

Macbeth Clip: By the pricking of my thumbs, something wicked this way comes.

Wizard of Oz clip: You cursed rat, look what you've done. I'm melting, melting.

Monty Python and the Holy Grail clip: I'm not a witch, I'm not a witch. But you are dressed as one. They dressed me up like this. And this isn't my nose, it's a false one. Well? Well, we did do the nose. The nose? And the hat, but she's a witch.

(Intro music)

Amanda Pampuro: Welcome to a very special, very spooooky episode of Sidebar. I'm your host, Amanda Pampuro.

Hillel Aron: And I'm Hillel Aron.

AP: Today we're talking about witches!

HA: Right, and because we are Courthouse News, we'll be focusing on witch trials.

AP: Spooooky.

HA: Very. Now Amanda, what do you know about witch trials?

AP: You know, my great-grandmother was actually from Danvers, Massachusetts.

HA: Which was formally known as Salem Village.

AP: Right. But other than that, I don't really know that much.

HA: Well, most people think of witch trials as these primitive exercises that were just about superstition and burning people alive, throwing witches in a river and seeing if they float, and nothing like that could ever happen today. But actually, witch trials were actual trials. There were grand juries, articles of indictment, evidence presented, there were even juries in some cases. You might even say that, by the standard of the day, they were fair trials — with the obvious caveat that witches are not real, and no one ever should have been accused of being one, much less tried and executed.

AP: Pretty big caveat.

HA: Yeah, it definitely is, but you have to put yourself in the mindset of people that lived back then. This is a time when the Bible is taken literally. It's a time when wars are being fought over religion between Catholics and Protestants. It's the era of the Spanish Inquisition. And witchcraft is seen as a similar crime to heresy. Which is to say, it's partially a crime of believing the wrong thing, and it's taken very, very seriously. Let's hear from Stacy Schiff — she's a Pulitzer Prize-winning historian, who wrote an incredible book about the Salem witch trials, called "The Witches: Salem, 1692."

Stacy Schiff: The Bible commands, "Thou shalt not suffer a witch to live." And the logic went, why would the Bible specifically warn against witches if they did not exist? The witch was accepted as an article of faith, really, she goes part and parcel with one's faith, and she is essentially, or he is, but primarily she is, someone who's in communion with, and a confederate of, the devil. And she does his bidding. And her ultimate quarry is the human soul. She may perform all of these strange household deeds but really

what she's after is a sort of corruption of the soul. She's trying to steal those souls away from the church.

HA: So, when colonists in New England wrote their first legal code in 1641, the first capital crime, the first crime that you can be put to death for, do you know what it was?

AP: Not murder?

HA: It was not murder.

AP: Witchcraft!

HA: Well, no, the first was idolatry, worshipping an idol. But witchcraft was number two. And they wrote: "If any man or woman be a witch, that is, has or consults with a familiar spirit, they shall be put to death." In case you were wondering, blasphemy was number three. Then murder, then poisoning, then bestiality. So, that's an indication of their priorities.

AP: And when was the first witch trial?

HA: I spoke to another historian named Marion Gibson. She has a new book out called "Witchcraft: A History in Thirteen Trials." She said although we don't know when the first witch trial was, they became much more common in the late Middle Ages.

Marion Gibson: So, there were witch trials before, we know there were witch trials in Anglo-Saxon England, because we've got descriptions of one or two of them. We know there were early medieval trials. But it's really in the 1480s that things start to come together under the heading of demonology.

AP: Demonology?

HA: Yeah. Demonology, sort of the intellectual underpinning of witch hunts.

MG: Somebody has brought forward a big theory and said, "Right, the courts are the places we can test this big theory. We think there are witches, we think they're worshipping Satan, we think we should go after them. Let's hold a series of witch trials."

AP: I always thought of witch trials as being an American thing.

