



PIOTR JÓZWIAK

FROM POLAND TO SCOTLAND AND BACK

AT THE CONFLUENCE OF SCIENCE, MEDICINE,
LAW AND WITCHCRAFT TRIALS

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Law and Witchcraft Trials**



Poznań 2023

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Jan Jonston

(portrait from *Syntagma universae medicinae practicae libri XIV*, Wrocław 1673)

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To the doctors of Leszno,
both those who served the residents
throughout the past centuries and those
who today provide assistance to the citizens
of Leszno and the Leszno region

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Preface to the English edition

This work is a supplemented version of the book published this year (2023) in Polish by the Rys scientific publishing house – ‘*From Poland to Scotland and Back. At the Confluence of Science, Medicine, Law and Witchcraft Trials*’ (*Z Polski do Szkocji i z powrotem. Na styku nauki, medycyny, prawa i procesów o czary*) whose reviewer was Prof.,MD, PhD Edmund Waszyński, one of the most outstanding historians of medicine in Poland. This work was part of the project ‘*Polonia and Poles Abroad 2023*’ announced by the Chancellery of the Prime Minister. Its purpose was to present the life of dr John Jonston (1603-1675), an outstanding Polish physician, ethicist and philosopher, of Scottish origin, although the protagonists were also Krystyna Poniatowska (1610-1644), a Polish visionary, David Hume (1711-1776), a prominent Scottish philosopher, and Zenon Michalski (1920-2005), a soldier of the First Armoured Division. The Polish edition of the book was presented on 20 June 2023 at the French Institute in Edinburgh. The event, which was devoted to promoting the figure of John Jonston, was attended by approximately 150 people, mainly representatives of Polonia from Scotland, but also Jan Dziedziczak, Government Plenipotentiary for Polonia and Poles Abroad as well as dr Łukasz Lutostański, Consul General of the Republic of Poland in Edinburgh. The book was received so favourably that it encouraged and convinced me to publish it in English as well, which was the intention of the whole project. The aim is to spread knowledge about Jonston’s activities not only among the representatives of the Scottish Polonia but also among the Scots themselves. My visit to Scotland, as well as the cooperation I managed to establish there with Karen Gładysz¹ and the materials obtained thanks to her, allowed me

¹ She was born Karen Irena to her parents Sarath Olga Mieczysław Kazimierz Stanisław Gładysz-Gryff in Edinburgh in December 1958. She has spent her entire life in Edinburgh. She attended school, University and College here in the capital. She works at the National Records of Scotland where the nation’s historical documents are homed. Her father Mieczysław Kazimierz Stanisław Gładysz-Gryff, having trained as a teacher, continued his education at Officer Training School (Cavalry) in Grudziądz, graduating as a second lieutenant in 1935, later joining the 4th Zaniemeński Regiment, 13th Wielkopolski Regiment and 17th Wileński Regiment as a reservist. In October 1939, her grandfather who was Head

to largely supplement the book with new facts about John Jonston's ancestors. Numerous walks around the places commemorating David Hume, which are located in Edinburgh, contributed to a significant expansion of the chapter devoted to this philosopher.

Scotland plays a vital role in the story below. It was there that John Jonston's ancestors came from, it was probably while studying in this country that he acquired knowledge that enabled him to create works that allowed him to be recognized as a precursor of medical law and one of the first theoreticians of probation institution in Poland, and yet he was educated to be a doctor. Edinburgh, the place where David Hume created his great ideas, was known as 'New Athens' due to its intellectual spirit, much like the city of Leszno in Poland, which was also featured in the book as one of the key cities.

of Finance for PKP in Wilno, was arrested with her father who was a Reserve Officer with 13th Lancers Regiment. They were both imprisoned and interrogated for many months before being forced East with the advance of the Germans in June 1941. Her grandfather was executed at this time and her father was sent to Siberia. In September 1941, her father having being released from Siberia, made his way to join the army of General Anders in Buzuluk. Her father served in the Middle East, Egypt and finally Scotland.

*'In the lecture hall for medical students,
along the frieze below the ceiling,
there is a Latin inscription taken from an ancient book,
admonishing the future doctors,
that when approaching the bed of a sick person,
they should first and foremost consider the suffering human,
not just the disease, and make relieving
his distress their primary task'*
S. Kasznica, *Rozważania*, Poznań 1935, p. 115.

Introduction

In the 17th century Leszno was considered one of the most important intellectual centres of the country. Numerous printing houses that operated in the city meant that a lot of scientific works were published there. It is common knowledge that Latin was the universal language of scientific circles at that time, so it was possible to spread one's work across Europe quite quickly. Dr John Jonston, the hero of this book, took this opportunity. During his life, he published approximately 30 works often several hundred pages long. He also left a great number of commemorative prints and letters. He soon became a world-renowned scholar, and his works were in the libraries of the most important European and even global universities. John Jonston was a physician by education, but in his scientific activity, he also dealt with natural science, history, philology, theology, philosophy, and ethics. The vast majority of his works were of encyclopedic or textbook character. In his publications, he always relied on very extensive resources. His private collection consisted of approximately 1200 books, which is an incredibly impressive number, especially in comparison with the fact that at the beginning of the 16th century, there were about 400 works in the library of the University of Cambridge. Although a little later – mainly thanks to Johannes Gutenberg – the book ceased to have its elite character, the book collection owned by Jonston must be impressive. This work is not a monograph of John Jonston's life. More than 90 years ago, Professor Tadeusz Bilikiewicz, the most outstanding biographer of our hero,

pointed out that ‘It is still too early to be tempted to write a complete monograph, i.e. covering all areas of Jonston’s activity. Only through cooperation with a range of specialists will it be possible to perform this kind of task in the future’². Currently, the situation has changed and thanks to the efforts of the Leszno Cultural Society, which over the past 50 years, has organized two large scientific conferences devoted to Jonston’s activities, we already know much more about the life and work of this scholar than we did in the interwar period. In 2023, however, the Society will hold another, third conference. Therefore, it may be assumed that the already existing research allows for the preparation of a complete Jonston’s monograph including all aspects of his life.

This work is to look at Jonston’s activity from a perspective not taken by anyone so far, that is from a legal one, at least to some degree. Let us assume that this doctor from Leszno can be considered as a precursor of medical law in Poland. Jonston’s views are often quoted in legal works, especially in the field of forensic psychiatry, since the opinion issued in 1629 by a panel of experts (doctors, theologians, lawyers) including Jonston, in the case of Krystyna Poniatowska (also a heroine of this publication) is given as an example of the first forensic and psychiatric expertise in Poland. At the same time, the importance of this opinion is often highlighted in the context of witch trials taking place in Europe then, which were called witch hunts. In Scotland, the number of death sentences for witchcraft between the 15th and 18th centuries was the highest for all the countries of the British Isles and one of the highest in Europe. The ideas of David Hume and the hero of this publication led to the final end of the witch hunt. Where did the Scottish philosopher come from in the study on Jonston? From the confluence of their biographies. They both worked and created in cities (Jonston in Leszno and Hume in Edinburgh) which – in their time- were called ‘New Athens’. Moreover, they were some of the most outstanding scholars creating and living in their locations (Baroque and the Enlightenment period). They both had their monuments erected there, probably the only ones in Europe, or at least the most famous ones. For most of their lives, they lived in the countryside and highlighted the role and significance of this place for their scientific development. Yet, their posthumous fates unfolded

² T. Bilikiewicz, *Jan Jonston (1603-1675). Żywot i działalność lekarska*, Poznań 1931, p. 2.

differently. David Hume – regarded as one of the most outstanding British philosophers in history – is a hero of scientific articles around the world. In Edinburgh, for years, he was considered the most important inhabitant of the city. Monuments were erected to commemorate him, books and scientific articles were written about him, halls, buildings, and streets were named after him. The situation has changed drastically in recent years, when in 2020 the building of the University Campus in Edinburgh, called '*David Hume Tower*' was deprived of its name, which will be discussed further on. John Jonston, although appreciated during his life, was somewhat forgotten after his death. His last comprehensive biography, by Professor Tadeusz Bilkiewicz, dates back to 1931. The Municipal Hospital in Leszno was named after John Jonston in 1952, but already in 1975, when the hospital was relocated, the name was forgotten. Had it not been for the activities of the Leszno Cultural Society, the figure of John Jonston could have been completely forgotten. Meanwhile – unlike in the case of Hume -actions have recently been taken, hopefully effective, to restore the name of dr John Jonston to Leszno Municipal hospital.

The aim of this publication is to present John Jonston as a person who can be an excellent liaison in Polish-Scottish relationships. Almost always he also called himself, in numerous research papers and letters: '*Scoto-Polonus*'. Could there be a better symbol connecting Poles and Scots? Scotland and Poland have much more in common in terms of history than it seems. This was demonstrated by professors Tom M.Devine and David Hesse in their book '*Scotland and Poland: Historical Encounters 1500-2010*'. It is a collection of essays and scientific drafts from the conference at the University of Edinburgh, which was organized in October 2009 as part of the event *Polska!Year*. Therefore, it is a very satisfactory fact that the first meeting devoted to this publication is to be held in Edinburgh. In the 16th and 17th centuries, tens of thousands of Scots arrived in Poland and they inscribed themselves in the history of our country. A different situation occurred during World War II and after its end when after the fall of France in June 1940, approximately 30,000 soldiers including the 1st Armoured Division of General Stanisław Maczek came to Scotland. It is estimated that after the war around 8,000 Poles, mostly war veterans, settled in Scotland. Many of them married Scottish women. This situation is of

particular personal dimension to me, since one of those who stayed in the British Isles, was my grandmother's brother – Zenon Michalski, a soldier of General Stanisław Maczek. After the war, he remained in Great Britain and in 1944 married Catherine Stewart Main, of Scottish origin. Thus, it is a personal factor that prompted me to prepare this publication which aims at strengthening Polish-Scottish relations. Going back to my childhood, I remember that my first visit to Great Britain in the 1980s was to Zenon Michalski and Catherine Stewart Main. I do not recall much of this stay, because I was less than 5 years old at that time, but I do remember our conversations with Aunt Rena, that is how we called her, who told me about Scotland – a very distant country for me then. This publication and the related visit to Edinburgh is therefore a kind of walk down the memory lane.

The title of this book refers to the life of John Jonston, who returned to study in Scotland, his parents' country, and then set off back to Poland, where he lived and devoted himself entirely to scientific activity.

The author's goal is to show the main character from the perspective of the history of the city of Leszno, as well as those selected events from his life that may contribute to closer cooperation between Poland and Scotland. The subtitle *At the Confluence of Science, Medicine, Law and Witchcraft Trials* signals the most crucial issues raised in individual chapters. Jonston was a scientist, doctor, and pioneer of medical law in Poland, therefore the confluence of *science, medicine and law*. Why *the witchcraft* trials then? It should be remembered that Poland and Scotland were among the first countries in Europe to abolish torture as official evidence in criminal trials. In Scotland, this was done in 1709 and in Poland



Zenon Michalski and Catherine Stewart Main

in 1776, although the ban on torture did not always apply to witchcraft trials. Meanwhile, Leszno and Edinburgh played a crucial role in the 18th century when witchcraft trials were done away with completely.

I based all findings and conclusions on sources or the dissertations of other authors, using the right scientific method (dogmatic and historical). Following the advice of prof. Stanisław Waltoś expressed in *Wandering through the Islands of Memory* (Warsaw 2019), I visited all the most important cities of John Jonston's life (Szamotuły, Bytom Odrzański, Toruń, Leszno, Lubin and Składowice). As the professor pointed out, a lawyer and a historian must not disregard evidence of direct character.

This dissertation devoted to dr John Jonston is an expression of great appreciation not only for him but also for all the doctors of Leszno; those who have served the inhabitants over the centuries, as well as those who today assist the citizens of Leszno and the Leszno region.



John Jonston (a painting from the work entitled 'Syntagma universae medicinae practicae libri XIV', Wrocław 1673)

Chapter I

Polonus Scoto prognatus

To summarize, I would like to repeat what I had said earlier. These are the advantages of a prudent man: to know something completely, and not to chase after everything that comes along, anyway.

John Jonston, *Enchiridion Ethicum*, Brzeg Śląski, 1658

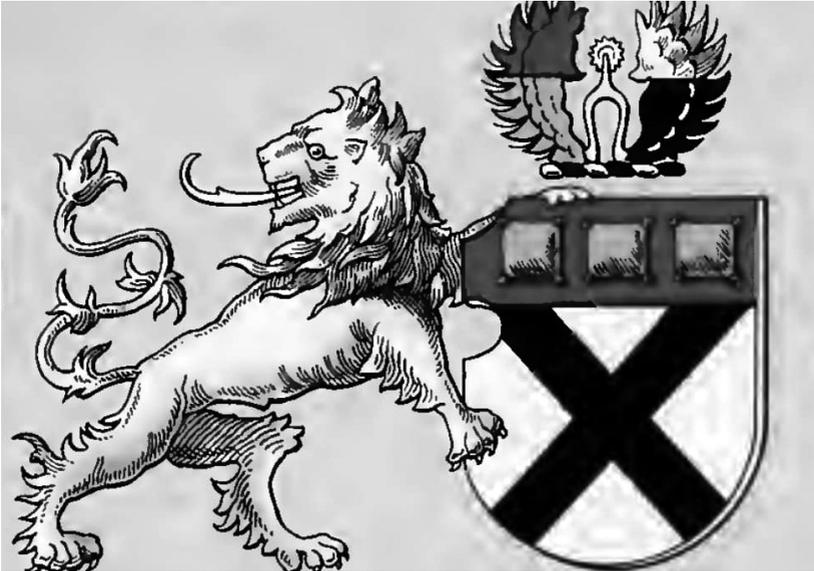
The origins of the Jonston family, although veiled in mystery, date back to the 11th century. Some scholars point out that John's grandmother was related to the family of Thomas Morus (1478-1535), an English scholar, lawyer, martyr, and saint of the Catholic Church³.

Jonston's family came from the famous Scottish 'Johnston' family, whose history dates back to the 11th century. For centuries, the Johnstons fought against the Maxwell family, and in peacetime, they often fought each other, because *these excitements failed them, they had little wars among themselves to prevent their swords rusting in the scabbards*⁴. This family went down in history really well. John Jonston's family came from the Scottish nobility branch of 'Johnston's of Craigeburn'. The later branch of the family, originating from Germany, was known under the Germanized version of 'Von Johnston und Kroegeborn', and one of John's descendants was a chamberlain of the German emperor⁵. The Johnston family estate is located in Moffat, part of the Scottish local authority of Dumfries and Galloway. Nearby there are beautiful Craigeburn forests, which the great Scottish poet of the Romantic era – Robert Burns (1759-1796) also liked visiting. Simon, John Jonston's father, was the son of John Johnston from Craigeburn. The family's motto was the Latin phrase: *„Nunquam non paratus*', which means *„never*

³ I. Myślicki, *Jonston et de Spinoza*, [in:] L. Roth (ed.), *Dissertatio ex Chronici Spinozani. Tomo Primo, separatim edita*, Hagae 1921, p. 121.

⁴ G. H. Johnston, *The heraldry of the Johnstons*, Edinburgh-London 1905, p. V-VI.

⁵ <https://gw.geneanet.org/gvonwunster?lang=en&n=von+johnston+kroegeborn+freiherr&oc=0&p=maximillian+karl+emil> (access: 31/07/2023).



The probable coat of arms of the Johnston family

unprepared (i.e., always ready) ⁶. Thanks to the archival research and help of Karen Gładysz, it was also possible to determine the probable coat of arms of the Johnston family. In Poland, the surname Johnston has been changed and is used as ‘Jonston’ (without the letter ‘h’).

The arrival of Scots to Poland began in the 15th century through Gdańsk which was trading actively with the Scottish ports. From the middle of the 16th century, not only Scottish merchants came to Poland, but also representatives of all social classes, exiled from the country of origin due to constant political and religious unrest. They were looking for a new home and livelihood in Poland, which the more developed and densely populated countries of Western Europe could not provide them so easily. It is assumed that until the end of the 16th century, at least 30,000 Scots arrived in Poland. Among them were John Jonston’s father, Simon, and his brothers; Francis and Gilbert. The reasons why the brothers came to Poland from Scotland are unknown. There are

⁶ <https://eudict.com/?lang=lateng&word=nunquam%20non%20paratus> (access: 31/07/2023).

basically three hypotheses in the literature regarding these reasons; it could be due to bloody battles with the Scottish Maxwell clan, financial difficulties, or a search for a better life outside Scotland⁷. It cannot be ruled out that each reason played a certain role in the final decision. Initially, the brothers intended to settle down in the Netherlands, but eventually, two of them, Francis and Simon, settled at the turn of the 16th and 17th centuries in Szamotuły in Wielkopolska (Greater Poland). Gilbert's fate is unknown. In 1601, Simon Jonston married Anne Becker, a daughter of a burgher from Szamotuły. On 3 September 1603 their son, John, was born. Very little is known about his childhood, yet what we do know is that until the age of eight, he lived in his family home in Szamotuły with his brother, Alexander. At the age of eight, he was sent by his parents to a well-known school of Czech brothers run in Ostroróg, a town near Szamotuły⁸. The school was founded by Jan Ostrorog, an influential representative of the Reformation in Wielkopolska (Greater Poland). Perhaps Jonston's interest in law developed here because in 1459, Jan Ostroróg received the title of Doctor of both Laws at the University of Bologna. It is obvious that John Jonston could not have known the founder of the school, because Jan Ostroróg had died 100 years earlier, but the memory of him and the knowledge of his achievements, also on the legal level, had to be vivid in the student community even when Jonston was studying in Ostroróg.

Jonston stayed at this school for only three years, then went to Bytom Odrzański to start his education in the local, very reputable gymnasium. There, for the first time, he came into contact with logic, theology, or ethics, which later over the years formed the basis of his scientific research. The construction of *Schönaichianum-Carolatheum* gymnasium in Bytom Odrzański is related to the activities of Georga von Schönaich (1557-1619), the owner of the nearby palace in Siedlisko. The school building opened in 1616 and quickly gained an excellent reputation. Moreover, it attracted students not only from Silesia, but also

⁷ V. Loewe, *Dr. Johann Johnston, ein Polyhistor des 17. Jahrhunderts*, Poznań 1908, s. 1-3, scan of the original text from 1908 which was placed in The Digital Repository of the National Library and the integrated Digital Library, <https://polona2.pl/item/dr-johann-johnston-ein-polyhistor-des-17-jahrhunderts,MTTE1NjA1OTcz/> (access: 30/04/2023).

⁸ V. Loewe, *Dr. Johann...*, p. 6.



Town Hall in Bytom Odrzański, built between 1602 and 1609

from the Republic of Poland, the Czech Republic, Lusatia, and even Hungary. When Jonston attended this school, there were approximately 70 students studying there. For the subjects of George von Schönaich education was free. Jonston had to pay tuition, the amount of which depended on the family's financial status. The scholarship system for the best students also worked really well⁹. There is no evidence that Jonston benefited from the scholarship, but it seems highly probable. His biographers claim that during his stay in Bytom Odrzański, he most often studied until the early hours of the morning¹⁰. The Lubuskie region has always been – and according to official sources at least since the 12th century – considered the place of viticulture, so it is not surprising that at the first stage of school education – in addition to

⁹ Cf. J. P. Majchrzak, *Protestanckie gimnazjum „Schönaichianum – Carolatheum” in Bytom Odrzańskim – jego ponadregionalny i ponadkonfesyjny program (1609-1629)*, 'Rocznik Lubuski' 1997, vol. XXIII, pp. 91-96; P. Juckiewicz, *Próba utworzenia uniwersytetu na Środkowym Nadodrzu w XVII wieku*, 'Rocznik Lubuski' 2002, vol. XXVIII, p. 149-153.

¹⁰ V. Loewe, *Dr. Johann...*, p. 7.



Portal of the Gymnasium in Bytom Odrzański

religion, Greek, Latin, or mathematics – knowledge about viticulture, fruit growing or beekeeping was also passed on¹¹. It was in the years of his studies at the Bytom Gymnasium that Jonston developed a passion for natural sciences, to which he devoted several works at a later stage of his life. The school was located a few dozen meters from the town hall, which was built between 1602 and 1609. Bytom Odrzański was not a large city, yet in literature, it is considered that *Schönaichianum*, which ceased its activity already in 1628, was the first serious attempt to create a university in Central Nadodrze¹².

It should come as no surprise, therefore, that while learning in such comfortable conditions, Jonston had already made the decision to devote himself to a scientific career. To this day, only a beautiful portal has been preserved, a part of the school entrance, through which he repeatedly passed, receiving his education in Bytom Odrzański. Although the school functioned for only 12 years, until today John Jonston has

¹¹ J. P. Majchrzak, *Protestanckie...*, p. 94.

¹² P. Juckiewicz, *Próba...*, p. 149 and the literature therein.

been considered one of the most prominent students of this institution. After three years in the city, due to his mother's death in 1617, the boy was forced to stop studying. The following year, his father died and the 14-year-old John had to be taken care of by his uncle, Francis. The death of both parents did not devastate Jonston, who already in his youth devoted himself to learning, spending many hours each day reading.

In 1619, Jonston left Szamotuły and he went to Toruń to continue studying at the Toruń Gymnasium during its heyday¹³. In order to learn more about Jonston's place of study, I decided to visit Toruń. I easily found the building of School Economics at 49 Piekary Street, where Jonston lived for most of his education. In the vicinity of this place, the seat of Mikołaj Kopernik High School No. 1 in Toruń, which is considered the continuator of Toruń Gymnasium, is located. Both buildings are located 500 m apart. Finding them allowed me to imagine how each day, almost for two years, Jonston followed these paths at the beginning of his scientific career. Toruń Gymnasium is considered one of the first academic institutions in Toruń. Therefore, it was necessary to search for information about Jonston at the time of his studying in Toruń. Instantly, I noticed, about 100m from the school, a beautifully located antique shop at 16 Wysoka Street. That is where I decided to seek the first facts about Jonston. Toruński Antykwariat Księgarski (Toruń Antique Shop) is a family business established by Mieczysław Mackiewicz, who ran an antique shop at 13 Podmurna Street from 1994 to 2002. Later the company was run by his wife, Henrietta, and since 2008 by their daughter, Aldona Mackiewicz. The location of the antique bookstore has been changed many times and it is now located in the building of the Scientific Society in Toruń at 16 Wysoka Street, where it occupies its basement and ground floor. The atmosphere of the rooms filled with books and their location near the Toruń Gymnasium makes the search for books and documents in this place a great pleasure. I discovered several studies on the history of Toruń and the Toruń Gymnasium itself. I found important information about the history of the school in the two-volume work of Professor Stanisław Tync, where Jonston's name appears many times¹⁴. Equally interesting

¹³ T. Bilikiewicz, *Jan Jonston...*, p. 18-20.

¹⁴ Professor Stanisław Tync (1889-1964) was a Polish historian of education, professor at the University of Wrocław, who in 1920 came to Toruń to teach at the

was *The Metric of the Students of Academic Gymnasium 1600-1817. Part I (1600-1717)*, published in Toruń in 1997 by Z.H. Nowak and J. Tandecki which I found in the same antique store. On the same day, I took a breathless look at all the books had acquired. Once I had read them, I realized that the students of the Toruń Gymnasium were the children of many well-known Leszno residents. I learned that it was in Toruń that Jonston met Rafał Leszczyński, later the voivode of Belz, thanks to whom in the following years he became a doctor and a friend of the famous Leszczyński family, from which the later king of Poland – Stanisław Leszczyński (1677-1766) – descended.

