

THE CHRONOLOGY AND GEOGRAPHY OF WITCH-HUNTING

One of the most difficult tasks facing historians of European witchcraft is to account for the variations in the intensity of witch-hunting at different times and places. Why, for example, did more European prosecutions take place between 1560 and 1630 than between 1520 and 1560? And why was witch-hunting so much more intense in Germany than in Spain, or in Scotland than in England? To answer such questions we must pursue two separate lines of enquiry. On the one hand, we must establish the general chronological patterns of witch-hunting throughout Europe, suggesting various reasons for the waxing and waning of prosecutions over the entire period. Then we must survey the history of witchcraft prosecutions in the various states and regions of Europe, an enterprise that will also take into account chronological patterns within those particular areas. Both investigations will provide further illustration of the complexity and the diversity of the general phenomenon.

Chronological patterns

Prior to the 1420s, the concept of witchcraft as a crime involving both harmful magic and Devil-worship was in the process of formation. Therefore, it is problematic to speak of the prosecutions that took place during those years as witchcraft trials. Most such trials before 1420 were prosecutions either for simple *maleficium* or for ritual magic. These early trials can be grouped into three fairly distinct periods, each involving different types of charges against the accused. From 1300 to 1330, most of the 'witches' were ritual magicians who attempted to harm political rivals or to advance their careers. In the second period, from 1330 to 1375, the trial of politically related cases almost ceased, but there were numerous trials for sorcery. Whether these sorcerers were being prosecuted for simple *maleficium* or ritual magic is difficult to determine, but in either case the most noteworthy feature of the trials is the absence of diabolism. During the third period, from 1375 to 1420, the number of prosecutions increased and charges of diabolism became more

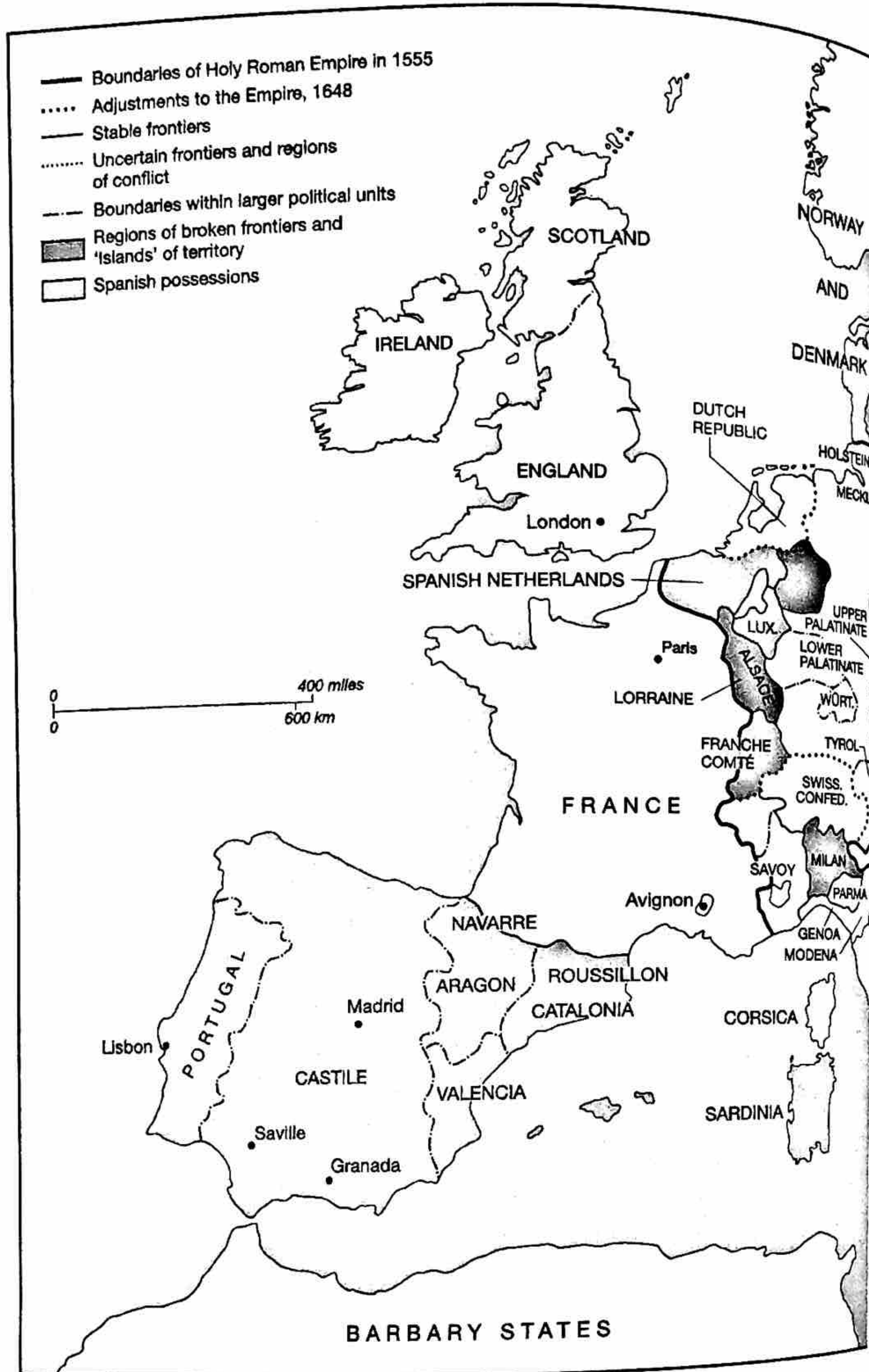
common, mainly in Italy. This development, which was facilitated by the adoption of inquisitorial procedure in local courts, reflected the gradual assimilation of charges of diabolism to those of *maleficium*.¹

The first period of witch-hunting, 1420–1520

Beginning around 1420 the history of European witchcraft prosecutions entered a new and distinct phase. Not only did trials for sorcery increase in number but charges of diabolism were more frequently grafted on to them, and witch-hunting began to assume the characteristics it maintained throughout the period of prosecution. During the 1420s and 1430s the full stereotype of the witch, complete with descriptions of the witches' sabbath, emerged, most notably in trials in the western Alps. For all intents and purposes, these fifteenth-century trials denote the beginning of the European witch-hunt. It was during this period, moreover, that the first witchcraft treatises appeared – most notably Johannes Nider's *Formicarius* [The Anthill, written 1436/7; published 1475], Heinrich Kramer's *Malleus maleficarum* [The Hammer of Witches, 1486], and Ulrich Molitor's *De lamiis et phitonicis mulieribus* [Concerning Witches and Female Soothsayers, 1489]. The publication of these works, which emphasized the diabolical as well as the magical dimensions of the witch's crime, corresponded to the increase in the number of prosecutions. Some of these early witch-hunts, including a large number of panics in Italian lands, took a heavy toll in human life.²

The period of limited prosecutions and small hunts, 1520–1560

At this point the history of European witch-hunting began to follow a somewhat surprising course. Instead of slowly gathering strength and leading into the large panics of the late sixteenth and early seventeenth centuries, the number of trials levelled off during the early sixteenth century and in certain areas actually declined.³ The decline did not escape the notice of contemporaries. Martin Luther, writing in 1516, claimed that although there had been many witches and sorcerers in his youth, they were 'not so commonly heard of anymore'.⁴ As might be expected, there were some areas where Luther might have heard much more about witches during these years. There were a number of trials in the Basque country between 1507 and 1539; in Catalonia in 1549; in the diocese of Como and in other parts of northern Italy in the 1510s and 1520s; in the northern parts of Languedoc between 1519 and 1530; and in Luxembourg, Namur, Douai and other parts of the Low Countries throughout the first half of the sixteenth century.⁵ There also were occasional prosecutions in places like Nuremberg.⁶ But it is difficult to avoid the conclusion that the early sixteenth century was a period of relative tranquillity as far as witch-hunting was concerned.⁷



Europe in the early seventeenth century



The levelling off or reduction in the intensity of witch-hunting during the first half of the sixteenth century was reflected in, and to some extent even caused by, an interruption in the publication of witchcraft treatises and manuals. The *Malleus maleficarum*, for example, while enormously popular between 1486 and 1520 and again between 1580 and 1650, was not reprinted at all between 1521 and 1576. In similar fashion, none of the other fifteenth-century witchcraft treatises found a market during these years. And after the publication of Grillandus's *Tractatus de hereticis et sortilegiis* [Treatise on Heretics and Sorcerers] in 1524 there was very little written in support of witch-hunting until the 1570s. In other words, if the production of witchcraft literature serves as a gauge of the intensity of witch-hunting, there was definitely an early sixteenth-century gap, lagging a little behind the actual reduction in the number of trials. Instead of one continuous European witch-hunt, there were really two separate campaigns: an early, geographically limited hunt in the late fifteenth century and a much more intense and widespread series of prosecutions in the late sixteenth and early seventeenth centuries.

The lull in witch-hunting during the early sixteenth century can be attributed both to the development of scepticism among the learned elite and to the preoccupation of both ecclesiastical and secular authorities with the confessional disputes and prosecutions of the Reformation. This period witnessed the spread of Renaissance humanism throughout Europe, and although the humanists failed to undermine the cumulative concept of witchcraft, they did attack parts of it as well as the scholastic mentality that proved receptive to it. For a brief period of time the critiques of witch beliefs and prosecutions that one finds in the writings of men like Erasmus, Andre Alciati, Pietro Pomponazzi and Cornelius Agrippa may have shaken the resolve of various authorities to pursue witches in great numbers.⁸ Their insistence that magic could be performed naturally, without the aid of demons, and that witches were harmless creatures victimized by delusion had at least the effect of raising doubts about the practice of the crime. At the same time a belief developed in Germany, especially in the work of the preacher Martin Plantsch of Tübingen, that God was directly responsible for many of the natural disasters like hailstorms that were often attributed to witchcraft.⁹ This early sixteenth-century scepticism found its most articulate and forceful expression in the work of the tolerant humanist physician, Johann Weyer, during the 1560s.

The role that the Protestant Reformation played in the early sixteenth-century reduction of witchcraft prosecutions is more complex and problematic. There is little doubt that the combined efforts of the Protestant and Catholic reformations did much to encourage witchcraft prosecutions in the late sixteenth and seventeenth centuries. During the early years of the Reformation, however, the confessional disputes between Protestants and Catholics (who considered each other heretics but not the same type of heretics as witches)

served to distract European elites from the task of witch-hunting. More specifically, the Protestant rejection of Roman Catholicism naturally led to a desire on the part of reformers to formulate their own theories of witchcraft rather than to rely on the work of fifteenth-century Catholic demonologists and inquisitors. This rejection of Catholic witchcraft theory thus contributed to a decline in the demand for the older, fifteenth-century treatises. Finally and most importantly, the Protestant rejection of the Inquisition, its drastic overhaul of all ecclesiastical jurisdiction, and its transfer of much ecclesiastical jurisdiction from the ecclesiastical to the secular courts involved extensive alterations in the judicial machinery that was used to prosecute witches. Even within Catholic areas the assumption of secular jurisdiction over witchcraft required both the passage of specific legislation to facilitate it and the acceptance by secular magistrates of the necessity to use it.

The period of intense prosecutions and large hunts, 1560–1630

During the 1560s and 1570s there were many signs that Europe was poised on the threshold of a new outbreak of witch-hunting, one that was much more intense and widespread than the initial assault of the fifteenth century. In the southwestern German town of Wiesensteig some sixty-three witches were executed in 1562, and during the winter of 1562–3 the Parlement of Toulouse heard on appeal about three dozen cases of witchcraft from the diocese of Couserans.¹⁰ A series of trials in the Low Countries offered further evidence that witchcraft was once again on the rise, as did the passage of witchcraft statutes in both England and Scotland in 1563. A number of small panics occurred during the 1570s in the wake of a serious agrarian crisis. The resumption of the printing of the *Malleus maleficarum*, the appearance of Lambert Daneau's *Dialogue of Witches* in 1574, and the refutations of Weyer's sceptical arguments by Thomas Erastus (1572) and Jean Bodin (1580) also signalled a renewal and an intensification of witch-hunting zeal.¹¹

Most European territories experienced the full force of the European witch-hunt between 1580 and 1630. Large-scale prosecutions involving hundreds of victims occurred throughout western and central Europe, most notably in the diocese of Trier in the late 1580s and early 1590s, Scotland in 1590–1 and 1597, Lorraine in the late 1580s and early 1590s, Ellwangen in the 1610s, and Würzburg and Bamberg during the 1620s. Without complete statistics it is difficult to determine which decade between 1580 and 1630 was the time of the most intense witch-hunting. The 1580s were especially bad in Switzerland and the Low Countries; the 1590s in France, the Low Countries, Scotland and in many German territories; the 1600s in the Jura region and in many German states; the 1610s in Spain; and the 1620s and 1630s in Germany.

This period of intense witch-hunting between 1580 and 1630 was related, as both cause and effect, to the proliferation of witchcraft treatises. The well-

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known works by Peter Binsfeld (1591), Nicolas Remy (1595), King James VI of Scotland (1597), Martín Del Rio (1599), Henri Boguet (1602), Francesco Maria Guazzo (1608) and Pierre de Lancre (1612) were all written during these years, and the power of the rapidly developing printing industry made their works available to an increasingly large literate European population.¹² These witchcraft treatises all used the evidence of late sixteenth-century trials to confirm the reality of witchcraft, deepen elite fears of the crime, and provide guidance for its effective prosecution.

The unprecedented intensification of witch-hunting in the late sixteenth century reflected not only the resolution of learned doubt, but also the impact of both the Protestant and Catholic reformations. By this time the Bible, with its literal death sentences for witches, was being widely circulated in the vernacular; preachers had heightened people's awareness of the immediacy of Satan; reformers had declared war on magic in all its forms; and the process of Christianization had helped to cultivate the feelings of both moral superiority and guilt that played such an important part in witch-hunting.¹³ To make matters worse, the conflict between Protestantism and Catholicism on the one hand and between various forms of Protestantism on the other began to reach its peak, a development that reinforced a fear of the Devil and hostility towards witchcraft.¹⁴

A final and perhaps decisive factor in the intensification of witch-hunting in the late sixteenth century was the onset of one of the most economically volatile and politically unstable periods in European history. During the years from 1580 to 1630 Europe experienced unprecedented inflation, a series of harsh climatic changes, periodic famines (the worst being in the 1590s), depressions in trade (especially in the 1620s), and a more general crisis of production.¹⁵ Real wages declined sharply, while the condition of the poor and unemployed reached critical proportions. These developments aggravated the personal conflicts that often found expression in witchcraft accusations, and they also heightened the fears of many members of the ruling and literate elite that witches were complicit in a diabolical campaign to bring dearth and famine to European communities.

The period of decline, 1630–1770

The prosecution and execution of witches did not end in 1630, but it entered a new phase marked by a general decline in the number of trials. There were notable exceptions to this pattern: in the Dutch Republic the prosecutions came to almost a complete end shortly after 1600, while in Spain the Inquisition stopped executing witches in the wake of the great Basque witch-hunt of 1609–11. In France the procedural measures introduced by the Parlement of Paris resulted in a dramatic reduction in the number of executions by the 1620s. In England prosecutions tapered off significantly after 1612, although the largest single witch-hunt in its history occurred in 1645–7, thus

interrupting this period of decline. Scotland also had its last and largest witch-hunt in 1661–2, shortly after it had experienced a significant reduction in the number of prosecutions in the 1650s. These late witch panics in England and Scotland, as well as similar episodes in Sweden and Finland in the 1660s and early 1670s, make it even more difficult to establish universal patterns of decline. What is more, a few countries on the periphery of Europe – Hungary, Transylvania, Poland and New England – did not bear the full brunt of witchcraft prosecutions until the late seventeenth and early eighteenth centuries.¹⁶

Nevertheless, for most of Europe, especially the core witchcraft area that included the Germanic territories, the Swiss cantons and the predominantly French-speaking lands on the eastern borders of the French kingdom, the period from 1675 to 1750 was a time of contraction in the prosecution of witches. Those trials that did take place, moreover, usually involved only one or two defendants. It took some time, however, before *all* witchcraft prosecutions came to an end. Many courts discouraged prosecutions in the late seventeenth and early eighteenth centuries, but only seven European countries (France in 1682, Prussia in 1714, Great Britain in 1736, the Habsburg Monarchy in 1766, Russia in 1770, Poland in 1776 and Sweden in 1779) took legislative action either declaring that witchcraft was no longer a crime or seriously restricting the scope of earlier witchcraft laws. The limited number and late dates of those legislative acts, coupled with the determination of individuals to accuse their neighbours of witchcraft, explains why witchcraft trials, and even some executions, continued to take place well into the eighteenth century. In England, for example, the ability of grand juries to indict criminals and petty juries to convict them explains why the last execution took place in 1685 and the last conviction in 1712. In Scotland, where juries had less influence on the outcome of the trials but where authorities were more inclined to allow charges to be brought against witches, the trials continued until 1727. In France the royal edict of Louis XIV ended almost all witchcraft prosecutions, but the failure of the edict to end prosecutions for acts of blasphemy allowed isolated trials until 1745. Within the German territories a number of late executions took place, most notably in Würzburg in 1749 and in Württemberg the same year. The last execution in Europe occurred in the Swiss canton of Glarus (which was also the last territory to ban torture) in 1782. An execution in Poland in 1793, which occurred during a period of great jurisdictional uncertainty, was probably illegal.

Geographical patterns

Any attempt to establish the broad chronological patterns of European witch-hunting is complicated by regional variations. Some clear patterns are evident, but witch-hunting began, peaked and declined at different times and in different places. To make matters even more complex, the sum total of

prosecutions, convictions and executions varied greatly in the different states and regions of Europe. A full study of these regional patterns, broken down by individual provinces, counties and towns would be impossible to undertake in a study of this nature. We can, however, establish some of the broader geographical patterns. Choosing the most appropriate geographical units for such comparison presents some difficulty. If we were to use the political boundaries of sovereign states we would have to deal separately with each of the individual states of Germany and Italy and with the various kingdoms of Spain, and we would also have to take into account the changes in sovereignty that occurred in many European areas during the early modern period.

If we use the criterion of language, we would be unable to discuss Switzerland or, for that matter, Scotland as distinct units. Medium-sized geographical regions are perhaps the most sensible units of analysis, and in this category we have some very fine studies by Midelfort on southwestern Germany, Schormann on northwestern Germany, Behringer on Bavaria, Muchembled and Dupont-Bouchar on the Low Countries, Monter on the Jura region, and Godbeer on New England. It is often difficult, however, to find other regions with which these regions can be conveniently and legitimately compared, and even when such areas can be defined, there is often not sufficient data available to make meaningful comparisons.¹⁷ For the purposes of this study we shall discuss five very large areas of Europe: (1) western and west-central Europe: Germany, France, Switzerland and the Low Countries; (2) the British Isles and Britain's overseas possessions: England, Scotland, Ireland and colonial America; (3) the Nordic countries: Denmark, Norway, Sweden, Finland and Iceland; (4) east-central and eastern Europe: Poland, Hungary, Transylvania and Russia; and (5) southern Europe: Italy, the Iberian Peninsula, and the Spanish and Portuguese overseas empires. We shall exclude the area effectively controlled by the Ottoman Empire, with the exception of the relatively autonomous provinces of Moldavia and Wallachia, since no witchcraft prosecutions occurred in that area. Within each of these large areas there were some pronounced regional and national differences with regard to witch-hunting. There were, for example, significant differences between France and Germany, England and Scotland, Norway and Sweden, Poland and Russia, and Spain and Italy. But these large geographical areas, in addition to being fairly cohesive geographically, exhibit enough similarities regarding witch-hunting to make the broader comparisons worthwhile. These similarities are rooted in various religious, legal and political characteristics that the countries in these large areas shared.

Western and west-central Europe

The overwhelming majority of witchcraft prosecutions – perhaps as many as 75 per cent – occurred in Germany, France, Switzerland and the Low Countries, an area that comprised roughly one-half of the entire population

of Europe. Not surprisingly, this was also the area where most large hunts and panics took place, and it is mainly because of these panics that the total number of prosecutions and executions was disproportionately high. During the early years of the hunt most prosecutions took place in France, especially in those areas in the eastern part of the country that bordered on Swiss and Burgundian lands. By the late sixteenth century, however, when the hunt had entered its most intense stage, Germany had become the centre of prosecutions. Trials continued in France, especially in the southern borderlands, and a number of urban cases of demonic possession led to witchcraft prosecutions. But the largest panics of the late sixteenth and seventeenth centuries took place in German-speaking lands.

More than half of the territory in the western and west-central area lay within the Holy Roman Empire. In 1559 the Empire extended so far in the west and the south that it included all of the Netherlands and Franche-Comté (which were under Spanish control), the Swiss Confederation, and even parts of northern Italy, while to the east it embraced Bohemia, Austria and Silesia. By 1648 its boundaries had shrunk considerably, as both the northern provinces of the Netherlands and the Swiss Confederation had established their identity as sovereign states, while the duchies of Savoy, Milan, Genoa and Tuscany no longer were included within the Empire. The shifting boundaries of the Empire make it difficult even to attempt any sort of estimate of the total number of witch trials held there, but it is not unreasonable to assert that the number was significantly greater than for all other parts of Europe combined.¹⁸ If we restrict ourselves to German-speaking lands within the Empire, the number of executions was probably somewhere between 20,000 and 25,000.¹⁹

The political weakness of the Empire may have been the single most important reason for the high concentration of witchcraft trials in this part of Europe. The Empire was a very loose confederation of numerous small kingdoms, principalities, duchies and territories that acted either as sovereign or near-sovereign states. Some of these territories, such as the Spanish Netherlands, were possessions of foreign rulers. Others were dependencies of larger units within the Empire, such as Montbéliard, which was technically under the sovereignty of the duke of Württemberg. Still others were ecclesiastical territories under the control of a prince-bishop or abbot. There were, moreover, a number of imperial cities which, while having a direct relationship to the imperial structure, operated with relative autonomy. The judicial effects of all this political diversity and decentralization was to give virtual judicial autonomy to relatively small political units. The Empire itself provided very little legal unity and exercised very little judicial control over the activities of the various tribunals that heard witchcraft cases. It supplied a legal code, the *Constitutio Criminalis Carolina* of 1532, for the entire Empire, but it did not provide effective mechanisms for enforcing it. There were no itinerant imperial judges to ensure that the code was upheld and no procedure for regular appeals to the imperial chamber court, the *Reichskammergericht*, at

Speyer. Consequently only 247 witchcraft cases were litigated there between 1500 and 1800. Even the larger political units within the Empire, being either weak patrimonial estates or themselves confederations of smaller entities, often failed to exercise effective judicial control over the various courts within their territories. In most cases, therefore, the trial of witches in Germany was entrusted to courts that exercised jurisdiction over a relatively small geographical area.

The prevailing pattern of jurisdictional particularism in Germany meant that witch-hunting could easily go unchecked. It would be an exaggeration to claim that this situation gave every lord, parson or magistrate the freedom to 'burn to his heart's content', but German judges did have a latitude in handling witchcraft cases that zealous witch-hunters in other parts of Europe would certainly have envied.²⁰ One of the most striking examples of this type of jurisdictional independence was the principality of Ellwangen, a fairly small Catholic territory in southwestern Germany which was almost completely independent of outside political and ecclesiastical control and never permitted appeals to higher courts. Not surprisingly, Ellwangen was the location of one of the most severe witch-hunts in German history, an operation that took the lives of almost 400 individuals between 1611 and 1618.²¹

The distribution of witchcraft prosecutions within the Empire provides additional support for the thesis that the size of German jurisdictional units had a great deal to do with the intensity of witch-hunting. Without oversimplifying an immensely complex situation, we can divide Germany into two regions, one of which experienced much more intense witch-hunting than the other. The lands that exercised relative restraint for the most part lay to the north and to the east, the one notable exception to this rule being the northeastern duchy of Mecklenburg, which was a particularly black spot in the history of German witchcraft. The main centres for witch-hunting, however, lay to the south and to the west, a large area that included Würzburg, Bamberg, Eichstätt, Württemberg and Ellwangen, to name only a few sites of famous witch-hunts. As Gerhard Schormann has shown, there are a number of differences between these two regions, but one of the most significant is that the northern and eastern areas consisted of much larger, less fragmented political units than in the south and the west.²² In keeping with this thesis, Schormann classifies the large, southeastern principality of Bavaria with the northern and eastern lands, for it executed a relatively small number of witches for a political unit of its size.²³ If we include the even larger countries of Austria and Bohemia (both of which were in the Empire) in this scheme, the relationship between the size of autonomous political units and the intensity of witch-hunting becomes even clearer. The total number of executions in Austria was probably about 900 and in Bohemia about 400. The great majority of these prosecutions took place in the late seventeenth and eighteenth centuries, somewhat later than the bulk of other German prosecutions.²⁴

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Although local German courts usually did not have to deal with appeals to imperial tribunals or with supervision by imperial judicial authorities, they were required to consult with the universities in witchcraft cases. This requirement, which was included in Article 109 of the *Carolina*, was intended to help local judges deal with the complexities of criminal procedure in an area of the law with which they were often unfamiliar. Before proceeding with torture and before sentencing they would send reports to the law faculty of the neighbouring university (there were twenty-three within the Empire by the early seventeenth century) to request advice. Instead of leading to greater restraint and caution in witchcraft prosecutions, such as often resulted from the intervention of central authorities, this practice usually had the opposite effect. Indeed, since the universities were the centres for the development and dissemination of demonological theory, consultation with learned jurists helped to introduce diabolical ideas to local magistrates whose beliefs were sometimes no different from those of simple peasants.²⁵ In this case, therefore, local determination to eliminate witchcraft was strengthened rather than weakened by the intervention of 'higher' judicial authorities.