HA: I think a lot of people do. But they were a much bigger deal in Europe and the UK. Twenty people died in the Salem witch trials, about 11 died in Connecticut, and about half a dozen elsewhere in America. That's less than 50. In Europe and the UK, it was tens of thousands. Let's hear from Marion Gibson again:

MG: Yeah, we think about 60,000 executions. The number of trials is harder to estimate, but obviously broader than that, but that's what we think. It used to be claimed that millions of people were killed across Western Europe and North America, but that doesn't really hold up. However, there is a massive loss of records, you know, records just aren't kept everywhere. Courthouses chunked out records, people didn't keep stuff. So, it was probably larger than that in reality, but nevertheless, you know, the idea that maybe 60,000 people lost their lives for a crime that we don't think they could possibly have committed is still really something to think about, isn't it?

HA: Stacy Schiff writes: "As to what country engaged in the greatest hunts, the competition is fierce. Germany was slow to prosecute, afterward fanatical. A Lorrain inquisitor boasted that he had cleared the land of 900 witches in 15 years. An Italian bested him with a thousand deaths in a year. One German town managed 400 in a single day. Between 1580 and 1680, Great Britain dispensed with no fewer than 4,000 witches." She also writes, "For the most part, English witches were hanged while French ones were burned. This posed a riddle for the Channel Island of Guernsey when three witches turned up there in 1617. Ultimately, they were hanged, then burned."

AP: And all those deaths were backed up by a legal process?

HA: Yeah, let's talk about the trials. They differ, a bit, depending on the country, and the dominant religion. In Catholic areas, church authorities were in charge. And in Protestant areas, trials tended to be run by the local government. Here's Gibson again.

MG: So, a witch trial in most jurisdictions is a kind of regular criminal trial, really. If you're in a religious jurisdiction, it's like any other heresy trial quite often. And if you're in a system where it's adversarial, you're quite often accused as a felon, so a serious criminal. So, witches are just like any other felon, really. I think that's one of the surprises. We imagine that they're going to be tried in really different ways, and that it's a special crime. And, you know, to some extent it is because there are problems with evidence naturally enough, but in many ways, it's just like a regular offense. And it shows you how much entrenched in those societies witchcraft beliefs were, you know, it was kind of as common as theft, and the same sort of ideas applied about it.

HA: One of the most surprising things about witch trials is that the accused had a pretty decent chance of being acquitted. In Europe, witch trials had a conviction rate of only about 25%.

AP: If you were a prosecutor with a conviction rate that low, you'd be fired today.

HA: Yeah, definitely. And it's partly because the evidence for witchcraft is really subjective.

AP: It's she said-she said.

HA: Yeah, or he said-she said. And they were real sticklers back then for the letter of the law. A lot of people are let off on technicalities.

MG: There was a grand jury like there is in the American system now. So, the grand jury would check stuff like is there a date on the indictment? Is this the offense properly specified? Does it match with the legislation properly? And they were quite good at those checks. They did try to keep a lid on these cases and make sure things are being done in a relatively proper and straightforward manner. So, you might get, you might not even make it to trial because the grand jury threw your indictment out. Or if you did make it to trial, you might be acquitted because you came across well, or some of your accusers didn't turn up, or they didn't come across well, or the jury just decided, you know, we're not really sure about the evidence here, could go either way, we'll give them the benefit of the doubt. So, there were quite a few acquittals.

AP: OK, so fair trials by the standards of their day.

HA: Yeah. They were fair in the sense that they followed the procedures of the day. However, some of the procedures themselves favored the prosecution. Here's Stacy Schiff.

SS: There were no cross-examinations. There was obviously no reasonable doubt. There is no *voir dire*. A judge is essentially the advocate as much for the defendant as for the accused, a judge can and did in this case, tell a jury they should re-deliberate because he doesn't like the verdict that they have delivered. So, you could direct the jurors, you could find a defendant guilty of a different crime from the one he or she came into the courtroom accused of.

