WITCHCRAFT IN THE CULTURAL BORDERLAND

Witch trials in the Grand Duchy of Lithuania in the 16th-18th centuries

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Vitali Byl

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CONTENTS

ABBREVIATIONS

ASZR – P. A. Gil'tebrandt, F. G. Eleonskij, A. L. Mirotvorcev, eds. *Archeografičeskij sbornik dokumentov, otnosjaščijsja k istorii Severo-Zapadnoj Rusi, izdavaemyj pri Upravlenii Vilenskogo učebnogo okruga.* 14 volumes. Vil'na: Gubernskoe pravlenie, 1867-1904.

AVAK – *Akty, izdavaemye Komissieju, vysočajše učreždennoju dlja razbora drevnich aktov v Vil'ne.* 39 volumes. Vil'na, 1865—1915.

BDTK – Vytautas Raudeliūnas, Romualdas Firkovičius, eds. *Biržų dvaro teismo knygos, 1620-1745*. Vilnius: Mintis, 1982.

BRMR – Ališauskas, Vytautas, ed., *Baltu religijos ir mitologijos reliktai Lietuvos Didžiojoje Kunigaikštystėje (XIV-XVIII a.): šaltiniu rinkinys*. Vilnius:Lietuvių Katalikų Mokslo Akademija, 2016.

IJM – Meščerskij, N., Verevkin, M., Dovgjallo D. eds. *Istoriko-juridičeskie materialy, izvlečennye iz aktovych knig gubernij Vitebskoj i Mogilevskoj*. 32 volumes. Vitebsk, 1871-1906**.**

Jucewicz – Jucewicz, Ludwik Adam. *Wspomnienia Żmudzi.* Wilno: T. Glücksberg, 1842.

LSHA – Lithuanian State Historical Archives.

NHAB – National Historical Archives of Belarus.

RTL – Jablonskis, Konstantinas, Rimantas Jasas, eds. *Raganų teismai Lietuvoje*. Vilnius: Mintis, 1987.

Sabaitytė – Sabaitytė, Giedrė. "Raganų 'medžioklės' atgarsiai XVI–XVII a. pirmos pusės Kaune." *Kauno istorijos metraštis* 8 (2007): 279-296.

SGČA – Mavrikij Krupovič, ed., *Sobranie gosudarstvennych i častnych aktov, kasajuščichsja istorii Litvy i soedinennych s nej vladenij (ot 1387 do 1710 goda), izdannoe Vilenskoju* archeologičeskoju *kommissieju pod redakcieju učenago sekretarja Mavrikija Krupoviča.* Vil'no: Tipografija Osina Zavadzkago, 1858.

Vic'ko – Dzmitryj Vic'ko, "Dzve spravy pra čary z kanca XVII — pačatku XVIII stagoddzja." *ARCHE Pačatak* 3 (2012): 122—130.

ŽDTK – Vytautas Raudeliūnas, Algirdas Baliulis, Romualdas Firkovičius, eds. *Žagarės dvaro teismo knygos (1670-1751)*. Vilnius : Kultūros, filosofijos ir meno institutas, 2003.

INTRODUCTION

1.1. The goal and research questions

Contemporary public imagination habitually put the Great European witch-hunt in the settings of a medieval German, French or British city or village. However, stakes burned all over Europe. Early Modern witch persecution was a peculiar manifestation of the universal cultural trait – fear of the internal enemy. Nevertheless, within Europe, this phenomenon had significant variety. The study of the differences provides a clue about the nature of the mysterious historical event. At the same time, it can be a marker that highlights the common and distinctive features of particular societies, united with bounds of Christendom and emerging capitalistic economy but simultaneously diverse in many aspects. In this regard, the Grand Duchy of Lithuania, the last pagan state of Europe emerged on the intersection of the orbits of Rome and Constantinople, that more or less tolerantly hosted many ethnicities and religions looks like an especially promising testing ground.

The dissertation aims to study specifics of the witch-hunt in the Grand Duchy of Lithuania as a case of cultural interaction in the borderland. The main focus of the study concentrates on its essential and central component – witch trials. The researcher (and I hope the reader) will enter the courtroom to observe the investigation and judgment, then try to look beyond the trial to find out the social encounters and cultural models behind. To do this, the study attempts to answer the next questions.

1. How was the Lithuanian witch-hunt going on and what were its distinguishing features? The previous scholarship on the topic still has not created any sufficient description and analyses of the Lithuanian witch trial. That is why it is important to do the basic descriptive and analytic part and to draw a reliable model and its variants. It includes consideration of the judicial features of the trials (the theory and practice of the legislation, trial procedure, and extrajudicial measures), characteristics of trial participants (social status, gender, age, mutual relations) and the traits of witchcraft beliefs. Also, the study tries to figure out and explain similarities and differences of witch persecution in various milieus within the heterogeneous society. It will shed light on the cultural bordering and interaction in the Grand Duchy of Lithuania and allow defining the ways and mechanisms of adoption and adaptation of witch-hunting ideas and practices.

2. What were the social and cultural origins of the witch trials? To understand the trial cases, they should be regarded in their social and cultural context. In the work, I would test the socio-cultural vision of the witch-hunt. 1) The mechanism that led to the trial was of social

nature. Tension or conflict found a resolution in the shift of the frustration to a scapegoat. This mechanism could work at the level of interpersonal relationships, a small community or wider society. 2) Cultural specifics influenced the choice of how to resolve the tension. Thus, societies that possessed a developed witchcraft discourse easily and eagerly could imagine their scapegoats as witches. But what was the relation of the social and the cultural? How did it work for small and larger communities, different estates and denominations?

3. ***How was the witch-hunt related to the greater social and cultural processes of the time?*** Since the 16th century, both economic proto-globalization and religious reform changed greatly the eastern periphery of Europe and the Grand Duchy of Lithuania in particular. The role of agricultural commodities supplier maintained the "export-led serfdom" that formed a specific social structure. Protestant and Catholic reforms sought to cross ethnic and social borders to impose a new universal religious way of life and thinking. Their missionary activity pushed east the frontier of Western Christianity. New social tensions sought expression in new cultural forms. Early Modern Lithuania dealt with the coexistence and active interaction of diverse religions and Christian denominations, law systems, cultural traditions that were reflected in the specific character of local witchcraft discourse and witch trials. It is important to examine how the phenomenon of witch trials in the Grand Duchy of Lithuania was related to the social and economic changes and the exchange of ideas and images in the context of the cultural borderland.

1.2. Chronological and geographical frameworks

To set the exact **chronological framework** of the witch-hunt might be a tricky task. There are two approaches possible: to point out the earliest and the latest witch trials or to indicate the introduction and abolition of anti-witchcraft provisions in the legislation. In the case of the witch-hunt in the Grand Duchy of Lithuania, the most relevant approach is the combination of both mentioned. Witch trials had started earlier than appropriate laws were introduced in the state written legislation. The first law concerning witchcraft was a provision of the Lithuanian Statute issued in 1588, but to this year witch trials were already held almost a half of the century. Some of them might be judged according to *Sachsenspiegel* in cities with Magdeburg right (like in Kaunas in the 1540s-1560s or Mahilëŭ in 1577) or according to customary law – however, there are no references to any laws in trial materials of this early period. Thus, this work takes for the starting point the earliest known documented case of legal proceeding concerning witchcraft. Nowadays it is the document dated to 1532 – the acquittal of a

woman from Vicebsk that earlier had been convicted by city and voivode's courts as a witch.[1] The 15th – first half of the 16th century left too little sources, so the starting point may move earlier after new source discoveries.

The lack of sources is significant also in the indication of the witch trials termination. Western historiography of the issue often considers as such the last burning of the witch. It is a hard task to find out exactly when the latest Lithuanian witch execution occurred. Among the latest reports, there are two indirect sources: a letter about an extraordinary local witch-hunt in the Tyszkiewiczs' estates in 1758[2] and a record about a fee for a Vilnius executioner that had burned witches in the same year[3]. In addition, in Dzisna trial of 1762, the end of the record was lost but the capital sentence seems highly possible.[4] Furthermore, there were still a number of trials that led to the justification of the accused. Regarding this source uncertainty, the best decision is to apply here a legislative approach. The most significant event that terminated witch-hunt was a constitution of Sejm issued October 27, 1776, that, *inter alia,* abolished tortures and the capital penalty for witchcraft. As the Sejm constitutions were of supreme power over the legislation of both parts of the Commonwealth, this act terminated the use of the Statute provision.

Thus, the main chronologic focus of the dissertation is 1532 (the earliest court record known) – 1776 (abolition of the capital penalty for witchcraft).

The primary **geographic focus** of the study is the Grand Duchy of Lithuania in its borders of 1569, after the Union of Lublin. The first trials started when the state was much larger and included lands of Podlachia, Volhynia, Podolia and Kyiv voivodeship that would be transferred to Polish Crown in 1569, before the union conclusion. However, there are no witch trials known in these regions in the Lithuanian period. The first Ukrainian trial case concerning witchcraft was registered in 1588 in Bratslav which was already Polish for almost 20 years.[5] The same is about Smolensk voivodeship that was temporarily returned to the Grand Duchy of Lithuania in 1611-1654, but there is no information about any witch trials there. Mentioned lands are in the secondary focus of the work as a part of entire Ruthenia, which had a lot in common

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[1] Z. Daŭgjala, ed. *Belaruski archiŭ*. Vol. 2. *Litoŭskaja metryka (XV—XVI st.).* (Minsk: Instytut belaruskaj kul'tury, 1928), p. 96-97.

[2] Jakov Kantorovič. *Srednevekovye processy o ved'mach* (Sankt-Peterburg : izd. Jakova Kantoroviča, 1899), p. 178

[3] Jan Obst. "Kat miasta Wilna." In *Litwa i Ruś: miesięcznik ilustrowany poświęcony kulturze, dziejom, krajoznawstwu i ludoznawstwu,* nr 2, issues. 1–3, (1913): 1:12-40, 2: 96-110, 3: 163-173, p. 173.

[4] NHAB, 1757-1-8, p. 451-452b.

[5] Małgorzata Pilaszek, *Procesy o czary w Polsce w wiekach XV-XVIII,* (Kraków: Universitas, 2008), p. 274.

with eastern voivodeships of the Grand Duchy because of shared history within medieval Rus', the Orthodox religion and culture. Secondary focus also includes the whole Polish-Lithuanian Commonwealth. Political and cultural ties between Poland and Lithuania were significant since the Kreva Union of 1386. Within the Commonwealth, economically, culturally, and demographically superior Polish Crown tended to become the core of the common state while the Grand Duchy felt increasing provincialisation. That is why it is important to consider different Lithuanian processes in the context of the whole Commonwealth.

Witch-hunt in the Grand Duchy of Lithuania constitutes a distinctive phenomenon within Polish-Lithuanian Commonwealth for legal and cultural reasons.

In 1569, the Grand Duchy of Lithuania and the Polish Crown concluded the Lublin Union that created a common state – Polish-Lithuanian Commonwealth. Nevertheless, the Lublin Union did not terminate the Grand Duchy as a state entity. Lithuanian elites for a long time zealously guarded at least formal equality of the two polities and the important elements of sovereignty. While the supreme power (the monarch, simultaneously Polish King and Lithuanian Grand Duke, as well as parliament - *Sejm*), international and military affairs and monetary politics (currency and its emission) belonged to the federal competence, the Grand Duchy preserved significant autonomy in its internal affairs keeping their separate army, treasury, state offices, laws and courts. This autonomy contributed to the preservation of Lithuanian identity within the elite even after its cultural Polonisation.

The core of Lithuanian sovereignty was its law code – the Statute of 1588. Created already after the Lublin Union, it was the result of the almost half-century legislation process. The Statute was the basic state law mandatory for all lands of the Grand Duchy despite their former legislative features. To compare, the Polish Crown did not possess any similar law collection despite the attempts to create it.

Court system of the Grand Duchy of Lithuania underwent important reforms and during the 16th century became pretty similar to the Polish one. Nevertheless, there still were features especially significant to witch trials study. For example, rural courts in Poland tried non-capital cases with the German law and their supreme instance for appeals or criminal prosecution were city courts, while in the Grand Duchy of Lithuania rural court *kopa* could judge any kinds of cases according to the Lithuanian Statute and local customs under the supervision of the county (*grodzki*) court.

In comparison to the Crown, the Duchy possessed unique population structure. The ethnic situation in Lithuania was characterized by the close coexistence of Balts (ethnic Lithuanians, Samogitians) in the west and Eastern Slavs (Ruthenians-Belarusians) in the east, with an area of the mixed population in between. However, for a pre-modern society, religious

belonging was more crucial. In religious dimension, the Grand Duchy of Lithuania was the territory of overlapping Catholic, Orthodox and Protestant denominations and later – a core of the church union (1596) that created Uniate (Greek-Catholic) church – a unique ecclesial borderland phenomenon. Except for this composite majority, Lithuania was home for various Christian (Russian Old-Believers) and non-Christian (Jews, Karaites, Muslim Tatars) minority groups with their rights, privileges and restrictions.

The high status of the Commonwealth's co-founder enshrined the cultural and judicial features. Also, it led to a distinctive position of the Grand Duchy in comparison to other culturally distinguished provinces like Royal Prussia or Ruthenian lands of the Crown. Thus, the Lithuanian witch-hunt demands a separate study.

1.3. State of art

1.3.1. International witchcraft studies

Witchcraft and witch-hunt was such a bright and intellectually challenging phenomenon that a great number of scholars from various disciplines, from history and ethnography to psychoanalysis and psychiatry, tried to study, explain and conceptualize it. The scholarship on this theme *per se* is an object of separate studies that demonstrate how the understanding of witchcraft in particular intellectual contexts characterises the diversity of the academic and public thought.[6] Because of such abundance, the comprehensive state of art review is hard and, perhaps, excessive for this work, but the general outline is anyway important.

Attempts to reflect on witch-hunt as a phenomenon of history can be dated back to the time when the last stakes still erupted but its academic research has commenced in the 19th century. *The History of the Witch trials* by Wilhelm Gottlieb Soldan (1843)[7] is usually considered the first modern academic work on this topic. This work introduced the approach known as *Soldan* or *rational paradigm*. It considers witchcraft as non-existent crime constructed by persecutors and attributed for different reasons to the innocent victims. The researchers tended to this approach concentrated their studies on the persecutors, ecclesiastic and lay, interested primarily in demonology, legislation, trial procedures, they developed critical reading of court sources. This course became mainstream and prolific in witchcraft studies for a long time.

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[6]For example, Jonathan Barry and Owen Davies, eds., *Palgrave advances in witchcraft historiography*. Basingstoke; New York: Palgrave Macmillan, 2007;Marko Nenonen, ed., *Writing witch-hunt histories: challenging the paradigm*. Leiden; Boston: Brill, 2014.
[7]Wilhelm Gottlieb Soldan, *Geschichte der Hexenprocesse. Aus den Quellen dargestellt*. Stuttgart, Tübingen: J.G. Cotta, 1843.

Almost at the same time, another influential approach has appeared. Jules Michelet, a pioneer of the history from below, presented witches as members of the secret anti-feudal peasant movement.[8] His *Sorceress* popularized greatly the so-called *romantic paradigm*. It claimed generally, that the accused witches were not arbitrary victims of slander but actual bearers of non-conformist culture and members of some cults or movements. This approach attracted greater attention to the victims of trials, to their social and cultural background, beliefs and actions. Some famous proponents of the paradigm proposed quite bold hypotheses that witches indeed belonged to some Satanic sect (Augustus Montague Summers[9]) or the ancient pre-Christian female cult of Mother-Goddess (Margaret Murray[10]). Academic circles generally rejected these ideas but they have been ingrained in literature, art, pop-culture, gave birth to the New Age movements like Wicca. At the same time, it inspired those who searched for pre-Christian traits in folk religion. The most notorious work was the micro-history study of Carlo Ginzburg that demonstrated how Friuli local fertility cult became reinterpreted as witchcraft first by inquisitors and then by local people.[11] Then Ginzburg went further, seeking for shamanistic ground in testimonies of witches.[12] These works to a certain extent rehabilitated the academic reputation of the *romantic paradigm*. Nowadays Edward Bever argued the extensive presence of popular magic practices in Early Modern Europe including harmful ones.[13] From the interdisciplinary perspective, engaging psychology and medicine, he tries to reconstruct how it could work.

The 1970s brought an increasing interest towards witch-hunt history as well as important methodological diversification. This challenging phenomenon became a great object for interdisciplinary research and the application of new approaches. It instigated the exchange between social, legal and cultural history, anthropology, sociology, psychology, gender studies. One can say about the cultural turn has occurred in witchcraft scholarship.[14]

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[8]Jules Michelet, *La sorcière*. Paris: E. Dentu Libraire-Editeur, 1862.

[9]Montague Summers. *The History of Witchcraft and Demonology*. London: Kegan Paul, Trench, Tubner & Co; New York: A. A. Knopf, 1926.

[10]Margaret Alice Murray, The Witch-Cult in Western Europe: a Study in Anthropology. Oxford: University Press, 1921.

[11]Carlo Ginzburg, I *benandanti. Ricerche sulla stregoneria e sui culti agrari tra Cinquecento e Seicento*, Torino: Einaudi, 1966 (English edition: *The Night Battles: Witchcraft and Agrarian Cults in the Sixteenth and Seventeenth Centuries*. Baltimore: Johns Hopkins University Press. 1983).

[12]Carlo Ginzburg, *Storia notturna. Una decifrazione del sabba*, Torino: Einaudi, 1989 (English edition: *Ecstasies: Deciphering the Witches' Sabbath.* New York: Penguin, 1991).

[13]Edward Bever, *The Realities of Witchcraft and Popular Magic in Early Modern Europe: Culture, Cognition, and Everyday Life,* Basingstoke and New York: Palgrave Macmillan, 2008.

[14] For the detailed analysis see Gábor Klaniczay "A cultural history of witchcraft." *Magic, Ritual, and Witchcraft*, volume 5, nr 2 (Winter 2010): 188-212, p. 188-212.

A great impulse came from the field of anthropology. Anthropologists fruitfully studied witchcraft and magic in contemporary peasant cultures and "primitive" societies since the 19th century, but the interwar period has brought groundbreaking works of Bronisław Malinowski[15] and especially Edward Evans-Pritchard[16] followed by post-war works of British and American researches[17].

The functionalism and cross-cultural comparison first united historians and anthropologists as potential keys to understanding the global phenomenon of witchcraft. Historians borrowed the cross-cultural comparative approach, important concepts like scapegoating and social control, but the most crucial – began to regard witchcraft and magic from the position of the society under research, to understand meanings and social functions of these beliefs, obscure for the modern Western observer but natural and obvious in other cultural settings.

Pioneering works of this new collaboration were A. Macfarlane's[18] and K. Thomas'[19] studies on English witch trials. They demonstrated how social changes influenced rural communities and pushed them to witchcraft accusations.

The collaboration with anthropology had its ups and downs. In the 1980s, its critics argued that crucial differences between societies and those phenomena called "witchcraft" make hardly possible to apply wider the generalized models based on certain culture or group. The turn was to study particular societies within their own linguistic and mental models. Nevertheless, the partial justification of the cross-cultural approach occurred in recent decades, and the insights of the anthropologic studies could be helpful for the understanding of particular aspects within European witchcraft beliefs and accusations.[20] No wonder that anthropologic works on

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[15]Bronisław Malinowski, *Argonauts of the Western Pacific: An account of native enterprise and adventure in the Archipelagoes of Melanesian New Guinea.* London: Routledge and Kegan Paul, 1922; *Magic, Science and Religion and Other Essays.* Glencoe, Illinois: The Free Press, 1948.

[16]Edward Evan Evans-Pritchard, *Witchcraft, Oracles and Magic Among the Azande.* Oxford: Clarendon Press; London: Oxford University Press, 1937.

[17]Clyde Kluckhohn, *Navaho witchcraft,* Boston, Massachusetts: Beacon Press, 1944; Max Marwick, *Sorcery in its social setting: a study of the Northern Rhodesian Ceŵa,* Manchester: Manchester University Press, 1965; Mary Douglas, *Implicit meanings: essays in anthropology*, London; Boston: Routledge & Paul, 1975.

[18]Alan Macfarlane, *Witchcraft in Tudor and Stuart England: a regional and comparative study,* London: Routledge & Kegan Paul, 1970.

[19]Keith Thomas, *Religion and the Decline of Magic: Studies in Popular Beliefs in Sixteenth- and Seventeenth-Century England,* London: Weidenfeld and Nicolson, 1971

[20]Ronald Hutton, "Anthropological and Historical Approaches to Witchcraft: Potential for a New Collaboration?" *The Historical Journal vol. 47, no. 2 (2004):* 413-434, p. 413-418.

contemporary rural Europe[21] again attract the attention of historians. A bright example of the application of historical anthropology and micro-history combined with cultural history and psychology is R. Briggs' *Witches and Neighbours,*[22] one of the most influential contemporary studies of European witch trials with social emphasise.

The researches questioned how the worldview of the Europeans included and developed sophisticated beliefs in maleficent magic of diabolic conspiracy members with supernatural abilities. They searched the answer in the spheres that determine and shape worldview: religion, science, art – in a word, in culture broadly defined. This trend can be traced to the mentioned works of Carlo Ginzburg as well as Julio Caro Baroja[23], published in the 1960s, that tried to place beliefs of trial participants in a wider cultural context. Later, Robert Muchembled[24] regarded witch trials as an effect of acculturation – suppression and disciplining of popular culture by elites. Norman Cohn's[25] and Richard Kieckhefer's[26] works study the processes in the learned culture that led to the development of the elaborate demonological concept and its introduction to wider social circles. This learned concept changed endemic anxiety about bewitchment into fear of the formidable internal enemy. The simultaneity of great witch persecution with Reformation, Catholic Reform, the process of confessionalization drew attention to the correlation between these processes.[27] At the same time, interest in popular culture increased. Researchers from Western[28] and Eastern Europe[29] within this approach began

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[21]Jeanne Favret-Saada, *Les Mots, la mort, les sorts. La sorcellerie dans le Bocage*. Paris, Gallimard, NRF, 1977 (English translation: *Deadly Words: Witchcraft in the Bocage.* Cambridge: Cambridge University Press,1980); Ol'ga Christoforova. *Kolduny i žertvy: antropologija koldovstva v sovremennoj Rossii.* Moskva: OGI, RGGU, 2010; Mirjam Mencej, *Styrian Witches in European Perspective: Ethnographic Fieldwork,* Palgrave Macmillan UK, 2017,

[22]Robin Briggs, *Witches and Neighbours: The Social and Cultural Context of European Witchcraft*, London: Harper Collins, 1996.

[23]Julio Caro Baroja. *Las Brujas Y Su Mundo*. Madrid: Revista de Occidente, 1961. English translation: *The World of the Witches*. Translated by Nigel Glendinning. London : Weidenfeld & Nicolson, 1964.

[24]Robert Muchembled, *La Sorcière au village : XVe-XVIIIe siècle*, Paris: Gallimard/Julliard,1979; idem, *Les derniers bûchers: un village de Flandre et ses sorcières sous Louis XIV*, Paris: Ed. Ramsey, 1981.

[25]Norman Cohn, *Europe's Inner Demons: An Enquiry Inspired by the Great Witch-Hunt*. Sussex and London: Sussex University Press and Heinemann Educational Books, 1975

[26]Richard Kieckhefer, *European witch trials: their foundations in popular and learned culture, 1300-1500,* Berkeley: University of California Press, 1976.

[27]William Monter, *Ritual, Myth, and Magic in Early Modern Europe.* Athens: Ohio University Press. 1983; Christina Larner. Witchcraft and Religion: The Politics of Popular Belief. New York: Basil Blackwell. 1984.

[28]Wilhelmus de Blécourt, *Termen van Toverij: de veranderende betekenis van toverij in Noordoost-Nederland tussen de zestiende en de twintigste eeuw*. Nijmegen: Sun, 1990; Owen Davies, *Cunning-folk: popular magic in English history*, London; New York: Hambledon and

to pay particular attention to the various forms of the folk religion with its archaic and new forms like shamanism, possession or folk demonology, old and new medical and healing practices. These forms were especially evident on the peripheries of Christendom but also existed in its very core. The closer consideration of the folklore and popular worldview gains a legitimate place alongside the social and intellectual history of witchcraft.[30]

The legislation and justice traditionally were the core issues of witch-hunt research. Now they were also reconsidered concerning Early Modern state-building, social control and cultural changes.[31]

The exceptionally significant share of women among denounced witches drew attention since the earliest studies. Despite the challenged stereotype of witch-hunt as women-hunt, feminist critics and gender studies[32] suggest a particular perspective on this phenomenon in the context of changing gender relations of the time. Additionally, the previously neglected topic of male witches emerges in academic discussions.[33]

London, 2003.; Emma Wilby, *Cunning-folk and familiar spirits: shamanistic visionary traditions in early modern British witchcraft and magic*, Brighton; Portland: Sussex Academic Press, 2005. María Tausiet, *Abracadabra Omnipotens: Magia urbana en Zaragoza en la Edad Moderna*, Madrid: Siglo Veintiuno de España, 2007.

[29]Éva Pócs, *Fairies and witches at the boundary of south-eastern and central Europe*. Helsinki: Academia scientiarum Fennica, 1989; *Between the living and the dead: a perspective on witches and seers in the early modern age*. Budapest: Central European Univ. Press, 1999. Ülo Valk, *The black gentleman: manifestations of the devil in Estonian folk religion*. Helsinki: Suomalainen tiedeakatemia, 2001; Gábor Klaniczay; Éva Pócs, eds., *Demons, spirits, witches*, volumes I-III, Budapest; New York: Central European University Press, 2005-2008; Éva Pócs, ed., *Body, Soul, Spirits and Supernatural Communication*. Newcastle upon Tyne: Cambridge Scholars Publishing, 2019; Éva Pócs, ed., *The Magical and Sacred Medical World*. Newcastle upon Tyne: Cambridge Scholars Publishing, 2019.

[30]Julian Goodare, *The European witch-hunt*. London: Routledge, 2016.

[31]Robert Mandrou, *Magistrats et sorciers en France au 17. siecle: une analyse de psicologie historique*, Paris: Plon, 1968; Gustav Henningsen, *The witches' advocate: Basque witchcraft and the Spanish Inquisition, (1609-1614)*, Reno: University of Nevada Press, 1980; Brian P. Levack, *The Witch-Hunt in Early Modern Europe*. London: Longman, 1987; Bengt Ankarloo, Stuart Clark, E William Monter, *Witchcraft and magic in Europe*. Vol. 4, *The period of the witch trials*. London: Athlone, 2002.

[32]Carol F. Karlsen, *The Devil in the Shape of a Woman: Witchcraft in Colonial New England*. New York: W. W. Norton & Co., 1987; Marianne Hester, *Lewd Women and Wicked Witches: A Study of the Dynamics of Male Domination*. London and New York: Routledge, 1992; Diana Purkiss, *The Witch in History: Early Modern and Twentieth-Century Representation*. London and New York: Routledge, 1996; Raisa Maria Toivo, *Witchcraft and gender in early modern society: Finland and the wider European experience*, Aldershot; Burlington: Ashgate, cop. 2008.

[33]Lara Apps, Andrew Gow, *Gender at Stake: Male Witches in Early Modern Europe*, Manchester: Manchester University Press, 2003; Rolf Schulte, *Man as Witch: Male Witches in Central Europe*, translated by Linda Froome-Döring, Basingstoke: Palgrave Macmillan, 2009;

To the end of the century, "linguistic turn" in humanities has reached witchcraft studies. Researchers re-examine demonological texts and court documents as narratives with their tropes and plots that existed within certain discourses.[34] The visual turn towards witchcraft yet in its first steps but Charles Zika already raises the issue of the artistic representations of witchcraft and the way they shaped and spread demonological concepts and fantasies.[35]

The focus of the witchcraft research on regional and microhistorical studies allowed examination of its local features and context that highlighted the diversity and unity of the phenomenon, challenged great narratives and supported the creation of more complicated theories. The fall of Iron Curtain drew interest to the eastern periphery of Western Christendom, from Estonia to Hungary. At the same time, the scholarship on the Orthodox realm, from Byzantium to Romanian principalities and the whole *Slavia Orthodoxa* remains in its early steps.[36] Such diversification led to the rise of comparative conferences, paper collections and volume series with a wide geographic and chronologic scope.[37] Meanwhile, the growing scholarship accumulates studies on different epochs beyond the Early Modern witch-hunt and in various societies – not only "primitive" tribal communities but urbanizing and modernizing post-colonial nations. It returned reflections on witchcraft beliefs and witch persecutions as a global

Alison Rowlands, ed., *Witchcraft and Masculinities in Early Modern Europe,* Palgrave Macmillan, 2016.

[34] Marion Gibson, *Reading witchcraft: stories of early English witches*, London: Routledge, 1999; Stuart Clark, ed., *Languages of witchcraft: narrative, ideology and meaning in early modern culture.* London; Basingstoke: Macmillan, 2001; George Lincoln Burr, *Narratives of the New England witchcraft cases.* Mineola, N.Y Dover Publications 2002; Alison Rowlands, *Witchcraft narratives in Germany: Rothenburg, 1561-1652.* Manchester : Manchester University Press, 2003.

[35] Charles Zika, *Exorcising our demons: magic, witchcraft and visual culture in early modern Europe,* Leiden; Boston: Brill, 2003; *The appearance of witchcraft: print and visual culture in sixteenth-century Europe,* London: Routledge, 2009.

[36] Christine Worobec, *Possessed: women, witches, and demons in Imperial Russia.* DeKalb, Illinois: Northern Illinois University Press, 2001; Kateryna Dysa, *Witchcraft Trials and Beyond: Trials for Witchcraft in Volhynian, Podolian and Ruthenian Palatinates of the Polish-Lithuanian Commonwealth in the Seventeenth and Eighteenth Century.* Budapest: Central European Univ. Pr., 2011. Valerie Ann Kivelson, *Desperate magic: the moral economy of witchcraft in seventeenth-century Russia.* Ithaca; London: Cornell University Press, 2013; Valerie A Kivelson, ed., *Witchcraft casebook: magic in Russia, Ukraine, Poland, and the Grand Duchy of Lithuania, 15th-21st centuries.* Leiden: Brill, 2013

[37] Bengt Ankarloo and Gustav Henningsen, eds., *Early Modern European Witchcraft: Centres and Peripheries Oxford:* Clarendon Press, 1990; Brian P Levack, *The Oxford handbook of witchcraft in Early Modern Europe and colonial America.* Oxford: Oxford University Press, 2013; David J Collins, ed., The Cambridge history of magic and witchcraft in the West: from antiquity to the present. New York: Cambridge University Press cop. 2015; Louise Nyholm Kallestrup and Raisa Maria Toivo, eds., *Contesting Orthodoxy in Medieval and Early Modern Europe. Heresy, Magic and Witchcraft.* Cham: Palgrave Macmillan, 2017, etc.

phenomenon. Wolfgang Behringer[38] and Ronald Hutton[39] attempt to integrate various manifestations of witchcraft from different epochs and regions in a universal narrative, where Early Modern European witchcraft is a remarkable and specific but not unprecedented and isolated event. Both trends encourage studies of periphery and borderland phenomena, traditionally neglected but especially valuable at the current stage. According to Peter Burke's statement: "In any study of witchcraft over the long term, the evidence from the European periphery is absolutely central".[40]

1.3.2. Scholarship on Lithuanian witch-hunt

The scholarship on Lithuanian witch-hunt until the recent time (and to a certain extent nowadays) followed the mentioned *rational* and *romantic paradigms*, adjusted for greater local debates. Belarus and Lithuania in the 19th century obtained a stereotypic "orientalizing" image as an exotic "periphery of the periphery" within Russian and Polish realms. On the one hand, it fuelled demands for positivistic improvement with social and cultural reforms to overcome long-lasting backwardness, which had brought in the past such odious outcomes as witch trials. On the other hand, those inspired with national romanticism hoped to find the true national spirit, *Volksgeist* (Polish, Russian, Lithuanian or Belarusian at the same time) in this land uncorrupted with civilization.

From the beginning, those rare researchers of the Lithuanian witchcraft followed positivist *Soldan's paradigm*, regarding witchcraft beliefs and witch persecution as a result of darkness and ignorance of both commoners and elites. At the same time, the rise of Russian ethnographic research classified witchcraft as the domain of anthropologic and folklore studies rather than history. For the scholars of folk culture, the historical sources on medieval and Early Modern prosecutions were pieces of evidence on popular beliefs and their suppression by Christianity. From this perspective, witchcraft beliefs in Eastern Europe were not fantasies of demonologists or ignorant superstitions but valuable testimony about genuine national culture. This approach, close to the Western *romantic paradigm*, became one of the influential trends in

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[38]Wolfgang Behringer, *Witches and Witch-Hunts: A Global History*. Cambridge: Polity Press, 2004.

[39]Ronald Hutton, *The Witch: A History of Fear, from Ancient Times to the Present*. New Haven, London: Yale University Press, 2017.

[40]Peter Burke, "The comparative approach to the European witchcraft." In *Early modern European witchcraft: centres and peripheries*, edited by Bengt Ankarloo, Gustav Henningsen: 435-441 (Oxford: Clarendon Press, 1993), p. 441.

Russian scholarships (and related scholarships of the post-Soviet countries) as well as public opinion until nowadays.[41]

While Western European witch trials have been a subject of extensive research for almost two centuries, the issue of the witch-hunt in the Grand Duchy of Lithuania was on the margins of the academic interests for a long time. Polish and Russian scholars of the 19th-20th centuries only time to time regarded this region within their studies on Poland or Russia. The reason was in the comparatively humble and unspectacular character of the witch-hunt there, scarcity of sources but also in the secondary, periphery position of the former Grand Duchy in the Polish and especially Russian historical narratives. Sometimes they referred to the particular Lithuanian cases within their broader studies on Western, Polish, or Russian witchcraft.[42] After WWII, Polish researchers mostly limited their focus to the Polish Crown and its regions, and just a few general (but nevertheless valuable) studies consider Lithuanian matters systemically. For example, among latter ones, there is an essential work of Jacek Wijaczka on Church politics towards witchcraft, including dioceses in the Grand Duchy.[43]

Emerging Belarusian and Lithuanian historiographies paid more attention to the history of the Grand Duchy of Lithuania at all and the witch trials in particular. Nineteenth-century Polish-speaking Lithuanian authors from gentry and clergy commenced their mostly amateur studies on local history and ethnography. Maciej Kazimierz Wołonczewski (Lith.: Motiejus Valančius), bishop of Samogitia and one of the first modern Lithuanian writers and historians, in his book on the history of the Samogitian Diocese, in the positivist manner mentioned witch fear and witch trials as a result of obscurantism of population and clergy that facilitated popular prejudices.[44] As a Catholic bishop, he did not emphasize romantic sentiment to the pagan remnants. However, many of the following national activists and authors associated pre-Christian religion and culture with the culmination of the Lithuanian statehood and power, corrupted later by Catholicism and Polish domination. No wonder, that one of the prominent Lithuanian writers and educators, Marija Pečkauskaitė took a pen-name *Šatrijos Ragana* – "Witch of Šatrija".

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[41]Marianna G. Muravyeva, "Russian Witchcraft on trial: historiography and Methodology for studying Russian Witches" in *Writing Witch-Hunt Histories: Challenging the Paradigm*, eds. Marko Nenonen and Raisa Maria Toivo (Leiden: Brill, 2014), p.109-110.

[42]For example, Ryszard Berwiński, *Studia o gusłach, czarach, zabobonach i przesądach ludowych,* tom 1, Poznań: Ludwik Merzbach, 1862; Jakov Kantorovič, *Srednevekovye processy o ved'mach,* Sankt-Peterburg: izd. Jakova Kantoroviča, 1899.

[43]Jacek Wijaczka, *Kościół wobec czarów w Rzeczypospolitej w XVI-XVIII wieku (na tle europejskim)*, Warszawa: Wydawnictwo Neriton, 2016.

[44]Motiejus Wołonczewskis, *Żemaitiu wiskupystė*, Wilnius: Spaustuwieje Juozapa Zawadzki,1848, Polish translation: Maciej Wołonczewski, *Biskupstwo żmudzkie*, tłumaczenie Maurycy Hryszkiewicz, Kraków: Drukarnia Uniwersytetu Jagiellońskiego, 1898.

The first attempt to generalize was the turn-of-the-century article of Russian and Belarusian historian Mitrofan Dovnar-Zapolski[45] which summarized recently published sources. Dovnar-Zapolski regarded historical data as a supplement to the ethnography that shed light on folk culture and approached witchcraft in the evolutionist manner as indigenous primitive fear of the natural forces. Also, he was the first who framed his focus with the territory of entire former Grand Duchy of Lithuania (in his time, North-Western Krai of Russian Empire).

The academic research of the topic in inter-war independent Lithuania was limited to sporadic papers on separate cases and basic analysis..[46] At the same time, in Poland that controlled then a part of the former Grand Duchy, a popular brochure and several scholarly publications discussed particular local cases.[47] After WWII, in Soviet Lithuania, despite general neglect of such topics in Soviet Marxist scholarship, a number of studies appeared.[48] Worth noting, that their authors were often not historians but ethnographers or philologists and the issue of witchcraft was for them rather a curiosity from the "dark past" to share with the public than a proper research object. The most prominent was the work of a historian Juozas Jurginis that resulted in a number of articles and a book *The Century of the Witch-Hunt*[49] – the first special volume on the topic. Despite its source and methodology limitations, it was the most sophisticated attempt to generalize Lithuanian experience and put it in a wider European context. An important contribution to the scholarship was the collection *Witch trials in Lithuania*[50] that essentially widened the circle of published sources. The conclusive article of the volume provided an analysis of the published cases and Lithuanian witch trials at all. The characteristic

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[45]Mitrofan Dovnar-Zapol'skij, "Čarodejstvo v Severo-Zapadnom krae v XVII-XVIII vv." In *Ėtnografičeskoe obozrenie*, book V, ed. N.A.Jančuk. Moskva: Tipografija A.A.Levensona 1890, p. 49-71, Also, "Čarodejstvo v Severo-Zapadnom krae v XVII-XVIII vv." In *Issledovanija i stat'i,* vol.1, Kiev: A.P. Sapunov, 1909, p. 214-231.

[46]Peliksas Šinkūnas, "Lietuviški žavėtojai ir raganos." *Mokykla ir gyvenimas* 6, (1930): 293-301; P. Tučas, "Ragana ant laužo Ukmergėje." *Lietuvos aidas* 130 (1936); Alvilas Augstkalnas, "Tilžės lietuvių burtai XVI a. teismo aktuose." *Tautosakos darbai* 3 (1937): 239-243.

[47]Kazimierz Sochaniewicz. "Przyczynek do czarów na Żmudzi w XVII wieku." *Lud*, serja II, vol. I (1922): 125-135; Józef Jodkowski. "O czarowniku Znaku na inkwizycję w Grodnie w 1691 roku i o ziołach czarodziejskich" in *Lud,* seria II, vol X (1931): 202-211. Tadeusz Łopalewski, *Czarownice litewskie*, Warszawa: Rój, 1933.

[48]Pranė Dundulienė, "Kelias į laužą." *Mokslas ir gyvenimas* 4 (1959): 28 – 32; "Siaubinga praeitis." *Mokslas ir gyvenimas* 6 (1958): 31 – 36; Vaitkus, J. E. *Raganų laužai Lietuvoje*, Vilnius, 1966;

[49]Juozas Jurginis, *Raganų gaudymo šimtmetis*, Vilnius, 1984; Juozas Jurginis, "Tamsiausias puslapis Lietuvos istorijoje" *Mokslas ir gyvenimas* 4 (1981): 22 – 23; "Valstybės ir bažnyčios santykiai Treciajme Lietuvos Statute." In *1588 metų Trečiasis Lietuvos Statutas : respublikinės mokslinės konferencijos, skirtos Trečiojo Statuto 400 metinėms pažymėti, medžiaga,* Vilnius: Vilnius Universitetas, 1989, p. 9-16.

[50]Konstantinas Jablonskis and Rimantas Jasas, eds. *Raganų teismai Lietuvoje*. Vilnius: Mintis, 1987.

feature of these works was the blame of the Catholic Church and Counter-Reformation fanaticism as a main origin of the witch-hunt.

The collapse of the USSR and the fall of the Iron Curtain brought new trends and perspectives to the scholarship of the issue. Polish, Lithuanian and Belarusian researchers got interested in the witch-hunt. They pay more attention to the different aspects of witch trials, apply new approaches from social history and historical anthropology, developed by their Western colleagues. Thus, Polish historian M. Pilaszek in her generalizing article[51] (however, based mostly on materials from ethnic Lithuania) followed A. Macfarlan's and R. Briggs' ideas about the core role of the social changes and bad neighbour relations in witch accusations. Lithuanians V. Kavolis emphasized the importance of the inter-gender relations[52] and G. Sabaitytė tried to define the place of witches in social structure as outcasts[53]. Legal aspects get more attention from a comparative perspective.[54]

The idea about the essentiality of the local folk and pagan background and its encounters with Christian culture during Christianization and confessionalization is popular among Lithuanian and Belarusian researchers. The most prolific proponent of this approach is Belarusian ethnographer and anthropologist Uladzimir Lobač.[55] He considers witch trials from the perspective of folk culture, regards the continuity of beliefs reflected in earlier historic and later ethnographic sources. Lobač argues a strong long-lasting pagan heritage in the Lithuanian

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[51]Małgorzata Pilaszek, "Litewskie procesy czarownic w XVI-XVIII w." *Odrodzenie i Reformacja w Polsce,* vol. XLVI (2002): 7-35, p. 7-35

[52] Vytautas Kavolis, *Moterys ir vyrai lietuvių kultūroje*. Vilnius: Lietuvos Kultūros Inst., 1992,

[53]Giedrė Sabaitytė, "Raganų 'medžioklės' atgarsiai XVI–XVII a. pirmos pusės Kaune." *Kauno istorijos metraštis,* nr. 8 (2007): 279–296; "Raganų tapimas 'užribio žmonėmis' Lietuvos Didžiojoje Kunigaikštystėje", *Lietuvos istorijos metraštis* 1 (2009): 69–88; "Užribio žmonės Lietuvos Didžiosios Kunigaikštystės visuomenėje″ [Doctoral dissertation]. Kaunas, 2010.

[54]Gitana Zujienė, "Witchcraft Court Cases in the Grand Duchy of Lithuania in the Sixteenth to Eighteenth Centuries." *Lithuanian Historical Studies*, vol. 20 (2015): 79–125.

[55]Uladzimir Lobač, "Čaradzejstva na Polaččyne: historyka-kul'turny kantėkst." In *Polack: karani našaha radavodu.* Polack, 1996, p.50—59; "Braslaŭskaja sudovaja sprava 1615 g.: da charaktarystyki čaradzejstva ŭ sjarėdnjavečnaj Belarusi." In *Braslaŭskija čytanni. Matėryjaly 4-j navukova-krajaznaŭčaj kanferėncyi,* Braslaŭ, 1997, p.159—164; "Čaraŭnictva ŭ Belarusi na tle sjarėdnjavečnych sudovych pracėsaŭ." *Kryŭja. Crivica. Baltica. Indogermanica* 1, (1998): 87—99; "Da mechanizmu čaradzejskich pracėsaŭ u sjarėdnjavečnaj Belarusi: na prykladze spravy palačanina V. Brykuna (1643 h.)" In *Belaruski horad u čase i prastory: 500 hadoŭ Polackaj mahdėburhii,* Navapolack: PDU, 2001, p.52—59; "Vjadz'marski pracės 1691 h. u Harodni: da typalohii čaradzejskich spraŭ u sjarėdnjavečnaj Belarusi." In *Kul'tura Hrodzenskaga rėhiёnu: prablemy razviccja va ŭmovach poliėtničnaha sumežža,* edited by A.M.Pjatkevič: 20—26. Hrodna: HrDU, 2003; "Ujaŭlenne pra čaraŭnikoŭ, varažbitoŭ i vedz'maŭ belaruskaha Sjarėdnjavečča." In *Narysy historyi kul'tury Belarusi: u 4 tamach*. Tom 3: *Kul'tura sjala XIV-pačatku XX st*., Kn. 2: *Duchoŭnaja kul'tura*, edited by A. Lakotka: 32-60. Minsk: Belaruskaja navuka, 2016.

and Ruthenian societies that preserved pre-Christian archaic worldview and magic practices. In the manner of *romantic paradigm,* he insists that apart from possible slanders and later imported diabolic fantasies, the recognised and respected cunning folk, as well as some common people, indeed applied witchcraft to solve social and personal issues. Even the elite shared the same worldview so it punished witchcraft only as crimes done with spells. His early papers even suggested the existence of sorcerer clans that were successors of pagan priesthood lineages. The similar vision of the beliefs in witchcraft as a remnant of paganism shares historian Natallia Sliž.[56]

Contrarily, Ihar Marzaliuk in his brief paper on Mahilëŭ witch cases[57] challenges the vision of folk witchcraft beliefs as a pagan tradition, argues imported cultural origins of the witch persecution. He relates it to the Western cultural influences spread with the Early Modern confessionalization and adopted by the learned and popular culture, by Catholics as well as Orthodoxes. Gintaras Beresnevičius and Tomas Čaplikas[58] tried to provide a closer analysis of witch trials as well as to place Lithuanian witch-hunt in European and even more global context. They combine both approaches and regard the local concept of witchcraft as a result of advancing integration into Western European legal, religious and intellectual culture, and its local specifics – as the influence of pre-Christian heritage. The author of the dissertation in his early articles[59] followed similar vision, to add the streess on distinguished Orthodox attitude towards magic as a significant barrier for the Western demonology adoption.

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[56]Śliż N. "Elementy pogaństwa w kulturze szlacheckej Wielkiego Księstwa Litewskiego w XVI—XVII w." In *Księga — Nauka — Wiara w średniowicznej Europe*, edited by T. Ratajczak: 182—184. Poznań: Wydawnictwo Poznańskiego Towarzystwa Przyjaciół Nauk, 2004; "Lithuania Grand Duchy of." In *Encyclopedia of Witchcraft. The Western Tradition*. Volume 3, K-P, edited by Richard M. Golden: 658—660, Santa Barbara; Denver; Oxford: ABC-CLIO, 2006; "Prajavy jazyčnictva ŭ Ašmjanskim pavece ŭ XVII st." In *Ašmjanščyna: prablemy rėhijanal'naj historyi Belarusi*, edited by A. Kavalenja: 314—324. Minsk: Belaruskaja navuka, 2011.

[57]Ihar Marzaljuk, "Vedaŭskija pracėsy ŭ Belarusi XVI-XVIII stahoddzjaŭ." *Belaruski histaryčny časopis*, 8 (2003): 32-37.

[58]Gintaras Beresnevičius and Tomas Čaplikas, "Ragana." In *Didžiosios Kunigaikštijos kultūra: tyrinėjimai ir vaizdai,* edited by V. Ališauskas: 557-573. Vilnius: Aidai, 2001.

[59]Vitalij Byl', "Asablivasci vedaŭskich pracėsaŭ na zemljach VKL u XVI-XVIII stst." In *Evropa-2010: global'noe i lokal'noe*, edited by G. Minenkov: 84-92. Vil'njus: EHU, 2011; "Jurydyčny bok vedaŭskich pracėsaŭ u Vjalikim Knjastve Litoŭskim u XVI – XVIII stst." In *Rėcha minuŭščyny: zbornik navukovych artykulaŭ,* edited by A. Horny: 53-60. Hrodna: HrDU imja Ja. Kupaly, 2011; "Transfarmacyja kancėpcyi vjadz'marskaha šabašu ŭ svjadomasci nasel'nictva Vjalikaha knjastva Litoŭskaha." In *Evropa-2011: global'noe i lokal'noe*, edited by G. Minenkov: 83-91. Vil'njus: EHU, 2012; "Pazicyja pravaslaŭnaj carkvy Rėčy Paspalitaj adnosna paljavannja na vjadz'marak." In *Sbornik rabot 69-oj Naučnoj konferencii studentov i aspirantov Belorusskogo gosudarstvennogo universiteta 14–17 maja 2012 g., Minsk.* V trech častjach. Čast' II, Minsk, 2012, p. 141-144.

The fall of the Iron Curtain provided Western researchers with the East European witchcraft materials that enriched and even challenged established views on the witch-hunt. Western scholars began to study the problem of the periphery and academics from the region joined they voices to the discussion. Such West-East cooperation brought a number of collaborative conferences and paper collections about European borderlands: Baltic region, East-Central and Eastern Europe.[60.] However, witch trials in the Grand Duchy of Lithuania are still underrepresented in the international discussions. The bulk of the works on Lithuanian witch-hunt appeared in national languages, hardly accessible for international colleagues, and publications in English are extremely scarce. Perhaps, the earliest is a paper of Lithuanian-born American scholar Vytautas Kavolis that considered witchcraft and demonology within cultural changes in Medieval and Early Modern Lithuania.[61] A paper of Gitana Zujienė is a brief but the most comprehensive summary of all the known about Lithuanian witch-hunt at the moment.[62] Time to time, foreign researchers pay attention to particular cases from the Grand Duchy of Lithuania.[63] The most remarkable is a micro-historic paper by David Frick on witchcraft accusation in Vilnius from the perspective of neighbour relations in an urban community.[64] Unfortunately, Lithuanian witch-hunt stays mostly invisible for international scholarship, especially in the shadow of rising studies on Polish witchcraft.

Thus, the research of the Lithuanian witch trials still in its first steps. Among the main problems are the application of outdated approaches, and inconsistent introduction of the newer ones. Also, the burden of the uncritical image of Belarus and Lithuania as persistent pagan lands and the tradition to regard witchcraft predominantly as the research object of ethnography and folklore studies still remain influential. Of course, folklore studies have advanced a lot in methodology and approaches since the time of romantic ethnographers. Appropriate application of the scholarship advances to historical sources could add a lot to the more adequate understanding of the witchcraft discourse, continuity in beliefs and general cultural context.

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[60] Bengt Ankarloo and Gustav Henningsen, eds. *Early modern European witchcraft: centres and peripheries*. Oxford : Clarendon Press, 1993; Gábor Klaniczay and Éva Pócs. *Demons, Spirits, Witches.* Vol. 1-3. Central European University Press. Budapest, New York, 2005-2008; Marko Nenonen and Raisa Maria Toivo, eds*., Writing Witch-Hunt Histories: Challenging the Paradigm.* Studies in Medieval and Reformation Traditions. Leiden: Brill, 2014.

[61] Vytautas Kavolis, "The Devil's Invasion: Cultural Changes in Early Modern Lithuania." In *Lituanus – Lithuanian Quarterly Journal of Arts and Sciences*, volume 34, nr 4, 1989.

[62] Gitana Zujienė, "Witchcraft Court Cases in the Grand Duchy of Lithuania in the Sixteenth to Eighteenth Centuries." in *Lithuanian Historical Studies*, vol. 20 (2015): 79–125.

[63] Aleksandr Lavrov. "A 1646 Case of "Ordeal by Water" of Individuals Accused of Witchcraft in the Grand Duchy of Lithuania." *Russian History*, Volume 40, Issue 3-4, 2013 pages 508 – 517

[64] David Frick. "The Witches of Wilno: Constant Litigation and Conflict Resolution." *Slavic Review*, Vol. 73, No. 4 (winter 2014), p. 881-902

However, as the scholarship outline above demonstrates, it also can lead to the uncritical and anachronistic use of later folklore materials for the study of Early Modern phenomenon. Also, excessive archaization and folklorization downplay the role of historical changes of the time and the integration of the Grand Duchy in the wider European processes that hamper to place properly Lithuanian witch-hunt in a broader perspective.

One more problem is an isolated research of particular regions or ethnic parts instead of comparative and complex approach to the whole society. Lithuanian researchers often restricted their focus to the territory of the contemporary Lithuanian Republic, with less attention to the Slavic part of the Grand Duchy. Ruthenian witch-hunt research, neglected in Soviet time, even today stays less advanced in both source and methodological aspects. It is carried mostly by Belarusians who, in turn, pay less attention to the Lithuanian part.[65]

Nevertheless, recent decades brought changes to this field. The topic of witchcraft begins to attract attention with the possibility of advanced interdisciplinary collaboration.[66] Accumulated scholarship and sources give an opportunity for further advance.

1.4. Sources

1.4.1. Court materials and their specifics

The main sources for the study are materials of court proceedings: trial records, complaints without prosecution, reports of court officials, references in other kinds of trials, etc.

From the variety of judicial bodies, this study focuses on the communal (*kopa*), patrimonial, criminal county (*grodzki*) and city courts, as well as the Lithuanian Tribunal as the highest court of appeal. Most sources originate from county and city court journals that possessed a relatively developed paperwork culture. Less information is about the most numerous and the most basic bodies like communal courts that left irregular evidence in documents of higher institutions, as well as the patrimonial courts, that also could have separate records or did not conduct them at all. Besides the relatively rich source materials, these bodies covered the vast majority of the population and had a more or less standardized legal framework

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[65] One must add a book of Ukrainian researcher K. Dysa on witchcraft in Early Modern Ukraine that consider issues relevant to all Ruthenians, first of all, learned demonology of the Polish-Lithuanian Orthodox clergy: Kateryna Dysa, *Istorija z vid'mamy. Sudy pro čary v ukraïns'kych vojevodstvach Reči Pospolitoï XVII-XVIII stolittja.* Kiïv: Krytyka, 2008.

[66] Aurimas Bačiulis, "Raganavimo tyrimų problemos istorijos moksle" in *Liaudies kultūra*, vol. 150, issue 3, 2013 p. 59-65.

and procedures that allows considering the representativeness of scattered survived materials for understanding the general picture of the witch trials.

Because of practical research matters, a part of the variety of court types would be omitted in the dissertation. The ecclesiastical courts of all confessions stay beyond the survey – perhaps, such courts solved cases involving magic, but they were not entitled to judge them as criminal offences and to rule capital sentences. Military courts stayed unattended: despite the existence of some rare anti-sorcery provisions in the Lithuanian military law, cases of their use are not known in the historiography and studied sources, it requires a special study. Also, the courts of autonomous ethnic minorities are excluded. Jews time to time got to the pages of witch trial records of Christian courts as both plaintiffs and the accused, which shows that they also shared popular ideas about witchcraft. What impact did these conceptions have within the Jewish community, and were there own witch trials in autonomous courts (*beth dins)* of particular communities (*kahals)*? Given the significant degree of legal autonomy and cultural isolation of the Jewish communities, as well as language and archive specifics of the sources, this issue requires a large separate study. The study leaves out a variety of local and temporal bodies with right of judgment that also could consider witchcraft in their competence (for example, the courts of gentry confederations or the judicial functions of Russian and Swedish occupational administrators during the wars). Unfortunately, the limitations of time and research resources force to narrow the focus of study to the most popular and common institutions.

The main challenge for a witch-hunt researcher is the fragmented source base of trial materials. Devastating wars, social upheavals and various disasters have eliminated a huge amount of documents, especially in the eastern voivodeships. Archival materials of eastern county and town courts nowadays start mostly from mid-17th or even mid-18th cent. The devastating fire of Vilnius after the Russian army captured it in 1655 severely damaged Lithuanian Tribunal archives up to this date.[67] The luckiest is Vilnius city court which fragmented materials start from the late 15th century. Archival assets often have large gaps for several decades and collections from certain counties and cities contain only a few court journals for separate years. Considering the generally poor state of court archives and chronology of survived fragments, no wonder that reliable quantitative research of witch trials in the GDL seems to be impossible. Unfortunately, even the most comprehensive examination of all survived witchcraft documents would be just a study of a larger sample of randomly selected sources.

The second challenge is the fact that total majority of survived records are from county and city courts, while peasants, the majority of the population, belonged to the jurisdiction of

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[67] Vytautas Raudeliūnas, Algirdas Baliulis, eds., *Lietuvos Vyriausiojo Tribunolo sprendimai, 1583-1655* (Vilnius: "Mintis", 1988), p. 662.

communal (*kopa*) and patrimonial courts. Although verdicts or reports from *kopa* should be written in county court journals, hard to say how it worked in practice. Patrimonial court materials differed from manor to manor: huge magnate domains possessed their own systems of paperwork and now it is possible to study the survived manor books (some of them are published) or letters of officials in charge to their masters while in smaller estates everything depended on the decision of the owner. Private estate archives survived much worse than state ones. That is why a considerable part of witch trials held in these two the most popular types of courts have never appeared on paper or were lost.

Full set of trial materials from a county court includes 1) a complaint filed usually in advance 2) *kwit* – statement of court runner (*woźny*) who examined a crime scene, harms, evidence; 3) a subpoena to the defendant; 3) protocols of the trial with parties' debates, interrogation of the defendant and witnesses, proofs presented, etc. 4) final verdict (*dekret*). Additionally, it could include extracts from former protestations or trials, statements about execution or about swearing of the oath, etc. Unfortunately, there are few full sets survived, the majority of available sources are separate documents. Probably, the rarest are execution statements, so often the researcher can not be sure about the real implementations of the preserved verdicts. Also, not all county and city clerks were so scrupulous in the documentation. Rural trials usually left only statements of *woźny* whose duty was to supervise and then briefly report to the county administration.

The one who felt a victim of some harm or was threatened by a suspicious person or wanted to report about misdeed without starting trial could register a protestation (*protestacja* or *manifestacja)*. Later, in the event of the court proceeding, such registered protestation would be solid documental proof. Other documents registered in court journals that contained accusations could serve a kind of protestation as well – for example, testaments.

Materials of the defamation suits to protect one's good name from false and insulting blames in witchcraft are not witch trials in the strict sense but valuable supplementary sources. They did not consider the crime of witchcraft but can provide information about witchcraft discourse. That is why this research excludes such documents from the main sample but takes their data into account.

1.4.2. Approach to the court materials

To navigate in the fragmented and inconsistent pool of available court materials on witchcraft, this work applies the distinction between *witch trials* and *witch cases*. The term *witch trial* means a court prosecution for witchcraft as a sole or one of several attributed offences. Witch trial materials in the sample are full, partial or fragments. It is important to know

considering numbers presented in the work: even fragment allows learning about the trial while only the full protocol is helpful to ascertain the details.

Besides witch trials, it is worth to distinguish a broader term *witch cases* – court cases involving witchcraft but not necessary in a form of trial or as the main attributed offence. It includes, besides trials, also protestations, testaments, other related judicial actions considering witchcraft. Because of the incompleteness of the archives, it is important to take into consideration all available information but distinguish its forms.

The base of the current research is a corpus of about 130 court cases. Usually, one case concerns a separate charge or lawsuit. At the same time, some cases include materials from several related trials that consider the same accusation: sessions held in one court or several instances. Also, a protocol from one court hearing can provide information for several related but independent cases. Obviously, sometimes it is mostly a subjective decision of the researcher how to frame documents in units for proceeding and analysis. Thus, one should take it in the account and approach corresponding data in the text with a certain reservation as an approximate rather than exact figures. These limitations naturally lead to the qualitative rather than the quantitative character of the research.

The traditional critics of the witch trial proceeding argue that they reflect the position and worldview of judges but left their victims voiceless; even verbatim confessions of the accused should be taken critically because judges forced them with leading questions and extracted expected testimonies under torture or the threat of its application. Probably, it was not exactly the case in the Grand Duchy of Lithuania. As far as Lithuanian state courts applied the accusatorial, not the inquisitorial procedure, judges stayed greatly in the uninvolved arbitral position that allowed parties to present their arguments more or less freely. The situation was different in patrimonial courts were the lord was at the same time a judge and an injured party. However, even for such courts, the sources are reports of relatively detached court runners (*woźny).* At the same time, probably, this detachment was the reason why the majority of court documents are so scarce in details. Nevertheless, the researcher should take into consideration that filter – the general worldview and personal attitude of the author – a court scribe or a *woźny.*

1.4.3. Published court materials

Nowadays documentary sources of witch trials are found mostly in central archives of Belarus (National Historical Archives of Belarus in Minsk) and Lithuania (Lithuanian State Historical Archives in Vilnius) Witch cases are very rare in vast court materials. The voluminous court journals seldom possess proper descriptions and internal inventories of their content, the search of sporadic witch cases is an extremely hard and time-consuming task. Fortunately, the

exciting topic of witch-hunt aroused and still arouse the curiosity of researchers who proceeded archival materials. As a result, surprisingly many of the witchcraft cases are published.

Perhaps, the earliest set of the published witchcraft documents has appeared in 1842 as a supplement to the book *The memories of Samogitia*[68] by Ludwik Adam Jucewicz (Lith.: Liudvikas Adomas Jucevičius). Jucewicz published 8 documents from various Samogitian places.

Since the early 19th century and especially after the January uprising of 1863, Russian authorities aimed to prove their right for annexed lands of Belarus and Lithuania, so they financed a vast publication of sources.[69] The extraordinary importance of these editions lies in the fact, that their contributors have put a huge amount of materials from public and private archives in print before they would be scattered and damaged in the 20th-century calamities. The primary focus was on the sources of political, legal and religious history. Editors regarded witchcraft materials mostly as curious but less essential pieces. In 1858, *Collection of state and private acts relating to the history of Lithuania and related territories (from 1387 to 1710)*[70] placed two 17th-century witchcraft cases among royal charters, Diet decrees, diplomatic correspondence. It has attracted more attention to the historical study of witchcraft sources that continued soon.

In the 1860s, source publishing was on the rise in the whole Russian Empire, and the largest regional centre of it was Vilnius (then Vil'no). Vil'no Archaeographic Commission has undertaken colossal work and prepared 49 volumes of published documents.[71] The main opus was 39 volumes of the so-called *Acts of the Vil'no Archaeographic Commission*.[72] Three volumes (the 6th, 18th and 20th) have put 10 documents related to witch prosecution in print. The bulk of them, 8 items, came from volume 18 on communal courts. Simultaneously, another Vilnius project by Vil'no Educational District, less ambitious one, resulted in 14 volumes of *Archaeographic collection of documents related to the history of North-West Rus'*.[73] Its first

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[68]Ludwik Adam Jucewicz, *Wspomnienia Żmudzi*. Wilno: T. Glücksberg, 1842

[69]Nikolaj Ulaščik, *Očerki po archeografii i istočnikovedeniju istorii Belorussii feodal'nogo perioda*. (Moskva: Nauka, 1973), p. 63.

[70]Mavrikij Krupovič, ed., *Sobranie gosudarstvennych i častnych aktov, kasajuščichsja istorii Litvy i soedinennych s nej vladenij (ot 1387 do 1710 goda), izdannoe Vilenskoju archeologičeskoju kommissieju pod redakcieju učenago sekretarja Mavrikija Krupoviča*. Vil'no: Tipografija Osina Zavadzkago, 1858. (SGČA)

[71]*Ulaščik, Očerki po archeografii i istočnikovedeniju*, p. 65.

[72]*Akty, izdavaemye Komissieju, vysočajše učreždennoju dlja razbora drevnich aktov v Vil'ne*. 39 volumes. Vil'na, 1865—1915. (AVAK)

[73]P. A. Gil'tebrandt, F. G. Eleonskij, A. L. Mirotvorcev, eds. *Archeografičeskij sbornik dokumentov, otnosjaščijsja k istorii Severo-Zapadnoj Rusi, izdavaemyj pri Upravlenii Vilenskogo učebnogo okruga*. Vil'na : Peč. Gub. pravlenija, 1867-1904 (14 volumes)(ASZR)

volume contains 5 witchcraft records, and the third one describes only 2 related cases — but it is a unique detailed full set of documents from patrimonial and county prosecutions to the appeal hearing in Lithuanian Tribunal.

At the same time, Vitebsk Central Archives of Ancient Acts also undertook a similar publication project: 32-volume *Historical and legal materials extracted from the act journals of Vitebsk and Mogilev governorates.*[74] Because of the archives' regional specifics, the edition focused mostly on former Polack and Vicebsk voivodeships. Its volume 6 includes 2 witchcraft cases, and one per volumes 9, 16, 32 each.

The growing interest towards witch trials as far as their rarity emphasises the fact that Ivan (Jānis) Sprogis, the head of the Vil'no archive and a member of the Vil'no Archaeographic Commission, has published one case — a trial of 1615 from Braslaŭ county — as a separate brochure.[75] He explained the particular value of the case: while the majority court materials about witchcraft are brief and scarce in details, this case is outstanding for its detailed description of the trial procedure and witchcraft beliefs. For 19th-century positivist Sprogis, it was bitter evidence of deep intellectual darkness of Lithuanian peasants and nobility of the time.[76] Also, he interested in rural communal court and regarded this case as its bright example (most likely erroneously — apparently, it seemed to be a patrimonial trial with wide participation of excited villagers).

Until the 1980s the mentioned editions were the scarce base for those few scholars who addressed this topic. The groundbreaking contribution to the source study of Lithuanian witchcraft was the collection *Witch trials in Lithuania*[77] issued in 1987. K. Jablonskis during his long-lasting work in independent and then Soviet Lithuania since pre-war times until his death in 1960 collected materials about the witch-hunt. Finally, his younger colleague R. Jasas has published these unique materials with the addition of several own findings.[78] This long-term enthusiastic work resulted in a high-quality valuable collection of 93 documents about witchcraft mostly from the Central State Historical Archives of Lithuanian SSR (now in the Lithuanian State Historical Archives), covering 1552-1771, almost the whole period of Lithuanian witch-hunt. The book contains source texts in original languages (mostly Ruthenian and Polish) with Lithuanian summaries. The documents are quite diverse: full trial records or separate protocols

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[74]*Istoriko-juridičeskie materialy, izvlečennye iz aktovych knig gubernij Vitebskoj i Mogilevskoj.* Vol. 1-32. Vitebsk, 1871-1906. (IJM)

[75]Ivan Sprogis, *Narodnyj sud litvinov nad koldunami (čarodejami) 1615 goda*. Vitebsk: Gubernskaja Tipografija, 1896.

[76]Sprogis, *Narodnyj sud litvinov nad koldunami*, p. 1-3.

[77]Konstantinas Jablonskis and Rimantas Jasas, eds. *Raganų teismai Lietuvoje.* Vilnius: Mintis, 1987. (RTL)

[78]Jablonskis, Jasas, eds. *Raganų teismai Lietuvoje.* p. 422.

and verdicts, statements of court runners, complaints and protestations, even registered testaments with witchcraft accusations. Also, it includes annotations of 36 witchcraft documents published in 19th-century editions (from AVAK, ASZR and Jucewicz's *Wspomnienia Żmudzi*). This professional and reliable collection enriched greatly the source base for contemporary witchcraft researchers. However, one should take into consideration its understandable limitation: the focus almost exclusively on the territory of the modern Republic of Lithuania.

The publications of entire complexes of court documents are especially valuable. Among various types of solved cases, they often contained witchcraft materials. The very fact of the presence or absence of witchcraft trials in particular courts during a certain period is useful information *per se.* Predictably, records of witchcraft cases are very sporadic in such collections. Perhaps the oldest one is the volume 2 of the 3-volume *Belarusian Archive* that is a published journal of Lithuanian Metrica for 1530-1538 devoted to the Polack and Vicebsk county courts.[79] It includes a short but important record about the earliest known registered witch trial in the Grand Duchy of Lithuania. Editions of the entire patrimonial court journals from large domains allow the study of the specifics of this feudal "states in states" from micro-historic perspective. Now it is possible to compare the archival complexes from Biržai duchy[80] – a Calvinist domain of the Radziwills and from Žagarė[81] in Šiauliai royal estate.

Certain historians, even without special interest to the witch trials, shared curious archival findings in academic periodicals. Interwar Polish historian K. Sochaniewicz published in Lviv ethnographic magazine *Lud (*"The Folk") a bright document on the Samogitian witch trial of 1672 from a private archive, alongside with the researcher's commentary. Later the same year, probably, because of the public and academic interest, the article with the document turned into a separate brochure.[82] Nowadays Polish, Belarusian and Lithuanian historians contribute as well. Arkadiusz Czwołek has found a patrimonial investigation from Sapieha estates[83], contemporary to the notorious 1631 Raina Hromyczyna trial. Dzmitryj Vic'ko put in print two unique cases,

[79]Zmicer Daŭhjala, ed., *Belaruski archiŭ. T. 2. Archiŭ Litoŭskaj metryki. Kniha Zapisaŭ №16 (1530-1538),* Mensk: Instytut belaruskaj kul'tury, 1928.

[80]Vytautas Raudeliūnas, Romualdas Firkovičius, eds. *Biržų dvaro teismo knygos, 1620-1745.* Vilnius: Mintis, 1982.

[81]Vytautas Raudeliūnas, Algirdas Baliulis, Romualdas Firkovičius, eds. *Žagarės dvaro teismo knygos (1670-1751).* Vilnius : Kultūros, filosofijos ir meno institutas, 2003.

[82]Kazimierz Sochaniewicz. "Przyczynek do czarów na Żmudzi w XVII wieku" *Lud*, Serja II, vol. I, (1922): 125-135. Also, Sochaniewicz, Kazimierz. *Przyczynek do czarów na Żmudzi w XVII wieku.* Lwów : Zakład Narodowy im. Ossolińskich, 1922.

[83]Arkadziuš Čvolėk. "Jak paljavali na čaraŭnic u maëntkach Jana Stanislava Sapehi" in *Belaruski Histaryčny Ahljad,* volume 16, issue 1 (30), 2009, p.C. 121–137.

including a rare notion about lycanthropy.[84] Giedrė Sabaitytė added to her paper four records of the earliest Kaunas trials.[85]

The search for the traces of the pre-Christian Lithuanian culture gave birth to the vast 4-volume collection *Sources on Baltic Religion and Mythology* created in 1993-2005.[86] It contains various extracts and full records, from chronicles and early dictionaries to manor instructions and witch trial protocols, that consider paganism, superstition, folk rituals and celebrations, magic practices, healing, divination, etc. It also provides a number of court records about witchcraft from the 16th and 18th centuries. A court record from Uniate monastery manor could be found in another similar volume, *Relics of Baltic Religion and Mythology in the Grand Duchy of Lithuania (14th-18th centuries)*[87] based mostly on Catholic ecclesiastic sources.

1.4.4. Other sources

The second important group is legal sources both of a secular (the Statute of 1588, Sejm constitutions, etc.) and ecclesiastical character (Orthodox canon law codex *Nomocanon,* Catholic *Corpus juris canonici,* Papal bulls, etc.) that considered witchcraft as offence or felony. Local editions of Roman and German imperial and city laws in the translation and interpretation of lawyers from the Polish-Lithuanian Commonwealth highlight the transfer and adaptation of legal and world-view features. Private manor instructions issued for magnate domains suits this group as well. Legal sources demonstrate the position of the state, its elites and institutions of power, reveal the mechanisms of borrowing the Western witchcraft concepts and the specifics of their introduction. Chapter 2 provides a closer examination of the legal sources.

The third group of supplementary role unites other types of sources, first of all, narrative ones, such as chronicles[88], memoirs[89], treatises[90] and fine literature[91]. Some of the texts shed

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[84]Dzmitryj Vic'ko, "Dzve spravy pra čary z kanca XVII — pačatku XVIII stagoddzja" in *ARCHE Pačatak,* № 3 (114), 2012. p. 122—130.

[85]Giedrė Sabaitytė, "Raganų 'medžioklės' atgarsiai XVI–XVII a. pirmos pusės Kaune" in Kauno istorijos metraštis, nr. 8 (2007), p. 279-296.

[86]Norbertas Velius, ed., *Baltų religijos ir mitologijos šaltiniai,* Vinius: Mokslo ir enciklopedijų leidybos institutas 1996-2005 (4 volumes)

[87] Vytautas Ališauskas, ed., *Baltu religijos ir mitologijos reliktai Lietuvos Didžiojoje Kunigaikštystėje (XIV-XVIII a.): šaltiniu rinkinys*. Vilnius:Lietuvių Katalikų Mokslo Akademija, 2016

[88] Nikolaj Ulaščik, ed., "Barkulabovskaja letopis'." In *Polnoe sobranie russkich letopisej.* Vol. 32: *Chroniki: Litovskaja i Žmojtskaja, i Bychovca. Letopisi: Barkulabovskaja, Averki i Pancyrnogo,* edited by Nikolaj Ulaščik: 174-162. Moskva: Nauka, 1975. [Nikolaj] Ulaščik, ed., "Mogilevskaja chronika T. R. Surty i Ju. Trubnickogo." In *Polnoe sobranie russkich letopisej.* Vol. 35: *Letopisi Belorussko-Litovskie,* edited by Nikolaj Ulaščik: 239-281. Moskva: Nauka, 1980.

[89]Teodor Jewłaszewski, *Pamiętnik Teodora Jewłaszewskiego nowogrodzkiego podsędka 1546-1604.* Warszawa: Księgarnia R. Friedlejna, 1860; Bogusław Kazimierz Maskiewicz, "Dyjariusz

light on trials that are absent in court records and even report some unique information. Of course, as the information about particular trials, such sources are too scarce and less reliable to be considered together with court documents. Nevertheless, with some reservation, they deserve to be taken into account. Though, this group of sources is especially important to the study of the particular witchcraft discourse with its specific features, truth value, connections to social realities, relations to other discourses, etc. Narrations illuminate how the society (or at least the milieus of their authors) imagined and evaluated beneficial and malicious magic and its practitioners, what was its place in the worldview and everyday life. Laconic notions of trial records usually missed this context. It is especially crucial considering the lack of original Lithuanian works on demonology and witchcraft.

Also, some foreign demonology works could serve as sources relevant to the Grand Duchy. Texts that circulated among Lithuanian readers could shape their image of witchcraft. For example, the ducal library in Vilnius possessed some Latin edition of *Hammer of Witches.*[92] The Polish translation of the infamous treatise was also available to the Lithuanian readers.[93] The most interesting is the anonymous work *Witch denounced, or Short instruction and warning about witches*[94]. This treatise promotes correction of local witch beliefs according to the updated Catholic approach of 1614 *Roman Instruction* (published as a supplement to the book). Written in a clear and lively manner, no wonder, that this book had three editions (1639, 1680, 1714) and was likely available to the Lithuanians as well. Also, it could reflect some features of Lithuanian

moskiewskiej wojny w Wielkim Księstwie będącej i uspokojenie onej przez jw. jmp. Pawla Sapiehę wraz z jw. jmp. Czarnieckim wojewodą ruskim nastąpione." In *Pomniki dziejów Polski wieku siedemnastego,* vol. 1, edited by August Podgórski: 162-208. Wrocław: Zygmunt Schletter, 1840; Solomon Maimon, *An Autobiography.* Translation from the German with Additions and Notes by J. Clark Murray. London: A. Gardner, 1888.

[90]Piotr Czyżewski, *Alfurkan Tatarski prawdziwy na czterdzieści części rozdzielony : Który zamyka w sobie początki Tatarskie, y przygnanie ich do Wielkiego Xięstwa Lithewsk[iego] : Przytym iż w Wielkiem Xięstwie Lit. Tatarowie nie są Szlachtą ani Ziemianinami, ani Kniaziami, tylko kozińcami, skurodubami, y niewolnikami tego Państwa : Do tego, sposob życia, obyczaiow, spraw [...] [...] : Alfurkan ten Tatarom zgodny nie tylko do czytania, ale też y do upamiętania, y poprawienia.* Wilno, 1616.

[91]Nicolaus Hussovianus. *Carmen Nicolai Hussoviani de statura, feritate ac venatione Bisontis.* Kraków, 1523.

[92]Stanislav Ptašickij, *Biblioteka Velikogo knjazja Litovskogo v Vil'ne v 1510 godu.* (Sankt-Peterburg: Tipografija Ju.N. Ėrlich, 1888), p. 3.

[93]Jakob Sprenger and Heinrich Institoris, *Młot na czarownice postępek zwierzchowny w czarach, a także sposób uchronienia się ich, i lekarstwo na nie w dwóch częściach zamykający ; księga wiadomości ludzkiej nie tylko godna i porzebna ale i z nauką Kościoła powszechnego zgadzająca się,* trans. Stanisław Ząbkowic. Kraków: Drukarna Szymona Kempiniego, 1614.

[94]*Czarownica Powołana Abo Krotka Navka Y Przestroga z Strony Czarownic : Zebrana zrozmaitych Doktorow tak wprawie Bożym iako y w świeckim biegłych dla ochrony y poratowania sumnienia, osobliwie na takie Sądy wysadzonych.* Poznań: Wojciech Regulus, 1639.

witchcraft and magic (or at least the outsider's image of them): created by an unknown author in Greater Poland, the text nevertheless provides many examples from Lithuania and particularly from White Ruthenia.

