

A Study of Salem Witch Trial: A Gender and Religion Based Discrimination

Deeksha Karunakar

Law College Dehradun, Uttarakhand University, India

Abstract: In the 16th century at the states of Massachusetts, in the United States of America, individuals were brutally tortured in the name of punishment under law and religion. This event showcased the effect of religion blindsiding a community. Salem witch trials have influenced many scholars and philosophers to put forward their study on different aspects of the case in the form of sociological, historical, demographic interpretations. Since then several regulations have been introduced worldwide for a fair and just trial. Furthermore, laws protecting women have also been introduced and in certain aspects Salem Witch Trial plays an important role for the same. The paper intends to focus on the global impact of Salem Witch Trial to the women in present along with the theories put forward on the basis of the case. Furthermore, the paper intends to recall the injustice served in this case for decades and how it impacted the faith of the justice system globally among the individuals.

Keywords:- Witchcraft Trial, State, Criminal Justice, Salem, Injustice, Religion

1. HISTORY OF SALEM AND IDEOLOGY OF WITCHCRAFT

The interpretation of the idea on witchcraft was heavily influenced by Hebrew's Code and Bible. The practice of witchcraft was considered a sin, even centuries before the Salem Trials commenced. The ancient law of the Hebrews, Exodus 22:18[1] reads, "*Thou shalt not suffer a witch to live.*" This was later comprehended in the Bible 28:1[2] reads, "*The Witch of Endor.*" Both of these statements suggested that witchcraft is a sin and that God shall punish him and his sons with death and destruction of this practice. As decades passed by, the ideology of witchcraft being an evil and sinful practice had developed in the human mind. Henceforth, the continuance of ideology affected the injustice served in the Salem witchcraft trials.

It was in 1672, when '*Salem Village*' was considered as a '*Salem Town*' after the construction of their first meetinghouse, hired their first minister and gained semi-independence.[3] Furthermore, every individual who resided in Salem village were members of the first church in Salem and every Sunday attended the meeting namely Sabbath.[4]

But gaining independence didn't mean the issues were resolved. Three Reverend Ministers resigned due to the financial difficulties. In 1689, the Salem Village Church hired its fourth pastor/minister, Reverend Samuel Parris.[5] Along with Reverend Parris, came his wife Ellizabeth, his 11 year old niece Abigail Williams, his nine year old daughter Elizabeth (called '*Betty*') and a slave couple he had brought from the West Indies, John and Tituba Indian.



Figure 1:- Portrait of Reverend Samuel Parris

Since the slaves were accompanied by the Parris family, Mrs. Parris daily visited the Church with her husband as she was not needed for the household chores.[6] With Mrs. Parris being busy at Church with her husband, the two children Abigail and Betty spent their time with Tituba. Tituba would entertain Elizabeth and Abigail with stories from her native Barbados, particularly with her knowledge of folk magic. She became increasingly popular for her secret afternoon session among a few other young women from the Salem Village parish including 12 year old Ann Putnam, Jr., 18 year old Elizabeth Hubbard, 17 year old Mary Warren, 19 year old Mercy Lewis, 16 year old Elizabeth Booth, 18 year old Susannah Sheldon, and 16 year old Mary Walcott. Later, these groups of young women were among the hundreds who were accused of witchcraft. The folk magic which was being utilized by this group was considered as fortune telling. In Judeo-Christian theology, the practice of magic, even folk magic and fortune-telling was strictly forbidden because such practices were believed to summon from Satanic and demonic spiritual powers. Unfortunately, all the girls in the group had a negative effect of the folk magic on themselves and henceforth, led to the Salem Witch Trial.

2. BRIEF FACTS

The young girls in the group led by Tituba wanted to know about their future husbands and through magic instead of a face they saw a coffin, which led them to have fits and nightmares.[7] The girls were clear regarding their act being considered illicit hence they tried to keep their behavior a secret, but innocent minds showcasing irrational and odd behaviours wasn't something easy to keep hidden. Sooner Reverend daughter Betty and niece Abigail started showcasing odd behavioural patterns consisting of staring blankly into space, crawling on the floor, barking like a dog and making choking noises. The parents and elders in the community started growing concern with regard to such odd and ill mannered behaviors of young girls. The local physician Dr. William Griggs diagnosed that the girls' behavior were related to a spell and that they were under the force and power of the '*evil hand*' of witchcraft.



Figure 2:- Portrait of Dr. William Griggs

Upon knowing this Reverend Parris called a secret meeting with ministers and started the spiritual healing process of the girls. Despite tremendous efforts, the conditions of the girls deteriorated and were beyond the state of recovering. Reverend Parris started questioning the girls in order to know who was behind the practice of witchcraft.

Out of fear of being caught, Tituba was advised by Mary Sibley, a member of Parris's congregation, to cast a spell consisting of the girl's urine, baking it into a rye cake, and feeding it to the Parris family dog in an attempt to pass the affliction of the children to the animal.

After knowing Tituba's involvement in the witchcraft that led to odd behavior among the young ones, Reverend Parris was outraged and whipped Tituba for practicing witchcraft in his home. Later, he preached a sermon declaring his 'indian servant' and Mary Sibley were practitioners of the black arts and should be severely reprimanded. Apart from these three, the other possible suspects were Sarah Good and Sarah Osborne as they were named by Abigail Williams during her interrogation. On February 29, 1692, Salem magistrates Jonathan Corwin and Colonel John Hathorne issued warrants for the arrest of Tituba, Sarah Good, and Sarah Osborne. Thenceforth, the initiation of one of the most historic trials commenced.

