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Humanismo Clássico vs. Romantismo: dois caminhos para imaginar a tortura pré-moderna no castelo de Pöggstall (Austria)

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Classical Humanism vs. Romanticism: two ways of imagining pre-modern torture at the castle of Pöggstall (Austria)[*]

Humanismo Clássico vs. Romantismo: dois caminhos para imaginar a tortura pré-moderna no castelo de Pöggstall (Austria)

Andreas Zajic[**]

RESUMO

O Castelo de Pöggstall, na Baixa Áustria, é longamente reconhecido pelo público nacional por sua supostamente "autêntica" câmara de tortura medieval, localizada em uma sala do andar superior da fortaleza do século XIII. Conforme recentes investigações revelaram, todo o aparato não foi instalado antes do início do século XIX, quando o Imperador Austríaco Francis I possuía a propriedade. A reorganização do interior trai uma ideia "romântica" da tortura e da punição pré-moderna que imaginava a "negra" Idade Média como um "contraponto" a práticas "esclarecidas" de Justiça e Direito Penal. Ainda que a câmara supostamente "original" seja, na verdade, uma construção imaginativa de história e romantismo, um inventário do castelo de 1548 lista, entre outros objetos de tortura e punição, um item curioso que poderia teoricamente ter servido à mesma função. O objeto é referido como uma prisão ou um instrumento chamado de "vaca de ferro" ou "touro de bronze", um termo que evoca associações com o lendário tema antigo do touro de Phalaris. Este artigo busca examinar o objeto sob a luz da literatura e da tradição iconográfica do "touro de bronze" e argumenta que, independentemente de ser realmente planejado como instrumento de tortura ou não, o touro de Pöggstall, prova, em qualquer caso, que os proprietários conheciam bem as tradições "humanistas" da tortura na antiguidade.

ABSTRACT

Pöggstall castle in Lower Austria has long been renowned to a national public for its ostensibly "authentic" medieval torture chamber located in an upper floor room of the 13th century keep. As recent investigations disclosed, the whole arrangement was not installed before the early 19th century when the Austrian Emperor Francis I owned the estate. The re-assessment of the interior betrays a "romantic" idea of pre-modern torture and punishment that imagined the "dark" Middle Ages as a "counter-draft" to "enlightened" practices of justice and criminal law. Whereas the allegedly "original" torture chamber is in fact an imaginative construction of historicism and romanticism, an inventory of the castle from 1548 lists, among other devices of torture and punishment, a curious item that might theoretically have served the same function. The object is referred to as a prison or a lock called an "iron cow" or "brazen bull", a term that evokes associations with the legendary antique motive of the bull of Phalaris. The article seeks to examine the object in the light of the literary and iconographic tradition of the "brazen bull" and argues that – whether the Pöggstall bull was really intended to be used as a torture instrument or not – it proves, in any case, that the owners were well-acquainted with "humanistic" traditions of torture in antiquity.

PALAVRAS-CHAVE

Concepções românticas da Idade Medieval. Direito Penal pré-moderno. Câmaras de Tortura. "Touro de Bronze". "Touro de Phalaris".

KEYWORDS

Romantic conceptions of the Middle Ages. Pre-modern criminal law. Torture chambers. "Brazen bull". "Bull of Phalaris".

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Pöggstall castle is located in the small eponymous market town in the Southern Waldviertel region in Lower Austria. The building complex, being the result of continuous building activities stretching from the mid-13th century to our own days, has recently been the site of the large biennial exhibition organised by the province of Lower Austria in 2017, which was dedicated to the history and philosophy of law[1]. Already at an early stage of the project, the planned adaptation of the historical structure for the new purpose required large-scale and in-depth investigation into the building history. Hence, an interdisciplinary team of scholars was appointed to establish a precise chronology of construction work in the castle during its some 750 years of existence. The author of the present article strived to gather historical records allowing to reconstruct a continuous history of the proprietors of the castle and their respective share in the overall building process. Archival evidence was consequently confronted with on-site archaeological excavations and thorough studies into the architecture and art history of the building in order to achieve a detailed and comprehensive overview of how, from time to time, the people who lived within the walls reworked the older structure according to news requirements in regard of comfort, up-to-date lifestyles and construction technique [2] . Among the most prominent owners of the castle we find – from the late 15th century to the first decade of the 17th

century – the barons of Rogendorf, an influential noble family, who served the Habsburg Kings and Emperors from Frederick III to Charles V over several generations as high-ranking military commanders, diplomats, counsellors and courtiers[3]. Especially between roughly 1490 and 1540, the "trinity" of grandfather, father and son, Kaspar, Wilhelm and Christoph of Rogendorf were, converting the medieval castle into an early Renaissance residential palace that featured highly innovative, international and avantgarde architecture and breathed courtly air in the countryside. In the late 18th century the estate was purchased by the Habsburg family and, during the first third of the 19th century, underwent another campaign of reconstruction in order to function as the administrative center of the dynasty's dominions in the region. In the course of recent studies into the history of Pöggstall castle, the author of this paper made two discoveries that seem interesting enough to a broader international public, especially to scholars of criminal law and law historians, to justify their publication (in a short article).

As remains to be seen, it was only under the Austrian Emperor Francis I as the owner of the castle, that a somewhat gruesome attraction was added to the medieval and early modern ensemble of interiors in the form of an allegedly medieval torture chamber in the keep of the castle, which earned it a certain local and regional reputation in the course of the 20th century. Whereas the first

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[1] „Alles was Recht ist" („Bound by Law"), see https://www.lower-austria.info/poeggstall-castle-exhibition (accessed 18.12.2017).

[2] Results were published by AICHINGER-ROSENBERGER, Peter; ZAJIC, Andreas. *Schloss Pöggstall, Adelige Residenz zwischen Region und Kaiserhof*, St. Pölten, 2017.