The use of the later folklore collections[95] to the study of Early Modern witch-hunt is an ambiguous one. One the one hand, the earliest ethnographic collections appeared in the 19th century so they reflect a state of minds and culture several generations after the last stake. It makes its uncritical application anachronistic. On the other hand, it is possible to regard these later folklore materials as reflected results of a long-lasting influence that the Early Modern witchcraft discourses have caused so it is legitimate to study the traces and impact of this influence. Moreover, the validity of some collections is also questionable because of the professional level of amateur collectors and their personal biases. Nevertheless, unreasonable to ignore the information from these sources.

Thus, the sources are not extremely abundant and comprehensive. Nevertheless, with some reservations, they give an opportunity to a limited but reliable study of Lithuanian witch-hunt.

1.5. Approaches and concepts

Methodologically, the phenomenon of the witch-hunt is a great challenge and a great potential to examine the diversity of the theoretical toolkit. The search of a single appropriate key has resulted in a huge bunch of keys and each of them is suitable only to a certain extent. Finally, there is an opinion that as far as witchcraft is such a complex phenomenon, the use of multiple explanations is legitimate.[96] Considering the variety of the scholarship, it is important to outline the approaches and definitions of the current study.

Perhaps, all cultures in all epochs contained (and many still contain) the idea of the evil done by wicked people with supernatural means. Thus, generally, ***witchcraft*** is a universal term

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[95]Lucian Siemieński, *Podania i legendy polskie, ruskie i litewskie.* Poznań: Księgarnia J.K.Żupańskiego, 1845; Pavel Šejn, ed., *Materialy dlja izučenija byta i jazyka russkogo naselenija Severo-Zapadnogo kraja.* Tom 3: *Opisanie žilišča, odeždy, pišči, zanjatij; preprovoždenie vremeni, igry, verovanija, obyčnoe pravo; čarodejstvo, koldovstvo, znaxarstvo, lečenie boleznej, sredstva ot napastej, pover'ja, suever'ja, primety i t. d.* Sankt-Peterburg: Imperatorskaja akademija nauk, 1902; Nikolaj Nikiforovskij, *Nečistiki. Svod prostonarodnych v Vitebskoj Belorussii skazanij o nečistoj sile.* Vil'na: N. Mac i K, 1907; Norbertas Vėlius, ed., *Sužeistas vėjas: lietuvių liaudies mitologinės sakmės*, Vilnius: Vaga, 1987.
[96]Robin Briggs. *Witches and neighbours: the social and cultural context of European witchcraft.* 2nd edition (Oxford: Blackwell Publishers, 2002), p. 343.

for all kinds of evil magic and sorcery as perceived by the people of the particular culture at a particular time.[97]

Influenced by Evans-Pritchard's study on Zande magic, anthropologists are used to distinguishing **witchcraft** and **sorcery**. The former term in Anglophone works usually describes the possession of the internal magic power while the latter one addresses operating with objects, gestures, incantations, etc. For some cultures, like Azande, this distinction is crucial.[98] At the same time, in other cultures, and particularly in Early Modern Europe, this difference was not so explicit.[99] Some historians of witchcraft regard witchcraft as the belonging to a diabolic sect and sorcery as the employment of manipulative magic. Nevertheless, this academic distinction often seems quite conditional. For medieval and early modern Europeans, *sorcery* often was just a synonym to *witchcraft*. Withal, all kinds of magic, especially harmful, in religious and secular literature and imagination often were associated with the agency of demons, so it was implied if not mentioned in many cases.

Also, it is important to avoid language traps while writing in English about cultures more or less unlike Anglo-Saxon ones. English terms carry well-established connotations. Anthropologists apply the term *witchcraft* to non-European communities to name different forms of local maleficent magicians, not necessarily possessing such characteristics as female gender, a pact with the devil or orgiastic gatherings.[100] Eastern Europe generally and the Grand Duchy of Lithuania in particular was on the boundary of European diabolic and non-diabolic understandings of witchcraft. As for Poland-Lithuania, M. Pilaszek attempts to distinguish a sorcerer (*czarownica*) and a witch (*wiedzma*) at least in its south-eastern Ruthenian lands, but her evidence mostly come from later folklore materials. However, she recognizes that for the rest of the Polish Crown, *czarownica* possessed characteristics of both categories.[101] In Lithuanian literature and trial materials, the same term *czarownica* (f) *or czarownik* (m) referred to those accused in collaboration with the devil and those, who just caused harm, also no matter whether magic came from internal evil power or external magic technics. That is why the dissertation applies the term **witch** to any kind of magic-using wrongdoer regardless of its diabolic connotations in trial materials (*czarnoksiężnik, wiedz'ma, viadz'mak*). **Sorcerer** in the work is any

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[97]Wolfgang Behringer, *Witches and witch-hunts: a global history*. (Cambridge: Polity Press, 2008), p. 3-4.

[98]Edward Evan Evans-Pritchard. *Witchcraft, oracles and magic among the Azande* (Oxford: Clarendon Press, 1976), p. 176, 187-188, 195.

[99]Behringer, *Witches and Witch-Hunts*, p. 2-4; Pamela J. Stewart, Andrew Strathern, *Witchcraft, Sorcery, Rumors and Gossip* (Cambridge University Press, 2003) p. 2.

[100]Ronald Hutton, "Anthropological And Historical Approaches To Witchcraft: Potential For A New Collaboration?" *The Historical Journal* vol. 47, nr 2 (2004): 413-434, p. 420.

[101]Pilaszek, *Procesy o czary w Polsce*, p. 50-52.

practitioner of magic that employs rituals or objects for both harmful (overlapping with witchcraft) and beneficial purposes, including divination (*guslnik, wróżka, čarodejnik*). When the source emphasises mostly beneficial magic activity - the work calls such magicians **cunning folk** or **witchdoctors** *(vorožbit, volchvit, znachar).*

The universality of the witchcraft beliefs demonstrates that to attribute them just as ignorant errors or religious fanaticism is a gross oversimplification. The emergence of the functionalist explanatory paradigm (despite its limitations) shifted the perspective of the researcher to the understanding of the internal logic of witchcraft belief and its peculiar reason. According to this still influential approach, the belief in witchcraft has some function or purpose, which assists the survival of a group and its individuals and the maintenance of social order, although it is partly, or in some respects wholly, disorderly or dysfunctional.[102] K. Kluckhohn suggests that idea of witchcraft is not a deviation but a social institute to maintain stability in the society. The fear of witchcraft (both of the bewitchment and the accusation) makes people follow norms, observe rules and avoid deviations.[103] He introduced and supported the idea of a witch as a **scapegoat** – a culturally shaped way to express hate and aggression with lesser harm to the community.[104] Bad and especially deteriorating conditions give birth to stress and anxiety, which increase and worsen competition and conflict, which then lead to quarrels and accusations. Scapegoat theory emphasises relations between accusations and major social, economic, political or even natural changes and crises. Despite criticism, the idea of scapegoat became an extremely popular concept among historians to explain various historical persecutions.[105]

The witchcraft fear manifests itself with a particular symbolic language which helps to define own problems and interpersonal relations in a specific way. People learn this language from the discourse of witchcraft and contributed to its development or decline. The **witchcraft discourse** is a common entity of narratives, signs, even gestures, in a small community, the whole society or in transnational culture.[106] This discourse reflected not only relations and interactions between people but also (and often primarily) their religion, science, art representations.

The distinguishing feature that made European witch-hunt so unique was its remarkable learned witchcraft discourse. It presented witches not as wicked individuals but as members of a

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[102]Marko Nenonen, "The Dubious History of the Witch-Hunts." In *Writing Witch-Hunt Histories: Challenging the Paradigm*, edited by Marko Nenonen and Raisa Maria Toivo: 17–39. (Leiden: Brill, 2014), p. 24.

[103]Clyde Kluckhohn, *Navaho witchcraft,* Boston: Beacon Press, 1967, p 112-113.

[104]Kluckhohn, *Navaho witchcraft,* p. 88-89.

[105]Nenonen, "The Dubious History of the Witch-Hunts", p. 26-27.

[106]Ol'ga Christoforova. *Kolduny i žertvy: antropologija koldovstva v sovremennoj Rossii.* (Moskva: OGI, RGGU, 2010), p. 12.

Devil-led sect, a part of the anti-mankind conspiracy. Similar to real-life heretics, this sect also had meetings to worship Satan – *Sabbaths*. To join the sect, a witch concluded a *pact with the devil* that granted her supernatural abilities, including *flying* and *shape-shifting*. Notoriously, the concept emphasizes predominant involvement of women in the conspiracy that shaped the image of the pact as *sexual intercourse* and a witch herself – as the reverse of female ideal: lusty, infanticidal, infertile. They could *harm* not only particular people but the entire communities, causing natural calamities. Scholars and jurists of the 15-16 centuries created this **cumulative concept of witchcraft**[107] from theologic, folkloric and scientific (as for the time) arguments that spread as a normative knowledge over the whole Europe, reshaping traditional popular notions.

Diabolism is an important part of the cumulative concept of witchcraft as well as local beliefs in many European countries. It means that the devil explicitly and proactively participates in witches' activities, moreover, he is the instigator and chief. It is absent in archaic beliefs, non-European cultures, as well as not a dominant motif in folk visions of witchcraft. To a certain extent, it recalls shamanistic belief systems were magicians often deal with assisting spirits – however, these spirits had much fewer independent initiative then the Master of witches. Christian intellectuals for a long time regarded separately magic as implicit cooperation with demons and more exotic pact with the devil. Eastern Christianity preserved this attitude while the convergence of two images gave birth to Western diabolic witchcraft.

Nevertheless, a great number of European witch trials demonstrate that the main concern of the lay courts and common people was not the diabolic sect but the specific harm attributed to witches – **maleficium,** as contemporary demonologists called it in Latin. It was the most universal feature that united European phenomenon with the analogous ones in other cultures. The concern about *maleficium* existed in Europe before the cumulative concept of witchcraft, became its integral part and survived after its decline.

Richard Kieckhefer solved the dispute whether the European witch-hunt was an invention of elites or masses by pointing the way how they both cooperated in the creation of the fearful image.[108] Thus, it is crucial to regard the specifics of witch beliefs in **popular and learned culture** and the interaction between them. The distinction of the popular and learned culture is among the most central and the most debated issues in cultural history. For Early Modern people,

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[107]The concept was first proposed by J. Hansen (Joseph Hansen, *Quellen und untersuchungen zur geschichte des hexenwahns und der hexenverfolgung im mittelalter. Mit einer untersuchung der geschichte des wortes hexe.* (Bonn: C. Georgi, 1901), p. III), nowadays popularized by B. Levack (Brian P. Levack. *The witch-hunt in early modern Europe* (London: Longman, 1995), p.24).

[108]Richard Kieckhefer, *European witch trials: their foundations in popular and learned culture, 1300-1500.* (London: Routledge & K. Paul, 1976), p. 104-105.

the distinction between literate, refined, "civilised" elites and ignorant, superstitious, rude, "primitive" common people was obvious and self-evident[109] but the 20th-century research found much more complicated picture. Without getting deeper into debates, the work shares the position of Peter Burke: to employ these terms without making a binary opposition too rigid, consider their plurality and multiple interactions.[110] Kieckhefer's approach recognizes that both traditions had a lot of common features and significant upside-bottom influence. Important channels for the interaction were, for example, parish priests, magistrates or merchants originated from lower classes and stayed in touch with them. Witch trials themselves attracted great attention and spread information by learned treatises and cheap literature or oral narratives to distant areas and various milieus. However, the gap between popular and learned cultures existed. Among the most essential was the possibility of the educated elite to obtain ideas from reading despite how long ago and how far away they were developed and to proceed them thanks to the arts of speculation and deduction.[111]

In the case of the Grand Duchy of Lithuania, the distinction between cultures was even more obvious. So-called "second edition of serfdom" and the consolidation of the "nobility nation" since the 16th century reduced social lifts for a bulk of commoners. Polonization brought linguistic barriers, higher and lower classes literally began to speak different languages: Polish became more and more common as a vernacular for nobility, burgher elites, clergy while villagers and city plebs spoke dialects of Ruthenian (Belarusian) and Lithuanian. Even between the nobility language barriers followed social distinctions: the strata of the most powerful and rich families that usually filled the highest state and church offices, was fluent in Latin as well as in other Western languages, even used French or German for everyday activities; at the same time Polish of petty nobility was highly mixed with Ruthenian and Lithuanian common language. In the Ruthenian part of the country, higher and lower classes often belonged to different denominations: privileged circles were mostly Catholic or, more seldom, Protestant, while their subjects belonged to Eastern Christianity as Orthodox or Uniates (which for a long time on a bottom level had few differences). No wonder, that the distinction between socially defined cultures was quite significant. In such a situation, to trace the origins of witch beliefs in distinguished popular and learned cultures is especially essential.

The important issue is why and how the learned witchcraft discourse reached and influenced popular cultures with their own indigenous image of witchcraft. An important step

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[109]Caroline Castiglione, "Cultures of peoples." In *The Oxford Handbook of Early Modern European history.* Vol. 1: *Peoples and Places, edited* by Hamish Scott: 694-719 (Oxford, Oxford University Press, 2015), p. 694.

[110]Peter Burke, *What is cultural history?* (Cambridge; Malden, MA: Polity, 2006), p. 27-28.

[111]Kieckhefer, *European witch trials,* p. 4.

was to regard witch-hunt as an outcome of the ***acculturation*** proposed by R. Muchembled. According to this theory, Early Modern Protestant and post-Trident Catholic elites launched an offensive on the popular culture within social disciplining related to the interests of the new centralised state. Muchembled was criticised for his excessive emphasis on the initiative of state elites in the witch trials contrary to the sources that often demonstrate their scepticism.[112] However, the idea of the growing pressure of learned culture to "improve" popular "errors, superstitions and ignorance" within the paradigm of confessionalization has potential in witchcraft studies. The idea of acculturation especially fits the situation in the Grand Duchy of Lithuania which was the frontier of expanding Catholicism towards recently (re)converted or yet non-Catholic population.

   Confessionalization (proposed by Heinz Schilling, and Wolfgang Reinhard) meant the "confession-building" process that actively involved the state, politics and society on all levels after the Protestant Reformation and Catholic Tridentine Reform. The confessional hypothesis focuses both on the cultural, intellectual, social and political functions of religion and confession within the early modern social order and on the confessions' role as impulses and barriers to the emergence of modernity.[113] It manifested not only in theological teaching development and creation of confessional identities but led to the intensification of inner structures in church and state, a reinforcement of church discipline, the formation of a new type of clergy, and, as a result, the development of cooperation between church and state, ideologically as well as practically. The long-term outcome of this process was a modernization of state and society, during the "confessional era" in European history.[114] Despite it was worked out on the Western material, there are attempts to apply this promising paradigm to poorly-centralised, relatively tolerant and multi-religious Poland-Lithuania.[115] M. Niendorf points out the important specifics of Lithuanian

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[112]Robin Briggs,"'Many Reasons Why': Witchcraft and the Problem of Multiple Explanation." In *Witchcraft in Early Modern Europe: Studies in Culture and Belief*, edited by J. Barry, M. Hester, and G. Roberts: 49-63 (Cambridge: Cambridge University Press, 1996), p. 52.

[113]Heinz Schilling, "Confessional Europe" *In Handbook of European history, 1400-1600: late Middle Ages, Renaissance, and Reformation. Vol. 2: Visions, Programs, and Outcomes,* edited by Thomas A Brady, Heiko Augustinus Oberman, James D Tracy: 641-682 (Grand Rapids, Michigan: W.B. Eerdmans, 1996), p. 642.

[114]Alfons Brüning, "Confessionalization in the Slavia Orthodoxa (Belorussia, Ukraine, Russia)? – Potential and Limits of a Western Historiographical Concept" in Th. Bremer (ed.), *Religion and the Conceptual Boundary in Central and Eastern Europe* London: Palgrave, 2008, p. 67.

[115]Alfons Brüning, *"Confessionalization in the Slavia Orthodoxa (Belorussia, Ukraine, Russia)? – Potential and Limits of a Western Historiographical Concept." In Religion and the Conceptual Boundary in Central and Eastern Europe,* edited by Th. Bremer: 65-96. London: Palgrave, 2008; Irena Windyga, "Teoria konfesjonalizacji Heinza Schillinga i Wolfganga Reinharda w kontekście potencjału modernizacyjnego Polski." In *Roczniki Nauk Społecznych*, vol. 6, issue 42, (2014): 159-178; Wojciech Kriegseisen, *Between state and church. Confessional relations from*

confessionalization: the role of the state was minor in this process, in fact, the nobility took over its functions and implemented confessional disciplining in their domains according to their own views and zeal.[116] Thus, it is important to account the confessionalization, its features and outcomes in different denominations while considering religious and cultural processes including witch-hunt.

Ideas, social tensions and fears could turn into witch persecution only within the legal framework of the time. The scholars like B. Levack and B. Ankarloo argue that the nature of the late medieval and early modern legal changes made the witch-hunt possible and then contributed to its termination.[117] From the earliest studies, researchers examined the development of anti-witchcraft legislation and trial procedures, for example, the introduction of inquisitorial trial, rise and decline of torture application. The Grand Duchy of Lithuania, in the 16th century actively adopted Western judicial and legislative forms. However, later Poland-Lithuania built not a centralised absolutist monarchy but a nobility republic with a weak government administration. As a result, judicial development there had a distinctive trajectory.

Early modern persecution of witches became known as a ***witch-hunt.*** The term is widely used both in popular and academic contexts, it has left its narrow historical connotation and now refers to the persecution of a distinct group of people or individuals for their beliefs or practices, often according to false accusations.[118] While researches of the phenomenon criticize it for causing the misunderstanding, the term stays still popular. As for Early Modern Europe, it is possible to define two general meanings: 1) a set of related trials in a certain region in a particular time, when local society or authorities influenced by moral panic began to reveal supposed witches and put them to trial. Brian Levack defines three types of such witch-hunts in the second meaning: small (1-3 persons), medium (5-10 persons) and large (more than 10 victims). He argues the relevance of the term *hunts* even toward the small ones because it also involves a search of a victim and the attempts to impose fantasies upon it.[119]. 2) The whole phenomenon of witch persecution by the church, state and society. In this meaning, witch-hunt includes theoretical foundation (witch beliefs, diabolic concepts), legislative base (anti-

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Reformation to Enlightenment: Poland – Lithuania – Germany – Netherlands, translated by Bartosz Wójcik, Frankfurt am Main, 2016.

[116]Mathias Niendorf, *Wielkie Księstwo Litewskie: studia nad kształtowaniem się narodu u progu epoki nowożytnej (1569-1795)*; przekł. Małgorzata Grzywacz (Poznań : Wydawnictwo Poznańskie, 2011), p. 174-175.

[117]Bengt Ankarloo "Witch Trials in Northern Europe, 1450-1700" in Bengt Ankarloo; Stuart Clark; William Monter, *The period of the Witch Trials* (London: Athlone Press, 2002),p 63-69; Levack, *The witch-hunt in early modern Europe*, p. 68-69.

[118]Małgorzata Pilaszek, *Procesy o czary w Polsce*, p. 54.

[119]Levack, *The witch-hunt in early modern Europe*, p. 172-174.

witchcraft legislation), practical measures (witch trials, extrajudicial means) and cultural representation (narrations and visualisations). It is distinctive from the narrower term **witch trials,** which means exclusively the court prosecution. Current work usually mentions **Lithuanian witch-hunt** in the second understanding. Also, *witch-hunt* can be used more locally, referring to the events that happened in a particular place

The emerging discipline of border studies sharpens the differences in the use of the terms **border, boundary,** and *frontier.* Originally, in British and American English they are quite close synonyms. However, the necessity to discuss nuances of border phenomena requires a conceptual differentiation. In such context, **boundary** has a more general meaning, pointing at the dividing line between different peoples or cultures. The close term **border** is first of all (but not exclusively) about lines that could be drawn on maps and other attempts of precise delimitation between realms and phenomena. *Frontier,* referencing to the notorious experience of American colonisation, describes the territorial expansion of nations or civilizations into alien colonized areas. A *borderland* is understood as a realm on one or both side of the border significantly affected by the existence of the delimitation. Despite the central role of a borderline as a limit and a barrier, a borderland is a broad scene of intense interactions between both sides where two different entities face each other, overlap and even create something new.[120]

Thus, in the case of the Grand Duchy, there were all types of delimitations to consider. There was an eastern *border* with often hostile Russia, enforced with fortresses and military service, disturbed by raids and wars and movable according to political achievements or losses. There were less tough borders with other polities more or less tightly subjected to the same monarch – Polish Crown in the south and southwest, Duchy of Prussia in the west and Duchy of Courland in the north. These political borders were simultaneously religious borders with the Lutheranism and the Russian Orthodoxy. However, religious and cultural borders divided people od the Grand Duchy. Numerous invisible *boundaries* separated social and ethnoreligious groups on a daily basis: Jews and Christians, Catholics and Orthodoxes, peasants and burghers, magnates and petty gentry. These boundaries were enforced with legal, religious, linguistic distinctions that limited the mobility but left room for *borderlands* – spaces of cross-border encounters, creativity and hybridization. The scale of the borderland could be different: from an interreligious married couple to the emergence of the Greek-Catholic church. It is impossible to draw a clear boundary or border between ethnic Lithuanian and Ruthenian parts of the country: between larger (but not exclusive) ethnic areas there was a vast territory of the mixed population.

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[120] To compare: Michiel Baud, Willem van Schendel "Toward a Comparative History of Borderlands" *Journal of World History,* volume 8, nr 2 (Fall 1997): 211-242, p 214, 216

Religious division followed generally the similar pattern of the ethnic one until the Reformation and Counter-Reformation that disturbed and complicated the religious mapping. The authority of magnates and gentry in their domains and formal tolerance of the state led to the principle *cuius latifundium eius religio*: lords defined the faith of their subjects, made them convert or supported other traditional and newcomer religious communities.[121] It resulted in the patchwork religious and cultural situation, turning, to a large extent, the whole Grand Duchy in a borderland.

The Lithuanian nobility itself possessed some borderland features. Its social status and exclusive role in the "noblemen republic" facilitated the consolidation of the remarkable "noble nation" usually regardless the ethnicity, religion, and mother tongue of its members.

Despite the declared intention to preserve stability (notorious motto of the Polish-Lithuanian politics was *nihil novi* – "nothing new"), it was the epoch of important changes. Some borders tended to constant expansion, turning into *frontiers*. The advance of the Polish language and culture started from Catholic elites and swept the upper and middle classes of different ethnic and religious background. At the same time, at the bottom level, gradual expansion of Ruthenization among lower classes pushed Lithuanian language westward and influenced other minorities, even very distinct ones, like Tatars. Though, the most influential process that defined the religious, cultural and political changes was the advance of the Catholicism. Challenged and hindered by Reformation, revitalized post-Trident church promptly recovered and not only regained the lost ground but continued to push the frontier eastward, and the Grand Duchy was a borderland at this frontier.

Polish historians like Oskar Halecki and later Maria Barbara Topolska promoted the idea of the Polish-Lithuanian Commonwealth at all and the Grand Duchy in particular as a frontier and borderland of the Western civilization. The Early Modern time was an epoch of prompt Westernization, and the Catholic Church was an important facilitator of it.[122] Contrarily, the alternative vision argues the divergence between Western and Eastern Europe at that time that resulted from the rise of enormously powerful landed nobility, "second serfdom" and de-urbanisation. The success of the Counter-Reformation led rather to cultural impoverishment and

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[121]Niendorf, *Wielkie Księstwo Litewskie*, p. 175.
[122]Maria Barbara Topolska, *Przemiany zachodnioeuropejskiego pogranicza kulturowego pomiędzy Bugiem a Dźwiną i Dnieprem : (polsko-litewsko-białorusko-ukraińskie losy od XV do początku XX wieku): kurs 14 wykładów* (Zielona Góra: Oficyna Wydawnicza Uniwersytetu Zielonogórskiego, 2009), p. 16-45.

isolation from Western trends.[123] This study is not entirely satisfied with any of these visions but takes both of them into consideration to find a balanced approach.

1.6.Structure of the work

The work consists of the 6 parts: the introduction, four chapters and the conclusion.

The first, introductory part provides the background of the work and the overview of the theoretical and practical toolkit used in the study. It presents the goal and research questions, current state of art in the scholarship on Early Modern European witchcraft at all and the witch-hunt in the Grand Duchy in particular, available sources with their specifics and limitations, conceptual approaches to them.

The second chapter studies the normative side of the witchcraft: how a personal sin became a public crime. The role of the elites, first ecclesiastic, then secular, was crucial in this process. Witch-hunt took place within the process of Early Modern state-building when the development of written law, state administration, and the judicial system changed greatly Lithuanian political and social institutions. The study of the formation and development of the anti-witch legal corpus in Lithuania aims to draw the legal portrait of witchcraft crime, its common and special features. It allows finding out the approach of the state and elites towards witchcraft that framed the witch-hunt intentions and practices of the society.

Obviously, reality often differs from the normative prescriptions. **The third chapter** offers a closer look from the courtroom perspective. This perspective compares legal norms to their practical application. It provides a general overview of witch trials in the Grand Duchy of Lithuania, discusses the influence of contemporary European judicial tendencies and local specifics of the procedure caused by older traditions and contemporary occasions. The analysis of the trials in courts of different milieus allows socially and culturally diversified vision. All this give hints to the understanding of the diverse ground-level conduct of the witch-hunt.

Formal charges and prosecutions were only the tips of the iceberg. Their origins lay on the intersection of the social and the cultural. **The fourth chapter** guides beyond the courtroom to seek the role of witch accusations in social interaction, their intentional and unconscious reasons, goals and possible alternatives. Trial participants — plaintiffs, defendants, and also judges — deserve particular consideration. Also, it studies the image, or more precise – images of witchcraft in the worldview of trial participants, their roots, differences, and similarities in the context of cultural diversity.

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[123]Robert Bideleux and Ian Jeffries, *A history of Eastern Europe: crisis and change* (London; New York: Routledge, 2007), p. 186-192.

Heterogeneity of the Lithuanian society is an additional challenge and simultaneously a potential to broaden the perspective. Even the majority was composite and consisted of Lithuanians and Ruthenians of various denominations, in addition, it included a number of ethnic and religious minorities, and some of them were of not so minor significance. **The fifth chapter** examines the participation of the smaller ethnic and religious groups, both Christian and non-Christian, in the witch-hunt to find out how their features and their place in Lithuanian society shaped their involvement and their contribution to the phenomenon.

Finally, **the conclusion** summarises the main features of the Lithuanian witch-hunt and attempts to place them into the greater picture of social and cultural changes, first of all, confessionalization and the advancing frontier of Western Christianity.

1.7. Note on regional terms, names and transliteration

1.7.1. General principles

Correct use of personal and place names is a striking challenge to the researches of East European history writing in English. One should cope with the next tasks that might be contradictory: 1) To keep a connection to the sources and epoch under consideration trying to avoid excessive modernization or westernization. However, the simultaneous coexistence of numerous traditions complicates the choice; moreover, radical historical changes and breaks of continuity made old names obsolete. 2) To keep a connection to the existing English historiography of the region to maintain continuity of the scholarship. Unfortunately, because of the quite a minor interest of Anglophone authors and the variety of their backgrounds, the corpus of English texts is very far from abundance. As a result, there is still no unified tradition; every author has to work out his own way. 3) To stay in touch with national historiographies. It is natural, that the history of the region is a central issue for Belarusian, Lithuanian, Polish, Russian, Ukrainian researchers that produce a huge amount of academic works in different languages including English. These academics follow their naming approaches according to their linguistic as well as political reasons. The challenge for the unaligned research is to stay over this national history debates but at the same time incorporate their valuable achievements.

An example of the more or less relevant and balanced approach one can find in the works of Robert Frost.[124] This study will adjust and develop it.

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[124] Robert I. Frost, *The Oxford history of Poland-Lithuania* (Oxford: Oxford University Press, 2015), p. XX-XXI.

1.7.2. Personal names

The study uses existing English equivalents for names of rulers of the Polish-Lithuanian Commonwealth and royal family members. It is natural to the epoch when the names were easily translated from language to language even in the Grand Duchy of Lithuania itself: Latin *Sigismundus*, Polish *Zygmunt*, Ruthenian *Žikgimont* (*Жикгимонт*), Lithuanian *Žygimantas*. That is why the use of English versions is not only a tribute to English historiography but also a reasonable compromise between the old tradition and modern national variants. Authentic Polish names remain in their original spelling: *Władysław*, not *Ladislas*, *Stanisław*, not *Stanislas.*

In the epoch, Ruthenian and Lithuanian nobility of the Grand Duchy was increasingly Polonized. No wonder that Polish spelling of their names was dominant in those times and these forms have proliferated in foreign scholarship. That is why this work refers to the Polish spelling of noble names and surnames, even if the quoted text is in another language (with the corresponding remark): *Mikołaj Krzysztof Radziwiłł Sierotka (The Orphant)* It is not only a tribute to Polish-language noble tradition but also a pragmatic reason: to keep names recognizable in the sources and scholarship.

Witch-hunt history is to a great extent a history from below, so actors of the trials often were low-class commoners: peasants and burghers, Christians and Jews, Ruthenians and Lithuanians. In the majority of cases, these persons appear for a moment from oblivion and then disappear, no need to connect them to some dynasties and often no chance to find them in literature. Contrarily, exact forms of their names matters: they are important (and often the only) sources of personal information – about their religion, ethnicity, social and marital status, etc. Therefore, the study incorporates such names directly if they in Latin script (*Jasus Gniauzus*, *Anna Pawlukowa baba Krotka*, *Hanz Meldon, Leybo Maiorowicz Żyd*) or transliterates them literally from Cyrillic (*Marja Nesterovna, Luca Lavrynovna Lovkevičovna*, *Hoško Eskevič*).

The similar approach, as an exception, is employed to those representatives of different classes who belonged to Ruthenian culture and strongly opposed Polonization. First of all it is about Orthodox intellectuals – their names are transliterations of original Ruthenian variants*: Ioanikij Galjatovskij.*

Names of modern authors from the region depend on the way of Romanization used for the language of the country. For example, Belarusian: *Uladzimir Lobač,* Ukrainian: *Kateryna Dysa,* Russian: *Aleksey Shakhmatov.* The name transcription of scholars from Russian Empire depends on their primary language: despite living in the same country, *Nikiforovsky* wrote mostly in Russian, and *Jucewicz* – in Polish.

1.7.3. Geographic notes

The adequate use of the toponymy is a hard task too. Cities and other geographic objects did not only change their names in the course of political shifts in the region, but they were (and often are) called differently in several languages at the same time. So as not to confuse readers unfamiliar closely with the region, and not to create complicated schemes, the study designates cities and geographic objects with their modern names: Vilnius, not Wilno or Vilnia; Brest, not Brześć or Biarescie, Ukmergė, not Wiłkomierz or Vilkomir. If it is significant, their diverse spelling in quoted sources is noted. The exception, are well-known English versions of some famous cities: *Warsaw, Cracow, Moscow.* Only in few cases, to avoid anachronistic over-modernization, radically renamed places appear in the text with their former name versions: *Königsberg* instead of *Kaliningrad.*

It is important to mention that the name of the state under consideration was *Polish-Lithuanian Commonwealth*, that consisted of Polish Kingdom (or, closer to the original, *Polish Crown*) and *Grand Duchy of Lithuania*. Thus, in this work, the term *Commonwealth, Poland-Lithuania* refers to the entire federation while *Poland* – to its particular part only.

Lithuania, *Lithuanian* in Early Modern time also had a number of meanings. In the current work, these words primarily refer to the whole polity and its multinational inhabitants. When the narration requires being precise about Baltic-speaking part of the population and territories predominantly inhabited by them, the terms *ethnic Lithuania* and *ethnic Lithuanians* are in use. Of course, the work does not aim to deepen into complicated discussions about identity and ethnicity, so the application of the term *ethnic* is rather conditional there, to describe a distinguished area without proper contemporary nomenclature. Also, the author tries to avoid the superfluous debate whether to consider *Samogitians* an independent entity or a specific part of *ethnic Lithuanians* but anyway their distinctive features at that time require a separate naming.

Western literature often regards everything East Slavic of the pre-national epoch as *Russian*. However, close consideration of the region requires more specific terms to distinguish important nuances. It is natural in local languages (pl: *Ruś* vs *Rosja*, by: *Rus'* vs *Rasija/Raseja*, etc.) and it becomes wider accepted in the special Anglophone scholarship.

Thus, *Rus'* was the East Slavic state ruled by the Rurikid dynasty from Kyiv in the 9th-15th centuries. Greek form *Russia* refers to the Grand Duchy of Moscow since the 15th century, when its rulers inaugurate themselves as heirs of Byzantium. Also, this state can be referred as *Muscovy* until Peter the Great proclaimed *Russian Empire* in 1721. Latinized term *Ruthenia* addresses southern and western lands of former Rus' joined by Grand Duchy of Lithuania and Polish Kingdom in the 15th-18th centuries and influenced by Western culture. Early Modernity

was already a formation time for distinguished Belarusian and Ukrainian entities. However, to avoid terminological overmodernization and excessive discussions on the debated national issues, the work prefers the general term used in the epoch - Ruthenians.

Also significant to distinguish *Ruthenian* – literate language of Grand Duchy of Lithuania and the whole Ruthenia (also called nowadays Old Belarusian, Old Ukrainian, Chancery Slavonic, etc.), *Russian* language of Muscovy and *Church Slavonic* liturgical and literate language of the Orthodox church.

Ruthenian and *Lithuanian* could be overlapping terms when the former highlight the East Christian and East Slavic background and the latter – state belonging, "nationality".

1.7.4. Transliteration and local terms

Next challenge is the coexistence of multiple languages with distinctive alphabets. Even excluding Jewish writing system as well as Arabic graphics of Tatars, a researcher of the Grand Duchy of Lithuania has to deal with different variants of Cyrillic (Ruthenian, Church Slavonic historical languages as well as modern Belarusian, Russian and Ukrainian) and Latin (Polish, Latin, Lithuanian) scripts. While Polish and Lithuanian writing with certain reservations is intelligible for a Western reader, Cyrillic alphabets must be transliterated. Cyrillic quotations in the work are transliterated according to *Wissenschaftliche Transliteration* system: *"въ праве земскомъ о чарахъ достаточне не описуетъ"*-*"vъ prave zemskomъ o čarax dostatočne ne opisuetъ"*.

Less controversial issue but still important to note is a way how to convey local terms for social and political institutions, legislation, religious and cultural features, etc. Some local terms are internationally more or less known and accepted, in original or in adapted spelling: *Voivode, Sejm, Hetman*. Where it is possible, English equivalents with notes about its original spelling and meaning are preferable, especially for terms not vital for the main topic. It is necessary to avoid the excess of exotic terms, to link them to common European practise and to skip the choice between different language versions of the term: *county* instead of *povet/powiat*, *attorney* instead of *umocovanyj,* etc. Some terms have to be introduced literally, to avoid significant distortion by English equivalent or to emphasize their local features. In the majority of such cases, I prefer the Polish version of spelling to Ruthenian (*woźny,* not *voznyj*) because it was a natural way of Romanization in the multilingual Grand Duchy. Only for exclusively or predominantly Ruthenian and Church Slavonic words literal transliterations are applied: *volchv, čarodejnik.* Hope such compromise saves the balance between accuracy and intelligibility.

Of course, proposed approach to historic terms, personal and geographic names is far from ideal. In some cases, it tends to ignore cultural, language and identity differences, in others

– to split entities artificially. Readers must keep these limitations in mind to avoid misconceptions.

2. WITCH OUTLAWED:
THE CRIME OF WITCHCRAFT IN LITHUANIAN LEGISLATION

2.1. Witchcraft before the witch-hunt: between canon and custom

The first written prescriptions about witchcraft in the lands of the would-be Grand Duchy of Lithuania came from the ecclesiastic sources. The Eastern and then the Western churches were the most active actors of the civilizational changes in Eastern Europe that enormously influenced or even defined various social, cultural and political processes, especially in those "barbarian" regions without antique civil background. Moreover, since the Christianization of the region, like in the rest of the medieval Christendom, witchcraft and magic originally belonged to the ecclesiastic jurisdiction. Nevertheless, local secular legal traditions, mostly unwritten, also had their influence and left their heritage. There are not much clear evidence about the legal attitude of the authorities and the society towards witchcraft in the Grand Duchy of Lithuania and preceding states of the region before the 16th century and even fewer sources about secular or ecclesiastic witch trials. Thus, it is important to understand this underlying background for the coming changes.

2.1.1. Orthodox legal tradition

The most ancient Christian Church in the Grand Duchy of Lithuania was the Orthodox Church of Kyivan Metropolis. The origins of its legislation were in Rurikid's Rus' and Byzantium. After the conversion to Christianity, Kyiv princes granted the new-established church with significant privileges. Ecclesiastical hierarchy obtained wide authority to supervise the state of morals of the society. The *Church Statute of Prince Volodymyr* formed over in the 10th – early 12th centuries, brought witchcraft, sorcery, divination, heresy to the jurisdiction of the Metropolitan and bishops.[125] As a result, secular codes (like *Pravda of Yaroslav* of the 11th century) ignored magic-related crimes. Thus, the clergy got the monopoly jurisdiction in sorcery cases that were considered as spiritual offences, not maleficent crimes. Volodymyr's *Statute* was

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[125] Makarij (Michail Bulgakov), Mitropolit Moskovskij i Kolomenskij, *Istorija Russkoj Cerkvi*. (Moskva: Izdatel'stvo Spaso-Preobraženskogo Valaamskogo monastyrja, 1994-1996). Sedmica.ru - Cerkovno-Naučnyj Centr «Pravoslavnaja Ėnciklopedija» Accessed February 18, 2017 http://www.sedmitza.ru/text/443883.html

> *I az, sъgadav s svoimi detmi, i s vsemi knjazi, i s svoimi bojary, dal esmi te sudy cerkvam Bož'im, mitropolitu i vsem episkopom po Ruskoj zemli… vedov'stvo, potvori, čjarodeanie, volchъvovanie, zelennič'stvo, urekania tri: bljadneju, i zelij, i eretič'stvom… Tyi vsi sudy cerkvam Bož'im dany sut' zakonom Bož'im, po pravilom svjatych otec christian'skymi cari i knjazi v vsech christian'skich ljudech..*

supplemented by another document – *Church Statute of Prince Jaroslav* (the 11th-12th centuries), which contained more detailed provisions adapted to local legal situation: the church could impose not only ecclesiastic but secular penalties. According to this *Statute*, a woman or a man engaged in any kind of magic should be punished (unclear, but perhaps, it was a commonly known way), and if she or he continues such activity – impose a penalty of 6 silver *grivnas* (marks)[126]. The fine for sorcery is one of the lowest in the *Statute*. Worth noting, pointing a woman as the most probable magician in the article is significant.

However, it seems that local church and state officials could treat magicians more severe. Kyiv Metropolitan Ioann II (late 11th century) explained how to deal with those engaged in magic: first, persuade to reject a sinful activity, and if it fails, severely punish, but not to the death, and without injury.[127] Apparently, the need for such instruction came because of the too harsh practice of punishment for this kind of offenders. It seems that the position of the church elite towards magic was relatively mild.

There is very few evidence of witch persecution in medieval Rus', especially legal ones. However, it seems that the mild approach of the central ecclesiastic and secular authorities clashed with popular tradition to detect suspected culprits of calamities. The Primary Chronicle mentions a case that has occurred in the 11th century. On the eastern periphery of Rus' in Rostov land in famine years some *volchvs* (literally this world means "magicians" but it could also refer to pagan priests or even heretic preachers) used their supposed supernatural abilities to lead a witch-hunt revealing and killing supposed witches blamed for the calamities. These hunts were halted by prince's troops:

> While there was famine on one occasion in the district of Rostov, two magicians appeared from Yaroslavl' and said they knew who interfered with the food supply. Then they went along the Volga, and where they came to a trading-post, they designated the handsomest women, saying that one affected the grain, another the honey, another the fish, and another the furs. The inhabitants brought into their presence their sisters, their mothers, and their wives, and the magicians in their delusion stabbed them in the back and drew out from their bodies grain or fish. They thus killed many women and appropriated their property. Then they arrived at Beloozero, and about three hundred men accompanied

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126 Serafim Juškov, ed. *Pamjatniki russkogo prava. Vypusk 1: Pamjatniki prava Kievskogo gosudarstva X–XII vv.* (Moskva: Gosjurizdat, 1952), p. 269.
127 "Ioanna, mitropolita Ruskogo, narečenago prorokom Christovym, napisavšago pravila cerkovnaja ot svjatych knig v kratce Iakovu černorizicju" in *Pamjatniki drevnerusskogo kanoničeskogo prava. Part 1: Pamjatniki XI-XV vekov*, edited by Aleksej Pavlov: 1-20 (Sankt-Peterburg: Tip. M. A. Aleksandrova, 1908), p. 4.

them. At that moment it happened that Yan, son of Vyshata, arrived in that neighborhood to collect tribute in behalf of Svyatoslav. […] Yan inquired whose subjects they were, and upon learning that they belonged to his Prince, he directed their followers to surrender the magicians to him [….] They then seized and killed the magicians, whom they hanged upon an oak tree."[128]

Probably, such grass-root witch-hunts emerged from time to time. Arabic traveller Abu Hamid al-Gharnati that visited Rus' in 1153 described the detection of witches as a regular custom. According to his account, every twenty years people, concerned with the rise of witchcraft, dunked all suspected old women and burned those who floated.[129] Later, chronicles mention burnings of four males in 1223 in Novgorod and twelve females in 1411 in Pskov until the rare cases in the 15th century that probably could be related to the calamities.[130] Hard to say, if they both were a part of the mentioned local witch-hunt tradition or the echo of the rising Western witchcraft persecutions (Novgorod and Pskov had strong trade ties with Hansa and Scandinavia, not to say about Baltic crusader states). Also, it is unclear, who and on what grounds searched, tried and executed supposed witches.

Seemingly, the initiative of such popular witch-hunts came from the people and local authorities. The clergy to whose jurisdiction witchcraft belonged to, opposed the attribution of misfortunes to the magic of wicked humans – probably, in their attempts to undermine beliefs in any power except for the one of Christian God. In the 13th century, bishop Serapion in his sermons condemned the similar reprisals against witches (*volchvs*) suspected in causing some

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[128] Samuel Hazzard. Cross and Olgerd P. Sherbowitz-Wetzor, trans., *The Russian primary chronicle: Laurentian text* (Cambridge, Mass: The Mediaeval Academy of America, 1953), p.150-153. Original text:

Byvši bo edinoju skudosti v' Rostov'stěj oblasti, i v'stasta dva volъchva ot Jaroslav'lja, glagoljušča, jako "Vъ svěmy, kto obil'e deržit'". I poidosta po Volzě, i kdě priduči v pogost', tu že narekasta luč'šija ženy, glagoljušča, jako "Si žito deržat', a sii — medъ, a sii ryby, a sii skoru". I privožachu k nima sestry svoja, i materi i ženy svoja. Ona že v' m'čtě prorězavše za plečem', vynimasta ljubo žito, ljubo ryby, ili vъvericju, i ubivaša <...> mnogy ženy, imъnija ichъ imaša sobě. I priidosta na Běloozero i bě u neju ljudij inъchъ. V to že vremja priključisja priti ot Svjatoslava dan' emljuščju Janevi, synu Vyšatinu, […]. Jan' že, ispytavъ, č'ja esta smerda, i uvěděvъ, jako svoego emu knjazja, poslav' že k' nim', iže okolo eju sut', i reče imъ: "Vydajte volъchva ta sěmo, jako smerda esta moego knjazja". […] Oni že, poimše ja, izbiša i pověsiša ja na drěvě. (Tvorogov, O., ed."Povest' vremennych let" In *Biblioteka literatury Drevnej Rusi*. Vol. 1: XI–XII veka. Edited by D. Lichačev, L. Dmitriev, A. Alekseev, and N. Ponyrko (Sankt-Peterburg: Nauka, 1997). *Èlektronnye publikacii Instituta russkoj literatury (Puškinskogo Doma) RAN.* Accessed May 28, 2017. http://lib.pushkinskijdom.ru/Default.aspx?tabid=4869)

[129] Russell Zguta, "Witchcraft Trials in Seventeenth-Century Russia" *The American Historical Review, v*ol. 82, nr. 5 (1977): 1187–1207, p. 1189.

[130] Zguta, "Witchcraft Trials in Seventeenth-Century Russia", p. 1189-1190.

natural calamities. In his sermons (*Words*), preacher reminds that it is God who punishes people for their sins.[131]

The collapse and partition of Rus' did not terminate the continuity of its legal and especially church tradition within the Grand Duchy of Lithuania. In 1497, Lithuanian Grand Duke Alexander formally confirmed the ancient privileges and jurisdiction of the Orthodox Church in Ruthenia and *Statute of Jaroslav* in particular. [132]

The Orthodox Church was an institution that connected Rus' and then Ruthenia to Byzantium and its huge cultural legacy. It enabled the transfer of legal norms, first of all, canonical but secular as well, directly from Byzantium or via Southern Slavic states. The most influential ecclesiastic legal corpus was *Nomocanon*, which contained prescriptions against magic confirmed by the authority of Ecumenical Councils and Church Fathers. After the establishment of Christianity as the dominant religion of the Eastern Roman Empire, the struggle against magicians became a part of the struggle against paganism. These conditions influenced the formation of Byzantine Orthodox canon law. In the 6th century, the Patriarch of Constantinople John Scholasticus brought it in one code – *Nomocanon*. This system of canon law reached Slavic countries including Rus' and, later, the Grand Duchy of Lithuania. First books appeared in Kyiv in Greek only, but in the second half of the 11th century, *Nomocanon* appeared in Church Slavonic for the Bulgarian church. In Rus', Slavic translation of *Nomocanon* in Rus' influenced greatly local legal thought: since the late 13 century it became the base of extended legal collections of *Kormčaja* books (*Books of the Pilot).*[133]

Nomocanon includes a number of provisions about magic. The base is the rules 65 and 72 of Saint Basil the Great of the 4th century supplemented with rules of Trullo Council of the late 7th century. As far as *Nomocanon* was written for Christians living in post-pagan society, there is only short note preventing them from the participation in pagan rituals but much more attention it pays to various magic practices as a legacy of paganism in the everyday life of the society. A penalty for such practices is quite severe – 20 years of excommunication – as many as for murder. The code specifies the source of sorcery – invocation of demons, and kinds of magic:

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[131] Vladimir Kolesov, ed. "Slova i poučenija Serapiona Vladimirskogo." In *Biblioteka literatury Drevnej Rusi. Vol. 5: XIII vek*. Edited by D. Lichačev, L. Dmitriev, A. Alekseev, and N. Ponyrko (Sankt-Peterburg: Nauka, 1997). *Èlektronnye publikacii Instituta russkoj literatury (Puškinskogo Doma) RAN*. Accessed May 2, 2017. http://lib.pushkinskijdom.ru/Default.aspx?tabid=4963

[132] Robert I. Frost, *The Oxford history of Poland-Lithuania*, *The Oxford history of Poland-Lithuania* (Oxford: Oxford University Press, 2015), p. 309.

[133] Makarij (Michail Bulgakov), Mitropolit Moskovskij i Kolomenskij. *Istorija Russkoj Cerkvi*. (Moskva: Izdatel'stvo Spaso-Preobraženskogo Valaamskogo monastyrja, 1994-1996), *Sedmica.RU Cerkovno-Naučnyj Centr «Pravoslavnaja Ènciklopedija»*. Accessed February 18, 2017 http://www.sedmitza.ru/lib/text/435798/ .

divination, storm spells, ligature of sexual consummation, love magic, magic medicine and amulet-making.

Byzantine jurists and theologians of the 12th century Joannes Zonaras and Theodore Balsamon, as well as canonist of the 14th century Matthew Blastares, expanded these laconic provisions in their commentaries to *Nomocanon*. The commentaries were extremely popular in Slavic countries and often were a part of *Kormčaja books*. They set definitions and clarify different features of the sin. Thus, **sorcery** (Greek: *Goetia*, Slav.: *Čarovanie*) is causing harm, *maleficium*, by the invocation of demons. It includes the invocation of demons by singing the Psalms and naming saints and st. Mary, conjuring on graves for illnesses or misfortunes. **Poison** (Greek: *Pharmakeia*, Slav.: *Otrava*) is a drink that kills a person, make insane or arouse love. **Divination** (Greek: *Manteia*, Slav.: *Proricaniye*) is abandoning oneself to demons and attempting to foresee the future with their help. **Magicians** (Greek: *Magoi*, Slav.: *Volchvy*) are those who conjure demons for beneficial as well as for evil purposes – but all is demonic deception.[134]

Commentators clarify the distinction between those who are engaged in magic and those who just seek the help of sorcerers in need. They equate the former to murderers because of conscious collaboration with demons that is to be punished with 20 years of excommunication. Contrarily, *Nomocanon* treated the latter as lost lambs, so they can return to the community of faithful after 6 years of excommunication, as well as those who wore amulets or tried to divine by themselves or who were engaged in other superstitions. In late commentaries, we can see that Christian sacred objects and books were widely involved in different magic practices, obviously, with the participation of the clergy, that is why editions of canon law strictly forbid to take part in such activity or assist it.

The fact of a mild punishment for sorcerers and opportunity of their return to the ecclesia after confession and purgation makes an illusion that the Byzantine Orthodox Church did not try to eradicate magic. However, the same approach *Nomocanon* offers towards murder, heresy, etc. Such crimes were not only sins for spiritual punishment but also felonies to be persecuted by the state. *Ecloga*, shortened code of Byzantine law of the 8th century that aimed to combine secular and religious approaches prescribes to put to the sword sorcerers who summoned demons for one's harm and to banish for amulet making.[135] The translations of *Ecloga* circulated within Rus' in legal collections like *Merilo Pravednoje (Just Measure)*.

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[134] Aleksej Pavlov, *Nomokanon pri Bol'šom Trebnike. Ego istorija i teksty, grečeskij i slavjanskij, s ob"jasnitel'nymi i kritičeskimi primečanijami. Opyt naučnogo razrešenija voprosov ob ėtom sbornike, voznikavšich v prošlom stoletii v Svjatejšem Pravitel'stvujuščem Sinode.* (Moskva: tip. G. Lissnera i A. Gešelja, 1897), p. 123-145.

[135] Elena Lipšic, trans., *Ėkloga. Vizantijskij zakonodatel'nyj svod VIII veka.* (Moskva: Nauka, 1965), p. 41.

Following the ideas of the *symphony* of the state and the church, Byzantine jurists attempted to correspond secular and ecclesiastic provisions, the most successful was the edition of *Nomocanon* by Patriarch Photius. Photius (c. 810 – c. 893) tried to put both legal systems together to reach the harmony of human and divine justice.[136] However, Slavic translation of *Nomocanon*, the *Pilot Book of 14 titles,* omits all the secular legal references because they were irrelevant for the independent Slavic states with own justice traditions. As a result, Slavic codes inherited mild, spiritual understanding of crimes and ecclesiastical penalties only. Rus'ian edition of the *Pilot Book of 14 titles* created in the 13th century*,* included the rules of Kyiv Metropolitan Ioann II mentioned before.[137] Its Volynian version, created in 1286 in Volodymyr-Volynskyi circulated in Ruthenian lands of the Grand Duchy of Lithuania until the 17th century.[138] As a result, Rusian church obtained mostly spiritual instructions without severe Byzantine secular laws despite they got not only spiritual part of the jurisdiction, like in Byzantium, but full control for some spheres of crimes, including sorcery. Thus, the Ruthenian Orthodoxy inherited very scarce and mild provisions towards magic and sorcery, not to say about the lack of something like the western doctrine of harmful diabolic witchcraft.

It is difficult to estimate the actual role and influence of the above-described sources of religious and secular Slavic-Byzantine law in the actual court practice. There is an opinion that the written legal collections were not sources of law and official codification of existing rules but private instructions or religious teaching about justice.[139] Perhaps, a judge, after considering all the evidence and testimonies, made the decision primarily based on his inner conviction and local customs. Nevertheless, it is likely that collections like *Kormčaja Book* to a certain extent influenced the legal philosophy of the Orthodox part of the elite in times of Rus' and the Grand Duchy of Lithuania.

2.1.2. Catholic legal approach

In 1387, after Kreva Union with Poland, the pagan population of Lithuania converted to Roman Christianity (Samogitians followed them after returning under the sovereignty of Lithuanian Grand Dukes in 1413-1417). Catholic denomination became the primary state

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[136] Aleksej Lebedev, *Očerki vnutrennej istorii Vizantijsko-vostočnoj cerkvi v IX, X i XI vekach* (Sankt-Peterburg: Aletejja, 1998), p. 155.

[137] Vladimir Beneševič, ed. *Drevneslavjanskaja kormčaja. XIV titulov bez tolkovanija.* Vol. 2 (Sofija: Izdatel'stvo Bolgarskoj akademii nauk, 1987), p. 80.

[138] Jaroslav Ščapov, *Vizantijskoe i južnoslavjanskoe pravovoe nasledie na Rusi v XI-XIII vv.* (Moskva: Nauka, 1978), p. 209-211.

[139] Vadim Dolgov, "Funkcii juridičeskich tekstov v Drevnej Rusi (na primere «Merila pravednogo»." *Voprosy istorii.* № 10 (2013): 91-99, p. 97.

religion, despite the numerical prevalence of the Orthodox believers. Although the Orthodox and later Protestant nobility achieved formal equality, the domination of the Catholicism was unchallengeable and growing.

Development of anti-witchcraft provisions in the Catholic ecclesiastical law was a subject of very rich historiography within witchcraft studies, but the brief outline seems to be suitable.

Unlike the Orthodox Church, Western Christianity created a well-developed complicated doctrine of witchcraft, including its legal aspect. The attitude towards witchcraft felt a significant evolution. At first, *Canon Episcopi*, written in the 10th century and in the middle of the 12th century and included in the body of canon law *Corpus Juris Canonici* (*Decretum Gratiani*, causa 26, quaestio 5, canon 12), listed different kinds of magic practices, mostly connected to divinations (*sortilegia*) and condemned their practitioners as sinners only. Also, it claimed that all stories about extraordinary activities of some women like leaving bodies to fly with goddess Diana were diabolical obsession only.[140] At that stage, the Western approach was not much different from the one of the Eastern counterparts. In the following centuries, scholastic intellectuals in their reflections on the otherworld developed a sophisticated system of demonology. Also, Roman Church experienced the struggle against several organized heresies (Cathars, Waldensians). That has led to fundamental changes. The prosecution of the Waldensians included the search of clandestine sect members and propaganda of fantastic hostile stereotypes. This model likely influenced the emergence of the idea about heretic witch sect, that has to be revealed and eliminated.[141] December 5, 1484, Pope Innocent VIII issued the famous bull *Summis desiderantes affectibus ("Desiring with the most heartfelt anxiety")*, that joined the corpus of ecclesiastical law. It warned about the existence of numerous devil-worshipping witches, men and women, and their harmful activities against people. Because of this danger, the Pope granted extraordinary authority to the inquisitors in their investigations. According to the bull, the Inquisition was to obtain the primary role in witch trials, contrary to traditional episcopal or secular courts – probably, like in heresy trials.[142] Thus, the highest authority of the Western world has given the official start of the witch-hunt.

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[140] Master Gratian, "The Decretum (ca 1140)" in *Witchcraft in Europe, 400-1700: a documentary history*,
eds. Alan Charles Kors; Edward Peters (Philadelphia: University of Pennsylvania Press, 2001), p.72-77.

[141] Wolfgang Behringer, "How the Waldensians Became Witches: Heretics and Their Journey to the Other World." In *Communicating with the Spirits*, edited by by Gábor Klaniczay and Éva Pócs, p. 155-192 (Budapest and New York: Central European University Press, 2005), p. 155-156

[142] Alan Charles Kors and Edward Peters, eds., *Witchcraft in Europe, 400-1700: a documentary history*(Philadelphia: University of Pennsylvania Press, 2001), p. 179.

Two years later, in 1486, the two inquisitors Heinrich Kramer and Jacob Sprenger created the notorious treatise *Malleus Maleficarum* (*Hammer of Witches*), which became the important textbook for witch-hunters, the inspiration for demonologists and the infamous symbol of the witch-hunt epoch. It contained not only a theological (and even scientific) foundation but also legal and procedural features of witch trials. The third part of the book regards the formal rules for the prosecution of witches, to ensure her conviction and sentence. The book substantiates cooperation of bishops and inquisitors and confirms desirability of secular authority jurisdiction in cases regarding *maleficium*.

The Hammer of witches was an instant success: it was published 29 times in Germany, France, Italy, and other countries. It was highly appreciated by both Catholic and Protestant theologians and lawyers and even by the emperor Maximilian I. Stanisław Ząbkowic, a lawyer and a secretary of the influential dignitary Janusz Ostrogski, translated it into Polish and published in Cracow in 1614, so the book became accessible to any literate person in Poland-Lithuania. By that time, ecclesiastic authorities in Poland-Lithuania had lost their jurisdiction over witchcraft that made some key points of the book irrelevant. The translator and editor supposed his book first of all not for practical application but to educate compatriots about the dangers of witchcraft – that is why this edition omits the 3rd part of the original work devoted to legal details.[143] Original Latin version penetrated to the Grand Duchy much earlier. The first mention of *Malleus Maleficarum* in Lithuania comes from the 1510 catalogue of the Grand Duke's private library. Anonymous librarian listed the treatise as *Hammer of evils* (*Molot zlostej* in the Ruthenian original text) among Latin books bought in Piotrków in Polish Crown.[144] Nevertheless, the role of this fatal treatise in Lithuanian witch trials was imperceptible. Gitana Zujienė examined the trial records to compare them to provisions of *Hammer of Witches*, but she could find only a few parallels.[145]

The Inquisition, contrarily to the popular notions, was not the exclusive or the most bloodthirsty participant of witch trials. Of course, as it was mentioned before, Inquisitors started to theorize about the danger of diabolic witchcraft and introduced their experience of heresy persecutions. The significant participation of Inquisitorial Tribunals in witch trials took place in

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[143] Jakob Sprenger and Heinrich Institoris, *Młot na czarownice postępek zwierzchowny w czarach, a także sposób uchronienia się ich, i lekarstwo na nie w dwóch częściach zamykający ; księga wiadomości ludzkiej nie tylko godna i porzebna ale i z nauką Kościoła powszechnego zgadzająca się*, trans. Stanisław Ząbkowic (W Krakowie: W Drukarni Szymona Kempiniego, 1614).

[144] Stanislav Ptašickij, *Biblioteka Velikogo knjazja Litovskogo v Vil'ne v 1510 godu.* (Sankt-Peterburg: Tipografija Ju.N. Ėrlich, 1888), p. 3.

[145] Gitana Zujienė, "Witchcraft Court Cases in the Grand Duchy of Lithuania in the Sixteenth to Eighteenth Centuries." in *Lithuanian Historical Studies,* vol. 20 (2015), p. 79–125.

Spain, Portugal, and Italy. The number of the accused and the percentage of burned victims were relatively lower than in countries with secular prosecution of witches. The reason was that inquisitors usually operated under strict regulations. In Spain, the Inquisition issued guidelines for investigations of witchcraft in 1526, and the investigations during the 1614 mass panic in the Basque country led to the revised, more strict version. In Italy, the Roman Inquisition intervened in witchcraft cases when their numbers rose markedly late in the sixteenth century. The Spanish and Roman Inquisitions had never accepted the doctrine of the witch-cult as an exceptional crime and did not justify the suspension of regular prosecution.[146]

There is an established notion in the scholarship that the Inquisition appeared in Lithuania in 1436. The reason for its establishment and the main task was to struggle against followers of Bohemian reformer Jan Hus. However, Pavel Kotau argues the misunderstanding of the sources and suggests that the inquisition was absent in the Grand Duchy at all. Persecution of heretics remained a task for bishops. Anyway, no trials of heretics or witches are known in the Grand Duchy of Lithuania.[147]

The main body of ecclesial judicial power in Lithuania was Vilnius Chapter, established in 1387.[148] Its main task was to defend church estates from raids and property claims, but spiritual offences were in its competence as well. In 1535 Vilnius Chapter obtained for some time the right to prosecute heretics – Lutherans and Anabaptists.[149] As a feudal lord, the Church possessed the jurisdiction over subjects of its estates, but its stewards had to observe the usual way of secular patrimonial trial.

There are no direct evidence about witch trials in Vilnius Chapter, inquisitorial or other church courts, although it cannot be ruled out, especially considering the time before judicial reforms of the 1560s-1580s. However, Catholic legal approach could influence secular courts in different ways. For example, the code of Catholic canon law *Corpus Juris Canonici* presented in private libraries of educated noblemen and lawyers.[150] Catholic priests influence patrimonial

[146] Edward Bever, "Witchcraft Prosecutions and the Decline of Magic," *Journal of Interdisciplinary History* 40, no. 2 (2009): 263-293, p. 272, 274.

[147] Pavel Kotaŭ, "Vjalikae knjastva Litoŭskae i čěšskaja rėfarmacyja ŭ peršaj trėci XV st." In *Zbožža. Vypusk 1. Carkva, rėformy i Rėfarmacyja*, edited by N. Vasilevič: 221-250. (Minsk: Medysont 2019), p.244-245.

[148] Jan Kurczewski, *Biskupstwo wileńskie od jego założenia aż do dni obecnych ; zawierajace dzieje i prace biskupów i duchowieństwa djecezji wileńskiej, oraz wykaz kościołów, klasztorów, szkół i zakładów dobroczynnych i społecznych* (Wilno: J. Zawadzki, 1912), p. 24.

[149] Kurczewski, *Biskupstwo wileńskie*, p. 34

[150] Bardach, Jerzy. "Statuty Wielkiego Księstwa Litewskiego - pomniki prawa doby odrodzenia." *Kwartalnik Historyczny,* r. 81, nr 4 (1974): 750-780, p. 758.

jurisdictions of gentry: they applied to manor owner or his steward to punish those who practised sorcery.[151]

Thus, in both Orthodox Ruthenia and Catholic Lithuania since their Christianization, witchcraft officially belonged to cleric jurisdiction. Any kind of magic and sorcery was regarded as a spiritual offence. The most common approach was to treat magic as superstition along with other errors of paganism – the problem of weak catechization of the society was significant to the time of Reformation and Counter-Reformation. At the same time, the Orthodox Church possessed experience of struggling against pagan witch-hunts. Considering the hostile attitude of the Orthodox elites towards Western Christianity, the same model of regarding witch-hunts as lack of faith in God's power might be applied to Catholic-led Western witch trials. As a result of such approach of both churches, humble sources of the epoch contain different condemnations of magic practices, but no evidence of their organized and encouraged prosecution. It seems, state and society for a long time generally shared this view on witchcraft.

2.1.3. Witchcraft between the Church and the State

The 15th – early 16th centuries was the time when the unification of the Grand Duchy and rapid development of its state institutions occurred. Grand Duke's stewards replaced feudal princes, Lithuanian nobles and Ruthenian *boyars* obtained privileges that led to their economic and political power, similar to Polish gentry. The development of domestic written law replaced customs of autonomous lands and defined boundaries of ecclesiastic jurisdiction. Culturally, the Grand Duchy of Lithuania firmly asserted its turn to the West.

Considering the eve of the witch-hunt in Lithuania, it is worth to mention the enigmatic statement from the Latin epic poem *The Song about Bison, Its Stature, Ferocity and Hunt*[152] by Mikołaj Hussowski, a Catholic clergyman and a Renaissance poet from Grand Duchy of Lithuania. Mikołaj Hussowski started it in 1522 at the request of Pope Leo X who was curious about exotic Lithuania but because of Pope's death finished and published it in Krakow in 1523. Trying to present his country, Mikołaj often referred to the own observations. According to him, Lithuanian people believed in harmful witchcraft. Just for unclear rumours a suspected one could be seized, dunked and in case of a positive result – burned. Witchcraft was the most common for females but men seldom could also be accused. Hussowski admits that in Lithuania anyone can

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[151] Stefan Pawlik, ed., *Polskie instruktarze ekonomiczne z konca XVII i z XVIII wieku*, vol. 1 (Kraków: Akademia Umiejetnosci, 1915), p. 227.

[152] Nicolaus Hussovianus. *Carmen Nicolai Hussoviani de statura, feritate ac venatione Bisontis* (Kraków, 1523).

witness multiple cases of such kind. *Inter alia*, the poet praises the abundance of game and fish in Lithuanian forests in old times and admits their impoverishment in his days, as if of God's wrath or maleficent arts – probably, according to the popular explanations. [153]

       The problem is that the description of the trial looks unlikely to what we know about the witch-hunt in Lithuania, Ruthenia, and Poland at the same time (late 15th – early 16th centuries) and even in the later epoch. There is no information at all about witch trials in the Grand Duchy before 1532, and the earliest registered trial similar to the description would happen almost a century later. In neighbouring Poland, the main mediator of western influences for Lithuania, at that time such trials were still quite rare and occurred in a different manner: at that period they belonged mostly to the ecclesiastic jurisdiction, dunking was not common because of church condemnation, burnings were a seldom verdict. Unclear biography of Mikołaj Hussowski gives no chance to localize precisely the region and the time of the events described. There are no other sources known about such witch-hunts, but the scarcity of them for the time can be an explanation.

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[153] Cited according to Nicolai Hussoviani. "Carmen de Bisontis." In Mikola Husoŭski. *Piesnia pra zubra*. Edited by Ja. Semjažon, Ja. Parėcki, V. Daraškevič (Minsk, Mastackaja litaratura, 1980). *Belaruskaja Palička: belaruskaja ėlektronnaja biblijatėka*. Accessed April 12, 2019: https://knihi.com/Mikola_Husouski/Carmen_de_Bisontis-lat.html

Tantaquevis herbis gelida verbisque sub arcto
Semper inest, tantum carmina dira valent,
Ut Medea mihi non ulla parte videtur
Fabula, sed veram pene fuisse liquet,
Si contemplemur mirapula temporis huius,
Quamvis christicolae cuncta vetare velint
Et soleant hominum subitis immittere flammis
Quemlibet, ut primum res manifesta foret,
Qui se vel modice de talibus implicetactis
Et non continuo deferat ilia videns.
Si quis et ambiguo plebis rumore notatur,
Quanquam vel tenebris abdita facta latent,
Arripitur, manibus subito pedibusque ligatus
Proicitur tumidas protinus inter aquas.
Si mergi fuerit visus, revocatur ut insons,
Si contra, semper creditur esse nocens.
Compresses laqueis in gurgite vidimus alto
Luctantes undis mergere posse caput;
Multaque clamosae spectabant milia plebis;
Me stupor attonitum reddrdit inde gravis:
Ipsa fluens adeo dirum caput unda refugit,
Ut sibi dissimilis tune mihi visa foret.
Justior est ignis, qui talia solvere monstra
Et solet hoc tetrum saepe domare nefas.
Omnia Litphana dubitans regione videbit
Saepe palam fieri meque probata sequi.

From this scarce notion, one can try to imagine these witch-hunts. It could be an echo of the first wave of witch trials started from the Alpine region. As far as dunking as the main evidence noted, they were of secular nature. The poet mentions big crowds gathered for trials and natural calamities as a reason that was typical both for medieval Rus'ian popular witch-hunts mentioned earlier and 15th-century Alpine witch trials. It might be the time of the introduction of the dunking as a legal custom for investigation of such crimes – as it would be applied later in rural courts and small towns despite ecclesiastic and secular regulations. Jacek Wijaczka considers the earlier and wider application of the dunking as a specific feature of the Lithuanian witch-hunt.[154] Supposedly, these cases were not of a large scale, maybe local outbursts of witch panic (otherwise more sources could notice them), but also this testimony can demonstrate the new, secular concern about spiritual matters brought by Reformation.

Reformation shifted boundaries between the lay and the ecclesiastic. As a part of Protestant religious reform, secular rulers that became heads of local churches or patrons of new communities started paying close attention to the piety of their subjects. They issued regulations that often included measures against magic and witchcraft. The closest example for Lithuanians was the Duke of Prussia: Albert I while proclaiming a reform of the church in his state in 1525, criminalized such sins as drunkenness, adultery, swearing, also paganism and witchcraft.[155] Lithuanian Protestant nobility also undertook similar measures. For example, Ostafi (Eustachy) Wołłowicz, an influential dignitary and patron of Lithuanian Reformation, issued in 1583 a decree for his estate Nowe Miasto near Upytė that prescribed to punish severely sorcerers (*burtniki*) and witches (*czarowniki*), that have to be banished from the estate.[156]

Probably, it was the reason why some early registered witch cases appeared in secular courts. They still reflected the church vision of witchcraft as an offence *per se*, but as superstition rather than heresy. For example, it is worth to regard early cases from distinctive regions: the case of 1532 from Vicebsk, the centre of autonomous Ruthenian land, former princedom, and cases of 1552 and 1563 from Kaunas, Hanseatic trade centre with Magdeburg right in ethnic Lithuanian area, which became a pioneer of Reformation after acceptance of the Augsburg Confession in 1550.

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[154] Jacek Wijaczka, "Próba zimnej wody (pławienie) w oskarżeniach i procesach o czary w państwie polsko-litewskim w XVI–XVIII wieku" in *Odrodzenie i Reformacja w Polsce,* vol. LX (Warszawa: Wydawnictwo Naukowe Semper, 2016): 73-110, p. 76-77.

[155] Janusz Małłek, *Dwie części Prus: studia z dziejów Prus Książęcych i Prus Królewskich w XVI i XVII wieku* (Olsztyn: Wydaw. Pojezierze, 1987), p. 163.

[156] Norbertas Velius, ed., *Baltų religijos ir mitologijos šaltiniai*, vol. 2 (Vilnius: Mokslo ir enciklopedijų leidybos institutas, 2001), p. 612-613.

In the Vicebsk case, there is no information about any harmful activity of the accused. City assembly and a voivode sentenced her to banishment for sorcery.[157] Banishment for the practice of sorcery corresponded not only to Reformation novelties among Livonian and Prussian counterparts of Vicebsk burghers but also to the mentioned above *Ecloga* prescriptions, which was often part of different Rus'ian church judicial collections and could have an impact in Orthodox Ruthenian city that still preserved its customs.[158] Contrary to Vicebsk, Kaunas was definitely a pioneering city of Reformation, culturally end economically connected to Duchy of Prussia and the whole Baltic sea region. In two cases from Kaunas city court, burghers of Kedainiai (1552) and Kaunas (1563) denounced local wise women – not for harm, but suspicious help: healing with herbs and spells.[159] In both cases, no penalty was recorded – perhaps, magistrates still considered it as a harmless superstition that requires not punishment but admonition. Nevertheless, Reformation was an important factor that contributed to the transfer of witchcraft from ecclesiastic jurisdiction to secular courts.

The final shift to secular prosecution of witchcraft in Lithuania has occurred following Polish example. The struggle of Polish gentry for liberties and the beginning of Reformation led to a reduction of Catholic Church legal power over nobility. The jurisdiction over witchcraft among other more burning and sensitive issues became a point of discussions – and the clergy has lost. Despite the Sejm constitution of 1543 that claimed witchcraft under church jurisdiction, Polish judicial practice drove it to secular courts.[160] Lithuanian nobility accepted the same approach, which was easier to implement in the Grand Duchy because of its traditional religious diversity. Unlike the Polish Crown, where it was just a legal custom, Lithuanian Statute of 1588 legislatively fixed secular jurisdiction over witchcraft cases. Article 31 of chapter 3 had enshrined a primacy of civil jurisdiction over the ecclesiastic one. It prohibited to try in church courts any cases of laypeople about non-religious matters.[161] Such decision was an important

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[157] Zmicer Daŭgjala, ed., *Belaruski archiŭ*. Vol. 2. *Litoŭskaja metryka (XV—XVI st.)* (Minsk: Instytut belaruskaj kul'tury, 1928), p. 96-97.

[158] Elena Lipšic, trans., *Ėkloga. Vizantijskij zakonodatel'nyj svod VIII veka.* (Moskva: Nauka, 1965), p. 41.

[159] RTL 1, 3.

[160] Małgorzata Pilaszek, *Procesy o czary w Polsce w wiekach XV-XVIII* (Kraków: Universitas, 2008), p. 211-213.

[161] Lickevič, ed. "Statut Vjalikaha Knjastva Litoŭskaha 1588 h.," p. 578:
Težъ ustavuemъ, ižъ biskupove, prelati stanu duchovnogo i ix spravъcy kn[ja]žatъ, panovъ i vsej šljachъty, ricerstva i meščanъ i vъsichъ poddanychъ našychъ, jako i šljachetskichъ ne majut' nikogo ku sobe do duchovnogo prava o svetskie reči pozyvati. Takъ tež i sama šljachъta, meščane i vsi poddanye našy i tež poddanye šljachetъskie jakogo kol'vekъ stanu ne majut' se do duchovъnogo prava utekati i pozyvati o reči svetъskie pod zakladom storone pozvanoj dvadcatma kopami grošej i pod nagorožen'emъ utrat vsich zъ sovitost'ju. Nižъli što ku pravu duchovnomu naležati i prisluchati budet', to v duchovnom prave spravovano i sužono byti maet'.

victory of the nobility that despite belonging to different denominations sought to sustain the political gains of Reformation. Among others, it lifted the church jurisdiction over witchcraft. In Polish Crown, the clergy later tried to reclaim its supremacy in witch trials referring to the Sejm constitution of 1543 that formally was never abolished.[162] At the same time, in the Grand Duchy of Lithuania clerics only could urge the cooperation to overcome the ignorance of lay judges in spiritual matters. After that, the clergy had still quite a substantial but only indirect influence on witch trials.

Therefore, the reduction of ecclesiastical power as a result of the state unification, the rise of gentry republicanism and Reformation, as well as examples of such legislative steps in other countries were the main reasons of driving witch trials to secular judges in the Grand Duchy of Lithuania.

The shift from ecclesiastical to secular jurisdiction usually was a significant step to the deployment of witch-hunts in different countries of Europe. It stressed practical maleficent aspect of sorcery instead of more ephemeral offence against faith, and harmful spells concerned everyone who believed in them. The idea of witch-caused *maleficium* seemed a good explanation for misfortunes, especially when the state confirmed it and provided the opportunity to prosecute a supposed culprit. For the Early Modern state, it was the manifestation of its universality, a claim of its superiority in various spheres of public life. Its written law and official courts were capable to solve the matters even on the boundary between natural and supernatural worlds. As Brian P. Levack rightly points out, without the mobilization of the secular power, the great witch-hunt would have been a mere shadow of itself.[163]

2.2. Legal foundations of the Lithuanian witch trials

2.2.1. Witchcraft and magic in the Lithuanian Statute

The first and the only Lithuanian written law concerning sorcery as a crime officially appeared in the Third Statute of the Grand Duchy of Lithuania, issued in 1588.

The Statute of 1588 was a result of the intensive half-century development and codification of the Lithuanian law caused by essential changes in Lithuanian state and society occurred in the 16th century. These changes had their roots in the second half of the 15th century when a long period of peace between 1435 and 1492 brought rising prosperity. The decline of

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[162] Michael Ostling, "Konstytucja 1543 r. i początki procesów o czary w Polsce," *Odrodzenie i Reformacja w Polsce* 49 (2011): 93–103, p. 96-98.
[163] Brian P. Levack, *The Witch-Hunt in Early Modern Europe.* (London; New York: Longman, 1995), p. 84.

hostility between Lithuania and the Baltic crusader states opened the opportunity of wide exploitation of Neman and Daugava rivers as trade roots to Western Europe, which began its recovery from demographic and economic stagnation. The western market demanded grain, timber, other forest products. Lithuania used the chance to get a share of this production. It increased greatly the importance of the land property.[164] Not wars but agriculture could make a fortune for nobility. It caused the final formation of the influential gentry, which led to its internal consolidation and segregation from unprivileged estates. Lithuanian nobility followed the example of Polish gentry that advanced more in a similar process. Lithuanians desired similar *Golden Liberties* and participation in state rule, so they supported deeper integration with Poland. That led to the wide reception of different Polish features of the state system, administrative division, judicial institutions, etc. Alongside the integration with Poland, these reforms completed the unification of different regions of the Grand Duchy of Lithuania. They eliminated to a great extent last features of autonomous statehood of Samogitia and Ruthenian lands, replacing the local state, administrative, judicial customs and institutions by unified ones. The judicial and administrative reforms of the Sigismund Augustus, and especially the introduction of the codified written law, were a great tool of internal legal de-bordering.