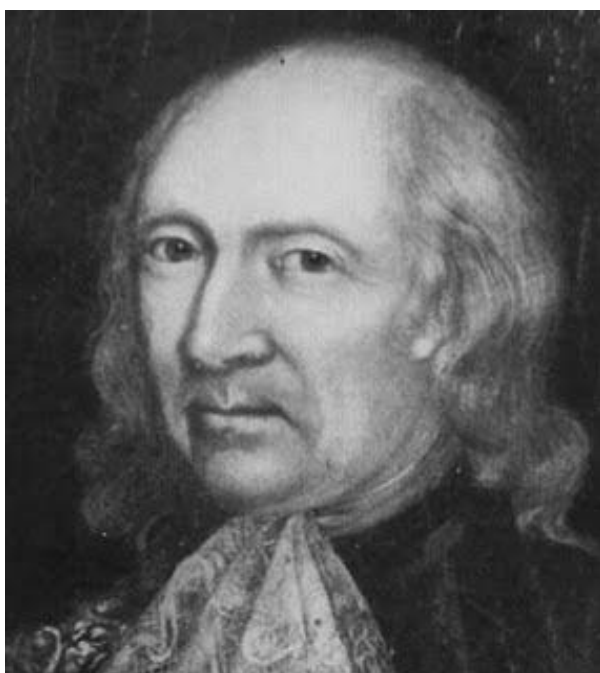


Figure 3:- Portrait of Jonathan Corwin

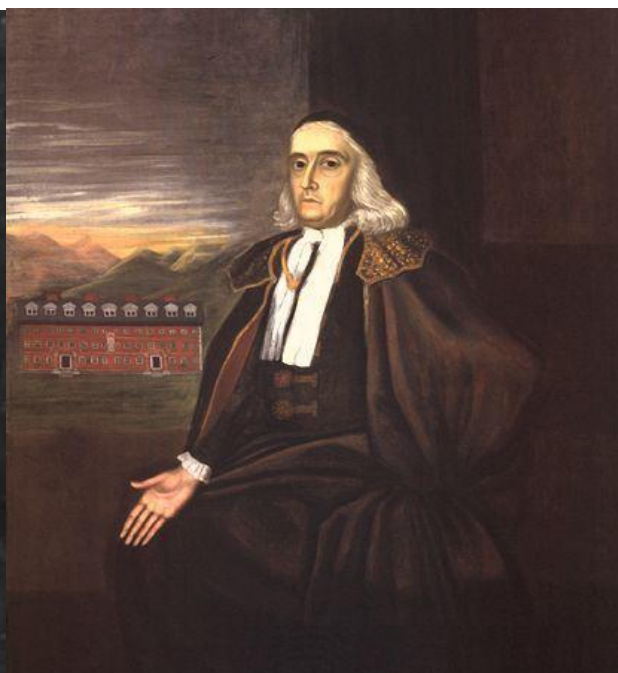


Figure 4:- Portrait of Colonel John Hathorne

3. DELAY IN THE TRIAL

The commencement of the trial was difficult due to the absence of Massachusetts royal governor and a colonial charter. After the declaration of elimination of colonial government under the reign of King James II, the witchcraft trial could not progress.

On May 14, 1692, under the arrival of the new Governor Sir William Phips introducing the new Massachusetts Charter, allowed the pending witchcraft trial to be heard by the court.



Figure 5:- Portrait of Sir William Phips

4. INITIATION OF THE TRIAL

The witchcraft trial began with Sarah Good. The Magistrate John Hathorne questioned her in the court of law himself. Even though she answered sincerely, stating that she *'serves the God who had made heaven and earth'*, her way of answering wasn't sufficient for the judges to be convinced of her innocence. Elizabeth Cheever, court clerk, stated *"Her answers were given in a very wicked and spiteful manner, reflecting and retorting against the authority with base and abusive words."*

Even Sarah's husband, Mr. William Good, testified against her claiming her to be 'evil' and her *'might be a witch or in the process of becoming one.'* Sarah Good stood up for herself and passed the suspicion to Sarah Osborne to be involved in torturing the afflicted children. Since the jury wasn't convinced, even though Sarah Good was pregnant at the time she was sent to prison with a death sentence by the Court of Oyer and Terminer along with Sarah Osborn and Tituba in March 7, 1692. Later, Sarah Good died in prison, Sarah Osborne was hanged on July 19, 1692 and only Tituba was fortunate enough to survive.

The arrival of Governor William Phips might have paced the trial of Sarah Good, but it was further discovered by him that more than 50 individuals were awaiting the trial for their involvement in witchcraft under overcrowded prisons and the ongoing war with the Indians just interrupted the further proceedings. In order to progress, Phips appointed 12 ministers and formed a committee to advise Salem Court on *'how to proceed.'*

As per the committee report submitted to the Court on June 15, the ministers recommended the trials to continue with caution and express serious reservations against the use of *'spectral evidence'* (Spectral Evidence means, *"evidence presented by a witness who claimed to see the spirit or specter of an accused person committing acts of witchcraft"*). Even though the committee's recommendations, the magistrates at the court of oyer and terminer overlooked it since the previous convictions were only based upon *'spectral evidence.'*

Within a short span of time, many individuals were executed for the involvement in witchcraft, Bridget Bishop being the first to be executed. His case was fully supported by spectral evidence.

Even though Tituba denied being involved in witchcraft during her first questioning. However, her statement changed during her second questioning. She claimed that *"the Devil came to me and bid me serve him."* Furthermore, she expounded her practice of black magic and how she was tempted to torture the afflicted girls but done so only one. This confession by Tituba was enough evidence to showcase her involvement with witchcraft and dark magic. In her confession, she also mentioned a coven of local witches and described the meeting held by them in Salem Village. She also claimed Sarah Good and Sarah Osborne to be a part of the coven. Though Tituba's confession was evidentiary enough for her conviction, in witchcraft cases the court took the confession as a witness to convict the other individuals. Hence, Tituba and other 50 individuals accused in this case were spared from the torture and death, and were released.

Sarah Osborne was the last to be questioned. She claimed that she didn't participate in any torturous activities against the afflicted girl and stated that she is a Gospel woman. Additionally, she claimed to be tortured and tempted by the devil for not fulfilling his demands. Since her health was in decline since May 10, 1692 she died in prison awaiting her trial.

These were the first three victims of the witchcraft trial and the case was not even near to the end. The most traumatic victim was Dorcas Good, four year old daughter of Sarah Good. Despite her tender age, she was brought to the court for questioning, where an innocent and naive child testified that *"her mother had given her a demonic spirit, or 'familiar,' in the form of a snake which fed upon her blood from a 'witch's mark' on her finger."* Based on her testimony, she was chained and sent to imprisonment in Salem and later to Boston. At such a young and tender age, Dorcas Good faced the horror of confinement during her imprisonment. Even though she was not executed, she definitely had a deep mental impact on her upbringing once she was released. After 18 years, the damages of this was claimed by William Good, Dorcas father who claimed that Dorcas confinement in Boston's prison had damaged her mental and physical health. He was awarded 30 pounds sterling as compensation of those damages.

Another victim of the trial was Rebecca Nurse. Abigail Williams, Betty Parris and Ann Putnam Jr. testified against her defence and claimed she was a witch who brought the devil and tortured them. Apart from the afflicted children, several adults claimed the same. Reverend Deodat Lawson, as well testified against Rebecca Nurse. He stated about his visit to Thomas and Ann Putnam Sr., in early March, Mrs. Putnam was visited by the specter of Rebecca Nurse. Rebecca Nurse defended herself from all the claims. In her defence, around 35 Salem Village residents signed the petition for Rebecca Nurse claiming her to be innocent while Rebecca was in Boston prison awaiting her trial. The petition had an impact on the jury foreman, Thomas Fiske, when Rebecca Nurse was tried in Salem on June 29, 1692. But Thomas Fiske later asked a question, which remained unanswered due to Rebecca's partial deafness which he wasn't aware of. This led to the verdict of guilty and sentenced to execution of Rebecca Nurse on July 19, 1692. Her execution was set with Sarah Good, Susannah Martin, Elizabeth Howe, and Sarah Wildes.