[3] On the family, see the publication cited in n. 2 (with the older literature) and the short overviews given by ZAJIC, Andreas. The Rogendorf Family, in: KRAUSE, Stefan (with a contribution by Andreas ZAJIC). *Fashion in Steel. The Landsknecht Armour of Wilhelm of Rogendorf*. Vienna, 2017, pp. 80-87 and Id., The Rogendorfs as Patrons of the Arts, ibd., pp. 90-97.

part of the paper will examine this room in the context of romantic conceptions of medieval justice and criminal law, the latter part will present unexpected archival evidence of a macabre item that was kept in the castle in the middle of the 16ᵗʰ century. At least theoretically possibly used as an instrument of punishment and torture, the "Brazen Bull" of Pöggstall seems to mirror – in an odd way – the learned and "humanistic" attitude of its commissioners from the Rogendorf family.
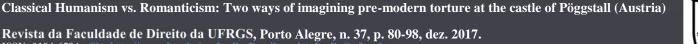
1 THE "AUTHENTIC" TORTURE CHAMBER AT PÖGGSTALL AND ROMANTIC IDEAS OF THE MIDDLE AGES – A RE-ASSESSMENT

„This guidebook is focused on the history and description of the castle. Special emphasis is given to the authentic torture chamber which, as the only surviving example in Southern Germany, holds pride of place in terms of rank and singularity"[4]. This is how the upper floor rooms of the keep of the castle of Pöggstall, which are open to visitors, are presented in the introduction to a guidebook published by the Museum Society of the castle in 1983. Although its date of origin is not revealed in the quoted passage, on the next page the torture chamber is attributed to the period between 1521 and 1530: "The castle was now[5] called Castle Rogendorf near Pöggstall. This coincides with the furnishing of a new torture chamber in the keep. It is the only originally preserved example in Austria and with the

introduction of Roman Law in Germany and Austria was used by the regional courts in their questioning of accused persons "under infliction of pain" (torture) during the 15th century". And in more explicit terms: „The torture chamber in the castle of Pöggstall is fully equipped. It holds most of the instruments of torture (thumbscrews, legscrews, an executioner`s sword, different kinds of pliers etc.) and other devices of torture (stretching ladders, wooden horses, hearths, a whipping rack etc.) that were in use at the time. However, only a guided tour of the torture chamber can provide the interested visitor with deep insights into the legal practice of the time"[6]. Whereas until recently the didactical approach to the ensemble was characterized by a distinctive „performative" aspect that was stressed in the brochure, in 2013 the „torture chamber" was no longer the focal point in a scholarly publication accompanying the new Museum of the History of Law at Pöggstall. Although the title of the publication suggests a traditional view [7], the fittings of the first upper floor of the keep were not accorded a chapter of their own. The conventional idea of a unique authentic torture chamber is only casually picked up again in a paper on the collections on legal history at Pöggstall as part of the Museum of the Province of Lower Austria[8]. In the same year, a paper was published in which the institution of the „only torture chamber in Austria preserved in its original state" was linked to a building date 1593 in the second upper floor of the keep, which is lost today but would suggest it originated from the end

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[4] [SCHÖBL, Ernst]. *Schloß Pöggstall mit Folterkammer*. Pöggstall 1983, p. 3. The original text is in German.

[5] The name was changed in 1521 when the dominion of Pöggstall was raised to the rank of a barony under the immediate authority of the Emperor, cf. ZAJIC, Andreas. Große Herren und Aufsteiger, Fürstendiener und Hochverräter – Bausteine zu einer Nutzergeschichte von Schloss und Herrschaft Pöggstall, in: AICHINGER-ROSENBERGER; ZAJIC, Schloss Pöggstall (as in n. 2), pp. 12-51, here p. 26.

[6] SCHÖBL, Schloß Pöggstall (as in n. 1), p. 17.

[7] *Museum für Rechtsgeschichte und Folterkammer. Pöggstall*, ed. VAVRA, Elisabeth. St. Pölten, 2013.

[8] LAUSEGGER, Armin. Zur Geschichte der Sammlung, in: VAVRA, Museum (as in n. 7),pp. 9–14, here p. 13: „Die Gestaltung des Museums, dem im Bergfried der Hauptburg eine original erhaltene Folterkammer angeschlossen ist – übrigens die einzige in Österreich und dem süddeutschen Raum – nahm Langs Nachfolger, Dr. Helmut Galler, vor" („The museum which includes the original torture chamber in the keep of the main building of the castle – by the way the only one in Austria and Southern Germany – was designed by Lang´s successor, Dr. Helmut Galler").

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of the 16th century[9]. The author also draws attention to a report on the discovery of the torture chamber, which strongly resembles a common topos of baroque miracle reports: according to this report, after the abolition of torture under Maria Theresia in 1776, the door leading to the torture chamber was walled up and only opened again around the year 1900[10].

The recurrent vigourous assertions of the „authenticity" of the torture chamber in the donjon at Pöggstall, according to the few academic investigations, mirror a clear cyclical trend. In a local history of Pöggstall published in 1928, several years after the castle, which had been in the possession of the Habsburg family, was transferred to the „Fund for war-affected persons"[11], Alois Plesser described the keep as a place of torture in very general terms: „In 1593, the Reckturm (prison tower) was provided with a projecting structure and a pitched roof, which was removed in 1882. Inside, it still contains the torture chamber with its hearth to heat up pliers that were used in the questioning of the accused"[12]. But in his chapter on the legal system and practice, he neither referred to the „torture chamber" nor to its date of origin.

Likewise apodictically and even terser than Plesser, Eduard Stepan dealt with the „torture chamber" in his description of the castle of Pöggstall: „The castle courtyard is arcaded, the prison tower or donjon contains the torture chamber"[13]. The actual discovery of the „torture chamber" at Pöggstall can be attributed to Hans Liebl, Doctor of Law and Arts, a Vienna lawyer and keen collector of law relics from (Lower-Austria), to whom the Provincial Museum of Lower Austria owes its collections on the history of law, which were housed in the castle of Pöggstall. In 1951, a brochure was published under his name, posthumously, which was, however, not mentioned in its programmatic title „The torture chamber at Pöggstall", whose principal aim was a detailed description of the ensemble at Pöggstall and its contextualisation within pre-modern criminal procedure codes[14]. Although Liebl did not use the overcharged epithet „original" (i. e. indicating its outstanding importance) for the „torture chamber" at Pöggstall on the book cover, he did so in the general heading of the booklet which serves as a title[15]. He attempted to characterise the significance of the ensemble as „a unique cultural monument in Austria" in marked contrast to the torture chamber at Regensburg, which was also considered to be „original"[16]. Interestingly, although Liebl´s description of the torture chamber at Pöggstall is preceded by „some historical facts about the castle", he altogether fails to connect the chamber and its contents to the history of the castle´s building and ownership. Contrary to the brochure of 1983, Liebl offers no suggestion as to the dating of the torture chamber. Although he acknowledges the fact that it was by no means any longer in its „original" state at the time of his description, he then ignores it in his interpretation. So he explicitly states that the stretching ladder which is propped against a structure of bars, due to severe damages, had to be altogether replaced by a modern reconstruction[17]. This, however, raised no doubts about the „originality" of the

[9] SABITZER, Werner. Pranger, Galgen, Folterkammer, *Öffentliche Sicherheit* 2013/5–6, pp. 30–32.

[10] SABITZER, Pranger (as in n. 9), p. 30. The walled-up door, which was installed by Kaspar of Rogendorf in the last quarter of the 15th century, provides the only access to the keep, which was incorporated at the time into the new components of the inner castle.

[11] See ZAJIC, Große Herren (as in n. 5), p. 46.

