, AR XV 6-4, 68.

<sup>50</sup>AGAD, AR V 10430 (Letters of Nieśwież Citizens, 1702–1808), 4–5; AGAD AR XV, 6-20, 70–76.

magistracy had taken place on October 7, the day Jakubowicz's compatriots had been released, but still no definitive or consistent evidence emerged. Upon receiving Jakubowicz's letter, the prince wrote to Wojniłowicz with the demand that "justice in this affair be accelerated."<sup>51</sup> Indirect evidence suggests that Jakubowicz was soon released, as he received a summons to court on December 20 along with the remainder of the accused. He must have been released at some point, as the city beadle received an order to arrest him again on March 4, 1730 for failure to pay a debt to the city scribe, Kazimierz Sapiejczyk, as well as for nonpayment of the rent owed for the Engelbrecht townhouse.<sup>52</sup>

Perhaps justice moved at a slower pace because, as Wojniłowicz noted to the prince on October 30, the city lacked a criminal prosecutor and the chief members of the magistracy had yet to take an oath of office—again reinforcing the notion that the starosta had more important matters on his mind than Adasiukowna's accusation.<sup>53</sup> Once finally appointed, though, the city prosecutor delivered an indictment against the Jewish community on December 20, 1729, charging the accused with "spilling innocent, Christian blood." The complaint summoned the defendants to appear before court and justify their actions, which, according to the charge, suggested a conspiracy to murder the unknown woman. The Jewish community countersued three days later, arguing that the spurious complaint had not only resulted in their imprisonment and consequent loss of business but also forced the community to ransom their members several times (perhaps a reference to both the ten released in October and Jakubowicz). The countersuit not only denied the charges but also claimed compensation for damages caused by the ransoms (to the prince) and legal expenses, as well as the business losses arising from imprisonment. This indictment never led to a trial or a verdict. Instead, Wolski, the lawyer representing the Kahal, succeeded in forcing the magistracy to agree to a further investigation on January 13, 1730. In this fourth inquiry, one councillor was specifically designated to represent the interests of the Jewish community.<sup>54</sup>

Wolski not only succeeded in quashing, at least momentarily, the indictment against Jakubowicz, but the lawyer also placed the newly appointed prosecutor on the defensive by authoring a detailed legal brief undermining the accusations as incompatible with the evidentiary requirements of Magdeburg Law and the Lithuanian Statute. The town prosecutor felt compelled to respond with a detailed rebuttal, and both the brief and counterbrief have

<sup>51</sup>AGAD, AR V 5821 (Letter of Wolf Jakubowicz, 1729), 1–2.

<sup>52</sup>AGAD, AR XV 6-22, 5.

<sup>53</sup>AGAD, AR V 17708, 46–53.

<sup>54</sup>AGAD, AR XV, 6-20, 30–32; 62–66.

been preserved together in the case file.<sup>55</sup> In his first argument, Wolski underscored several deficiencies in the accusation itself. For example, Jakubowicz had not leased Nieczaj's townhouse store for over three years; further, Nieczaj had personally inspected the store upon the expiration of the contract. Moreover, the body's level of decomposition could not permit even a determination as to the deceased's ethnicity or religion. The woman could just have well been Tatar or Jewish, Wolski claimed, or the victim of an abusive husband who stashed her in the empty store to escape guilt. In fact, one witness—a student at the Jesuit Academy—recalled having heard a woman screaming for help on the presumed night of the murder near Nieczaj's townhouse, but he decided not to intervene, thinking that it was simply a case of "a husband beating his wife." The same witness also noticed a drunk woman passed out on the street close to Easter, but again took no action.<sup>56</sup>

The city prosecutor made much of the general theory of ritual murder but had little to offer in the way of concrete counterarguments. Considering the slim evidentiary requirements when royal towns prosecuted similar cases, Wolski's legalistic arguments demonstrate the supreme importance of legal standards and practices for the prince's administration as well as the comparatively higher burden of proof demanded from anti-Jewish accusers.