The first individual to be condemned and executed in the witchcraft case was Bridget Bishop. Bridget Bishop was charged with witchcraft practice several years earlier than this incident. Even though she wasn't named by the afflicted children, she was charged by the statement provided by numerous adults who testified various unexplainable and strange experiences that can only be reasoned to the utilizing of magic.[8]

In Bridget Bishop's case, the testament of Samuel and Sarah Shattuck was prioritised in her trial. According to their statement, the disagreement between them and Bridget, made her use black magic on their child who later that disagreement became insane unexpectedly. Another testament was given by John Bly, Sr., who claimed that *"while working for Bridget on her cellar wall, he and his son found 'poppets' made of rags with needles shoved in them."*

Bridget maintained her innocence throughout the trial claiming *"I don't know what a witch is?"*. Magistrate John Hathorne counter questioned Bridget, *"If you do not know what a witch is, how do you know that you are not one?"* To which Bridget's impulse response *"If I were a witch you would certainly know it!"* led to her conviction and execution by hanging at Gallow Hill on June 10, 1692.

The first male victim of witchcraft trial was George Jacobs, Sr.. He and his family consisting of his son George, Jr., his daughter-in-law Rebecca, and granddaughter Margaret were accused by the afflicted girls and by his maidservant, Elizabeth Churchill. Elizabeth Churchill and Mary Walcott (one of the afflicted girls) claimed that George Jacob Sr., threatened and tempted them to sign the Devil's Book. Further stated that despite his substantial efforts they were able to resist him.

The astounding factor of George, Sr.'s case was his granddaughter's confession claiming herself to be a witch and her grandfather as a co-conspirator along with Constable John Willard and Reverend George Burroughs. During George, Sr.'s trial Magistrate John Hathorne asked him to recite 'The Lord's Prayer' as it was believed that only witches won't be able to recite the prayer without any error. Due to the circumstances where George, Sr. was standing, he made several errors and was sentenced to be hanged. On August 19, 1692, George Jacob, Sr. along with John Proctor, John Willard, Martha Carrier, and Reverend George Burroughs were hanged.

Right after her grandfather's sentencing Margot Jacobs requested the magistrate to retract her testimony against her grandfather and her being a witch which led her to await prison for her trial and execution.

The most astonishing case for the community was the accusation against George Burroughs since he once served as a pastor of Salem village and was the only minister to be accused and executed. Susannah Shelton testified against Burroughs's case. She claimed, *"Burroughs's two wives appeared (to her) in their winding*

sheets” and said, “*that [this] man had, [pointing at Burroughs] killed them.*” Furthermore, when he was asked to look at the afflicted children, the moment he did the children fell down. It was believed he pushed them down through dark magic. He was sentenced to hanged and was hanged on August 19, 1692. On the day of his execution, Burroughs claimed to be innocent in front of the crowd but it didn’t affect any grounds and victims of this case increased.

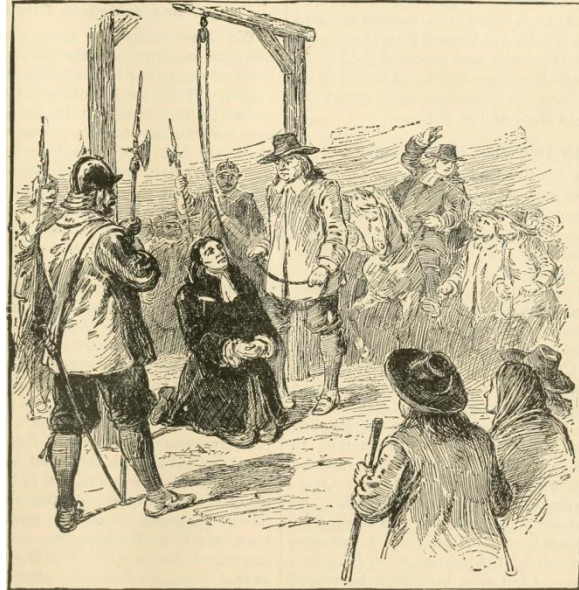


Figure 6:- Execution of George Burroughs

The next victim of the witchcraft case was a couple, Giles and Martha Cory. Their death wasn’t considered as an execution. The afflicted children accused them and led them to prison for further trial. Mr. Giles execution was one of the most frightening and tortuous deaths one could ever experience. In his trial, he stood silent on the stand and refused to speak. To this, Chief Justice Stoughton instructed Sheriff George Corwin to subject to the ancient torture of ‘*peine forte et dure*’ (*‘a medieval form of torture in which the body was pressed with heavy weights’*) for Mr. Giles. He died from the pressure of heavy rocks on his body.



Figure 7:- Portrait of William Stoughton

The last victims of the witchcraft case, were executed after Mr.Giles death, on September 22, 1692 which consisted of his wife Martha Cory, Mary Eastey, Alice Parker and Ann Pudeater, Margaret Scott, Wilmot Redd, and Samuel Wardwell and Mary Parker.

It appears that all the victims of the trials were executed merely on the statements and testimonies by the afflicted children and no further evidence or investigation was taken place. The witchcraft trial is one of the historic cases of injustice, brutality and prejudice by the justice system which affected the beliefs of individuals. This case impact is in existence even in the 21st century. The aftermath and theories in connection with the witchcraft trial has been suggested for decades by various philosophers and scholars but the prejudice and fear still remains.

Table 1: List of Executed Victims

S.no.	Name of the Victim	Method of Execution
1	Bridget Bishop	Hanged
2	George Burroughs	Hanged
3	Martha Carrier	Hanged
4	Giles Cory	Pressed
5	Martha Cory	Hanged
6	Mary Estey	Hanged
7	Sarah Good	Hanged
8	Elizabeth Howe	Hanged
9	Susannah Martin	Hanged
10	Rebecca Nurse	Hanged
11	Alice Parker	Hanged
12	Mary Parker	Hanged

13	John Proctor	Hanged
14	Ann Pudeator	Hanged
15	Wilmot Redd	Hanged
16	Margarot Scott	Hanged
17	Samuel Wardwell Sr.	Hanged
18	Sarah Wildes	Hanged
19	John Willard	Hanged
20	George Jacobs	Hanged

5. THEORIES OF THE WITCHCRAFT CASE

After the killing of the victims accused of practising witchcraft, the question of evidence importance in the case was raised in the society. Since, the witchcraft case was highly effective of the testimonies and not evidence, philosophers and theorists started questioning the cause behind the witchcraft trial might not be the practice of witchcraft but something else.