[12] PLESSER, Alois; GROß, Wilhelm. *Heimatkunde des politischen Bezirkes Pöggstall*, Pöggstall, 1928, p. 268.

[13] STEPAN, Eduard. *Führer durch die Burgen u. [!] Ruinen des Weitentales und die Ruine Hinterhaus*, Pöggstall, [1932], p. 23.

[14] LIEBL, Hans. *Die Folterkammer im Schloss Pöggstall*, Wien, 1951, description of the „torture chamber" pp. 3–5.

[15] Ibid., p. 1: „Die originale Folterkammer im Schloss Pöggstall".

[16] Ibid., p. 2.

[17] Ibid., p. 4. Authors of recent literature (as above) asserting the authenticity of the ensemble as it is today, were

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ensemble in him, nor did the fact that this structure of bars is not reinforced against traction and compression, the right diagonal bar only leaning against the right bar of the frame[18] and both diagonal bars bluntly resting on the floor in the middle of the room without joints. It is clearly obvious that the whole structure is composed of very dissimilarly dimensioned timbers in secondary use as, for example, two now functionless overlappings on the right-hand bar that had originally belonged to a structure incorporating two struts, presumably as part of the roof-framework, or an equally functionless mortise in the upper bar. This mortise Liebl interpreted, according to the findings on site, as having held „a small wheel in an iron fork" which he believed to be part of a wire rope that hoisted the accused from the „dungeon" on the ground floor of the keep to the „torture chamber" above[19]. But neither the dimensions nor the mount of the „wooden pivot" of the structure described by Liebl would have rendered it capable of hoisting up a person from one floor to another. The whole construction including the stretching ladder would not have been equal to the pressure of weight and traction exerted in the course of torturing an accused. The whole device seems constructionally fragile and seems to aim at making a visual impression rather than being able to serve its alleged function. Liebl based his discussion on the use of the stretching ladder at Pöggstall and the hoist-up rope on the striking correspondence between the ensemble and the copperplates depicting torture of the third degree in the Constitutio Criminalis Theresiana of 1769. Could a „torture chamber" estimated to date from the period of 1521/30 or 1593 really have

anticipated in every detail a much later normative model?

These discrepancies call for a critical investigation of the alleged medieval or early modern date of origin of the „torture chamber" at Pöggstall. To begin with, to furnish special rooms of a castle permanently in order to arrest or torture prisoners all but precludes their further multi-functional use, as a storeroom, for example. In the Middle Ages, giving up an economically much more relevant way of usage in order to accomodate a rarely needed prison-custody or judicial inquisition would surely not have been advocated by many. For the estate of Pöggstall, only one oath of truce after release from prison is documented, which took place in 1425 in the time of Otto IV. of Maissau[20]. It is by no means certain, however, that the imprisoned was held at Pöggstall. In any case, it seems highly unlikely that a special room for arresting prisoners would have been reserved for only sporadic acts of the regional law courts and prison sentences as we know them today (apart from pre-trial custody) remaining the exception.

Above all, two inventories from 1548 and 1795 contain no reference whatsoever to special prisons or even a „torture chamber" at the castle of Pöggstall: the inventory from 1548 lists neither the term „Marterturm" (Tower of Torture) for the donjon nor a „torture chamber". It is referred to as „Grosser Thurn" (Tall or Great Tower), in whose first upper floor, which in contrast to the towerkeeper´s chamber on the second floor was called „undter(e) kamer" („downstairs chamber"), were listed „vill alter pfeill" („many old arrows") only[21]. In the inventory of the castle from May 1795[22], in a specially provided „Verhörzimmer"

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not disturbed by the fact that one of its essential elements, the stretching ladder, is a reconstruction and dates from the time after the Second World War.
[18] Ibid., p. 3: „Doch lassen zwei Einschnitte erkennen, daß auch dieser einmal in fester Verbindung mit dem Gerüste stand". („Two grooves suggest that this also was firmly joined to the frame").
[19] Ibid., p. 4.

[20] PLESSER; GROß, Heimatkunde (as in n. 12), p. 90.
[21] See Österreichisches Staatsarchiv, Abt. Haus-, Hof- und Staatsarchiv (HHStA), Hs. B 361, fol. 6r.
[22] Österreichisches Staatsarchiv (Austrian State Archive), Abt. Haus-, Hof- und Staatsarchiv (HHStA), Generaldirektion der Privat- und Familienfonds (GDPFF), Generaldirektion Wien (GD Wien), Ältere Reihe Kt. 19, Fasz. 1, fol. 82–94 (1795 May 23).

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(„questioning room") of the provincial court next to the official chancellery on the ground floor of the south wing, „Anlegeketten" (chains) in a chest are recorded [23], and in a vault „beneath the gateway" to the castle „Terrisch [!] (probably a kind of a birch for corporal punishment of the prisoners" were kept [24]. Moreover, the servant quarters in the northwestern part of the area (later called „Gefängnisstöckl", a prison annexe) contained devices for arresting prisoners, such as seven blocks („Springer"),with chains, 25 shackles with chains, one pair without chains, one device to lock up prisoners seated („Sitzeisen") with chains, 35 locks, three body rings, two „Handbrötzen" (hand violins), one neck ring and a small neck chain. None of these devices were instruments of torture, however, but common instruments used for arrests. Today the „torture chamber" on the first upper floor of the keep displays on its walls, apart from the afore-mentioned structure with the stretching ladder and a whipping rack, on the one hand devices for arresting (chains, locks, shackles etc.) functionally corresponding to those described in the inventory of 1795 on the one hand, and on the other hand devices used for inflicting humiliating and disgracing punishments, like a shrew´s fiddle and a wooden horse, as well as tools for executing sentences of capital punishment by means of a breaking wheel, such as wooden wedges to be placed beneath the body of the convict and a (conspicuously delicate) executioner´s wheel, but only few instruments of torture, like thumbscrews. The pliers displayed on the walls are of unspecific form and more likely blacksmith´s tools than historic tools of torture. Accordingly, in 1795 there is still no evidence for a „torture chamber", and the inventory of the room as it can be seen today exceeds by far the objects listed in the inventory from the time before the dominion was transferred to the Habsburg Family Fund, under whose administration the rooms on the groundfloor of the servants´ quarters („Gefängnisstöckl") were converted into prison cells[25].

The conviction to regard the torture chamber at Pöggstall as a pre-modern „original" would be inconceivable without a tradition in the study of the history of law – dating back to the 18th century – that presented graphic testimonials of medieval criminal law in stark contrast to the legal practice of the enlightenment, or without early developed strategies of museological presentation based on athmospherically compact ensembles and showrooms. This is why the topic of torture held its ground in the methodically broad range of research in pre-modern history of criminal law and criminal procedure, sometimes by emphasising one single aspect that only recently starts to recede from the focus of interest in the history of law[26]. Literature on the history of criminal law in this area, published in handbooks, introductions and surveys, but even more in special papers and proceedings of conferences, has become too numerous to be surveyed in its entirety[27]. An approach decidedly in favour of

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[23] Fol. 86v.

