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## Highwayman's Life: Extant Documents about Jánošík

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"Our salvation can come only from Jánošík," lamented a Czech blogger over the budget proposals in Prague.<sup>1</sup> In Poland, a group of developers has been working on recalcitrant software intended to undermine the program called *Platnik* ("Payer"), which is mandatory for employers to handle social security payments and works only with Microsoft Windows. The leader of the developers named their open-source software *Janosik*.<sup>2</sup> Both of these people invoked the name of a brigand who robbed three hundred years ago in the northern and central predominantly Slovak counties in the Habsburg monarchy, was caught, tried and hanged. About a century after Jánošík's execution, his image began to emerge as the local embodiment of the pervasive myth of a hero who takes from the rich and gives to the poor. The folk stories, Romantic poems, and the more recent films<sup>3</sup> ascribe to him other quite universally idolized trappings, the ones that, for example, helped to generate Hollywood's legendary rebel stars — he was good looking, single, made a stash of money, lived wild, and died young.<sup>4</sup> All of this is contained in Jánošík's modern Slovak, Czech, and Polish mythology. Practically none of that, however, finds any support in the existing evidence about the actual brigand's life.

### **Name variations**

There was a historical figure whose name was close or identical to Juraj Jánošík,<sup>5</sup> who was sentenced for highway robbery and executed at the age of 25 in 1713. The limited

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<sup>1</sup> Hana Formánková, 1 Oct. 2003, <http://www.neraweb.cz/index.php?styp=all&id=632>.

<sup>2</sup> Danuta Frey, "Janosik chce rozgryźć program Platnik." *Rzeczpospolita*, 6–7 Dec. 2004.

<sup>3</sup> Dozens of books, thousands of stories, and popular and academic articles, at least nine plays, six films, one TV series, several classical compositions, and one opera have been dedicated to Jánošík since the 19<sup>th</sup> century. His legend was discussed in this journal by Patricia A. Krafcik, "Janosik: Unraveling the Man from the Legend." *Slovakia* 33, no. 60-61 (1987-1988): 7-22.

<sup>4</sup> Martin Votruba, "Hang Him High: The Elevation of Jánošík to an Ethnic Icon." *Slavic Review*, vol. 56, no. 1, Spring 2006, pp. 24-44. <http://www.pitt.edu/~votruba/ssttopics/ssttopics.html>

<sup>5</sup> [YOUray YAHnosheek] Juraj, formerly Jur, is the Slovak version of George, the nicknames are Juro, Jurko, Ďuro.

sources about his actual life are the proceedings from his trial and an earlier interrogation, the proceedings from the trial with his friend and accomplice Tomáš Uhorčík, whom Jánošík replaced as the leader of his band, and several brief records maintained by landlords. The trial proceedings were edited and published by several authors before most of them appeared together for the first time as an appendix to a book on Jánošík in 1952.<sup>6</sup>

The proceedings from his trial gave three versions of his last name: *Jánošík*, *Jánošiak* and *Jánošak*. There are variations in the records of Uhorčík's name, too. For instance, Jánošík referred to him as *Uhrík* during his trial. Each spelling of Jánošík's name indicates a slightly different pronunciation, but that was not unusual at that time. Historically, people had only one — given — name, and what we know as the last name developed gradually, along with bureaucratic record-keeping, from attributes used to distinguish persons with the same given name, or from various nicknames. The bureaucratic effort to standardize people's last (and first) names started in Catholic Europe with the Vatican-sponsored Council of Trent (1545-1563). Although the practice of maintaining the same last name within a family became quite common in the Habsburg<sup>7</sup> monarchy, where the Slovaks lived, by the 1600s, it was not formalized until the Imperial and Royal<sup>8</sup> Edict on Family Names was issued in 1787 — perhaps the first law on names in Europe. The three pronunciations of Jánošík's last name during his trial are not indicative of any confusion about the captive's identity.

## **Birth date and place**

According to the trial proceedings, Juraj Jánošík came from the north-west Slovak village of Terchová.<sup>9</sup> Birth and death records were rare, or non-existent in the more distant past, but the maintenance of baptismal and burial records by parishes was among the guidelines set forth by the Council of Trent and became widely practiced by both the Slovak Catholic and Lutheran Churches. A government-sponsored law on recording births and deaths was not adopted in the Habsburg monarchy until 1828. Baptismal records from the Varín parish that comprised Terchová contain the names of five babies

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<sup>6</sup> Andrej Melicherčík, *Jánošíkovská tradícia na Slovensku* Bratislava: Nakladateľstvo Slovenskej akadémie vied a umení, 1952, pp. 165-176. Rudo Brtáň, "Na tropie Janosika i polskich zbójników," *Pamiętnik Słowiński* 18 (1968).

<sup>7</sup> Often spelled *Hapsburg* in English history books.