However, Lithuanian society not only adopted Polish features but adapted them. It was not the first experience of borrowing. S. Kutrzeba called the Grand Duchy a classic land of reception.[165] Under the Polish layer, there were already Ruthenian legacy and German borrowings from the Order state.[166] The interaction of those layers determined the specifics of the Grand Duchy in the Polish Lithuanian Commonwealth.

One of the most important outcomes of the reform was the Lithuanian Statute of 1588. It was the third and the most successful attempt to codify the Lithuanian law (after Statutes of 1529 and 1566). Created by the commission of professional lawyers and politicians of different ethnic, religious and cultural background (the commission included Catholics, Orthodoxes, Protestants of Lithuanian, Ruthenian, Polish and foreign origin), it absorbed local Lithuanian and Ruthenian customs, Roman and German law as well as advanced legal ideas of the time. Despite some critique, the Statute of 1588 was valid longer than the Grand Duchy of Lithuania existed – it was abolished only in 1840 by Russian authorities. The code has not been amended but supplemented with other legal acts. At the conclusion of the Union of Lublin, it was agreed that decisions of the

[164]Frost, *The Oxford history of Poland-Lithuania*, p. 290.
[165] Andrzej B. Zakrzewski, *Wielkie Księstwo Litewskie (XVI-XVIII w.): prawo, ustrój, społeczeństwo*(Warszawa: Campidoglio, 2013), p. 44.
[166] Zakrzewski, *Wielkie Księstwo Litewskie*, p. 38-39.

common Sejm would be a superior law to both parts of the federation, so Sejm constitutions provided necessary updates as supplements to the Statute.[167]

The Statute of 1588 included witchcraft in the sphere of state regulation as a crime. Article 30 of chapter 4 mentions sorcery (*čarodejstvo*) next to robbery, rape, arson, and other serious felonies.[168] It was in the jurisdiction of state officials: voivodes, starostas and stewards. Mentioning sorcery, the Statute does not provide any further information about its forms and features. Courts had to judge sorcery by analogy with those capital crimes listed and punish it by the death sentence. However, any regulations about the way of execution are absent: perhaps, burning was already established custom.

The brevity of the formulation leaves unclear whether the authors supposed to prosecute for the practice of witchcraft or just for harm caused. The former approach was typical for old inquisitorial as well as new Reformation Western trends and the domestic tradition of the ecclesiastic jurisdiction. However, the context supports the latter version. Other misdeeds mentioned there deal with life, health or property damage, so naturally to assume that the term "witchcraft" actually referred not to the occupation or beliefs of the person but an instrumentality of the offence.

The Statute of 1588 was a developed version of the Statute of 1566. The article under consideration differs from the previous version only by mentioning sorcery in the list of crimes. What had changed during these 22 years, to require the update? By that time, witch trials had become already quite common for the Polish Crown – especially in German-influenced Royal Prussia and Greater Poland.[169] In the Grand Duchy of Lithuania in 1550th-1580th, a number of the witchcraft cases were held in the city and county (*powiat*) courts of Viciebsk, Kaunas, Mahilëŭ. Perhaps the emergence of such practice led to the inclusion of the sorcery in the Statute, which was considered to become the universal law code for all needs.

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[167] Stanislav Ptašickij, *K istorii Litovskogo prava posle tret'ego Statuta.* (Sankt-Peterburg: Tipografija V.S. Balaševa i K, 1893), p. 9.

[168] Lickevič, ed. "Statut Vjalikaha Knjastva Litoŭskaha 1588 h. ", p. 597:

Ustavuemъ težъ, chotečǐ meti, i daemъ mocъ, aby voevodove i starostove naši sudovye, koždyj vъ povete i vrjade svoemъ sudovom sudili i spravovali i pozvy svoi davali o tye artykuly, menovite tutъ opisanye, to estъ o naezdъ kgvalъtovnyj na domъ šljachetъskij, ne tolko na samyj dvorъ, ale i na gumno abo na dvorecъ, gde bydlo i inъšoe gospodarъstvo domovoe byvaet' chovano. K tomu o kgvaltъ kostela chrestijan'skogo vodъlugъ arъtykulu tretego vъ rozъdele odinadъcatomъ, o kgvalъtovane panenъ i nevestъ, o kgvaltъ v mestech našichъ, o rozboj po dorogachъ, o zlodejstvo, o falšъ, o požogu domu abo gumna, o čarodejstvo, o trutiznu i otpoved' ot šljachъtiča šljaъchtiču na zdorov'e abo ognemъ, i o golovu šljachetъskuju takže i poručъnikovъ takichъ, kotorye by o pochъvalku na gorlo abo ognemъ kogo ručili.

[169] Bohdan Baranowski, *Procesy czarownic w Polsce w XVII i XVII wieku.* (Łodź: Łódzkie Towarzystwo Naukowe, 1952), p. 22.

Therefore, the Statute also considered illegal use of magic means without *maleficium*. For instance, article 18 of chapter 14 considers the situation when the suspect under torture applies charms to avoid pain, which could be proved by things found on his body. In such a situation, the suspect had to be found guilty automatically.[170] It is obvious that legislators didn't regard magic as a crime *per se* but as an attempt to mislead the investigation. This provision had its roots in the days when the witch-hunt has not yet begun in Europe. The Casimir's Code of 1468 had the same notion.[171] The roots of the provision seem to be in the medieval editions of *Speculum Saxonum*, which contained the wide application of tortures.

Mentioning the sorcery in that way, alongside other crimes, the Statute also defines the way of conducting the trial. In Western Europe, first of all, in Germany witchcraft often was considered a *crimen exceptum*, an exceptional crime involving supernatural forces that hardly possible to investigate in a regular way. Such a vision legitimized the unrestricted use of tortures, ordeals, etc.

Lithuanian Statute did not make an exception for witchcraft cases, a witch trial took place in a conventional way and guaranteed the accused all statutory rights: the right to judicial defence, the limitation of tortures (no more than three times a day), compensation in the case of exposure of slander, etc.

The creators of the Statutes admitted its imperfection and offered a mechanism to overcome it. Article 54 of chapter 4 stipulated the recourse to the laws of other Christian states. And indeed, gaps of Lithuanian legislation were filled with provisions of German legal sources – Magdeburg law (*Sachsenspiegel*), and the law of the Holy Roman Empire (*Carolina*) in Polish translations. Less frequently, some Polish codes and even Bible provisions were applied. This short Statute article had a powerful potential: the possibility to refer to well-developed anti-witchcraft notions of German law could give free rein to witch-hunters and contribute to the expansion of Western witchcraft beliefs.

The Statute was the primary legal base for the court system of the Grand Duchy of Lithuania. It was mainly applied in criminal county courts (*sąd grodzki*). *Kopa,* a rural

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[170] *Nižli estli by totъ zlodej v odnoj muce dlja čarovъ spalъ a muki ne čulъ, a tye čary byli by pri nem najdeny uv ustechъ abo na golove u volosechъ podpachami abo gde inde, togdy navezki emu ne povinenъ dati i ešče takovyj priličnyj zlodej chotja by sja za takimi čary do zlodejstva ne priznalъ budet' povinenъ storone žaloblivoj škodu platiti na čomъ prisjagnet'..* (Lickevič, ed. "Statut Vjalikaha Knjastva Litoŭskaha 1588 h.," p. 686.)

[171] *A koli tat' dast'sja na muku, a zel'ja znaa, a znaky budut' dobryi na nego sok uzsočit', a budet pervo togo kradyval a ljubo mučivan, a svedomo to budet' okolici, ino togo zelejnika chotja na domučatsja, ino ego obesiti.* (Valeryj Pazdnjakoŭ, ed., "Sudzebnik 1468 h." In *Vjalikae knjastva Litoŭskae: ėncyklapedyja.* Vol. 3 Dadatak, edited by T. Bjalova and all: 429-430 (Minsk: Belaruskaja Ėncyklapedyja imja Petrusja Broŭki, 2010), p. 429)

communal court subordinated to the county court, tried cases according to the local customs if they did not contradict the Statute. Patrimonial courts despite their autonomy and legal immunity of lords in their manors also had to follow state laws, especially in felony cases. So the majority of the population (except burghers of the cities with Magdeburg right) was under the jurisdiction of the Statute. To compare, in Poland the majority of witch trials were held in city courts guided by the Magdeburg law which was more competent in witchcraft cases and even peasants were brought to cities for trial.[172] However, the Statute was not the only legal source for county courts. At times, different systems of law were combined during the same trial that enabled ambiguous interpretations and manipulations. One of the brightest examples was the case of Raina Hromyczyna that occurred in 1631. A year before in Slonim, a supposed witch Hanna Karotkaia during interrogation accused a village priest's wife Raina Hromyczyna in witchcraft and bewitchment of Lithuanian Marshall Jan Stanislaw Sapieha. Sapieha brought Raina Hromyczyna to trial. Because of her noble origin and highly professional defence by her attorney, the trial was long (several months) and complicated, so its documents demonstrate a broad range of legal and worldview details. At the trial, the prosecutor and the advocate referred to the Statute, Magdeburg law, German imperial law (*prawo cesarskie*) and the Bible (Books of Moses), depending on the interests of the parties. For example, the defender appealed to the Statute notions prescribing the usual order of the trial proceeding, including limitation of torture, while the prosecutor referred to the German law, which ordered another, more severe and rigid procedure.[173]

To conclude, the Statute of 1588 included sorcery in the list of state-persecuted capital crimes and defined the ordinary procedure of trial. The presence of this notion in the Statute limited (though did not exclude) the adoption of foreign, first of all, the German law and especially extraordinary witch trial procedure. Perhaps, this could be among the reasons for such a significant difference in the scale of witch-hunt comparing to the Polish Crown which followed German practice more adherently. More fatal potential in witch trials had the mechanism of gap elimination by switching to other Christian laws that enable references to more advanced German and Polish witch-hunt experience.

Introduction of these moderate prescriptions into the state legislation had also a worldview outcome. It confirmed that witchcraft was not a pagan fallacy or an ephemeral illusion but a part of reality that could influence human well-being. Also, it excluded witchcraft from the sphere of interpersonal relationships and emphasized its public danger. The Statute not only established a legal base for sorcery prosecution but legitimized it in broad meaning for both

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[172] Baranowski, *Procesy czarownic w Polsce*, p. 75.
[173] ASZR, vol. 3, p.120, 125, 127-128

the state elite and common people which made witch trials in the Grand Duchy of Lithuania possible.

2.2.2. Magdeburg law

Another legal system of German origin containing developed anti-witch provisions was Magdeburg law. During the 16th–18th centuries, most of the cities and towns obtained self-government according to this model. As the Magdeburg law was in use in Poland and Lithuania since the 14th century, it gradually became not a foreign but a domestic system of law for burgher estate, parallel to the Statute. Polish jurists of the 16th century argued that one should call it not German but Polish city law.[174]

Contrary to Poland, Lithuanian cities almost did not apply other similar city legislations like Kulm or Neumarkt rights. The Magdeburg right of Vilnius that was the first city to obtain it in 1387 became the model. As for Ruthenian cities, some of them (Sebezh, Nevel') obtained it on the discriminative model of Smolensk, that excluded Orthodox believers from its jurisdiction (similar to the exclusion of Jews that usually stayed outside it). This law was widespread not only within autonomous cities but in privately-owned settlements. Magnates promoted Magdeburg right that was beneficial for urbanization in their possessions, so many large and small private towns enjoyed it. However, some cities could lose it for some time, like Vicebsk that lost it in 1623 as a punishment for public disorders and lynching the Church Union propagator bishop Jozafat Kuncewicz and returned it in 1654. The other did not gain it at all, like Bychaŭ, a significant military stronghold and economic centre near the eastern border.[175] Also, in cities, there were quarters settled by serfs that stayed under the patrimonial power of their lord. Nonetheless, the significant part of the urban and semi-urban population lived under the jurisdiction of the legislation that differed from the state one.

The Magdeburg law was based on *Weichbild* of Magdeburg (*Ius municipale magdeburgense*) and *Sachsenspiegel* (*Speculum Saxonum)* supplemented with various legal acts and customs. In the Commonwealth, its translations and handbooks for judges were made by Cracow *jurist* Bartłomiej Groicki[176] and Paweł Szczerbic from Lviv [177]. Their books became

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[174] Aleksander Kraushar, *Pierwsza książka prawnicza polska z wieku XVI* (Warszawa : skł. gł. E. Wende, 1905), p. 8.

[175] Anatolij Grickevič, *Častnovladel'českie goroda Belorussii v XVI-XVIII vv. (social'no-ėkonomičeskoe issledovanie istorii gorodov)* (Minsk: Nauka i technika, 1975), p. 178-189.

[176] Bartłomiej Groick, *Artykuły prawa majdeburskiego, które zowią Speculum Saxonum* (1558), *Porządek sądów i spraw miejskich prawa majdeburskiego w Koronie Polskiej* (1559)

[177] *Ius municipale, to jest prawo miejskie maydeburskie nowo z łacińskiego i niemieckiego na polski język [...] przełożone.* (1581). *Speculum Saxonum Albo Prawo Saskie y Maydeburskie porządkiem obiecadła z Lacińskich y Niemieckich exemplarzow zebrane* (1581).

extremely popular. In fact, in the majority of Lithuanian (and according to Olga Keller, in all Ruthenian) cities, courts used them as official and the only sources of Magdeburg law.[178] By comparison, *Speculum Saxonum* could be treated as a separate code of German Imperial law to be used not only for burghers but as a supplementary law in trials between nobles.[179]

Szczerbic's translations published in the late 1550s despite their thoroughness omitted witchcraft issue – perhaps, because of the low incidence of witch trials in Polish Crown to this time. On the contrary, Groicki paid attention to this new crime. His *Order of the courts and municipal matters of the Magdeburg law in the Polish Crown* contains some laconic information for witchcraft prosecution. In the list of crimes for different kinds of capital punishment witchcraft and poisoning are placed between apostasy and heresy. Like apostates, witches should be burned.[180] Comparing to the Statute notion, witchcraft is equated not to the harmful felonies, but crimes against God. Moreover, discussing heresy several lines below, Groicki reminds that king Władysław II Jagiełło had recognized it *lèse-majesté*, the offence against the dignity of a monarch – a very serious crime. The equation of heresy and witchcraft allowed trying witchcraft cases not in accusatorial but in an inquisitorial way – without private charge, just upon the initiative of the official. To become an offender, one not necessarily needs to cause some injury or loss caused but just be engaged in the forbidden activity. That approach was the polar opposite to the one of the Statute.

Prescriptions of the Magdeburg law could have more influence at the initial stage: it was valid in some cities long before 1588. Thus, Kaunas, a hot spot of early trials, had enjoyed the Magdeburg right since 1408. However, any legal references are absent in the early records, moreover, there is a lack of known trials in other cities with the same right (about 30 localities to 1588) – except Kaunas, one can point only a trial of 1577 in Mahilëŭ (which gained the Magdeburg right exactly in the same year).

2.2.3. German imperial law

German imperial law was an important supplementary legal source for a variety of needs. This term could refer to a complex of legal notions used in the Holy Roman Empire, but the most popular and widespread source of it was *Constitutio Criminalis Carolina.* This code was of

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[178] Olga Keller, *Srednevekovoe nemeckoe pravo na zemljach Central'noj i Vostocnoj Evropy v XIII-XVIII vekach* (Minsk: RIVŠ 2012), p. 115-116, 120-122.
[179] RTL 17, p. 137.
[180] Bartłomiej Groicki. *Porządek sądów i spraw mieyskich Prawa Maydeburskiego na wielu mieyscach poprawiony* (Kraków: Łazarz Andrysowic, 1562)*,* sheet CXXVIII:
"Odszczyepieniec Wiary ma być spalon. Tąż śmiercią ma zginąć Czarownik y ktoby komu iad zadał."

considerable importance in the formation of witch trial tradition in Central and Eastern Europe. It was the first body of German criminal law, ratified in 1532 under Emperor Charles V ruling. As a typical source of Early Modern justice, *Carolina,* the same as *Sachsenschpiegel* relies on the wide application of tortures. On the one hand, the application of the code attempted to restrict misconducts and excessive brutality of local judges in the witch-hunt hot-spots but on the other, it promoted anti-witchcraft legislation to the new areas, first of all to East-Central Europe. It was an authoritative source of legal borrowings for foreign legislators. *Carolina*'s approach to witchcraft spread in the Polish-Lithuanian Commonwealth and produced a developed legal basis for the persecution of sorcerers. It regulated the procedure for interrogation, torture, necessary evidence, penalty, etc. – all that was lacking in the Statute.

Carolina became popular in the Commonwealth in translations and interpretations by *Bartłomiej Groicki*, Polish lawyer from Cracow who contributed greatly to its introduction to Poland and Lithuania. He published his work in Polish in 1559 as *Postępek sądów około karania na gardle* (*Court Conduct about Capital Punishment*).[181] The edition became extremely popular and it had multiple reprints. It was very common for courts and private libraries to possess exemplars of Imperial law in this translation.

Four articles of original *Carolina* consider witchcraft. However, in its Polish translation, *Postępek…,* only two of them directly refer to this crime.

Article XIV defines evidence of witchcraft that allows torture application. They include teaching sorcery and threats with misfortunes that later have come true. The wide and indefinite criterion was the information of strange and suspicious behaviour, customs, words and bad reputation at all. The article underlines that all such practices are against God and people so they should be punished severely.[182] The code regards different features of torture application: conditions, procedure, reliability of evidence under torture, etc. Judges could set the duration and severity of torture by themselves, according to their evaluation of the seriousness of the crime (Article XXVII). In addition, the accuser can feel safer: no any penalty for false denunciation if defendant suffers all tortures and doesn't confess – in case that initially was evidence to raise suspicions. (Article XXXI). It should be noted that Groicki was one of the first European lawyers

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[181] Full title: *Ten postępek wybran iest s Praw Cesarskich, ktory Karolus V. Cesarz kazał wydać po wszythkich swoich Państwiech : ktorym sye Nauka daie, iako w tych Sądziech a sprawach około karania na gardle albo na zdrowiu, Sędziowie y kożdy Vrząd ma sye zachować y postępować wedle boiaźni Bożey, Sprawiedliwie, pobożnie, rostropnie y nieskwapliwie.* Kraków, 1559.

[182] Groicki, *Ten postępek...* p. 12b-13.

who criticized torture application.[183] In his commentaries, he argued ineffectiveness of pain to obtain reliable information.

Article XXII prescribes how to interrogate an accused who confessed in witchcraft. In addition to the standard set of questions (clarifying motivation and details of crime), an interrogator should ask about ways of bewitchments: words, rituals, objects. In case of confession about some hidden spells, these objects might be found and brought to the court. Other questions consider general witchcraft activity of the accused: how he or she has learned sorcery, how many times and against whom used it and which harm caused.[184] Despite the widespread contemporary practice of Western witch trials to prosecute not a single witch but to reveal the whole heretic underground network, *Carolina* did not demand to detect and put to trial accomplices of a defendant. Also, these notions leave unclear the question of devil's participation: it provides an opportunity to interrogate about it alongside other circumstances of the case as well as to avoid this issue.

Article LXVI originally discusses ways to punish for witchcraft. It determines to burn a witch for any kind of harm. In case of absence of any harm but in presence of suspicions and found evidence, non-capital punishment to be decided. To solve such complicated cases as witchcraft, judges should consult competent specialists.[185] However, Groicki translated original German term *Zauberei* – sorcery as *trucizna* – poisoning.[186] Simultaneously, the work contains Article LXXIX that considers poisoning and prescribes breaking on the wheel for men and drowning for women.[187] Thus, this translation defines details of witch trial procedure but doesn't offer the punishment for this crime. However, burning was a traditional and obvious sentence.

Mentioned provisions of Imperial Law do not provide an exact definition of the crime – it was presupposed to be self-evident, that left a space for different interpretations depending on witchcraft beliefs of a particular society. Notoriously, that any references to the diabolic concept of witchcraft are absent in the code. The only mention of the spiritual aspect of the crime is a remark about the ungodly character of it, that was suitable not only for German fighting against diabolic witch sect but as well for Lithuanian persecution of maleficent sorcery. Thus, witchcraft in *Carolina* was not a devil-worshipping heresy but first of all, a felony for particular injure or harm.

This reduction just to secular and strictly judicial approach determined the same point of view at witchcraft in Lithuania: while demonology and anti-witchcraft treatises were read by

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[183] Pilaszek, *Procesy o czary w Polsce,* p. 186
[184] Groicki, *Ten postępek...* p. 17.
[185] Groicki, *Ten postępek...,* p. 36.
[186]Pilaszek, *Procesy o czary w Polsce*, p. 188-189.
[187] Groicki, *Ten postępek...,* p. 41b.

few, Groicki's translation of *Carolina* widely circulated, it was studied and applied in all levels of more or less educated part of the society dealt with the sphere of justice. Despite quite rare direct references to this code, the features of the common witch trial procedure often looked similar to the *Carolina* provisions. Perhaps, Polish experience of the wide application of German law in court practice had a significant impact on Lithuanian justice.

The impact of Western jurists on the witch trials in the Grand Duchy of Lithuania was pretty low. It was already demonstrated earlier about the *Hammer of Witches*. The only reference to the source of such kind can be found in the materials of the mentioned complicated case of Raina Hromyczyna, tried in Navahrudak county court and Supreme Tribunal in 1631. As far as both parties belonged to nobility and their attorneys were professional and persistent, the range of judicial means was very wide. Among others, the attorney quoted nuances of witch prosecution according to Imperial law from some "books on the investigation of spells and sorcery" (*"knigi rozoznan'ja čarov i čarnoksenstva"*) and Derliuš's work (Дерлиушъ).[188] It is easy to recognize prominent *Magical Investigations in 6 books* (*Disquisitionum Magicarum Libri Sex*) by Martin Delrio.

Spaniard from the Netherlands, Jesuit Martin Delrio was a universally respected and outstanding scholar of the time. Despite his lack of practical experience in witch prosecution, Delrio's scrupulous textual work created one of the most illustrious encyclopedias on witchcraft. First published in 1599-1600, *Magical Investigations* became a new *Hammer of Witches* for Catholic countries of Europe.[189] It devoted considerable attention to all aspects of the magic as it was understood and of course to the Western concept of witchcraft. A particular book 5 *The duty of judges in dealing with workers of harmful magic: or, the judicial process in relation to the crime of magic* gives detailed theoretical and practical advice on how to investigate and try this unusual offence.

Surprisingly, the one who referred to this work was the defender. After the prosecuting party had appealed to provisions of the Imperial law (article 14 in the translation of Groicki) that allowed to start a trial and put a suspected for tortures much easier than Statute[190], the defender also referred to the same authority of Imperial law but did it according to the book of Delrio. In particular, he quoted the detailed regulations for witnesses and witness testimonies to challenge the validity of the prosecution's evidence drafted in a much less rigorous manner.[191] However, these arguments convinced neither Tribunal nor county judges. Foreign law, as well as foreign

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[188] ASZR, vol. 3, p. 137, 158.
[189] Hugh Trevor-Roper, *The Crisis of the Seventeenth Century: Religion, the Reformation and Social Change* (Indianapolis: Liberty Fund, 2001), p. 140, 142.
[190] ASZR, vol. 3, p. 119, 136.
[191] ASZR, vol. 3, p. 137-138, 158-159.

expertise, was rather facultative to compare with own legislation and customs, so it was a decision of particular judges what to accept and what to reject. In the case of 1631, probably, an important selection criterion was the fact that the plaintiff was Jan Stanislaw Sapieha, a dignitary and member of one of the most influential magnate families, and his counterpart – just a wife of a rural Greek-Catholic priest. Remarkably, that such crucial witch-hunt handbooks as *Hammer of Witches* and *Magical Investigations* were available for Lithuanian literate public, but had almost no impact on judicial practice and very uncertain – on cultural perception.

Thus, *Carolina* and *Sachsenspiegel* translations contributed to the expansion of Western witchcraft beliefs and witch-hunting practices to East-Central Europe. They influenced greatly legislation and judicial practice in the Grand Duchy of Lithuania. However, their provisions outside original intellectual and religious demonologic context appeared less fatal in this periphery region.

2.2.4. Divine Law

Polish and Lithuanian jurists accepted legal ideas of Thomas Aquinas about three kinds of law: Divine, natural and human laws. Human law serves for public peace and order and it is maintained by ecclesiastic and secular provisions. The Divine law is not man-made but God-given prescriptions contained in Holy Scripture.[192]

The Bible contains numerous condemnation of different magic practices, magicians and those who apply to them.

> *Exodus, 22, 18:* Thou shalt not suffer a witch to live.
> *Leviticus, 20, 27:* A man also or woman that hath a familiar spirit, or that is a wizard, shall surely be put to death: they shall stone them with stones: their blood shall be upon them.
> *Deuteronomy, 18, 10-11:* There shall not be found among you any one that maketh his son or his daughter to pass through the fire, or that useth divination, or an observer of times, or an enchanter, or a witch,
> Or a charmer, or a consulter with familiar spirits, or a wizard, or a necromancer.[193]

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[192] Aleksander Kraushar, *Pierwsza książka prawnicza polska z wieku XVI* (Warszawa : skł. gł. E. Wende, 1905), p. 8.
[193] All Bible quotes in English are according to the King James Bible (1611) https://www.kingjamesbibleonline.org/1611-Bible/

The most influential one was Exodus verse "*Maleficos non patieris vivere*" – "*Thou shalt not suffer a witch to live.*" Various Bible translations used for the unclear Hebrew harmful magician labelled here as "witch" in different terms that depended on the current trends in the views on magic. In the epoch of Bible translations, the word became a "witch" in the majority of European languages, bearing all the connotations of the new term. Metamorphoses of grammatical gender were also significant: female Hebrew magician became masculine Medieval Latin *maleficus* "wrongdoer" and then became feminine again as a witch of European translations, due to Western diabolic witchcraft concept. Some critics of witch-craze like Johann Weyer or Reginald Scot even in the 16th century pointed out this problematic translation as the false foundation of witchcraft theory. Also, they questioned the relevance of the Old Testament legislation for contemporary Christians.[194] But such voices were mostly ignored, and the Bible translations supported readers in thoughts that their hatred and suspicions towards supposed witches were legitimate and godly. No wonder that preachers and jurists all over Europe could use such prescriptions to legitimize witch persecutions.

Remarkably, in Poland and Lithuania, jurists did not associate this verse with witchcraft. For example, Bartolomej Groicki supplemented the mentioned popular collection of Magdeburg law that contained legal prescriptions against witches and sorcerers with didactic Holy Scripture quotations about justice. Among them was notorious Exodus verse but translated as "*Don't let criminals live*".[195] The term *maleficus* (literal meaning: *wrongdoer*) which was the main Latin name for witches in Western Europe, in the 16th mostly didn't have any magic connotations in Lithuanian discourse. For example, the Latin translation of the Lithuanian Statute of 1566 uses *malefici* to translate original Ruthenian *zlodei* or *zločyncy* – criminals.[196] It can be regarded as a statement of minor interest of the Polish and Lithuanian elite towards witchcraft problem until the 2nd half of the 16th century.

The practical application of the mentioned Bible anti-witch provisions as Divine law seems to be not widespread but existent. Current small and fragmented corpus of survived and studied trial materials contains only one case with a direct reference. It was already mentioned trial of Raina Hromyczyna that occurred in 1631. To prove Raina was a witch, the plaintiff's attorney pointed out testimonies about her suspicious folk midwife and medicine practices. While the defender tried to persuade judges that such popular female practices applied natural,

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[194] Reginald Scot, *The discoverie of witchcraft.* 1584. (Reprint, New York, NY: Dover, 1972), p. 62-65.

[195] Groicki. *Porządek sądów i spraw mieyskich Prawa Maydeburskiego...*, Supplement *Sentecye z Pisma świętego zebrane...*, sententia 10: "*Złoczyńcom nie dopuszczaj żyć na świecie.*"

[196] *Archiwum Komisii Prawniczej. Vol. 7: Statutum Lituanicum alterius editionis (1566).* (Kraków: Akademia Umiejętności. 1900), p. 198, 238, 239, 249.

not demonic forces, the plaintiff's attorney referred to the mentioned Bible provisions in Polish translation that prescribed to sentence a sorcerer just for practice of any magic. It seemed to be persuasive to the judges, alongside to other evidence and perhaps, to Sapieha's lobbying especially. The final court decree mentioned the Divine Law alongside to Lithuanian Statute and German Imperial law as a ground for the sentence. The majority of witch cases were ordinary criminal trials, while application of the Holy Scripture as the supreme law made this case not only a private harm investigation but a struggle against universal evil. The final court decree stated the supreme reason of punishment of the witch: "To prevent the propagation of this harmful and hidden evil among people and to restrain and inhibit others from such an ungodliness and sorcery by the example of this case or the punishment of the priest wife".[197]

2.3. Abolition of the anti-witchcraft legislation

In the last decades of independent existence, the elites of the Poland-Lithuania attempted to reform the archaic and loosely-working state system. However, political intrigues, a struggle between parties and interference of foreign powers led to the very inconsistent implementation of the reforms that caused turmoils to the already disrupted system of justice.

Termination of the witchcraft prosecution was a logical step for the reformist public sentiment, intended to follow the progressive Western examples. In January of 1767 Warsaw newspaper *Wiadomości Warszawskie* devoted several issues to extensively inform its readers about the Austrian edict against witchcraft prosecution.[198] For those struggling to improve the legislation, laws against witchcraft seemed anachronic prescriptions that still encourage backward people to superstitious accusations. This was stated in a speech August Sułkowski given at the Sejm session on August 26, 1774, supported by other deputies.[199] This demand arose no contradiction even from the conservative part of the elite – perhaps because it followed previous intentions of the clergy to halt secular witch trials. In fact, it raised the question on the legislative level that shortly led to the final act.

In the context of reformist demands, the Sejm session of 1776 paid attention to the improvement of justice. In comparison to many questions that arose debates, the initiative of the king Stanislas Augustus to lift torture application had been immediately and unanimously approved by the parliament. The only addition came from a deputy, a Castellan of Becz (a Polish city at the southern border which had already been annexed by Austria in the I partition of 1772)

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[197]ASZR, vol. 3, p. 119-120.
[198]*Wiadomości Warszawskie*, nr. 4, 5, January 1767.
[199] Władysław Smoleński. *Przewrót umysłowy w Polsce wieku XVIII. Studya historyczne* (Kraków: Wł. L. Anczyc i Sp., 1891), p. 88.

who offered to include the abolition of capital punishment for witchcraft. After a fast confirmation of this historical decision, Sejm returned to the debates on the burning political issues, that seemed more pertinent and crucial.[200]

Nevertheless, the lack of discussion meant not the lack of interest but rather the consensus towards the issue of tortures and witchcraft. The medal issued to emphasize the progressive role of the Sejm session of 1776 (and especially – the personality of the enlightened monarch) stated, that *"To draw out with the torments the always dubious confession of crime, to bring to the court those accused of supposedly devil's assistance, the Sejm of 1776 prohibited by the request of King Stanislas Augustus."*[201] Perhaps, the termination of these ugly remnants was an illustrative outcome to present to the public as an example of a successful course of the reforms.

Edition of the Lithuanian Statute printed in 1786 still mentioned witchcraft among capital crimes without any changes in the same article,[202] but the appendix among Sejm constitution summaries also included the mentioned provision of 1776 that stated the enactment of the updated approach.[203]. This edition was the base for the Russian translation of 1811, used after the Polish-Lithuanian Commonwealth has ceased to exist.

De jure, the Sejm constitution of 1776 did not decriminalize witchcraft, it just prescribed a lighter penalty. Formally, it was still to prosecute. However, researchers argue that *de facto* public opinion perceived it as complete decriminalization, so the trial accusations almost completely ceased in the whole country.[204] Indeed, there were almost no tried cases known in

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[200] Adam Józef Cieciszowski, ed., *Dyaryusz Seymu Ordynaryinego Pod Związkiem Konfederacyi Generalney Oboyga Narodow Agituiącego Się* (Warszawa: XX. Schol. Piar., 1776), p. 432.

[201] Edward Raczyński. *Gabinet Medalów Polskich oraz tych które się dziejów Polski tyczą z czasów panowania Stanisława Augusta* (Wroclaw: Henryk Richter, 1843), p, 74.
Original inscription in Latin: NE TORMENTIS LICEAT EXQUIRERE DELICTORUM DUBIAS SEMPER CONFESSIONES NE CAUSAS INSTITUERE LICEAT OB AUXILIA ACSI A DAEMONIBUS ACCERSITA, VETUERUNT COMITIA A[nno] MDCCLXXVI. ROGANTE, S[tanislao] A[ugusto] REGE.

[202] *Statut Wielkiego Księstwa Litewskiego, Naprzod Za Nayjasnieyszego Hospodara Zygmunta III, w Krakowie w roku 1588, Drugi raz w Wilnie, w Roku 1619 z pokazaniem zgody y różnice Statutow Koronnych i W. X. L., Trzeci Raz Za [...] Władysława IV [...] w Warszawie, w Roku 1648 z przydániem Kostytucyi od Roku 1550 do 1647, Czwarty Raz, Za [...] Jana Trzeciego w Wilnie w roku 1698 Z przyłożeniem pod Artykuły Konstytucyi Seymowych od Seymu Roku 1550, aż do Seymu Roku 1690 Oboygu Narodom służących [...], Piąty Raz Za [...] Augusta Trzeciego, Teraz Zas Za [...] Stanisława Augusta Szczęsliwie Nam Panuiącego, Powtórnie z przydatkiem Summaryuszow, Praw i Konstytucyi od roku 1764 do roku 1786 Przedrukowany* (Wilno: Drukarnia Akademicka, 1786), p. 125.

[203] *Statut Wielkiego Księstwa Litewskiego... z przydatkiem Summaryuszow, Praw i Konstytucyi od roku 1764 do roku 1786 Przedrukowany*, p. N.

[204] Raczynski, *Gabinet Medalów Polskich,* p. 77; Pilaszek, *Procesy o czary w Polsce*, p. 224.

Lithuania after this date. Perhaps, a rare exception was a story from the description of the school in Kražiai, quoted by Maciej Wołonczewski (Motiejus Valančius). It happened in 1807 when an old woman was accused in bewitchment of livestock, dunked by manor steward and sent to the county court for trial. The court has decided that livestock got infected naturally and released the accused.[205]

The Statute of 1588 remained valid even after the Russian Empire had gradually annexed the lands of the Grand Duchy of Lithuania. In 1811 a bilingual Polish-Russian edition appeared. Article 30 of chapter 4 still listed witchcraft.[206] There is a reference to the 1776 constitution in the article concerning tortures[207], but not in the one about witchcraft – perhaps to that time witch trials have become obsolete. Imperial legislation tolerated local legal traditions until the wave of Russification after the November Uprising of 1830-31. Then the authorities repealed the Statute first in 1831 for so-called Belarusian governorates (Vicebsk and Mahilëŭ)[208] and 9 years later – for the rest of the lands.[209]

The similar situation was with the city Magdeburg law. After the partitions, there were attempts to unify annexed cities with Russian city law, but in 1796 it was reversed to the usage of Magdeburg laws. However, in city courts, the Statute or Russian laws became widely used, so in 1831 Magdeburg law was finally abolished.[210]

Thus, the ultimate abolition of anti-witchcraft prescriptions formally occurred only in 1831 – 1840, decades after their application in prosecution had ceased. Therefore the end of witch trials was not a result of legal reform, but on the contrary, the termination of the idea of witch prosecution caused lifting the outdated provisions. It was similar to the introduction of legal anti-witchcraft notions: the state did not take the initiative, just followed the tendencies among elites. However, the act of 1776 was not just a formal statement of fact. Lower classes were far from abandoning witchcraft beliefs, so for them, the act was extremely significant: it

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[205] Maciej Wołonczewski, *Biskupstwo żmujdzkie,* trans. Maurycy Hryszkiewicz (Kraków: Drukarnia Uniwersytetu Jagiellońskiego, 1898), p. 214.

[206] *Statut Velikogo Knjažestva Litovskogo s podvedeniem v nadležaščich mestach ssylki na konstitucii, p"priličnye soderžaniju onogo*, trans. V. Anastasevič, part 1 (Sankt-Peterburg: pri Pravitel'stvujuščem senate, 1811), p. 305.

[207] *Statut Velikogo Knjažestva Litovskogo s podvedeniem v nadležaščix mestax ssylki na konstitucii, priličnye soderžaniju onogo*, trans. V. Anastasevič, part 2 (Sankt-Peterburg: pri Pravitel'stvujuščem senate, 1811), p. 353-354.

[208] *Polnoe sobranie zakonov Rossijskoj imperii*, Sobranie 2, Tom 6, №4223 (Sankt-Peterburg: Tipografija 2 Otdelenija sobstvennoj Ego Imperatorskogo veličestva kanceljarii, 1832), p. 1.

[209] *Polnoe sobranie zakonov Rossijskoj imperii*, Sobranie 2, Tom 15, №13591 (Sankt-Peterburg: Tipografija 2 Otdelenija sobstvennoj Ego Imperatorskogo veličestva kanceljarii, 1841), p. 443-445.

[210]M. Pergament, A. Nol'de eds., *Svod mestnyx zakonov Zapadnyx gubernij. Proekt* (Sankt-Peterburg: R. Golike i A. Vil'borg, 1910), p. 28.

has eliminated first the opportunity and then the very idea of judicial retribution and brought to life more traditional approach – to fix supposed harm instead of search for revenge.

2.4. The crime of witchcraft in Lithuania: legal theory and practice

As seen from the all above, the legislation hardly was a reason for the commencement and the termination of the witch-hunt, it rather followed tendencies within state elites. The codification of the Lithuanian written legislation in the Statutes started in 1529, before the witch-hunt, and anti-witch notion appeared only in the third edition of 1588, after several decades of infrequent but regular witch trials.

The legal abolition of witch prosecution in 1776 demonstrated the same tendency: it was done only after the literary public opinion changed (despite the preservation of the witch-beliefs among lower classes). Anyway, over almost two centuries, anti-witchcraft notions not only provided a legal tool to maintain prosecution of the new crime but also shaped the cultural perception of magic. Instead of the traditional approach primarily to cure supposed magic harm, it encouraged to reveal and punish a perpetrator.

As one can assume despite the very scarce sources, to the early 16th century in the Grand Duchy of Lithuania there were two approaches towards witchcraft persecution: mainstream ecclesiastic and marginal popular ones. Within the ecclesiastic jurisdiction, both Eastern and Western churches considered magic practices of common folk as a superstition for ecclesiastical penalties or in the worst case – for banishment. The former paid more attention to the prohibition of the learned occult knowledge, and the latter – to the prevention of Western heresies, first of all, the Hussites. The scarcity of the sources nevertheless demonstrates some secular practice to prosecute supposed culprits for calamities that might leave the legacy in customary law.

The legislation codified in the time of Reformation has transferred some offences from ecclesiastic to secular jurisdiction but lay authorities in Lithuania had often a lack of intention to rigorous control. In the Counter-Reformation epoch, the struggle for secular jurisdiction was rather a political issue, a part of the wider contest for republican liberties of Polish and Lithuanian nobility against the menace of church-supported absolutism.

Legal codification of the 16th century brought turn from customary to written law and as a result – new approaches toward witchcraft. The definition of witchcraft in the Statute was broad and vague. Similar to the current European legal trends and German imperial law first of all, the formulation of the corresponding Statute notion criminalized witchcraft *per se*. However, placed in the context of felonies that cause harm, witchcraft seems to be reduced to *maleficium* only. Magdeburg law added to it a spiritual aspect, emphasizing that any witchcraft activities are against not only humans but also God listing this crime next to apostasy and heresy, not to

mention Divine law of the Old Testament that prescribed to punish any magic practices. Thus, generally, the legislation manifested that a witch was a deviant sinner prone to harm other people. The spiritual aspect was not ample reason for trial prosecution but a concomitant attribute and aggravating circumstance. Consequently, no wonder that any harm caused by spells was punished much more severe than the same one done by ordinary means.

Lithuanian legislation treated witchcraft as a conventional, not an exceptional crime, similar to murder, robbery or theft. Accordingly, the investigation and consideration of those crimes should be similar: requirements to confessions and witness testimonies, material evidence, application of tortures, including formalities and paperwork. However, in practice, its specifics was evident and the legislation allowed to treat it separately: as far as witchcraft is a particular crime, those regular procedures prescribed in the Statute are insufficient, so it is possible to apply "other Christian laws" with a distinct way of trial. Anyway, in case of treatment the crime as *crimen exceptum* the option could be just to switch from regular Statute notions to a bit rougher regular notions of *Carolina*. That was considerably far from the exceptional approach developed by Western jurists-demonologists starting from *Hammer of Witches*.

For the Lithuanian legislation, witchcraft was an individual crime. The Statute includes no special regulations on how to reveal accomplices of a criminal, so it is difficult to apply the analogy to witchcraft case. Imperial law offers more instructions for investigation, but they also consider only the accused individual. It directed to ask at the interrogation who taught sorcery to the accused – but without the demand to punish this instructor immediately. Thus, an idea about witches' conspiracy, which was a crucial aspect of the cumulative concept of witchcraft, did not concern the state elites and had no reflection in the legislation.

In practice, direct references to particular anti-witchcraft provisions are rare in trial records. The notorious article of the Statute appeared only in the case of 1622 before Minsk county court when it tried the disobedience of witch's lord to communal court's verdict. The attorney of the disobedient gentry referred to article 30 of chapter 4 to support his position, that not communal assembly but only county officials had the right to try his subject for this offence. However, county court rejected this interpretation of the article and insisted to execute the verdict of the communal court.[211] Thus, this Statute notion itself first of all defined competence of judges. Trial protocols usually refer to other articles that define procedural details[212] It seems, that the discussed notion is more important to historians for valuable highlights about the legal status of witchcraft than to Early Modern lawyers.

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[211] AVAK, vol. 18, p 264-265.
[212]Probably, the record with the most detailed legal disputation is RTL 17.

Nonetheless, it was commonly accepted, that witchcraft was a crime to be tried in the way regulated by the Statute. County courts that included professional jurists more or less rigorously followed Statute procedural prescriptions, and failure to observe regulations and formalities could be a strong argument to justify the accused. Rural courts often were not so accurate, they included customary or arbitrary measures, omitted or confused nuances of Statute requirements. Thus, a patrimonial court of the state-owned Šiauliai royal estate (*ekonomia*) in 1707 ruled that witches "according to the Statute law, should be burned"[213], while the Statute did not define the way of execution.

References to the imperial law were much rarer than one can assume: there are only 5 cases known. Majority of them (3 cases) came from Ruthenian lands: Brest (1630), Navahrudak (1631), and Polack (1643) voivodeships, but the earliest one (1614) occurred in Trakai Voivodeship and the latest (1725) – in Samogitia. Those of 1614-1631 were complicated county court cases between noble actors with several trials, involving professional lawyers (in the case of 1630 parties were court officials). In all cases, a prosecuting party insisted that notions of the Statute were insufficient, especially for nobility, and referred to the Imperial law to avoid limitations of the regular procedure while a defence party – to challenge the validity of guilt evidence.

A professional attorney also represented an accused burgher before Polack city court in 1643. He referred not to the mentioned anti-witchcraft notions but the provisions of Magdeburg and Imperial law about the procedure of torture application contesting testimonies presented as invalid.[214]

A Samogitian case of 1725 was something different. It was a large joint patrimonial trial (*sąd polubowny*) that started from the host profanation and by the mean of chain accusations brought to the fire 8 peasants, subjects of different lords. While the previous trials used "other Christian laws" as supplements, judges in that case reached a verdict "according to the Imperial law and decent old precedents how to punish witches".[215] Perhaps, according to the accusatorial Statute procedure, it was impossible to put a suspect to trial just based on a revealed witch's testimonies, but *Carolina* enabled it (Article XIV). Chain accusations were pretty uncommon for Lithuania but still took place – for example, patrimonial trials in Ukmergė county (1641) and in

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[213] *Baltų religijos ir mitologijos šaltiniai,* T. 4: XVIII amžius, ed. Norbertas Vėlius (Vilnius: Mokslo ir enciklopedijų leidykla, 2005.), p 85-86.
[214] ASZR, vol.1, p. 343-344.
[215] RTL 66, p.343: *"...stosuiąc do prawa cesarskiego y dawnych przykładow przyzwoitych w karaniu czarownikow..."*

Samogitia (1680 and 1696). Accordingly, the influence of Imperial law was broader than the number of direct references in records.

As well as *Carolina*, the *Sachsenspiegel* could serve as supplementary "other Christian law". Thus, a reference to *Speculum Saxonum* could be found in the mentioned Trakai case of 1614 – but not to the anti-witchcraft provisions, it was an argument of the defence party against the validity of witness testimonies.[216] At least once this law appeared in a patrimonial trial occurred near Hrodna in 1691. The patrimonial jury after the investigation of the complaint of Hrodna burgher sent an accused serf to torture "according to the Statute and Saxon law". However, precise provisions of this law were omitted, unlike references to the Statute.[217]

Records about the application of Magdeburg law demonstrates the similarities mentioned above. As primary legislation for independent city courts, it was applied there by default and references to the particular anti-witchcraft articles in trial records are almost unaccounted. The rare exception could be a late trial that occurred in 1762 in Dzisna. The city court based the verdict on book 4 of Groicki's *Order of the courts...*[218] The end of the document is absent and the verdict is lost, but the mentioned reference provides clear result – burning. Perhaps, to the 1760s the idea of witch-hunt lost a lot of its support, so the judges of the small city needed to back up their decision with solid legal reasoning.

The trial materials hardly demonstrate the fundamental legislative difference between Magdeburg and Statute laws in their approaches to witchcraft mentioned above. City courts considered complaints of burghers about caused or potential harm and demonstrated a lack of intention to prosecute just for magic practising. Thus, the Western inquisitorial approach lost its dangerous potential in Lithuanian practice.

The same vision of witchcraft as a maleficent activity rather than heresy led to the almost complete absence of references to the Divine law. The Holy Scripture seems to be for moral instructions and theological disputes but hardly for legal application.

The overview above shows that a very modest legal toolkit offered by the Statute and the Magdeburg law in the interpretation of B. Groicki was sufficient for the majority of witch trials. The more advanced one of the Imperial law or works of Western demonologists were available but did not enjoy popularity. As a reason, one can point the shortage of qualified court professionals in Polish-Lithuanian county and city courts not to speak of rural ones. Without proper education, they can work with laws widely used in everyday practice, but it was difficult

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[216] RTL 17, p. 137.

[217] Mavrikij Krupovič, ed., *Sobranie gosudarstvennyx i častnyx aktov, kasajuščixsja istorii Litvy i soedinennyx s nej vladenij, ot 1387 do 1710 goda*. Part 1 (Vil'no: Tipografija Osina Zavadzkogo, 1858), p. 141.

[218] NHAB, fond 1757, index 1, file 8, p. 451-452a.

to deal with legal codes even in Polish and almost impossible to work with foreign languages. Worth noting, that church critics of secular witch trials similarly claimed the ignorance of judges as a reason of numerous misconducts.[219] Yet, it is only a minor part of the answer, indeed, trial records show generally satisfactory level of court officials, not to say about very skilful and competent attorneys. More important, the scarcity of anti-witchcraft legislation referred in trials rather demonstrates the lack of necessity for more advanced provisions. The Statute offered sufficient regulations to consider simple cases of harmful witchcraft within the accusatorial procedure – essentially, the majority of cases. Very basic Lithuanian anti-witchcraft legislation was in concordance with unsophisticated witch beliefs of the society, so normally it could adequately satisfy the bulk of demands.

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[219] Jacek Wijaczka, *Kościół wobec czarów w Rzeczypospolitej w XVI–XVIII wieku (na tle europejskim)* (Warszawa: Wydawnictwo Neriton, 2016), p. 161-162.

3. WITCHCRAFT IN THE COURTROOM:
THE FEATURES OF LITHUANIAN WITCH PROSECUTION

3.1. A general overview of Lithuanian witch trials

While legal codes and bishopric instructions demonstrate intentions of the powerful, they not always and not entirely determined the course of events. The meeting place for the ideal world of justice and the earthly one of everyday social encounters was the courtroom – the main workshop of the Early Modern witch-hunt. How did the judicial toolkit of Lithuanian judges cope with this unusual, exceptional and, actually, imagined crime?

The source base of the research contains 128 cases. It includes 97 more or less full trial records that consider witchcraft as a crime (including a number of slander trials). Of course, that sample is far from being exhaustive but it allows some observations and conclusions about general trends.

The cases under consideration involve 211 persons accused in witchcraft, 141 women and 70 men. The gender ratio of approximately 70% of females to 30% of males is quite universal for many aspects of witch-hunt: the similar is the proportion of the accused in all cases, of the convicted and the executed, etc. To compare, in the Polish Crown, the ratio was significantly different: women constituted the total majority of the accused – around 90%, and male witches were exceptional.[220]

Usually, courts tried in a single trial only one defendant (67% of the full trial records), less frequently two (16% of trials) or three (9%) persons but there were exceptions with 4-11 tried at once (about 8% together). Not every trial record has a clear result, in some events they cut off with the decision to postpone the hearing, to imprison the defendant for the next investigation or to try with tortures. The regarded courts convicted to death at least 68 defendants – mostly to the stake, but in one case to hanging. The amount of the implemented verdicts known is even less clear, documents confidently report about at least 59 executed not to mention two suicides in considered trials. The capital sentence rate is about 40 per cent. At the same time, about the similar share of defendants left courtroom unpunished – completely justified or released for insufficiency of evidence. The milder punishments like banishment, fines, flogging, imprisonment, church penance were much less popular – only about 8%, so the defendant had mostly a very clear alternative: stake or freedom. However, to implement the sentence was not an easy task: both plaintiff and defendant could appeal to a higher instance about the unsatisfactory verdict, the accused witch could escape or just die. Moreover, in the conditions of

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[220]Pilaszek, *Procesy o czary w Polsce*, p. 297.

the weak state power and significant gentry's liberties, the lord of the convict could just ignore the court decision.

The chronology of all registered cases demonstrates the dynamics of witchcraft anxiety (see figure 3 of Appendix 2). Peaks of anxiety (manifested by the general amount of cases) as well as of witch persecution occurred between 1595 and 1615, 1630 and 1655, 1718 and 1731 with smaller surges around 1552, 1691-92, 1762. However, the intensity never exceeded 4 cases per year. This chronology generally coincides with general trends of the European witch-hunt[221], except the latter dates: to the 18th century, witch prosecution dropped or terminated in the majority of Western countries.

The geographic distribution demonstrates a striking irregularity (see figure 1 of Appendix 2). The undisputed leader of Lithuanian witch-hunt was Samogitia: sources registered 55 cases and 46 trials (44% and 48% of the whole respectively). The farther to the East – the smaller the numbers became. No trials at all are known in Mscislaŭ and Smolensk voivodeships at the very eastern edge of the state, as well as in the two southern counties of Minsk voivodeship. To a certain extent, the explanation of the gap might be the more thorough source study by Lithuanian researchers focused on their ethnic territory but it is not the exhaustive answer, the pattern had much deeper and complex reasoning.

Different types of courts participated in the witch prosecution unevenly (see figure 3 of Appendix 2) Survived records show that the majority of trials took place in patrimonial courts (47%). As far as this type of courts was irregularly documented, the number of witches tried in private and state manors was significantly higher. To add communal (*kopa*) courts, it is clear that the Lithuanian witch-hunt was predominantly rural. City and county courts had parity: about 1/5 of trials each. At the same time, county courts had more responsibility for the witch-hunt – they supervised and registered communal and patrimonial prosecutions. Witchcraft materials of the Lithuanian Tribunal are poorly studied, in part because of their scarcity. These courts were considerably distinctive in legal, procedural and social characteristics, so their particular study is very important for a precise understanding of the Lithuanian witch-hunt.

3.2. Procedural features of the witch trials

Witch-hunt researchers usually point out the key role of the three main features of the epoch: the shift from of the accusatorial to the inquisitorial trial procedure, wide torture application and the significance of local courts. Also, witch trials preserved and revived more ancient and archaic method – various ordeals, both from former legal practice and new

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[221] Levack, *The Witch-Hunt in Early Modern Europe*, p.190.

inventions. However, the spread of this novelties was uneven, different countries possessed own variations of criminal procedure. B. Levack argues that these distinctions had a significant influence on the differential rates of convictions and executions of accused witches.[222]. The Grand Duchy of Lithuania generally followed continental judicial trends but demonstrated its local specifics.

3.2.1. Inquisitorial vs accusatorial trial procedure

While the medieval justice operated in a compensatory and restorative mode, the Early Modern one acted in a punitive and deterrent way.[223] The development of power institutions brought the shift from the function of the court as an arbiter for private conflicts to the role of the public order guard. The inquisitorial procedure was not a new invention. It was a legacy of Roman justice preserved by the Catholic Church for disciplinary measures within the highest clergy and then applied for heresy trials.[224]

The traditional accusatorial trial was a competition of parties before the authoritative official or jury. The plaintiff brought the accusation as well as evidence and witnesses to support it, the defendant proved the innocence and judges decided the "winner" in the "competition", awarded compensations or determined punishment. The inquisitorial trial was a prosecution of the offender by power institutions. Initially, this way of the prosecution had been typical earlier for offences against God and majesty when the plaintiff was represented by supervising bodies. Alongside with growing intervention of power institutions of state and church into private life, this approach also expanded. The private plaintiff in such trials was replaced by denouncer or informant who notified supervising authorities about the offence and offender and it was not his duty to prove the charge. It simplified the initiation of the trial. The inquisitorial procedure did not replace the accusatorial one, but obtain a wide application for particular categories of offences including witchcraft.

In the Grand Duchy of Lithuania, like in the whole Medieval Europe, the inquisitorial approach was limited to the mentioned ecclesiastic and majesty issues. There were very weak conditions for its expansion in Early Modern time: the central power of the monarch was extremely restricted, the state mostly relied not on bureaucracy but numerous self-governing

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[222]Brian P. Levack, "Crime and the Law," in *Palgrave Advances in Witchcraft Historiography,* edited by Jonathan Barry and Owen Davies: 146–163 (Basingstoke: Palgrave MacMillan, 2007), p 149.
[223]Laura Stokes, *Demons of Urban Reform. Early European Witch Trials and Criminal Justice, 1430-1530* (Basingstoke: Palgrave Macmillan, 2011), p. 81.
[224]Wolfgang Behringer, *Witches and witch-hunts: a global history* (Cambridge: Polity Press, 2008), p. 59.

autonomies: elected local administrations, magistrates of free cities, immune noble domains, communities of religious and ethnic minorities, etc. Despite the presence of inquisitorial norms in some imported legal sources, the practice showed that, generally, courts kept the accusatorial approach, in particular in witch trials.

If a formal charge was absent and no one was ready to be a formal accuser, a court could deny proceeding at all, as it happened in 1771 when burghers and nobility of Raseiniai accused a Dominican convent subject in witchcraft. The convent officials arrested, interrogated the suspect and even obtained confessions, but no one wanted to be a formal accuser, so the Dominicans just banished the witch from their possessions.[225] However, such cases were rare, because the accusatorial nature of prosecution was clear and usual for people.

A plaintiff had a vital role in an accusatorial witch trial. Even when a witch was proven guilty, an accuser could cancel prosecution if he reached an agreement with a defendant. The corpus of sources contains at least four such results. In Mahilёŭ case of 1577 two women who cohabited in one household had a quarrel about borrowed money. The debtor suspected the spells from the angry creditor so she initiated the witch trial in city court, but finally, they made up and the complaint has been withdrawn.[226] Maybe it was just a slay move to avoid the return of the debt.

In other cases, the agreement between parties was to withdraw accusation in exchange for the lifting of bewitchment.[227] Obviously, the accuser could get disappointed with unfulfilled conditions and demand prosecution again. It happened to Samogitian noblewoman Zophia Sugintowa. She charged three village women for her disease, the court made them confess in bewitchment, but they promised to unwitch the illness so were released. Despite their promise, Zophia's health deteriorated terminally and on the deathbed, in the testament, she willed her sons to complete the trial with capital punishment for treacherous liars.[228]

Nevertheless, the diversity and fragmentation of the Lithuanian judicial system left room for some elements of inquisitorial trial practice. For example, in patrimonial justice, a lord not only solved disputes between his subjects, but could be a judge and a plaintiff at the same time, or even as a supervising power sought to eliminate harmful witches in his domain. The lords could ban any magic practices among his subjects and punish practitioners. The most crucial for the history of the Lithuanian witch-hunt was the right of the lord to put to trial his subject without formal complaint and even clear harm, just based on confessions of the revealed witch. The earliest example dates back to 1641 when manor-holder Wilhelm Tyzenhauz put his subjects

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[225]RTL, nr 92.
[226]IJM, vol. 32, p. 203.
[227]RTL, nr 14, 31, 37.
[228]RTL, nr 31.

to trial and tortures after their chain confessions.[229] The trials of 1725 in Biržuvėnai and Gilvyčiai and of 1731 in Šerkšnėnai (all in Samogitia) – the largest trials in Lithuanian history – involved a total of 31 accused person.[230] When the interrogated witches revealed their accomplices, some (but not all) lords of the named suspects delivered them to trial. County court officials supervised the trials and saw nothing odd in the way of prosecution. However, lords seldom exercised the right to try their subjects in an inquisitorial way, otherwise, a number of large trials might be larger.

3.2.2. Tortures

The application of tortures existed in European justice since antiquity, but normally it was not a regular court method. In Ancient Rome only the investigation of very serious crimes against state and emperor required tortures for suspects to reveal plots. In the Middle Ages, tortures mostly served not for investigation but for punishment: to make the revenge for an offender harder than just death. Medieval justice preferred instead to rely on Divine participation or even a kind of magic via various *ordeals*: oath, duel, an examination by fire, water, iron or sacred objects. and even involvement of divinations and diviners. However, the 4th Lateran Council of 1215 forbade archaic ordeals and accepted torture in trials.[231] Professional secular jurists as well felt rising sceptics towards ordeals. Shift to the tortures was a rationalization of trials.

Roman system of justice required for verdict a testimony of two witnesses or confession of the offender. It worked well in simple cases but brought a lot of troubles in more complicated situations. Oblique evidence and logical constructions were insufficient as the ultimate proof. If there were no witnesses, the only option was to obtain the confession. Of course, it was obvious that overindulgence of tortures leads to false results and self-incrimination. For this reason, legal prescriptions about their application usually clarified conditions: when to torture, for how long and how to compensate groundless sufferings in case of justification. Torture application demanded solid justification with different testimonies and evidence. A reliable confession of guilt had to contain details that only actual perpetrator could know. Apparently, the correct application of such procedure required skilful lawyers. However, not every court could possess such specialists, especially those with judges elected or with an unprofessional jury.[232]

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[229]RTL, nr 33.
[230]RTL, nr 65, 66, 69, 70.
[231]Behringer, *Witches and Witch-Hunts*, p. 59.
[232]John H. Langbein. *Torture and the Law of Proof: Europe and England in the Ancien Régime* (Chicago: University of Chicago Press, 1977), p. 4-5.

In the Grand Duchy of Lithuania, an early indication of the shift towards such kind of procedure dated back to the Casimir's Code of 1468 that mentioned tortures.[233] Lithuanian Statutes generally introduced the Roman procedure but the regulation of torture application was quite poorly outlined there. Nonetheless, trial records demonstrate that such Roman procedure was a common one in courts of different level.

Existing witch trial sources did not include descriptions of sadistic methods of torments, monstrous tools or excessive cruelty of torturers. Usually, documents do not mention the way of the probe, but some records name "pulling" – rack or strappado[234], burning with candles and straw[235], sometimes a combination of both[236] or simply flogging[237]. Only the case of 1762 from Dzisna city court included a specific probe with a supernatural component: a torturer burned a witch with "*swieca gromniczna*" – a big candle blessed at Candlemas feast, a well-known good sacred remedy for different purposes. In a particular situation, this special blessed candle should destroy any spells that could help witches to hold out against the pain.

Normally, the court invited *mistrz* – a professional executor and torturer, whose service cost significantly. Probably, rural courts could save money and employ some amateur unbound with the knowledge of rules and restrictions. An example of such violent home-made interrogations can be seen in a case about theft: manor officials tortured suspect half of the day, 7 times instead of allowed 3, hung him upside down, burn with straw, wood, metal tools and pan, as a result – caused severe burns and crippled his limbs.[238]

The Statute provided some restrictions in torture application: one could be tortured only three times, and if withstand – should be justified and obtain compensation (Statute, Art. 18 of Ch. 14)[239].

The majority of trial documents indicate the following to the prescribed procedure. Nevertheless, abuses also occurred. Thus, the city court of the small town Merkinė (Trakai county) tortured a suspect 4 times until her confession.[240] Abuses especially could take place in uncontrolled rural courts. In 1711 a Samogitian nobleman Eliasz Kumpikiewicz complained that his neighbour lords arrested his serf's wife suspected in witchcraft, tortured her cruelly but released, in compensation of the harm they confiscated a lot of her movable property.[241]

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[233]Pazdnjakoŭ, ed., "Sudzebnik 1468 h.," p. 429.

[234]RTL, nr 42

[235]SGČA, part 1, p. 140-143; Jucewicz, II.

[236]RTL, nr 66; NHAB, 1757-1-8, p. 451-452b.

[237]RTL, nr 77.

[238]AVAK, vol. 18, p. 168.

[239] Lickevič, ed. "Statut Vjalikaha Knjastva Litoŭskaha 1588 h.", p. 686.

[240]RTL, nr 37.

[241]RTL, nr 62.

It is possible, that in popular understanding torture could be a new kind of ordeal when God would help the innocent to withstand pain.[242] However, according to the sources, both officials and commoners often believed that witches had a lot of magic means to trick judges and torturers. Other witches could bewitch their peer to avoid pain or to close the mouth for confession. That was why the prior of Dzisna convent in 1677 instructed *woźny* and city magistrates to interrogate the witch secretly[243]. Maksim Znak, a witch-doctor from Hrodna county tried in 1691 explained about this in details. On the day after tortures when the judges wanted him to confirm his confessions, he testified, that at tortures he had attempted to tell about other witches, but their chief, Rosoł from Vierciališki, had bewitched him, "tied his throat". To do this, Rosoł had gone around the townhall where the trial took place, perhaps with his special herb (unclear: *ziele* – herb or potion) that could influence courts.[244]

Legislation of the time, including the Statute, considered spells that could make an offender invincible for pain so why prescribed to search this person before tortures. However, a witch could do it without paraphernalia. Sometimes records indicate that a suspect slept at tortures – that was a sign of supernatural intervention.[245]

One can assume that normally courts followed the regulations for sufficient evidence to apply corporal interrogation as well as procedure of torture. Probably that was the reason why interrogated suspects often could withstand suffering without confession. However, sources contain very few cases of justification in such circumstances, often judges had some options to end the trial with conviction.

3.2.3. Crimen exceptum

The crime of witchcraft was a difficult one for investigation. Scarcity of witness testimonies and material evidence often was very insufficient to send the suspect on tortures. To overcome such devil's tricks and to fight the clandestine conspiracy, demonologists developed the perception of the witchcraft as *crimen exceptum* – exceptional crime. It lifted many restrictions, as for the validity of witness testimonies and for torture justification that made "corporal interrogation" the main way of investigation.[246]

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[242] Michael Ostling, *Between the Devil and the Host: Imagining Witchcraft in Early Modern Poland* (Oxford: Oxford University Press, 2011), p. 78.
[243] IJM, vol. 6, p. 247-250.
[244] SGČA, part 1, p. 140-143.
[245] RTL, nr 66.
[246] Christina Larner, "The crime of witchcraft in Europe." In *The Witchcraft Reader,* 2nd edition, edited by Darren Oldridge: 171-179 (London; New York: Routledge, 2008), p. 171-172.

The influence of the demonological treatises in the Grand Duchy of Lithuania was very minor, so there is a lack of data if Lithuanian judicial officers actually knew the theory of *crimen exceptum* towards witchcraft. Majority of witch trials occurred in the same way as for any other capital crime. Nonetheless, some cases demonstrate divergence from the regular procedure. However, it is often a hard task to draw the boundary between consciously applied exceptional justice and banal misconduct and voluntarism. Attorneys, professional lawyers that represented parties in county and city courts demonstrate some competences in this issue. In the number of cases, the attorneys of plaintiffs pointed that there was lack of regulations towards witchcraft in the Statute, and demanded to apply tougher foreign anti-witchcraft laws instead of to try the case by analogy with ordinary crimes. In such a way, they could even put to torture a gentry – exceptional thing in a gentry republic. The application of ordeals and particular expertise like dunking or body examination practised in rural courts and courts of small towns might be considered as an element of exceptionality as well. Patrimonial judges also could apply the simplified procedure of tortures justification. In such cases, just an accusation of another witch was enough to skip the search of other evidence. However, it was not a rule and strongly depended on the lord or his representatives who judged the case. Such tendency first manifested in the 1640s, and in the 18th century, Samogitian gentry at their joint patrimonial trials organized mass persecutions unique for Lithuania.

Even if Lithuanian court officials, as well as the public hardly read legal demonologic works about the theory of *crimen exceptum*, the echo of Western and Polish trial practice could reach them. It is possible to observe in the course of the 17th century the gradual expansion of the idea that witchcraft is a particular crime that requires a particular treatment.

3.2.4. Ordeals and tests

Medieval justice all over Europe readily appealed to divine justice to solve human disputes. The Lord was supposed to demonstrate His judgment through the result of special tests – ordeals. It suited well to the medieval justice: the divine decision was an ultimate verdict that no human can challenge, its effectiveness and credibility rested on numerous examples of divine intervention from Holy Scripture and hagiographies (and probably continued the similar tradition from pagan times), in addition, it did not require the participation of trained jurists and the complicated investigation. The ways to test divine will were trial by combat, fire, hot or cold water, a sacrament, etc. **Cold water test,** or **dunking,** since ancient times was applied almost exclusively to detect witches.

Rationalization of the trial removed ordeals as an ultimate test of guilt. The Fourth Lateran Council forbade their application in 1215. However, they survived within Roman law of

proof for particular cases (like witchcraft) as evidence to support the use of tortures.[247] Learned demonologists and lawyers condemned the application of such tests, but they gained popularity among the common people in many regions, especially among self-proclaimed witch-finders and less-educated magistrates. On the one hand, it looks like a supernatural test for supernatural crime, on the other – quasi-rational explanations of the test nature fitted to the new theory of proof.

In Eastern Europe, witch-hunters applied the dunking in the 11th-13th centuries as it happened in medieval Rus' that was mentioned above. Anyway, since then there was a break until the Early Modern time. Mikolaj Hussowski mentioned in his poem Lithuanian water probes of the early 16th century. To compare, the earliest Western water probes of suspects in witch-hunt epoch came from Westphalia dated back to 1560s. It became mainly widespread in the northern and western Germany, since the 1590s appeared in northern France, England and Sweden, while in other countries it was quite rare (Denmark, Scotland, Eastern Europe) or absent (Southern Europe).[248] Poland was among pioneers: the first applications of this test are recorded in witch trials of 1550 in Nieszawa and 1580 in Kalisz, and in the early 17th century swimming became quite common.[249]

The next Lithuanian episode of dunking (and the first officially registered) recorded almost a century after Hussowski's statement – in 1615. The whole community of Magunai village (Braslau county) turned upon three supposed witches. To test the accusation, patrimonial judges ordered to try them with dunking. A significant detail: to be sure in the credibility of the test, the court organized a control experiment: they threw in the lake "an honest man", that immediately sank beneath the waves, he "was barely saved".[250] This experiment shows that dunking still was not an established custom but an ambiguous curiosity in the trial procedure. Yet, was its reintroduction or revival of a relatively recent local tradition mentioned by Mikolaj Hussowski or an example imported from the West and neighbouring Polish Crown? Seldom, late and slow dissemination supported the latter version about adopted practice rather than the former one.

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[247]Heikki Pihlajamäki "Swimming the Witch, Pricking for the Devil's Mark": Ordeals in the Early Modern Witchcraft Trials." *The Journal of Legal History*, vol. 21, n.2 (2000): 35-58, p. 36.
[248]Pihlajamäki "Swimming the Witch, Pricking for the Devil's Mark", p. 42.
[249]Jacek Wijaczka. "Próba zimnej wody (pławienie) w oskarżeniach i procesach o czary w państwie polsko-litewskim w XVI–XVIII wieku" in *Odrodzenie i Reformacja w Polsce,* vol. LX (2016): 73-110, p 78-79.
[250]Ivan Sprogis. *Narodnyj sud litvinov nad koldunami (čarodejami) 1615 goda.* (Vitebsk: Vitebskaja gubernskaja tipografija, 1896), p. 14.

There are only 12 cases of dunking application recorded in trial materials. Known in the first half of the 17th century in Vilnius voivodeship (application in trials of 1615 and 1646)[251], they became more popular in Samogitia (6 cases between 1680 and 1725)[252] and survived later in Braslau county of Vilnius voivodeship (Druja, 1731)[253] and in Trakai voivodeship (2 cases of 1726 and 1759)[254]. It was applied in the most extensive trials in Lithuanian history both occurred in 1725 in Samogitia. The last record came from the trial of 1762 in Dzisna, Polack voivodeship.[255] However, one can assume that the practice of dunking existed wider and later. Chapter 2 of the study already referred to the notion of Motiejus Valančius about the latest witch case in Samogitia when in 1807 an old woman accused in bewitchment of livestock was dunked by manor steward to be sent to the county court for trial.[256]

The Catholic Church denounced dunking as superstition and tried to prevent its application. Notorious anonymous pamphlet *Witch denounced* issued in 1639 the first in the Poland-Lithuania devoted particular attention to this superstitious test and argued its fallacy.[257] In the 18th century bishops of Vilnius and Samogitian Dioceses repeatedly forbade swimming tests.[258] Report of Polack *woźny* about a witch case in Dzisna in 1677 mentions a dispute between clergy and city magistrates. Magistrates demanded to deliver a supposed witch from the convent jurisdiction to the city court for dunking and tortures. The head (*gwardian*) of the Franciscan convent after *woźny*'s intervention agreed to put the denounced servant to city trial but insisted not to dunk her because water test could be often false evidence. Nevertheless, the suspect escaped without being tried in any way.[259]

Despite the clergy efforts, in the late 17th-18th centuries at least in the west of the country dunking became quite a common way to identify a witch. In 1726, a torturer invited to the patrimonial trial in Darsūniškis (Trakai county) confidently affirmed that a positive result of dunking was already sufficient evidence for torture. At the same trial, the lord of the village

[251]Sprogis. *Narodnyj sud litvinov;* RTL, nr 39.
[252]RTL, nr 54, 65, 66; Jucewicz, nr II, V.
[253]NHAB, 1797-1-1 p. 373-374b, 376-377.
[254]RTL, nr 67, 85.
[255]NHAB, 1757-1-8, p. 451-452a.
[256]Maciej Wołonczewski, *Biskupstwo żmujdzkie*, trans. Maurycy Hryszkiewicz (Kraków: Drukarnia Uniwersytetu Jagiellońskiego, 1898), p. 214.
[257] *Czarownica Powołana Abo Krotka Navka Y Przestroga z Strony Czarownic : Zebrana zrozmaitych Doktorow tak wprawie Bożym iako y w świeckim biegłych dla ochrony y poratowania sumnienia, osobliwie na takie Sądy wysadzonych.* (Poznań: X. Woyciech Laktański, 1680) p. 68-76.
[258]Jacek Wijaczka, *Kościół wobec czarów w Rzeczypospolitej w XVI – XVIII wieku (na tle europejskim)* (Warszawa: Wydawnictwo Neriton, 2016), p. 156-159.
[259]IJM, vol. 6, p. 247-250.

ordered to test in this way all the inhabitants and note potential witches to burn in the event of future harms.[260]

Total majority of such tests came from patrimonial courts and only the latest three – from city courts of small urban settlements Druja, Alytus and Dzisna. Easy to see that their popularity declined from west to east, and the most eastern swimming occurred in Dzisna at the border of Vilnius and Polack voivodeships. Thus, dunking generally correspond to almost exclusively Catholic and predominantly ethnic Lithuanian lands while Ruthenian-inhabited lands of the Grand Duchy showed no intention to this test. However, some future discoveries of seldom cases in White Ruthenia cannot be excluded: to compare, the 18th-century Ukrainian sources contain a number of dunking cases, mostly from Galicia and Volhynia.[261]

Another famous "expertise" to identify a witch used by European witch-hunters was the **search of Devil's Mark**. Such mark or seal was a sign of concluded pact with Devil: for an illiterate peasant, the own body became a document. Usually, the way to recognize it was pricking: sticking a needle in the supposed mark caused no blood and pain. Obviously, such a test was possible only within the well-developed belief in diabolic witchcraft. The idea to search and prick Devil's Mark originated from the French-Swiss frontier as early as 1530, later it became popular in Scotland, known in England, France, Scandinavian lands (first of all Sweden), even in Basque country despite the restrictions of the Inquisition.[262]

Lithuanian witch trial materials contain no clear mentions of the needle test. However, the idea of Devil's Mark was known there. Torturers pointed to the strange spots insisting they were signs of the Devil. In at least two cases such evidence had a significant role. Both of them have occurred in Samogitia before the patrimonial courts. In the first one from Žagarė dated to 1692, body examination was extremely crucial.[263] At the tortures, the accused woman Łucija did not confess that, according to the Statute, should lead to her justification. However, judges attributed her patience as she was "possessed by the Enemy of Souls". Document point out "significant Devil's spots" that were considered as clear evidence and signs of guilt. In fact, the court equalized this unusual evidence to the validity of torture – the ultimate method to seek the truth. That was hardly a conscious treatment of the crime as *crimen exceptum* but rather a law violation to burn widely hated witch.

[260]RTL, nr 67.
[261]Russel Zguta. "The ordeal by water (swimming of witches) in the East Slavic World" in *Slavic Review* Vol. 36, No. 2 (1977), p. 227-228.
[262]Pihlajamäki "Swimming the Witch, Pricking for the Devil's Mark", p. 43-44.
[263]Jucewicz, nr II.

The second, more professional application of the Devil's Mark search came from village Gilvyčiai near Šiauliai.[264] Occurred in 1725, it was one of the largest trials with 8 women and men tried, 7 executed and even more noted under suspicion. Chain accusations started from confessions of a single suspect and then involved more and more accused brought to the court by their lords. There was almost no usual investigation to justify tortures except dunking and, probably, body examination. A torturer who seemed to be an expert pointed out the signs of Devil on bodies of two women, Czepowa and Fronckowa. Probably the torturer searched all the suspects but did not find anything suspicious on their bodies. Thus, these signs became a valid ground for torture application. Moreover, such supernatural evidence in advance assured judges in their guilt: Czepowa did not confess her guilt on torture but she still received a death sentence.

The idea of Devil's mark belonged not only to the professional knowledge of torturers. In some cases, revealed witches themselves, voluntarily or under pressure told about the seal that devil stamped on their bodies. In 1731 the community of the village Šerkšnėnai in Samogitia was shocked by voluntary confession of teenage brother and sister, Kazimierz and Barbara Szymkayc about their family participation in the diabolic witchcraft sect. To confirm their words, they demonstrated seals that they obtain from the Devil after they rejected Christianity. Kazimierz had it near the heart, and his sister – at the backbone. According to Barbara, the Devil made them with a not very hot iron stamp. Beside these Devil's seals, their confessions contain a lot of details rare for Lithuania but common for Western and Polish trials like flying to Sabbath for a feast with the German-looking Devil in red clothes, weather magic, ointments, etc.[265] Fifteen years later, in 1746 an interrogation protocol from Mirabelis (Ukmergė county of Vilnius voivodeship) provided confession with further details. The interrogated son of a suspected witch told about their apostasy, flights to meet the devil and also demonstrated a devil's seal under the tongue. He explained that it was only the first one; soon he could get a second one with new advanced magic powers.[266]

Thus, there were no mentions of the Devil's mark until the very late 17th century, then it became known to torturers – maybe at first even to a single torturer hired to different places in a limited area to perform his duties. This test reached Lithuania in the limited version: court officials looked for strange spots but did not prick them with a needle as their Western colleagues. Witnesses of those examinations popularized this idea among the folk, so Devil's Mark became a part of a more sophisticated image of diabolic witchcraft spread in the 18th century.

