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Changing Narratives of Jan and Maria Malisz's Case (1933): Social, Legal and Cultural Perspectives

Introduction

To those not versed in legal studies, the law is merely a bundle of legal provisions. However, the law is a collection of interconnected stories written by many authors and told from various vistas, strictly speaking, through various interwoven narratives. Legal texts, understood as a collection of legal norms that express orders or prohibitions, can be used to reconstruct legal reality, but so can courtroom statements, academic commentaries, and, last but not least, press and cultural specimens.

In this paper, we compare and contrast various narratives of the most sensational, yet unfamiliar to the foreign readership, trial of Jan and Maria Malisz, using the premise that law is “narratively based and culturally embedded” (Olson 2014: 1).¹ The main aim of this survey is to show the changing narratives of Jan and Maria Malisz's case by investigating a variety of existing sources, specifically the extant trial transcripts, 1933 press reports, literature, Grzegorz

1 Another type of narrative about the case of Jan and Maria is Polish legal literature (cf. Szerer 1966; Waltoś 2010). The case was vivisectioned by Polish lawyers, both representatives of the academia and practitioners. In legal commentaries, we find descriptions of the case with references to the brief and documents, as well as analyses in terms of legal aspects—in particular, the summary procedure and the defendants' mental states. Due to space constraints, we do not refer to this type of sources.

Królikiewicz's 1972 film, and Internet podcasts and forums. Such an analysis of this trial has not been conducted up to this date. By incorporating the trial and post-trial narratives, this research sheds new light on the reception of the case in question in Poland. What is also important, as the trial happened in a specific legal and historical context, we argue that the case of Jan and Maria serves as an excellent illustration of the shift from the anthropological to postmodernist philosophy of criminal law that took place in the 1960s in Poland.

In one of his publications, Professor Richard Sherwin writes:

A basic premise of popular legal studies holds that the study and critique of law must now take into account new developments in popular culture and communication technology and the socioeconomic conditions under which popular legal representations are produced. (Sherwin 2004: 100)

Following this statement, this contribution seeks inspiration from law and popular culture studies (cf. Adams 2017). Another scholar Kaarlo Tuori points to the connections between law and culture. He introduced the theory about the three levels (also known as layers) of the law, which are the surface, legal culture, and deep culture of the law. The surface level is constructed by legal provisions. It entails legislation and court decisions reached in individual cases. The legal culture level relates to legal practice and scholarship; in other words, the culture of the community of lawyers as opposed to the general culture of society. This type of culture is built by the opinions of the lawyers; hence, it is also called the “expert legal culture.” The deep culture of law encompasses universal values such as human rights and dignity (Tuori 2002, 2011). As we will demonstrate below, the narratives of Jan and Maria Malisz's case reflect Tuori's idea of the law as a three-level cultural construct.

1. The crime on Pańska Street—factual and legal background

On 2 October 1933, in one of the apartments on Pańska Street (today Maria Skłodowska-Curie Street) in Cracow, three bodies were discovered. The victims of the bloody onslaught were a 30-year-old postman named Walenty Przebinda, and an elderly couple, Michał Süskind and his wife Helena. Only one person, Eugenia, a 47-year-old spinster, Michał and Helena's daughter, survived the attack. Eugenia, the direct witness of the events, testified that a few days before the murder of her parents, a man named Rotter had visited their house to rent a room. It was soon revealed that the strange “Rotter” was in fact Jan Malisz (1908–1933), a 25-year-old unemployed artist and photographer. The intruder

did not perpetrate the crime alone, however. Jan shed blood in cahoots with his wife Maria (1908–1946), also 25 years old. Past traumas and emotional whirlwinds, as well as abject poverty and unemployment, made Jan and Maria partners not only in life but also in murder and robbery. As a solution to their problems, Jan had invented a scheme of robbery. The plan began as a simple attack on the postman but quickly escalated into murder. After the crime, the couple tried to escape and conceal the traces of their deeds, but with no success.