<sup>8</sup> "Imperial and Royal" were standard attributes of a host of 'federal' institutions in the Habsburg monarchy. They indicated that the ruling monarch was the hereditary king of several kingdoms-provinces that comprised the Habsburgs' personal possessions, including the Kingdom of Hungary, and at the same time the emperor of a looser association of German states. The terms *Habsburg monarchy* and *Austrian Empire* usually refer only to the Habsburgs' personal possessions whose core were the Kingdom of Hungary (today: Slovakia, Hungary, Croatia), Kingdom of Bohemia, Margraviate of Moravia (together today: the Czech Republic), Austria, and which also incorporated parts of their modern neighboring countries — Italy, Poland, Romania and others.

<sup>9</sup> [TERkhova]

christened in 1687-1688 that could have grown up to be the Juraj Jánošík sentenced in 1713.<sup>10</sup> Without discussing their choice, authors mostly give one of the dates as his true entry — commonly 25 February 1688, father Martin and mother Anna *Czisznek* or *Cziszník*, occasionally 16 May 1688, father Michal and mother Barbara Cingel. Only one, not particularly reliable, source makes an argument why the entry of 25 February is to be seen as more likely than the others: when Juraj's father bought his son out of military service in 1710, the father's name was apparently recorded as Martin Jánošík.<sup>11</sup> However, if Juraj Jánošík, the brigand executed in March 1713, were baptized on 25 February, other entries in the baptismal records would show him as having a younger brother Ján. That would appear to be at odds with the record of a trial with Ján Jánošík in December 1713 during which Ján was identified as an older brother of the executed brigand Juraj. The issue is complicated because the existing baptismal records are not sufficiently consistent and complete, because the name Ján, introduced to Europe through the New Testament, has historically been the most common given name in Slovak (like its Anglicized version John in English), and the family name Jánošík<sup>12</sup> was, and still is, common in Terchová and vicinity (67 listings in the telephone directory). It also occurs elsewhere in Slovakia, and spread even to the United States where its frequency ranks as the 35,524<sup>th</sup> most common name.<sup>13</sup> There is some inconsistency in the reading of the last name of Jánošík's mother among those who opt for 25 February as the date of his baptism. Many modern authors transcribe the recorded old spelling of Anna's last name (*Czisznek* or *Cziszník*), without further explanation, as *Cesnek*, a few others as *Čišník*. *Cesnek* is a probable reading because such last names are still common in the area (29 telephone directory listings), while *Čišník* or other plausible modernized versions of the old spelling are absent there.

Nothing is known about Jánošík's life until he was between 15 and 21 years old — the time of the Francis Rákóczi uprising, which Jánošík joined at an unknown age and for an unknown period of time according to the trial proceedings. Folk tales, as well as the first two films about him,<sup>14</sup> depict him as a former seminary student who turned to brigandage after his parents were abused by the landlord. The earliest written reference

<sup>10</sup> Rudo Brtáň, "Na tropie Janosika i polskich zbójników." *Pamiętnik Słowiański*, vol. 18, 1968, pp. 167-186; and Rudo Brtáň, "Pät' Jánošíkov – ktorý je ten pravý?" *Nedel'ná pravda*, 3 Feb. 1978, p. 18.

<sup>11</sup> The Illésházy archives, Strečno estate, Vol. 19, No. 15 as referenced in Jozef Kočíš, *Neznámy Jánošík*, Bratislava: Vydavateľstvo Osveta, 1986, p. 47.

<sup>12</sup> It originated as a Slovak variation on *Jánoš* — the Hungarian version of the Biblical name *John* in English, *Ján* in Slovak. *Jánoš* was occasionally used as a nickname for persons named *Ján* by the Slovaks, too, and sometimes appeared instead of the Slovak *Ján* in the Kingdom's records. But during the 17<sup>th</sup> century, *Jánošík* and its variations had become established Slovak family names.

<sup>13</sup> U.S. Census Bureau, Population Division, Population Analysis and Evaluation Staff as quoted by Rhett A. Butler in "Most Common Names and Surnames in the U.S."

<sup>14</sup> *Jánošík* directed by Jaroslav Jerry Siakel', Tatra Film, Chicago, 1921; *Jánošík* directed by Martin Frič, A-B Studio, Praha [Prague], 1935.

to the legend of Jánošík's schooling comes from 1809.<sup>15</sup> It says that he was popularly believed to have been a student of the humanities, not of theology. However, no preserved document and nothing in the trial proceedings suggests an educated Jánošík.

### **The Kingdom's situation**

The trial proceedings begin to reveal glimpses of Jánošík's life with him taking part in the Francis Rákóczi<sup>16</sup> uprising of 1703-1711. It was a massive religious and separatist movement in the Kingdom of Hungary against the Habsburg dynasty, which ruled it from Vienna (Lower Austria). The Slovaks were the majority inhabitants of the north-western, mostly mountainous counties of the multi-ethnic Kingdom.<sup>17</sup> The Kingdom, established around the year 1000, was defeated and lost its sovereignty in the 1500s, and was incorporated as a province in the expanding Habsburg monarchy. The Kingdom was 90% Protestant (Lutheran in the Slovak areas) in the early 1600s, but by the mid-1600s, the Vatican-allied Habsburgs began forcibly to re-Catholicize it, and also increased their efforts to further reduce the Kingdom's remaining limited self-government. The uprising led by nobleman Francis Rákóczi II was the last of a series of substantial, but economically destructive armed attempts in the Kingdom to reverse that course.<sup>18</sup> He was Catholic, but in favor of the Kingdom's independence and religious freedom.

