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FROM EXECUTION SITES TO LEGAL ARCHAEOLOGY: A POLISH VOLUME AND ITS LESSONS (Book Review)

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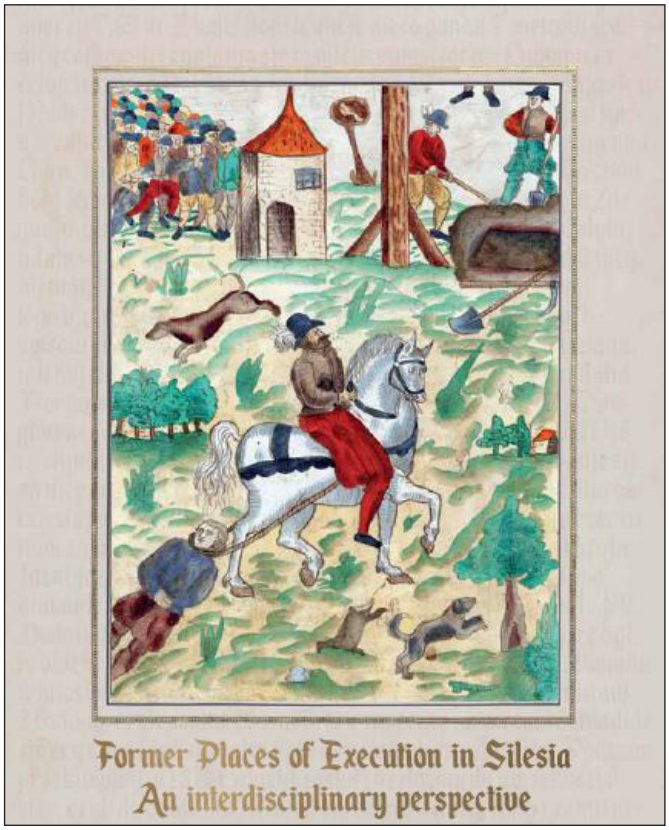
Execution sites were among the primary venues of public display of punishment across Europe during the late Middle Ages and the 16th–18th centuries. Located on the outskirts of towns, on topographical high points, within sight of roads, crossroads, and city gates, execution sites—often massive in design and structure—were defining elements of the landscape and townscape for centuries. However, they were not used solely for the execution of death sentences and other punishments. The remains of the victims—along with those of other outcasts and suicides—were displayed, buried, or destroyed here. Animal cemeteries sprang up around the gallows, and their surroundings could also be used as waste incinerators or landfills. Research into the archaeological traces of all this—at a time when we also have access to rich written and visual sources—reveals a great deal about the range of interpretive possibilities that arise, from irregular burials all the way to forensic archaeology. The volume presented here may also be important for the still relatively limited Hungarian research because it deals with the archaeological remains of a region historically close to us. It also demonstrates that this field of research and its archaeological elements, along with details that often seem morbid, can yield significant results not only for the early modern period but also for the 19th century.



From execution sites to legal archaeology:
A Polish volume and its lessons
Daniel Wojtucki (ed.): Former Places of Execution in Silesia. An Interdisciplinary Perspective.
Wroclaw: Oficyna Wydawnicza ATUT, 2024.
545 pages, 365 colour illustrations and tables.
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"...ein Galgen der für eine Stadt so nötig ist, wie das liebe Brot", that is, "the gallows is just as necessary for a city as dear bread." This proverb, featured in the monograph discussed here and popular in early modern Europe, refers directly to the most important sites of justice in that era: the gallows towering on the outskirts of towns. The phrase conveys not only the prominent role these structures played in the life of cities, but also their extremely large number. This latter observation is undoubtedly verifiable: based on historical sources, hundreds(!) of gallows can be identified from this period in the historically rich region of Silesia—the focus of the volume—and the neighbouring Upper Lusatia and the Kłodzko region.