Once we leave the Holy Roman Empire we can still witness the importance of jurisdictional factors in determining the intensity of witch-hunting within the 'heartland' of witchcraft. In Switzerland, where as many as 10,000 witches were tried and more than 5,000 executed,²⁶ the picture is extremely complex, since the Confederation was religiously, culturally and linguistically pluralistic. The cantons were also jurisdictionally autonomous, a situation that not only encouraged diversity in witch-hunting patterns but also made uncontrolled witch-hunting possible. The severity of Swiss witch-hunting is best illustrated in the Pays de Vaud, where more than 90 per cent of those tried for witchcraft were executed and the total number of victims exceeded 3,000. On the other hand, Geneva, while experiencing a few severe plague-spreading panics from time to time, had a very mild record of witch persecutions.²⁷

As we move north from Switzerland we encounter a whole string of territories which, while technically within the Empire, were virtually autonomous, such as Franche-Comté, Lorraine and the Low Countries. In all of these areas witch-hunting was encouraged by de facto jurisdictional independence, although in the case of the Spanish possessions it was aggravated by the attempts of royal agents to define witchcraft as a crime and encourage its prosecution. In these areas there was in fact a lethal combination of central and local involvement in witch-hunting, with the king of Spain, the Holy Roman Emperor, or the archduke of Burgundy providing the legislation and sometimes the initial inspiration to witch-hunting and the small duchies or states possessing the freedom to proceed as they wished.²⁸ As might be expected, prosecutions for witchcraft took a heavy toll in these small territories. In Lorraine, where Nicolas Remy sent more than 800 witches to their deaths between 1586 and 1595 (and more than 2,000 during his entire career), travellers could see 'thousands and thousands of the stakes to which witches

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are bound'.²⁹ During the entire period of the witch-hunt, approximately 3,000 witches were executed in that duchy.³⁰ In Luxembourg there were 358 executions between 1509 and 1687 and in the other parts of the Spanish Netherlands there were many more.³¹

The only political units in this part of Europe that did not conform to this general pattern of intense prosecution were the northern Netherlands. In this region, later known as the Dutch Republic, which had more than one million inhabitants, fewer than 150 witches were executed. Executions for witchcraft also ended earlier in this region than in any other part of Europe. The Netherlands did experience a few large hunts in the provinces of Groningen, Utrecht and North Brabant, but none of these areas executed as many witches as the region of Limburg, which at that time was not part of the Republic.³²

It is unlikely that jurisdictional factors, which account for the intense persecutions in so many parts of Germany, can be used to explain the pattern in the Netherlands. The entire judicial system was highly decentralized – a situation which elsewhere often facilitated prosecutions – and the degree of central control within each province varied widely.³³ It is noteworthy, however, that in the province of Friesland, where justice was centralized, there were virtually no prosecutions, while in the province of Groningen, where local courts were given considerable freedom of action, two fairly large witch-hunts took place in the sixteenth century.³⁴

The Dutch system of criminal procedure may have played a role in keeping the total number of prosecutions low. Although Dutch courts followed inquisitorial procedure and allowed the use of torture, torture was never employed excessively, and in 1594 the central court in the province of Holland forbade the use of torture as well as the swimming test in witchcraft cases. This decision made prosecutions very difficult and certainly contributed to the early decline and end of prosecutions throughout the Republic. A further procedural explanation of the relatively low number of witchcraft convictions and executions was the opportunity that accused witches had to bring counter-suits of slander against their accusers. These too played a role in bringing Dutch witch-hunting to an early end.³⁵

The main explanation for the tameness of Dutch witch-hunting appears to be more ideological than judicial. Although Dutch judges had all the procedural tools for conducting massive witch-hunts, including the right to use torture, they never believed that witches were engaged in the activities described in the demonological literature. The cumulative concept of witchcraft developed slowly in the Netherlands, and even when it finally appeared, it never found fertile ground.³⁶ Magistrates accepted the reality of the pact with the Devil, but they never subscribed to the notion of a vast diabolical conspiracy. Without that frightening belief, they were more likely to respect the rules for judicial caution that were readily available to them.

In accounting for the weakness of Dutch witch-hunting, two other possible explanations deserve consideration. The first was the intense preoccupation of

the country with the struggle for independence from Spain, a conflict that was all-consuming between 1568 and 1609 and not formally resolved until 1648. As mentioned in Chapter 5, witchcraft prosecutions did not generally occur during periods of war or domestic political crisis, and in this case the conflict with Spain covered the entire period of witch-hunting. The second explanation was the reluctance of either Catholic or Protestant ecclesiastical authorities to engage in campaigns against magic and superstition. Those same authorities were also reluctant to assist secular authorities in the detection and prosecution of witches.

Turning finally to France, the question arises as to whether political and jurisdictional factors played as much of a role in determining the intensity of witch-hunting as in the Empire. The overall pattern of witchcraft prosecutions, especially after secular courts assumed the main burden of prosecution in the sixteenth century, suggests that they did. The areas within France that were most heavily affected by witchcraft were situated on the frontiers of the kingdom: the north, the east, Languedoc, the southwest and (belatedly) Normandy. All of these areas were resistant to the efforts of the French monarchy to establish a centralized, absolutist state.³⁷ It is possible that this situation led royal judges to prosecute witches as part of a general programme of disciplining and Christianizing the population and of curbing rebellion in these outlying regions. As we have seen, contemporaries made associations between witchcraft and rebellion in Languedoc, and they may have been at least partially correct. But the main reason for intense witch-hunting in the peripheral regions of France is that courts in these regions operated with greater independence from central governmental control than did those in the centre of the country. And, as we know from the late seventeenth-century trials in Rouen, the right of particular localities to prosecute witches without interference from the central government was one of many issues that pitted Louis XIV against the various provinces in his kingdom.³⁸

The struggle between the centre and the periphery in France did, therefore, have a great deal to do with witchcraft prosecution in that kingdom, and the greater success that France had in establishing a powerful central monarchy in the sixteenth and seventeenth centuries goes a long way towards explaining why far fewer witches were executed within its boundaries than in Germany. Another factor, not unrelated to this process of centralization, was the regular system of appeals from local courts to the nine provincial parlements. In some cases, as in Normandy in the 1590s, when the provincial Parlement of Rouen fully supported the trials and confirmed sentences that were appealed to it, this system of provincial control did little to discourage prosecutions by local authorities. But the reversal of many sentences by the Parlement of Paris, which exercised an appellate jurisdiction over most of northern France, and which set the standards for the other provincial parlements, did have a negative effect on the entire process of witch-hunting in France. More than any one factor it explains why France, with a population only marginally

experienced fits, trances, and vomiting of pins and nails, she named Newton as the cause of her afflictions. (Kissing was often cited as a method of bewitchment.) Newton's predicament worsened while in prison, for she allegedly kissed the hand of David Jones, the prison warden, through the grate, thereby causing his death. The case, which resembled that of two English witches executed for witchcraft at Bury St Edmunds in the following year, did not involve continental ideas of diabolism. Nor should we expect such charges to have been made, since torture was not used in this or in any other Irish cases. Witchcraft in Ireland, as in England, was essentially the crime of *maleficium*, not Devil-worship.⁴⁷

Turning to the English colonies in America, we find a somewhat different situation from that which existed in Ireland. In the middle and southern colonies witch-hunting was either restrained or non-existent. There were about forty known cases of witchcraft in these mainland colonies, and only one of these, a prosecution in Maryland in 1685, ended with an execution.⁴⁸ In Bermuda witch-hunting was more intense, with twenty-one cases and five executions between 1651 and 1696.⁴⁹ These figures, however, pale in comparison with those for New England, where 234 New Englanders were indicted or presented for this crime in the seventeenth century, and of these thirty-six were executed. When we realize that the population of New England was on average only about 100,000 at this time, we can appreciate the intensity that witch-hunting reached in that locale. It was significantly more intense than in the county of Essex, England, and perhaps even more intense than in Scotland. New England, moreover, exhibited many of the signs of a witch panic. Continental European witch beliefs were current there, and a large witch-hunt, claiming more than half of the total number of victims for all of New England, occurred at Salem in 1692.⁵⁰

The presence of 'continental' witch beliefs in New England should not strike us as highly unusual, for such notions did exist, at least in literary form, in England by the early seventeenth century and were readily available in New England by the time of the Salem hunt (see Figure 7.1). Nor should the conduct of a large witch-hunt in an 'English' world prove incapable of explanation. Not only did an extraordinary combination of political and social tensions provide a foundation for the panic that developed at Salem, but the court's decision to allow spectral evidence in what was originally a case of demonic obsession allowed the afflicted girls to implicate a larger number of suspects than might normally be expected in an English hunt. In one case, moreover, a mild form of torture was used in order to obtain the names of accomplices.⁵¹

The real problem connected with New England witchcraft is why the entire population was more fearful of witchcraft and more eager to prosecute it than in the southern colonies, Ireland or even England itself. The explanation is almost certainly religious rather than social or economic. The New England



Figure 7.1 The Devil and witches flying on broomsticks. This woodcut appeared in Cotton Mather, *Wonders of the Invisible World* (1693), written during the Salem witch-hunt. The belief that witches flew never gained acceptance in England but was given greater credence in colonial Massachusetts.

colonies were, at least in their inception, theocratic institutions whose purpose was to create a New Jerusalem. The same urge to create a godly state that was evident in Scotland also existed in New England, and in both cases the mission entailed the prosecution of witches as God's enemies. Witchcraft in Massachusetts, just as in England, was a secular crime tried in a civil court, and most of the charges brought by villagers against their neighbours were mainly for *maleficia*. The clergy, however, and the magistrates whom they advised, viewed witchcraft exclusively in terms of a demonic compact and interpreted the Massachusetts witchcraft law of 1641 in those terms.⁵² For these influential men, who directed the witch-hunt at Salem, the prosecution of witches was part of a general assault upon diabolical power, not an attempt to punish the perpetrators of harmful magic.⁵³ The belief that Indians, with whom the colonists had been engaged in a series of wars on the Maine frontier, worshipped the Devil, only deepened the fear of witchcraft that gripped the area and made it more imperative to identify the Devil's confederates in their communities.⁵⁴

smaller than that of the Empire, prosecuted far fewer witches. Until more work is done on the records of the provincial parlements most estimates will remain a matter of guesswork, but it would not be unreasonable to suggest a figure of 3,000 prosecutions and perhaps only 1,000 executions for the areas that actually came within the king's jurisdiction.³⁹ The numbers of illegal executions, such as the 300 that occurred at Ardennes in the early seventeenth century, might swell this figure some more.⁴⁰ Even so, this larger figure would not denote a persecution much more intense than took place in England, provided we take into account the relative size of the population of the two countries.⁴¹

The concentration of the great majority of witchcraft prosecutions in the west-central core of Europe had religious as well as political and judicial causes. There is no question that this was the most ecclesiastically volatile region in all of Europe. It was a hotbed of heresy in the late Middle Ages and the very centre of the Protestant Reformation. After the Reformation the region became ecclesiastically unstable, with certain areas changing their religious affiliation more than once and others becoming religiously pluralistic. In Germany each prince determined the religion of his lands after 1556, while in France a period of qualified religious toleration occurred from 1598 to 1685. Throughout France, therefore, there were many religiously divided areas, and in both France and Germany there was extensive religious conflict. All of this religious dissent, instability and diversity encouraged the prosecution of witches. The mere tradition of dissent, of course, made authorities conscious of the possibility of witchcraft, since witchcraft was, after all, a new and particularly virulent strain of heresy. The close proximity of adherents to a rival faith may also have strengthened the consciousness of the Devil in these areas, while the frequency and intensity of outright religious conflict contributed to the mood of anxiety that lay at the foundation of witchcraft prosecutions.

The British Isles

Once we leave the west-central area of Europe and survey witchcraft prosecutions on its periphery, we confront a general pattern of witch-hunting that is relatively mild and restrained. All of these peripheral areas had their witch panics, but they were far more limited in size and in number than those in the European heartland. Looking first at England, Scotland and England's overseas possessions, we find a pattern that varies considerably but which as a whole stands in stark contrast to that which prevailed in west-central Europe. England, to be sure, experienced a major witch-hunt in the 1640s, while Scotland had a number of national panics in the late sixteenth and seventeenth centuries, and Salem, Massachusetts, was the site of the notorious hunt of 1692, but few of these hunts can compare in size or intensity to the holocausts that occurred at Ellwangen, Würzburg or Bamberg. The total

number of British trials, moreover, probably did not exceed 6,000, and the number of executions was less than 2,500 and may have been as low as 2,000.

The main reason for the relative tameness of witch-hunting in Britain was the belated and incomplete reception of the cumulative concept of witchcraft. The failure of the great medieval heresies to cross the Channel and the absence of papal inquisitors to extirpate them made both Englishmen and Scots less paranoid about the introduction of a new heresy like witchcraft in the fifteenth century. And when the cumulative concept of witchcraft began to spread throughout all of Europe in the sixteenth century, it did not find very fertile ground in Britain. It received only reluctant and half-hearted support from the administrative and ruling elite in England, and even in Scotland, where the new ideas were more eagerly embraced, the concept was never fully developed. The witch belief that was most responsible for the development of large witch-hunts – the belief in the sabbath – worked its way into a number of English trials in the seventeenth century and also into the major Scottish hunts, but it was never embellished as it was on the Continent. English and Scottish sabbaths were relatively tame affairs, where witches dined with the Devil but did not usually engage in cannibalistic infanticide, participate in orgies, or fly to and from their gatherings. The belief in the sabbath, when it found acceptance, was sufficient to provoke a search for accomplices, but the number of participants was invariably small and the general picture did not inspire the type of horror that the standard continental nightmare did.

The slow and incomplete acceptance of the cumulative concept of witchcraft in Britain had a great deal to do with the second main reason for the mildness of witch-hunting in this region: the spare use of torture in witchcraft cases. In both England and Scotland torture could be used only at the specific command of the Privy Council and only when matters of state were involved.⁴² In England this prohibition was strictly enforced, with the result that only once, during the disruptive period of the Civil War, was torture used illegally in witch-hunting. In Scotland, where central control of local justice was less effective than in England, torture was used without warrant more frequently, very often during pre-trial investigations.⁴³ It was also used by official order in one very important witch-hunt, when King James VI was considered to be the intended victim of witchcraft.⁴⁴

The relatively spare use of torture in Britain had a two-fold effect on witch-hunting. On the one hand, it weakened the reception of continental witch beliefs, for it was mainly through confessions to such activities as attending the sabbath and flying through the air that judicial officials, let alone the common people, accepted such beliefs. It is certainly worthy of notice that the British hunts in which the idea of the sabbath was most fully developed were those in which torture was in fact employed, legally or illegally. On the other hand, the infrequent use of torture prevented the development of chain-reaction hunts. There were only two of these in Britain, the Scottish hunts of 1590–1 and 1661–2, and in both cases torture was used. Even in

these hunts, however, the majority of prosecutions originated independently of the others and could not be considered part of any sort of judicial chain.

A further legal reason for the relative mildness of British witch-hunting was the practice both in England and in Scotland of trying witches by jury. Although juries were not bound by the strict laws of evidence that prevailed on the Continent, and although they could convict a witch on the basis of either reputation or circumstantial evidence, in practice they proved to be relatively lenient, returning a number of acquittals in both countries. The presence of juries, moreover, reflected another characteristic of British justice: the absence of inquisitorial procedure, which of course is the system that led to the use of torture. Scottish justice, being influenced by Roman law, did incorporate some features of inquisitorial procedure, but until the late seventeenth century the Scottish system remained essentially English in its character. Not only did juries retain their independence, but another feature of inquisitorial procedure, the initiation of prosecutions by the courts themselves, occurred only rarely in Scotland, and never in England.

Although witch-hunting throughout Britain was much tamer than in Germany, France and Switzerland, prosecutions in Scotland were much more intense than in England. When we consider the fact that as many as three Scottish witches were executed for every one in England and that England had a population four times that of Scotland, we can appreciate how great the differences between the two countries were in this regard. The main reasons for these differences were the reception of some continental witch beliefs in the northern kingdom and the more frequent illegal use of torture. Another Scottish practice, of possibly even greater consequence, was the custom of granting commissions to local magistrates to try witches without the supervision of itinerant judges. In those cases the conviction-rate and the execution-rate were higher than when cases were heard before the central judges in Edinburgh or on circuit. In England almost all witchcraft cases were heard before circuit judges at the county assizes.

A number of other legal and religious factors contributed to the greater intensity of Scottish witch-hunting. Scottish juries required only a majority to convict a criminal, whereas English juries required unanimity. It is hard to determine the precise effect of this difference on the total number of convictions, but we do know that many Scottish convictions were majority decisions. The differences in the sentencing provisions of the witchcraft statutes of the two kingdoms may also have led to a higher number of Scottish executions (although not convictions). Whereas the English statutes of 1542, 1563 and 1604 provided for non-capital sentences in certain types of cases for the first offence, the Scottish statute of 1563 called for death in all cases, a grim example of the notorious severity of Scottish justice. In fact, some Scottish witches were given non-capital sentences, but the number was far lower than in England.

Religious factors may also have played a part in the different results of English and Scottish witch-hunting. Both countries were Protestant after 1560 and both countries had their fair share of religious conflict, but there were significant religious differences between them. The greater strength of Calvinism in Scotland does not appear to have encouraged witch-hunting, but the Scottish clergy did play a more active part in the religious life of their country than their English counterparts. Not only did Scottish ministers assist in the initial interrogation of witches by virtue of their status as members of the kirk sessions of their parishes, but as members of the General Assembly they also applied constant pressure on the government to establish a godly state by prosecuting witches. This type of pressure stands as one of the clearest examples of the way in which religious reformers influenced secular governments to redouble their efforts at hunting witches.⁴⁵

Witchcraft in England's overseas possessions deserves special comment. In Ireland, where the fourteenth-century trial of Dame Alice Kyteler had marked an important stage in the development of the cumulative concept of witchcraft, witch trials in the early modern period were surprisingly rare. Although the land was believed to abound in sorcerers and warlocks, and although the Irish Parliament passed a witchcraft statute in 1586, the number of trials does not appear to have been very large. It is possible that this low number reflects the incompleteness of the judicial record, but the absence of literary evidence regarding witch-hunts suggests that neither Catholics nor Protestants (who settled mainly in the northern province of Ulster in the seventeenth century) lodged formal accusations against suspected witches. The unsettled state of Irish justice, the conflict between English law and native Gaelic or Brehon law, and a general reluctance to use the law courts to resolve social conflicts may help to explain the absence of significant witch-hunting in the country.⁴⁶

In any event, the evidence that we have regarding witchcraft accusations and prosecutions makes it clear that continental ideas of diabolism did not penetrate Ireland to any appreciable extent. The statute of 1586, which was passed at least to some extent to remedy the legal difficulty encountered in 1578 when judges had to resort to the natural law to convict two witches, resembled the English statutes of 1563 rather closely, and the charges brought against Irish witches resembled those raised against their typical English counterparts rather than German or French witches. One of the few cases that we know about, that of the Protestant clergyman John Aston in 1606, involved charges of digging for treasure, an activity with which English witchcraft cases were occasionally concerned. The most famous case of the seventeenth century – that of Florence Newton, 'the witch of Youghal', in 1661 – also conforms closely to an English model. Newton's problems began when she demanded a piece of beef from the household of John Pyne and upon being refused went away cursing. Shortly thereafter she violently kissed one of Pyne's servants, Mary Longdon, and when Longdon subsequently

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The Nordic countries

Witch-hunting in the Nordic countries was somewhat more intense than in the British Isles. The total number of prosecutions in Denmark–Norway and Sweden–Finland was roughly 5,000, of which somewhere between 1,700 and 2,000 resulted in executions. These figures are roughly equivalent to those for the British Isles, but they denote a more intense prosecution since the population of the Nordic lands was only about 40 per cent of Britain's.⁵⁵ In other respects Nordic witch-hunting bore a close resemblance to its British counterpart. In both areas the cumulative concept of witchcraft met with an incomplete and belated acceptance, entering Sweden and Finland only in the middle of the seventeenth century. Throughout the Nordic countries, moreover, there was a general reluctance to use torture in order to obtain the confessions of accused witches or the names of their accomplices. The combined effect of ideological weakness and judicial restraint explain the relative mildness of Nordic witch-hunting, but as in Britain, these characteristics were not universal and large witch-hunts took place in certain areas at specific times.

Denmark was the first of the Nordic countries to engage in witch-hunting. As early as the 1540s Peter Palladius, the Lutheran bishop of Sealand, urged the prosecution of witches, arguing that those who exhibited Catholic tendencies were culpable of the crime. Palladius reported in 1544 that a fairly large chain-reaction hunt had claimed the lives of fifty-two persons. In 1547, however, the government declared that the testimony of those who had been convicted of infamous crimes, including sorcery, could not be used to convict another person. It also forbade the application of torture until after a death sentence had been pronounced.⁵⁶ These two laws, taken together, prevented the development of large witch-hunts, kept the total number of convictions at a fairly low level, and also prevented notions of Devil-worship from being fully received. This is not to suggest that beliefs in diabolism were absent in Denmark. A number of Danish witches were in fact accused of making pacts with the Devil and of worshipping him collectively.⁵⁷ In 1617 a royal ordinance defined witchcraft for the first time in terms of diabolical compact and specified that those convicted of such charges would be burned.⁵⁸ But the legal reforms of 1547, together with the mandatory appeal of all death sentences to the county courts after 1576, kept Denmark from going the way of many German states. According to the most reliable estimates, there were approximately 2,000 witchcraft trials in Denmark and about 1,000 executions.⁵⁹ These totals are roughly proportional to those from Scotland, which had a population almost twice as large as that of Denmark.⁶⁰

Witchcraft prosecutions in Norway, which during this period was governed by Denmark, were slightly less intense than those in the southern kingdom. With a population about three-quarters the size of Denmark's in 1650, Norway tried more than 900 witches between 1566 and 1747, but only about 25 per cent of those tried were executed. A disproportionately high

number of prosecutions and a higher percentage of executions of took place in the northern province of Finnmark, where 91 of the 135 witches brought to trial were executed.⁶¹ As in other countries where witch-hunting was relatively mild, a combination of legal and ideological factors provides an explanation. The main form of criminal procedure in Norway was accusatorial, according to which the testimony of two eyewitnesses to any crime was required for conviction. Public prosecutions based on rumour could, however, be used in witchcraft cases, since witchcraft was a *crimen exceptum*. Torture was allowed in Norwegian trials, but it was used only occasionally, and this probably explains why charges of diabolism figured in less than one-fifth of all cases. Notions of diabolical conspiracy did penetrate Norway, mainly from Danish sources, and were apparent as early as the 1590s, but they did not predominate in the trials whose records are extant.⁶² There was, to be sure, a widespread belief in Norway, both among common folk and elites, that witches frequently assembled with the Devil in the northern parts of the country. Because of the remoteness of such assemblies a belief in the ability of witches to fly also gained currency, and this belief was closely connected to a belief in metamorphosis. In the actual trials, however, charges of attending the sabbath appeared only occasionally, and such accusations usually did not become central to the case against the accused.⁶³ The belief remained much more a part of popular legend than of demonological theory. The related beliefs in metamorphosis and flight, however, often did become central to the trials and were grafted on to traditional charges of *maleficium*. Those persons who, for example, were accused of causing storms at sea – a frequent charge in all seafaring countries – were often accused of working their craft while airborne, and others were accused of having performed *maleficia* after having taken the form of a wolf, raven, dog or cat.

