WITCHCRAFT, EMOTION AND IMAGINATION IN THE ENGLISH CIVIL WAR

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I

The rise and decline of English witch-trials can be explained largely in terms of the law: first, the political will to legislate against witchcraft, followed by judicial reluctance to convict. Witch-beliefs permeated English life long before 1542 when the first statute was passed and long after 1736 when the last was repealed; and yet the substance of witchcraft as a crime belongs to a period between the reigns of Elizabeth I and James II—roughly 120 years—when people saw witches being hanged or heard news of the same. Executions gave witchcraft a concrete reality, breeding suspicions and encouraging accusers to seek redress at law; naturally, a decrease in executions had the opposite effect. In between, an uneasy consensus prevailed, with sufficient common ground between communities and courts to despatch suspects to the gallows, but never reaching a point where the definition of witchcraft, and its supporting theories and alleged practices, were beyond contention.¹ As a concept and a crime, witchcraft was characterized by this fluidity of meaning, a tendency demonstrated by a revision of the law against it in 1604.

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The Witchcraft Act of 1563 had long symbolized the disdain of a newly Protestantized state for disobedience to Church and state, while recognizing the practical need of ordinary subjects to fight maleficium: causing harm to person and property by magical means. In contrast to its tone—stern condemnation of “fantastical and devilishe [er]sons” fomenting “Infamy and Disquietnes”—the terms were quite generous. Persons invoking evil spirits or causing death would be executed; but merely injuring someone or destroying livestock were lesser crimes for first offenders, warranting only imprisonment and quarterly appearances in the pillory. This distinction shows the extent to which, under Elizabeth I, witchcraft was still regarded as a social and spiritual lapse, perpetrators deserving of a chance to reform.

The 1604 statute was significantly different. Using witchcraft to cause any sort of harm would in future incur death; furthermore, the invocation of evil spirits was given particular emphasis, likewise the idea that witches robbed graves and kept familiar spirits which they would “consult, covenant with, entertaine, employ, feede or rewarde”.

In theory, at least, witchcraft was no longer just a sin of ill-will connected to misfortune, but a blacker and more vivid crime of demonianism, apostasy and conspiracy.

This is not the place to explain this shift. Suffice it to say that an explanation involving James I’s desire to extend the Scottish witch-hunt to England is inadequate; it is not borne out by subsequent events and overlooks subtleties in the religious politics of the era. The purpose of this essay is to explore some practical effects of the Jacobean Witchcraft Act forty years on, a time when its technical innovations were most graphically translated into deeds. There were two key preconditions: first, the developing demonological notion that witches deliberately

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4 1 Jac. I, c. 12 (1604), see Ewen, *Witch Hunting*, pp. 19–20. The text is also given in Appendix II of this volume.