

“The Instrument of the Devil”. The Image of the Witch in 18th Century Cluj

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Abstract: The main purpose of our article is to underline some contemporary conceptions regarding witchcraft, and to explain why witch trials based on the same charges could have different outcomes. In order to answer our historical question we will briefly discuss the archetype of the women accused with various forms of magic (11 cases) by the Court of the free royal town of Cluj, and we will try to identify based on the information delivered by the interrogations the kind of occult activities these women were involved in. We came to conclude that our Transylvanian cases are less spectacular than the Western ones, since our witches did not participate in large nocturnal assemblies, they could only occasionally fly and were restrained devil-worshippers. What we learned is that they belonged, with few exceptions, to lower levels of society, had divisive personalities and tended to cause conflicts within the community. Although the trials took place within a male-controlled judicial system, the proportion of female witnesses is higher than in any other felonies, which indicates the presence of a social tension between women. Finally, we also discuss the legal foundation of the witch trials, outlining the fundamental changes occurred in criminal law during the second half of the eighteenth century.

Keywords: witchcraft, 18th century, Court Protocols, female crime

Rezumat: “Instrumentul diavolului”. Imaginea vrăjitoarei în Clujul secolului al XVIII-lea Scopul principal al articolului este să prezinte câteva concepții contemporane referitoare la vrăjitorie prin analiza narativă a documentelor păstrate în protocoalele de judecată ale orașului Cluj, și să explice de ce procesele de vrăjitorie, pornind deseori de la aceleași acuzații, aveau rezultate diferite. Într-o primă etapă vom discuta pe scurt arhetipul femeilor acuzate de practicarea diferitelor forme de magie (11 cazuri), mai apoi vom încerca să identificăm, pe baza informațiilor furnizate de interogări, în ce fel de activități oculte au fost implicate acestea. Dorim să subliniem că în procesele de vrăjitorie proporția mărturiilor feminine este mult mai semnificativă

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decât în cazul altor infracțiuni, ceea ce indică de fapt prezența unor tensiuni sociale între femei, cu atât mai mult, cu cât protagonistele acestor procese erau, cu câteva excepții, femei marginale, controversate, care cauzau deseori conflicte în cadrul comunității. Articolul prezintă, de asemenea, și câteva aspecte legate de legislația cu privire la vrăjitorie, evidențiind schimbările fundamentale care au avut loc în a doua jumătate a secolului al XVIII-lea în dreptul penal.

Cuvinte-cheie: vrăjitorie, secolul al XVIII-lea, protocoale de judecată, crimă feminină

Introductory Considerations

Although the study of witchcraft emerged a long time ago from a subject considered “beneath the dignity of the historian”, in Transylvanian literature attention had been still focused for many years on the “more serious” aspects of witchcraft: upon the legal authorities, the juridical system, and on the laws issued against witches. The development of women history or the impact of anthropology did not impress historians, since ethnographers continued to be the ones who would try to solve the Transylvanian or Hungarian witch-issue. In the following we would like to make a small contribution to this topic from a historical perspective, but not necessarily in a traditional way¹. The characters we are interested in are on the other side of the “inquisitorial documents”. We are not as much curious regarding those who wrote the questionnaires but regarding those who answered them. We would like to analyze the voices of the marginal, demonized females and what ordinary people thought or said about them. Our cases, only 11 in number, are not as spectacular as the German or English ones, since the witches from Cluj could only occasionally fly, and did not meet for Sabbath, just as they did not dance and feast with the devil like their western counterparts. Our witch-craze is rather a local fad, since witchcraft was first of all used to explain bodily injuries, diseases and misfortune, and many times the basis of accusation for trials were neighbourly disputes, especially between women. Therefore, our article discusses the archetype of the witch and then the profile of the witnesses, focusing on the language they used to describe their fears. We will briefly discuss the local social relations,

¹ We would like to bring to attention a similar research on the trials from Cluj: Cătălina Covaciu, “Adversarii ordinii divine? Portretul acuzaților în procesele de vrăjitorie clujene” (“Enemies of the Divine Order? Portraits of the Accused in Witch Trials from Cluj”), in Marius Eppel (ed.), *Magie și familie în Europa în epocile modernă și contemporană* (Magic and Family in Modern and Contemporary Era), (Cluj-Napoca, 2016), pp. 28–40.

since the majority of the accusations came from fellow citizens, namely, from *below*. Even if our glance is focused on the non-elite attitudes to witchcraft we will address also "classical issues" like the legal background of Transylvanian witchcraft.

