

The Witch: Subversive, Heretic or Scapegoat?

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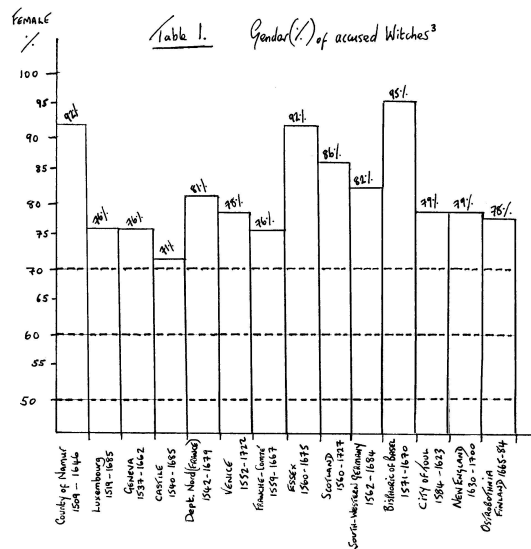
Part I

An Induced Misogyny: Why were women the disproportionate victims of the Great Witch-Hunt?

Witchcraft, it is true, had been punished as a crime in the past, but this was on a much smaller scale when compared to the prosecutions undertaken by the English, Scottish and most European hierarchies in the late sixteenth and early seventeenth centuries.¹ This increased intensity is not only supported by comparing the numbers convicted of this felony throughout history, but also by the sharp rise in the proportion of females (the majority of the respective individual hierarchies' chosen scapegoats) found guilty of this crime between 1560-1650.

Before 1400, at most 50% to 60% of accused witches were women. A rise in the proportion of females prosecuted for this crime had taken place in the fifteenth century, increasing to between 60% and 70%, but during the time of the "witch craze", the preponderance of this sex was to be greater still. Assessing Europe as a whole, including England and Scotland, over 80% of all witch suspects were women.²

Table 1³



¹ Even though most hierarchies were to adopt this subtle strategy, it is emphasised that there was no international conspiracy.

² J Klaitis, *The Servants of Satan* (Indiana, 1985), pp.58-9.

³ Adapted from B Levack, *The Witch-hunt in Early Modern Europe* (London, 1987), p.124.

A tradition existed in English, Scottish and European society during the period 1560-1650 which had been prevalent amongst many cultures of times long past. Women were commonly held to be second class citizens or worse. This misogyny was fed by several sources including classical literature and the Hebrew religion. Furthermore Jean Bodin, the sixteenth century social commentator, was to define their supposed worth at the beginning of his work, *République*. When describing the order of a household, which he believed to be the prototype of all larger societies, he placed the wife in last place, behind the father, behind the children, behind the servants and behind the livestock.⁴ Although women were commonly downtrodden and despised⁵, this was not the paramount reason why this sex was to be disproportionately persecuted at this time. Primarily, most authorities apparently believed that females could undermine a regime, if they were not controlled and subordinated. This conviction was not absurd, when one considers it in the context of its medieval background. A constant theme during this period was that great men and rulers in history had recurringly been ruined by the nature of women. The experiences of Adam (*Genesis*: 3¹⁶), Solomon (*1 Kings*: 11³⁻⁴) and Samson (*Judges*: 16) are excellent examples supporting this viewpoint.

Should the English, Scottish and the majority of European hierarchies have required further justification for their views and resulting behaviour, the most influential text of all the *Bible*, again defended their cause. It was repeatedly expressed that females were a manipulating distraction who deflected the rest of society from its Christian purpose by the use of their “womanly wiles”. Did Jesus not warn against the dangers of ‘lusting after a woman’ in the ‘Sermon on the Mount’? Even love between a man and a woman was wrong in certain circumstances, namely if too passionate and physical, as this supposedly adversely affected the individual’s rational thought process.⁶

Too intimate an association with a woman, the majority of hierarchies considered, could accordingly cause male members of their respective populaces to transfer their allegiance away from the state and church where it was required to be focused by these regimes.

⁴ The significance of the patriarchal structure and the low regard for women at this time is further emphasised by J Bodin, *Six Livres de la République* (Paris, 1576), in H Kamen, *European Society 1500-1700* (London, 1984), p.23.

⁵ Women in several respects were ‘ideal’ victims as they were vulnerable and were regarded as having little value to society.

⁶ See 2 *Samuel*:11²⁻²⁷ – David’s lust for Bathsheba resulted in adultery and arranging the murder of Uzziah. See also *Matthew*: 14¹⁻¹² – Herod’s lust for Salome, the consequence of which was the request for John the Baptist’s head on a plate.

The majority of the hierarchies realised that the link between women and witchcraft had to be cemented in the minds of the lower orders, to further guarantee the protection of the status quo. The English, Scottish and most of the European regimes were consequently to publicise the view that women, owing to a deviant characteristic of their nature, had distracted many men, making it impossible for them to attain the standards of piety and social conformity which the regime demanded in this epoch. The 'gates of heaven', it was commonly believed, would remain closed to these moral under-achievers.

Most regimes were to express, however, that the labouring classes, in particular the male members, could still achieve a form of poetic justice. By bringing witches, the 'Enemies of God', to trial, not only was the hope of eternal salvation regained, but by accusing women of witchcraft, more significantly, their harmful influence could be repaid.

Female Sensuality

The majority of regimes were to publicise women's alleged obsession with sex and their highly sensual nature as the fundamental deviant feature of their make-up. This characteristic, these hierarchies considered, not only caused men numerous anxieties, but also, more notably, threatened to weaken the existing social structure. Most authorities were, accordingly, to issue propaganda to emphasise the evil purposes of women's sensuality, in an attempt to further encourage their populaces to link women, in particular, to witchcraft.