Apprehended by the police, who promptly cracked the murder case on Pańska Street, on 31 October 1933, Jan and Maria were put on summary trial on the charges of assault and robbery, and murder. The case was subjected to the summary procedure under the Council of Ministers Regulation of August 26, 1932. The Act provided for the death penalty as a punishment for the crimes charged against the couple. According to the then-binding law, the verdicts could not be appealed, and the execution was to be carried out within 24 hours after sentencing. To the surprise of the legal officers and the large audience who had gathered at the court to watch the trial, Jan lied about his wife, claiming that she had only been a passive witness to the murder. Jan attempted to persuade the court that he had murdered all of the victims without his wife's assistance. Maria, contrary to her husband and to the dismay of her defence counsel, asserted she had been actively involved in committing the crime. She testified that she had pulled the trigger on Helena Süskind. The truth about Maria's involvement in the crime came to light after the trial. In a letter sent to her defence counsel, Maria confessed that she had lied in court and thus exposed her participation in killing Helena, only to die together with her husband. After two hours of deliberation, three judges reached a verdict. Both Jan and Maria were found guilty and sentenced to death by hanging and the deprivation of public rights. Jan was executed on 4 November 1933. Maria escaped death, however, by being pardoned by President Ignacy Mościcki. She left the female prison in Fordon after the outbreak of the war in 1939. She returned to Cracow, where she died in 1946, aged 38.²

The dramatic events in the courtroom did not happen in a legal and social vacuum. To fully comprehend the case of Jan and Maria, and more specifically the reasoning of the Cracow court in sentencing the offenders to death, a brief overview of the 1933 criminal law and criminology is required. A new approach to criminal law appeared in the first half of the twentieth century. It was believed that the classical school of criminal law, which was widely promoted in

2 The facts of the case are reconstructed from the 1933 press listed in the bibliography and two legal commentaries by Szerer (1966) and Waltoś (2010).

the Enlightenment by such thinkers and philosophers as Cesare Beccaria and Jeremy Bentham, was not effective, as it did not prevent crimes. According to the anthropological and social schools of criminal law, the assessment of criminal conduct, frequently linked with mental disorders, was the domain not only of lawyers but also of doctors, psychiatrists and sociologists. The supporters of this view held that certain people were born criminals. Cesare Lombroso (1835–1909), an Italian psychiatrist, anthropologist and criminologist, the father of Italian positivism in criminal law, maintained that it was possible to measure the tendency to anti-social behaviour based on biological features. A criminal was an individual that displayed a variety of physical characteristics that distinguished him or her from other people. According to Lombroso and his followers, a human being was biologically conditioned to perpetrate crimes (Adalbert 1910: 71–83; Ellwood 1912: 716–723; Gibson 2002). Lombrosian criminology popularised the image of a “criminal animal” (Olson 2013). As illustrated below, the criminal beast trope, which was the bedrock of the Lombrosian school of criminal law, permeated the 1933 Polish legal and press narratives.

2. Court narratives

As explained above, Jan and Maria were tried in a summary procedure. The first hearing at the Cracow County Court took place on 31 October 1933. The court sessions were presided over by Leonard Krupiński. The panel of judges also included Mieczysław Pilarski and Józef Horski. Feliks Lewicki acted as a prosecutor. Both Jan and Maria were defended by their counsels. Jan’s defence counsel was Tomasz Aschenbrenner. Maria was represented by Leon Warenhaupt.³

After reading the indictment, Jan’s defence counsel, Tomasz Aschenbrenner, spoke. He pleaded to transfer the case to an ordinary procedure, explaining that trying the defendants who were charged with murder summarily triggered the impression that there were two types of justice. The summary trial, in contrast to the regular procedure, was quick and predictable, according to the lawyer. The man also expressed his doubt as to the relevance of the psychiatrist’s expertise. Jan had been put under a short-term psychiatric observation that lasted only several days. It was not enough, according to Aschenbrenner, to assess

3 The brief of the case is archived in Kraków under the number: III K 1150/33 t. II, k. 314, A.P. Kr. – SOKKr. The materials from the trial, such as police reports, the indictment read by the prosecutor, witness testimonies, and speeches of the defence lawyers and the defendants can be accessed from the published commentaries on the case (56: 619–654, 48: 223–282), and 1933 press (*Ilustrowany Kuryer Codzienny*, in particular, no. 304, 305, 306, 307, 308).