The current survey is based on the legal cases brought before the main judicial forum of Cluj, recorded in the Court Protocols², a collection of legal documents, written partly in Hungarian, partly in Latin, and which mainly comprise criminal cases and their resolutions, namely the decisions and deliberations of the judges³. Unfortunately, the surviving records are incomplete, many years from the first few decades are missing, not to mention that, unlike in previous centuries, the trial documents contain only the deliberations, and not the testimony of the witnesses or the accused⁴. The percentage of witchcraft (5%) among female crime from this century is not that significant. From over 260 cases of deviant behaviour⁵, most women were accused of fornication (45%), adultery (34%), infanticide (5%), theft and drunkenness (4%), poisoning (2%), and slander (verbal offences – 5%).

Transylvanian Witchcraft in European Context

We would like in the followings to outline some witchcraft-related perceptions in order to better highlight the similarities, but mostly the differences between the Transylvanian understanding of magic-related crimes and the great European witch craze.

Throughout the fifteenth and eighteenth centuries, four distinct perceptions of witchcraft existed in Western Europe. At first there was the concept of harmful magic. In this stage the malefic power concentrated around a single person who was either endowed by nature with certain qualities, or acquired her powers through initiation (as an apprentice). These persons knew how to prepare medicine, mostly balms, and possessed (somewhere after the twelfth century) the ability to fly. The second type of witchcraft was more complex. The witches had been already related to the

² Romanian National Archives Cluj County Branch, Cluj-Napoca; The Town Archive of Cluj, *Court Protocols* (hereafter cited as: *C.P.*).

³ The town had two judges and 12 elected senators; their juridical activity was recorded by the town's scribe (notarius). The cases were argued by lawyers, and the actual investigations could start from private initiatives (citizens) as well as from authorities.

⁴ Andrea Fehér, "Crossing Gender Boundaries. The Trial of Andrew Ungvári", in *Studia Universitatis "Babeş-Bolyai", Historia*, vol. 57(2012): 4-5.

⁵ Eadem, "Women, Crime and the Secular Court in Eighteenth Century Cluj" in *Journal of Education, Culture and Society*, 2015/2: 33-42.

devil, and acquired their knowledge directly from it. But so far, witchcraft had focused on one person and the damage caused. Gradually, groups of witches appeared, bound by a secret pledge, spending time together discussing mostly ways to harm their community. And finally, there was the most extreme version of collective witchcraft, the witch-Sabbath, which appeared by the end of the sixteenth century. These gatherings, where women committed “unspeakable and indescribable” sodomite acts with the devil, usually culminated in ritual crime, especially infanticide⁶.

As far as Transylvania is concerned, starting with the Middle Ages, the Hungarian legal literature makes a clear distinction between evil magic (*maleficium*), divination (*sortilegium*) and poisoning (*veneficium*). Sometimes we can read about fearful night creatures too (*strigae*), who generated definitely more panic than the other *malefici*⁷. Thus, Transylvanian witchcraft had a pronounced harmful character, and it could be integrated into the first two categories mentioned above, since it remained at an individualistic level. The situation seemed to change in the second half of the seventeenth century, with the appearance of the *Praxis Criminalis*, which brought into discussion concepts such as the pact with the devil or the Sabbath (i.e. elements taken from *Malleus Maleficarum*). In spite of the fact that massive inquisitions on Hungarian territories began only at the end of the seventeenth century, and only from that time did Transylvanian witchcraft acquire a diabolical component, which was absent until then, the spectacular elements we know from Western literature regarding Sabbath or orgies would still be missing. The only element that seems to be found in Transylvanian cases, though rare, is that of infanticide.