The most famous case of Norwegian witchcraft was that of Anne Pedersdotter Absalon, who was executed at Bergen in 1590. The case owes its fame to a Norwegian play by Hans Wiers-Jenssen, an English translation by John Masefield, and a brilliant film by Carl Theodor Dreyer, *Day of Wrath*.⁶⁴ Although the play and film possess little historical accuracy, the actual trial throws a great deal of light on the nature of Norwegian witchcraft. Anne Pedersdotter Absalon was the wife of Norway's most famous humanist scholar, the Lutheran minister Absalon Pedersen Beyer. The charges against Anne arose out of the opposition that had developed in Bergen to the efforts of Absalon and the clergy to destroy the holy images that had been prominent in the pre-Reformation Church. The impetus for witch-hunting was therefore different from that in Denmark fifty years earlier, where the Lutheran clergy apparently took the initiative in spreading the fear of witchcraft and perhaps even in drafting accusations. In this Norwegian case the reforming clergy were the victims, although since they themselves were too highly placed to be attacked successfully, their wives served as their surrogates. This was a pattern of witchcraft accusations that occurred frequently in German towns, where

predecessors and exercised a moderating influence on a panic-stricken population. At the same time the Court of Appeal, which had confirmed many of the sentences during the past eight years, began interrogating witnesses directly. When many of the children began to confess that their charges were groundless, the court reviewed all the evidence and set the most recently condemned witches free.⁶⁷

More than 200 persons were executed during the north Swedish hunt of 1668–76. Like Matthew Hopkins's hunt in England in the 1640s, the entire episode reveals that even countries not known for their severe treatment of witches could occasionally experience large panics. All that was required was a belief in the sabbath, a relaxation of judicial restraint and a popular mood that pressured authorities to take action.

Finland at this time was a part of Sweden, and the two provinces in which the largest number of Finnish witch trials took place were Swedish-speaking. For these reasons witch-hunting in Finland must be considered in connection with the Swedish experience. Indeed, a large number of Finnish prosecutions occurred as a part of the panic that began in Dalecarlia. On the other hand, the history of witchcraft in Finland followed a course that differed in large measure from that of Sweden. Among all the Nordic countries, Finland was the last to begin its prosecutions for witchcraft. Witch beliefs, including reports of Devil-worship, were not unknown in Finland in the late sixteenth and seventeenth centuries. They entered the country both from the northern, Swedish-speaking provinces and from the lower Baltic countries of Estonia and Livonia, which were part of the Swedish state and had extensive cultural contacts with both Finland and Germany.⁶⁸ Despite these influences, however, Finland did not concern itself with witchcraft until 1640, when the Swedish bishop, Isaac Rothovius, became the vice-chancellor of the first Finnish university, Turku Academy. Rothovius, who was a champion of the Lutheran cause against both Catholics and Calvinists, did not express concern over witches attending the sabbath, but he did encourage the extirpation of sorcery (which he regarded in an old-fashioned way as a form of residual pagan superstition) and he also inaugurated a campaign, which was joined by other officials and his successor, against the practice of demonic magic in Turku Academy. In this respect Finland was beginning an operation in 1640 that other European countries had started more than two centuries earlier.

It was not until the 1660s that the full concept of witchcraft appeared in Finnish trials, and the person most responsible for the introduction of these ideas was Nils Psilander, a judge of the civil court in the Swedish-speaking province of Ahvenanmaa. Psilander had been educated in the Baltic area at Tartu Academy, where he had become familiar with current German juridical thought regarding witchcraft. Between 1666 and 1674 he conducted a protracted chain-reaction hunt in which original accusations of soothsaying and sorcery were overlaid with demonological theory and were also fused with Swedish legend concerning trips to Blåkulla. In many of these trials the Devil's

mark was located and torture was used, but sceptical juries and a somewhat less sceptical court of appeal at Turku kept the hunt from getting out of control. Although the first suspect, Karin Henriksdoteer, denounced thirteen accomplices, only four of them, together with Karin and one later suspect, were executed.

In Finland's other predominantly Swedish-speaking province of Ostrobothnia, a large number of witch trials took place between 1665 and 1684. This hunt, in which at least 152 persons were accused of witchcraft, resulted in twenty death sentences (most of which were probably confirmed on appeal) and the execution of another eight persons for whom trial records are missing. These trials were inspired by the great northern Swedish witch-hunt of 1668–76. Somewhat surprisingly, however, these trials did not centre on charges of Devil-worship. With the charges of witchcraft coming mainly from below, and in the absence of a counterpart to Psilander to introduce learned theories of witchcraft, the charges against the accused remained essentially those of *maleficia*. Only when children and one servant denounced their elders for taking them to Blåkulla, a charge that occurred only in a small percentage of cases, did charges of Devil-worship surface, and even then they did not form the basis of the case against the accused.

All in all, the Ostrobothnian witch-hunt of 1665–84 was a relatively tame affair. Since only about one-third of the witches were denounced by others, it was not primarily a chain-reaction hunt. The denunciations, moreover, were not extracted under torture. Those denunciations that did not spring from juvenile imagination either arose out of malice or were elicited by zealous clergymen. Nor were the sentences especially harsh. More than half (57 per cent) of those accused were acquitted or released, while a smaller number were given ecclesiastical punishments, fined, or sentenced to prison or hard labour. The death-sentence rate was only 13 per cent, and some of these sentences may have been reduced on appeal.⁶⁹

Looking at Finland as a whole, one is led to the conclusion that witchcraft prosecutions never got out of control. The total number of trials probably did not exceed 1,000;⁷⁰ notions of Devil-worship were never fully received and only occasionally became the focal point of witch trials; torture was used sparingly; juries tempered the zeal of witch-hunters; and the execution-rate was lower than in other Nordic countries. Among Finnish-speaking people the process of witch-hunting was even more restrained. At least one-half of the Finnish trials took place in the province of Ostrobothnia and only one execution is known to have taken place outside of the two Swedish-speaking provinces of Ostrobothnia and Ahvenanmaa.

East-central and eastern Europe

It is difficult to make many broad generalizations about witchcraft prosecutions in eastern European lands – those that lay to the east of the Holy Roman

Empire and north of the uncontested boundaries of the Ottoman Empire. In all of these areas witch-hunting began much later than in western Europe and it also lasted much longer, until the middle of the eighteenth century. The intensity of this witch-hunting, however, varied from region to region. In certain parts of Poland, where the cumulative concept of witchcraft found fertile ground, prosecutions were most intense, although not on the scale of the prosecutions in many German states. In Hungary, where learned notions of witchcraft were only partially and reluctantly received, there was a substantial but by no means exceptionally large number of trials and only a few large hunts. In Transylvania, Wallachia and Moldavia, where demonological ideas were weak or non-existent, prosecutions were much less common. In the most general terms, we can say that those areas that were closest to Germany, had cultural contacts with Germany or were populated by German-speaking people prosecuted far more witches than those that were more exclusively Slavic. It is also readily apparent that those regions which followed the rites of Orthodox Christianity did not engage in intensive witch-hunting. We can no longer claim that witchcraft prosecutions were entirely absent from these areas, since there were a number of Russian trials and also some in the Orthodox and Uniate sections of Lithuania.⁷¹ But there is little question that the lands in the easternmost parts of Europe did not participate in the European witch-hunt with the same degree of enthusiasm as their western and Latinized neighbours.

The only eastern or east-central European country that acquired a reputation for intense witch-hunting was the kingdom of Poland, and that reputation is not fully deserved. Because of the incompleteness of the judicial record (most of the trial records were destroyed during the Second World War), the total number of trials and executions in that country cannot be determined with any degree of accuracy. It appears, however, that Bohdan Baranowski's original estimate of 10,000 legal executions was too high; even he later scaled back his original estimate to a few thousand executions, and more recent estimates have been as low as 2,000.⁷² These revised figures would make Poland's record of witch-hunting not much more intense than that of the Nordic countries. Witchcraft in Poland also resembled its northern neighbours in its witch beliefs. Polish theories of diabolism were not any more elaborate than those in the Nordic countries, and they appeared in the trials only somewhat more frequently. Just as Norwegian witches were believed to assemble at Lyderhorn and Swedish witches at Blåkulla, Polish witches allegedly gathered at a similar site named Lysa Góra (Bald Mountain). The activities at Polish gatherings were not much different from those that transpired in Norwegian and Swedish assemblies. The main distinction between Polish and Nordic witch-hunting is that prosecutions in Poland reached a peak much later and lasted much longer. More than half of the Polish executions took place between 1676 and 1725, the worst years being those of the early eighteenth century.

The greater intensity of Polish witch-hunting in relation to other eastern European countries can be attributed to three related factors: the presence of theories of diabolism, the absence of effective central control over prosecutions, and the unrestricted use of torture. The theories of diabolism were mainly a foreign import, just as they were to a large extent in Britain and the Nordic countries. Poles had long believed in *maleficium*, and the early witchcraft trials reflected that belief almost exclusively. Learned witch beliefs were received first in those parts of Poland that were close to Germany, had a large German-speaking population, and had close commercial or cultural links with German lands. From there these ideas spread to the other provinces of the country, a process that was greatly facilitated by the translation of the *Malleus maleficarum* into Polish in 1614. Charges of making pacts with the Devil and attending the Sabbath began to appear in the trials the late seventeenth century, and in the early eighteenth century the Devil began to 'take centre stage' in the trials.⁷³ The only areas where these beliefs did not take root were the far eastern section of Lithuania (which became fully integrated into the Polish state in the sixteenth century) and Galicia to the south. It should come as no surprise that these sections of Poland did not experience the full force of the European witch-hunt.

The majority of Polish witchcraft cases took place in the municipal courts, despite the fact that a law passed by the *sejm* in 1543 had entrusted jurisdiction over witchcraft to the ecclesiastical courts. Although Bishop Czaratoryski of Leslau made an effort to enforce the Church's jurisdictional monopoly in 1669 and demanded that he authorize all prosecutions, the municipal courts continued to hold the trials. Royal edicts of 1672 and 1713 – themselves evidence of the failure of the bishop's efforts – also failed to control the jurisdictional appetite of the local courts. Since the Polish state was exceptionally weak at this time, it is not surprising that these efforts did not succeed. In any event, the success of the municipal courts in ignoring central edicts had a profound effect upon the progress of the witch-hunts, since the municipal courts, which adopted many features of inquisitorial procedure in the seventeenth century, repeatedly violated the procedural rules that were designed to protect the accused. We know from the instructions of Bishop Czaratoryski himself that these courts were withholding the proofs from the accused, denying them counsel and, most importantly, torturing them without restraint to obtain both their own confessions and the names of accomplices. In Poland, therefore, all of the conditions that encouraged large-scale witch-hunting – diabolical theories, secular prosecutions, local autonomy and the unrestricted use of torture – were present, and consequently the number of victims was higher than in other eastern European countries.⁷⁴

The problem still remains why witch-hunting in Poland began so much later than in Germany. Theories of a slow transmission of ideas, which might be used to explain Sweden's belated adoption of demonological theory, are less applicable in a country where German influence was more direct and

immediate. It seems as if Poland, despite the availability of advanced witchcraft theories, was simply not disposed to engage in witch-hunting in the early seventeenth century, but then rather suddenly began a significant legal campaign in the later period. One reason for this delayed inauguration of witch-hunting was the sudden and unprecedented devastation caused by the wars of the mid-century. During the sixteenth and early seventeenth centuries, Poland experienced neither civil war nor invasion. In the middle of the seventeenth century, however, a Cossack rebellion (1648) and the first northern war against Sweden and Russia (1655–60) signalled the beginning of 'the deluge', during which hostile forces ravaged the country and paralyzed the government. As in other parts of Europe, the wars did not lead to an immediate intensification of witch-hunting, but the long-term effects of the deluge created the necessary social, economic and psychological preconditions for witch-hunting, which had not been present before.

A second, less tangible cause of the belated seventeenth-century inauguration of witch-hunting in Poland was a change in the religious atmosphere. The Reformation ran an unusual course in Poland. The growth of Protestantism and the successful efforts of the Counter-Reformation to reclaim its converts led neither to religious warfare nor suppression but to the establishment of a policy of toleration that had no parallel in Europe.⁷⁵ For a variety of practical reasons (including the weakness of the central government and the attitude of an unzealous and religiously divided nobility), Poland became a 'state without stakes', in which a Protestant minority coexisted with a Catholic majority. In the seventeenth century, however, especially after 1648, Catholic intolerance increased and led to a number of restrictions of Protestant freedom. It is possible that this new spirit of intolerance towards religious dissent encouraged witchcraft prosecutions. Religious dissent and witchcraft were of course different phenomena, but since they were both forms of religious rebellion they also shared many similarities, and intolerance towards one *could* lead to harsher treatment of the other. It is probably no coincidence that the burning of Polish witches coincided with the rise of a more militant, uncompromising Catholicism and the ostensible decline of toleration, even if this did not involve the actual burning of heretics. One might even speculate that the burning of witches was one of the means by which an intolerant Catholic majority expressed its will to impose religious uniformity on a country which, even in the late seventeenth and early eighteenth centuries, remained religiously pluralistic.

A final reason for the slow development of the witch-hunt in Poland was the prolonged maintenance of ecclesiastical jurisdiction over the crime of witchcraft. As we have seen, the intensification of witch-hunting in Europe was encouraged by the decline of ecclesiastical jurisdiction and the transfer of jurisdiction over witchcraft to much more ruthless secular courts. In the late sixteenth century Polish ecclesiastical courts were, like so many of their European counterparts, restricted in their jurisdiction, but they were not

deprived of their traditional jurisdiction over *maleficium*.⁷⁶ Throughout the late sixteenth and early seventeenth centuries, therefore, the church courts, which adopted a rather tolerant attitude towards witchcraft, continued to prosecute cases of malefic witchcraft. Only in the second half of the seventeenth century did the municipal courts establish their jurisdictional predominance. In this way the rise of Polish witchcraft prosecutions did in fact reflect a decline in ecclesiastical jurisdiction, even if the decline occurred much later than in other parts of Europe.

Witch-hunting in Hungary was less intense and took a lower toll than in Poland, although the total number of trials and executions was by no means insignificant. Between 1520 and the 1777, just under 1,500 individuals were tried for witchcraft, of whom some 450 are known to have been executed (most by burning), while at least 225 suffered non-capital punishments.⁷⁷ Most of the trials took place in the kingdom of Hungary, the only part of the country to remain independent of the Ottoman Empire after King Louis II was defeated at the battle of Mohács in 1526. There were also a number of prosecutions in the southeastern province of Transylvania, which remained an autonomous province within the Ottoman Empire between 1526 and 1699 and which did not become fully reintegrated into the kingdom of Hungary (which was ruled by the Habsburgs) until 1711.

Although witchcraft has a long history in Hungary, it took a long time for intense witch-hunting to develop. As early as the fifteenth century sorcery was defined as a form of heresy, and in 1421 the *Stadtrecht* of Buda decided that sorcerers were obliged to wear the Jew's hat. Western demonological ideas, however, took a long time to penetrate the country, except in areas inhabited by Germans, and they were never fully developed. A few copies of the *Malleus maleficarum* circulated in the sixteenth century, but there was no significant volume of witchcraft literature, and the few Hungarian intellectuals who addressed such questions tended to take a sceptical position.⁷⁸ It was not until Benedict Carpzov's *Practica rerum criminalium* was codified for Austria in 1656 and incorporated into the body of Hungarian law in 1696 that Western demonological ideas were made readily available to Hungarian judges. Those judges succeeded in extracting confessions to most of the charges of diabolism that were commonplace in the West. The way in which this process worked can be seen in a series of trials in 1728–9 in Szeged, where thirteen witches were executed and another twenty-eight were spared by the intervention of Emperor Charles VI. This hunt began with accusations of destroying vineyards with hailstorms, but these charges easily led to the further charges of making explicit pacts with the Devil, receiving his mark (usually in the shape of a chicken's foot) and attending the sabbath.⁷⁹

In addition to these standard demonological ideas, a variety of native Hungarian folk beliefs found expression at the trials. One of the most interesting of these beliefs, which dates back at least to 1656 and which was present in the Szeged trials, was that the witches were organized in military

fashion, with the Devil as commander-in-chief. There may be some connection between this belief and that of the *benandanti* in the Friuli, who were likewise organized militarily to fight against the witches.⁸⁰ Many native Hungarian beliefs dealt with the *táltosok*, shaman-like magicians and healers whose souls left their bodies in a trance and went out to fight with other *táltosok*.

The slow reception of learned witch beliefs in Hungary was matched by a belated adoption of inquisitorial procedure, which was not introduced into the kingdom of Hungary until the 1650s. Predictably, the first significant trials and convictions did not take place until that decade. In the province of Transylvania, which had a separate legal system, inquisitorial procedure arrived even later. Until 1725 all accusations in Transylvania were made publicly and under the threat of the talion; witnesses were presented on behalf of both parties; and the main method of probation was the water ordeal, the purpose of which was to produce a confession. Torture was used only if there was strong suspicion of witchcraft and if the water ordeal failed. It was also used on one occasion to secure the names of accomplices.⁸¹ This system was in large part responsible for keeping the number of convictions in Transylvania at a minimum. Most of the Transylvanian trials about which we have information occurred in Siebenburgen, an area originally settled by Germans in the twelfth century. The witch trials that took place in this region were all conducted by secular authorities, although local pastors often played an important part in the process.⁸²

The chronological pattern of witch-hunting in Hungary resembles that of Poland. Beginning in the 1580s there was an irregular succession of isolated trials and an occasional small panic, such as in 1615, when a number of witches allegedly attempted to destroy all of Hungary and Transylvania with hailstorms, a danger that somewhat ironically emerged when the country was suffering from a drought.⁸³ The great majority of witchcraft prosecutions, however, did not occur until the eighteenth century. The reasons for this belated intensification of witch-hunting in Hungary cannot be explained simply in terms of heightened German and Austrian political and legal influence after 1699. It is much more likely attributable to a more general historical pattern by which the social, economic and cultural conditions that facilitated witch-hunting in the west did not develop until much later in eastern regions.⁸⁴

In Russia the most distinctive feature of witch-hunting, apart from the high proportion of men among the accused, was the weakness of Western demonological theory. Prosecutions for harmful magic have a long history in Russia. During the eleventh, twelfth and thirteenth centuries, when prosecutions in the West for simple *maleficium* were rare and executions even rarer, Russian men and women who allegedly used magic to cause droughts were executed in sufficient numbers to attract the notice of chroniclers and foreign travellers. The clerical interpretation of these acts of sorcery was not much different from that which prevailed in the West at that time: they were

vestiges of pagan superstition and in that sense were demonic. But whereas in the West this interpretation of demonic magic gradually gave way to a belief that sorcerers were allies of Satan and adherents of a new form of heresy who worshipped him at nocturnal assemblies, in Russia the old interpretation prevailed. Prosecution for the crime increased somewhat in the fifteenth and sixteenth centuries, including a mass burning of twelve female witches at Pskov in 1411, but the theory upon which the prosecutions were based did not change.⁸⁵

In 1551 Ivan IV, being concerned about the practice of magic at the royal court, summoned a church council to condemn a variety of magical practices. This council also resulted in bringing the crime under the jurisdiction of secular as well as ecclesiastical courts.⁸⁶ Prosecutions in substantial numbers did not begin, however, until the early seventeenth century, and most of these trials took place between 1625 and 1700, with the heaviest concentration of prosecutions taking place between 1645 and 1660.⁸⁷ The most prominent of these were the prosecutions in the small town of Lukh between 1656 and 1659, which resulted in the accusation of twenty-five persons, five of whom were executed.⁸⁸ These numbers indicate that there was something resembling a 'witch-scare' in seventeenth-century Russia, but no 'witch-panic'.⁸⁹ Witch-hunting was probably more common in Russia than in the province of Transylvania, but more restrained than in Poland, which for reasons of proximity and comparable size is the most appropriate standard of comparison.

It is unlikely that the Russian system of criminal procedure had very much to do with the relatively low number of convictions and executions in that country. It is true that all criminal prosecutions in Russia were supposed to come from the local community rather than the officers of Church or state. This requirement, however, did not prevent local officials from bringing charges against suspected witches when private parties failed to do so. Once the original accusation was lodged, the state took over all prosecutions, thus making the Russian system essentially inquisitorial.⁹⁰ Torture, sometimes in the most severe form, was freely used, both to secure confessions and to obtain the names of accomplices. The torture of the male healer Tereshka Malakurov during the Lukh witch-hunt was so severe that he incriminated his wife, who was promptly arrested and tortured until she confirmed her husband's testimony.⁹¹ Judgment could be reached without the participation of lay jurors. Indeed, the only procedural rule that served as a restraint on unlimited witch-hunting in Russia was the requirement of referring cases to Moscow. Between 1622 and 1700 the reports of forty-seven trials, involving ninety-nine defendants, were referred to Moscow for confirmation and sentencing. Of the forty-one of these witches whose fates are known, ten were sentenced to death, five were exiled, three died during torture and interrogation, and twenty-one were acquitted. These figures represent a fairly low execution-rate, comparable to that in countries that provided for appeals or confirmation of witchcraft sentences.⁹²

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The main reason Russian witch-hunting never developed into a major witch-craze was the absence of Western demonological theory. If the witch beliefs that flourished in German intellectual circles had penetrated Russia and had been embraced by local and central authorities, Russia would probably have had a witch-hunt similar to that in western Poland. But the ideas simply did not become available. The Devil was not unknown in Russia, and references to the Devil or other demons occasionally made their way into witchcraft trials, such as when one male witch, Ivan Zheglov, allegedly renounced Christ and made an oath of allegiance to Satan. But Orthodox Russian clergy and writers did not make the connection between the Devil and the practice of magic, which became a central tenet of Western demonology. Nor did they develop a belief in the sabbath, cannibalistic infanticide or flight. Russian witchcraft, even more than English witchcraft, remained a crime of practising harmful magic, not Devil-worship. As Valerie Kivelson has shown, the Devil cast a 'pale shadow' over the charges of *maleficium* that remained the main basis for witchcraft accusations.⁹³ Fear that malefic witchcraft would undermine the hierarchical social order explains the substantial number of Russian prosecutions, but the main reason Russia did not experience a massive witch-hunt was the failure of Orthodox Christianity to develop the same demonological world-view as the Latin Church did in the late Middle Ages.

Southern Europe

It may seem inappropriate to consider the Mediterranean region last in this survey of European witchcraft, for it was in Spain, Portugal and Italy that the most durable symbol of witchcraft prosecutions – the Inquisition – maintained its strength longer than in any other parts of Europe. It was in Italian lands, moreover, that some of the earliest witchcraft prosecutions took place.⁹⁴ Yet if we use the total number of executions as a standard for evaluating the relative intensity of witchcraft prosecutions, then these southern countries deserve to be treated last. About 600 witches were executed in Italian lands, and another 500 or so in the Iberian kingdoms. Most of the Spanish executions were ordered by secular courts rather than the various tribunals of the Inquisition.⁹⁵ In the Spanish and Portuguese American colonies there were very few executions.⁹⁶ We must not conclude from this, however, that witchcraft was of little concern to Italian, Spanish and Portuguese authorities. The total number of prosecutions in these countries was in fact fairly substantial. In Spain, for example, the Inquisition tried more than 3,500 persons for various types of magic and witchcraft between 1580 and 1650.⁹⁷ In Italy, where the records of the Inquisition are still being researched, the numbers were even higher: the tribunal in Venice alone tried more than 700 persons.⁹⁸ In Portugal, where work on the records is also incomplete, a total of 291 witches were tried in the southern part of the kingdom alone.⁹⁹ The mildness of Iberian

and Italian witchcraft, therefore, derives mainly from the reluctance of Spanish, Portuguese and Italian courts to put witches to death. This reluctance can in turn be explained by the way in which inquisitors viewed the crime they were prosecuting, the procedures they followed and the careful supervision of their work by central authorities.