James I of England expressed the view, in his numerous texts on this subject, that females were intrinsically frailer than men, making it easier for them to be trapped by the Devil into doing his work. The Serpent's deceiving of Eve at the beginning, he asserted, had given Satan ready access to women ever since.⁷ Henri Boguet, the notorious witch-hunting prosecutor of Franche-Comté, was to explore in greater detail, however, the heart of this issue. He explained,

The Devil uses them so, because he knows that women love carnal pleasures, and he means to bind them to his allegiance by such agreeable provocations. Moreover, he adds, there is nothing which makes a woman more subject and loyal to a man, than that he should abuse her body.⁸

⁷ Klaitis, *Servants*, p.68.

⁸ Klaitis, *Servants*, p.68.

The English, Scottish and the majority of the European hierarchies had an honest fear of females and distrusted them, owing to their erotic and lascivious natures. These regimes had undertaken a campaign to degrade the fairer sex and portray them in a sinister light. With reference to statistics regarding witchcraft prosecutions during this period, it appears these hierarchies had successfully linked their labelled scapegoats to witchcraft, and, as effectively, were to associate woman's natural sensuality with subservience to the Devil, even though these elites were aware that there was no truth in either of their accusations. For the purposes of the elites, it was held to be essential in their view, that members of the labouring classes should, however, make these connections.

Figure 1. 'Making a Pact with the Devil' (adapted) by Francesco Maria Guazzo (1929); in J Kingston, *Witches and Witchcraft*.



As the ultimate deed of confirmation and abasement, the witch kisses the Devil's buttocks with the kiss of shame, the *osculum infame*.

To the satisfaction of the ruling classes, women had apparently graduated to the embodiment of depravity in the eyes of the public. Furthermore, women having allegedly entered into a pact, an agreement with Satan, and receiving intimate pleasure amongst other things as their reward, would not the Devil require certain subversive acts to be undertaken in return?

This consideration allowed the authorities to increasingly supply this 'manufactured intolerance' of women, which they had fed the remainder of the populace. They pointed to the new scourge of

syphilis which had arisen. This linked female sensuality to an act of great evil against mankind. Here was an illness, painful and often fatal, caught through the agency of a woman. There was also, at this time, a startling increase everywhere in the amount of 'sexually deviant' crimes against morality, which were firmly placed by most establishments at the door of the female sex. The Parlement of Rouen, for example, began to hear frequent cases of adultery, buggery, sodomy and incest. This type of crime increased from less than 1% of the court's business in 1548-9 to 10% in 1604-6. In England and Scotland, females were seemingly as subversive. After 1600 English courts and justices of the peace were to conduct many trials of fornicators. Likewise, the Scottish Parliament, owing to the unprecedented rise in adultery and incest, was to make these capital offences in the 1560s.⁹ Controlling the emotions of those involved in any kind of sexual act not acceptable to the regime in power, and for that reason clearly initiated by women, was evidently very difficult. These authorities could not afford to allow this passion to undermine the status quo.

Elitist embarrassment and feelings of subservience due to female sensuality also soared to new heights during the late sixteenth century and first few decades of the seventeenth century. Throughout history, the male of the species had sensed a certain degree of sexual inadequacy. The sexual act created the impression that women were insatiable, whereas man after ejaculation was exhausted and unable further to satisfy his partner. Moreover, man lost control over his body even at the earliest stages of lovemaking. This loss of phallic control had always greatly reinforced this impression of feminine power and masculine weakness.¹⁰

Male insecurity concerning the sexual act, especially amongst the establishment and ruling classes, was betrayed, however, as never before, during this late medieval epoch. This was reflected by the obsession with codes of sexual honour, the unnatural emphasis of the codpiece in dress and literature, as well as the predominant, highly patriarchal family structure.¹¹

In addition to raising terrible fears, the majority of authorities wanted women punished, as they brought to the fore feelings of embarrassment and inadequacy amongst them. The elite has also considered another advantage of this course of action. Should any amongst them feel unable, for any reason, to conform to these newly generalised standards of Christian sexual behaviour, this

⁹ Klaits, *Servants*, p.80.

¹⁰ G Quaiife, *Godly Zeal and Furious Rage* (London, 1987), p.82

¹¹ This situation was noticed by Klaits, *Servants*, amongst others.

failure could be blamed on the female sex as a consequence of satanic intervention. This consideration alleviated or at least greatly reduced any sense of guilt a male could have.

The clergy were as content for women to be persecuted, however unfairly, for their sexuality, as the non-ecclesiastical members of their social class. Frustrations, sexual anxieties and guilt were daily problems to be faced by the clergy. Repressed sexuality sought vicarious expression, the death of a woman 'labelled as a witch' becoming a temporary symbol of victory against intolerable tormenting lust.¹²

Leading from the sexual act, which women dominated and used to influence others to the apparent extent that they could possibly direct the activities and thoughts of the community, in the elite's view, naturally arose the matter of childbirth.

Men obviously had no control over, or ability to supervise, any aspect of childbirth. This event was entirely the responsibility and preserve of the female sex. As Quaife remarks, 'Menstruation was a magical act that terrified the primitive male. Birth was a fundamental mystery denied him.' Most national authorities were accordingly to be equally disturbed by the same realisation. If they believed that women had the ability and will to influence and determine the workings of society through their sexual magnetism, could they not do this to a still greater extent, owing to their monopoly on the reproductive process? Is it not a common saying that, 'The hand that rocks the cradle, rules the world!'¹³ The scapegoating and persecution of women were apparently accelerated further as a consequence of the elite having grasped this eventuality. In conjunction with this undertaking, these authorities attempted to degrade the process of childbirth as they had the sexual act. According to the propaganda circulated by the hierarchies, menstruation and travail were to be equated with pollution. It was to be regarded as a time of disgrace, labour pains being a just punishment for indulging in the sins of the flesh. Lowering the tone of the most 'holy of procedures' was the authorities' attempt at controlling this function.¹⁴

¹² Quaife, *Godly*, p.104

¹³ The subject of infanticide should also be considered, further supporting this argument.

