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Customs of Punishment at the Moldavian Csángós

In our research our goal is to analyse the regulations used in the Moldavian Csángó villages from the 18th century until today. In our opinion the moral and legal norms that regulate social life along with their controlling factors are socio-historic products: the levelled result of different periods' experience, world concept and legal practice. The historical dimensions of the Csángós' moral rules and their controlling social and legal mechanisms can be defined along the following aspects that are interpreted as turning points in this ethnic group' social history: a.) the planned and spontaneous medieval Hungarian settling and the transmission of their norms, control and punishment mechanisms; b.) the existence of regulations rooted in the medieval/modern Szekler customary law in Csángó villages of Szekler origin; c.) the handicap of a mangled Csángó social organization and of the structured Moldavian society's disappearance at the end of the Middle Ages (Vincze 2004: 17): the complete lack of an intellectual and bourgeois strata; d.) the existence of a biblical faith sanctified by a minority Roman Catholic confession in an Orthodox majority and its isolating, surviving and regulating strength; e.) the confessional and world concept determination caused by the permanent presence of the Roman Catholic Church in everyday life. Although the above-mentioned socio-historic dimensions show us that this Hungarian group situated beyond the Carpathians followed its own specific way in history, its normative and controlling system in general – as we will see in the following – can be included in a European (customary) law structure.

In our study we shall present a few archaic forms of punishment functioning in the Moldavian Csángó society, their socio-historical, jurisdictional and customary law context, plus some cultural comparisons along these lines. In our analysis, based on certain examples, we underline the several century-old intercultural character of these elementary punishments. But we can understand this topic only by becoming familiar with the Csángós' communal norms, morals and contraventions, therefore the first step shall be their brief presentation.

Social Rules and Social Control

The difficulty of describing and interpreting the Moldavian Csángó culture and society is given by culture's transitive nature. According to N. Luhmann's social categories, traditional (structured) and post-traditional (functionalist) societies can be identified based on division of labour, social structuring and individual positioning by function.¹ Based

¹ Applying Luhmann's categories (Heller 1994: 181).

on these categories – accepted also by us – contemporary Moldavian Csángó villages are somewhere between the two, in a transitional state (Kotics 2001: 28).

Unlike individualist, atomised modern societies, archaic societies are tied into communities by many different bonds. Their corporative nature makes the living of a full social life possible for individuals who belong to various groups. The same corporation or community rejects all behaviour that is not traditional or is different from the well known cultural patterns. Those who commit such acts are morally judged, punished, even expelled. In such a society, the way attitudes differ from norms is almost pointless to discuss (Gurevics 1974: 165).²

A renowned scholar, István Imreh wrote about the strengthening ancientness of Szekler village laws – in genealogic relation with Moldavian Csángó customary law, “communal norms had been slowly formed. The community member who placed them in a system and reinforced them probably felt that these regulations had existed from ancient times, that they were something bestowed on them from the beginning of time. Thus past was included into present, or at least past was deeply rooted in present” (Imreh 1983: 15). Unlike the written laws of Szekler villages, the norms and regulations of the Csángó villages were never codified. They were never put down in writing, showing a similar practice to that of the surrounding Romanian villages.³ While in Transylvania Saxon, Hungarian and Szekler micro-societies put the contractual relations down on paper, the Romanians in Moldavia and their Csángó neighbours favoured oral transactional agreements (Pozsony 2005). Therefore the research on Moldavian Csángó legal customs needs extra attention, because in lack of direct documents, we have to rely on mostly ecclesiastical written sources and communal memory (cf. for example Miklós 2005: 101–131).

The normative social institute that had stood until the beginning of the 20th century, the village council (or the council of the elder), proved to be a democratic judge: the directors and the directed were not separated. In the homogeneous Csángó villages there were no interest-based social categories. Whatever the village council stated according to its own interests, it proved to be beneficial for everyone.⁴

As we mentioned in our brief summary on the historical strata of Csángó norms and controlling structures, an individual’s actions are motivated by the values and ideals of his time and environment (cf. Gurevics 1974: 8). The communal normative system built on ancient structures can change somewhat while partly following certain old customs,

² The author also illustrates positive divergence as deviance with the case of a craftsman, who – working better, faster or more efficiently than his colleagues in the corporation – received the same punishment as the lazy craftsman. We met similar aspects during our fieldwork among the Csángós: for elderly women it was not proper to be neat or to desire admiration. The guilty person was undoubtedly expelled even at the beginning of the second millennium. For more details see Kínda 2005: 40–44.

³ “It is exactly the isolation that characterizes the life of the Romanian village, just if it would die retiring into itself, without leaving one single written memory. The one and only authentic peasant document is peasantry itself. [...] We have no written custom laws, no urban privileges, corporation rules and so on, that have been usually kept for centuries by the national archives” (Stahl 1992: 71–72).

⁴ See an example from Vrancea: Stahl 1992: 48–49.

and it always reflects contemporary culture and world concept. Along with the changing regulations, the controlling mechanisms are also dynamic; therefore the communal punishment system is the product of a certain period's cultural context. The internal control of smaller communities is more accentuated, everyone knows everyone else, and thus the community can record individual life. Stigmatisation, repression, possible exclusion are forms of punishment that people try to avoid at all costs⁵. However, moral indiscretions are quite frequent in these communities that are usually presented as most pious and based on biblical faith.