Jonston enrolled on the list of students of the Toruń Gymnasium on 10 April 1619 as: '*Johannes Jonstonus, Samotulensis Pol., Scotus domo, a D. Turnovio commendatus*'¹⁵. His entry was made by the rector of the school, the famous Konrad Graser (1585-1630), after whom one of the streets in Toruń has been named since 2009. The period (from 1611 to 1630) when Graser was a rectore was a time of unprecedented flourishing of the Toruń Gymnasium¹⁶. Students often came to this school with a recommendation prepared by noble gentlemen, city dignitaries, city councilors, clergymen, and school teachers. It is likely that Jonston received a similar recommendation. Following the death of his parents, he was taken under the care of Kaspar Dornavius, doctor of philosophy and medicine, poet and rector of the Bytom gymnasium, and Baltazar Exner, a historian.¹⁷ Jonston's guardian in Toruń – with such a guarantee – was probably Jan Turnowski (1567-1629), professor of theology and preacher, with whom he lived for some time¹⁸. One of Jonston's

local gymnasium. He obtained his doctorate in philosophy in 1923 at the Jagiellonian University and habilitated in 1928. He was a student of Professor Stanisław Kot, to whom we will return in this work. The second volume of the history of Toruń gymnasium, in which John Jonston appears multiple times, was published in 1948, twenty years after the release of the first volume. As the author himself pointed out, the manuscript of the second volume was sent to the publisher in 1938. but it was not possible to publish it before the outbreak of World War II, and some parts of it were lost during Professor Tync's departure. Cf. S. Tync, *Dzieje gimnazjum toruńskiego. Tom II*, Toruń 1949.

¹⁵ Z. H. Nowak, J. Tandecki, *Metryka...*, p. 51.

¹⁶ Por. szerzej S. Tync, *Dzieje...*, p. 59-112.

¹⁷ T. Bilikiewicz, *Jan Jonston...*, p. 20.

¹⁸ S. Tync, *Dzieje...*, p. 86.



Toruń Antique Bookshop, 16
Wysoka Street

teachers, to whom he owed his excellent knowledge of Hebrew, was the already mentioned Konrad Graser, a general history teacher. Even decades later, Jonston still called him his honourable teacher (*praeceptor meus, praeceptor noster observandus*)¹⁹.

Near gymnasium there was School Economics, a Renaissance building erected in the years 1598-1601, which served as a boarding school for non-resident and poorer students. In 1724, after the so-called Toruń Uprising, when there were riots between local Protestants and Catholics, which ended with the demolition of the Jesuit college by the Protestants, the Protestants were deprived of the school buildings. The buildings were converted into the seat of the gymnasium which operated there until 1855. In 1806, during the wars of Napoleon III Bonaparte, the building was temporarily converted into a French military hospital. In 1968, it was renovated to commemorate the 400th anniversary of the school's establishment. Nowadays, it is the seat of the District Court in Toruń. Jonston lived in the building of Economics for more than two years (from 29 April 1619 to 14 November 1621). The administrator of Economics was Adam Tobolski, an outstanding Polish humanist, an expert on Cicero (106 BC - 43 BC), propagator of his texts²⁰. Therefore, it is not surprising that Jonston in his works often quoted the thoughts of this Roman lawyer.

During his stay with Professor Turnowski and while studying at the Toruń Gymnasium, Jonston acquired knowledge and experience that had an impact on his entire life. An amazing group of professors gave him the opportunity to gain knowledge in many fields. Many school graduates pursued high education at renowned European universities, mostly German, undertaking legal, medical, theological, and philosophical studies. It is noteworthy that a considerable number of them, having obtained various university degrees, returned to Poland and devoted themselves to the service in their hometowns. That was also the case of Jonston. It can be said that it was in Toruń that he acquired not only the basics of medical or philosophical knowledge but also legal expertise, which later allowed him to skillfully combine all these

¹⁹ T. Bilikiewicz, *Jan Jonston...*, p. 20.

²⁰ S. Salmonowicz, *Konrad Graser (1585-1630), rektor Gimnazjum Akademickiego w Toruniu*, [in:] M. Biskup (ed.), *Wybitni ludzie dawnego Torunia*, Warszawa – Poznań – Toruń 1982, p. 70.



School Economics (nowadays one of the seats of the District Court in Toruń)

fields and conduct very wide interdisciplinary research. It seems clear that Jonston made incredible progress in his studies in Toruń as he was asked to deliver a speech at the assembly of the council and scholars of Toruń entitled: *De Fraudibus contra Lipsium*. Unfortunately, the contents of this speech have not been preserved. Most likely, he took a positive stance against the views of Justus Lipsius (1547-1606), a classical philosopher and philologist whose speeches were characterized by the spirit of Machiavellianism²¹. He was popular among the school teachers and his students frequently gave laudation on him and praise him in their speeches²². Today, the auxiliary building of the Council of the European Union and the Council of Europe is named after Justus Lipsius. Although Jonston never had political ambitions, allowing a 16-year-old student to deliver a speech in front of such an honourable audience meant that he was a great speaker. The area of the Toruń city council was not the only one where he performed during his

²¹ T. Bilikiewicz, *Jan Jonston...*, p. 21.

²² S. Tync, *Dzieje...*, p. 85.

lifetime. In later years, he participated in various political and religious conventions as a representative of the secular state.

It is significant that in scientific publications devoted to the Toruń Gymnasium, Jonston is listed among the most outstanding of its graduates²³, and the books he wrote have been studied by the school students for year²⁴. It is worth emphasizing that during his studies in Toruń, John Jonston met the representatives of the famous Leszczyński family, who later had a great impact on his life. This applies not only to the already mentioned Rafał Leszczyński but also to Andrzej Leszczyński, who, similarly to Jonston, went down in the history of the school by giving a speech in the honour of Justus Lipsius.

In 1622, Jonston left Toruń and went through Gdańsk to England and then Scotland to enroll to the oldest and best University in Scotland, i.e. the University of St. Andrews. During matriculation, he declared his nationality: „*Polonus Scoto prognatus*” (Polish, descended from the Scottish father). During the 16th century in Poland, children of Scottish settlers, who were born in Poland, claimed to be Poles. That was also what Jonston did all his life. The situation reversed after World War II, when the children of Polish war immigrants studying at Scottish universities, had mainly Scottish, or precisely British citizenship²⁵. Scottish descent played a vital role in choosing the country where John Jonston began the next stage of his career. While in Scotland, he visited his family members²⁶. However, W. Tomaszewski²⁷, is mistaken claiming that Jonston was sent to Scotland to study by his father, who died in 1618. Stressing his father’s Scottish roots in the process of matriculation was rather aimed at emphasizing the connections of his ancestors with Scotland, and perhaps also facilitated getting into St. Andrews University.

One of the scholar’s biographers claims that there was apparently no book in the university library that he would not look through. At

²³ S. Salmonowicz, *Kultura umysłowa Torunia w dobie renesansu, reformacji i wczesnego baroku*, [in:] M. Biskup (ed.), *Historia Torunia. Tom II. Część II*, Toruń 1994, p. 201.

²⁴ S. Tync, *Dzieje...*, pp. 74-75.

²⁵ W. Tomaszewski, *Na szkockiej ziemi. Wspomnienia wojenne ze służby zdrowia i z Polskiego Wydziału Lekarskiego w Edynburgu*, Londyn 1976, pp. 246-247.

²⁶ B. Świdorski, *Dr. Jan Jonston. Wybitny uczony dawnego Leszna*, Leszno 1935, p. 5.

²⁷ W. Tomaszewski, *Na szkockiej...*, p. 246.



The building of Toruń Gymnasium (Today's Nicolaus Copernicus High School in Toruń)

that time, the main subject of his interest was scholastic philosophy. The knowledge of Hebrew, which he gained at the Toruń Gymnasium, enabled him while studying, to have John Glandstone himself, the rector of St. Andrews University, as a mentor. Jonston must have had a favourable position, as he was granted access to the rector's private library, and more importantly, he was allowed to take the borrowed books home²⁸. Having such unlimited access to knowledge, he read books related to all fields and subjects, especially theology, philosophy, history, and antiquity. There is no information on whether he was also interested in legal or medical publications, but it cannot be ruled out that this was the case. His fame quickly went beyond the walls of the University, as the Archbishop of Saint Andrews – John Spotswood, primate of Scotland and chancellor of the state, accepted him as one of the 12 royal alumni, which was a great honor. Jonston studied theology, but surprisingly, considering his great knowledge, he did not finish it. Perhaps at that time, for the first time, the idea of undertaking medical studies arose in him and he decided not to waste time on pursuing theological education. Despite his rather high position and contacts within the state, university, and church authorities, in 1625, Jonston decided to go to Poland, however intending to return to Scotland after settling all his affairs in the homeland. However, the plague raging in Poland at that time changed his plans and prevented him from leaving again. In his lifetime, Jonston visited many different countries and universities, but it may be assumed that his two-year stay in Scotland was one of those events – perhaps the most crucial – that shaped his later life and scientific career. With unlimited access to books, he could develop his interests and spend hours reading. The possibility to use the resources of the university library, as well as the private library of the rector of St. Andrews University must have been a vital stage in his scientific development. It was probably then that his views on law were formed. Although he never really studied law, undoubtedly during his theological studies in Scotland, he must have encountered numerous legal terms, after all, an important element of theological studies is canon law. In Scotland, he also had the opportunity to get acquainted with some basic principles of the *common law* system. How else can one explain his great

²⁸ T. Bilikiewicz, *Jan Jonston...*, p. 23.

concepts concerning the essence of criminal punishment, referring in a certain way to the doctrine of Anglo-Saxon law²⁹. It is worth noting that, among others, James Wilson, John Witherspoon, and Benjamin Franklin, the founding fathers of the United States and the signatories of the Declaration of Independence, had strong links with St. Andrews University. The first one studied at this University and the other two received its honorary title³⁰. In 1941, an honorary Doctor of Laws degree of St. Andrews University was awarded to General Władysław Sikorski³¹. To date, emphasizing the relationships of Poles with Saint Andrews University, John Jonston and Gen. Władysław Sikorski are the two figures most frequently mentioned.

Due to the inability to return to Scotland, Jonston accepted the offer to teach and educate the sons of the prominent Korczbok-Zawadzki family, who were attending the gymnasium in Leszno. It was in Leszno, where he stayed until 1628, that he became interested in medicine and natural science, studying the works of outstanding naturalists and doctors. Although little is known about his medical activities at that time, it is here that the first significant relationship between law and medicine in his life occurs. Extensive information is available about the case of Krystyna Poniatowska, a young woman, famous visionary, and John Amos Comenius's friend³². Her case was particularly loud and aroused a lot of interest, especially since Comenius, already known throughout Europe, dealt with it and interpreted it in a mystical way. When assessing the health condition of Krystyna Poniatowska,

²⁹ It is worth noting John Jonston's considerations regarding punishment and included in *Enchiridion Ethicum* (Brzeg Śląski, 1658). Excerpts of this work, devoted to justice (translated from Latin by Michał Heintze), have been attached to this dissertation.

³⁰ Benjamin Franklin was awarded the honorary title *Freedom of the Borough* in 1759, and John Witherspoon received a honorary doctorate degree in theology in 1764 r. Cf. about L. Gordon Tait, *The Piety of John Witherspoon: Pew, Pulpit, and Public Forum*, Louisville – Kentucky 2001, p. 13.

³¹ W. Tomaszewski, *Na szkockiej...*, p. 99.

³² John Amos Comenius (1592-1670) was an eminent Czech clergyman and pedagogue, a social and religious activist who, after leaving the Czech lands, resided in Leszno from 1628 to 1656, with intervals. During this time, he was a professor at the Leszno Gymnasium, which, thanks to him, became a renown and eagerly chosen place of education for Polish and Czech youth. His works, especially in the field of pedagogy, gained popularity throughout Europe.

prominent doctors from Leszno expressed their opinions. Jonston also expressed his views, despite the fact that he had not completed medical studies, and at that time he was only a ‘candidate for medicine’. The description of the case itself is several hundred pages long and written in Latin. In legal literature, the case of Krystyna Poniatowska was one of the first cases of judicial and medical opinion in Europe, performed in the form of psychiatric expertise³³. In the end, despite disputes between those expressing opinions, it was ruled that her condition was caused by a ‘temporary insanity’ and the trial against her was abandoned. For 20th-century psychiatrists, the analysis of the case of Krystyna Poniatowska leaves no doubt that it may have been a mental illness or other disturbance of mental activities, which – if they exclude the possibility of recognizing the gravity of the act or controlling the conduct – constitute circumstances excluding the criminal liability of the perpetrator due to her insanity³⁴. It constituted a rather innovative approach to the case, since in the 17th century, the idea of excluding criminal liability towards mentally ill people was timidly maturing.

Participation in issuing an opinion on Krystyna Poniatowska was the first event in Jonston’s life, then 25 years old, in which the law came into deep contact with medicine. Undoubtedly, this case affected the rest of his life. By participating in issuing the opinion, not only did he meet outstanding doctors, but also felt the scientific atmosphere of Leszno at that time, which thanks to the patronage of the Leszczyńskich family, was a significant European scientific center. Numerous printing companies located in Leszno at that time may have been another factor

³³ K. Spett, M. Cieślak, *Rzut oka na powstanie i rozwój psychiatrii kryminalnej*, [in:] M. Cieślak, K. Spett, W. Wolter, *Psychiatria w procesie karnym*, Warsaw 1977, p. 15-16; M. Dębicka, *Początki opiniowania sądowo-lekarskiego na ziemiach polskich (do XVIII wieku)*, ‘Studia z Dziejów Państwa i Prawa Polskiego’ 2008, vol. XXII, p. 58.

³⁴ T. Bilikiewicz, analyzing opinions issued on this matter, indicates that: ‘*For the present physician, the accident and diagnosis do not present the smallest difficulties; undoubtedly, it is a case of severe hysteria with a religious background, which is supported by those epileptoid attacks, about which Jonston himself says that they did not carry the character of true epilepsy, with typical bending backwards and plenty of psychosomatic symptoms, designed for effect, with symptoms of hysterical stupor, catalepsy, etc. In the differential diagnosis, the assumption that it could be schizophrenia will easily be eliminated.*’. Cf. T Bilikiewicz, *Jan Jonston...*, pp. 185-186.

that prompted Jonston to settle in this city for many years. However, before that happened, Johnston set off on a scientific trip visiting European universities, namely Frankfurt on the Oder, Leipzig, Wittenberg, Magdeburg, and Berlin. From Germany, he went to the Netherlands and – after a short stay in Groningen – he enrolled in medical studies at the University of Franeker. It was due to Professor Magdovell, whom he met while studying at Saint Andrew’s University. That is how the Scottish ‘episode’ affected his medical career. In his matriculation document once again he described himself: ‘*Polonus, medicinae studiosus*’, emphasizing his Polish roots³⁵.

Studying at the University of Franeker did not satisfy Jonston’s ambition, as the best medical university in the Netherlands was in Leiden, which gained its fame thanks to Professor John von Heurne (1543-1601), among others. He was the first to perform single-handedly the post-mortem of a dead human being. This professor was also a publisher and a commentator of Hippocrates’s works. Johnston wanted to start studying at this university, which he did on February 13, 1630, when he became its student, enrolling as: ‘*Polonus aged 27, medicinae studiosus*’. It was at this university that he became acquainted with the works of ancient physicians, especially Hippocrates, whose ‘spiritual disciple’ he remained for the rest of his life. Jonston published, as well as commented on many of Hippocrates’s works³⁶.

In Leiden, the work of John Jonston on ethical issues was also created – *Enchiridion Ethicum*, a collection and analysis of the Latin sentences of eminent Roman and Greek thinkers. This work has not been translated into Polish yet. However, it contains passages that relate directly to legal matters, and many of them are worth a thorough analysis because they undoubtedly reinforce the belief in Jonston’s considerable knowledge of the law. As A. Matuszewski points out: ‘When discussing penalties, the author emphasizes that criminals and those spreading false rumors should undoubtedly be severely punished. The punishment, however, may be suspended if it may be executed later, the offence is minor, the offender regrets the deed and appeals to the judges’ mercy, and improves quickly. The punishment shall be proportionate to the degree of harmfulness and shall be imposed to the same extent regardless of

³⁵ Por. T Bilikiewicz, *Jan Jonston...*, p. 28-32.

³⁶ Por. T Bilikiewicz, *Jan Jonston...*, p. 35.

the person concerned³⁷. Each of these statements could be subject to extensive analysis in subsequent chapters of the work, as it refers to vital principles of criminal liability enforcement.

A. Matuszewski indicated that the above-mentioned handbook of ethics is one of Jonston's less-known and less frequently included works in literature. The reason for this was the fact that despite its three editions in the 17th century, two of which were published in Leiden in 1634 and 1643, and one in Brzeg Śląski in 1658, only one copy of the third edition of this work from 1658 remained, which can be found in the Library of the Romanian Academy of Sciences in Bucharest (ref. no. 44951). Further, A. Matuszewski emphasizes that the Leszno Cultural Society owns the microfilm of this copy and its photocopy. Another photocopy can also be found in the collection of the Library of the Institute of the History of Science in Warsaw, ref. no. Ks. 1888. According to this author, however, no copy of the first two Leiden editions of the textbook has survived. This view that has been spread for more than two decades is actually false. In the resources of the Leszno Cultural Society, there is not such a microfilm, although it cannot be ruled out that in 2003 when A. Matuszewski expressed his opinion, the microfilm was there. Interestingly, the National Library of Australia has the Leiden copy from 1634³⁸. It is intriguing how and when it appeared on the Australian continent. This fact may illustrate the significance and fame of Jonston, whose works were known not only in Europe but also on other continents. The edition of 1658 from Brzeg Śląski, mentioned and used by A. Matuszewski, can be found in the library in Dresden and in the Austrian National Library. The original edition was available for purchase in the Bürck antique bookshop in Berlin³⁹. This discovery made the Municipal Public Library of Stanisław Grochowiak in Leszno interested in purchasing this edition, and therefore it started the procedure of acquiring this work. Thanks to this, Jonstons

³⁷ A. Matuszewski, „*Enchiridion ethicum*” Jana Jonstona a podręczniki „*Etyki*” Jana Jonstona i Bartłomieja Keckermanna – podobieństwa i różnice, [in:] A. Konior (ed.), *Europejskość myśli i twórczości naukowej Jana Jonstona po czterech wiekach*, Leszno 2003, p. 62.

³⁸ Cf. <https://catalogue.nla.gov.au/Record/1536165?> [access 30/04/2023].

³⁹ Cf. <https://biblio.co.uk/book/johann-jonstoni-doct-medici-enchiridion-ethicuum/d/1402668607> [access 30/04/2023].

virtually inaccessible work can now be found in Leszno. At least, for this sole reason, undertaking the research on Jonston's activity and ethics was worth the effort. Hopefully, the edition of 1643 will still be found somewhere in Europe, perhaps on another continent, as well as the version of 1634⁴⁰.

After his stay in Leiden, John Jonston again returned to England and after a short stay in London, he began his studies at the University of Cambridge. He stayed there for only a few months, because Rafał Leszczyński, known to him from the time of his studies at the Toruń Gymnasium, offered Jonston to become a teacher to his son Bogusław. Accepting this proposal, Jonston refused to take up the chair of one of the universities in the Netherlands. Since then, for many years he settled in Leszno. Prior to this, he embarked on a nearly four-year journey through Europe, taking care of his pupils: Bogusław Leszczyński and Władysław Dorohostajski, the son of the Marshal of the Grand Duchy of Lithuania. Similar journeys called *the Grand Tour*, were in the sixteenth and eighteenth centuries a frequent element of the education process of young aristocrats, intellectuals, and sometimes the sons of rulers. Such educational trips were made by, among others, King John III Sobieski or King Stanisław August Poniatowski. Similarly, Bogusław Leszczyński left the country for several years for educational purposes. During their trips, they visited Germany, Denmark, Norway, Scotland, the Netherlands, France, and Italy. They stayed in Leiden the longest, and on 15 April 1634 – on the basis of the thesis *Disputatio medica inauguralis de Febribus* (Research on the causes of fever) – John Jonston was awarded the doctorate degree in medicine. It is worth noting that it was the second doctorate degree for Jonston, as he already had one in philosophy⁴¹.

In May 1634 Jonston went to England for the third time. After a short stay in London and Oxford, he went to Cambridge, where he was immediately accepted as a doctor of medicine at this University, receiving

⁴⁰ The above findings were possible thanks to information obtained from Michał Heintze, a PhD student at the Doctoral School of Linguistics and Literature at Adam Mickiewicz University in Poznań. He undertook the task of translating the third edition (1658 r.) of John Jonston's ethics into Polish. This work, translated into Polish, is likely to be published in 2023.

⁴¹ Por. T Bilikiewicz, *Jan Jonston...*, pp. 42-46.

all the privileges associated with this title. The title of doctor which he obtained in Leiden was – as we would say today – nostrified in England. Thus, Jonston has in his educational background studies at two out of the three most important universities in Great Britain – St. Andrews University and Cambridge University. From England, where Jonston stayed for six months, he moved to Paris, where he had the opportunity to familiarize himself with the most significant works of the royal library⁴². Little is known about his life in Paris, but it may be assumed that his stay in France strengthened his cult of ancient medicine, as most French scholars were then influenced by the Greek doctor Galen, who came from Pergamon⁴³. During his stay in France, Johnston also travelled around the country and visited the most important cities (among others, Tours, Saumur, Toulouse, and Montpellier). From France, he travelled across the Alps to Italy, where he visited Turin, Naples, Rome, Loreto, Ancona, Rimini, Bologna, Venice and Padua.

His four-year-long trip finished when he learned about the death of Rafał Leszczyński, Bogusław's father. *The Grand Tour* participants returned to Leszno on 15 November 1636. This is how Jonston's careers at European universities ended. When he moved back to Leszno he was 33 years old. Despite the proposal to be in charge of numerous university departments, he decided to take the position of a city doctor, using the official title: *Johannes Jonstonus Medicinae Doctor Illustrissimi Comitatus in Leszno Archiater, et Civitatis Lesniensis Physicus ordinarius*⁴⁴.

The fact that he rejected the offer to chair departments at renowned European universities leads to several important conclusions. Firstly, being a city doctor, as well as a personal doctor of the Leszczyński family, must have been a well-paid position. It should be emphasized that scientific work, although associated with prestige, did not guarantee earnings that would allow for a decent living; as it was the case of Nicolaus Copernicus, who for most of his life lived not from scientific

⁴² Cf. T Bilikiewicz, *Jan Jonston...*, p. 48-49.

⁴³ Claudius Galenus (born c. 130 AD in Pergamo, died c. 200 r.) was a Roman physician of Greek origin, one of the most famous doctors of antiquity, who influenced immensely the development of medicine in Middle Ages and Renaissance. He was the court physician of the Roman emperors: Marcus Aurelius and Commodus. Cf. W. Lipoński, *Dzieje kultury europejskiej. Prehistoria – starożytność*, Warsaw 2020, p. 306.

⁴⁴ Por. T Bilikiewicz, *Jan Jonston...*, pp. 55-56.

work, but – which is not widely known – from being a lawyer⁴⁵. Additionally, in 1652 Jonston acquired the palace in Stołowice, which may also prove that as a city doctor, he must have earned a good salary. The palace remained his residence during the last years of his life. The appropriate remuneration allowed Jonston to create his own library, which included approximately 1200 books⁴⁶. Secondly, the numerous printing houses operating in Leszno at that time made this city an important scientific and printing centre in Poland. This enabled Jonston to publish many books in Leszno, which must have been crucial for such a prolific writer. Thirdly, Jonston's stay in Leszno fell on the heyday of this city, which gave shelter to numerous Protestant refugees from Silesia, the Czech Republic and Moravia, thanks to which they could freely develop their cultural and scientific life there. Jonston built and kept good relationships with all of them. He maintained close relations with John Amos Comenius, whose stay in Leszno was widely discussed throughout Europe.

Jonston was also an urban physicist who supervised the drugs approved for use. Therefore, in his activity, he undoubtedly encountered issues that we would classify today as related to pharmaceutical law.

