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**Witches and Literary Justice:
The Salem Witchcraft Trials in Nineteenth-Century Historical Fiction**

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It were better that ten suspected Witches should escape, than that one innocent Person should be Condemned. It is better that a Guilty Person should be Absolved, than that he should without sufficient ground of Conviction be condemned. I had rather judge a Witch to be an honest woman, than judge an honest woman as a Witch.¹

Introduction

Since 1986, modern witchcraft, currently called "Wicca," has been a constitutionally protected religion in the United States. Wiccan covens are maintained across the country,² with a very important representation in Salem, something that is clear from its current nickname of "Witch City."³ In fact, the town has its own "official witch of Salem," Laurie Cabot, who gained this recognition in 1977 when Michael Dukakis⁴ was appointed Governor. However, Salem has not always been on such good terms with witches and witchcraft, as in 1692 it was the scene of the most important witch-hunt of British colonial America. Since that year at the end of the 17th century, "the witch trials at Salem [have] fascinate[d] us endlessly."⁵ More than 300 years after the events took place, agreement has been reached as regards several issues: innocent blood was shed, injustices were committed against innocent people, and the trials were a great injustice because the

political, religious and judicial leaders “gave way to their fear and hatreds and put the law, justice and fairness aside.”⁶

The attraction of such an event springs from the countless lessons that have been drawn from the trials, which meant the end of hangings for witchcraft in America, the creation of America’s first independent judiciary (one separated from the legislative and administrative functions of government), and the separation of church and state.⁷ Its importance has been so great that “virtually every modern American is familiar with Salem as a popular metaphor for persecution.”⁸ Thus, the phrase witch-hunt has been used in other moments of crisis, namely against communists in the 1950s, the Satanic abusers in the 1980s and 1990s, and the Muslims after the September 11th terrorist attacks of 2001.⁹ Overall, these identifications have been made because of the similarities in the ways in which the authorities allowed for, and even sometimes actively contributed to, the demonization of a minority.¹⁰

Today they have become a metaphor for miscarriage of justice, superstition, and credulity. Mere mention of them calls up the specter of unproved and unprovable aspersions, the presumption of guilt, and the destruction of family and community.¹¹

This is what history has told us throughout the more than three centuries that have elapsed since the actual events took place. However, literature has also taken into account the historical event. At the beginning of the 19th century, when the United States started searching for a national literature, the colonial history of the country was one of the most common topics in the historical romance of adventures,¹² with James Fenimore Cooper as the most important representative of the genre in the United States and Sir Walter Scott and his Waverly novels as his literary precedent.¹³ This interest in the history of the country is the main reason for the Salem Witch Trials entering the literary field at such an early stage of the United States’ literary production:¹⁴

[...] at first sight the subject might seem a splendid one for historical romance since nothing could be easier than to present the victims as apostles of progress and their judges as reactionary powers of darkness.¹⁵

The result of such interest is that 22 works of fiction—including novels, short stories and plays—were written during that century (see Appendix).

The trial of the Salem witches can be considered a “landmark trial of historical significance”¹⁶ because of its dramatic structure,¹⁷ as trials are both sources and settings for drama,¹⁸ its cross-legal nature,¹⁹ because it relies mainly on English witchcraft traditions, and its attempts to legally define something that is not reducible to legal concepts, as witchcraft was a hidden crime and witchcraft cases relied on indirect evidence which only victims could see.²⁰ Besides, “every trial is related to an injury, a trauma for which it compensated which it attempts to remedy and overcome.”²¹ Despite its importance, the literary representation of this historical event in general—and of the trials involved in it in particular—has not attracted the attention of scholars.²² However, it will prove a very fruitful field for the law and literature discipline as it involves legal questions about justice, revenge and the presentation of a collective historical trauma.²³ Our point is that this trial deserves the same attention other cases such as the O. J. Simpson or the Nuremberg trials received from authors such as Shoshana Felman (2002). Moreover, there is nothing in the literary works analyzed in this paper that make them less worthy of attention by the law and literature discipline than *Billy Bud*, *The Trial*, or *The Brothers Karamazov*.²⁴

Thus, the aim of this paper is to show how 19th-century works of historical fiction have represented this historical event, with an emphasis on such issues as justice and the fair application of legal proceedings. Thus, we will focus our attention on the courtroom scenes that have been introduced in the literary field and how the primary sources—mainly the transcripts of the pre-trial examinations—that have reached our period have been manipulated with a view to provide literary versions of the historical event. In order to achieve this we will focus our attention on *Rachel Dyer* (1828) by John Neal, because we consider it the most representative work as

regards the presentation of courtroom scenes. However, general conclusions concerning this topic will be presented at the end of the paper. In them, all the works (see Appendix) have been taken into account with the aim of providing a full view of how 19th-century historical fiction has used and manipulated the trial records in order to highlight the injustices that were committed during the Salem proceedings.