### The Marginalized Accuser and the Frustrated Executioner

Wolski also attacked the credibility of the prosecution's witnesses, particularly the chief accuser, Adasiukowna, who hailed from the village of Andrushi. Adasiukowna, whose father lived in New Town, was a crippled beggar woman and a cottager, a person who occupied a corner of someone else's room in exchange for day labor. A noncitizen such as Adasiukowna stood at the very bottom of the socioeconomic hierarchy in the city. She claimed to have worked as a live-in servant at Jakubowicz's residence for ten years, a situation that occasionally carried the risk of prosecution for complicity or collusion in ritual murders.<sup>57</sup> She was also Ruthenian, a fact evidenced by the confusion of the court scribes, who continuously alternated between the Ruthenian "Alena" and the Polish "Helena" when recording her name. She was also almost certainly Uniate (though possibly Orthodox), since she could not consistently recall whether her fellow servant had disappeared before or after Easter, which in 1729 would have diverged by two days between

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<sup>55</sup>The brief in particular cited Groicki's codification of Magdeburg Law. See Bartłomiej Groicki, *Porządek sądów miejskich prawa majdeburskiego w Koronie Polskiej*, ed. Karol Koranyi (Warsaw, 1953).

<sup>56</sup>AGAD, AR XV 6-20, 21-27, 37-49.

<sup>57</sup>See Teter, *Simmers on Trial*, 176-99.

Catholics and Uniates (April 12 vs. April 10).<sup>58</sup> She and her fellow servant were also in violation of the widely flouted Magdeburg Law that proscribed Christians from working for Jews as servants, a prohibition that rabbinical authorities (equally unsuccessfully) also sought to enforce in order to prevent such accusations.<sup>59</sup>

According to Adasiukowna's testimony, the "victim," variously named Marianna or Regina, arrived at Jakubowicz's home as a servant during Lent. One night around Easter, this Marianna had hung some underclothes to dry and lay down on the large, stone stove to sleep. In the morning, when Adasiukowna awoke, the woman had disappeared, but the clothes allegedly remained. To Adasiukowna's inquiry about Marianna, Jakubowicz's mother had responded curtly that the woman's husband had come to fetch her. Adasiukowna claimed that this incident frightened her, and she returned to live in a nearby village with a fellow cottager, Anna Kozłowska. Kozłowska reported during her interview with investigators on February 22 that Adasiukowna was convinced of Jakubowicz's culpability even as she continued to work for him; Adasiukowna reportedly told a fellow lodger (though Adasiukowna never made the same statement), "Why do you stay with these Jews, they'll devour you like that young woman."<sup>60</sup>

Adasiukowna seemingly relished her newfound position of influence. When interviewed on August 21, she declared to the city magistrates that she would confidently relate her story "before the prince himself." Here we uncover a clue as to the motivation behind this accusation, which served to disrupt the neighborly relationship between the Jewish and Catholic elite while augmenting, at least temporarily, the authority and voice of a marginal, forgotten person. As a Ruthenian cottager from the extramural districts, Adasiukowna stood at the very bottom of the urban hierarchy, and Magdeburg Law gave the testimony of such a person with same status as a child witness. Moreover, lower-class women, particularly cottagers, usually appear in the sources as defendants in criminal inquiries such as infanticide and theft, not

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<sup>58</sup>AGAD, AR XV 6-20, 6-8, 58-61. On cottagers, see Michael Ostling, *Between the Devil and the Host: Imagining Witchcraft in Early Modern Poland* (Oxford, 2012), 61-103.

<sup>59</sup>On this prohibition, see Paweł Szczerbic, *Speculum Saxonum, albo prawo saskie i majdeburskie porządkiem obiecadała z łacińskich i niemieckich egzemplarzów zebrane, a na polski język z pilnością i wiernie przetłóżone*, ed. Grzegorz Kowalski, 2 vols. (Kraków, 2016), 2:602-6. On rabbinical prohibitions, see Anna Michałowska-Mycielska, *The Jewish Community: Authority and Social Control in Poznań and Swarzędz, 1650-1793*, trans. Alicja Adamowicz (Wrocław, 2008), 243-49. Absolutist states enforced the ban much more effectively. See Arthur Eisenbach, *The Emancipation of the Jews in Poland, 1780-1870*, trans. Janina Dorosz (Cambridge, MA, 1991), 55, 151, 382.

<sup>60</sup>AGAD, AR XV 6-20, 6-8, 17-27.

to mention witchcraft accusations, and the city council staunchly upheld the rights of property owners, including Jews, over the propertyless.<sup>61</sup>

One can speculate, since no direct evidence exists, that the discovery of the corpse offered an opportunity for a social outcast to turn the tables on her socioeconomically superior (but religiously inferior) employer. Resentment against the apparently too-chummy world of Catholic oligarchs and Jewish merchants may explain why Adasiukowna, unlike other witnesses, remained steadfast in her testimony throughout the entire inquiry and why she repeated her story consistently, even if she could not remember the chronology of events correctly.