One of Jonston's closest friends was John Schlichting from Bukowiec, Wschowa district judge (1591-1658). It was to them, among others, that the play *Sussanna, ex Danielis 13. Tragoedia*, was donated and dedicated. It was performed in the gymnasium in Leszno on 8 February 1646. The drama was dedicated to thirty-one spectators, listed with names and surnames, although the audience also included relatives and friends of the actors. In the preserved copy, issued in Daniel Vetter's publishing house, there is the following dedication: 'Offered, given and dedicated to the Magnificent, the Most Honourable, the Noble, the Venerable and the Illuminated Lords' (*Illustribus, Magnificis, Generosis, Nobilibus, Reverendis, Clarissimis, Doctissimisque Viris dederunt, donaverunt, dedicaverunt*). The inclusion of Jonston in this group undoubtedly proved his position in Leszno. It is worth highlighting that the majority of spectators came from places far away from Leszno. Present were,

⁴⁵ Por. o tym F. Longchamps de Bériér, *Być prawnikiem. Trzy medytacje*, Warszawa 2003, p. 15 et seq.

⁴⁶ H. Sadowska, *Nieznany rękopis Jana Jonsotna. Wykaz pozycji podręcznego księgozbioru*, Lubin 1975, p. II.

among others, John Teodor and Christopher Potocki, Calvinist magnates who came to Leszno from the Halicka Land, and Chełmszczyzna or John Kisling, mayor of Toruń. The plot of the drama was a trial about the adultery of a high-born woman and a legal dispute conducted with great meticulousness by dignified, highly-respected judges. The aim of the play – in addition to strictly theatrical values – was to train students of Leszno Gymnasium in the scope of court proceedings, the course of trial, and legal terminology⁴⁷. Surely, the play must have been of educational value for Jonston himself, who always tried to gain as much new knowledge as possible from each such meeting.

On 19 May 1637 Jonston married Krystyna, daughter of Samuel Hortensius – a pharmacist from Wschowa. Unfortunately, their marriage did not last long, because five months later his wife died. Already in the following year, he married Anna Rozyna, daughter of the then-deceased doctor Mateusz Vechner, with whom Jonston participated in the opinion on the case of Krystyna Poniatowska⁴⁸.

As we know in the 17th century. Leszno was an important scientific and cultural centre. To illustrate this fact, it can be pointed out that there Anna Memorata, the daughter of a Czech pastor, wrote her Latin poems, signing '*Anna Memorata, virgo Polona*', here John Amos Comenius worked on the reform of education, creating works that made him and Leszno famous throughout Europe. At the same time, John Dekan, a famous mathematician and builder, Sebastian Macer – a Latin poet, and John Hermann, a clergyman and Latin poet, whose songs are sung to this day in Lutheran churches, also stayed in Leszno⁴⁹. Leszno was undoubtedly an ideal town to live in for Jonston, who above all loved science. He was highly trusted in society and, therefore, he was elected a representative of the secular state to the so-called *Colloquium Charitativum*, i.e. the meeting convened by King Władysław IV in Toruń, at which the ruler wanted to lead to an agreement between Catholics and Protestants. The first congress, planned in October 1644, was unsuccessful; the second congress, which took place in August 1645, succeeded.

⁴⁷ Por. szeroko D. Chemperek, R. Sawa, *Zuzanna, tragedia z 13. Rozdziału Księgi Daniela*, Lublin 2017, pp. 5-52.

⁴⁸ T. Bilikiewicz, *Jan Jonston...*, pp. 59-60.

⁴⁹ S. Karwowski, *Kronika Miasta Leszna*, Poznań 1877, p. 15. Cf. A. Matuszewski, *Odrębność...*, *passim*.

Although reconciliation was ultimately unsuccessful, the mere peaceful meeting of representatives of various Christian denominations during the Thirty Years' War must have deserved admiration throughout Europe. In 1995, on the 350th anniversary of the *Colloquium Charitativum*, the Diocesan Curia of Toruń, Nicolaus Copernicus University, the City of Toruń and the Toruń Scientific Society took the initiative to resume meetings of representatives of various religions and since then they have been held annually in Toruń⁵⁰. Little is known about Jonston's participation in the congress in 1644. He did not want to be a politician, but – starting from the above-mentioned speech at the Toruń City Council, while studying in the Toruń Gymnasium – politics slowly entered his life. Erudition and rhetorical skills meant that he dealt publicly with the affairs of his co-religionists, which was undoubtedly helped by the knowledge acquired during theological studies in Scotland.

Despite the importance of religion in his life, he was always characterized by loyalty to legitimate power, a clear example of which was his attitude towards the Polish-Swedish War (1655-1660), called the Swedish Deluge in literature. Unlike many of his co-religionists, in this war Jonston took the side of Poland, recognizing the right of King John Casimir to the Swedish throne. He considered the Swedish attack on Poland to be unjust and put the invaders on an equal footing with the rebels and other enemies.⁵¹

The war itself played a crucial role in Jonston's life, prompting him to leave Leszno and settle in Silesia in Ziebendorf, today's Skłodowice, which is located about 7 km from Lubin. The oldest traces of human life in these areas, confirmed by archaeological research conducted in the 1970s, date back to Roman times, although the first historical record of the town of *Skladovici* can be found in the papal bull of Pope Clement IV from 1267⁵². Jonston acquired the estate in Skłodowice from Gottfried von Haugwitz on 22 September 1652. The village itself was not inhabited by many people. From the census prepared in 1613 for the Duchy of Legnica, we know that it was 6 peasants, 3 farmers and 3 cottagers. When Jonston acquired the estate, the number of inhabitants could have

⁵⁰ Cf. M. Szulakiewicz, *Colloquia Torunensia – historia i idee*, [in:] M. Szulakiewicz (ed.), *W poszukiwaniu nowego człowieka*, Toruń 2020, pp. 33-49.

⁵¹ T. Bilikiewicz, *Jan Jonston...*, p. 77.

⁵² H. Rusewicz, *Skłodowice*, Lubin 2019 (no page).

been lower, since between 1630-1634 the settlement was affected by the plague. The palace where Jonston lived was erected around the middle of the 16th century and reconstructed later. At the time of Jonston's residence, it was probably a two-storey brick building, erected on the T-plan, with an additional three-storey avant-corps extension. In the middle avant-corps of the facade, there was the main entrance to the building, and the two upper floors had windows that in their arched shape resembled the portal of the main entrance to the palace. The remaining dozens of windows were of rectangular shape. In front of the building, there were wonderful parks and a garden, the originator of which was probably Jonston, because his interests included natural sciences, especially vegetation and dendrology. In the garden, there was a pond, paths and numerous trees. At the time when Jonston lived in the palace, Składowice was one of the most beautiful settlements in the Lubin region⁵³. The name of the village was Latinized by Jonston, who used the term *Cibeniacum*. Jonston remained in this estate for the rest of his life, working as a doctor and a reputable scholar, who maintained contact with the world of science all the time. When he left Leszno for Składowice, he took all his possessions, including his massive book collection. Therefore, without a shadow of a doubt, it can be assumed that the most important room in the palace was the library. It is difficult to determine precisely how many books Jonston owned, but the catalogue found in the 20th century shows that there were approximately 1200⁵⁴. There were books and publications related to such fields as: theology, philosophy, medicine, botany, zoology, mathematics, astronomy, astrology, geography, travel and many others. Obviously, there were also works of ancient writers, including as well those referring to ethics. In 1660, already in Składowice, Jonston published Hippocrates' 'Coan Prenotions' (*Praenotiones Coacae*)' with very extensive comments. The full title of this work published in 1660 in Amsterdam is *Magni Hippocratis Coi medicorum principis, Coacae Peaenotiones, Graece et Latine*. The place of publication means that the Dutch contacts were still vivid, which was probably related to his studies in this country. The motive that encouraged him to publish this work was the care connected with the education of young doctors, most of whom did not know the

⁵³ H. Rusewicz, *Składowice...* (no page).

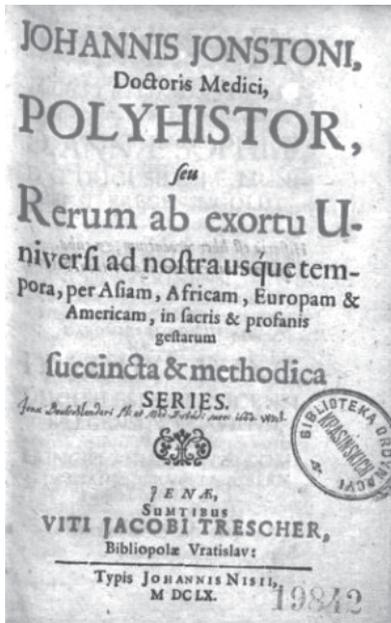
⁵⁴ H. Sadowska, *Nieznany...*, p. II.



Palac in Składowice near Lubin



Palac in Składowice near Lubin



Polyhistor (1660)

classics of antiquity, and even disregarded them. The antidote to such a negative phenomenon was teaching the principles of medical ethics developed by Hippocrates, which to this day are of a timeless nature. It was probably one of the first, or at least at that time – the most significant works published by a Polish author, which – at least in part (especially the foreword) – can be classified as related to medical law.

Currently, the palace is abandoned and in a state of advanced decay, although many elements have survived since Jonston lived in it. Nowadays, it is a private property. The current owners have built a beautiful agritourism facility next to the palace, which

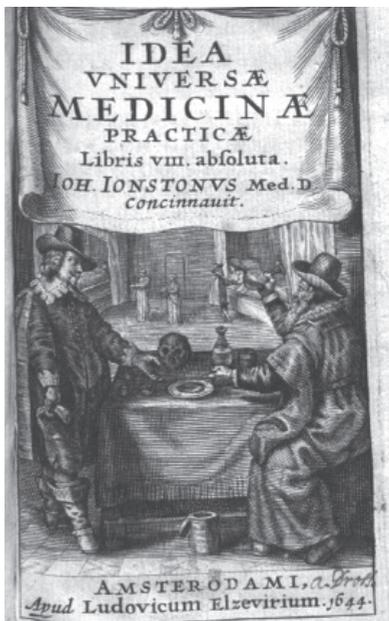
can accommodate almost 30 people. During my visit to Składowice, I managed to talk to them. When I visited the palace, my first thought was that surely in a few years time, there will be no trace of it and current owners will aim to expand the agrotourism activity at the expense of the place grounds. It turned out, however, that for years the owners have been trying to receive external funds to renovate the place. Therefore, there is still justified hope that in the coming years, it will be possible to restore the palace to its former glory. Moreover, it turned out that the palace is visited by the descendants of John Jonston from the United States.

In 1660, the first part of Jonston's work 'Polyhistor' was published, constituting a multi-volume compendium of knowledge about the history of the world, starting from biblical times and ending with the period of the reign of Emperor Sigismund of Luxembourg. The first volume, published in Jena, was entitled *Polyhistor seu Rerum ab exortu Universi ad nostra usque tempora per Asiam, Africam, Europam*

et Americam in sacris et profanis gestarum succincta et methodica Series. The work is encyclopedic in nature, as the name suggests, it was to briefly and methodically discuss the most significant secular and sacred events from the beginning of the world to the most recent times, including Asia, Africa, Europe and America.

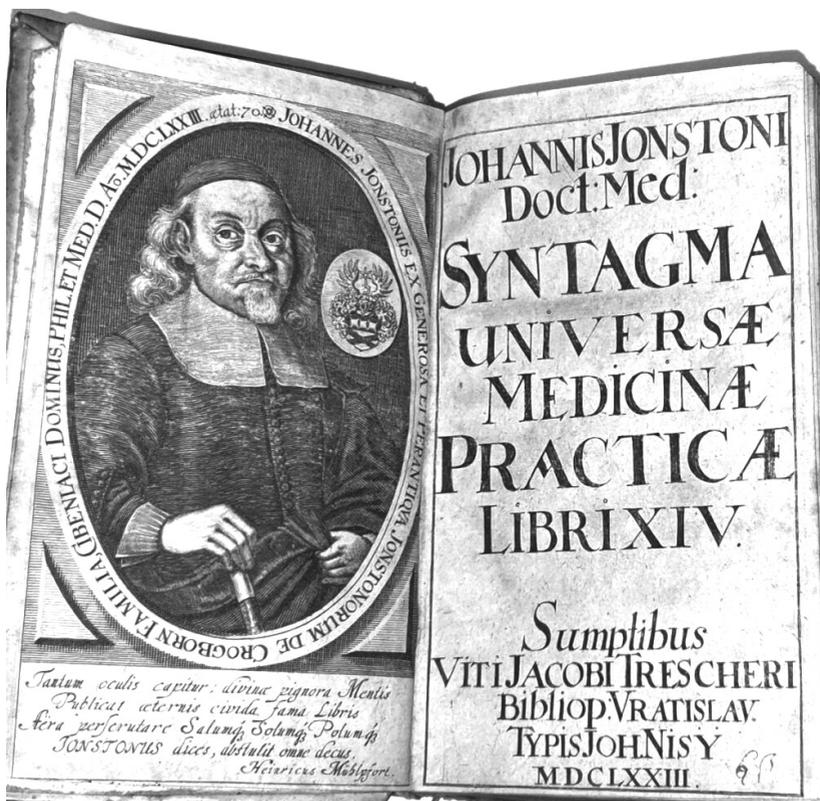
Jonston's health deteriorated and therefore in the years 1664-1665 he undertook treatment in the spa in Cieplice, Lower Silesia, which was very famous at that time⁵⁵. After returning from the spa treatment he continued his scientific activity. The last years of his life he spent organizing his medical publications. The collected texts were published jointly in

1673 in the work *Syntagma universae medicinae practicae libri XIV* (Wrocław 1673), which was an extended version of the thesis entitled *Idea universae medicine practicae*, and which was first published in 1644 in Amsterdam. The creation of this work requires a few words of commentary because it was written as a kind of compensation for Jerzy Wilhelm, the Brandenburg elector, who in 1642 proposed Jonston to take the Department of Medicine in Frankfurt on the Oder. As it is known, Jonston refused to take up this position, but in order to thank him for the proposal and to compensate for his decision, he dedicated this publication to Frederick Wilhelm, the son of the Brandenburg elector. The thesis had at least five legal editions, although there were also publications without the author's consent. The great success of the work led Jonston to extend and reprint it in twelve books in 1648



Idea universae medicinae (Amsterdam 1644 r.)

⁵⁵ M. Dąbek, *Goście cieplickiego uzdrowiska do połowy XIX wieku*, [in:] M. Szybałska-Taraszkiewicz, A. Woźny, *Uzdrowiska Dolnego Śląska. Wizerunek-Market-ing-Media*, Jelenia Góra 2015, p. 272.



Syntagma Universae Medicinae libri XIV (Wrocław, 1673)

in Amsterdam. It was later published several times, including illegally (without the author's consent) in 1664 in Frankfurt. Thus, the last Jonston's publication was *Syntagma universae medicinae practicae libri XIV*. He worked on it at the end of his life in Składowice. The work consisted of more than 1111 pages and served medical students, especially in Germany, as late as the middle of the 18th century, as a textbook containing the entire medical knowledge at that time⁵⁶. The last few pages are devoted to medical ethics, which undoubtedly has a meaningful character, because it shows the role and significance that,

⁵⁶ T. Bilikiewicz, *Jan Jonston...*, pp. 91-92.

according to Jonston, professional deontology has for the practice of the medical profession.

Jonston died on 8 June 1675 in Składowice. His body was, as he wished, transported to Leszno, where his funeral took place on 29 September 1675, honoured with the mourning speech of Elijah Thome. Many of his friends' memories about him were printed. John Christian Arnold in his work devoted to Jonston's biography, mentioned the famous inscription on his tombstone in Leszno: 'Here lie the bones of the greatest polymath and physician, John Jonston, of the noble Scots family, who was highly respected in the literary world ... who lived 72 years, died in 1675. He left lasting memories and the admiration of posterity to his contemporary world, especially the educated part of it'⁵⁷. This inscription is also mentioned by Count Edward Raczyński (1786-1845) in his memoirs from his trip to Greater Poland⁵⁸. It seems, however, that although J. Ch. Arnold (1747-1827) and E. Raczyński lived in distant times, the first was an eyewitness to the inscription. E. Raczyński repeated only – without providing the source – the information previously written by Arnold. It was not possible to determine exactly where John Jonston was buried in the Calvinist cemetery in Leszno. S. Jędraś suggests two probable places where it may be. The first – right next to the church of St. John in Leszno, the other in the area of the current Jonston Park, in which there is the only monument in Europe of this scholar. According to one hypothesis, Jonston's tomb was supposed to be located exactly in the place where his monument is currently standing⁵⁹.

⁵⁷ „*Hic ossa composite sunt polihistoris et medici summi Johnunis Jonstoni, c generosa Scotiac familia oriundi, de literatura sacra], e profana nounisi preclaro m crili, qui visit annos LXXII. decessit A. O. It. M. D. C. LXX V. Suis et erudito orbi poronne desidepium, posteritati admirationem rc liq u it; abi L e c t ! et Cineribus beue precare*”. Quoted in: J. Ch. Arnold, *Wiadomość o życiu i dziełach Jana Jonstona, przez JP. Arnolda M.D. Członka Towarzystwa Warszawskiego na publicznym przedzeniu czytana. Warszawa 1805*, 'Rocznik Towarzystwa Warszawskiego Przyjaciół Nauk' 1811, vol. 7, p. 20, the scan of the original text is available in the Digital Repository of the National Library and the integrated Digital Library, <https://polona2.pl/item/wiadomosc-o-zyciu-i-dzielach-jana-jonstona,NjYwMzM5OTA/> (access 30/04/2023 r.).

⁵⁸ Por. E. Raczyński, *Wspomnienia Wielkopolski to jest województw poznańskiego, kaliskiego i gnieźnieńskiego. Tom I*, Poznań 1842, p. 181.

⁵⁹ Por. S. Jędraś, *Zasługi Jana Jonstona*, 'Przyjaciel Ludu' 1986, vol. III, p. 23-24.



John Jonston's monument in Jonston Park in Leszno

The researchers also failed to accurately confirm all of Jonston's places of residence in Leszno. According to unconfirmed sources of information, Jonston could have been the owner of a tenement house at Market Square 16, where, according to some accounts, he was supposed to even run a pharmacy. This building is a place where since approximately 1635 there has been a pharmacy, although the current commonly used name 'Pod Łabędziem' comes from the second half of the 18th century. The official name '*Apteka pod Łabędziem*' (Schwane Apotheke) was still on the building during World War II. On the other hand, there is no doubt that he saw patients in his apartment, located at Osiecka Street (the current Niepodległości Street, and previously Dzierżyńskiego Street). He sold this tenement house only shortly before his death, which may mean that until the end he did not exclude returning to Leszno⁶⁰. In 1638,

⁶⁰ W. W. Głowacki, *Wkład Jana Jonstona...*, p. 43. Therefore, W. Ślusarczyk, mistakenly claims that Jonston lived in the present-day Osiecka Street. Cf. W. Ślu-



Memorial dedicated to John Jonston place on the palace in Składowic

his love of nature led him to buy from Bogusław Leszczyński, for 220 marks, a garden with a courtyard and a field near Gronowo⁶¹.

In the literature, the role of John Jonston in medical sciences, natural sciences, and humanities is emphasized. His achievements in the field of ornithology, zoology, philosophy, archaeology and history are highlighted and pinpointed. So far, it has not been noticed in the literature that many of Jonston's views also allow him to be recognized as a pioneer of medical law in Poland. However, the Leszno City Council noted this fact in a resolution of 29 November 2022 by proclaiming the year 2023 in Leszno as the Year of Dr John Jonston. The Council

sarczyk, *Apteka...*, p. 26. The current Osiecka Street does not have much in common with the Osiecka Street in which Jonston lived in the 17th century. Present-day Niepodległości Street was in the 17th and 18th centuries called Osiecka or Toruńska, later Moltkestrasse (1884-1920), Osiecka (1920-1939), Storchnessterstrasse (1940-1945), Osiecka (1945), Ignacego Daszyńskiego (1945-1951), Feliksa Dzierżyńskiego (1951-1989), until 1989 when it was named Niepodległości Street.

⁶¹ V. Loewe, *Dr. Johann...*, p. 21 (footnote 3).

emphasized that he was ‘a physician, naturalist, historian, philologist, theologian, philosopher, ethics, polymath, and perhaps even a pioneer of medical law in Poland’ (underlining – P.J.). His works devoted to medical ethics, the principles of being a doctor, the nature of punishment, supervision over making medicines available on the market, as well as his participation in issuing one of the first psychiatric expertise in Europe (the Poniatowska case), undoubtedly allow him to be recognized also as an expert on legal issues. Some extracts of his works, especially the preface to ‘Coan Prenotions’, issues related to medical ethics and the principles of being a doctor, may be considered one of the first manifestations of legal and medical literature in Poland.

Chapter II

Precursor of Medical Law in Poland

The great pitfalls of sin is the hope of impunity.
Punishment comes with laws. It seems that we can talk
about universal justice. For it is also thanks to it that human
society endures, which is a great cause for happiness.
John Jonston, *Enchiridion Ethicum*, Brzeg Śląski 1658

General Remarks

It is common knowledge that the history of medicine dates back to ancient times. Its development was, of course, accompanied by the emergence of many legal regulations. The earliest legal monuments, providing for criminal liability for medical malpractice, are found in the Code of Hammurabi, dating from the 18th century BC. In the literature, it is assumed that the origins of medical law are directly related to the emergence of the principles of medical ethics⁶². The most complete vision of the medical ethos developed in Greece, especially thanks to the father of ancient medicine – Hippocrates. It is from him that the famous oath, *horkos*, comes, although it is not certain whether he was the author of the individual passages or whether its authorship was later attributed to him by his disciples⁶³. Nowadays, young doctors,

⁶² O. Nawrot, *Historia prawa medycznego (pomiędzy Jerozolimą, Atenami a Rzymem – etyka, prawo i sztuka leczenia)*, [in:] M. Safjan, L. Bosek (ed.), *System prawa medycznego. Instytucje prawa medycznego. Tom 1*, Warszawa 2018, pp. 24-26.

⁶³ It is generally acceptable that among various translations into Polish, the most critically justified is provided by J. Gula, *Przysięga Hipokratesa: nota od tłumacza i tekst*, [in:] J. W. Gałkowski, J. Gula (ed.), *W imieniu dziecka poczętego*, Rzym – Lublin 1991, pp. 193-197. As an introduction to the topic of medical ethics principles, it is worth quoting them *in extenso*: *'I swear to Apollo, the physician, and Asclepius, and Hygeia, and Panacea, and all the gods and goddesses, taking them as witnesses, that according to my ability and judgment [conscience] I will keep this oath and the written covenant. I will respect my future teacher in the art of medicine as much as my parents, and I will share my life with him and support him when he is in need; I will regard his descendants as my own brothers in the male line and I will teach them the art without charge or written contract; both*

finishing their studies, take an updated oath, but the very concept of the 'Hippocratic Oath' is widely known all over the world⁶⁴. Concluding the topic devoted to Hippocrates, it is vital to mention two sentences, fundamental to medicine, of which he was the author: *primum non nocere* (first of all, do no harm) and *salus aegroti suprema lex* (the welfare of the patient is the supreme law). Without going into details about the development of medical law, it should only be noted that its basic determinants are considered to be: 1) legal standards; 2) organization of the medical education process; 3) medical ethics. As O. Nawrot points out: 'To a large extent, this system reflects the triad that makes up the pillars of European civilization: Jerusalem-Athens-Rome. Jerusalem is a symbolic approach to ethics, in the case of European civilization, primarily Christian ethics defining the paradigms of European axiology. Athens is a peculiar designation of science, open to both facts and using extensive theoretical models. Athens is also a symbol of the significance of knowledge, and thus the organization of relaying it. To this day, Rome remains the symbol of a <<good and just>> legal system which gives the individual the means to protect his or her possessions and interests'⁶⁵. It should certainly be assumed that these are also the pillars on which Jan Jonston based his scientific and medical activities.

verbally and in writing I will impart my knowledge and experience to my own sons and the sons of the one who has taught me, and to the pupils who have signed the covenant and taken the oath, and who are bound by a medical contract, but to no one else. I will recommend a healthy lifestyle and dietary habits according to my ability and judgment, considering the well-being of the afflicted, I will protect them from harm and injury. I will never administer a deadly drug to anyone, nor will I give advice in this regard, even if asked for it; similarly, I will not give any woman a vaginal abortifacient. I will keep my life and art pure and holy. I will never perform surgery to remove kidney stones (from the bladder), but I will leave this to those who are practitioners of this work. Whichever house I will enter, I will only go for the benefit of the afflicted, and I will abstain from all intentional wrongdoing and harm, especially from deeds of an amorous nature with women or men, whether free or slaves. Whatever I see or hear in the lives of people, whether during or outside my medical practice, that should not be revealed to others, I will keep it secret as holy and divine. If I fulfill this oath and do not violate it, may I enjoy success in my life and my art, and may I be honoured among all people for all time. But if I break this oath and betray it, may the opposite befall me'.