One of the most striking features of Italian and Iberian witchcraft prosecutions was the rarity of charges of collective Devil-worship. The belief in such assemblies was not unknown in either peninsula, and in a few large hunts it appeared in a rather dramatic form. The confessions of the Basque witches of 1610 provide us with some of the richest descriptions of the witches' sabbath in all of Europe.¹⁰⁰ But in the large majority of cases heard by Spanish, Portuguese and Roman inquisitors, especially in the southern parts of both peninsulas, these charges are completely absent. In Portugal the demonic pact figured in most witchcraft prosecutions, but not the sabbath.¹⁰¹ In colonial Brazil, where beliefs regarding the pact with the Devil, familiars, and metamorphosis were prevalent, the legal record makes no mention of sabbaths.¹⁰² Peasants and town-dwellers in Mediterranean lands were accused of performing various types of magic, including love magic and healing, and their magic was considered to be heretical, but this was not taken to mean that they had worshipped the Devil collectively. Some of the magical practices of these people were considered to be maleficent, but charges of *maleficium* were usually not amplified by charges of collective Devil-worship. The practitioners of magic were to be prosecuted, of course, but the purpose was to correct error and purify the faith, not to protect society from a conspiratorial menace.¹⁰³ The end result, therefore, was the frequent administration of non-capital sentences by the Inquisition in the traditional manner of ecclesiastical justice.¹⁰⁴

There is no single explanation for the prevalence of this view of witchcraft in Spain, Portugal and Italy. One important factor was the widespread belief in classical forms of witchcraft. Both the Spanish and the Italian witch were very often viewed in the manner of Horace's Canidia or the even more widely known sorceress Celestina, a woman depicted in Fernando de Rojas's play, *Tragicomedy of Calisto and Melibea* (1499), who engages in love magic, fortune-telling and divination. Such women were believed to use the flesh of children to make their spells and to acquire the power to summon up the Devil, but they had little in common with the German and Swiss witches who flew to the sabbath. As Julio Caro Baroja has shown, this type of witch tended to flourish in urban rather than rural environments, not only because such women actually plied their trade there but also because the Renaissance culture that supported the belief in such figures was predominantly urban to begin with.¹⁰⁵ It is no coincidence that the areas of both Italy and Spain in which the cumulative concept of witchcraft was widely known and in which a majority of the prosecutions took place were both rural and northern, subject to northern (i.e. either German or French) influences.

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A survey of Italian, Spanish and Portuguese witchcraft literature reinforces the conclusion that the stereotypical view of the witch never gained widespread acceptance in the Mediterranean world. It is true that in the late Middle Ages Italian and to a lesser extent Spanish intellectuals had made important contributions to the cumulative concept of witchcraft,¹⁰⁶ while the papacy itself was largely responsible for equating magic and heresy. Once the full concept of diabolical witchcraft had been constructed, however, very few Spanish, Portuguese or Italian writers provided explicit support for the definition of witchcraft that had emerged or contributed to its further development. The overly credulous Italian judge Paulus Grillandus did subscribe to most of the learned notions of witchcraft in his *Tractatus de hereticis et sortilegiis*, drawing upon cases that he had adjudicated in Rome and southern Italy, but after that time the only Italian author who fully subscribed to the cumulative concept of witchcraft was Francesco Maria Guazzo, a Milanese friar who based his popular *Compendium maleficarum* not only on numerous French and German sources but also on his own experience as a witchcraft prosecutor in the Rhineland.¹⁰⁷ It can be argued, therefore, that at the height of the great witch-hunt the most extreme and credulous Italian witch beliefs had northern rather than native sources.

The same can be said for Spain, where the demonological ideas that prevailed during the Basque trials can be traced to southern France and the work of the demonologist Pierre de Lancre.¹⁰⁸ Overall, the cumulative concept of witchcraft did not become firmly established in Spain, especially in the south.¹⁰⁹ Nor was it widely held in Portugal. Reports of night flight and sabbaths were not unknown in that kingdom, but Portuguese inquisitors tended to treat such stories with extreme scepticism. There were hardly any demonological treatises written in Portugal during the period of the trials, and the only European works cited by Portuguese authorities in discussing witchcraft were the *Malleus maleficarum* and Martín Del Rio's *Disquisitionum Magicarum*. Neither of these works was primarily concerned with the sabbath, and both were intended as manuals for inquisitors.¹¹⁰

The failure of many learned witch beliefs to take hold among Italian, Spanish and Portuguese inquisitors may have had something to do with the popularity of Nicholas Eymeric's *Directorium Inquisitorum* (1376), the inquisitorial manual most widely used in Italy throughout the period of the great witch-hunt. The form of witchcraft described in Eymeric's manual was ritual magic, which Eymeric considered in true scholastic fashion to be a form of heresy, since it involved a pact with the Devil. Eymeric had nothing to say about the sabbath or, for that matter, *maleficium*. By relying on Eymeric's definition of witchcraft, therefore, Italian inquisitors perpetuated an earlier view of the crime that excluded many of the elements that had been added to the cumulative concept of witchcraft after he wrote the manual.¹¹¹

Another reason for the relative tameness of witchcraft prosecutions in Italy, Spain and Portugal was the adherence of the Inquisition in each country to

fairly strict procedural rules. In the Middle Ages papal inquisitors had become notorious for their unrestrained use of torture and the many other ways in which they had prejudiced the case against the accused. By the time the European witch-hunt began, however, inquisitors had produced a large body of cautionary literature, and two of the early modern institutions that succeeded the medieval inquisition – the Spanish and the Roman inquisitions – demonstrated exceptional concern for procedural propriety. Indeed, the Roman Inquisition has been referred to as 'a pioneer in judicial reform'.¹¹² Unlike many secular courts, it made provision for legal counsel; it furnished the defendant with a copy of the charges and evidence against him; and it assigned very little weight to the testimony of a suspected witch against her alleged confederates.¹¹³ One of the most noteworthy features of both Spanish and Roman inquisitorial procedure is that torture was rarely employed. In Spain it was used only when there was strong circumstantial evidence but no proof, and it was applied towards the end of the trial, just before judgement was pronounced.¹¹⁴ Even in the great Basque witch-hunt of 1609–11, which involved thousands of suspects, the Inquisition tortured only two of the accused, and since the torture actually allowed their sentences to be commuted from death to banishment, it can be legitimately considered an act of mercy.¹¹⁵ The only pressure to use torture as a deliberate means to extract confessions came from local secular authorities and local mobs, groups whose extra-legal tactics the Inquisition sought to restrain. In Italy there was no less of a reluctance to use torture.¹¹⁶ Even the *benandanti*, the members of an ancient fertility cult in Friuli whom the Inquisition gradually convinced they were witches, were never put to torture.¹¹⁷

The restraint shown by both the Spanish and the Roman inquisitions in the use of torture had a predictable effect upon witch-hunting in the Mediterranean world. It did not completely prevent large witch-hunts from taking place, since local panics and dream epidemics were by themselves capable of supplying large numbers of suspects. But without the unrestricted use of torture the hunts that developed did not produce as many convictions or result in as many executions as the large hunts that occurred in Germany and Switzerland. Even more importantly, the reluctance to use torture prevented the development of extreme, diabolical witch beliefs. Without torture the potential for transforming simple acts of superstition into crimes of diabolical conspiracy was greatly limited, since only through confessions adduced under torture could diabolical beliefs gain the widespread legitimacy that was necessary to sustain further witch-hunting. Without torture it was certain that the learned as well as the popular view of witchcraft would remain essentially an individual moral transgression, not a large-scale attack upon Christian civilization.

In explaining the relative tameness of Spanish and Italian witch-hunting one additional factor – the strength of central control – must also be mentioned. Although medieval inquisitors had always received their

commissions from Rome, they had never been subject to central regulation or coordination. In the sixteenth and seventeenth centuries, however, inquisitors lost this autonomy. The loss was most apparent in Spain, where a new national institution under the king was established in 1478, superseding the medieval inquisition that had operated only in Aragon. The main organ of this new institution was the Supreme Council at Madrid, which exercised strict control over a large number of regional tribunals (eventually twenty-one) throughout Spain and its overseas possessions. In the early sixteenth century some of these regional courts had managed to exercise a large measure of local autonomy, but by 1550 the Supreme Council had established its superiority over all local tribunals.¹¹⁸ The effect of this assertion of central control on the process of witch-hunting became evident in Barcelona in the 1530s, when the council put an end to a witch-hunt by establishing its right to confirm all sentences.¹¹⁹ Even more dramatically, the council put an end to the great Basque witch-hunt of 1609–11 when, upon the recommendation of Salazar, it issued a very strict set of procedural rules for the prosecution of witches throughout the country. The authority and influence of the council was even evident in secular witchcraft prosecutions. In a number of seventeenth-century cases, most notably in northern Vizcaya in 1621, the council managed to bring about modifications of very severe sentences.¹²⁰

The various inquisitorial tribunals that operated in Italy outside the Papal States were not subject to the same degree of central control as those in Spain. Some of the regional bodies, such as the Inquisition in Venice, which included lay members representing the secular government, operated with a certain measure of independence from the Congregation of the Holy Office in Rome.¹²¹ Nevertheless, the Roman Inquisition achieved some success in its efforts to standardize procedure and sentencing practices throughout Italy. It gave prior approval to all sentences and, what was even more important, occasionally demanded that provincial inquisitors should conduct further investigation of cases that it believed required such action.¹²² Even the Venetian tribunal of the Roman Inquisition, which jealously defended its independence, often consulted with Rome on matters of procedure and sometimes extradited suspects to Rome for trial.¹²³

Before leaving the subject of Mediterranean witchcraft we must consider H. R. Trevor-Roper's thesis that witchcraft prosecutions in Spain were relatively mild because the Spanish directed all their hostility towards Jews instead of witches. This thesis is based upon the assumption that the prosecution of witches was just one manifestation of a more general need of society to find scapegoats for its problems and to release social tension by prosecuting them. Witches and Jews (and for that matter heretics and any other minority groups) were in a certain sense interchangeable. Either of them could serve as an object of social fear and discrimination; it simply was a question of which group appeared more threatening. One of the corollaries of this argument is that the elimination of the fear of one group can lead to the

prosecution of the other, as society finds new scapegoats after the old ones are dispensed with. Another corollary is that judicial officials have only so much time to devote to the prosecution of deviant groups and that it is likely therefore that only one such group would be prosecuted at one time.¹²⁴

This thesis has only limited value in explaining the mildness of Spanish witch-hunting. It can help us to understand why relatively few Spanish witches were prosecuted in the late fifteenth and early sixteenth centuries. Although Spanish inquisitors had been concerned with ritual magic in the fourteenth and fifteenth centuries, they did not maintain their vigilance as such magicians in France and the Rhineland were transformed into witches. Instead they turned their attention almost exclusively to Jews, who were the main reason for the establishment of the Inquisition in 1478 and who bore the full brunt of its force until about 1540. It is difficult, however, to attribute the mildness of Spanish witch-hunting *after* 1540 to the presence of Jewish scapegoats, since by that time the problem had been largely resolved and the Inquisition had turned its attention to other matters. Now, one might argue that the increase in the number of Spanish witches after 1540 was in fact a result of the decline of the Jewish threat; that would be consistent with the general tenor of Trevor-Roper's argument. But it is impossible to explain the *mildness* of Spanish witch-hunting – which as we have seen is not to be measured by the number of trials but by the number of executions – in this way. There is simply no way we can attribute the 'moderate wisdom' of Spain in handling witches after 1540 to the presence of Jewish scapegoats in Spanish society. The fact of the matter is that Jews were *not* being prosecuted during this period and witches were. The reasons for the lenient treatment of witches had a great deal to do with the nature of the Inquisition and the way in which the crime of witchcraft was perceived at the time, and precious little to do with the Jews.

Conclusion

In describing the general patterns of European witch-hunting, historians frequently compare the European continent with England, showing how the prohibition of torture and the incomplete reception of demonological theory in England prevented witchcraft prosecutions from becoming as intemperate and extensive as they were in places like Germany and Switzerland. The comparison is both valid and instructive, but its frequent use can lead to an oversimplified view of the geography of European witchcraft. On the one hand, it can lead to the unwarranted conclusion that England was the only European country in which authorities prosecuted witches in moderate numbers. On the other hand, it can lead to the equally false assumption that there was a common 'continental' European pattern of witchcraft prosecutions. The foregoing regional survey of witchcraft should make the invalidity of those assumptions readily apparent. England, with its distinctive body of national

law and its failure to adopt either Roman law or inquisitorial procedure, may have been very different from France and the various states of Germany in the way it dealt with witches (just as it was different from them in many other ways), but it was by no means the only exception to the prevailing European norm. One can just as easily claim that witchcraft prosecutions in Denmark, Norway, Russia and Spain were 'exceptional' by German or Swiss standards.

There were in fact so many regions in Europe where demonological ideas were only partially received, where the application of torture was effectively restricted, where the conviction- and execution-rates in witchcraft cases were kept fairly low, and where mass witch-hunts occurred only on rare occasions, that one must seriously question whether there really was a general European witch panic. There was certainly a general European witch-hunt in which various countries participated to a larger or somewhat smaller extent. But a witch panic, characterized by an unrestrained and paranoid pursuit of large numbers of witches, really only took place in west-central Europe. Although we shall never have complete statistics, those that are available suggest that as many as 75 per cent of all witchcraft prosecutions occurred in that large and populous area. Within that area we can define the boundaries of intense witch-hunting even more narrowly, since the number of trials in the kingdom of France was relatively small. The real centre of the witch-hunt was the area that encompassed the Holy Roman Empire, Switzerland and the various French-speaking duchies and principalities that bordered German and Swiss lands. By comparison to this area, all other regions were temperate in their pursuit of witches and mild in their treatment of them.

There are of course no simple explanations for the rather uneven geographical pattern of prosecutions we have traced in its broader outline. Generally speaking, however, four separate but related variables had the greatest effect. The first was the nature of witch beliefs in a particular region and the strength with which they were held. Wherever witchcraft was defined primarily as *maleficium* and not as Devil-worship, witch-hunts tended to remain limited in scope, mainly because the suspicion that one person practised sorcery did not usually lead to a search for accomplices. The contrast between Germany, where the belief in diabolism was widespread, and Russia, where it was virtually absent, could not be more pronounced. In many areas, however, the crime of witchcraft could be defined in either way, with theories of diabolism receiving only occasional expression and commanding only limited subscription. This was certainly the situation in England, the Nordic countries and Spain, and in each of these countries the pattern of witchcraft prosecutions included both a number of individual trials for *maleficium* and a few larger hunts for Devil-worship.

The second major factor in determining the relative intensity of witchcraft prosecutions was the system of criminal procedure that was used in the courts. Although we tend to assume that all European courts, with the exception of those in England, followed 'inquisitorial' procedure and used torture freely,

we have seen that witchcraft trials were conducted in a wide variety of ways. Methods of initiating cases, rules regarding the use of torture, customs regarding the appointment of advocates and procedures for appealing sentences all differed from place to place. Differences in procedures had profound effects on the process of witch-hunting, since they greatly influenced the chances of conviction and execution. Legal procedures also had an effect upon the reception of witch beliefs among judicial authorities, for it was often only under torture that certain witch beliefs could be legitimized through confessions.

The third major determinant of the intensity of witchcraft prosecutions was the degree of central judicial control over the trials. Central control did not necessarily serve as a restraining force in witchcraft cases, since some rulers were often very eager to see witchcraft eliminated and occasionally even initiated witch-hunts. But in most cases local authorities (the magistrates of a particular town or village or the judicial officers of a small region) were more determined to detect, prosecute and execute witches than those who occupied higher positions of authority in Church or state, and more likely to violate the procedural rules formulated by central governments while doing so. The relative mildness of English, Swedish, Russian and Spanish witch-hunting, as well as that which took place in the central areas of France, can be attributed at least in part to the success of central secular or ecclesiastical authorities in restraining the enthusiasm of local authorities for waging a full-scale war against Satan's allies.

The final factor that must be taken into account in explaining regional patterns is the degree of religious zeal manifested by the people of a particular region. It is of course difficult to measure religious zeal, and it is even more difficult to demonstrate its effects upon witchcraft prosecutions. But it did inspire many judicial authorities to pursue, interrogate and convict witches, and those jurisdictions that convicted and executed witches in great numbers were known for their Christian militancy, their religious intolerance and their vigorous participation in either the Reformation or the Counter-Reformation. Differences between witch-hunting in New England and the other North American colonies, between England and Scotland, between Poland and Russia, and between Italy and Germany can all be attributed in some measure to these elusive differences in religious 'enthusiasm' among those who conducted witch-hunts. These differences can in turn be linked to the religious stability of the countries in question, for it was areas that had experienced religious change or felt threatened by it that tended to pursue witches with the greatest determination. These areas were, moreover, much more likely than others to become preoccupied with diabolical witch beliefs and to allow their magistrates to use torture to protect the Christian faith. In this way religious zeal tended to reinforce other reasons for intense witch-hunting, just as its absence allowed public officials to develop a more 'enlightened' and moderate attitude towards the whole process.

THE DECLINE AND END OF WITCH-HUNTING

During the seventeenth and eighteenth centuries, prosecutions and executions for the crime of witchcraft declined in number and eventually came to an end. The decline occurred in all European countries where witch-hunts had taken place, as well as in the colonial possessions of Spain, Portugal, England and France. The decline was marked by an increasing reluctance to prosecute witches, the acquittal of many who were tried, the reversal of convictions on appeal, and eventually the repeal of the laws that had authorized the prosecutions. By 1782 the last officially sanctioned witchcraft execution had taken place, and in many jurisdictions witchcraft, at least as it had been defined in the sixteenth and seventeenth centuries, had ceased to be a crime. Individuals continued to name their neighbours as witches, and in some cases they took violent action against them, but they did so illegally and at the risk of being prosecuted themselves.

The reduction and eventual end of witch-hunting occurred at different times in the various kingdoms and regions of Europe. In some countries, such as the Dutch Republic, the decline in prosecutions became evident before the end of the sixteenth century, while in others, like Poland, it did not begin until the middle of the eighteenth century. The length of time that the entire process took also varied greatly from place to place. In Scotland, for example, the initial reduction in the number of prosecutions was followed by more than fifty years of trials, whereas in Franche-Comté and colonial Massachusetts witch-hunts came to a complete end only a few years after the courts started to discourage prosecutions.

This long, gradual reduction in the number of trials, just like their rise in the fifteenth century, had multiple causes. These include the introduction of new rules governing the procedures used in the trial of witches, a shift in the way that educated people viewed the supernatural realm, a pronounced change in the religious climate in most European countries, and the abatement of some of the social and economic conditions that had encouraged witchcraft prosecutions.

Judicial procedure and legal caution

The main cause of the decline in witchcraft prosecutions in the seventeenth and eighteenth centuries was the establishment of new rules for conducting witchcraft trials and the application of new, more demanding standards of evidence for the conviction of witches. The pressure to make these changes originated in the objections that judges and legal writers had to the ways in which the trials were being conducted. As a consequence of these changes in judicial procedure, witchcraft trials resulted in a larger number of acquittals, the mass panics in which scores of witches perished no longer recurred, and the courts became increasingly reluctant to initiate prosecutions in the first place.

The judges, inquisitors, magistrates and writers who responded to the trials in this critical way can best be defined as judicial sceptics. In the context of witchcraft the word 'scepticism' usually denotes the attitudes of those who doubt or deny the existence of witches or the possibility of their crime. Judicial sceptics did not necessarily adopt such a stance. The essence of their intellectual position was a genuine doubt whether those persons who were being prosecuted were actually guilty as charged, and this concern led in turn to a more general uncertainty as to whether the crime could ever be proved at law. Some judicial sceptics may have also harboured a more fundamental, philosophical doubt whether witchcraft even existed. But judicial scepticism could, and in most cases did, coexist with a firm belief in the reality and possibility of the crime.

The three most significant changes in the conduct of witchcraft trials that led to a decline in prosecutions were the regulation of local witchcraft trials by higher authorities, the restriction or prohibition of torture, and the demand for more persuasive evidence to support the conviction of witches.

The regulation of local justice

The decline in witchcraft prosecutions in most European countries began when higher judicial authorities, very often the judges who staffed the central institutions of the state, took steps to control the prosecution of witches by local judges or inferior courts. These efforts usually began in response to large witch-hunts that had spun out of control.

The classic example of the way in which higher judicial authorities contained the witch-hunting zeal of local officials comes from the large portion of northern France that was subject to the jurisdiction of the Parlement of Paris, the royal courts that exercised an appellate jurisdiction over most of northern France. In 1587-8 a large witch panic broke out in the Champagne-Ardenne region, which fell within the jurisdiction of the Parisian tribunal. In this local panic, which claimed hundreds of lives, all semblance of due process appears to have vanished. In an effort to discover the identity of

witches, village judges were using the popular method of swimming those who had been named, a vestige of the medieval ordeal by cold water that was now illegal. Local officials were also torturing suspects without restraint and executing them in summary fashion. In response to this crisis the Parlement demanded that henceforth all sentences of death in witchcraft cases be reviewed by the Parlement, a step that constituted an unprecedented imposition of central judicial authority on the French localities. This policy, which involved the punishment of local officials for violating procedural norms, was formally adopted in 1604 and published as an edict in 1624. The Parlement's reversal of many of the sentences, coupled with the difficulty of defending the lower court's decision, led to a precipitate decline in the number of sentences within the area of the Parlement's jurisdiction. By the 1640s the number of appeals itself had declined precipitately.¹

A similar regulation of local justice by higher authorities took place at about the same time in Spain, where witchcraft was considered a crime of mixed jurisdiction and could be prosecuted either by the Spanish Inquisition, an ecclesiastical institution that was under the authority of the king, or the secular courts. The Inquisition was a highly centralized, national institution, consisting of nineteen (ultimately twenty-one) regional tribunals that reported to, and were supervised by, a central council, *La Suprema*, in Madrid. One of the functions of this Supreme Council, which was headed by the Inquisitor General, was to enforce procedural rules in the trial of the crimes brought before it. The first set of guidelines, which were issued in 1526 in the wake of a witch-hunt in Navarre, was intended to govern the activities of inquisitors who tried witches in the regional tribunals. These guidelines restricted the practice of confiscating a witch's property, required consultation with the Supreme Council before convicting a witch a second time, and forbade the arrest or conviction of a witch solely on the basis of another witch's confession. These rules, coupled with a tradition of leniency that they encouraged, were in large part responsible for keeping executions for witchcraft in Spain at very low levels during the remainder of the sixteenth century. Indeed, on a number of occasions the Inquisition succeeded in acquiring jurisdiction over cases of witchcraft that had originated in the secular courts and reversed the sentences of death that had been pronounced on the victims.²

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The Spanish Inquisition's impressive record of tight regulation and judicial leniency in witchcraft cases did not remain unblemished. A major lapse occurred in the great Basque witch-hunt of 1609–11. As we have seen, however, the inquisitor Alonso de Salazar Frías succeeded in returning the Inquisition to its traditional posture of judicial restraint. The new instructions that Salazar drafted and the Inquisition issued in 1614 stand as a testament to the efforts of central authorities to regulate the conduct of officials in lower courts in order to contain the spread of witch panics. In addition to restating many of the guidelines that had been put in place in 1526, and issuing new instructions regarding the taking and recording of confessions and

denunciations, the Inquisition also dissociated itself from the tactics followed by local authorities who had, 'without any legal authority, exposed the subjects to such abuses in order to make them confess and witness against others'. Moreover, as in France, the Inquisition took steps to punish the parties that had been responsible for these miscarriages of justice, turning them over to the High Court of Navarre and promising that in the future the Inquisition itself would proceed against them with the greatest severity.³

The conflict between the Supreme Council at Madrid and local authorities continued after the publication of the new instructions. In a number of cases, most notably in northern Vizcaya, the Inquisition found it necessary to intervene in local witch-hunts conducted by secular authorities, reversing sentences and preventing executions. In a few other localities, most notably in Catalonia and Aragon, it chose to intervene belatedly, if at all, and consequently hundreds of witches were executed.⁴ But in the long run the Supreme Council, which was the most highly centralized judicial institution in Spain, succeeded in enforcing a policy of judicial caution that not only kept executions for witchcraft at a minimum after 1614 but also brought about their ultimate termination.

The Spanish pattern was in many respects mirrored in Italy, where a centralized Roman Inquisition, which had been established in 1542, maintained control over witchcraft prosecutions long after ecclesiastical tribunals in northern European lands had deferred to secular courts in prosecuting witches. The record of the Roman Inquisition regarding witchcraft is even more impressive than that of its Spanish counterpart. Not only did it develop a strong tradition of leniency in sentencing witches, but it also insisted upon adherence to strict procedural rules in the conduct of witchcraft trials.⁵ As in Spain, the enforcement of these rules was entrusted to the highest tribunal in the inquisitorial organization, the Congregation of the Holy Office in Rome. Thus, once again, as in France and Spain, a centralized institution assumed the role of regulating justice on a lower level.