¹⁴ Quaife, *Godly*, p.83. Inherent in such views was the denigration of nature. Men envied the female's natural creative role and tried to compensate for this inadequacy by a frenetic attempt to create and dominate in the political and cultural spheres. It can, accordingly, be argued that it is this dichotomy between nature and culture, which is the essential difference between female and male personalities and which is the fundamental factor to the understanding of misogyny.

The English, Scottish and the majority of the regimes within Europe, who adopted this 'labelling' policy during this period, were understandably not to limit themselves to persecuting a particular category of women. This is not to say that ladies with particular characteristics were not prosecuted more than others.

Elderly Victims

With reference to the few sample studies available, the majority of those females prosecuted as witches were old. In the four Swiss jurisdictions (Basle, Fribourg, Geneva and Neuchâtel) the median age was 60, and in the Nord 55. This conclusion is further supported when analysing the breakdown of the accused at the Essex Assizes during the notorious 'hunt' of 1645¹⁵:-

- 13% of the accused were between 40 and 49
- 20% of the accused were between 50 and 59
- 47% of the accused were between 60 and 69
- remarkably none were between 70 and 79
- 20% of the accused were between 80 and 89

Most authorities were to persecute this 'aged crone' as she represented the elite's ideal of a witch. Moreover, her characteristics were such that with a little adverse publicity, she could easily become the focal point of hatred within the community, inspiring feelings of anger and fear amongst the masses.

With age, there was understandably a decline in the ability of this woman to make a living. On average, in this epoch, females when working 'full time' received merely a third to a half of a male wage, the result being that they became yet another dependant of the village, subsequently being the butt of much antagonism from their neighbours.¹⁶ Senility was also a by-product of the ageing process, affecting both personality traits and behaviour patterns, causing them very frequently to be at odds with community standards and expectations. The older woman often became depressed, talked to herself, grumbled and felt aggrieved by the world, which had turned against her. In

¹⁵ Quaiife, *Godly*, pp.162-3. See also A Macfarlane, *Witchcraft in Tudor and Stuart England* (London, 1970), p.161.

¹⁶ The very weakness of the social position of women, particularly widows or unmarried women, made it safer to accuse them of witchcraft than to accuse men, whose political, financial, legal and physical strength rendered the accuser more liable to reprisals. See J Russell, *A History of Witchcraft* (London, 1980). This reasoning was even more applicable to those women who were also elderly.

addition, it is possible that this unacceptable conduct began amongst females during menopause – a gender-specific condition.¹⁷ Reginald Scot was to remark on this very point, expressing the view that women came under village suspicion after ‘the stopping of the monthly melancholic flux or issue of blood’. Furthermore, the old body was more likely to reveal what these ruling classes had designated to be the Devil or witch’s mark than that of a young woman. This anaesthetic scar was commonly held by the public, owing to the elitist propaganda, to confirm the alleged collusion with Satan, the labelled witch apparently having agreed to work as one of his agents to undermine society. Moreover, this elderly dame, being lonely, often sought companionship in the form of a domestic pet which was easily portrayed by those hierarchies who so desired as a ‘familiar’, a demon, who acted for the witch and who in turn was suckled by her.

Patriarchal society hoped and expected all women to be under the control and discipline of either a father or a husband. An old woman would generally fall outside this community requirement, in turn diminishing greatly her ability to avoid group suspicion. Having no partner or family to support her, this female would be poor and live in isolation on the outskirts of the village. The remoteness and independence of this existence only served to further increase fear within the community of this alleged uncontrollable, embittered individual.

As a related aside, there had, in fact, been an alarming increase, from an authoritarian standpoint, in the proportion and numbers of never-married women, of all ages, in society. The early medieval average of one in twenty gave way to one in three in Sweden, for example. Similarly, the statistics available from Switzerland during this epoch support this trend. In rural locations 10% of women never married, whilst in urban centres this rose to 20%. This further fuelled misogynistic fears ... members of the public readily accepted the likelihood that these maidens were also involved in evil practices, as they too were regarded as unusual, owing to their status, and not to be trusted.

Significantly, it could thus be argued that the pursuit of witches was in part a ‘rearguard action’ against the emergence of women as independent adults. Many of the women who were accused were those who challenged the patriarchal view of the ideal woman. They were accused not only by men, but also by other women, because apart from the ability to gain ‘benefits’, women who conformed to the male image of them felt threatened by any identification with those who did not.¹⁸

¹⁷ Quaiife, *Godly*, p.163.

¹⁸ C Larnier, *Enemies of God* (Oxford, 1981), p.102.

Undoubtedly, mature females, however, produced the highest degree of concern amongst the ranks of the elite. It was commonly believed by the majority of the hierarchies, that many of these women's passion had not subsided, but they found themselves without a partner for whatever reason.¹⁹ These elderly females were, as a consequence, thought to lead young girls into lesbianism, for example, or enjoy the deflowering of innocent young maids by organising group orgies²⁰, simply to gain sensual satisfaction.