The first published material mentioning the witchcraft trial was authored by Cotton Mather[9] in his book '*The Wonders of the Invisible World.*'

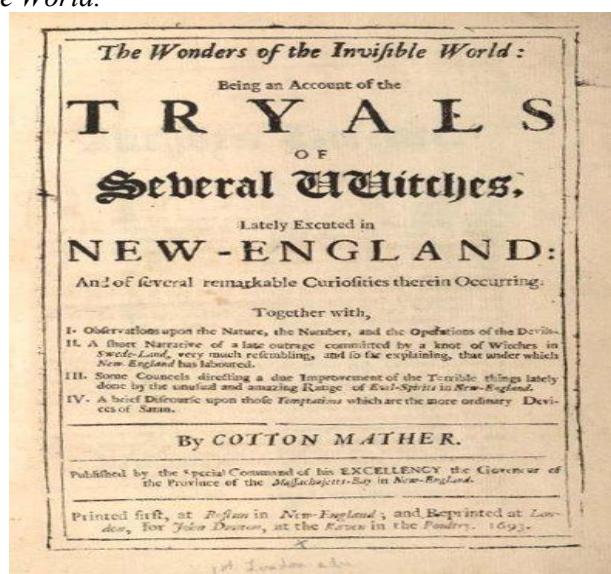


Figure 8:- Cover page of The Wonders of the Invisible World by Cotton Mather

Cotton Mather was a minister, a leader and a chronicler at the time of Salem witch trial. He defended the execution that took place in the trial in this book. He believed that witchcraft was an actual threat to the society, especially to the Puritan belief system. In his book, he mentioned that the 'devil' tempt the individuals involved in witchcraft to torture the afflicted people. Even though Cotton Mather described his version of what the women accuser and witness said in the trial, he never put a theory of genderism played a role in the trial, since most of the accused were women and witnesses were young females. Cotton Mather's work helped other historians and philosophers to explore different theories for the cause of the trial, since several others didn't accept his views.

By the time of the 20th century, the views of the society took a different path; it was focused on the issues of 'recognition' than on 'witchcraft'. One such scholarly individual was George Kittredge, who published his study on the witchcraft trials in the 20th century.

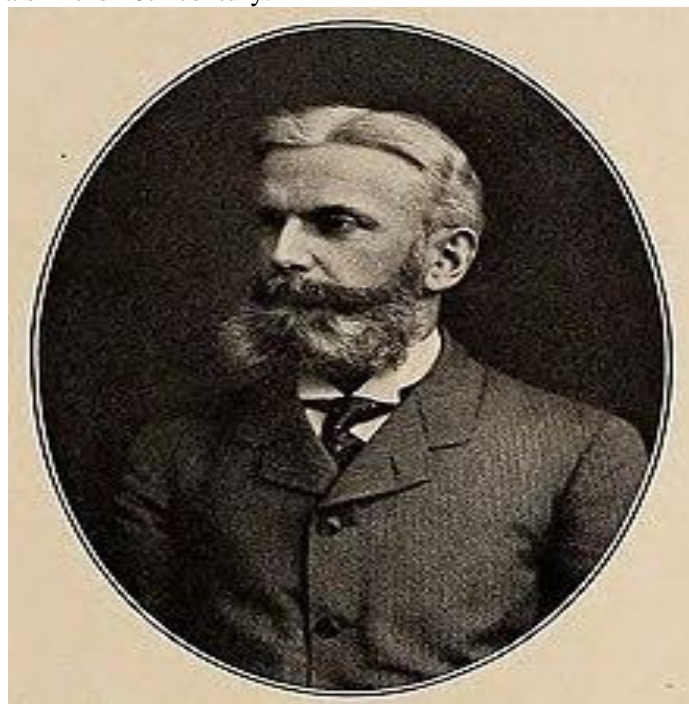


Figure 9:- Portrait of George Kittredge

His article 'Notes on Witchcraft' published at 'American Antiquarian Society' in 1907. He referenced several individuals who wrote on the topic 'witch hunting.' His views were based on the belief of Puritan and Non-Puritan's on witchcraft and its existence. He insisted that the practice of witch-hunt is inspired by England and the Salem Witchcraft Case is not unique. In layman's term his arguments were precisely based on the witchcraft trial and belief not being unique to Salem. His emphasis was not clear to describe the reasons behind the trial or any other analysis.

The first female view in regard to the witchcraft trial was forwarded by Esther Forbes in her novel 'A Mirror of Witches' in 1928. She was an educated woman from Massachusetts itself. Her novel was based on a fictional character Doll Bilby, a young orphan who was trial and executed for the practice of witchcraft.

She introduced the concept of sexuality along with the value of 'what it meant' to be a Puritan woman. The character Doll Bilby's parents died for being witches, later adopted by Mr. Bilby who took her to Cowan Corners located near Salem Massachusetts.

Doll's childhood as described in Forbes's novel was difficult, she was hated by Hannah, Mr. Bilby's wife and physically abused by Mr. Bilby. The hatred Hannah had towards Doll was a factor in her being witness against Doll in witchcraft trial. Doll grew up to be an attractive young woman and gained attention amongst the eligible bachelors in the village. One such bachelor was Titus Thumb, most eligible bachelor in the village. His attraction towards Doll was considered Un-Puritan, as it was believed that Puritans stressed on the need for women to have children rather than the sexual attraction aspect. Doll's embrace of her sexuality also played another factor in her fictional trial. She not only confessed to being a witch but also to have 'carnal knowledge' of the devil in her trial. The fact that Forbes had Doll confess to being a witch reflects the struggle

in the 1920 between the individuals who still held conservative beliefs about female sexuality and the participants of the sexual revolution that was taking place.

Forbes fictional novel, interpreted the role of the female as a Puritan and how sexuality was affected in the witchcraft trial. Forbes's theory on the witchcraft trial was a play on the issues of women embracing their sexuality in 1920s and how the thoughts of 'sexual attraction' is evil and sinful in the past. The fact that Doll's beauty was interpreted in the novel showcase the relation of beauty, sex and it's relation with the sin like witchcraft practices.

The views provided by George Kittredge and Esther Forbes were theoretical and were inspired by the work of Cotton Mather. In modern times few logical explanations have been provided by numerous individuals on the cause of witchcraft trials.

The most common theory proposed by individuals was the impact of the Native American War.[10] Many theorists believed that the war that took place in the 17th century near Salem had an impact on the witch hysteria of 1692. The impact of the war created the circumstances of unease and intense anxiety among the citizens of Salem. It was believed that the afflicted children whose testimony as witness played a crucial role in the execution and sentencing of the accused in Salem Witch Trial were suffering from post-traumatic stress from the war. This can be considered as a plausible cause of the prejudice in witchcraft trial, since the symptoms of post traumatic stress and the symptoms[11] showcased by the afflicted children were similar in nature. They recalled intensive memories of the trauma and a change in their physical and emotional reactions was visible. Furthermore, it was believed specifically in the case of George Burroughs, that his incapacity for organising a proper military campaign during the war was because of witchcraft and no other explanation.