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[264]RTL, nr 66.
[265]RTL, nr 69, 70.
[266]RTL, nr 77.

3.2.5. Oath

Another medieval element well-preserved and widely-used in Lithuanian justice was the oath swearing. The medieval oath was close to the ordeal because it was the ultimate evidence of the truth that involved an appeal to God. However, this test had a significant difference: the oath could not demonstrate the guilt immediately but oathbreaking would condemn the offender to future calamities and after his death – to Hell for all the eternity.[267]

The most common was compurgation. Compurgation was a way to establish the innocence of the accused by taking an oath personally and by getting a required number of oath-helpers to swear that they believed the defendant. It was known in Ancient Rome, widely popular in early medieval states of Germans and Slavs. In high Middle Ages, it became to fall in disuse on the continent, replaced by the spread of the new theory of proof and the growing role of written documents. However, it survived and stayed in use, especially in the common law of England, as well as on the peripheries of Europe, like Scandinavia or Poland-Lithuania. The Statute of 1588 relies greatly on this method of justice (as for criminal cases, Art. 2 of Ch. 11[268]).

In Lithuanian witch trials, the compurgation was a typical result when there were not enough proofs to send the suspect on torture. It is possible to notice, that compurgation functioned instead of *poena extraordinaria* that was becoming more popular in Western justice. When the evidence demonstrated the guilt of the defendant, but still did not fulfil sufficiently the requirements of the full proof, judges could impose *poena extraordinaria*, or extraordinary punishment – a lesser penalty that was often not defined in legislation.[269] It is obvious in the case of 1702 from Joniškis. Mikolaj Briedyk, a peasant from Šiauliai ekonomia, accused his neighbour Pawlowa Girniowa in cattle harm, but the manor court considered his proofs insufficient and decided to release the defendant after compurgation. However, Girniowa failed to bring oath-helpers – probably, she already had a bad reputation. As a result, the court imposed an extraordinary punishment. The woman had to pay fine of 4 talers and compensation for harm 10 talers, also to have a church penance: 3 weeks to knee with a candle during the mess, then to work in a hospital.[270]

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[267]Dmitrij Antonov, "Kljatva i krest: Problema sudebnoj prisjagi v drevnerusskoj pravovoj kul'ture XVI-XVII vv." *Drevnjaja Rus'. Voprosy medievistiki.* № 1, (2009): 42-53, p.46-47.
[268]Lickevič, ed. "Statut Vjalikaha Knjastva Litoŭskaha 1588 h.", p. 654.
[269]Langbein. *Torture and the Law of Proof*, p. 45-49.
[270]Jucewicz nr IV.

The compurgation oath of warranters demonstrated that a community generally did not exclude a defendant and it was ready to reconcile. Also, it was a way to restore peace between an accuser and an accused to prevent future revenge or relapse.[271]

The release after compurgation was not equal to the full justification, in case of future accusation this past verdict was serious evidence of guilt.

The oath could be a serious argument of the accuser. According to the Statute, if the defendant survived tortures without confession, he should be justified. However, in the number of cases, the swearing of the accuser and his oath-helpers could make the guilt proved even after failed tortures. It gave a good opportunity to burn a hateful scapegoat of the community circumventing the rules. Thus, in 1646 patrimonial court in Kupiškis (Ukmergė county) considered the complaint of Sypojnie village community against two women. Peasants complained about multiple episodes of illnesses and deaths, cattle harm and crop bewitchment – for the almost whole village, household harm like spoiling bread production... Forty villagers were ready to swear about their guilt. The defendants survived tortures denying everything, but the oath of the accusers made the court to sentence witches to the stake.[272]

When judges sent someone to tortures they were already convinced in his guilt, so the application of the oath allowed them to bend the requirements of the Roman procedure to obtain a confession. Normally to convict a peasant or burgher, the swearing of just 3 persons was enough.

To some extent, the oath swearing was close to ordeals: the oathbreaker feared not only human prosecution but also inevitable Divine punishment. At the same time, it relied greatly on the place and relations of a person in the community. No wonder, that the one with a bad reputation could hardly find oath-helpers for compurgation, as it happened in the mentioned case of Pawlowa Girniowa. Similarly, people could support the prosecution of their suspicious neighbour but refuse to swear because they were not sure enough. Thus, in 1661 in Kascianievičy (Ašmiany county) a communal court sentenced a peasant Jakow Bednarz to death. The villagers suspected Jakow for a long time and attributed to him numerous mischiefs. However, when the elders of the communal assembly brought the verdict for confirmation to their lord, a county court judge, he ordered accusers to swear an oath. As far as those who had charged Jakow refused to swear, the lord commuted the burning with flogging and released the witch on bail.[273] Nevertheless, such situations were a rare occasion.

3.2.6. Decentralization of justice

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[271]Ostling, *Between the Devil and the Host,* p.87.
[272]RTL, nr 39.
[273]NHAB, 1732-1-4, p. 20-20b.

Decentralization of courts seems to be a vital precondition for the intensive witch-hunt. Judges were involved in tensions, conflicts, corruption networks of a particular community that influenced their impartiality. They depended a lot from local ruler and elites, and if they were elected – from public opinion of their electorate. Particular legal customs and ordinances of local authorities had more power that state legislation and works of acknowledged lawyers. The defendant party had very limited opportunity to challenge the verdict or to resist power misuse. Such a situation was typical for the policies of the fragmented Holy Roman Empire. When a judicial system was a centralized institution, the situation looks different. Defendant obtained an opportunity to appeal to the higher instance that was above community networks and rumours to review sentences. The career of court officials depended more on their loyalty to institutional chiefs than to local elites, their training, and professionalism. For example, the history of witch-hunt in France demonstrates a struggle between local courts that tended to facilitate witch-hunts and provincial parliaments that demanded to follow scrupulously the legal standards in investigations of witchcraft cases.[274]

The Grand Duchy of Lithuania, same as the whole Polish-Lithuanian Commonwealth, was far from being a centralized state and in the course of the 17th-18th centuries felt further decentralization. It combined one-stage courts with more complicated state and private judicial systems. Noblemen were ensured to be judged by equals, according to the law and to appeal to Supreme Tribunal. Burghers and peasants usually had limitations, only in huge magnate or royal possessions they could seek justice at different levels of the administration up to the lord himself. Every type of court corresponded to a particular milieu and possessed its own formal and informal features, as a result – contributed distinctively to the witch-hunt.

3.3. Witch trials in particular courts

The judicial system of the Grand Duchy of Lithuania remained quite complex and not fully embodied in the Statute and Sejm regulations even after the reforms of 1560s. The upper part of the judicial system was the highest courts of the supreme state institutions: the Sovereign's Court, the court of the Council of Lords and Sejm Court. After 1581, the Lithuanian Tribunal obtained the functions of the supreme court, which became the highest body of appeal. After the reforms of 1560s which results were fixed in the Statute of 1588, nobility obtained courts independent from the state administration. In addition, autonomous communities of

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[274]Levack, *The Witch-Hunt in Early Modern Europe*, p. 93-95.

religious and ethnic minorities (Jew, Tatars, Roma) have particular administrative and judicial institutions based on own privileges, religious prescriptions and customs. [275]

The courts were socially (and to some extent – regionally) diversified. Peasants, the vast majority of the population of the country belonged to the jurisdiction of two main rural types of courts: patrimonial and communal (*kopa*). *Kopa* court existed in Ruthenian lands and Ruthenian-dominated areas and there it was common basic instance for witch trials toward peasant (and sometimes even gentry) accused. In the ethnic Lithuanian lands, first of all, Trakai voivodeship, Samogitia and western part of Vilnius voivodeship, the basic instance was the patrimonial court, that in course of time ousted communal courts in Ruthenian lands as well. However, in huge estates, the supreme instance for *kopa* was some patrimonial institution like the castle court.

County court (*sąd grodzki*) was first of all for the nobility. It often tried peasants – but as subjects of their lords involved in some dispute with other noblemen. In county courts, gentry prosecuted their equals in their deeds or deeds of their subjects. City courts, accordingly, regarded cases involving burghers at least as one party.

3.3.1. Rural courts

a) Patrimonial courts

Patrimonial courts in the Grand Duchy of Lithuania started formation in the mid-15th century when feudal lords obtained the right to dispose of not only labour but also the life and death of their serfs. For the first time the jurisdiction of princes, knights, gentry, boyars over "peasants and subjects" was legislated by Article 12 of the 1447 Casimir's Privilege. The Grand Duke granted princes and boyars with the right to judge dependent population and to collect judicial penalties in their favour. Bailiff (*detski*) joined the trial just in the case of non-appearance of the accused in the lord's court. [276]

The Statute of 1588 confirmed the feudal immunity and defined the procedure. In particular, article 11 of chapter 3 states that in case of serious felonies like murder, theft, robbery, etc. committed by one's subject, the lord of the offender need to gather a noblemen jury to judge

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[275] Valjancin Holubeŭ, *Sel'skaja abščyna ŭ Belarusi XVI – XVIII stst.* (Minsk: Belaruskaja Navuka, 2008), p. 69.

[276] Valeryj Pazdnjakoŭ, ed., "Pryvilej 1447 h." In *Vjalikae knjastva Litoŭskae: ėncyklapedyja.* Vol. 3 Dadatak, edited by T. Bjalova and all: 427-428 (Minsk: Belaruskaja Ėncyklapedyja imja Petrusja Broŭki), 2010, p. 428.

12. A takož na podavanie predrečenych knjažat, ryterev, šljachtičov, bojar, mestičov deckich ne damo; oliž by pervej ot pana, kotoromu ž tot poddan, kotoryj krivdu včinil, pravda požadana byla, ač by on na rok ne chotel k pravu postaviti; togdy naš deckij, a ljubo našich zakaznikov imat' byti poslan; a vinovatyj, kotoryj vinu zaslužil – panu svoemu, a ne inomu budet' objazan zaplatiti.

the case. Such court could sentence to any punishment including a capital one, and no appeals were possible. If the offence was not a serious one (not for capital sentence, imprisonment or huge fine), a lord can judge his subject alone. [277]

The feudal lord considered cases himself or delegated this right to officials of manor administration. Officials usually were of petty and middle gentry origin. The landowner or his officials could invite a court runner (*woźny*) from county court to observe the trial and to register it in county registry books. *Woźny* could be absent, especially in huge estates with their own developed systems of administration and justice, or just when gentry neglected this requirement. For example, the information of arson and witch trial that resulted in the execution of three women was provided to Ukmergė county court books by the lords themselves (Kavarskas manor, 1617).[278] Sometimes a lord sought an official registration of trial for his special purposes, to use it further. In 1636 Samogitian gentry Mikołaj Syrwid tried his farm maidservant Hanna for harmful spells.[279] To make it as officially as possible, he invited two assessors from county court to judge and two *woźnys* to register the trial and especially the confessions of the witch. Then he used these confessions in his accusations against his brother's wife Cecilia that allegedly had tried to bewitch him. The attorney of Cecilia in a new trial pointed out that Mikołaj falsified the trial of her maidservant and on purpose invited and misled officials to obtain strong evidence against his hated sister-in-law.[280]

Patrimonial jurisdiction in huge estates covered not only serfs but also other persons living on the lands, including those of gentry origin. In large private domains (for example, Biržai, Sluck, Niasviž principalities belonging to the Radziwills), a hierarchical system of courts gradually formed, the lower level of which consisted of the courts of particular manors (*folwark, dwor*), and the highest one – judgement of the owners themselves. A characteristic feature of these courts was that they were not actually separated from administrative bodies, and the same officials were both administrators and judges.

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[277] Lickevič, ed. "Statut Vjalikaha Knjastva Litoŭskaha 1588 h.," p. 574.
A što se dotyčet' zlodejstva, zabojstva, kgvaltu i inъšich vystupkovъ tomu podobnychъ, estli by, služečy kotoromu panu, komu inъšomu, takъže i samomu panu svoemu što zaškodilъ, o to volni budut' panove ich, zasadivši pri sobe šljachъtu, ljudej dobrych, spravedlivost' s takovogo činiti. A v čomъ by byl chto s prava pokonanъ, togdy totъ maet' za vystupokъ svoj terъpeti i karanъ byti, by težъ i gorlomъ. Vedъ že apeljacyi postupkom sego statutu na obedve storone, takъ povodovoj, jako i otporъnoj, do sudu golovnogo ne maet' boroniti. A v koždoj takovoj sprave maet' byti skladanъ rokъ za čotyri nedeli dlja togo, aby totъ sluga obžalovanyj rodičovъ abo prijatel' svoich ku tomu pravu sposobiti mogъ. A v men'šichъ rečachъ, gdъ o gorъlo i o plačen'e sumy penežnoe, takъže o seden'e ne pojdet', volno budet' koždomu panu slugu svoego vodle vystupu ego suditi i s prava karati.
[278]RTL, nr 18.
[279] RTL, nr 27.
[280] RTL, nr 28.

Since the end of the 16th century, the steward court in the centre of the large domain bore the title of *castle court*. The court usually consisted of steward and clerks appointed by the magnate (but there were similar courts consisted of elected noble judges that were separate from administration, like the central court of Niasviž *ordynacja*) The castle court, according to its competence, was equal to both state county courts, *grodzki (*criminal*)* and *ziemski (*civil) ones, at the same time. The court examined the civil and criminal cases of the gentry. In its charge were also the criminal and most important civil cases of burghers, Jews and other subjects of the prince. At the castle court, there was an executioner (*mistrz* or *kat*), which carried out court verdicts.[281]

The estates might be rented or pledged – in that case, their temporary owners obtained judicial authority over the population living in the estates. This conceded judicial competence was quite different, and in the concluded contracts it was often stipulated that the capital crimes were to be transferred to the court of the main estate or to be prosecuted only with owner's permission.

Royal estates (pl. *ekonomia, dobra stołowe*; lat. *bona mensae regiae*) were organized in a similar manner. In the 16th-18th centuries, higher officials could obtain some of the royal estates (*starostwo*) in temporary possession as a reward for their service so they obtained judicial power over estate subjects.

The trials towards subjects in church estates of various confessions followed the same way. In 1595 Calvinist preacher Dawid Dergwil suspected his maidservant Jadwiga who was a subject of the Šiluva parish in a bewitchment of his wife and household. To investigate and judge the case he invited *woźny* and local gentry men to conduct a patrimonial trial according to the Statute requirements. However, possibly such wide official participation was important for Dergwil to point out and document the guilt of his predecessor: Jadwiga confessed that it was former preacher Tomasz who had taught her how to bewitch her master. [282]

The judicial system of a private city based on the privileges of the Magdeburg law and other supplementing statutes. The difference in comparison to free cities was that appeals against decisions of city courts were submitted first to the owners' judgment, or to the court of the stewards of the main estate.

The will of a lord or his authorized representatives could violate court subordination order. For example, a serf might be brought to the city to be judged there. For instance, a witch lawsuit of 1725 between the serfs from Andrušy village was finally forwarded from Niasviž

[281] Anatolij Grickevič, *Častnovladel'českie goroda Belorussii v XVI-XVIII vv. (social'no-ėkonomičeskoe issledovanie istorii gorodov)* (Minsk: Nauka i technika, 1975), p. 171.
[282] RTL, nr 9.

castle court to the city court of the same town.[283] Niasviž was a private town with Magdeburg right which belonged to the princes Radziwills and at the same time – the centre of their Niasviž duchy that included Andrušy. City court formally did not have jurisdiction over those peasants. The reason for this shift might be in the notion that the city court guided by the better-developed anti-witchcraft Magdeburg law was more competent in witch trials. Another (and perhaps, more reliable one, considering that patrimonial courts in their practice could refer to different sources of law[284]) explanation might be an assumption that official in charge mechanically followed Polish pattern: in Polish Crown, it was common practice to forward peasant witch cases to city courts. Anyway, it was untypical for Lithuanian state judicial tradition but possible in conditions of patrimonial immunity.

The highest judicial power belonged to the lord. They were the supreme appeals instance of the patrimonial court system. They could remove any case from the trial of any court and decide it just on their own. However, the facts show that magnates personally considered legal cases very rarely. Some of them were high-ranking officials and dealt mainly with public affairs, while others did not like to trouble themselves with unnecessary duties.[285]

In a huge domain, witch trials could pass several levels. Thus, in 1603 prince Radziwill in his Niasviž residence has got a complaint from his subject Jan Macuitys from a remote village Gaudikiai near the border with Courland. Jan accused his neighbour, Maciul Skieiterat in the death of his father and his own health harm caused by spells. The reason for the application to the prince was the negligence of his village *starosta* (elder). The *starosta* started the witch trial (perhaps in Žagarė, which belonged to Šiauliai *ekonomia* – temporary possession of the prince) and took accuser's money to hire a torturer for interrogation, but didn't complete the trial. Jan Macuitys persisted and managed to reach the highest instance possible for the serf – his lord in his residence far away. An inscription at the complaint tells that the case was sent back to Žagarė court and solved there.[286]

In the courts of large domains, the judicial process resembled a trial procedure of county courts. The court appointed monetary fines and various punishments – imprisonment, flogging, the death penalty. For grave crimes, a qualified death penalty was imposed. The most important judicial decisions were substantiated by references to the legislative sources: the Statute, customs, Sejm constitutions, etc. The owner of the estate usually needed to confirm the death

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[283] NHAB, 1819-1-1, p. 38-39b.
[284] Grickevič, *Častnovladel'českie goroda Belorussii*, p. 175-176.
[285] Vytautas Raudeliunas and Romualdas Firkovičius, eds., *Biržų dvaro teismo knygos 1620-1745*(Vilnius: Mintis, 1982), p. 457-458.
[286] RTL, nr 13.

sentences. In his absence, this right was delegated to high-ranked officials like governors or stewards. [287]

In addition to state and customary law, there were instructions for estate managers, which contains, among other, prescriptions regarding magicians and magic. In 1583 Eustachy Wołłowicz attempted to increase the piety of his serfs by administrative measures. Magnate's decree for his estates Naujamiestis near Upytė prescribed to punish severely sorcerers (*burtniki*), witches (*czarowniki*) as well as drunkards, thieves, libertine, which have to be cast out of the estate after confiscating half of their property.[288] Perhaps, the patchwork results of confessionalization in particular regions were the reason that lords issued similar instructions even 200 years later. There are several estate instructions (*instruktarze ekonomiczne*) published that were issued after the witch-hunt termination of 1776 but still mentioned witchcraft – for Aviliai manor in Braslaŭ county (1781) and Sarja in Dzisna county (1782). These instructions contain special prescriptions to raise piety of serfs by controlling church service attendance, catechization and preventing sinful practices – superstitions, divination and sorcery. In comparison to Wołłowicz's prescriptions, such sinners were punished milder – with rods and whips. [289]

Witch-hunt activities of patrimonial courts depended greatly on the worldview and enthusiasm of the particular officials in charge – and the denominational pattern can be recognized. Comparison between two large domains, Calvinist Biržai duchy and Catholic Šauliaj *economia* points out striking differences. Publications of particular patrimonial court journals[290] give a limited opportunity to compare these two domains.

There are three journals from Žagarė patrimonial court published in the volume. The first (1670-71) has no mentions of magic. The second one, from 1691-1695, inform about four trials. The first case (1691) led to the justification of the suspect.[291] Another one was cancelled as parties came to an agreement: the plaintiff, village *wójt* (vogt), called back his charge on condition that the accused would never harm him and in her turn, would not claim compensation for the accusation and dunking (1693).[292] Two other trials were much more exciting and tragic. The first

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[287] Grickevič, *Častnovladel'českie goroda Belorussii*, p. 172.

[288] Norbertas Velius, ed., *Baltų religijos ir mitologijos šaltiniai*, vol. 2 (Vilnius: Mokslo ir enciklopedijų leidybos institutas, 2001), p. 612-613.

[289] Stefan Pawlik, ed., *Polskie instruktarze ekonomiczne z konca XVII i z XVIII wieku*, vol. 1 (W Krakowie, Nakl. Akademii Umiejetnosci, 1915), pp. 199, 227.

[290] Vytautas Raudeliūnas, Romualdas Firkovičius, eds. *Biržų dvaro teismo knygos, 1620-1745.* Vilnius: Mintis, 1982 (BDTK); Vytautas Raudeliūnas, Algirdas Baliulis, Romualdas Firkovičius, eds. *Žagarės dvaro teismo knygos (1670-1751).* Vilnius : Kultūros, filosofijos ir meno institutas, 2003 (ŽDTK).

[291] ŽDTK, p. 138.

[292] ŽDTK, p. 180-181.

of them, held in 1692, one of the early diabolic trials, resulted in the burning of two women.[293] The second, in 1694, led to the execution of the accused couple and banishment of their three children.[294] Both cases involved the active participation of all villagers against denounced witches. The journal dated to 1747-1751 mentions witchcraft in 11 records. All of them are defamation litigations, but at least in two cases they involved actual investigation.[295]

At the same time, the situation in Calvinist Biržai duchy looks differently. The collection consists of almost simultaneous materials: two full court journals (1693-1701 and 1709-1718) and sporadic records (1620-1745). Nevertheless, there are no witch trials or even defamation litigations at all.

There have been another situation - when the initiative came from not lords but an enthusiastic official. In June 1758 the steward of one of the Count Tyszkiewicz's estates informed his master about the witch-hunt successes:

> My Lord! […] I'd like to inform you that with your permission I have burnt six witches – three have confessed and the rest did not admit, the two are elderly, the third is also fifty years old, and moreover, eleven days they all sat under a vat, and perhaps, they have bewitched the others. Now the master's rye in two places is broken [It means, the spells are cast at the field and household by breaking rye ears and twisting into a bundle]. I am now collecting water from ten churches and I will cook a jelly (kissel) with it: as people say, surely all the witches will come running to ask for kissel; then I still have work to do. Mr Epernethy, following our example, burned a woman and a man, a wójt... This poor did not confess anything, but the woman confessed everything and went to the next world in great desperation.[296]

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[293] *ŽDTK,* p. 150-152

[294] *ŽDTK, p. 183-188)*

[295] ŽDTK, p. 305-306, 565.

[296] Jakov Kantorovič, *Srednevekovye processy o ved'mach* (Sankt-Peterburg : izd. Jakova Kantoroviča, 1899), p.178:

> *Jasnovel'možnyj pane! S vozvraščajuščimisja klepackimi krest'janami donošu, čto s vašego pozvolen'ja sžeg ja šest' čarovnic, — tri soznalis', a ostal'nye ne soznalis', potomu čto dve prestarelye, tret'ja tože let pjatidesjati, da k tomu že odinnadcat' dnej oni vse prosideli u menja pod čanom, tak, verno, i drugich zakoldovali. Vot i teper' gospodskaja rož' v dvuch mestach nalomana. Ja sbiraju teper' s desjati kostelov vodu i budu na nej varit' kisel': govorjat, nepremenno vse koldun'i pribegut prosit' kiselja; togda ešče mne raboty. Vot i g. Eperneti, po našemu primeru, sžeg ženščinu i mužčinu, vojta... Ėtot nesčastnyj ni v čem ne soznalsja, zato ženščina soznalas' vo vsem i s velikim otčajaniem pošla na tot svet*

With the connivance of the lord, the official violated normal trial procedure and employed folk methods of witch finding instead. If the source is reliable, it brightly shows how the uncontrolled patrimonial authority allowed the superstitious witch-hunter to kill six persons without proper trial.

Patrimonial justice worked well when both a plaintiff and a defendant belonged to the same possession. Otherwise, it could be not an easy task. To accuse a subject of noble neighbour was equal to the attack on his property and honor.[297] While some compromises were possible, often such rural cases had to move to county courts.

b) *Kopa* – rural communal court

The sources for this type of courts are quite scarce. Besides two *kopa* decrees and three reports of presented county court officials, the rest of the information came from following county trials or protestations. It seems that first of all the complicated cases registered for the next proceeding could survive. At the same time, a significant part of more simple ones had much worse documentary coverage. One should keep in mind this source limitation.

Researchers have suggested that to the end of the 16th century, the communal court (Ruth.:*kopa, kopnyj sud*) was a traditional institution in Ruthenian lands.[298] Lithuanian Statutes confirmed it and tried to expand this experience for all regions of the state. Article 9 of chapter 14 introduces affirms *kopa* responsibility for in the immediate investigation of crimes, first of all, thefts. The article approved *kopas* in Ruthenia, their ancient customs and even places where they gathered since the old times. It rules that lands without *kopa* tradition should establish it according to Ruthenian customs.[299] This quote usually allows researchers to assert ancient Ruthenian and even Rusian roots of the institution and explain its predominantly East Slavic area of performing. However, the Statute attempt to introduce this institution in ethnic Lithuania generally failed. Thus, the members of the Vilna Archaeography Commission, which prepared a volume dedicated to communal courts, processed about 300 court act books from Lithuania and Samogitia (documents from White Ruthenia was engaged in a similar commission in Vitebsk archive): from Brest, Ukmergė, Vaŭkavysk, Hrodna, Kaunas, Lida, Minsk, Mazyr, Navahrudak, Pinsk, Raseiniai, Slonim, Sluck, Trakai and Upytė county courts for 1560-1699. They found 448 documents of communal courts and concluded that the vast majority of the evidence of the existence and activities of *kopas* dealt specifically with the predominately Ruthenian territory.

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[297] Ostling, *Between the Devil and the Host*, p. 98-99.

[298] Holubeŭ, *Sel'skaja abščyna ŭ Belarusi*, p. 74.

[299] Lickevič, ed. "Statut Vjalikaha Knjastva Litoŭskaha 1588 h.," p.684:
> *A na Rusi i inъde, gde zdavna kopy byvali, tamъ majut' byti i teperъ kopy otpravovany na starychъ kopoviščachъ tymъ obučaetъ, jako pervej togo byvalo. A na tychъ težъ mestъcachъ, gde doselъ kopy ne byvali, takovym že porjadъkomъ i postupkomъ kopy zbirany i otpravovany byti majut', jako sja i na Rusi zachovyvalo i zachovuet'*

Most records came from Brest, Minsk, Pinsk, Sluck, Slonim, in comparison to the absence of such materials from Ukmergė, Kaunas, Raseiniai, Upytė counties inhabited mostly by ethnic Lithuanians. However, in some of the mentioned ethnic Lithuanian regions, in particular in Samogitia, the term *kopa* existed, but meant something different – it was applied to noble land court existed in the 16th century. [300] Thus, the presence/absence of *kopa* court is an important distinction between Ruthenian and Lithuanian rural population that determined significant differences on this ground level of justice.

The communal assembly was a kind of collective jury to sentence verdicts by consensus of the members. Participation was wide, numerous and democratic. The communal court usually involved (and therefore, in the trial proceeding) all members (*men – mužy*) and leaders (*elders – starcy*) of the peasant communities from the particular *kopa* district. Trial documents depict meetings involving residents from 1 to 18 settlements. The presence of all *men* was not always mandatory, representatives might be elected: often 1-3 delegates per village. [301] Thus, it was predominantly folk judicial autonomy of rural population in the broad sense. Presence of the official from the higher state judicial institution (usually it was *woźny* from county court) was required to include the statement about *kopa* and its decision to act trial books, as a confirmation of the grass-root act of justice by the supreme power. [302]

People of different social classes could participate in the communal court. In usual or particular communal trials participants were of a wide range of social belonging: serfs of royal, gentry and church estates; free inhabitants of manors and villages; local clergy; burghers of free as well as privately-owned cities; different categories of nobility; rural self-government and administration (elders, benchers, *wójts*, *ciwuns*); ethnic minorities (Jews, Tatars, Roma); government officials. [303]

The jury consisted of peasant elders felt the lack of legal literacy and persistence when faced the pressure from some presumptuous participants especially landlords. Thus, in Balotčycy village near Sluck in 1638 *kopa* justified the accused girl, but the relative of plaintiff nevertheless persisted to imprison her for the next prosecution in the castle court of Sluck duchy.[304]

Kopa in ethnic Ruthenian lands often acted in cases typical for patrimonial trials in the ethnic Lithuanian part of the country. For example, when masters suspected their servants in

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[300] *Akty, izdavaemye Komissieju, vysočajše učreždennoju dlja razbora drevnich aktov v Vil'ne.* Vol. 18: Akty o kopnych sudach (Vil'na: Tipografija A.G. Syrkina, 1891), p.XIX-XX.
[301] Dzmitryj Bucin, "Sklad udzel'nikaŭ kopnaha suda na belaruskich zemljach Vjalikaha knjastva Litoŭskaha (XVI—XVII st.)" In *Pracy histaryčnaha fakul'tėta BDU,* issue 5, edited by U. K. Koršuk: 18-28 (Minsk: BDU, 2010), p. 19.
[302] Holubeŭ, *Sel'skaja abščyna ŭ Belarusi*, p. 77.
[303] Bucin, "Sklad udzel'nikaŭ kopnaha suda", p. 19-20.
[304] AVAK, vol. 18, p. 333.

witchcraft, despite the right of patrimonial immunity they immediately convoked the communal assembly to present the accusation, demonstrate evidence and start the trial, as it happened, for example, in Pinsk county in 1630.[305]

The court could deal with any crimes committed in their district within a radius of about 2 to 3 Lithuanian miles (15-20 km) as well as different everyday conflicts: theft, robbery, property damage, quarrels and affrays, property disputes among peasants, as well as witchcraft.[306]

Often the nobility tried to protect subjects and own honour disrupting *kopa* sessions or ignoring its decisions. In the event of such difficulties, the communal court could refer to a higher, more authoritative institution. Thus, the next step was a patrimonial court or county court and the ultimate one – the Court of the Grand Duke or, after 1581, Lithuanian Tribunal. For example, in 1622 a nobleman Samuel' Slavskij, the temporary possessor of Kurkavičy village near Minsk, refused to deliver his serf to the communal trial and did not allow his peasants to participate in the communal assembly. The serf, Boris Slavikovič had been caught while burying a stick with rye ears in an old grave, which seemed to be witchcraft, but he had been delivered to his master's manor until the proper *kopa* gathering. Perhaps, the only way to defend the subject was to disrupt the trial. Sir Slavskij claimed to the representatives of *kopa* accompanied by *woźny* that according to the Statute the county court only could consider witchcraft. The communal court convicted the witch *in absentia* and then complained of Slavskij's disobedience to the county court.[307] However, the county court in Minsk couldn't persuade the stubborn nobleman to obey *kopa* decree, the case reached the Supreme Tribunal and finally the Grand Duke Sigismund III Vasa issued an order for Samuel' Slavskij to obey the verdicts of communal and county courts.[308] Thus, the whole system of justice supported the competence of the archaic traditional *kopa*, and at the same time, it demonstrated significant problems in execution of its decisions.

Communal court more often dealt with issues of a peasant community, but it could proceed cases of any counterparts including nobility. Noblemen were involved in court proceedings when the trial case directly concerned their interests or their subjects. They could also initiate such trials. Thus, in Pinsk county in 1630 the high-ranked local official, Substarosta of Pinsk county suspected his maidservant in the bewitchment of his wife. The maidservant confessed that she had got the spells (sand, nails and human bones from the grave) and the instructions from the wife of *woźny* Wysocki. *Kopa* interrogated and convicted the maidservant

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[305] AVAK, vol. 18, p. 305-306.
[306] Holubeŭ, *Sel'skaja abščyna ŭ Belarusi*, p. 78.
[307] AVAK, vol. 18, p. 263-265.
[308] Holubeŭ, *Sel'skaja abščyna ŭ Belarusi*, p. 81-82.

and summoned to the communal assembly the Wysockis. However, *woźny* refused to deliver his wife. Instead, he brought four guarantors to swear an oath of her innocence. The jury was not satisfied and stated his disobedience, confirmed later in the county court trial that cost to Wysocki 100 *grosz* of fine.[309] W*oźny* as a judicial expert and his attorney tried to resort to casuistry, but nobody questioned the authority of *kopa*. Thus, the rural communal court had enough authority, confirmed by the tradition and the state legislation, to judge even influential landlords.

However, already in the 17th century, a tendency was that nobles did their best to limit or erase communal competence over them demanding to be challenged and judged by equal ones – by nobles. It seemed offensive to obey the plebeian judging.[310] Despite their protests, state courts of higher levels usually confirmed communal competences and enforced disobedient noblemen to follow *kopa* just decisions.[311] Finally, in the 18th century, the role of *kopa* decreased significantly.

The communal assembly had a particular way of trial initiation. It can react really fast. When someone caught a suspect casting spells, he could summon a "hot kopa" – an urgent assembly of villagers, as many of them as possible to find at the moment, to examine the crime scene and state the circumstances of the case. In fact, it was a traditional paperless registration of the crime by the mean of witnesses that was a manageable option for illiterate commoners. After this first *kopa*, the accused could be imprisoned or, more common, released on bail of his relatives or lord until the next trial session, that followed soon. Proper investigation and consideration of the case required a full assembly, lords, if possible – court officials.

The accusers were mostly individuals; peasants sometimes could be supported by their lords. Only in one case from Ašmiany county occurred in 1661 the whole village together charged the supposed witch, but no one was ready to swear formally about his guilt, so the lord, county court judge, ordered to replace burning with flogging.[312]

The investigation was not a complicated one. First, it was the testimony of the accuser about harms and statements of witnesses. Important evidence was accounts of neighbours on the reputation of the accused. The oath was an important validation of the presented testimonies, and if the guarantors of the accuser refused to swear, it could be a reason for a release or a milder punishment. The assembly interrogated the accused if he or she presented at the trial. The

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[309] AVAK, vol. 18, p. 39.
[310] Bucin, "Sklad udzel'nikaŭ kopnaha suda," p. 24.
[311] Bucin, Dzmitryj. "Uzaemaadnosiny kapy z grodskim i panskim sudami na belaruskich zemljach Vjalikaha knjastva Litoŭskaha ŭ XVI—XVIII stst." In *Pracy histaryčnaha fakul'tėta BDU,* issue 7, edited by U. K. Koršuk: 9-18. (Minsk: BDU, 2012), p. 12.
[312] NHAB, 1732-1-4, p.20-20b.

accused had no legal defender, but sometimes he or she could rely on the assistance of the master, and the best defence was to hide the suspect or disrupt the trial. Less defiant lords could defend their subjects before the court and appeal to higher authorities.[313] The records about *kopa* witch trials contain no mentions of any ordeals like dunking or tests like body examination.

If the assembly managed to carry through the trial (which seems to be an uneasy task), the most likely verdict was burning. However, existent sources report about only one person that has ended at the stake (Pinsk county, 1631).[314] In the notorious case of 1622, a lord of the witch refused to observe *kopa* verdict (and later – county court and even Supreme Tribunal decisions).[315] Another lord in the mentioned case of Ašmiany county in 1661 commuted the sentence.[316]

In the trial of 1638 occurred near Sluck, the communal court leaned towards the justification of the accused, but a plaintiff forced the *kopa* to send the case to a castle court and a girl – to castle prison.[317]

In the majority of registered cases, lords did their best to disrupt trials: they refused to surrender the accused subject, forbade their peasants to participate in the assembly and even violently attacked a kopa gathering. Thus, in 1684 in Pinsk county, drunken lord of an accused who was also a brother of a plaintiff, accompanied with armed servants, attacked communal assembly that gathered to consider witchcraft case, swore, blamed the plaintiff in witchcraft and refused to put his subject to trial.[318] In fact, all known communal witch trials of the 1670s-1690s were disrupted. It is evident that in the course of the 17th century *kopa* rapidly lost its authority. Disobedience of the nobility that more and more distanced from common folk diminished its efficiency.

3.3.2. Nobility courts

a) County courts

The county (Ruthenian: *povet*, Polish: *powiat*) system was a backbone of gentry democracy, especially in course of decentralization tendencies of the 17th-18th centuries. The system of county self-government formed within the administrative reforms in the middle of the 16th century based on the experience of the Polish Crown. The counties were the primary

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[313] AVAK, vol. 18, p. 332-334
[314] AVAK, vol. 18, p. 309-311.
[315] AVAK, vol. 18, p. 263-265.
[316] NHAB, 1732-1-4, p.20-20b
[317] AVAK, vol. 18, p. 284-286.
[318] AVAK, vol. 18, p. 499-500

administrative, political (local diets and elections to the Sejm), military (county units of gentry mobilization) and judiciary formations.[319]

The county court was the basic justice institution for the nobility. Actually, in every county, there were three separate courts: for criminal (*grodzki*), for civil (*ziemski*) and for the land property (*podkomorski*) matters. Witch trials usually belonged to the criminal one.

The head of the county court, as well as county administration, was a *starosta* (in some cases – voivodes, who had starostas' functions in central counties of voivodeships). Busy starostas delegated their right to substarostas, their deputies. Judges were chosen from among the local hereditary nobles, often among county elites.[320] The Statute required to elect those who were not only honest and pious but could write and know laws (Ch. 4, Art. 1).[321] They seldom possessed formal training, their knowledge came from practice mostly.

County court included some professionals. There was one or number of court runners (*woźny*), their duty was to maintain the wide range of judicial tasks: from serving subpoenas to the examination of the crime scene and primary investigation (Statute, Ch 4. Art 9).[322] Because of the multiple tasks, courts could have several runners headed by *jenerał*.[323] They also represented county justice at the patrimonial and communal court sessions. County Clerk (*pisarz*) alone or assisted with scribes did the paperwork and kept the archive.[324]

Perhaps attorneys were the only participants of the county session that were required to have professional training. Trials with their participation often demonstrated a great variety of judicial argumentation and casuistry, references to different legal sources and even to demonologist instructions. However, their assistance was expensive, so often parties have managed without attorneys. Attorneys, as well as court runners and clerks, belonged to medium gentry, for whom such careers were an important way to secure financial well-being and improve social status.

Every county court had to hire a public executioner and to maintain a prison. Imprisonment was not for free, costs had to be paid by a prisoner if he was released, or by the accuser, in case of slander or capital punishment of the offender (Statute, Ch. 4, Art. 31).[325] No wonder that not so many defendants waited for trial in public jail, or in rare cases, they were detained in private manor prisons.

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[319]Ivan Lappo, "Grodskij sud v Velikom Knjažestve Litovskom v XVI stoletii." *Žurnal Ministerstva narodnogo prosveščenija* 1 (1908): 51-113, p. 52-53.
[320]Lappo, "Grodskij sud v Velikom Knjažestve Litovskom", p. 56-64.
[321]Lickevič, ed. "Statut Vjalikaha Knjastva Litoŭskaha 1588 h.", p. 584-585.
[322]Lickevič, ed. "Statut Vjalikaha Knjastva Litoŭskaha 1588 h.", p. 588-589.
[323]Lappo, "Grodskij sud v Velikom Knjažestve Litovskom", p. 65.
[324]Lappo, "Grodskij sud v Velikom Knjažestve Litovskom", p. 64.
[325]Lickevič, ed. "Statut Vjalikaha Knjastva Litoŭskaha 1588 h.", p. 597-598.

The county justice was far from being prompt. As a rule, the court gathered to try cases only during the particular sessions that took place every first two weeks of the month. To be tried, the complaint had to be registered four weeks in advance (Statute, Ch. 4, Art. 33).[326] Between sessions, it was important also to prepare evidence: to write down former protestations, to invite *woźny* for examination and investigation, etc. In some cases, the accused might be imprisoned until his or her turn to be tried. A trial could have a number of court hearings and the next proceedings could be postponed to the next session time of even further.

Between sessions, county court officials registered magic misdeeds as protestations – complaints without immediate proceeding. Some of them might look paranoic. For example, in 1677 sir Piotr Kurowski, nobleman and landowner from Lida county, complained about hostile activities of Lida city elite. He blamed a city mayor, his deputy, some members of the city council in numerous real and magic abuses against him. They allegedly seized his field, damaged and stole crops, and tried to bewitch him by making twists in all his fields.[327] Of course, Piotr could hardly win a lawsuit, but at least he attempted to damage their reputations.

Some protestations demonstrate the frustration of the ruined private life. Lady Hanna Cywinska from Brest county registered in 1628 a protestation against Raina Cyckowa, mistress of her husband. Hanna Argued, that Raina, a Vilnius woman of uncertain social belonging (was she actually *loznaja* – a marginal one?) by mean of magic seduced her husband, caused family disorder, made her ill and also threatened with death.[328] This protestation could become a solid argument in possible divorce. In the event of Hanna's death, this revenge of the offended woman could be a ground to initiate a witch trial but also influence the heritage claims.

Act books of county courts validated testaments that also could work similarly to protestations. Testimony of victim on a deathbed, "sealed by death" was considered extremely reliable. No wonder that registered testament could be the last chance to punish the perpetrator. K. Jablonskis and R. Jasas published five testaments that mention witchcraft. They were registered between 1614 and 1681, the earliest one came from Ukmergė county, the rest – from Samogitia. Two of them, from 1614 and 1681, created by noblewomen in miserable marriages, abused and explicitly cheated by their husbands. Being terminally ill or at the deathbed, they blamed husbands' lover or relative in deadly bewitchment.[329] In other cases, testators asked to punish those who bewitched them to death, both to execute earlier revealed witches[330] or to find

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[326]Lickevič, ed. "Statut Vjalikaha Knjastva Litoŭskaha 1588 h.", p. 599.
[327]RTL, nr 49.
[328]RTL, nr 22.
[329]RTL, nr 16, 53.
[330]RTL, nr 31.

unknown bewitchers[331]. Oral blame of bewitcher by a victim on deathbed was also a valuable testimony cited in trials but not comparable to registered ones.

Besides the registered protestation, an injured party could invite *woźny* to examine harm and place of crime. It was a significant step to the witch trial, but it still could stop at this point. An example came from Ašmiany county. A Jew-pubkeeper suspected an attempt to bewitch him, tried to apprehend a sorcerer but he escaped. The same day, pubkeeper's little son, who had witnessed the encounter, fell ill. Desperate father complained to the county court. *Woźny* arrived, together with official witnesses examined the boy, stated his grave condition and details of the case that recorded in a report. However, there were no sources about the continuation of the case. It is unknown whether it was halted because the boy recovered, the lord of the sorcerer prosecuted him within patrimonial justice or the Jew did not dare to compete with the lord of the accused, the Chamberlain of Polack voivodeship.[332]

If the offender was someone's subject, first it was right and duty of his master to judge him. If the aggrieved party was not satisfied it could charge the lord in the county court (Statute, Ch. 4, Art. 48).[333] The sources contain a number of cases when a charge to county court followed unsatisfactory results of patrimonial justice.[334] It was the responsibility of a lord to represent his subject and to care about the implementation of the decision, and he could be punished for disobedience. When in 1717 the Ukmergė county court ordered to deliver a serf woman, but the leaseholder of the manor was absent and the owner did not want to intervene, so after all delays, the judge imposed hefty fines on both noblemen.[335] However, it was not uncommon that masters helped their subjects to hide or to escape.[336]

The main source of law for county court was the Statute. However, its gap-filling option gave an opportunity for sophisticated lawyers to refer to a range of other legal sources, from Polish and German codes to the Bible and demonologist handbooks, as it was discussed above in Chapter 2. This variety of legal sources is almost exclusively a feature of trials in county courts.

Despite the majority of sources on witch trials (reports about patrimonial and communal prosecutions, protestations, etc) came from the act books of county courts, the records how these courts tried witches are relatively rare.

According to the sources available, there are only 15 entirely preserved trials. The bulk of them occurred between 1575 and 1667 despite it is the time with the less complete archival

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[331]RTL, nr 44.
[332]ASZR, vol. 1, p. 295-297.
[333]Lickevič, ed. "Statut Vjalikaha Knjastva Litoŭskaha 1588 h.", p. 604-605.
[334]RTL, nr 45, 46.
[335]RTL, nr 59.
[336]AVAK, vol. 18, p. 309- 311; RTL, nr 42.

coverage. Majority of the convictions took place between 1614 and 1655, except the only late case of 1717.

The available sources demonstrate a familiar pattern. From the West to the East the number of county trials drops significantly: from a relatively extensive number in Samogitia (9 trials – more than half of the whole amount) to moderate numbers in Trakai and Vilnius voivodeships (2 each) to rare cases in the centre (Brest and Navahrudak voivodeships each had large but single cases). There are no clear information about country trials in Minsk (except for the one of 1622 that confirmed the verdict of the communal court in absence of defendant party that refused to obey), Vicebsk (except for the unclear case of 1532 considered by voivode before the county court reform), Polack and Mscislau voivodeships.

County courts strictly followed the accusatorial procedure, so normally the number of accused was limited to 1 person, sometimes 2, and only once there were 3 persons at a time – in a quite unique Samogitian case of 1667 when a gentry accused 3 male subjects of his neighbour in setting predators on his cattle.[337] Also, it was the only event of exclusively male defendants, in the rest of trials accusations targeted women (formally, in one case husband and wife acted together, to defend the honour of the woman from slander).

Defendants in the county courts risked much less to end up on a stake. Out of 15 county trials with known verdicts, there were only 6 capital sentences. However, only 4 convicted reached the stake. Three of the convicted to death were noblewoman so they exercised their right to appeal to the Supreme Tribunal. At the same time, courts decided justification in 3 cases (once a plaintiff was punished for slander), and also they 3 times released defendants under suspicions.

Judges and especially attorneys were very demanding to the validity of proofs and witness testimonies. County court accepted no ordeals and superstitious tests. Written documents were among the most significant proofs: registered protestations, *woźny* reports, decrees from different courts, written testimonies of revealed witches, etc. As a result, the role of professional attorneys was essential. Attorneys debated the validity of proofs, the applicability of particular laws, and the accuracy of trial procedures. Their participation was the reason for the majority of the references to the supplementary Imperial, Roman, Polish laws, the Bible and demonologists (Delrio). To some extent, they were a kind of mediators between Western demonologist legal notions and Lithuanian judicial practice.

It was uncommon to try a nobleman with tortures. For example, when Upytė county judges decided that the evidence of guilt was sufficient, they ordered the accusers to swear an oath with six noble oath-helpers to obtain the full proof.[338] However, there were at least two

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[337]RTL, nr 46.
[338]RTL, nr 17.

incidents when courts sent noble suspects to the corporal interrogation. Both occurred in almost the same time: Pinsk case of 1630[339] and Navahrudak case of 1631[340]. In both cases, attorneys of the plaintiffs insisted to apply Imperial law and lift the State limitations. However, in Pinsk case, when the court allowed the appeal to the Supreme Tribunal, the torture was postponed, but Raina Hromyczyna tried in Nawahrudak was a rare noblewoman tortured and later burned for witchcraft.

Often county court lawsuits originated from patrimonial (or communal) trials: interrogated subjects confessed that they tried to bewitch their masters or their property on behalf of his noble enemies and revealed their names. Registered by *woźny*, such confessions could be a ground to sue a noble instigator of bewitchment.[341] Two out of three trials that ended up with capital convictions for noblewomen started in this way.[342] County judges took especially seriously such charges in the first half of the 17th century. However, in the whole period, courts were critical to the confessions at the patrimonial trials. In 1636 a defendant party was able to prove that a convicted witch had been forced to blame the hated relatives of her master.[343] Almost at the same time, in 1646 and 1648, the Samogitian court in Raseiniai considered two lawsuits not against witches but against potential accusers.[344] In both cases, after patrimonial trials, lords of burned witches registered protestations against their relatives based on witches' confessions. Those relatives, to prevent possible charges in witchcraft, demanded to cancel these protestations and restore their reputation. Judges ruled in their favour because it appeared that in the first case the witches rejected their claims on stake, and in the second one the testimony of the witch was unclear. However, only 1646 trial resulted with a fine for slander, in all other cases of revealed violations no sanctions are mentioned.[345]

b) Lithuanian Tribunal

Those noblemen, both plaintiffs and defendants, who were not satisfied with county court verdicts, could appeal to the highest judicial body – **Tribunal of the Grand Duchy of Lithuania**. It was the highest appeal court for the nobility of the Grand Duchy of Lithuania that replaced the appeals to the Grand Duke's judgment. It was established during Stephen Bathory's reign in 1581, following the example of the Crown Tribunal in Poland, established in 1578. It was a court exclusively for nobility. The Tribunal judges were elected from local nobles in county diets (*sejmiks*). The local diets of every county elected two judges for a one-year term at

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[339]AVAK, vol. 18, p. 309- 311.
[340]ASZR vol. 3, p. 113-128, 147-163.
[341]AVAK, vol. 18, p. 267, 270; ASZR, vol. 3, p. 113-128; RTL, nr 28, 38, 41, 43, 45, 57, 58, 59.
[342]AVAK, vol. 18, p. 267, 270; ASZR, vol. 3, p. 113-128.
[343]RTL, nr 28.
[344]RTL, nr 38, RTL, nr 40.
[345]RTL, nr 38.

the beginning of the year. Judges were not required to have special legal education. The jury decided cases by a simple majority of votes. The Tribunal accepted civil and criminal cases also regarded misconducts of lower-tier courts.

The Tribunal met four, later twice a year in Vilnius, Minsk and Navahrudak. The sessions usually lasted about five months. To a great extent, the Lithuanian Tribunal took the majority of judicial functions of the Grand Duke as the highest instance but not replaced him totally. This institution was an important measure for maintaining the autonomy of Lithuania within the Commonwealth: it had exclusive judicial power in the Grand Duchy, judged according to the Statute, consisted of Lithuanian nobility, and its official language for a long time stayed Ruthenian.[346]

Practically, Tribunal did not have an institution to enforce its decisions. It delegated the enforcement to lower courts. Therefore, it was difficult to impose the court decision on the disobedient lord, as it happened in the above-mentioned case of 1622 from Minsk county when the Tribunal could not implement the confirmation of the communal and county courts because the stubborn lord of the witch resisted it.[347]

In witchcraft cases regarded by the Tribunal, there is no application of tortures as far as it dealt with nobility and of course no room for demonology tests. Judges and attorneys regarded written testimonies of witnesses and of court officials, discussed their validity. The Tribunal lawyers acted much more competent and professional, actively operated legal theory, both domestic and Western legal notions. As well as county judges, the Tribunal jury did not speculate about theological or scholar matters of witchcraft and never referred to clerical or academic advisors or to demonology treatises (except for a reference to exclusively legal notions of the mentioned Delrio's work in Raina Hromyczyna case of 1631[348]).

There are at least 8 cases that county courts allowed the appeal to the Tribunal. In Pinsk case of 1630, the law provided no opportunity to appeal, but the plaintiff permitted it on the condition to keep the convicted witch in prison, despite her noble status and high position of the husband.[349]

There is still no study of witch trial materials in the survived documents of Lithuanian Tribunal. One can assume that such trials were seldom. For example, the collection of significant

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[346]Ivan Lappo, *Velikoe knjažestvo Litovskoe za vremja ot zaključenija Ljublinskoj unii do smerti Stefana Batorija (1569-1586)* (Sankt-Peterburg: Tipografija I.N. Skorochodova, 1901), p. 181-189.
[347]Holubeŭ, *Sel'skaja abščyna ŭ Belarusi*, p. 81-82.
[348]ASZR, vol. 3, p.158-159.
[349]AVAK, vol. 18, p. 311.

Tribunal cases for 1583-1655 contains only one that mentions witchcraft – within a lawsuit for false witchcraft accusation that was considered in Minsk in 1643.[350]

Source base of the research includes materials of only three witch trials considered by Lithuanian Tribunal. Two cases, of 1614 and 1615 were tried before the Vilnius session and one, of 1631 – before Minsk session of the Tribunal. Tribunal case of 1631 is a part of a famous witch trial against Raina Hromyczyna that was entirely published in the 19th century; case of 1615 is an archival finding never published before; the information about the 1614 case is a part of another 1614 county trial in Upytė. To add, there is a confirmation of the communal court death sentence of 1622 mentioned in the work of Valiancin Holubieu.

The appeal to the Tribunal was a good chance for a defendant and a much worse one for an accuser. Thus, in 1615 the supreme instance cancelled a county court capital sentence and released lady Rokicka.[351] There only decision to confirm capital convictions for witchcraft dated to the mentioned Minsk case of disobedience to communal court justice in 1622.[352] However, the justification was not always a result. For example, in Raina Hromyczyna case of 1631, the Tribunal cancelled the county court conviction because of the procedural misconducts of the original trial.[353] As a result, the plaintiff, powerful magnate Jan Sapieha, just started a new trial according to all formal requirements that resulted in burning.[354] Thus, the known cases resulted with two justifications and one cancellation of conviction for procedural reasons to add one confirmed capital sentence from *kopa* and county court.

Easy to notice, that all Tribunal witch trials occurred in the first half of the 17th century. It corresponds well to the chronology of the witch trials in county courts. Seemingly, later witchcraft became less troubling matter to the nobility elite. It coincided with the started decline of the learned witchcraft discourse and prevailing termination of the great witch-hunts in the West. Probably, an important contribution were efforts of the Catholic church to restrict superstitious witch persecution and to regulate it according to the new approach of *Roman instruction* popularised by higher clergy since the middle of the 17th century.[355] However, paradoxically, the nobility stopped to charge each other in witchcraft rather early but still, almost century continued to judge and burn their subjects for this crime.

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[350]Algirdas Baliulis and Vytautas Raudeliūnas, eds., *Lietuvos vyriausiojo tribunolo sprendimai 1583–1655* (Vilnius: Mintis, 1988), p. 416-418.
[351]LSHA, 8-1-249, p. 159-159b.
[352]Holubeŭ, *Sel'skaja abščyna ŭ Belarusi*, p. 81-82.
[353]ASZR, vol. 3, p. 139-140.
[354]ASZR, vol. 3, p. 140-165.
[355]Ostling, *Between the Devil and the Host*, p. 55-56.

3.3.3. City courts

In the Lithuanian witch-hunt, city courts had intermediate positions between rural and noble courts. On the one hand, they operated on written law often of western origin rather than customs, included more or less professional and trained officials and at least partly learned public. On the other, the majority of those cities were, in fact, small settlements with limited autonomy (often owned by magnates), with a rural or semi-rural way of life, poor educational opportunities, that was fertile soil for deviations and abuses of written legal notions, like in rural courts. However, there were striking features. First of all, city courts normally used collections of Magdeburg law in Polish translations that were quite different from the domestic law of the Statute. Cities of the time were highly diverse in religious, ethnic, social structure, so they were a cultural and social borderland, contact zone and even battlefield. Different groups of city population had their own legal status, not all of them were under the jurisdiction of the city magistrates.

City court consisted of two parts. While city councillors headed by one of 2 mayors (*burmistrz*) considered civil matters, the vogt (Advocate-Mayor – lat. *advocatus*, ruth. *vojt*, pl. *wójt*) and the jury of Bench (*ława*) judged criminal offences. In extraordinary cases, both courts had joint sessions. In small towns, however, both councils could mix their functions. The *wójt* was the head of city administration. In Lithuania, he was often appointed by king or magnate from elected candidates. Sometimes it could be a nobleman, but usually, he belonged to burghers. City council elected his deputy landtvogt (pl. *landwójt*, lat. *viceadvocatus*). The Bench included a number of elected benchers, usually 6-11 members. At least half of this number was enough for a valid jury. Details of city administration and court varied from city to city and depended on conditions written in the particular Magdeburg right privilege charter. These officials belonged to city elite – merchant families, wealthy craftsmen, even usurers (despite it was restricted). It's hard to tell about their educational attainment, but most likely they very seldom possessed formal legal training and obtained their professional skills from practice.[356] The authors of the time, as well as some later researchers of witch trials, used to depict town magistrates as ignorant and superstitious blaming them in fuelling witch-hunts. However, M. Ostling underlines that sources demonstrate often quite a professional and meticulous approach of city magistrates to their duties.[357] Lithuanian materials support their competence as well.

The city court records are very unevenly studied. The survived archives from some large cities (Vilnius, Kaunas, Hrodna, Mahilëŭ, Polack, Vicebsk) and sometimes some small towns

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[356]Zinovij Kopysskij, *Social'no-političeskoe razvitie gorodov Belorussii v XVI – pervoj polovine XVII v.* (Minsk: "Nauka i technika", 1975), p. 86-101.
[357] Ostling, *Between the Devil and the Host*, p. 72-73.

(Niasviž) for different reasons were a subject of attentive research by historians. Unfortunately, the bulk of archives from small and medium urban settlements lacks systematic studies and provides only some occasional insights.

The source base of the study contains 17 trials from city courts – approximately as many as from county ones (20 trials). In the whole witch-hunt data, both city and county courts comprise about 1/4 registered cases and about 1/5 of trials each. Chronology differs much more striking. While the anti-witchcraft activity of the county courts has occurred predominantly in the first half of the 17th century, witch trials in city courts started as early as the first witch trial records and finished together with the witch-hunt. Kaunas burghers began to register their complaints as early as the 1540s[358] and the latest case took place in Niasviž in 1776[359] – just several months before the notorious Sejm constitution.

The geographic distribution also possessed some specifics. The source base of the work does not contain city court records from Samogitia. Despite low urbanization, some towns (for example Šiauliai) obtained Magdeburg rights. However, all known witch cases of Samogitian townsmen were tried in patrimonial courts of royal or private estates.

Kaunas differs from other cities of Lithuania as a hot spot of witch fear. In the second half of the 16th – early 17th centuries city court registered 10 witch cases including 6 trials. The rest of the trials distributed more equally around the whole territory of the state: 3 in Mahilëŭ, 2 in Niasviž, and 1 in each Polack, Alytus, Merkine, Kobryn, Druja, Dzisna.

Total majority of trials had only one person as a defendant. The only difference was the Alytus trial of 1759 when a noble plaintiff on behalf of his subjects put to city trial 4 persons, all of them were dunked and one woman tortured. As for gender ratio, courts tried 14 females and 6 males.

As it was mentioned above, Magdeburg legislation admitted not only accusatorial but also inquisitorial procedure. There were examples of such cases in city courts, especially among early ones in Kaunas. In Kaunas, some burghers denounced to the court supposed witches who did not cause harm to them but were engaged in magic practices, so the magistrates brought suspects to the court and tried them.[360] Nevertheless, the majority of trials occurred in an accusatorial manner, more common for Lithuanian legal practice.

City courts followed the Roman procedure of proof so torture was an important but regulated stage. In the majority of cases, the regulations were rigorously followed. Judges found considerable reasons to torture defendants only in 6 cases out of 17. An important ground was a

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[358]Sabaitytė, p. 293.
[359]NHAB, 1819-1-9, p. 4b-5.
[360]RTL, nr 1, 3.

reputation of the accused. A court could delegate an official to survey neighbours, and if they did not testify anything suspicious it led to release after the oath. Thus, Mahilëŭ merchant Charko accused his coming servant in many serious crimes: witchcraft practising in his house, theft of money and other things, connivance to abuse of his young daughters that led to the death of one and escape of the son... To investigate the reputations of parties, court officials interviewed their neighbours – all of them gave positive references to both sides, except for the plaintiff's wife. Because of the lack of other evidence and positive reputation, the court justified the accused after the oath and punished Charko and his wife for slander.[361] When the Radziwills' castle administration entrusted the court of the privately-owned town Niasviž to consider a witch case between peasants, the court commission scrupulously interviewed peasants of several villages about the reputation and behaviour of the defendant, the plaintiff, and his supposedly bewitched late niece.[362]

Generally, ordeals and tests were not common for city courts. However, in the 18th century, dunking had been accepted in some small towns as a legitimate examination. Water tests recorded in trials of 1731 in Druja (Vilnius voivodeship),[363] 1759 in Alytus (Trakai voivodeship)[364] and 1762 in Dzisna (Polack voivodeship)[365]. Therefore, one can assume that town magistrates applied the dunking earlier. Report of Polack woźny, cited above, mentions that already in 1677 Dzisna magistrates, despite the resistance of the local Franciscan convent, ordered to deliver a supposed witch for dunking and torture but the suspect managed to escape.[366]

Parties could engage attorneys. A bright example of the defender's participation was Polack trial of 1643. The defendant, ill-tempered widower Wasil Brykun hired an attorney that masterfully challenged all testimonies for their legal invalidity, hostile motives or even pure absurdity, rationally explained numerous bizarre stories about the defendant's deeds as fantasies, gossips or drunken delusions. However, the search of Brykun's clothes found some suspicious papers with tobacco and pepper that judges considered spells – sufficient guilt evidence alongside to the oath of the accusers and witnesses. Despite the professionalism of the attorney and even the fortitude of Wasil at torture, the court sentenced the defendant to the stake.[367]

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[361]IJM, vol. 9, p. 291-294, 297-302.
[362]NHAB, 1819-1-1, p. 38-39b.
[363]NHAB, 1797-1-1, p. 376-377.
[364]RTL, nr 85.
[365]NHAB, 1757-1-8, p. 451-452b.
[366]IJM, vol. 6, p. 248-250.
[367]ASZR, vol. 1, p. 338-346.

The available records of city witch trials are very unclear towards the final destiny of the tried witches. Some documents end with the sentence to imprison for the next investigation.[368] Three records (Kaunas, 1552; Alytus, 1759 and Dzisna, 1762) stop reporting with the sentence of tortures or even their application – one can assume that final execution was very likely.[369]

An unusual trait of city witch trials was a suicide of the defendant found guilty. It has happened two times: the first was in 1643 in Polack[370] and the second – almost a century later, in 1731 in Druja[371]. In both cases, the defendants were adult (or even elderly) quite ill-tempered men with a long-lasting reputation of being witches. Polack burgher Wasil Brykun in the past served in minor but still respectable city offices and was well-off enough to afford an attorney defender, so one can assume that he preferred suicide to the ignominy of stake. There is less information about the social status of Marcin Beynarowicz from Druja. His way to the stake was not direct. In the first trials, he has got a sentence of corporal punishment, first 60 flogs, then 50 flogs. After being sentenced the second time, he escaped the city but soon was captured and returned. It has aggravated his position. On the new trial, judges sent him to the dunking that was publicly implemented three times with positive result. As the water test demonstrated his guilt, the next step was torture. It was obvious that even if the defendant withstands the torture, the oath of the numerous accusers would convict him anyway. As far as trials were postponed to the next day, Marcin used this delay and hung himself. However, in both cases the executions were completed: executors burned bodies of witches at stakes.

Thus, city trial records report about two dead men, and three more women were very likely executed. It is a 1/4 of 20 persons tried.

For non-harmful magic, city court could implement so-called extraordinary punishment, lesser than a prescribed capital sentence. There were two cases of love magic. In 1646 Merkinė burgher Marcin Wieliczkowicz complained about bewitchment that caused him a great melancholy, disrupted marriage, and suicidal intentions. The revealed witch Anna admitted to white magic like healing and love spells, confessed that she had taught a girl how to cast love spells on Marcin and promised to unwitch the guy. Marcin cancelled his accusation, but the city court decided not to let the sorcery unpunished to prevent bad example for others and not to offend Divine Majesty so it sentenced to brand Anna and to banish her from the city.[372] The similar case from Kobryn ended with the milder result. In Easter night of 1709, a burgher Onufry Sacewicz caught Apolonia Pawlowiczowa burying near some flowers and bones near his

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[368]Sabaitytė, p.296; RTL, nr 5; IJM, vol. 16, p. 276-277.
[369]Sabaitytė, p. 296; RTL, nr 85; NHAB, 1757-1-8, p. 451-452b.
[370]ASZR, vol. 1, p. 338-346;
[371]NHAB, 1797-1-1, p. 363, 368, 373-374b 376-377.
[372]RTL, nr 37.

cowshed. He delivered the suspicious woman to the court for the supposed attempt of bewitchment. At the trial, Apolonia confessed that she tried to cast love spells on the Onufry's brother on behalf of some girl Maryana. As far as it appeared not dangerous witchcraft, the court sentenced Apolonia to public flogging with 50 flogs and to church penance and the father of unfortunate Maryana – to a donation for the church.[373]

To some extent, it is possible to explain the limited number of city witch trials by the negative consequence for the accuser if he loses the suit. The majority of rare examples of punishment for slander came from this type of courts. The defeated plaintiffs had to pay fines and moreover, suffer shameful penances: to go to jail for 3 days[374] or even worse – to stand in the pillory[375]. Moreover, Niasviž court sentenced to 100 flogs the poor slanderer who could not pay the fine.[376]

The number of protestations without prosecution is significant and their geography is much wider. They indicate the rise of awareness to the witchcraft among urban people. In some cases, it can be an indication of growing anxiety and fear of possible bewitchment. For example, before Polack trial of 1643, city officials registered a number of protestations: in 1638 – about some suspicious water pouring, in 1640 – about bewitchment of a household by cockroaches, in 1643 – about an enigmatic large knot of female hair found in the water barrel in a porch...[377] No wonder that at the same period of time Wasil Brykun could obtain his sinister fame and fantastic stories about his deeds started to circulate.

Nevertheless, often witchcraft protestations appeared even in places without any known trials. They could be a self-contained legal tool to solve some interpersonal problems. An acknowledged expert of Vilnius social history David Frick during his scrupulous study of the 17th-century city archives has found no witch trials but just 5 protestations considering witchcraft. Allowing for the possibility of some missed continuations of particular cases, he assumes that because of lack of witch hysteria in Vilnius community, the fact of registered protestation itself was a part of some neighbour conflicts, when both parties, as well as judges, did not take them too seriously and the goal was to resolve the conflict situation rather than investigate witchcraft.[378]

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[373]AVAK, vol. 6, p. 510-511.
[374]NHAB, 1819-1-9, p. 4b-5.
[375]IJM, vol. 9, p. 297-302.
[376]NHAB, 1819-1-1, p. 38-39b.
[377]ASZR, vol. 1, p. 307, 323-324.
[378]David Frick, "The Witches of Wilno: Constant Litigation and Conflict Resolution." *Slavic Review,* vol. 73, nr 4 (Winter 2014): 881-902, p. 897-902.

3.4. Conclusion

Thus, the close consideration of the different types of Lithuanian courts allows some generalizations and conclusions.

The harshest witch-hunt in the Grand Duchy of Lithuania took place in rural courts, and in particular – within patrimonial justice. More than half of all trials and all larger local witch-hunts have occurred there. At the same time, the difference between the judgment of patrimonial lords and the communal jury was very striking. Both types of rural courts had some common traits but many important differences that influenced witch trials. For serious crimes like witchcraft, both courts had to follow the Statute of 1588, but customary law was still important. The lack of control in both courts promoted abuse and arbitrariness, especially in patrimonial courts dependent on the will of landlords. An investigation could include torture undertaken by the professional or appointed torturer but only in few cases it was a key moment of the interrogation. Rural investigators in patrimonial courts readily applied specific tests like dunking (water ordeal), Devil's Mark search and probably, other folk expertise (like the mentioned jelly made of holy water from ten churches) that were mostly rejected by other courts and condemned by the church.

Among distinguished features, there were fundamental ones. Rural courts were a meeting place of peasant and nobility worlds. First, the difference was in the cultural background of trials. In patrimonial justice, the authority exclusively belonged to noble judges who regarded witch cases with some influence of the learned culture. Communal court with its mixed participation represented a spectrum of local folk beliefs (in a broad understanding). Thereby, patrimonial justice could be more open to the influence of the learned diabolic concepts of witchcraft then *kopa* with the grass-root fear of a banal neighbour's *maleficium*.

In a social dimension, communal justice was sensitive primarily to horizontal conflicts and tensions in local society within peasant communities and gentry neighbourhoods. In the case of witch panic, it could work as a tool of appointing 'scapegoats' – but sources show very few cases where the whole community united against a witch. Usually, it worked for solving private conflicts to maintain internal order. A vital criterion was the reputation of the parties usually well known to the jury. Patrimonial justice dealt foremost with vertical, master-subject relations and could stay above peasant conflicts. It could be quite independent of the public opinion: a lord's decision could save a 'scapegoat' of a peasant community but punish a person of a good reputation (however, usually in practice public opinion was taken in consideration).

It was an important geographic distinction: in Ruthenian lands, lords delegated a lot of ground-level jurisdiction to *kopa* communal court while in ethnic Lithuanian lands this

institution was absent. As a result, peasant witchcraft cases were judged mostly by peasants themselves in Ruthenian part of the state while by nobility in the Lithuanian one.

However, to the 18th century the role of communal justice declined, the boundaries between peasants and lords sharpened, nobility gained an extraordinary power and autonomy in the conditions of decentralization and even anarchy in the state that made patrimonial justice the most effective and authoritative.

Can the difference in the intensity of witch-hunt between ethnic Lithuanian and Ruthenian parts of the country be explained with the differences between patrimonial and communal justice? Probably not. Trials from Vilnius and Trakai voivodeships and especially from Samogitia demonstrate that not only lords but also peasants initiated trials. Moreover, accusers often had support from the community, and in some events, the whole community acted as a collective plaintiff. Sometimes noble judges even limited anti-witchcraft enthusiasm of peasants. If Samogitian peasants had such a legal tool as *kopa*, very likely they would willingly use it for witch-hunts. It shows that the difference in the intensity of witch-hunt between communal and patrimonial justice originated rather from the witchcraft believes of the respective milieus than from judicial mechanisms.

The nobility participated in patrimonial trials as judges more or less framing initiatives of peasantry according to legal notions, sometimes they seemed impartial arbiters of their subject's quarrels. However, when noble lords were personally involved and interested, the intensity of violence increased. Noble participants delivered to trials their subjects named by interrogated witches, maintaining Samogitian chain trials in the 1680s-1690s and 1720s-1730s. Peasant or burgher charges targeted exact individuals but never groups. Nonetheless, Samogitian gentry demonstrated significant witch-hunt activity, while their peers from central voivodeships proved lesser involvement and those from the more eastern and southern lands remarkably protected their subjects from prosecution.

Despite the gentry tried their subjects for witchcraft during the whole two centuries of Lithuanian witch-hunt, they were generally not inclined to use witchcraft accusation towards their noble peers. The popularity of such charges was relatively small even in Samogitia and it dropped further to the East. A slight uptick in such accusations coincided with the peak of European witch trials – the first half of the 17th century. However, the mechanisms of nobility justice, such as restriction of tortures towards noble defendants, the participation of professional attorneys, rigorous following the prescribed procedure and especially the possibility to appeal to the supreme instance diminished greatly risks of conviction. At the same time, the court practice demonstrated that if judges were really motivated to convict a defendant because of inner certitude or powerful lobby behind the accusation, all the mentioned features could not stop

them. Supplementary foreign laws helped to circumvent constraints of domestic legislation. Thus, the real reason for rare and mild witch trials among the gentry could be in the lack of necessity to solve conflicts in this way. Actually, nobleman often and eagerly conflicted with each other in many other judicial and extra-judicial ways. Probably, neither social nor cultural reasons pushed them to prioritize witch accusations in social relations.

City trials are first of all remarkable with its geographic pattern. It is a rare situation when the witchcraft cases were more or less evenly distributed around the whole country. Ruthenian burghers of Polack or Mahilëŭ appeared more inclined towards the trend of witch persecution than their peasant and even gentry neighbours from the countryside. Among scarce cases from Ruthenian areas, there were few when burghers initiated trials in patrimonial (Hrodna county, 1691)[379] or communal (Sluck Duchy of the Radziwills, 1638)[380] courts. In different cities, magistrates could be more or less sceptical towards witchcraft, more or less rigorous in following the legal prescriptions, but existent records hardly demonstrate great violations or full severity of the Magdeburg law. The registered number of cases allow admitting some cases of witch anxiety, like in Polack in 1640s, but no cases of significant witch fear or witch panic.

Thus, the judicial system of the Grand Duchy of Lithuania suited well to the intensive witch-hunt. There were some features that could decrease the scale of persecution and especially mass trials originated from chain accusations, like the prevalence of accusatorial approach and the legal immunity of gentry domains. However, the number of beneficial traits was more significant. Lithuanian judicial system was highly fragmented and the majority of courts acted without higher control. The inquisitorial procedure was not common but still possible in patrimonial and city courts. Courts applied torture, and its misuse hardly could be punished. The Statute criminalized witchcraft and legalized access to supplementary foreign laws with well-developed anti-witchcraft notions. Sources mention available treatises of western demonologists, at least *Hammer of Witches* in original and in translation as well as works of Delrio. Nevertheless, the witch persecution in the Grand Duchy of Lithuania was extremely humble in European comparison. Despite the available toolkit, the Lithuanian society and first of all its central and local elites lacked greatly the intention to seek and punish witches. The roots of this phenomenon might be found in the social and cultural features.

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[379]SGČA, part 1, p. 140-143.
[380]AVAK, vol. 18, 284-286.

4. BEYOND THE SCENERY:
SOCIAL AND CULTURAL ORIGINS OF THE WITCH PERSECUTION

4.1. The mechanics of witchcraft accusation

Anthropologists since Malinowski and Evans-Pritchard time turned to regard magic and witchcraft as not a deviation but a mechanism of the society with its rational purposes. At the social level, the idea of witchcraft is related to the control, sublimation and resolution of conflicts and tensions within a community. At the personal level, it is an explanation of misfortunes and a shift of the responsibility to somebody external. For early modern men, there were three main ways of explanations: divine punishment, devil's intrusion, and witchcraft aggression. The intervention of God or Devil means that the man was guilty in violation of some taboos or corrupt way of life. To overcome it, a sinner needs to admit his faults and correct his own behaviour. Contrarily, a *maleficium* is a result of the evil will of another human, even worse one that the victim of misfortune. The projection of emotions allows picking the target for this responsibility shift: to attribute the hostility and hatred, often hidden and suppressed, to the disliked person as if this person wants to harm him. In this way, an individual legitimises aggression considering it not a violation but a rightful defence. Also, one can project his frustration about misfortunes, poverty, professional losses to a more successful one. A group can pick a scapegoat to project collective tension and symbolically (or physically) get rid of it.

The language and cultural specifics of the time and society lead to the particular way of expression of such feelings. In many societies, such a way of expression can be witchcraft suspicions and accusations.

Such a shift of responsibility at the same time is a loss of power. It means that someone more powerful can subdue your life to his will. It was especially painful for those targeting their own subordinates like servants or serfs. In such a case, the use of magic might be considered as a sort of riot.

4.1.1. Potential suspects

Various scholarly explanations supposed that the accused were different in some characteristics from the rest of society. Researchers attempted to figure out the set of distinguishing features of particular groups usually targeted as witches: the poor, beggars, cunning folk, midwives, old postmenopausal women, maids, widows (or women at all)... However, the closer look at trial materials can confirm every theory in particular local settings

but no one as a general.[381] The features of the accused witches were also far from strict patterns: they were more often poor than rich, old rather than young and female rather than male, but with numerous exceptions to all the tendencies.[382]

Anthropologic and historic data demonstrate that in a traditional community probably everyone can be suspected in maleficent magic. At the same time, those that differed from the majority for some reason had indeed more chances to be accused – for socially motivated reasons. In traditional society, both margins of social space were not welcomed. Suspicions could arouse about the wealthiest and luckiest as well as the poorest. The richest were usually more independent from dependencies within a community, while the poorest rely too much on the help of others without any retribution in return. Thus, no wonder to imagine that wealthy members obtain their goods by stealing from others naturally or supernaturally; they greedy and jealous, prone to steal more. At the same time, according to this logic, the impoverished could envy others so hurt them and destroy goods they did not have.

Lonely and childless people despite their wealth could be considered socially impoverished and as a result – envious to such neighbours' values as spouses and children. They were less restricted with some taboos especially based on fear for children.[383]

Also, suspicions could target regular community members that were quarrelsome and troublesome ones. Such behaviour makes people feel negative, and plenty of conflicts gave rich soil for misfortune attribution.

At any one time a particular community probably had a small group of strong suspects, with a much looser periphery of marginal ones; the latter were probably only known to individual families or close neighbours, and they were not yet the subject of general village gossip.[384]

All the mentioned demonstrates why the concept of witchcraft worked as a tool of social control. The fear of bewitchment motivates to be polite to neighbours and strangers, even weak and defenceless – they may bewitch in revenge. Also, the same fear deterred boasting with one's successes that helped to keep the unity of equals reducing envy and jealousness between neighbours. To avoid bewitchments or accusations in witchcraft, community members have to

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[381]Marko Nenonen, "The dubious History of the Witch-Hunts." In *Writing Witch-Hunt Histories: Challenging the Paradigm*, edited by Marko Nenonen and Raisa Maria Toivo: 17–39(Leiden, Boston: Brill, 2014), p. 18-24.
[382]Robin Briggs. *Witches and neighbours: the social and cultural context of European witchcraft.* 2nd edition (Oxford: Blackwell Publishers, 2002), p. 18.
[383]Ol'ga Christoforova. K*olduny i žertvy: antropologija koldovstva v sovremennoj Rossii.* (Moskva: OGI, RGGU, 2010), p. 123.
[384]Briggs, *Witches and neighbours,* p. 18-19.

maintain a balanced distribution of goods. However, it was an uneasy task, especially in crisis times.