⁶⁴ W. Lipoński, *Dzieje kultury europejskiej. Prehistoria-Starożytność*, Warsaw 2020, pp. 304-305.

⁶⁵ O. Nawrot, *Historia...*, p. 30.

Medical Ethics

In Polish legal literature, John Jonston, apart from Sebastian Petrycy or Titus Chałubiński, is considered one of those who have made the greatest contribution to the development of medical ethics in Poland⁶⁶. It has already been pointed out in this book that Jonston, fascinated since his studies at Leiden with Hippocrates, was concerned that modern doctors did not know the classic works of ancient doctors. In 1660, to counteract this situation, he issued 'Coan Prenotions' (*Praenotiones-Coacae*) by Hippocrates. In his opinion, the disregard for the works of ancient doctors was due to the lack of knowledge about them. He published his work with numerous comments. Jonston did not translate the work, *Coan Prenotions*, from Greek into Latin, but only made use of the translation by Anutius Foesius (1528-1591), a French physician and humanist. Jonston's considerable contribution, on the other hand, consists of very extensive commentaries on individual passages, made in such a way that he provides one or two, exceptionally three, sentences in Greek, then their translation by Phoesus, and then his comments. These comments usually have a few or even a dozen sentences. This way of presenting the work was initially not welcomed, because, in Jonston's time, the dogma was to strive to free the original ancient texts from excess commentary⁶⁷. For the author of this work, it is not the commentary on individual extracts of Hippocrates's work that is of key importance, but the preface. In it, Jonston expresses his hope that his work will be useful, especially for young doctors and, consequently, for patients who will receive better care. Jonston was surprised that doctors underestimated the prognosis in the treatment process, and the biggest surprise was the fact that many senior doctors did not hear of *Coan Prenotions*⁶⁸. Jonston was one of first doctors in Poland, who indicated that the principles of professional deontology might determine

⁶⁶ J. Borówka, *Polska etyka lekarska ujęciu dziejowym. Studium filozoficzno-historyczne*, Toruń 2012, p. 198; D. Plutecki, *Dylematy etyczne w pracy zawodowej lekarza w opinii studentów kierunków medycznych w Polsce*, 'Homo et Societas' 2021, no. 6, . 146.

⁶⁷ B. Bujałowska, *Jan Jonston jako komentator Prognoz koskich*, 'Studia i Materiały z Dziejów Nauki Polskiej' 1978, Seria B, vol. 28 ('O Janie Jonstonie 1603-1675. Sympozjum 1975'), p. 19-23.

⁶⁸ D. Bujałowska, *Jan Jonston...*, p. 23.

the essence of the medical profession. The above-mentioned preface can therefore be considered a kind of preamble to the principles of medical ethics, which Jonston discusses in his works. Simultaneously, he worked on the next edition of the textbook *Ideae universae medicinae practisae*. Both of these works were supposed to serve primarily young doctors – that was the intention of their author.

As for the principles of medical ethics, which Jonston discusses, he presented his views mainly in the form of short sentences, rarely giving them the form of longer scientific arguments. Of course, he did not write anything that could be considered an orderly and systematic lecture (concept) by John Jonston on medical ethics. He rather drew on the thought of Hippocrates. However, having at his disposal works in which a significant part of his views has been translated into Polish, interpreting his views on medical ethics becomes the translator's task. Jonston's selected thoughts on medical ethics were subjected to such a procedure. So here are the most crucial principles that can be formulated on the basis of Jonston's thoughts, closely related to each other⁶⁹. It is worth emphasizing that these principles are also the basis of the modern medical code of ethics (hereinafter referred to as the Medical Code of Ethics)⁷⁰.

- 1) **The principle of trusting God. This is the first rule Jonston believed a doctor should follow. The conviction in the paramount importance of this rule exemplifies Jonston's profound piety.**
- 2) ***Salus aegroti suprema lex esto.*** The highest ethical order of the doctor is the patient's welfare (art. 2 sentence 1, the Medical Code of Ethics). This rule, traditionally attributed to Hippocrates, is the most significant principle of medical ethics. Through its prism, all

⁶⁹ Cf. also J. Borówka, *Polska...*, 206-212.

⁷⁰ The following principles have been interpreted from Jonston's ideas included in *Syntagma universae medicinae practicae libri XIV*, Jena 1673, p. 1108-1111, which T. Bilikiewicz described in a very thorough manner, *Jan Jonston...*, pp. 142-144. In this work, I adopted the following method to discuss these principles: first, I highlighted the names of individual principles derived from Jonston's ideas, providing a brief characterization. Then, I attempted to explain them, using the wording of some currently applicable principles of medical ethics. The aim of this approach is to verify the thesis that the vast majority of these principles advocated by Jonston, although drawn from Hippocrates, have a timeless and universal character.

other norms contained in the Medical Code of Ethics should be interpreted. It is impossible to act in accordance with the principles of medical ethics without placing the patient's welfare at the centre⁷¹.

- 3) **The principle of philanthropy. Its opposite is greed, which is unworthy of a doctor. Hippocrates himself pointed out that a wise doctor despises money and, if possible, should treat patients free of charge.** The doctor has the right to agree on the amount of the fee before starting treatment (art. 66 section 1, the Medical Code of Ethics), except in emergency situations (art. 66 section 2, the Medical Code of Ethics). However, it is not a violation of the ethical principles in a situation in which the doctor treats without remuneration (art. 66 section 3, the Medical Code of Ethics). It is a good practice to treat other doctors and members of their immediate family, including widows, widowers, and orphans of doctors, free of charge (art. 67, the Medical Code of Ethics). The acceptance of treatment in exchange for a predetermined fee seems obvious in the modern market economy, but it is worth emphasizing the historical roots of this principle, dating back to antiquity. At first glance, the acceptance of treatment without charge is also obvious, because there is no provision in the legal system that would force a doctor to provide services for a fee. Nevertheless, the problem arises at the tax level, because the relevant provisions also recognize the amounts due as doctor's income, even if they were not actually received.
- 4) **The principle of love for consultation (*amor consultationum*) in order to jointly consider the details of the disease.** In case of diagnostic and therapeutic doubts, the doctor should, as far as possible, guarantee the patient a consultation with another doctor. The consultant's opinion is advisory because the doctor conducting the treatment is responsible for the entire procedure (art. 54, the Medical Code of Ethics).
- 5) **The principle of independence in action, which means contempt for the slander of the crowd (*calumniarum vulgi contemptus*).** Market mechanisms, social pressures, and administrative requirements do not exempt the doctor from complying with this principle

⁷¹ O. Nawrot, [in:] O. Nawrot (ed.), *Kodeks etyki...*, pp. 82-83.

(art. 2 sentence 2, the Medical Code of Ethics). No pressure, even external, or criticism releases the physician of the obligation to observe the fundamental principle: „*Salus aegroti suprema lex esto*”.

- 6) **The principle of mercy.** The doctor’s vocation is to protect human life and health, prevent diseases, treat patients, and relieve suffering (art. 2 sec. 1, the Medical Code of Ethics). The protection of human life and health is performed by preventing diseases, treating the sick, and relieving suffering⁷².
- 7) **Professional courage, which requires admitting mistakes in treatment if they have been committed.** In the event of a serious mistake made by a doctor or the occurrence of unforeseen complications during treatment, the doctor should inform the patient and take action to remedy the consequences (art. 21, the Medical Code of Ethics). On the one hand, this principle imposes on the doctor an information obligation towards the patient, and forces him to take remedial (corrective) actions related to the mistake made or the occurrence of unforeseen complications⁷³.
- 8) **The obligation of professional development, which requires a constant knowledge broadening, so that there is no situation in which the doctor trusts only ‘his own genius’ and his ‘lucky hand’.** It is the duty of every doctor to constantly extend and improve their professional knowledge and skills, as well as to share it with colleagues (art.56 sec. 1, the Medical Code of Ethics). The preamble to the Code indicates that a doctor undertakes, among other things, to constantly expand their medical knowledge and share with fellow doctors everything that they manage to invent and improve. An element of professional development may be the implementation of a specific specialization, participation in a course or postgraduate studies, writing a scientific article or book, internship at a national or foreign university, participation in scientific societies, cooperation with national and international medical authorities, participation in a panel of specialists. Undoubtedly, these are the activities that Jonston undertook throughout his whole life.

⁷² A. Gubiński, *Komentarz do kodeksu etyki lekarskiej*, Warszawa (no publication year), p. 41

⁷³ I. Kaczorowska-Kossowska, [in:] O. Nawrot (ed.), *Kodeks...*, p. 258.

- 9) **The principle of prudence and not treating hopeless cases.** It's emphasized by Jonston in many of his works⁷⁴. In terminal situations, the doctor is not obliged to undertake and conduct resuscitation or persistent therapy, including the use of emergency measures (art. 32 sec. 1, the Medical Code of Ethics). The decision to stop resuscitation belongs to the doctor and is related to the assessment of recovery chances (art. 32 sec. 2, the Medical Code of Ethics). This issue will be discussed further in this chapter.
- 10) **The principle of humility and modesty in action. Its contradiction is conceit or arrogance (*arrogantia*), which attributes all successes exclusively to one's own genius.** A doctor should treat patients kindly and politely respecting their personal dignity, and the right to intimacy and privacy (art. 12 sec. 1, the Medical Code of Ethics). The relationship between the patient and the doctor ought to be based on mutual trust (art. 12 sec. 2, the Medical Code of Ethics).
- 11) **The principle of fellowship in relation to other doctors. Jonston criticizes not only the self-righteousness but also the vilification of other doctors and the unlawful use of someone else's achievements.** The doctor should be particularly cautious in formulating an opinion about the professional activity of another doctor; especially, he should not publicly discredit him in any way (art. 52 sec. 2, the Medical Code of Ethics). Nowadays, it is one of the most controversial principles of professional ethics. According to some, it limits the right to criticism and contradicts freedom of speech. The matter was deemed crucial enough to undergo an assessment by the Constitutional Court in Poland. It concluded that the provision, which banned truthful and justified public statements about another doctor's professional activity, was unconstitutional⁷⁵. In other words – criticism of another doctor based on facts, which serves to protect the public interest, does not violate the indicated principles of medical ethics.

The summary of Jonston's medical ethics presented above corresponds to the content of many provisions of the currently applicable Medical Code of Ethics. It is obvious to his biographers that while

⁷⁴ Por. T. Bilikiewicz, *Jan Jonston...*, p. 143.

⁷⁵ The verdict of the Constitutional Tribunal of April 23, 2008, SK 16/07, OTK-A 2008, no. 3, position 45.

presenting his principles of medical ethics, Jonston did not provide anything creative, because he relied largely on the works of Hippocrates. However, the modern provisions of the Medical Code of Ethics juxtaposed with these principles highlight their universal and timeless nature. Jonston, recalling the most important principles formulated by Hippocrates, was able to put them into a coherent whole. His greatest merit is that he attempted to spread these principles as widely as possible among doctors and medical students. Jonston is therefore rightly considered one of the most crucial and first representatives of medical ethics in Poland along with Sebastian Petrycy⁷⁶. This also justifies the right to recognize him as the precursor of medical law in Poland.

Practicing Medicine and Criminal Law

As for medicine, one of the greatest mistakes of his time, Jonston considered the absence of penalties for medical malpractice, especially resulting from disregard and lack of knowledge. According to Jonston, the fact that the only punishment for malpractice was the loss of reputation undermined the public's trust in doctors. He strongly believed that such behavior should be severely punished. This idea was not taken from Hippocrates, which allows us to conclude that Jonston's views on the principles of medical ethics and on the profession of a doctor resulted from a deep analysis of various authors' works. It is worth emphasizing that doctors, from the earliest times, were responsible for medical malpractice only before their corporation. In Middle Ages, universities most often played the role of corporations. Liability before local medical authorities excluded general criminal liability⁷⁷. Jonston did not accept that medicine was the only area where there were no state punishments for medical malpractice. Such a view should undoubtedly be considered very innovative. Criminal liability for medical malpractice is a broad, socially important problem with numerous links to medical law. It can be assumed that there is no other such area where there is such a significant confluence between law and medicine as the issue

⁷⁶ J. Borówka, *Polska...*, p. 198 et seq.

⁷⁷ Por. szeroko E. Zielińska, *Odpowiedzialność zawodowa lekarza i jej stosunek do odpowiedzialności karnej*, Warszawa 2001, pp. 87-88.

of a doctor's criminal liability for medical malpractice. Perhaps it was the reflection on this issue that caused Jonston to refer directly to issues related to criminal liability in some fragments of his works. It seems that none of the issues he dealt with in his scientific work had such a close relationship with criminal law as criminal liability for medical malpractice. Reflections on this issue probably made Jonston refer also to the issue of criminal punishment in his work *Enchiridion ethicum*.

The Great French Revolution brought about a fundamental change in terms of a doctor's responsibility for malpractice when the professional liability of doctors was included in the general criminal liability enforced before the state authorities. At the end of the 18th century, there was such a radical change in views on doctors' professional responsibility that in France it was even forbidden for doctors to associate in professional corporations, whose purpose would be to defend common interests⁷⁸.

Jonston was therefore the first Polish scientist to postulate the introduction of criminal liability, enforced by the state, for medical malpractice. Nowadays, this issue does not raise much controversy, but it must have been resisted greatly in the medical community in the 17th century, when, in principle, the only punishment for this kind of behavior could be, at most, a kind of moral 'punishment' -tarnished reputation.

Another issue of an undoubtedly criminal law nature, which Jonston dealt with, was – also taken from Hippocrates – the issue related to not treating undoubtedly hopeless accidents when there is no prospect of saving the patient's life. As Jonston wrote: *Non attingendus quem sors sua peremit*, so one who died because of his fate must not be touched. Johnston highlighted this principle in many of his works. There are no sources indicating that Jonston himself adhered to it in medical practice, but he was surely a passionate advocate of it in his publications⁷⁹. For centuries this principle has undoubtedly been giving rise to numerous controversies. It is sometimes called the 'not the most beautiful' or even 'pagan' principle. The problem of persistent therapy is one of the most controversial issues in the field of medical law or the entire bio-jurisprudence. There is a collision of two conflicting values: the doctor's obligation to provide help and the (il)legitimacy of persistent therapy

⁷⁸ E. Zielińska, *Odpowiedzialność...*, p. 87.

⁷⁹ T. Bilikiewicz, *Jan Jonston...*, p. 143.

in relation to cases referred to in the medical literature as a ‘vegetative state’. Also nowadays, the resolution of this dilemma does not result from any provision of generally applicable law. A vital guideline can only be found in art. 32 of the Medical Code of Ethics, which states that in terminal conditions the doctor is not obliged to undertake and conduct resuscitation or persistent therapy, and to use emergency measures, and the decision to stop resuscitation belongs to the doctor and is related to the assessment of treatment opportunities. This also seems to have been Jonston’s stand, since – as it has already been emphasized – he demanded independence from a doctor in his views and actions. At the same time, he emphasized that it was unacceptable for a doctor to make reckless promises to a patient or his family. It appears that Jonston also took this principle from Hippocrates, who expressed the views of many ancient scholars who believed that the subject of practical medicine should be only the living human body, that is, the one that can be healed⁸⁰.

Pharmaceutical Law

The beginnings of pharmacy, dating back to antiquity, are associated with both folk and herbal medicine, and in later times with the activity of monks who produced medicines from medicinal herbs. The first pharmacies appeared in Poland at the beginning of the 14th century.⁸¹ Since the very beginning, pharmacy and the activities that involved the production and marketing of medicines could not function in isolation from legal regulations. Initially, pharmacies and the medicines which they produced and sold, remained the responsibility of the municipal authorities. Over time, state authorities started to interfere, especially when it came to the control and supervision of medicines⁸². Johnston was also a municipal physician⁸³, who oversaw medicines approved

⁸⁰ T. Bilikiewicz, *Jan Jonston...*, p. 143.

⁸¹ Z. Kamiński, M. Wesołowski, *O dawnych aptekach*, ‘Farmacja Polska’ 2010, no. 1, pp. 25-27.

⁸² A. Zimmermann, *Wpływ uregulowań prawnych na sytuację aptekarstwa w Polsce na początku XXI wieku*, Gdańsk 2007, p. 6 (unpublished doctoral thesis).

⁸³ The term ‘municipal physician’ referred to a doctor responsible, among other things, for urban hygiene. This institution, known in antiquity, was restored in the 11th century and gained popularity in the 15th and 16th centuries due to numerous

for use. He remained in constant contact with Leszno pharmacists. Therefore, in his activity, he undoubtedly encountered issues that we would classify as pharmaceutical law today. It needs to be remembered that his first wife was Krystyna, the daughter of Samuel Hortensius, a pharmacist from Wschowa. Surely, he must have had numerous discussions with his father-in-law on topics related to pharmacy. Jonston also maintained good relations with scholars from Toruń, which at that time was considered an important centre of Polish pharmacy⁸⁴.

Nowadays, it is emphasized that pharmaceutical law is not a separate branch of law in the classical understanding of the legal system and its division into branches. It constitutes the field of law included in the broadly understood medical law⁸⁵. Therefore, considering Jonston as a precursor of medical law in Poland, his role in the development of the pharmacy in Poland cannot be overlooked. His duties, as a municipal physician in Leszno, included especially supervising the trade of theriac (also called ‘gypsy rose’), which was treated as an effective remedy against plague. Preparing this medicine was very time-consuming and expensive, therefore its copycat products appeared on the market very frequently⁸⁶. Jonston’s tasks included not only the supervision of drugs but also preventing the production of illegal drugs⁸⁷. Theriac was used as a medicine against the plague that was very widespread in Greater Poland at that time, hence the production of this medicine was very profitable, and the inhabitants of Leszno saw it as a panacea for the threatening disease. Thus, in order to avoid suspicions of falsification,

plague epidemics that struck Poland at that time. The term derives from the English word ‘physician’ (a doctor) which originates from the Latin word *physicus*. In Poland, the latter word referred to a physicist, so it was virtually a municipal physician. Cf. J. Borówka, *Polska...*, p. 49.

⁸⁴ At that time, in Toruń there was a pharmacy called ‘Pod Złotym Lwem’. Cf. A. Drygas, *Apteka pod Złotym Lwem w Toruniu*, Łódź 2006, and in Bydgoszcz since the end of the 16th century there was a pharmacy named ‘Pod Złotym Orlem’. Cf. B. Wodyński, *Apteka pod Złotym Orlem*, Łódź 2008.

⁸⁵ L. Ogiegło, *Pojęcie i zasady prawa farmaceutycznego*, [in:] J. Haberko (ed.), *Prawo farmaceutyczne. System Prawa Medycznego. Tom 4*, Warsaw 2019, p. 4.

⁸⁶ W. Roeske, *Teriak – lek dwudziestu wieków*, ‘Wszechświat. Pismo przyrodnicze’, 1965, vol. 10, pp. 245-247.

⁸⁷ W. W. Głowacki, *Wkład Jana Jonstona do literatury farmaceutycznej*, ‘Studia i Materiały z Dziejów Nauki Polskiej’ 1978, Series B, vol. 28 (‘O Janie Jonstonie 1603-1675. *Symposium 1975*’), pp. 58-64.

local pharmacists prepared the drug in public, under the city doctors' supervision. Jonston was also often involved in such practices and always tried to explain to witnesses involved in the drug production, the properties and price of its individual ingredients. Nowadays, the supervision over the production of medicines and counteracting illegal practices in their production is one of the most important issues of pharmaceutical law.

As a consequence of performing all these duties, Jonston issued a dissertation paper in Leszno in 1642: *Ad Theriacae Andromachi singularia Schediasma*, or *Handwritten Notes on Theriac*. In light of the current state of knowledge, most of the theriac ingredients were not an effective remedy against the plague. At that time, however, doctors and pharmacists were faithful to ancient prescriptions, according to which this drug should consist of up to several dozen ingredients. In his dissertation, Jonston argued that it was enough to use only 22 ingredients in theriac production, which was contrary to popular beliefs at that time and required some courage. It is a mystery why Jonston published this work anonymously. In principle, he always published texts under his name and surname, usually dedicating them to specific people. So far nobody has been able to determine why he published the work on theriac concealing his authorship⁸⁸.

Some experts believe Jonston himself – in addition to medical activities – could also run a pharmacy⁸⁹. According to some unconfirmed sources, he was the owner of a tenement house at 16 Rynek in Leszno, where the pharmacy 'Pod Łabędziem' used to be located (nowadays its name is different). The arguments that are to support this hypothesis – apart from oral tradition – are Jonston's close relationships with the Hortensius family of pharmacists from Wschowa, numerous contacts with the pharmacist community, as well as extensive knowledge of drug production documented in his works. It seems, however, that this hypothesis is not true⁹⁰. Jonston was not only a doctor, but also a municipal physician, whose tasks included supervising medicines in

⁸⁸ W. W. Głowacki, *Wkład...*, p. 62.

⁸⁹ Yes E. Kręglewska-Fokowicz, *Leszno. Rynek kamienica nr 16. Rozpoznanie historyczno-konserwatorskie*, The Archive of the Voivodeship Conservator of Monuments in Leszno (Archiwum Wojewódzkiego Konserwatora Zabytków), pp. 1-2.

⁹⁰ Cf. also Ślusarczyk, *Apteka...*, s. 27.

pharmacies in Leszno. Running a pharmacy and performing simultaneous inspections in pharmacies would be an obvious conflict. Therefore, in light of Jonston's principles of medical ethics, it is impossible that he allowed himself to pursue such conflicting interests, which would constitute a violation of his fundamental principle of independence in action. Moreover, since 1633 a person who wanted to run a pharmacy had to pass an exam at the Karkowska Academy because its reputation was believed to guarantee that pharmacies would be run by suitably qualified people⁹¹. Yet, the building where Jonston was supposed to run the pharmacy has the date 'AD 1635' on it. It is believed that then a pharmacy could be opened there for the first time. None of the biographers mentions a word about any exam taken by Jonston in Cracow, and without it, running a pharmacy would be impossible. Moreover, in the years 1632-1636, he was on the Grand Tour around Europe together with Bogusław Leszczyński and Władysław Dorohostajski. Therefore, he could not have opened a pharmacy or taken a suitable exam. However, the fact that Jonston concealed his authorship of the publication on theriac could in a way support the hypothesis that he ran the pharmacy. Writing about his experience with this drug, as a municipal physician, he may not have wanted this work to cast a shadow on his medical and pharmacy activities. Yet, even this argument is not convincing enough as the publication was dedicated to friends, the mayor and councilors. It is therefore difficult to assume that – with this dedication – the author of this work could have been anonymous for the inhabitants of Leszno at that time.