Another theory was introduced by John Putman in his book '*Entertaining Satan: Witchcraft and the culture of Early New England.*' According to his theory, the afflicted children were accusing the older generation.

Some historians also elucidated that the witchcraft trial was a way to oppress the women whose action and reaction were outside the social norms of the Salem village. The possibility of suppressing the woman section of the society in this case was quite high, since the symbol of power and wisdom was represented by males only. The judges of this case were males, who utilized their power to punish those victims. Women rising above their limits might be considered as a threat to their position, as they would have set an example and encourage other women to rise. This also showcases the reason behind numerous female victims in the witchcraft case.

Some historians and philosophers suggested that lack of physical activities by the young girls were a factor for them to be interested in participating in witchcraft and fortune-telling. In that era, children were restricted to their homes and spent their time doing errands around the house and studying the Bible. Since, Betty Parris and Abigail Williams, the afflicted children were young, it was suggested by several historians that due to lack of leisure activities the children were interested in something different from their daily routine. It was suggested that boredom played a factor of them being involved in forbidden activities.

The most unusual and compelling theory[12] was suggested by LinndaCaporael, a behavioural psychologist. Her theory suggested the possibility of ergot poisoning.

Ergot is a fungus that grows on rye and used in reducing bleeding during menstruation, in menopause, and in connection with miscarriage; expelling the placenta after childbirth and other conditions.[13] Consumption of ergot is unsafe and leads to gangrene, vision problems, confusion, spasms, convulsions, unconsciousness and death.

Her theory of ergot poisoning is plausible because the weather condition of Salem in 1692 was favorable for the growth of ergot and the symptoms showcased by afflicted children were similar to the side effects of ergot. The most recent theory on the Salem Witch Trial was proposed in 2004 by Emily Oster, Harvard graduate in her thesis.[14] Her theory was based on the cold weather condition during the trial.

According to her report in thesis, "*The most active period of the witchcraft trials (mainly in Europe) coincides with a period of lower-than-average temperature known to climatologists as the 'little ice age'; The colder temperatures increased the frequency of crop failure, and colder seas prevented cod and other fish from migrating as far north, eliminating this vital food source for some northern areas of Europe.*" According to this theory, the failure of production of crops in Salem, was due to the practice of witchcraft.

Her theory is considerable, since Salem's temperatures were not differentiating from Europe during that era and the belief on the practice of witchcraft among the individuals, which impacted the trial, faded in 1693. Part of her theory supports LinndaCaporael's theory of ergot poisoning.

6. DECLARATION OF NOT GUILTY OF VICTIMS IN WITCHCRAFT TRIAL

After the Salem Witch Trial, individuals' belief on the 'evil' in practice of witchcraft started to fade. In 1693, Justice Samuel Sewall publicly apologized for the blunder in the justice system in the witchcraft trial of 1692. The victims who weren't executed were awarded compensation in 1711. By the year of 1957, victims' families were awarded compensation as most of the cases in relation with the witchcraft trial were resolved.[15]



Figure 10:- Judge Samuel Sewall

Even though the victims' families were awarded compensation, it took decades to declare the accused as not guilty. The witchcraft case, not only physically and mentally harm the victims but gone far in depth to harm their dignity. The biggest tribute to honor and respect those victims would be to clear their names. Out of the 20 convicted and executed victims, only 6 victims have been cleared by the resolution passed in 1957.[16]

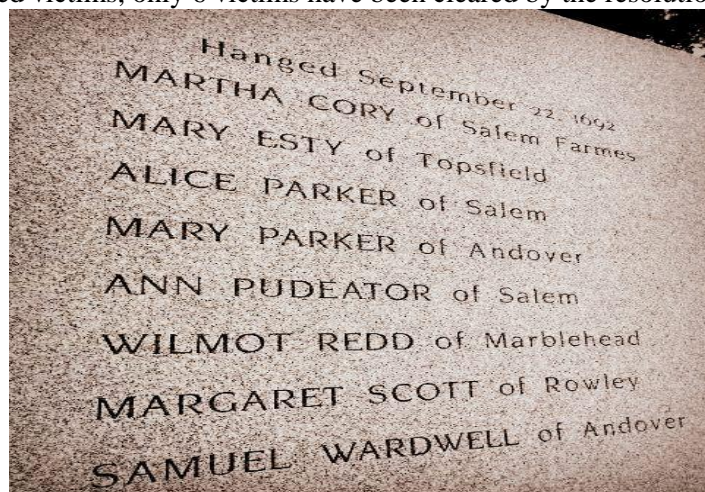


Figure 11:- Tribute Stone of hanged victims on September 22,1692 under the Witchcraft Trial

In 2001, 5 other victims of the witchcraft trial were cleared by the Legislature. These 5 victims were Bridget Bishop, Susannah Martin, Alice Parker, Wilmot Redd and Margaret Scott.[17]

The interpretation of the theories of the Salem witchcraft case, lead to the questioning of the trial and execution of the victims in the modern era. These questions were the impact factor in the community to

recognize the true victims of the trials were the one who were accused and the role of the judge to be fair wasn't portrayed in this case. The execution of 20 individuals and 2 dogs[18] in the name of witchcraft in this case was disturbing and inhumane. This leads to the protection of every individual and animals in every sector of the society. This case was a portrayal of the dangers a woman can be under by being named as a witch.

7. WAS IT A CRIMINAL CASE OR RELIGIOUS CASE ?

The case consisted of criminal offence, but was based on religious aspects. As per the facts of the case, the practice of witchcraft was considered evil according to the Bible. Bible, a collection of religious texts and scriptures sacred to Christians and others. The sacred texts of the bible were considered a divine relationship between God and Humans. As observed in the witchcraft case, the Puritans were bound to study the Bible from a young age and grew to provide services to the Church. The witchcraft case was only focused on religion. Even though the practice of witchcraft was a criminal offence; it was considered an offence under the Bible.

But the offences against the victims during trial were criminal. In this case, the religious text subdued criminal content. Whosoever, were executed in the case were charged for committing sin under the Bible and punished according to the Bible.

The astonishing factor is that Magna Carta (*'Charter of Freedom'*) was influenced globally by the time of the trial. Magna Carta, the 1st legal document to acknowledge the rights of the people in 1215, inspired laws enacted in each country.

According to Magna Carta, *'everyone has a right of fair trial.'*[19] This principle wasn't followed in the witchcraft case. The principle 'Right to fair trial' consists of *'right to be heard'*, *'right to be treated equally'*, *'right to opportunity allowed by law to prove innocence.'*[20] Not only this case lacked to follow this principle, but blindsided the rights of the victims.