[24] Fol. 90v.

[25] Prison cells at the seats of the four regional courts in the „Patrimonialländchen" are cursorily mentioned by REIL, [Johann] Anton Friedrich. *Das Donauländchen der kaiserl. königl. Patrimonialherrschaften im Viertel Obermannhartsberg. Geographisch und historisch beschrieben*. Vienna, 1835, p. 93. A „Lagerbuch" (inventory) of the dominion Pöggstall (HHStA, GDPFF [as in n. 22], Herrschaftsarchiv Pöggstall, Bd. 34, pag. 49) lists seven of them on the ground floor and one on the upper floor. The whole building is referred to as „Dienerhäuschen, jetzt Arrestgebäude" („servants quarters, now gaol").

[26] A recently published collection of essays, *The Oxford Handbook of the History of Crime and Criminal Justice*, ed. KNEPPER, Paul; JOHANSEN, Anja, Oxford, 2016, does not include a separate paper on torture.

[27] A selection of titles from an overabundant number: MAISEL, Witold. *Rechtsarchäologie Europas*. Aus dem Polnischen übersetzt von PONIŃSKA-MAISEL Ruth. Vienna; Cologne; Weimar, 1992; VAN DÜLMEN, Richard. *Theater des Schreckens. Gerichtspraxis und Strafrituale in der frühen Neuzeit,* 3rd ed. Munich, 1995; SCHUBERT, Ernst. *Räuber, Henker, arme Sünder. Verbrechen und Strafe im Mittelalter*. Mit einem Nachwort von Thomas VOGTHERR. Darmstadt, 2007; *Das Quälen*

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artefacts was not only predominant in popular older publications, where the term „Legal Archeology", in analogy to the traditional view of ethnology as rural antiquities, was focused primarily on the collection, description and cataloguing of objects of criminal justice. This view reinforced – by no means always involuntarily – a widespread general „topos of cruelty […] that had been ascribed to the Middle Ages" [28] since the late 18th century. The presentation of real or allegedly medieval instruments of torture in museums or literary sources was claimed to prove the lack of civilisation in the distant and dark Middle Ages[29] and served as a foil of contrast to the enlightened present of the observer after the humanisation of criminal justice [30]. The associative connection between dungeon, gaol and torture chamber as the materialised negative image of the „medieval" mentality in criminal procedure and the castle as a positive symbol and screen of chivalrous life was already established in the Romantic Period with its fascination for castles and knights: „As a castle without a dungeon would not be a real castle, when missing, a dungeon needs to be built and vividly endowed with heavy doors, barred windows and rings of iron"[31], preferably in the tower as an effectively powerful symbol of authority. Although it is well documented that people were temporarily arrested and imprisoned

in medieval castles[32], it is much more difficult to unequivocally locate the rooms that served as prison cells in specific castle buildings. In the search of „original" prisons and dungeons or „chambers of torture", erroneous interpretations of architectural features and later equivalents led and still often lead astray [33]. In the castle of Pöggstall, the „torture chamber" is situated on the first upper floor of the keep which also provided the only entrance – by means of a ladder – to the tower. Likewise, at the time of construction, the only access to the rooms beneath, which were used as store- and stock rooms, was through a trap-door in the floor, which was probably only later endowed with an iron grid. Only much later, after 1795 and under Habsburg dominion, a „torture chamber" above the supposedly genuine dungeon, from which the prisoner had to be pulled up for interrogation, was devised based on the extant situation on-site. One last important indication of a correspondingly late date of origin of the „torture chamber" at Pöggstall lies in the fact that reference to the keep as „Marterturm" („tower of torture"), which obviously derives from this chamber, is first recorded in archival documents only as late as 1882, when the uppermost floor was demolished[34]. A probably simultaneous undertaking of the Habsburgs provides the clue to the motive for the construction of the „torture chamber" at Pöggstall

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des Körpers. Eine historische Anthropologie der Folter, ed. BURSCHEL, Peter; DISTELRATH, Götz; LEMBKE, Sven. Cologne; Weimar; Vienna 2000; SCHILD, Wolfgang. *Folter, Pranger, Scheiterhaufen. Rechtsprechung im Mittelalter*. Munich, 2010.
[28] SCHUBERT, Räuber (as in n. 27) p. 88.
[29] Cf. BOOCKMANN, Hartmut. Das grausame Mittelalter. Über ein Stereotyp, ein didaktisches Problem und ein unbekanntes Hilfsmittel städtischer Justiz, den Wundpegel, in: Id., *Wege ins Mittelalter. Historische Aufsätze*, ed. NEITZERT Dieter et al. Munich, 2000, pp. 160-167.
[30] Ibid., p. 161.
[31] JARZEBOWSKI, Marc. Das Burgverlies, in: Burg und Herrschaft, ed. ATZBACH, Rainer; LÜKEN Sven; OTTOMEYER, Hans. Dresden, 2010, pp. 226–228.
[32] A great number of documentary evidence for imprisonment or gaols in medieval castles – without the

unsuccessful attempt to locate them – can be found in MERSIOWSKY, Mark. Burg und Herrschaft – Einblicke in die mittelalterliche Praxis, in: ibid., pp. 126–133, here pp. 127sq.
[33] BURGER, Daniel. Burgen als Orte der Justiz und Verwaltung. Zum Funktionstypus der spätmittelalterlichen und frühneuzeitlichen Amtsburg, in: *Die Burg. Wissenschaftlicher Begleitband zu den Ausstellungen „Burg und Herrschaft" und „Mythos Burg"*, ed. GROßMANN, G. Ulrich; OTTOMEYER, Hans. Dresden, 2010, pp. 72–85, here pp. 77–83, gives several examples of torture chambers and dungeons in various parts of medieval castles without being able to prove their medieval date of origin.
[34] HHStA, GDPFF, GD Wien (as in n. 22), Jüngere Reihe (Geschäftsbücher 1803–1912), Nr. 80 (Index für 1882): Prot.-Nr. 1690; cf. ZAJIC, Große Herren (as in n. 5).

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and its dating: the construction of a „dungeon" in the Great Tower of the „Franzensburg", which was built in the park of castle Laxenburg[35] close to Vienna for Emperor Francis II./I. between 1798 and 1801, presents a parallel to the „torture chamber" at Pöggstall, which can be compared in terms of iconography as well as function and in the way it was generally deemed adequate at the time to generate morbid and eerie effects[36].