In the traditional life of the Csángó village the control over the keeping of the rules was at least as important as learning the rules themselves. The validity and the functioning of moral and conductive norms were supported by tradition and the collective. By controlling observance of rules, society ensured its own physiological functioning. This control covered all forms of morality: education, labour, play or entertainment, sexual life, religious life, marriage, plus it involved all levels of social and personal life (Veres 1984: 36).

Control, as an action of prevention, entails the monitoring of the way individuals and institutions abide by regulations. In one of our previous studies, we divided the controlling institutions into formal (organized from above, legitimated by central power) and informal (produced from the inside, legitimated by the community) forms of control (Kinda 2005: 21–56). We considered all institutions with a moral measure and a power to implement conformity controlling ones. Among formal factors of control we find a multilevel institution of religion–church–priest that controls even the secular life of the congregation, the representatives of secular power: the police, the mayoralty, the court of law, in addition to the educational system that provides for the socialization of the youth. In spite of their lack of form and organization, informal controlling mechanisms are more efficient in fulfilling their tasks. All pieces of gossip (the mouth of the village) and the related changing public opinion, all past and present informers of ecclesiastical and secular power, the permanent monitoring as communal control, fear of transcendental (curse, black mass) as a characteristic of archaic societies, all together form a tight controlling net covering the whole community.

With such permanent and complex control, breaking the rules might be considered a failure of control, but the control itself does not preclude rule-breaking, in fact its role is prevention and only the finding out the culprit and passing judgement. Sanctioning is the task of social institutions with legitimate and/or legal penal power. Taking in consideration the above categories, we conclude that controlling mechanisms with limited authority are not able to judge and punish. The institutions which make the lawbreaker withdraw in himself, show repentance and moral resentment are even more limited.

The ontological dimension of the regulation system as a normative system includes the possibility of law-breaking, just like society itself includes from the start the possibility of its own disintegration. Means of control and punishment are to deter and keep a

⁵ For a Szekler example, see: Imreh 1973: 259.

balance within these tendencies. Scholars of social sciences and moral philosophy agree on the fact that the spreading of law-breaking in a certain society can be traced back to changes in the relations to norms, and in these conditions moral relations cannot fulfil their role because they were conceived as social mechanisms for general social conditions (Egyed 1981: 13).

In Moldavia the crisis of social consciousness of transition from traditionalism to post-traditionalism accounts for the frequent law-breaking of our times, and because the more dynamic moral relations cannot be followed by the slowly changing social institutions, the gap between these two makes space for law-breaking. Ágnes Heller thinks that this period of “moral decline” – defined by Durkheim as anomaly (Durkheim 1997) – so often felt in society is in fact an illusion: as a reaction, social structures always produce new, actual moral structures; i.e they automatically balance the unbalanced (Heller 1996: 39).

We could see that local communities not only produce their own regulations, but they also present a collective power of control that undertakes to reinforce all regulations. In the 19th century ancient institutions were replaced or incorporated by the Romanian secular power: “in 1910 the law, seeing that peasant communities could not face changing times any more, enforced a civic official structure” (Stahl 1992: 47). Faced with the institutions of the Romanian central power, which emerged and quickly extended beginning with the middle of the 19th century, the Moldavian villages – which could not compete from the start with the autonomy of the Szekler villages – gradually lost their autonomy, and by the 20th century, their autonomy mostly disappeared (Tánczos 2000a: 203). The disintegration of archaic societies was caused by many factors in the last two centuries: new institutions of central power, world wars, collectivisation, massive urban industrialization, etc. For a long time, the moral norms of the land- and work-centric rural society were followed by landowners, while those without any properties and those working in urban areas quickly changed their attitude (cf. Veres 1984: 40).

In the schizophrenic conditions of Csángó micro-societies caused by the deep identity and consciousness crisis of modernism, the premodern/modern elements, practices and institutions of social control – in spite of their complexity – cannot entirely fulfil their functions. Besides the spectacular changes of economy, society and world concept in the last years, we have faced important dislocations in the official ecclesiastical moral code. Not only have collective regulations and morals been changing, but the structure of the controlling institutions has been changing as well (Kotics 2001: 43). According to more recent studies, along with the centralization of controlling institutions, slowly the community of the village stops standing as united and independent corporation, and its place is taken over by the local Catholic priest, who overemphasises his specific confessional role (Kotics 2001: 43, Kínda 2006: 147–155).

Under the controlling institutions of the state, the interior control of the village communities, though weakened, has also survived. Thus the official ones complete communal control and they render the revision of internal regulations more formal and efficient. And they gain more and more terrain because of the disintegration of rural communities, of informal communal control and of public opinion. Widening the traditional knowledge

of the world, introducing new patterns of life, the existence of traditional microstructures based on collectivism becomes questionable; therefore the informal institutions supported by them begin to dissolve. The disintegration of smaller communities favours individuals' acceptance of new normative systems and expectations, and the individuals who step out of the more traditional groups do not accept the former legitimated norms as means of control. They just obey civic law, legal control and citizen sanctions and punishments.

20th-century Csángó societies were characterized by the concomitant presence of custom and law (Tánczos 2000b: 208), along with the step-by-step eclipse of traditional practice, the same co-existence characterises the operation of the Csángó society in the first few years of the third millennium.