The Witchcraft Act, 1604 was established in the State of Massachusetts, which mandate the death penalty for severe acts. The new charter was implemented in 1691 with stringent laws which was applied in Salem witch trial.[21] The Witchcraft Act, 1604 failed to follow the rights of the people introduced in Magna Carta. Even though Magna Carta's principles were important in this case.

Another treaty that followed was *'Malleus Maleficarum.'* This treaty which is also known as *'Hammer of Witches'* was based on witchcrafts and its practice.[22]

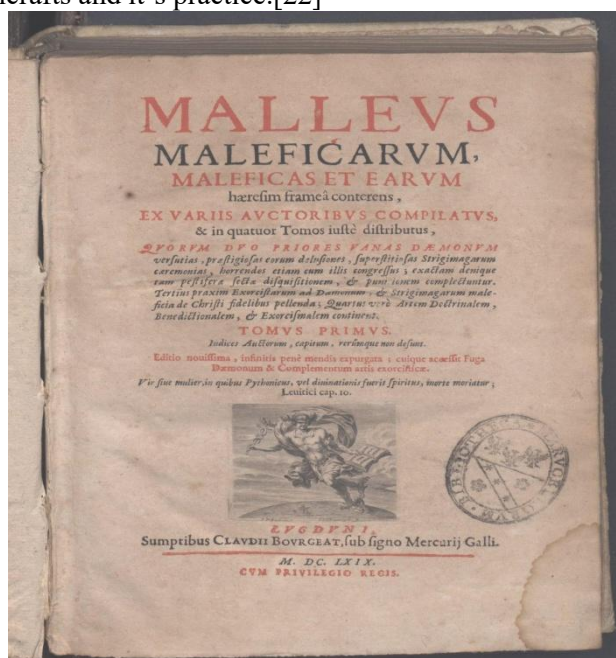


Figure 12:- Malleus Maleficarum, 1669

Written by Heinrich Kramer, it consisted of detailed analysis on both legal and theoretical perspective of eradication of witchcraft. According to this treaty, it allowed deception and torture in order to obtain confession. The treaty also suggests that women were more likely to practice witchcraft.[23] This was one of

the reasons for the larger ratio of women victims in the Salem Witch Trial. This treaty was brutal and used in several witchcraft cases throughout the 16 and 17 century. Raudvere Jolly in his book[24] described how this treaty was unethical and contrary to Catholic doctrine of demonology.

Following this unscrupulous treaty was one mistake that cost the life of 20 individuals executed in the Salem Witch Trial. Solely, based on this Salem witchcraft was a criminal case rather than religious, but it consisted of religious belief on the practice of witchcraft being evil and sinful.

Another reason for the witchcraft case being religious was based on the trial, the victims were told under pressure to say a verse from the Bible without stutter. This evidence that played the role in execution of the victims wasn't a reliable evidence to prove guilt or innocence. Any individual put forward in the court of law with the fear of being sentenced to death would stutter in such circumstances.

Salem Witch Trial is one such case that had more religious background than of a criminal, the only criminal aspect to this case was the torture faced by the victims and how they were wrongfully accused.

8. CORRESPONDING CASE

17 years before the infamous Salem Witch Trial, another known trial in relation with witchcraft practice was the Salzburg witch trial held in 1675-1690 in Austria.[25] The only difference in this case is that the majority of the execution was of males and unlike the Salem witch trial, all the accused in this case were executed. In the Salzburg case, there were 139 executed individuals including 39 children, 53 teenagers and young adults and 113 males. Both the cases followed the execution of the accused and believed in the 'spectral evidence'. Furthermore, both the cases followed the treaty of '*Malleus Maleficarum*.'

9. GLOBAL IMPACT OF THE SALEM WITCH TRIAL

Salem Witch Trial was one impactful case, the judges grieved of their wrong doings; the accused victims and their families were given compensation for the torture and mistreatment they suffered in prison. This case had left its impact on individual's minds and perception. The victims' hardship was recognized and left its mark globally.

After the Salem Witch Trial, many changes occurred regarding the procedure of the trial, maxims were introduced, acts were implemented worldwide. There were few common changes and few country-wise changes depending upon the parallel relationship with this case to their circumstances.

9.1. Common Changes

These are the type of changes established globally, inclusive of principles, rights to legal representation, convention on the elimination of all forms of discrimination against women (hereinafter referred as '*CEDAW*'), etc. These changes are observed till date.

One of the main changes in the legal procedure in any case was establishing the principle '*innocent until proven guilty*.' According to this principle, the legal burden of proof is on the prosecution than on the defendant. In the Salem Witch Trial, the burden of proof was on the victims. Even though this principle was introduced by Islamic[26] and Roman[27] laws, it was followed globally after the Universal Declaration of Human Rights.[28] This principle was officially introduced by the British barrister Sir William Garrow.[29] This principle was essential in the justice system, since the presumption of guilt is related with the defamation of the innocent. Once the accused is proven to be not guilty of the crime, the public eye over the case affects their mental health. The presumption of guilt plays the key role in it. This principle is established to circumvent such situations. By not following this principle, the victims of the Salem Witch Trial were deeply impacted, they were charged in the public eye even before the trial commenced. This also affected the outcome of the case, accusation of 200 individuals and execution of 20 based on the presumption of guilt and burden of proof on defendant lead to the injustice.

Another change is the recognition of rights of defendants in trial. In recent times, the defendant is informed regarding their right to remain silent and right to representation at the time of arrest. In the Salem Witch Trial, these two rights were non-existent. Not only did any of the victims weren't given a proper legal representation but when one of the victims remained silent during the trial, he was pressed to death. These rights play a key role in the justice system. By recognizing their right to legal representation, the defendant is able to get a chance to prove their innocence. By recognizing their right to remain silent, the defendant is able to protect themselves from mental and physical torture. In the Salem Witch Trial, the victims presented themselves in

the court. The victims lack of skills and knowledge on the legal aspect had affected their case and led to their execution. Hence, the importance of legal representation in cases was recognized for a fair and just outcome. Salem Witch Trial also showcased the discrimination and elimination of women since most of the executed and accused were women. This raised the issue of gender discrimination which is recognized even in present era. CEDAW played a major role in recognizing this issue and implementing rules and regulation to overcome it.