We want to draw attention to the fact that both the witchcraft trials in Cluj⁸, as well as the Transylvanian or Hungarian persecutions, were relatively moderate, and had a pronounced practical character⁹. Namely, the

⁶ Richard von Dülmen, “Die Dienerin des Bösen. Zum Hexenbild in der Frühen Neuzeit” in *Zeitschrift für Historische Forschung*, vol. 18(1991): 394–395.

⁷ Ildikó Sz. Kristóf, “Boszorkányüldözés a kora újkori Magyarországon” (Witch hunt in Early Modern Hungary), in Gábor Klaniczay, Éva Pócs, *Boszorkányok, varázslók és démonok Közép-Kelet-Európában* (Witches, Sorcerers and Demons in East-Central-Europe), (Budapest, 2014), p. 23.

⁸ Andás Kiss, László Pakó, Péter Tóth G. (eds.), *Kolozsvári boszorkánypercek, 1564–1743* (Witch Trials in Cluj. 1564–1743), (Budapest, 2014).

⁹ According to a database for medieval Hungary, between 1213–1848 there were 4624 people (3962 women) accused of witchcraft, of which only 848 were sentenced to death. The worst period of Hungarian witchcraft was between 1701–1750, half of Hungarian cases (2,197 accusations) being carried out during that time, which coincided also with two major epidemics of plague. Kristóf, “Boszorkányüldözés a kora újkori Magyarországon”, pp. 23–28, 38–39.

trials involved mostly healing women (who were preparing herbal ointments), occasionally midwives, and quite often people who disrupted the public order¹⁰. Often the original reason behind the accusations was a pragmatic one, the magic elements being just “spices that ensured the success” of the process¹¹. As is shown by recent studies, the demonizing of women was not an invention of demonic treaties such as *Malleus Maleficarum*. It was always in the collective consciousness of society, since womanhood was always associated with sinfulness¹². Many believe that in their original form witchcraft trials were meant to resolve conflicts between women generated by gossip, envy or jealousy¹³, thus an overwhelming majority of witchcraft accusations were deeply rooted in the social conflicts between females¹⁴.

We cannot neglect the confessional component either. During the studied period, the inhabitants of Cluj were predominantly Protestants, and, according to the most recent studies, Protestants were more active in witchcraft than Catholics¹⁵. While Catholics and Lutherans accepted the presence and influence of evil powers in everyday life, and their liturgical books contained protective prayers, Calvinists were deeply skeptical about this subject. Somewhat contradictorily, existing laws did not denote faith in paranormal powers, quite the opposite: Protestant preachers were skeptical about occultism, and they had an anti-diabolic and anti-demonological perception. They totally denied the possibility of a pact or act of sodomy consumed with the devil, which they considered to be the illusions of a mind possessed by melancholy. They particularly criticized healing practices

¹⁰ Dóra Andrea Czégényi, “Boszorkányképzetek a 18. századi szilágysági periratokban” (The Image of the Witch in the 18th Century Court Protocols from Sălaj), in *Boszorkányok, varázslók és démonok*, pp. 192–193.

¹¹ Men denounced their female adversaries as thieves, drunkards, liars and occasionally also as witches. Bernard Capp, *When Gossip Meet: Women, Family, and Neighborhood in Early Modern England*, (Oxford, 2003), p. 230; Roper, *Witch Craze*, p. 41.

¹² Alan Macfarlane, *Witchcraft in Tudor and Stuart England. A regional and Comparative Study*, (London, 2008), pp. 147–207. A very interesting, however quite challenging approach to this subject is to be found in Karen Jones’s studies. She considered witchcraft “a natural development of an already existing misogynistic attitude”, and the Early Modern witch hunt as an obvious deterioration in women’s position. Karen Jones, *Gender and Petty Crime in Late Medieval England. The Local Courts in Kent, 1460–1560*, (Woodbridge, 2006), p. 199.

¹³ Jim Sharpe, “Women, witchcraft and the legal process” in Jenny Kermode, Garthine Walker, *Women, Crime and the Courts in Early Modern England*, (London, 2005), pp. 119–120.

¹⁴ Dülmen, “Die Dienerin des Bösen”, pp. 397–398.