HA: Nevertheless, most authorities wanted to get things right and at many times were skeptical of the accusations.

SS: There's a wonderful case of witchcraft in Plymouth several years before Salem, in which the woman who accused someone else of witchcraft said that her neighbor had appeared to her as a spectral bear. And the justice asks what the bear's tail looked like and the woman describes it. And then the judge, of course, throws this bag at her and says, "ears don't have tails. Would you prefer to make a public apology or spend some time in prison," basically. So, there was a sense of not necessarily always taking those charges seriously, and certainly not prosecuting them with death sentences, although just before Salem, obviously a few years before, there had been a very publicized case in Boston.

HA: One basic problem with witch trials — and one way that they were definitely not like trials today — was they relied on something called spectral evidence. In other words, visions accusers had. These were often taken not as heresy but as actual evidence and accepted at face value. And that's partly because the visions were really convincing. Stacy Schiff says this spectral evidence played a big role in the Salem witch trials.

SS: The girls, the afflicted girls who believe they are suffering symptoms of witchcraft, are in the courtroom. And I think it's really difficult for us to imagine what it would have been like to have these screaming, paralyzed, flailing girls who are clearly suffering from something for which no one had a name. So, it's really like exhibit A for the prosecution in the room, emitting these blood curdling cries, you know, pulling bloodied fingers out of their mouths, it would have been quite impressive, and I think quite convincing if you were a juror and you believed in witchcraft.

AP: So, what happened in Salem?

HA: OK, let's set the stage. The year is 1692. The Massachusetts Bay Colony had been around for about 60 years. There's only about 50,000 people in all of New England. So, these are very small villages, they haven't been there very long, and they're scary. The woods are scary. There are horrible diseases, the medical care is probably worse. There are violent attacks from Native Americans, who saw Europeans as invaders. There are attacks from the French as well. There were no newspapers yet, and no lawyers. Everyone pretty much still considered themselves British, but news from their homeland could take a year or two to arrive. And one interesting thing is by then, witch trials had fallen out of fashion in Europe. Schiff writes: "In the age of Boyle, Newton and Locke (all of whom believed in witchcraft), prosecutions stuttered to a stop all over Europe."

AP: Right, because this is the Enlightenment.

HA: Right, exactly, but the Enlightenment hasn't quite made it to the colonies yet. Incidentally, the first American witch trial was actually in Virginia in 1626. But they certainly become more prominent amongst Puritans in New England. And one big difference between the witch trials in the old world and

the new world was the things the witches were accused of. In Europe, witches were often accused of big dramatic crimes like murder and sinking ships. In America, the crimes tended to be less remarkable.

SS: Well, you know, the beauty of witchcraft is anything can be attributed to witchcraft, right. Any oddity, any phenomenon for which you cannot account can be written down to witchcraft, and so can any grievance you might have attributed to witchcraft. So, if your child falls sick, it might well be that your neighbor bewitched your child. But also, if you can't find the kitchen scissors, that could be witchcraft. In one case, there's a cup and saucer which appear essentially, in a tree. If a broom arrives, a broom shows up outside, if an animal appears out of nowhere. It's very mundane stuff. And that too, by the way, is one of the great differences with New England witchcraft. It's very prosaic, there's not a great deal of drama around it.

HA: Accusations in New England also often had kind of a populist edge.

SS: If you look at actually who is accused as the trial proceeds is that people are very often accused of being smarter or stronger, or more astute than their neighbors. So, the person who had a book in her pocket would be accused, the person who made surprisingly good, suspiciously good cheese might be accused. The person who was able to travel through a rainy night and not seem to get wet. She was my favorite because she had quite a quite an acid tongue, that woman was accused. So, you know, it's often the smarter and the stronger as opposed to what we think of who is the downtrodden and the poor who are accused.

HA: The first accusations in Salem Village are made in early 1692, in January or February. Two little girls, ages 9 and 11, begin to convulse.