In this instance, Adasiukowna's accusation, rather than serving as an example of stability-preserving violence as discussed by Nirenberg and Frick, precisely aimed to explode social relations as a kind of revenge for the inequalities of urban life. The testimony of witnesses interviewed in the first three rounds indicates that this maneuver achieved some initial results. Christian magistrates began investigating their Jewish tenants, while elites felt compelled to preemptively admit their contacts with the Jewish community in order to escape suspicion by association. Such stories reinforce the notion of dense and multifaceted neighborly relations between Jews and Christians in Nieśwież, but in the context of Adasiukowna's accusation this testimony suggested a Jewish conspiracy to subvert justice. As Węgrzynek notes, such conspiracy theories frequently accompanied blood libels, particularly when the accusations did not produce immediate guilty verdicts.<sup>62</sup>

The good neighbor Zuczkiwicz, mentioned above, testified in June that Jakubowicz's mother had asked him to report to her about the magistracy's deliberations concerning the discovery of the body. For this service Jakubowicz's mother promised to return Zuczkiwicz's pledged peasant coat (*siermięga*) and pay him a thaler. Such a request was perfectly innocent, particularly since city privileges from 1685 banned Jews from attending meetings of the city council, but Zuczkiwicz apparently felt that the request had to be aired lest his word be questioned.<sup>63</sup> Similarly, Jan Pietkiewicz, a local nobleman who claimed to be present during the viewing, testified that he saw no wounds on the body, but added that Beniasz Affrimowicz, a Jewish spice

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<sup>61</sup>On the legal position of women and noncitizens in such cities, see Szczerbic, *Speculum Saxonum*, 1:35–45; Eva Labouvie, "Zwischen Geschlechtsvormundschaft und eingeschränkter Rechtsfähigkeit. Frauen im Magdeburger Recht," in *Grundlager für ein neues Europa: Das Magdeburger und Lübecker Recht in Spätmittelalter und Früher Neuzeit*, ed. Heiner Lück, Matthias Puhle, and Andreas Ranft (Cologne, 2009), 117–39; Joachim Eibach, "Burghers or Town Council: Who Was Responsible for Urban Stability in Early Modern German Towns?" *Urban History* 34 (2007), 14–26.

<sup>62</sup>Węgrzynek, "Czarna legenda," 112–28.

<sup>63</sup>AGAD, AR XV, 5-2, 126–7; AGAD, AR XV 6-20, 4–8.

merchant and signatory of the release pledge, had visited him at home and requested that he vouch for Jakubowicz's innocence. Pietkiewicz also admitted that he owed Jakubowicz money, which Beniasz had mentioned during the visit. Many other witnesses from the nobility and the clerical estate revealed their frequent presence in Jakubowicz's house as a means of confirming the existence of the missing servant girl in his home.<sup>64</sup> Maimon's memoirs of his childhood on the Radziwiłł estates suggest that Christian debtors might resort to blood libel to escape repaying their creditors, but despite Jakubowicz's many debtors, none supported a similar course of action.<sup>65</sup>

Adasiukowna soon gained a more active ally in the form of another socially marginal but politically essential character: the town executioner Jan Gałęcki. Sometime in late 1729, Gałęcki authored a petition directly to the prince, presenting himself as the target of multiple bribery attempts from the Kahal. According to the Gałęcki's account, Pieskier Furman, a furrier, approached Gałęcki with a proposition to place the blame for "the murder" on an already convicted criminal, Piotr Potok. Furman allegedly proposed that Gałęcki induce Potok, "either by persuasion or the application of further torture" to confess to the murder of the maiden in exchange for ten thalers and a sheepskin coat. Gałęcki claimed that he immediately reported this offer to one of the city councilors and investigators, but Furman along with another Jew, Dawid Isserowicz, allegedly visited the executioner three times to pressure him, which Gałęcki continually refused "as a Christian." Meanwhile, Gałęcki found himself in debt to this same Isserowicz for mead to the tune of eight zlotys. Rabinowicz, a member of the Kahal (but once again missing from the 1724–1725 register) stepped forward with a loan, but the executioner spent his new money on more mead. Following this, Isserowicz and Furman allegedly paid several visits to the executioner's home and promised to forgive his debts and even compensate him an additional four thalers for extracting this false confession. Isserowicz's wife even offered to cover the cost of purchasing the sheepskin coat. Gałęcki claimed that other members of the Kahal threatened legal action against his indebtedness and another furrier, Chachiel Abramowicz Turczyn, even harassed him at home about the matter, in one case waking the executioner's wife by screaming outside his apartment window.<sup>66</sup>

Gałęcki's tale rings of conspiratorial thinking, perhaps inflamed by the fact that the magistracy's multiple investigations remained inconclusive, largely because he had been blocked from torturing the suspects. As in other unresolved cases of blood libel, the lack of a guilty verdict suggested foul

<sup>64</sup>AGAD, AR XV 6-20, 6–8, 33–4.