As a result, the so-called „torture chamber" in the donjon of the castle at Pöggstall which is not mentioned in the inventories of the castle before 1795 and whose equipment represents a collection that was obviously brought together to form a varied ensemble for display and that – as can be seen in the construction of the stretching ladder – was directly modelled on corresponding images of the Constitutio Criminalis Theresiana (1769), is not „original" in the sense of an intact medieval room and its contents. However, as an arranged interior from the time of Habsburg ownership at Pöggstall after 1795 it strikingly reflects ideas held specifically by the Habsburgs but also generally by their contemporaries in regard of a quintessentially „medieval" room within the romanticised complex of a castle.

2 THE BULL OF PHALARIS AT PÖGGSTALL – A "CLASSICAL" DEVICE OF TORTURE IN THE INVENTORY OF 1548

The above statements about the secondary and museological equipment of the "torture chamber" do not, however, preclude traces of pre-modern criminal proceedings at the castle of Pöggstall. On the contrary, the inventory of 1548 records several devices that may have been used in proceedings to take evidence and the enforcement of sentences. They were located in two spaces within the castle that were not permanently used as a prison, let alone a „torture chamber" and in which they actually appear rather out of place: in the „thüernitz", i.e. in the large common dining room, probably the two-storey high hall in the south wing, there was, besides two round tables and two tables complete with benches, a „gefängkhnus fidl"[37], a shrew's fiddle. That the object was kept in the „thüernitz" indicates that it was not permanently housed in a prison or torture chamber – which corresponds to the fact established above that such rooms had not existed at Pöggstall.

More numerous are the devices for imprisonment and tools of torture that were recorded in the inventory for the chamber of the bailiff which can no longer be located[38]. Apart from other unexpected objects like two gold-

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[35] The extensive results of a comprehensive research project on the architectural history of the Franzensburg and its decoration in the late 1990s have not been published yet. Cf. therefore meanwhile HANZL, Lieselotte. Die Franzensburg. „Vollkommene Ritterburg" und „Denkmal Franz' I.", in: Die Franzensburg. Ein Führer durch Geschichte und Gegenwart. Laxenburg, 1998, pp. 35–47, here pp. 39 and 105; HANZL-WACHTER, Lieselotte. Die Franzensburg in Laxenburg. Vom Gartenhaus in Gestalt einer gotischen Burgfeste zum dynastischen Denkmal. *Arx. Burgen und Schlösser in Bayern, Österreich und Südtirol* vol. 23/1, pp. 1–8, 2001, here p. 5; HÄUSLER, Wolfgang. *Die Franzensburg. Laxenburg* (Schnell und Steiner Kunstführer 2617). Regensburg, 2006, p. 36.

[36] See NIERHAUS, Andreas. *Kreuzenstein. Die mittelalterliche Burg als Konstruktion der Moderne.*

Vienna; Cologne; Weimar, 2014, p. 46; cf. also HAMBRUSCH, Hermann. *Kreuzenstein: Geschichte der Urburg und Neuaufbau des Grafen Johann Nepomuk Wilczek im Vergleich mit Bauten mit ähnlichen programmatischen Zielen.* Master's thesis, Vienna 2014, pp. 42 and 62. Whereas later at Kreuzenstein the institution of a dungeon was omitted, Johann I. Liechtenstein had one built in the castle ruin of Greifenstein between 1807 and 1818 as well as at the Liechtenstein castle at Maria Enzersdorf between 1808 and 1816, see KRICKEL, Joseph Adalbert. *Eisenbahn-Ausflüge auf der Kaiser-Ferdinands-Nordbahn und zwar: auf der Stockerauer-, Brünner- und Ollmützer-Bahn, sammt allen näheren und entfernteren Umgebungen.* Vienna, 1844, 35.

[37] HHStA (as in n. 21), Hs. B 361, fol. 6v.

[38] Ibid., fol. 8r.

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plated silver chalices complete with patens, two shelves with distillats and herbal distillats („zwen stolln mit allerlay außprenntem wasser"), an extraordinary number (19) of kid- and lambskins, the commissionaries of the aulic chamber recorded a cabinet filled with various tools of torture and humiliation („ain allmar, darinn allerlay trätzlzeug"), a neck ring („ain gefanngknuß halßring") and a pair each of handcuffs and shackles or shrew´s fiddles („ain par pretzen, mer ain par pretzen an die fueß"). The commissionaries moreover listed objects that were themselves referred to as „gefenngknus" (prison, lock) and which were used to lock in accused or arrested persons: among them „3 turckisch gefenngknus mit spitzen" („3 Turkish locks with pikes") suggesting a device similar to the notorious „Iron Maiden", which in the last decades has come to be regarded as an invention of the 19th century[39]. Even more curious appears another device to be kept in the bailiff´s chamber at Pöggstall: „mer ein eißne gefänncknuß, so man ein eißne kue nennt" („an iron prison that is called an iron cow"). This cannot but be interpreted as the realisation of a classical literary and medieval iconographic motive, the so-called Sicilian Bull or Bull of Phalaris.

The following is a brief summary of the literary tradition regarding this legendary device

of torture and capital punishment[40]. Already in the 1st half of the 5th c. BC, Pindar was the first to tell the story of the metal bull of Phalaris[41]. According to the Greek historian Polybios[42] (d. around 120 BC) and to the Greek-Sicilian historiographer Diodor[43] (1st half of the 1st c. BC) it was Timaios of Tauromenion (d. around 250 BC) who in his History of Sicily (whose text is lost today) delivered a first account of the autocrat of Akragas/Agrigent, Phalaris (ruled ca. 570–555/49 BC). The two authors state that the tyrant was said to have commissioned the inventor Perilaos/Perill of Athens with the production of an instrument of torture and murder in the form of a hollow iron bull, in which opponents of the tyrant were to be boiled to death by means of a fire lit under the animal´s belly. Due to installed flute-like tubes, the cries of the tortured from inside the metal animal were reported to have sounded like the roaring of a bull. Allegedly, the constructor of the cruel device was the first victim to be killed in his own invention. After the conquest of Carthage where the bull had been taken after the capture of Agrigent by the Carthaginian general Himilkon in 406 BC, the object was – to combine partly contradictory accounts – returned to the city of Agrigent by Scipio Aemilianus (Africanus Minor) in 146 BC. This is where the device probably still was in the time of Pliny the Elder (d. 79 AD) who,

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[39] An „Iron Maiden" from Nürnberg exhibited at the Mittelalterliches Kriminalmuseum (Museum of Medieval Criminology) at Rothenburg ob der Tauber is supposed to be a "drunkard´s cloak" from the 16th century - device to inflict humiliation – which was endowed with interior pikes and a head mask only in 1857 or 1867 preceding its exhibition in Nürnberg: „In der historischen Realität hat es ein solches Strafgerät nicht gegeben" „In reality, there never was such a device of punishment", see SCHILD, Folter (as in n. 27), p. 70 (fig.). Cf. likewise MAISEL, Rechtsarchäologie (as in n. 27), pp. 145sq. Should the „spitzen" (pikes) have been inside the „gefenngknus" (lock) documented at Pöggstall, as seems probable, this would constitute early documentary evidence for the very pikes that were incriminated as a later addition.