After decades of the trial, CEDAW was adopted. It was on 18th December, 1979, when the United Nation Assembly adopted it.[30] The focus of CEDAW was on civil rights and legal status of the women. The aim of CEDAW was to provide the same status and rights to women in business related areas as acquired by men. Articles 10, 11 and 13, respectively, *"affirm women's rights to non-discrimination in education, employment and economic and social activities."* Article 15 asserts *"the full equality of women in civil and business matters, demanding that all instruments directed at restricting women's legal capacity 'shall be deemed null and void'."* Furthermore, CEDAW also aimed to recognize women's human rights and reproductive rights. The preamble states that *"the role of women in procreation should not be a basis for discrimination."* CEDAW aimed for women to stand on their moral and prudential grounds, and focused to implement laws on those basis. As the Salem Witch Trial showcased the indefinite power and women who stood up for themselves were considered threat and executed. It showcased the discrimination faced by the women during that era. Even though CEDAW was established after decades, it showcased that the discrimination against women only grew in various sectors. Women fought for their rights and dignity, CEDAW and Salem might not be relatable in direct ground but they share a parallel relationship with each other. The laws implemented by CEDAW was to make sure women don't face discrimination and torture as faced by the victims of Salem Witch Trial.

These were the common changes that were impacted either directly or obliquely related to the Salem Witch Trial; there were also country-wise respective impacts of this trial.

9.2. Impact on the U.S.A.

The witch trial had left its impact in the United States of America. The witch trial was held in Massachusetts in the United States of America. Few of the individuals who participated in the witchcraft trial like Judge Samuel Sewall, Reverend Samuel Parris, accuser Ann Putman Jr. publicly apologized and exhibited their grief and sorrow for their actions. This case is an important part of American History. The religious anxiety, gender discrimination, economic envy, all these theories popped up after this case. Even the relationship between the citizens and justice system started to deteriorate after this case. Individuals tend to question the procedure followed by the justice system after this case.

At the time of the Salem Witch Trial, the women were treated poorly. According to Massachusetts, 17th century law, if a woman lured a man to marry him via the means of high heels, they would be treated as a witch.[31] This law showcased that women had to be conscious with regard to their clothing preference, behaviour and ethics.

It was in the 19th century, when the laws were implemented for the benefit of women. Most of the laws implemented were based upon women's right to property[32][33] and their own earning. Women protection laws and non-discrimination laws implemented in the 20th century.[34]

The laws for protection of women was the key impact of the witch trial. Since the majority of the victims were women, there was a theory on victimisation of women might be the cause of gender discrimination. This explanation showcased the importance of protection of women status, dignity and implementing their rights. The impact on the United States of America, was a step to globally recognize such issues and act upon the same.

9.3. Impact on India

Indian history of witchcraft is observed in religious books like Ramanya, Bhagavad Gita, Mahabharata. Witchcraft practice was solemnly considered one of the most powerful magic also known as 'black magic'. Another name of witch in India is termed as '*Dayaan*'(formed from the Sanskrit term '*dakini*' meaning 'a female paranormal entity from the netherworld'). Indian history on the existence of witches goes back to the 15 century in Harangul. The city of Harangul, the sighting of witches was around the areas of cemeteries and

abandoned fields.[35] The concept of witch in India meant black magic, the target of young attractive women and young families.

Eventually out of fear, the witch hunting process started. A large number of women and young children were killed after being declared as witches.[36] For the protection of individuals, the Indian Government enacted various acts like Prevention of Witch Practices Act and The Prevention of Witch-Hunting Bill.

The Prevention of Witch Practices Act[37] was implemented in 1999 at the State of Jharkhand as a preventive measure from the witch practices. This act punished and imprisoned any individual identifying themselves as a witch. The importance of this act was to ensure women safety who declared themselves as witch and avoid women's torture, humiliation and killing by the society or any other group. Though the act itself doesn't allow any individual to declare themselves as witch, the act was a necessity step to provide protection and avoid torture of such individuals. This act was only implemented in the state of Jharkhand rather than in the whole of India.

The Indian Government did introduce a bill on Prevention of Witch Hunting in 2016 at Lok Sabha. The bill aims to *"provide effective measures to prevent and protect women from 'witch-hunt' practices to eliminate their torture, oppression, humiliation and killing by providing punishment for such offences, relief and rehabilitation of women victims of such offences."*[38]

The bill is still awaiting for enactment and further processing.

Though India's existence of witchcraft is earlier than the Salem Witch Trial, the brutality of killing of the innocent women after declaration of being witch by the society did relate with the trial.

Even India took further steps for acknowledging the safety of women and introduced several laws and provisions to make sure safety of women in justice is being taken carefully. For instance, the Code of Criminal Procedure was amended in 2005 which led to amended of Section 46 (4), which provides certain criteria to be fulfilled while arresting of a woman which includes:-

1. The arrest shall be made before sunset and after sunrise;
2. The arrest shall be made only by a Woman Police Officer;
3. The arresting police officer shall obtain permission of such arrest via Judicial Magistrate First Class within local jurisdiction.

Several other women protection acts have been implemented by the Government of India to address the issue of women protection. The severity of Salem witch case showcased the existence of gender and religion based discrimination, innocent women were tortured and hanged on the basis of religious evidence which is not even a strong evidence to support the penalty.

10. CONCLUSION

The Salem Witch Trial is one of the historic events globally recognized. Though the trial was held decades earlier, the present day laws and regulations are highly impacted and focus on the protection of women in the society. Even though this case showcased injustice and brutality in the justice system, it was widely recognized for the public apology conveyed by the judges and afflicted girls.

The relation of the Puritan and Non-Puritan society was a parallel relation with the globally recognized relation of rural and urban individuals respectively. Though the reasoning behind the brutality and death of the victims are not determined, the theories presented do clarify some reasonable doubts. The sudden change in the emotional and behavioural attachment of the public towards the victims showcased the theory of ergot poisoning and cold weather a plausible reasoning.

The globalwise impact is a positive change in recognizing women's rights and power. The changes recognized in the respective countries are the necessary changes to avoid history repeating itself.

The pain and torture faced by the victims, the screams of the victims wasn't left unheard. The change in the procedure of the justice system and recognition of the rights was an important aspect and played a vital role in the present justice system which led to a fair and just trial.

The Salem Witch Trial also showcases the gender based discrimination that is in existence since a long period of time. Most of the women around the world were tortured and killed or punished for the crime like a death row inmate. It is one such example of the existence of gender based discrimination in the form of penalty/punishment.

We can't undo history, but we can learn from it. The Salem witch case was a lesson to everyone that there is a flaw in everything and we need to make sure humanity is being followed in every aspect.