Execution sites were deliberately located on the outskirts of towns and villages of the time, and this choice of location served several purposes. At the centre of the execution ceremony, the 'liturgy of violent death,' stood the gallows, which, as a symbol of the right to execute, often marked the boundary of the judicial district and reflected the city's right to administer justice, thus carrying significant symbolic

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meaning. The other aspect was the far-reaching and lasting assurance of public visibility in the process of retribution and deterrence. Publicly executed sentences legitimised the sanctions for the community and served the goals of legal certainty: in other words, they demonstrated the indisputability of justice. At the same time, the location also expressed physical separation from the inhabited and cultivated areas of the city, as all unclean and despised activities were largely concentrated in this area. This distancing is evident, for example, in the contemporary social perception of the executioner (the hangman or executioner, generally referred to in sources as *Scharfrichter,, Blutvogt, carnifex,* etc.), or in the practice of dishonourable burial (often referred to in sources as *sepultura asina,* 'donkey burial'). Executed criminals and those who committed suicide were ostracized from the community in death; execution sites became the final resting places of 'dishonourable' individuals, who were thus condemned to eternal damnation.

The diverse realm of the former justice system was deeply interwoven with religious elements, superstitious customs (such as the very real practice of so-called posthumous magic), extremely rigid rituals, and symbols. This diverse field is primarily studied by legal archaeology (*Rechtsarchäologie*), which has a longer history of research, particularly in German-speaking regions. This is because only traditional archaeological research can bring to light certain remnants of contemporary legal practice that have since been destroyed or buried. Execution sites largely fall into this category; their localisation and excavation using archaeological methods have given rise to a distinct field of study in Europe today, an interdisciplinary field (based on legal history, history, archaeology, and the natural sciences) known as execution site archaeology (*Richstättenarchäologie*).

Thanks to a number of fortunate circumstances, legal archaeological research in Poland has a long history. One of the most influential European scholars in this field, and the founder of this discipline in Poland, was the Poznań legal historian Witold Maisel (1914–1993). In Silesia and the wider region, the ruins of some old gallows survived until the mid-20th century (Kąty Wrocławskie) or still stand today (Miłków, Wojcieszów). The study of these legal-historical monuments—based primarily on written and cartographic sources, as well as on archaeological finds that appear randomly and sporadically—was thus already underway before World War II, mostly conducted by local historians. In the late 1990s, systematic field research began at several sites, followed by academic programmes. Thanks to these efforts, by the 2010s, several Silesian execution sites—mostly from the 16th to 18th centuries—had been excavated, documented, and placed under protection through a cooperation between local and heritage protection authorities, scientific institutes, universities, civil society organisations, and others. Numerous studies, academic articles, doctoral dissertations, and several monographs have been published on the subject; among others, the works of Maciej Trzciński, Marcin Paternoga, and Paweł Duma are worth mentioning.

This series also includes a monograph published in 2024 in Wrocław, edited by historian and archivist Daniel Wojtucki, with contributions from several colleagues, which generally examines the history and archaeology of Silesian execution sites from an interdisciplinary perspective. The editor—who is also the author of several chapters—specializes in the history and archaeology of the judicial system in Silesia and the broader region, with a particular focus on execution sites. He defended his doctoral dissertation, *The Executioner and His Workshop in Silesia, Upper Lusatia, and Kłodzko County from the Beginning of the 16th to the Middle of the 19th Century*, in 2011; the work was also published in print in 2014. Since 2011, he has been working at the Institute of History at the University of Wrocław. Although the author mentions in the book's preface that the published findings cannot be considered definitive (not least due to the very large number of sites classified as such), this is nonetheless a fundamental, comprehensive work. In accordance with the methods of European execution site archaeology, the work relies heavily on written source material (legal and judicial texts, court records, court minutes, city chronicles, executioner contracts, surveys, censuses, boundary inspections, etc.), visual representations (cityscapes, engravings, *vedutas*), and detailed maps from various periods—particularly the 18th and 19th centuries—most of which were produced according to standardised principles. The extremely extensive data collection on individual execution sites included in the volume is already noteworthy. On their own, however, these types of sources are only of limited use for locating former execution sites. However, by evaluating them collectively and

applying modern, innovative archaeological methods (ground-penetrating radar, LiDAR, georeferencing, terrain modelling, etc.), the locations, forms, and types of individual sites can be determined. Based on the phenomena observed during archaeological research and the careful collection and interpretation of the material, anthropological, and archaeozoological finds, it is possible to accurately date the execution sites and reconstruct their operation and the former use of the space. Numerous examples of these methodological approaches and processes can be found in the volume. For instance, the GIS visibility modelling of certain selected sites clearly confirmed the key role of the topographical conditions of the historical landscape in the location of the former execution sites.