¹⁵ About the demanding work Reformation pretended from local authorities regarding the maintenance of public order see Jones, *Gender and Petty Crime*, p. 197.

based on magical knowledge, especially during epidemics, and condemned all midwives and all healers who used sorcery¹⁶.

The witch

We must mention that witchcraft is traditionally defined as female crime¹⁷, but the most recent works on the topic seem to be more careful with the gender label¹⁸. Historians talk now about gender-related and not gender-specific crimes, since there are more and more studies that discuss male witchcraft.¹⁹

Our sources support the traditional understanding of female crime, since the judicial records we analysed over the years talk exclusively about female witches. From the studied cases, in the 11 witchcraft trials from eighteenth-century Cluj (1711–1765), mostly old women, usually widows are accused of witchcraft²⁰. Except for a few cases, these women already had a bad reputation, had been cited by other courts from Transylvania, so they already had a criminal record²¹. At the same time, it is important to note that out of the 11 cases, 3 refer to foreign women who had been in town for some time, two of which were extremely poor. We have a case linking infanticide and witchcraft²², and three other cases that refer to deceased children, usually as a result of curses. Witchcraft and infanticide seem to be closely linked, on the one hand because they were committed almost exclusively by women, then because they generated identical fears at the collective level²³, having often a common actor, namely the midwife. The midwife appears to

¹⁶ Kristóf, “Boszorkányüldözés a kora újkori Magyarországon”, p. 31.

¹⁷ The typical female crimes include infanticide, witchcraft and slander. On the importance of the latter see: Castan Nicole, “Criminals”, in Natalie Zemon Davis, Arlette Farge (eds.), *A History of Women in the West*. vol. 3, (London, 1995), pp. 475–488.

¹⁸ Wolfgang Behringer, *Hexen. Glaube, Verfolgung, Vermarktung*. (München, 2000), pp. 28–29.

¹⁹ Lyndal Roper, *Witch Craze. Terror and Fantasy in Baroque Germany*, (London, 2004), p. 26; Lara Apps, Andrew Gow, *Male Witches in Early Modern Europe*, (Manchester, 2003).

²⁰ Behringer, *Hexen*, p. 28.

²¹ The image of the drunken, deviant witch with previous criminal record is universal: *Hexenprozesse mit Todesurteil. Justizmorde der Zunftstadt Zürich*, Bearbeitet von Otto Sigg, (Zürich, 2012), p. 9.

²² There is a very interesting case of witchcraft in seventeenth-century Cluj, in which the defendant is specifically accused of killing a child. It was assumed that the woman used the internal organs of children to prepare medicine. *Kolozsvári boszorkánypercek, 1564–1743*. pp. 288–290. For similar Transylvanian cases see Czégényi, “Boszorkányképzetek a 18. századi szilágysági periratokban”, pp. 176, 199.

²³ Peter C. Hoffer, N. E. H. Hull, *Murdering Mothers: Infanticide in England and New England 1558–1803*, (New York, 1981), p. 56.

be the main and most controversial character of European trials²⁴, and this is explained by her presumed power over fertility, namely her knowledge of charms that were increasing or, on the contrary, inhibiting the ability to procreate²⁵. But we cannot speak in the case of Cluj of a massive presence of midwives, because only two of the convicts pursued this profession.

The first case of this century refers to a midwife who was accused by a citizen that she did not perform her medical duties properly. The trial of the widow Anna Sós lasted two years (1711-1713)²⁶, and it appears that she managed to escape any kind of punishment. Similar cases when defendants avoided severe sanctions are those of the widow Katalin Pál (1741. 06-07), and Suska Bíró (1741. 09)²⁷; the latter would be expelled from the city for curing a child's fracture. So even a gesture of goodwill, such as choosing the right healing methods, could awaken the suspicion of the population. 1741 seemed to be a busy year since we have another case, that of the widow Zsófia Katona (1741. 06-10)²⁸, who was summoned before the Court, like Katalin Pál, for deception. Katona would have to pay the damages she caused. There were, of course, cases that were solved with corporal punishment, such as that of Mária Illyés, who was convicted along with three other women accused of fornication. The last case of witchcraft, that of the widow Erzsébet Pap dates back to 1765²⁹. The woman was accused of poisoning, but the sentence given to her is unknown.