a person's mental state in such a short period. Similar concerns were raised by Maria's defence counsel, Warenhaupt. The public prosecutor, however, expressed a dissenting opinion. He refuted the allegation of the duality of justice. Furthermore, the representative of the state asserted that Jan and Maria must have been aware of the consequences of their deeds. The prosecutor pointed out that both Jan and Maria must have been familiar with the Regulation on the Summary Procedure, specifically its section that specified which offences were punishable by death. Still, the severe punishment for murder envisaged in the Act did not deter the defendants from killing three people on Pańska Street. The prosecutor's words express the conviction that by breaking the well-known, binding rules, people incur the risk of punishment. The court confirmed the legality of the summary procedure in the defendants' case. Firstly, it stated that the summary trial was conducted for the crimes specified in Articles 225 and 259 of the Criminal Code, specifically for murder and robbery. Significantly, the regulation introducing the summary procedure was properly issued in Cracow on 31 August 1933 (*Ilustrowany Kuryer Codzienny*, 1933, no. 304, 2 November: 13).

One of the key issues that had to be decided during the trial was the mental state of the defendants. The experts who confirmed the sanity of the culprits were Jan Olbrycht and S. Jankowski. Both specialists agreed that Jan and Maria did not suffer from any mental diseases or impairments that would exclude criminal liability (*Ilustrowany Kuryer Codzienny*, 1933, no. 294, 23 October: 18). The experts diagnosed Jan as "psychopata konstytucjonalny," which in English translates into a "constitutional psychopath." The medical opinion also identified variables in Jan's mental health (*Ilustrowany Kuryer Codzienny*, 1933, no. 307, 5 November: 12). Olbrycht and Jankowski decided that Maria, on the contrary, was of a sound and disposing mind, mentally healthy and capable of controlling her behaviour. From the testimonies, Maria appeared as a person who was clever and calm, mentally surpassing her neurosis-stricken husband (*Ilustrowany Kuryer Codzienny*, 1933, no. 307, 5 November: 13). The witnesses, including Maria, confirmed Jan's mental issues which, surprisingly, did not put the judges on alert. They testified that on many occasions Jan had suffered from uncontrollable attacks of frenzy, during which he was screaming, had epileptic fits, and facial spasms that culminated in losing consciousness. The periods of emotional stability were interrupted by periods of turmoil (*Dziennik Białostocki*, 3 December, 1933; *Ilustrowany Kuryer Codzienny*, 1933, no. 290, 19 October: 17; *Ilustrowany Kuryer Codzienny*, 1933, no. 305, 3 November: 10).

To get the full picture of the case, specifically the language that dominated the court narrative, it is necessary to comment on the final speeches of the prosecutor and defence lawyers. In his closing statement, the prosecutor

accentuated the preventive and deterrent functions of criminal law, as well as the principle of social order that was violated by the culprits. He emphasised how heinous the crime committed by the defendants was. He reminded the audience and the court that murder driven by greed for money belonged to the gravest offences that deserved condemnation. What is even more shocking, the crime had also been perpetrated by a woman. To support his indictment, Lewicki mentioned the victims. Those who had been affected by Jan and Maria's criminal acts were not only Michał, Helena and Walenty but also their families, the surviving daughter Eugenia, Walenty's wife and his small son. Lewicki's discourse is infused with the idea that punishment should deter other potential offenders from committing such a crime. "Let this verdict take the murderous weapon away from anyone who would ever follow in the footsteps of the Malisz couple,"⁴ said Lewicki in court (*Ilustrowany Kuryer Codzienny*, 1933, no. 307, 5 November: 15). Aschenbrenner, Jan's defence counsel, tried to prove that his client's sanity was wrongly diagnosed and based on insufficient data. He appealed to the judges to summon new experts who could reassess the defendant's mental condition. In his closing statement, he mentioned how the war had left scars on the post-war generation. Jan belonged to the post-war generation that was burdened with the trauma of the war. He had survived the genocide but had become morally handicapped. Similarly to Lewicki, Jan's representative mentioned another person who was marked by the offence, which was the mother of the defendant. He appealed for life imprisonment rather than death for the sake of Jan's ailing mother (*Ilustrowany Kuryer Codzienny*, 1933, no. 307, 5 November: 15–16). Warenhaupt, who defended Maria, used all the means at his disposal to refute the woman's confession of killing Helena Süskind. He contrasted the letter of the law with other values such as those of the heart, feelings and humanity in his speech: "Refer to your heart, affection, and humanity rather than the letter of the law."⁵ He ended his speech with the following words: "do not kill these poor people, save their lives"⁶ (*Ilustrowany Kuryer Codzienny*, 1933, no. 307, 5 November: 16).