[40] For what follows see e.g. WALBANK, F. W. Phalaris‘ Bull in Timaeus (Diod. Sic. xiii. 90. 4–7). *The Classical Review,* Vol. 59/2, pp. 39–42, 1945; BOHAK, Gideon.

Classica et Rabbinica I: The Buel of Phalaris and the Tophet. *Journal for the Study of Judaism*, Vol. 31/2, pp. 203–216, 2000, here pp. 207–209; KLEINER, John. Criminal Invention: Dante, Ovid, and the Bull of Phalaris. *Dante Studies*, Vol. 123, pp. 71–81, 2005, here pp. 71–73 and 77sq.; DUDZIŃSKI, Andrzej. The Bull of Phalaris and the Historical Method of Diodorus Siculus. *Histos,* Vol. 7, pp. 70–81, 2013; For narrative strategies and contexts of descriptions of violence in early Greek historiography see ZIMMERMANN, Martin, Extreme Formen physischer Gewalt in der antiken Überlieferung. *Extreme Formen der Gewalt in Bild und Text des Altertums*, ed. Martin ZIMMERMANN = Münchener Studien zur Alten Welt 5. Munich 2009, pp. 155–192.

[41] Pyth. 1.185.95sq.

[42] 12.25.1–5.

[43] 13.90.5sq.

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too, reported the legendary episode[44]. Even before him, Valerius Maximus had retold the cruel story in his *Facta et dicta memorabilia*[45]. Poets like Callimachus[46] and Propertius[47] referred to it, as did Ovid by including the motive in his *Ars Amatoria* and *Tristia*[48]. Neither Juvenal[49] nor Claudian[50], nor Lucian[51] or Laktantius[52], failed to allude to it, and also Ammianus Marcellinus[53] and Orosius[54] refer to the Sicilian Bull. Even Augustine retells the story[55]. The enumeration of testimonials is by no means complete and it may be assumed that there was no classical author who was not aware of the legend[56]. Owing to its rich tradition during the Antiquity and Late-Antiquity, the motive was duly absorbed by the (Italian) Renaissance humanists: Dante, in canto 27 of his *Divina Commedia*, vv. 7-12, compares the tortures of false advisors in hellfire, like the condottiere Guido da Montefeltro, with those that suffered in the blazing heat inside the Sicilian Bull[57]. That Dante relies on his readers´ knowledge of the story of the bull, is obvious in his curtailed allusion to the violent death of its inventor without retelling the whole story[58].

Subsequently, the motive was then further transmitted to later humanistic circles north of the Alps and in Western Europe who took a special interest in the tyrannic despotism of Phalaris[59]. Even as late as the 18th century, Schiller alluded to the motive as a well-known detail of humanistic education in his drama „Die Räuber"[60].

Besides this classical-antique strand of tradition we find at least another one that seems to have enlarged the pictorial repertoire of the Middle Ages and the Modern Era. Various lives of saints establish a link between brazen imitations of bulls as devices of torture and murder and the martyrdom of witnesses of faith in Late Antiquity[61]. The most frequent visual representations of the death of a confessor inside a heated metal bull can probably be found in texts following the *Martyrologium Romanum* and its miniatures depicting the death of Saint Eustachius (Eustathius) and his family in the scorching belly of a bull[62]. Byzantine illuminated manuscripts containing this iconographic motive can be traced back at least to the 11th century[63]. In the late 14th century, Giovanni del Biondo painted a panel

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[44] Nat. Hist. 34.19.

[45] Lib. 9.2.9.

[46] Fragm. 46sq.

[47] 2.25.11sq. SMYTH, W. R. Interpretationes Propertianae. *The Classical Quarterly*. Vol. 43/3–4, pp. 118–125, 1949, makes it seem likely that also 3.24.13sq. refers to the Phalaris-motive.

[48] Ars Amatoria 1.653–658; Tristia 3.11.39-54, 5.5.51–56 and 5.12.45–48.

[49] 8.81sq.

[50] In Ruf. 1.253, Gild. 1.186–188, In Eutrop. 1.163–166.

[51] Phalaris 1; cf. ZIMMERMANN, Formen (as in n. 40) 157 and 180; DUDZIŃSKI, Bull (as in n. 40) 70.

[52] Div. Inst. 3.19.8.

[53] Res gestae 28.1.46.

[54] Adversum paganos 1.20.

[55] Ep. 155.1.2.

[56] So BOHAK, Classica (as in n. 40) pp. 208sq.

[57] La Commedia secondo l'antica vulgata a cura di Giorgio PETROCCHI. Firenze, 1994, online under http://www.danteonline.it/italiano/opere.asp?idope=1&idlang=OR (accessed 18. 12. 2017).

[58] Cf. KLEINER, Invention (as in n. 40).

[59] The English courtier and author Philipp Sidney (d. 1586), for example, was reminded by the St. Bartholomew´s Day

massacre in Paris in 1572 of the ruler of Agrigent or his reflection as presented by Juvenal repectively, see STILLMAN, Robert E. The Truths of a Slippery World: Poetry and Tyranny in Sydney's Defence. *Renaissance Quarterly*, Vol. 55, pp. 1287–1319, 2002, here pp. 1293–1297.

[60] Act IV, Scene 5 („Warum hat mein Perillus einen Ochsen aus mir gemacht, dass die Menschheit in meinem glühenden Bauche bratet?" – „Why has my Perillus made of me a brazen bull, whose burning entrails yearn after human flesh?").

[61] See the brief remarks by GOODSPEED, Edgar J. The epistle of Pelagia. *The American Journal of Semitic Languages and Literatures*, Vol. 20/2, pp. 95–108, 1904; VERGOTE, J. Eculeus, Rad- und Pressefolter in den ägyptischen Märtyrerakten. *Zeitschrift für die neutestamentliche* Wissenschaft, Vol. 37, pp. 239–250, 1938; cf. generally SCHIRRMEISTER, Albert. Folter und Heiligung in der Legenda Aurea. Frühchristliche Martern und spätmittelalterliche Körperkonzepte, in: Das Quälen des Körpers (as in n. 27), pp. 133–149.

[62] Cf. BOHAK, Classica (as in n. 40) p. 209.