Lawbreakers

Studying the negative structure of society, Michel Foucault concludes that in every society there are some individuals who do not obey rules and regulations for the simple fact that compulsory structures are what they are exactly because people are keen to avoid them. Obviously the compulsions that are agreed by everyone are no longer compulsions (Foucault 1999: 252–255).⁶ Who are those people we are talking about when we mention non-conformism and deviancy? Moral philosophy talks about *interpreting conscience* in the case of individuals who make their own interpretation of social regulations, who reconsider communal morality and organize their own life according to these restructured values. A person who chooses a life strategy that's different from the usual will be considered deviant, heretic or fool in societies where the norms of behaviour and relationship are considered sacred, their interpretation and control is undertaken by the clergy – just like in the case of the Csángós –, or where collective opinion is embedded in secular structures of power. The individualization of norms and the following of a normative system considered deviant are in themselves challenging for the community that represents outer authority. The actions and behaviour of a person who shows signs of immoral psychosis⁷ build for that very person the image of a deviant, and as a conclusion, he will be expelled, ridiculed and punished in every possible way (cf. Heller 1996: 68–69). According to other sources, individuals with unnatural behaviour are not always the persons caught in the act, but people who have been moved to the periphery of social life, who have been suspected, made fun of and expelled from society (Imreh–Pataki 1992: 314).

Foucault uses four different categories for defining the individuals thrown to the periphery of society, categories which stand for the determining social roles, and if someone is excluded from these, he is expelled from society: 1.) labour and the system of economic

⁶ According to social psychologist Ágnes Hankiss there is a rule – the prohibition of lying – that we have to break if we do not want to confront our fellow human beings or our own system of values all the time (Hankiss 1978: 14).

⁷ Term of E. Friedell (cf. Friedell 1994: 173–175).

production (those who do not attend this process because of exemption or inaptitude are marginalized); 2.) marginalized by the aspects of family (loners, celibates); 3.) people excluded from the social discourse system; 4.) people excluded from the playing system. In archaic but also in contemporary societies the fools are determined by these four exclusions: labour, family, discourse, play (Foucault 1999: 253–257). In a complementary approach we have two alternatives about the appearance of deviancy: a.) a community speaks about a deviant individual because with his actions and behaviour he has sinned against the system of norms and values; b.) an individual becomes a kind of deviant because to some extent the community limited its relations with him, thus it has no real control over his life. In this case the community is the one that constructs the role of the deviant: the individual is forced to live his condition of peripheral person at the maximum. In other words, we can speak about two factors of deviance-construction: the individual can be stigmatised and expelled from social interaction either by his *actions* or by his *social condition*.

In rapidly changing transitive societies the erosion of norms keeps people in a state of confusion, because they do not know exactly if some regulations are valid or not, or whether breaking or ignoring them will be sanctioned or not. These societies in transition have to face both: the new norms that are not completely valid and sanctioned, and the old fading system of regulations: apart from their actions to some extent they feel like lawbreakers all the time, therefore a permanent feeling of guilt with uncertain limits lives in them (Hankiss 2004: 283). The reception of the feeling of guilt and law-breaking in different societies was studied by Riesmann. If we accept his classification, we can describe the attitudes on sin and sinners of traditional, modern age European and industrial societies according to a scheme which directs traditional human behaviour and law-breaking followed by a sense of guilt from internally conducted law-breaking towards the externally directed attitude of developed societies (Riesmann 1950 quoted by Hankiss 2004: 275). Under this classification the transitive condition of Moldavian Csángó communities is signalled by the co-existence of all three evolutionary phases.

Finally, we must mention one more special category. An unusual type of law-breaking consists of sins that according to codified rules have to be punished, but in real social practice – or at least in the moral values of a part of the community – produce some kind of appreciation. Their qualification is determined by many factors; therefore their social approval is quite relative. In a chapter on sexual morals of a book dealing with discovering a settlement's moral life, László Veres refers to the fact that in spite of very severe punishment, the village girls did not expel a fellow girl who lost her virginity, but on the contrary, they secretly admired her for her courage (Veres 1984: 42). József Kotics also signals some Moldavian Csángó examples, when – similarly to the Szeklers – stealing from another village or stealing from the collective farms during communism proved to be a virtue (Kotics 2001: 34). Our research shows that the girls who lost their virginity, even if they do not face a severe punishment, are quite stigmatised in the longer term in the Csángó communities, and also the people who stole things from the collective farms are seen as persons with further aspirations for theft, unreliable individuals usually confined to the lower levels of morals and values.

Means of Punishment

In the previous chapter about norms and social control we stated that they are specifically valid in the case of a certain society – in the very society that accepts and demands them. Studies on the social practices of penal law and punishment agree on the fact that – contrary to norms – the means of punishment are of European and international nature (Vajna 1906, Tárkány Szücs 1981, Dülmen 1990, Foucault 1990).⁸ This means that in Hungarian history the evolution of penal law has taken place in parallel with the European one, although the Carpathian basin was situated at the periphery of occidental social and historical relations: therefore we cannot divide the history of penal law by countries, and we cannot understand in the absence of a broader perspective (Szabó 2004: 72–73). All forms of punishment in the Moldavian Csángó villages have this universal character.