In light of what has been established thus far, we can conclude that two issues dominated the court narrative. Firstly, the court speeches feature Emanuel Kant's formalism, which can be summarised by the famous principle *dura lex sed lex*. To paraphrase the Latin maxim, violating the binding rules justifies

4 "Niech wyrok ten wytrąci morderczą broń z ręki tych, którzy by kiedykolwiek chcieli pójść w ślady Maliszów!"

5 "Nie kierujcie się suchą literą prawa, tylko względem serca, uczucia i ludzkości."

6 "Nie zabijajcie tych biednych ludzi, darujcie im życie."

punishment. The prosecutor and the judges, as agents of the state, strongly adhered to the legal provisions, irrespective of the existing doubts as to the justness of the verdict and the mental state of the defendants. The second issue that surfaces in the court narrative is that of (true) justice. Jan and Maria's defence lawyers opposed the formal, rigid law and appealed to sympathy and common sense instead.

3. 1933 press commentaries on the case

The case that shook Cracow also attracted the press. During his testimony, Jan confessed that he had been inspired by one of the articles published in *Tajny Detektyw* (Undercover Detective), which gave an account of the robbery of a postman. In light of the anthropological school of criminal law, *Tajny Detektyw* presented Jan and Maria as beasts devoid of any human features, who were predisposed to crime. In number 42, the article titled "Ludzie-Bestje" ("People-Beasts") was published in which we can find biographies of the culprits. The bestiality of the couple is not only indicated by the suggestive title, but also by one of the sections of the text "Historja Potwornej Pary" ("The History of the Bestial Couple"). Jan is introduced as a greedy man who used to spend most of his time at parties. He is referred to as "niebieski ptak" (parasite), the expression that in Polish depicts a person who is careless, spendthrift and lives at the expense of others. Likewise, Maria is portrayed as a woman leading a frivolous lifestyle. It is no wonder, we read, that Maria's family did not support the girl and her husband. They simply did not wish to offer food and shelter to people who had no prospects of correction. The language used to refer to the Malisz pair implies their alleged degeneration and guilt, for example, "mordercy" (murderers), "zbrodnicza para" (felonious couple), "dobrana para" (well-suited couple), "młodociany zbrodniarz" (juvenile delinquent), "ohydny czyn" (heinous act) (*Tajny Detektyw*, vol. 3, 1933, no. 42, 14 October: 3). The article "W Sieci Pajaka" ("Inside a Spider Web") in number 43 depicts Jan as a spider who uses his web covertly to entangle and destroy anyone who gets in his way. The text asserts that he was the mastermind behind the carefully planned crime (*Tajny Detektyw*, vol. 3, 1933, no. 43, 21 October: 4–5). The same tone is preserved in another article published in number 45. The journalist debates the origin of criminal conduct, indicating three driving forces that incited an individual to break the law. The readers are informed that the inclination to commit crime rests on three elements: genetics, upbringing and social conditions. Regarding Jan and Maria, it was also their alleged weak morality and will that encouraged them to murder. The narrative of dehumanisation reverberates in this text too. The focus is on the defendants' appearances. Jan is depicted as a handsome

man with a vulgar, poker face. Maria is portrayed as ugly, slim and dark-eyed. The text further reads that Maria's persona constitutes a constellation of many unpleasant features not desired in a woman. It is not hard to see parallels between the portraits of the culprits and typical depictions of offenders in the anthropological school of criminal law that was briefly introduced above. Then the personality of the partners in crime is investigated. Jan is presented as an impulsive and aggressive man. According to *Tajny Detektyw*, Maria is a fallen woman with an overly mature sexual life who is also a suicidal addict (*Tajny Detektyw*, vol. 3, 1933, no. 45, 5 November: 3).