The quintessential statement of the judicial caution that characterized the Roman Inquisition was a set of instructions for proceeding against witches and sorcerers drafted by Cardinal Desiderio Scaglia in the early 1620s during the pontificate of Gregory XV. This document circulated widely in manuscript until 1655, when Cesare Carona, fiscal of the Roman Inquisition, annotated and published it as an appendix to his treatise on the Inquisition.⁶ Reflecting the influence of the Spanish Inquisition's new instructions of 1614, Scaglia's instructions dealt with all aspects of criminal procedure, establishing strict rules for examining accused witches, calling for restraint in the administration of torture and recommending particular care in the evaluation of witches' confessions. The most revealing part of this document, however, is the preface, which explains why the instructions had been drafted to begin with. The author referred to the grave errors that were committed daily by ordinaries, vicars and inquisitors in witchcraft trials, including the use of defective forms

of process, the administration of excessive torture, conviction on the most slender evidence, and the turning over of suspects to the secular courts. As Carena observed in his commentary, the atrocity of the crime had led inferior judges to disregard all the rules.⁷ Scaglia's instructions were intended to remedy this problem.

In Germany the higher judicial authorities that helped to apply the brakes to local witch-hunting were the law faculties of the German universities. The imperial code promulgated by Charles V in 1532, the *Constitutio Criminalis Carolina*, required that when local courts confronted difficult cases they would consult with the jurists in the law faculty of a nearby university. These consultations, which dealt with the successive stages of arrest, torture and judgment in the criminal process, served as one of the few mechanisms that could prevent local German courts from violating due process and conducting large witch-hunts.⁸

During most of the period of witch-hunting, consultation with the law faculties in cases of witchcraft did little to restrain witch-hunting. Indeed, the consultations probably did more to facilitate than to hamper the prosecution of the accused and to spread learned witch beliefs throughout Germany.⁹ In the late seventeenth century, however, the consultations began to have the opposite effect, as jurists started to advise the use of extreme caution in the prosecution of the crime and to secure acquittals rather than executions.¹⁰ This change was particularly evident at the University of Tübingen, which began to recommend against torturing witches and in favour of acquitting them in a majority of cases in the 1660s.¹¹ A similar but less dramatic change occurred at the University of Helmstedt in the 1660s, and that change contributed to the striking decline in the percentage of executions for witchcraft in the principality of Braunschweig-Wolfenbüttel, which consulted with the Helmstedt jurists on a regular basis. Between 1648 and 1670 the number of acquittals in witchcraft cases in that principality exceeded the number of capital sentences for the first time.¹²

The restriction and prohibition of torture

When superior judicial authorities took steps to remedy the procedural abuses that occurred in local jurisdictions, they were almost always concerned, at least in part, with the improper administration of torture. This should not surprise us. Not only was torture frequently used in the prosecution of witches, especially in those areas of Europe influenced by Roman law,¹³ but as a judicial practice it was particularly open to abuse.

In the seventeenth and early eighteenth centuries the administration of torture in all criminal cases, and particularly in witchcraft prosecutions, came increasingly under attack, resulting ultimately in the prohibition of torture in all European jurisdictions. The most influential of these critiques came from Friedrich Spee von Langenfeld, a German Jesuit who held a position as

professor of moral theology at the University of Paderborn. Spee had witnessed first-hand a number of witch-hunts that had taken place in his university town and the surrounding region. In *Cautio criminalis*, published anonymously in 1631, he revealed the terrible predicament that innocent persons fell into when tortured, and he condemned the judges and the German princes who had approved the administration of the procedure. In addition to Spee, two Jesuits from Ingolstadt, Adam Tanner and Paul Laymann, wrote large works on moral theology that included sections condemning the use of torture in witchcraft trials.¹⁴ From the Protestant side came treatises by Johann Meyfart, a Lutheran professor from Erfurt whose work betrayed a heavy reliance on Spee, and Johannes Grevius, a Dutch theologian who condemned the use of torture by Christians for any purpose whatsoever.¹⁵

This body of critical work on torture continued to grow in the late seventeenth century. The appearance of new works at that late date attests to the continued use of the procedure, even after its employment in witchcraft prosecutions had become less frequent. Two of these later works achieved fairly widespread circulation. In 1681 Augustin Nicolas, a judge and royal councillor in Franche-Comté, wrote a closely reasoned assault on the practice, emphasizing the injustice of forcing witches to confess to imaginary crimes.¹⁶ The second work was a dissertation by Christian Thomasius, the jurist at the University of Halle who is known mainly for his earlier treatise, *De crimine magiae* (1701). This condemnation of torture, which was published in 1705, provided the basis for a more comprehensive treatise on criminal procedure in witchcraft cases that was published in 1712.¹⁷ Thomasius drew heavily on the earlier works of Spee, Tanner and Meyfart, but he also gave his treatise a distinctly Protestant flavour. A Pietist known for his anticlericalism, Thomasius argued in the manner of Grevius that torture was an unchristian means of extorting the truth, that it was never mentioned in Scripture, and that the 'tyrannical' papacy had used it to strike down their enemies under the pretext of heresy and witchcraft.¹⁸

The main criticism of torture in all these works was not so much that the procedure was inhumane,¹⁹ but that the evidence obtained by means of its administration was unreliable, since innocent persons would make false admissions in order to stop the pain. This criticism of torture was therefore just one manifestation of a more general change in attitudes towards legal evidence and proof that will be discussed below. The criticism possessed more than mere academic significance. In those jurisdictions where torture was routinely administered in witchcraft cases, the criticism contributed directly to a reduction in the number of convictions and executions and ultimately to a decline in the number of trials as well.

The seventeenth- and early eighteenth-century critics of torture, writing in the context of witchcraft trials, made three specific points. The first was that torture should not be allowed on the basis of mere ill-fame or insufficient circumstantial evidence. The rationale for torturing witches on the basis of

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such limited or unsubstantiated grounds was the claim that witchcraft was a *crimen exceptum*, an exceptional crime in which the normal rules of evidence do not apply. Beginning in the 1620s, which was a particularly intense period of witch-hunting in Germany, a number of jurists, most notably Ernst Cothmann, presented the unorthodox but not entirely novel argument that witchcraft was not a *crimen exceptum*.²⁰ If that were the case, trials for witchcraft would have to conform to the more exacting legal requirements spelled out in the *Carolina*.²¹

The second criticism of torture, which may have done more to reduce the number of prosecutions than any other single factor, was directed at the common practice of torturing those who were named by confessing witches as their accomplices without any supporting evidence. In ordinary crimes such denunciations could not be admitted as evidence, but once again the definition of witchcraft as a *crimen exceptum* allowed the judge to ignore the standard cautionary rules. This practice had become routine in areas where belief in the sabbath was strong, and in some German bishoprics, such as Trier, Bamberg and Würzburg, it had resulted in hundreds of executions. On this issue learned opinion was divided. Bodin and Del Rio had defended the practice in unequivocal terms, but Tanner took a more negative position. Tanner did not deny the propriety of seeking evidence of accomplices from those who had confessed to exceptional crimes, but he objected that mere denunciation, even by more than one confessing witch, did not justify either torture or the conviction of people of good repute.

The final criticism of torture was a rebuttal of the claim that God would intervene in the process in order to protect the innocent. This same argument had served as a defence of the medieval ordeals before their abolition in 1215.²² Tanner was particularly eloquent in destroying this argument, claiming that if God had permitted martyrdoms, wars and massacres, there was no assurance that he would not permit the execution of innocent persons named as witches by allowing them to incriminate themselves under torture.²³

The arguments against providential intervention in the torture chamber went hand in hand with criticisms of the swimming of witches, a popular and technically illegal practice which stood as a remnant of the practice of the water ordeal and which had been formally abolished as a method of judicial proof in 1215. Most lawyers, including the German jurist Johann Goedelmann and even Bodin, condemned it, denying that it had any evidentiary value. Goedelmann considered it a superstition invented by the Devil and claimed that judges who used it should be prosecuted.²⁴ In England the physician John Cotta characterized this 'vulgar trial of witchcraft' as a barbarous exercise of 'uncivil force and lawless violence'.²⁵ Nevertheless, it did not lack learned or powerful advocates, including King James VI of Scotland, who claimed it could serve as an indication of the divine will.²⁶ Swimming never became an accepted part of the legal process against witches in England or Scotland, but in some European localities it served as one of the *indicia* that justified

the use of torture. In France village judges occasionally authorized its use, although they did so without the permission of the superior courts.²⁷ In Hungary, where the old ordeals persisted well into the eighteenth century, municipal courts used the swimming test and compurgation on a regular basis.²⁸ In parts of Westphalia the swimming test apparently served as a final proof of guilt as late as the seventeenth century.²⁹ German jurists, however, uniformly condemned the procedure, and by the eighteenth century it had become the exclusive property of the popular community.³⁰

Restrictions on the use of torture were followed ultimately by its complete abolition. This process occurred in Scotland in 1709, Prussia in 1754, Saxony in 1770, Austria in 1776, Sweden in 1782, France in 1788 and Bavaria in 1806.³¹ It is important to note that the actual abolition of torture in most European jurisdictions came after the effective end of witchcraft prosecutions, and sometimes even after formal decriminalization. Most of the prohibitions of torture formed part of a broader reform of criminal procedure that most continental European states undertook in the last quarter of the eighteenth century and first quarter of the nineteenth century. Moreover, the abolition of torture in Europe was in large part inspired by humanitarian concerns that had not been prominent in earlier critiques. The decline in witch prosecutions, therefore, had much more to do with the regulation and limitation of torture than with its formal elimination.

New standards of evidence

As suggested above, the questions raised regarding the administration of torture in witchcraft cases formed part of a more general set of concerns about the admission and evaluation of judicial evidence. During the seventeenth century judges and legal writers throughout Europe showed themselves increasingly reluctant to accept the evidence that was presented to them to justify the conviction and execution of witches. This reluctance led to the realization that the crime of witchcraft was extremely difficult, if not impossible, to prove.³² This conclusion may have contributed to, or received support from, a more fundamental belief that witchcraft itself was an impossible act, as shall be discussed below. But the legal conclusion, taken by itself, was of incalculable importance in bringing the witch-hunt to an end. It led directly to the increasing number of acquittals that occurred in virtually all jurisdictions, and it also contributed to the ultimate realization that witchcraft as a crime could no longer be effectively prosecuted.

Concerns regarding the sufficiency of evidence in witchcraft cases took a number of different forms. It can be seen, first and foremost, in a growing reluctance among judges and legal writers to accept confessions, traditionally regarded as 'the queen of proofs', as sufficient proof of guilt. This concern was not restricted to those confessions that were adduced under torture, which, as we have seen, had their own special evidentiary problems. Judges and lawyers

seemed just as unwilling to accept at face value those confessions that witches had allegedly made 'freely'. The greatest doubt arose when the confessions had a high diabolical content, i.e. when the witches had confessed to either a pact with the Devil or attendance at the sabbath. Reginald Scot had argued that confessions of this sort provided the least reliable evidence, while Johann Weyer attributed them to the mental weakness of the women who had made them. A more sophisticated interpretation of free confessions as the product of dreams or illusions, especially juvenile dreams, emerged during the investigation conducted by Salazar in the great Basque witch-hunt of 1609-11. By the late seventeenth century judges were willing to accept confessions to witchcraft (or any other crime) only if such confessions were in no way extorted, if they contained nothing that was impossible or improbable, and if the person confessing was neither melancholic nor suicidal.³³

A second and even more frequent expression of judicial caution in the interpretation of evidence was based on the possibility that events attributed to supernatural agency may have had natural causes. This was particularly relevant to charges of *maleficium*, in which it was claimed that witches had inflicted harm by supernatural (i.e. diabolical) means. The sceptical response to such allegations, frequently adopted when lawyers defended witches against such charges, was that the act had natural causes, and that in order to convict a person of the crime, the possibility of natural causation had to be ruled out. Thus in Spain, in the wake of the hunts of 1526 and 1609-11, inquisitors were instructed to ask whether the maleficent deeds that witches confessed to, such as having killed children or destroyed crops, might have had natural causes.³⁴ Inquiries of this sort became more common in later seventeenth-century trials. In Italy inquisitors insisted that in cases of infanticide by witchcraft, the physicians who had treated the children should be examined to discover whether they could determine 'if the illness was or *could have been* natural'.³⁵ The burden of proof was on the prosecution; all that was necessary to secure acquittal was evidence that natural causation was *possible*. In a number of trials in Scotland in the late 1620s, advocates for the witches went to great lengths to prove that certain *maleficia* might not have been the product of supernatural intervention.³⁶ In securing the acquittal of a witch accused of murder by sorcery in 1662, Paul von Fuchs was content to show that the alleged supernatural cause of the disease which killed his victim could not be proved.³⁷

Even if the court could be satisfied that harm was done by supernatural means, on the grounds that there was no possible natural explanation of a particular act of 'malefice', cautious lawyers and officials could demand concrete evidence that the witch had actually been responsible for its infliction. Proof of this sort was obviously difficult to obtain, precisely because the very nature of magic was that it could act on substances at a distance, without direct physical contact. The evidence for commission, therefore, could only be

circumstantial, such as the pronouncement of a curse on the victim, close physical proximity between the witch and the victim before the misfortune occurred, or even the report of a glance on the victim that could be represented as the evil eye. To sceptical seventeenth-century legal minds such evidence was not terribly persuasive, and it led some lawyers to claim that the only way to establish the guilt of the witch and demonic agency in the infliction of *maleficium* was to prove that she had made a pact with the Devil.³⁸ Of course, that undertaking had its own evidentiary problems. In the absence of a confession, courts would have to rely on the discovery of the witches' marks, the content of their speech or the testimony of accomplices to prove that they had made a pact.³⁹ The difficulty of convicting persons on those grounds alone became apparent in colonial Massachusetts, where judges required evidence of the pact for conviction. Because of that requirement, more than 80 per cent of all witchcraft cases brought before the Massachusetts courts prior to the Salem witch-hunt of 1692 resulted in acquittals.⁴⁰

The question of whether afflictions were caused by diabolical or natural means arose in a particularly telling fashion in those cases of witchcraft that involved demonic possession. The revelation that some demoniacs had faked their symptoms contributed to greater caution in the handling of all witchcraft accusations, while the highly publicized exorcisms of possessed nuns in French convents at Loudun, Louviers and Auxonne led theologians, especially Protestants, to entertain and express serious doubts about the extent of demonic interference in the world. The most direct effect, however, was that it made judges uncertain whether the behaviour of possessed persons was sufficient to convict the witches whom they named as the source of their bodily afflictions. In 1697 James Johnstone, the former Scottish secretary of state, shortly after the condemnation of seven witches for causing the possession of the young girl Christian Shaw, observed that 'the parliaments of France and other judicatories who are persuaded of the being of witches never try them now because of the experience they have had that it's impossible to distinguish possession from nature in disorder'.⁴¹ There may have been other compelling reasons why the French did not try witches in 1697, but Johnstone's explanation at the very least forces us to recognize how the evidentiary problems associated with possession could lead to a state of judicial paralysis in witchcraft cases.

A further evidentiary problem related to demonic possession arose in connection with spectral evidence, which was the testimony by possessed persons that they could see the spectres or ghosts of the witches who were responsible for their afflictions. Evidence of this sort had been introduced into witchcraft trials at various times in the seventeenth century. In England it found a place in witchcraft trials as late as 1696, or possibly even 1712.⁴² The most effective challenge to its judicial use came from those who claimed that the Devil might have used his powers of illusion to misrepresent innocent persons in spectral form, just as he might have misrepresented innocent

persons at the sabbath.⁴³ It was precisely this line of reasoning that caused the clergy in Massachusetts to abandon the trials that they had originally supported in 1692 and to conclude that some of the victims had been falsely accused. Similar reasoning led German jurists in the late seventeenth century to refuse the admission of spectral evidence unless it was confirmed by other proof.⁴⁴

A final source of judicial caution in matters of evidence concerned the acceptance of the testimony of witnesses. In the trial of ordinary crimes, children, criminals, heretics and the defendant's relatives, servants and alleged accomplices were not allowed to testify against the accused. In many continental jurisdictions, however, these same persons were permitted to testify against witches, on the grounds that witchcraft was a *crimen exceptum* that would otherwise be incapable of legal proof.⁴⁵ In the seventeenth century children in particular played an increasingly prominent role as witnesses in witchcraft trials.⁴⁶ The policy of allowing them to testify, however, began to encounter opposition as the trials started to take a heavy toll. In 1584 Reginald Scot criticized continental judicial procedure precisely on these grounds.⁴⁷ About the same time the Parlement of Paris, denying the entreaties of Jean Bodin, refused to allow testimony from children and other witnesses in witchcraft cases.⁴⁸ The exclusion of testimony from unqualified witnesses had the demonstrated ability to bring witch-hunts to a swift end. In 1614 the earl of Dunfermline, the Scottish lord chancellor, successfully derailed a prosecution to which he was opposed by excluding all fourteen of the prosecution's witnesses against the accused, arguing that witchcraft was not a *crimen exceptum* and that therefore there was no reason to admit them.⁴⁹

The disenchantment of the world

The judges, jurists and magistrates who were primarily responsible for reducing the number of witchcraft prosecutions and executions generally believed in the reality of witchcraft. These men often doubted that witches made face-to-face pacts with the Devil or gathered collectively to worship him, but they still thought that witches – defined as practitioners of harmful magic – did exist. Salazar, for example, came to doubt the testimony of the children he interrogated, but never once doubted that witches could perform harmful deeds through the power of the Devil.⁵⁰ The lawyers who served as members of the Parlement of Paris during the early seventeenth century may have doubted the guilt of people accused of causing demonic possession, but they nevertheless confirmed the sentences passed against some of the witches brought before them. The German lawyer Paul von Fuchs, defending his client against charges of witchcraft, stated his firm belief that those who actually did perform malevolent magical deeds should be put to death.⁵¹ Friedrich Spee, in his passionate plea for the lives of the witches who were forced to confess in the 1620s, argued that witchcraft was a terrible crime.⁵² In Scotland, the

famous defender of witches and inveterate critic of those who prosecuted them, Sir George Mackenzie, began his exposition on the subject with an attack on Johann Weyer, 'the great patron of witchcraft', claiming that witches should suffer death not just for poisoning and murder, but also for 'enchanted and deluding the world', and that even charmers were guilty of at least apostasy and heresy.⁵³

The jurist who came closest to denying the reality of witchcraft was Christian Thomasius, whose critique of the legal process helped to bring witch-hunting in Germany to an end. Thomasius, who is often identified as a figure of the early Enlightenment, is often celebrated for declaring unequivocally that 'witchcraft is only an imaginary crime'.⁵⁴ Indeed, Thomasius launched a devastating attack on the cumulative concept of witchcraft, denying the existence of the pact, the sabbath and the influence of evil spirits on corporeal bodies. He never denied the existence of the Devil, but his concept of demonic power was so limited that it rendered the crime of witchcraft impossible. For Thomasius the power of the Devil was exercised only in the spiritual sphere; it thus had only moral influence.⁵⁵ Nevertheless, Thomasius admitted that sorcerers could injure people by occult means and that those individuals should be put to death. When he denied the reality of the 'crime of magic', he was in fact referring exclusively to the pact with the Devil, since according to Prussian and Saxon law this was the essence of witchcraft.

It should be clear, therefore, that the decline of witch-hunting in the late seventeenth and early eighteenth centuries received its direction from men who were unwilling to abandon completely their belief in the reality of witchcraft. Nevertheless, a number of changes occurred in the intellectual world in the late seventeenth century that fostered doubt, if not disbelief, in the power of witches. These changes affected a broad cross-section of the educated elite in Europe, and there is evidence that they contributed to the reluctance of at least some magistrates and judges to prosecute witches.

The first and most basic of these changes – and at the same time the most difficult to trace – was a growing tendency in all fields of thought to reject dogma and inherited authority, to question everything, even the basic principles upon which one's world-view is based. This tendency can be seen most clearly in the work of René Descartes, who in his search for certain knowledge abandoned reliance upon books, rejected the 'authority' of the ancients as well as of the scholastics, and built his philosophical system upon 'clear and distinct ideas'. Descartes denied that he was a sceptic, at least in the traditional Greek sense of doubting even that one could possess knowledge, since he arrived at the certain knowledge of his own existence and also that of God and the material world. But the process by which Descartes arrived at that certainty – the wholesale rejection of dogma and the systematic expression of doubt – became closely identified with his philosophy, known as Cartesianism, which spread throughout Europe in the late seventeenth century.⁵⁶ That century, with all its religious intolerance and warfare, may

strike us as a time of intense and uncompromising faith. In a certain sense it was. But within the literate elite and among university-educated men it was a period of profound and pervasive doubt. When witch beliefs became the target of such doubt, the prosecution of witches became increasingly difficult to justify.

A second change in the mental outlook of educated Europeans in the late seventeenth century was the growing conviction that the physical world functioned like a machine, in an orderly, regular fashion and in accordance with the immutable laws of nature. Often referred to as the mechanical philosophy, this view of nature had the potential for undermining the belief that the Devil could intervene in the operation of the natural world.⁵⁷ That potential was most apparent in the work of the English philosopher Thomas Hobbes, who subscribed to a mechanistic view of nature and denied the existence of all non-corporeal entities, including demons.⁵⁸ The extreme materialistic version of mechanical philosophy promoted by Hobbes also represented a serious threat to current religious belief, since it could lead one to deny the existence of God. As Henry More warned in his attack on the mechanical philosophy, 'No spirit, No God.'⁵⁹

The mechanical philosophy did not necessarily lead to a denial of the reality of witchcraft. Some of the most famous scientists of the seventeenth century, while endorsing a mechanistic view of nature, still found a place for demons in the natural world.⁶⁰ The English scientist Robert Boyle, who discovered the laws of nature governing the elasticity of air, firmly believed in a world of demons and witches, and used the story of the witch of Mascon in France to show that the Devil could work through the processes of nature.⁶¹ Another English member of England's Royal Society, Joseph Glanvill, considered stories regarding witchcraft and possession as empirical evidence that had scientific status.⁶² Nevertheless, the spread of the belief in a universe governed by immutable laws of nature among the educated, especially towards the end of the seventeenth century, gradually helped to undermine witch beliefs and discourage witchcraft prosecutions during their final days.⁶³

Closely related to the belief in a regular, orderly universe was the growing conviction among educated Europeans that there were natural explanations for mysterious or apparently supernatural phenomena. In the fifteenth and sixteenth centuries the natural world was rather narrowly defined. Phenomena that could not be readily explained in fairly simple 'naturalistic' terms were readily attributed to supernatural intervention of some sort, a mode of thought that scholasticism encouraged. The first challenge to this scholastic outlook came not from the mechanical philosophy but from its rival, the magical cosmology of the Neoplatonists. It might seem surprising that Neoplatonism, a philosophy in which magic held such an important place, could be credited with uprooting a scholastic world-view that was in many ways more realistic. But by emphasizing the fact that substances had natural sympathies and antipathies that explain their motion, Neoplatonists discouraged a reliance

upon supernatural explanations of extraordinary events and encouraged an exploration of the natural world in a genuinely scientific manner.⁶⁴ Even when Renaissance magicians felt compelled to supplement natural with spiritual magic, they helped to undermine the scholastic cosmology, since in the Neoplatonic world the learned magician could compel spirits to respond to his commands and not therefore remain a victim of capricious demonic forces.