<sup>65</sup>See Maimon, *An Autobiography*, 14–20.

<sup>66</sup>AGAD, AR XV 6-20, 78–80.

play and collusion on the part of the city elite.<sup>67</sup> At the same time, Gałeczki demonstrated a detailed familiarity with the Jewish community's internal affairs. The executioner did not pick his alleged interlopers at random. Tulczyn, in particular, was a notorious troublemaker involved in numerous complaints and disputes. In September 1729, while most of the Kahal remained in prison, Wojniłowicz judged two cases involving Tulczyn, one for attacking a visiting merchant and another for publicly insulting his own father over an alleged debt. The latter case resulted in a sentence, in which Tulczyn was whipped (presumably by Gałeczki) ten times in each of the four corners of the market square.<sup>68</sup> Furman himself would later be involved in a series of altercations and lawsuits against Abramowicz and the Furrier's Guild over unfair competition.<sup>69</sup> In other words, Gałeczki, who sent his petition to the prince, picked out names that could most likely be associated with illicit deeds and a conspiracy to subvert justice.

The two witnesses most committed to a tale of ritual murder and conspiracy to subvert justice were, not coincidentally, socially and legally at the bottom of the urban hierarchy. The lawyer Wolski emphasized precisely these characteristics of the two accusers when formulating Jakubowicz's defense. Magdeburg Law, and indeed the general legal system of any *Standestaat*, explicitly favored the testimony of male elites, nobles, and enfranchised citizens over other categories of witnesses. The difference was symbolized even in the manner in which castle investigators took oaths from witnesses. Nobles could simply testify "*tacto pectore*," i.e., by touching their breast, while commoners had to recite a lengthy oath "to Almighty God in the Holy Trinity, the Most Holy Virgin, and all the Saints," pledging to offer clear, unbiased evidence.<sup>70</sup> Not surprisingly, investigators preferred elites in their search for witnesses. Eight of the thirty-two witnesses, seven male and one female, were *szlachta* (nobility), and an additional four belonged to the clerical estate as members of the university. Burgher citizens with real property in the Old or New Town provided another six witnesses. Among those of a lower social standing, investigators questioned only Adasiukowa, her father, Kozłowska, Gałeczki, and the three people involved in preparing the body (the barber-surgeon and the washer women).<sup>71</sup>

As Wolski had emphasized, Adasiukowna, a female noncitizen, belonged in the category of a child witness, a fact reinforced by her inability to recall

<sup>67</sup>Węgrzynek, "Czarna legenda," 112–28.

<sup>68</sup>AGAD, AR XV 6-4, 89–101; AR XV 6-21 (Court Process between Abraham Turczyn and his Son, Chachiel), 1–8. See also NHAB, f. 1819, v. 1, s. 1, 97.

<sup>69</sup>AGAD, AR XV 6-4, 7–9; AR XV 6-4 (Court Process between Jewish Furriers), 3–4.

<sup>70</sup>AGAD, AR XV 6-20, 27; Groicki, *Porządek sądów miejskich*, 62, 131–45; Labouvie, "Zwischen Geschlechtsvormundschaft," 122–24.

<sup>71</sup>AGAD, AR XV 6-20, 6–8, 12–27, 33–4.

dates properly. More surprisingly, perhaps, was the debate about the admissibility of the executioner's testimony. Despite their vital role in the judicial infrastructure, executioners were, according to Hanna Zaremba, persons who lived on the social margins and did not enjoy the full benefits of city citizenship. Wolski's brief in defense of the Jews—written for the city court—argued that the Saxon legal tradition explicitly forbade courts from accepting the testimony of individuals “whose conscience is darkened by blood.”<sup>72</sup> The city prosecutor's response to Wolski's arguments fell back on character assessments, alleging that Adasiukowna was “free of any motivation to do harm.” The prosecutor also noted that the codification of Magdeburg Law required that the executioner be a person of “upstanding conscience,” and Gałęcki's accusation against Furman was included in the December 20 indictment.