[63] Cf. TSCHOCHNER-WERNER, Friederike, Art. Eustathius (Eustachius), Theopista, Agapitus und Theopistus Martt., in: *Lexikon der christlichen*

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showing scenes from the life of the saint with his and his family´s martyrdom in the brazen bull as the final scene [64]. Images of the torture of the saint´s family inside the bull can also occasionally be found in miniatures of the Legenda aurea by Jacobus de Voragine in the late 15th century [65]. However, the standard motive in images of Eustachius in Central Europe around 1500 was clearly that of the hunter who – in an experience of conversion – encounters a stag with a cross between his antlers [66]. This in a wider sense hagiographic or religiously shaped iconographic tradition can be traced until the 16th century when it was linked, in a late Renaissance humanistic context, to the literary strand. Andrea Gallonio´s treatise [67] about instruments of torture that were used by heathens against Christians, printed in Rome in 1591, contains a description (on p. 80sq.) and an illustration of a „toro di bronzo" as an ancient device for the execution of Christian martyrs, not without referring to the legend and its tradition by Ovid. More or less contemporary is a patinated and formerly coloured terracotta relief ascribed to Giovanni Battista Caccini depicting the death of Perill inside his own invention, which

is based on the original narrative of Ancient Greek [68]. To the Central European audience of the early 16th century it seems that the Sicilian Bull or Iron Cow was not presented as a fatal attribute of early Christian martyrs, but as a stereotype of classical or Middle East literature [69]; any other interpretation fails to account for its material replication and potential deployment as a device of torture in the first half of the 16th century.

An image of the Sicilian Bull in the classical literary tradition dates back to about three decades before the inventory of the castle at Pöggstall. The reception of the motive of the brazen bull as a device for torture or murder according to classical – and at the same time completely ignoring Christian – tradition is documented in a woodcut from 1519/20 by the so-called Petrarca-master accompanying the work which gave him his name, a German adaptation of a humanistic-symbolistic devotional work by Francesco Petrarca, „De remediis utriusque fortune", published in 1532. It was printed at Augsburg by Heinrich Steiner under the title „Von der Artzney beyder Glück" [70] and contains a woodcut on fol. LXXIVv, preceding chapter 65 of the second

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Ikonographie, begründet von Engelbert KIRSCHBAUM, ed. Wolfgang BRAUNFELS. *Sechster Band: Ikonographie der Heiligen. Crescentianus von Tunis bis Innocentia*. Rome; Freiburg; Basel, Vienna, 1994, pp. 196–199, with reference to the Menologion of Basilius II. (Vat. gr. 1613, pag. 53), cf. the image under http://digi.vatlib.it/view/MSS_Vat.gr.1613/0075?sid=a759 0df9b8aca22111c8359533716419 (accessed 18. 12. 2017).
[64] The polyptych was stolen from the church of S. Eustachio in Campo di Giove (Abruzzo) in 1901. Historic images of the painting are available via the image server ARTstor: http://library.artstor.org.uaccess.univie.ac.at/library/Extern alIV.jsp?objectId=%2FzhGajgxLjk2OkA7eDd1R3kqWX A%3D&fs=true# (accessed 18. 12. 2017).
[65] Cf. the miniature in Mâcon, Bibliothèque municipale, ms. 3, fol. 12v (Brussels, around 1470, cf. http://expositions.bnf.fr/bestiaire/grand/e_07_mac.htm (accessed 18.12.2017).
[66] Surely the most prominent example is Dürer´s woodcut, see SCHAUERTE, Thomas. Kat.-Nr. II.2. Der heilige Eustachius. *Burg und Herrschaft*, ed. ATZBACH, Rainer; LÜKEN, Sven; OTTOMEYER, Hans. Dresden 2010, pp. 203sq.

[67] TRATTATO DEGLI INSTRVMENTI DI MARTIRIO, E DELLE VARIE MANIERE DI MARTORIARE VSATE DA' GENTILI CONTRO CHRISTIANI, DESCRITTE ET INTAGLIATE IN RAME. OPREA DI ANTONIO GALLONIO RAOMANO […] ROMA […] 1591, pp. 80sq. and fig. 91; digitally available under https://ia902701.us.archive.org/24/items/bub_gb_yWTqiq UhW7sC/bub_gb_yWTqiqUhW7sC.pdf (accessed 18. 12. 2017).
[68] Around 1590/1600, The Art Institute of Chicago, Kate S. Buckingham Fund 1968.316, Chicago, Illinois http://www.artic.edu/aic/collections/artwork/29431 (accessed 18. 12. 2017).
[69] For potential reflections or a parallel to the „Iron Cow" of Phalaris as a device of torture in the rabbinic legend of King Manasse (for its biblical connection see 2 Chr 33,11) cf. KRAUSS, Samuel. Die Legende des Königs Manasse. *Zeitschrift für die alttestamentliche Wissenschaft*. Vol. 23, pp. 326–336, 1903; BOHAK, Classica (as in n. 40).
[70] Franciscus Petrarcha. Von der Artzney bayder Glück / des gůten vnd widerwertigen. Vnnd weß sich ain yeder inn Ge=/lick vnd vnglück halten sol. Auß dem Lateinischen in das Teütsche gezogen. Mit kunstlichen fyguren durch=auß / gantz lustig vnd schön gezyeret […] Gedruckt zu

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book, „Von peynigung" („About torture"), showing a parallel series of several haunting torture scenes taking place in a room vaulted above a central column with modern cross-ribs. Whereas in the right half of the picture a man on a stretching rack is subjected to some kind of water torture, the background reveals a person pulled up into the vault being questioned in front of a judge, assessors and a clerk. In the left half, one can see an accused person placed inside an „iron cow". The animal made of metal, a fire is already burning underneath, sits on a kind of raised platform, two servants are busy raking the flames, with a judge in the left margin looking on. The text cites Petrarca´s exhortation never to dispair, even under torture, or to look upon torture as an injustice. This is – by no means accidentally – recalls Cicero´s Tusculanae disputationes 2.7.17sq. where he states that Epicureans did not give way to lamentation even when tortured in the bull of Phalaris[71].

The woodcut by the Petrarca-master is clearly not part of the standard repertoire of the great number of publications on pre-modern torture. Even an acknowledged expert on the history of law and ancient law relics from medieval and early modern times could be found

to reject the idea that the image showed an actually existing device of torture[72]. That its only purpose was to present the audience with a wholly imaginary device of torture to showcase exorbitant cruelty, seems, however, absurd. Without any doubt, the Petrarca-master tried to assemble in one picture a series of several well-known methods and instruments of inquisition. It has to be assumed, therefore, that the reader of the devotional book of 1532 was familiar with the depicted objects at least by hearsay. In fact, apart from the Pöggstall inventory, I know of no other document that records an actual replica of the object modelled after the legendary narrative. But that the replica at Pöggstall was by no means a singularity is clearly indicated by the fact that the commissionaries compiling the inventory did not show any uncertainty in explicitly naming the object („ein eißne gefänncknuß, so man ein eißne kue nennt", „an iron prison called a brazen cow").