Forensic and Psychiatric Expertise in the Case of Krystyna Poniatowska

As it has already been mentioned, in 1629, Jonston participated in a consultation of scholars who gave an opinion on Krystyna Poniatowska. Her case aroused great interest because she was a famous visionary in Europe at that time. Secondly, she was a close friend (a charge) of John Amos Comenius, who considered Poniatowska's visions to be

⁹¹ A. Zimmermann, *Wpływ...*, p. 6.

prophecies and spread them consistently throughout Europe. In legal literature, this case is presented as an example of one of the first psychiatric opinions in Poland that was issued by experts. According to M. Debicka: ‚An extremely interesting case of forensic and medical opinions is the first psychiatric expertise in Poland (and one of the first in Europe) regarding Krystyna Poniatowska from Duchnik’. She became famous for her unusual visions that interested scientists not only in Poland but shocked all Europe. Krystyna Poniatowska was the daughter of a Polish woman, Zofia Pawłowska and Julian Poniatowski, a minister of the Czech Brethren, who was once a monk. At the age of 17, she had unusual, even apocalyptic revelations that quickly gained publicity. Among other things, she predicted the arrival of calamities and misfortunes that were to fall on the family of King Sigismund III Vasa and the Republic of Poland. The protocol of psychiatric expertise is dated 24 April 1629. The council concerning Poniatowska was held at the synod in Leszno. Experts led by Mateusz Fechner (doctor of Sigismund III Vasa), as well as Mark Bonnacin, an Italian student of the famous physician John Jonston, investigated the health state of the woman in the presence of the Belz voivode, Rafał Leszczyński. Additionally, Michał Libawiusz was also appointed an expert as before the medical consultation he looked after and treated Poniatowska. It was unanimously agreed that the reason for her condition was a ‚temporary loss of mind’, therefore the trial did not take place and Poniatowska herself recovered after a few years⁹². Moreover, M. Cieślak, an outstanding Polish professor of law and criminal procedures, and K. Spett, a professor of forensic psychiatry, both authors of a monumental publication: *Psychiatry in a Criminal Trial* (Warsaw 1977), go even further in emphasizing the significance of Krystyna Poniatowska’s case and believe that thanks to the issued opinion she avoided a trial for witchcraft⁹³ and perhaps even death⁹⁴.

The importance of the expertise issued on 24 April 1629 in Leszno for the development of forensic and medical opinions cannot be underestimated. In the opinion of W. Lipoński, Poniatowska case was a crucial

⁹² M. Dębicka, *Początki...*, p. 58.

⁹³ K. Spett, M. Cieślak, *Rzut oka...*, pp. 17-18.

⁹⁴ W. Lipoński, *Brytyjskie koneksje wybitnych cudzoziemców związanych z Leszno*, ‚Rocznik Leszczyński’ 2011, no. 11, pp. 39-40.

moment proving the slow change that occurred in Poland, sooner than in Europe, and which meant that overly sensitive or mentally-ill people were not accused of witchcraft.

John Jonston's view on the institution of probation

In an earlier passage of this chapter, it was indicated that John Jonston devoted an extensive chapter of his book on ethics to justice, and especially the essence of criminal punishment. It can be assumed that his views in this regard were shaped by his considerations on the criminal liability of doctors. As already emphasized, in his work *'Enchiridion Ethicum'* – from the middle of the 17th century – he postulated the possibility of conditional suspension of criminal punishment if it can be executed at a later time, and the crime is minor, the criminal regrets their actions and appeals to the mercy of the judges and will promptly improve. This view – although obvious nowadays – was very innovative in the 17th century. At that time, no one thought about such a thing as probation, which – to put it in a simplified way – in a model approach means: the judge's decision to suspend the execution of a prison sentence for a certain period of probation and subjecting the perpetrator to the supervision of a probation officer. Moreover, the perpetrator has to perform certain obligations during this period (e.g. apologize to the victim or cease to violate public order).

It is important to remember that during the 18th and 19th centuries, there was a significant change in sentence structure. This was due to the influence of C. Beccari (1738-1794) and J. Bentham (1748-1832), who advocated for the replacement of corporal punishment with immediate custodial sentences. This change in judges' views on punishment was already a great revolution in criminal law⁹⁵. At that time, practically no one thought about the conditional suspension of execution of the penalty. In the Polish legal literature, it is indicated that the beginnings of the use of probation are related to the 19th and 20th centuries. The first scientific articles on this subject appeared at the end of the 19th

⁹⁵ Cf. A. Baładynowicz, *Wielopasmowa teoria resocjalizacji z udziałem społeczeństwa*, „Resocjalizacja Polska (Polish Journal of Social Rehabilitation)” 2010, no. 1, p. 121-122.

century⁹⁶. Also in the international literature, it is emphasized that the institution of probation, called *the recognizance*⁹⁷, developed in England and the United States in the first half of the nineteenth century, although it is noted that in Europe its shape was significantly influenced by French solutions from the turn of the 19th and 20th centuries, in particular the so-called Beranger Act of 1896⁹⁸.

Meanwhile, John Jonston discussed this topic in his work from 1658. In his opinion: ‘sometimes it is the duty of a gentle ruler to cross the limits of justice for the benefit of kindness. For the only virtue to which all others do not hesitate to honorably give way is mercy. Do not let the fires of vices be kindled even more by medicines given out of time. At times, you have to pretend not to see something, and sometimes you have to only reprimand. (...) A strong determination to atone is a crucial step towards innocence and the surest transition from regret to integrity. However, within this framework, conduct yourself in such a way that the one who too easily derogates from the instructions does not find grace in you too promptly’. In this statement, and especially in the last sentence, Johnston undoubtedly captures the essence of what we today call probation, which can also be expressed in the form of a directive ordering the judge to refrain from imposing a penalty – especially in the case of minor first-time offenses and instead instruct or rule against the offender, assigning certain obligations (tasks), with the proviso that if the perpetrator fails to comply, imprisonment may be enforced without exception.

Based on the available literature on probation, it appears that John Jonston was the first scientist in Poland and one of the first in Scotland to propose the implementation of such measures⁹⁹. In this context, two

⁹⁶ E.g. M. Korenfeld, *Zamiast kary*, „Gazeta Sądowa Warszawska” 1889, no. 2, pp. 17-25; E. Krzymuski, *O uwolnieniu warunkowem i warunkowych wyrokach skazujących z powodu Ustawy Belgijskiej z dnia 31 Maja 1888 r.*, „Gazeta Sądowa Warszawska” 1889, no. 33, pp. 516-522.

⁹⁷ See more G. McBain, *Modernising the Law: Breaches of the Peace & Justices of the Peace*, ‘Journal of Politics and Law’ 2015, vol. 8, iss. 3, pp. 158-212; A. Mogilnicki, *The recognizance w prawie angielskim*, ‘Gazeta Sądowa Warszawska’ 1913, no. 42, pp. 629-631.

⁹⁸ P. Stępniański, *Środki penalne we Francji w Polsce. Doktryna. Legislacja. Praktyka*, Warszawa 2012, pp.244-250.

⁹⁹ See especially S. Grant, J. Buchan, A. O’Donnell, *Probation in Europe. Scotland*, <https://www.cep-probation.org/wp-content/uploads/2020/11/Scotland-chapter-fi->

issues need to be considered. Firstly, how could a doctor and a philosopher gain knowledge about this subject? Secondly, why has this issue not been addressed in the legal literature so far? As for the first issue, it can be assumed that Jonston's views on probation were formed during his stay in Scotland, when having unlimited access to the university library and reading books from all scientific fields, he could encounter even short works on this subject. It is worth emphasizing that despite the fact that the 18th century is considered to be the beginning of probation in Great Britain, the first prototypes of this idea appeared there as early as the 14th century¹⁰⁰. As for the fact that so far none of the authors has noticed Jonston's views on punishment, it is probably due to the fact that he was a doctor, and his views on ethics are available to this day only in Latin. Scientists who have so far analyzed his work were either doctors or philosophers (ethicists), so they probably did not take into account the issue of criminal punishment in their in-depth considerations. This situation ought to change, because the issues which Jonston dealt with are not limited only to probation, but also include the essence of punishment, guilt, the right of pardon, the principles of punishment or issues related to the basic principles of criminal proceedings, such as the right of defence or the presumption of innocence¹⁰¹. It seems this situation may soon change because the translation of Jonston's work into Polish is to be published in 2023, which will be discussed later. Taking

nal-version.pdf (access: 30/04/2023); C. Kelly, *Probation officers for young offenders in 1920s Scotland*, 'European Journal of Probation' vol. 9, iss. 2, pp. 169-191; F. McNeill, *Remembering probation in Scotland*, 'Probation Journal' 2005, vol. 52, iss. 1, pp. 23-38; W. G. Buchanan, *Probation in Glasgow*, 'Probation' 1936, vol. 2, iss. 4, pp. 55-56.

¹⁰⁰ See about „*recognizance*” and „*Justices of the Peace Act 1361*” W. F. Craises, *Recognizance* [in:] *Encyclopædia Britannica* 1911, vol. 22, https://en.wikipedia.org/wiki/1911_Encyclop%C3%A6dia_Britannica/Recognizance (access: 30/04/2023); D. Mead, *The New Law of Peaceful Protest: Rights and Regulation in the Human Rights Act Area*, Oxford and Portland, Oregon 2010, p. 356.

¹⁰¹ In Jonston's opinion, punishment should only be imposed on those who have been previously interrogated, as he says: 'Let us stay away from the example of Tiberius, who administered severe and harsh judgements in uncertain and time-barred cases. People who have not been interrogated and cannot defend themselves in courts die as innocent'. These beautiful words undoubtedly capture the essence of what is known in modern criminal proceedings as the principle of presumption of innocence and the related principle of resolving all doubts in favour of the accused (*in dubio pro reo* principle).

into account – emphasized many times – his Scottish roots, it would be appropriate for Jonston’s work to be published also in English. At this point, it can be also shyly suggested that British criminal law researchers consider what role John Jonston’s views on criminal punishment and probation have in the development of *common law*. Although he was mainly inspired by the views of ancient lawyers and philosophers in this regard, it can be assumed that he managed to create a certain set of views on the essence of punishment that many 17th-century lawyers would not be ashamed of.

Chapter III

Female Visionary from Leszno

To all the accusations that the court,
as well as the superstitious people,
made against them, as well as the superstitious
people, these supposed witches were to admit.

There is nothing surprising in this,
because the terrible torture forced the innocent
to confess to misdeeds that the accused had never
dreamed of, just to free themselves from unheard-of
torment for a moment.

M. Rytterski, *Relacya naocznego świadka it.d. Przyczyny*,
'Przyjacieli Ludu' 1835, no. 18.

It can be concluded that where there was no thought,
there was no guilt. There is no guilt when something
happens that could not have been planned by a person.

Jan Jonston, *Enchiridion Ethicum*, Brzeg Śląski 1658

Krystyna Poniatowska's case has been the subject of interest both in Poland and abroad for ages. Her visions were first printed in 1629 when the foreword to them was written by the theologian Jakub Fabritius, superintendent of the church in East Pomerania. Subsequent editions were published in German in Frankfurt in 1632, and English translations were published in 1664, 1666 and 1670. The vast majority of them were translations of John Amos Comenius's work entitled: *Lux e tenebris* (Light in the Dark), published in 1665 in Leiden. In his work, Comenius described not only Poniatowska's prophecies but also visions of Christopher Kotter and Mikołaj Drabik (also known as Drabicius)¹⁰². The dissertation had over 1,100 pages and the author devoted 140 pages to Krystyna Poniatowska herself.

Krystyna Poniatowska was born in 1610 in Leszczyna in Prussia. Her father, Julian Poniatowski, came from a Polish noble family

¹⁰² D. Rott, *Kobiety w XVII-wiecznym Lesznie: Krystyna Poniatowska i Anna Memorata. Rekonesans*, [in:] A. Konior (ed.), *Leszno i Leszczyńscy*, Leszno 1997 pp. 33-34.



Krystyna Poniatowska

and was initially a Catholic and even a monk. Later he converted to Protestantism and fled to Bohemia. He climbed quite quickly up the ranks of the Bohemian Brethren hierarchy. He was one of the founders of the famous school in Mlada Boleslaw, of which he was also a lecturer. Moreover, he wrote several research papers, among others: *Doctrina de vera et reali praesentia Christii* or *Dissertatio*

*Theologica*¹⁰³. Krystyna's mother died quite early, and the father, not having sufficient income, gave his daughter, when she was 16, to the court of Baroness Engelburg de Zelking, who often read the Bible to the girl, especially the Apocalypse of John (The Book of Revelations). At the turn of October and November 1627, Poniatowska began to have visions and preach various types of prophecies. Servants and local residents very quickly deemed her visions as prophecies coming directly from God. The news about them spread fast. Only Baroness Engelburg de Zelking did not fully believe them and entrusted the girl to a doctor's care¹⁰⁴. Poniatowska wrote the visions, first of her own volition, and then at the request of John Amos Comenius, who first encountered her accounts during his stay in Horni Branne in the years 1627-1628. Poniatowska wrote down 19 of her visions. There was a motif of the fall of Habsburg-Catholic Babylon and an angel from the north destroying a dragon's nest. It was interpreted as a prediction of the victory of the Protestant states united by the power of the Swedish king with the Catholic Habsburgs. In December 1627, Poniatowska was threatened with arrest, so she fled to Leszno, where she arrived in February 1628, fearing persecution. At that time, she was under the care of Comenius. In her visions, many protestants found hope for a quick return to their homeland, which is why her fame spread quickly, undoubtedly also due to Comenius. On 18 April 1628, after a long absence, Rafał Leszczyński returned to Leszno, and – probably induced by Comenius – he convened a council consisting of eminent doctors¹⁰⁵. In addition to Comenius, the review panel included the following doctors: Marcus Eugenius Bonacina, Maciej Borbonius (called *trium Imperatorum Medicus*) – physician of Emperor Rudolf II Habsburg, Andreas Libavius, an outstanding and widely respected physician, and Mathew Vechner from Wschowa, who in 1626 was appointed court physician to King Sigismund III Vasa. Of course, the

¹⁰³ I. J. Kraszewski, *Krystyna Poniatowska 1627-1628-1629*, 'Athenaeum' 1845, vol. 5, p. 109.

¹⁰⁴ *Krystyna Poniatowska z Duchnik*, „Przyjacieli Ludu” 1835, no. 11, p. 87.

¹⁰⁵ Another version states that the idea of convening the council, composed of doctors and clergy, was driven by the authorities of the Czech Brethren Church and Rafał Leszczyński themselves, who, concerned about the potential repercussions associated with the vision of the downfall of Catholic states, preferred not to provoke them.

team also included John Jonston, then 25 years old, a candidate for medicine. The council also included theologians (Jacob Wolfagius and John Stadius)¹⁰⁶, and even a lawyer – the already mentioned Jan Jerzy Szlichtyng¹⁰⁷. Having completed the investigation, the whole team told Rafał Leszczyński what they had seen, heard and found to be true. The vast majority of the council members considered Poniatowska's visions to be the result of physical and mental disorders. They could result from years spent in childhood among theologians and the influence of religious reading. Additionally, three more possible reasons were pointed out, namely, the affect, problems with the follicle with blackness, and the delay of the menstrual cycle. The opinion was not unanimous, as Comenius and Jonston believed in the supernatural nature of the visions¹⁰⁸. Each member of the appointed team gave their own opinion. Such an opinion was also issued in writing by Jonston, who – perhaps under the influence of Comenius – came to the conclusion that Krystyna Poniatowska's visions were supernatural. All team members providing the opinion – beyond any doubt – recognized that Krystyna Poniatowska was not a witch, although one member, citing Thuanus, referred to the examples of the mysterious Martha, whom Comenius called a 'hypocrite and perpetrator of diabolical tricks'. John Amos Comenius categorically opposed comparing her to Poniatowska¹⁰⁹.

Nowadays, statements about witches and wizards make people smile. In the 17th century, issuing a verdict recognizing that the cause of the strange behavior of the examined or accused was mental illness, not witchcraft, was not so obvious. At that time, Europe was overwhelmed by the 'nightmare of the stakes'. Persecution for practicing magic took place in Europe from the mid-15th century to the mid-18th century. It is estimated that during this period, more than 100,000 people (mainly women) were held criminally liable before the courts, about half of whom were burned at the stake. This phenomenon has gone down

¹⁰⁶ I. J. Kraszewski, *Krystyna...*, p. 112.

¹⁰⁷ Tak D. Rott, *Kobiety...*, s. 31.

¹⁰⁸ T. Bilikiewicz, *Jan Jonston...*, pp. 185-186.

¹⁰⁹ Cf. M. Błaszowski, *Czy wizjonerka Krystyna Poniatowska jest autorką najstarszego opisu literackiego Leszna?*, 'Rocznik Leszczyński' 2014, vol. 14, p. 172.

in history as a ‘witch hunt’. It is worth emphasizing that these hunts almost always – with the exception of lynchings or suicides of people suspected of witchcraft – took the form of a trial aimed at finding the witch, forcing a confession of guilt and inflicting punishment, most often in the form of burning at the stake¹¹⁰. The trial itself was obviously of an inquisitive nature, so it was based on the following principles, although perhaps it would have been better to say that it was based on a lack of principles:

1. The same authority was most often the prosecutor and the body deciding about guilt and inflicting punishment, and sometimes even the only defender of the accused;
2. The accused was deprived of the rights to defend themselves, had no defence counsel and could not present evidence of his or her innocence;
3. The principle ‘*Confessio est regina probationum*’ prevailed, thus the confession of the accused was the most important evidence;
4. Torture was a means which could often force the accused to confess;
5. The guilt was not a premise of criminal liability. Also, an insane person or a minor could be held responsible for something;
6. The accused had no right to appeal the sentence, sometimes he could only apply to the reigning person for the right of pardon;
7. The proceedings were often of a secret nature.

One of the most famous witch trials in history is the Salem one in New England (British colony), which is almost iconic. Books, films, and drawings on T-shirts or hats were even created about it. Based on this case, the drama by American director Arthur Miller had its world premiere on Broadway on January 22, 1953. The play was a response to the McCarthyism prevailing in the USA in the 1950s, i.e. a system of political actions, unscrupulous investigative methods, and the creation of an atmosphere of fear and suspicion. In fact, the Salem witch trial itself, although conducted in compliance with certain legal rules, is nowadays treated as an example of a serious medical error. It is worth emphasizing that in this process, doctors – appointed as experts – testified and issued opinions. Their task was also to state that the diseases that affected the victims did not have natural causes but were

¹¹⁰ Cf. Z. R. Kmiciek, *Losy wariata i głupka w państwie i społeczeństwie*, Warszawa 2017, pp. 87-89.

the result of a spell cast, and such a fact could only be determined by practicing doctors¹¹¹.

In the legal literature, the significant role of Krystyna Poniatowska's case is emphasized. The role of Leszno and Jonston himself in issuing an opinion on this matter is also stressed. Wojciech Lipoński beautifully writes about it: 'Let us think about it – similar postmedieval excesses were rampant in the contemporary world throughout the whole 17th century and still in 1692, <<the Salem witchcraft>> trials caused horror. However, in Leszno (Poland), thanks to the liberal openness of its patrons and the wise council of people, including Comenius and Jonston, a reasonable and truly scientific verdict was issued that it was a mental aberration, not witchcraft. The case of Poniatowska was a very crucial and decisive moment in Poland's departure, faster than in Europe, from the medieval superstitions that involved accusing the overly sensitive or even mentally ill individuals of witchcraft'¹¹².

While the 'Salem witch trials' have gone down in history as an example of a gross error on the part of doctors and lawyers¹¹³, the case of Krystyna Poniatowska should be a positive example of handling such matters. Nowadays, it is emphasized that a law that refuses to treat the sane and the insane differently is unfair, and a legal system that does not take into account that the perpetrator may unconsciously or due to conditions beyond their physical or mental ability violate the law must be subject to serious moral accusations¹¹⁴. Indeed, a responsible act, i.e. one that involves the possibility and readiness of bearing the consequences of one's actions, is conscious, deliberate and free. It would be difficult to accept that it is just to enforce criminal liability against an individual who is not mentally competent. In Europe, this was understood only under the influence of the views of the Scottish philosopher, born in Edinburgh, David Hume, but in Poland and Leszno much earlier. Who knows, perhaps David Hume himself read some of Jonh Jonston's works, after all, there are serious indications

¹¹¹ W. Werner, *Proces w Salem jako błąd lekarski. Polowanie na czarownice w wieku XVII i nowożytna medycyna. Studium analogii*, 'Medycyna Nowożytna' 2005, vol. 1-2 (vol. 12), p. 9.

¹¹² W. Lipoński, *Brytyjskie...*, p. 40.

¹¹³ W. Werner, *Proces w Salem...*, p. 5 et seq.

¹¹⁴ H. Hart, *Pojęcie...*, p. 278

that Jonston's views were referred to by another famous philosopher, Baruch Spinoza¹¹⁵.

However, is it really the case that the opinion issued in the Poniatowska case by the expert council saved her from death and burning at the stake, as some authors claim, wanting to emphasize the role and importance of the opinion, in which Johnston also participated? It does not seem that Krystyna Poniatowska was actually at risk of witchcraft in Leszno. Firstly, she was under the protection of John Amos Comenius, who was a well-known writer in Europe at that time. Moreover, she was a relative of Rafał Leszczyński¹¹⁶, so it is highly unlikely that he would agree to her trial and recognize her as a witch. It is essential to remember that in the vast majority of witchcraft cases, the local magnates played a crucial role. They had to give permission for the trial to proceed and were even responsible for appointing the judicial panel (known as 'jus gladii' or 'the right of the sword'). It is possible that a much greater danger existed due to the potential offence against the majesty in connection with Krystyna Poniatowska's prophecies proclaiming the decline of the Catholic states. The seriousness of this danger is evident from the fact that another visionary described by Comenius in *Lux e tenebris*, Mikołaj Drabik – for slandering the majesty – on the order of the imperial authorities was sentenced to death and publicly executed in 1671 at the age of 86¹¹⁷.

There are also no written records that would confirm the theory about Poniatowska's imminent trial for witchcraft, although of course such a possibility cannot be completely ruled out. Frequently, witch trials were the result of certain sudden impulses and events. It was also similar in the case of the famous witch trial in Doruchów. This case is also worth mentioning because a thorough look at it increases the conviction about the greatness of John Jonston's thoughts, besides – its publicity is a consequence of an anonymous – for almost 200 years – report, printed in 'Przyjaciół Ludu' from 1835, which was issued in Leszno¹¹⁸. For these

¹¹⁵ Por. o tym I. Myślicki, *Jonston...*, pp. 147-157.

¹¹⁶ I. J. Kraszewski, *Krystyna...*, pp. 111-112 indicates that Leszczyński's grandmother and Poniatowska's mother came from the same lineage.

¹¹⁷ Z. Smoluchowski, *Jasnowidząca Krystyna Poniatowska*, 'Panorama Leszczyńska' of January 2, 1983, no. 1 (153), p. 11.