It is unambiguous that the punishments in the distant past were public. Thus society exposed the actions it condemned, and made its members understand the possibility for everyone to endure a punishment which would entail such physical and spiritual pain. We can easily agree with Richard van Dülmen, who – working with especially German examples, but exposing quite a few Eastern or Central European cases – stated that public means of punishment are essential components of human culture. With his term, the *theatre of horror* means a western European social practice based on traditional punishing systems that lasted from the late Middle Ages through the period of the Enlightenment to the beginning of the 19th century, namely public executions. “We can understand this – for us – complex and strange world only if we get rid of the idea implanted starting with the Enlightenment according to which the jurisdiction of the past was characterized by cruelty. No doubt that it was so, but imprisonment, and supervision by police without a chance of execution were unknown” – warns the author (Dülmen 1990: 9–10). In early modern age public punishments fulfilled a well determined role: within the sinner’s punishment social order was restored, deviation from regulation was punished and a negative pattern was exhibited. The crowd experienced this event as a purifying, sacrificial act, and with it also came a propagandistic demonstration of power (Dülmen 1990: 11). The 19th century brought a subsidence in punishment, but for example breaking on the wheel survived through almost the whole century (Durkheim quoted by Szabó 2004: 125). Capital punishment was withdrawn because of the penal system’s transformation, not because of the subsidence of sanctions, though the execution was not considered disgusting by those who witnessed it – shows András Szabó (2004: 91).

We consider that the character of a certain culture is represented through its means of punishment: as they were formed as qualities over human and penal attitudes encoded and legitimated by tradition, through them one can reveal the deepest and most archaic levels of human culture.

⁸ Studies on penal law indicate one and only specifically Hungarian form of punishment: the congregational expiation (eklézsiakövetés) (cf. Vajna 1906: 145).

The consideration and sanctioning of law-breaking happened with the help of informal and then formal institutions: on the first level usually informational control pointed out the violation of rules, then the quality and quantity of the action was a basis for decision how the lawbreaker should be given into the hands of the formal legal institution. Whenever the lawbreaker committed a rough violation of communal morality, this unleashed the fury of the community, and the community itself completed the act of punishment, restoring social order at once. Opposite to modern jurisdiction, the penal law of archaic societies followed the restoring of social custom laws and order, not the correction and social reintegration of the sinner (Dülmen 1990: 10).

We can group the Moldavian Csángó punishing practices depending on honour and body. Moral judgement usually meant only moral considerations without any definite sanctions. On the other hand morally based penal judgement stands for a precisely defined sanction.⁹ The most important characteristic of modern-age and contemporary sanctions, namely the long lasting punishment that took the place of immediate short duration punishment, was elaborated by Beccaria, a penal jurist who lived during the period of the French revolution (Szabó 2004: 91). We encounter this quite well spread practice in Moldavia in the punishments ruled by the Catholic Church; the long lasting character followed confrontation with the public sphere, which in this case meant moral annihilation (for example pregnant girls had to hold a black cross during public mass for seven or nine Sundays).

Starting from the statement that punishments have become more and more intense as society has progressed and as central power has gained absoluteness (Durkheim quoted by Szabó 2004: 125), in the following we shall present the means of punishment in the Csángó communities with the aim of showing penal structure in its integrity. We also distinguish the punishments pronounced and practiced by the community from those formulated by the clergy with the approval and support of the community. The newest sanctions, those practiced by official institutions of the state, function with the exclusion of the public sphere.

Personal and Communal Means of Punishment

These sanctions are in fact fair copies of one or the other punishing procedure's elements, their use concludes in their heaping up, in their synchronic appearance, and according to the gravity of the situation, their adapted combination.

a.) Gossip. Analysing the normative nature of gossip, Vilmos Keszeg states that "it completes such communal functions that make it indispensable. It informs, controls, regulates and punishes" (Keszeg 2001: 143). At the same time, it is the strongest informal communal action which lies at the bottom of every form of social control, and sometimes even works as its fulfilment and deduction. Gossip can be considered a means of social

⁹ István Bibó, with further thoughts by (Szabó 2004: 113).

control in situations whereby it exerts social pressure on the lawbreaker, forcing him to admit normative moral rules and values (cf. Kotics 2001: 27–48). Where there is no possibility for direct confrontation, gossip transmits communal sanctions by compromising the person and affecting his/her reputation (Kólmíves 2001: 220). Mocking at individuals with an ambiguous lifestyle operated as gossip. Therefore the expression “people are talking about him/her” in fact means already some kind of moral punishment by spreading the information in the public sphere.

b.) *Public humiliation.* It was a procedure used in case of petty crime such as theft, when the sinner confessed his/her actions in front of the community, admitted that s/he was sorry for his/her actions and promised that he/she would never do such a thing again. Sometimes, in order to set a negative example, communities could decide to tie the stolen goods round the sinner’s neck and to make him/her run through the village screaming, “Whoever does what I did will suffer what I am suffering!”¹⁰ This form of punishment is still occasionally used nowadays especially because of its effect of inducing unbearable shame¹¹. A girl proved not to be a virgin on her wedding night faced the same public humiliation even in the 20th century. After beating her, the husband would chase her back to her parents’ house while the community was watching, and he could even ask for a larger marriage portion (see Kotics 2001: 33).

c.) *Taking the law into one’s own hands.* This type of punishment means ignoring the legal or legitimate penal forum, a practice within which the lawbreaker is punished by the victim himself. Because of its vengeful nature, sometimes this practice is followed by a heavier punishment of the victim than of the lawbreaker. Usually the time between law-breaking and its punishment is shorter than in the case of formal judgement. Although taking the law into someone’s own hands was not considered an honourable deed, it had been used all over the Carpathian basin. Its most common forms were ploughing someone else’s field, beating the lost animals, beating up the enemy, cat-music and forced dancing.¹² In Moldavia, there are many examples of such practices born out of too much anger. For example, in Săbăoani, in the middle of the 20th century an elder farmer sold his land without asking his sons. As soon as the sons found out, they killed their parent (Imreh–Szeszka 1978: 20). The same source mentions another case of abuse of authority, not really supported by the community. “Before 1900 – said the elders – in spring time a man didn’t want to go out to work the communal land. The mayor fetched him and forced him to start work, but during the work, – because he denied public work – he rode over him, killing the poor man” (Imreh–Szeszka 1978: 202). It is quite interesting how the authors talk about the disappearance of the *kerparuha*, a specific kerchief from Săbăoani:

¹⁰ Peti Lehel considered the procedure of shouting out as an effective act against theft (Peti 2007: 286–288).