Witches and witchcraft: a legal overview

Originally, a witch was a person “who possesses a supernatural, occult, or mysterious power to cause misfortune or injury to others.”²⁵ Over the years, this meaning was transformed with a special emphasis on its most negative aspect so that at the beginning of the 16th century, a witch was “a person who exercises maleficent magical power by virtue of having made a pact with the Devil.”²⁶

As witches were believed to be members of a new and dangerous sect of heretics, a search was begun in Europe for written evidence of their existence and late-medieval and early-modern intellectuals started writing manuals for their detection and confrontation. The result of this was the proliferation of “strixology”, namely, literature on the study of witches and witchcraft using theoretical explanations and lurid examples.²⁷ A Biblical commandment justified the detection and persecution of witches: “Thou shalt not suffer a witch to live” (Exodus 22:18). Moreover, in writing witchcraft handbooks the Dominicans, who were also lawyers, took the lead in order to establish a legal framework against witchcraft. The most famous—or infamous—of these handbooks is the *Malleus Maleficarum*, written in 1486 by Heinrich Kramer and Jakob Sprenger, who were under the protection of Pope Innocent VIII. Were it not for this book, witch-hunting would probably have remained a very minor footnote in history.²⁸ However, it provided a systematic explanation of the dangers arising from witches and of the methods to fight against them.

Many different elements were added through the years and the centuries to the images of witches and their practices. Thus, Brian P. Levack introduced the “cumulative concept of witchcraft” as a theoretical approach for understanding this

phenomenon.²⁹ There are three fundamental elements within such a cumulative concept of witchcraft. The first one is the Sabbath, defined as “large nocturnal assemblies where they [the witches] worshiped the Devil.”³⁰ Without the belief in this element, the European witch-hunt would have been a much smaller judicial operation.³¹ The second element is the existence of a pact with the Devil, a legal contract through which the witch received wealth or power in return for his/her soul.³² Thus, this second element was fundamental in establishing the legal definition of witchcraft. Evidence of this pact was the presence of the Witch Mark, which was also considered legal proof during the trials. Finally, the flight, i.e., the ability of witches to attend secret nocturnal gatherings in remote areas without their absence from home being detected, also dramatically contributed to the concept of witchcraft.³³ The transmission and reception of this cumulative concept of witchcraft, together with the development of legal measures such as changes in criminal procedure, the use of torture and the introduction of secular and local courts,³⁴ facilitated prosecution and conviction. For this reason, both can be considered the two main preconditions of the great European witch-hunts³⁵ which took place between the 15th and the 17th centuries. They were “the result of the anxiety engendered by rapid social change,”³⁶ and they took place at times of great fear. Witch hunting is not only an activity, but also a state of mind that develops when a society is under great stress—and such a state of mind exists today as the witches of the past have been replaced by traitors, groups of rapists or terrorists cells,³⁷ as mentioned above when we referred to the use of the Salem witch-hunt as a cultural metaphor.

Overall, the witch-hunt was a judicial operation which comprised legal measures to prosecute and imprison those suspected of witchcraft.³⁸ From the legal point of view, they have certain characteristics. For example, the accused person was presumed guilty without proof, leading questions were used during the examinations, secret accusations were accepted, evidence against the accused was often falsified and torture could be used in order to extract confessions.³⁹

In very general terms, the stereotyped model of a witch-hunt follows this process: there is a personal or collective misfortune – failed crops, cattle which come down with a disease, a human loss or sickness – and a smear campaign against suspects begins. As the suspects are considered conspirators, legal measures are applied. Thus, a persecution or popular lynching begins, followed by a conviction and a sentence, as there are a very high number of guilty verdicts. Before any witch-hunt can take place it is necessary for certain preconditions to be satisfied. These concern the witch beliefs of both the local population and, more importantly, of the ruling elite, the laws and the judicial machinery and the mood of the entire community.⁴⁰ However, any dissent is thought to amount to bonding with the devil.⁴¹

New England

Of all the British colonies of North America, New England had the highest number of accusations and executions: 334 people were accused and 35 were executed.⁴² Though this number seems very small in comparison with the thousands of people involved in European witch-hunts, the ratio of persecuted and accused people in relation to the total population and the small geographical area turns these persecutions into a large-scale operation.⁴³ In fact, their pursuit in Salem was “the biggest episode of witch prosecution in the English-speaking New World.”⁴⁴