In the long run, Neoplatonism, with its belief in a magical world of various occult forces and its acceptance of the existence of demonic as well as angelic spirits within that 'natural' world, proved to be an insufficient foundation upon which to mount an assault on the entire set of learned witch beliefs. A Neoplatonist would have found it difficult to argue that witchcraft and magic were impossible crimes.⁶⁵ The other rival to scholasticism, the mechanical philosophy, according to which matter was completely inert and barren and incapable therefore of accommodating any type of magic, natural or spiritual, had much more potential to undermine the cumulative concept of witchcraft. Yet during its period of influence, Neoplatonism helped generations of educated men come to an understanding that extraordinary phenomena had natural causes. It is interesting to note that Reginald Scot, the most radical critic of witch beliefs and witchcraft prosecutions in the late sixteenth century, fully accepted the reality of natural magic.⁶⁶ In the late seventeenth century the sceptical physician John Webster, who argued that all diseases had natural causes, subscribed to the magical philosophy of the Neoplatonists.⁶⁷

At the same time as educated Europeans were adopting world-views that encouraged them to attribute extraordinary occurrences to natural causes, they were also beginning to discover that many of the unusual diseases and aberrant forms of behaviour that were customarily attributed to witchcraft could be explained without any reference to the supernatural. Beginning in the second half of the sixteenth century, a number of learned men, especially trained physicians, began to argue that many diseases which were allegedly caused by *maleficium* had natural causes; that individuals who made free confessions to witchcraft were either under the influence of drugs or suffering from some form of melancholy, depression or mental disorder; and that persons who were possessed by the Devil had in fact succumbed to some medical malady. The growth of such sentiment was by no means steady, and the medical community itself was divided on these questions.⁶⁸ It has even been suggested that doctors, finding themselves unable to explain a rash of epidemic diseases, actually *caused* the 'witch-craze.'⁶⁹ Nevertheless, doctors did eventually succeed in undermining many witch beliefs.⁷⁰ The English doctor Edward Jorden, in an attack upon popular witch beliefs and the activities of the cunning men, showed that many of the maladies allegedly inflicted by witches were some form of what we would call hysteria, while John Cotta attributed some of the same symptoms to epilepsy.⁷¹ In the late seventeenth century John Webster advanced similar arguments. It took some time before a large proportion of educated Europeans became convinced that all diseases had natural causes; even

Cotta and Jorden were not willing to rule out certain supernatural maladies.⁷² And since there remained a number of undiagnosed illnesses, the temptation to attribute them to preternatural forces was strong. Even when doctors were able to identify the natural causes of physical and mental disease, the belief that witchcraft was involved did not evaporate, for it was perfectly plausible to argue that the Devil worked *through* nature, just as the natural theologians made the same claim with respect to God. By and large, however, the educated elite became convinced that the diseases witches were said to cause, the symptoms that demoniacs manifested, and the wild confessions that some witches made all had natural causes and took place without the cooperation of spirits or demons. Even when the actual causes of the disease or exceptional behaviour were not yet known, people were optimistic and confident that those causes would eventually be discovered. By 1756 a Hungarian doctor was able to claim that 'these days physicians leave supernatural matters for the clergy'.⁷³

The mental changes we have been describing – the growth of Cartesian doubt, the spread of the mechanical philosophy, and the conviction that there were natural causes of supernatural phenomena – occurred primarily within the upper levels of European society. As far as we can tell, the witch beliefs of common folk changed very little in the late seventeenth and eighteenth centuries. These were simply reclassified by the elite as 'superstition' and treated with contempt, a striking illustration of what Peter Burke has referred to as the withdrawal of the elite from popular culture.⁷⁴ Of course, there was some inevitable percolation of learned ideas down to the lower levels of society, just as there had been in the fifteenth and sixteenth centuries when learned ideas of the demonic pact and the sabbath had been transmitted to the uneducated through the media of sermons, catechetical instruction and even witchcraft trials themselves. It is possible that the two groups of educated or semi-educated persons with whom villagers had contact – the clergy and physicians – were able to weaken some popular witch beliefs. The clergy may have been able to convince their congregations that God worked through the processes of nature and that demons were not constantly threatening people with physical harm, while the doctors may have achieved some success in helping their patients to realize that their diseases were not caused supernaturally, as the cunning men had always argued.⁷⁵ It would be rash, however, to assume that these two groups of educated professionals achieved a great deal of success in changing popular attitudes. Scepticism regarding the supernatural is much more difficult to instill in people than credulity, and most local clerics and physicians were probably not capable of mounting any sort of effective assault on popular credulity and superstition.⁷⁶

The persistence of superstitious beliefs among the peasantry may have actually contributed, in a somewhat ironic way, to the triumph of scepticism among the elite. One of the tactics that sceptics like Nicolas de Malebranche, Laurent Bordon and Cyrano de Bergerac used to win support for their views was to ridicule the beliefs of the silly rustic shepherds and other peasants who

continued to claim that witches were active in their communities.⁷⁷ The same tactics of ridicule and satire, it should be noted, were later used by William Hogarth and Francisco Goya in the paintings and engravings they made on the theme of witchcraft and superstition. The effect of this ridicule was to encourage those who occupied the upper strata of society, even those who were not well-educated, to give at least lip-service to the new scepticism, so as to confirm their superiority over their social inferiors. Scepticism, in other words, became fashionable. During the late seventeenth and early eighteenth centuries the barriers that separated the aristocracy and the wealthy from those who occupied the lower strata of society began to widen throughout Europe. In order to put as much distance as possible between themselves and the common people, the landowners and members of the professions, especially those who were upwardly mobile, did all they could to prove that they shared nothing with their inferiors. Knowledge of the latest scientific discoveries may have been one way to establish one's social and intellectual credentials, but scepticism regarding witchcraft, since it involved the expression of open contempt for the lower orders, was far more effective. The decline of witch beliefs among the wealthy and educated elite may have had as much to do with social snobbery as with the development of new philosophical ideas.

Religious changes

We saw at length in Chapter 4 the ways in which the Protestant and Catholic reformations contributed to the intensification of witch-hunting in the sixteenth and early seventeenth centuries. At the same time, however, we saw how Protestantism could contribute to scepticism regarding witchcraft and a reluctance to prosecute witches. In the late seventeenth century this potential of Protestantism to bring witch-hunting to an end began to be realized.

The decline of religious enthusiasm

The most important religious factor in the decline of witchcraft prosecutions was the reduction in the level of religious zeal or 'enthusiasm'. While it would be misleading to claim that Europe as a whole became more religiously tolerant at this time,⁷⁸ there is plenty of evidence to indicate that religious zeal and enthusiasm were waning in Europe after 1650. The clearest illustration of this was the decline of religious warfare after the Peace of Westphalia in 1648. After that time international conflict had much more to do with national self-interest and dynastic aggrandizement than with religious ideology. At the national level the same tendency can be observed in the sources of domestic unrest: after 1650 there were few religious wars in Europe. In theology the reaction to enthusiasm and zeal is evident in the emphasis on the reasonableness of religion,⁷⁹ while the most general indication of the new climate was the mistrust of people who claimed to be directly inspired or

directed by the Deity.⁸⁰ All of this suggests that the age of the Reformation, which had been marked by the intense expression of religious zeal, by religiously inspired warfare, by a preference for the emotional over the rational, and by the presence of ideologically inspired saints or religious fanatics, was gradually coming to an end and that a more secular, more rational age was dawning.

The decline of religious enthusiasm had a number of important effects on the process of witch-hunting. Among theologians, as we have seen, the desire to accommodate religion to philosophy and science led churchmen like the Latitudinarians in England to accept a world-view in which Satan had very little power. The growing distrust of individuals who claimed to have direct contact with the world of spirits made people sceptical of demoniacs, which in turn led them to question the reality of the witchcraft that was so often said to be its source. But the most important effect of the new religious outlook was a decline in the commitment of God-fearing Christians to purify the world by burning witches. It is true of course that not all witchcraft prosecutions required religious zeal or enthusiasm for their sustenance, especially those centring on the alleged practice of *maleficia*. But many witchcraft trials were inspired by the determination of magistrates, clergy and the entire community to purify the world by waging war on Satan's confederates. As this type of militancy and millenarianism declined, so too did the witchcraft prosecutions that they had encouraged.

The decline of religious zeal was also reflected in the new spirit of tolerance that began to characterize some Protestant and even a few Catholic communities in the second half of the seventeenth century.⁸¹ There is a solid foundation for this religious tolerance in the Protestant tradition, most notably in the *Heidelberg Catechism*, even though intolerance was more characteristic of Protestant practice during the first century of the Reformation. This Protestant tolerance was manifested mainly towards members of other religious denominations, but the same sentiment could be extended to those suspected of witchcraft, since they were widely regarded either as heretics or at least as religious transgressors. It is probably no coincidence, therefore, that witch-hunting first began to decline in the Dutch Republic, a country known for its early religious tolerance.⁸² When Balthasar Bekker pleaded eloquently in 1691 that Protestants should not pass judgement on other Christians, he was reflecting a Dutch tradition that reached back to Erasmus in the early sixteenth century.⁸³ It was also no coincidence that Poland, the Roman Catholic 'state without stakes', not only tolerated religious diversity but also did not prosecute many witches in the sixteenth century, although both religious persecution and witch-hunting did develop belatedly in that kingdom in the late seventeenth century.

Not unrelated to this new spirit of tolerance was the abandonment of the determination by both Protestant and Catholic public authorities in many states to use their secular power to create an ideal Christian community. This

determination to establish a godly state, which was evident in many small German territories as well as in Scotland, Denmark and colonial Massachusetts, often involved the imposition of a strict moral discipline on the population. In response to clerical pressure, the legislatures of these states had passed laws against blasphemy, drunkenness, adultery and sodomy as well as witchcraft, and on the basis of these laws the courts had prosecuted these crimes with a vengeance. In some cases this effort to impose God's will on the people was inspired by millenarian fervour. In the late seventeenth and eighteenth centuries, however, the various states of Europe abandoned this type of moral crusading, a process indicative of the secularization of both law and politics. At the same time, the theory that the state was a sacred realm, with the king exercising power by divine right, lost much of its persuasive force. The end of witchcraft prosecutions can be linked, at least in general terms, with this change in thinking regarding the nature and purpose of the state.⁸⁴

The sovereignty of God

In similar fashion the Protestant emphasis on the sovereignty of God, which underlay the prosecution of those magicians and witches who were believed to have challenged that sovereignty, could just as easily be invoked to deprive the Devil of much of his alleged worldly power. This line of thought finds its clearest expression in the 'providential' theological tradition that flourished at Tübingen in the sixteenth and seventeenth centuries. Contrary to the position taken in the *Malleus maleficarum*, the theologians at Tübingen attributed all misfortune to the work of a providential God, denying that any intermediate demonic forces played a role in the process. This tradition not only contributed to the moderation and ultimately the decline of witch-hunting in the duchy of Württemberg, but it also made inroads in Denmark, where pastors trained in the Tübingen tradition were largely responsible for the decline of witch-hunting that began there as early as 1625.⁸⁵ One finds a similar theme in German Pietism, a religious movement originating in the late seventeenth century which eliminated the belief in a personal Devil and which therefore was able to bring faith and reason into harmony. Pietism has been associated with the decline of learned witch beliefs in Württemberg, Saxony and also in Hungary.⁸⁶ In the nineteenth century it apparently contributed to the decline of popular as well as learned witch beliefs in various parts of Germany.⁸⁷

Biblical scholarship

The final religious contribution to the decline of witch-hunting was the effort undertaken by a number of Protestants to use the Bible to discredit the entire process. In the sixteenth century the Protestant sceptics Johann Weyer and Reginald Scot had both used the Bible to show that the 'witches' condemned

in the Hebrew Bible were hardly the same type of malefactors as the witches being condemned in their own day.⁸⁸ The political theorist Robert Filmer developed the same argument in his comparison of an English and a Hebrew witch in the 1650s.⁸⁹ In a similar vein, the Alsatian jurist Andreas Sandherr argued before a court at Colmar in 1650 that witch beliefs had no biblical foundation.⁹⁰

SOURCE In the late seventeenth century some Protestant biblical scholars went even further by using Scripture to deny the effectiveness of demonic power in the world. The best example of this effort was a massive treatise by the Dutch Calvinist minister Balthasar Bekker, *De betoverde weereld* [The Enchanted World], which was published in four parts in the Netherlands in 1691 and 1693 and translated into English, German and French shortly thereafter. It would be hard to identify a more comprehensive assault upon the cumulative concept of witchcraft before the end of the great witch-hunt. In 1701 the German jurist Felix Brähm hailed the book as the chief assailant of the superstition of witchcraft.⁹¹ Bekker denied the pact with the Devil, the sabbath, metamorphosis, flight, conception by a demon, demonic possession and the very practice of harmful magic itself. At the basis of this denial lay a powerful critique of contemporary demonology. For Bekker the Devil was merely a symbol of evil and was incapable of exercising power over the physical world, even the power of illusion that figured so prominently in the work of Weyer.⁹² Once the Devil was reduced to this status, the possibility that a human being could commit the crime of witchcraft vanished. Indeed, Bekker boldly suggested that when accusations of witchcraft are forthcoming, the state should prosecute the accusers, not the accused, a course of action that courts had not yet begun to take.⁹³

Bekker's work is usually cited as evidence of the way Cartesian philosophy undermined the cumulative concept of witchcraft. It is certainly true that Bekker was a Cartesian, a rationalist who endorsed the mechanical philosophy and who accepted Descartes's rigid distinction between matter and spirit. But Bekker was first and foremost a biblical scholar in the Erasmian tradition, who argued for a proper historically contextualized interpretation of those scriptural passages that referred to witches and demons. Bekker declared that both Scripture and reason prove that 'the empire of the Devil is but a chimera and that he has neither such a power nor such an administration as is ordinarily ascribed to him', but the book places far more emphasis on Scripture than Cartesian rationalism in challenging contemporary witch beliefs.⁹⁴

However cogent Bekker's treatise was, there are two reasons to question its effectiveness in bringing about the end of witch-hunting. First, it is difficult to measure any real impact the book might have had on the intensity of prosecutions. The Dutch Republic had stopped trying witches nearly a century before Bekker wrote, and even in the neighbouring German territories witch-hunting had almost come to an end.⁹⁵ Second, Bekker's attack on witch beliefs did not find much support within clerical and theological circles.

Bekker had directed his work against two of the most respected Calvinist theologians in the Netherlands in the seventeenth century, Johannes Coccejus and Gisbertus Voetius. The leaders of the Reformed Church expelled him from his ministry for his faulty exegesis of the Bible regarding the power of the Devil, and the large number of Dutch polemicists who attacked his book anchored their position in Calvinist theological orthodoxy.⁹⁶ If the book had any impact, it simply reinforced a tolerant Erasmian Protestant tradition that had been developing for a number of years.

Social and economic developments

In this discussion of the reasons for the decline of witch-hunting we have focused almost exclusively on the work of those persons who controlled the judicial machinery and the writers who might have influenced them. But what about those who occupied the lower levels of society, who were primarily responsible for bringing the initial accusations of *maleficium* against their neighbours and for testifying against them in court? Without their support witch-hunting would not have been successful, at least not over a long period of time. Could these common folk have been at least partially responsible for the decline of witch-hunting? Did the number of trials decrease because fewer people were attributing their misfortunes to the magical powers of their neighbours? If that were the case, the lower number of accusations might very well be explained by social, economic and demographic change.

There is little doubt that the dramatic changes in the fabric of European social life during the period 1550–1650 contributed to the great European witch-hunt. Over-population, an unprecedented rise in prices, a decline in real wages among the poor, chronic famine and dearth, especially during years of climatic severity, periodic outbreaks of the plague, extraordinarily high levels of infant mortality, migration of the poor from the countryside to the town, pestilence among people and beasts, and the social dislocations that resulted from widespread domestic and international warfare often lay at the root of those personal conflicts that found expression in witchcraft accusations.⁹⁷ The question for our purposes is whether there was a sufficient improvement in, or reversal of, these adverse economic and social conditions to bring about a reduction in the number of charges brought before the courts.

It is true that the demographic explosion of the sixteenth and seventeenth centuries came to an end around 1660, and inflation, which had been fuelled primarily by demographic growth, also showed signs of levelling off. Real wages registered some improvement, and the effects of warfare on the civilian population were greatly reduced. But whether these improvements made daily village life more secure and personal tensions in small communities less acute is certainly problematic; one could argue that significant changes in the quality of rural life did not take place in most European countries until the end of the eighteenth century or the beginning of the nineteenth. The same

might be said of the quality of medical care in those communities; the country physician did not replace the wise woman in rural areas until long after the witch trials were over. The most that we can say with any degree of certainty is that communal provision for the poor became more systematic and effective in most European countries after 1660, and that may very well have eliminated some of the social tension between the dependent members of the community and their more well-off neighbours.⁹⁸

In the final analysis it remains impossible to determine to what extent the social and economic improvements and the changes in culture that did take place after 1660 helped to reduce the number of formal accusations made by villagers and townspeople. It is difficult enough to identify the social and economic tensions that lay behind the specific quarrels leading to witchcraft accusations, but at least we have some tangible evidence, in the form of depositions taken from witnesses, to work with. But when communities did *not* bring charges of witchcraft against their neighbours, at least not as frequently as they had in the past, they rarely left written evidence regarding the reasons for their inaction. The most that the legal record tells us is the suggestive report from the Scottish Justiciary Court in 1671 that two witches were set free because 'there was no one to insist' (i.e. for lack of a formal accuser).⁹⁹ We can only speculate, therefore, whether the decline in formal accusations reflects a real reduction in the number and gravity of personal conflicts at the village level or the more pragmatic calculation that judicial authorities would not be receptive to complaints brought before them.

There are of course other possibilities. One is that popular witch beliefs actually changed, following the same pattern that occurred first among the more highly educated members of society. One possible source of such a transformation would have been the sermons of sceptical and tolerant ministers, such as those delivered by Danish pastors trained in the providential tradition in the middle of the seventeenth century or the more admonitory one given in the next century by Joseph Juxon, the vicar of Twyford, after a local witch-swimming.¹⁰⁰ Sermons served as one of the few vehicles for contact and interaction between popular and learned culture during this period. But there is little evidence that popular beliefs actually changed in response to such religious instruction, either before or after decriminalization, and there is much to suggest that they continued in their earlier form. Indeed, the frequency with which local communities took illegal counteraction against suspected witches suggests strongly that popular witch beliefs persisted for many generations after the trials had stopped. As one scholar has observed, witchcraft 'died hard in the public mind - if it died at all'.¹⁰¹

Another possibility is that people stopped bringing charges against witches because the prosecutions themselves became too costly. We know from isolated examples that the confinement and trial of witches could be terribly expensive, even when the assets of the accused were used to defray the cost of incarceration and transportation. These financial burdens arising from the prosecution of

witches fell on the entire community. In order to avoid further expenses, a number of accused witches were actually released from gaol, and their release might easily have made villagers more reluctant to support further prosecutions.¹⁰² It is unlikely, however, that the larger patterns of decline can be attributed to such financial considerations. It is more likely that residents of villages and small towns would have abandoned witch-hunting after experiencing the fear that gripped the entire community during the panics. The realization that no one was safe from the cycle of accusations and implications, coupled with the recognition that innocent people were being executed, was just as capable of affecting people in the lower levels of society as the members of the local ruling elite.

In any event, we still do not have any hard evidence showing that people of low social standing became reluctant to accuse and prosecute witches. Faced with a dearth of evidence from popular sources, we can only return to the sources we do have, which are statistics showing a reduction in the number of trials and executions, the records of those trials that ended in acquittals, and the statements of those individuals who criticized the process of witch-hunting. These sources suggest that the main reason for the decline in prosecutions was the increasing reluctance of lay and clerical judicial authorities to convict persons of witchcraft, an attitude that was only occasionally and belatedly reinforced by a growing scepticism regarding the possibility of the crime.

Decriminalization

The long and somewhat erratic decline of witch-hunting led finally to the complete end of prosecutions and the determination that witchcraft was no longer a crime. This process of decriminalization took one of two forms. The first, which is formal or *de jure* decriminalization, involved the explicit repeal of the laws upon which prosecutions were based. *De jure* decriminalization, as we shall see, occurred in very few jurisdictions prior to the end of the eighteenth century, and in those where it did, the repeal of the laws was often incomplete, leaving some activities encompassed within the definition of witchcraft as prohibited. The second form, *de facto* decriminalization, was realized when judicial authorities simply stopped prosecuting and executing witches, either because they had concluded that the crime was incapable of legal proof or because they denied the reality of the crime. Although we can often discover the dates of the last witchcraft trials and executions in various jurisdictions, it is more difficult to identify the time when the members of a ruling and administrative elite came to the conclusion that the crime should no longer be prosecuted, especially since there may have been disagreement among the members of those elites on that very question.

Since the decline and end of witchcraft prosecutions occurred everywhere in Europe, historians often assume that *de jure* decriminalization was a universal phenomenon, with witchcraft laws falling like dominoes throughout Europe. The legislative record, however, does not support this assumption. Before the dawn of the nineteenth century, witchcraft laws were repealed or significantly modified in only seven kingdoms: France in 1682, Prussia in 1714, Great Britain in 1736, the Habsburg Monarchy in 1766, Russia in 1770, Poland in 1776 and Sweden in 1779. Only the last two kingdoms legislated a complete ban on witchcraft trials. The Swedish National Code of 1779 certainly had that effect, since it simply omitted the clause regarding witchcraft in the old Code of 1734, thus rendering prosecutions impossible.¹⁰³ The Polish statute, passed by the diet a year after a witch-hunt in the village of Doruchów had claimed the lives of six women, forbade the prosecution of witches by all tribunals, including the court of the small town of Grabów that had conducted the trials. The Polish statute also forbade the use of torture in all criminal cases.¹⁰⁴

The earlier British statute of 1736 also bears most of the signs of a blanket prohibition of witchcraft prosecutions, since it repealed the English statute of 1604 and its Scottish counterpart of 1563. But by making it an offence to 'pretend to exercise or use any kind of witchcraft, sorcery, enchantment or conjuration or undertake to tell fortunes' on the pain of imprisonment for one year, Parliament failed to decriminalize all those activities that once marched under the broad banner of witchcraft.¹⁰⁵ Prosecutions for conjuration under the statute of 1736 were rare, but they did take place, and the judges who charged grand juries continued to remind them that it was 'very penal' to pretend to be a witch.¹⁰⁶ This provision of the new witchcraft law was not repealed until 1951.¹⁰⁷

The French royal edict of 1682 achieved even less than the British law of 1736. It is true that the edict, just like the later British statute, referred to magic as 'pretended', possibly to offer protection against imposters. But as far as witchcraft prosecutions were concerned, the law was far more qualified than the British statute. Designed in part to prevent a recurrence of a recent court scandal, it left intact the death penalty for forms of magic that were overtly sacrilegious, and it permitted some of the prosecutions of *maleficium* that continued in France during the following decade. Witchcraft in France was not fully decriminalized until 1791 at the time of the French Revolution. The Habsburg imperial law of 1766 also failed to eliminate all witchcraft prosecutions. While eliminating prosecutions in cases arising from fraud and mental illness, it nonetheless ordered the banishment of those who made pacts with the Devil and even allowed the possibility of the death penalty in cases of *maleficium* performed with the assistance of the Devil.¹⁰⁸

Russian efforts to decriminalize witchcraft bore a faint resemblance to the Habsburg legislation of 1766. As early as 1731, during the reign of Empress Anna, the Russian Senate had passed a law classifying witchcraft as fraud, but

conviction still carried the death penalty. Catherine II's legislation of 1770 reduced the penalty for this special type of fraud to non-capital punishment, but it left open the possibility that the parties involved could be prosecuted for popular superstition. Ten years later the empress encouraged the courts to try cases of alleged witchcraft as fraud, leaving those who made accusations, especially women who claimed to be possessed, to be tried in special courts of conscience for popular superstition. Those same courts of conscience dealt with the criminally insane.¹⁰⁹

The least comprehensive of these laws was the Prussian edict of 1714, issued by King Frederick William I less than two years after his accession to the throne. This mandate was designed entirely to reform the criminal procedures used in witchcraft trials, so that innocent persons would no longer be tortured, forced to confess, or executed. Its concern with legal procedure reflects the influence of Thomasius, the chancellor at the 'liberal' University of Halle, and indirectly that of Spee, upon whom Thomasius relied heavily in his work. The edict, which was to be proclaimed in the local courts, demanded that all judicial decisions to torture or execute witches be submitted to the king for confirmation before being implemented. This provision, which echoed French policy and anticipated that of the Habsburg Monarchy, provides further evidence of the role played by central authorities in restricting witchcraft prosecutions. The law did not, however, ban witchcraft trials or even executions, although it did require the removal of all the stakes from the public places where witches had been burned. In 1721 a Prussian law abolished the death penalty in all witchcraft trials.¹¹⁰ Decriminalization came only in 1776.