### **Jánošík the insurgent**

It is not known when and under what circumstances Jánošík joined Rákóczi's rebel troops. It is not known, either, how he became a soldier in the Habsburg army later. The Rákóczi rebels suffered a crushing defeat in the Battle of Trenčín<sup>19</sup> (about 60 miles south-west of Terchová; the actual fighting took place at Hámre, a hamlet and originally a forge site 2 miles south of Trenčín) on 3 August 1708. The Habsburgs had taken full

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<sup>15</sup> Bohuslav Tablic, a 3-page unnumbered footnote to "Jánossjk Liptowský Laupežnjc," in *Slowensstj Werssowcy. Collecta revirescunt. Swazek druhý. We Wacově [Vác]: v Antonjna Gotljba prywil. kněhtlačitele*, 1809, pp. 120-123.

<sup>16</sup> [RAHkotsee], Francis Rákóczi II, Prince of Transylvania, born on 27 March 1676. After his final defeat, he and some of his supporters initially defected to Poland. He eventually died in exile in Turkey on 8 April 1735.

<sup>17</sup> The country's language of administration and education from high school up was Latin, which was no one's mother tongue. The languages of individual ethnic groups, most of whom lived in their majority areas, were used in everyday life, local businesses, emerging literatures, etc. The ethnic groups of the Kingdom of Hungary included the Slovaks, Magyars ([MAHdars] often called *Hungarians*), Croats, Romanians, Germans, Rusyns, Roma (Gypsies), and others. The Slovaks were in the majority in about 15 counties in the Kingdom's mountainous north-west (today's Slovakia) customarily called the "Upper Country" in the Kingdom, which is usually rendered as *Upper Hungary* in English.

<sup>18</sup> The major anti-Habsburg insurgencies that affected the Slovak counties extensively were (the year of inception and leader): 1604 Stephen Bocskay, 1619 Gabriel Bethlen, 1644 George Rákóczi, 1678 Emerich Thököly, 1703 Francis Rákóczi II.

<sup>19</sup> [TRENtshen]; in West Slovakia on the Váh River

control of the Kingdom by the time of Jánošík's trial. It therefore needs to be taken with a grain of salt that his defense lawyer Baltazár Palugyay portrayed Jánošík as the Emperor's loyal subject at his trial, and insisted that Jánošík had eagerly and willingly enlisted in the Habsburg army during the uprising. Authors mostly speculate that Jánošík first left the Rákóczi rebels, returned to Terchová, and was subsequently drafted by the Imperial and Royal Army. Another possibility put forward is that he was captured during the Battle of Trenčín and turned to soldier,<sup>20</sup> which was what happened to hundreds of insurgents on that occasion. No records document either assumption.

### **Jánošík the loyalist and a brigand's assistant**

Once in the Imperial and Royal Army, Jánošík was stationed at Bytča Castle, 25 miles from his home. He was made prison guard. During his trial, Jánošík admitted providing unspecified services to Tomáš Uhorčík,<sup>21</sup> a brigand leader held in the castle's dungeons. Uhorčík managed to escape in the fall of 1710 while Jánošík still served at Bytča. Jánošík's father bought Juraj out of military service a month later. This sequence of events that emanates from the trial proceedings gave rise to later speculations that Jánošík may have actually helped Uhorčík to escape.

### **Family background**

The statement from Jánošík's trial that his father had bought him out of military service, for which he had to have enough spare money, appears to contradict the common, but undocumented, assertions that Jánošík came from a particularly poor farmer's family. The existing records from the landlord of Terchová's estate around 1700 do not list the Jánošík family among those obligated to work for a day or two each week in the landlord's fields<sup>22</sup> — a common duty of feudal subjects. It could mean that members of the Jánošík family were still obligated to work, but were among the poorest, almost landless families and therefore not entered in the records of households with farms; or it could be due to a contract between some of the original settlers of the village and a past landlord. Numerous Slovak villages originated as contractual settlements of a landlord's unimproved property in earlier centuries. Finally, Jánošík's family could have been prosperous enough to be able to pay the landlord instead of providing labor services. Besides these historical reasons, the absence of an entry for the Jánošíks in the landlord's records could also be due to deficient record-keeping, or to lost documents.

If the Jánošíks could be shown to have been a particularly poor family, it would increase the likelihood that the money they used to buy Juraj out was not theirs, and

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<sup>20</sup> Kočíš, *Neznámy...*

<sup>21</sup> [TOmahsh OOhortsheek], from the village of Predmier near Bytča Castle.

<sup>22</sup> Andrej Melicherčík, *Jánošíkovská tradícia na Slovensku*. Bratislava: Nakladateľstvo SAV, 1952.

that the Jánošíks may have received it for that purpose from Uhorčík who was grateful for Juraj's unspecified services in the dungeons (possibly including his escape). By the fall of 1710, Uhorčík had had about eight robbing seasons behind him, which would have allowed him to accumulate some disposable cash.