There are several reasons that led to this situation; the main ones being political and social tensions, and the abuse of spectral evidence and torture.⁴⁵ Spectral evidence was the testimony that witnesses gave about the specters of the supposed witches attacking them.⁴⁶ Another reason is the strict religious atmosphere, which made New Englanders very superstitious people. Besides, witchcraft was considered a secular crime, related to heresy, and tried by civil courts. However, in the 17th century, church and state were joined so ministers wielded very powerful influence over politics, to the point that there was an overlap of religious and political powers.⁴⁷

Another reason is that Puritans felt threatened by other religions, such as Quakers, Baptists, Roman Catholics, etc. Therefore, they condemned and accused all those religious dissenters who wanted to freely practise their doctrines.⁴⁸ New England witchcraft beliefs were deeply rooted in the English tradition, so that magic was used to foresee the future, to cure illnesses, to destroy enemies and as a defense against the hidden powers of nature.⁴⁹ However, for the Puritan ministers, such activities were considered diabolic and blasphemous as they belonged to the practices they had left in the Old World.⁵⁰

The laws in New England were stricter and they considered the Bible as the key written source for solving all conflicts.⁵¹ The result of this was a stronger religious zeal and a distrust of those who were far from God's way. Furthermore, the witchcraft handbooks we referred to before—such as the *Malleus Maleficarum*—had reached the shores of New England. However, the most influential writings were the sermons, which highly influenced the idea, development and spread of beliefs in witchcraft in New England. Such sermons gave people the opportunity to hear about real examples of the power of witches.⁵²

In the British colonies of North America, a witchcraft case and the records that went with it began when someone felt strongly enough that a neighbor was a witch to complain to a lower court about him or her. The suspect was questioned by the judge of this lower court. Testimony was then selected from the suspect's accusers—with no restriction upon the source of the accusations—and written down to be sent to a higher court if it was decided that the evidence presented against the alleged witch constituted grounds for capital prosecution. This being the case, judges at a higher court were encouraged to use torture and to elicit confessions.⁵³

The Salem Case: legal records and general overview

The Salem Witch Trials of 1692 are the best documented in American history, not just because they include documents from over one hundred trials, but because the records are uniquely detailed, even to the extent that there are three or four separate accounts of some of the pre-trial examinations and accusers' statements.⁵⁴

The reason why these records have been preserved is probably due to the unusual legal nature of the Salem court, as it was located in a small community and many ministers and literate people were involved.⁵⁵ In later years, someone quietly lost the texts produced by the Court of Oyer and Terminer itself. Legend says it was Cotton Mather, who used them for his famous work *Wonders of the Invisible World* (1692) and they were never seen again.⁵⁶ However, the mass of pre-trial and informal records has been preserved, which may explain why this is the only witchcraft trial that most Americans know.

The surviving legal record of these examinations can be read as a dramatic script⁵⁷ in which two competing narratives of trauma—the conflicting stories of the prosecution (who firmly believed in witches and witchcraft) and of the defendants (who claimed their innocence and rejected any relation with witchcraft or the devil—can be clearly seen. Thus, a pedagogical use of the trial can be extracted from these documents, as the narrative they present is subordinated to a lesson.⁵⁸

Salem Village was a clear example of a place where two of the previously mentioned causes of a witch-hunt, anxiety and fear, were to be found. Many internal conflicts plagued the community.⁵⁹ There were two important families, the Porters and the Putnams, together with their supporters, who were constantly fighting for the control of the village's politics and had many legal problems as regards the limits of their properties. Additionally, there were villagers who wanted to be more related to the town—and the harbor, where all the economic activity was focused—and there were others who wanted to stick to their agricultural activities.⁶⁰ However, the most controversial issue in this community was its minister, whose three predecessors had already left the village prior to 1692 due to serious conflicts with the parishioners. The Salem minister in 1692, Samuel Parris, also started having problems as he was not being paid and there was a group of dissenters in his parish.⁶¹

What is more, there were two additional external problems. The first was related to the suspension of the governing charter of 1629, which meant that the colonists had no rights over their lands and they were in a legal limbo.⁶² Secondly,

New England and the Northern territories were under a constant threat of attack from the Indians.⁶³

In such an atmosphere, in January, 1692, a group of girls in the village began to behave in a strange way. After several consultations with ministers, the local doctor diagnosed diabolic possession. From this point on, accusations spread all through Salem and the nearby towns, beginning with beggars and outcasts and climbing the social ladder. The result of this was that nineteen people were hanged, one person was pressed to death because he had refused to plead guilty and had stood mute during his trial, four people died in prison due to the bad conditions they had endured, and more than 150 people were accused and imprisoned.