In all the other countries of Europe *de jure* decriminalization did not take place until after 1800, and in some jurisdictions it never occurred at all. In the duchy of Württemberg, the Provincial Code which had authorized the prosecution of witchcraft was not changed until well into the nineteenth century. The same was true in Saxony, where the code drafted by Benedikt Carpzov in 1635 was not rewritten, with the provisions against witchcraft now omitted, until the period of the Napoleonic wars. Likewise the Bavarian edict of 1611, renewed in 1665 and 1746, remained at least nominally in force until the criminal reforms of 1813.¹¹¹ This German pattern of late repeal, long after the *de facto* end of prosecutions, was also followed in Denmark, where the decline of witch-hunting had begun as early as 1625 and where the last legal execution had taken place in 1693. In that kingdom an article authorizing the execution of witches by burning, which had been incorporated into the Danish Code of 1683, was not repealed until 1866.¹¹²

The formal decriminalization of witchcraft had little bearing on the broader process of decline that we have been discussing. The blanket repeals that took place in Great Britain and Sweden had no effect whatsoever on witchcraft prosecutions in those countries because the last trial had long preceded the legislation effecting the change. The same could be said of the large number of states that repealed their laws only in the nineteenth century. Even in those

countries that passed witchcraft statutes before the end of the trials, the new laws had only a limited effect on the volume of prosecutions. The first of these laws, the French edict of 1682, probably prevented prosecutions only in the few outlying regions of the country where trials were still taking place. The same could be said of Frederick William I's edict of 1714, since prosecutions in Prussia had slackened considerably since the 1690s. Only Maria Theresa's imperial law of 1766 seems to have led to a demonstrable curtailment in the number of trials and executions. Even then, however, witch-hunting was taking place only in certain parts of the Habsburg Monarchy, mainly in Hungary. In Austria itself trials had already ended, with the last execution occurring in 1750.¹¹³

The more common pattern of decriminalization was the *de facto* cessation of trials, without any accompanying edict. This, as we have seen, was achieved at different times in various territories, but in almost all cases the very last trials occurred long after the decline in prosecutions had begun. Table 8.1, which lists both the last execution and the last trial in those territories for which data are available, gives a clear indication of how long witch-hunting continued, at least in some attenuated form.

There have traditionally been two contenders for the dubious distinction of being the last execution for witchcraft in Europe: the burning of Anna Göldi for bewitching her master's child in the Swiss canton of Glarus in 1782 and the execution of two women with inflamed eyes for using magic to harm their neighbours' cattle in the Polish town of Poznan in 1793. As we have seen at length in this chapter, the decline and end of witch-hunting involved a deliberate effort by higher judicial authorities, very often the judges who staffed the central institutions of the state, to supervise and control the trial of witches by local courts. These two incidents illustrate the difficulty of such control. The trial in Glarus, which appears to have resulted in the last legal execution, appropriately occurred in a small canton in which anything even remotely resembling central state power was absent, where witchcraft had not been decriminalized, and where the prohibition of torture lay more than a half-century in the future. Witch-hunting at Glarus and in most of eastern Switzerland remained, even in the late eighteenth century, a strictly local operation.¹¹⁴

The execution at Poznan offers us a somewhat different commentary on the relationship between central and local control. Most Polish witchcraft trials in the seventeenth century were conducted by municipal authorities, often in the villages where the charges originated. In 1768 the highest court of the kingdom, the Assessor Court, had prohibited the small towns from conducting this type of trial. The order was not always observed, however, perhaps as much out of ignorance as a spirit of municipal independence. After the executions at Doruchów in 1775, the Polish legislative assembly, the *sejm*, took action and forbade all witchcraft prosecutions. This exercise of central authority seems to have been effective, for after that date witch trials

Table 8.1 Last executions and last trials for witchcraft.

Country or region	Last execution	Last trial
Parlement of Paris	1625	1693
Alsace	1683	1683
Franche-Comté	1661	1667
Cambrésis	1679	1783
Dutch Republic*	1609	1659
Luxembourg	1685	1685
Switzerland	1782	1782
Geneva	1652	1681
England	1685	1717
County of Essex	1645	1675
Scotland	1706	1727
Ireland	1711	1711
New England	1692	1697
Denmark	1693	1762
Sweden	1710	1779
Finland	1691	1699
Württemberg	1749	1805
Würzburg	1749	1749
Westphalia	1728	1732
Kempten	1775	1775
Augsburg	1728	1738
Bavaria	1756	1792
Nuremberg	1660	1725
Prussia	1767	1767
Austria	1750	1775
Hungary	1756	1777
Slovenia	1720	1746
Poland	1775	1776
Spain	1781	1820
Portugal	1626	1802
Palermo	1724	1788

* Does not include executions in the region of Limburg, which did not belong to the Republic. Executions there continued into the 1630s. Source: Gijswijt-Hofstra, 'Witchcraft in the Northern Netherlands', 77-8.

disappeared from the legal record. In 1793, however, Poland was partitioned for the second time, leaving the country temporarily without any central government. A judge in the small town of Poznan, situated in the province of Greater Poland, which was about to pass over to Prussian control, immediately took advantage of this hiatus in government and executed the two women. The legality of the trial remains a subject of controversy: it was undertaken by a member of a properly constituted municipal government but without the sanction of higher state authorities. The royal commission that was overseeing the transfer of power from Poland to Prussia tried to prevent the execution, but it acted too late.¹¹⁵ We can be fairly certain that

if either a Polish or a Prussian royal government had been fully constituted at the time, the trial would not have even taken place. Witch-hunting, even in its last gasp, remained a local affair which central governments tried to control, regulate or eliminate, but not always with complete success.

One of the effects of the decline of witchcraft and its ultimate decriminalization was the breakdown of the cumulative concept of witchcraft into its components. As discussed in Chapter 2, witchcraft as defined in the early modern period was a composite crime. In its most elaborate form it combined maleficent magic with that of diabolism, although judicial authorities in various jurisdictions placed different degree of emphasis on one component or the other. More specifically the crime of witchcraft comprehended a variety of activities that could be prosecuted separately as crimes in the ecclesiastical or secular courts. Witchcraft could denote heresy, apostasy, blasphemy, maiming, murder, poisoning, theft, destruction of crops, killing of livestock, arson, sodomy, fornication, adultery, infanticide, conspiracy or treason. In 1584 the English sceptic Reginald Scot identified fifteen different crimes attributed to witchcraft.¹¹⁶ In the period of decline, as the concept of witchcraft was breaking down into its components, persons accused of witchcraft were often prosecuted for more specific offences encompassed in the broad definition of the crime. The most common of these was poisoning, which could be interpreted in natural or supernatural terms.¹¹⁷ Less frequent were prosecutions for making pacts with the Devil, such as those in Sweden between 1680 and 1789; trials for sacrilege in late seventeenth- and eighteenth-century France; and trials for magic in German territories, especially Württemberg and Finland when prosecutions for witchcraft began to wane.¹¹⁸ Defining the crime of witchcraft in the early modern period has always a matter of controversy. As the trials came to an end, its definition became a matter of little practical concern, leaving the task to modern historians.

Notes

1. Soman, 'Witch Lynching at Juniville', 8-15; idem, 'Parlement of Paris', 31-44.
2. Monter, *Frontiers of Heresy*, 268-9; Knutsen, *Servants of Satan*, 101-3.
3. Henningsen, *Witches' Advocate*, 375.
4. Monter, *Frontiers of Heresy*, 275.
5. Tedeschi, 'Inquisitorial Law and the Witch', 83-118.
6. Scaglia's document was also published by itself in 1657. On the publication and circulation of this work see Ginzburg, *Night Battles*, 200, n. 40; J. Tedeschi, *The Prosecution of Heresy* (Binghamton, 1991): 209. On Carena's treatise, *Tractatus de officio sanctissimae Inquisitionis*, which was first published in 1636, see Martin, *Witchcraft and the Inquisition in Venice*, 71-3.
7. Lea, *Materials*, II: 952-3.
8. In Swabian Austria, the decline of prosecutions can be attributed to the regulation of local witch-hunting by the visitation of commissioners appointed by the central government. See Dillinger, *Evil People*, 166-84.

9. Schormann, *Hexenprozesse in Nordwestdeutschland*, 9-44, 158. On the consultations with the law faculties of the universities of Rostock and Greifswald see Lorenz, *Aktenversendung und Hexenprozess*.
10. Behringer, *Witchcraft Persecutions in Bavaria*, 326-7.
11. Schormann, *Hexenprozesse in Nordwestdeutschland*, 20-1.
12. Ibid., 24, 57.
13. Torture was also used in witchcraft cases in countries like Sweden and Hungary where Roman law had little or no influence. In Sweden its use was forbidden in legal proceedings, but it was allowed in witchcraft cases, sometimes by royal decree. See Ankarloo, 'Sweden', 290.
14. A. Tanner, *Theologia scholastica* (Ingolstadt, 1626/7), III, 'Disputatio VI'; P. Laymann, *Processus iuridicus contra sagas et veneficos* (Cologne, 1629); H. P. Kneubühler, *Überwindung von Hexenwahn und Hexenprozess* (Diessenhofen, 1977); Behringer, *Witchcraft Persecutions in Bavaria*, 322-4.
15. J. Meyfart, *Christliche Erinnerung an gewaltige Regenten und gewissenhafte Prädicanten wie das abscheuliche Laster der Hexerey mit Ernst auszurotten* (Schleusingen, 1635); J. Grevius, *Doma Tribunal Reformatum* (Hamburg, 1624).
16. A. Nicolas, *Si la torture est un moyen seur à verifier les crimes secret: dissertation moral et juridique* (Amsterdam, 1681), esp. 105. Nicolas attacked Remy, Bodin and Del Rio for defending the procedure.
17. C. Thomasius, *De tortura ex foris Christianorum proscribenda* (1705); idem, *De origine ac progressu processus Inquisitorii contra sagas* (1712); idem, *Über die Hexenprozesse*, ed. R. Lieberwirth (Weimar, 1967).
18. For translated excerpts from *De tortura* see Levack, *Witchcraft Sourcebook*, 184-7.
19. On the importance of the humanitarian argument in the debate over torture in the late eighteenth century see E. Peters, *Torture* (Oxford, 1985): chapter 3.
20. J. G. Goedelmann, *De magis, veneficis et lamiis*, III, chapter 1, n.19, had advanced this idea earlier in his attack on Bodin.
21. *Biblioteca sive acta et scripta magica*, ed. E. D. Hauber (Lemgo, 1738), II: 27-55.
22. Peters, *Torture*; Lea, *Materials*, 649.
23. Tanner, *Theologia scholastica*.
24. Goedelmann, *De magis, veneficis et lamiis*, I, chapter 5, 21-30.
25. J. Cotta, *The Trial of Witch-Craft* (London, 1616): 111. The medical and philosophical faculties of the Leiden also rejected the procedure. Gijswijt-Hofstra, 'Six Centuries of Witchcraft in the Netherlands', 20.
26. James VI, *Daemonologie*, 81. Unsworth, 'Witchcraft Beliefs and Criminal Procedure in Early Modern England', in *Legal Record and Historical Reality*, ed. T. G. Watkin (London, 1989): 96-8.
27. Soman, 'Witch Lynching at Juniville', 11-12; idem, 'Decriminalizing Witchcraft', 6.
28. I. Kristóf, '"Wise Women", Sinners and the Poor: The Social Background of Witch-Hunting in a 16th-18th Century Calvinist City of Eastern Hungary', *Acta Ethnographica* 37 (1991/2): 99-100.
29. Lea, *Materials*, II: 892-3.
30. See, for example, F. Brähm, *Disputatio inaug. de fallacibus indiciis magiae* (Halle, 1709): 47.
31. Peters, *Torture*, 90-1. Other dates of abolition are: Brunswick (1770), Saxony (1770), Denmark (1770), Sweden (1782), Tuscany (1786), France (1788), Lombardy (1789), the Netherlands (1798), Bavaria (1806), Spain (1808), Norway (1819), Portugal (1826), Greece (1827), Gotha (1828) Zurich (1831), Freiburg (1848) and Basel (1850).

WITCH-HUNTING AFTER THE TRIALS

By the middle of the eighteenth century the judicial prosecution of witches, which had reached its most intense point in the closing years of the sixteenth century and in the early years of the seventeenth century, had finally come to an end. Either witchcraft had been formally decriminalized by the repeal of the laws authorizing the trials or courts had simply stopped initiating prosecutions. Nevertheless, witch-hunts did not disappear but continued in a variety of different forms. First, communities often took justice into their own hands by lynching or otherwise persecuting the people who had been accused of witchcraft. Second, judicial authorities in Europe and America pursued and prosecuted marginal or dissident groups using similar tactics to those that had been employed against witches, thus giving rise to a new, broader definition of the term 'witch-hunt'. Third, in late twentieth-century America and Britain a number of individuals have been prosecuted for satanic ritual abuse, an alleged crime that resembles in many respects the crime of witches in the early modern period. Finally, witch-finding movements have flourished in many African countries since the cessation of colonial rule in the twentieth century.

Witch-lynchings

The lynching of European witches had long pre-dated the decline of prosecutions. At the height of witch-hunting in the period from 1580 to 1630, lynching had served as an alternative to formal prosecution, sometimes to avoid the prohibitive costs of prosecution, at other times to serve the desire of the local populace for summary justice. The latter motive seems to have been operative in the province of Champagne in France in 1587, when villagers in Juniville lynched seven persons suspected of witchcraft, while within a radius of twenty-five miles of Juniville village mobs lynched more than fifty persons in the same year.¹ Other lynchings took place when the courts either refused to prosecute witches or acquitted them. In one Spanish village in the early

seventeenth century, a witch was lynched as soon as word of her acquittal by the Inquisition reached her home village.² In 1690 the residents of the Polish town of Gnesen took this retaliatory action one step further by trying to lynch *the judge* who had acquitted a witch.³ Fifteen years later a mob in the fishing village of Pittenweem in Fife, Scotland, dragged an accused witch, Janet Cornfoot, through the streets and then used heavy stones to crush her to death after the Privy Council had refused to allow local magistrates to try her and four other women for their alleged crime.⁴

After the decriminalization of witchcraft, lynchings became the only means by which villagers who believed that witches had caused them harm could bring the alleged malefactors to justice. As long as the popular belief in witchcraft persisted, such illegal attacks on witches could occur.⁵ In the Dutch Republic, which had been the first country to stop executing witches, at least three witches were lynched in the years after the trials ended.⁶ In the southern provinces of the Netherlands, which later became Belgium, witch-lynchings occurred sporadically from the end of the seventeenth century until 1882. These attacks were almost always directed against women from rural areas, and in many cases they were thrown into fires.⁷ A similar case occurred in France in 1818.⁸

The suspicions that provoked these popular attacks on witches resembled those that had led villagers to accuse and testify against their neighbours during the period of the trials. As might be expected, the suspicions involved *maleficia* rather than Devil-worship, since the alleged practice of harmful magic had always been the main concern of villagers. In 1722, for example, a group of villagers from Øster Grønning in Salling, Denmark, burned a woman to death for allegedly killing two children and a number of livestock by witchcraft. The courts tried and executed two of the ringleaders of this lynching for murder, outlawed one of their accomplices, and forced another five to do public penance.⁹ At Tring, Hertfordshire, in 1751, a group of villagers suspected Ruth and John Osborne, a poor elderly couple living in a workhouse, of being witches because they had become dependent upon the community for their living. When they were subjected to the swimming test, Ruth Osborne drowned (see Figure 9.1). The ringleader of the mob that attacked her, Thomas Colley, was tried and executed for the murder.¹⁰

Incidents like these continued to take place from time to time in the nineteenth and twentieth centuries. In Russia there was a rash of witch-burnings by groups of peasants between 1879 and 1889, including one woman who was roasted on a spit with the consent of her son, while a number of men were killed for casting the evil eye on weddings between 1879 and 1895.¹¹ In 1894 the husband, relatives and friends of Bridget Cleary, a young married woman from Clonmell, Tipperary, in Ireland beat and burned her to death on the suspicion that the real Bridget had been taken away by the fairies and that a witch had been put in her place.¹² In 1911, in the vicinity of Perugia, Italy, farmers seized an old woman reputed to be a witch and burned



 **Figure 9.1** The swimming of Ruth Osborne by a mob at Tring, Hertfordshire, 1751. As a result of her subjection to this ordeal, Osborne died and the ringleader of the mob was executed for murder.

her to death in a lime kiln.¹³ In 1976 residents of a small German village attacked Elizabeth Hahn, a poor, elderly spinster who was widely suspected of being a witch and keeping familiars in the form of dogs. Her neighbours shunned her, threw rocks at her, threatened to beat her to death and eventually set fire to her house, badly burning her and killing all of her animals because they thought she was casting hexes on them.¹⁴ One year later two brothers in a village near Alençon, France, were tried for murdering a village sorcerer who kept a cabin full of magical potions and was known to throw salt on people's gardens.¹⁵ In 1981 a Mexican mob stoned a woman to death after her husband accused her of using witchcraft to incite the attack that took place on the life of Pope John Paul II.¹⁶

These acts of communal or private justice, all of which are based on a belief in witchcraft, represent one form in which witch-hunting has continued to the present day. The main difference between these lynchings and the witchcraft prosecutions of the past is that established judicial authorities did not participate in the assault upon the suspected witches but instead prosecuted the assailants. Witch-hunting, in other words, became a form of popular, vigilante-style justice that did not have the sanction of the state. The only court cases involving suspicions or accusations of witchcraft have been prosecutions for other crimes, such as assault, fraud and arson, in which witchcraft was alleged as a motive.¹⁷

Witch-hunts without witches

A very different form of modern witch-hunting, also reminiscent of the past, has been the prosecution of members of dissident groups or individuals without sufficient justification. These modern witch-hunts have involved the use of a variety of judicial tactics to harass, convict or otherwise penalize a group of people who have become the object of widespread fear. The judicial authorities who have conducted these witch-hunts have assumed the guilt of the alleged malefactors, applied pressure (sometimes in the form of torture) to secure confessions, depicted their crime in horrific and often moral terms, and made strenuous efforts to obtain the names of alleged accomplices. The similarity between these witch-hunts and their sixteenth- and seventeenth-century predecessors could not be clearer.

The most common targets of twentieth-century witch-hunts have been political dissidents of one stripe or another. The systematic efforts by totalitarian regimes to repress political dissent, such as those conducted during the Stalinist purges of the 1930s, serve as frightening examples of the effectiveness of such campaigns.¹⁸ The Holocaust conducted by Adolf Hitler's Nazi regime has also evoked comparisons with the witch-hunt of the early modern period.¹⁹ In many countries these tactics include the use of torture, sometimes by means of the *strappado* and other time-tested methods, in order to obtain confessions and the names of accomplices.²⁰ These tactics may be most common among totalitarian regimes, but the abusive treatment of political dissidents in the Abu Ghraib prison in Iraq during the US-led war in the early years of the twenty-first century reveal that even Western democracies that forbid the use of torture under any circumstances can be persuaded to utilize it when the threat of subversion by terrorists becomes too great to bear.²¹

The episode in the history of the United States in the twentieth century that is most frequently compared to early modern European witch-hunts was the interrogation of hundreds of American citizens by congressional committees in the early 1950s in order to discover the presence of communists in the government, the armed forces and the entertainment industry. The parallels between these hearings and the witch trials of the early modern period were so apparent that Arthur Miller, who testified before the House on Un-American Activities Committee (HUAC), wrote a play, *The Crucible*, to illustrate the similarities between those hearings and the witch-hunt that had taken place at Salem in 1692.²²

Between these two episodes there were many grounds for comparison. In both cases politically prominent individuals distinguished themselves as witch-hunters and prosecutors. The role of John Hathorne, the main prosecutor in the Salem trials, was assumed by Joseph McCarthy, the demagogic senator from Wisconsin who chaired the Senate committee investigating the matter. The threat to Salem in 1692 and the United States in 1950 was perceived to

be both internal and external: the Devil was active both in Salem village and the surrounding areas, including those places where the Indians – who were believed to be Devil-worshippers – lived, just as communists suspected of being in the government were believed to be allied with the forces of Soviet Russia and international communism. What is more, the stereotype of the witch/communist broke down as both hunts progressed. Just as the stereotype of the old, poor female witch broke down at Salem when the wife of Governor Phips of Massachusetts and several wealthy merchants from Boston were named as accomplices, so too the stereotype of the communist as intellectual and playwright broke down when military officers were charged before the Senate Committee. These deviations from the traditional image of both the witch and the communist encouraged the growth of scepticism regarding the validity of the charges that had been brought against both subordinate groups.

The two witch-hunts resembled each other most closely in the area of criminal procedure. Just as a special court of oyer and terminer had been established to hear witchcraft cases in Salem, so special congressional committees (HUAC and the Senate Committee), both of which had special powers of subpoena and interrogation that regular courts did not have, were established to deal with the communist menace. The legal proceedings of the 1950s, just like those of 1692, were based largely on the assumption of guilt, so much so that Senator Hubert Humphrey claimed that the committees were 'turning Anglo-Saxon jurisprudence upside down'. In both cases prosecutors used leading questions in the interrogation of witnesses, and most importantly, enormous pressure was brought to bear on witnesses to reveal the names of accomplices or like-minded associates. It was this pressure to name names (without torture but not without other forms of coercion) that most deeply disturbed Miller and many other victims of the communist-hunt, such as Lillian Hellman. It was also this feature of the hunt that most vividly evoked the horrific memory of the chain-reaction witch-hunt.²³

Modern witches and Satanists

The widespread practice of witchcraft in late twentieth-century and contemporary Europe and America raises the question as to what extent modern witches have been the target of modern witch-hunts. The question deserves serious consideration, if only because many contemporary witches identify with the witches who were persecuted in the early modern period, while others have been accused of performing similar deeds.

Modern-day witches can be grouped into two broad categories. The first includes all those who practise pagan rituals.²⁴ Some modern witches, especially the followers of Gerald Gardner, contend that early modern witches, just like themselves, were practitioners of an ancient fertility religion, Wicca,

rather than the Devil-worshippers the authorities claimed they were. This contention is based largely on the scholarly work of Margaret Murray, and it has therefore lost credibility as Murray's thesis has been destroyed by her critics. Not only is there no uncontaminated evidence that witches were in fact worshipping pagan gods, but there is not even any solid evidence that witches gathered collectively, like their modern counterparts, for any purpose whatsoever. To the extent that modern witchcraft is organized into covens or even into local and regional organizations, it is qualitatively different from the witchcraft that was actually practised (as opposed to what was believed to be practised) in the past.

Aside from the lack of organization among early modern European witches, there are even more fundamental distinctions between them and modern Wiccans and pagans. Sixteenth- and seventeenth-century witches were always named by other people: one was *called* a witch, even if one did actually practise harmful magic. In the twentieth century, however, witches have defined themselves as such, perhaps reluctantly but nevertheless with a certain amount of pride. Once witchcraft became a self-defined rather than an other-defined activity, it also lost its malevolent character. Early modern European witches were regarded as essentially evil beings, whereas modern Wiccans proclaim themselves to be entirely beneficent and have even established a witch anti-defamation league to counter the negative image that they have inherited from the past. Modern witches insist that the magic they perform is invariably good, whereas the craft of the early modern witch, even if it was performed with good intentions or not performed at all, was represented to society as the quintessence of evil.

The second group of modern witches, who in many ways are seen as the antithesis of Wiccans and other modern pagans, consists of those people who call themselves Satanists.²⁵ A relatively small number of these 'witches' claim to be members of a religious sect, such as the Church of Satan founded by Anton LaVey in 1966. Members of Satanist churches often promote themselves as being evil, but if LaVey's *Satanic Bible* is any guide, they consider themselves evil only by traditional Christian criteria. LaVey proposed a non-Christian, hedonistic but nevertheless non-aggressive ethic that neither he nor any objective observer could label as evil.²⁶ A few self-proclaimed 'Satanists' have been accused of destroying animal and occasionally even human life, but these persons do not typify the larger body of ritual Satanists, much less the broader witchcraft movement, and are probably best regarded simply as criminals or sadists rather than witches.²⁷

In any event, neither ritual Satanists nor contemporary Wiccans have been the target of witch-hunts, defined in the broad, modern sense of the word discussed above. These groups, especially the Wiccans, have been the victims of widespread popular hostility and occasional discrimination, and they have failed in many instances to win exemption from taxation on the grounds that they belong to a legitimate religion. But they have not been subjected to the

legal harassment and prosecution that has become central to the notion of a witch-hunt. They cannot, for example, claim to have been treated in the manner of twentieth-century communists or people falsely accused of terrorism today.