A special situation is that of Borka Vargha (1729-1730)³⁰, an impoverished widow who begged barefoot on the streets of Cluj. Vargha's trial would be prolonged for half a year, because in her case there was evidence of a criminal record outside the town. It seems that the woman was already in the attention of the Courts from Bistrița and Debrecen, and moreover, the investigation revealed the existence of two children, but at the time of Vargha's arrest they were no longer with their mother. This caused mistrust among the magistrates who suspected the woman of infanticide or child murder. The latter accusation was not maintained, but the woman was

²⁴ Some believe that the midwife-witch association is overstated. David Harley, "Historians as Demonologists: The Myth of the Midwife-Witch", in *The Journal for the Social History of Medicine*, vol. 3(1990),1: 1-26.

²⁵ In Italy a great majority of witchcraft accusations appeared in fertility-related cases. Roper, *Witch Craze*, pp. 26-27, 115-116.

²⁶ C.P. II/26:60, 62, 66, 84, 87, 89, 104-107.

²⁷ C.P. II/41: 41, 50; C.P. II/41: 60-61.

²⁸ C.P. II/41: 45, 67.

²⁹ C.P. II/40:72; C.P. II/49:27.

³⁰ C.P. II/33: 46. Fehér, "Investigating Infanticide in 18th-Century Cluj", in *Studia Universitatis "Babeș-Bolyai"*, *Historia*, vol. 59(2014),2: 57-58.

marked on the forehead with hot iron, a distinctive sign “offered” to thieves³¹.

The previously mentioned seven cases were solved with relatively light sentences; the accusations were quite varied, from deception, or malpractice to fornication. It is also important to note that out of these cases, three occurred in 1741. Thus, there were years of general panic, which usually coincided with periods of epidemics³². As we shall see, an accused from this year had failed to avoid capital punishment.

In the following we will present those witchcraft cases which contain severe accusations and are referring to occult practices, sometimes even making the association with the devil. We will start by presenting Erzsébet Székely (1724–1726)³³, a descendant of a witch family, who had already been sentenced to death in Mureş Seat with her mother and sister. Székely escaped from the arrest, then a few years later married and settled in Cluj, where she managed to live without raising suspicions among the citizens. But after a while her identity was revealed. Curiously, the initial accusations were that of slander, the trial being initiated by Székely herself against a man who accused her of witchcraft. To her misfortune, after extensive inquiries, justice turned against her. Although during her trial the investigation revealed some magic-related activity, the woman with her baby on her arms managed to avoid the death penalty³⁴. She received a year of imprisonment, after which she was expelled from town with her husband and minor child.

Erzsébet Ötves (1728–1729), Kata Kádár (1733–1734) and Judit Péntek (1741–1743) were less fortunate³⁵. The difference between Erzsébet Székely and the other three suspects, the reason why the former remained alive despite knowing and practicing magic, must be sought at the level of social action. Sometimes serious allegations could be neutralized by the positive

³¹ Although in England this stigma was generally used to punish sexual immorality (Kermode, Walker, *Women, Crime*, p. 31), in Transylvania it was associated with theft and sometimes debauchery.

³² Janka Kovács, “Nyomor, bűn és kiszolgáltatottság. Női szerepek a londoni “alvilágban” a 16–17. századi irodalmi források tükrében” (Misery, Crime and Defenselessness. The Representations of the Female Criminal in 16–17th Century Popular Literature), in Eadem, Zsófia Kökényesi, Viola Lászlófi (eds.), *A normán innen és túl* (Beyond the Norm), Budapest, 2017, p. 134.

³³ C.P. II/31: 53–56 (1725–1726).

³⁴ Fehér, “Women and the Death Penalty in 18th Century Cluj”, in Iulian Boldea (coord.), *Globalisation, Intercultural Dialogue and National Identity. Studies and Articles. Section History and Cultural Mentalities*. Vol. II, (Târgu-Mureş, 2015), p. 730; for female defense strategies see also Eadem, “Women, Crime and the Secular Court”, pp. 36–37.