¹¹ In the fall of 2007 in the village of Zagon in Trei Scaune severe measures were taken against theft; many cases of theft were recorded because of drought. “They catch all magpies as well, confiscating their carriages used for theft; they exhibit them in the centre of the village with the label: This is what happens to thieves!” Háromszék. 2007. szept. 5.

¹² For more details, see: Veres 1984: 54.

“The custom of kerchief and *kerpa* wearing dates back to the times of Turkish occupation. It survived until the 1918 war, when János Rob, who was the village mayor, forced all women to give up this backward piece of clothing. If the mayor met a woman who would refuse to do so, he would tear off the kerchief from her head, and so, mostly because of fear, women gave up on this backward piece of costume” (Imreh–Szeszka 1978: 206).

d.) Verbal abuse. One trivial form of the practice mentioned above, where the punisher insults the punished person verbally or through physical actions. These kind of abusive practices usually feature elements like excrements, buttocks and genitalia.

e.) Lynching. It is a very powerful collective punishment. The community as a whole punishes the individual who committed a very serious and damaging crime. Different practices have been used for punishment, such as beating up, beating to death, burning to death, crucifixion, exile. As we could see, this practice very often concludes with the death of the lawbreaker¹³.

f.) Exclusion. This involves social separation and the ripping of communal relations. It was used in the case of people who gave up their religion or at the start of collectivisation joined or supported this process freely. Exclusion could be the result of an anathema as well, because the community cut all forms of relation with the sinner. This practice led to such social “death” of the individual that very often the person was forced to leave the village.

g.) Curse, prayer. A formula of prayer filled with a disposition towards punishment through the forces of sanctity and black magic. The Csángós believe that curse proves to be a more efficient force of punishment than any secular jurisdiction. In the case of curse or prayer people usually ask for help from a specialist: a Romanian priest or a monk. People usually observe the signs and the negative effects of the curse all through the cursed person’s life.

h.) Black fast. Unlike different techniques involving cards or other objects for revealing the identity of the lawbreaker, fasting is a magic technique aiming at the individual’s transcendental punishment. Fasting to reveal the truth and the severe punishment of the sinner means that the members of the family shall keep a severe fast on one specific day of the week (usually on Friday), when they do not feed their animals either. One accentuated aspect of fasting seems to be ritual nudity: according to several reports, the women who fast pray naked all day long (see Peti 2007: 292–293). The Csángós do not make a difference between transcendental forms of punishment, such as fast and prayer; they usually choose the most appropriate one – often several combined – for their purpose.¹⁴

¹³ Lynching will be analysed in detail in chapter 4.

¹⁴ For more details, see Peti 2007: 291–294.

Clerical Means of Punishment

a.) *Preaching about somebody.* It is an act of punishment enacted by the clergy: it involves making public (in the church) acts of deviation observed in the village or in the congregation. Preaching about somebody is the ecclesiastical form of communal gossip. If people want to avoid being gossiped about in the village all their lives, they fear even more the possibility of being preached about. Being talked about or scolded from the height of the altar equals confronting normal society, stigmatisation, and social discordance.

b.) *Pillory and public penitence.* It is a very effective means of social control exercised by the clergy and enacted through public humiliation. It was usually used in cases of violating norms of sexual behaviour. On a specific number of days, during mass, the condemned person had to stand in front of the altar, wearing specific accessories (black candles, crown of thorns, black mantle), facing the community. *Girls like that had to stand there on three Sundays, with nettles and thorns like that. The girl had to wear those things in church. During mass, there, in the church. And to hold a black mantle, a black cross, to pay for her sins...*¹⁵

c.) *Banning.* A clerical punishment based on the Csángós' deep religious belief which forbids the relation with the transcendental and the fulfilment of the sinner's spiritual cleansing. Banning from the Holy Communion is experienced by the sinner as separation from Christ. According to our research, this means of punishment is used in cases when a person resists the local priest's will. *He doesn't allow young girls to enter without a kerchief on their head. He says, "you cannot enter without a kerchief". If you go for the Holy Communion, and you are not wearing a kerchief, he won't give it to you. He says, "go put on your kerchief, and only then shall you come back!"*

d.) *Anathema.* It was used for punishing individuals who confronted the Church or the priest. "The priest from Cleja anathemised a young girl, because she denounced him saying he used to sell the coffee from the relief packages. And it is quite interesting how all this happened, because I heard such things only related to the Orthodox Church, where someone was publicly anathemized in church. The priest lit a candle and pronounced the curse, then stepped on the candle right on the altar" (Kallós 1993: 101). In Săbăoani the same curse was applied to a person who had kidnapped a girl. For his lawless act, the priest, dressed in black, publicly anathemised the kidnappers in front of the congregation (Imreh–Szeszka 1978: 205).

e.) *Black mass.* A means of punishment invoking magic powers exerted by ecclesiastical specialists: priests or monks. Its meaning and description differ depending on the reporters, the Csángó villages and the studies carried out on this topic.