Selling the concept of the witch being generally 'an old woman' also enabled the establishment to strengthen the significant connection in the minds of the lower orders, between females, witches and the Devil. Would not many of these elderly dames, most authorities suggested, have become easy prey for Satan, readily turning to him, as he could supposedly satisfy their sexual appetites? The sexual act would have been degraded further by implication, the Devil having deliberately chosen the old and the ugly for his sexual pleasure.²¹

Figure 2. The Sabbath



Goya: Painting known as 'El aquelarre' (The witches' Sabbath), in the Museo de la Fundación Lázaro Galdiano, Madrid.

¹⁹ Levack, *The Witch-hunt* (London, 1987), p.130.

²⁰ Quaiife, *Godly*, p.94

²¹ Quaiife, *Godly*, p.94

Unrestricted Persecution

There were a number of categories of women who had none of the characteristics above, which made the 'old crone' so incessantly hunted, who were also to appear time and gain in court charged with the crime of witchcraft.

Women who were closely related to a female executed as a witch fell into this group. In particular, daughters found themselves in a dangerous position, as the ability and will to work *maleficia* was widely believed amongst the populace, owing to the propaganda of the elite, to be passed on in families during these years. In deciding to burn Dorothea, wife of Burgi Hindremstein, the town councillors of Lucerne could justify their action by the fact that, years before, her mother had been burned.²² Importantly, the authorities considered that any subversive tendencies inherited would also be destroyed.

The majority of the respective hierarchies, who enjoyed power in England, Scotland and Europe at this time, were also somewhat uncomfortable regarding the role of certain women in their professional capacities. Midwives were repeatedly to be persecuted as witches. This was owing to their seemingly mysterious skills in the taboo-ridden area of reproduction. The authorities did not attempt to hide in any format their distrust and apprehension which was caused by females who undertook this job, owing to their control over the process of childbirth. Frequently, these ladies were required to swear before God never to murder the newborn or to disguise maternity. Suspicions of malpractice always lurked just below the surface and when misfortune struck, most elite, by scapegoating the midwife as a witch, provided the public, as always, with the outlet they required for their anger and blame.²³

'Wise women healers' were now to be regarded as witches. Professional associations, to which surgeons and physicians would automatically belong, as part of the establishment, looked with distaste at the part these women were playing in this caring vocation. There was to be much friction between those who had traditionally eased suffering without any formal qualifications and those establishment-endorsed 'modern' doctors. These qualified healers were to receive total support from the state, who acted on their behalf on several occasions to stop the amateurs and allow the monopoly over the physical wellbeing of a nation's inhabitants to be placed firmly in the hands of

²² N Cohn, *Europe's Inner Demons* (London, 1975), p.248.

²³ Klaitz, *Servants*, pp.96-9.

the ruling classes. Notably, for example, in 1641 in Edinburgh, an Act of Parliament was passed forbidding any who had not been duly approved by the surgeons from practising the surgical art. The surgeons were to have the power to seize all such persons and fine these Scots £20. The Act specifically referred to women practising unlawfully in the city and threatened them with prosecution under the Witchcraft Act, if they continued to practise.²⁴

Furthermore, the clergy, the ecclesiastical branch of the establishment, were also to feel threatened by females, when they undertook caring responsibilities in the past. As an effective therapist, a 'women healer' undermined the intrinsic authority of the clergy.²⁵

Woman – the 'perfect Witch'

The respective regimes in England, Scotland and the majority of Europe during this period had apparently produced an abundant supply of scapegoats for their own purposes. By concentrating on the female sex and the 'old crone' in particular, owing to her idiosyncrasies, the elite easily sold to the masses (the most likely source of social insurrection) the correctness of blaming this minority for social inadequacies. This ultimately resulted in the subsequent hate and distrust by the majority of the labouring classes of these women.

Any female scapegoat chosen by the establishment was either feared or an 'easy target' (no power, no money, physical weakness etc.). The other characteristic shared by these 'labelled witches' was these authorities successfully made them acceptable victims to most of the general public by manipulation of facts and distortion of reality.

Part II

The Witch-Myth: Paranoia, Persecution, and Preservation of the status quo c. 1560-1650.

It is noteworthy that the actual term 'witch-hunting' evolved in the USA this century²⁶ and was given two meanings: first, the pursuit of persons, for their supposed characteristics or beliefs rather than for anything they have done; and second, the relentless pursuit of an individual by a group

²⁴ C Lerner, *Witchcraft and Religion* (Oxford, 1984), p.150.

²⁵ Quaiife, *Godly*, p.11.

²⁶ C Lerner, *Witchcraft and Religion* (Oxford, 1984), p.88.

through artificial or contrived charges. This is a very apt definition when analysing the persecution of alleged witches in England, Scotland and the majority of Europe between 1560-1650.

It should be re-emphasised that, in reality, witches never existed in the true meaning of the word²⁷, in these regions during this period. The creation and persecution of this scapegoat, the witch, was simply considered by those authorities who undertook this practice, as an essential part of their strategy to ensure the protection of their respective status quos.

The fact that these regimes instigated and controlled the pursuit of witches in this epoch is undeniable. The English, Scottish and the majority of the European authorities had created an atmosphere within their nations which was conducive to the persecution of this scapegoat. Through propaganda, the members of the populace, in particular the labouring classes, were relentlessly made aware of the evil nature of the witch and, significantly, were encouraged to believe that support of this elitist policy would prove beneficial to themselves. In such circumstances, it was not difficult for the majority of regimes to misinterpret customs and traditions. For example, a belief formerly considered harmless by the authorities prior to the mid-sixteenth century, but which was later portrayed by the elite as a form of witchcraft, was held by the Benandanti. Innocently, this group believed their spirits participated in night-flights and fought against witches, who were trying to destroy the fertility of the crops and also to kill children.