## Highwaymen

Other court records show the inhabitants of Terchová to have been fervent supporters of brigands.<sup>23</sup> That ties in with Uhorčík's testimony, according to which Jánošík sometimes stayed with the teacher at Terchová and the local tavern-keeper would bring him food. Juraj Jánošík's brother Ján was hanged for highway robbery ten months after Juraj.<sup>24</sup> Highway robbery was common in Europe until the advent of the modern times, which brought about increased policing, personal record-tracing, education, perhaps honesty, and new, less arduous forms of crime. The first mention of brigands in the Slovak region comes from the Legend of Saints Zoerardus and Benedict recorded in 1064. Two ancient north-south trade routes from the Baltic Sea to the Mediterranean passed through eastern Slovakia. The merchants' caravans were among the earliest lucrative targets for highway robbery. Legal records of highway robberies and trials with brigands begin to accumulate in the late 15<sup>th</sup> century and do not start to dwindle until the mid-19<sup>th</sup> century. One of the first known brigand bands in the Slovak counties, led by Fedor Hlavatý, operated in the north-east (Šariš County). Its 50 members included Slovaks, Poles, and Rusyns.<sup>25</sup> In 1493, Hlavatý sent a ransom letter to the town of Bardejov threatening to burn it down unless the Town Council payed a hefty compensation for the execution of four of Hlavatý's highwaymen.

## Incentives to rob in the 1600s

The religious-cum-separatist wars of the 17<sup>th</sup> century caused a great deal of destruction in the Kingdom already harmed by decades of attacks by the Ottoman (Turkish) Empire from the south.<sup>26</sup> Highway robbery must have appeared to be a way out to some of those impoverished by the developments. The brigands' ranks were also increased by displaced soldiers made redundant by both the insurgent and the Habsburg armies af-

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<sup>23</sup> Štefan Kazimír, "O nových dokumentoch k jánošíkovej legende." *Ludové čítanie* Vol. 3, No. 6, 1957.

<sup>24</sup> Stanisław Sroka, *Janosik: Prawdziwa historia karpackiego zbójnika*. Kraków [Cracow]: Wydawnictwo Homini, 2004, p. 41; Kočiš, *Neznámy...* p. 86.

<sup>25</sup> The Rusyns, also called *Ruthenians*, are an East Slavic ethnic group (as opposed to the West Slavic Slovaks and Poles) who live as a recognized minority in the north-eastern parts of Slovakia, as well as in south-eastern Poland — often called *Lemkos* there. Their activists call for a recognition of their much more substantial numbers in south-western Ukraine where the authorities insist they are Ukrainians.

<sup>26</sup> The Slovak counties never fell to the Turks, but especially the southern ones were continually harassed and attacked. The fact that the mostly Magyar/Hungarian counties (today's Hungary) fell under the Ottoman rule and became their province of Maçaristan for about 150 years added to the disruption of the economy of the Slovak counties and brought in some ethnic Hungarians, especially noblemen, who ran away north from the encroaching Turks.

ter the resolution of each rebellion. With the reduced, or periodically absent authority of the monarch, some noblemen, too, turned their hill-top castles to brigands' nests, armed large bands and in addition to highway robbery, raided villages, as well as their peers' residences. The Kingdom therefore saw a jump in highway robberies in the 17<sup>th</sup> century.<sup>27</sup>

### **Highwaymen's seasons**

In the Kingdom, and in Central Europe in general, the brigands' season was limited by the climate. Late summer and early fall was the time when seasonal sheepfolds in mountain pastures were abandoned and the flocks were driven back to villages. These shepherds played an important role in highwaymen's support networks. Cold winters made clandestine survival in the Slovak mountains almost impossible. Moreover, Europe was at the height of its Little Ice Age (1560-1850). The deciduous forests at the lower elevations lose leaves and provide less cover, and while the higher elevations have spruce and fir trees that do not lose their needles, they are also colder and therefore even less suitable for winter subsistence.<sup>28</sup> Snow tracks made the brigands easily traceable. But brigands needed villagers' support year-round. In the winter, they needed farmers to accept them as hired hands, and even their help to cover up their identities and summer activity. In the summer, the brigands needed to obtain food, sell their loot, and learn about the police searches for them, not to mention their less operative desires to show off, party, booze and flirt. Some of the villagers, in turn, made welcome profit on the services and goods rendered to the brigands since they were paid for their silence, as well. Moreover, the villagers were paid by people with periodic windfalls who are generally inclined to overspending. According to the court records, the Jánošíks were among Terchová's notorious rowdy, thieving families then.

### **Jánošík's participation**

During his trial, Jánošík confessed that he joined Tomáš Uhorčík's band of brigands "around Michaelmas" in 1711. Brigand bands in the Western Carpathians would traditionally disperse on or not long after Michaelmas (St. Michael's Day, 29 September) and agree to reassemble on St. Adalbert's Feast—Georgemas (23-24 April). Numerous saints' days were associated with a variety of farm works and festivities and were used to identify periods of the year in the same manner that months and parts of months are used today ("late September"). Michaelmas was a typical day of post-harvest fairs. Jánošík

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<sup>27</sup> Although just a passing reference has been preserved about him, the name of brigand leader Adamčík survived from the 1630s in folklore, and was later added to the list of Jánošík's band members in folk tales. The name *Ilčík* — another of Jánošík's comrades in folk stories — has a similar, albeit somewhat later origin.