³⁵ C.P. II/33: 6–8; C.P. II/36:3–4; *Kolozsvári boszorkányperek, 1564–1743*, pp. 326–353; C.P. II/41: 119–120.

statements of friends and neighbours, who "swore to the good character of the accused"³⁶. This young married woman, with a child, did not stir the antipathy of the citizens, whereas the other three, being of a considerable age, had a "dirty mouth", were "lascivious whores", and moreover, "displayed their intimate parts in public". They had caused their own problems, they deliberately fed the rumours about their presumed powers, arousing in this way deep fear among their neighbours³⁷. Given that these four trials also required a broader argumentation from the judges, and because Kádár's process was preserved entirely in the Széchényi National Library's manuscript collection, we are able to discuss issues regarding collective fears and mentalities. It is relatively easy to reconstitute from these descriptions the long journey of these women from the tower to the pile. In addition to this individual case, we will try to capitalize on all the information found in the Court Protocols in the already mentioned witchcraft accusations. We will first consider the inquiry of inquisition, the interrogation, and briefly discuss the contemporary perceptions on witchcraft, in the meantime trying to outline the defense strategies of the accused women.

The inquisition

The questionnaires used during the inquisition allow a two-dimensional analysis. On the one hand, we know the questions asked by the investigators, gathered in points, to which the witnesses had to respond one at a time; on the other hand testimonies of the interrogated persons are also available, who in their turn, through the information they provide when given an opportunity to express themselves freely, contribute to the understanding of the collective conceptions regarding the supernatural³⁸. The questions reflect the official perception of magic and witchcraft, but the answers still contain unique elements that help to access the common beliefs on this topic³⁹.

³⁶ Capp, *When Gossip Meet*, p. 58.

³⁷ About the dangers of this practice see Gábor Klaniczay, "Gyógyítók a magyarországi boszorkányperekben", in *Boszorkányok, varázslók és démonok*, pp. 278–279.

³⁸ In most cases these dialogues were overwritten by the scribes, and we have only small, however essential fragments of the actual statements. Winfried Schulze, "Zur Ergiebigkeit von Zeugenbefragungen und Verhören", in Idem (ed.), *Ego-Dokumente: Annäherung an den Menschen in der Geschichte*, (Berlin, 1996), p. 320.

³⁹ According to Carlo Ginzburg the inquisition recorded exactly what the accused stated only in exceptional cases, when the legal authorities simply did not understand the confession of the interrogated people. Carlo Ginzburg, "Inquisitor or Anthropologist", in Idem, *Clues, Myths and the Historical Method*, trans. by Anne C. Tedeschi and John Tedeschi, (Baltimore, 1989), pp. 156–165.

From the questionnaires that were kept, it appears that the magistrates were primarily interested in finding out the kind of powers the accused possessed, and the circumstances under which these powers were used. It was equally important for the judges to determine if the interrogated persons had direct knowledge of the alleged powers (i.e. saw the witch in action), or had only heard others talking about these. It was also paramount to know whether someone heard the accused threaten others with her unnatural skills, and if so, whether she mentioned the diabolic nature of her wisdom. The judges also wanted to know if the accused possessed among others some unusual tools, and if they used them in their activity. Some of the questions were meant to exclude possible ill-intentions of witnesses, to show if they had personal reasons, grievances or other annoyances about the defendant. The Legislation (Tripartitum, P. II, T. 28) protected the accused, since those who were directly affected in the outcome of the trial theoretically had no right to assert anything, because their testimonies might have been deformed by hatred or fear⁴⁰. In terms of healing methods, the interrogation discussed also the type of herbs and balms used, and again the nature of the knowledge the witch possessed. Namely, if the woman earned her talent from the devil, or she invoked divine grace and support in her actions. We note that in Cluj there were only few questions asked, in Germany their number being somewhere between 30 and 100⁴¹.

The witnesses: accusations, conflicts and the social anger

It is difficult to reproduce the portrait of the witnesses because we do not have access to all trial documents, but we will try, however, based on Kádár's process (therefore without making general statements) to compile the profile of those who have testified. There are 47 statements, among which 29 had direct knowledge of Kádár's supernatural activity. Four names appear more frequently, 4 women who seemed to have had a major role in the spreading of stories⁴². Most of the persons harmed were between 31 and 40 years old (17 people), followed by the next generation, those between 41

⁴⁰ The law seems to be well-known, since we found references to it in Kata Kádár's trial. *Kolozsvári boszorkányperek, 1564–1743*, p. 350.