¹¹⁸ The account of the events in Doruchów first appeared in 'Przyjaciół Ludu' in 1835, in issue 16 on pages 126-127 and was entitled: '*Relacja naocznego świadka o straceniu razem 14stu mniemanych czarownic w drugiej połowie 18go wieku*'.

reasons alone, it is worth paying attention to this case. The vast majority – if not all – descriptions of the witch trial in Doruchów, it should be added that extremely numerous, based on the account of an eyewitness to the events, are included in the three consecutive issues of 'Przyjaciel Ludu' from 1835. Until 2002, the identity of the anonymous author of these records remained unknown. Although the case was dealt with by prominent historians, lawyers, as well as writers, none of them managed to determine the personal details of the witness to the events in Doruchów. It was accomplished by Joanna Lubierska, a PhD student from the Faculty of History at Adam Mickiewicz University in Poznań, who, based on the Doruchów parish records, identified the author of these records as Father Aleksy Ignacy Rytter, who later used the surname Rytterski. The starting point for her was the sentence from the indicated accounts, in which a still anonymous at that time witness testified: *'my uncle was the local parson at that time. Not engaging in farming, but in his clerical duties and studies, he handed over the management of the estate to my parents'*. J. Lubierska assumed that 'X' in the signature must have meant a priest. Then she established who the author of the publication in 'Przyjaciel Ludu' was. The mysterious initials originated from his position and the first letters of his name and surname. Father Aleksy Rytterski was born in Doruchów, as the son of Józef Rytter, a burgher and an archivist from Kępno, and Regina Możdżanowska. The parson of Doruchów at that time was Father Możdżanowski, who was probably the brother of the author's mother in the account. 'The local parson' was his uncle. Thus, after nearly 200 years, the author of the 'anonymous account' has been identified, although many researchers claimed that at the current state of research, it would have been impossible. In her work, J. Lubierska unquestionably demonstrated the authenticity of the account presented in 'Przyjaciel Ludu'¹¹⁹.

However, turning to the account itself, it should be pointed out that the very first page of the described events captures a gloomy and tragic

Subsequent descriptions were published in issues 17 (pp. 134-135) and 18 (pp. 138-139). In the first two issues, the author of the account was not provided. It was only in issue 18, where the detailed causes of the witch trial were described, that the author signed their name: 'X.A.R.'.

¹¹⁹ Cf. J. Lubierska, *Proces o czary w Doruchowie w 1775 r. w świetle nowych źródeł*, 'Historia Slavorum Occidentis' 2022, no. 3, pp. 30-63.

atmosphere of the incident that took place in 1775 in Doruchów: ‘In the year 1775, in the village of Doruchów, in the Ostrzeszów powiat, a dreadful execution of fourteen women accused of witchcraft took place in the month of August (...) One evening, as we were about to go to bed with my uncle (because we slept in the same bedroom), we heard a scream near the rectory (...) Since my parents were full of superstitions, believing in witches and their association with devils as in articles of faith, therefore, it is easy to imagine that this unexpected event greatly pleased them. I was also pleased as I was eight years old at that time. On the same day, they drowned them in water’ (original spelling – P.J.). In the 18th century, Doruchów itself was considered a town of witches. On the town’s outskirts, there was a giant stone called Łysa Góra (Bald Mountain), where supposedly witches would gather every Tuesday and Thursday. The whole issue originated from the fact that the wife of one of the village landlords fell ill with a disease known as lumbago and matted hair (also known as *Polish plait* or *plica*) appeared on her head. A feldsher from Kępno was immediately sent for, but he was unable to help. It was decided to call upon a woman, who treated the sick but was believed to be possessed by the devil. She attributed all illnesses to ‘cioty’ i.e. witches, especially from rural areas. This is what she did in the case of the landlord’s wife, pointing out that witches were to blame and the first of them was supposed to be ‘Dobra’, one of the country housewives, who was called in that way. Summoned to the landlord’s house, the woman also pointed to several other witches. All these women accused of being witches were charged with casting spells on the lady of the house. As for the woman called ‘Dobra’, she was accused of giving the lady mice instead of pears from her orchard, which allegedly caused the matted hair to appear on her head. All the accused women were also charged with meeting devils on Łysa Góra, casting spells on the village inhabitants, bringing drought or heavy rains, and even depriving cows of milk. As A. Rytter indicated, the women confessed to all the charges under torture which they were subjected to. Equally shocking is the description of the trial which preceded the burning of the women at the stake. Despite the case taking place at the end of the 18th century, it was conducted according to the methods used in the medieval witch trials. Immediately after the capture of the first accused women, they were subjected to the so-called water test. They were led onto the bridge, their

hands were tied, and a rope was placed under their armpits. Then they were lowered into the water on the rope. None of the women drowned immediately, as their skirts kept them afloat for a while before getting soaked. The landowner sitting on his horse would call out '*She is not drowning!- She is a witch*'. In practice, these words constituted a death sentence although a fictitious trial was later held before a court composed of judges appointed by the landowner. The description of the conditions in which the women were held before the execution sounds even more horrifying. As reported by an eyewitness to the events: 'The woman put in a barrel had her hands and legs tied behind her, which were then plugged outside the barrel with a wooden peg, so that she could not stand or sit, and had to remain kneeling in this positions throughout the entire time until the dreadful execution. Each barrel was covered with a burial cloth, and on the side, there was a small note with the inscription: Jesus, Mary, Joseph, so that devils cannot approach them and free their betrothed ones from death' (original text – P.J.). Initially, there were seven women, but later the same number of females was brought and confined in barrels. Therefore, there were allegedly fourteen of them in total, although some researchers question this number.

The use of the 'water test' as evidence in the witch trial in the Doruchów referred to medieval times, when the 'witches' ordeal' (*Hexeband*) was one of the most commonly used proofs in trials of people accused of witchcraft. The 'water test' originated from the early medieval cold water ordeals of God. Its use was already prohibited by King Louis Prious (778-840), the Frankish king and Roman Emperor, and later by Pope Innocent III at the Lateran Council in 1215. Since then, it was practically out of use. In a simplified way, the ordeal meant throwing the accused person into the water, a river or a pond. If the person drowned, it was a sign of innocence. This conviction was based on the belief that the devil granted the witch a certain lightness that prevented her from drowning. Such trials were frequently held with a big audience present¹²⁰. Truly, especially from a contemporary perspective, it is difficult to comprehend why such evidence, over 500 years after its official prohibition by the papacy, was conducted in 1775 in Doruchów, located approximately

¹²⁰ M. J. Ptak, *Prawo dowodowe w okresie średniowiecza*, [in:] J. Skorupka (ed.), *System prawa karnego procesowego. Dowody, Tom VII, part 1*, Warszawa 2019, p. 779.

130 kilometers from Leszno. The process and evidence used in this trial were vastly different from those used in the case of Krystna Poniatowska.

In the context of the Doruchów case, it is worth paying attention to one more fact. It turned out that the Polish plait on the head of the wife of the landowner of Doruchowo was recognized as manifestation of witches casting spells on her. Johnston also addressed the causes of its formation and treatment. He distinguished external and internal causes of this ailment, also called *plica neuropathica* or *plica polonica* (Polish plait). The external ones could be a coincidence (for example Jonston described a case of a patient who had drunk water from the well, and the next day matted hair appeared which he had for the next 15 years). However, internal causes were more significant, which according to the principles of humoral pathology could be related to an excess of specific fluids in the hair. In Jonston's opinion, the treatment of Polish plait should not involve removing liquids from the body (e.g. bloodletting), but rather washing the head with special agents (among others 'sweet beer'), soaking the hair in gypsy rose and scorpion oil or applying hot barley bread on them¹²¹. Indeed, the methods might not have been innovative, but it is worth emphasising that Jonston was far from superstitions that still troubled the inhabitants of Doruchów until the end of the 18th century. These superstitions were actually put to an end by the scientific works of Józef Dietl (1804-1878), a physician, professor at the Jagiellonian University, and also the president of Cracow (1866-1874). In his works, Dietl pointed out the origin of matted hair (dirt, lack of hygiene, failure to comb hair, often associated with lice infestation-pediculosis) and that there was no connection between cutting it and the health of the patient¹²². Perhaps Jonston became interested in this subject under the influence of the activities of another doctor of Scottish origin, William Davidson (1593-1669), who was the court physician of King John Casimir from 1651. He was born in Aberdeen, but in 1618 left Scotland. This physician, without concerns related to

¹²¹ T. Bilikiewicz, *Jan Jonston...*, pp. 195-197; H. Florkowski, *Koltun*, 'Przyjacieli Ludu' 1989, vol. III, p. 12.

¹²² Cf. W. Gajewski, *Badania Dietla nad chorobą zwaną koltunem*, [in:] W. Szumowski (ed.), *Józef Dietl, pierwszy prezydent miasta Krakowa, znakomity lekarz, profesor i rektor Uniwersytetu Jagiellońskiego, patriota polski : w 50-tą rocznicę śmierci*, Cracow 1928, p. 160-164.

the prevailing beliefs of his time that removing matted hair could lead to blindness, deafness or confusion of senses, cut them, believing that the antidote for such a condition is ‘a comb and maintaining clean head’. In addition to the profession and Scottish origin, both doctors were also connected by religion (both were Calvinists) and botanical passions, because Davidson was the manager of the royal garden in Warsaw¹²³, and Jonston devoted many of his scientific works to this issue, including the fundamental work: *Theatrum Universale Historiae Naturalis*. It was published in six parts in Frankfurt on the Main between 1650 and 1653 (with the preface written in 1649 in Leszno). Jonston’s work consisted of 1500 pages and included approximately 300 plates with nearly three thousand engravings, depicting close to 1000 specimen of animals. In *Historiae naturalis de quadrupedibus*, which was published in Amsterdam in 1657, Jonston included about 260 plates showcasing over 2.5 thousand creatures.

Researchers of the medical methods employed by Jonston emphasize that in combating Polish plait, he used elements of folk treatment. Such methods included the previously mentioned treatment using hot barley bread or adopting observed practices like bathing in water in which crayfish had swum or bandaging the head with a quartered hedgehog¹²⁴. Jonston thus demonstrated that folk beliefs and methods, if used effectively, could contribute to the advancement of medicine and humanity. This stood in contrast to the beliefs and methods applied in Doruchów in 1775.

Returning to the opinion of the medical council convened in the Poniatowska case, which constitutes the central theme of this chapter, it should be stated that there is no doubt as to the truthfulness of this story and the individual facts it contains. It is especially vital for the medical professions¹²⁵. Indeed, there is no other earlier case in which the opinion of a medical council played such a significant role, or at least not one described in an equally comprehensive way. There is also no other case in which the consilium would include so many world-famous medical scholars. The team of doctors and representatives of other disciplines (such as theology or law) appointed by Rafał Leszczyński was one of

¹²³ T. Bilikiewicz, *Jan Jonston...*, pp. 70-71.

¹²⁴ T. Bilikiewicz, *Jan Jonston...*, pp. 196-197.

¹²⁵ I. J. Kraszewski, *Krzyszyna...*, p. 113.

the earliest instances of issuing a specialized opinion by ‘a collective expert panel’¹²⁶. Therefore, it could also serve as a prototype for contemporary institutions in criminal proceedings, such as expert teams, (Article 193 § 1 of the Code of Criminal Procedure) or specialized scientific or professional institutions (Article 193 § 2 of the Code of Criminal Procedure) that provide opinions in criminal cases. In legal literature nowadays, there are concerns about the substantive validity of many expert teams or specialized institutions (as defined in Article 193 § 2 of the Code of Criminal Procedure), providing opinions in criminal proceedings. It is emphasized that opinions, issued especially by private institutions for the needs of law enforcement authorities or courts, frequently have pathological features, because they are often provided by people who lack expertise in the relevant field. Consequently, the opinions themselves have a low substantive value¹²⁷. Such accusations cannot be made against the panel appointed by Rafał Leszczyński, which issued an opinion in the Poniatowska case. The team consisted of eminent physicians and theologians, and the opinion itself undoubtedly had a comprehensive and substantive nature. It was not only an opinion meeting the forensic-psychiatric requirements, but also the first such comprehensive expertise in Poland issued by a ‘collective expert’.

The Poniatowska case is not only the first case of forensic-psychiatric expertise but also perhaps the first example of applying protective measures¹²⁸, because Poniatowska was not punished, but only given further medical care¹²⁹ and supervision by carers¹³⁰. After the conclusion of the council, Poniatowska continued to experience visions, but

¹²⁶ The term ‘collective experts’ means specialized and scientific institutions that can issue opinions in criminal cases, as well as teams of experts from various fields who can conduct joint examinations and issue a single, collective opinion.

¹²⁷ Cf. J. Widacki, *Instytucja naukowa lub specjalistyczna w rozumieniu art. 193 § 2 k.p.k.*, „Państwo i Prawo” 2013, no. 9, pp. 45-53.

¹²⁸ At this point, it is worth noting that Poland is considered the second country in Europe, after Switzerland, to introduce the so-called ‘dual-track’ concept in its criminal code. The essence of this concept was to regulate -alongside punishments and punitive measures – preventive measures, which could be applied to individuals, who due to their mental unaccountability, could not be held criminally responsible. Such solutions were first introduced in the criminal code in 1932 (known as the Makarewicz Code).

¹²⁹ I. J. Kraszewski, *Krystyna...*, p. 113.

¹³⁰ I. J. Kraszewski, *Krystyna...*, p. 115.

they ceased after some time and she was cured. In 1632, she married Daniel Vetter, and the decision was made after consultation with her carers¹³¹. Nowadays, protective measures, unlike penalties and criminal measures, are not aimed at administering justice for the committed act and do not contain an element of condemnation of the act and its perpetrator. Their function is to protect society from danger and help perpetrators who have committed a prohibited act in a state of insanity or those who require treatment. Such seems to have been the role of measures applied to Krystyna Poniatowska.

¹³¹ I. J. Kraszewski, *Krystyna...*, p. 115.

Chapter IV

Scottish ‘Safeguard’ of the Witch Trials and Witch Hunts

„Obscurity, indeed, is painful to the mind
as well as to the eye; but to bring the light
from obscurity, by whatever labour, must
needs be delightful and rejoicing”

David Hume, *An Enquiry Concerning Human Understanding* (1748)

Dawid Hume was born on 26th April 1711 in Edinburgh¹³². He is one of the most famous philosophers of the Enlightenment. He came from a well-known, though not very affluent, noble family. His father died when Hume was young and he was raised by his mother who devoted her entire life to children. Already in his school years, he was very diligent and everyone was convinced that he would study law, however, as he wrote about himself, when everyone thought that he devoted himself to the works of John Voete (1647-1713) or Arnold Vinnius (1588-1657), outstanding Dutch lawyers, he secretly read the works of Cicero and Virgil. He studied at the University of Edinburgh for several years. He started studying very early – he was 12 years old, and according to some sources even 10, while the starting age was typically 14. However, he did not complete these studies. He lived a very poor and simple life so decided to go to France in 1734. There he also wrote *A Treatise of Human Nature*. The treaty was not well received by the public and critics, and Hume’s bold views on human morality precluded him from receiving a place in academic departments.

In later years, he unsuccessfully applied for a chair at universities several times: first in 1745 for the Chair of Moral Philosophy Department at the University of Edinburgh, and then in 1752 for the Chair of

¹³² In the last year of his life, David Hume wrote a short autobiographical essay napisal – ‘*My Own Life*’, which was published, among others, in 1777 in London as: ‘*The Life of David Hume, Esq. Written by himself*’ London MDCCLXXVII. I based this biographical sketch of David Hume on this work, supplementing it with certain findings from other authors in English.



David Hume

Logic Department in Glasgow¹³³. Despite the negative reception of his work, he did not give up. With his optimistic and cheerful nature, he soon recovered and continued his education with great enthusiasm at his mother and brother's house in the countryside. In 1742 he published his first part of essays in Edinburgh, which was warmly received. It was very motivational for him so he continued his scientific work in the undoubtedly favourable rural atmosphere. In 1745, during the Jacobite uprising, Hume went to England, where he taught the Marquis of Annandale (George Vanden Bempde) for 12 months. Then he became involved with Lord Monboddo (1714-1799) and other thinkers of the Scottish Enlightenment in Edinburgh. From 1746, he served for three years as adjutant to General James St Clair (1688-1762), who was an envoy to the courts of Turin and Vienna. Both of these functions significantly improved Hume's financial situation, although – as he emphasized – the first two years, during which he wore a military uniform, were the only breaks from learning in his life. At that time, however, Hume wrote *Philosophical Essays Concerning Human Understanding*, later published as *An Inquiry Concerning Human Understanding*. In 1749 he went back to the country to visit his brother because his mother was already dead. There, he also learned about the growing popularity of his works. In 1751, he moved to Edinburgh, which he considered an ideal place *for a man of letters*. In 1752, the Faculty of Advocates in Edinburgh offered him a job as a librarian. The salary was not high, but he had unlimited access to books, which must have been priceless for a man of science. Although he did not become a lawyer, as many had predicted when he was a child, he probably had access to numerous works of law. It was during his work in Edinburgh, as a librarian, that he had the opportunity to become thoroughly acquainted with the dissertations on the history of England, which prompted him to write *The History of England*, a work consisting of six volumes – published successively in the years 1754-1762. This work brought him the desired

¹³³ W. Werner, *Historyczność kultury. W poszukiwaniu myślowego fundamentu współczesnej historiografii*, Poznań 2009, p. 55-56. Cf. W. Werner, *Magiczna latarnia. Świadomość siebie i świata osób z uszkodzeniami układu nerwowego i ofiar wypadków w ujęciu antropologii filozoficznej Davida Hume'a*, 'Studia Humanistyczne Wydziału Farmaceutycznego Akademii Medycznej we Wrocławiu' 2009, no. 1, pp. 35-50.

fame. For several decades he was the most renowned interpreter of English history. In the 18th century, however, history played a completely different role than today. It was a kind of foundation for a broadly understood reflection on human nature, morality, the state, or the economy. Due to the fact that the research methods were not as developed then as they are today, scientists dealing with economics, sociology, law or psychology often sought confirmation of their intuitions and reflections in history¹³⁴. In Hume's time, the historical method was one of the basic research methods, with the proviso, however, that the historiography of that period was much more closely related to science, philosophical thought or culture of a given era than only to the subsequent stages of that evolution¹³⁵. In this context, it is not difficult to comprehend why the six-volume work devoted to the history of England brought him not only fame, but also quite substantial income, although the beginning was not very encouraging – as Hume himself pointed out – the first volume initially sold only 45 copies. However, this did not break him down and he proceeded to publish subsequent volumes, which ultimately became incredibly successful. It is worth noting that his Scottish origin, in particular, the sociology rooted in the Scottish thought of the 18th century, undoubtedly influenced the creation of this work. His history of England – as he highlighted in the subtitle – covered the period from the invasion of Julius Caesar to the revolution in 1688. Hume expanded the field of interest of English historians to include kings, parliaments and wars, as well as literature and science.

His most important work was *the Treatise of Human Nature*, published in 1739-1740. Many consider it to be the most significant philosophical publication in English. Hume presented the method of studying human behavior which he developed himself, based on his theory of the functioning of mental cognitive processes. For Hume, the key to understanding human nature is to learn how man perceives the reality around him. This, in turn, is the basis for conducting extensive research on the history, and then politics, economics, culture or religion¹³⁶.

¹³⁴ W. Werner, *Historyczność...*, p. 58.

¹³⁵ T. Falkowski, *Cztery tezy o historii historiografii*, 'Historia @ Teoria' 2017, no. 3, vol. 1, p. 161.

¹³⁶ W. Werner, *Historyczność...*, pp. 58-89.

In the years 1763-1766, he was the secretary to the embassy in Paris. After France, he briefly returned to Edinburgh, and then from 1767, he held the position of Undersecretary of State in the Ministry of Foreign Affairs. Later, after 1769, he withdrew from political life and once again returned to his beloved Edinburgh as a fairly wealthy and renowned philosopher. He wrote about himself in the following way: *To conclude historically with my own character. I am, or rather was (for that is the style I must now use in speaking of myself, which emboldens me the more to speak my sentiments); I was, I say, a man of mild disposition, of command of temper, of open, social, and cheerful humour, capable of attachment, but little susceptible of enmity, and of great moderation in all my passions. Even my love of literary fame, my ruling passion, never soured my temper, notwithstanding my frequent disappointments.* He died on 25 August 1776 in Edinburgh, where he was buried.

In literature, it is emphasized that: ,the critical philosophy of David Hume and Immanuel Kant brought an end to witch hunts, and not the development of medical and natural sciences in the seventeenth century, the findings of which not only did not undermine but could even support the phenomenon of witch hunts locally'¹³⁷. Hume dedicated a significant part of his essays to the topic of superstitions. He believed that there was a large group of people, often educated, who rejected everything they could not comprehend, without making the effort to engage in the proper logical thinking process at all. He pointed out that 'they believe in witches, but at the same time they disregard the simplest statements of Euclid'¹³⁸.

An Inquiry Concerning Human Understanding, another Hume's work, published in 1748, is also worth mentioning. It was another, revised edition of Hume's work-*Treatise of Human Nature*. Hume was disappointed with the reception of the work published in London between 1739 and 1740 and again attempted to disseminate his more developed ideas by writing a shorter and more polemical work. Its publication played a huge role in terms of the modern way of thinking about science. The essence of doing science in the sense of Hume, contained in this work, was presented most beautifully and fully by Michał

¹³⁷ W. Werner, *Proces...*, p. 16.

¹³⁸ D. Hume, *Dialogi o religii naturalnej, Naturalna historia religii* (translation by A. Hochfeldowa), Warsaw 1962.

Heller. For this reason, it is worth quoting an excerpt of his statement *in extenso*: *Obscurity is painful to the mind* – these words come from the dissertation, which – similarly to others – influenced the modern way of thinking about science (...) <<Ciemność jest cierpieniem umysłu (in Polish)>> – this translation of Hume’s saying quite well captures the concise elegance of the English original, but it does so at the expense of losing a few shades of meaning. Because *obscurity* is not only darkness, and lack of light, but also *darkness/ignorance*, meaning the lack of light that should illuminate human thought. The Polish word <<obskurantyzm>> comes from the same Latin origin as the English word *obscurity*, but in this context, it would be too strong. Hume did not just mean <<extreme stupidity>>, but also a simple lack of interest in knowledge. Darkness understood in this way is the suffering of the mind – the more dangerous, the more unaware. Similarly, an unconscious disease is more dangerous than a conscious one as it neglects the importance of finding a cure. If a lack of knowledge is suffering, then knowledge should be a pleasure. Indeed, it certainly is. It is not necessary to convince those who know, because they know; and those who live in constant darkness, nothing will convince them. Hume wrote that even if there were no practical benefits from practising science, it would still be worth doing so because it satisfies <<niewinną ciekawość>> (*innocent curiosity*). In his opinion, this should not be underestimated, because doing science is one of the <<few safe and innocent pleasures given to mankind>>¹³⁹. This lengthy quote accurately represents the views on conducting scientific research shared by both Hume and John Jonston. It is well-known that Jonston devoted every spare moment of his life to education. When the dangers of the Polish-Swedish war forced him to leave Leszno and move to Skladowice, he continued, surrounded by his books, his scientific work there. Hume behaved similarly when in France he made the most crucial decision in his life and decided to dedicate himself to science. He consistently implemented this plan, with a short two-year break to do military service. Moreover, he decided that strict austerity would compensate for his lack of wealth, and he would remain independent in his views because he would consider every object – with the exception of those aimed at perfecting literary

¹³⁹ M. Heller, *Jak być uczonym*, Cracow 2009, p. 9-10.

talents – to be contemptible. He found inspiration and creativity in the Scottish countryside and, in the last years of his life, in Edinburgh.

In this context, the question arises whether Hume, similarly to Spinoza, could have benefited from Jonston's work. Of course, providing an answer to this question would require very extensive research on the views of both these authors, conducted at least as much as I. Mysicki did when it comes to Spinoza being inspired by Jonston's achievements. Regrettably, the structure and subject matter of this publication make this impossible. In addition, it is obvious that the research should be undertaken by a person with a philosophical education. Nevertheless, it cannot be ruled out *a priori* that Hume was acquainted with Jonston's works. It seems that this may be supported by the fact that at Scottish universities there must have been at least some works by Jonston, who was already a recognized researcher in Europe in the 18th century. Moreover, his numerous contacts with scholars from Scotland and England, which he maintained for the rest of his life, only confirm this thesis.