Significantly, in his instructions to investigators, Prince Radziwiłł showed greater sympathy for Wolski's position than for the city prosecutor's arguments. The prince expressed doubt about Adasiukowna's reliability, since she could not definitively answer the question of whether this Marianna had disappeared before Easter or earlier. In response to the executioner's petition, Radziwiłł instructed his officials to investigate whether Gałęcki did not harbor some concealed hatred towards the Jewish citizens he named. In the final inquiry, the inquisitors appointed by Radziwiłł recorded the executioner's testimony but did not take an oath from him because of these doubts.<sup>73</sup>

Wolski's confidence about the inadmissibility of the witnesses' testimony reflected a view according to which citizens of the city, both Christian and Jews, automatically enjoyed certain rights denied to noncitizens. Viewing Jews as full-fledged citizens of Nieśwież, Wolski even argued that Jakubowicz should be allowed to acquit himself via the Germanic law tradition of trial by compurgation. Magdeburg Law retained this practice, in which defendants could quash accusations by producing seven character witnesses. In previous centuries, Jews accused of ritual murder had been exonerated in precisely this fashion, often via public oath-taking in the synagogue before Christian and Jewish witnesses.<sup>74</sup> Wolski proposed that Jakubowicz be granted the right to summon seven witnesses to vouch for his innocence. On the theory that such a maneuver could work, seven witnesses from the

<sup>72</sup>AGAD, AR XV 6-20, 48–49; Hanna Zaremba, *Niegodne rzemiosło: kat w społeczeństwie Polski XIV-XVI w.* (Warsaw, 1986), 83–104; Teter, *Sinners on Trial*, 186–87.

<sup>73</sup>AGAD, AR XV, 6-20, 26–7, 37–40.

<sup>74</sup>Groicki, *Porządek sądów miejskich*, 62, 139–49; Węgrzynek, “Czarna legenda,” 141–44. On oaths in the legal process, see Natalia Starchenko, “Oaths as an Evidential Tactic in the Legal Procedure in Volhynia: Legislation and Practice (1566–Early 17th Century),” in *Lietuvos Statutas: Temidės ir klėjos teritorijos*, ed. Irena Valikonytė and Neringa Šlimienė (Vilnius, 2017), 259–76.



Kahal recorded an oath claiming no part in the death of the young woman or in an alleged conspiracy to subvert justice. The city prosecutor rebuffed this request, arguing that because the accusation charged the entire Kahal with murder, there could not be seven impartial Jewish witnesses.<sup>75</sup> There is no record of the prince's response to this suggestion, but given the apparent conclusion of the investigation in the payment of a fine, Wolski's proposal may have provided a legal basis for the eventual settlement. Even if Wolski's proposal failed, the mere suggestion that Jews could acquit themselves via oath-taking shows the degree to which Jews in Nieśwież—in opposition to cottagers—could think of themselves as full-fledged citizens of the city.

### The Prince Intervenes

Before the legal debate could be settled, however, Prince Radziwiłł decided that the investigation required his personal intervention. On February 22, 1730, Radziwiłł forwarded a list of questions to the magistracy, whose officers supplied detailed information. In particular, the prince had observed inconsistencies in the witnesses' testimony. Apparently unsatisfied with the answers, Radziwiłł finally formed his own investigative unit composed of noncity officials from the castle. This fifth and final inquiry into the almost year-old incident proceeded according to explicit instructions provided by the prince and took place on March 10. The investigators interrogated twenty witnesses, and the presence of these noncity officials within the city walls induced several witnesses to rethink their previous statements. In fact, the outcome of the castle investigation reveals why the prince hesitated for so long before taking control of the investigation personally. The pressure of an investigation led by the castle muddied the waters further, causing witnesses to panic or modify their testimony in attempt to anticipate the prince's intentions. For example, in his February commentary, Radziwiłł directly addressed the subject of Karpowicz's contradictory accounts, referencing Nieczaj's claim that the barber-surgeon had once reported having discovered wounds on the body.<sup>76</sup> When interviewed by the magistracy, however, Karpowicz explained that those wounds had been the work of his own tools, excusing his prior statement as the result of having spoken too quickly before the city dignitaries. In a subsequent interview, he testified that Jozef Morduchowicz, one of the guarantors on the release pledge, and others had convinced him to testify that there were no wounds on the body. The pressure created by the

<sup>75</sup>AGAD, AR XV, 6, no. 27, 47–49.