The judicial limbo also affected the legal development of the trials, even once the New Charter was implemented in May 1692. Those accused of witchcraft were tried by a *Special Court of Oyer and Terminer* based at Salem. At this court, the judges showed a strong disposition to assume guilt and the defendants did not have any legal counsel. Two types of evidence were taken at face value, spectral evidence, to which we have referred earlier, and the touch test, which consisted in the accusers touching the accused and being cured of their fits, supposedly because the witchcraft flowed back to where it came from, into the accused.⁶⁴ The judges were considered guilty of blatant abuses, forcing confessions by manipulative questioning, even torture, and encouraging trickery and fraud, so that even when it was proved that the accusers were lying or that the presented evidence was not conclusive, the verdict was always the same: guilty.

Literary Salem: fictional courtroom scenes

After putting the Salem Witch Trials in their legal context and the presentation of the written sources which are available, we will analyze how the trials are represented in *Rachel Dyer* (1828) by John Neal. Once the courtroom scenes within this work have been analyzed, a general conclusion of what we have found in the full group of literary works written on this historical event during the 19th century will be presented.

More than half of *Rachel Dyer* (1828) presents the fictional trials of some of the most famous among the accused, namely Sarah Good, Martha Corey and George Burroughs. A fourth examination, Tituba's, is also inserted; however, as it is narrated and not presented in its courtroom context, we are going to focus our attention on the other three accused.

The most remarkable element introduced in this novel, and an important alteration of the historical reality as regards the trials, is that George Burroughs, one of the historical accused and a former minister of the village, acts in this fictional version as defense lawyer of Martha Corey and Sarah Good:

George Burroughs, [was] a minister of God, who met the accusers at the time, and stood up to them face to face and denied the truth of their charges, and braved the whole power of them that others were so afraid of.⁶⁵

He knew the law perfectly, challenged the judges and the ministers, fought for the rights of the accused, and became totally involved in the proceedings before he was himself accused of being a witch. He represented a real danger for the court, as its authority was questioned and, at some points during the novel, people had doubts about the decisions of the authorities.

Robert Sewall, Bailey, Phips, Doctor Mather, Are you ye judges, who are about to become the judges of life and dead, how dare ye! How dare you power to measure and weigh such mystery? Are ye gifted men - all of you - every man of you - specially gifted from above?⁶⁶

Burroughs' role in this novel involves an important manipulation of historical reality, because he was away from Salem when the examinations of the two women he fictionally defended—Sarah Good and Martha Corey—took place. Thus, the introduction of “spontaneous” legal counseling, to which the legal authorities did not pay attention, gives prominence to the “legal injustices” committed during the trials

that historians and the passing of time have so many times referred to. It also challenges the competence of the people who were deciding on the life of the accused:

If the woman is a witch, how do you hope to surprise her? ... To entrap her? ... To convict her? And if she is not a witch, how can she hope to go free? None but a witch could escape your toils.⁶⁷

In the case of Sarah Good, her examination is presented in a flashback as we know first of her execution and then we are taken back to see all the legal stages she had to go through, which are both narrated and presented in full dialogue. Her trial is mainly focused on one single episode: one of the afflicted accuses Good's specter of stabbing her at night. The girl shows the authorities part of the knife blade which she supposedly took from the accused after the attack. Suddenly, Burroughs appears with a young boy who tells the court that he has the other part of the blade, that the knife was his, and that the afflicted had seen him throwing it away the evening before. Thus, it was proved that the girl was lying and Burroughs made his case in favor of Sarah Good around this lie. However, the result of this trial is well-known:

The boy, Robert Eveleth, was treated with favor; the witness being a large girl was rebuked for the lie instead of being whipped; the preacher Burroughs from that day was regarded with unspeakable terror, and the poor and old woman — She was put to death in due course of law.⁶⁸

What is important in this quote is what happened to both the accuser and the accused. In the case of the girl she was merely rebuked, while in the case of the accused, the legal process continued without taking into account the lie, and resulted in the accused being executed.