Undoubtedly, Edinburgh is a place where we will find many places related to Hume. On 20 June and 21 June 2023, two meetings devoted to John Jonston took place in Edinburgh, Scotland. I have already partially referred to those events. This was possible thanks to the 'Aid to Polonia and Poles Abroad 2023' project. During the first ceremony, which took place on 20 June, numerous participants (approximately 150 participants) could learn more about John Jonston. Additionally, two books were promoted 'From Poland to Scotland and Back' written by me, and 'A Word About Jonston' published by the Stanisław Grochowiak Library in Leszno. On 21 June 2023, a scientific conference devoted to John Jonston and the Polish Faculty of Medicine was held. It was organized by the City of Leszno, the Leszno-Region Tourism Organization, and the medical community of Wielkopolska (Wielkopolska Medical Chamber). During the conference, I was one of the presenters and I delivered a lecture on John Jonston's principles of ethics. Other speakers included, among others, Tomasz Kazało, Doctor of Medicine, representing dr John Jonston Hospital and dr Kamila Szymańska (Regional Museum in Leszno), PhD Arkadiusz Ptak, and Doctor of Medicine Lidia Dymalska-Kubasik (Wielkopolska Greater Poland Medical Chamber). The event was also attended by Leszno councilors: Krystian

Maćkowiak, Kazimierz Jęcz, Edyta Feliczak-Przybyła, Bernardyna Kaźmierczak, Barbara Mroczkowska and Jacek Adamczak.

Thanks to my involvement in the book promotion and conference, I had the opportunity to personally visit locations in Edinburgh that are associated with David Hume. The next day after my arrival, I decided to follow in the footsteps of the philosopher. I began with a coffee in the *Abbotsford* pub, located 100 meters from the hotel where I stayed, which is reportedly a traditional meeting place for local writers and authors. Its name refers to the estate where Walter Scott (1771-1832), a prominent Scottish writer and lawyer, lived, the author of such novels as *Waverley*, *Rob Roy* or *Ivanhoe*. More than 60 meters high, the statue of this Scottish writer is located in *Abbotsford – Princes Street Gardens*, located about 200 meters from the pub. So there could not be a more suitable place to start sightseeing in Edinburgh. Initially, I tried to reach the house where Hume lived. Based on the information I found, the location should be at the crossroad of St. David's and St. Rose streets, which was right next to where I was staying. Until a few years ago, on building no. 21 – from the side of St David's Street – there was a plaque with an inscription: *David Hume, 1771-1776 lived in this house*. Nowadays, a modern office building has been erected at the crossroad of the indicated streets. Although I searched diligently, I was unable to find any information or a commemorative plaque dedicated to Hume. It could be related to the change of perception of Hume in Scotland which occurred in 2020, which will be discussed further in the book.

There are numerous places dedicated to Hume in Edinburgh. Although he was not a lawyer, nowadays his monument is standing in front of the Supreme Court in Edinburgh. It was a coincidence that the promotion of the original version of this book, published in Polish, was held at the headquarters of the French Institute, located at West Parliament Square Edinburgh EH1 1RF United Kingdom, which is located opposite this monument (!!). When I arrived in Scotland to promote my book, I was completely unaware that I could present it near the Scottish Supreme Court and next to David Hume, one of the work's protagonists. On June 20, 2023, I presented the theses of my book at the French Institute. The book focuses on the crucial roles played by John Jonston and David Hume in putting an end to the witch trials in

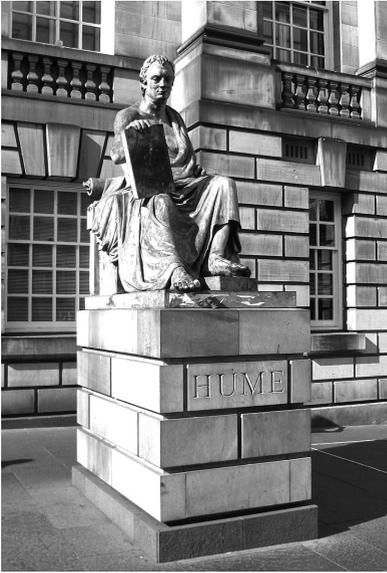
Poland and Scotland. Additionally, I discussed their perspectives on criminal and medical law.

In his writings, Hume addressed many issues directly related to the field of law. A detailed analysis of some of his works allows us to conclude that he was perfectly familiar with legal issues. He based his views on the law on the following principles: 1) no action can be considered a crime unless it is clearly a crime in the eyes of the law; 2) no one can be accused of misconduct other than in court proceedings; 3) officials, including judges, have an obligation to act in accordance with and within the limits of the law. In the case of people accused of witchcraft, the principles were not respected in the least. Hume might have been prompted to criticize all superstitions and fanaticism by the reflection on the meaning of clear legal norms¹⁴⁰. From Hume's views presented above – only on the basis of a representative example – the following principles of the legal system can be derived: 1) prohibition of analogy to the detriment of the accused; 2) principle of presumption of innocence; 3) principle of the right to a court; 4) principle of the rule of law (obligation of officials and judges to act in accordance with and within the limits of the law). These are also the basic principles on which the adversarial criminal process is based, which is a contradiction of the inquisitorial criminal process, which functioned in the vast majority of cases related to witchcraft. In the light of these views, it is not surprising that Hume is considered to have played a huge role in opposing persecution because of the alleged practice of magic. This is particularly significant in Scotland, where the number of death sentences for witchcraft between the 15th and 18th centuries was the highest in all the countries of the British Isles¹⁴¹.

Hume's statue depicts an impressive figure, sitting on a chair, with a bare foot hanging from a pedestal. The monument was erected in the mid-1990s by Scottish sculptor Alexander 'Sandy' Stoddart. It is a nearly

¹⁴⁰ D. Hume, *Eseje z dziedziny moralności, polityki i literatury* (translated by Ł. Pawłowski), Warsaw 2013, p. 57-64.

¹⁴¹ Between the 16th and 18th centuries, Scotland was an infamous exception when it came to the number of people convicted of witchcraft among all the British Isles. In England, which had 4 times more inhabitants than Scotland, there were half as many convictions. Moreover, in Catholic Ireland, there were only 4 documented witch trials, none of which resulted in a death sentence, while in Scotland 54% of convicting verdicts ended in death penalty. cf. Z. R. Kmiecik, *Losy...*, p. 88.



David Hume's statue in Edinburgh (photo PJ)

10-meter-high bronze statue. It is worth noting that it is one of the many monuments of the Scottish Enlightenment philosophers, located in the capital of Scotland. Hume is stylized as a Greek hero, dressed in a toga with a partially exposed chest and legs, which is a typical element distinguishing the statues of ancient figures. Passers-by often rub the toe of his leg, which, according to tradition, initiated by students of philosophy, is to bring good luck or cause the wisdom of this philosopher to fall on such a person. Apparently, rubbing the toe is also supposed to help win the case, which is why some participants in the trials in the

nearby Supreme Court do so. It is significant that this custom is practised in relation to a monument depicting a person who throughout his life criticized all superstitions and beliefs, and to this day is considered by many to be the patron saint of atheists¹⁴².

Hume lived in various places in Edinburgh, including among others *Riddle's Court* just off *the Royal Mile*. The most famous one was the already mentioned house just off *St Andrew Square*. Hume died in 1776 and was buried in his quarters at *Old Calton Cemetery*, on the slopes of *Calton Hill*. His tomb was designed by the great Edinburgh classical architect Robert Adam – a friend of Hume – and is stylized as a large round mausoleum. Visitors immediately notice that there is no inscription or any mention of his life and the impact he had on the development of science¹⁴³. This was the wish of Hume himself, who

¹⁴² L. McMahon, *David Hume Statue: Why do people rub the toe of Edinburgh's David Hume statue? , Lucky toe' ritual, explained*, 'Edinburg News Evening' from 28/01/2022.

¹⁴³ <https://www.edinburghexpert.com/blog/david-hume-edinburghs-philosopher> [access: 30/04/2023].



Plaque at the entrance to the Old Calton Cemetery (photo PJ)



Of the mausoleum with David Hume's corpse at the Old Calton Cemetery (photo PJ)

believed that history and posterity would appreciate his work. At the entrance to the cemetery, there is a plaque that lists all the famous people who are buried at *Old Calton*. David Hume is first on this list, along with, among others, the painter David Allan (1744-1796), the actor William Woods (1760-1802), and Professor John Palyfair (1748-1819).

Calton Hill, one of Edinburgh's seven hills, is right next to the cemetery. One of the routes leading to the top, from which there is a magnificent view of the city, is the '*Hume Walk*', which was opened in 1775 and is named in honor of David Hume, who a year before his death – along with other residents of the city – submitted a petition to the Edinburgh City Council asking for the creation of a public place for hiking that would encourage a healthy lifestyle (*for their health and amusement*). The City Council approved the proposal and ,Hume's Walk' became Scotland's first tour entirely for recreational use. A healthy lifestyle is another matter that was of interest to both John Jonston and David Hume.

The last place related to our hero that I managed to see in Scotland was the Scottish National Portrait Gallery. On one of the towers deco-



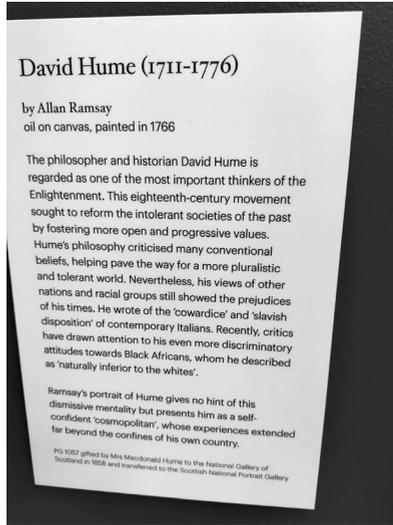
Plaque on Calton Hill indicating the name 'Hume Walk' (photo PJ)

rating the building, there is a sculpture of Hume. In the building itself, the most famous portrait of him, dating from 1766, by Allan Ramsey (1713-1784), the famous Scottish painter, can be found. The portrait depicts a philosopher in red, dressed in a red (scarlet) jacket trimmed with a golden braid. It probably refers to the uniform he wore during his diplomatic missions in Turin and Vienna. Red in all cultures is a symbol of life force, fire, blood, love, and fertility. Nevertheless, this color evokes rather positive feelings and depicts Hume as a European whose fame and popularity went beyond the borders of the British Empire. His wide face on a dark canvas is a symbol of his vast intellect.

Until recently, one of the campus buildings of Edinburgh University was called the 'David Hume Tower'. In 2020, the building was deprived of Hume's name and renamed *40 George Square* due to some racial comments in the philosopher's work. It was stated that 'although they were not uncommon then, they rightly cause anxiety today'. There have even been ideas in the public space, so far unsuccessful,



Portrait of David Hume, by Allan Ramsay (1713-1784), located in the Scottish National Portrait Gallery (photo PJ)



Recently modified note under the portrait of David Hume (photo PJ)

of demolishing Hume's monument¹⁴⁴. Moreover, recently – under the painting mentioned above – a plaque informing about the figure was altered and instead of the existing information about the philosopher and his portrait, a reference to his discriminatory views on other nations was made. Leaving this issue aside from the considerations included in this work, one cannot underestimate the importance of Hume for the development of philosophy, a new perspective on practicing science or becoming – as W. Werner put it – a ‚safeguard’ for some ideas of the Enlightenment period¹⁴⁵.

¹⁴⁴ Cf. S. Klemczak, *Czy należy zburzyć pomnik Davida Hume'a?*, 'Znak' 2021, no. 2, pp. 64-75.

¹⁴⁵ W. Werner, *Strach, zmienność, historia: korzenie Europy i jej przyszłość*, 'Nauka' 2005, no. 3, p. 12.

Summary

The considerations conducted in this book lead to two significant conclusions, confirming the theses formulated in the introduction. The first one boils down to the statement that Jonston's works, especially those containing content related to medicine and pharmacy, allow him to be recognized as a precursor of medical law in Poland, broadly understood. He was also probably one of the first Poles, and even Europeans, who postulated in his works the introduction of probationary measures. Undoubtedly, it is another significant element, so far unnoticed, in neither philosophical nor even legal literature. Jonston was a doctor, so where did he gain his knowledge of the law? Surely, several resources can be indicated. His first connections with the law may have occurred during his studies in Bytom Odrzański. The local junior high school had, among others, legal sciences as a subject. After the death of his parents, when he was forced to cease his education in this city, he continued his studies in Toruń. At that time, he lived in 'School Economics', which was managed by Adam Tobolski, an outstanding Polish humanist and expert on Cicero, an exponent of his ideas. Surely, he must have talked to Jonston, his student, many times on topics related to the philosophy of this Roman lawyer. In 1611 in Toruń, Tobolski published Cicero's work entitled: *Trium de Officiis Librorum trilinguis eaque brevis epitome*, which could play a crucial role. His intention, regarding this publication, was to create resources to learn Latin, German, and Polish philosophical terminology, and also to be a kind of compendium of knowledge about ethics as a science of morality. This edition was certainly thoroughly read by Jonston, who in his later works repeatedly referred to Cicero and his thoughts. Reading the publication of this eminent Roman lawyer had to shape our hero's views on the state, law and justice, which he expressed in his work *Enchiridion Ethicum*, the last part of which is entitled: *De Regulis Justitia* (On the principles of justice). Another important source of legal knowledge was his acquaintance with Jan Jerzy Szlichtyng, a close friend of Jonston, a district judge in Wschowa in the years 1632-1657. Frequent contact between them could not have remained without an impact on John Jonston's legal knowledge.

Another vital conclusion resulting from the content of this work is Jonston's role in shaping Polish-Scottish relations. There is no other figure in the history of both countries who in his life and scientific activity would so strongly emphasize relations with both Poland and Scotland. John Jonston was a man of science whose numerous works can be found in libraries around the world, including even in Australia. Many of them have never been translated into Polish, let alone English. Therefore, understanding the figure of Jonston and his works may contribute to the development of Polish-Scottish cooperation not only at the scientific level.

Epilogue

Without exaggeration, it can be stated that Leszno, from the 17th to 19th century, was one of the most significant cities in Poland in terms of the development of medicine. Not only because there were many eminent doctors working there [among others, John Jonston, Henryk Martini (1615-1675), Ernest Jeremiasz Naifeld (1721-1773), Jerzy Chrystian Arnold (1747-1827), Johann Metzger (1804-1868) or Bronisław Świdorski (1873-1941)], but also because it was in Leszno that the first scientific medical journal in Poland was published. The journal was first published on 1 March 1750 entitled *Primitia physico-medicae, ab iis, qui in Polonia et extra eam medicinam faciunt, collectae* (*Physico-medical beginnings, collected by those who practice medicine in Poland*)¹⁴⁶. The first volume consisted of 270 pages¹⁴⁷. This fact cannot be underestimated, because only powerful intellectual and scientific centers could afford to implement such publishing ideas¹⁴⁸.

The beginnings of healthcare and hospitals in Leszno date back to the 16th century, when even before 1555, the then-heir of Leszno, Rafał Leszczyński, founded a hospital that served as a shelter for the poor. The residents placed there were allowed to use the public bathhouse once a week¹⁴⁹. There are also sources providing information about the operation of a hospital in Leszno in the 17th century, which was run by the Czech Brethren. Hospitals were most frequently supervised by church

¹⁴⁶ Cf. E. Waszyński, „*Primitiae physico-medicae... (1750-1753)*”. *Pierwsze w Polsce czasopismo medyczne*, Leszno 1997, *passim*.

¹⁴⁷ E. Waszyński, *Pierwsze czasopismo medyczne w Polsce*, Biuletyn Informacyjny Wielkopolskiej Izby Lekarskiej 2008, no. 2, pp. 24-25; T. Ostrowska, ‘*Primitiae physico-medicae... (1750-1753)*’, Edmund Waszyński, *Leszno 1997* [review], ‘Kwartalnik Historii Nauki i Techniki’ 1998, no. 3-4, pp. 172-175.

¹⁴⁸ As an example, it can be pointed out that the oldest Polish legal journals, according to some sources, were issued in Lviv (Lwów) since 1810 ‘*Annales iurisprudentiales pro regnis Galiciae et Lodomeriae*, and according to others – ‘*Seryarz Projektów do Prawa*’, issued in Warsaw between 1785– and 1786 (cf. A. Bąkowski, *Themis i Pheme, czyli historia czasopiśmiennictwa prawniczego*, ‘Palestra 2011, no. 9-10, pp. 235-236) had their seats in cities which were considered scientific and intellectual centers of Poland at that time.

¹⁴⁹ Cf. E. Waszyński, E. Kujawska, *Zarys rozwoju szpitali w Lesznie*, [in:] E. Waszyński, A. Kuczkowski, *Zarys lecznictwa w Lesznie 1555-1998*, Leszno 1999, p. 11.

authorities, both Calvinist and Catholic. There are also mentions of hospitals located in Jewish quarters. From available sources, it is known that in 1737 the general inspector Father Woliński inspected the hospital at the Church of the Holy Spirit, which, however, was destroyed in the city fire. The exact location of the hospital is unknown¹⁵⁰. Over time, the maintenance of hospitals was taken over by the municipal authorities¹⁵¹.

More preserved information concerns the hospital of St. George at the Church of the Holy Cross. In the building which exists to this day, at the intersection of Dr. Johann Metzger and Szkolna Street, there was a hospital of St. George, built on the initiative of the merchant George Scholtz. The hospital was handed over to the Evangelical Lutheran Church of the Holy Cross on 23 September 1688¹⁵². Its history is connected with another Leszno hospital of St. Jeremiah, built in 1709, to which St. George's Hospital was joined. It's assumed that the Hospital of St. Georges existed until the end of the 19th century. Its statute dates back to 1881. On the front of the building, a bas-relief depicting St. George¹⁵³.

On the corner of Bolesława Chrobrego Street and Młyńska 23 Street (then Żwirki i Wigury Street, now Aleja Jana Pawła II – in the back of Primary School No. 3, now a new school building) there was a hospital, which was included in the real estate inventory from 1926. It was basically a shelter. In 1947, the patients were transferred to the hospital at Wałowa Street, and an old people's home was created in the abandoned building. Since then, the hospital at Wałowa Street adopted the name of this hospital – City Hospital. In Leszno, the hospital was also run by Diaconesses, hence it was commonly called the Diaconesses' Hospital, although its correct name is the Hospital of the Patriotic Association of Ladies (*Vaterlandischer Frauenverein*), called the 'Bethel' Hospital or the Red Cross Hospital at Wałowa Street. It was established in 1902 and served its role until 1998 (currently this

¹⁵⁰ E. Waszyński, E. Kujawska, *Zarys...*, p. 12.

¹⁵¹ On 1 August 1781, a resolution was issued by which: 'diligent servants will be treated at the expense of the state and in the hospital until the end of the service', which represents a clear sign of the authorities (local) bearing the cost of treatment, at least concerning a certain category of individuals. Cf. about this S. Karwowski, *Kronika...*, p. 81-82.

¹⁵² E. Waszyński, E. Kujawska, *Historia szpitali leszczyńskich w zarysie*, Leszno 1984, pp. 6-7.

¹⁵³ E. Waszyński, E. Kujawska, *Zarys...*, p. 15.

building houses the Music School). After the transfer of patients from the hospital at Młyńska Street in 1972, it adopted the name of the Municipal Hospital. Concluding a brief overview of the most vital hospitals in Leszno operating over the centuries, it is impossible not to mention the St. Joseph's Elizabethan Sisters' clinic. Antoni Leszczyński, a parish priest of Leszno, brought the sisters to the town. In 1890, the sisters bought from the priest Joseph Tasch, a one-storey building situated at Osiecka Street, which is still occupied by the Congregation of the Elizabethan Sisters (currently 37 Niepodległości Street). The sisters converted the building into a hospital that opened in 1902, the same year as the hospital at Wałowa Street. In 1932, the construction of an additional 'northern' wing began – from the side of Mickiewicza Street, which was completed in 1934. In 1935, the sisters bought from the then-District Department, located nearby at today's Dąbrowskiego Street, the building of an orphanage for children (called 'Jagódka') and adapted it into a hospital for infectious patients. This ward was moved to Piaski in 1977, and an ophthalmology ward was created in its place. Throughout the interwar period, the hospital was called the Hospital of St. Joseph, commonly known the St. Joseph's. On 3 October 1949, The Elizabethan Sisters' Hospital was taken over by the District Association of Local Government in Leszno. At that time, the complex of buildings at the current Niepodległości Street was taken over along with the building at Dąbrowskiego Street. In 1952, as a result of the reform of the state administration, the Presidium of the Municipal National Council in Leszno took over all medical facilities in the city of Leszno, including the clinic at Wałowa and Dąbrowskiego streets. They were given a common name – John Jonston Municipal Hospital¹⁵⁴. In October 1975, the Provincial Polyclinical Hospital was created from the existing hospital buildings, no longer retaining the name of John Jonston. The new hospital at Jana Kiepury Street was built in 1980- 1998. The last wards from the existing buildings were moved to the new hospital on 10 September 1998. The name of the Provincial Polyclinic Hospital remained, and the name of John Jonston was forgotten. This is what Prof.MD, PhD Edmund Waszyński pointed out in the conversation with me and the memo provided to me,

¹⁵⁴ E. Waszyński, E. Kujawska, *Historia...*, p. 7-13; E. Waszyński, E. Kujawska, *Zarys...*, p. 15-29.



Edmund Waszyński, *Droga do Asklepiejonu. Wspomnienia, (Road to Asclepiejon. Memories)* Leszno 2020

regarding the history of health administration in Leszno¹⁵⁵. Such a state of affairs lasted until 2022, so for almost 50 years.

On 21 June 2022, I had the honour and pleasure to co-organize a scientific conference, which took place in Leszno and that was devoted to the doctors of the former Leszno¹⁵⁶. The conference was held along with the promotion of the book *Jerzy Chrystian Arnold (1747-1827). Life and activity (Leszno 2022)*. It is an extended version of the doctoral dissertation of Ewa Kujawska, MD, PhD, promoted by the already mentioned professor Edmund Waszyński, one of the most outstanding historians

¹⁵⁵ Prof. Edmund Waszyński was born in 1929 in Leszno. In his hometown, he completed primary and later secondary education. From 1952 to 1958, he pursued medical studies at the Medical University in Wrocław. Since 1959, he has been continuously associated with the obstetrics and gynecology department of the hospital in Leszno, managing the department from 1979 to 2000. Additionally, in 1994, he became the leader of the Department of Humanistic Medical Sciences at the Medical University in Wrocław. He taught the history of medicine, medical ethics and medical propaedeutics. In 1985, he obtained the academic degree of Doctor Habilitated in Medical Sciences, and in 1999 he was awarded the title of Professor. He is the author of several medical books and over 150 scientific publications. Moreover, he is a member of numerous national and international societies. He is also an honorary member of the Polish Medical Society and the Society of the History of Medicine and Pharmacy. He is one of the most distinguished medical historians in Poland.

¹⁵⁶ During the conference, the following presentations were delivered: 1) Doctor of Medicine Ewa Kujawska, *Jerzy Chrystian Arnold (1747-1827) – zasłużony lekarz dawnego Leszna*; 2) Prof. MD, PhD Edmund Waszyński, *Pierwsze w Polsce czasopismo medyczne, wydawane w Lesznie w latach 1750-1753*; 3) Doctor of Medicine Krzysztof Pietrzak, *Recepcja teorii i doktryn medycznych w publikacjach naukowych lekarzy leszczyńskiego środowiska naukowego XVII i XVIII wieku*.

of medicine in Poland, and author of the memoirs *Road to Asclepiejon. Memories* published in 2020.