<sup>76</sup>Nieczaj himself mistakenly named the wójt at the time as Paszkowski, who was not appointed until after October 30. AGAD, AR XV, 6, no. 27, 6–20, 21–31, 58–61.

prince's personal interest was apparently too much for the barber-surgeon. Radziwiłł's instructions to his castle investigators to interrogate Karpowicz contain a marginal note to the effect that the barber-surgeon had subsequently disappeared from town.<sup>77</sup>

Other witnesses also modified their previous statements, though no consistent trend emerged either for or against Jakubowicz. Symon Woronecki had previously claimed that he had never once observed a young woman in Jakubowicz's house, despite multiple visits. The lawyer Wolski cited Woronecki in the legal brief as evidence of Adasiukowna's poor grasp of the facts. In January 1730, during the fourth magistracy inquisition, Woronecki declared that Jakubowicz had personally asked him to remain in the city and vouch for his innocence. But when the prince's officials came to town in March, Woronecki refused to testify, claiming that he had never seen the body and was not in the city at the time of the discovery.<sup>78</sup> Adasiukowna's father, Michał Adasiuk, also proved more recalcitrant when the prince's officials appeared in town. In February 1730, Adasiuk related that his daughter had variously lived with Jakubowicz's family for ten years, but he had brought her to his lodgings (the corner of an extramural cottage) in 1728. Later, Jakubowicz's mother promised to feed and clothe his daughter, and she returned to the family as a day worker. When he discovered his daughter bedraggled and in the cold, he brought her back to the outer districts, where she lived with Kozłowska in a tavern. Adasiukowna continued to work at Jakubowicz's a few days a week during Lent. During the final investigation, however, Adasiuk refused to testify, claiming that he had never been to Jakubowicz's home nor seen the purported victim.<sup>79</sup>

Another key witness, Lawryn Zukowski, testified in January 1730 that he had assisted Nieczajewski with transferring the body upright. He claimed that there were no visible bindings on the arms or evidence of wounds due to the advanced state of decomposition, but Zukowski revealed to the investigators that "the Jews" had asked him not to ruin (*gubić*) them. Zukowski repeated his story to the castle investigators, further adding that there were no bindings whatsoever, merely strands of decayed clothing. When asked about his connection to the Jewish community, Zukowski responded that he had never made such a remark. Rather, during the previous inquiry the investigator had joked that he, Zukowski, might be compromised for taking Jewish money. Zukowski did not alter his testimony about the bindings, though his attempt to transform his connection to the Jewish community into a joke strongly

<sup>77</sup>AGAD, AR XV, 6, no. 27, 20, 29–31, 33–34.

<sup>78</sup>The castle investigators made a marginal note that Woronecki should be held in contempt of court (*godzien sądu*). AGAD, AR XV, 6, no. 27, 21–30.

<sup>79</sup>AGAD, AR XV, 6, no. 27, 21–27.

resembles Karpowicz's claim that he "spoke too fast." Perhaps sensing this witness's diminished credibility, a guildmaster interviewed by castle investigators refused to testify and claimed his entire knowledge of the affair was based on Zukowski's description. The castle investigators also inspected the store where the body had been discovered and examined the possibility that a drunk woman could have fallen into the store cellar on her own. They judged this scenario unlikely, but the officials also cast doubt upon the plaintiff's claim that Jakubowicz or his associates might have thrown the body through the window. Further, they could not decide whether to interview the executioner given his legal status as an unreliable witness.<sup>80</sup> In the end, the castle investigators had no more certainty as to the identity of the corpse or of Jakubowicz's culpability than the previous inquisitors.

Following the fifth and final inquiry on March 10 the documentary trail largely goes cold, and one must make inferences based on a few scattered references. No decree in the case can be found either in the Warsaw or Minsk archives, the two repositories of documentation on Nieśwież. My conclusion is that no execution occurred in this case, and that the prince accepted the security payment of 1,000 thalers as a kind of *Wergeld*. On March 12, two days after the final inquisition, Wojniłowicz wrote to Radziwiłł that he could not calculate the taxes owed by the Jews, since neither the rabbi nor the security-pledgers had contacted him, and he noted that they owed a payment of 1,000 thalers to the prince.<sup>81</sup> We know that the practice of accepting hefty payments in lieu of punishment was followed in other private towns, and Radziwiłł's successor explicitly employed this practice in 1781, when certain Jews stood accused of transferring stolen goods. The prince noted that while "country law permits the death penalty," he had chosen to levy a financial penalty "out of clemency."<sup>82</sup>

As for Jakubowicz, the final reference to him occurs in an attestation, dated December 24, 1730, in which three members of the Jewish community testify that they never borrowed three zlotys from him and consequently did not owe him this money.<sup>83</sup> Since the property register of 1733–1737 includes only Christians and legally exempted Jews, there is no way to tell whether Jakubowicz left town or returned to the theoretically impermissible lifestyle of renting elite property from gentiles. The 1733–1737 survey records that the Engelbrecht townhouse belonged to the city (as it had since 1729) and that "ad presens Pan Marcin Masłowski lives there." This could mean either

<sup>80</sup> AGAD, AR XV, 6, no. 27, 21–31, 33–34.