SS: They go mute, and they pretzel into different shapes. They seem to fly across the room, they throw themselves down wells, they turn up in fireplaces, and they're clearly afflicted with something. And the symptoms with which they are suffering, from which they are suffering, are identical to the symptoms that have been described in the witchcraft literature as witchcraft. Their father and uncle, Samuel Paris, is not quick to diagnose them with witchcraft. But after a few weeks, it is impossible to think of any other diagnosis.

HA: So, the girls are asked, "Who bewitched you?" And they name the three most likely suspects, they name two poor women and a slave named Tituba. Then those three women are arrested, interrogated and they confess as well. And it's Tituba's confession that's really one of the turning points in Salem.

SS: Tituba really sets off the epidemic in the sense that, she's clearly an amazing teller of tales. And she gives the first real sort of set of images that gets everyone's imaginations going. So that on the way home from her confession, where she talks about strange creatures she's encountered, and her meeting with a man in a dark coat in the Paris household who tries to suborn her. On the way home from her testimony two middle-aged farmers think they see this strange creature rustling in the bushes — I mean, people really begin to see things, once Tituba has sort of put these ideas in the air. It's an amazing, kaleidoscopic, really colorful confession. And it clearly gets the imaginations whirring.

HA: From there, the accusations spread like a plague to about 25 towns and villages. Between 140 and 185 people are accused, and that's all over the region, many of them in Essex County. Nineteen of them will hang — 14 women and five men. And two dogs were put to death.

AP: Oh my gosh. How did things wind down?

HA: The first court is set up in June of 1692. By September, there is a growing sense that things are spinning out of control, that too many people are being accused, so that the whole thing starts to feel fishy. This was not the norm, a conspiracy that big. A couple prominent people die in notable ways. A Harvard-educated minister named George Burroughs is hanged in August. And right before he's hanged, he recites the Lord's prayer, which many people thought was impossible, that if you were a witch or a wizard you couldn't do that. Then a man named Giles Corey, who had earlier accused his wife of being a witch, he's accused of being a wizard, and he refuses to enter a plea. So, in September, he's pressed with stones placed on his chest, a torture designed to force him to enter a plea. And the most commonly told account is that every time he's asked to enter a plea, he replies, "More weight." And eventually he dies. He's the only person in the United States ever to have died that way. And because he never enters a plea, his estate passes to his sons-in-law, instead of being forfeited to the government. Giles Corey is of course portrayed in Arthur Miller's play, "The Crucible." And it may interest you to know that I played Giles Corey in high school.

AP: Wow. Do you remember any of your lines?

HA: This is a hearing! You cannot hold me in contempt of a hearing!

AP: Nice. So, there's a sense the court overreached.

HA: Yeah. They overreached, and once a little bit of doubt creeps in, it's like a dam bursting. Now, the big defense against witchcraft has always been the defamation lawsuit. Even in Europe, defamation suits are a check against witchcraft allegations. In Massachusetts, no one accuses anyone of defamation — until the fall. And then they do. There's an economic aspect, too. Hundreds of people have been accused, and they are all in jail. The jails are packed. So, just as harvest time is approaching, there is no one around to work the fields. Food is rotting. Finally, the governor has had enough, and he dissolves the court.

AP: Just like that?

HA: Yeah. Actually, his wife had been accused of being a witch, and that may have been a factor as well. He does set up another court in 1693, but it's far more lenient, and most of the accused are declared not guilty.

AP: What happened to Tituba?

HA: Yeah, amazingly enough, Tituba survives. She was in jail for more than a year. Let's hear from Marion Gibson, who has a chapter about her in her new book.

MG: It's under that new court that she is tried. By then people are quite skeptical about the idea of witchcraft because they've seen hundreds of suspects accused, they've seen people executed, they no longer really believe in this witch hunt. And so, when her indictment comes up before the grand jury, the grand jury throws it out. And they say, "I don't think she's a witch." they might have done it partly because it doesn't have a proper dating on it. So, there's actually something wrong with the indictment itself. But it's entirely possible they were also just making a judgment about whether they believe witchcraft existed or not. So, the fact that she confesses, and she's held for all that time, gives the story time to die, if you like. And by the time she comes to court, nobody believes it anymore.