⁴¹ Richard van Dülmen, *A rettenet színháza. Ítélezési gyakorlat és büntetőrituálék a kora újkorban* (Theater des Schreckens. Gerichtspraxis und Strafrituale in der frühen Neuzeit), (Budapest, 1990), pp. 27–28; Schulze, "Zur Ergiebigkeit von Zeugenbefragungen und Verhören", p. 320.

⁴² It seems that it was quite usual for witnesses to repeat the stories they heard, therefore many male testimonies are in fact a reinforcement of the female ones, since "many men giving evidence in witchcraft accusations simply repeated what their wives said or told them". James Sharpe, *Instruments of Darkness: Witchcraft in England 1550–1750*, (London, 1996), p. 181.

and 50 years (12). Therefore, and also according to historians studying this phenomenon on a larger scale, the still fertile category was the most active⁴³. In terms of gender, of the 47 interrogated 62% were female, and the number of directly affected women was almost double (10 men, 17 women, 9 children). This high female percentage is also valid for other cases too, especially in those referring to midwives. Anna Sós and Erzsébet Ötves have both fallen prey to the anger of the relatives. While the first one avoided capital punishment because she was a talented midwife, the second would be an easy victim. Although 16 women confessed that they had a relatively mild birth with Ötves, 28 stood up against her⁴⁴. The explanation is again to be found at the level of human interactions. Ötves was temperamental, always seeking conflict, and was often dissatisfied with the payment she received, therefore she used to threaten her clients.

Kádár's trial reveals another type of conflict, the one between the beggar and the citizens. Vagrants, as shown by other studies, especially if they had an irritating personality, quickly became victims, because their presence always created anxiety and aroused suspicions among citizens⁴⁵. Kádár begged mostly for bread, cake, wine, fruit and meat, but she did not accept low-quality food. Most conflicts started from her insistence on receiving fresh and delicious meals. She spent most of her time begging around the gate Mănăștur, in the taverns, at the market, and the bakery. The woman changed her begging place very often, therefore she managed to make enemies in the entire town⁴⁶. We must underline that among the interrogated persons not all were hostile towards her. Of her 9 hosts 4 confessed in favour of Kádár, and we have a very favourable testimony pointing to the woman's piety, since it seems that she liked to quote from the Bible. Kádár often went to church, but again, caused some trouble, as with the incident when she quarrelled with another woman for a better place to hear the Sunday prayer. The answer she gave to Zsófia Kőmíves during their disagreement was used against her. Many recalled that the 61-year-old widow threatened her opponent saying: "My place is here, and yours in hell!⁴⁷" Sadly for Kádár, Kőmíves became paralyzed shortly after this conflict.

⁴³ Roper, *Witch Craze*, pp. 115–120.

⁴⁴ C.P. II/33. 7.

⁴⁵ Macfarlane, *Witchcraft in Tudor and Stuart England*, pp. 151, 158; Beier, "Vagrants and the Social Order in Elizabethan England", in *Past and Present*, vol. 64, nr. 7: 3–29.

⁴⁶ On the urban conflict zones between females see Castan Nicole, "Criminals", pp. 481–482.

⁴⁷ *Kolozsvári boszorkányperek, 1564–1743*, p. 344

Among the most frequently evoked physical affections presumably caused by the above-mentioned women were the swelling of the joints, hands, feet, and paralysis. Among nursing mothers there were problems with breastfeeding, infections of the breasts, and in the case of infants eating disturbances, and stiffness of the jaws. In some cases, evidence of the curse was more obvious and sometimes even tangible. We have four testimonies from Kádár's trial that refer to teeth or bites. All of this is limited to a single case of a woman from Bistrița who had a swollen leg, and who only recovered after a human tooth (presumably Kádár's) had been removed from her wound. All those who had testified evoke this story, perhaps fascinated by what they had heard, because in similar cases in Cluj, it was "only" eggshells, pieces of coal or bones that were extracted from the wound. According to the literature, teeth marks are all distinctive signs left or worn by those who are connected with the devil⁴⁸. In Erzsébet Székely's case the witnesses talked about a special power, namely she could curse and heal people by spitting. The majority of her victims experienced swellings of hands and feet, heart disease, and even blindness. Not to mention that among her victims was a doctor, too; thus, we cannot help thinking, in this particular case, of a conflict of interest⁴⁹.