<sup>28</sup> Some mountains around Terchová reach over 5,000 ft, some mountain ridges around Liptov County rise to 7,000 ft.

claimed that he had joined the brigands at Uhorčík's insistence. It was customary that a new member would swear allegiance to the band leader.<sup>29</sup> The group he joined may have had about two to three dozen members, but that was always in the state of flux with highwaymen. Some were disabled or killed during robberies and chases, some were caught, some dropped out, temporarily, or for good, and aspiring highwaymen joined. Jánošík's confession that Uhorčík handed the leadership of the band to him soon afterwards indicates that it was hardly as simple as Uhorčík looking up Jánošík almost a year after the latter provided him with some incidental assistance in prison. Uhorčík had to have great trust in Jánošík in order to persuade his band of thugs that a relative newcomer should take over after him. That, in turn, suggests that Jánošík's assistance at Bytča Castle may have extended to Uhorčík's escape, that they maintained contacts afterwards, that Uhorčík's band had already seen Jánošík in action, and it opens to speculation the source of the money that his father used to buy Juraj out of military service — it may have come from Uhorčík. It is also likely that the members of Uhorčík's band already knew Jánošík because he became involved with them earlier.

### **The highwaymen's logistics**

Limited circumstantial evidence contradicts Jánošík's testimony that he did not meet with Uhorčík until a year after Uhorčík's escape and that he simply talked Jánošík into joining his band on that single occasion. A court record hints that there could have been rather a pressing incentive for Jánošík to turn from initially a brigands' assistant and perhaps a subsequent incidental brigand into a regular member of Uhorčík's band. On 30 September 1711, a day after Michaelmas, the confessed period of Jánošík's pledge to Uhorčík, three of the Jánošíks of Terchová were brought to court and charged with assault and robbery.<sup>30</sup> If they were Juraj Jánošík's family, and moreover, if he was among the suspects (and guilty), he might have preferred to remove himself from the village rather than face the charges and possibly be forced to reveal more of his recent past. The Habsburgs did not ban torture as an investigative method until 1776.

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<sup>29</sup> In contrast with the brigands' life of crime, their pledge could appear quite pious — an indication that they perceived Christianity as part of a flexible set of beliefs in the supernatural rather than the strict doctrine with a specific moral code preached by the Church. A documented pledge in the band of Jakub Surovec from the 1730s said: "I swear to God eternal, the Holy Trinity, the Virgin Mary and all the divine saints that I shall neither betray, nor cheat, nor yet abandon my companions in fortune, or misfortune. Thus help me God the Lord." Ružena Antolová, *O zbojstve Juraja Jánošíka*. Banská Bystrica: G.A.G.-umelecká agentúra, spol. s r.o. B. Bystrica pre Múzeum Janka Kráľa v Liptovskom Mikuláši. 2001, p. 6.

<sup>30</sup> Rudo Brtáň "Na tropie Janosika i polskich zbójników." *Pamiętnik Słowiański* 18, pp. 167-186.

## **Jánošík's season**

Soon after 23-year old Jánošík became the band's leader, Uhorčík, after nine seasons as a highwayman, retired to Klenovec in south-central Slovakia under the adopted name Martin Mravec. He married and became the village's hired shepherd and occasional musician (he also managed briefly to serve as the village's policeman). Jánošík's band robbed mainly in the north-central Slovak counties of Orava, Liptov, and Spiš, sometimes to the south of them, and occasionally — still in the Habsburg monarchy — across the Kingdom's north-western border in parts of Silesia and the Margraviate of Moravia (both now in the Czech Republic). All of the three Slovak counties border Poland in the north, and Jánošík identified several members of his band as coming from Poland, but no document has surfaced to confirm legends about his raids into the Kingdom of Poland. Simple economics may have played a role: while Moravia and Silesia were relatively wealthy, the Polish Podhale region north of Slovakia was poorer than the Slovak counties and with fewer noblemen's residences, and therefore less attractive, especially since the border follows a relatively high mountain ridge in Liptov and in parts of Spiš and Orava, which was a substantial obstacle to bringing back any loot except money. On the other hand, the Podhale folklore occasionally depicted the Slovak counties as desirable targets of Polish brigands.<sup>31</sup> The expected higher return may have made the climb somewhat more worthwhile. Nevertheless, Jánošík was questioned specifically during his trial whether he had also robbed in Poland: an indication that the border was crossed by highwaymen from both sides, but also of the authorities' concern about possible contacts with leaders of the Rákóczi uprising who defected to Poland after their final defeat in 1711.