Similar depictions of the couple appeared in other media. *Kurjer Polski*, number 301, presented Jan as a degenerate villain. The Polish word *degenerat* is used to denote a person with no moral values. Jan is compared to his two elder brothers. The criminal's siblings gained an education and found employment in public administration. In stark contrast to his brothers, Jan did not learn any profession. Maria is depicted as a woman notorious in Cracow's criminal world (*Kurjer Polski*, vol. 36, 1933, no. 30: 6). *Express Mazowiecki*, another magazine from interwar Poland, repeated the narrative. Number 284 includes the criminal history of both offenders. We find here a short note about Maria's previous marriage with Kocwa. It is emphasised that Maria had been Kocwa's wife only for three years, implying the emotional instability of the woman. After the divorce, she joined Cracow's scum of the earth (*Express Mazowiecki*, vol. 4, 1933, no. 284: 1). Similarly to *Kurjer Polski*, *Express Mazowiecki* refers to the couple's degeneracy, in number 303. It is even implied that Jan was homosexual before marrying Maria and had affairs with men (*Express Mazowiecki*, vol. 4, 1933, no. 303: 1). Number 304 raises the issue of Jan's artistic gifts. He was a talented man, but his artistic soul was tarnished by his poor morale. If he had had more moral balance, as we read in this text, he could have played a significant role in the world of art (*Express Mazowiecki*, vol. 4, 1933, no. 304: 2). *Kurjer Polski* in number 302 pays heed to the outward features of the Malisz couple. Jan is compared to Konrad Veidt, a German actor. He is introduced as slim, tall and wide-eyed with an attractive profile. Maria is depicted as short-haired and dark, resembling a servant or a schoolgirl. Number 302 also discusses the crime's motivations. During the trial, the couple admitted that poverty drove them to rob. It is, however, inconsistent with their conduct after the tragic events on Pańska Street. Soon after killing their victims, they squandered money at restaurants and cabarets. They did not try to save money for a better future. The text, which was a commentary on the testimony delivered by Jan in court, concluded that the offender's speech painted a picture of a morally weak man prone to lying, greediness and sham, destroyed by the war and post-war conditions (*Kurjer*

Polski, vol. 36, 1933, no. 302: 7). Jan and Maria were depicted in a negative light in *Ilustrowany Kuryer Codzienny*. In number 284, for example, the criminal past of the culprits is highlighted. Interestingly, the paper implies that Jan was incited to murder by Maria, his wife (*Ilustrowany Kuryer Codzienny*, 1933, no. 284, 13 October: 8). The analogous accusation is levied against Maria in *Ilustrowany Kuryer Codzienny* in number 286. The press cites the testimony of a man named Słotwicz, the owner of a shop with paintings who was also selling Jan's art, claiming that Jan was influenced by Maria (*Ilustrowany Kuryer Codzienny*, 1933, no. 286, 15 October: 17).

Before concluding this part, let us add that Jan and Maria's trial did not only hit the first pages of the 1933 newspapers. It also stirred the attention of the men of art. The trial became the topic of mass culture,⁷ as evidenced by a 1934 song by Jan Lidke titled "Straszna Zbrodnia Maliszów" ["The Horrible Crime of the Malisz Couple"]. This piece of work, written in the form of rhyming stanzas, tells the story of Jan and Maria's trial. It goes into detail about the case, including the planning of the crime, the murder of Helena, Michał Süskind and Walenty Przebinda, and the arrest of the perpetrators by the police. The poem ends with a verdict. The tone of the text tallies with the 1933 press coverage. Jan and Maria are named by the author "zbrodniarze" (murderers), which highlights their degeneration and malice. The song also implies that the robbery and murder were planned. Nothing is revealed about the real circumstances of the shooting. Also, the author praises the police and the court. The poem reads that Jan and Maria were sentenced to death after a careful examination of the case which, considering the summary procedure, is far from being true (Lidke 1934: 2–5).