The episode, though it actually happened, has received much more attention in the novel than in reality. The author has cleverly chosen one of the clearest examples of how evidence was manipulated in favor of the accusers. Another

example is when a witness wants to give evidence in favor of the defendant, but he has not taken oath, so his deposition has no value at all from a legal point of view:

Judges - judges - do ye hear that? - can this be the law? Will you give the sanction of oaths to whatever may be said here against life? - and refuse their sanction to whatever may be said for life? Can such be the law?⁶⁹

There is strong criticism towards authorities, both civil and religious, and there is a clear denunciation of a blatant violation of the rights of the accused:

I say now that you-you-ye judges of the land! — you are the cause of all that we suffer! The accused are obliged to accuse. They have no other hope. They lie — and you know it, or should know it — and you know, as well as I do, that they have no other hope, no other chance of escape. All that have hitherto confessed are alive now. All that have denied your charges, all that have withstood your mighty temptation — they are all in the grave -all, -all.⁷⁰

The second trial we find is that of Martha Corey. Similarly to Sarah Good's case, a witness presents himself to talk on behalf of the accused and he is also denied the right to give evidence under oath. However, there is a remarkable difference between the two trials, because the fictional representation of Corey's examination includes an almost verbatim transcript of Cotton Mather's version of the trials, as can be seen in the following two quotes, the first one taken from Neal's work and the second being an extract from Mather's *Wonders of the Invisible World* (1692):

John Bly and his wife testified that he bought a sow of the prisoner's husband, but being to pay the money to another, she was so angry that she quarreled with Bly, and soon after the sow was taken with strange fits, jumping, leaping and knocking her head against the fence [...].⁷¹

John Bly and his Wife testify'd, that he bought a sow of Edward Bishop, the Husband of the prisoner; and was to pay the price agreed, unto another person. This Prisoner being Angry that she was thus hindred from fingring the money, Quarrell'd with Bly. Soon after which, the Sow was taken with strange Fits, Jumping, Leaping, and knocking her against the Fence [...].⁷²

Apart from the spelling differences, both versions are nearly identical. However, the information included in the fictional version of Corey's examination comes from two different accused people. The witnesses against Martha Corey in the novel are those who gave evidence against Bridget Bishop in real life. One of the reasons why this specific woman was selected is that she was accused by her neighbors of things that had happened more than twenty years before. Such evidence, which was taken at face value by authorities, was very common at trials, and Bridget Bishop was a very good example. The other historical character employed to build up the fictional version of Martha Corey is Rebecca Nurse, an elderly matron of the community, ill and deaf, and who never lost faith in God despite the court sentencing her to hanging. Having these three historical women joined in one fictional Martha Corey has brought together in one single character recurrent elements of the trials and merged three characters in one single accused: bad reputation and outspoken (Bridget Bishop), good reputation and outspoken (Martha Corey), good reputation and resigned (Rebecca Nurse). With this, it is made clear that nobody was safe from the accusations.

As expected, George Burroughs is the next person to be accused. The evidence presented against him during his fictional examination can be divided in two groups. The first includes fictional elements such as his voice and his extreme wisdom as proofs of his guilt. The second group comprises historical data in which he is accused of having the power to become invisible and to show great strength despite being short. To this second type of evidence also belongs the accusation of having murdered his two wives, as their two ghosts had appeared and told some of the girls that they had been killed.

Although some of the witchcraft evidence is authentic, as can be seen in the primary sources, George's interaction with the authorities is totally fictional. The part of his actual trial-examination is told by the narrator, while all the protests and vindications for a fair trial are presented in full dialogue, as can be seen in the quotes above. A very important fictional addition has been introduced in the development of the legal process against Burroughs. When he is talking to the judges, Samuel Parris, the minister of the village and the father of the first two afflicted, enters the court room to announce that one of his daughters is dead and the other very ill. But the most important information he presents to the authorities is the following statement: "... say to the judges, my poor sick boy, what thee said to me of Judith Hubbard and of Mary Walcott, and of *their wicked conspiracy*"⁷³ (my emphasis). Thus, after Burroughs' denunciations and after being the victim of a personal calamity, one of the most important religious authorities involved in the accusations, the Salem minister, is the one denouncing the lies and the wicked procedures of the court. However, in spite of such important information, essential though wholly fictional, the judges do not want to hear what Burroughs or Parris have to say, despite the former's attempts to make them see the importance of the message which the village minister was trying to express: "If we can prove that the witnesses have conspired together to make this charge, is it contrary to law for you to receive our proof?"⁷⁴

Even the death of this accused minister is manipulated in this fictional version due to the important challenge that his vindications and accusations posed to the legal authorities. They were so afraid of his power that "they gave judgment of death upon him before they left the bench, and contrary to their established practice, ordered him to be executed on the morrow."⁷⁵

Conclusion

After showing a specific example of a literary presentation of the trials for witchcraft in *Rachel Dyer* (1828), we are going to present some general considerations we have deduced from the analysis of the twenty-two works of historical fiction written in the 19th century about this historical event.