## **Jánošík's victims and spoils**

While the list was certainly not complete, Jánošík's trial revealed rather meager, and some bizarre spoils from his only full-time robbing season from the spring to the fall of 1712: several guns, including a "valuable" one, unimpressive amounts of cash, some jewelry, as well as two ladies' wigs and elegant ladies' clothing impossible to be worn by villagers and therefore awkward to sell or donate in those days. However, Uhorčík said Jánošík's highway robberies yielded more. Among other things, he apparently accumulated almost two bushels of coins, enough cloth to dress 300 men, and maintained a stash of weapons in another hiding place. Although cloth may appear to be an unlikely booty, it was among the brigands' prized possessions. It was needed to repair their clothing, which was more prone to wear and tear, yet less readily replaceable in case of

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<sup>31</sup> Michał Jagiełło, *Słowacy w polskich oczach. Obraz Słowaków w piśmiennictwie polskim. Tom I*. Warszawa: Biblioteka Narodowa and Podhalańska Państwowa Wyższa Szkoła Zawodowa w Nowym Targu, 2005, p. 157.

damage than the clothes of law-abiding subjects.<sup>32</sup> Rolls of cloth, not ready-made clothes, were loaded in merchants' wagons attacked by brigands. Cloth was also among the more durable goods in their loot, but not as easy to exchange as money, jewelry, or guns, so the brigands were likely to have a surplus of cloth in their hiding places.<sup>33</sup> Uhorčík also spoke of Jánošík's attacks on small detachments of the Imperial and Royal Army which yielded weapons, ammunition, and on one occasion a carriage.

Jánošík admitted robbing men and women, commoners as well as three noblemen, a clergyman, another clergyman's wife, a goldsmith, a butcher, a cloth trader, wine traders, and possibly a blacksmith (he did not respond to this charge). He robbed them on the road, in their homes, in the woods, even on the Váh River (see below), emphasized the prosecutor. Of all the regional authorities, Liptov County was probably the most bitter about Jánošík's actions because of his assault on Imperial and Royal Officer Rudolf Schardon's wife and her retinue. Slovak and Polish sources commonly say she was Officer Schardon's widow. One author contradicts this without giving his reasons.<sup>34</sup> The trial proceedings refer to her as *Schardonka* (the ending *-ka* indicates that she was a woman) and as *vojenského oficíra pani*, which means "a military officer's lady [wife]" without any indication of her being a widow. Because her husband was employed by the Crown and the robbery took place while she was passing through Liptov, the law obligated the County to pay the Lady the damages, which must have been higher than usual due to her rank.

Throughout his trial, Jánošík maintained that he had not killed anyone, but the court still considered him a guilty party when a priest from Domaniža was "shot through" by two brigands from his band during a robbery. The priest, 58-year old Juraj Vrtík (also spelled Vertík), died a month later. Jánošík was also accused of sacrilege — target-shooting at a host (the Eucharistic bread) attached to a tree-trunk. He neither denied, nor confirmed this charge.

While it is not clear why so many authors call Lady Schardon a widow rather than a wife, some of the counterfactual information in modern writing about Jánošík's robberies and victims stems from cross-linguistic confusion by Polish authors reading Slovak sources, which is then repeated by others. Thus, for example, one author has Jánošík rob a magnate on his way to Turkey (*do Turcji* in Polish), while the person, John Radvánszky, County Lieutenant Governor of Zvolen, was actually on his way to Turiec County (*do Turca* in Slovak) in north-central Slovakia.<sup>35</sup> Another author says

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<sup>32</sup> John S. Koliopoulos, *Brigands with a Cause, Brigandage and Irredentism in Modern Greece 1821-1912*. Oxford: Clarendon Press, 1987.

<sup>33</sup> Jozef Kočíš, *Neznámy...* creates a weighty narrative about Jánošík's apparent revolutionary intentions from a historical report that guns and substantial amounts of cloth were discovered in some of his hiding places.

<sup>34</sup> Jozef Kočíš, *Neznámy...*

<sup>35</sup> Jacek Kolbuszewski, "Janosik nieznany?" *Literatura ludowa*, vol. 31, no. 4-6, July-December 1987, pp. 108-112, – p. 110.

that Jánošík robbed a pastor's wife as she was fetching water (*po wodę* in Polish) from the Váh River.<sup>36</sup> It is not only unlikely for geographic and historical reasons because her village was not on the Váh and people used wells as their source of water, not the river. It is mistaken factually because the trial proceedings say that she was robbed about a half-day's journey from her home, while traveling down the Váh (*po vode* in Slovak) on a raft — a common means of transport provided commercially at that time. Such confusion about language and geography happens with some regularity and can affect the authors' arguments. For instance, Stanisław Sroka believes that the village of Klenovec where Jánošík was captured was in Liptov County, a mere geographic error, but the error then becomes Sroka's explanation of why Jánošík was tried by Liptov County. Klenovec, however, was in Malohont County. The real reason for the location of Jánošík's trial was that he was captured in Klenovec by the Liptov police (see below).