The voluminous monograph (545 pages including appendices) is divided into nine major chapters, which cover the history, use, typology, topography, their role in the life of the settlements, the results of scientific (anthropological, archaeozoological) analyses, the history of executioners and executioner dynasties, etc., based on historical source data and archaeological research. The volume includes the research history and excavation results of no fewer than thirty execution sites, most of which operated between the 16th and 19th centuries; however, the number of potential sites identified in the region based on maps and geographical names is significantly higher. Some of these have been investigated using non-destructive techniques, geophysical surveys, and test excavations; these are covered in a separate chapter.

The backbone of the monograph is the publication of the results of a large-scale field research project funded by the Polish National Science Center and conducted between 2017 and 2022. As part of the project, interdisciplinary investigations were carried out at three 16th–18th-century execution sites known in greater detail from historical sources. Archaeological research conducted at the Żagań site between 2018 and 2022 yielded very significant results; among other things, Silesia's only known square-plan gallows to date was discovered there, as it was converted from the remains of a former residential tower (*motte*) that had served as a noble residence no later than the 16th century. The site at Chełmsko Śląskie was selected based on an analysis of cartographic sources; the results were later verified in the field using non-destructive methods. The excavations in Wojcieszów were justified by the good condition of the surviving gallows remains.

From a typological perspective, the region under study can be considered unique: here, the permanent execution sites used over a long period of time were circular structures, averaging 5–8 meters in diameter, built of stone and brick, and often equipped with a door and a lean-to roof. (In contrast, for example, to Moravia, Germany, and Austria, where such structures are typically more varied). The smaller, less frequently used wooden gallows, typically erected in market squares, at city gates, and other outdoor locations or on private estates, exhibit greater typological diversity—a conclusion drawn primarily from the sources. Thus, both simple and more complex structures with one to three posts, along with their various variations, can be observed. This category also includes symbolic gallows erected primarily at the borders of judicial districts to serve as deterrents and warnings (*Pestgalgen, Zigeunergalgen*, etc.). A separate category is formed by the so-called 'raven stones' in Silesia, known so far exclusively from historical sources (*Rabenstein, Köpfstätt*). These circular or rectangular stone or brick structures, used for executions but lacking a gallows, were typically located outside towns, near gates, or in the vicinity of gallows, for example in Wrocław, Głogówek, and other settlements.

Gallows were situated on natural, prominent elevations within the boundaries of the given settlement, relative to major transportation and trade routes. The execution site had to be large enough to safely accommodate the gathered spectators during the event. In addition to visibility, maintaining an appropriate distance from residential buildings and water sources was also an important consideration due to other activities carried out there (animal burial, cremation, and processing of carcasses, etc.). The book also contains several other interesting details regarding this planned (though rather exceptional) use of space. This is evidenced, for example, by an 18th-century map depicting the Niemcza execution site, according to which the designated boundaries of the gallows consisted of two parts: a pit for the disposal of corpses (*Cadaver Grube*) and the area with a stone gallows at its center (*Galgen Acker*). This division of the space was also observed during archaeological research in the cases of Żagań, where three main zones can be distinguished. The first is the structure of the gallows, the interior of which ('ossuary') was filled with human remains that

were originally put on public display and later collected. The second is a separate 'cemetery' consisting of a few graves, where the skeletons of mainly decapitated individuals were found. In the third area, burials were uncovered in which no signs of violence were identified. It is assumed that suicides were buried here.