Similarly, the effects of natural drugs, dreams, activities undertaken during menopause, senility, etc., could also be manipulated so that they appeared to be acts of witchcraft. Accordingly, owing to this convincing elitist publicity, not only did some individuals mistakenly accept the label of witch, but many others held the witch responsible for their problems.

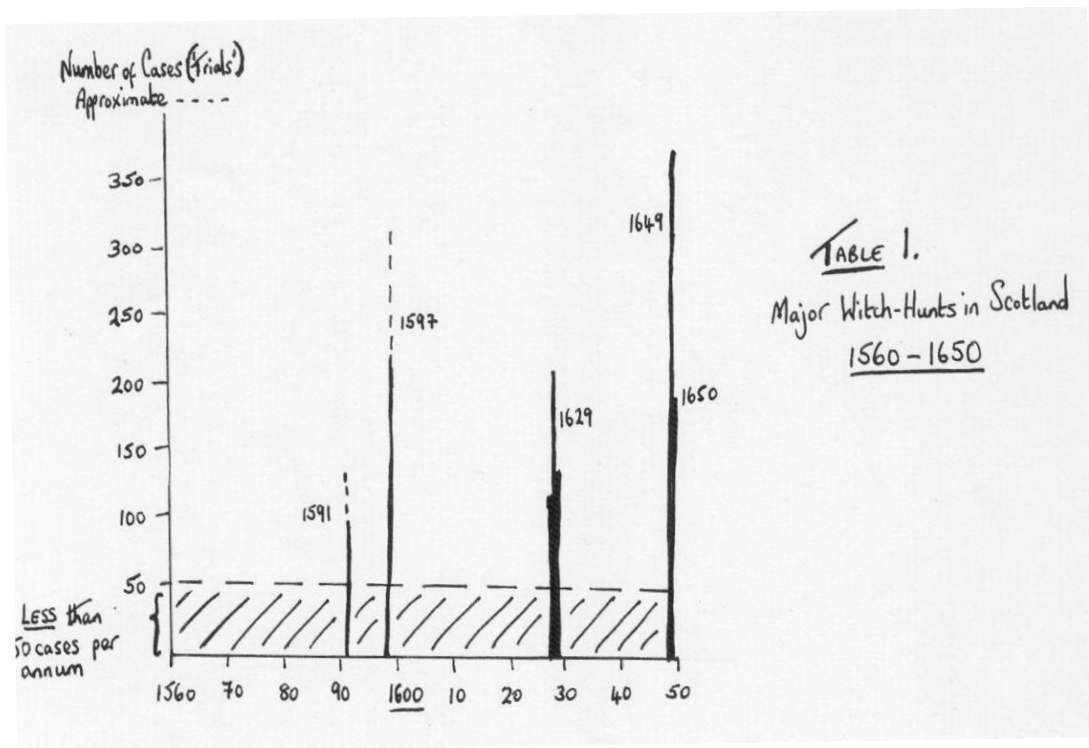
Interestingly, the accusation of contributory negligence is difficult to deny when analysing the demise of many of the individuals, who were labelled as witches. In truth, it is a very harsh indictment, however, as circumstances were against these victims of elitist policy. For many of this scapegoated class, the new standards of social conduct and piety required by the English, Scottish and the majority of European regimes were considered unattainable, as achieving these demands would have meant a mere existence, not a life. The undertaking of traditional activities by many of

²⁷ This view is confirmed by the terminology of the statute of 1736 (9 Geo.11v), which justified and signalled the end of witch-hunting in England and Scotland.

these scapegoats, which ultimately proved to be easily misrepresented by the authorities, is therefore understandable. It was a question of necessity, if life was to be made enjoyable.

Crimen Exceptum

These regimes, who saw the necessity to produce the witch-scapegoat to provide an outlet onto which any animosity felt by members of the lower classes towards the establishment could be deflected, were equally aware how significant a nation's legal procedures were as an aid to this persecution²⁸.



²⁸ This deflecting of anger onto witch-scapegoats and ultimately punishing them was clearly more prevalent when a ruling elite felt the status quo was particularly under threat from potential revolution, see Table 1.

By design and adaptation, not chance, the diverse legal systems²⁹ of these respective nations had the capacity not only to prosecute the witch, but also to create endless suspects and to publicise this heinous crime. Clearly the legal factors outlined below were fundamental to this process:

1. Witchcraft, owing to the magical nature of the offence, was commonly regarded in England, Scotland and most of Europe as a *crimen exceptum*. The normal rules of law were not to apply to this felony, e.g. the *corpus delicti* did not have to be established, i.e., that a crime had actually been committed. Moreover, as the crime had the characteristic that the evidence was held to disappear with the act (*facti transeuntis*), anybody could be a witch. This was further emphasised by the fact that it was impossible to have a verifiable alibi.
2. One of many procedural safeguards to be cast out or relaxed was that concerning witnesses. A much wider category of people were eligible to give a testimony in a witchcraft case when compared to another offence.
3. Again, different evidential requirements applied concerning this crime. In England, standards of indicia were lowered and the forms of material considered relevant increased. In Scotland and Europe, the ignoring of procedural safeguards was reflected in the breakdown of the Roman-canon law of proof. Habitually under this procedure, two eyewitnesses to the offence, or a confession by the suspect, were strictly required for conviction. Owing to the nature of the crime of witchcraft, however, it was not usual for eyewitnesses to come forward, which meant increased pressure was imposed on the prosecution, i.e., the authorities, to produce a confession.
4. The rules concerning torture, particularly in Scotland and most of Europe, were accordingly “extended”, having been considered by these hierarchies as essential to ensure the production of the confession. Previously a suspect was allowed to be tortured on a maximum of three occasions depending on the specific rules of a particular nation. The “reformed” law concerning this issue, however, was not to mention restraint concerning the duration of torture, as it was to be regarded as the continuation of one process.