Cross-linguistic confusion can lead to much farther-reaching fallacious conclusions. Jacek Kołbuszewski, the author who believes that Jánošík robbed John Radvánszky on his way to Turkey, then assumes that he was going to the funeral of Stephen *Petrycy* [sic],<sup>37</sup> a former general in the Kuruc army, according to Kołbuszewski, who took refuge in Turkey in order to avoid persecution by the Habsburgs. Kołbuszewski subsequently presents his conjecture as evidence to disprove a point made by another author, Jozef Kočiš,<sup>38</sup> and accuses him of "keeping silent" about that apparent fact. Yet, Radvánszky was robbed in 1712 while traveling from Zvolen County to Turiec County in order to attend the funeral of Stephen Petróczy de Petrócz et Kaszavár (villages near Trenčín: the name could be Štefan Petrovický of Petrovice and Košeca in modern Slovak spelling), son-in-law of the late Turiec County Chief Emerich Révay — not to Turkey to a conjectured funeral of Baron Stephen Petróczy, born around 1620, a commander in the Kuruc insurgencies in the 1670-1680s who sought refuge in Turkey after their failure. Baron Petróczy would have to have been in his 90s had he died, as Kołbuszewski concludes, in 1712 when Radvánszky was robbed by Jánošík (the date of his death is actually unknown).

## Jánošík's capture

Jánošík was first caught, along with Uhorčík, about a year after he joined Uhorčík's former band and became its leader. They were detained by Malohont County au-

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<sup>36</sup> Sroka, *Janosik...* p. 50.

<sup>37</sup> Kołbuszewski, "Janosik..." p. 110.

<sup>38</sup> Kočiš, *Neznámy...* Kołbuszewski's goal was to disprove Kočiš's claims about Jánošík's sympathies for the anti-Habsburg rebels by showing that Jánošík actually robbed a nobleman presumably supportive of the rebellion since he went to a former rebel's and political defector's funeral. If Polish scholars had not misread the Slovak sources, which was the starting point for Kołbuszewski's disoriented conclusions about the historical figures, Kołbuszewski could have made the same argument without any reference to Petróczy, because Jánošík's victim John Radvánszky, Zvolen County Lieutenant and minor poet born in 1666, was himself a former influential supporter of the Kuruc rebellion, Thököly, as well as Francis Rákóczi.

thorities in Klenovec in south-central Slovakia, where Uhorčík had settled as Martin Mravec, on 26 October 1712 — around the end of the robbing season. Jánošík probably came to spend the winter with his comrade under an assumed identity. They were put in jail in the Mansion of Hrachov but were released after they “proved” their innocence. Jánošík’s subsequent trial revealed that the proof rested mainly in fox furs and cheese passed on to the detaining authorities. Moreover, the County Lieutenant of Malohont<sup>39</sup> who testified on their behalf had earlier received a prized rifle from Uhorčík. The historical, decorated weapon came from Jánošík’s loot when his band ambushed Baron Paul Révay.

Jánošík was arrested again while still in Klenovec before he had a chance to start his next robbing season, and so was “Mravec” for giving him shelter for the winter. Although in another county, this time he was traced and captured by the Liptov police put on special alert after the robbery of Lady Schardon. They were transferred to Svätý Mikuláš,<sup>40</sup> the seat of Liptov County, where Uhorčík’s identity was eventually discovered.

### **Jánošík’s sentence**

Jánošík’s trial took place on 16-17 March 1713. The Kingdom’s main statutes were contained in the *Tripartitum* of 1514,<sup>41</sup> and two subsequent royal decrees. Part I, Chapter XV of the *Tripartitum* mandated that thieves be hanged, highwaymen impaled or broken upon the wheel, and other similar criminals beheaded, as a warning to others. When the Habsburgs added the Kingdom to their lands, they tried to limit various laws contained in the *Tripartitum*, especially those that gave more privileges to its nobles and greater self-government to its counties and some municipalities than were granted in other Habsburg lands, but they reinforced some other laws including those against brigandage. Emperor Ferdinand II issued a decree in 1625 “On pillaging vagabonds and highwaymen and on ways of handling them,” whose Article XIII mandated that highwaymen and similar criminals be tortured if their testimonies were not comprehensive and convincing. The decision to apply torture was regulated in the Kingdom by a widely used book of comments on the *Tripartitum* from 1619,<sup>42</sup> whose Article 8, Section 6 re-

<sup>39</sup> Lower nobleman Pál Lányi/Pavol Láni/Lány (±1670-1733) was a prominent supporter of and military commissioner in the Rákóczi insurgency.

<sup>40</sup> Now called Liptovský Mikuláš.

<sup>41</sup> “Titulus primus. Quod bona latronum, furum & homicidarum Donationi regie non subiacent. XV.” *Tripartitum opus iuris consuetudinarii incltyi regni Hungariae partiumque annexarum*, by Stephen Werbőczy (±1460-1541), presented to the Diet in 1514 and published by the author in Vienna in 1517. Although not a formally adopted document, it was used as the authoritative compendium of the Kingdom’s customary law. János Bak, Péter Banyó and Martin C. V. Rady, eds. *The Customary Law of the Renowned Kingdom of Hungary: A Work in Three Parts Rendered by Stephen Werbőczy (The “Tripartitum”)* (Idyllwild, CA, 2005).