<sup>81</sup> AGAD, AR V 17708, 65–66.

<sup>82</sup> AGAD, AR XXIX 15, 137–8; On a similar situation for the seventeenth century, see Bazyli Rudomicz, *Effemeros czyli diariusz prywatny*, vol. 2 (Lublin, 2002), 73.

<sup>83</sup> AGAD, AR AV 6-4, 26–28.

that Jakubowicz had left or merely that he lived with Masłowski. The same survey also records that several of the personages from the 1729 inquiry had already died, including Kuczarski, who had originally rented the townhouse to Jakubowicz; Sapiejczyk, whose complaint had led to Jakubowicz's second arrest; and Jerzy Burkowski, one of the investigators. So Jakubowicz could also have died of natural causes by 1733.<sup>84</sup>

What can be determined with certainty is that the prince and his administrators returned to their paternalistic and protective role over the Jewish community (periodically tinged with persecution) without a blink. In fact, the 1,000 thaler fine levied on the community meant that the Kahal could not collect the countrywide Jewish capitation tax owed to the Council of Four Lands. Wojniłowicz himself loaned the Kahal 770 zlotys to cover the tax obligations, though this sum subsequently became the object of a prolonged lawsuit between the Kahal elders and the starosta. Ironically, Radziwiłł blamed the elders for profligacy and required that new elections to the Kahal in 1730 not include any of the former members, all of whom nonetheless remained liable for the debts incurred. In his lawsuit against the former Kahal elders for unpaid debts, Wojniłowicz claimed that the defendants had spent communal money unwisely and neglected their debts, "which they knew about even when sitting in prison."<sup>85</sup> Meanwhile, the tax collector with whom the Kahal had quarreled and whom Wojniłowicz had defended, was also fired for misappropriation of funds. However, when dismissed Kahal member Rabinowicz wrote to the prince in 1732 to complain that a priest who had inherited their debt (presumably due to the 1000 thaler fee) was harassing the Kahal for immediate repayment, the prince ordered Wojniłowicz to intervene and ensure that the debtors be allowed to repay in reasonable installments.<sup>86</sup> Princely protection remained the basis of the owner's contract with the Jewish residents, although that protection often came at a significant financial and personal cost.

In 1783, another anti-Jewish trial occurred in Nieśwież, this time a case involving two parents accused of murdering their daughter, a recent convert to Christianity who had been living in Radziwiłł's castle. Much had changed in the fifty-year interval, including the abolition of *Wergeld* payments and torture, as well as increasing pressure on owners to renounce criminal proceedings in favor of the burgeoning state. Karol Stanisław Radziwiłł, who had just returned from a long and costly political exile, was eager to signal cooperation with Stanisław August Poniatowski's Russian-backed government, and the prince referred the case to the Nowogródek court (though the

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<sup>84</sup>AGAD, AR XXV 2689, 4–10.

<sup>85</sup>AGAD, AR XV 6-4, 103–13.

<sup>86</sup>AGAD, AR V 17708, 65; AR XV 4-1, 9; AR XV 6-4, 103–13; AR XV 6-23 (Legal Process about Arrears in the Jewish Poll Tax), 2; AR V 10430, 6–7.

Kahal was again arrested for a few months and confined to the castle).<sup>87</sup> The accused were summarily sentenced to execution, a fate delayed only because they and their guarantors escaped for several years with the connivance of a guard in the Vilnius castle. The defense had attempted to negotiate a *Wergeld* payment and to convert the penalty into a civil offense, but the court reminded the defendants that recent legal reforms had erased this possibility, ordering in 1790 an execution of the sentence.<sup>88</sup>