AP: Why are the Salem witch trials so famous? Why do we remember those more than any others?

HA: Yeah, it's a good question. First of all, it was a horrible miscarriage of justice. Twenty people dead, two dogs. And just a reign of terror all over the northern colonies. In retrospect, it's also a huge turning point in American history. There's a quote, I actually saw this on Wikipedia, by the historian George Lincoln Burr, who wrote, "The Salem witchcraft was the rock on which the theocracy was shattered." Here's Stacy Schiff again.

SS: It really does demote the church, the church loses a great deal of credibility after Salem. The whole idea of religious tolerance begins really after Salem. And the whole question of confession is tainted after Salem, because so many people have confessed to things which could not have been true, which are proved to have been untrue. I should say that, to our astonishment, I think, the belief in witchcraft will survive 1692. People continue to believe in witches. It's just that no one is taken to court on a witchcraft charge after 1692.

HA: Initially, New Englanders try to forget about the whole thing, to sweep it under the carpet. And it's actually the American South that keeps bringing it up.

SS: We owe the survival of the story of Salem to the South, to the American South, who used it repeatedly to bludgeon New England, you know, "You don't want us to have slaves, but look at you, you hanged witches." So, they're really the ones who keep the story alive and it becomes this, you know, huge blemish. Obviously, it's a black eye for the north, and kind of, I think, a vaccine for us as we move forward for what happens if one doesn't pay careful attention to judicial procedures.

HA: Later, the Salem witch trials become — almost like King Arthur, or Robin Hood — a story that people keep dredging up to use as a metaphor, a lens to view recent events that might be unexplainable. A historian named Marion Starkey writes a book in 1949 called "The Devil in Massachusetts," and she draws direct parallels to the Holocaust. Arthur Miller read this book, and was inspired to write "The Crucible," which used Salem as a metaphor for McCarthyism. And now the term witch hunt is being used... rather loosely.

Donald Trump clip: It's a witch hunt, it's a sham, it's a hoax. Nothing was done wrong.

HA: Another interesting coda to the story — New England, which had once sought to forget about the trials, now embraces them. I spoke to Courthouse News' very own Tom Harrison, who's based in Essex County.

Tom Harrison: In Salem, which is the county seat, there is a tremendous interest in witchcraft. It's part of the local economy. There's a witch house, there's a witch museum, the police cars have witch logos on them. The high school is called Witchcraft Heights. And the team is, the teams are called The Witches. And every year the Halloween celebration is off the charts. And so, they have decided to make a make an industry out of their witch history.

HA: Are people ever offended by that? This idea that this pretty gruesome chapter in U.S. history has become fodder for tourism dollars?

TH: I think that there is a sense in which Salem profits from misery and profits from injustice. And so, in one sense, you could say that it's taking advantage of a tragedy. But in another sense, I think Salem is also preserving a memory. There are museums, there are houses, there are a lot of history that gets

repeated and taught as a result of people coming to Salem. And so, I think there is also a sense in which Salem is preserving an important part of its past and maybe the only way it can do that and conduct its educational mission is if it adds a certain amount of color to it that will attract people and bring them in.

AP: We don't accuse people of being witches anymore, and the Salem witch trials helped bring about a healthy separation between church and state. These days, that barrier can feel less like a wall, and more like a string of buoys floating on top of a swimming pool. Next time, reporter Kelsey Reichman takes a new look at a classic civil rights case. *Brown v. Board of Ed.* desegregated schools, but it also unleashed a torrent of waves challenging that once sacred boundary between belief and public institutions. Subscribe to Sidebar on your favorite streaming platform so that you don't miss it.