Given that among the archaeological features of the execution sites, almost every site yielded burials in abnormal positions—partial or complete, mostly with random orientations and irregular body postures—the results of the anthropological examinations conducted by the co-authors are given significant emphasis in the volume. In addition to general characteristics, traces of traumatic injuries (mostly hanging and decapitation) were also observed and described at several sites. The remains excavated at the execution site in Żagań were analysed in great detail, including minimum sample size, age, and sex; palaeopathological lesions; nutrition and diet; and *premortem, perimortem*, and *postmortem* injuries (those occurring during life, sustained during execution, or occurring after death), etc. All seven complete skeletons found here were male, with ages estimated between 21 and 55 years. In the case of separated bones, the osteological material contained the remains of at least 8 women and 25 men. A very significant finding is that taphonomic factors are particularly pronounced in the case of skeletal remains from execution sites. Due to the execution procedure, the public display (often lasting for years), and the disrespectful treatment of the bodies, external environmental influences had a more pronounced effect. Consequently, some of the bone material is in particularly poor condition, which can significantly impact the scope and methods of analysis.

Nevertheless, in some cases, the human remains can be linked to specific executions mentioned in detailed contemporary accounts. At the Miłków site, for example, four of the graves excavated there were tentatively identified as belonging to four members of a family sentenced to death in 1701 for incest and murder. DNA tests confirmed the blood relationship of three individuals, but the fourth had no connection to the others; thus, the presumed family ties remain uncertain for now. At certain execution sites (Lubomierz, Miłków, Żagań), forensic facial reconstructions were also created based on excavated skulls, further highlighting the interdisciplinary nature of the research.

A general characteristic of the execution sites is that the material finds (especially when compared to central areas and residential sites) are notably scarce. This is also true for the sites described in this monograph. The finds presented in the volume as examples (with descriptions, dimensions, object photographs, and illustration plates) can be classified into several groups. Some of them are iron nails belonging to the wooden structural elements of the execution sites (beams, doors) (e.g., Żagań, Wojcieszów). Iron shackles and chains were used for the execution of sentences and during public displays. Execution chains are also known from the sites at Jelenia Góra, Lubań, Złotoryja, and Żagań. Based on the circumstances of their discovery, some of the buttons, belt buckles, heel irons for footwear, etc., clearly belonged to the clothing of the condemned. The other smaller everyday objects (pipes, clay whistles, marbles, and occasionally coins, etc.) are largely associated with the crowds that gathered for public executions.

The volume is supplemented by an extensive bibliography (including separate archival sources and printed materials), a place-name index, and a wealth of illustrative material (365 photographs, engravings, and maps; 12 tables; 10 plates; and three graphs). The author not only summarises the results of Polish legal-archaeological research but, thanks to an interdisciplinary approach, also presents fundamentally new insights.

Although this field of research is still largely unknown in Hungary, we nevertheless find numerous examples of the existence of former execution sites. In this regard, the work of Károly Vajna is pivotal; in his two-volume monograph, *Hazai régi büntetések* [*Punishment in the past in Hungary*], published in the early 20th century, he presents the administration of justice prior to the introduction of the civil legal system, including the practice, locations, and characteristics of capital punishment. For this reason, it is fully in line with European trends in legal archaeology and can essentially be considered a fundamental source work to this day. Vajna's work coincided with the period during which the graves of the Hungarian Jacobins executed by beheading in 1795 were located and subsequently excavated, a process made possible by a highly comprehensive analysis of sources. During the excavation conducted by Lajos Bartucz in 1914, followed by subsequent anthropological examinations and identifications, it was possible for the first time in

Hungary to confirm and verify every detail of a past execution with the help of archaeology and the applied natural sciences. Accordingly, this excavation can be cited as an early example of forensic archaeology and medicine.

Based on data from various source groups, the existence of numerous execution sites in the territory of Hungary during the medieval period and the 16th–18th centuries can be demonstrated. Research into these sites falls primarily within the purview of legal historians, despite the fact that such sites have also been uncovered during archaeological excavations. The vast majority of them came to light by chance during excavations with other periods in focus (Óbuda, Vác, Sátoraljaújhely, etc.). At the same time, one cannot yet speak of extensive interdisciplinary research based on systematic, wide-ranging source exploration in Hungary. Yet—as the results of scientific programmes launched in Poland, Germany, the Czech Republic, and more recently in Slovakia confirm—there are significant opportunities in Hungary as well, given its similar source material. As one reviewer of the volume described above aptly noted: from these places of loss emerge, out of nowhere, people whom society cast out centuries ago and condemned to eternal oblivion.