## Conclusion

Despite the mercurial nature of lordly justice and the periodic fines and penalties extorted from Jewish communities, Jews throughout the eighteenth century continued to migrate to private towns. After the partitions, the Kahal of Nieśwież even complained to the prince that Jewish citizens in the Russian Empire suffered from a lack of protection that had previously prevented abuse and exploitation.<sup>89</sup> Legal reforms in the commonwealth, enacted in the spirit of enlightened absolutism, only served to make private towns more attractive, particularly as many new laws drew on stereotypes about the parasitical nature of Jewish activities and aimed to separate Christians and Jews as much as possible. The abolition of the Council of Four Lands in 1764 served as a starting point that was followed by legislation forcing Jews in royally controlled towns to renegotiate their residency privileges with burghers and laws that banned Jewish alcohol production.<sup>90</sup> Private town owners remained exempt from these mandates until 1795, and in some cases owners preserved the right to organize their towns into the early nineteenth century.<sup>91</sup> The abolition of paternalistic and overlapping jurisdiction, in theory a victory of progress, did not guarantee a less capricious judicial process for minorities, and officials in supposedly more enlightened and tolerant states in some cases felt compelled to stack the deck against the accused, particularly Jews.<sup>92</sup>

<sup>87</sup>Jerzy Michalski, "Wokół powrotu Karola Radziwiłła z emigracji pobarskiej," *Kwartalnik Historyczny* 106 (1999): 21–99.

<sup>88</sup>AGAD, AR XV 6-4, 68–70, 71, 73, 133–151; AGAD, AR XV, 6-20, 89–99; *Listy Księcia Karola*, 85–87.

<sup>89</sup>AGAD, AR V 10430, 44–46; AR XXV, 2690, no. 3, 1–22.

<sup>90</sup>Jerzy Michalski "The Jewish Question in Polish Public Opinion During the First Two Decades of Stanisław August Poniatowski's Reign," in Teller, *Studies in the History of the Jews*, 123–46; Curtis G. Murphy, "Burghers versus Bureaucrats: Enlightened Centralism, the Royal Towns, and the Case of the *Propinacja* Law in Poland-Lithuania, 1776–1793," *Slavic Review* 71, no. 2 (2012), 385–409; Eisenbach, *Emancipation of the Jews*, 23–107.

<sup>91</sup>See AGAD, AR XV 7-1 (Various Documents Concerning Nieśwież), 190–93.

<sup>92</sup>Czaja, *Między tronem*, 171–91, 212–52; Robert Weinberg, *Blood Libel in Late Imperial Russia: The Ritual Murder Trial of Mendel Beilis* (Bloomington, IN, 2014), 33–43.

Seigneurial authority in Nieśwież paradoxically translated into greater security for life and property in comparison to other cities, as well as mechanisms promoting inclusion and cooperation among Christian and Jewish elites of both genders. In the space under the umbrella of Counter-Reformation Catholic rhetoric, Christians and Jews crossed boundaries continuously, sometimes with the owner's connivance and in other cases in violation of lordly policies. The lord's regulations—particularly the insistence on mutual burden sharing and legality—lowered the social costs of interreligious interaction, so that neighborly visits, favors, and changes could take place along with tax collection and commerce. The ritual murder accusation, after all, began with a Jewish woman asking her Christian neighbor for assistance. Those at the top of the economic hierarchy seemed to have enjoyed the most frictionless interactions with their confessionally differentiated neighbors. Jakubowicz was by all accounts a prosperous merchant with connections across the city elite, and his family felt comfortable seeking the assistance of Christian neighbors. In contrast, poor Ruthenian women such as Adasiukowna faced a much more hostile social environment. Adasiukowna's accusation against Jakubowicz, her social superior, offered the one definitive means for a low-status woman to subvert the status hierarchy. Not coincidentally, the person who most actively corroborated the ritual murder accusation, Gałęcki, was himself a legal and social outsider.

Once a ritual murder accusation had surfaced, the costs of Christian-Jewish interaction rose precipitously, and conversation among class equals acquired the status of consorting with the religious enemy. Jakubowicz's position also deteriorated, now beneath Adasiukowna in terms of legal and social capital. If only a few outsiders seemed committed to this particular blood libel, no one, from the prince to the most impoverished witness, denied the existence of ritual murder *per se*. Even if the accusation came at a financially inconvenient time for the owner, whose administration demonstrated a marked desire to avoid the entire business, such a charge could not be ignored either by the prince or the Christian magistrates who dealt regularly with Jakubowicz and his compatriots.

Nonetheless, the lord's presence ensured that this particular accusation of ritual murder failed to gain traction with much of the lay population, and this case suggests the possibility that private towns and lordly protection proved more hospitable and attractive to Jewish communities, not only legally and politically but also socially. Radziwiłł's role as a guarantor of predictability furthermore granted the Jewish community at least the hope of combatting a spurious accusation on more equal terms so that later the class hierarchy could reassert itself and low-cost interreligious interaction along with princely patronage could resume.

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