Our own research informs us that the priest holds this black mass on the pulpit, in some people's opinion barefoot, alone or with the attendance of his congregation, reading from a strange book with black covers, holding a black candle in his hands. After enchant-

¹⁵ For more details on the punishment of pregnant girls, see the study of Sándor Ilyés (2005: 57–91).

ing the ritual text, he tears the candle apart and throws it on the floor screaming: *May the Father sweep out His house with him!* Holding the mass barefoot means the ritual execution of the sinner. *And the priest said, let it be, because I shall chase you. [Do what?] Chase them, hold a mass. And he held a mass and in three weeks' time the train cut that child in three pieces...* The essence of black mass is revealed through two major events. The first one is the barefoot enchanting of ritual texts that, uniting deep religious belief with the cathartic fear of the apocalypse evokes the believers' collective fear of death. During the black mass held in Cleja in 1991 *the crowd was in deep fear, the elders were crying, because they knew, they had seen those black masses before.* The second one is an event directly related to mass, an unfortunate happening in the life of the sinner that enters the narrative repertoire of the community. According to data from Cleja, "they even held black mass for those who were born too early" (Ilyés 2005: 81).

According to Péter Halász' descriptions, people ask for black mass when their beloved was not buried in the village cemetery. In this case, the bereaved "brings back" the beloved person with the clergy's help. "They organize a catafalque in the church, and the priest says all the necessary prayers in front of the catafalque »believing that the deceased is there for real«" (Halász 1991: 551). We did not record the two latter functions of black mass on the territory inhabited by Csángós.

f.) *Ordeal.* Anathema and black mass are regarded as forms of ordeal in the Moldavian Csángó villages. During these practices the specialists, priests or monks, are seen as mediators between God and the congregation. Truth is revealed and social order is restored *with the help of God.* Ordeal is the most widely accepted form of jurisdiction between the sinner and the victim. The result shows who was right and who was wrong: the divine punishment falls onto the sinner. This elementary form of punishment is experienced by the Csángós as the horrifying proclamation of truth. Ordeal can mean physical decadence (the sinner gets ill and dies), economic failure or a curse affecting the sinner's family: he might lose some family members. If someone asks for black mass with bad thoughts, the curse and punishment can backlash: *They brought some clothes here... someone, with clothes. And the priest gave them to the people. And people went for it. One person said, hey, he gave away what he gave away, but the rest went to his relatives and he took it. The priest became very angry with him, and started to pray against him. Not very long ago, here. The priest prayed, held black mass, lit black candles and when mass was over, he broke the candles and threw them to the ground saying: May the Father sweep out this threshold with him! Then time passed and after a year or so there was flooding, and it swept away the woman and her house... [...] Hey, years passed and once the father went to Hungary. When they came back, they had a car accident, and he died, too.* The obvious revealing of sin – the approval of the woman's guilt – later led to confusion, as on his way home from Hungary the priest himself died. This tragic event was interpreted by the community as a sign of the priest's wickedness, and according to the new public opinion, the two sides should have reached consensus instead of this tragic way of punishment.

Black mass and ordeal as methods of jurisdiction are surviving elements of the religious and magic world concept of the Middle Ages. The credulity of the Middle Ages is

well known – says Gurevics in his revealing on the world concept of the same period: the archaic man is convinced that all actions are immediately rewarded or punished by God. Therefore in this world not the existence of wonder is the thing that needs explanation, but the lack of it (Gurevics 1974: 156–157, 1987: 188). Then this belief had been used for centuries by the clergy to control and put strain on their congregation. In the middle of the 20th century, “if a woman tried to get rid of her baby and the priest did find out, he cursed her saying that she committed murder and she would never see the light of heaven but the darkness of hell. The people were illiterate, so they believed everything the priest said to them” – reminisces a Csángó person in his memoirs (Laczkó 1994: 113).

g.) Adapted, modern means of punishment. We are talking here about forms of punishment imagined and applied by the clergy, adapted to each specific situation. We include here, for instance, mitigating public penitence by means of payments, donations, buying a new costume for the priest (see Ilyés 2005: 77–79), doing ecclesiastical work, and public humiliation. In Cleja, for example, a mother who killed her newborn baby was publicly humiliated by the priest: “He put her into the pigsty, too. He locked her in the pigsty telling her to eat with the pigs, if she had no honour” (Ilyés 2005: 78). In 2004 the Galbeni priest forced his congregation to lie on the ground as a form of punishment, “*Down on the ground with your nose, on your belly. [Why do so?] We were too loud, we raised our voice. Yes, but not only the youngsters, but we, elder people, too. All, all down with their nose. [And you did that?] We had to. If someone does not kneel right, he will stop the mass. [...] So he can make you kneel down on nutshells.*¹⁶

Secular Means of Punishment

These are jurisdictional practices that were developed and applied after the consolidation of Romanian state power, and used in cases when the community decided to send the lawbreaker into the hands of the official institutions. If the village community or its representatives had decided to sentence him by the local customary laws, he would have endured a more archaic and probably more severe punishment.

a.) Fine. A sanction used in case of theft, public disturbance and physical confrontation. The application of a certain fine does not assure – in the victims’ opinion – a correction, a change in the lawbreakers’ conduct. Moreover, it might urge the lawbreaker to seek revenge and to plan and execute his next action more carefully. The elders still believe in the truth and efficiency of transcendental jurisdiction.

b.) Imprisonment. In cases of more serious crimes, secular courts of law condemn the lawbreaker to imprisonment. There are only accidental examples for this kind of punishment in the Moldavian Csángó villages. One man from Cleja, who was imprisoned for murdering his wife, was excluded from the community because he sinned against moral and religious principles, rather than because his past as an ex-convict.