<sup>42</sup> *Directio Methodica Processus Ivdicarii; Ivris Consuetudinarii Incltyi Regni Hungariae*, by Ioannes Kithonich de Kozthanicza [Ivan Kitonić/János Kászonyi of Kostajnica], Tyrnavia [Trnava]: Anno Domini MDCXIX.

quired that the defendant be released without torture if the preliminary proceedings did not raise sufficient suspicions about the truthfulness of his denial of guilt. Emperor Ferdinand III's decree from 1655 contained Article XXVI, which prohibited any leniency or pardon in such trials. Additionally, Emperor Leopold I decreed in Article XVII in 1659 that those providing shelter to brigands be executed as well.

Jánošík's assigned defense lawyer Baltazár Palugyay described him as a former victim of Francis Rákóczi's insurgents and played up his loyalty to the Crown demonstrated by his apparent eagerness to join the Imperial and Royal Army. Palugyay also stressed that although submitted to both the light and severe levels of torture, Jánošík denied having been guilty of the murder of the Reverend Vrtík. Under the Kingdom's legislation it meant that the defendant (called the "accused" then) was to be seen as innocent of the crime. Although people submitted to torture did not normally survive for more than three days — if for no additional injuries, then due to the internal hemorrhage and other damage to the joints pulled out of their sockets during stretching — the county was obligated to pay annual allowance to the family of the accused who failed to admit guilt under torture. Jánošík's defense lawyer called for his release because, according to Palugyay, he certainly regretted his actions and would mend his ways.

Yet, Jánošík did admit to highway robbery, and the court still considered him an accomplice in the priest's murder. He was sentenced to death. As usual in those days, it was a public execution. In Jánošík's case, a hook was threaded through his left side, and he was left dangling on the gallows to die — a fairly common execution then especially for brigand leaders, although this was the only instance of its implementation by Liptov County between 1700 and 1715.<sup>43</sup>

Uhorčík's identity was not discovered until after the first day of his trial during which he was still taken to be a Martin Mravec. He was sentenced more than a month after Jánošík, on 21 April 1713. He was broken upon the wheel, another common form of execution. As an act of benevolence, perhaps obtained by the County Lieutenant of Malohont who testified on Jánošík's and Uhorčík's behalf at their trials, the court ordered that his neck be broken first. The burial place of either of the brigands is unknown. Corpses were often left hanging or otherwise exposed as a warning for a period of time after the criminals' execution and then disposed of unceremoniously.

## Conclusion

The trial proceedings, effectively the only extant source of information about Jánošík, offer a meager picture of his life because he disclosed very little before or under torture. Most questions posed by the interrogators remained unanswered. All that transpires from the proceedings besides some of his robberies is that he was loyal to his

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<sup>43</sup> Stanisław Dzięciołowski in an interview with Zdena Šišová "Odpočívá Jánošík na dne Liptovskej Mary?" *Slovenské dotyky* Máj 2002, p. 7.

fellow-criminals, that he remained so under severe torture, and that he proved to be a cunning liar before severe torture more-or-less silenced him. When he gave answers, they were often misleading or quite untrue, crafted to protect his accomplices. For example, while Uhorčík, still known to the authorities only as Martin Mravec, was awaiting his trial in the same building, Jánošík was telling the interrogators that Uhorčík had been killed by another brigand several years earlier. Most of the accomplices Jánošík divulged were already dead or believed to be dead. He claimed not to know the whereabouts of the others whose names came up during the interrogation. He did not disclose the names of those who gave him shelter. Uhorčík's testimony a month later revealed that Jánošík had withheld the names of at least a half of his fellow brigands.

Even without the strict Imperial and Royal decrees on brigandage, several factors would have probably contributed to Jánošík's harsh punishment by Liptov County anyway: the damages that the county had to pay to Lady Schardon; the blame it probably received from the monarchy's central authorities and the county's subsequent increased efforts to eradicate highway robbery; Jánošík's origin in Terchová known for its support to highwaymen; Jánošík's participation in the Francis Rákóczi uprising against the Habsburgs, which the judge reiterated before reading his sentence; and finally, suspicions of anti-Catholic and heretic sentiments reflected in his insurgent past and in the alleged target-shooting at hosts augmented by his presence at the killing of a priest.

In a broader context, the existence of the enormous gap between what is documented about Juraj Jánošík and his modern myth is unremarkable. Discrepancies, elevations or degradations, are common, universal features of historical mythology. Equally pervasive are folk legends about characters from the feudal past who "took from the rich and gave to the poor" and defended the commoners from the injustices of the masters. Such tales dot the Eurasian continent from English Robin Hood at its north-western periphery all the way to Korean Hong Kildong and Japanese Oyake Akahachi at its south-eastern edge. What makes Jánošík's myth in Slovakia special (which applies only partly in the Czech Republic and decidedly less so in Poland) is the manner in which it was first embraced and molded by the intellectuals around the middle of the 19<sup>th</sup> century<sup>44</sup> and then by academia from around the middle of the 20<sup>th</sup> century, and the degree to which his intellectualized and academic myth incorporated the notion that it is not talking merely about folk mythology (whose modern shape has actually been largely formed by Jánošík's myth created in high culture), but that it is also talking about a real historical character.

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<sup>44</sup> Votruba, "Hang Him High..."

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