4. Grzegorz Królikiewicz's *Na Wylot* (1972)

The social revolution that took place in the 1960s augured changes in criminal law and criminology. All the new approaches aimed at fighting oppressive, unjust, discriminatory and inhumane building blocks of the social order. The criminologists of that time started to perceive crime and criminals through new lenses. The offenders who experienced poverty and social exclusion were seen as the victims of the economic situation. The subjective approach to an individual also changed the narration about the law. The postmodernist redefinition of the social world threw new light on the principle *dura lex sed lex*, which was viewed as the marker of injustice (O'Brien, Majid 2016: 128–129; Austen, Cowburn 2013: 21–3; Taylor et. al. 1973). The subjectivity of criminal

7 In the interwar period, writing poems and songs about the trials was common, as evidenced by the ballad authored by Adolf Dolleczyk-Opiński about Rita Gorgonowa's trial.

liability, a humane approach and sensitivity, were three determinants of the legal changes that have influenced the perception of the case of Jan and Maria. One of the illustrations of the new interpretation of the trial of Jan and his wife Maria is Grzegorz Królikiewicz's film.

In 1972, Grzegorz Królikiewicz directed a film titled *Na Wylot* with Franciszek Trzeciak and Anna Nieborowska starring in the main roles. The film, classified in the subject literature as one of the masterpieces of Polish cinematography, is a psychological drama that revolves around the intense relationship between Jan and Maria. Królikiewicz's intention was not to make a courtroom drama with legal roller coasters but a film about people overwhelmed by consuming emotions, passions and personal demons, trapped in the social and economic upheavals of 1933. The Polish director sought inspiration from cinema direct and expressionism. *Na Wylot* also echoes the 1960 American film *Primary*, featuring John F. Kennedy (Dondzik 2019: 170–189).

The music composed by Henryk Kuźniak and Janusz Hajduk adds special effects. A recurring musical theme that repeats throughout the film is Hanka Ordonówna's evergreen *Na pierwszy znak* which was a hit in 1933 in Poland. The story is told through black-and-white images and music. There are almost no dialogues. The characters are silent in most parts of the film. The camera is focused on their facial expressions, eyes and body language instead. The audience has to decode the meaning of the visual and auditory material. The viewer is bombarded with single, silent scenes from the lives of Jan and Maria backed by music. We see the scene of a drinking spree in an alcoholic den in Cracow with Maria in the distance, a photography studio in which Jan worked, or a scene of Jan and Maria's wedding in church and, in the finale, the court scene.

Królikiewicz did not emulate the portraits of Jan and Maria presented by the 1933 court and press. His Jan has nothing in common with the image of this character that appears in the Polish interwar magazines. As explained earlier, to the 1933 audience, Jan was a person of attractive appearance. When looking at the photographs published by the press, attention is instantly caught by his strange, big eyes that show wickedness. Jan in the film is the complete opposite of the man created by the 1933 press. Królikiewicz presents Jan as an average individual who does not stand out from the crowd. Small and slim, he does not resemble Conrad Veidt. The issue of Jan and Maria's mental states was paramount to the court. In the film, Jan does not show any psychotic traits. The crime scene, concealed from the viewer by the image of a closed door, reveals that Jan was overwhelmed by sudden panic. He is extremely brutal and unable to control his behaviour. After the murder, he utters a terrifying scream, which might be an indication of his awakening from his frenzy. One scene gives some

insight into Maria's mental condition. At the beginning of the film, we see her making repetitive, compulsive gestures with her hands. She is restless and nervous. The sound effects in the distance intensify the feeling of emotional arousal.

5. The case goes to the Internet

Technological advancement has allowed for the re-discovery of old, forgotten cases. The protagonists from old newspapers have returned to public view. One of the criminal cases that has attracted the attention of contemporary audiences is the trial of Jan and Maria. It is worth presenting the Internet narrative of the case as it shows the changes in the perception of the couple, especially regarding their guilt and punishment. Two examples will suffice.