¹⁶ The text was recorded in Romanian, stated by a ten-year-old boy and his fifty-year-old uncle.

An Archaic Punishment: Mob Law

In spite of certain law-breaking occasions the life of a man from a village community was characterized by social order, regulation and steadiness. The force that faced all disorder or deviation was the *communitas*. A very severe public opinion – that did not miss one detail – could enact a more severe punishment than a fine or a penalty. In old writings and village laws there figures the most feared expression: if someone does not act properly, they “will endure the revenge of the village” (Imreh 1973: 88). Therefore, mob law – because of the unexpectedness of communal revenge – represented a form of punishment that could hardly be regulated, and which could mean even death in accordance with the heaviness of the committed sin and of communal indignation. Its power and legitimacy had been gained with the outburst of communal feeling, thus it is rooted into the forming phases of the *communitas*. During the 18th and 19th centuries different forms of mob law were included among the most feared forms of punishment all over the Hungarian language area.¹⁷

At the conceptual level, mob law is equal to the definition given by jurists to ideal punishment. From this point of view punishments should be genial and effective, and the closer to the committed action in time and space, the more rightful and helpful. In the human soul the connection between the notions of sin and punishment is as strong as the distance in time is between the act of punishment and of guilt is short (Szabó 2004: 95–96).

A specific character of mob law is given by the fact that we cannot name members of the mob, i.e. the action is anonymous. Because of this communal action everybody sinks into the fog of anonymity, the village does not reveal the members who carried out the act, and because the aim was to restore social order, nobody considers it an unfair or cruel action (Szócsné Gazda 2001: 8).

During our research and documentation we gathered a lot of information on Transylvanian and Moldavian cases of mob law. The universal character of these punishments is proved by the same moving mechanisms of mob law execution. Their most common characteristic is the fact that the pressure revealed by law-breaking is released by the offended society’s sudden communal sanction. In the following I shall present a few of these mob law cases.

a.) The oldest case of mob law known to us was published by ethnographer Enikő Szócsné Gazda. In 1792 a woman from Vârghiş set repeated fires, so the angry inhabitants threw her into the flames of a burning house. This case is strange – states the author – also because the name of the executors was revealed, so they were brought in front of the law and punished. The document found by the researcher in the archives is the written claim of the inhabitants for royal mercy for their neighbours. “Because of the great dam-

¹⁷ István Imreh (1973: 191–205) and Ernő Tárkány Szücs (1981: 792–806) mention a mob law that agitated the whole community and autonomous communal actions.

age and losses, the men in the village got so angry that they returned to the place of the lieutenant, and they took the already arrested women by force, they threw her into the flames of the burning buildings so that she died there” (Szócsné Gazda 2001: 8–9).

b.) Henri H. Stahl signals a similarly severe gesture of punishment in Vrancea. Although from the beginning of the 20th century the strengthening institutions of central power suppressed the previous communal jurisdiction, in this place the ancestors’ custom, the living memory of strong common administration can easily be revealed through the well known “judgment of Nerej”. During World War I. more precisely in 1916, when the Romanian troops retired to Moldavia and the Germans had not reached Nerej yet, the village was ransacked by deserter gangs. “The betters and the police ran away. The village left behind sensed deep inside the resurrection of the traditions of the past. [...] By now, when the bells are tolling, the village has regained its competence demonstrated before the war. The village became the betters, the village became the police, armed patrols were sent out which caught the impostors and sent them to be judged by the »council of the elders«. The condemned were executed in public, according to the customs of the »country«” (Stahl 1992: 49–50).

The example above shows us how the isolated mountain village still bearing its ancient law in crisis situations immediately restored its previous controlling practice after the official control had failed. The practice of the executions already forbidden by state law became indicated and necessary because of the same situation of crisis.

c.) The lynching in Săbăoani, which became well-known in Moldavia, does not really differ from the examples from Transylvania and Vrancea. It was mentioned for the first time by authors Imreh – Szeszka. In 1949, the landlord was robbed and murdered. The criminals were caught and escorted by the police to the scene of the crime in order to reconstruct the event. The gathered inhabitants were astonished by the fact that among the criminals there was one of their kind. Because of the unbearable shame that fell on the settlement, the crowd beat the criminal to death (Imreh–Szeszka 1978: 202).

This ancient form of punishment can be related to the practice of taking the law into one’s own hands because of the rapid action accounted for by temper. However, we can talk about mob law only when the action of punishment is taken by the whole community or by several of its representatives. Taking the law into one’s own hands is practiced mostly by individuals.¹⁸ From the data about Săbăoani, it is obvious that the collective action was in fact mob law, and this action always takes place when very serious law-breaking happens. “When they found a person guilty, around 25 people gathered and killed that person. And they considered this a truthful and rightful act, and because they were united, nothing could happen to them. The punishment had been validated” (Imreh–Szeszka 1978: 202). Some thieves from the pillory “were also killed, like in the case of S. A., who was killed with scale weights” (Imreh–Szeszka 1978: 201).