²⁹ Legal procedures in Europe concerning witchcraft were based on the inquisitional process. In England, the accusatorial process was used. Scotland, although based on the inquisitional procedure, also shared many characteristics of the English system concerning this crime. The Scottish process was in many respects a ‘half-way house’.

It should be emphasised that torture featured to a greater extent in Scotland and the majority of European countries concerning witchcraft, in comparison to England. This was not owing to the English regime's lack of express, legitimate right to impose coercion, as, where it was deemed necessary, the Privy Council issued torture warrants. The political nature of the crime of witchcraft was underlined by the subject of these particular cases. It is more probable, in fact, that this coercive form of evidence production was little used in England, as the authorities were fortunate enough not to have to rely on torture to make their scapegoating policy successful. The English courts did not demand such vigorous proofs for conviction as their European counterparts.

5. Witch-hunters were common in all these countries and had the effect of aiding the legal systems to prosecute witches. Although the respective ruling elites disassociated themselves from the manipulative practices of these individuals, they employed these pursuers of witches and did not enforce prohibitive measures against them, unless their hands were forced owing to public outcry. From a practical viewpoint, 'proofs' of diabolic pacts, etc., and the vast number of suspects they unearthed, were ideal propaganda material for the regimes to publicise.

These regimes were to introduce other comparable legal measures throughout this period to ensure that these 'criminals' received acceptable punishments for their 'crime'. 'Acceptable' refers not only to the requirements of the establishment, but also what the remainder of the populace demanded, who had digested the elitist propaganda concerning witchcraft. The English, Scottish and the majority of the European authorities additionally had to adapt their judicial systems to ensure that they could cope with the increased number of trials of this nature. The possibility of massive conviction rates in certain districts had to be controlled.

The process of punishing those people convicted for the crime of witchcraft was to be suitably developed by three legal innovations in particular:-

1. The reform of existing statutes: England, Scotland and the majority of European nations were to introduce new witchcraft legislation during the period 1560-1650. These statutes were not only to widen the category of practices classified as witchcraft, but most also imposed harsher penalties for the various forms of this crime.

2. The movement from Church to State control: In England, Scotland and most continental countries, witchcraft had historically been a crime under the jurisdiction of the ecclesiastical authorities, but by 1570 it had commonly become a secular governed offence. In England, the foundations were in place in the 1560s for a significant increase in accusations of witchcraft, as the accuser no longer had to pay the costs of bringing his grievance to trial, nor did he now have to suffer the inconveniences of the talion. Instead, the authorities were now to fund and supervise the case against the suspect. Witches were to be more aggressively pursued in every country which persecuted these labelled individuals, from the time when the secular authorities took charge of this crime. Not only was there now apparently a great chance of being accused of witchcraft, but the punishment for this crime was also to be generally much harsher. Unlike their ecclesiastical counterparts, the secular authorities could inflict bodily harm³⁰.
3. Devolution of power to prosecute witches: Local courts, during this period, received authority from their respective regimes to try those individuals suspected of witchcraft in their region. The demand for the prosecution of this scapegoat, both from local members of the establishment and amongst the labouring classes, was on occasion so relentless that the central authorities had found it difficult to cope with all the accusations from various districts.

Local courts, as a rule, were to produce a greater number of prosecutions when compared to how a central authority controlled an alleged outbreak of witchcraft. This is understandable as the source of the problem (non-conformist/anti-establishment activity) causing the persecution to take place was close to 'home', not at a distance. Accordingly, if the matter was not settled quickly, the consequences would probably directly affect the judiciary of the district, i.e., the local elite. In these areas, dramatic rises in convictions of 'witches' were, additionally, often owing to the members of these judicial bodies simply abusing their positions to further their own ambitions³¹.

³⁰ In the past, had not ecclesiastical bodies in charge of witchcraft often handed those convicted of this crime over to their secular arm for punishment?

³¹ It is emphasised, however, that the majority of central authorities were also unlikely to uphold many of the procedural safeguards which still remained concerning this crime.

A manufactured scapegoat

Having introduced flexible legal procedures concerning the crime of witchcraft, the authorities did adjust levels of persecution of this scapegoat within their nations to suit their needs. It appears a consistent trend that the levels of witch prosecutions, at any given time, did not depend upon the strength of the regime, but on the elites' confidence in their ability to maintain power. For example, there were large outbreaks of witch persecutions in Essex in 1645 and in Scotland in 1649, when the respective establishments felt their status quos were particularly under threat from revolutionary tendencies, which needed to be distracted.

Accepting that the creation of the witch, and the control of the labelling and scapegoating process surrounding this character, was governed by the English, Scottish and the majority of the European authorities within their respective nations during this period, significantly makes many previously unanswerable issues surrounding the subject of witchcraft more understandable. Notable examples include, 'why the witch-hunts took on such overwhelming proportions in some nations and not in others, and why they apparently disappeared for years in certain areas and then recommenced?'

Doubt is again reflected upon the reality of the witch by the observation; if witches had really existed at this time, surely there would have been consistently a more even representation of all social classes amongst those prosecuted (not just the weak, despised, or distrusted), including members of the elite? Moreover, if this deviant had been real, then members of the populace would have automatically denounced them to the authorities to protect themselves. The regimes, additionally, would not have considered it necessary to issue endless propaganda concerning the witch and to provide the members of the labouring classes with incentives to persecute this deviant, in the form of possible fame and fortune, etc.