4.1.2. Witchcraft discourse

Misleading to consider witchcraft a concrete concept shared by all or the majority of those who believe in it. M. Ostling defines it as a "common set of assumptions, tropes, metaphors, and structural relations, out of which both accusers and the accused could generate ever novel, but simultaneously always similar, accusations and confessions".[385] Many of trial materials from different countries (and perhaps the majority of those from Lithuania) do not demonstrate an imposition of the judges' or accusers' concept to the accused but all trial participants had a more or less common idea what to look for and what to confess. This discourse grew and developed over time, involving diabolism elements from demonology treatises, demonic possessions, lycanthropy and other exotic details.[386]

To some extent, the whole society more or less was acquainted with witchcraft discourse. Misfortunes could trigger its activation in a particular community. Gossips, rumours, prophylactic counter-magic activate and promote it.[387] An important role in its deployment belonged to cunning folk and those who already experienced *maleficium* and counter-magic treatment. However, to move this discourse from the shade of tales and vague assumptions to the power of knowledge, it should be approved and supported by reliable authority, in the local community and the whole society.[388] For Early Modern societies, the introduction of anti-witchcraft laws and ecclesiastic prescriptions could be such an authoritative confirmation that their local beliefs were not just vain superstitions or rumours. Both the weight of written word and examples of witch trials persuaded even sceptics among the population in the reality of witchcraft and taught them this new language. It was the same discourse that confirmed the efficiency of magic at all, that stimulated counter-magic, cunning folk and flourishing of miraculous relics and exorcist rites in the church.

The witchcraft discourse with its multiple local variations evolves from a complex and unpredictable interaction between popular and elite ideas about witchcraft.[389] As for Early Modern European witchcraft, the literate elite discussed a heretic-like devil-worshipping

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[385]Michael Ostling, *Between the Devil and the Host: Imagining Witchcraft in Early Modern Poland* (Oxford: Oxford University Press, 2011), p. 117.

[386]Briggs, *Witches and neighbours,* p. 344.

[387]Ol'ga Christoforova. K*olduny i žertvy: antropologija koldovstva v sovremennoj Rossii.* (Moskva: OGI, RGGU, 2010), p. 67.

[388]Christoforova, *Kolduny i žertvy*, p. 269.

[389]Briggs, *Witches and neighbours,* p. 345.

conspiracy to be revealed and eliminated, while common people worried about maleficent spells. Probably, where both low and high classes accepted both spiritual and safety concerns, the huge witch-hunts occurred. The learned Western witchcraft language operated with tropes and symbols of a great cultural tradition started in antiquity, it tended to create an overarching concept and include it in the big picture of the known universe. In the milieus with lower literacy and role of the written word, expectedly the indigenous language of witchcraft was mundane, linked to everyday practice, often inconsistent, simultaneously conservative and open to borrowings and innovations. Thus, involvements of elites define not only political will for witch persecution reflected in legislation and its application but also the intensity of learned discourse transfer to the popular worldview.

4.2. Options for the non-trial resolution

When an individual or a community chose to express the social problems by means of witchcraft discourse, it aroused fear of bewitchment. The variants of how one could resolve this tension are generally limited to the next three models:

1) reconcile with supposed bewitcher;

2) apply counter-magic to protect, unwitch or strike back;

3) get rid of the witch.

To get rid of the enemy with a court charge seems to be not the preferred option: it was expensive, complicated, unpredictable and what was also (if not more) important, it did not cure harm or protect from revenge. That is why the total majority of witchcraft suspicions, accusations and conflicts might never appear in official documents. R. Briggs admits, that even in the core lands of the European witch-hunt, the majority of towns and villages had no trials. Very likely, people there also suspected someone but they took measures for self-defence without seeking witch's death in a criminal trial.[390] It seems logical to assume that the more options existed for a non-trial solution, the fewer charges were filed and witches burned in the particular society or region.

Materials from the Grand Duchy of Lithuania provide examples of all the mentioned models application.

4.2.1. Reconciliation

It was widely believed that the bewitcher can withdraw spells – and sometimes it could be the only option. This cultural image fits well to the social and psychologic solution: when

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[390]Briggs, *Witches and neighbours,* p. 346.

parties restore relations, the tension manifested as witchcraft is over. Nevertheless, such a happy ending can contribute a lot to the reputation of the supposed witch and it could lead to future suspicions, isolation or even accusation. For this solution, a victim should know the counterpart and the way how he had been offended. However, it might seem confusing or even embarrassing to beg for forgiveness someone of the same and especially of lower status. In such a case, an aggressive demand to withdraw spells might be a kind of inverted reconciliation: the threat of physical violence, judicial prosecution, etc. The ultimate form was to beat the suspect. Sources all over Europe state the belief that beating a witch casting spells can disrupt bewitchment. O. Davies and F. Matteoni seek for the roots of this idea in Gallen's medicine with its theory of four humours, mainstream at that time, that influenced folk medical practices as well. Some Early Modern Western authors like Robert Burton or Joseph Glanvill attempted to explain witchcraft within this system.[391] Tokarska-Bakir suggests that it could come from a popular adaptation of the Old Testament prescription: *A man also or woman that hath a familiar spirit, or that is a wizard, shall surely be put to death: they shall stone them with stones: their blood shall be upon them. (Lev. 20:27).*[392]There are several explanations about the meaning of this act. O. Davies and F. Matteoni suggest that the act of witchcraft established a physical and spiritual relationship with the victim's body. To break the spell one could try to afflict the body of the witch.[393] Anyway, within the theory of witchcraft accusation as a suppressed aggression, such a solution fits well: suppressed aggression finds its peculiar way out that eliminates tension and restore relations. It was explicitly reflected in Polack case of 1643: Polack burgher Jasko Mikołajowicz beat up a widely suspected witch Wasil Brykun, so both wanted to file a complaint: Wasil – about beating and Jasko – about bewitchment attempt, but then mutually reconciled and withdrew their complaints.[394]

The reconciliation, as it was mentioned above in Chapter 3, could happen already at the trial or even after the sentence – and in such case often the initiative of peace-making and spell-withdrawal belonged to the accused. Probably, some protestations did not turn into trials because parties could work the conflict out and reconcile under the fear of witchcraft or prosecution or both at the same time.

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[391] Owen Davies, Francesca Matteoni, *Executing Magic in the Modern Era: Criminal Bodies and the Gallows in Popular Medicine* (London: Palgrave Macmillan; 2017), p 15-17

[392]Joanna Tokarska-Bakir, "Ganz Andere? Żyd jako czarownica i czarownica jako Żyd czyli jak czytać protokoły przesłuchań." In *Inny, inna, inne,* edited by M.Janion, C.Snochowska, K.Szczuka: 110-148. (Warszawa : IBL, 2004), p. 119.

[393]Davies and Matteoni, *Executing Magic in the Modern Era*, p. 19.

[394]ASZR, vol. I, p. 341.

4.2.2. Counter-magic

The difference between medical, magic, and religious means was not always obvious, especially for folk healers that employed all accessible means and knowledge to reach the goal. However, to fix supernatural harm one rather preferred to employ similarly supernatural means. It helps to resist the supposed or actual symbolic aggression on the symbolic level.

Countermagic included home-made protective and curative measures as well as the assistance of recognized specialists – witchdoctors.

Lithuanian trial materials mention no special protective measures undertaken against bewitchment. Perhaps, this part of witchcraft discourse developed gradually in the course of the time: folklorists collected a lot of popular technics to prevent bewitchment in the 19th-20th centuries. One can also explain such an absence, that witch accusation was the ultimate measure while protective magic was applied at the early stages of witch fear. Nevertheless, such measures existed not only in folk but also in semi-learned discourse – like those published in extremely popular household handbooks of J. K. Haur.[395]

Ostling notes that very few Polish accused witches demonstrated sufficient specialized knowledge to indicate them as witch-doctors, at the same time common people applied Christianized folk magic.[396] Contrarily, materials from Lithuania (and especially from its Ruthenian part) allow supposing some professional magicians under trial, not to mention those involved or named in other roles. Also, Lithuanian witch trial documents provide very few notions about home magic. Christianized magic in sources is rare but existent. Thus, the materials of Jan Sapieha's bewitchment case (Nawahrudak, 1631) includes a note containing remedies applied by cunning man Karp (he was not on trial, but the accused witch mentioned him as a strong witch doctor). The note describes the application of natural or manmade materials like running water and molten tin, wine, beer or vinegar, herbs and pig faeces combined with symbolic numbers (three, nine or three times nine) and appeals to St. Mary and St John the Baptist.[397]

In Ruthenian-dominated voivodeships, sources distinguish particular terms for beneficial magicians. Polack city trial of 1643 name a witchdoctor who attempted to cure a bewitched

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[395]For more about Haur's advice regarding magic see Joanna Partyka. "Czarty, gusła i „święta katolicka wiara": katolicyzm ludowy - katolicyzm sarmacki na przykładzie „Składu albo skarbca" J. K. Haura." *Teksty Drugie. Teoria literatury, krytyka, interpretacja, nr 1* (2003): 51-57.

[396]For example, Ostling, *Between the Devil and the Host,* p. 117.

[397]ASZR, vol. III, p. 167.

woman with archaic term *wolchwit*[398] – related to those *volchvs* of medieval chronics and contemporary Church Slavonic literature. Cases of 1631 from Navahrudak voivodeship and of 1762 from Polack voivodeship despite its distance in time and space, both mention specialists named as *worożbit*[399].

In other situations, mentioning such specialists, especially if it comes to first-person confessions, sources reflect no specific term but descriptive way: one admit that he/she can heal, unwitch or cast love spells. It means, in such cases, their practice was not regarded as particular trade but rather as their private activities.

To seek a witchdoctor was a common solution not only in case of suspicions of bewitchment but rather for any problems, first of all, some disease. Educated doctors were an expensive rarity, semi-educated barbers or pharmacists were not in easy access and still were treated not very different from their folk colleagues. Thus, folk healers remained the main healthcare option for the bulk of the population.[400] Perhaps, not every healer had a reputation of a witchdoctor, but witchdoctors likely were acknowledged as effective healers.

As a rather typical situation, a diagnosis of witch doctor was mentioned at the trial of Wasil Brykun (Polack, 1643). Among witnesses, a sister of Wasil's late wife testified about witch's evil deeds towards his spouse. She recalled that every time leaving home, Wasil bewitched his wife,[401] so finally she became completely ill. Her sister found a *wolchwit* ten miles from Polack, that examined her and said: "I'm not sure if you will survive till the confinement". And on the second day of childbirth, the wife has died indeed.[402] This testimony indicates, that in the middle of the 17th century, witchdoctors were absent in cities and quite rare even in the countryside. The fact that the sick women sought such a rare specialist so far away allows suggesting, that she supposed a bewitchment and required a skilful witchdoctor to cure it.

In some cases, it is clear that witchdoctors initiated (or supported) the idea of bewitchment. The witchdoctor worked contrarily to a psychoanalyst: he or she stated a conflict,

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[398]ASZR, vol. I, p. 345.

[399]ASZR, vol. III, p. 147-163, NHAB, 1757-1-8, p. 451-452a.

[400]Valentin Grickevič, *S fakelom Gippokrata: Iz istorii belorusskoj mediciny* (Minsk: Nauka i technika, 1987), p. 61-82.

[401]*Uskop uczyni* - unclear, Dahl's *Explanatory Dictionary of the Living Great Russian Language* of the first half of the 19th century (*that also considered Belarusian as a dialect of Russian*) explains the meaning of *uskop* as impotency, painful periods or just a headache (Ivan Boduėn de Kurtene, ed., *Tolkovyj slovar' živogo velikorusskogo jazyka V.I. Dalja: v* 4 tomach, 4 izd., ispr. i znač. dop. (Sankt-Peterburg; Moskva: T-vo M.O. Vol'f, 1911–1912). T. 4: S–V. (1912), column 1068.)

[402]ASZR, vol. I, p. 345.

not internal but external one, explained it in the language of witchcraft and offer a solution, in the same symbolic level.[403]

The language of cunning folk developed over time, adopting new features from western witchcraft discourse. The early cunning men and women tried as accused or mentioned in testimonies, usually referred to the natural magic of plants, everyday objects and symbolic deeds. Thus, a cunning woman Anna Krotka tried for witchcraft in Slonim in 1630, desperately begged to let her cure the bewitched lord Jan Sapieha. She suggested a very mundane means filled with symbolic meanings: manipulations with nine times nine grains from nine ears to hide in an old tree and to wear as a talisman; nine pieces of bread to put in bathwater; a loaf of bread placed in gates to step over starting the travel and to pick its piece for protection...[404] These measures did not suppose to confront demons or appeal to God and saints but rather relied on natural magic. Contrarily, the witch doctor in Dzisna case of 1762 revealed that the bewitcher was stronger than he, because she had seven "assistants", implying demons-familiars involved in harming.[405]

Witchdoctor could undertake treatment of disease with rational folk remedies and provide placebo with symbolic means. In 1702 in Pinsk county, a lady fell ill and called her subject renown as a witchdoctor. He diagnosed her illness as a result of bewitched mead presented her by neighbouring gentry. As for the details of treatment, rumours told that the sorcerer replaced a building in the lady's manor. It was believed, that the healer magically returned spells to the perpetrator that caused him cattle harm. Local people including an Orthodox (Uniate?) priest and neighbouring gentry knew it and consider such treatment and revenge legitimate and even commendable (of course, except for the owner of the injured livestock who tried to initiate a trial).[406] It might be the reason why lords in Ruthenian lands defended their subject denounced for sorcery: to have own sorcerer might be useful for private and economic needs.

Not always witchdoctor's treatment could work out and relax the tension. His professional diagnosis could become a solid proof of bewitchment for a victim that motivate to continue the struggle in the courtroom.

4.2.3. Priests instead of witch doctors

However, to find a witchdoctor in the epoch of confessionalization was not always an easy task. Both Catholic and Orthodox preachers persuaded the flock that pious life and sincere praying were the best measures against devilish spells. Nevertheless, the parishioners usually

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[403]Christoforova, *Kolduny i žertvy*, p. 93-94.
[404]ASZR, vol. III, p. 102.
[405]NHAB, 1757-1-8, p. 451a.
[406]Vic'ko, nr. 2.

could not consider their life holy enough to feel safe so they needed some legitimate sort of counter-magic. Also, the shift to the common understanding of the diabolic nature of witchcraft and magic demanded to apply the power of Christian God to counter it. Clergy readily provided such remedies. Catholic priests and especially monks (called exorcists) not only exorcise demons from possessed people but unwitch victims of spells. The rite they applied had been codified in notorious rite book *Rituale Romanum* issued in 1614.

Jesuits eagerly reported about their victories over witchcraft.[407] Success stories of spell destroying served as additional proofs of Catholicism as the only true faith in denominational competition. For example, in 1720 report collection *Fructis missionum* of Lithuanian province proudly informed about 200 exorcised houses in Vilnius Diocese, and about 20 fields unwitched in Vicebsk [voivodeship?]. It particularly describes a successful exorcism of twists in some manor in Mscislaŭ voivodeship that was accompanied with paranormal events: a powerful whirlwind has risen and killed a bewitcher.[408] Thus, such exorcisms suited well the traditional model of counter-magic that not only cures harm but strikes back the offender.

The author of the *Witch denounced* not only offers correct legal measures to prosecute witches but also discusses the means to overcome bewitchment. Referring to works of Flemish Jesuit Leonardus Lessius (1554-1623), he states that three types of remedies could be helpful: 1) natural, 2) supernatural, or ecclesiastic and 3) moral.[409] Natural remedies to treat diseases could be ineffective because "a devil is a good physicist" and he knows how to diminish such treatment. A good solution is to apply exorcists appointed by the Church to perform special rites. At the same time, he warns about numerous fake exorcists that not only perform established rites but apply superstitious practices. To cure bewitchment, they used hosts with some inscriptions that lied at an altar during mass or added blessed oil in a bathtub. There is an example from White Ruthenia, about the practice of reading exorcisms combined with bathing in a tub, that resulted in floating visible spells: grains, pebbles, bones. Also, they falsely detected bewitchers causing suspicions and charges against the innocent.[410]. This statement demonstrates the blending of Christian rites and popular magic in a syncretic symbolic language used by witchdoctors and, perhaps, to some extent by church exorcists. Christian elements turn witchdoctors from "hostile" sorcerers into erroneous but acceptable exorcists. The existence of such practices not outside but within legitimate Catholic everyday activities led to the author's concern that, except for damage to health and reputation of people, they discredited Catholic

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[407]BRMR, nr 100, 122, 348, 416, etc.
[408]BRMR, nr 348, p. 298.
[409]*Czarownica powołana,* 1680, p 104.
[410]*Czarownica powołana* (1680), p. 106, 111.

faith and became a matter of mocking and critic by "heretics"-Protestants.[411]. Nevertheless, according to the book, even Livonian Protestants ask Jesuits for holy water for child treatment. Holy water, the sign of the cross, relics and *Agnus Dei*[412] and especially blessed herbs, grains effectively supplemented and challenged sympathetic magic in Catholic lands.[413]

Their Orthodox colleagues borrowed some of the Catholic experience. Generally, Orthodox hierarchs had a very marginal interest towards witchcraft but to the middle of the 17th century, they reacted to the needs of lower clergy and parishioners. Kyiv Metropolitan Petro Mohyla in 1646 issued *Euchologion,* a rite handbook for the Orthodox clergy. Mostly based on Greek and Slavonic sources, it included a number of innovations borrowed for current needs from the Catholic tradition. The main source of these borrowings was t*he Roman Ritual* of 1614. For example, Mohyla's *Euchologion* introduced Catholic exorcisms for possessed.[414] Also, it contained a special rite against bewitchments of humans, cattle, houses and places.[415] By the way, this book could be used for magic itself: nowadays numerous exemplars of the book lack of the pages containing exorcisms that were considered to be a good mean to invoke and command demons for own purposes, like treasure-hunting.[416]

The Uniates widely used *Euchologion* by Petro Mohyla for their needs until the 18th century. Synod of Zamość (1720) has ruled to provide Greek Catholic clergy with proper books. Rite books published soon in Supraśl and Unijiv considered some needs to confront witchcraft. While *The rite for a house or place bewitched* was an adaptation of the similar one from Mohyla's book, protective blessings of the bewitched milk, fresh honey and incantation against bee-harmers were local Greek-Catholic inventions.[417]

Nevertheless, court materials contain very few mentions of religious counter-magic and all came from the western lands of the country. While inhabitants of Ruthenian-dominated eastern lands employed witchdoctors, their compatriots from Catholic areas replaced cunning folk with exorcists.

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[411]*Czarownica powołana* (1680), p. 106, 111.

[412]*Agnus Dei* - disc of wax, stamped with an image of Jesus as a lamb bearing a cross.

[413]*Czarownica powołana* (1680), p. 113-116.

[414]*Euchologion, albo Molitvoslov, ili Trebnik* (Kiev, Kievo-Pečerskaja lavra, 1646), p. 380-385.

[415]*Euchologion,* p. 386-415.

[416]Sergej Maksimov, *Nečistaja, nevedomaja i krestnaja sila* (Sankt-Peterburg: Tovariščestvo R.Golike i A.Vil'borg, 1903), p. 165.

[417]Andrej Chojnackij, *Zapadnorusskaja cerkovnaja unija v ee bogoslúženii i obrjadach* (Kiev : Kievo-Peč. lavra, 1871), p. 285-286, 299-303.

The earliest registered notion came from Samogitia. In 1672, the interrogated witch Anna Strycharzowa confessed that she bewitched her lady and "*if she had not requested a priest, she would have died*".[418]

Vilnius protestation of 1679 names a specialist for treatment of such harms: *exorcysta*. A servant of Vilnius mayor's wife complained that a supposed witch grabbed her hand and caused melancholy and heart pains. Priest Nizynski, *exorcysta,* recognised bewitchment and provided a remedy, so the spells painfully left her body. The wording of the statement allows suggesting that the remedy was not a mere rite but some material paraphernalia.[419]

Ethnographers describe the way of counter-magic that reveal the perpetrator: usually after magic manipulations by witchdoctor or the bewitched the one who shows up is a bewitcher.[420] The same logic could be transferred to exorcisms. In 1726 in Darsūniškis manor suspicious objects recognized as spells were found. The priest exorcised them and soon, in the midnight, first a woman and then her husband came to the manor. The lord considered their explanations fake and arrested them. It turned out at the trial that the man already had a suspicious reputation and the torturer found in the hairs of his wife magpie feathers.[421]

A peculiar example of Christianized counter-magic technic came from the already mentioned case of 1758 in Count Tyszkiewicz estate. It served not to protect or treat harms but to reveal a perpetrator. After finding twists in fields, a manor steward collected water from ten churches, cooked jelly – witches could not help coming and asking for it. In that way, the steward arrested and burned six witches and was determined to pursue the application of this effective method.[422]

From the mentioned above, one can conclude, that the application of exorcisms was more typical for Catholic gentry and city elite. Also, for them it was not always a final solution of the witchcraft problem: to cure harm was not enough to eliminate tension, so in both mentioned cases exorcisms were followed by a formal complaint or even witch trial. However, those situations when church rites were sufficient to remove fear and omit formal charge had much fewer chances to appear in court documents. Assumably, church "counter-magic" indeed could substitute traditional counter-magic in well-disciplined Catholic regions and to supplement and influence it in Orthodox/Uniate lands as well.

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[418]Sochaniewicz, p. 135.

[419]RTL, nr 51, p. 299: "*...xądz Nizynski, exorcysta, zrozumiawszy zczarowanie, dał lekarstwo, od ktorego z wileką cięszkoscia y bolem wychodziły czary*"

[420]Christoforova, *Kolduny i žertvy*, p. 92-93.

[421]RTL, nr 67.

[422]Kantorovič, *Srednevekovye processy o ved'mach,* p. 178, also Aleksander Brückner, *Mitologia słowiańska i polska* (Warszawa: Państwowe Wydawnictwo Naukowe. 1985), p. 299.

4.3. The social profile of trial participants

The sample cases of the study allow indicating 141 individual accusers that filed complaints, separately or in groups (some of them featured in the same role in two or more related trials). At least in 9 cases the whole community acted as a collective plaintiff. These people accused in various kinds of witchcraft 211 official accused (among the latter – 175 faced trial, while the rest just appeared in registered complaints and protestations), at least 68 persons obtained capital sentences. Of course, these figures are rather conditional because of source limitations and vague ambiguous status of the participants. For example, a lord ordered to test by water the whole village, then to burn two main suspects and to release under suspicion those with positive results of dunking.[423] Lords used to represent their subjects in courts and husbands – their wives and children. Some complaints were filed by the whole community. The survived separate documents from the whole related materials also could lack the instigator of prosecution.

Because of these and other limitations, all the calculations below are not a precise quantitative analysis but rather an attempt to make observations about general trends and specific features of both sides of the witch trial.

4.3.1. Social status

The social structure of both trial parties demonstrates remarkable patterns (see figures 4 and 5 of Appendix 2).

Generally, the accusers were of a higher social position than their targets. Thus, 52% of plaintiffs in the studied cases were noblemen – more than half of the witch-hunters. However, another half consists of peasants (17%) and burghers (28%), to add three Jews (about 2%) whose legal status made them *de-facto* a separate estate. Only 2 clergymen (one Catholic priest and one Calvinist preacher) were among formal plaintiffs (however, secular officials of church estates were more active).

If to consider particular voivodeships, the most active peasant witch-hunters were in Samogitia and Vilnius voivodeship, while in other regions their activity was insignificant. Burghers dominated in Polack, Vicebsk and Trakai voivodeships and noble accusers were in majority in rural Samogitia, but also in more urbanized Brest voivodeship, while in Navahrudak voivodeship social groups had parity.

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[423]RTL, nr 67.

Position of elites was crucial for launching, progress and decline of witch persecution in all European countries so the involvement of the Lithuanian nobility deserves closer consideration.

The Lithuanian nobility despite its formal equality in rights was far from uniformity. The difference between magnates, middle nobles and petty gentry was significant in economic, political, cultural dimensions. Among noble trial participants, magnates were very rare. As for accusers, one can point only at Jan Stanisław Sapieha in Raina Hromyczyna's case of 1631.[424] Some historians tried to explain his participation in witch prosecution (as well as some other witchcraft investigations in his estates) with his mental problems.[425] On the other hand, Jan Stanisław could be closely acquainted with the western concept witchcraft: he travelled for studies and diplomatic affairs a lot around Western Europe during the time of rising witch-hunt there: to Würzburg, Frankfurt am Main, Paris and Nürnberg (1606-1608), also to Ingolstadt, Padua, Bologna, Rome (1611-1613), visited Vienna and Spanish Netherlands, etc.[426] However, the trial records demonstrate that his involvement was rather passive: actually, it was his officials who had obtained the confession about the bewitchment and the bewitcher, captured and interrogated the suspect and represented Sapieha in the court. The accused witch Raina blamed her private enemy Alexander Borkowski, Sapieha's estate official, in slander and harassment. The mentioned official indeed was very active in the case so he could be the actual initiator of Raina's prosecution.

Another high-level witch accusation known from indirect sources was related to the death of Queen Barbara nee Radziwiłł, wife of King and Grand Duke Sigismundus Augustus. Berwiński quoted a letter of the king Sigismundus to prince Mikołaj Radziwiłł, cousin of Barbara and the Chancellor of Lithuania. The letter written 2 June 1551 reports that the alleged bewitcher of the late queen had been captured and sent to Brest to be tried there (perhaps, she was a subject of the Radziwiłłs) but the king asked to move her to Mikołaj's manor Dubingiai near Vilnius and then he would arrive to participate in the trial.[427] Unfortunately, no more information about this case survived to highlight the details of the royal involvement in the witch-hunt.

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[424]ASZR, vol. III, p. 113-128.

[425]Arkadziuš Čvolėk. Jak paljavali na čaraŭnic u maëntkach Jana Stanislava Sapehi" in *Belaruski Histaryčny Ahljad* (Tom 16, Sšytak 1 (30), 2009), p. 121.

[426]Henryk Lulewicz, "Jan Stanisław Sapieha h. Lis." In *Polski Słownik Biograficzny*. T. XXXIV. (Wrocław – Warszawa – Kraków, 1992), p. 624-629.

[427]Ryszard Berwiński, *Studia o gusłach, czarach, zabobonach i przesądach ludowych.* T.1 (Poznań: Ludwik Merzbach, 1862), p. 72-73.

In other cases, the involved representatives of the magnate elite usually acted as judges or higher judicial authorities. In 1532, Vicebsk voivode Ivan Sapieha first confirmed the banishment of a witch from Vicebsk issued by city court but then cancelled it after appeal.[428] Jan Macuitys, a Samogitian peasant from Gaudikiai, in 1602 reached a distant Niasviž castle, the residence of his lord, Prince Mikołaj Krzysztof Radziwiłł, seeking justice to punish the alleged bewitcher of his father. His efforts were not in vain: he obtained the order for local officials to solve the case.[429] Another Radziwiłł, prince Michał Antoni hold the post of Ukmergė starosta and rigorously considered a witch case in 1717, sentenced one woman to the stake and strictly punished the lords of another suspect for not delivering her to trial.[430]

Thus, the aristocracy shared a common belief in witchcraft, supported the prosecution of this crime. They were among possible readers of demonologist literature, they used to travel to countries with intensive witch-hunts and borrow Western trends from fashion and cuisine to art and scientific ideas. The political and economic life of "the gentry's republic" in the 17th-18th centuries was a very conflicting environment. Magnates constantly challenged each other in courts and battlefields for various reasons: from private offences of honour or domestic conflicts for property in extended and intertwined families to religious freedoms or political hegemony in the country. Nevertheless, such a fertile soil brought few fruits concerning witchcraft: this milieu turned out to be rather disinterested in the witch menace, seldom felt endangered to undertake judicial or extrajudicial measures. At the same time, they were hardly pioneers of witch scepticism: manor stewards in magnates' domains were free to prosecute witches if they considered it necessary.[431] Anyway, this indifferent attitude of the elite contributed a lot to the generally moderate character of the Lithuanian witch-hunt.

As for those charged for witchcraft in trial prosecutions or recorded protestations, the total majority were peasants: about 70%, also 17% of burghers and 11% of the gentry, to add 1% for Jews and 1% more – for others (marginal vagabond, war prisoner, etc.)

If regard known capital verdicts, the most endangered estate were peasants as well. Peasants accounted for 88% of all registered convicted to burning in the Lithuanian witch-hunt. Generally, 40% of all accused peasants faced a capital sentence. Except burning, there were other options possible, like banishment (7 persons or 5% of known verdicts), fine or imprisonment. Just 19 verdicts (13%) let peasant defendants go but only 6 of them (4%) justified the accused. Probably, serf defendants were especially vulnerable before uncontrolled patrimonial courts.

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[428]*Belaruski Archiŭ, vol.* II, nr. 127, p. 96-97.
[429]RTL, nr 13.
[430]RTL, nr 57, 58, 59.
[431]Vic'ko, nr. 1.

At the same time, only 5 gentries (about 22% of all accused of the noble estate) obtained the death sentences, with the right to dispute them before the Supreme Tribunal. Nonetheless, the nobility holds second place in the proportion of capital convictions with 8% of the total. To compare, only one burgher confirmed to be sentenced, but even joining four more cases where the same result was very likely, burghers seem to be safe from such a shameful death. Despite numerous complaints and protestations registered in city courts, a conviction with any result was rare. However, considering the source limitations, one can assume approximate parity between the numbers of burgher and noble defendants and convicted.

The consideration of the capital verdicts per voivodeship demonstrates great differences. Thus, the only convicted in Polack voivodeship was burgher, to add at least one likely burned woman in Dzisna of the same region. In Brest and Nawahrudak voivodeships, it was parity of peasants and gentries sentenced as 1:1. Western lands demonstrate greater diversification: 5 peasants to 1 noble in Trakai Voivodeship, 14 to 1 in Vilnius and 36 to 1 in Samogitia. Except for these mainstream social groups, Samogitian courts have convicted a marginal beggar, a war prisoner servant, and a free non-noble landowner.

Thus, the main victims of the Lithuanian witch-hunt were peasants while the involvement of nobility and burghers often was limited to registered charges or trial disputes without serious outcome.

4.3.2. Private characteristics: gender, age, marital status

The typical plaintiff was male, like about 82% of accusers. Usually, it was the head of the family who represented his wife and children in the court. Nevertheless, records also contain about 18% of female accusers who acted together with their husbands or individually. Some charges came from the village communities so both genders participated in witch prosecution.

The gender ratio of the accused looks oppositely. About 67% of the suspected witches were women and only 33% were men.

However, the closer look at particular voivodeships demonstrates a remarkable difference. While in the majority of voivodeships gender proportion of accusations is more or less balanced (equal or small domination of female or male accused), Trakai voivodeship (18 women and 8 men) and especially Samogitia (85 women and only 26 men) in the extreme west and Vicebsk voivodeship (4 females only) in the extreme east demonstrate striking misogyny. Because of comparatively extensive witch-hunt in the western regions, their data shaped general statistics of the Lithuanian wich-hunt.

If to regard only known capital verdicts, general gender ratio changes slightly: 68 known capital verdicts have sentenced to death 49 women (72%) and 19 men (28%). It seems that

female defendants had fewer chances to survive in Brest, Navahrudak, Vilnius voivodeships and Samogitia: the proportions of women sentenced to burning there are higher than of those just accused. At the same time, in Polack, Minsk and Trakai voivodeships men risked more.

It is not a simple task to figure out other social characteristics like **age and marital status**. Normally clerks omitted them in records, so often only some hints can offer a suggestion: name form (that was different for married and unmarried women), occasional mentions of family members or biography details, etc. As far as these scarce data allows us to see, age and marital status hardly provide a remarkable pattern, there were no particular chase of young beauties or old hags, childless wives or single spinsters. Records provide no leads for a quarter of the accused, but 69% of the known rest were exactly or likely married, 24% unmarried and 6% widowed (however, the number of widows might be higher because of the scarce data, and female name forms do not allow to distinguish them from married persons). Thus, the average witch was likely a married woman. Documents noted children mostly if it was relevant for a discussion, so it is indicated for only 6% of defendants, however, it does not state the childlessness of the rest.

Age of the accused: in 89% no hints to figure out. Perhaps, many of them were middle-aged adults, not very young and not very old, without any extreme features that could be reflected in sources. Children appeared on trial only in two Samogitian cases, of 1731 and 1771, willingly shared detailed fantasies about their participation in witchcraft activities and incriminated it to parents and other adults. Of those 12 persons that could be indicated as the youth, 4 were daughters or sons of alleged witches charged together with their parents and the rest – mostly young servants.

The stereotypic old crone is rare in the records. One can indicate only 7 men and women as likely elderly persons. Among them, two women were of gentry origin and one male middle-class burgher while the rest belonged to the peasantry. At least four practised magic as cunning folk.

As far as a significant share of accusers were men, it makes even more difficult to figure out their marital status: there no hints to find out this information for almost half of them. As for the more or less known rest, the overwhelming majority were married, often with children. Only 7 of then can be indicated as widows or widowers, and three were unmarried (including a catholic priest). Thus, usually, they were socially mature men or women responsible for the well-being of their families and households.

4.3.3. Relations between parties

How the parties were related to each other at the moment of accusation? Only 8% of accusers suspected their relatives while 16% of accusers charged their servants or subjects. The gentries complained about subjects of their noble neighbours (17% of the accusations) that also lived somewhere in proximity and interacted with them or with their subjects. In the overwhelming majority of cases, accusers challenged unrelated people, often of more or less similar status that lived in the same city or village (42% of accusations) or neighbouring settlements (9%). In some situations, sources reveal the informal relations, as a conflict between a wife and a mistress of the same man (2 cases) or a cunning folk allegedly hired as magic hitmen by competitors (2 cases), landlord and tenants (1 case), or a friend of one of the parties competing for a property (1 case), etc.

Materials from the eastern and central voivodeships (Brest, Minsk, Nawahrudak, Vicebsk) indicate only one master's charge against a servant, the rest were mostly unrelated neighbours from the same settlement or area. Contrarily, in Samogitia, about a quarter of the accusations targeted subjects or servants, and about 13% attacked relatives.

It seems that it was exclusively gentry tendency to turn family conflicts into witchcraft accusations. In the research sample, only noble accusers challenged their relatives. Often a conflict occurred not with blood relatives but with spouses, stepparents, and siblings-in-law. Such cases account for 13% of charges by noble accusers. At the same time, the gentry put to trial their subjects only in about 27% of their complaints, even more often they challenge subjects of their peers (about 32% of nobility accusations). Noblewomen did not hesitate to file complaints against husbands' mistresses that applied witchcraft to disturb the well-being of their families.

Burghers and peasants preferred mostly to challenge more or less equal neighbours, from the same or close settlements, seldom they suspect their servants, but never file complaints against relatives.

To consider trials that ended up with capital verdicts, 21% of known convicted were subjects of their accusers and 17% more were their servants, both free employers and, more often, serfs. No charged relatives obtained capital verdicts. To secure a conviction for someone else's subject was a hard task – there were only 6 examples (9% of known capital sentences). And neighbours from the same village/city accounted for a significant share of 34%, to add 8% of convicted from the wider neighbouring area.

4.3.4. Attributed harms

The sources allow assuming, that people feared bewitchment first of all in the spheres usually managed with beneficial magic in this particular society. People of the time could consider within the frame of the beneficial magic various everyday protective and healing practices, special knowledge of cunning folk, bloodletters and (more or less) learned medics, liturgical and para-liturgical means of the clergy, etc. – everything that served to improve the well-being with remedies outside the commoner's understanding. The mixture between 'science', 'religion' and 'magic' is especially evident in medicine and matters concerning health and life.[432] Sources support the idea, that Lithuanian common folk and to a certain extent elites imagined witchcraft as the extension and sometimes inversion of beneficial magic. The malevolent use of the same magic toolkit could poison instead of heal, make sterile instead of fertile, bring bad luck instead of good luck. Imagined witches and their potential real targets – peasants, and noblemen, used the same materials often in the same way to protect and to harm.[433]

As for chronology, until 1590, the most common accusations were suspicious activities: illegal healing, strange deeds or objects as supposed spells or just being a witch. Early accusations in unclear spells, illegal magic activities could be a result of the implementation of religious disciplining measures by Protestant lords and then Catholic church and its supporters. It makes clearer why early trials concentrated predominantly in Reformation centres: Kaunas, Kedainiai and their neighbourhood.

The most widespread reported harm – the health injure of leaving creatures: human illnesses (stated in 48% of all accusations) and death (about 17%), also cattle harm (approximately 23%).

First clearly mentioned in 1566, after the 1590s the health harm or death became the most widespread.

Extensive comparative work of George P. Murdock, Suzanne F. Wilson and Violetta Frederick on the global distribution of theories of illness demonstrates, that all over the world witchcraft and sorcery were (and are) considered as the main threat to human health. Among 139 societies under their survey, 122 more or less blame sorcery (defined as the aggressive use of magical techniques by a human being). It was reported to be the principal cause of illness in 28 cases, an important subsidiary cause in 44, and a rare or minor cause in 50. Witchcraft (defined as voluntary or involuntary aggressive action of a member of a special class of human beings believed to be endowed with a special power and propensity for evil) assumingly caused illness

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[432]Ostling, *Between the Devil and the Host,* p. 110.
[433]Ostling, *Between the Devil and the Host,* p. 116.

in 54 societies: in 9 of them as the predominant cause, in I8 as an important secondary cause, and in 27 as a minor cause.[434] Thus, the ascription of the impairment of health to the magic influence of hostile humans was almost a universal phenomenon. Furthermore, this comparative study demonstrates that societies of Africa, Europe and the Middle East were the most prone to blame sorcery and witchcraft for illnesses.[435]

The criteria to find out whether the disease or death was of natural or supernatural origin were vague. Sometimes professional attorneys of noble parties in county courts provided evidence of unusual symptoms of the victim, like vomiting with plants and worms[436] or unnatural traits of a dead body[437]. However, more often it was the sole opinion of a victim or his/her environment.

One more evidence that witchcraft was, first of all, a threat of sudden unnatural disease and death comes from Catholic church sources. For example, Jesuit reports since the early 17th century widely applied for witchcraft the Latin term *venefici – 'poisoners',* alongside *malefici – 'wrongdoers'.*[438]

First reported very early – in 1561, since 1630s, livestock harm appeared regularly, 1-3 cases per decade, last time – in 1776. Usually, bewitchment of animals was similar to human one: sudden death or disease with unusual symptoms or in strange circumstances. Additionally, there were some unique troubles: two cases from Samogitia (1666) and Vilnius voivodeship (1697) report about witches attacking livestock as werewolves[439] and one Samogitian gentry in 1667 blamed neighbour's subjects for sicking wild predators on his flock[440]. Notably, two of the mentioned cases have occurred close in time and space, so one can assume the abnormal behaviour of wild animals caused by natural reasons.

To compare, crop bewitchment appeared only in 9% cases, however, in some of them, from Ruthenian lands, twists in fields could be attributed rather as health harm spells for the field's owner. Complaints about crop spoiling started only since 1646, between 1666 and 1707 it appeared regularly every 3-8 years. At the same time, despite all the turbulences of the Little Ice Age, accusers seldom blamed witches for weather anomalies.

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[434]George P. Murdock, Suzanne F. Wilson and Violetta Frederick, "World Distribution of Theories of Illness." *Ethnology* vol. 17, nr. 4 (Oct., 1978): 449-470, p 455-457.
[435]Murdock, Wilson and Frederick, "World Distribution of Theories of Illness", p. 468.
[436]RTL, nr 45.
[437]For example, swallowed body examined by court runner in a case quoted in RTL, nr 17.
[438]The index of the BRMR indicates the use of both terms. As far as the index is in Lithuanian language, the term *kerėjimas, kerai, kerėtojai, kerėtojos* (translation of *veneficia* and its cognates in original texts) have 36 indications while *raganavimas, ragana, raganius* (translation of *maleficia* and its cognates) - 39 indications *(*p. 466, 471*).*
[439]RTL, nr 45, Vic'ko, nr 1.
[440]RTL, nr 46.

The more general complaint about household bewitchment appeared in 9% of records, for the first time in 1623 and the last – in 1717, with the peak in the 1630s-1640s. Sources allow suggesting, that this expression might mean casting bad luck, so various misfortunes began to occur: diseases and deaths of kins and children, loss of livestock, family disorders, trade troubles, etc.

Family disorder time to time appear in records while impotency or infertility caused by witchcraft very seldom got to the court documents. At the same time, it was a significant concern for couples. The church even allowed the cancellation of public betrothal announcement if the threat of bewitchment existed.[441] Sexual problems of the couple also could be attributed to witchcraft. Nonetheless, it was uncommon to complain about this to court. The rare mention of such problem comes only from a testimony of the interrogated witch about her colleague and demonstrates a more traditional way to solve the issue. Raina Hromyczyna in 1631 testified:

> A noble bride prepared mead for a wedding party and refused to treat a subject, sorcerer Karp. When after the wedding the young couple could not have intercourse for 6 weeks, the bride's mother invited the sorcerer. It is not clear was he forced by the lady or they reconciled, but after he had hit girl's hips, the young couple "immediately had intercourse even before they reached a bed".[442]

The scale of witchcraft harm was rather modest. A witch usually targeted one or several individuals or families, sometimes a particular village community but could not cause more global calamities. Epidemics, famines, weather anomalies were frequent and disastrous events but there were no registered attempts to charge witches for them. Moreover, the act of witchcraft was evident as a single unexplained misfortune in contrast to safe and prosperous neighbours.

The bewitchment fears had few geographic and social differences. The concern about own and kin's health and life was universal. Predictably, burghers cared less about cattle and crop harm but more about trade losses and impoverishment, while rural gentries and peasants paid more attention to the agricultural harms. Probably, the rare exceptions were the weather magic and livestock harm by wild beasts and werewolves that were absent in the records from the eastern voivodeships.

The structure of the harms reported in Lithuanian witchcraft seems to be more or less typical for the European witch-hunt. For example, a very similar structure of accusations was in Denmark. The analysis of 1715 17th-century Danish cases demonstrates: about 30% of

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[441]*Sobranie pripadkov kratkoe i duchovnym osobom potrebnoe* (Supraśl, 1722), p. 79.
[442]ASZR, vol. III, p. 145.

accusations reported disease (including 3% children, 3% impotency), 15,8% – death (6% children) 22% death or illnesses of livestock, less than 10% – other troubles in household, agriculture or trades.[443]

M. Ostling, considering witchcraft accusations in the neighbouring Polish Crown, suggests to explain the fear of witchcraft among Polish peasants with a George Foster's notion of "limited good": people believed that there is only a limited amount of misfortune or prosperity, luck, love, health or fertility to go around, and one cannot acquire more than one's share except by stealing it from others.[444] It resembles medieval witch-hunts from Rusian texts and Hussowski's poem. However, Lithuanian court materials hardly support this concept. Witches normally did not benefit from their deeds, with rare exceptions of two complaints about milk-stealing.[445] Usually, witches made harm because of anger, revenge, jealousy, more seldom – on behalf of someone else or even her supervising devil, so the suffering and death of the victim were a satisfaction *per se*. Foster drives his theory from the limited amount of arable land in the majority of peasant communities that contributed to the general idea of limited goods at all.[446] Following this logic, one can explain the irrelevance of that idea in Lithuania: the potential for internal colonization and extensive growth to that time still have not been exhausted.

4.4. The shades of witchcraft: accusations diversified

The study of Evans-Pritchard on Zande magic made anthropologists distinguish witchcraft and sorcery. The former term in Anglophone works usually describes influence by internal magic power while the latter one address operating with objects, gestures, incantations, etc to achieve an effect. For some cultures, like Azande, this distinction is crucial.[447] At the same time, in other cultures, and particularly in Early Modern Europe, such difference often was not so essential.[448] The Lithuanian example demonstrates the latter pattern. Lithuanian and Ruthenian *czarownik/czarownica* normally applied sympathetic magic means. Even those few who served Devil still operated with the same simple traditional means, with diabolic paraphernalia or

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[443]Jens Christian V. Johansen "Denmark: The sociology of accusations." In *Early modern European witchcraft: Centres and peripheries,* edited by Bengt Ankarloo, Gustav Henningsen: 339-365. (Oxford: Clarendon Press, 1990), p 355.

[444]Ostling, *Between the Devil and the Host*, p. 123-124. George M. Foster, "Peasant Society and the Image of Limited Good." *American Anthropologist New Series*, vol. 67, nr 2 (Apr., 1965): 293-315, p. 296.

[445]BRMR nr. 118; AVAK, vol. 18, n. 442.

[446]Foster, "Peasant Society and the Image of Limited Good", p. 297-298.

[447]Edward Evan Evans-Pritchard. *Witchcraft, oracles and magic among the Azande* (Oxford: Clarendon Press, 1976) p 176, 187-188, 195

[448]Behringer, *Witches and Witch-Hunts*, p. 2-4; Pamela J. Stewart, Andrew Strathern, *Witchcraft, Sorcery, Rumors and Gossip* (Cambridge University Press, 2003) p. 2.

employed evil spirits. Nevertheless, there are few details that some magicians also possessed the mysterious inner power. Sources from predominantly Ruthenian lands mention a witchdoctor from Navahrudak voivodeship that withdrew bewitchment of impotence by hitting with a stick[449], another one, from Pinsk county, could silence a bagpipe of a musician at a fair[450], and a widely suspected witch from Polack could force a person to hug a hot chimney or to make firewood to levitate just with his will[451]. Less spectacular evidence came from more western lands like supposed victims suspected bewitchment by touching in two Vilnius cases of 1663 and 1679 and Dzisna case of 1762.[452] The only example of such ability granted from the devil appeared in Samogitian case of 1731 when a little boy shocked villagers with the demonstration of his magic skills: he petted a baby goat that died in several hours.[453] However, the majority of these exceptional cases combined paranormal abilities with more traditional sorcery. Sources give no hints if a distinguished term for this kind of witchcraft existed. The rare exception is the Polack case of 1643 when the document alongside traditional *czarownik* calls a defendant *wiedzma.*[454]However, whether this term was just a local synonym or a different category – the rarity of its use does not allow to find out. Probably, not the source of magic power but its impact was the main criterium for contemporaries to label someone a witch – *czarownica.*

Instead of this general theoretic division, another approach to classification based on local specifics seems more productive. For example, M. Mencej during her study of contemporary Styrian beliefs defined two layers of witchcraft (social and supernatural) and, based on this, three types of witches: neighbourhood (mostly social), village (social and supernatural) and night (supernatural) witches, to add unwitchers-witchdoctors.[455] Witchcraft materials from the Grand Duchy of Lithuania allow recognizing similar types according to the same layer distinction. According to the balance of the social/supernatural, it is possible to distinguish the next imagined categories.

1) **Wicked neighbours** were socially motivated to harm, for their purpose they could occasionally apply supernatural means.

2) **Ambivalent witch-doctors** routinely possessed supernatural abilities and knowledge, normally used them for good, but also could harm for personal offences or, more often, as magic hitmen hired by some personal enemy.

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[449]ASZR, vol. III, p. 145.
[450]AVAK, XVIII, nr 442.
[451]ASZR, vol. I, p. 338-346.
[452]SGČA I, p.124-126; RTL, nr 51, NHAB, 1757-1-8, p. 451-452a.
[453]RTL, nr 69.
[454]ASZR, vol. I, p. 341: "...*że on szczyry wiedzma y samy czarownik*".
[455]Mirjam Mencej, *Styrian Witches in European Perspective: Ethnographic Fieldwork* (Palgrave Macmillan UK, 2017), p. 96-99.

3) **Community witches,** similarly to witchdoctors, possessed magic skills and willingly used them to harm their neighbours and the whole community just because of their evil nature.

4) **Conspiracy/diabolic witches** belonged to a mysterious hostile organisation that granted them magic knowledge and paraphernalia to harm people. Often (but not always) the head, tutor and aider was the devil and lesser evil spirits.

Both accusers and accused imagined and treated these categories quite differently. Despite a general term *czarownica* and scapegoating mechanism behind, every type possessed own features of social characteristics, cultural image, even geographic and chronologic distribution. At the same time, people of the time did not entirely separate them, since the church inspired the tendency to label all the variety with one negative term. Thus, the classification used in this work is to some extent conditional as far as some cases possessed features of different types. To avoid an artificial reduction, some of the sample cases are assigned to the two types at once. It is important to take into account this intersection while regarding the quantitative characteristics.

4.4.1. Wicked neighbour

The most common type of accusations belonged to the broad category of wicked neighbours. It implies private accusations of particular individuals in concrete harms without assuming the regular engagement in any clandestine activities. The accusers and accused were neighbours in a broad sense: people that shared common space and everyday life within one household, community or wider but still interconnected area. They might be kins or not, of the same or unequal power relations like master-servant or lord-serf. All these various situations had some common features. Often, an accusation originated from the conflict or tension between particular individuals or families, so the number of accusers as well as accused was limited to one or a few related persons. Henningsen calls this type a conflict witch, Eva Pocs – social witch and Marjam Mencej – neighbourhood witch.[456] Other people unrelated to the conflict often did not support the accusation, stayed neutral. As witnesses at the trial, they stated some minor suspicious episodes or, contrarily, the good reputation of the accused. Time to time trial materials preserved the initial conflict because one of the parties or witnesses pointed it out.

A wicked neighbour normally was not supposed to be engaged in conspiracies and diabolism, and could not possess any magic skills, powers or knowledge. Witchcraft incriminated to the accused usually was a single or seldom act, often she or he obtained knowledge or paraphernalia for bewitchment from another person. Anyway, not the producer, but

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[456]Mirjam Mencej, *Styrian Witches in European Perspective: Ethnographic Fieldwork* (Palgrave Macmillan UK, 2017), p. 97, 346-347.

the applier of spells was a subject to prosecution and punishment. For example, a servant that put the cursed bone in the master's bed (but not the one who prepared spells, especially if he was under other jurisdiction) was tried and punished for witchcraft, also labelled as a witch in trial documents. Often it is not clear if the malevolent activities are only ascribed to a person or took place in reality: usually, attributed manipulations were quite realistic and manageable. As for motivation, it could be practical gains as well as envy or revenge. The bulk of trials held in the Grand Duchy of Lithuania more or less clearly belonged to this category.

Cases of this type were the most numerous. The sample contains 82 cases that belonged exclusively or partly to this type that involved 119 accused, 79 female and 40 male. It means, about 65% of all cases and 56% of all accused from the sample. 81 defendant ended up in the courtroom at 57 trials, and women had more chances to get there: there were 59 female defendants (74% of accused women) and 22 male (55% of accused men). Also, women were more likely to obtain capital verdict: 17 (29% of tried women) female convicts to only 4 male (18% of tried men). Nonetheless, the death toll of wicked neighbour trials was not very high: only about 26% of all tried (and about 18% of all accused) wicked neighbours obtained capital sentences. Not all of the convicts reached the stake: at least one (and very likely – one or even two more) successfully appealed to the Supreme Tribunal, and in one case the lord of the witch ignored the court verdict. In 3 cases judges decided lesser punishments: imprisonment, fines, church penances.

Judges fully justified 12 persons (3 men and 9 women), moreover, in 6 cases they punished plaintiffs for slander with fines, flogging, imprisonment or dishonour in jougs. 11 were released on bail but stayed under suspicion. Three times in the course of trial plaintiffs aborted prosecution or cancel the verdict because of agreement with a defendant. However, 11 trials lacked a verdict because of postponed sessions, demand for further investigation or just of source lacunas.

The number of accused per case was humble: the majority involves only 1-2 persons, 3 persons were more seldom, 4 defendants appeared only two times (and possibly involved not only wicked neighbour charges, to add one extraordinary protestation against 5 offenders.

Cases occurred during the whole period of the witch-hunt: the earliest was registered in 1543 and the latest – in 1776 when the witch-hunt was terminated. Every decade at least 1-2 accusations were filed, more rare decades brought 3-5 complaints but there were peak times with 10 (the 1630s and 1640s) or 8 (1610) cases registered. Until 1630s wicked neighbour cases were almost exclusive, then other types of accusations challenged them, but only in the 1670s, 1690s, 1700s and 1720s other cases could have a relatively significant share.

Wicked neighbour cases more or less proportionally distributed among all voivodeships. Normally they constitute 50-70% of all cases registered there, and the maximum, 75%, came from Navahrudak voivodeship.

All kinds of courts registered accusations and judged neighbours, moreover, such cases constituted a bulk of their anti-witchcraft activities. To this type belonged all cases from Supreme Tribunal, 85% of witch trials (and 87% of all witch cases registered) in county courts, 71% of trials (and 72% cases) in city courts, 78% cases considered by communal assemblies (*kopa*). Patrimonial courts decided significantly lesser share – only 57% of its witch trials and 60% of all cases.

Thus, this type of accusation seems to be universal: Ruthenians and Lithuanians, peasants and burghers, lords and servants, similarly suspected their neighbours despite cultural and religious differences. Thus, the witch-hunt in the Grand Duchy of Lithuania was to a great extent a set of petty and routine confrontations with a very humble supernatural component and without any diabolic intervention.

Conflicts and tensions behind accusations

The starting point of witch accusations was a misfortune or, more common, a set of misfortunes. Accusations could include one particular accident but often they described numerous harms of a different type. Usually, it took many factors combined. At least, a supposed victim of bewitchment should observe strange (or ordinary but suspicious in a particular context) deeds or objects that might be attributed to someone hostile that followed by some misfortunes.[457] At the same time, if a community experienced the expansion of the witchcraft discourse and the fear of bewitchment, any supposed spells could trigger concerns about potential harm in advance.

About 18% of all accusations did not specify a misfortune or informed about supposed bewitchment. The most widespread harm was health troubles – about half of all complaints mentioned it solely or alongside other problems. Deaths caused by witchcraft add 16% of cases. The illnesses or losses of livestock concerned plaintiffs in 22% of cases. As for crop harms, there are no clear accusations: 6 complaints mentioned twists or witches caught in fields but it could deal not with the crop but health harm of the owner. Four cases blamed witchcraft in family disorders and three – in household bewitchment whatever it could mean.

All these misfortunes targeted particular individuals or their families and households that allowed to seek a particular culprit. The most probable one was a personal enemy, so the victim of bewitchment examined whom he had offended to deserve a payback.

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[457]Ostling, *Between the Devil and the Host*, p. 66

Of course, not every conflict or tension ended as a witchcraft accusation. Rather, a victim chose an appropriate suspect from the network of explicit confrontations and implicit tensions.

Normally, it is difficult to figure out the real conflict behind the accusation. The obvious conflict for the court was not only a motif for the suspect to commit a crime but also a ground to doubt or even reject the complaint and testimonies as preconceived. It was a reason why plaintiffs tried not to underline it, while defendants or their attorneys usually referred to any relevant animosity.

It is evident, that a significant share of such witch accusations arose from long-term hostility or just resentment between neighbours. There are few evidence to find their roots exclusively in economic competition, personal quarrels, jealousy, social control or power struggle, but rather a mixture of various tensions.

Sometimes, trial materials reveal some exact conflict grounds. In 1640, nobleman Jan Lisowski filed a complaint in Polack court. He suspected another nobleman Starymowicz who had lost a lawsuit for lease right on a manor Ušačy and had to move out so, allegedly, decided to take revenge by bewitching the manor house with cockroaches.[458] Similar conflict occurred between Vilnius burghers. When Samuel Filipowicz returned home after Mocsovite occupation[459], he evicted from one of his buildings two poor lonely women who lived (squatted?) there. Perhaps, he felt guilty for this uncharitable act but sublimate the guilt as suspicions in witchcraft. After finding some supposed spells, he decided that those offended women bewitched the house to harm future residents. Samuel learned a rumour: when a shoemaker's wife had earlier evicted Janowa (one of the women), the latter had bewitched shoemaker's house as well. Also, Samuel attributed his health problems to the same vengeance.[460]

Sometimes witchcraft could be one of the numerous enemy attacks. In 1677, a petty nobleman complained about hostile activities of Lida city elite (a mayor and city magistrates). According to him, this commoners (perhaps, the owners of neighbouring land plots) wanted to seize his field so they harassed him: not only damaged and stole crops but also made twists to bewitch him.[461]

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[458]ASZR, vol. I, nr. 125, p. 323-324.

[459]In 1655, escaping the onset of the Muscovite army known for its disastrous treatment of non-Orthodox infidels, many of Vilnius wealthy burghers, nobility, clergy, Jews sought refuge in Prussia and returned only after the city returned to Polish-Lithuanian control in 1660 - see Irina Gerasimova, "Zanjatie Vil'ny russkimi vojskami 8 avgusta 1655 g.: sopostavlenie narrativnych i dokumental'nych istočnikov", in *Senoji Lietuvos literatūra* (nr 32, 2011, p. 135-153), p 137, 139.
[460]SGČA I, p.124-126.
[461]RTL, nr 49.

Additional sources can shed some light. For example, the extensive court materials of 1614 Upite trial give very few hints to understand the hostility between parties, the motivation behind the supposed bewitchment and real accusation. However, the Supreme Tribunal archive reveals that the father of the plaintiffs had had a property conflict with the defendant 30 years before, in 1584.[462] Hard to say whether this former trial influenced future relations but such tensions over property were common among the nobility, in the conditions of poor documentation and complicated family and inheritance relations.

Money problems seldom explicitly appeared in court materials. In 1577, Mahilëŭ widow Vasia accused her housemate widow Maria in bewitchment. Vasia did not pay her debt to Maria so she was afraid of her threats and strange deeds. However, later she cancelled the trial – probably, the women have found a better solution.[463]

Sometimes accusers sought the reason for their troubles in more private matters. Lady Hanna Cywinska blamed a mistress of her husband in witchcraft. Her witchcraft not only seduced the accuser's spouse to adultery and brought family disorder. The vicious girl also made the lawful wife seriously ill and threatened to cause her death.[464] In 1681 a testament of Samogitian lady stated the similar accusations.[465]

More evident are tensions between masters and their servants or subjects. The dependence provided a lot of opportunities for power abuse that establish mistrust between parties. The master felt own guilt for injustice but still had to rely on the service, fearing possible retribution from the offended servant and ascribed the misfortunes to her or him. For the dependant, defenceless serf, especially woman, the magic as "revenge of the weak" could seem an appropriate response to a powerful abuser. Despite its subordinate position, the help had a lot of power in the house: they possessed access to food, beverages, clothes, private space and items, assisted masters in intimate procedures. No wonder, that some strange objects in food like frog skin in porridge[466] or a spider in cheese[467] immediately led to the suspicions and interrogation of the kitchen maids. A servant could obtain personal items for magic manipulations like clothes or their parts[468], add cursed plants to lady's bath[469], enter the master's bedroom to place spells in bed or to sprinkle a sleeping couple with a potion to cause disorder[470], etc. This irresistible

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[462]LVTS nr 4, p. 49-53.
[463]IJM, vol. XXXII, p. 203.
[464]RTL, nr 22.
[465]RTL, nr 53.
[466]AVAK XVIII, p. 332-334.
[467]RTL, nr 9
[468]IJM, vol. XXXII, p. 203; RTL, nr 12, 26, 31, etc.
[469]RTL, nr 9.
[470]RTL, nr 27.

vulnerability of a powerful lord before the miserable servant was fertile soil for witchcraft suspicions.

Often masters did not believe that trusted servants tried to harm a benefactor on their own initiative, so they searched the instigation of wicked kins or enemies. Forced to point the instigator, accused servants named those whom their masters expected to blame. The share of such cases is significant because it was important to register confessions as evidence for a future accusation against a more powerful offender.[471]

The position of the housemaid was vulnerable to sexual misconducts of her master or male members of the household and jealousy of females.[472] The bright example comes from a Samogitian patrimonial trial of 1602. Rietavas lord Valentyn Zvagin' accused his runaway maidservant Gendruta in bewitchment of his daughter and son. When caught and tried, Gendruta told that the son of her master harassed and seduced her, and his sister hated her. Gendruta had bewitched master's daughter by putting her closes into running water and squeaky tree, so when she removed them, the girl got well. The judges did not take into account the abuses against the poor maidservant and sentenced her to the stake.[473]

Other manor labourers and especially serfs were not in such close encounters with their masters but they also could have conflicts that fuelled suspicions. Manor workers usually had very few land and cattle to support themselves, their full-time employment in lord's manor was the main way to earn a living, so they depended a lot from it. Serfs, especially in small domains of petty and middle gentry, felt the growth of socage and other feudal obligations while the support from their lords was limited. Both serfs and manor workers could suffer from mismanagement and overexploitation that created mutual tensions and mistrust with their masters. Serfs in the eastern and southern lands of the Grand Duchy, especially in the late 16th – the middle of the 17th centuries, escaped to Ukrainian steppes, joined Cossack raids and uprisings, while in the western part peasantry seemed more patient and obedient. Nevertheless, such social tensions could also find way out framed with witch beliefs – rather seldom, but it happened. In 1597 in Samogitia, a patrimonial court investigated the bewitchment of a lady that caused her a heavy disease of the stomach. Interrogated cowgirl from the same manor testified, that it was revenge by her friend for the cowgirl's bad treatment: the lord and the lady used to beat the servant hard.[474] In another Samogitian case of 1657, a tailor confessed that he bewitched his lady with the help of his daughter, maidservant in the lady's house. As a motive for the crime, he recounted specific grievances: the lady had solved a harvest dispute in favour of another serf,

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[471]AVAK XVIII, p. 332-334, RTL, nr 9, 28, 38.
[472]Ostling, *Between the Devil and the Host*, p. 32.
[473]RTL, nr 12.
[474]RTL, nr 11.

denied the desired manor office, and finally, scolded him several times. To take revenge, he planned to poison her, not to death but just to cause pain, so he turned to the help of a witch.[475]

Lords did not always seek the death of their subjects charged in witchcraft, they could not only keep the convicted servant alive but even to leave him or her in service. Probably, it worked as a kind of tension-relieving reconciliation. However, pardoned witches could easily become targets again – some complaints and testaments blame such ungrateful recidivists for new troubles.[476]

Magic toolkit

The toolkit of wicked neighbours was quite primitive and mundane. To some extent, it reminded the operational set of folk healer: plants, plant-based potions, wax. Also, the difference between poisoning with natural and supernatural substances was unclear and, probably, non-essential for people. No wonder that enemies could try to poison with enchanted beverages during common feasts or in pubs, or instigate a servant to put a spider in cheese[477], a frog skin in porridge[478], or to rub a roasted chicken with poisonous ointment[479]. Also, accusers widely assume (and the accused often confessed in) various sympathetic magic, when everyday objects (usually related to the target) and operations bore a symbolic message to cause intended effect: to bury a victim's pieces of clothes in a swamp, running water or an old creaky tree[480], to tear a dress or a shirt[481], or to curse sand from a footprint[482]. A trial party could try to invert millstones to flip judges.[483] Unsanctioned intervention in someone's private space seemed dangerous: to find twists[484] or cut rye in a field was a sign of bewitchment, to see scratches on gates[485] or to see someone encircling your house. Enemies tried to plant unusual objects in private space like a dog tail in a barn[486] or a jug with cockroaches in a house.[487] The most frightening were objects related to the death and decomposition: human bones, coffin nails, grave sand[488], a bag of worms[489] However, even an ordinary egg found in unusual place[490] could initiate worries and

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[475]RTL, nr 42.

[476]RTL, nr 31, 32.

[477]RTL, nr 9.

[478]AVAK XVIII, p. 332-334.

[479]RTL, nr 42.

[480]RTL, nr 12.

[481]RTL, nr 25.

[482]RTL, nr 4, RTL, nr 50.

[483]RTL, nr 55.

[484]RTL, nr 49; AVAK XVIII, p. 499-500.

[485]IJM, vol. IX, ASZR, vol. I, p. 349.

[486]RTL, nr 36

[487]ASZR, vol. I, p. 323-324.

[488]RTL, nr 4, AVAK XVIII, nr 267, 270.

[489]RTL, nr 84.

charges, let alone unexplainable things and deeds in suspicious context. Probably, the most sophisticated form of spells was a rag doll – suspicious kin had brought it to ease pains and nightmares of a young woman after labours but she got worse and died blaming spells.[491]

Thus, the total majority of the imagined witchcraft means were quite realistic and accessible to everybody. Wicked persons could learn how to use these objects, what incantations to say and cast spell on their own. Also, they could obtain already bewitched paraphernalia from more advanced amateur sorcerers or ambiguous cunning men. Noticeably, according to the documents, tried neighbour witches did not use any Christian sacral objects and rituals. Perhaps, in certain cases, one can see inverted church rites: for example, a witch sprinkled a sleeping couple with dirty water to cause family disorder – seemingly imitating priests' blessings with holy water.[492] Also, there are very few hints that people suspected their neighbours in possession of internal witchcraft power. Only two protestations from Vilnius (1663 and 1679) noted (but did not emphasise) that suspects may bewitch them with touching: violent grabbing the hand or grateful hugs[493] (however, in the latter case of 1679, the scarce note allows suggesting that the witch could be not just a neighbour but a witchdoctor).

Perhaps, the image of a witch of this type as an ordinary person that just occasionally operate some obtained magic knowledge or objects can explain why their prosecutions almost lacked application of dunking. Three cases when courts ruled to dunk suspects involve not only wicked neighbours accusation but very likely – also community scapegoating or even witchdoctor practice.[494] Probably, dunking test was believed to work to identify those branded with particular divine wrath or even differed with their nature from normal humans.

In a considerable number of cases, supposed victims of bewitchment did not clarify in which way their enemies bewitched them. Also, often accuser just stated their harms and pointed out a suspect – the one who had the motivation, who recently quarrelled and threatened with troubles, who gloated the misfortune. Indeed, witchcraft involves secret activities so not always it can be revealed in the process but its outcomes are more than obvious. People frightened with the threat of bewitchment registered protestations[495], but such arguments appeared in trial testimonies as well[496].

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[490]RTL, nr 20, RTL, nr 56.
[491]RTL, nr 17.
[492]RTL, nr 27.
[493]SGČA I, p. 125; RTL, nr 51.
[494]Jucewicz 2; NHAB 1797-1-1 p. 373-374b, 376-377; RTL, nr 85
[495]RTL, nr 10, 63, etc.
[496]RTL, nr 75; NHAB 1797-1-1 p. 363, 368, 373-374b 376-377, etc.

Because of individual social nature and prosaic cultural form, wicked neighbour's witchcraft could relatively easy find a non-trial solution. Perhaps, all means mentioned above were accessible for this purpose. However, despite the easing of tension, suspicions remained, it could turn into a local discourse of gossips, rumours, fears that influence the reputation of the neighbour. Long-lasting suspicions could result in a scapegoating or even in diabolism accusation – very likely, this happened in respectively 1643 Polack case[497] and 1725 Darsūniškis case[498].

4.4.2. Ambivalent witch-doctors

The one who knows how to cure might know how to poison and the one who can unwitch should know how to bewitch. This logic stands behind accusations of various folk healers and witch doctors. This category of the accused at the trial usually did not deny their magic practice – perhaps it was useless because everyone knew it. The accusation normally was not about the magic application but the particular act of *maleficium*.

There are 17 cases (about 13% of the sample) involve 22 individuals that more or less likely belonged to cunning folk of a different kind: witch doctors, healers, diviners, also those on the boundary between folk magic and medicine: a blood-letter and midwife. Eleven of them were males and the same number – females.

17 cases include 11 trials. More than a half (5 trials) ended up with a capital sentence, 4 people went to the stake, 2 men and 2 women. The number of burned witches could be higher, but in several cases, lords refused to deliver their subjects to trial or to execute court decisions.

Cunning folk stood before all kinds of courts. Rural communal court *(kopa)* tried two cases – no avail because in both cases lords ignored its authority. Three trials took place under patrimonial jurisdiction. City magistrates considered the most – 4 cases, nobility county courts regarded two - and one of them even reached the highest instances: the case that started at kopa of Kurkavičy village, because of the stubbornness of the witch's lord passed through Minsk county court and ended up at the royal judgement.[499]

The reason for such a variety of courts was the social variety of trial participants. Nevertheless, it is possible to find some patterns. In the social dimension, as a rule, accusations were directed downwards but against individuals not dependant from the accuser. Generally, accusers belonged to upper and more privileged circles than the accused – and also more integrated into the literate culture. Burghers filed complaints in 8 cases of 17, nobility – in 6

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[497]ASZR, vol. I, p. 338-346.
[498]RTL, nr 67.
[499]AVAK XVIII, p. 263-265, Holubeŭ, *Sel'skaja abščyna ŭ Belarusi,* p. 81-82.

cases, also two Jews-pubkeepers and one priest have undertaken legal actions. Only in one case, a peasant community turned against fellow witchdoctor and his son. Contrarily, the majority of the defendants belonged to peasants (16 of 22), to add only 5 burghers and one exceptional case of priest's wife of noble origin. Even accusations within one stratum normally followed downward direction: burgher plaintiffs often belonged to city elite or at least middle class while their counterparts – to city plebs, moreover, all burgher accused were women. The same was a charge against the only noblewoman: Catholic manor official on behalf of powerful magnate sued Orthodox/Uniate woman of petty gentry origin. One can see cultural and social division: witchdoctors existed among the urban and especially rural low classes, mostly East Christian Ruthenians. At the same time, upper and middle classes have been gradually engaging in learned Catholic culture with its intolerance to any magic practices so the image of neutral or beneficial low-class witchdoctor turned into a dangerous witch. The additional factor might be that power relations followed religious and language bordering which more and more distanced upper and lower classes and deepen estrangement between them.

Attributed harms

Magic practices *per se* caused troubles only to the two folk healers tried in Kaunas at the very beginning of the Lithuanian witch-hunt. In 1552, two concerned burghers denounced a woman for giving spells for childbirth – but she was just interrogated and released.[500] In 1563 another woman went to custody for herbalism – but her sudden confessions about relations with devil caused complications so puzzled judges postponed the trial which result is unknown.[501] Probably. in both cases, the original offence was not witchcraft but unauthorized medical practice or engagement in superstitions against prescriptions of Reformed authorities of the city.

Total majority of harms attributed to the accused belonged to the typical witchdoctors' sphere of activities – the care about the health of humans and livestock. Perhaps, even mentioned twists in fields were for heath, not crop harm. A rare case of inverted love magic – disruption of matrimonial plans[502]. Even not inverted, love spells were believed to disrupt planned wedding and caused serious mental problems of the bewitched – depression and suicidal intentions (or rather be a suitable explanation for these scandalous troubles).[503]

To accuse a witchdoctor, one could skip the search (or the invention) of the motivation for the conflict. A witch doctor was already suspicious for the magical abilities that he can use on behalf of some anonymous foe. Indeed, in a number of cases, witch-doctors were suspected in a

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[500]RTL, nr 1.
[501]RTL, nr 3.
[502]ASZR, vol. III, p. 113-128.
[503]RTL, nr 37.

work as a magic hitman, that they had bewitched a victim on behalf of the victim's enemy.[504] In some cases, a defendant begged a pardon promising to reverse misdeeds. In two cases, the accused arouse witchcraft suspicions when they cast love spells on behalf of lovesick girls.[505]

In the notorious case of Raina Hromyczyna (Navahrudak, 1631), priest's wife and petty noblewoman, the fact that she was a midwife and practised some healing magic was an important aggravating factor for her conviction.[506]

A blood-letter as a colleague of a witch-doctor held a similar mysterious position in the popular imagination. A nobleman from Samogitia Severyn Konopinski accused a blood-letter Elzbeta of the assistance to his wicked servant that attempted to poison Severyn with magic ointment. Moreover, he blamed Elzbeta in numerous evil and mysterious deeds, typical for diabolic witches: she allegedly strangled an unbaptized baby in the night; sent a destructive storm to his manor; turned in a wolf and slaughtered his cattle in a cowshed; stole grain from a barn by devil's magic. He even saw her flying to his the manor to cast spells. However, all this sounded not persuasive enough neither to Elzbeta's lord neither to the county court and the woman was justified.[507]

Features of the geography

Despite modest share of such trials in the whole Lithuanian witch-hunt, in the particular voivodeships situation was significantly different. The only known accused from Minsk voivodeship peasant Boris Slawikowicz was likely a professional practitioner (the document mentions that Boris was used to engaging in sorcery for a long time).[508] More than half of the trials (4 of 7) in Brest voivodeships considered accusations of such professionals. Among 5 trials in Navahrudak voivodeship, two related cases targeted a cunning woman and a midwife. At the same time, the share of such cases was extremely low in western lands (Vilnius, Trakai voivodeships and Samogitia) and they were absent (at least among known) in the eastern voivodeships (Polack, Vicebsk, Mscislau).

It easy to notice a striking geographic pattern: a bulk of cases involving witchdoctors came from central lands with predominantly Ruthenian population but the strong influence of the Catholic church. Notoriously, all the male accused lived to the east of Vilnius county. Cunning folk in documents from western lands had its specifics. First 3 cases occurred at the early stage

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[504]ASZR, vol. III nr 237; ASZR, vol. I p 295-297; SGČA I, p. 140-143.
[505]RTL, nr 37; AVAK VI, p. 510-511.
[506]ASZR, vol. III, p. 113-128.
[507]RTL, nr 45.
[508]*Otъ davnogo času toe čarodejstvo umejuči, ne peršij razъ zvyklъ onъ činit' i tymъ se čarodejstvomъ bavit' (*AVAK XVIII, p. 263).

of witch persecution in Protestant Kaunas – before 1610.[509] The next case of 1646 from Merkine shows Ruthenian women that practised magic in a predominantly Lithuanian environment.[510] The only case from Samogitia (1666) involves the mentioned blood-letter woman.[511] Such statistics combined with other sources allow assuming, that Catholic Church in the western lands suppressed a bulk of cunning folk to the early 17th century. These trials against magic practitioners in the central lands occurred on the frontier of the gradual post-Trident Catholic worldview advance to the east. Cunning folk still existed among the loosely-disciplined Ruthenian Orthodox/Uniate population but negative attitude and the idea of their danger already was entrenched in minds, at least among burghers and nobility.

While Samogitian nobles issued orders to banish "*burtniks*", sources reveal that the Ruthenian gentry favoured and even applied for their help themselves. No wonder that it was so difficult to put to trial supposed bewitcher and his lord defended him.[512] It seems that in conditions of relative impunity witch doctors even benefited from fearsome reputation.

The campaign against cunning folk

The struggle against folk magic and its practitioners was a part of disciplining measures implied by clergy of all denominations. Protestant rulers, lords, and magistrates issued prescriptions against different sinful activities – perhaps, the early Kaunas trials against folk healers occurred within this process. The most active were Catholics within the implementation of the Tridentine Reform. Improvement of the parish clergy level, missionary activity of monastic orders intensified greatly in Samogitian and Vilnius archdioceses since the end of the 16th century and especially in the second half of the 17th century when the Catholic church gained undisputed power and attempted to maintain confessional state.[513]

Many of the priests took seriously their mission to enroot folk paganism, even despite the stubbornness of some less enthusiastic gentry. For example, Piotr Bohusz, a priest of recently-reestablished Catholic parish in Dubingiai (Vilnius county) – formerly notorious Calvinist centre, in 1676 complained to a county court about his conflict and fight with a local nobleman.[514] The priest reported that he visited the noblemen Jan Witan to complain about his subjects, diviners Kupel and Pilnik that poured vax and distracted parishioners from attending the church. Wax pouring could be used for future-telling, finding of stolen things or even to indicate the

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[509]RTL, nr 1, 3, 15.
[510]RTL, nr 37.
[511]RTL, nr 45.
[512]AVAK XVIII, nr 232, 442; Vic'ko 2.
[513]Wojciech Kriegseisen. *Between Church and State: Confessional Relations from Reformation to Enlightenment: Poland—Lithuania—Germany—Netherlands* (Frankfurt am Main: Peter Lang, 2016), p. 586, 589.
[514]RTL, nr 48.

bewitcher. However, during this visit, the hospitality of sir Witan changed to hostility and he beat up the priest, so the decision about the diviners is unclear. Nevertheless, this is a bright example of disciplining activities of clergy in restored parishes.