¹⁸ József Kotics names the individual actions taking the law into one’s own hands and the collective actions collectively taking the law into one’s own hands (Kotics 2001: 34). In our discourse the very explicit notion of mob law refers to the collective form of this practice.

In Moldavia this collective form of punishment was not forgotten during communism either. The power of collectivism proved to be an effective tool against the unfair local representatives of state power, assuring at the same time immunity and anonymity. “They destroyed his gardens, broke his windows, when this new edict became public. Not his, but the others! [Péter Salamon’s, the mayor’s] They smeared shit on him! They broke his windows and set the place on fire. Fortunately it did not catch fire, because it might have burnt to the ground” (Gazda 1993: 196).

d.) In a mob law act in Galbeni, in 2001, people had spat, beaten and otherwise humiliated a 70-year-old thief woman for six hours. Imitating the crucifixion of Christ, she was tied to the three-meter tall wooden plank she had just stolen, and was driven along the village among permanent humiliation. In this act of punishment, the perpetrators were the villagers, with the silent consent of the Catholic priest. After this event the woman left Galbeni for two years, living in misery in the next village.¹⁹

The execution of judgement as a collective act took place in public space, at the scene of the crime. Tying the stolen goods onto the person, besides showing the person’s guilt, by its symbolism revealed the cause of the crime in front of the community, and by imitating Christ’s crucifixion, it signalled the Christian weight of the sin and the intensity of communal anger.

The above examples show us that this practice of mob law has been handed down from the 19th century, kept in the collective memory, and still used as current practices. The norms regulating Szekler and Csángó communal life were not always in concordance with the rules of secular or ecclesiastical institutions. Because of the earlier process of modernization and mentality change in the Szekler villages, the occasional appearance of elements dating back to archaic punishing procedures seem more outstanding, more anachronistic. Therefore the ecclesiastical decision taken in 1991 in the Szekler village of Misentea, according to which not paying taxes should be drastically punished – “non-Catholics shall be buried on the edge of the cemetery or among those who committed suicide, even if they had Catholic relatives, they cannot rest besides them” –, is considered by ethnographer Vilmos Táneczos one of the last signs of a vanished Middle Age or modern age regulation. While the document placed on the church door defends the interests of the community, it also preserves a condition considered of eternal lasting but long gone; moreover, it seems to overlook the fact that the community which produced it no longer exists – writes the author (Táneczos 1994: 100).

The judgements and ancient means of punishment in the Csángó villages are connected to the generally known European ones. Collective punishments (lynching) of those who brought shame on the village, who acted against communal interest or who committed murder indicate that many customs, like the severe punishment of those who opposed community at the Szeklers, survived here much longer. In the 20th century the fading of traditional Csángó regulations is revealed by examples of people who did not follow the decisions of the community, but applied for state judgement, and had to execute the often much milder punishment stated by the court of law (Imreh–Szeszka 1978: 197–201).

¹⁹ We published a study with many details and elaborated interpretation on this topic (Kinda 2005: 21–56).

Conclusion

In our study we tried to present the system of punishment applied in the Moldavian Csángó villages. With the comparison of western European, Szekler and Csángó examples, we underlined the unified, European character of modern-age and contemporary punishing customs. By presenting the most characteristic Csángó means of punishment we emphasised the archaic forms of social order restoration and the fact that they are rooted in deeper strata of cultural history. Of course, the presented piece of culture – due to the chosen topic – is only a one-sided description of the Csángó society, outlining the social and customary context of sanction and revenge. We shall explain the resulting one-sided presentation quoting István Imreh, who wrote about Szekler written jurisdictional records: “These records – we must state this – do not show a heroic picture of our ancestors, but through their discussions and weaker moments, they present them as fallible and weak human beings. But we must take into consideration that if we would like to know nowadays people through jurisdictional records, we would also get a picture darker than reality. In spite of all these, if there is something in the history of village community that can produce real self-esteem, it must be the fact that people used to live carefully: ensuring that a human being does not become the predator of another human being, and there was intention and ability to assure humane and intelligent relations among people who had hard days to live through, confronting nature and their masters. And this was a natural thing all over the country, especially in the communities in Moldavia, Oltenia and Saxon villages... (Imreh 1973: 90). The external representation, the positive qualification of the Moldavian Csángó villages was assured by the most numerous social stratum, that is the farmers, who were in absolute majority opposing the deviant individuals (vö. Veres 1984: 54), and altogether, they were the representatives of public opinion as well. But with the 20th-century disintegration of traditional Csángó communities, more structured societies²⁰ were born, which do not have a united public opinion. And with the gradual disappearance of the united system of norms, the consequent control over society lost its fundament; therefore, the collective means of punishment – which assured the rehabilitation of social order – are mostly gone as well. This period of time at the end of the 20th century and the beginning of the 21st century is characterized by a cultural transition without a reliable structure, mostly mixing traditional and modern concepts of life (Tánczos 2000b: 208), in which the anachronistic character of archaic custom laws is shown by some elements that appear occasionally in (popular) jurisdiction, although the traditional cultural conceptions that once stood behind them are long gone.

²⁰ In the present case we shall use the notions of community and society in the meanings recommended by Tönnies (1983).

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