First, there are many works that do not include trials or examinations, and in which the falsehood of the accusations is proved before going to court. In the earliest works of fiction, it is more frequent to find reference to second-hand sources, such as the works of Cotton Mather, Deodat Lawson and Robert Calef, than fragments of the actual court records. The reason is that the primary sources were not as easily available as they are nowadays because they were not published until 1864.⁷⁶ Thus, authors had to check the archives. After 1864, when the first collection of such documents was published, authors of fiction started introducing full fragments, so that courtroom scenes became more real.

Second, in all those works, there is a very strong criticism against the legal procedure and the behavior of the authorities. Within the historiographical tradition relating to this historical event, it is very common to find the Salem witch-hunt as a clear example of the travesty of justice. The jurors were as frightened of witches and as credulous as anyone else. Thus, officials manipulated evidence to seek convictions.⁷⁷ However, historians have to stick to factual information, and not give their personal opinions. Nevertheless, authors of historical fiction are free to introduce as many fictional elements as they want, so much so that novels, and literary works in general, have become the perfect setting for an open condemnation of what happened during the prosecution of witches in 1692. Thus, the novels written on this historical event expose "what was precisely covered up by the legal trial."⁷⁸ In so doing, in reopening the case, the literary text enacts "a repetition of the story that the court has missed or misunderstood."⁷⁹ That is why the literary representation of these trials has helped in the expression of what historically has been "expressionless"⁸⁰ as the real individuals who were reduced to silence have found their voice in their literary counterparts.

The third element that should be also taken into account as regards this group of literary works and the presentation of courtroom scenes is that the same historical characters, and very few fictional individuals, are selected as the victims of the failure of justice in the course of their trials. The Corey couple (Martha and Giles) or Rebecca Nurse are the main characters in more than half of the novels.

Another recurrent element is the construction of fictional characters out of several historical ones. Such a fictional resource proves very useful in several ways. First, it allows the presentation of one single fictional legal case in more detail. Second, specific information is selected from different individuals in order to construct a “perfect” accused with the result that the injustice of the death sentence was made even more remarkable. Third, it gives historical fiction the possibility of developing fictional plots that are not too overshadowed by legal jargon.

19th-century writers used the colonial history of their country as a metaphor for an out-of-date way of life they wanted to break free from. This explains why the Salem Witch Trials have been used at the beginning of the literature of the United States as they are a very clear example of what the new democracy wanted to forget from the past. These trials happened in the middle of a great revolution of criminal trials in Anglo-American legal tradition regarding trial juries, legal counsel for the defense and official prosecutors and the elaboration of the rights of the accused.⁸¹ By showing the effects of the lack of some of these elements, the literary works written in the 19th century highlight the need for change.

The literary versions we have used in the development of this paper have focused on the injustices committed, the virtues of the victims and the purge of responsibilities in order to transmit a lesson to future generations, prevent the repetition of the same mistakes and avoid the blood of innocent people being shed because of a defective application of law. It was not until 1975 that the state of Massachusetts passed a resolution to clear the names of all the victims of the 1692 witch-hunt.⁸² So, the miscarriage of justice that was committed at the end of the 17th century was not fully reversed until quite recently. Thus, witchcraft is not something so far from us. In fact, in the 1990s suspected witches were executed by angry neighbors in South Africa.⁸³ This shows how we still entertain superstitions, racial prejudice and animosity toward foreigners and all those who do not conform to our way of life. Law is the one element which should protect us from all this. However, it will not be alone, as literature will continue to give expression to everyone who wants to claim justice for any wrong committed. Thus, law and literature will

continue to work together not only in vindicating those accused at Salem, but also those who feel victims of a defective application of justice.