11. REFERENCES

1. Exodus 22:18. Retrieved from <https://biblehub.com/text/exodus/22-18.htm>
2. Bible Gateway passage: 1 Samuel 28 - New International Version Bible Gateway. Retrieved from <https://www.biblegateway.com/passage/?search=1+Samuel+28>
3. Witchcraft Peabody Institute Library of Danvers. Retrieved from <https://www.danverslibrary.org/archive/meetinghouse-at-salem-village/>
4. The Sabbath in Puritan New England The Sabbath in Puritan New England, by Alice Morse Earle. Retrieved from <https://www.gutenberg.org/files/8659/old/8sabb10h.htm>
5. SAMUEL PARRIS: MINISTER AT SALEM VILLAGE. Retrieved from <https://scholarworks.iupui.edu/bitstream/handle/1805/4601/Melinda%20Baker%20-%20Samuel%20Parris%20Minister%20at%20Salem%20Village%203.26.14.pdf?sequence=1>
6. Francis Hill, The Salem Witch Trials Reader , 302.
7. Boyer and Nissenbaum, Salem Possessed, 1.
8. Salem Story: Reading the Witch Trials of 1692 Cambridge University Press. Retrieved from https://beckassets.blob.core.windows.net/product/readingsample/149970/9780521558204_excerpt_001.pdf
9. Gender and the Salem Witchcraft Trials. Retrieved from <https://wou.edu/history/files/2015/08/Colburn-Josephine1.pdf>
10. .Puritans Face Defeat The Salem Journal: The hysteria witches remise. Retrieved from <https://people.ucl.uchicago.edu/~snekros/Salem%20Journal/Hysteria/ElbertDLukeR.html>
11. .Post-traumatic stress disorder (PTSD) Mayo Clinic. Retrieved from <https://www.mayoclinic.org/diseases-conditions/post-traumatic-stress-disorder/symptoms-causes/syc-20355967>
12. .The Witches Curse PBS. Retrieved from <http://www.pbs.org/wnet/secrets/witches-curse-interview/1502/>
13. Ergot: Uses, Side Effects, Interactions, Dosage, and Warning WebMD. Retrieved from <https://www.webmd.com/vitamins/ai/ingredientmono-431/ergot>
14. .Did climate change cause witch hysteria? Salem News. Retrieved from https://www.salemnews.com/news/local_news/did-climate-change-cause-witch-hysteria/article_181cd63c-850a-5011-81b3-32f7b06a7a0b.html
15. . Rapley, Witch Hunts.
16. Six Victims of 1692 Salem Witch Trials "Cleared" by Massachusetts... Today in Civil Liberties History. Retrieved from <http://todayinlh.com/?event=six-victims-of-1692-salem-witch-trials-cleared-by-massachusetts-legislature>
17. Massachusetts Clears 5 From Salem Witch Trials The New York Times. Retrieved from <https://www.nytimes.com/2001/11/02/us/massachusetts-clears-5-from-salem-witch-trials.html>
18. Witchcraft in Salem. Retrieved from <https://www.ushistory.org/us/3g.asp>
19. Magna Carta Translation. Retrieved from <https://www.archives.gov/files/press/press-kits/magna-carta/magna-carta-translation.pdf>
20. RIGHT TO FAIR TRIAL. Retrieved from , http://www.nja.nic.in/Concluded_Programmes/2019-20/P-1163_PPTs/1.Right%20to%20Fair%20Trial_Handout.pdf
21. Witchcraft law up to the Salem witchcraft trials of 1692 Massachusetts Law Updates. Retrieved from <https://blog.mass.gov/masslawlib/civil-procedure/witchcraft-law-up-to-the-salem-witchcraft-trials-of-1692/>
22. .The Encyclopedia of Witches, Witchcraft & Wicca. Retrieved from https://pdfs.semanticscholar.org/5873/43e3cc13020a3e417282e159c2c79db219ed.pdf?_ga=2.42332517.175458678.1603568668-822367752.1603568668
23. Battling Demons: Witchcraft, Heresy, and Reform in the Late Middle Ages Google Books. Retrieved from <https://books.google.co.in/books?hl=en>
24. Witchcraft and Magic in Europe, Volume 3 Google Books. Retrieved from <https://books.google.co.in/books?id=yuXTAAwAAQBAJ>

25. .William E Burns, WITCH HUNTS in Europe and America (Greenwood). Retrieved from <http://1.droppdf.com/files/O2gUt/witch-hunts.pdf>
26. The Forty Hadith of al-Imam an-Nawawi (ABUL-QASIM) (1999). Retrieved from https://d1.islamhouse.com/data/en/ih_books/single2/en-hadith-nawawy-sahih.pdf
27. Alan Watson, THE DIGEST OF JUSTINIAN. Retrieved from , [http://nbis.soc.srccf.net/files/files/Civil%20II/Texts/Digest%20of%20Justinian,%20Volume%201%20\(D.1-15\).pdf](http://nbis.soc.srccf.net/files/files/Civil%20II/Texts/Digest%20of%20Justinian,%20Volume%201%20(D.1-15).pdf)
28. Universal Declaration of Human Rights United Nations. Retrieved from <https://www.un.org/en/universal-declaration-human-rights/>
29. CHRISTOPHER MOORE, Becoming Learned and Honourable, 1797–1822. (University of Toronto Press) (1997).
30. .Convention on the Elimination of All Forms of Discrimination against Women OHCHR. Retrieved from <https://www.ohchr.org/en/professionalinterest/pages/cedaw.aspx>
31. Feet and Footwear: A Cultural Encyclopedia Google Books. Retrieved from <https://books.google.com/books?id=LKTACQAAQBAJ>
32. Women's Rights and Women's Labor: Married Women's Property Laws and Labor Force Participation, 18601900 Women's Rights and Women's Labor: Married Women's Property Laws and Labor Force Participation, 18601900. Retrieved from https://web.archive.org/web/20120426050812/http://spanalumni.academia.edu/ERoberts/Papers/251656/Womens_Rights_and_Womens_Labor_Married_Womens_Property_Laws_and_Labor_Force_Participation_1860_1900
33. The Democratization of Invention: Patents and Copyrights in American Economic Development, 1790-1920. Retrieved from <https://books.google.com/books?id=cd0KqQ6rxEC>
34. Personnel Administrator of Massachusetts v. Feeney. Retrieved from <https://www.oyez.org/cases/1978/78-233>
35. Paid to poo: Combating open defecation in India.. Retrieved from <https://www.bbc.com/news/health-33980904>
36. Double child sacrifice casts spotlight on witchcraft in India. Retrieved from <https://www.smh.com.au/world/double-child-sacrifice-casts-spotlight-on-witchcraft-in-india-20101126-189e5.html>
37. The Prevention of Witch (DAAIN) Practices Act, 2001, Retrieved from [https://www.jhpolice.gov.in/download/file/fid/13251#:~:text=Section%206%3A%20Witch%20\(Daain\),in%20any%20manner%20shall%20be](https://www.jhpolice.gov.in/download/file/fid/13251#:~:text=Section%206%3A%20Witch%20(Daain),in%20any%20manner%20shall%20be)
38. .Prevention of Witch Hunting Bill, 2016.. Retrieved from <http://164.100.47.4/billtexts/lbills/asintroduced/4572LS.pdf>