During visitations, parish priests had to report *inter alia* about cunning folk among their flock. Thus, in 1579 a *visitator* of Samogitian Diocese asked about *incantatores* and *divinatores* in particular parishes. Priests of Veliuona, Ariagola, Krakės, Betygala, Vidukle stated the absence of such offenders. The vicar of Kražiai was unsure: he had heard about them but never encountered. Their colleagues from Vilkija and Kaltinėnai admitted an abundance of conjurers and diviners, but the latter one stressed, that they belonged mostly to "heretics" – Protestants.[515] Probably, Catholic complaints about Protestant connivance to the folk magic were not just hollow propaganda. The rare mentions of the cunning folk in court documents from ethnic Lithuanian lands came from Calvinist Biržai duchy in Trakai voivodeship. The already mentioned collection of Biržai patrimonial court journals three times notes magic practitioners – *burtniks*. However, these records are not about witch trials. Two of them came from hearings about a hidden treasure found in 1693. One of the participants testified that once he saw a mysterious white flame, so he decided to consult a *burtnik* and visited a cunning woman, *baba*. The woman divined by pouring wax and stated that it might be a sign of a treasure.[516] Another mention came from the case about stolen money. In 1698, a peasant who suspected his fellow in a theft threatened to file a complaint to the court or go to the *burtnik* who could make the thief severally ill. The thief was so scared that murdered him.[517]

Biržai duchy was a possession of the Calvinist branch of the Radziwiłłs who were the main patrons of religious dissenters in Lithuania. The Radziwiłłs made this domain almost exclusively Protestant. Lords observed the religious indifference of subjects (and even suspected peasants in pagan remnants) so provided strict measures to promote "true Christian faith" up to administrative coercion with fines or even corporal punishment. Intendants controlled faith and way of life of subjects. Except for coercion, there were efforts to reach the rural population with education for children and preaching in Lithuanian language.518 However, it seemed, that over time, this zealous vigour diminished. After the death of Bogusław Radziwiłł in 1669 Lithuanian Protestants lost their influential patronage and after his daughter Ludwika Karolina had passed away in 1695, Biržai duchy stayed disputed until in 1731 Catholic line of the Radziwiłłs

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[515]BRMR, nr 40, p. 67-68.
[516]*Biržų dvaro teismo knygos,* p. 185.
[517] BDTK, p 176-177.
[518] Deimantas Karvelis. "Przymus wyznaniowy w "księstwie birżańskim" u schyłku XVI iw pierwszej połowie XVII wieku." In *Litwa w epoce Wazów*, edited by. W. Kriegseisen, A. Rachuba: 256-275 (Warszawa: Wydwnictwo Neriton IH PAN, 2006), p. 266-273.

inherited it. It can explain why Calvinist confessionalization of this enclave was not so deep and finally slowed down. No wonder, that in the late 17th century peasants did not hesitate to mention their consultations with diviners and cunning folk, unlike their Catholic compatriots from neighbouring lands.

Jesuits also actively undertook efforts against folk magic. Their reports demonstrate a remarkable tendency. In the 16th century, Jesuit missionaries fight local magic practices and practitioners as errors and superstitions of recent pagans and stubborn schismatics. Contrarily, since the early 17th century, they began to denounce such activities as devilish spells with real harm that can be fixed by church means.[519] Perhaps, such juxtaposition of cunning men to learned physicians and clerics contributed to the demonization of folk healing practices.

As reflected in their reports, they did not insist on the secular punishment of practitioners but rather tried to raise awareness against this sinful and harmful activity. Reports from various missions usually count how many people confessed in particular sins, including sorcery and witchcraft. For example, one of the earliest published reports dated to 1673 that came from Jesuit *Domus Professa*[520] in Vilnius states that among 13 000 confessions 15 were about witchcraft (*a veneficiis*), 3 – about magic (*magia*). To compare, 12 persons confessed in incests and sodomy and 20 – in bestiality.[521] Thus, not so many came to confess in magic-related sins but it means that missioners propagated actively against them.

Such proactive politics brought outcomes, especially in predominantly Catholic territories of Samogitia, Trakai and Vilnius voivodeships. Materials from these lands note very few individuals that could be identified as cunning folk. To understand the progress, visitations of 1782-84 from different places of Trakai and Vilnius voivodeships (Panemunė, Kernavė, Pabaiskas, Braslaŭ, Paberžė, Ukmergė) stated only some rare petty home superstitions and almost full absence of more or less professional practitioners, except a sole thief-finder and few folk healers.[522]

No wonder, that court cases from the western voivodeships hardly indicate any measures of countermagic. There were few suspects at Lithuanian-Ruthenian borderland whose practice as

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[519]Judging from the materials published in BRMR, approximately after 1608 (nr 96) the mentions about the struggle against *incantatores*, *divinatores*, their illusions and superstitions give way to reports about *veneficia*, *maleficia* and measures to cure harms with church power. However, in the 18th century, the situation demonstrates the U-turn to the predominant search for superstitions rather than witchcraft.

[520]*Domus professa* or *professorum*: the professed house is a residence for brethren that had passed all the required training and engaged in all kinds of missionary and pastoral work, except education. (Jakub Kołacz, Słownik Języka i kultury jezuitów polskich (Kraków: Wydawnictwo WAM, 2006) - p. 89]

[521]BRMR, nr. 224.

[522]BRMR, nr 581-585, 587.

cunning folk was an aggravating circumstance. In 1646 in the town Merkine (Trakai Voivodeship) local burgher accused a Ruthenian woman that her attempt of love magic hurt his mental health. The woman, Anna, admitted that she used to cast love spells on behalf of town girls, also to unwitch, improve family relations, etc. Despite her reconciliation with plaintiff and relatively minor offence, city authorities harshly treated (tortured four times – more than the law allowed) and severely punished her: burned a brand and banished from the town.[523] To compare, in Kobryn (Brest county) in 1709 a similar attempt of love magic cost local cunning woman just a church penalty.[524]

Maxim Znak tried in 1691 in Hrodna county admitted first healing practices, ended up confessing about being a magic hitman and a part of witch group.[525] An old witchdoctor from a village near Hlybokaje (at the border of Vilnius and Polack voivodeships) was acknowledged for finding hidden spells but villagers feared him, suspected in lycanthropy and finally demanded lord to burn him and his son.[526] It is of striking contrast to the eastern part of the country where it was rather normal to visit a witchdoctor to consult or to unwitch; not only low classes but also nobility there requested their assistance and even protected such subjects from prosecution. Such a difference might be a result of the effectiveness of disciplining measures among the population in the homogeneous Catholic areas but lack of such impact among Orthodox, Greek Catholics and even dispersed Catholics in the predominantly Ruthenian lands as well as in Protestant enclaves.

4.4.3. Community witches

The type of the community witch was the next step from individual bad neighbour relations toward diabolic witch craze. This category includes accusations of single individuals or small groups (2-3) in maleficent witchcraft without diabolic or conspiracy elements that came from a significant group of accusers or even from the whole community. It states the shift from the regulation of interpersonal relations to the level of community social mechanics. In conditions when numerous misfortunes befall the community, it was a way to relax tension, frustration and aggression by shifting it to a designated scapegoat and eliminating them with the victim. The accusation in maleficent witchcraft not only explained troubles but also made this sacrifice look like a legitimate and righteous act of self-defence.

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[523]RTL, nr 37.
[524]AVAK VI, p. 510-511.
[525]SGČA I, p. 140-143.
[526]Vic'ko, 1.

In Lithuanian witch-hunt, such model was far from widespread: only 14 cases (about 11%) more or less fit this pattern.

The earliest trial of this type might be the very first one of Lithuanian witch-hunt happened in Vicebsk in 1532 if to consider that those "all boyars and burghers" mentioned were not only a wording cliché for city court but indeed described the joint activity of townsfolk to expel her. Unfortunately, the scarcity of the information prevents any unequivocal claim.[527] Even earlier, Mikolaj Hussowski's notions of witch executions dated back to 1520s or earlier apparently describe collective persecutions of individuals accused of local calamities. Mentioned reports about witch-hunts in medieval Rus' fit the same pattern. It allows the assumption that such kind of collective violence against scapegoat witches were indigenous, but extraordinary social behaviour. Also, it appeared a persistent one: the latest trial of this type took place in 1771.[528] Late cases of 1762 and 1771 include some diabolic elements, and simultaneously, trials of diabolic witches demonstrate patterns of scapegoat persecution, that highlight their genealogical relationship.[529]

Geographically, it started from the northern part of eastern and central lands: in the 16th century it (supposedly) happened in Vicebsk (1532), in the 17th – in Polack (1643), also in Braslaŭ (1615), Ukmergė (1646) and Ašmiany (1661, 1697) counties of Vilnius voivodeship, and in the very end of the century it spread to Samogitia (1691, 1692, 1695, 1718, 1771), not to forget about the two neighbouring towns Druja (1731) and Dzisna (1762) in Vilnius and Polack voivodeships.

Four trials occurred in city courts. Two of them, the earliest – in relatively large cities, and two latest – in small towns. The rest took place in the countryside, before patrimonial courts (and only one – communal *kopa* court). Seemingly, the very existence of *kopa* communal justice gave way to scapegoating. Nevertheless, the Ruthenian population did not seize this opportunity. On the contrary, Lithuanian villages without *kopa* justice pleaded their lords to punish the scapegoat witches that not always were in lords' intentions.

Courts in 14 cases tried 21 individual. Accusations were almost balanced in gender ratio, targeting 9 men and 12 women (expectedly, only Samogitia was dis-balanced: 2 men to 5 women). Also, gender situation changed over time: 8 men out of 9 and 8 women out of 12 went to trials before the 18th century, and in the 18th century, communities targeted almost exclusively women. 13 of 21 tried obtained death sentence, two of them preferred suicide to

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[527]*Belaruski Archiŭ,* vol. II, nr 127, p. 96.
[528] RTL, nr 92.
[529]NHAB, 1757-1-8, p. 451-452a; RTL, nr 91.

execution, one was released after flogging by the lord's decision. Men had much fewer chances to survive: 7 of those sentenced were male and only 4 female.

The capital conviction was not the only way to get rid of a scapegoat, banishment seemed to be a suitable option. Thus, the community of Samogitian village Mitkuny in 1695 did not insist to burn the Ubas couple known for quarrelsome behaviour, strange deeds and supposed harms, but to drive them away.[530] Also, often (but not always) the court ruled the family members of the burned witch to leave the village.

Scapegoat selection

At the trial, defendants faced charges from multiple accusers, sometimes the whole village community. Those neighbours who did not suffer from maleficent magic readily shared rumours about suspicious activities and harms of a defendant – and usually they recollected a lot. However, the grade of tension and involvement could be different. There were situations when the whole village strongly insisted to punish hateful witches and threaten otherwise to leave their houses and move away.[531] To compare, in other cases neighbours readily supported accusation retelling gossips but had no intention to take an oath or file a charge and become a formal plaintiff.[532]

Assumably, scapegoats often started off as "wicked neighbours". Neighbouring conflicts and blames could initiate growing rumours, create a reputation and end up with common suspicions and accusations. It seems that not always the suspect tried to clear his reputation but on the contrary, benefited from it. The example can be the case of Wasil Brykun in Polack. Quarrelsome drunkard, Wasil had multiple conflicts with other burghers. He threatened them with different troubles hinting at his reputation that over time included more and more fantastic details and finally brought him to trial and suicide.[533]

The other way to become a scapegoat was to stand out negatively. Sometimes it is possible to recognize some features of stereotypic folklore witch that live on the spatial or social margin of community, single, old, poor, with physical or psychic flaws, abnormal or immoral behaviour. However, not necessary such a suspect was radically different from other people.

All the accusers targeted supposed witches from the same social strata, moreover, from the same close-knitted community: village or town. While some cases can hardly demonstrate what traits distinguish those accused from their accuser, the other ones offer hints for that. Some of the defendants were in the past of some social significance that did not possess at the moment:

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[530]Jucewicz 3.
[531]Sprogis, p. 16.
[532]NHAB, 1732-1-4-20-20b; RTL, nr 92
[533]ASZR, vol. I, p. 338-346.

Jadziula Jusiowa (Kupiškis, 1646) was a wife of a former *ciwun* – a manor overseer[534], Wasil Brykun (Polack, 1643) – formerly held minor city offices.[535] At the same time, a widow Zophia Iurgieliewa likely lived in tougher social and economic conditions[536]. Zophia, as well as a certain number of suspects, seem to be widows and widowers that made them poorer, less protected and more isolated members of the community. Some of them demonstrate mental health problems, like Mikołaj Krol (Kelmė, 1691). Manor officials arrested him while he, nude, burned five fires in a manor field. At the trial, he confused audience (and the scribe) with weird incoherent responses and behaviour. All Kelmė people confirmed that for a long time considered him a witch. No wonder, Mikołaj was dunked, tortured and burned.[537]

Hlybokaje case of 1697 shows that physical defects could also matter. An old man in village Porplišča lacked a hand. Local people suspected he was a werewolf that slaughtered their livestock. They claimed that he lost his hand when someone wounded him in the guise of wolf and the defect preserved when he turned into a human. Additionally, the old man was known as a spell-founder. The whole village demanded to burn him and his son. The son, as the source mentions, "looked scary" – perhaps, had some physical flaws as well. Manor judges decided to burn the old man but to release his son on bail, to the fear and frustration of his fellow villagers.[538]

Community troubles

The collective scapegoat was a kind of common wicked neighbour, so harms attributed were quite similar: diseases and deaths, loss of livestock and crop failures, household troubles, sometimes – impoverishment, family disorders. Witch fears and suspicions could last for years and decades before they finally resulted on trial. At some trials, witnesses joined their accusations telling stories about various harms, deaths or suspicious deeds that had happened during the long period before, but usually, no one had undertaken any legal measures to stop it. For example, the Rugieńs family in Samogitian town Raseiniai was famous as harmful witches for 20 years. Town community blamed Anna Rugieniowa only after another witch named her as an instigator of diabolism, arson plans and other harms. However, even then, no one wanted to start a trial as a plaintiff, so Dominican monks, lords of the suspects, just banned Anna and her family from their possessions.[539]

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[534]RTL, nr 39

[535]ASZR, vol. I, p. 344: *"posługi rozne mieskie, szaffarskie, sotnickie, dziesiętnickie y inszych nie mało wiernie i poczciwie służył i odprawował"*

[536]Sprogis, p. 12-18.

[537]RTL, nr 54.

[538]Vic'ko 1, p.125-126.

[539]RTL, nr 92.

In the Polack case of 1643, a witness testified that the accused Wasil Brykun was known as a witch for a long time, and back then *welebny w Bogu ociec Josofat Władyka* (Uniate Polack archbishop Jozafat Kuncewicz) forbade pubkeepers to sell him drinks for that reason. Jozafat Kuncewicz obtained his post in Polack in 1618 and had been lynched by a mob during Vicebsk unrest of 1623, so if the testimony was true, townsfolk suspected Wasil for at least 20-25 years, told mysterious stories about his paranormal abilities, caused misfortunes, harms, and deaths. Except for usual harms, burgers attributed to him their impoverishment, family disorders (wife escaped to the forest), poisonings with alcohol, etc., despite the defender easily found realistic reasons for all the mentioned troubles. People told stories about his unusual power: a cart of firewood levitated in the air, a guy flirted with his wife and ended up hugging hot chimney... Not everyone was afraid: at least in two episodes, people beat him to disrupt spells.[540] Nevertheless, for a long time, no one undertook any legal actions – the attorney that defended Wasil in court stated that there were no registered complaints or protestations. It demonstrates that Wasil served as a living scapegoat, a convenient evil neighbour to shift responsibilities and blame in misfortunes, relax tension with counter-magic or reconciliation, but not to undertake any measures to eliminate. However, finally, something made people seek the ultimate solution to the threat. In other situations, as in Joniškis trial of 1707, former protestations allows fast-track conviction of a widely-suspected witch.[541]

What could make people break this convenient coexistence and demand the elimination of the scapegoat? It could be an impact of a new cultural model that demanded the elimination of witches instead of coping with the outcomes of witchcraft. Also, the reason might be in numerous troubles that occurred simultaneously, probably as a result of natural calamities that targeted particular community: weather anomalies, the spread of crop and cattle diseases, unusual behaviour of wild predators. For example, the manor official's letter dated February 11, 1697, that reported about burning of the werewolf, *inter alia*, mentioned 5 wolfs trapped recently – probably, extremely cold and hungry winter made wolves attack villages.[542] In two cases (Sypoynie in Ukmergė county, 1646, and Melnie in Šiauliai royal estate, 1707), the whole village communities complained that witches had spoiled crops – so the crop failure seemed to befall many of them.[543]

To a certain extent, it correlates with the explanation of witch-hunt as an effect of the Little Ice Age that brought a huge amount of natural calamities. The majority of Lithuanian witch

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[540]ASZR, vol. I, p. 338-346.
[541]BRMŠ IV, p 85-86.
[542]Vic'ko 1, p. 126.
[543]RTL, nr 39; BRMŠ IV, p. 85-86.

trials hardly allows seeing the direct impact of this climate change. Nevertheless, time to time it manifested itself in such rare cases.

4.4.4. Conspiracy and diabolic witches

Prosecution of witches as members of conspiracy group and accomplices of the Devil occurred in Lithuania relatively seldom. Nevertheless, this type of trials was the most remarkable and curious one, perhaps, it approached the most to the classical cumulative concept of witchcraft and nevertheless possessed its distinguishing features.

The sample of the study contains only 20 cases of this type (about 16% of the sample). However, the number of defendants tried is impressing: 69 persons faced charges not to mention those who were interrogated or dunked without formal accusation. It is about 1/3 of accused in and about 43% of all tried. About 3/4 of them were women. At least 32 defendants, 9 men and 23 women, obtained death sentences but this number is likely higher – not all verdicts are known.

The trials of that category started *en masse* comparatively late. After the earliest isolated Kaunas case of 1563, the next one occurred only almost a century later, in 1641 and then 1-4 cases took place every decade until the end of legal witch persecution, except two decades of the Great Northern War, the 1700s and 1710s. They peaked in the 1690s (three trials) and 1720s (four trials). The latter peak was the bloodiest in the whole Lithuanian witch-hunt: four trials involved 23 defendants and at least 10 people end up at the stake (very likely to add at least three burned more).

Belief in diabolic witchcraft influenced mostly the western and the northern lands, the bulk of trials occurred in Samogitia (11 cases), and in neighbouring Trakai voivodeship (4), much less – Vilnius (2) and Ruthenian Polack (2) and Vicebsk (1) voivodeships.

The marginality of diabolic witchcraft on Lithuania looks especially striking when to compare with another part of the "State of both Nations". Polish witches since the 16th (and especially since the middle of the 17th) century often used to serve devils, cohabit with them, participate in Sabbaths and employ demons as familiars. 30,4% of trial protocols contain Sabbath descriptions or at least encounters with devils. To compare, in Lithuania the devil appeared only in about 10% of all cases and in about 12% of trials. Sabbath was not a central concern of Polish judges but it was a bright part of the popular discourse.544

However, in particular region and time, things looked differently. In Samogitia since 1655 diabolic/conspiracy trials constituted about 32% of registered cases and about 38% of witch trials. Moreover, between 1718 and 1741 trials exclusively of this type occurred and involved the

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544Pilaszek, *Procesy o czary w Polsce*, p. 414-461.

largest number of victims. Thus, on the one hand, the idea of diabolic witchcraft was only one among possible options and hardly dominated the popular and elite worldview. On the other hand, in Samogitia particular elements from the cumulative concept of witchcraft over a century have developed in the relatively widespread and influential concept resulted in a set of extraordinary mass trials. These trials rapidly have reached the climax and soon have disappeared from judicial practice.

Unlike the previous types, the very nature of these trials supposed numerous accused – members of a plot. Indeed, 6 cases put in the dock 6-12 defendants each. However, more often judges forced witches to name accomplices to be noted as potential suspects. To some extent, it was a result of limited patrimonial jurisdiction: to prosecute subjects of another lord even living in the same village, one needed collaboration of the suspect's master or really hard evidence (and motivation) to apply to the sceptic county courts. However, petty and middle gentry hardly felt enthusiastic to undertake extensive witch-hunts within their subjects, not numerous and vital for the manor economy. As a result, the patrimonial court sentenced to death only a few the most dangerous and harmful witches while their accomplices often were released on bail. The deadliest trials occurred when the noblemen from patrimonial jury and audience delivered their named subjects – one or two each. It was a rather acceptable loss for each estate to pay for defeat of the witchcraft network. Thus, the fear of the conspiracy usually was quite moderate to tolerate its revealed but unpunished members.

The accusers attributed to these witches almost the same troubles that to all other types. The notable additions were harms that hit the whole community at once: crop failures and weather magic. Weather magic seemed to be an exclusive tool of diabolic witches: similar to their Western colleagues, they were believed to cause storms and hailstorms, unexpected cold snaps or contrarily, prevent rains.

This category of witchcraft had three variations: conspiracy witchcraft without explicit diabolism, diabolic conspiracy witchcraft and individual witches with devils-assistants. All three were adaptations of the Western cumulative concept of witchcraft but each in a specific way.

a) Witchcraft conspiracy without explicit diabolism

Some trial sources demonstrate the idea of witches organized in a secret group but at the same time mention no traces of devil's participation or Satan worshipping.

Seven cases from the sample fit this pattern; four of them clearly reveal witchcraft conspiracies. Three more contain some hints: magpie feathers in suspects' hear and mass dunking of their co-villagers to find accomplices[545], concerns that other witches could help their tortured

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[545]RTL, nr 67.

colleague to withstand pain,[546] also the execution of a host-stealing witch and several others without mentioning devil involvement[547].

Accusations of this type existed about one hundred years: the earliest happened in 1641 and the latest – in 1740. The bulk of trials took place in the 1690s (3 cases) and 1720s (2 cases).

Except for Dzisna case of 1677, all the other occurred under patrimonial jurisdiction. Because of vague patrimonial justice and incompleteness, it is difficult to state exactly the number of tried and convicted. It is possible to say at least about 19 accused. However, in Darsūniškis case of 1726, the lord ordered to dunk not only two main suspects but the whole village and then release on bail under suspicion those with a positive result – in case of future accusations to burn immediately.[548]

The death rate was very significant. At least 13 defendants obtained capital sentences, and very likely that the number of victims was even higher. Every trial with known final ended with burnings of all or a part of defendants (except Dzisna case where the suspect managed to escape during the dispute over jurisdiction).

The gender issue looks very curious. There was a gender parity: 10 defendants were female and 9 – male, 7 women and 6 men end up at stakes. Similar to the real world, in the world of conspiracy witches, men had a dominant position: leaders of the groups were always men. Notably, in some cases, the leader belonged to an ethnic and religious minority as for the region. The names of the witch chiefs reveal a Jew pub leaser Gerszen[549] and a Ruthenian Kuzma Lawrzyn[550].

All the defendants were peasants while their accusers belonged to higher social circles: nobility, burgher elite, Franciscan monks. Two trials initiated by peasant communities as scapegoat persecution turned into the search of the whole conspiracy by the enthusiasm of patrimonial judges.[551]

Confessions of witches allow reconstructing some features of the image. The group was structured, headed by its leader – elder witch or colonel (*półkownik*). Usually, witches-magpies meet at some hidden place or contrarily, at the oak tree to report about their achievements and sometimes – to learn something new. Witches used to gather for regular meetings, 4 times a year (Kupiškis 1641), or at least on St. John's Day.[552] Meeting places were near some pillar near the

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[546]IJM, vol. VI, p. 248-250.
[547]RTL, nr 68.
[548]RTL, nr 67.
[549]RTL, nr 71.
[550]Jucewicz 5.
[551]RTL, nr 33, Jucewicz 5.
[552]Jucewicz 5.

rode[553], an oak tree near a village[554], also at Šatrija mount[555], notorious in later folklore for diabolic covens. To reach these places, witches turned into magpies or flew in sparkling human shape. The judges usually did not ask about the purpose of these meetings so it remained unclear. The confessions mention that at their gatherings witches reported about their successes and needs also learned something new. Also, a chief, more sophisticated magician, could provide subordinates with magic paraphernalia.[556] Overall, these gatherings clearly had very few in common with classical Sabbaths.

In some cases, a chief was an informal leader because of his exceptional magic abilities, in the others – an authoritative commander that maintained discipline, even violently: thus, Puzyna, a "colonel" of the Kupiškis group, had a wipe to punish belated ones.[557] As the most advanced one, the elder witch taught others sorcery.[558] Thus, this type of witchcraft was imagined like trade to be learned and practised within a corporation under the supervision of experienced masters. Also, this corporation undertook measures to protect its members. Maxim Znak explained his initial stubborn denial because the elder witch Rossol bounded his throat.[559] Probably, it was not his spontaneous invention: Franciscan prior warned lay officials to interrogate and torture the suspect secretly, otherwise, fellow witches could bound her voice.[560] Moreover, Maxim Znak stated that Rossol released him magically from custody when he had been imprisoned earlier.[561]

Thus, such witchcraft groups followed mostly the image of a criminal gang or trade guild. Nevertheless, the organized character of the crime made it a significant threat, especially considering that simultaneously appeared more intimidating concept of a conspiracy movement led directly by supernatural evil beings.

b) Witches led by the devil

The devil appeared for the first time in the witch trial material in 1563 Kaunas case. Kaunas magistrates detained a certain Kathryna for healing with herbs in the city.[562] Perhaps, it could start as an examination for breaking some medical practice regulations, because initial accusation and interrogation dealt only with herbalism. However, the interrogation brought an

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[553]SGČA I, p. 143.
[554]RTL, nr 33.
[555]Jucewicz 5, p. 209.
[556]RTL, nr 33.
[557]RTL, nr 33.
[558]Jucewicz 5, p. 209.
[559]SGČA I, p. 142-143.
[560]IJM, vol. VI, p. 250.
[561]SGČA I, p.142.
[562]RTL, nr 3.

unexpected twist: when asked where she had learned herbalism she willingly told that her teacher was the devil that lived in a swamp. About a year ago he had come to Kathryna at night and taken her to his swamp. After the interrogation the court sent the woman back to prison for the next investigation – maybe, the magistrates did not aware such an extraordinary testimony. The continuation of the case is unknown. The idea of the devil who attends a woman at night, drives her to the remote place and grants with secret knowledge seems very likely related to the cumulative concept of witchcraft. The reason for such an exceptional case might be German influence. Kaunas possessed the biggest German community in Lithuania. Kathryna's confessions revealed that all mentioned names of her customers were German: weaver Giert, sir Knebel, wife of sir Casper Libner, Derk Meirow. No hints help to figure whether Kathryna was also a German or a local Lithuanian woman credible for foreigners. Regardless of her ethnic origin, Kathryna belonged to the social circle of German burghers and could feel the significant influence of the witch beliefs from German culture that impacted on her imagination.

However, Kaunas case was an isolated event. All other devil's manifestations came from trials dated to 1655 – 1771 that took place mostly in Samogitia (except for a trial of 1746 in Ukmergė county of Vilnius voivodeship)

A total of 10 trials involved 47 defendants, 39 women and only 8 men. Because of chain accusations, the number of tried snowballed. Not all suspected devil-worshipers ended up at the stake, but the numbers were significant: at least 18 (and highly possible – at least 7 more) convicted, 15 female and only 3 male.

Majority of trials occurred under patrimonial jurisdiction. Some of the cases were tried before joint patrimonial courts when noblemen initially invited as jury brought their subjects to trial as well. Different courts tried only two early cases: city court of Kaunas faced confessions about the devil in 1563 and county court in Raseiniai (Samogitia) tried a woman in 1655.

The majority of accusers were nobles – manor officials and lords of the accused. In two cases the initiative came from peasants, but patrimonial judges also participated actively.

The most enigmatic ones – three cases when suspects on their own initiative confessed in diabolic witchcraft. In two cases, the defendants already were on trial for other reasons (Kaunas 1563 – herbalism, Raseiniai 1771 – for arson) when suddenly they added testimonies about their relations with the devil.[563] Šerkšnėnai case of 1731 started when a little boy demonstrated magic to the astonished co-villagers, and his brother and sister added a shocking picture of a diabolic cult involving many local inhabitants.[564] This trial and Raseiniai case of 1771[565] involved

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[563]RTL, nr 3, 91.
[564]RTL, nr 69-70.
[565]RTL, nr 91.

children-accusers – a rare occasion in Lithuania but relatively widespread type within Early Modern European witch-hunt.

Diabolic spells

The 17th-century diabolic witches, despite their cooperation with powerful evil spirits, still predominantly employed traditional toolkit of sympathetic magic: manipulations with things related to a target (clothes, bed items, animal hear, sand from a footprint), planting bewitched symbolic objects into victim's private space (bones, claws, dry leaves, eggs, snakeskin), symbolic actions (sweeping barn with an empty bag to cause impoverishment), herbs, twists in fields. Weather magic, unusual for other types of witches, was also of the same imitative nature: to cause hailstorms, cold and winds, a witch put in the coffin a calf's phallus and head together with a bag of ice.[566]

The rare innovation was the incantations. Instead of referring to God or saints, as folk healers did, witches addressed devils: "*You, all devils, our masters and gods, especially you, Gabriel, master and patron of us, who is lord and master of this house, to you we give lady Szostowicka, take care of her, let she wither, be ill, be disgusting in people's eyes, become a dead corp, and all troubles and misfortunes in the world feel while she alive*"[567], "*Devil, rub the Hell with this bag, make the barn of my master empty", "Devil, stand on the way of the master to the market to make him unlucky and to ruin him*"[568]. Another, even more important innovation appeared in the case of 1680: witches mostly applied traditional means, but sometimes devil also participated in their evil deeds. The hellish master used his invisibility and stole objects (lord's business papers, or a spin of his daughter) to hand them to witches, Moreover, he bewitched victims in a blood-curdling way: he strangled a pig and sucked out the blood, the carcass witches put under the ice of a pond at the Christmas Eve – to cause the death of the whole lord's family.[569]

Mysterious diabolic means widely supplemented and even surpassed traditional magic in the 18th century. Witches still time to time used plants or sympathetic means but now they obtained new mysterious toolkit. Devil supply his agents with objects for harmful activities like a pebble stone to cause hailstorms[570] or potion to poison livestock[571]. A witch could sic devils to the victim[572] or do spectacular things like putting fire in clouds to prevent rain[573]. Incantations

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[566]Sochaniewicz, p. 135.
[567]RTL, nr 42, p. 257.
[568]Jucewicz 2, p. 183.
[569]RTL, nr 52.
[570]RTL, nr 69.
[571]RTL, nr 77.
[572]RTL, nr 77.

obtained a greater influence[574] but now they sounded like meaningless words of a strange language[575].

Humble Lithuanian Sabbath

It is possible to trace an evolution of the Sabbath from rather mundane meetings with an invisible evil spirit in a swamp to the night hilltop feasts with German-looking devil.

The earliest explicit devil-worshipping community appeared in documents dated to 1655. The accused, a free labourer woman Giendruta confessed that she belonged to the group of witches headed by lady Burbina. The lady and her witchcraft circle used to go to the swamp, summon their devilish master Gabriel: they whistled and called his name, he responded "Ha, ha!" and then, invisible, talked to them about their needs. They referred to the devils as to "our gods and masters". Gabriel commanded ten evil spirits who asked award for their service. Lady Burbina had devoted to them two her daughters who died several days after the ceremonies.[576]

The case of 1672, scarcer in the information, describes a similar image: for the initiation, a witch took a woman to the devil in a swamp but then taught witchcraft to a newbie herself. Also, another witch named an accomplice that together with her went to the same swamp – perhaps, for some gatherings or meetings with the devil.[577]

The document dated to 1680 brings new details: witches went to remote places, usually swamps, then their master devil Pawel appeared from a bog, pour water on them so they left their bodies, turned into magpies and fly to some local mount.[578]

Another way of shape-shifting offers the confession of Maryanna tried in 1692: witches cooked porridge and after eating a spoon turned into magpies, then flew to their accomplice's house were bathed in a pond to become humans. There, witches had a kind of briefing with their master devil Pawel, "a shaggy German" (*niemiec kudłaty*) till the morning rooster.[579]

The 18th century brought a further advance in the diabolic image of witchcraft. Two witches among those tried in 1725 in Biržuvėnai village also mentioned German-looking devil and confessed that signed up to him. They pointed out different ways for flying: some plants in beer and an ointment. Though not everyone could fly – some witches had to walk and their noble

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[573]RTL, nr 69.
[574]RTL, nr 77.
[575]RTL, nr 69.
[576]RTL, nr 42.
[577]Sochaniewicz, p. 133-135.
[578]RTL, nr 52.
[579]Jucewicz 2, p. 182.

colleagues travelled in carriages. Witches, low-class and noble, gathered for banquets with beer (*bankietowali, pili, traktowali piwem*) at the Bold Mountain (*Łysa gora*).[580]

That same year, in Gilvyčiai village, about 40 km eastward from Biržuvėnai, Krystyna Łotewka described witches gatherings in less leisure but more practical terms. She belonged to the regiment of 30 witches. Among others, they met to prepare paraphernalia for the trade, like to grind rye flowering in a special mill in a swamp. Also, they gathered in marshes or at the riverside. This protocol uses a unique special term for their meeting places – *dwor* (it can be translated as yard, homestead or manor). Some witches could fly but the rest (like the accused) walked to these places accompanied by devils.[581]

The most outstanding and detailed description came from a voluntary statement of children in the Šerkšnėnai case of 1731.[582] A younger boy told that his family used to fly to some feasts. Elder family members flew with wings, and the little one was bounded to the mother. His elder brother claimed that he smeared with some ointment and flew in a dream but participated in the feast bodily. At the feast the guests ate honey with silver spoons, enjoyed pastry, vine, mead. The host of the feast was the devil that every time looked differently: sometimes he wore red German clothes and a hat but had rooster's legs, other times he presented himself as a wolf or a dog. Devil instructed witches to spoil crops, gardens, to harm health and lives. He gave money to males (father and son) that disappeared later. To serve him, one needed to renounce God and Christian faith. As a sign of this, the mother-witch brought to her hellish master stolen hosts from communions. After the conclusion of the pact, the devil put a seal – at the backbone or under the heart.

It is difficult to say whether this detailed image came from a typical local set of beliefs or it was an exceptional fantasy of children that had learned a Western literary narration (for example, from a priest whose servant had been a girl-witch). Some similar details appeared in the interrogation protocol of 1746 from Kupiškis[583](Ukmergė county of Vilnius Voivodeship). The accused guy mentioned wings for flying, initiation by renouncing God, Jesus Christ, Virgin Mary and all saints, and devil's seal as a sign of the pact. The seal was under the tongue and he expected another one after levelling up.

Notably, that at least in three cases[584] the accused mentioned that they used to eat some porridge or drink potion with herbs. It can suggest that they could experience illusions of flying, feasting and meeting the devil as a result of intoxication with some natural hallucinogens.

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[580]RTL, nr 65.
[581]RTL, nr 66.
[582]RTL, nr 69.
[583]RTL, nr 77.
[584]Jucewicz 2, p 182; RTL, nr 65, 69.

Sometimes they noted "rye flowering" as a mean for charms or a component for porridge – it might contain rye ergot fungus (*Claviceps purpurea*), that can cause hallucinations. Nevertheless, to dream about the Sabbath, they need to know its concept and to be emotionally involved.

Manifestations of the devils

In the confessions, the devil appeared sometimes as an invisible spirit or as a beast but more often in human form. In these rare cases, the devil looked like a simplified version of the Western Sabbath host: master and lord of witches that induced them to apostasy, ordered to harm people, granted magic skills and paraphernalia. As a reward, he only treated his followers at secret feasts, or, in one confession, proposed money that later disappeared. He visited some of the detained witches and ordered to commit suicide or even tried to kill the witch – obviously to prevent the exposure of the whole plot.

Sexual intercourse with the devil was the key moment of the learned Western demonology. Devils employed female propensity for fornication to seduce and recruit witches, and the sexual encounter was a kind of unwritten form of the pact. It was often reflected in numerous Western as well as Polish sources. Though, this aspect almost absent in Lithuanian trial materials. The only mention that might be considered as such comes from at a trial of 1725 held in Samogitian village Gilvyčiai[585]. Young servant Krystyna Łotewka (the Latvian) detained for a host theft extensively confessed in diabolism. Among others, she mentioned a devil Kazelis (Kazimierz) that was her *młodzieniec* – "a boy" (boyfriend?). This devil accompanied her to witches' gatherings. Also, he attended her during the trial: first, at night he managed to sneak under the tube where she was kept in custody, unbounded her and ordered to commit suicide. The protocol also reports that at the daytime the devil tried to strangle her and the girl hardly survived – perhaps, the judges saw in that way the girl's epileptic or asthma attack. The scarcity of the source makes it hard to find whether the introduction of the classical diabolic elements including devil-boyfriend was an initiative of the judges (who employed methods like body examination for devil's mark from some "old stories" (*ut fertur z dawnych powiesci*) or of the accused (the protocol insists that she confessed willingly and before tortures). Nevertheless, the trial material provides very unclear evidence to claim that Krystyna's devil was her demonic lover and not just a supervisor or aider.

The idea of devils-seducers existed within Catholic demonology for a long time. Greek Catholic teaching also promoted this idea among Ruthenians. *The Short Collection of Cases for Needs of Clergy*, a popular handbook for Uniate priests published in 1722, in the discussion of the 6th Commandment about carnal sins, lists intercourse with devils in human body «like

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[585]RTL, nr 66.

Witches do» next to bestiality. Also, in the list of sins that only bishops can forgive witchcraft is placed between sodomy and bestiality.[586]

Nevertheless, the idea of intercourse with devils had a very marginal influence on witch trials and the popular concept of witchcraft in the Grand Duchy. Majority of the accused stated that they learned witchcraft from or tempted to pact with the devil by humans: their relatives (usually parents and spouses), colleagues or acquaintances.

The curious evidence are metamorphosis happened with demon "*latawiec*". The Polish and Ruthenian name of the spirits derives from common Slavonic root "to fly" – so, "the flyer". In 1595 Stanisław Poklatecki in his treatise against learned magic devoted the last part to this kind of demons. According to the book, it is a minor, less powerful type of demons that could create a male or female body from the air to intercourse with humans. The author referred to discussions about these spirits in writings of Augustine, Agrippa and the bull of Pope Innocent VIII.[587] Thus, *latawiec* in the text was a translation of incubus or succubus. However, the author used for this translation an indigenous word with quite a different meaning. M. Ostling studied the variety of devils at Polish trials and came to the conclusion, that original local *latawiec* was a kind of familiar spirits that steal goods for its master. It could shift shape but usually looked like fiery bird, serpent or human. In some beliefs, they were not devil but souls of unbaptised babies. Ostling argues that in the epoch of the witch-hunt, Polish witches had intercourse and cohabited not with infernal anti-Christian being but with helpful familiar spirit in exchange for gifts.[588]

Similar beings existed in Ruthenian and Lithuanian popular imagination as well. Early Modern, as well as later ethnographic sources, mention Lithuanian spirits *kaukas* and *aitvaras* that in exchange for regular meals brought goods for their masters. *Aitvaras* looked like a fiery bird or serpent while *kaukas* was anthropomorphic.[589]

While Polish popular *latawec* obtained features of a seducer, the Lithuanian one hardly possessed sexual traits. Perhaps, the earliest mention of *latawiec* and *incubus* in Lithuania came from the memoirs of Teodor Jewłaszewski – a Protestant nobleman from Navahrudak voivodeship, a local court official. He wrote his memoirs in 1603-1604 when he was already an old man. He recollected that in 1566 he travelled from epidemic-ravaged Vilnius and stayed overnight in one place. At night the narrator faced "a fiery man" that suddenly appeared in his room. The nobleman attacked the unwanted guest with a knife and made him disappear. Back

[586]*Sobranie pripadkov kratkoe i duchovnym osobom potrebnoe* (Supraśl, 1722), p. 113, 45b.

[587]Stanisław Poklatecki, *Pogrom czarnoksięskie błędy, latawców zdrady y alchimickie fałsze, jako rozprasza* (Kraków: Jakub Siebeneicher, 1595), book V, argument I.

[588]Ostling, *Between the Devil and the Host*, p. 200-208, 221-226.

[589]Algirdas Julien Greimas, *O bogach i ludziach : studia o mitologii litewskiej;* przekł. Bogusława Marszalik (Kęty : Wydawnictwo Marek Derewiecki, 2007), p 45-46, 70-75, 80.

home he described the incident to an old noblewoman and she explained that it could be a *latawiec.* She used to see one visiting a woman in a neighbouring house. The fight with the evil spirit had not been without cost: in a few years, the narrator began to suffer from night suffocation attacks. Doctors found that it was *inkhubus*. Also, in 11 years, in 1577, after the suicide of his friend, he felt depressed and saw *latawiec* again, at night and daytime, sometimes together with other witnesses.[590] Although the text shows *latawiec* and *incubus* as identical, the lack of sexual element is evident. It means a health-harming demon harassing one because of revenge or bewitchment but also a familiar spirit of a witch. Obviously, because of the terminology confusion, the narrator (probably, so as many of his contemporaries) merged quite different figures from folk and learned discourses.

Lithuanian trial documents never notice any participation of *latawiec* in someone's witchcraft. Also, Lithuanian indigenous familiar spirits did not turn into seductive demons. However, it is possible to trace their influence to witchcraft discourse in another way. The witch herself obtained traits of *latawiec*. The only mention of *latawiec* in trial documents was a description of witches' misdeeds in Žagarė trial of 1692: servant women stole grain from master's barn through its roof, *jako latawice* – "like female *latawiecs"*.[591] The witches were compared to spirits that steal goods from neighbours and deliver to their master rather than to sexual or health-harassing demons mentioned above. Despite the lack of the term, the document of 1666 also contains an accusation of flying witch in the theft of grain "by devilish spells"[592]. Another essential trait appeared in 1696: witches flew to the gathering in a human shape but with fiery sparks.[593] In the 18th-century trial documents, these features disappeared.

Thus, in Lithuania the learned image of demonic lover was absent and witches themselves obtained traits of familiar demons. Only in few exceptional trials of diabolic witches, the devilish lord possessed more or less active role. It can be the evidence of the marginal and even optional character of the devil in Lithuanian witchcraft at all.

c) Witches with devils-familiars

Cumulative concept of witchcraft seems to face difficulties with penetration into Ruthenian witchcraft beliefs, but some elements managed to cross the cultural boundary. In the very end of the witch-hunt, devils appeared at least in two cases from Mahilëŭ and Dzisna (Vicebsk and Polack voivodeships). Both trials took place in city courts, the defendants were middle-class burgher women. However, the cities were quite different. Dzisna was a small town

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[590]Teodor Jewłaszewski, *Pamiętnik Teodora Jewłaszewskiego nowogrodzkiego podsędka 1546-1604* (Warszawa: Księgarnia R. Friedlejna, 1860) p. 14-15, 33.
[591]Jucewicz 2, p. 183.
[592]RTL, nr 45.
[593]Jucewicz 5.

at the very northwest of Polack voivodeship, next-door to Catholic-dominated Vilnius Voivodeship and Protestant Courland, at the waterway to Livonia and Baltic sea. Mahilёŭ, on the contrary, was one of the most significant Ruthenian cities situated on Dnieper waterway to Ukraine and land routes between Russia and Poland. In the 17th century it was one of the largest cities in the Grand Duchy, but in the 18th century lost its former flourish. Mahilёŭ was a persistent stronghold of Eastern Orthodoxy but nevertheless, it felt tenacious promotion of Catholicism.

In 1758, Prosia Kalinowskaia testified before Mahilёŭ city court, that some Aryna Bacowka planned to bewitch a mayor (*wójt*) of the city.[594] According to Prosia, Aryna surrounded herself with witches and moreover, she committed sacrilege to gain the assistance of devils: at the crossroad, she stepped on the icon of Christ and renounced God. After that, in the night, she met four persons, one of them was lame and one – handsome, they introduced themselves as devils. The magistrates took the testimony seriously, the mayor filed a complaint and the court issued an order to arrest Aryna. However, the continuation of this curious case is unknown. This narration unites traits of a magician that summon demons and a witch that renounce God to serve Satan. Her sacrilegious act looks not like a conversion to devil-worship or initiation to a clandestine society but rather a technic to summon evil spirits. The devils were not intended to have a leading role of a master or teacher, they modestly called themselves *pomocnicy* (helpers) and passively waited for orders. It sounds like an old story about universal spirit-driving shaman or godless demon-conjuring *volchv* from the Orthodox narratives but retold in the symbolic language of the cumulative concept of witchcraft.

Perhaps, the same belief was behind the accusation of Chwiedora Mietlina in Dzisna four years later.[595] A group of Dzisna burghers blamed her in numerous harms mentioning those that had happened many years before trial – a clear indication of the community scapegoat. Additional aggravation was the denouncement about her relations with devils. A witness recalled a visit to a witchdoctor (*worożbit*) to treat a sick arm but he failed to cure sickness. The witchdoctor explained, that the sickness was a bewitchment by Chwiedora who was a much stronger magician because she possessed "seven servants".[596]

Thus, Ruthenians appeared to be quite resistant to the western diabolic motifs. Suggesting implicit influence (for example, a protocol in Polack case of 1643 mentioned in passing that the witch harmed people "with the power of Evil One"[597]), they seldom demonstrated belief in

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[594]IJM, vol. VI, p. 266-277.
[595]NHAB, 1757-1-8, p. 451-452a.
[596]"*ona jeszcze lepsza ode mnie, bo sedmiu ma posługaczow przy sobie*" (NHAB, 1757-1-8, p. 451a)
[597]"*siłą złego przez czary tak im samym iako y inszym poczynił*" (ASZR, vol. I, p. 342)

explicit collaboration between witches and demons. Furthermore, those devils were not masters, lovers or mentors, like in western lands, but rather *familiars* – servants or aiders. In both situations, supposed relations with demons were not central but additional, aggravating factors to the bad neighbour relations (and in Dzisna case of 1762 – obvious scapegoating). This kind of diabolism was an indication of shallow familiarity with the Western discourse, evidence of a stronger shift towards Christian concept of magic but hardly a direct manifestation of the cumulative concept of witchcraft.

Both stories resemble the mentioned Kaunas case of 1563 about the herbalist disciple of the devil[598] but the difference is significant. Kathryna's swamp devil appeared much more independent and proactive. It was the devil's initiative to come to the girl and to teach her magic, and then she loyally visited his residence in a swamp. Thus, the herbalist girl was not a magician that summoned a demonic assistant but rather a typical seduced woman recruited by the devil to his witch host.

Worth to mention a unique example of evil spirit manifestation from Pinsk case of 1702 that hardly fits any classification. The case unveils a mystic world of gentry and peasants in vast swampy areas of Polesie. The petty Ruthenian nobleman Jan Stochowski blamed a witchdoctor Jakim Żowany in livestock loss. Other petty gentry men (many of them, including the sorcerer's lord, with the same Stochowski family name) joined their complaints. Among others, Ostafy Hryniewicz Stochowski complained that Jakim bewitched his little son Marcin. Young Marcin four weeks non-stop rode a white horse together with an evil spirit around lakes, rivers, fields, villages and towns. The boy told that during this time he had made twists in his father's field that caused damages to their household.[599] The scarce information allows to assume that the evil spirit might act on behalf of Jakim but was it a familiar spirit, a demon summoned, a diabolic master of the sorcerer or just an independent spirit lured to the victim? This narration recalls shamanistic trance experiences, fairytale plots or illusional flights with Diana rejected by notorious 10th-century *Canon Episcopi*[600] rather than Polish, Lithuanian or Ruthenian witchcraft discourse. The uniqueness and exclusiveness of this testimony don't allow to say whether it was an archaic folk view on magic and world of spirits or a particular boy's (or his father's) fantasy.

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[598]RTL, nr 3.

[599]Vic'ko, nr. 2.

[600]Master Gratian, "The Decretum (ca 1140)" in *Witchcraft in Europe, 400-1700: a documentary history*, eds. Alan Charles Kors; Edward Peters (Philadelphia: University of Pennsylvania Press, 2001), p.72-77.

4.5. The political dimension of witchcraft

As for state elites, the witch fear was related to the two great fears which haunted the ruling class in the 16th century – religious division and popular revolt.[601] The idea of the witch as an ultimate rebel circulated in European ecclesiastic and lay demonology. J. Boden, King James IV, William Perkins in their demonological works mentioned this threat to public order. Witches' master, Satan, was the first rebel in the universe challenging God's omnipotence. As a heretic and apostate, the witch committed treason against the Lord; participation in a conspiracy of maleficent saboteurs was treason against own community or corporation; as a low-class subordinate, she revolted against superiors, challenged the hierarchy of power and the whole order of the society. In the turbulent time of peasant uprisings, political plots, religious wars, the fear of witchcraft as a rebellious conspiracy from below matched well with the anxiety of power elites. B. Levack considers it as an important factor for formulation and dissemination of the cumulative concept of witchcraft within high classes in the 15th-16th centuries.[602]

Coexistence of the images of witchcraft conspiracy with and without explicit devil's participation allows assuming, that primary concern of Lithuanian judges was not the intervention of the King of Hell but the clandestine activity of lower classes. Such elements appeared also in conspiracy-less Mahilëŭ case of 1758, where a woman did not belong to a secret group but intended to attack city mayor with the help of witches and devils-familiars – it meant assault on religious, social and political order. Thus, this new image of witches represented them as a group of mysterious low-class saboteurs armed with a supernatural weapon that mercilessly harmed lords and their subjects. It is not a coincidence, that descriptions of such groups time to time applied military symbolic language: terminology (*regiment*, *colonel*), structured hierarchy, strict discipline maintained by force, etc.

The image of the witch as a mysterious rebel against world order reached lower classes and probably even gained some nonconformist attractiveness. This might be the reason of children self-denunciations in Samogitian cases of 1731 and 1771. It is especially obvious in 1731 Šerkšnėnai trial[603]. For children from the poor (son and daughter had to work as servants since young years) and not very popular (testimonies mentioned denies of help in need) family the dreaming about magic power was a kind of compensation for its low status and hard life in the hostile community. No wonder that the tragedy of the family started from bragging of the youngest child first to village children and then to adults. His brother and sisters did not hide their relations with the Prince of this World and numerous acts of revenge to their offenders and

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[601]Briggs, *Witches and neighbours,* p. 351.
[602]Levack, *The Witch-Hunt in Early Modern Europe*, p. 65-67.
[603]RTL, nr 69, 70.

abusers. Their horrified parents denied everything but the children seemingly enjoyed the frightened reverence of public and triumphed over contemptuous neighbours and unjust world.

Magdalena, a 12-years-old orphan from Raseinai[604] probably felt even more abuses and pressure. Maybe she had some physical or psychic defects or disabilities: people suspected the little girl as a witch for a long time, women were afraid of her. Magdalena faced trial for arson of two houses. Before the jury, she did not deny her crime but threaten to burn the whole town. Also, the protocol stressed that the girl several times repeated her confession in being a witch. Magdalena learned witchcraft from a well-known local suspect Anna Rugieniowa who taught her to harm people, to bewitch with blowing, to cause winds from the mouth, also ordered her to spit out the communion and obey Devil. Hard to say if she really believed in things confessed or just invented everything at the trial to shock her persecutors. The threats of arson and witchcraft, rejection of religious norms seemed to be a self-destructing challenge to the hostile community and revenge for making her a pariah, for all offences and abuses.

The issue of host desecration also might be rather a political offence than religious. There are 6 cases involving host, two of them don't mention the devil. The earliest one took place in 1696, the latest – in 1771, a bulk of them occurred in the 1720s-1730s. In two of them (1725, 1726) the host theft was an initial or the most serious offence. The purpose of the theft was different: "for spells"[605], to put in wax and present to the devil[606] or just not to partake the sacrament with true Christians[607]. Counter-Reformation Catholic church especially emphasized the cult and feast of Corpus Christi, mass processions with the host were an important manifestation of belonging. Calvinists rejected this important sacrament and even challenged processions that caused public scandals. Thus, the host desecration was more than a sacrilege – a rebellion not only against God but also against the earthly lords. In Poland-Lithuania nobles claimed a legal right to determine the confession of the parishes under their lordship: *cuius dominium euius religio*,[608] so the famous tolerance did not work for serfs and such religious challenge was also a political one.

Notably, that conspiracy/diabolic trials took place in a politically turbulent epoch of the Lithuanian history that started with the acute crisis of the 1640s-1660s and afflicted the country until its collapse. Jacqueries of Ruthenian peasants during Khmelnytsky uprising and following riots in the 17th-18th centuries made nobles to treat their serfs suspiciously, though western

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[604]RTL, nr 91.
[605]Conspiracy witches in Jucewicz, nr 5 and probably RTL, nr 68.
[606]RTL, nr 69.
[607]RTL, nr 66, 91.
[608]Benjamin Kaplan, *Divided by Faith: Religious Conflict and the Practice of Toleration in Early Modern Europe* (Cambridge (Mass.)-London 2007), p 153.

voivodeships of the Grand Duchy had no significant peasant unrests. Maybe these concerns were not entirely unfounded – as Šiauliai uprising of 1769 stated. At the same time, these lands often were an arena for strifes among nobles. While countries of Western Europe headed towards centralisation of the state, Poland-Lithuania slid from gentry democracy to anarchy. According to aptly remark, the Commonwealth of Poland and Lithuania turned into the commonwealth of sovereign estates and first of all – magnate domains.[609] The Grand Duchy became a stronghold of magnate oligarchy, their great houses fought for power and wealth involving dependent impoverished gentry. Petty and middle gentry (especially numerous in Samogitia and nearby lands) felt economic and political decline, observed swift changes of rulers and hegemons, cynic intrigues and corruption so their frustration was certainly understandable. At the same time, Catholic reform has reinvigorated the old idea of Poland-Lithuania as *Antemurale Christianitatis* (*Bulwark of Christendom*): Christianity needed to be protected not only from Muslim and schismatic barbarians but also from heretics in the old core of Christian West.[610]

An imagined witchcraft conspiracy seemed to be a convenient scapegoat to project own frustration about the deterioration in the status, anxiety about peasant riot and knightly zeal to fight for Christ. Longing about old good times turned them to the conservative forms of religious discourse already outdated in Western Catholicism of the Enlightenment era. Indifferent formal language of some trial protocols noted not only presence of a manor lord or steward, county court officials and required three members of the noble jury but a great gathering of neighbouring gentry.[611] They were not only excited spectators but could in a moment turn into judges of their own subjects revealed as witches. All the action resembled village scapegoating but shaped with gentry actual troubles and old-fashioned Catholic demonology.

4.5.1. Formation of the discourse: Protestants as Waldenses?

It strikes the eye that the selection of particular elements from the cumulative concept of witchcraft in diabolic trials evokes associations and parallels to some clandestine Protestant community. In the course of the 17th century, positions of the Protestantism in the Poland-Lithuania diminished under the pressure of Catholic-backed state politics. After Swedish invasion of 1655-1660, Calvinists, blamed for treacherous collaboration with the enemy and for the attempt of Kedainiai union with Sweden, obtained especially hostile treatment and numerous restrictions and Antitrinitarians in 1658 were expelled from the country. The closest destination for refugees was Ducal Prussia. Another devastating Swedish invasion during the Great Northern

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[609]Paweł Jasenica, *Polska anarchia* (Kraków: Wydawnictwo Literackie, 1988), p. 34-35.

[610]Janusz Tazbir, *Polskie przedmurze chrześcijańskiej Europy* (Warszawa: Interpress, 1987), p. 95.

[611]*"przy bytnosci wielkiego zgromadzenia szlachty okoliczney"* (RTL, nr 52, p. 303)

War of 1700-1721 and Gdansk supplication of 1718 by Polish-Lithuanian Protestants to Prussia and England for protection further deteriorated the position of religious dissidents. Many noblemen converted to Catholicism and made subjects to follow their example. Probably, not all of the converts did it sincerely and some crypto-Protestants still remained among the population of Samogitia, Trakai and Vilnius voivodeships. Unfortunately, the scholarship of the Reformation in Poland-Lithuania focuses predominantly on nobility and burgher movement while the participation of peasantry is generally considered to be passive and obedient so its study is quite scarce. However, there were known examples of Polish peasants that struggled to protect their faith and undertook secret worships in barns and forests.[612]

Diabolic witchcraft conspiracies described in documents allow finding many parallels to the widespread in Post-Reformation Europe practice of the oppressed religious minorities to gather secretly for open-air meetings headed by "bush-preachers", that could sneak from abroad, from neighbouring co-religionist realms.[613] To join the sect, new witches, similar to Calvinist or Anabaptist doctrine, renounced saints, Virgin Mary and even God – probably, the Trinity. Also, it reminds Calvinist practice of confirmation, when ecclesiastically matured children consciously affirm baptismal vows and become "active-confirmed" members of the church. Witches rejected the communion and secretly spat a host out – the same as Polish-Lithuanian dissidents got into troubles challenging the cult of sacraments. Their meeting places – hidden spots in marshes and private houses – were suitable not only for diabolic but also for dissident worship. The master of the gathering (not always even referred explicitly as the devil) with a Christian name (Paweł, Gabriel) sometimes dressed in German closes recall possible "bush preachers" from the Courland or Prussia.

How could the discourses of witchcraft and Protestantism merge? Were the confessions about witchcraft sect an attempt of a failed member to cover-up and protect a secret of a religious community? Was it a result of purposeful Catholic propaganda to alienate crypto-Protestants and scare off their supporters and potential members? Or, more likely, was it a spontaneous diffusion of both images hostile to good Catholics?

It may be assumed that Lithuanians (and Samogitians in particular) constructed the witchcraft conspiracy based on the model of Calvinism and Antitrinitarism like the 15th-century Inquisitors had modelled this new diabolic sect after Waldensian heresy. Indeed, while the demonologic texts were scarce and their reception was very limited, anti-Protestant polemics actively provided alternative material. Since the late 16th century, Polish Counter-Reformation preachers (Jakub Wujek, Hieronim Powodowski, Marcin Białobrzeski, etc) in their polemic and

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[612]Wacław Urban, *Epizod reformacyjny*, (Kraków: Krajowa Agencja Wydawnicza, 1988), p. 74.
[613]Kaplan, *Divided by Faith,* p. 165.

satiric pamphlets actively speculated about explicit relations between heretics (especially Antitrinitarians) and the devil, their master and mentor. Also, it is possible to find there other familiar details that later would appear in the local witchcraft discourse: preachers labelled heretics as "soldiers of Satan", "predatory wolves", compared their worship houses to a den of thieves, cowshed or barn, reproached that they were led by foreigners, etc.[614] The preachers (as well as their opponents) used these images rather as aggressive and provocative rhetoric figures. However, their superstitious audience, with its reverence for printed word and church authority, could take the things literally and incorporate in the popular imagination.

Unfortunately, the limitations of the current scholarship on the Lithuanian popular religious life after Counter-Reformation still gives few highlights to answer so this hypothesis is rather a suggestion for a further study.

4.6. Conclusion

All the types of witches seemed to be interrelated. A wicked neighbour was an individual scapegoat and occasional magician. However, single accusations could ruin a reputation and become a victimization feature for community scapegoating. Witchdoctors could be blamed not for single harms but for troubles of many neighbours – to be a professional magician could also become a trait for victimization. The community witch seemed to combine envy and aggression of a wicked neighbour with negative magic skills of a cunning man to become a new type of collective scapegoat. The idea of witchcraft conspiracy led the scapegoating to a new level. It was not an elimination of an evil member from a close-knit community like a village or small town. Now the entire society (manifested by its representatives – for example, zealous local gentry) eliminated a dangerous group of ultimate bandits, rebels and heretics. It was a new paradigm that allowed turning all other types of witchcraft into manifestations of conspiracy witchcraft. Luckily, this new paradigm was limited in chronology as well as in geographic distribution.

It looks like different parts of the Grand Duchy advanced unevenly in this witchcraft evolution. People of the predominantly Ruthenian and Orthodox/Uniate lands time to time searched for individual scapegoats while in predominantly Lithuanian and Catholic parts both village communities and local societies demanded shared scapegoats and even scapegoat conspiracies. This tendency reached its peak in most western land – in Samogitia.

What were the reasons for such an uneven distribution of hate towards witches? The whole country had the same laws, relatively similar economic and social structure, quite equally

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[614]Sławomir Radoń, *Z dziejów polemiki antyariańskiej w Polsce XVI-XVII wieku* (Kraków: "Universitas", 1993), p. 94-110.

suffered from disastrous wars and natural calamities of Little Ice Age. The main significant difference between those regions was the religious situation. Religious diversity influenced culture, politics and even social features.

In the Grand Duchy of Lithuania, state elite had access to the Western concept of diabolic witchcraft. However, the sources reveal that lay and church elites hardly correspond it with local conditions so they did not facilitate its dissemination among lower classes. That can explain such a late and limited introduction of only particular elements from the cumulative concept of witchcraft like diabolism, Sabbath, etc. The majority of the population just legitimized and developed some indigenous images of harmful magic and its social causation. Notoriously, that a bulk of witch trials occurred in the borderland between learned and popular cultures: they were mostly initiated by petty or middle rural gentry or medium and small town elites. These circles felt responsible to protect the Catholic faith as well as feared for their health and fragile economic well-being. They constructed a synthetic image of witchcraft combining familiar folk and learned elements relevant to their experience.

At the same time, representatives of this social group acted distinctively in different regions. Both Samogitian gentry and Ruthenian petty nobility from Polesie believed in witchcraft but the former actively tried own subjects and look for diabolic conspiracies while the latter applied witchdoctors to counter harmful magic and protected such useful subjects from accusations.

Witch persecution demonstrates that religious and cultural differences and changes defined not only the manifestation of social processes but to some extent shaped the social processes themselves. The next chapter would consider the specifics of witch persecution in particular cultural environments like minority groups within heterogeneous Lithuanian society.

5. BORDERS WITHIN BORDERLAND:
ETHNIC MINORITIES IN THE LITHUANIAN WITCH-HUNT

5.1. The challenge of heterogeneity

As far as a witch-hunt was a search of the internal enemy, a bulk of cases involved participants from the ethnic and religious majority. However, except for the dominant population of Lithuanians and Ruthenians (and to a certain extent, Poles could be also listed there), the Grand Duchy of Lithuania possessed a variety of minorities that differed in their cultural, religious and social features, their roles in the economy and politics. Respectively, the reaction of these groups to the witchcraft threat was uneven.

The term *minority* usually describes a group outside the imagined homogeneous population, *majority* in modern nation-states.[615] Coined for the needs of nation-states, its application to the premodern societies might be misleading. Early Modern population of the Grand Duchy was characterized by a multiplicity of loyalties and memberships, and it is hard to define what was *majority* there to contrast it to *minorities*. The mentioned problems motivate researchers not only critically rethink the usage of the terms *minority/majority* for Poland-Lithuania but to reject them and to replace with, for example, "special groups" (*Sondergruppen*).[616] However, the lack of the generally accepted approach and wide usage of the term *minority* in the scholarship on the epoch allows leaving it with a provisional reservation of its particular meaning and nuances.

Thus, to avoid anachronistic misconceptions as well as deeper involvement into methodology debates, the work would label as a *minority* a social group or dispersed individuals with a foreign migratory background and/or cultural (first of all linguistic and religious) specifics distinctive from those of the Ruthenian-Lithuanian population that allowed the latter to define the former as aliens. For the need of this study, the crucial aspects are the next: 1) a specific social position of the particular trial participants as aliens as far as sources in some way indicate their distinctive origin; 2) a potential or actual engagement of those *minority representatives* into the distinctive witchcraft discourses of their native cultures.

There were two major types of such minorities. The first type included non-Christian groups - Jews and Muslim Tatars. Distinctive religion was the core of their identity. Their

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[615]Gershon David Hundert, *Jews in Poland-Lithuania in the Eighteenth Century: A Genealogy of Modernity*,(University of California Press, 2004), p. 21.

[616]Hans-Jürgen Bömelburg, "Sprachliche, religiöse und kulturelle Sondergruppen. Trennungslinien zwischen Mehrheiten und Minderheiten.", In *Polen in der europäischen Geschichte. Bd. 2 Frühe Neuzeit. 16. bis 18. Jahrhundert*, edited by Hans-Jürgen Bömelburg, Michael G. Müller: 719-739. (Stuttgart: Hiersemann, 2017), p.719.

separation from the surrounding Others was enforced by both outer and inner legal and customary prescriptions.

The second, more problematic one was Christian newcomers. Usually, the receiving state and population did not frame them specifically in legal terms so the newcomers could easily integrate and assimilate. Nevertheless, at least recent migrants (and to a certain extent their offsprings) still bore treats of their home culture, customs, names that marked them as aliens. Linguistic, religious, social barriers at least partly and temporarily separated them from the full and immediate integration. Such minorities usually did not form a particular entity with stable common traits and identity - they were rather a sum of migrants of different backgrounds. For example, immigrants from Italy (estimated about 5,000 to 20,000) willingly came to the Poland-Lithuania in the 16th - 18th centuries as traders, artisans, architects, doctors, clerics... Because of their predominantly Catholic faith, there were no barriers for career and marriage, so they easily integrated, especially into urban life. Italians were not legally united into a separate community with their own rights, restrictions, self-government, so it is difficult to consider them as a special entity. Nevertheless, their foreignness was obvious to the locals: for example, in the critical literature of the 17th century, local Italians are perceived as separate and distinctly alien, with their particular features.[617] In a similar way, this work considers the dispersed "minorities" of the Germans, Muscovites, Latvians mentioned in the witch trial materials. The sources indicate their foreign origin that most likely reveals their migratory background and allows assuming distinctive cultural baggage, including witchcraft concepts.

However, in some situations, Christian newcomers could stay united in communities that slowed down or prevented their assimilation. For example, German-speaking Lutherans or Russian Old Believers maintained their identity and cultural features as a part of their faith. Also, they preserved some links to the co-religionist realms by the mean of kin, business, religious and educational relations.

Usually, the witch-hunt is attributed to Christian societies. Lithuanian society included at least two large non-Christian groups: Jewish followers of Judaism and Muslim Tatars. Both possessed significant legal, religious and cultural autonomy but had to communicate with Christian powerful and powerless neighbours. Boundaries of their autonomies despite legal and customary prescriptions were not impenetrable. Thus, was the witch-hunt the phenomenon that managed to cross the ethnic and religious barriers? Did Christians employ accusations developed for the internal enemy against neighbouring Other? Did Muslims and Jews fear Christian witches and how did they counter this common menace?

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[617]Bömelburg, "Sprachliche, religiöse und kulturelle Sondergruppen", p. 723

In the premodern world, a common faith has the ability to obscure ethnic distinctions, that made easy to integrate and assimilate Christian newcomers. However, part of migrants stayed in touch with their native culture and land by mean of business, religious or kin relations that supported their identity and distinction. Also, the epoch of the witch-hunt was a time of acute struggle between Christian denominations. In addition, Christian foreigners brought their specific cultural background, worldview and beliefs towards witchcraft, especially those coming from the areas of the more intensive witch-hunt. Thus, are those Christian migrants visible in the Lithuanian witch-hunt? Did the denominational and cultural distinctions shape their involvement in the witch persecution? Did their beliefs have any influence on Lithuanian witchcraft discourses?

Trial records analysed in the current research contain at least 22 cases (about 17% of the sample cases) that involved in different roles representatives of minority groups. In addition, there are fragmented reports in other narrative sources. It is enough to understand that the minorities were not indifferent bystanders. Sources notice Jews, Tatars, Germans, Muscovites, and Latvians. Of course, the list of minorities who inhabited the Grand Duchy was much longer, but there is no information about the involvement of Karaites, Scots, Dutch, Italians, and, surprisingly, Roma.

The involvement of the minority groups and representatives in the witch-hunt is a good marker of their position in the Lithuanian society, the degree and specifics of integration or alienation.

5.2. Jews – the major minority

The witch-hunt in the Grand Duchy of Lithuania occurred almost simultaneously to the active growth of the Jewish diaspora, which obtained a significant influence on the economic, social and cultural life of the country. Jews began to settle in the Ruthenian lands since the time of medieval Rus', but significant immigration to the lands of the Grand Duchy started since the late 14th century. This wave of migrants mostly consisted of Ashkenazi settlers seeking better conditions from West European expulsions and discrimination, later Sephardi from the Mediterranean region mixed it up a bit. Grand dukes and nobility benefited from skilful newcomers so granted them privileges and protection despite the discontent of the Catholic Church that lobbied numerous restrictions. In fact, the Jews became a separate estate with its specific rights and duties. There were a lot of autonomous institutions of different level, from craftsmen guilds and self-governed communities-*kahals* to a regional "parliament" – Lithuanian Council (*Vaad*) and the one for the whole Commonwealth – the Council of Four Lands.

Thanks to their capitals and international networking as well as privileges of the major landowners, Jewish merchants took a significant share of internal and especially international trade, including the most important grain export. As the Grand Duchy was poorly urbanized, Jews actively operated as leaseholders in nobility land possessions, the most popular were leases of inns, pubs, and breweries, but also they could hold farms, manors and even huge estates. Over time, Jews gained a significant role in the economy of the country.

Increasing migration, successful economic competition and participation in the exploitation of enserfed peasants (and especially their exaggeration in the contemporary anti-Judaic discourses) contributed to the growth of tensions with the Christian population. Of course, Jewish businessmen were not the only and not the harshest exploiters or competitors. Indeed, in some spheres, businessmen of Jewish origin obtained an upper hand (trade, leases and distilling). However, the competition of Jewish craftsmen with their Christian colleagues was less acute – the former often occupied specific niches or work for their kinfolk mostly.[618] Thus, the vast majority of the Jewish population was hardly responsible for the economic troubles of Christian neighbours. Nevertheless, as in many other societies, Jews often became a convenient collective scapegoat to blame for numerous evils, despite the protection of the state and especially nobility. As a result, Jewish diaspora suffered great calamities and atrocities during devastating crises like Khmelnytsky Uprising (1648-1657), Russo-Polish War (1654–1667), the Second and the Great Northern Wars (1655–1660 and 1700-1721 respectively), but quite fast recovered after all the catastrophes.

In conditions of discrimination and segregation on the one hand and relatively safe and propitious environment on the other, Jews of the Poland-Lithuania managed to develop the most prosperous Jewish diaspora of the time and became an extremely influential minority within Christian society. [619] Its Lithuanian part was booming as well: in the first half of the 17th century about 19 thousand Jews lived in the Grand Duchy and to 1765 this number has reached 150-169 thousand.[620]

Scholarship of witchcraft beliefs and anti-Semitism demonstrates a surprising dichotomy: Western intellectual discourse at least since the 13th century contained numerous allegations against Jews in black magic, witchcraft, blasphemy, anti-Christian conspiracy, etc., but very few

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[618]Maria Cieśla. *Kupcy, arendarze i rzemieślnicy: różnorodność zawodowa Żydów w Wielkim Księstwie Litewskim w XVII i XVIII w.* (Warszawa : Instytut Historii PAN, 2018), p. 207-211, 230-232.
[619]Hundert, *Jews in Poland-Lithuania*, p. 22-31.
[620]Cieśla. *Kupcy, arendarze i rzemieślnicy*, p. 9.

Jews have fallen victim to the Western witch-hunt.[621] Generally, since the time of St Augustine, the Church regarded Judaism as not heresy but permitted religion. Judes were living bearers of the Old Testament prophecies about the Saviour, so their conversion normally was desirable but not obligatory.[622] However, the history of Jewish-Christian relations includes a lot of derogations from this position, especially in Late Medieval and Early Modern times of state-undertaken unification of societies and the elimination of dissident minorities. In turbulent periods both imagined witches and real Jews were ideal interchangeable scapegoats.[623] Therefore, even in such hard times persecution of Jews for imagined crimes usually had its particular patterns like the conspiracies of well-poisoners or child-murderers rather than charges in magic or heresy.

The same dichotomy one can see in the country that possessed the biggest Jewish diaspora in Europe – the Polish-Lithuanian Commonwealth. There is a discussion on how influential was the impact of the anti-Judaic witchcraft allegations from the literature of the time on the actual witchcraft beliefs of the Polish-Lithuanian society. The first position can be formulated like a provocative title of the article by Polish anthropologist J. Tokarska-Bakir: "The Jew as the Witch and the Witch as the Jew"[624]. The researcher emphasizes the significant similarity of these stereotypical images. She notes that in the pre-modern European culture the imaginative feminization of the Jew and Judaization of the witch took place, which led to a very similar perception of both figures as human-hostile creatures closely related to the devil[625]. The similar point of view is generally shared by Belarusian researcher of Early Modern urban cultures Ihar Marzaljuk[626]. Another view is held by the researcher of Polish witch trials Michael Ostling[627]. Recognizing certain similarities and parallelism between both categories of the

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[621]Anna Foa, "The Witch and the Jew: Two Alikes that Were Not the Same." In *From Witness to Witchcraft: Jews and Judaism in Medieval Christian Thought*, edited by Jeremy Cohen: 361–374 (Wiesbaden: Harrassowitz, 1996), p. 361-363.

[622]Paula Fredriksen, "Divine justice and human freedom: Augustine on Jews and Judaism, 392-398." In *From Witness to Witchcraft: Jews and Judaism in Medieval Christian Thought*, ed. Jeremy Cohen: 29-54 (Wiesbaden: Harrassowitz, 1996), p. 29-30.

[623]Hugh Trevor-Roper, *The Crisis of the Seventeenth Century: Religion, the Reformation and Social Change* (Indianapolis: Liberty Fund, 2001), p.100-102.

[624] Joanna Tokarska-Bakir, "Ganz Andere? Żyd jako czarownica i czarownica jako Żyd w polskich i obcych źródłach etnograficznych, czyli jak czytać protokoły przesłuchań." In *Inny, inna, inne,* edited by M.Janion, C.Snochowska, K.Szczuka: 110-148 (Warszawa : IBL, 2004), p. 110-148.

[625] Tokarska-Bakir, "Ganz Andere?", p. 125.

[626] Ihar Marzaljuk, *Ljudzi daŭnjaj Belarusi: ėtnakanfesijnyja i sacyjakul'turnyja stėrėatypy (X-XVII stst.)* (Magilëŭ: MDU imja A. A. Kuljašova, 2003), p. 107-109.

[627] Michael Ostling, "Imagined Crimes, Real Victims: Hermeneutical Witches and Jews in Early Modern Poland." In *Ritual Murder in Russia, Eastern Europe, and Beyond: New Histories of an Old Accusation,* edited by M. Avrutin, J. Dekel-Chen, and R. Weinberg: 18-38 (Bloomington: Indiana University Press, 2004), p. 20-24.

imagined enemies of Christians, he emphasizes, that in trial practice their charges were not confused with each other. M. Ostling points on the trial records: there were almost no defendants of Jewish origin among the 867 known Polish witch trials.[628] To compare, "blood libel" trials occurred much more seldom but caused a much greater resonance in the society. Fundamental differences stem from the functions of these alleged crimes: the persecution of witches was aimed at the identification and punishment of a traitor in the own ranks, while the persecution of the "infanticidal" Jews targeted the whole Jewish community or even the whole diaspora. Thus, the question remains debatable, but, unfortunately, quite peripheral to the scholarship of the Central and Eastern European witchcraft as well as anti-Semitism and anti-Judaism. The issue of Jewish participation in the prosecution of witches in roles other than victims attracts even less attention.

5.2.1. Jews and magic in the Lithuanian learned discourse.

Polish, Ruthenian and Lithuanian authors of the time time to time drew attention to Jewish magic in the context of religious confrontation. Thus, the author of the *Chronicle of Barkulabava* (who was an Orthodox clergyman of the town Barkulabava in Orša county of Viciebsk voivodeship), written in the early 17th century describes the attempt of the bewitchment of a neophyte Jewish girl by her mother. In 1599 the girl asked a Barkulabava priest (maybe, the chronicler himself) to convert her to Christianity. The priest with the consent of the local authorities made a solemn baptism. The neophyte's mother, according to rumours, tried to cast spells at the renegade daughter:

> Some burghers saw much of the sorcery of Mariamka that she made for her daughter by pagan Egyptian spells […], Mariamka, getting in the cold bath, uncovering the head, letting down her hair, swept away the stove, said pagan sorcery words, cursed, waved both hands back, did a lot of other pagan evils, cursed for death.[629]

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[628]Ostling, "Imagined Crimes, Real Victims"., p. 22, 35. As an exception, M. Ostling refers only to the imprisonment of a Jewish woman accused in suspicious magic healing occurred in Kamianets-Podilskyi in 1718.