The only so-called Satanists who have been prosecuted in modern times are the alleged practitioners of 'satanic-ritual abuse', all of whom have been falsely accused. In the 1980s and 1990s a small number of people in Britain and the United States were accused of sexually abusing children in ceremonies that bear an eerie resemblance to those described in the demonological literature of the early modern period. The rituals they were accused of performing are the product of sheer fantasy. The charges brought against these people, which reflect the collective anxieties of a troubled society, have no grounding in reality. This is not to assert that the sexual and physical abuse of young children does not take place. The rise in the incidence of this type of violence, at the hands of their parents, friends and strangers, is one of the most troubling developments of contemporary domestic life. But the charges of ritual Satanism that have been grafted on to such charges have no basis in fact.²⁸ In not one of the legal trials in either Britain or the United States in which charges of satanic-ritual abuse have been brought forward have the charges been proved. In a recent study of a large cluster of such cases in England, the anthropologist Jean La Fontaine has concluded that *none* of the allegations of ritual abuse has been corroborated.²⁹

In the United States the allegations of this most perverse, homicidal form of Satanism became known to the public mainly through a series of sensational trials, beginning with the McMartin pre-school trial in Manhattan Beach, California, during the 1980s, which claims the dubious distinction of being the longest and most costly criminal trial in US history. In that trial charges were brought against the owner and six staff members of the school for the sexual abuse of 360 children. The charges included not only sexual molestation but also participation in satanic rites. Another case began in 1983 in Jordan, Minnesota, when James Rud, during a plea bargain to charges that he had sexually abused two children while babysitting, accused eighteen adults of similar behaviour. A total of sixty children eventually testified that their parents, neighbours and even a long-deceased member of the community had molested them. This led to the indictment of twenty-four adults for belonging to two interconnected sex rings engaging in the ritual mutilation and murder of young children. In Reno, Nevada one year later, three employees of a Montessori school were accused of sixty-nine accounts of sexual abuse of twenty-six pupils under their care as part of a series of satanic rituals. In 1988 the children of Paul Ingram, a deputy sheriff from Olympia, Washington, on the basis of recovered memory ten years after the fact, accused their father and his colleagues of involving them in bizarre and violent satanic rituals.³⁰

The rituals described in these cases can hardly be compared with those of conventional Satanists like Aleister Crowley or Anton LaVey. Instead of

summoning up demons or performing black masses, these Satanists have been accused of physically abusing young children as part of a series of violent and sadistic ceremonies. The alleged rituals do not conform to a single model, but they often involve the presence of sexual predators dressed in robes and wearing masks, the mutilation of human beings and animals, the murder of children, the drinking of human blood, and cannibalism. These modern satanic rites, just like those described in accounts of the witches' sabbath, reverse all the generally accepted norms of moral behaviour. The belief that they actually take place reflects both the secular and religious fears of the late twentieth century – violent harm to the most vulnerable members of society and the subversion of Christianity. Those who articulate these fears tend to exaggerate the extent of the evil at hand. In a series of police workshops conducted in Utah in 1992, those in attendance were informed that satanic cults were sacrificing 50,000 to 60,000 children each year, a figure more than two times higher than the annual total of all homicides in the United States.³¹ The failure of authorities to find the bodies of any of these children was attributed to the fact that Satanists had eaten them, just as early modern witches were often alleged to have eaten the bodies of unbaptized infants.

The similarities between modern cases of satanic-ritual abuse and the witchcraft trials of the early modern period are striking. First, the charges against the accused included not only bodily harm – in this case sexual abuse and sometimes murder – but also the practice of Satanism. This is the same frightening mixture of physical harm and religious nonconformity, *maleficium* and apostasy that drove the prosecutions of the early modern period. The way in which the accusations developed also followed the early modern pattern, with the original charges of physical harm being lodged first by the witches' family or neighbours and then being amplified during judicial investigation to include the more fantastic charges of child sacrifice and cannibalism. At this later investigatory stage the number of charges increased dramatically, as either the prosecutors, the victims or the suspects themselves accused others of complicity in the crime. These modern cases, in other words, conform to the classic pattern of the witch-hunt.

Second, the social situations that have given rise to these two different types of prosecutions are strikingly similar. Let us recall that many witchcraft accusations in the past were the product of parental and especially maternal fears regarding the care of newborn children. A majority of witchcraft cases during the early modern period in fact dealt with harm of one sort or another inflicted on young children. In both cases adults projected their own guilt about their inability to care for their children properly on to those with whom they had contracted to assist them. In the process they constructed the image of the child-custodian who harmed rather than nurtured her children. Almost all of the satanic-abuse cases of the 1980s arose in day-care facilities of one sort or another. The staff of the McMartin pre-school at Manhattan Beach and the workers at the Montessori school in Reno therefore became the late

twentieth-century counterparts of the lying-in maids in early modern Germany, France and England. All of these persons heightened the insecurities of parents who had been at least temporarily displaced as their children's caregivers.

A third similarity concerns the role of the clergy in encouraging these beliefs and in adducing confessions. During the early modern period the clergy played a crucial role in witch-hunts. Not only did they frequently intervene in the judicial process, sometimes persuading the accused that they were sinners and therefore servants of Satan, but they also contributed to the emotional mood that sustained the prosecutions. In many villages they delivered sermons identifying witchcraft as the source of the community's misfortunes, taking their text from Exodus 22:18, 'Thou shalt not suffer a witch to live'. In the modern cases of satanic-ritual abuse fundamentalist clergymen have been decisive both in arousing fears of Satanism and in eliciting confessions.³² In the Ingram case the family minister, a member of the Church of Living Water, a Pentecostal congregation, spent hours with Ingram and his children and ended up actually shaping their testimony.

The fourth and most relevant similarity concerns the evidentiary standards that were employed in these cases. Cases of satanic-ritual abuse have relied, almost exclusively, on the testimony of young children. The techniques used to secure children's testimony in these cases, which include the deliberate cueing of the child witnesses to give the answers expected of them, have been subjected to the most severe criticism in the legal literature. The use of recovered memory to gain access to childhood experiences, as in the Ingram case, has likewise come under legal suspicion. Testimony from children was also a prominent feature of many of the witchcraft trials of the sixteenth and seventeenth centuries. As we have seen, the massive witch-hunt in the Basque country in northern Spain in 1609-11 was fuelled by the confessions of almost 2,000 children that adults had taken them to the sabbath. The large Swedish witch-hunt that began in the Mora district of Dalecarlia in 1668 and spread all the way to Stockholm was based on the charges levelled by a fifteen-year-old boy that a number of adults had transported him and other children to Blåkulla, the Swedish mountain where the worship of the Devil allegedly took place. In the witch-hunt at Salem, Massachusetts, in 1692 the main form of evidence came from adolescent girls suffering from some of the symptoms of demonic possession. The girls claimed that they could see the spectres of the witches who were afflicting them.

The testimony of children in any trial is of course always suspect, simply because children are highly suggestible and because they have difficulty distinguishing fantasy from reality. They also are capable of giving false testimony to gain revenge on those who have disciplined them. All this was well known in the judicial literature of the sixteenth and seventeenth centuries, just as it is today. Nevertheless, juvenile testimony was allowed in both periods, since it offered sometimes the only way to prove a crime which

contemporaries considered to be of the greatest magnitude. As we have seen, many legal authorities in the early modern period placed the crime of witchcraft in a special category in order to permit such judicial latitude. Witchcraft was labelled a *crimen exceptum*, an excepted crime, one so horrendous that in order to identify and prosecute the malefactors the normal rules of evidence need not be observed. In admitting the testimony of children in modern-day cases of satanic-ritual abuse, judges have come close to endorsing the same exceptional judicial standard.

The only significant differences between these modern cases and the witchcraft trials of yesterday relate to their judicial outcome. Almost all modern cases of satanic-ritual abuse have resulted in mistrials, acquittals or the withdrawal of the charges. These acquittals usually have occurred after the validity of the children's testimony and, in particular, the employment of the techniques of recovered memory have been legally challenged. In the sixteenth and early seventeenth centuries, by contrast, such judicial scepticism did not develop until after some of the worst miscarriages of justice in the history of the West had taken place. This sceptical outlook can be found in the writings of the Spanish inquisitor Alonso de Salazar Frías, who showed that the confessions of the Basque witch children in 1611 were nothing but fantasies and who demanded that all subsequent charges of witchcraft be confirmed by 'external and objective proof'; in the treatises of the German Jesuit Friedrich Spee, who presented a scathing critique of the use of judicial torture in the witchcraft trials at Würzburg and Paderborn during the 1620s; and in the legal works of Sir George Mackenzie, the Scottish Lord Advocate who was almost single-handedly responsible for the end of Scottish witch-hunting. Unfortunately, the judicial caution that these men demanded in witchcraft trials emerged much too late, after thousands of innocent persons had lost their lives.

Witch-hunting in Africa

The attacks against witches that have taken the greatest toll in human life in the nineteenth and twentieth centuries have occurred not in Europe or America but in Africa. The belief in witches in Africa has a long history, and those beliefs resemble European witch beliefs in many respects. Witches in Africa, as in Europe, are believed to be capable of using magical powers to bring harm to their neighbours, their animals and their crops. African witches cause illness and death, especially sudden death, although the deaths of young children are not customarily attributed to them. African witches destroy crops, prevent cows from giving milk, cause women to miscarry and impede fertility. They also are believed to be able to run at great speeds, and among the Cewa, the Tallensi and the Nyakusa witches are believed to be able to fly.³³

Campaigns to eliminate African witches – known as 'witch-cleansing' movements – pre-dated the beginning of European imperial rule in the

nineteenth century. There are records of sustained prosecutions among the Malagasy in Madagascar, the Bechuana in Botswana, the Bakweri and the Ndebele in Cameroon, and the Pondo in South Africa in the late nineteenth century, before the onset of European rule.³⁴ Tribal chieftains sometimes presided over these movements, but without the state apparatus of European countries, the executions bear a closer resemblance to European lynchings than to the trials held in European courtrooms.

There is little question, however, that these witch-cleansing movements increased in frequency after the establishment of European colonial rule. The reason for this increase is ironically that the 'enlightened' European rulers who had already rejected their witch beliefs tried to put an end to the witch-hunts, a course of action Africans considered to be an assault on their beliefs and traditions. When witches were brought before colonial courts, they were regularly set free on the grounds that the crime could not be proved at law.³⁵ This refusal to convict witches gave the impression that the law was at the service of the witch rather than the victim. Consequently, African communities often took the law into their own hands, trying witches summarily by means of the ordeal or simply lynching them, thereby undermining the law and order that colonial administrators were trying to maintain.³⁶

The emancipation of African colonies from European rule in the second half of the twentieth century has in many ways made the situation worse. Without the restraint imposed by sceptical Western colonial administrators, African communities have experienced a new freedom in pursuing witches. In some countries, most notably the former German, French and British colony of Cameroon, the government has superintended this effort. On the basis of the penal code of 1967, Cameroonian courts have prosecuted people who have disturbed the peace by practising witchcraft, magic or divination. The penalties for this crime – two to ten years' imprisonment and the payment of a hefty fine – are not as harsh as those applied in early modern European courts, but they have resulted in the successful prosecution of individuals for violating the law. The standards for proving the crime in the Cameroonian courts have also been relaxed, allowing conviction on the basis of accusations originating in the village, the confession of the accused or overwhelming circumstantial evidence. With Cameroonian judges who fully believed in the reality of witchcraft now in control, the prosecution of witches in this new African nation has begun to resemble the witchcraft trials that took place in Europe in the early modern period. These trials have not, however, used torture, and therefore no large witch-hunts have taken place.³⁷

A second pattern, much closer to the illegal prosecutions that occurred in Europe towards the end of the seventeenth century, became evident in South Africa in the late 1980s and early 1990s. In 1957, shortly after South Africa became a republic controlled by Afrikaners (the descendants of Boers, the original Dutch settlers), the South African parliament passed the Witchcraft Suppression Act No. 3. On the surface the act appears to be similar to the

Cameroonian Act of 1967, for one of its provisions claims that anyone who 'professes a knowledge of witchcraft or the use of charms' shall be guilty of an offence and liable to prosecution. The main thrust of the act, however, was to facilitate the prosecution of someone who has killed a witch or has been serving as a witch-finder or witch doctor. The act, therefore, which was the work of a white, apartheid government, is based solidly in European scepticism regarding the reality of witchcraft. It is intended to suppress a belief in witchcraft. Like the British Act of 1736, moreover, it allows the prosecution of anyone who 'pretends to exercise or use any supernatural power, witchcraft, sorcery, enchantment, or conjuration'.³⁸ The act, therefore, reflected the spirit of colonial European rule, professing a disbelief in the reality of witchcraft and prescribing the most serious punishments – imprisonment up to twenty years – not for the witches themselves but for those who attacked them.

During the struggle against the Afrikaner government in the 1980s the illegal hunting of South African witches in direct violation of the Witchcraft Suppression Act (which was amended in 1970) became more frequent. The African National Congress (ANC), the main resistance organization, did not endorse these witch-cleansing movements, but many black South Africans involved in the resistance began to take illegal action against those whom they suspected of this activity. In this way the hunting of witches became politicized, and the Witchcraft Suppression Act became a symbol of white insensitivity to native African culture. One of the groups that became involved in a witchcraft eradication campaign during these years was an informal association of male youths known as the Comrades. In 1986 the Comrades attacked more than 150 witches in the Bushbuckridge region of the South African lowveld, killing thirty-six of them.³⁹ In 1990 a series of unexpected deaths in Green Valley incited groups of the Comrades to conduct another witch-hunt, demolishing the homes of suspected witches, whipping some of them, and conducting witch-finding rituals that pressured others to name their accomplices publicly.⁴⁰ In the same year somewhere between 300 and 400 accused witches in Venda sought police protection because their houses had been burned down.

The release of Nelson Mandela from prison in 1991 and the establishment of ANC rule in 1994 did not put an end to the witch-cleansing movements, especially since the Witchcraft Suppression Act remained in force. In 1994, just before the elections that brought the ANC to power, sixty witches were killed in the Northern Province. In Zebediela a spate of such lynchings took place within the space of three months in the late 1990s, including the burning to death of twelve alleged witches. The killings have continued into the twenty-first century, although in reduced numbers. In 2003 five family members were arrested for killing an eighty-year-old woman who was believed to be the cause of a young child's death.⁴¹

The continuation of witchcraft violence in South Africa after the elections of 1994 prompted a prolonged debate regarding the Witchcraft Suppression

Act of 1957. A commission appointed in 1996 to address the problem of violence against suspected witches concluded that part of the problem was that under the act the state courts continued to suppress the belief in the reality of witchcraft by prosecuting the healers and witch doctors whom people consulted when they thought they had been bewitched. The commission recommended changes in the Witchcraft Suppression Act, but the ANC government has been reluctant to allow even the limited prosecutions of witches that were sanctioned in Cameroon. Consequently, the passage of new legislation against witches (not witch doctors) has become a rallying cry for those who support further Africanization of South African law and politics.

A third pattern of modern African witch-hunting is typified by the murder of witches in various regions of Tanzania. In August 1999 Tanzania's Criminal Investigations Department reported that in the previous eighteen months more than 350 persons had been killed by angry villagers for using witchcraft to kill their loved ones or inflict curses that made them fail in business, or reduced their harvests. Most of the accused witches were old women, some of whose eyes had turned red after years of cooking in the smoke-filled kilns in their huts.⁴² This last charge is reminiscent of the final execution for witchcraft in Europe, in the Polish town of Poznan in 1793, when two women with inflamed eyes were executed for bewitching their neighbours' cattle.⁴³

The witch murders in Tanzania have continued into the twenty-first century, as villagers in northern regions along the shores of Lake Victoria have been murdering more than a hundred old women each year for allegedly causing illness, death or other misfortunes. One woman who survived such attacks was the eighty-year-old Magdale Ndila, who suffered blows to her head and the severing of her right hand.⁴⁴ These attacks have often been incited by traditional healers, who have suggested that if the alleged witches were to be killed, it would help to remedy the harm done. Deteriorating economic conditions have often aggravated these attacks.⁴⁵ In size and motivation these Tanzanian witch-hunts bear the closest resemblance to the witch-hunts that occurred in early modern Europe. The main difference, however, is that the Tanzanian hunts lack any legal authority. In that respect they resemble the lynchings of witches that occurred mainly after the great European witch-hunts had ended.

Illegal executions have taken place in other parts of Africa, most notably Kenya, where the lynchings have been conducted, as in Tanzania, without any legal sanction. In September 1998, ten elderly witches in Kenya were killed by a local vigilante group in revenge for the abduction of a villager who was forced to exhume a corpse and then eat the decomposing flesh.⁴⁶

The similarities between modern African and historical European witch-hunting should not be exaggerated. The most striking difference is that the charges brought against African witches deal almost exclusively with harmful magic rather than diabolism. As we have seen, early modern European witchcraft acquired its distinctive character from the imposition of a fairly

sophisticated demonology on a body of peasant belief regarding magic and *maleficium*. This demonology has no equivalent in African cultures and can only be found in areas where Christian charismatic movements have helped to demonize the traditional African spiritual world.⁴⁷ It is not surprising that the work of anthropologists who have studied African witchcraft has been applied most successfully to the study of English witchcraft, where the crime was defined more in magical and less in diabolical terms than in any other place in Europe.⁴⁸

A second difference between African and historical European witchcraft is that many of the fantastic beliefs and accusations associated with the European sabbath are absent from contemporary African cultures. Since most of these beliefs are rooted in Christian demonology, their absence in pagan cultures is not surprising. Now, it is true that some African peoples believe that witches engage in some of the activities that Europeans claimed took place at the sabbath. Some African people, most notably the Dinka of southern Sudan and the Lugbara of western Uganda, believe not only in the existence of day witches or simple sorcerers but also in night witches. Unlike their more pedestrian diurnal counterparts, night witches are able to turn themselves into animals who can walk upside down, gather at night and feast on corpses, dance naked and go out at night in spirit and attack people, causing indiscriminate damage to crops and barrenness to women.⁴⁹ The prevalence of such traditional ideas in non-Christian societies that have only recently been exposed to Western theology suggests that all societies are capable of generating fantasies about people reversing all social and moral norms and engaging in such activities as cannibalistic infanticide. That would suggest that the European image of the sabbath is just one version of a universal nightmare that haunts people whenever the social order appears to be in danger. It is important to note, however, that although the Dinka and the Lugbara can identify and take counteraction against day witches, they cannot specifically identify and prosecute night witches. When day witches are named, moreover, there is never any attempt to attribute to them the activities of night witches. Night witches, in other words, exist only in these people's imagination.⁵⁰ When a charge of cannibalism is directed specifically against an African witch, it is only a symbolic way of claiming that the witch has eaten the soul, not the actual flesh of the victim.⁵¹

The inability of these African societies to identify and prosecute night witches leads us to what is perhaps the single most important difference between early modern European witch-hunting and the witch-cleansing movements in contemporary African cultures. European states during the early modern period, unlike contemporary African societies, developed systems of criminal procedure that were capable of discovering and prosecuting large numbers of individuals for thought crimes or for activities that never took place. As we have seen, most African witch-hunts have taken place without the legal sanction of the state, and when African courts have become involved

in the process, as in Cameroon, they have conducted the trials in such a way as to prevent the development of large chain-reaction witch-hunts. They have never allowed the introduction of legal machinery capable of sustaining the type of systematic, deadly and effective prosecution that took place in early modern Europe. One reason for this restraint is that African colonial courts were set up only after the end of the witch-hunting in Europe, and the post-colonial courts that have taken their place, while more sympathetic to native African beliefs, nonetheless remain under the influence of European jurisprudence. Witch-hunting in Africa, therefore, has remained a local, popular and technically (in so far as the state is concerned) illegal operation.

These differences between the legal environment of early modern Europe and that of contemporary African communities, as well as the revival of witch-hunting against Satanists and witch substitutes in the twentieth century, underline the importance of legal procedures in the European witch-hunt. The reasons why that hunt took place are many and varied, as this book has argued. But the hunt was essentially a judicial operation and as such could not have taken place without the growth of the legal powers of Church and state, the introduction of inquisitorial procedure, and the use of torture and other forms of judicial coercion. It is also true that the hunt could not have occurred if the cumulative concept of witchcraft had not yet been formed. This book has shown that the fusion of various witch beliefs by the end of the fifteenth century, coupled with the development of legal procedures at the same time, formed the two essential preconditions of the witch-hunt and explain more than any other factors why the hunt took place when it did. Of course, these two preconditions were intimately connected, since it was only because of the development of new legal procedures that various witch beliefs could be fused. Only when inquisitors were able to coerce individuals into confessing to their fantasies could the cumulative concept of witchcraft acquire the legitimacy that it needed to command credence.

If the adoption of legal procedures proved to be of crucial importance in the origin of the great witch-hunt, their elimination was of no less importance in its decline. As we have seen in the previous chapter, the real turning point in the great hunt occurred when magistrates and judges came to the conclusion that the judicial process had resulted in the execution of innocent human beings, and therefore took steps to prevent such miscarriages of justice from ever happening again. At the same time, a more fundamental philosophical and religious scepticism challenged the very system of belief upon which the great witch-hunt was based, but it is worth noting in conclusion that the decline of the European witch-hunt was much more the work of lawyers, judges and magistrates than of theologians or philosophers. And after the prosecution of witches had dwindled to an occasional prosecution for *maleficium*, it was a series of legislative acts and decrees that brought the European witch-hunt to an end, thus concluding one of the saddest chapters in the legal history of the West.

Notes

1. Soman, 'Witch Lynching at Juniville', 8-15.
2. Henningsen, 'Witch Persecution', 110-19.
3. Tazbir, 'Hexenprozesse in Polen', 281n, 299. One historian has speculated that lynchings in Poland may have accounted for as many as half the total number of witchcraft executions, although the figure of 5,000 makes such executions seem unlikely. Baranowski, *Procesy Czarownic*, 180.
4. *An Account of a Horrid and Barbarous Murder in a Letter from a Gentleman in Fife* (Edinburgh, 1705); National Library of Scotland, MS 683, ff. 84-7.
5. In the middle of the nineteenth century the Bishop of Orléans reported that in the countryside the beliefs in witchcraft and the reliance upon cunning men were as widespread as ever. Garrett, 'Witches and Cunning Folk', 57.
6. Waardt, 'Prosecution or Defense', 83.
7. Gijswijt-Hofstra, 'Witchcraft after the Witch-Trials', 115-16; M.-S. Dupont-Bouchar, 'Le Diable apprivoisé: Le sorcellerie revisitée; magie et sorcellerie au XIX^e siècle', in *Magie et sorcellerie du moyen âge à nos jours*, ed. R. Muchembled (Paris, 1994): 235-66.
8. Sebald, *Witchcraft*, 52, 42n.
9. Henningsen, 'Witch Persecution', 110-19, 135.
10. Carnochan, 'Witch-Hunting and Belief in 1751', 389-403. Colley's neighbours did not think this was a just sentence for killing 'an old wicked woman that had done so much mischief by her witchcraft'. Gaskill, *Crime and Mentalities*, 86.
11. Ryan, 'Witchcraft Hysteria', 78.
12. P. Byrne, *Witchcraft in Ireland* (Cork, 1975): 56-68; A. Bourke, *The Burning of Bridget Cleary: A True Story* (Harmondsworth, 2001).
13. Soldan and Heppe, *Geschichte der Hexenprozesse*, II: 350.
14. Sebald, *Witchcraft*, 223.
15. Agence France-Press, May 13, 1977. The case is discussed in Henningsen, *Witches' Advocate*, 18.
16. *Newsweek*, 25 May 1981: 33.
17. W. de Blécourt, 'The Witch, her Victim, the Unwitcher and the Researcher: The Continued Existence of Traditional Witchcraft', in *Witchcraft and Magic in Europe: The Twentieth Century*, ed. B. Ankarloo and S. Clark (London, 1999): 176-80.
18. On the comparisons between witch-hunting and the Stalinist purges see R. W. Thurston, 'The Rise and Fall of Judicial Torture: Why it was Used in the Witch Hunts and the Soviet Union', *Human Rights Review* 1 (2000): 26-39.
19. Purkiss, *The Witch in History*, chapter 1, shows that efforts by feminists to establish similarities between witch-hunting and the Holocaust have led to the grossly inflated estimates of the total number of witchcraft executions.
20. *The Observer*, 15 June 1980.
21. A. Lewis, 'Making Torture Legal', *New York Review of Books*, 15 July 2004.
22. A. Miller, *The Crucible* (Boston, 1953).
23. L. Hellman, *Scoundrel Time* (Boston, 1976); A. R. Cardozo, 'A Modern American Witch-Craze', in *Witchcraft and Sorcery*, ed. M. Marwick (London, 1970): 369-77.
24. See R. Hutton, *The Triumph of the Moon: A History of Modern Pagan Witchcraft* (Oxford, 1999).
25. The charges occasionally lodged against neo-pagan witches that they are Satanists have no basis in fact. Pagans do not believe in the existence of any inherently evil forces in the supernatural realm. Charges of this sort resemble those brought against sorcerers in the early modern period. See Hutton, *Triumph of the Moon*, 407-8.
26. A. LaVey, *The Satanic Bible* (New York, 1969): 46-54.