If or how the brazen cow of Pöggstall was really used remains, due to the uniqueness of its documentary evidence, unclear. Its location in the bailiff´s chamber, named Lienhard (Leonhard) Händl at the time, together with other instruments of torture and punishment (corporal and humiliating) and objects used for arresting

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Augspurg durch Heynrich Steyner. M.D.XXXII. Cf. ENENKEL, Karl A. E. Illustrations as Commentary and Reader's Guidance. The Transformation of Cicero's De Officiis into a German Emblem Book by Johann von Schwarzenberg, Heinrich Steiner, and Christian Egenolff (1517–1520; 1530/1531; 1550), in: *Transformations of the Classics via Early Modern Commentaries*, ed. Id. Leiden; Boston, 2014, pp. 167–259, here pp. 212–215.
[71] Cf. BOHAK, Classica (as in n. 40) 208. Cf. DIEFENBACH, Steffen. Jenseits der „Sorge um sich". Zur Folter von Philosophen und Märtyrern in der römischen Kaiserzeit. *Das Quälen des Körpers* (as in n. 27), pp. 99–131.
[72] SCHILD, Wolfgang. *Alte Gerichtsbarkeit. Vom Gottesurteil bis zum Beginn der modernen Rechtssprechung*. Munich 1980, p. 162 (with fig. 344), briefly mentions the woodcut and states, obviously ignorant of the classical motive, „dabei ist der ‚brüllende Ochse' links erfunden" („the ‚roaring ox 'on the left is an invention"), and likewise Id., Folter 90 (as in n. 27; with fig.), referring to the related (mirrored) image in the edition

of the Carolina from 1565 which is based on the Petrarca-master (the woodcut dates from 1558): „zeigt neben der (realen) Folterung durch den trockenen Zug die „erfundene", aus einem Buch von Petrarca […] übernommene Folter im glühenden eisernen Ochsen" („showing apart from the (real) torture by means of traction the „invented" torture, taken from a book by Petrarca, in a heated brazen ox") or ibid., 93: „Manche Methoden wurden auch von den Medien erfunden. So enthielt die Ausgabe der „Carolina" von 1565 eine Illustration der peinlichen Frage, die neben dem trockenen Zug das Quälen eines Menschen zeigt, der in einen glühend gemachten eisernen Ochsen eingesperrt war. Diese Aktion hatte man aus einem literarischen Werk des Francesco Petrarca übernommen, sie hatte mit der Realität nichts zu tun" („Some methods were invented by the media. For example, the edition of the „Carolina" from 1565 shows, apart from the image of an inquisition by means of dry traction, the torture of a human being locked into a heated iron ox. This was taken from a literary work by Francesco Petrarca and has nothing whatsoever to do with reality").

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delinquents, broadly links it to the judiciary of the local or regional court of the dominion that was the bailiff´s responsibility. That it was referred to as „gefänncknuß" is not proof in itself that it was used as a device of torture. Locking an arrestant inside the object could – at least in theory – also be interpreted as a humiliating or disgracing punishment or a minor corporal punishment, although the former necessitated the participation of the public[73]. A broader audience, however, would have been excluded from witnessing a punishment involving the cow within the walls of the castle. There is no evidence, moreover, that the cow – as envisaged in the Classical tradition – in the course of an interrogation was actually heated by a fire underneath. It is also possible that the device might merely have served as a means to intimidate or threaten the interrogated[74], which was, after all, an essential element of torture that was especially employed as a preliminary to it. In fact, already a decade before the evidence in the Pöggstall inventory, the promulgation of the „Peinliche Halsgerichtsordnung" by Emperor Charles V. in 1532 („Constitutio Criminalis Carolina") constituted a first milestone in restricting presumably widespread judicial arbitrariness in regard of the implementation of torture in procedures of taking evidence or inquisition[75]. It should not be forgotten, however, that torture and its increasingly diversified ways

of execution accompanied the implementation of law procedures based on evidence. The abolition of torture in the European countries of the 18th century meant not only a victory of enlightened rationality and new humanity over supposedly medieval barbarity, but was primarily a consequence of the process of juridification that had already begun in the 16th century[76].

At Pöggstall, specific aspects of torture had been envisaged and staged at least twice in its history. Before 1548, in the wake of a kind of humanistic antiquarianism, a „Brazen Cow" was put into effect in a grisly reconstruction and imitation of the literary motive of the Bull of Phalaris. And after 1795, a „torture chamber" in romanticist fashion that was meant to reflect the medieval past of the castle, but with modern equipment known from the time of Maria Theresia, was furnished for Emperor Francis I. in the keep of the castle. It is a peculiar fact that today the „Brazen Bull" whose factual existence is testified by unambiguous documentary evidence in the inventory of Pöggstall has come to be regarded as pure fiction by historians of law and archeology of law, whereas the fictitious or – more correctly – invented „torture chamber" at Pöggstall has been presented for more than three quarters of a century as an „authentic" witness of vanquished medieval cruelty.

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[73] See for example LIDMAN, Satu. *Zum Spektakel und Abscheu. Schand- und Ehrenstrafen als Mittel öffentlicher Disziplinierung in München um 1600* = Strafrecht und Rechtsphilosophie in Geschichte und Gegenwart 4) Frankfurt am Main; Berlin; Bern etc., 2008; SCHILD, Folter (as in n. 27) 52sq. For the significance of an audience at executions cf. MARTSCHUKAT, Jürgen. *Inszeniertes Töten. Eine Geschichte der Todesstrafe vom 17. bis zum 19. Jahrhundert*. Cologne; Weimar; Vienna 2000.

[74] Cf. SCHILD, Folter (as in n. 27) 93.

[75] Cf. SCHMIDT, Eberhard. Zur Entwicklung des Inquisitionsprozesses in Baiern. *Zeitschrift für die gesamte Strafrechtswissenschaft*. Vol. 55, pp. 857–866, 1973. – JEROUSCHEK, Günter. Die Herausbildung des peinlichen Inqusitionsprozesses im Spätmittelalter in der frühen

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[76] For the development of ideas that led to the abolition of torture by Frederick the Great cf. SCHMOECKEL, Matthias. *Humanität und Staatsraison. Die Abschaffung der Folter in Europa und die Entwicklung des gemeinen Strafprozeß- und Beweisrechts seit dem hohen Mittelalter* = Norm und Struktur. Studien zum sozialen Wandel in Mittelalter und Früher Neuzeit 14. Cologne; Weimar; Vienna, 2000.

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