APPENDIX

19th-Century Literary Works on the Salem Witch Trials (in chronological order)

- Anonymous. "Salem Witchcraft: An Eastern Tale." *The New-York Literary Journal and Belles-Lettres Repository* 3 (1820): 329-35, 417-20, 4 (1820): 17-27.
- Neal, John. *Rachel Dyer*. Portland: Shirley and Hyde, 1828.
- Hawthorne, Nathaniel. "Alice Doane's Appeal." *American Gothic: An Anthology 1787-1916*. 1835. Malden and Oxford: Blackwell Publishers, 1999. 106-13.
- Buckminster, Eliza. *Delusion; or the Witch of New England*. Boston: Hilliard, Gray and Company, 1840.
- Hawthorne, Nathaniel. "Main-street." *Nathaniel Hawthorne's Tales*. 1840. Ed. James McIntosh. London and New York: Norton & Company, 1996. 209-30.
- Anonymous. *The Salem Belle, a Tale of 1692*. Boston: Tappan & Dennet, 1842.
- Anonymous. "Alice: A Story of Cotton Mather's Time." *United States Magazine and Democratic Review* 25 (1849): 249-56, 338-44.
- James, George P. R. "Christian Lacy. A Tale of the Salem Witchcraft." *Graham's Magazine* 37 (1851): 17-27.
- Matthews, Cornelius. *Witchcraft: A Tragedy in Five Acts*. New York: S. French, 1852.
- Everett, Eliza J. "The Tribunal of Witchcraft." *Ballou's Pictorial Drawing-Room Companion* 10 (1856): 386-88, 402-3.
- DeForest, John W. *Witching Times*. New Haven, CO: College and UP, 1856-57.
- Gaskell, Elizabeth. *Lois the Witch*. 1859. London: Hesperous Press, 2003.
- Longfellow, Henry W. "Giles Corey of the Salem Farms." *The Complete Poetical Works of Henry Wadsworth Longfellow*. 1868. New York: Buccaneer Books, 1993. 495-522.
- Condit, Eleanor B. (M.B.). *Philip English's Two Cups*. New York: ADF Randolph, 1869.
- Castleton, D. R. *Salem: A Tale of the Seventeenth Century*. 1874. New York: Harper & Brothers, 1967.
- Williams, Espy W.H. *Witchcraft, or, The Witch of Salem. A Legend of Old New England in Five Acts*. 1882. New Orleans: E. A. Brand & Co, 1886.
- Disosway, Ella T. *South Meadows*. Philadelphia: Porter & Coates, 1874.

- Du Bois, Constance G. *Martha Corey: A Tale of the Salem Witchcraft*. Chicago: A. C. McClurg and Company, 1890.
- Musick, John B. *The Witch of Salem or Credulity Run Mad*. 1893. New York and Los Angeles: Funk & Wagnalis Company, 1906.
- Watson, Augusta C. *Dorothy the Puritan. The Story of a Strange Delusion*. New York: E. P. Dutton and Company, 1893.
- Wilkins, Mary E. *Giles Corey, Yeoman*. New York: Harper and Brothers, 1893.
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- ⁵ Cooke, William H. *Justice at Salem. Reexamining the Witch Trials*. Annapolis, MD: Undertaker Press, 2009, p. vi.
- ⁶ Cooke, p. xix, 78; Rosenthal, p. 202.
- ⁷ LaPlante, Eve. *Salem Witch Judge. The Life and Repentance of Samuel Sewall*. New York: HarperCollins, 2007, p. 5.
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¹⁰ Hill, *Such Men are Dangerous*, p. 13, 36.

¹¹ Hoffer, Peter Charles. *The Salem Witchcraft Trials: A Legal History*. Pittsburgh: University of Kansas Press, 1997, p. 7.

¹² Henderson, Harry B. *Versions of the Past: The Historical Imagination in American Fiction*. New York: Oxford University Press, 1974, p. 3; Dekker, George. *The American Historical Romance*. Cambridge, New York and Melbourne: Cambridge University Press, 1987, p. 27; Davidson, Cathy. *Revolution and the Word: The Rise of the Novel in America*. Oxford: Oxford University Press, 2004 (1986), p. 23.

¹³ Spiller, Robert E. *The Cycle of American Literature: An Essay in Historical Criticism*. New York and London: The Free Press, 1967 (1955), p. 454; Dekker, p. 4-7.

¹⁴ Cohen, Shoshannah S. *Vexed Identity: Literary Self-Representation in Massachusetts, 1678-1700*. Unpublished Ph.D. dissertation. University of Chicago, 1998, p.1; Dekker, p. 63-64.

¹⁵ Dekker, p. 63-64.

¹⁶ Felman, Shoshana. *The Juridical Unconscious. Trials and Traumas in the Twentieth Century*. Cambridge, MA, and London: Cambridge University Press, 2002, p. 59.

¹⁷ Felman, 59.

¹⁸ Hoffer, p. 6.

¹⁹ Felman, p. 59.

²⁰ Hoffer, p. 15.

²¹ Felman, p. 60.