Equally significant proofs remain, however, which further confirm that the witch never existed in England, Scotland and Europe during the period 1560-1650. Firstly, there is the remarkable realisation that no witch was ever caught *in flagrante crimine* (in the act)³². The authorities were apparently capable of dispersing meetings of other subversive groups, but not once did they successfully conduct a raid on a witches' coven³³. More extraordinary however, is the fact that

³² If witches were real, gatherings such as that portrayed in Figure 1 would not only have confirmed a participant's guilt, but would have been impossible to continuously conceal.

³³ B Levack, *The Witch-hunt in Early Modern Europe* (London, 1987), p.13.

these witches, with all their alleged powers, never seemed able to escape from prison or from retribution by using magic and few were wealthy³⁴.



Figure 1

'Détail du Sabbat' by Michael Herz
This representation of the infamous witch-gathering was taken from Roland Villeneuve's *Le Diable (Érotologie de Satan)* (Paris, 1963), p.206.

Contemporary writers, such as Johannes Nider and Spina³⁵ among others, also recognised that the witch was a 'myth'. They remarked on cases where women imagined themselves carried a long distance, but in reality remained immobile at home. This was not the only class of informed opinion to conclude that those labelled as witches were persecuted unfairly. Some with practical experience of trials in a professional capacity were ultimately to express their doubts as to the culpability of those prosecuted. One such individual was the Jesuit Friedrich von Spee, who for years acted as confessor to witches about to be executed. He asserted that he had never seen one who had really done the things to which she confessed³⁶. Had not Alonso de Salazar Frias, the

³⁴ S Anglo, 'Reginald Scot's Discoverie of Witchcraft: Scepticism and Sadduceeism' in S Anglo, *The Damned Art – Essays in the Literature of Witchcraft* (Various) (London, 1977), p.126.

³⁵ See G Quaife, *Godly Zeal and Furious Rage* (London, 1987), p.201. Even though the remarks of Johannes Nider were made in the early fifteenth century and those of Spina in the early sixteenth century, they are equally relevant to the period c.1560-1750, as these imaginary journeys were still being described by deluded women in this later epoch.

³⁶ F Von Spee, *Cautio Criminalis* (Rinteln, 1631), in E Midelfort, *Witch-hunting in South-Western Germany 1562-1684* (Stanford, 1972), p.28.

investigator deputised by the Suprema of the Basque witchcraft trials of 1610, also concluded that the entire affair was ‘nothing but a chimera’?³⁷ It is an unequivocal fact that, whenever impartial investigations, similar in nature to the Basque inquiry of 1610, were conducted into the alleged practice of witchcraft, they produced negative results.

Decline of the Witch-hunt: Post-period confirmation that the witch was a “myth”

Witches did not become extinct, or go away for some unknown reason, but instead the responsibility for their ‘disappearance’, as with their creation, should be linked to the attitude of the English, Scottish and the majority of the European hierarchies. Having been the manufactured product of the ‘labelling and scapegoating’ perspective of these regimes, this ‘deviant’ was to be increasingly considered unfashionable by the authorities after 1650, and consequently inadequate for strategies to protect their respective status quos.

Promoting the existence of witches had become intellectually disreputable by the mid-seventeenth century, as the ‘new world view’ made them figures of superstition. This new world view was a philosophical and religious revolution that changed the whole concept of the cosmos and how it worked. Descartes (1596-1650), who led the philosophical revolution, dismissed traditional mediaeval philosophy and argued for the existence of universal, observable, mechanical and describable laws of nature that made the activities of demons and witches unnecessary and illogical³⁸. Cartesianism and similar belief systems which were rapidly spreading amongst the populace as part of the religious revolution, also promoted an orderly universe. Russell summarises succinctly this creed’s view of witchcraft, ‘God would have no wish to upset the laws he himself had established; much less would he give the Devil power to do so.’³⁹

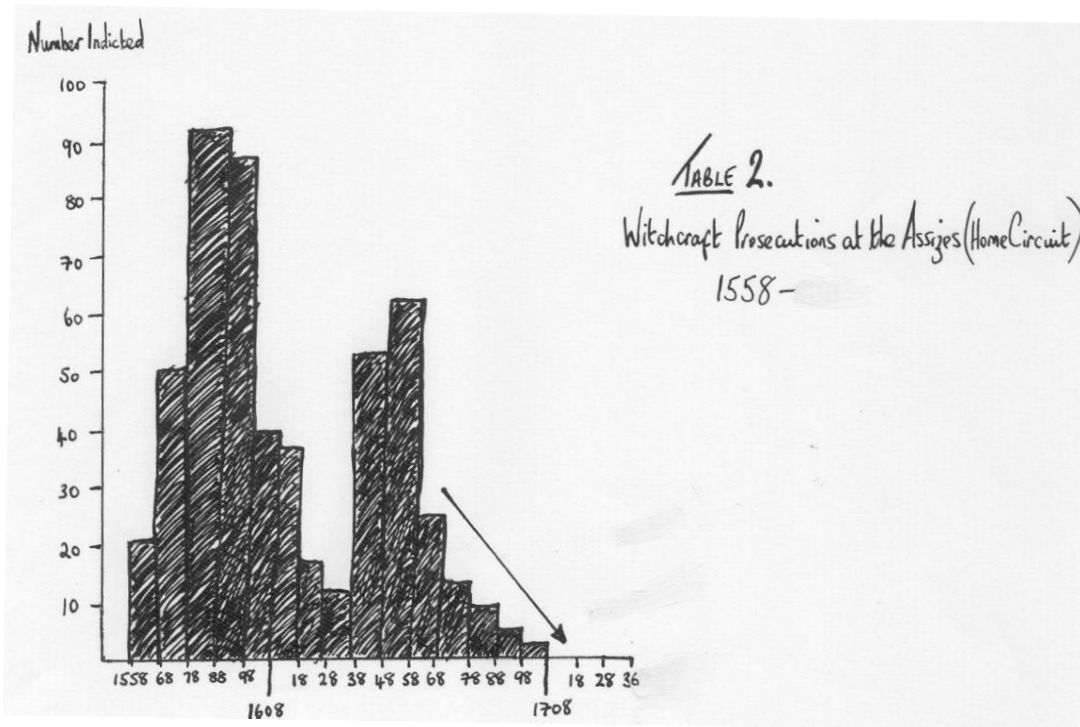
Times had changed, as had the consensus of progressive thought concerning witchcraft in the latter-half of the seventeenth century. The English, Scottish and the majority of the European authorities were becoming increasingly aware that there was no acceptable way of proving this crime in this philosophical climate. It was apparent they could no longer rely on the ‘witch-scapegoat’ to present an adequate distraction for members of the populace who harboured revolutionary tendencies.