[629] "Barkulabovskaja letopis'." In *Polnoe sobranie russkix letopisej. T. 32. Xroniki: Litovskaja i Žmojtskaja, i Byxovca. Letopisi: Barkulabovskaja, Averki i Pancyrnogo,* edited by Nikolaj Ulaščik: 174-162 (Moskva: Nauka, 1975), p.184:

> *Jako ž nekotorye meščane videli mnogoe čarovanъe onoe Marjamki, što ona poganskimi čarami egipetskimi dočce svoej činila: jako byla vezena do ix milostej knjazej do Bujnič, onaja Marjamka, ulezši y laznju studenuju, golovu otkryvši, volosy rospustivši, pečku rozmetala, čarovnye poganskie slova govorila, proklinala, obema rukami nazad kivala, nogi svoi vezala, inogo mnogo zla poganstva tvorila, proklinala, aby živa ne byla.*

However, the chronicler omitted any effect of the witchcraft – perhaps, to emphasise how impotent was this magic against the power of Christian faith. The significant detail: local Jewish woman was compared not to rural witches but to Egyptian pagan magicians from the Bible.

At the same epoch, the works of ecclesiastic writers began to spread the idea about Jewish ritual murders of Christian children. The use of blood for magic was sometimes proposed by some Catholic Polish authors of the 16th -17th centuries as one of the purposes of the shocking ritual.

Thus, the book, *The Jewish atrocities against the Holy Sacrament and Christian children*, dedicated to proving the existence of ritual murders, explains: "*We know that these people* [Jews] *were and are engaged in spells and sorcery obtained from the hands of their ancestors, while there is a great similarity of this to those spells that pagans did with human blood and they use the Christian blood in the same way*"[630]. Like the Orthodox Barkulabava chronicler of the same time, its author Szymon Hubicki also refers not to demonic, but the ancient, pagan origin of Jewish magic. Thus, a Jewish magician likened not to an illiterate rural witch, but to a learned magician which practices ceremonial magic derived from the ancient occult knowledge.

The hybrid image that united maleficent Jew with maleficent witchcraft existed in the literate discourse as well and spread from one author to another to the margins of Catholic Europe and beyond. *Mirror of the Polish Crown* (Polish: *Zwierciadło Korony Polskiej*), an anti-Judaic pamphlet published in 1618 by Sebastian Miczyński, accused Jews in numerous crimes against God, people and state including witchcraft and sacrilege. There was also a story about Jewish maleficent witchcraft. Some Jews intended to cause an epidemic so they asked a Christian woman to sell them a bit of her breast milk. The woman suspected villainy and sold them cow milk instead. The Jews came to the gallows, cast their spells, then poured the milk into the hangman's ear and asked him what he heard. The corpse answered: cow's mooing. Treacherous plans failed: Jewish spells caused not human but just cattle deaths in the region.[631] Evidently, the narrative unites old Western belief about Jewish plague distributors, cattle-harming witchcraft and even one of Sabbath places – near the gallows. Orthodox Archimandrite

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[630]Szymon Aleksander Hubicki, *Zydowskie Okrucieństwa nad Naświętszym Sakramentem, y Dziatkami Chrześciańskimi : Ku temu przydana iest, tychże zdraycow zbrodnia, w Swinarowie pod Losicami popełniona, ktorą sądzono na Trybunale Lubelskim, Roku Pańskiego 1598* (Kraków, Drukarnia Macieja Szarfenberga, 1602), p.21b: *Wiemy że ten narod czarami y gusly, z czarnoksięstwem przez ręce od przodkow swoich podanym, zawsze sie bawił i bawi, przeto wielkie to podobienstwo, że na te czary, ktore y poganie krwią ludzką zaprawowali, oni też krwie Chrześćiańskiey używaią.*

[631]Sebastian Miczyński,. *Zwierciadło Korony polskiey, urazy ciężkie, y utrapienia wielkie, ktore ponośi od Żydow wyrażaiące, synom koronnym na seym walny w Rokou Pańskim 1618.* (Kraków: w drukarniey Macieia Jędzeiowczyka, 1618), p. 21.

Ioannikij Galjatovskij (pl. Joannicjusz Galatowski) in his book *The True Messiah* (1669) that includes a lot from writings of Polish and Western authors, spread the stories from *The Mirror...* among the Orthodox readers.[632] But the origins of the story dated back to the treatise of 1541 *Against the Defense of the Jews*[633] written by Johann Maier von Eck, Catholic theologian and inquisitor. In Eck's account, the story occurred in Silesia, and only minor details were different.[634] So the anti-Judaic story travelled across the denominational boundary. Generally, the works of Ioannikij Galjatovskij were an important channel of the introduction of a wide range of Western anti-Jewish prejudices into the Orthodox and then into the Russian culture.

5.2.2. Popular notions on the Jewish magic

The popular worldview assumes the ability for magic as a part of the Other's characteristics. Normally this ability is considered as something natural and not dangerous. However, when the Other becomes an enemy, a rival, its magic threat can attract specific attention. In this way, the stereotype of Ruthenian inclination to sorcery and the image of Ruthenian witch especially flourished since the mid-17th century, the time of acute religious and social conflict and Khmelnytsky Uprising: there were numerous stories that explained the successes of Cossack rebels by spells of witches that accompanied their leader.[635]

In the case of Jewish-Christian relations, the suspicion towards the Other-sorcerer could be mutual. Unfortunately, the information about the position of the "silent minority" of the epoch considering this issue is scarce and incoherent.

There was a specific kind of accusation towards Jews especially manifested during the acute social crises like wars with Cossacks of 1648-1667 and Kryčaŭ Uprising of 1743-1744. A privileged position of particular alien merchants and especially leaseholders in comparison to Christian common folk and even petty gentry, patronage of them by the monarch and magnates caused misunderstanding and outrage. Jewish bewitchment of their patrons to make them so favourable to aliens was among the explanations. This motif was noteworthy during the Kryčaŭ

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[632] Nikolaj Kostomarov, *Russkaja istorija v žizneopisanijax ee glavnejšix dejatelej*. Book 2. (Moskva: Svarog, 1994), p.122.

[633] Eck, Johannes. *Ains Juden büechlins verlegung, darin ain Christ, gantzer Christenhait zu schmach, will es geschehe den Juden vnrecht in bezichtigung der Christen kinder mordt ... ; hierin findst auch vil histori, was übels vnd bücherey die Juden in allem teütschen Land, vnd ändern Künigreichen gestift haben*, Ingoldstat, 1541.

[634] Ronnie Po-Chia Hsia, "Witchcraft, Magic, and the Jews in Late Medieval and Early Modern Germany," in *From Witness to Witchcraft: Jews and Judaism in Medieval Christian Thought*, edited by Jeremy Cohen: 419-433 (Wiesbaden: Harrassowitz, 1996), p. 431-432.

[635] Kateryna Dysa K. *Istorija z vid'mamy. Sudy pro čary v ukraïns'kych vojevodstvach Reči Pospolitoï XVII-XVIII stolittja*. (Kiïv: Krytyka, 2008), p. 113-115.

Uprising, which was provoked by economic pressure, abuses and malversation of leaseholders - powerful Ickowicz brothers. Rebel leader Vasil' Vaščyla proclaimed a struggle not against the king or lords – the Radziwiłłs, but against the hated exploiters-leaseholders and all their Jewish kinfolk.[636] He blamed Jews in numerous crimes against the state and people, including achievement of lords' favour through sorcery.[637] However, in such cases, one can not be sure if it was a figure of rhetoric or actual belief.

Trial records preserved a lot of Christian-Jewish conflicts. However, this can be scarcely seen in the materials of witch trials. Fairly modest and fragmented body of witch trial materials contains 9 cases dealing with Jews. The number is rather humble, but the proportion of them looks much more striking in compare to Jew-less Western or Polish witch-hunts. Five of them date back to the 17th century and originate from Navahrudak voivodeship, Hrodna and Ašmiany counties – the borderland between Ruthenian and Lithuanian populations and also between Eastern and Western Christianity. Four cases of the 18th century came mostly from Samogitia and Trakai county – predominantly Lithuanian-populated and at that time – almost exclusively Catholic areas, to add Druja (Vilnius voivodeship) in the denominational borderland.

According to the sources, there were four models for Jewish participation in the witch-hunt: 1) an accuser, a victim of bewitchment 2) an instigator of bewitchment 3) an accused witch on trial 4) an exposed accomplice of witches.

5.2.3. Jew as an accuser, a victim of bewitchment

In the earliest cases, Jews participated not from the dock – they acted as accusers denouncing Christian neighbours in magic harms. Three known cases of this kind occurred in the 1630s in Slonim (Navahrudak voivodeship) and Halšany (Ašmiany county of Vilnius voivodeship) and a century later, in 1731 in Druja (Polack voivodeship).

The witch trial judged by Slonim city court on March 1st, 1630 prosecuted numerous harms of Anna Krotka, apparently a local wise woman[638]. The case started from a complaint of burgher Tomasz Kruhelski about bewitchment of his wife, then other burghers added their accusations against Anna. Among them was Leyba Maiorowicz, Jewish pub-keeper, who charged Anna of the household bewitchment. The woman did not confess in harming Leyba, but suggested that it could be intrigues of his Christian competitor, pub-keeper Onikeiowa who had

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[636]Adam Teller, *Money, power and influence in Eighteenth-century Lithuania: the Jews on the Radziwill estates.* (Stanford, California : Stanford University Press, 2016), p. 88-96.
[637]Marzaljuk, *Ljudzi daŭnjaj Belarusi*, p. 140-142.
[638]ASZR, Vol. III, p. 99-102.

complained about her business reverses in comparison to Leyba's success. This is the first but not the only evidence of recourse to magic in the economic competition.

The second, more extensively documented case happened in Halšany[639]. A leaseholder of a pub Jew Hoško Eskevič filed a complaint to the Ašmiany county court about a bewitchment of his four-year-old son. According to his story, on July 20, 1636, in his pub, a group of peasants drank vodka, and among them – Jurka Vajciul, who was whispered to be a sorcerer. All of a sudden, Jurka handed a glass of vodka to Hoško to greet him. The scared pubkeeper considered it as an attempt of bewitchment and poured vodka with trembling hands, which caused anger and curses of the drunken visitor. At that moment a Hoško's little son entered the room. Fearing for his life, the father recalled that beating a witch could destroy spells and assaulted the peasant to defend the son and apprehend the sorcerer. Jurka managed to escape, and the little boy fell ill on the same day. The *jenieral* (a chief *woźny*) examined the sick and filled the report, but there is no information about a trial, perhaps the son got well and the record stayed as a protestation.

In Druja case of 1731, the economic reverses made an inn-keeper Szmoylo Judowicz suspect Marcin Beynarowicz and charged him before the city court.[640] Szmoylo complained about numerous threats to disrupt his particular business activities (trade trip to Mahilëŭ that ended with a loss of a horse, failed beer-brewing, etc.) and generally to cause impoverishment and death. It is difficult to find out what problem was behind these quarrels and threats. Other Druja burghers of Christian faith joined their accusations and testimonies to the Szmoilo's one, so probably Marcin was already widely suspected. The only thing that prevented Marcin from capital sentence was his suicide committed in prison before the final court session.

A shared belief in witchcraft inspired Jews to try to prevent bewitchment or even turn a threat in their own advantage. In September of 1749, Janowa Walentynowiczowa *from* Žagarė town complained to the estate administration about defamation.[641] The one who insulted the woman was a Jew leaseholder Essel from the same town. According to her statement, Essel told her: *"If you can something [to bewitch], do not hurt me, because I had sent to tortures and to the stake those like you, so it can happen with you, but if you can, do something good for me, I will reward you."*[642] Before the court, Essel denied the threat of prosecution and the offer to collaborate but acknowledged that he just asked her, as a rumoured witch, not to harm. Essel got off easy – just covered legal costs. The court ruled out a fine to anyone who would blame

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[639]ASZR, Vol. I, p. 295-297.
[640]NHAB, 1797-1-1, p. 363,368, 373-374b, 376-377.
[641]ŽDTK, nr 381, p. 443.
[642]ŽDTK, p. 443:"*jeżeli co umiesz, nie czyń dla mnie krzywdy, bo ja takich brałem na tortury i kazałem palić, i tobie może się stać, a jeżeli umiesz, uczyń dla mnie co dobrego, ja tobie nagrodzę*"

Janowa in witchcraft since then. If the Janowa's statement is reliable, it confirms that despite the spread of the diabolic witchcraft concept among Christian Samogitians, Jews kept on treating witches as ambiguous witch-doctors that could harm and help with their craft.

Despite the impossibility to claim that adherents of Judaism adopted the cumulative concept of witchcraft, it is obvious, that Jews of the Grand Duchy of Lithuania could share general witch fear. While Jewish elite readily kept superior insularity towards ignorant gentiles,[643] petty leaseholders from the countryside or towns without Jewish communities surrounded by local folk seemed to be keener in a cultural exchange at the borderland of two entities. A good illustration is a story from *An Autobiography* of Solomon Maimon, a German philosopher born in present-day Belarus, about his work as a home tutor for poor Jewish farmers living like Ruthenian peasants. They even knew neither Hebrew nor Yiddish so the young tutor had to explain basics of religion in Ruthenian language.[644] And that is not the only Ruthenian-speaking "ignorant" Jews in his memoirs.[645] No wonder, that pubkeepers that were in permanent contact with customers, could share local beliefs about magic, rumours towards suspected witches and their practices, public mood, fears that led to the participation in witch-hunts – at least, in the mentioned period of time.

However, a witch fear existed not only at the cultural borderland but spread widely in Jewish communities, alongside to fear of maleficent devils and spirits. In such a case, why Jewish accusers are so rare in trial records? Perhaps, the answer is in the intention to fix the damage rather than seek revenge in unfriendly Christian courts. The late 17th – 18th centuries were the time of a great rise of interest towards Kabbalah including its practical dimension. There were so-called *baalshems* that could manipulate the secret names of God for their purposes. They used occult Kabbalistic knowledge for divinations, exorcisms, amulet-making. These learned magicians protected vulnerable children or women in labours from maleficent spells, lifted bewitchments, healed impotency and infertility, etc. People believed that they could even confront head-on witches and defeat them. The book *Sefer toledot adam* printed in Zhovkva in 1720 tells a story about *baalshem* rabbi Eliyahu from Chełm who came across a gathering of witches and warlocks playing with an abducted baby. By his knowledge and power, rabbi Eliyahu dispersed this Sabbath and saved the baby[646]. Solomon Maimon claimed in his memoirs that *baalshems "employed the common means of medicine, but after the usual method of the*

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[643]Hundert, *Jews in Poland-Lithuania*, p. 29-30.
[644]Solomon Maimon, *An Autobiography*. Translation from the German with Additions and Notes by J. Clark Murray.(London: A. Gardner, 1888), p.145-146.
[645]Maimon, *An Autobiography*, p. 39.
[646]Hundert, *Jews in Poland-Lithuania*, p. 142-153.

conjurer they sought to turn the attention of the spectator from these, and direct it to their Cabbalistic hocus-pocus".[647]

Possibly, those Jews who couldn't afford to attend acknowledged rabbi might refer to local folk witchdoctors. Maimon in his young years has experienced it: "*It was therefore supposed that I had been bewitched at the time of the wedding; and under this supposition I was brought to a witch to be cured. She took in hand all sorts of operations, which of course had a good effect, although indirectly through the help of the imagination.*"[648]

Thus, the witch fear influenced the Jewish community as well. It could lead to the trial prosecution initiated by some well-integrated individuals against commonly known local suspects. However, demands for court prosecution of the suspected perpetrators occurred not so often. Probably, the counter-magic was preferable, that was more accessible and fruitful in conditions of the slow and ineffective court system.

5.2.4. Jew as an alleged instigator of bewitchment

The first recorded trial notion about a Jew applying magic against Christians shows him (or more precisely – her) as a magic-less instigator of bewitchment. In January of 1691, a Christian pubkeeper from Hrodna Symon Juchalski and his wife Agnieszka accused a serf of St. Brigitte nunnery Maxim Znak in bewitchment of their family and business. Interrogated by a patrimonial court, Maxim first denied everything except for some healing practices (possibly, he was a cunning man indeed) but after torture, he confessed that bewitched the Juchalskis on behalf of their competitor, a Jewish pubkeeper Polka. The Jewish woman asked him to cause not only economic losses (to spoil beer) but also physical elimination. Maxim accepted the order, furthermore, he consulted Polka how to increase attendance of her pub: to steal some beer foam from someone's brewery and to rub with it her own beer barrels saying an incantation. Such way of competing, according to Maxim's testimony, was not something new for Polka: earlier she had instigated the most powerful local sorcerer Rosol from Vierciališki to bewitch another pubkeeper Sowoleska for the interception of a lucrative lease. Also, Maxim mentioned other local sorcerers engaged in similar activities.[649]

Maxim Znak's confession can be interpreted in two ways. It is possible, that he perjured himself under tortures but he tried to mitigate his guilt and shift responsibility to another person, the choice of which stemmed of business competing, religious contradictions or known to him personal conflicts between Polka and the Juchalskis. In that case, the noteworthy feature here is

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[647]Maimon, *An Autobiography*, p. 159.
[648]Maimon, *An Autobiography*, p. 79.
[649]SGČA, p. 140-143.

the rational image of the Jew, without an attempt to demonize or blame her personally in harmful or beneficial magic.

However, highly probable, that pubkeepers actually applied different magic tricks in their business. As sorcery seemed to be a difficult crime to investigate, so it could be a temptation to use it against a powerful competitor (and Symon Juchalski is addressed in the record as "*sławietny Pan*" – "glorious Sir", so he belonged to the city elite). Similar magic competition can be recognized in the regarded Slonim case of 1630 (and maybe it was behind the failed assault in Halšany case of 1632). Thus, it can be an evidence of a significant integration of Jews in the culture of the local population, even contrary to the prescriptions of the own religion (in particular, contrary to the numerous Torah prohibitions to deal with magicians).

5.2.5. Jew as an accused witch on trial

In the mid-17th century, Christian-Jewish relations become tense. Jewish communities of the eastern and southern lands of the Grand Duchy during the military calamities of the 1640s-1650s suffered the assaults not only by Cossacks and Muscovites but also their local Ruthenian neighbours. In other places that avoided pogroms, tensions also rose even after the war.

The origins of the rise of the tensions in the second half of the 17th century could be found in social processes on the one hand and on the other – in some religious events of the time.

As for social aspect, it was related to the rapid growth of the Jewish diaspora and the rise of its economic activities. To restore devastated cities and manors, the state and magnates stimulated migration and granted privileges to newcomers. No wonder that the Jewish population significantly increased.

Some religious events of the time stirred the pot. Great excitement among Jews and even Christians erupted because of self-proclaimed Messiah Sabbatai Zevi that appeared in the Ottoman empire. At first, Sabbatai Zevi (or Sapsay Gierszonowicz, as he is mentioned in the *Mahilëŭ chronicle*, which author explains his sudden successes with sorcery) met an extremely enthusiastic reception among the diaspora in Poland-Lithuania that expected a requital for their suffering during recent Cossack pogroms. The news about the Messiah brought fear and anxiety to Christians. The struggle against Sabbatean influence prompted a wave of Judaeophobic polemic works by both Catholic and Orthodox clergy that influenced the outlook of believers.[650]

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[650]Zalman Rubašev, "Sabbataj Cevi i sabbatianskoe dviženie." In Evrejskaja ènciklopedija Brokgauza i Efrona. vol. 13, edited by K. Arsen'ev and F. Petruševskij: 781-797 (Sankt-Peterburg: Obščestvo dlja naučnyx evrejskix izdanij i izdatel'stvo Brokgauz-Efron, 1912), 781—797.

The only two cases of Jews directly accused and prosecuted for witchcraft date to this anxious time. However, the information about them is pretty scarce.

The first case recorded in a court book of Ašmiany county court on October 1st, 1662[651]. It was a complaint of a gentry sir Hryhory Hlazka, a temporary possessor of manors Milč and Čys'c', about a jailbreak. A pub leaseholder Jew Szymka was accused in witchcraft and poisoning with vodka, imprisoned for patrimonial court trial but escaped from manor jail. Poisoning then was very close or even similar to witchcraft, and bewitchment by cursed beverage was widely believed and feared. Such accusation seems a very convenient way to get rid of unwanted aliens, that were widely engaged in pub keeping and brewing. However, the known sources blame Jewish pubkeepers in various wrongdoings but not in such poisonings. It can support the idea, that in the epoch of the witch-hunt, Lithuanian Jews were only seldom regarded as maleficent witches with related attributes and activities.

The information about the second case comes from an indirect source. On July 18, 1671, the king of Poland and Grand Duke of Lithuania Michał Korybut Wiśniowiecki promulgated an ordinance (*uniwersal*) that prescribed all state officials to uphold the rule of law in witch accusations against Jews.[652] The king strictly ordered to investigate and judge such cases in county courts, not in private ones, according to all legal procedures, not to imprison before trial and not to apply arbitrary tortures. As a reason for such ordinance, the king mentioned the complaint of Jews for lawless executions of their kinfolk accused in witchcraft — like it recently happened in Navahrudak voivodeship, where common people violently abducted and without adherence to formalities burned two Jewish women. From the source it is not clear, was it vigilantism or misconduct of some judicial body like *kopa* or patrimonial court. The wording of the text let one suppose other similar atrocities, but there is a lack of sources about them. Thus, one can assume an unprecedented surge in witchcraft accusations against Jews around 1670-71 restricted by the state efforts.

Worth noting is the reason for the accusations, according to the ordinance: strange inscriptions that appeared inexplicably at buildings and were attributed to Jewish sorcery. *Mahilëŭ Chronicle* also mentions the same frightening anomaly:

At the same time [1670], no one knows if because of the same devil Sapsay [Sabbatai Zevi]... such fears have come. In the Polish Crown and in the Grand Duchy of Lithuania and in different lands and cities and in Mahilëŭ someone unknown wrote inscriptions in

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[651]NHAB, 1776-1-25, p. 467—467b.
[652]AVAK, Vol. V, p. 203-204.

red curls on Catholic and Orthodox churches so high, several *sążeń* [Lithuanian *sążeń* – 1,94 m] upward, and in locked chests, that no one could these writings read.[653]

Maybe contemporaries saw parallels with Belshazzar's feast from the Bible and felt to be Babylonians condemned to catastrophe. These and other mentioned abnormal phenomena (or rumours about them) increased moral panics and brought the feel of threat from Jews. Combined with social tensions, it created a fertile ground for witch accusations and executions. However, measures taken by the authorities restricted the witch-hunt, so we know exactly about two victims, and these two women from Navahrudak voivodeship are the only known Jews in the Grand Duchy burned as witches.

5.2.6. Jew as an exposed accomplice of witches

The 18th century was prominent by the significant rise of the Jews' role in the economy of the Polish-Lithuanian Commonwealth. They not only constituted a substantial portion of urban merchants and craftsmen but were active in the countryside as leaseholders of estate monopolies. It was mainly Jews who managed the transformation in the use of grain from mainly an export commodity to the production of alcoholic beverages, especially vodka that compensated for nobility the decrease of grain prices in Europe and the decline in the efficiency of serf labour. The importance of Jewish businesses to the economy contributed considerably to their relative security and self-confidence under the patronage of magnates and the state.[654]

The growth of Jewish diaspora's significance, actual and even more - imagined, antagonized peasants, burghers and petty gentry (like it was evident in Kryčaŭ Uprising of 1743-1744) and also bothered the Catholic church that reinforced countermeasures. Catholic clergy insisted to follow the canon law provisions about segregation of Jews and restriction of their power over Christians by numerous limitations and prohibitions that, therefore, were often

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[653]"Mogilevskaja chronika T. R. Surty i Ju. Trubnickogo." In Polnoe sobranie russkich letopisej. Vol. 35: Letopisi Belorussko-Litovskie, edited by Nikolaj Ulaščik: 239-281 (Moskva: Nauka, 1980), p. 245:

Tegoż czasu, nie wiedziec, jeżeli tegoż diabła Sap[saya] . . . tureckie gasła, nastąpili takie strachi. Tak w Koronie P[olskiey] y w W[ielkim] X[ięstwie] Lit[ewski]m, y po rożnych krajach y miastach, y w Mohylowie [nie] wiedziec kto pisma pisano czerwoną kretą po kosciołach y [cer]kwiach tak wysoko, że na kilka sążniow wzwysz, w skrzy[nia]ch za zamkami, co żaden tego pisma przeczytac nie mogł.

[654]Hundert, *Jews in Poland-Lithuania*, p. 38-39.

ignored by magnates in their vast possessions.[655] Their Orthodox colleagues demanded to enforce similar restrictions as well but even less fruitful.[656]

The clergy was more effective in campaigning for the minds of people. In the first half of the 18th century, the Catholic church launched missionary campaigns, literary attacks and spreading of blood libel ideas. These campaigns seemed to have effective and lasting impact widening the boundary between Catholics (Poles and Lithuanians) and Jews, that led to a lack of integration even in the later time of secular nation-building.[657] Perhaps, it was an essential theoretic foundation for social tensions that had among its impacts an increase of witch suspicions towards Jews in the Catholic part of the Grand Duchy.

The religious turbulences of Judaism in the late 17th – 18th centuries could have its influence on the perception of Jews by their neighbours. It was the time of the rise of Sabbatean, Frankist, Hasidic movements, the proliferation of Kabbalah mysticism including its practical aspect – the magic of *baalshems*. Debates between all the movements spread stories about miracles and unusual powers or horrific mischiefs. The echo of these anxieties reached Christian common people that could hear these rumours and observe unusual behaviour of Jewish people. Together with Catholic propaganda, it could fuel fantasies about Jewish witchcraft.

Against this background, a number of cases took place in the 18th-century ethnic Lithuanian lands, in which Jews began to appear in testimonies of prosecuted witches as their accomplices, but usually without any immediate judicial consequence. Worth noting, at that time more Lithuanian cases acquired classic Western features related to the cumulative concept of witchcraft: organized groups of witches, devil-worshipping, Sabbaths or similar gatherings, etc. Some trials involved a relatively significant amount of the accused and convicted, sometimes even chain accusations took place. Investigations aimed to reveal as many as possible local witches, to use these testimonies later as evidence in case of need. Confessions included time to time names of Jewish neighbours into such lists of exposed accomplices.

A court of local nobility gathered in Samogitian manor Gilvyčiai in December of 1725 to consider a case of manor maid Krystyna caught profaning a Communion host[658]. Unexpectedly, her revelations led to one of the largest mass trials in Lithuanian history: 7 females and one male were convicted of burning. Krystyna confessed in pact and intercourse with a devil, flying to sabbaths, she told about an organized regiment of witches and named a lot of her associates. The lords of some revealed witches delivered their subjects to the court that started a chain trail, one

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[655]Hundert, *Jews in Poland-Lithuania*, p.63-64.
[656]Aleksandr Kulik, ed., *Istorija evrejskogo naroda v Rossii. Ot drevnosti do rannego Novogo vremeni.* Vol. 1. (Moskva: Mosty kul'tury/Gešarim, 2010), p. 271-272.
[657]Hundert, *Jews in Poland-Lithuania*, p. 76-77.
[658] RTL, nr 69, 70, p. 337-343.

of the rare in Lithuania. Majority of the named by Krystyna were serfs, but there were also several noblewomen and Jewish woman Szęnderowa that kept a pub in a neighbouring village. However, she was mentioned only once, without any details and her lord showed no intention to put her to trial.

As a rule, being blamed in such testimonies did not lead to immediate prosecution, but ruined a reputation, rose suspicions and became important evidence of guilt in case of future accusation. To avoid future troubles, in 1726 Jewish leaseholder Aszarowicz sought to obtain a special document (*kwit*) and to register it in record books of Trakai county court.[659] The document stated that a witch Maryanna burned in town Krokialaukis at the trial interrogation had named Aszarowicz's wife among other local witches but at the stake withdrew her testimony. In this way, the leaseholder tried to stave off the judicial sword of Damocles over his family. The intention to get the paper could be not only a tribute to foresight and diligence but a reasonable precaution in the light of new attitudes of local Christians towards Jews.

Over time, the imaginary involvement of Jews in witchcraft progressed. It showed one of the exceptional diabolic trials occurred in 1731 in Šerkšnėnai (Samogitia) that involved 11 persons accused.[660] A patrimonial trial started from fantastic testimonies of serf teenagers about witchcraft and diabolism, they readily share horrible details and named accomplices. It had a huge resonance, some of the participating noblemen delivered their subjects to trial. The same fate could befall the widow of Jakub the Jew, a leaseholder of Jan Wyszomerski. She was mentioned several times among members of witch crew and Sabbath participants. Except for Jakub's widow, at one of the Sabbaths on the Šatrija mount among common and noble Christian women, five unknown Jewish men were mentioned. The leaseholder had the foresight to ran away after being named, so the court became convinced of her guilt and ruled that her lord had to catch and try her for witchcraft.

The next step in the development of a Jewish witch image can be seen in the protocol of torture interrogation of 1740 from Samogitia.[661] The accused (and almost convicted, as court normally applied torture when had enough evidence of guilt) peasant Jan Kolyszko pointed four accomplices including two Jewish leaseholders from neighbouring villages: an unnamed woman and a man Gierszen. Gierszen was not just a witch but a leader of a witch crew – *pułkownik* (colonel). Worth to mention, while Western imagined witch underground often was described with terms from anti-Jude discourses (*Sabbath*, *synagogue of Satan*, etc.[662]), Lithuanian witches (at least in the majority of rare cases that mentioned any organization) belonged to units similar

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[659]RTL, nr 68.
[660]RTL, nr 69-70.
[661]RTL, nr 71.
[662]Ostling, "Imagined Crimes, Real Victims," p. 34.

to those of Cossacks or soldiers, with strict discipline and corporal punishments.[663] However, other documents of the case are lost, so the reaction of judges and consequences for revealed witches is unknown.

At first glance, the Jews exposed as accomplices of witchcraft, possess no distinguishing features to stand out among other named peasants and nobles. Trial records normally do not emphasize their ethnicity or religion as related to an accusation. As for such secondary accusations, the interrogated in their forced confessions pointed 1) personal enemies or those considered as enemies of the community 2) widely suspected in magic and witchcraft 3) those indifferent for the tried one, for whom felt no solidarity 4) those immune to the consequences of accusation because of their status or other reasons.[664] A Jewish leaseholder could fit any of these categories: 1) his profession could make him plenty of enemies, 2) being the exotic Other supposed possible magic skills, 3) as alien often isolated from common people and indifferent to them 4) immune to assaults from common folk because of patronage by lords and authorities.

The regarded materials give the opportunity for some generalizations. Almost all Jewish participants of the cases were pubkeepers-leaseholders. This numerous social group existed in the cultural borderland between Jewish and Christian universes, it was significantly integrated into the everyday life of the local community, shared important tendencies of its worldview, including those about witchcraft. Also, they interacted actively with non-Jewish counterparts, becoming a part of the system of social relationships with its tensions and conflicts.

Gender structure of Jewish participants is quite typical for the Lithuanian witch-hunt at all. Victims of bewitchment that complained to the courts were men while the accused both tried and just mentioned in testimonies were mostly but not exclusively women. The exceptions were "witch colonel" Gierszen (case of 1740) and five unnamed Šatrija Sabbath participants (1731). However, the reason for the exceptions was not in the feminization of Jew's image as a part of its convergence to the image of the witch, as Tokarska-Bakir claims. It also fits the general gender pattern of the Lithuanian witch-hunt: the crime of witchcraft was not exclusively female as a significant share of accused was male; moreover, elder witches were often men.

In the regarded cases of the 17th century, the religious component was absent, magic seems to be applied as a tool, without any relations to "Christian" devil or Judaism. Ethnic or religious belonging of the participants did not influence the trial evidently (perhaps, with the exception of the Navahrudak execution caused by mystique moral panic). However, there was a dynamics: the 18th century brought an increase and development of the accusations against Jews in Samogitia and related ethnic Lithuanian lands. One hardly can say about the particular

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[663]Pilaszek, "Litewskie procesy czarownic w XVI-XVIII w.*"*, p. 29.
[664]Tokarska-Bakir, "Ganz Andere?", p. 120.

demonization of Jews and equation to witches during the period of witch trials. Rather, Jews (and particularly Jewish leaseholders) possessed a set of cultural and social characteristics that made them available to potential accusations alongside other vulnerable types: folk healers, midwives and witch doctors, asocial elements, wanderers, abusive neighbours, etc. Though, the combined action of social contradictions, Christian anti-Judaistic propaganda and Jewish mysticism led to growing associating of Jews and witchcraft as reflected in folk materials of the later time.[665]

Thus, the attitude toward Jews did not go beyond the wariness towards the Other, but the abnormal conditions could disturb it and long-term cultural changes have exacerbated this wariness. Jewish people were almost never subjected to legal prosecution (and much of the credit should go to the politics of authorities) and themselves seldom acted as persecutors.

5.3. Lithuanian Tatars: good Other in bad times

Another significant non-Christian group of the population was Tatars. The first Tatars sporadically settled in the Grand Duchy as war captives or refugees from strifes in the Golden Horde since the early 14th century. The formation of the diaspora dated back to the late 14th-early 15th century, when the Grand Duke Witold accepted khan Tokhtamysh and his supporters that were forced to leave steppes after the defeat in a power struggle. Later other Muslim migrants from Crimea, Volga, Siberia joined them. Tatar warriors and their families first settled in strategic areas near the ducal Trakai castle, Kaunas, Hrodna, Lida, later they spread to many other places, mostly in Trakai, Vilnius and Navahrudak voivodeships. According to estimations, there were 7000 of them in the 16th century and 9000 in the 17th.[666]

For their military service, Tatars were granted significant autonomy. At first, they maintained their military structure for civil life. Over time, a lot of Tatars abandoned the service, engaged in crafts and farming. Their communities followed Muslim religious laws. Imams (called *mołła*) were usually judges in religious and civil matters, criminal cases had to be brought to state courts.[667] However, their society was not as isolated as the Jewish one. The Muslim religion was a core of their identity while other ethnic features were soon abandoned: since the 16th century Lithuanian Tatars spoke Ruthenian (later also Polish) as their native language and use it in Arabic script not only for secular writings but for religious as well.[668] They created

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[665]Marzaljuk, *Ljudzi daŭnjaj Belarusi,* p. 145-146.

[666]Andrzej Zakrzewski, "Assimilation of Tartars within the Polish Commonwealth, 16th-18th Centuries" A*cta Poloniae Historica* vol. 55 (1987): 85-106: p. 87.

[667]Stanisław Kryczyński, *Tatarzy litewscy: próba monografii historyczno-etnograficznej* (Warszawa: Wydanie Rady Centralnej Związku Kulturalno-Oświatowego Tatarów Rzeczypospolitej Polskiej, 1938), p. 206.

[668]Zakrzewski, "Assimilation of Tartars", p. 88-94.

monogamic families, sometimes with Christian women, despite some legal restrictions that were often ignored. Conversions to Christianity were quite rare but occurred: in 1791 about 25% of Tatars were Christians.[669] After conversion, they did not have any legal restrictions. No wonder that many noble families had Tatar ancestors and were proud of them.

The social status of Tatar military elite was quite similar to the Christian gentry, except for political rights, the common folk mostly was free farmers and burghers.

The relations between Tatars and Christians were much more loyal and peaceful in comparison to the position of the Jewish diaspora. However, there were hard times. During the Counter-Reformation in the late 16th – early 17th centuries the Catholic church initiated various discriminatory restrictions for non-Catholics, and for Muslims in particular. Tatars were forbidden to marry Christians, to have Christian servants and serfs, their religious and economic activities were limited (however, these prescriptions often were ignored, especially in magnates' possessions). Such discrimination led to the decrease of loyalty as manifested in emigration to the Ottoman Empire and even in the mass defections of the Tatar troops during the Polish-Ottoman war of 1672-1676.[670] Though, in the 18th century, Tatar-Christian relations were stabilized.

At the same time, Tatars didn't break their relations with the Muslim world and the Ottoman Empire in particular. It was common to invite educated imams from Crimea or Volga.[671] As it was lack of experts in Muslim law, Lithuanian Tatars requested to Ottoman *muftis* and *ulama*.[672] Sufi ideas were popular in Crimea khanate, no wonder they penetrated Muslims of the Grand Duchy, inspiring interest to mystics, miracles and magic.[673]

For their neighbours, Tatars were a bright example of the Other-magician. And indeed, among them existed practitioners of divination and healing magic. Some of Tatar witchdoctors (*fałdżej*) were so famous that attracted Christian and Jewish patients. Such a testimony unexpectedly comes from a popular xenophobic pamphlet *Alfurkan Tatarski* (published three times between 1617 and 1643) that is simultaneously a rare source on the life of the Lithuanian Tatars and their relations with Christians.[674] Its author admitted that he himself being ill has

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[669]Harry Norris, *Islam in the Baltic: Europe's Early Muslim Community* (London: I. B. Tauris, 2009), p. 48-49.
[670]Zakrzewski, "Assimilation of Tartars", p. 86, 98-99.
[671]Kryczyński, *Tatarzy litewscy*, p. 201.
[672]Kryczyński, *Tatarzy litewscy*, p. 208-209.
[673]Norris, *Islam in the Baltic*, p. 57-58.
[674]Artur Konopacki, "Wstęp." In Piotr Czyżewski, *Alfurkan tatarski prawdziwy na czterdzieści części rozdzielony*, edited by Artur Konopacki: 3-4 (Białystok: MKJdruk, 2013), p. 3.

visited a Tatar healer, but, certainly, did not follow his suspicious prescriptions.[675] Polish researcher (and descendant of Tatar nobility) Stanisław Kryczyński noted, that early sources mentioned some traces of popular nomadic magic, but later practices originated from learned Oriental numerology, astrology, beliefs in the power of written incantations, prayers and sacred scriptures. By the way, the researcher observes the growing cross-border influence: to the 19th century, Tatar herbalist knowledge became identical to Ruthenian folk one, as well as certain magic remedies against the evil eye and some diseases.[676] The later 19th-century ethnographic materials show that significant tasks of the *fałdżejs* were to exorcise demons that caused illnesses and to produce talismans. Perhaps, in earlier times they also engaged more in countering maleficent witchcraft. *Fałdżejs* did their magic by means of Islamic texts and prayers, so it looks legitimate and acceptable even for the most pious patients. Thus, in contrast to the Catholic population, Tatar had a good opportunity to relax the witch fear by the assistance of specialists in counter-magic.

Sources contain very few information about the accusations of Tatars in witchcraft. Even the most hateful text, already mentioned pamphlet *Alfurkan Tatarski*, does not accuse this minority in maleficent magic. The author tells historical anecdotes about the application of sorcery by Mongols in battles, by Turks to return escaped captives, complains about Muslim diviners and witch doctors in Lithuania (including a detailed story of his own experience) but never blames them in any magic sabotage or explicit diabolism.[677]

The only mention of prosecution of Tatars for witchcraft comes from an indirect and quite equivocal source. Acknowledged Polish historian of the early 19th century Tadeusz Czacki referred to a pamphlet *Apologia Tatarów* (*Apology for Tatars*) published in 1630 as a response to literary attacks like the mentioned *Alfurkan Tatarski*. Azulewicz, the author of *Apologia Tatarów*. indignantly reported about several Tatar women accused in witchcraft and burned somewhere in Lithuania in 1609. The evidence for their guilt was suspicious coins with unreadable inscriptions. No one could read the writings, but the accusers considered them as witchcraft paraphernalia. Actually, it was ancient Oriental coins with Kufic inscriptions in the Arabic language, highly-

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[675]Piotr Czyżewski, *Alfurkan Tatarski prawdziwy na czterdzieści części rozdzielony : Który zamyka w sobie początki Tatarskie, y przygnanie ich do Wielkiego Xięstwa Lithewsk[iego] : Przytym iż w Wielkiem Xięstwie Lit. Tatarowie nie są Szlachtą ani Ziemianinami, ani Kniaziami, tylko kozińcami, skurodubami, y niewolnikami tego Państwa : Do tego, sposob życia, obyczaiow, spraw [...] [...] : Alfurkan ten Tatarom zgodny nie tylko do czytania, ale też y do upamiętania, y poprawienia.* (Wilno, 1617), p. 58.
[676]Kryczyński, *Tatarzy litewscy*, p. 281-305.
[677]Czyżewski, *Alfurkan Tatarski,* p. 57-58.

valued as talismans because of the name of God and verses from the Quran.[678] However, Czacki was the only one who saw this book, later it was lost.[679] So the scarcity of the cited information gives no idea about the exact place, type of the court, original accusation. In the early 17th century an outburst of religious fanaticism and vigilantism swept the country. First of all, it was related to the Counter-Reformation struggle against Protestants also to the establishment of the Greek-Catholic Church instead of the Orthodox one. The religious polemics was accomplished by public disorders, violence and murders, assaults and plundering of churches and cemeteries. Muslims stayed out of the conflicts, but in this time they also became targets of vigilant mobs: there is some information of wrecking of the mosque in Trakai and burning of another one in Salkininkai (Trakai county).[680] Also, at the same time, the Sejm aimed to force more unenthusiastic Tatars in actual military service issuing several constitutions in 1607-1616 that drew attention to this usually invisible minority (for example, the mentioned *Alfurkan Tatarski* appeared in this context).[681] It may be assumed that the prosecution of the mentioned witches took place in the same region and related to these events.

The next known trial for magic practice occurred in one and a half century — in 1756, in Vilnius. Judges of Lithuanian Tribunal regarded the case of Tatar Roman Ryzwanowicz from Raižiai (Trakai county). A Catholic priest from neighbouring Punia accused him of being an incantator that heal Catholic patients by blowing, singing and reading from a superstitious and blasphemous book. The court sentenced Ryzwanowicz to four weeks in jail and ordered to bring the book for examination.[682] However, the case hardly can be classified as a witch trial. It looks like a typical struggle of the clergy against folk superstitions like healing, divination, folk customs. Though, why did no more Tatar witch doctors faced trial? It is possible that the accused Roman Ryzwanowicz was a convert. Sometimes Muslim Tatars adapted their names to popular Christian forms (Assan – Jan, Jusuf – Józef), but more common was to preserve original variant.[683] Probably, the clergy could not (or had no great intention) intervene in the activities of Muslim witch doctors, but if the accused was actually a convert, his crime became more serious: blasphemy or even apostasy. Anyway, the documents about the final of the trial are unknown.

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[678]Tadeusz Czacki, "O Tatarach." In *Pomniki historii i literatury polskiej*, vol. 2, edited by M. Wiszniewski: 87–108 (Kraków, 1835), p. 97-98, 104-106.
[679]David Thomas and John A. Chesworth, eds. *Christian-Muslim Relations. A Bibliographical History. Volume 8. Northern and Eastern Europe (1600-1700)* (Brill, 2016), p. 746-747.
[680]Zakrzewski, "Assimilation of Tartars", p. 97.
[681]Artur Konopacki, "*Alfurkan Tatarski* komentarz krytyczny." In Piotr Czyżewski, *Alfurkan tatarski prawdziwy na czterdzieści części rozdzielony*, edited by Artur Konopacki: 5-14 (Białystok: MKJdruk, 2013), p. 9.
[682]Kryczyński, *Tatarzy litewscy*, p.294.
[683]Zakrzewski, "Assimilation of Tartars", p. 92.

Almost at the same time and in the same place a Tatar accuser put to trial a group of supposed Christian witches. In July 1759, Mustawa Baranowski, Tatar prince (*murza*), an army colonel, on behalf of his subjects requested Alytus city court to prosecute four persons (perhaps, Alytus burghers) for witchcraft.[684] Judges interrogated witnesses – subjects of the mentioned colonel (perhaps, they were initiators of the accusation), dunked suspects with positive results, and, assured in their guilt, sent at least one woman to tortures. That is all one can learn from the brief court record preserved. Obviously, the role of the Tatar lord was just a formal mediation between his serfs who suffered some harm from the witchcraft and the city jurisdiction over the suspects. Of course, his application shows that he shared suspicions of his subjects and felt the necessity to protect them – so did a bulk of Christian nobles of the time.

Thus, the sources demonstrate that Christian society believed in Tatar magic but almost never accused them in witchcraft. Probably, the important reason was a quite modest place of Tatars in the society: they occupied specific niches (military service, gardening, particular trades as waggoners, etc.) so normally did not compete with Christians and had fewer possibilities to have conflicts with them. Numerical scarcity and low-profile role in the society attracted less attention of the Church to these infidels, so Tatars were very seldom a target for Catholic propaganda. The way to relieve a witch fear for Tatars was to appeal to their own witch doctors that were tolerated by clergy and secular authorities much more than their Christian colleagues. These factors contributed a lot to the minimization of the Tatar participation in the witch-hunt.

5.4. Germans: witch-hunt *Kulturträgers*?

Lithuanian monarchs and feudal lords stimulated migration of skilful craftsmen, recruited foreign warriors, and employed educated professionals. No wonder that a lot of people from different European countries, first of all, Germans, Italians, Dutch, Swedes, Scotts, for various reasons temporarily or permanently moved to the Grand Duchy of Lithuania. The most numerous and influential were German-speaking migrants. Economic and political relations tied the Grand Duchy to Prussia and Livonia so a bulk of Germans came from these regions. The Prussian nobility admired the liberties in Poland-Lithuania, readily moved there for service, adopting not only loyalty but also Polish noble culture.[685]

In comparison to the Polish Crown with a significant share of the German population that was dominant in multiple urban and rural communities, their settlement in Lithuania was much less impressive. The bulk of Lithuanian Germans normally were dispersed all over the country,

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[684]RTL 85, p. 375-376.
[685]Igor Kąkolewski, "Niemcy." In *Pod Wspólnym Niebem. Narody Dawnej Rzeczypospolitej* (Warszawa: Bellona, 2010), p. 95-96.

they differed in their origin, social status, professions. The only major city with an especially significant share of German inhabitants was Kaunas, to add a notable community in multiethnic Vilnius.

The assimilation of German townspeople with the majority of the local population in the 16th and 17th centuries proceeded smoothly, the Germans switched to everyday Polish but retained a hybrid identity.

The religious factor played a greater role in cultural bordering: most of the German townspeople converted to Protestant denominations, but while Lithuanian Protestants were mostly Calvinists or Antitrinitarians, Germans usually belonged to Lutheranism. Moreover, with the Reformation, the German language prevailed, which was now used in Lutheran worship, sermons and literature. It was the confessional difference that made the Lutheran Germans a distinctive minority group when after 1650 belonging to the majority (not only in numerical but first of all in political terms) meant belonging to Catholicism. However, German Catholics did not have such barriers to assimilation and integration.[686]

The German-speaking subjects of Lithuanian Grand Duke not necessarily shared belonging to some separate entity - Lithuanian German minority, not to say about the whole German nation.[687] Unlike legally separated Jews, Germans were an organic part of the multilingual and multidenominational urban communities or the "gentry nation". In trial documents, as a rule, German names are not accompanied with any additional indication of their otherness. However, the very fact of the existence of local burghers or nobles with recognizable German given names demonstrates that they preserved their distinctive cultural features and particular identity.

It seems logical to assume that migrants from German lands, the hottest spot of the European witch-hunt, brought their most advanced witch beliefs and became agents of spreading the witch trials in Lithuania. What can the sources tell about it?

Kaunas was an important hub for trade with Prussia and the Baltic region at all. In the 17th century, there were not only German but also English, Dutch, Swedish trading posts. Except for foreign merchants, there were a large group of local German burghers.[688] It was also a major Reformation centre, but of pretty uncommon for Lithuania denomination – Lutheranism. In 1552

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[686]Bömelburg, "Sprachliche, religiöse und kulturelle Sondergruppen", p. 737-738.

[687]To compare, for the similar situation of the German diaspora in the non-German Habsburg lands, see: Pieter M. Judson, "When Is A Diaspora Not A Diaspora? Rethinking Nation-Centered Narratives About Germans In Habsburg East Central Europe". *The Heimat Abroad: The Boundaries Of Germanness,* nr 78 (2005): 219-247, p 21-22.

[688]Konstantin Gukovskij, *Gorod Kovna. Kratkij istoriko-statističeskij očerk.* (Kovna: Tipografija Gubernskogo pravlenija, 1904), p. 20-25.

there were 124 Lutheran families, perhaps, mostly of German origin.[689] At the same time, the city was a hotspot for witch trials at the early stage of the Lithuanian witch-hunt. Apart from the Vicebsk case of 1532, since the 1540s the following witch accusations occurred in Kaunas. Until the year 1627, there were 6 witch trials and 4 other registered accusations – more than in any other single place of the Grand Duchy in any time, surpassed only to Raseiniai which as an important administrative centre for Samogitia held trials from a wide area. As the sources normally do not point the ethnicity or religion of actor, the only helpful hint to figure out the data is his or her name. Thus, at least three Kaunas trials involved accusers with German names.

The first record that contains a German name dates back to 1543 (it is the second oldest witch trial known).[690] It reports that a Kaunas butcher Franc accused a blacksmith Piotr from town Veliuona in witchcraft: the latter had come to Franc's house and began to tear some plants. The *wójt* sent his people to bring Piotr. The blacksmith denied being a witch, but a "good man". That is all one can learn from the brief record.

The next case occurred 8 years later.[691] Late in the evening of August 1, 1551, Lenart Kolaw brought his slave maid Barbara to Kaunas magistrate accusing her in witchcraft. He saw her walking near the fireplace and then found under the threshold some hair, feathers and sand. Barbara voluntarily confessed that according to the advice of another woman she planned to put spells into the bed of her master to make him crazy and cause death. Her master insisted to put her to prison. The end of the case is unknown.

Despite the possible German origin of the accusers, one can hardly see any specifics in these cases that are very common for the whole period of the Lithuanian witch-hunt. Moreover, Kaunas Germans readily apply to the assistance of herbalist knowledge (or even magic). The case of 1563 discussed earlier looks much more exceptional. Kathryna, a herbalist practising for German customers, confessed that the one who had taught her the trade was a devil from the swamp that visited her at night.[692] Such confessions were unprecedented for Lithuania. Next time devil would appear in court records almost a century later – in 1655.[693] The reliable explanation might be Kathryna's involvement in Kaunas German environment, so she adopted elements of witch beliefs from German discourses.

Therefore, there are no more known cases with German burghers involved. Another type is patrimonial trials conducted by lords of German origin.

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[689]Rudolf Heberle, *Die Deutschen in Litauen* (Stuttgart: Ausland und Heimat Verlags-Aktiengesellsehaft, 1927), p. 8.
[690]Sabaitytė, p. 293.
[691]Sabaitytė. p.296.
[692]RTL, nr 3.
[693]RTL, nr 42.

The protagonist of the first case is Wilhelm Tyzenhauz.[694] He belonged to the prominent Livonian noble family von Tiesenhausen originated from crusader knights. As supporters of Sigismundus III Vasa, the Tyzenhauzes after the defeat in the Polish–Swedish War of 1600–29 moved from Livonia to Poland-Lithuania where they obtained offices and estates.[695] Among those newcomers, Wilhelm Tyzenhauz, the former reiter cavalry officer[696] got Kupiškis *starostwo* in Ukmergė county as a temporary possession. August 12, 1641, he, accompanied by two Ukmergė county court *jenerals* and a number of noblemen came to Kupiškis to examine the case of the witch accused by *wójts* of several villages (perhaps on behalf of their communities). The accused denied her guilt but after the torture application not only confessed in alleged crimes but revealed the existence of the organized witch circle that gathered four times per year as magpies on the old oak tree. One should keep in mind, that this extravagant confession could be directed by questions of judges, and Tyzenhauz in particular. To name other witches known was a standard procedure, but the interrogated witch yet had never reported (or had been forced to report) about the organized unity with its chief – it has appeared in records for the first time. It was a type of devil-less witchcraft conspiracies that later would repeatedly appear in trials from this region. The purpose of the conspiracy remained unclear and the confession was scarce for details. However, Tyzenhauz could stop elaborate more about the gatherings because he got very personal information (maybe, as a forced answer to his demanding question): the witch revealed who knew about the death of his children. Tyzenhauz immediately started a new investigation. One by one he put subjects to trial, they refused everything at first, but tortures made them more talkative. Finally, the investigation discovered (or invented) a conspiracy of a peasant family disaffected by taking away a woman as a nurse to the lords' residence. Peasant men plotted to kill masters' babies to relieve of the duty and return the wife and daughter-in-law back home. As a result, three persons (initial witch, the husband of the nurse and his father) were burned, the trial of the nurse was postponed because of her pregnancy, four more persons were released on bail. Except for the earliest notion of a witch organization and gatherings, the case is remarkable as the first trial involving so many accused (the total amount was 7 persons) and one of the largest witch trials recorded in Lithuania. Also, the active use of torture without proper justification looks extraordinary as for Lithuanian trial procedure – in fact, Tyzenhauz and his peers (including officials from county court) examined the case as *crimen exceptum*, an exceptional

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[694]RTL, nr 33.

[695]Kasper Niesiecki, *Herbarz polski Kaspra Niesieckiego powiększony dodatkami z późniejszych autorów, rękopismów, dowodów urzędowych i wydany przez Jana Nep. Bobrowicza.* T. 9 (Lipsk: Breitkopf i Hærtel,1842), p. 185-187.

[696]Mirosław Nagielski, "Społeczny i narodowy skład gwardii królewskiej za dwóch ostatnich Wazów (1632-1668)." *Studia i Materiały do Historii Wojskowości* 30 (1988): 61-102, p.92.

crime that allows breaking normal procedures to solve the extraordinary case effectively. While Lithuanian Statute listed witchcraft next to regular felonies, the idea of this crime as *crimen exceptum* was widespread among Western lawyers and demonologists since the time of *Hammer of Witches*. The number of these significant novelties suggests the prominent role of Tyzenhauz as a carrier of distinctive legal culture and worldview features of Baltic Germans.

Wilhelm Tyzenhauz as a patrimonial judge considered another case in the same place but 5 years later, in 1646.[697] Again, the village community of Sypojnie found two women, Jadziula Jusiowa, Marta Jukniowa, as scapegoats to blame for cattle and crop failures. Without private interest, he and his peers judged the case in a regular way: first testimonies of accusers and interrogation of the accused, then dunking – "according to the old custom", and the positive result of this ordeal brought tortures. However, even tortures could not force those women to incriminate themselves. According to the Statute, the court had to release them and award compensation at the expense of the losing party. Instead, the judges accepted the oath of the witnesses as a closing argument and both witches were burned. Thus, the court again regarded the witchcraft as c*rimen exceptum*. Tyzenhauz did not seek a diabolic or witch conspiracy or at least he could not apply more tortures to force confessions about it. At the same time, he was confident in the necessity of eliminating maleficent witches. Thus, instead of to banish or release on bail those survived tortures, he chose to sentence them to capital punishment, perhaps, assured with the results of dunking as the most persuasive evidence. The influence of his German background is even less obvious than in the previous case, but it can be related to his tough uncompromising position. Possibly, the witch-beliefs of the master contributed to the peasants' enthusiasm toward the witch-hunting. Except for the two mentioned cases, at least one more happened at around the same time and place: the record also mentioned that Marta Jukniowa had already survived a similar trial.

Worth mentioning, that in the same Kupiškis *starostwo* of the Tyzenhauzes another witch trial occurred more than a century later, in 1746.[698] The only material survived is the draft of the interrogation of the supposed male witch, so it contains very few information about the trial, judges, etc. The interrogated one confessed about his mother and himself in diabolism, apostasy and numerous acts of *maleficium* towards local inhabitants, their cattle and crops. The participation of the lord Tyzenhauz is unknown, but the fact that the mentioned document survived in the Tyzenhauzes' private archives points out that the lord at least knew and did not to prevent it.

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[697]RTL, nr 39.
[698]RTL, nr 77, p. 365-368.

One more similar case occurred in 1726 in Trakai county.[699] The record is a statement to confirm the innocence of the woman, first named and then justified as witch accomplice, so the information about the initial trial is quite scarce and incomplete. The judge and accuser was Edward Rydiger, a royal army officer (*porucznik*), perhaps, from the Prussian noble house of Ridger, members of which served to Poland-Lithuania.[700] However, his Polonized name might reveal that he was not a newcomer but a descendant of the well-integrated family, so he was rather a Polish or Lithuanian than a Prussian nobleman. He mentioned as a temporary possessor of Alytus estate (*klucz*). In a small town Krokialaukis (Krakopol) of the estate, he considered the case of a supposed witch. However, the only witchcraft activity mentioned was stealing the host: after communion, she secretly took the host from the mouth and hid in a kerchief. In the particular record, this sacrilege was the only evidence of witchcraft enough to put the suspect to severe tortures and then burn (however, some *maleficium* could be just omitted as non-relevant to the purpose of the issued document). To this time, in neighbouring Samogitia, at least two cases already happened[701] when host-stealing was a part of witch confessions beside other numerous facts of *maleficium* and diabolism (and two more are known later[702]). The similar case of 1725 started also from the interrogation of a maidservant for host hiding and led to a mass witch trial, involving numerous lords bringing their subjects to trial.[703] In Germany witch-hunt to this time generally faded, so Edward Rydiger acted rather like superstitious Lithuanian or Polish gentry.

The only case of a registered accusation of a German in maleficent magic is the testament of Raina Jackiewiczowa, the landlady from Ukmergė county, registered in county books in July 1614.[704] To blame a perpetrator of the death in a testament was a valuable deathbed statement similar to registered protestation, so it could serve as important evidence in future litigation. In the testament, Raina reports about her unhappy family life with an abusive husband who beat her severally even when she was badly ill. She considers that the cause of the terminal illness by which she was bedridden for two years was the witchcraft of Hanz Meldon, her husband's brother in law. The ethnicity or other features of the otherness of Hanz are not indicated directly in the text – he was not an outsider from a segregated social group but a part of the family. Raina supposes that the initiative to murder her come from her wicked husband Krzysztof. However, he engaged not a professional sorcerer or witch but his German relative coped with the task. From

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[699]RTL, nr 68, p. 348-349.

[700]Kasper Niesiecki, *Herbarz polski Kaspra Niesieckiego powiększony dodatkami z późniejszych autorów, rękopismów, dowodów urzędowych i wydany przez Jana Nep. Bobrowicza.* T. 8 (Lipsk: Breitkopf i Hærtel,1841), p. 113.

[701]Jucewicz, p. 203-211; RTL, nr 66.

[702]RTL, nr 69, 91.

[703]RTL, nr 66.

[704]RTL, nr 16.

the text, it is not evident whether Hanz already had a suspicious reputation of a sorcerer or practised something that seemed odd for locals or he just obtained a magic remedy from some witch. It is possible, that being a German had connotations with mysterious skills of medics or suspicious activities of heretics, so it could become a victimizing trait to be pointed as a witch. It is uncertain whether Raina believed in Meldon's witchcraft or just used the blame to substantiate her decision about inheritance: she bequeathed the custody of her adolescent sons and entrusted the bulk of the property to the family of her sister, not to the cruel unworthy husband. In the latter case, her slander to be plausible had to match the widespread belief in the propensity to the magic of Hanz Meldon or Germans at all.

One can assume that the tension towards the Westerners and Western influence sublimated in a distinguished way. While sources keep silence about accused witches of German or other Western origins, the German devil is a pretty common character of trial records and especially folk materials all over Eastern Europe.[705]

There is a temptation to assume that in times when Holy Roman Empire was the epicentre of the European witch-hunt, German migrants to the Grand Duchy were carriers of the cumulative concept of witchcraft so they applied and spread it in the new lands. Indeed, to some extent, cases mentioned earlier can support that idea: part of the trials was of a clearly pioneering character. However, the share of trials initiated by Germans is very small in relation to the influence of their population in Lithuania. Perhaps, their beliefs about witchcraft that suited their domestic cultural and social context, were less adjustable to distinguished settings of their new homeland. A huge part of migrants came from the periphery of the German world outside the Holy Roman Empire – Prussia and Livonia, much less engaged in witch persecutions. Moreover, witch burnings in German lands stopped much earlier than in Lithuania, after the middle of the 17th century, people from there rather became carriers of not witch-hunt ideas but a milder approach or even scepticism. No wonder that in the 18th century only well-integrated newcomers (often not in the first generation) could participate in witch trials on the same ground as the locals. Thus, while speaking about German cultural influence on the Lithuanian witch-hunt, one should admit that the direct impact of Germans was existent but quite low.

5.5. Latvians: suspicious newcomers

It was also a category of aliens that could be placed between Westerners and locals – Latvians from neighbouring Courland and Livonia, the lands related to the Polish-Lithuanian Commonwealth but substantially different. They were predominantly Protestant, so they were a

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[705]Ülo Valk, T*he Black Gentleman, Manifestations of the Devil in Estonian Folk Religion* (Helsinki: Suomalainen Tiedeakatemia, 2001), p.77-79.

refuge for dissidents and a supporting hinterland for their activity in Lithuania. One who needed escape prosecution could slip away across the border – as some witches attempted to do.[706] The same escapees could come from the opposite side. Courland and Livonia regularly became a battle-ground for the domination in the Baltic that caused population displacements. Newcomers were usually welcomed by lords, with regard on the labour force shortage but the local peasants could be less receptive to strangers. At least three times Latvians appeared in Lithuanian court records involving witchcraft.

February 1, 1597, Samogitian court registered a protestation of gentry Kaspor Ščefanovič Dovmont.[707] Dovmont since the prior year has been suffering from a limb paralysis. The reason for the disease he has found only recently: someone reported him that Jasiul' the Latvian (*lotvin*), a subject of another gentry Vojtech Janovič, threatened that Kaspor would not only suffer from the paralysis but soon die of Jasiul's hands on behalf of his master. Thus, Kaspor believed that his wicked neighbour (who probably had some reasons to be angry about him) had applied the spells of his strange subject. Jasul' could have a suspicious reputation for several reasons. First, as a newcomer: nobody knew the reputation of his family and it means - his one credibility. Second, his alienation could be deepened with his distinctive ethnic (Latvian) and possibly religious (actual or former Lutheran?) features. Also, it might be a contribution of the simultaneous witch-hunt in Livonia and Courland, more intensive at that time than in Lithuania. However, the rarity of Latvians in trial records states that this pattern of accusation was not a widespread one.

Next time sources report about an accused Latvian in 1725.[708] Gilvyčiai patrimonial court in Samogitia considered the case of Krystyna the Latvian (*Łotewka*). She was a manor servant, probably young orphan (no family members or even surname mentioned) displaced from Courland or Livonia as a result of calamities of the recent Great Northern War. She was caught hiding a host after communion so manor steward arrested and interrogated her. Krystyna willingly confessed in witchcraft, told about a witch regiment she belonged to and named her accomplices. Her testimonies started one of the largest trials in Lithuanian history that has sent 8 persons to the stake. Also, the girl's confessions included some details common for Western beliefs but rare or even unique in Lithuania: a pact with the Devil, flights to Sabbath and even a demon-boyfriend. Krystyna probably suffered from epilepsy of hysteria – judges witnessed that "*devil tried to strangle her*". It is not unlikely that poor abused girl cornered with the charge tried to take revenge on her abusers naming them as witches and to triumph over her oppressors as a member of a powerful secret conspiracy. Were these unusual confessions a result of her Latvian

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[706]RTL, nr 42.
[707]RTL, nr 10.
[708]RTL, nr 69, 70.

cultural background? Not unlikely but there is no clear answer. Courland and Livonia were under the strong cultural influence of the Baltic German elites that shaped witch beliefs in this region. However, at that time witch trials in Baltic provinces vanished and those in Lithuania acquired more and more Western features.

The only event when a Latvian accused a local of witchcraft happened in 1747.[709] Daniel Jablonski from Stungiai village complained to Žagarė court that his neighbour Biron the Latvian insulted his late wife blaming her in witchcraft. The record of the prosecution is brief, unclear and convoluted. According to the complaint, Biron had claimed that Jablonski's wife was a witch and she died because of some towel that he had given to her and then burned (some anti-witchcraft counter-magic?). Before the court, Biron rejected the accusation but in his turn complained about some woman Balcerowa who had spread the same rumours about Biron's wife... As a result, the court ordered the participants to make oaths and further keep it quiet. As it was mentioned in Chapter 3, Žagarė court in the 1690s considered four witch trials and burned four witches. To the Biron's time, local officials became much more sceptic towards witchcraft but peasants still firmly believe in it. The journal dated to 1747-1751 mentions witchcraft in 11 cases, all of them are defamation litigations. The records demonstrate the network of rumours, suspicions and blames that now could not be brought to court as witch trial. Biron and his wife were also a part of this network, both as suspects and vigilantes. Hard to say about the impact of his alien background but in the context of the mentioned-above cases of other Latvians it could be a particular victimizing feature to ground suspicions against his family. Generally, it seems, that Biron as well as other Latvians easily integrated into Lithuanian environment and shared the common suspicions and practices.

5.6. Muscovites: the insulted and injured

Despite the extensive economic and political encounters, the number of migrants from Russia in the Grand Duchy of Lithuania was relatively low and insignificant. It mostly consisted of religious or political refugees and war captives.

The most widespread opportunity to meet a Russian was to face their soldiers during numerous wars, and especially – during the war of 1654-1667 when almost the whole territory of the Grand Duchy was occupied or raided by Tsar's army. In the 18th century Russian soldiers also often fought different enemies (Swedes, confederates) at the Lithuanian territory. It could contribute to the image of Muscovite as the violent stranger of alien faith who tended to superstitions and magic. Thus, a diary of a Lithuanian gentry Bogusław Kazimierz Maskiewicz

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[709]RTL, nr 79, also ŽDTK, p. 305-306.

tells a story about the unsuccessful application of a local miller-sorcerer by Russian commander Khovansky during the siege of Liachaviči (1660) to bewitch defenders' canons and cause snow and hailstorm.[710] Also, Niasviž Jesuits reported in the early 1670s the rise of superstitious magic practices of local folk as a reaction to impoverishment caused by the recent war, and at least some of them learned sorcery from Russians.[711]

Captives were not only prisoners of war captured at the battlefield. To take and resettle peasants and craftsmen was a part of looting the enemy's land. Peace treaties often demanded the return of prisoners but it was difficult to control their implementation.

Refugees started to arrive since the early 16th century, probably, the first were so-called Judaisers, then other religious dissidents like Feodosy Kosoy or political rivals of Ivan the Terrible like prince Andrey Kurbsky. The most numerous group of settlers was Russian Old-Believers that rejected reforms of Patriarch Nikon in the mid-17th century and escaped persecutions migrating to remote lands of Russia or to neighbouring states. The main centres of the Old-Believers in the Grand Duchy were Vetka in Rėčyca county, also Braslaŭ and Vidzy in Vilnius voivodeship. Their communities usually existed in quite a strict self-isolation with numerous restrictions toward the contacts with infidels.

Contrarily to the Old-Believers, other refugees and captives usually were dispersed within the local population and often integrated well in Lithuanian society, especially in its Ruthenian part. However, they brought elements of their worldview with them.

The first most active period of mutual encounters between Lithuania and Muscovy occurred during the Livonian War (1558–1583). During this war, huge parts of Polack and a bit of Vicebsk voivodeships were almost for 18 years under Russian rule. The same time was an epoch of repressions in Muscovy undertaken by Ivan the Terrible against real and imagined internal enemies that caused the defection of boyars to Lithuania. The rule of that monarch was also the first apogee of witch fear and witch-hunt in Muscovy with numerous political witch accusations, church demands to fight magic and public concern about sorcery.[712] No wonder that witch fear was a part of the worldview of those Muscovite refugees coming to Lithuania where the witch-hunt was yet on its initial stage. The rare but bright example was prince Andrey

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[710]Bogusław Kazimierz Maskiewicz, "Dyjariusz moskiewskiej wojny w Wielkim Księstwie będącej i uspokojenie onej przez jw. jmp. Pawla Sapiehę wraz z jw. jmp. Czarnieckim wojewodą ruskim nastąpione." In *Pomniki dziejów Polski wieku siedemnastego*, vol. 1, edited by August Podgórski: 162-208 (Wrocław: Zygmunt Schletter, 1840), p. 200-203.

[711]Andrea Mariani. "Duszpasterstwo jezuitów nieświeskich w XVII–XVIII wieku. Między ideałem potrydenckim a lokalnymi uwarunkowaniami." *Rocznik Lituanistyczny,* vol. 2 (2016): 47-91, p. 68-69.

[712]Russell Zguta. "Witchcraft Trials in Seventeenth-Century Russia." *The American Historical Review,* vol. 82, nr. 5 (1977): 1187–1207, p. 1192-1193.

Kurbsky, victorious Russian commander that had to defect and became the prominent critic of Ivan the Terrible. In his writings, he demonstrates a preoccupation with magic, condemns the application of sorcery by the Muscovite elite including the Tsar and reveals false witchcraft charges as a political tool.[713] At the same time, he himself attempted to employ witchcraft accusation in court litigation. In the late 1570s, already at the Polish-Lithuanian service, he had a complicated divorce with his wife Maria from the house of Holszańskis and struggled for the property against her relatives. In the trial of 1578, Kurbsky claimed that Maria tried to bewitch him with some paraphernalia obtained from a rural witch. However, the maidservant of his wife testified that it was only to gain the husband's love. Probably, such purpose of spell application seemed quite acceptable for the society, so this argument disappeared from the next debates.[714] Still, the accusation in bewitchment could have its consequences in defamation of Maria's kins: two years later her granddaughter Anna Montoltovna was tried for bewitchment of her husband.[715] These trials occurred in Lutsk that was already for a decade not on the territory of the Grand Duchy (that is why it is excluded from the analysis of Lithuanian witch trials in this work), but the participants belonged to the Lithuanian aristocracy so it is also related to the Lithuanian witch-hunt history.

At the territory of the Grand Duchy of Lithuania, only two known trials indicate some of the participants as Muscovites. In both cases, they were female captives working as servants in manors of middle gentries in Samogitia.

The first record of 1590 is very scarce and unclear.[716] It is a statement of a Samogitian court *woźny* about the next situation. The nobleman Mikolaj Martinkevič arrested a witch Porozka Tiškovaja, the Muscovite (*moskovka* – maybe a captive of recent Livonian War which final campaigns were held on Russian territory) in the estate of another nobleman, Michal Holovin and detained her in the Holovin's manor jail but left own people to guard her. Holovin did not like such a violation of his jurisdiction, so he claimed it was his responsibility to care about the detained while she stayed in his manor. He also offered either to deliver her to the Martinkevič's manor or to keep her and exercise justice according to the law. The source is quite unclear about the situation. One can assume that Porozka was a subject of Michal Holovin, and Mikolaj Martinkevič suspected her in some harm made to him or his subjects. However, he did

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[713]Aleksandr Filjuškin, *Andrej Michajlovič Kurbskij: Prosopografičeskoe issledovanie i germenevtičeskij kommentarij k poslanijam Andreja Kurbskogo Ivanu Groznomu* (Sankt-Peterburg: Izdatel'stvo S.-Peterburgskogo universiteta, 2007), p. 227-228, 538.
[714]Konstantin Erusalimskij, "Istorija odnogo razvoda: Kurbskij i Gol'šanskaja." *Socium: Al'manach social'noi istorii,* vol. 3 (2003): 149-176., p. 155, 163.
[715]Filjuškin, *Andrej Michajlovič Kurbskij*, p. 106.
[716]RTL, nr 7.

not rely on the voluntary cooperation of the witch's lord and intervened in the neighbour's jurisdiction. Hard to say, whether there was a personal conflict behind the accusation or Porozka's suspicious reputation allowed to attribute some misfortunes to her wicked will and how important was her alien origin to it: indeed, Muscovites (and even domestic Orthodoxes) were quite rare and exotic in this region.

Another case is much better documented. July 3, 1636, Mikolaj Syrwid invited to his manor Pakėvis (Pokiiowo) in Samogitia *woźnys*, assessors and neighbouring gentry to conduct a patrimonial witch trial. He accused her maidservant Hanna Janowna the Muscovite in witchcraft against his family and household. Hanna confessed that despite she grew up in this family, she betrayed it and on behalf of Syrwid's sister-in-law Cycylia Syrwidowa assisted in different bewitchments of her masters, their children, and cattle. However, Hanna did not possess any magic power or knowledge: all magic paraphernalia she obtained from Cycylia and her daughter Zophia. It was clear for the court that she was guilty so she was sentenced to burning. It was written in the protocol of this patrimonial trial.[717]

However, the county court trial in October of the same year against the wicked kins Cycylia and Zophia brought new details of Hanna's case.[718] Cycylia and her family accused Mikolaj Syrwid in the falsification of the patrimonial trial and the burning of the innocent girl. According to them, Hanna was a free subject of Russian Tsar, captured during Smolensk War (1632–1634). Treaty of Polyanovka that concluded the war stipulated the return of all captives. Mikolaj promised Hanna to let her go with some reward for years of service if she helped him to blame his kins in witchcraft. After the girl had confessed before the jury, she was sentenced to death and the sentence was immediately carried out. Before burning, Hanna rejected her confessions and revealed the plot of her master, but it was not recorded. Finally, the court justified Cycylia and Zophia but did not react to the misconduct in Hanna's case.

It is evident, that Hanna became a victim not because of demonization of Muscovites but for her vulnerable position: none could defend her except her master, and the master with regard on the inevitable loss of the worker decided to sacrifice her to the family intrigues. One can assume some other conflicts or misconducts towards the servant girl that he wanted to hide in the fire of her stake.

5.7. The absent Roma witch

Roma, or Gypsies, was an ethnic minority for a long time widely considered all over Europe as wicked people prone to crimes and openly engaged in magic. Thus, it is natural to

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[717]RTL, nr 27.
[718]RTL, nr 28.

expect witchcraft accusation against people of this ethnicity. However, they were not common victims of the European witch-hunt, and sources keep complete silence about any Roma prosecuted for witchcraft in the Grand Duchy of Lithuania.

First appeared in Polish sources in the 14th-15th centuries, single Roma settlers were mentioned as respectable and wealthy citizens of Krakow, Lviv and other vibrant trade centres, they were probably migrants from Hungary. Since the second half of the 16th century, the Grand Duchy of Lithuania was a favoured destination for the Roma migration. There were two categories of Gypsies in the Lithuanian and Ruthenian lands of the: wandering Gypsies, who appeared at fairs and markets, and their settled kinfolk in the cities and nobility estates as servants, petty merchants and craftsmen.[719]

Migration of wandering Roma groups from the South (Hungary, Wallachia and Balkans) and from the West (refugees from the persecution in the German lands) started since the 16th century and met controversial attitude in the Grand Duchy of Lithuania. At first, the state authority backed by the Catholic church attempts to expel troublesome newcomers.[720] However, the demand for labour force motivated feudal lords to accept even such turbulent subjects so the nobility resisted state restrictions and protected Romani that wandered and settled in their possessions. In times of economic growth and internal colonization, these unstable but also undemanding migrants were welcomed in underpopulated feudal manors, first of all for their skilful horse breeding and cheap metalworking. The interest of the nobility in such patronage shows the example of Podlachia: after the transfer of the province to the Polish Crown, the gentry insisted to preserve the right to settle Romani in their estates.[721] No wonder that the state accepted and legitimized the existence of Romani, and attempted to include them in the regular way of life. The decree of 1589 imposed taxes for Roma people in Lithuania. Former legal restrictions were considered valid only against wandering groups (but their implementation was far from rigorous).[722] In the 17th century, the Roma population increased and the state intended to integrate them like other minorities granting them autonomy. The state, in fact, recognized the power of chiefs and community assemblies, their authority and jurisdiction in the internal matters. There were also attempts to establish centralized Romani self-government. The head of the whole diaspora became the Gypsy king elected by Roma or appointed by the monarch

[719]Lech Mróz, *Roma-Gypsy Presence in the Polish-Lithuanian Commonwealth 15th – 18th centuries* (Budapest: Central European University Press, 2015), p. 43,
[720]Mróz, *Roma-Gypsy Presence*, p.127.
[721]Ignacy Daniłowicz, *O Cyganach. Wiadomość historyczna czytana na posiedzeniu publicznym Cesarskiego Uniwersytetu Wileńskiego dnia 30 czerwca 1824 roku przez Ignacego Daniłowicza z dodaniem wyrazów i wzorów odmian gramatycznych języka tego narodu* (Wilno : A. Marcinkowski, 1824), p. 17.
[722]Mróz, *Roma-Gypsy Presence*, p. 137.