²² There are only four full works focused on this issue: two unpublished dissertations by Maurita Willett (1958) and James W. Clark Jr. (1970) and two journal articles by Harrison Orians (1930) and David Levin (1955) (see full bibliographic information in the "Works Cited" section). In all of them, the literary works are presented and widely commented but the authors only pay attention to historical alterations of the events or mistakes.

²³ Felman, p. 12.

²⁴ These three works of fiction are analyzed by law and literature scholars Richard Posner, Kieran Dolin and Ian Ward (see full bibliographic information in the "Works Cited" section).

²⁵ Levack, Brian P., ed. *The Witchcraft Sourcebook*. New York: Routledge, 2004, p. 2.

²⁶ *Ibid.*

²⁷ Pavlac, Brian P. *Witch Hunts in the Western World. Persecution and Punishment from the Inquisition through the Salem Trials*. Westport, CT: Greenwood Press, 2009, p. 50.

²⁸ *Ibid.*, p. 56

²⁹ Levack, Brian P. *The Witch-Hunt in Early Modern Europe*. London: Longman Group, 1995 (1987), p. 29-50.

³⁰ *Ibid.*, p. 44.

³¹ *Ibid.*, p. 39.

³² *Ibid.*, p. 35.

³³ *Ibid.*, p. 44.

³⁴ *Ibid.*, p. 68-93.

³⁵ *Ibid.*, p. 67.

³⁶ *Ibid.*, p. 137.

³⁷ Rapley, p. ix.

³⁸ Harmful magic was made a felony by statute in England in 1542.

³⁹ Levack, *The Witch-Hunt in Early Modern Europe*, p. 68, 74-76.

⁴⁰ *Ibid.*, p. 161.

⁴¹ Hill, *Such Men are Dangerous*, p. 20.

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- ⁴² Barstow, Anne Llewellyn. *Witchcraze. A New History of the European Witch Hunts*. London: Harper Collins, 1995, p. 78.
- ⁴³ Levack, *The Witch-Hunt in Early Modern Europe*, p. 205.
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- ⁴⁶ Pavlac, p. 140.
- ⁴⁷ Levack, *The Witch-Hunt in Early Modern Europe*, p. 89.
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- ⁵⁰ *Ibid.*, p. 5.
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- ⁵² Levack, *The Witch-Hunt in Early Modern Europe*, p. 59.
- ⁵³ Weisman, p. 10, 15.
- ⁵⁴ Gibson, Marion. *Witchcraft Myths in American Culture*. New York: Routledge, 2007, p. 23.
- ⁵⁵ *Ibid.*
- ⁵⁶ Robinson, Enders A. *The Devil Discovered. Salem Witchcraft 1692*. New York: Hippocrene Books, 1991, p. 227-228.
- ⁵⁷ Hoffer, p. 57.
- ⁵⁸ Felman, p. 79.
- ⁵⁹ Boyer, Paul and Stephen Nissenbaum. *Salem Possessed. The Social Origins of Witchcraft*. Cambridge, MA and London: Harvard University Press, 2001 (1974), p. 37-59.
- ⁶⁰ *Ibid.*, p. 80-97.
- ⁶¹ *Ibid.*, p. 98-103.
- ⁶² Pavlac, p. 138; Weisman, p. 123-25.
- ⁶³ Weisman, p. 125.
- ⁶⁴ Robinson, p. 49.
- ⁶⁵ Neal, John. *Rachel Dyer*. Amherst, NY: Prometheus Books, 1996 (1828), p. 85.
- ⁶⁶ Neal, p. 69.
- ⁶⁷ *Ibid.*, p. 69.
- ⁶⁸ *Ibid.*, p. 82.
- ⁶⁹ *Ibid.*, p. 93.
- ⁷⁰ *Ibid.*, p. 88.
- ⁷¹ *Ibid.*, p. 125.
- ⁷² Burr, George L. *Narratives of the New England Witchcraft Cases*. Mineola, NY: Dover Publications, 2002, p. 225.
- ⁷³ Neal, p. 229.
- ⁷⁴ *Ibid.*, p. 230.
- ⁷⁵ *Ibid.*
- ⁷⁶ The first collection of original court records was Woodward, W. Elliot. *Records of Salem Witchcraft Copied from the Original Documents*. Roxbury, MA: Higginson Book, Co, 1864.
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- ⁸¹ Hoffer, p. viii.

⁸² Mofford, Juliet H. *"The Devil Made Me Do It!" Crime and Punishment in Early New England*. Guilford, CT: Globe Pequot Press, 2012, p. 159.

⁸³ Hoffer, p. 145.

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