³⁷ Levack, *The Witch-hunt*, p.13.

³⁸ A later development of this philosophy, ‘scientific positivism’, declared that only those phenomena which can be identified by scientific method can reasonably be said to exist.

³⁹ J Russell, *A History of Witchcraft* (London, 1980), p.124.

The persecution of witches was accordingly abandoned by these regimes in a gradual fashion over the following few decades. For example, the last execution for witchcraft in England occurred in 1684, in Scotland in 1727, and in France in 1745. Trials became ‘few and far between’ approaching these dates. These authorities were, moreover, to adjust their judicial systems and legislation to bring about this final decline of witch-hunting within their nations, just as they had manipulated this procedure to commence the pursuit of these labelled individuals in an earlier epoch. Notably, there were three main judicial and legal developments which contributed to the decline of witchcraft: (1) the demand for conclusive evidence regarding the *maleficium* and the pact; (2) the adoption of stricter rules regarding the use of torture (particularly relevant in Scotland and Europe); and (3) the promulgation of decrees either restricting or eliminating prosecutions for witchcraft.⁴⁰



The majority of regimes considered they had to maintain their intellectual respectability by relentlessly distancing themselves from the witch-beliefs, which they had formerly promoted.⁴¹ These hierarchies further realised the necessity of ‘modifying their views’ to reflect the new ideas,

⁴⁰ See Levack, *Witch-hunt*, p.215.

⁴¹ Table 2 clearly depicts how witchcraft prosecutions at the Assizes (Home Circuit) continuously decreased after c.1650. Statistics from the other English Assize Circuits portray a similar reduction in ‘offenders’.

or they believed, they would find themselves unheard, their authority diminished and potentially regarded as replaceable.

There were, however, other connected factors which also influenced the Scottish regime and the majority of the European regimes, in particular, to cease persecuting witches in the second half of the seventeenth century. Many communities were literally rebelling against this measure. Over a century of the 'witch-craze' had taken its toll. There were several towns where the majority of females and numerous males had been sentenced to their deaths. Consequently, the fear of being accused of witchcraft and the possibility of being tortured were making life in many regions unbearable. Insufficient finances were another reason why some villages and towns were hesitant about continuing the witch-hunt. There had been earlier instances of witch-trials concluding prematurely, when a population, having used all its resources, could no longer support such a costly judicial extravagance, e.g., at Trier in the 1580s and 1590s. By the second half of the seventeenth century, so great had been these persistent demands on a community's coffers to support these trials and their related expenses, however, that some members of the populace had gradually become resentful and opposed the establishment's pursuit of witches. As Levack suggests,

If one considers the number of suspects who were held in gaol at any one time during large witch-hunts, the burden of prison maintenance alone becomes a plausible explanation for opposition to the continuation of the hunt.⁴²

Significantly, members of the ruling elite were also increasingly to be accused of witchcraft during this period, as they were simply the only possible accomplices which remained in certain areas where 'witches' were notoriously active and had accordingly been harshly punished. This was especially true in Europe, where the 'inquisitional fires more frequently ran out of fuel'.

After 1650, not only was the persecution of witches becoming unfashionable and insupportable, but this procedure was increasingly to murder the elite, which was the class it sought to protect. Furthermore, it appeared to incite opposition to the authorities from sections of society which they desired as allies. In the case of one Scottish witch in 1661, who languished in prison for eight months at public charge, a local laird petitioned the Privy Council to have her either tried or set at liberty.

The respective authorities portrayed enlightened acceptance of the 'new world view', whilst

secretly recognising their own best interests, which meant enacting statutes which in legal terms marked the death of the crime of witchcraft.

These statutes were also to confirm by their terminology that the witch never existed, in the true sense, in the sixteenth and seventeenth centuries. For example, the wide-ranging 1736⁴³ statute which repealed the statutes of Mary of Scotland (1563)⁴⁴, Elizabeth I (1563)⁴⁵, and James I and VI (1604)⁴⁶, denies reality to magical powers.

In Hindsight

The conclusion that the ‘witch’ was both created and killed off by the English, Scottish and the majority of the European authorities, when they considered it efficacious for their own aims, emphasises that this figure was simply a ‘manufactured myth’. Furthermore, the view that the witch was the product of the labelling and scapegoating perspective undertaken by the regimes at this time, can clearly be consistently supported.

⁴² Levack, *The Witch-hunt*, p.165.

⁴³ (9 Geo. 11v)

⁴⁴ (Mary, 9.)

⁴⁵ (5 Eliz. xvi)

⁴⁶ (1 Jas. Ixii)