Reading this book is not only a wonderful and engaging autobiography but it also shows the great role of its author in discovering the significance of Leszno for the development of Polish medicine. When promoting the book devoted to Jerzy Christian Arnold, it should be emphasized that he was one of the first biographers of Jonston, to whom all participants of this conference referred. During one of the numerous meetings with Professor Edmund Waszyński, which took place after the end of the conference, I informed him about the plans to establish 2023 in Leszno as the year of Dr. John Jonston. At that time, the Professor – while talking about the development of health administration in Leszno and the lack of the name of the Provincial Polyclinic Hospital in Leszno – stated that maybe it would be worth naming the hospital in Leszno after Dr John Jonston, adding after a while that in principle it would be a restoration of the name that the hospital in Leszno used to have. I admit that this fact surprised me because then I was not aware that in the years 1952-1975 in Leszno, there was a John Jonston Municipal Hospital. Since that meeting, we promised each other with the Professor that wherever possible, we would try to promote the character of Dr John Jonston. The idea found very fertile ground because immediately doctors from Leszno, headed by the President of the Wielkopolska Chamber of Physicians of the Delegation in Leszno – dr Lidia Kubasik and Leszno councillor – dr Jacek Adameczak decided to engage and take action to reintroduce the name dr John Jonston Hospital in Leszno. Tomasz Malepszy, Chairman of the Leszno City Council (Mayor of Leszno in 1998-2014), was also enthusiastic about this initiative. Moreover, Krzysztof Albiński, the director of the hospital in Leszno, also took the initiative to restore the hospital its name. He accepted the choice of John Jonston as the patron of the hospital. In June 2023, the Greater Poland Voivodeship Sejmik, which supervises Leszno Hospital adopted a resolution to change the hospital name to dr John Jonston Hospital. Therefore, it is the only hospital in the world with this name. It is worth mentioning that in 1975 the name of John Jonston was given to the hospital in Lubin, located at Bema Street¹⁵⁷. Unfortunately in 2014, the hospital forgot about its patron and was sold to

¹⁵⁷ H. Ostromęcka, *Jan Jonston – w trzechsetną rocznicę śmierci (1603-1675)*, 'Kwartalnik Historii Nauki i Techniki' 1976, no. 1, p. 169.



The headquarters of the Hospital in Lubin (once John Jonston Hospital)



The non-existent 'Jonston tree' in front of the Hospital in Lubin (photo from <http://mojlubin.blogspot.com>)



Jonston's tree, which was placed in front of the Głogowska Tower in Lubin (photos from <http://mojlubin.blogspot.com>)

a private entity which created a new facility that did not retain the name. In front of the hospital, there was a small statue in the shape of a tree, on the crown of which there was a likeness of John Jonston.

The twin monument also stood in front of the Głogowska Tower in Lubin. Both monuments were created by the artist Zbigniew Frączkiewicz (in 1973-1986 he created and lived on Lubin land). Both monuments were erected by the Lubin authorities in cooperation with the city of Leszno in 1975 on the 300th anniversary of John Jonston's death. In 2005, the monument located at the Głogowska Tower was restored by the Lubin authorities. Unfortunately, in 2017, as a result of the unprofessional action of employees conducting earthworks next to the monument, it was damaged as they leaned some pipes against the monument. The tree statue could not bear the weight and broke in half¹⁵⁸. Despite the declaration of the city authorities, the monument was not repaired and at the end of 2020, it disappeared completely. Despite

¹⁵⁸ D. Szymacha, *Uszkodzony pomnik Jana Jonstona*, <https://e-legnickie.pl/wiadomosci-z-regionu/lubin/13634-uszkodzony-pomnik-jana-jonstona> [access 30/04/2023].



John Jonston's monument in John Jonston Park in Leszno

attempts to search it, I was unable to determine what happened to the monument. It is likely that, due to the renovation of the Głogłowska Tower, it was, as vividly but very graphically described in one article, 'uprooted'¹⁵⁹.

Currently, the only monument of John Jonston in the world is in Leszno. It was erected in 1975 during a scientific symposium held in Leszno and Lubin (6-8 June) to commemorate the 300th anniversary of John Jonston's death. The monument's design was created by Magdalena Więcek-Wnuk, a professor at the University of Fine Arts in Poznań.

Bearing in mind the significant role played by the Polish Faculty of Medicine in Edinburgh, functioning in the years 1941-1949, along

¹⁵⁹ *Tych pomników już nie ma*, <http://lubin-nasza-przyszloscia.pl/tych-pomnikow-w-lubinie-juz-nie-ma/> [access 30/04/2023].



The portrait of John Jonston located in the Museum of the Polish Faculty of Medicine in Edinburgh at the University of Edinburgh Medical School

with the associated professors, Jonston may be another, so far forgotten, emblematic figure that may contribute to strengthening Polish-Scottish relations, particularly in the field of medicine. Especially, considering the fact that in the Museum of the Polish Faculty of Medicine in Edinburgh, which still functions today, among the numerous figures there mentioned, there is also the figure of dr John Jonston.

On 29 November 2022, the Leszno City Council unanimously decided to establish the year 2023

as the year of dr John Jonston emphasizing that: *'(...) dissemination of knowledge about John Jonston will also disseminate knowledge about the entire era, in the sense that his life and works reflect all the features of the city of Leszno, known as a scientific, tolerant city, which is the cradle of Greater Poland and Polish medicine. The city, which over the following centuries has raised and continues to raise many outstanding doctors (John Jonston, Henryk Martini, Ernest Jeremiasz Naifeld, Jerzy Chrystian Arnold, Johann Metzsig or Bronisław Świdorski)'*, adding at the same time: *'In recognition of the merits of the citizen by choice, John Jonston, and in order to preserve historical memory, the City Council of Leszno supports the initiative of the Mayor of Leszno, considering the acceptance of the present resolution as fully justified. Let the year 2023, established as the year of dr John Jonston, be a tribute not only to him but to all Leszno doctors, those who served the residents over the past centuries, and those who today provide assistance to the citizens of Leszno and the Leszno region'*. In this resolution, Jonston – probably for the first time in history – was called the precursor of medical law in Poland, which, as this publication also shows, is fully justified.

The consequence of this resolution was also the announcement of the organization of a scientific conference devoted to John Jonston in Leszno on 15-16 June 2023, organized by the Leszno Cultural Society.

It is worth emphasizing that this Society has undertaken the organization of the third scientific conference devoted to this figure. The first took place in 1975, the second in 2003, and the third on 15-16 June 2023.¹⁶⁰ During this conference I had the honour to deliver a presentation entitled: ‘John Jonston as a Precursor of Medical Law in Poland’. The organization of scientific conferences shows the role and significance of the Leszno Cultural Society in the promotion of the figure of dr John Jonston. If it were not for the activities of the Society, the scholar would perhaps be forgotten and no one – apart from a small group of scientists – would be interested in him. As a result of the first two conferences, book publications were released containing the delivered presentations. Similarly, the material from this year’s conference will be published in *Rocznik Leszzyński* (Leszno Yearbook), which is scheduled to be released in 2024 and will be entirely dedicated to the life and work of dr John Jonston.

At the initiative of Patryk Philavong, Leszno physician, the music festival *Echoes of Baroque. John Jonston in memoriam* also took place. The repertoire of the festival was inspired by the times in which this distinguished citizen of Leszno lived. The honorary patronage of the festival was taken over by Łukasz Borowiak, the President of Leszno City, and the Greater Poland Medical Chambre. The festival director was Patryk Philavong, as already mentioned. The festival program showcased a broad cross-section of musical Baroque; from the metaphysical and richly textured organ works of Johann Sebastian Bach, through the flashy keyboard miniatures of French composers, to the dance music of European courts of Jonston and his successors. Not every musician can reveal the true, appealing essence of these centuries-old works, which is why the festival featured the best Polish artists specializing in the so-called historical performance. Among them was the award-winning *Oh! Orkiestra Historyczna* led by Martyna Pastuszki or Lilianna Stawarz with her ensemble *Royal Baroque Ensemble* renowned both in Poland and abroad. L. Stawarz also performed her own harpsichord recital. Leszno is one of the Baroque pearls of Greater Poland and it is hard to imagine a more suitable venue for such music than the interiors

¹⁶⁰ Surely, by the time of reading this publication, we will have already participated in the third scientific conference dedicated to John Jonston, organized by the Leszno Cultural Society.



John Jonston at work (graphic by Łukasz Malkiewicz)

of the churches in Leszno. In the most valuable Baroque complex of the city, the Basilica of St. Nicholas, the audience enjoyed organ music, including improvisations. While in the church of St. John the Baptist (which used to be the Calvinist church, perhaps attended by John Jonston) the festival was inaugurated by one of the most famous bands on our continent playing instruments from the era.

In 2023, the District Museum in Leszno, in co-operation with its partners, will undertake a project entitled: *‘John Jonston’s Encyclopedia – Ordering the World’*, for which they have received funding from the Ministry of Culture and National Heritage’s program ‘Cultural

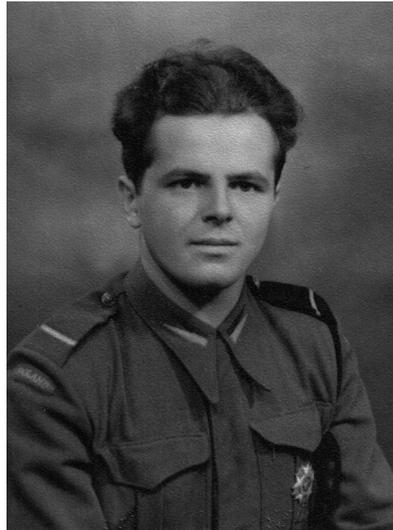
Education' (70,000 PLN) and the Greater Poland Voivodeship self-government (20,000 PLN).

In June 2023, a scientific conference devoted to our hero was also held in Edinburgh, Scotland, as mentioned before. This was possible thanks to the project 'Aid to the Polish Society and Poles Abroad 2023', under which the 'Leszno-Region' Tourist Organization, of which the city of Leszno is a member, received a grant for the organization of events for the Polish society in Scotland. One of the effects of the project is – let us emphasize it again – this publication, which is intended to shed light on the figure of dr John Jonston. The aim is to disseminate Jonston's achievements and works not only among the members of the Scottish Polish Community but also among the Scots themselves. There are not many characters who, as perfectly as Jonston, embodied the values connecting Poland and Scotland. Who could be more suited to this role than the main protagonist of this publication who most often signed himself as *Scotus-Polonus*?

Appendices

Zenon Michalski's biographical note

Zenon Michalski was born on 20 December 1920 in Wielichowo, the former Śmigiel powiat, in the family of a tailor, Antoni Michalski and Helena née Kowalczyk. His father was a participant in the Greater Poland uprising. After completing his elementary school, he began his education at the gymnasium in Wolsztyn, but did not finish. In the spring of 1939, he joined the Junacki Hufiec Pracy (Youth Labor Battalion) in Wolborz near Łódź. Having completed initial military training, he and his team were sent to Mołodeczno to build an airport, and in July, they were assigned to the village of Żabie in the Hutsal region (near the border with Romania) to construct roads. The outbreak of the war found the Junak members in Żabie, from where they went to Kołomyia to obtain military equipment. After the Soviet Union's aggression against Poland on the night of September 17/18, they crossed the Romanian border in Kutu. They found themselves in an internment camp in Pitesti. In November 1939, after escaping from the internment camp, he reached Bukareszt and then travelled by train through Belgrade to the port of Pireus in Greece. There he was embarked on the Polish ship m/s 'Pułaski', on board of which he arrived in Marseilles in December 1939. On 8 December 1939, he volunteered for the Polish Army in France at the Coëtquidan camp. He was assigned to the 1st Grenadier Division under General Bolesław Duch and sent to the Plélan-le-Grand non-commissioned officer



Zenon Michalski

school. Having graduated from school, he was promoted to the rank of Senior Rifleman and assigned to the 2nd heavy machine gun company. After the German attack on France, he found himself in the reserve center of the division and was directed to the 1st company of the infantry battalion formed in Coëtquidan, which on 3 June 1940 was incorporated into the 10th Mounted Rifles Regiment, to the part of the regiment that did not participate in the fighting in France. Due to the deteriorating political and military situation in France, the regiment was directed to the south and on 22 June embarked on the English ship 'Royal Scotsman'. They arrived at the port in Liverpool on 24 June 1940. The next day, the regiment was transported to the railway station and travelled by train to Glasgow, and then to Douglas, where they served and remained ready to defend the Scottish coast. From 1940 to 1943 the regiment was stationed in various Scottish cities, including Forfar, Perth, Arbroath (in Angus County), and Haddington. Zenon Michalski served in the machine gun squadron. Apart from the duties related to the defence of the Scottish coast, the soldiers of the regiment also participated in the social life of the local community. They were invited to events such as *party*, *dance*, and more. Then he met his future wife Catherine Stewart Main, who he married on 18 March 1944 in Dalkeith. His wife, who was Scottish, lost her British citizenship because of her marriage to a Polish soldier. As she recalled with a smile after many years, being 'Polish', she had to report to the police several times for various matters.

In January 1942, the Commander-in-Chief General Władysław Sikorski announced the decision to form an armoured division. The 10th Mounted Rifles Regiment, similarly to other units to be included in the division, handed over its defensive sector to the British army and in April 1942 it was moved south to Haddington. There, the regiment underwent reorganization and the machine gun squadron was disbanded. Zenon Michalski was then assigned to the 2nd squadron. During the period, the regiment underwent intensive armoured training and further reorganizations, eventually becoming the armoured reconnaissance regiment of the 1st Armored Division from October 1943. Zenon Michalski completed numerous courses and obtained qualifications to operate personal cars, trucks, motorcycles and tracked vehicles. On 6 June 1944, the Allied Forces launched the invasion of the Normandy coast. The 2nd squadron of the 10th Mounted Rifles Regiment, where Zenon Michalski

served, was deployed to Normandy on the night of 30/31 July 1944 in the area of Courselles sur Mer, 15 kilometers northwest of Caen. He entered into combat on 8 August 1944. The 10th Cavalry Rifles Regiment engaged in fierce battles to break through the enemy's organized defense lines, culminating in a nearly 10-hour-long battle near Jort on 15 August and crossing the Dives River. During the battle of Jort, the 2nd squadron, along with the support of the 2nd Anti-tank Artillery Division, successfully repelled the attack of the German tanks 'Tiger' and 'Panther'. The Germans left the 'Tiger', whose crew was killed, on the battlefield with a shot-up turret. 'Tiger' was brought to the regiment by the commander of the 2nd squadron, cavalry captain Michał Gutowski, and an inscription was made on its turret: '2nd Squadron of the Cavalry Rifles Regiment'. M. Gutowski recalled this event many years later: *In a moment they report that there is 'Tiger' in the bushes. The engine is running, but they do not see anybody from the crew. I temporarily hand over the command of the squadron to my deputy, Lieutenant Jasio Salwa, and with my front gunner Zenek Michalski, we rush as fast as we can to the grove. Through the branches, I see the outline of the 'Tiger' tank. It is a giant. 'Zenek' I say 'You go to the driver's cabin and I'll go to the turret'. – I climb inside over the track and land on something soft. I had a flashlight in my pocket. I light it up and see I am standing on a naked man, and there are two more naked corpses next to him. In the rear of the turret, there is a hole, clearly a 75mm shell penetrated the much thinner removable plate, entered inside and completely demolished the turret interior along with the entire crew. There was some trouble, because Zenek, a young boy, was not a technical expert, but somehow we moved and led this Tiger to my squadron. ('Tiger' was the pride of the squadron and the regiment. Only a few highly regarded individuals had the privilege of taking a short ride it). Afterward, from 17 to 21 August, the regiment fought fierce battles in the Falaise and Chambois regions. Once the fights ended, the regiment remained in a several-day rest period during which the tanks and personnel were replenished. Repairs and maintenance of the equipment were conducted, soldiers were decorated and promoted. Zenon Michalski was promoted to the rank of corporal.*

On 29 August, the regiment set out for further combat operations and, after intense fighting, entered the territory of Belgium. On 6 Sep-

tember 1944, the regiment's mission was to capture a heavily defended German crossing on the Ypres Canal. After the tanks entered the village of Dickenbuch, they came under heavy machine guns and anti-tank weapons. Zenon Michalski's tank, attacking through the center of the village, was hit by a projectile fired from an anti-tank grenade launcher, causing damage to the tank. The tank commander was quite seriously injured, and Z. Michalski was injured by a shrapnel in his leg. On 7 September, he was evacuated to the UK and hospitalized at Shrewsbury Copthorne Hospital. After recovery, he was sent to the Reserve Centre of the 1st Armoured Division. Following the end of the war and the withdrawal of recognition to the Polish Government in London by Western powers, he did not return to Poland. In November 1946, he joined the Polish Resettlement Corps, and on January 1948, he was demobilized. He lived with his wife in London, where he worked in industry until his retirement. In 1959, their daughter, Wanda, was born. Until his death, he remained an active member of the 10th Mounted Rifles Regiment Association, where he served as a treasurer for many years. He was also an honorary member of the 2nd Battalion Scots Guards, The British Legion, and The Royal Air Force Association. After retiring, he moved to Margate, where he died on 12 March 2005. He was awarded, among others, with various medals: the Medal of the Polish Army, British medals such as 1939-1945 Star, France and Germany Star, Defence Medal, War Medal 1939-1945, the Cross of the 1st Armoured Division.

**Excerpt from *Enchiridion Ethicum* by
John Jonston
Volume III, Chapter III, Part I
About punishments**

The imposition of punishments requires a more detailed explanation.

When the virtues perish, crimes occur and lead to the downfall of all ages, and Chronos is no longer the father of truth, but of errors.

Since the greatest incentive to commit offences is the hope of not being punished, therefore punishment should be imposed more frequently and methods of punishment ought to be known. Therefore, let each individual pay attention to punish:

I. firstly, those who cause harm;

For wrongdoing, in terms of time, precedes punishment; the opportunity for improvement comes after the mistakes have been made.

Thus, as Tacius says, our ancestors decided that if an offence is committed, punishment ought to follow.

II. secondly, only those who first have been questioned;

Let the example of Tiberius, who in uncertain and time-barred cases rendered severe and harsh judgments, be far from us.

People, who have not been interrogated and could not defend themselves in court, die as innocent.

III. thirdly, in a slow and not frequent manner;

The severity, when it lasts too long, loses its meaning. You will see that people often commit offences in defiance, especially if those crimes are too frequently punished.

For that reason, Cassiodorus advises that sometimes it is a duty of a benevolent ruler to exceed the boundaries of justice for the benefit that clemency brings. For mercy is the only virtue before which all others unhesitatingly yield their honourable place.

Let us not, through remedies administered untimely, further fuel the fire of misdeeds. It is sometimes necessary to pretend not to see

something, and at other times, draw attention through words only and reprimand.

It is evident that the greatest punishment for those who err is to continue erring. Even in the time of Tiberius, the Romans believed that the wrongdoers were sufficiently punished by merely admitting to their misdeeds.

This is particularly true in six cases:

1. firstly, if the heinousness of the wrongdoing can turn against the one administering the punishment;

For if it is not done, the same fate that befell Augustus can easily befall anybody who imposes the punishment. When scandals occurred in the household of the princeps, Augustus ordered his own daughter to leave Rome due to her tarnished reputation of modesty. And when, after the passage of time, virtue replaced the anger in him, he greatly regretted that what he did not know for a long time, he was unable to endure in silence for as long as it would be inappropriate to talk about it.

2. secondly, if the individual did not commit the offence voluntarily;

It can be inferred that where there was no premeditation, there was also no guilt.

There is no guilt when something happens that could not have been planned by the individual.

3. thirdly, when the guilt is minor;

For just as severity should be applied to important matters, forbearance ought to be shown for those that are minor.

4. fourthly, if they plead guilty;

For the one who feels ashamed of the committed offence is almost innocent. Thus, confessing the guilt erases the mistake made, whereas denying it increases it even more.

The second guilt is defending an offence that has already been proven.

5. fifthly, if they resort to mercy;

So it pleased our ancestors, as the wisdom oracle says. What great perversity it is towards an enemy, when he kneels before us, to use great benevolence towards him.

6. sixthly, if they quickly strive for improvement.

Having a strong determination to improve oneself is a crucial step in moving from regret to integrity.

However, within this framework, conduct yourself in such a way that the one who too easily derogates from the instructions does not find mercy in you too promptly. Let such people know somebody who is uncompromising when it comes to serious offences, and let them see that sometimes even in minor offences, there is not a little regret. And if it is impossible to do so, at least let them know that one who is not too keen on administering justice for minor faults, becomes a stern judge when it comes to serious crimes.

IV. fourthly, severe offences, if they pose a threat;

Destroy evil in its infancy. The remedy often comes too late when evil, due to delay, has already spread. If you desire something, as Tacitus says, that has not yet been forbidden, beware, lest you have to suffer because of it. And if you commit with impunity what is forbidden, then know that beyond this boundary there is no shame or fear.

V. fifthly, strictly;

In the case of this point, pay attention to the following aspects.

For temperance should be observed by those whose character has not been altered by prosperity.

Diseases of the body can only be cured through severity and discipline. A corrupted spirit, and the one that corrupts others, sick and lustful, will not regain peace through means weaker than the passions that consumed it.

This severity applies especially to atheists and criminals who, at their own risk, engage in serious transgressions. However, such people frequently lead successful lives and, where they have succeeded, open the way for others to commit crimes.

The following should be punished:

- atheists, because those who do not eliminate offence against God, only accumulate it even more;

For that reason, a person close to God is considered the one who defends God's majesty.

- criminals, because the more they fall, the more disgust they arouse in others.

For this reason, in a republic, no other remedy for spreading chaos has been found than when the most clamorous ones are removed. There is no surer testimony of one's victory than seeing those you previously feared being led to their death.

VI. sixthly, the last point, impose punishments according to the harm, regardless of the person involved.

When the measure of the offence is the crime itself, justice lies as close to revenge as possible. One will not make the same mistake without better preparation, and another will not allow it, as it would mean their own downfall. It is a great misfortune when the smallest sacrileges are punished while the greatest crimes are celebrated with triumph.

It is unjust when thieves of private possessions perish in chains and fetter, while those who rob the state live in gold and purple.

It is more beneficial to limit the wrongdoing of many by punishing one unjust person than to spare only one due to the presence of numerous wrongdoers.

An example of this can be Brutus, who, when as an observer (due to what he saw) would have to be removed, fate made him the executor of the punishment. And when, all the time as a father, his face and mouth participated in the performance, a paternal spirit arose for public service.

No one can avoid the punishment awaiting them by giving some mediocre equivalent in return.

Finally, I would like to repeat once again what I have said earlier. These are the virtues of a prudent person: to understand something thoroughly, and not chase after everything that comes their way, to show leniency for minor offences and severity for major ones; not always being content with punishment but with repentance. The duty of a person promoting justice is to avoid grave and serious wrongdoings than to chase after them so that it becomes clear how far such injustices are from us.

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by Michał Heintze

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It is a good thing that Jonston is gaining further popularity and recognition of his merits. This has happened through this publication, although not only, as there are still many accompanying events related to the Year of Jonston ahead of us. The author of this book, Dr. Piotr Józwiak, looked at this incredible figure slightly differently than doctors had done before. It is the perspective of a lawyer, who highlights the accomplishments and significance of Jonston's work in the legal, ethical, and medical dimensions, which takes on an entirely new meaning – in the context of Scottish-Polish relations. The title of the publication *'From Poland to Scotland and Back'* brings us, Poles, closer to Scots. Through Jonston, we return to historical ties with this hospitable nation and Scotland. It was the Scots, alongside Jonston, who came to Poland, and we to them, during World War II. Let the great name of John Jonston, a Scotsman by birth, and a Leszno resident by choice, be revered. This Scoto-Polonus is our outstanding scholar from Leszno.

Prof. Edmund Waszyński, MD, Ph.D



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