(however, sometimes this title was granted to local non-Roma noblemen). The first chief of all Gypsies of Poland and related realms Matiasz Karlowicz got a special charter from the king Jan Casimir in 1652.[723] Other gypsy kings or *wójts* existed in magnate domains, for example, Jan Marcinkiewicz, the king of Romani in the Radziwills' lands resided with his "court" in town Mir.[724] Their main duties were to provide justice among their people and to collect taxes. Nevertheless, Roma as a whole did not constitute an integrated and closed group, guided by their own laws and authorities, tradition and culture, and living in the margins of mainstream society.[725]

Polish historian Lech Mróz notes that the Grand Duchy of Lithuania hosted a significant share of the Commonwealth's Romani and the majority of them were not wanderers but sedentary town dwellers.[726]

Adjusting to the local conditions for survival, Romani communities seemed resilient to assimilation. Ignacy Danilowicz, the early-19th-century historian and the first researcher of Polish and Lithuanian Roma vividly expressed the view of the time: "*Africa cannot make them blacker and Europe – whiter; in Spain they don't learn laziness and in Germany – diligence; far from zeal to Mahomet in Turkey and to Christianity – in Poland.*"[727] The social and political structure of the Grand Duchy did not press them to the forced integration. Moreover, even the churches seemed to have less interest in them. However, a great amount of settled Roma mixed with the local population and assimilated, leaving to their descendants surnames like Cyhan ('Gypsy').

An extensive corpus of Western witch-hunt scholarship did not know Roma burned for witchcraft. Usually, Western societies and authorities tried to keep away uncontrolled wanderers and undertook measures to prevent their settlement. As a result, a Gypsy was an exotic nomad outsider while witch accusations targeted an inner enemy.[728] Besides, this ethnic group had a particular set of allegations and persecutions imposed by the Early Modern state within its struggle for centralization, unification and stricter control over the population. Alongside to witch-hunts, there were also "gypsy hunts": these vagrants were forcefully recruited to the army

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[723]Mróz, *Roma-Gypsy Presence*, p. 194.

[724]Aušra Simoniukštytė, "The Roma" In *The Peoples of the Grand Duchy of Lithuania,* edited by Grigorijus Potašenko: 90-100 (Vilnius: Aidai, 2002), p. 95-96.

[725]Mróz, *Roma-Gypsy Presence*, p. 143.

[726]Lech Mróz, "Cyganie-Romowie." In *Pod Wspólnym Niebem. Narody Dawnej Rzeczypospolitej,* edited by Michał Kopczyński and Wojciech Tygielski: 161-179 (Warszawa: Bellona, 2010), p. 176.

[727]Daniłowicz, *O Cyganach*, p. 3-4.

[728]Becky Taylor, *Another Darkness, Another Dawn: A History of Gypsies, Roma and Travellers* (London: Reaktion Books, 2014), p. 48-49.

(in Brandenburg, Prussia and Saxony), sent to galleys (in France and some Italian states) or even outlawed and killed without trial (Palatinate, Württemberg, Bavaria).[729]

A different situation was in countries with a significant Roma population like Hungary. Among a total of 4 592 accused witches brought to trial between 1213 and 1800 in the kingdom of Hungary, 47 belonged to this minority[730] – a very modest rate for Hungarian witch-hunt, but an unprecedentedly high number in European comparison. It worth noting that Hungary possessed the largest Roma population among Christian states of the time, which was mostly a routine part of the society, unlike in Western Europe but alike in the Grand Duchy of Lithuania.

Why there was an absence of prosecuted Roma witches in Lithuania?

Low Roma population, its dispersion, the occupation of specific niches and measures of the state and lords to organize their existence could be an explanation of the low number of legal conflicts between them and local population in the 17th century. However, the 18th century brought more tensions: sources demonstrate an increase of complaints about Gypsy crimes and growing mutual isolation in economic contacts.[731]

Moreover, contrary to the nowadays stereotypes, Early Modern Lithuanian Romani seemed to have a marginal interest in magic practices. Researchers and sources of the time mention only some petty practices as healing and divination.[732] The fact that only women were practitioners emphasized the marginality of practices, so it was not a trade but home occupation bringing extra income. Thus, Roma engagement in magic was even less solid and sophisticated than the one of Tatars or Jews. Perhaps, this fact and the absence of the hostile church propaganda prevented the formation of the cultural model of a dangerous Gypsy witch, and the way to relaxing social tensions could be accusations in more down-to-earth crimes, like thefts, frauds and especially horse stealing.

5.8. Conclusion

Thus, representatives of minority groups were involved in Lithuanian witch-hunt in different roles. Noteworthy, among the regarded samples there are no witch cases involving two sides of the same group, although not all of them had judicial autonomy. Despite the rather high

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[729]Leo Lucassen, "Eternal Vagrants? State formation, Migration and Travelling Groups in Western Europe, 1350-1914" In *Gypsies and Other Itinerant Groups. A Socio-Historical Approach*, ed. Leo Lucassen, Wim Willems, Annemarie Cottaar (Palgrave Macmillan, 1998), p. 61-63.

[730]Ildikó Sz. Kristóf, "Witch-Hunting in Early Modern Hungary." In *The Oxford Handbook of Witchcraft in Early Modern Europe and Colonial America,* edited by Brian P. Levack: 334-355 (Oxford University Press, 2013), p. 346.

[731]Mróz, *Roma-Gypsy Presence*, p.. 253-254,

[732]Daniłowicz, *O Cyganach*, p. 44-45.

share of minority-related cases, the number of those formally accused was low: only 6 persons: 1 Jew, 1 German, 2 Muscovites, 2 (3?) Latvians, (to add 3 trials against 2 Jews and some Tatars from narrative sources should be kept in mind), and even less faced trial and execution. As for death toll, we know from the analysed records about the burning of a Muscovite servant in 1636 and a Latvian woman in 1725. Also, narrative sources add 2 Jewess around 1670 and some Tatar women in 1609. The number of the convicted or even executed Jews could be higher unless their proactive defence: obtaining a special royal decree (1671), securing documental evidence of cancelled incriminating testimonies (1726), escaping before investigation (1731) or even jailbreaking (1662). However, one should keep in mind that in some cases final decisions were missed.

On the other side, three Jews accused or participated in accusation of three persons, two of whom were convicted to death. Four Germans prosecuted 12 Lithuanians in 5 trials, 6 of them ended up on the stake. One Tatar put to trial 4 persons with the unknown result, but at least one of them seemed to be convicted. In the rest of the cases, the positions of minority representatives were not so significant, but the information about them contributed to the understanding of their relation to witchcraft.

The cases discussed above provide some observations and conclusions. There was a significant difference between autonomous Jewish and Muslim minorities on the one side and dispersed Christian migrants on another.

The involvement in magic practices attributed (and even practised) to non-Christian minority representatives normally was not confused with any type of witchcraft. It supported the idea that the image of the witch corresponded to the internal enemy in a given community, neighbourhood or within the entire Christian society. The Other, the outsider even living side by side but still segregated in its autonomous religious and cultural world, normally did not fit this image, with the exception of the most integrated border-crossers between two cultural realms. However, non-Christian minorities constantly existed under the stronger or weaker pressure of the Catholic Church, so its propaganda could contribute to the rise of suspicions and in the most acute situations – even violence legitimized by witch accusations. However, the protective politics of the state and especially of lords normally prevented the outbursts of trial prosecution or vigilantism.

Cultural autonomy of the mentioned minorities hindered the adoption of the Western cumulative concept of witchcraft but did not prevent the penetration of its particular elements and the influence of the general fear of bewitchment. Sources show, that well-integrated non-Christians could act together with their Christian peers against suspected wicked neighbours, community scapegoats or ambivalent witchdoctors. Nevertheless, the idea of judicial revenge

against the bewitcher seemed to be unpopular, perhaps, not least because of the evident ineffectiveness of the judicial system and the concern of discriminative attitude towards aliens. Instead, the supposed victim of bewitchment preferred to apply more natural and traditional way: religious or witchdoctors' counter-magic (and the boundary between them could be very vague). Contrary to disciplining measures of the Catholic and to some extent Orthodox churches and authorities towards Lithuanian and Ruthenian societies, Jews and Tatars tolerated or even encouraged the benevolent magic in their communities. Thus, their cultural, economic, social autonomy contributed greatly to their very minor participation in the Early Modern witch-hunt.

As for Christian migrants, the situation looks pretty different. They normally did not belong to autonomous communities, were under the jurisdiction of the regular legislation, lived dispersedly among the local population. As Christians, they more or less felt the influence of confessionalization and shared Christian attitude toward various magic at all and witchcraft in particular. There is a sharp distinction between Germans that were of higher social status like nobility or burghers and other mentioned aliens (Muscovites and Latvians) who were mostly peasants and rural servants. Those of higher social status normally were accusers or judges, while those on the lowest stages suffered accusations. However, cultural features behind these trials were not always obvious. Though German accusations were often of pioneering character as for Lithuania, they contained only limited elements of the witchcraft concept typical for German witchcraft discourses of the time. There are some grounds to assume that imported witchcraft fears and approaches of German settlers influenced the earliest witch trials in Kaunas in the 1540s-1560s and maybe following ones of the 1580s-1620s. Nevertheless, generally, the direct impact of foreigners in Lithuanian witch-hunt was hardly crucial. At the same time, xenophobia barely was a motivation in witch accusations against Muscovites and Latvians, more essential was their vulnerable social position of lower-class migrants.

Lithuanian Jewish and Tatar diasporas could have their own witchcraft discourses that exited alongside with mainstream Lithuanian ones but hardly influenced Christian neighbours, contrarily, it was usually *vice versa*. At the same time, dispersed Christian migrants brought their homeland beliefs and approaches that did not turn into stable minority discourses but could influence their environment. A bright example was a case of Wilhelm Tyzenhauz: because of his high status and executed power, he tried witches according to his witchcraft beliefs untypical for Lithuania. Sealed with court process and verdict, these views could reach the trial participants and spectators as a new standard.

Thus, for the regarded reasons, witch accusations did not become a common tool to resolve tensions between neighbours of different origin. The Lithuanian society generally appeared immune to the wave of witch craze that swept Europe, and, probably, its cultural

diversity, balanced approach to the Other, lack of violent systematic persecution for political and religious matters were among factors that contributed to this immunity.

6. CONCLUSION

6.1 General features of the Lithuanian witch-hunt

The study is just a pioneering attempt to reassemble the available data and to make some conclusions that could become a starting point for further research and discussions. Here is the summary sketch of the Lithuanian witch-hunt and its place in a wider historical perspective.

The incomplete archives reveal almost 130 documented cases including the information about almost 100 witch trials. More than 210 people faced formal accusations in witchcraft, about 180 of them stood trial that ended up with at least 68 capital sentences. I would venture to say that the whole numbers hardly were more than 2-3 times higher – otherwise, a mass witch-hunt could be noted in other sources. Is it a large or small number for a country with about 2-3 million of population? To compare, courts of the Polish Crown with 7-10 million inhabitants tried 867 known cases and sent to the stake at least 558 supposed witches (the figure 40 000 tried witches proposed by B. Baranowski in 1952 that still sometimes circulates in the Western literature is a great overestimation),[733] in the Duchy of Prussia (less than half a million inhabitants) – 164 capital sentences in 359 trials[734], but in vast Muscovy (18 mln in the 17th century) – only about 500 recorded cases.[735] Thus, the scale of Lithuanian witch-hunt is incomparable with German or Swiss lands where a single large witch-panic could result in more victims, and also quite (but not extremely) modest even for European periphery. It is enough to state the systematic witchcraft prosecution in the Grand Duchy of Lithuania and include it to the map of this pan-European phenomenon.

According to the Lithuanian legislation and practice, witchcraft was an exclusively secular crime. An important detail: local jurists did not define it as an exceptional crime so the courts normally considered such cases as regular ones, with all the standard evidence requirements and torture restrictions. Extravagant expertises like dunking occurred in the manor or small-town courts but normally were uncommon. Notoriously, court documents seldom demonstrate significant law abuses – probably, hardly because of great rights-based culture and obedience to the law but rather because of the minor witchcraft fear in the society. Generally, Lithuanian judges were neither milder nor crueller than their Western colleagues. The capital

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[733]Pilaszek, *Procesy o czary w Polsce*, p.266-267, 291-292.

[734]Jacek Wijaczka, *Procesy o czary w Prusach Książęcych (Brandenburskich) w XVI-XVIII wieku* (Toruń : Wydawnictwo Uniwersytetu Mikołaja Kopernika, 2007), p. 22, 79, 105.

[735]Marianna G. Muravyeva, "Russian Witchcraft on trial: historiography and Methodology for studying Russian Witches." In *Writing Witch-Hunt Histories: Challenging the Paradigm*, edited by. Marko Nenonen and Raisa Maria Toivo: 109-140 (Leiden: Brill, 2014), p.118.

sentence rate is about 40 per cent – similar to an average one for entire Europe.[736] However, the accusers seemed to be less misogynistic. About 1/3 (and in some regions – almost 1/2) of the accused, as well as the convicted, were men. It was clearly distinctive from the patterns of the Western witch-hunts with overwhelming domination of female victims as well as from the male witchcraft from the eastern and northern peripheries.

Witch-hunt occurred mostly in the countryside. City courts were pioneers in witch prosecution but in total registered only 1/5 of all cases while more then a half came from patrimonial and communal courts, to add county courts that also considered charges mostly from rural areas.

It is impossible to link witchcraft accusations definitely to particular milieu but some patterns are obvious. Striking is the indifference of the state elites, magnates and church hierarchs – they were usually neither sceptical nor enthusiastic, believed in the reality of witchcraft and did not prevent their subjects and employees from witch prosecution but seldom felt endangered themselves. Considering the weight and influence of the magnate oligarchy in Lithuania even in comparison to Polish Crown, probably their moderate position contributed to a moderation of the witch-hunt in the Grand Duchy. Total majority of the accusers belonged to local elites: middle and petty gentry (landlords and estate administrators) as well as burghers (together almost 4/5 of all accusers) but peasants, especially in the western lands, also took the initiative. At the same time, almost 2/3 of the accused and almost 90% of the convicted were peasants. A large share of them belonged to socially vulnerable strata even within peasantry: migrants, widows, orphans, servants, rural proletariat. At the same time, average villagers also could likely find themselves in the dock. Moreover, sometimes even nobility could face trial and end up on the stake.

A notorious feature was the participation of the ethnic minorities and especially non-Christians in the witch-hunt. Similar to Hungary,[737] local Germans were carriers of more developed demonologic beliefs that some witch trials demonstrate. Their contribution to the spread of Western witchcraft discourse difficult to evaluate without special study but it seems to be hardly a crucial one. Particular Jewish leaseholders integrated into burgher and gentry circles shared common fears and joined witchcraft accusations. At the same time, authorities and noble patrons mostly protected Jews from the attempts to prosecute them as witches. Nevertheless, in some regions (in particular, in Samogitia) the image of a Jew as a possible affiliate of witches probably has developed. The accusations of the Other in magic remained mostly in folk

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[736]B. Levack estimates the execution rate as 47% despite in particular regions it could vary from 16% (Finland) to 90% in Pays de Vaud (Levack, *The Witch-Hunt in Early Modern Europe*, p. 22-24).
[737]Klaniczay, "A cultural history of witchcraft", p. 47.

narrations and only seldom turned into formal charges. Non-Christian minorities (Jews, Tatars) had their counter-magic specialists immune to the Christian disciplining measures and even promoted by the growing anxiety of bewitchment. The participation of the minorities in the witch-hunt demonstrates the permeability of the demonologic narratives through cultural borders and at the same time their adaptation and selective application according to cultural background and social reality. Also, it illustrates the consolidation of multi-ethnic and multi-religious local societies – growing borderland despite the bordering attempts of confessional and legal segregation.

Trial sources show the diversification in the perception of the witch. It is possible to identify four types, two of them with the social accent and two more – with the cultural one. *Wicked neighbours* and *community witches*, the most basic and widespread types, were mainly personal and collective scapegoats – a peculiar manifestation of social tensions and problems in particular communities. Their image was very prosaic and mundane, without any significant demonization. Outlawing of the folk magic within confessionalizational disciplining measures drew suspicion and aroused animosity towards a*mbivalent witch-doctors.* Rare but the most remarkable were *conspiracy and diabolic witches*. This type was obviously related to the western cumulative concept of witchcraft but at the same time demonstrated essential local specifics. These witches confessed in belonging to the clandestine groups or sects, they flew to the secret meetings in the shape of magpies or with other magic means (wings, ointments, etc), often they also renounced Catholic faith during the initiation. However, the diabolic pact conclusion was usually unclear, and sometimes even the devil himself was absent. Notable is the lack of intercourse with the devil and any sexual components at all. It allows suggesting, that the selection of the witchcraft discourse elements depended on some social or political reasoning, like the anxiety about the unsanctioned organized activity of peasants.

An important feature was a significant internal diversification. It is possible to define four distinctive geographic zones of witch-hunting.

1. **Zone of the occasional witch persecution**. Geographically, this zone roughly matches the territory called then White Ruthenia (only Ruthenian Polack voivodeship fell away from this zone). Msclislau, Smolensk voivodeships, the most eastern lands on the border with Russia left no evidence of witch prosecution the same as the bulk of Minsk voivodeship outside Minsk county. Only Vicebsk voivodeships had 4 cases. Even narrative sources almost do not add any more, the rare exception is the report of *Mahilëŭ Chronicle* about the large trial of 1688 in Bychaŭ (Vicebsk voivodeship), where about ten witches were burned during two months and the

rest escaped to Ukraine.[738] It was an urban phenomenon. No one ended up at the stake. All the accusations considered ordinary neighbourhood witchcraft even if the latest one, from 1758, mentioned demons-assistants. All known charges targeted exclusively women.

Vicebsk and Mahilëŭ were long-lasting strongholds of Ruthenian culture and Orthodoxy but at the same time Magdeburg right, Catholic missions and trade contacts made them a meeting place of Western and Eastern tendencies. Even the Bychaŭ case looks not so unusual if to consider some nuances of the place. Bychaŭ was a town with an important fortress at the eastern border and the centre of the Sapiehas' domain, so it might be filled with the military and officials from the western lands, Poland or even foreigners that could bring their approach to witchcraft.

Thus, the witch prosecution seemed to be an alien idea for a bulk of Ruthenian lands of the Grand Duchy. Probably, Ruthenians believed in witchcraft but preferred to cope with it by more traditional harm-fixing means rather than seek to punish the bewitcher. Only some burghers, a social group in the cultural borderland between learned and popular culture, demonstrated a new tendency to employ legal tools. It may be assumed, that new source findings can add also some trials initiated by newcomer lords or officials.

2. **Zone of the mild witch-hunt** included Brest and Navahrudak voivodeships and Minsk county of the Minsk voivodeship – Ruthenian-populated lands closely related to Lithuania since its early years. Also, it encompassed an important land of White Ruthenia, the most western one – Polack voivodeship. Situated on the Daugava river, since the Middle Ages Polack principality participated in the Baltic trade, encountered with Hansa and Livonian Order so it early established active contacts with Western culture that proliferated in the Grand Duchy time. This vast territory between Prypiac' and Daugava rivers was the land of constant religious changes: medieval expansion of Orthodox Christianity westward met the Catholic missions especially active after the Kreva union of 1385. Reformation attracted numerous Orthodox nobility that later converted to Catholicism by Counter-Reformation while the Uniate (Greek-Catholic) Church replaced soon the Orthodoxy of lower classes. The exception was Sluck Duchy owned by Orthodox Lithuanian princes from Gediminid dynasty succeeded by the Calvinist branch of the Radziwills that turned it into a safe haven for religious dissidents. Also, the region was the centre of agrarian manorial reform first started there in private estates of Queen Mother Bona Sforza. No wonder it became an agricultural region with a dense network of villages and small towns mostly owned by gentry and magnates.

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[738]"Mogilevskaja chronika T. R. Surty i Ju. Trubnickogo." In *Polnoe sobranie russkich letopisej.* Vol. 35: *Letopisi Belorussko-Litovskie,* edited by Nikolaj Ulaščik: 239-281 *(*Moskva: Nauka, 1980), p. 246:
Tegoż roku 1688-[g]o. Miesiąca maja y junia w Bychowie czarownikow kilka pod dziesięc spalono, a ynrie pouciekali na Ukraynę. Jmion ich nie wspominam dla pozostałych potomkow.

The witch-hunt in these lands was a rare but notable occurrence – about two dozens of known cases. Majority of the accusations were complaints about harms caused by wicked neighbours but some records demonstrate also new features. Townsfolk sometimes searched for a collective scapegoat to blame in misfortunes while the peasants, despite the opportunity provided by communal courts, ignored such threat. Burgher and gentry felt suspicions towards cunning folk that could use their knowledge for maleficent purposes. Remarkably, gentry usually suspected subjects of their neighbours and protected their own sorcerers as valuable specialists. Peasants were passive and seldom filed charges. People still generally considered witchcraft as an incomprehensible but quite mundane practice of a cunning woman or a wicked neighbour but the image of a collective scapegoat already could obtain more mysterious and negative traits. Gender parity is striking: the number of female accused only slightly exceeded the number of men. Also, Jews in this region twice appeared in trial records as accusers, acted similar to burghers and gentry.

3. **Zone of the regular witch-hunt.** Trakai and Vilnius voivodeships demonstrated a fundamentally new level in witchcraft beliefs and prosecution.

This area was a core of the Grand Duchy, the most densely populated and economically developed region. A cradle of Lithuanian statehood in Middle Ages, now it was a borderland between Ruthenian and ethnic Lithuanian population and home to numerous minorities. Roman Catholicism dominated the religious situation despite Orthodox/Uniate presence (mostly in the east of the region), Reformation challenges and numerous communities of non-Christian minorities like Jews, Karaites and Tatars. Reformation emerged there as early as the 1540s and was especially prolific in cities (Vilnius, Kaunas) and magnate domains (Kedainiai). Except for usual Calvinist and Unitarian gentry, there were also Lutheran communities and significant presence of Germans and other Western foreigners.

This region seemed to be a pioneer in witchcraft prosecution – first trials occurred since the 1540s in Kaunas, simultaneously to Reformation spreading. Wholly, about 1/3 of all Lithuanian witchcraft cases took place here. Many of the accusations concerned usual neighbourhood *maleficium*, like in other lands but significant developments also appeared. The gender ratio changed from the relative parity in the east, in Vilnius voivodeship, to the clear domination of female witches in Trakai voivodeship. Traditionally, burghers and gentry were the most active (and it was townsfolk involved in the earliest trials) but peasants also actively complained about witchcraft. The anxiety was so serious that the entire villages united against supposed witches pressing manor administration to take measures. The treatment of cunning folk here was much harsher than further to the east. And the most striking innovation was the peculiar form of belief in an organized conspiracy: witches confessed in the belonging to some witches

regiments and in flying as magpies to the gatherings. However, the lack of diabolism and other Sabbath details make it look rather like a criminal gang than a sect. To a certain extent, these conspiracies recall C. Ginzburg's *benandanti* from Friuli in Northern Italy: peasant shamanistic fertility cult reconsidered as witchcraft by inquisitors.[739] Though, scarce Lithuanian data make such parallels just a speculative assumption to keep in mind. It is more likely, that these conspiracies were invented by the gentry's anxiety about unsanctioned peasant activity and their religious or social dissent shaped by the echo of the Western witchcraft doctrine. The mystery remains why these fantasies were so selective and limited in comparison to neighbouring Samogitian trials.

The influence of Protestantism seems ambiguous. On the one hand, people from Lutheranism-influenced Kaunas and Calvinist Kedainiai filed first charges against witches. On the other, Biržai duchy of the Calvinist Radziwills was a remarkable stake-free enclave.

Also, the notable feature is the participation of Germans sometimes related to unusual pioneering features, like unexpected diabolism confessions in early Kaunas trial[740] or the first conspiracy search[741]. It allows assuming that in this region Western settler, first of all, Germans, because of their higher status, not only felt assimilation but in exchange facilitated acculturation alongside to such traditional channels as state officials and clergy.

4. **Zone of the active witch-hunt.** Samogitia, the most western land, was the centre of flourishing witchcraft beliefs and prolific persecution. Witch-hunt there reached the most complete form.

Samogitia was a distinguished region within the Grand Duchy of Lithuania. While it did not have significant formal autonomy, it possessed own distinctive features and institutions. Despite its status was largely similar to an ordinary voivodeship, Samogitia preserved its title of Duchy until the partitions. Its inhabitants spoke a specific dialect of Lithuanian language and for a long time preserved particular identity. M. Niendorf even offers to consider Samogitia as a case of unaccomplished nation-building.[742] Samogitia was extremely rural region. There was only a network of small semi-urban settlements (*miasteczko*), even the main bodies like the seat of the bishop, local diet meeting place and the county court were situated not in a single centre but different small towns. At the same time, it was one of the relatively densely populated regions of the Grand Duchy. The Samogitian feature was a great number of petty gentry (comparable only

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[739]Carlo Ginzburg, *The Night Battles: Witchcraft and Agrarian Cults in the Sixteenth and Seventeenth Centuries*. Baltimore: Johns Hopkins University Press. 1983.
[740]RTL, nr 3.
[741]RTL, nr 33.
[742]Mathias Niendorf, *Wielkie Księstwo Litewskie: studia nad kształtowaniem się narodu u progu epoki nowożytnej (1569-1795)*; przekł. Małgorzata Grzywacz. (Poznań : Wydawnictwo Poznańskie, 2011), p. 137-139.

to Mazovia and Podlasie in Poland). The advance of manorialism there was less successful, peasants remained in a much better position than in the central region. Instead of grain production, the local economy relied on linen growing and cattle-raising for domestic consumption and export.[743] This land was the last one converted to Christianity – only in 1413, and since 1417 it had own diocese, while the rest of the Grand Duchy (in 1569 borders) belonged mostly to Vilnius diocese. Samogitian nobles enthusiastically welcomed Reformation, their land became a stronghold for Calvinism. Notoriously, this new denomination became actively accepted also by peasants, that was rare in the Grand Duchy. However, the Counter-Reformation response was intensive and successful. To the late 18th century the number of protestants has shrunk to about 10% of population and Samogitia became famous for its sanctuaries, monasteries, religious schools, and conservative piety of its inhabitants.[744]

Such a remarkable land had an outstanding witch-hunt. Almost half of all Lithuanian cases occurred there. Nobles dominated among accusers but peasants were enthusiastic as well. Numerous defamation suits highlight the scale of witchcraft beliefs among peasants. Gender structure looks very Western: more than 80 per cent of the accused were women. The typology of accusation demonstrates their evolution from neighbourhood *maleficium* to village scapegoating to diabolic trials with chain accusations and numerous convicts. Remarkable is the rarity of the defendants that could be identified as cunning folk, as well as the absence of references to the folk counter-magic. The main facilitators of the diabolic concept were gentry but it was also familiar to lower classes. Accusations in diabolic witchcraft included maleficium but the accent often was on the religious aspect – apostasy by renouncing Catholic faith. At the same time, the image of the witchcraft sect was still limited: very basic description of Sabbath, often like a meeting and humble feast or dinner, lack of sexual component, etc.

One more peculiar trait was the occurrence of children-witches that willingly incriminated themselves and other adults. The most detailed description of witchcraft conspiracy, its signs, activities and gatherings appeared in the confessions of children from one of such cases. It demonstrates that the diabolic concept has reached lower classes and found the reception and adaptation in their imagination.

The greatest puzzle of Lithuanian witch-hunt is why Samogitians were so prone to witch persecution and so receptive to the Western doctrine contrarily to the rest of the Grand Duchy.

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[743]Niendorf, *Wielkie Księstwo Litewskie*, p. 244-249.
[744] Niendorf, *Wielkie Księstwo Litewskie*, p. 250-253; Ludwik Adam Jucewicz, *Wspomnienia Żmudzi* (Wilno: T. Glücksberg, 1842), p. 125, 127.

How did these features correspond to the big picture of the Early Modern processes in the region? For this purpose, the study has to leave its familiar space – the courtroom with recorded trial cases and to step on the shaky ground of generalization and comparison.

6.2. The borderless idea of witchcraft crime?

The impressive detail is that the witch-hunt exploded simultaneously on a wide territory of Christian Europe from Ireland to Muscovy and from Sicily to Iceland. Synchronic waves swept all this territory or its spacious parts. The image of witchcraft, attributed evils, the involvement of the devil, gender, the way of prosecution and execution, numbers of the persecuted – all these details could be different but the very idea that witchcraft was a real burning threat and its perpetrators had to be punished.

The idea of legal witchcraft persecution hardly originates from the intellectual primitivism, ignorance and lack of education. Contrarily, it seemed to be a product of emerging scientific rationalization. Respected Western intellectuals from Thomas Aquinas to Jean Boden not to speak about lesser but still authoritative authors created a reliably looking rational concept based on both theology and natural philosophy, assumptions and methods that were entirely scientific in the epoch. This concept convincingly explained why and how the witchcraft worked, so it became a mainstream academic knowledge, a standard to tame excessive fantasies as well as scepticism. It looked not so extravagant in the context of the epoch when the Renaissance curiosity sought the way through Hermeticism and Kabbalah, natural magic and alchemy, toward the natural science. Only the shift of scientific paradigm finally made obscure this rational concept of witchcraft for the learned opinion-makers.[745]

The academic concept resonated with current needs of political elites and commoners in the core regions of the Christian world. Papal bulls, royal edicts, central court decisions introduced this scientifically valid novelty in the emerging state legislation. The respect gained by the idea in the recognized intellectual core of Europe led to its introduction in the legislation of the periphery countries – like Lithuanian Statute of 1588 or the chapters of Hundred Chapter Synod in Muscovy (1551).

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[745]Often researchers link these changes to the spread of Cartesian worldview with its mechanical philosophy (Levack, *The Witch-Hunt in Early Modern Europe*, p. 239-243). Nowadays the widespread narrative about the crucial role of the science in the witch-hunting decline arouses criticism because witch trials terminated before the wide acceptance of the new worldview (for example, see Peter Elmer, "Science and Witchcraft." In *The Oxford Handbook of Witchcraft in Early Modern Europe and Colonial America*, edited by by Brian P. Levack: 548-561. Oxford: Oxford University Press, 2013, p. 548-561). Nevertheless, this worldview shift caused irreversible delegitimization of witchcraft at least for the Western learned culture.

It was only a general idea: learned elite approved the existence of witchcraft and classified it as a crime to prosecute. This was the wave that alongside other ideas spread from the intellectual core of the time to the peripheries. The very idea about the existence of maleficent witchcraft was indigenous but a passive and background one. Medieval Christianity had quite successfully fought against witchcraft beliefs until theologists and scientists confirmed witchcraft as a part of reality and proposed new treatment. The same happened with the termination of the witch-hunt: the learned elites first criticised witchcraft as a matter of malpractice and later disapproved its reality, so this wave again swept the Christian world and its peripheries pushing witchcraft beliefs to the intellectual margins.

Criminalization of witchcraft was not an isolated process. It occurred within the maintaining of the Early Modern state that aimed to unite secular and spiritual control. An important trait was the growing importance of the codified written law which defined what the crime was and was not.

Probably, it occurred in the Grand Duchy of Lithuania in a similar way. The brief but intensive time of legal codification in the 1520s-1580s developed the perception of crime and justice and brought the new understanding how to deal with witchcraft: to punish the perpetrator instead of to treat the harm. It opened the way to the courtroom for traditional interpersonal tensions manifested as witchcraft accusations.

The official religious tolerance of the Poland-Lithuania left no room for national Inquisition, so witchcraft throughout the 16th century promptly and unequivocally moved to secular jurisdiction and firmly asserted itself there. In Lithuanian domestic legislation (and greatly in practice) it was a regular criminal offence, validated by the Statute of 1588. Despite the existing legal opportunity, courts seldom referred to harsher Western laws and almost never – to judicial demonology. The inquisitorial trial procedure also was relatively unpopular in comparison to accusatorial one. The specific of the Polish-Lithuanian state-building was the development of the decentralised system of autonomous institutions and jurisdictions. The rise of manorialism led to the situation that the majority of the population belonged to private jurisdictions of the nobility. Common legislation was implemented in every domain in a poorly controlled way. Metaphorically, the Grand Duchy resembled a micro-model of the fragmented Holy Roman Empire that was, theoretically, a fertile soil for an extensive witch-hunt – but it did not happen. The sources seldom demonstrate chain trials, excessive use of tortures or abuses of trial procedure even in patrimonial courts. The state and local elites, except sporadic individual cases, generally had no interest to use witchcraft accusations for any rational or irrational purposes. Nevertheless, such rare cases anyway occurred and the judicial situation made them possible.

6.3. Social roots or social soil?

The scholarship on witchcraft constantly searches for social reasons of the Early Modern European witchcraft. Studies on certain regions brought fruitful insights about the impact of social changes that influenced the whole society and particular communities. It became evident that it is hardly possible to find a universal social or economic ground applicable to the distinct societies especially on the peripheries of Europe. However, the scapegoat model assumes that communities felt crises that made them sacrifice their members to ease tensions. Were these tensions of private, everyday nature or a part of some larger crises?

The agrarian reform of Sigismund II Augustus (1557) brought the Frankish agrarian system to the Grand Duchy of Lithuania – almost 300 years later than it appeared in Poland. The reform had a crucial influence on the countryside: it brought large nucleated villages, enclosed modular farmsteads and three-field system. Rural parish network, a typical component of the Frankish system, expanded as well. Parishes marked spatial and religious boundaries of lordships cementing the connection between lord's authority and his subjects' religious community.[746] The agrarian reform first occurred in ducal estates, then expanded to the possessions of other lords and reached eastern lands of Ruthenia later, in the 17th century. This reform gave way to the introduction of the manorial system. Legislation reforms of the time fixed the extensive privileges of the nobility and their jurisdiction over subjects in the Statute of 1588. The disastrous wars of the mid-17th and early-18th centuries have stalled this process until the second half of the 18th century. [747] Lithuanian lords turned their estates in bipartite manors: renting part of the land to peasants and turning the rest in large farms maintained by hired labour and corvée work of serfs. The manorial transition brought a sharp increase in labour services imposed on the peasants. Many villagers spent their lives as hired farmworkers for manors or reacher peasants.

Witch-hunt in Lithuania started simultaneously with all these changes. Witch accusations demonstrated the growth of incredulity between neighbours that had to live in close proximity and face each other in everyday activities. At the same time, few concerns about crops in the accusations may suggest that manor and peasant economies still were quite diversified and did not rely on one monoculture. To compare, the well-being of the livestock and draft animals was more crucial to peasants and gentry.

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[746]Edgar Melton, "The Agrarian East." In *The Oxford Handbook of Early Modern European History, 1350-1750*: Volume I: *Peoples and Place*, edited by Hamish Scott: 428-454 (Oxford: Oxford University Press, 2015, p. 428-454), p. 432.
[747]Melton, "The Agrarian East", p. 440-441.

The consolidation of the "nobility nation" and the serfdom tended to the maintaining of stability. However, numerous calamities like wars and epidemics forced to face changes. They interrupted normal life impoverishing communities and families, leaving widows and orphans. Also, they caused significant movement of people that brought strangers to the established village and manor environment. Thus, a pool of vulnerable individuals (widows, orphans, mentally ill people, newcomers) without kin support but especially dependent on their masters often suited for a choice of potential scapegoats. However, the study shows that usual neighbours were also very likely to be accused of witchcraft.

On first sight, the differences in maintaining of manorialism can roughly explain the sharp distinctions between western and eastern lands. However, the close look shows that the difference between neighbouring counties of the same voivodeship could be the same striking. Also, Samogitian advance in witch-burning did not correspond with slow and incomplete manorial transformation there. The study shows the broad variety of social reasons behind the accusation even within one region. It allows the suggestion that witchcraft belief was an umbrella cultural form that allowed to resolve (or just sublimate) various tensions. Thus, in the case of the witch-hunting, the social changes, crises, relations, conflicts and tensions seem rather a fertile or waste soil for the seeds of ideas sowed by the epoch.

6.4. Variety of discourses

Each European nation picked the idea of witchcraft crime as a frame but filled it with own content created from different sources. Sophisticated learned cultures developed the elaborate concepts based on solid theologic, historical and "scientific" grounds. At the same time, geographically and culturally peripheral societies constructed their witchcraft on the base of folk beliefs, adding images from contemporary narratives and mixing it with selectively picked elements of the greater discourse – the cumulative concept of witchcraft.

J. Goodare makes a reasonable suggestion about the relation between the image of witchcraft and beliefs in spirits-"fairies".[748] On the one hand, fairy belief may have diminished the intensity of witch-hunting. The opportunity to attribute the misfortunes to the tricks of such spirits might be an important alternative to the wicked human witch. Also, such attribution allowed externalisation of the problem outside the community while the search of the witch targeted a community scapegoat. Fairy beliefs recall the anxiety of small communities scattered in the wilderness that expect the evil as the intrusion from the outside. The fear of witchcraft reflects the tension in the more complicated society with growing competition and inequality

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[748]Julian Goodare, *The European witch-hunt* (London: Routledge, 2016), p. 129-131.

where the main danger is a wicked human, often familiar one. Probably, both trends coexisted in the Early Modern Lithuanian society that felt significant growth of settlement network but still inhabited wide territories much less densely. Later ethnographic studies demonstrate that the 19th-century Lithuanian and especially Belarusian peasants placed numerous spirits in the wild, cultivated and even home environments and told stories about their tricks.[749] However, Christianization and later confessionalization attacked folk animism harder then belief in witchcraft. The pressure of the learned culture denied these spirits as pagan remnants or reshaped them within a demonologic discourse.

On the other hand, the lore about various spirits that inhabited wild and cultivated realms seemed to be a significant local source to construct a particular image of witchcraft. The example of some Lithuanian witches that obtained obvious traits of the familiar spirit *latawiec-aitvaras* (mentioned in Chapter 4) might be the argument in favour of this hypothesis.

In light of the above, one can suggest, that successive confessionalization that accompanied social changes could shift the focus from fairy beliefs to the witchcraft fears. That can explain why the western lands of the Grand Duchy despite relatively fresh conversion, actively turned to witch persecution while the Orthodox population remained more passive. Nevertheless, sources have not so many highlights for the idea about Ruthenian engagement in animism. The rare but bright proof might be the narration from the Pinsk case of 1702: young boy claimed that he rode a white horse together with an evil spirit around lakes, rivers, fields, villages and towns causing harm to people. [750]

A part of Lithuanian cases also demonstrates signs of the learned demonology influence. Court documents show a mix of learned and folk elements in the imagination of all classes. Speaking about folklore source of witchcraft image it is not necessary to consider the local archaic tradition only. In this context, folklore means predominantly oral discourses of the borderland between learned and popular culture. Not a surprise that the most active participants – petty and middle gentry and burgher elites were carriers of simultaneously popular and learned cultures. The reception of the witchcraft ideas occurred on the folklore level from the narrations and practices circulated all over Europe. Probably, the great Western witch panics of the 1580s-

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[749]Pavel Šejn, ed., *Materialy dlja izučenija byta i jazyka russkogo naselenija Severo-Zapadnogo kraja.* Tom 3: *Opisanie žilišča, odeždy, pišči, zanjatij; preprovoždenie vremeni, igry, verovanija, obyčnoe pravo; čarodejstvo, koldovstvo, znaxarstvo, lečenie boleznej, sredstva ot napastej, pover'ja, suever'ja, primety i t. d.* (Sankt-Peterburg: Tipografija Imperatorskoj akademii nauk, 1902), p. 309-320. Rich but not always reliable material about various spirits contains Nikolaj Nikiforovskij, *Nečistiki. Svod prostonarodnych v Vitebskoj Belorussii skazanij o nečistoj sile.* Vil'na: N.Mac i K, 1907; Norbertas Vėlius, ed., S*užeistas vėjas: lietuvių liaudies mitologinės sakmės*, (Vilnius: Vaga, 1987), p. 161-262.
[750]Vic'ko, nr 2.

1630s caused caution and scepticism for learned circles but turned in a great set of folk motifs and narrations for the next generations.

Anyway, not a one-way implementation of the learned concepts but a selective creative adaptation has resulted in a new model, distinguished from both learned and older popular ones. That made this concept less systematic but more selective and inconsistent – folk narratives usually demand own structure, different from the logic of learned treatises. It is possible to trace slow and inconsistent but obvious evolution from mundane neighbourhood maleficium to the Sabbath.

The study also shows that the entire cumulative concept of witchcraft because of its evident Western Christian ground had additional difficulties in crossing the denominational (the Orthodox) and religious (Jews, Muslims) boundaries but some of its exciting elements could supplement locally constructed discourses. The most receptive were representatives of the groups that existed in the cultural borderland and actively interacted with the Catholics – townsfolk that inhabited shared multi-denominational urban spaces; Jewish leaseholders in the countryside; Orthodox, Protestant or even Muslim members of the "noble nation", etc.

It is hard to imagine that narratives circulated only within one part of the society while another one had no clue about it. At the same time, the differences are obvious in trial records. To resolve that contradiction, one more category of witches should be introduced. J. Goodare offers to consider a *legendary witch* – a supernatural being (not necessary human) that featured in stories but hardly imaginable in particular real settings. People believed in the existence of legendary witches, listened and told stories about them but did not expect to meet them in the own villages or manors.[751] Probably, the fantastic narrations about night gatherings of shape-shifting magicians led by the devil for the majority of the population fell into this category. It is difficult to find *legendary witches* in trial documents because nobody would sue such a character. However, for a part of trial participants, the barrier had fallen and they saw these fantastic traits in their village witches. Notably, the study shows that it was much more common for the Roman Catholics than for members of other denominations and religions.

The comparative studies of recent decades revealed that the diabolic concept of the witchcraft, the image of Sabbath and the related mechanism of chain trials spread like innovation to the east and the north of Europe, with a considerable time-lag.[752] However, it is a misleading assumption that Eastern European trials were late survivals while Western Europe has abandoned them much earlier. Enlightenment intellectuals indeed wrote about witch trials as grim events of the dark past but simultaneously their contemporaries still tried and burned witches. While the

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[751]Goodare, *The European witch-hunt,* p. 133.
[752]Klaniczay, "A cultural history of witchcraft", p 45.

great panics with hundreds and dozens of victims have faded throughout the 17th century, the 18th century also brought numerous individual trials and even small witch panics, comparable in size to the Samogitian ones. In 1743 in Lyon 29 suspects were imprisoned and five of them have received death penalties. In 1757-1763 the last panic in Sweden put to trial and tortures 13 women and only the intervention of the province governor saved them from the execution. The German-speaking lands still hosted numerous minor with-hunts: sixteen young beggars confessed in diabolic witchcraft and were burned in Freising in 1717-1721, fifteen more beggars were burned in Bavaria in the 1720s, Augsburg panic of 1728 led to four executions, chain trials were conducted in Salzburg in 1749-1756, numerous local panics in Swiss cantons of Ticino (1721) and Zug (1737)... The geography of individual trials was even broader: from Scotland (last execution in 1727) to Spain (Seville trial for diabolism in 1781) to Switzerland (notorious "the last European witch" Anna Göldi from Glarus burned in 1782). [753] Even the peculiar details seemed familiar to a student of Lithuanian witchcraft. For example, Veronica Zerritschin, the last Bavarian witch burned in 1756, was a fourteen-year-old orphaned maidservant, probably with some mental disturbances. She confessed in stealing a host for sorcery, also provided extensive narratives of diabolism, flights to Sabbath and harmful magic.[754] It resembles a lot the confessions of young Samogitians from the cases of 1725, 1731, 1771.[755] Thus, Samogitian diabolic trials were not a belated repetition of the famous great witch-hunts of the late 16th-early 17th centuries or a result of some peculiar backwardness but a part of a wider European phenomenon of late legal witch trials.

6.5. The fruits of the confessionalization?

Why did the Grand Duchy miss the European trend of great witch-panics of the 1580s-1640s? The study shows the synchronic increase of individual *maleficium* cases in 1595 – 1615 and 1630 – 1655 in Lithuania (see figure 3 of Appendix 2), with the active involvement of the nobility and even some magnates. Nevertheless, they did not turn into larger witch-hunts – perhaps because of the lacking essential component – the diabolic conspiracy. Notably, it appeared only after this period, since the second half of the 17th century. Often researchers relate this change to the devastating wars of 1648-1667 with Cossacks, Russia and Sweden that created social, economic and psychological preconditions for witch-hunting intensification.[756] However,

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[753]Behringer, *Witches and Witch-Hunts*, p. 188-191.
[754]Behringer, *Witches and Witch-Hunts*, p. 189
[755]RTL, nr 66, 69, 91.
[756]Levack, *The Witch-Hunt in Early Modern Europe*, p. 216; Bohdan Baranowski, *Procesy czarownic w Polsce w XVII i XVIII wieku.* (Łódź : Łódzkie Towarzystwo Naukowe., 1952), p. 32-33.

other significant processes occurred in the time. First of all, the expulsion of the Antitrinitarians from Poland-Lithuania in 1658 marked the victory of Counter-Reformation, the end of famous tolerance and the resolute turn to maintaining the confessional state.[757] Catholicism became a vital part of *Sarmatism* – ideology, culture and self-identification of the nobility. The missionary activity for re-Catholicisation and catechisation of the Protestants in ethnic Lithuanian and especially Samogitian lands became especially fruitful. In the context of Catholic post-Trident "globalisation", the worldview of at least the part of the Lithuanian society approached the same patterns introduced during the "Confessional Age" in other Western nations.

The second significant change was a part of the former process but dealt specifically with witchcraft. Polish Church started its fight to regain witchcraft trials from secular to ecclesiastic or at least mixed jurisdiction. In 1643 Vilnius and Samogitian Synods announced the final papal bull against witches *Omnipotentis Dei* (issued 20 years earlier) that urged the clergy to punish and eliminate sorcerers and witches from the community of the faithful.[758] These and following bishopric instructions paid special attention to the violations and errors in secular witch trials and insisted clergy to promote a correct approach to witchcraft. Probably, at the moment, it meant to explain the theologic concept of witchcraft as devil-worshipping apostatic sect instead of ordinary wicked neighbours. Perhaps, it was the inspiration for Dzisna Franciscan prior's advice to magistrates in 1677: he warned them to refrain from dunking because of possible devil's tricks and to undertake measures to minimize help from other witches.[759] Following attempts of clergy to obtain jurisdiction over witch cases were based on the ground that witchcraft is a spiritual offence of diabolism and apostasy rather than simple private harm. However, the hypothesis about the crucial role of the Catholic clergy in the promotion of diabolic witchcraft discourse in Lithuania still requires additional study outside trial materials.

No wonder that religious division much more precisely corresponds to the map of the Lithuanian witch-hunting features than any other criterium. Thus, it is important to pay close attention to the religious processes of the time.

Confessionalization in Lithuania had not very fruitful state support because the state did not work out an effective centralized bureaucratic apparatus. Execution of the central government decisions depended greatly on local institutions and even more – on the position of manor lords. Nevertheless, it does not mean that the Grand Duchy did not experience confessionalization. The best support to the religious changes was the real power of lords in their

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[757]Wojciech Kriegseisen. Between Church and State: Confessional Relations from Reformation to Enlightenment: Poland—Lithuania—Germany—Netherlands (Frankfurt am Main: Peter Lang, 2016), p. 586-587.
[758]Zujienė, "Witchcraft Court Cases in the Grand Duchy of Lithuania", p. 94.
[759]IJM, vol. 6, p. 247-250.

possessions with a quite effective manor administration. Manorialism and religious diversity generally did not become an insurmountable obstacle to the confessionalization but made it inconsistent and patchwork.

In cooperation with secular power, denominations intended to purify, normalize and unify religious life according to their understanding. Every denomination had own way and in different grade possessed the skill to appropriate elements of popular religiosity. Post-Trident Catholics were the most prolific, also it can be noticed in Lutheranism, which tried to fulfil the peasant need in the visualisation of religion (church buildings, bells, sculptures, altars). However, the assimilation potential of Calvinism was small, if existed at all. The reason was in the impossibility of the compromise between its tendency to rationality and purity – and forms of popular religiosity.[760] Reformed doctrine itself let very little room for didactic or polemic use of witchcraft discourse. At the same time, the doctrine did not provide exact instructions for how exactly to deal with the issue, so certain preachers and believers could interpret it in own way. Various Calvinist countries had very different enthusiasm towards witch persecution: from the intensive and long-lasting witch-hunts in Switzerland and Scotland to the very minor one in the Netherlands. At the same time, folk magic and healing practices continued to exist even in the core Reformed lands.[761] Perhaps, it originated from the official rejection of the religious means, so to say, Christian magic, for everyday needs.

The study shows a significant difference in the impact of Catholic and Protestant confessionalization on the Lithuanian witch-hunt. Protestant burghers and gentry time to time filed accusations against wicked neighbours and (at the earliest stage) folk healers but sources do not indicate them in cases about conspiracies and diabolic witchcraft. A bright example is a striking difference between two large domains, Calvinist Biržai duchy and Catholic Šauliai royal estate (*economia)* described in Chapter 3. Biržai duchy for a long time remained not only Protestant stronghold but also a safe haven without witch trials, unlike neighbouring Lithuanian lands. Also, it was a rare place in ethnic Lithuania where cunning folk was mentioned in court records. In the light of these facts, reports of Catholic priests about magic practices among "heretics" cited above could be not only the defamation of religious competitors but the reflection of the reality.

Protestant Reformation and Catholic reform brought new approaches towards magic, quite contradictory to each other. On the one hand, first Protestants and then Catholics within the maintenance of religious discipline condemned all kind of magic practices and beliefs as

[760]Heinz Schilling, *Konfesjonalizacja: Kościół i państwo w Europie doby przednowoczesnej*, transl. Jerzy Kałążny (Poznań: Wydawnictwo Poznańskie, 2010), p. 54
[761]William Monter, *Ritual, myth and magic in early modern Europe* (Brighton, Sussex: Harvester Press, 1983), p. 45-47, 51-52, 56-57.

superstitions – vain errors without any effect except for distraction from true faith. Backed by clergy, secular authorities (first of all the lords in their domains) punished suspected or revealed magic practitioners as not criminals but sinners and deviants. It was similar to the older universal Christian practice but maintained on a new level of Early Modern confessionalization. The Orthodox Church generally followed the same politics (basically, reflected in its medieval statutes) but much less effectively, first of all, because of the lack of strong support of secular authorities and lords, and probably also deficiency of motivation (and qualification) of the parish clergy.

On the other hand, Catholic clergy transmitted and promoted the western witchcraft concept for several purposes. First of all, it aimed to beat local superstitions – as the clergy regarded those neighbour accusations in Lithuanian courts. Also, it could widen the competence of the Catholic Church in the judicial sphere which secular nature was jealously guarded by the gentry. Thus, all the critic from the author of *The Witch Denounced*, bishopric letters and synod decisions were hardly enlightened rejections of witchcraft but rather attempts to impose updated "correct" concept of witchcraft instead of local "erroneous" and "superstitious" one.

The conditions of the religious frontier defined one more use of witchcraft – for missionary and polemic purposes. The miraculous was the best argument not only to stimulate a zeal of believers but to prove which faith was truly backed by God. The Orthodox and even Jews also readily spread stories about successful exorcisms, lifted bewitchments and defeated sorcerers. The same stories could also underline the impotence of religious competitors who refused or failed to do such miracles. The most prolific were the Catholics. In Catholic-Protestant competition, it was important not only to prove the superiority of the Roman Church but also to counter Protestant doubts in the power of sacraments, rites and objects. Thus, the successful spell-lifting with official exorcisms, holy water, the invocation of saints was a triumph of their power. For the same reason, priests continued to bless herbs, candles, products that their flock could use to protect their lives and property against witches and demons. To a certain extent, it followed contemporary missionary strategy for non-Christian societies effectively employed by Jesuits: to incorporate acceptable local traditions for effective promotion and entrenchment of the Catholic faith. Therefore, it assured the reality of witchcraft and the menace of bewitchment for the common Catholic believers.

The authority of the preacher laid on the authority of the whole Church, so the parishioners took seriously all they heard from the pulpit. And at that time, sermons were full of miracles as well as dreadful stories about ghosts, devils, dead corps, sorcerers and spells. The reason was to demonstrate the horrible consequences of the sinful acts (especially blasphemy and

heresy) and the miraculous help the church could provide.[762] Possibly, preachers did not limit their sermons to abstract *exempla* but referred to local narrations. Wołonczewski argues that 17th-18th-century Samogitian priests used to publicly denounce and shame their parishioners accused in witchcraft.[763]

Counter-Reformational polemics could also make its contribution. As it was mentioned, even cleric intellectuals were not above the use of demonic discourse denouncing religious opponents. Probably, parish preachers could be even more passionate in presenting the devilish nature of heretics or Papists. To the late 17th-18th centuries re-Catholisation of formerly mixed areas prompted to the situation, that many people seldom encountered closely real Calvinists and never saw formerly widespread and the most hated Antitrinitarians. As a result, the Counter-Reformation narrations and motifs could remain in the popular imagination as some semi-legendary images of godless enemies of Christianity. This could become an additional material for the construction of the new diabolic witchcraft image for people that had never read demonologic literature.

Misleading to consider the Orthodox demonology as non-existent or underdeveloped. For example, 11th-century Byzantine *On the Operation of Daemons* by Michael Psellos was a great source for the western demonology, in particular, infamous witch-hunter's manual *Compendium Maleficarum* by Francesco Maria Guazzo.[764] However, the monastic intellectual thought of the Orthodox church at all and East Slavic one especially since the 14th century embraced the mystic teaching of *hesychasm,* oriented to the personal deification (the union with God) by mean of spiritual practice.[765] It left little room for the devil except for the role of an everyday distractor who examined the moral fortitude of the faithful. Orthodox authors attributed great misfortunes and calamities to a divine punishment rather than the restrained power of the devil capable mostly of minor tricks and abuses. Vulgarised image of such weak devil could facilitate popular belief in natural and home spirits-demons or sorcerer's familiars, but not in a powerful head of the clandestine witchcraft army.

However, since the second half of the 16th century, Ruthenian Orthodoxy faced serious challenges from Reformation, Counter-Reformation and Brest Union that motivated attempts to reform itself in the western way by the codification of the teaching and canon law, book printing,

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[762]For example, such cautionary stories by Jesuits authors of the late 17th - early 18th centuries from Polish Crown are published in Mariusz Kazańczuk. ed., *Historie dziwne i straszliwe. Jezuickie opowieści z czasów saskich.* Chotomów: Verba, 1991

[763]Wołonczewski, *Biskupstwo żmudzkie*, p. 206.

[764]Stephen Skinner, "Introduction." In *Michael Psellus On the Operation of Daemons,* edited by Stephen Skinner: 11-30 (Singapore: Golden Hoard Press, 2010), p 23.

[765]Bogumił Jasinowski, *Wschodnie chrześcijaństwo a Rosja* (Kraków: Ośrodek Myśli Politycznej, 2002), p. 31-33, 44.

the establishment of educational institutions.[766] The main facilitators were certain bishops, monasteries and burgher fraternities. The core of this activity was Kyiv and Volhynia outside the Grand Duchy, but old and new Orthodox strongholds in White Ruthenia also participated in this movement. However, even there Orthodox disciplining measures lacked support from the state and lords so they hardly changed popular religiosity significantly.

Cleric intellectuals provided some Orthodox response to the witchcraft problem. The main source for their inspiration was the revived and printed *Nomokanon* with commentaries, ancient homiletic and didactic texts. Similar to the rest of the Orthodox world, Ruthenian clerics did not accept diabolic witchcraft and kept the idea of the implicit demonic participation (or just a delusion) in all kinds of magic practises that were rather a private sin than a crime. Because of its dissident status, the Polish-Lithuanian Orthodox church (contrarily to the Russian one) did not rely on state justice and did not demand court investigation and prosecution of witches. It rather insisted on their spiritual repentance or exclusion and offered religious "counter-magic" similar to (and probably inspired by) Catholic exorcisms. Petro Mohyla's spell-lifting rite approved by his authority and distributed in print fitted well to the practices of the parish clergy. Orthodox parish priests originated from local clergy dynasties, inherited their profession rather than obtained it in seminaries and depended more on feudal patrons than bishops. Thus, they were more oriented to fulfil local needs in supernatural assistance than to implement disciplining instructions of their superiors. The lack of power made priests not to repress cunning folk but to compete with them. It was evident, for example, in the 19th-century ethnographic records about the unwitching of field twists with the help of a witch-doctor or a priest.[767] It was a common feature around the East Christian lands, from Russia to Romania: 19th-century materials show that the priest replaced or supplemented local magic practitioners with his particular thaumaturgical arsenal – prayers, incense, communion, consecrated bread, holy water and oil – used for the same purposes of counter-magic, detecting thieves, healing, maintaining the fertility of crops, cattle and crafts and even to harm enemies.[768] Obviously, it started long before Early Modern time but the witchcraft fear and inconsistent confessionalization made adjustments.

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[766]Alfons Brüning, "Confessionalization in the *Slavia Orthodoxa* (Belorussia, Ukraine, Russia)? – Potential and Limits of a Western Historiographical Concept." In *Religion and the Conceptual Boundary in Central and Eastern Europe,* edited by Th. Bremer: 65-96 (London: Palgrave, 2008), p. 79.

[767]Story about the hard fight of the orthodox priest against strong spells in a twist, recorded by N. Nikiforovsky in 1876 in Vicebsk governorate, (Šejn, ed., *Materialy dlja izučenija byta i jazyka,* Tom 3, p.233-234).

[768]Christine D. Worobec, "Witchcraft Beliefs and Practices in Prerevolutionary Russian and Ukrainian Villages" in The Russian Review, Vol. 54, No. 2 (Apr., 1995), pp. 165-187, p. 166; Valer Simion Cosma, "Curses, Incantations and the Undoing of Spells: The Romanian Priest as Enchanter (Transylvania, 19th Century)" in *Charms and Charming. Studies on Magic in*

Uniate hierarchs and especially Basilian order tried to reform lower clergy, but until more decisive steps in the 18th century the difference between the Orthodox and the Uniates on the parish level stayed minor.[769] Probably, the late and slow Westernization of the Greek-Catholics had an impact to the Ruthenian witchcraft beliefs and folklore after the legal termination of witch trials.

Such a background of the Orthodox and Uniate clergy influenced significantly the popular approach to witchcraft in Ruthenian lands (zones of occasional and to a certain extent of mild witch-hunt mentioned above): main local experts in the Otherworld did not transmit to the flock the new diabolic doctrine but repeated a more accustomed and traditional one. Thus, Orthodox and Uniate Ruthenians lifted tensions not by the elimination of witches but, traditionally, with folk or religious counter-magic. Also, they could tell stories about diabolic *legendary witches* but did not correspond them with their own neighbours. Ironically, uneducated and undisciplined clergy was a solid barrier for learned witchcraft concepts on the way to people's minds.

6.6. Cancelled trials, continued fantasies

Paradoxically, Catholic confessionalization not only influenced the development of witch trials but finally contributed to their decline. Of course, the Sejm decree of 1776 set the full stop in the witch prosecution, and its preparation, motivation and application were possible in the epoch of the reforms of 1760s-1790s inspired by Enlightenment. However, since the late 17th – early 18th centuries the loudest proponents of the cautious approach to witchcraft accusations were Catholic cleric elites. They did not deny the reality of witchcraft but tended to maintain its "correct" approach according to the updated theologic doctrine and the official stance of the *Roman Instruction*. They opposed not witch trials at all, but secular trials of witches.[770] In the Saxon dynasty epoch, the Catholic church hoped to regain more influence on the issues lost to lay gentry during Reformation. Participation in the witchcraft prosecution was a good pretext to return cleric presence in the lay justice. Clergy hierarchs tried to accomplish it not reviving old inquisitorial strategies but following current Enlightenment trends. In their struggle to regain control, cleric authors created and propagated the negative image of local magistrates as ignorant and superstitious so unworthy to consider such a complicated matter. This image resonated with contemporary Western views on the problem, so the enlightened state elites (at least those who

Everyday Life, ed. Éva Pócs (Ljubljana: Scientific Research Centre of the Slovenian Academy of Sciences and Arts, 2019, p. 45-68), p. 58, 63.
[769]Brüning, "Confessionalization in the Slavia Orthodoxa", p.80.
[770]Jacek Wijaczka, *Kościół wobec czarów w Rzeczypospolitej w XVI–XVIII wieku (na tle europejskim)* (Warszawa: Wydawnictwo Neriton, 2016), p. 160.

considered themselves as such) had a solid ground to become more and more sceptical towards witchcraft staying at the same time good Catholics. Thus, the fusion of the moderate Catholic demonology with Enlightenment motifs was the ideologic base of the witch-hunt termination in Lithuania.

Post-Trident Catholic church simultaneously supported not only the reality of miracles and supernatural manifestations but also their rational examination to separate true accounts of God's power from forgeries or delusions of enthusiasts.[771] Polish-Lithuanian hierarchs throughout the 18th century also turned to the "learned" piety. Worth noting, that thanks to the implementation of the Tridentine requirements, the educational level of bishops increased: in the 18th century about a half of Polish-Lithuanian bishops possessed university education in theology, law or philosophy. No wonder that they were integrated into the current Western intellectual trends, like Vilnius bishop Ignacy Jakub Massalski who was at the same time a proponent of Enlightenment and reforms but a zealous guardian of Catholic privileges.[772]

Thus, rather then secular Enlightenment criticism, the decline of the witch-trials originated from ecclesiastic politics. Paradoxically, Catholic disciplining measures both fuelled and dampened witch-hunting enthusiasm of secular accusers. On this prepared ground, Enlightenment views of the elite put a halt to witch-trials and delegitimized witchcraft beliefs at least for the learned culture.

As a result of the top-down decriminalization, self-identified victims of bewitchment lost a legal tool to fight their offenders – one of the ways for tension resolution. Unavailability of physical elimination and legal retribution increased the role of folk magic and (para)religious practices, described by later ethnographers.

Witchcraft beliefs preserved and even developed in folk culture. The most fantastic details of the diabolic witchcraft concept survived, first of all, in fairytales but some elements became a part of the image of the neighbouring witch or the ambivalent witch-doctor. Ethnographers of the 19th century noted elements of western diabolic discourse that had been minor or absent in trial documents of the witch-hunt epoch. For example, in later narratives, Lithuanian witches could turn into fantastic creatures living in marshes with their queen.[773] Šatrija mount became the iconic place for Sabbaths and featured in stories about an occasional

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[771]Andrew Keitt "Religious Enthusiasm, the Spanish Inquisition, and the Disenchantment of the World" in *Journal of the History of Ideas*, (Vol. 65, No. 2 (Apr., 2004), pp. 231-250), p. 244.
[772]Wijaczka, *Kościół wobec czarów*, p. 163-164.
[773]Lucian Siemieński, *Podania i legendy polskie, ruskie i litewskie* (Poznań: Księgarnia J.K.Żupańskiego, 1845), p. 44.

witness who joined a feast of German-looking witches and devils that appeared to be an illusion in the morning.[774]

Nineteenth-century ethnographic materials from Ruthenian lands demonstrate the most striking differences with previous trial records. Informants described witches as devils' lovers that possessed hidden monstrous traits (tails, burning eyes) but could make themselves beautiful and attractive to seduce men. They could shift shape (not only in magpies, like in trial documents but in black cats and toads) and ride wild animals or broomsticks to their gatherings in stormy nights (or on the eve of particular holy days). They devoured children at Sabbaths, including own ones sired from their affairs with devils. Their main way of harming was milk-stealing. However, one can assume that most of these semi-fantastic creatures lived mostly in stories and not always could be corresponded to real neighbours. Some of these traits obtained also real-life sorcerers – ambivalent witch-doctors. Safe from prosecutions, such sorcerers were especially respected for the assistance and afraid for the damage they could cause. People attributed their skills and knowledge to pacts with the devil by some sacrilegious acts and horrible tributes (for example, children's life).[775] It might indicate that such folk narrations continued to develop after the last stake has burned out.

To compare, western witchcraft narratives spread as deep in the Orthodox lands as its core – Greece. For example, St. Nicodemus the Hagiorite (1749-1809) who lived at Mount Athos, alongside other types of magicians known also from *Nomokanon,* condemned *kakogria* – "vile old hag". This rare notion shows a drunkard ugly old woman that flies "grabbing the air", mocks Orthodox rituals by wearing a priest's vestments in reverse and commits hideous crimes like infanticide or homicide employing magic.[776] Venetian-influenced Greek islands (like Naxos – the birth-place of St. Nicodemus) were a similar borderland between Western and Eastern Christianity. No wonder that in the borderland the narratives were so widespread – more curious is why they remained stories, not legal actions.

Despite the alleged *disenchantment of the world*, even learned culture preserved the thirst for the miraculous and mysterious. It made (at least, declaratively) witchcraft beliefs and traditional religious wonders obsolete and left them to the popular culture as vestiges from the

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[774]Siemieński, *Podania i legendy*, p. 56.

[775]Eustachy Tyszkiewicz, *Opisanie powiatu borysowskiego pod względem statystycznym, geognostycznym, historycznym, gospodarczym, przemysłowo-handlowym i lekarskim, z dodaniem wiadomości: o obyczajach, spiewach, przysłowiach i ubiorach ludu, gusłach, zabobonach itd.* (Wilno: Druk. Ant. Marcinowskiego, 1847), p 400-409; Šejn, ed., *Materialy dlja izučenija byta i jazyka,* Tom 3, p. 247-270; Nikiforovskij, *Nečistiki*, p. 90-100.

[776]Markos Litinas, "Perceptions of Magic in EarlyModern Greek Orthodox Christianity. Witchcraft and Tolerance in Orthodox Societies" (Master's thesis, Leiden University, 2016), p.61-62.

past or ignorant delusions. At the same time, the milieus proud of their education and progressivity often got carried away with the occult and pseudo-scientific teachings. Enlightened Polish-Lithuanian aristocrats, the same as their western role models, welcomed new magicians-occultists in their salons (like Count Alessandro di Cagliostro's visit to Warsaw in 1780), the public gathered to watch wonders of the mesmerism, gentry mansions hosted spiritualist meetings and seances, artists sought inspiration in trances, refined mystics rejected dull Christianity for exciting revelations of Blavatsky's theosophy and other esoteric teachings.[777] Even radical Communist modernization with aggressive promotion of materialism and physical elimination or imprisonment of spiritual dissidents could neither eradicate totally the popular religiosity, magic beliefs and practices nor prevent the spread of the New Age manifestations that triumphantly came to light in *Perestroika* time.

While witchcraft accusations have fallen out of fashion, the social demand for scapegoats turned to other targets. Despite people still could attribute their private misfortunes to spirits, devils, wicked neighbours' spells or evil eye, society needed something more sophisticated for the joint scapegoating. In the 19th century, approved by the Russian authorities, still influential but now more discriminated Jews became easy targets. As a result, former Poland-Lithuania, then Russian Pale of Settlement for Jews became infamous for *pogroms*, ritual murder myth flourished and resulted in blood libel trials. Also, fake *Protocols of the Elders of Zion* and alleged Jewish domination in the Russian revolutionary movement returned the desired fear of a hostile powerful conspiracy to fight with. In the 20th century, totalitarian Soviet regime loudly searched for conspiracies of foreign spies and counter-revolutionary saboteurs (usually invented by special services) to attribute economical and political failures to their harmful activity. Informational technologies and the Internet globalise conspiracy theories and scapegoating in the 21st century that spill over from online discussions to the offline actions all over the globe, as the COVID-19 pandemic has brightly demonstrated.
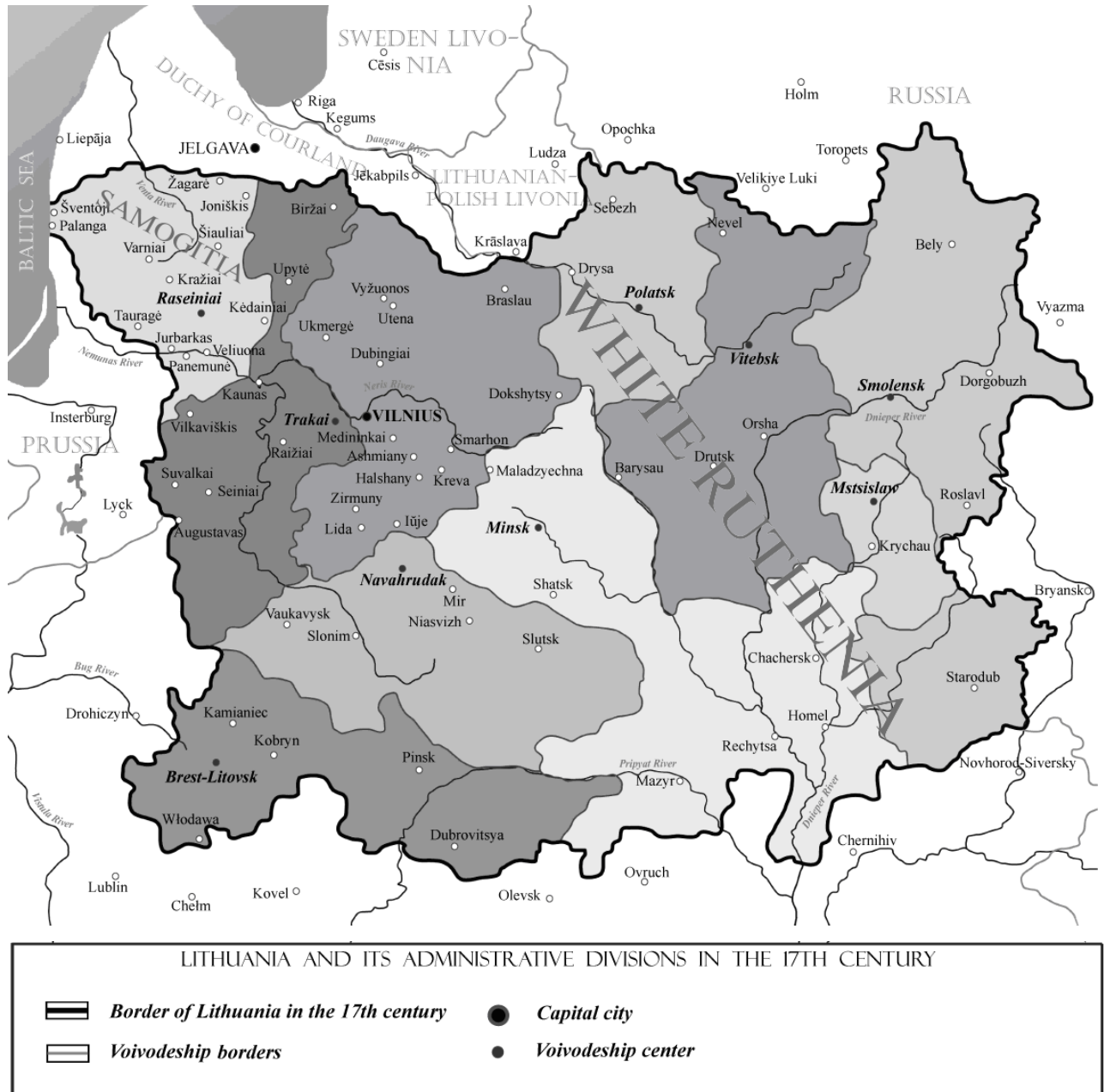
Thus, the study of the witch-hunt is always something more than just research on the distant matters of the past – it is always an encounter with the universal dark side of human mind.

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[777] Alicja Łukawska. *Duchy Kresów Wschodnich* (Radzymin: Von Borowiecky, 2018), p. 231-311.

Appendix 1

The Grand Duchy of Lithuania and its administrative divisions in the 17th century

Source: Wikimedia Commons (modified). Accessed July 1, 2020

https://en.wikipedia.org/wiki/Grand_Duchy_of_Lithuania#/media/File:Lithuania_in_the_17th_century.png
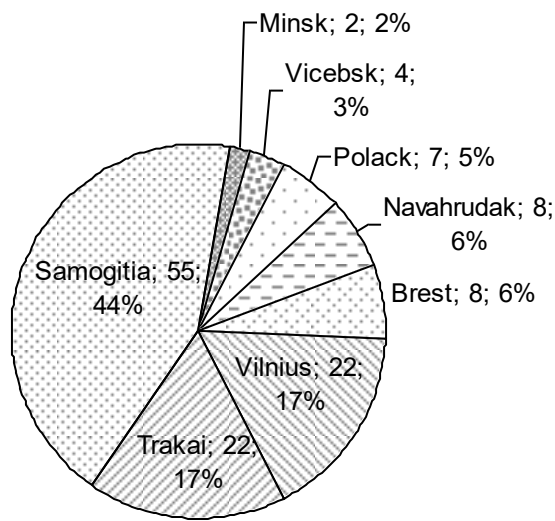
Appendix 2

DIAGRAMS
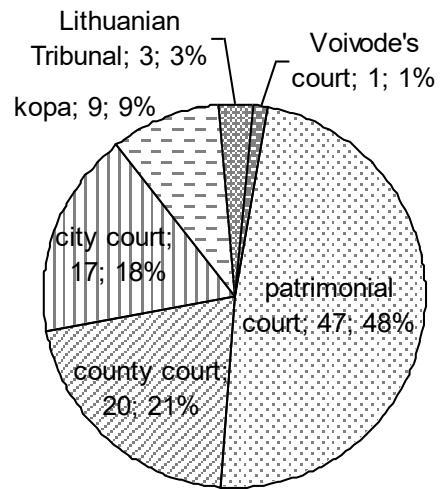

Figure 1. Witch cases, per voivodeship.
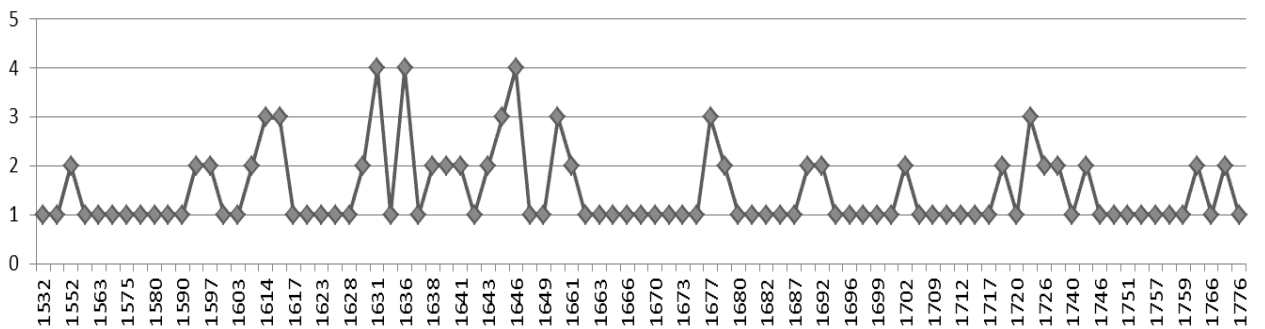

Figure 2. Witch trials, per court type.

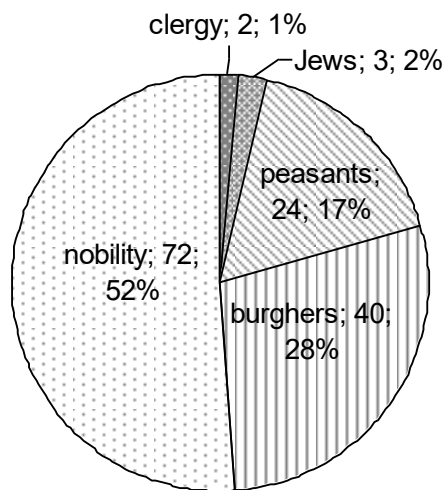*Figure 3*. Dynamics of the witch cases (cases per year).

Figure 4. Social structure of the accusers.

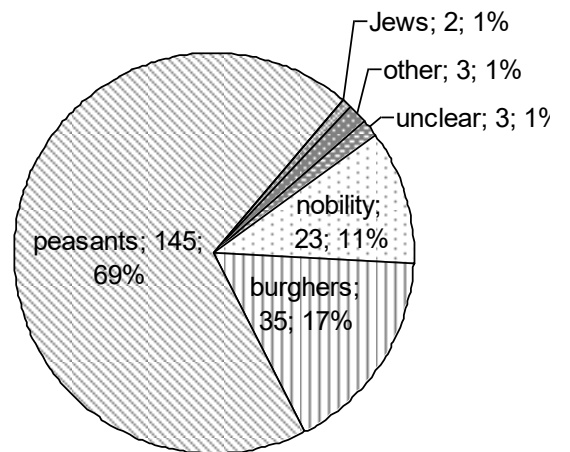*Figure 5*. Social structure of the accused

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