The case of Jan and Maria was the subject of the podcast *Kryminatorium* entitled "Napad na listonosza. Plan Maliszów" ("The Attack on the Postman. The Malisz's Plan"). It was also analysed in another podcast "Zbrodnie Zapomniane" ("The Forgotten Crimes"). Jan and Maria were the dramatis personae of one of the episodes of this podcast "Sprawa Maliszów: Najgłośniejszy proces międzywojennego Krakowa" ("The Case of the Malisz Couple: The Most Famous Trial of the Interwar Cracow"). The comments posted by anonymous viewers demonstrate the shift in perception of the case. What surfaces in the material is sympathy for the criminals. Many viewers admit that they were moved by the story of the culprits. Some of them shed tears when listening to the tragic story of the lovers. Jan and Maria are not ostracised as was the case in the 1933 discourse. The viewers mention the social conditions of the 1930s that prompted Jan and Maria to commit the crime. Extreme poverty and a lack of institutional support made these people criminals. Some comments refer to the law of the 1930s which is seen as unjust and biased. If tried today, comments one of the viewers, the couple would be sentenced to 25 years, not the death penalty. The summary procedure did not find support in the opinions of Internet commentators. Some critics put the blame for the crime on the owner of the photography studio in Mikołów who placed the charges on Jan for theft. The man deprived Jan of employment, which had a bearing on the decision to rob and murder. The portrait of Maria is also drastically different in the contemporary readings of the case. The female commentators describe her as a victim of abuse and violence rather than a fallen, promiscuous woman who should be condemned. What is also interesting, Maria's appearance is judged differently. Through the eyes of contemporary observers, Maria is seen as a young, pretty girl, entirely alone in the world. Her devotion to her husband is frequently raised by the viewers. Internet commentators paid attention to the couple's great, almost unreal love (Myszka; "Zbrodnie Zapomniane").

6. Conclusions

According to Touri's theory, law is rooted in culture. To be more specific, there are strong connections and interdependencies between law and culture. In the present paper, we examined the legal narrative about the case of Jan and Maria Malisz and we compared it with its counterpart in popular culture and the media. Based on the analysed case, we can conclude that the law operates predominantly at a deep culture level. The legal provisions do not convey the entire knowledge about the law in a specific case. The existential dimension of law and its effect on the specific situation can be reconstructed from the narrative referring to deep levels of the law, i.e. the legal culture and the culture of legal professions such as judges and lawyers. The reception of legal narratives by public opinion is also significant. In this study, we extended Touri's theory by supplementing it with the analysis of comparative and source materials. We exposed the aspect of the changeability and dependence of law on culture over time. As the research conducted here has demonstrated, the same concepts, which are perceived as deeply and permanently rooted in a legal way of thinking (justice, punishment and liability), are read and understood differently depending on the social and cultural contexts. What is more, the very assessment of the facts important for the recognition of the case by the court is also contingent on a specific historical moment. The narratives discussed in this paper allow us to answer the question of how has the public perception of the case of Jan and Maria changed. A half-century after the couple was sentenced, the public perception of the trial and the defendants shifted dramatically. It seems that the experience of the Second World War boosted the shift in attitudes toward crime and criminals. The individualization and subjectification of the case characterise the post-war discourse. What is also quite interesting is that the case of Jan and Maria brings to light the evolution in the perception of women thanks to the second wave of feminism.

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| Abstract

In 1933, Cracow was the scene of a brutal murder of three people: Helena and Michał Süskind and Walenty Przebinda, a postman. The bloody slaughter of the victims had taken place on Pańska street, in the city centre of Cracow. It was soon revealed that the crime had been perpetrated by the impoverished couple Jan and Maria Malisz. The speedy public trial of the culprits ended with two death sentences. Jan was hanged after rendering the verdict. His wife Maria escaped death by being pardoned by the president of Poland, Ignacy Mościcki (1867–1946). The case triggered the attention of many commentators. It was widely described in the press. It was also the topic of many books and papers, especially documentaries dealing with the theme of famous crimes in Poland in the 1930s. Despite the great interest in the case, no critical research has been devoted thereto, which is the rationale behind this scholarly contribution. The paper discusses how the case of Jan and Maria was framed in various narratives. The analysis combines social, legal and popular culture perspectives and entails such sources as court documents, the press coverage, post-war legal documentaries, and Internet forums, as well as the 1972 film *Na Wylot* directed by Grzegorz Królikiewicz (1939–2017). It is of particular interest to show how the case was presented in the source material. The paper also investigates the effect of such a presentation on the changing perception of the case in question. The case prompts discussion on issues such as female versus male crime, partnership in crime, victim-oriented versus perpetrator-oriented approaches, and the intersection between legal and popular culture narratives. As far as the methodology is concerned, it employs Kaarlo Tuori's theory of three levels of the law.

Keywords: law, language, narratives, Jan and Maria Malisz, culture, society

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