But it was not these aforementioned complaints, these more or less severe physical pains and injuries that created problems, but the situations involving death. In Kádár's trial, 13 cases of death are mentioned, of which 9 were children. The children died from smallpox or diarrhea, the adults from long illnesses. Two people lost their lives during epidemics, and yet Kádár was the one blamed.

Signs of a curse could occur immediately, or a few days after the conflict with the witches. Children usually died 3–7 days after they quarrelled with the witch. Some of them, being only 2 or 3 years old, accused directly Kádár as the cause of their pain. How much could the judges rely on the words of those children, we do not know, but it is certain that their parents later spread the story. The same happened with the evangelical priest who died after being bitten by dogs 11 years before Kádár's trial. Based on what logic was his death also Kádár's fault, it is hard to explain, but it is observed that sometimes the community felt the need to solve mysterious stories on such occasions.

It seems that in the outcome of the witch trials the damage caused among cattle is less significant⁵⁰. In Kádár's case this issue was mentioned only 4 times, and more curiously, we have a case that refers to, and describes

⁴⁸ Sharpe, "Women, witchcraft and the legal process", p. 115; Roper, *Witch Craze*, p. 36.

⁴⁹ C.P. II/31. 54.

⁵⁰ Macfarlane, *Witchcraft in Tudor and Stuart England*, p. 154.

the chant used by Kádár to give back one cow's milk⁵¹. But the use of harmful magic on farm animals is strongly emphasized in the case of Judit Péntek or Erzsébet Székely. Both aroused panic among the citizens because they had special power over animals, causing them temporary amnesia (they didn't find the way back home), and of course the two women were said to have the ability to steal the cow's milk.

In all proven witchcraft cases, there are some suspicious items, such as the empty bowl in which sorcerers collected morning-dew, or with which they walked through the herd, taking away the milk. This seems to be a rhetorical element that occurs in most of all solid witchcraft cases. Péntek was carrying jars made of bones for her balms, she still had a sheepskin and other suspicious instruments⁵². Much more distrustful seem to be the objects found on the midwife Erzsébet Ötvös, who possessed a human embryo fossil⁵³.

Another often evoked supernatural quality refers to the ability of the witches to duplicate or to transform themselves. Two people claim they were injured during sleep by Kádár turned into a wasp, and two others claimed that she had come out of a locked house or that she flew through the window, asking a woman for salt and coal, for it was cold. Several witnesses from Székely's case stated that the woman sometimes suddenly disappeared and reunited with her mother on the outskirts of the town or a few miles further. When asked about her disappearance she replied, "do not ask me where I was", suggesting that something bad had happened during her absence⁵⁴. As a result of the ability of self-duplication or animal metamorphoses the possibility of a double life emerges. Naturally, several witnesses have argued for example that Kata Kádár had already been burned in other towns. The defendant, of course, was trying to clarify the situation, but sometimes did exactly the opposite. Her answers varied from "I was not burned, but the wood", "It's not I who was burned on the pile, but the mare" to "Why are you crying, what if you were like the one who was burned once and still struggles in this world? The torment of this world will eventually

⁵¹ One of the women who testified against Kádár turned to the service of another young woman, Erzsók Pap, who knew some charms, and resolved the milk-issue. Pap was in fact the last woman brought before the judges in Cluj being accused of witchcraft. Luckily for her, the three decades between hers and Kádár's trial were enough to forget her contribution to the cattle-issue, since at the time she was summoned before the court, she was accused of poisoning her husband. It is very likely that if anyone had recalled that incident, she would not have escaped as easily.

⁵² C.P. II/41. 119.

⁵³ C.P. II/33. 7.

⁵⁴ C.P. II/31. 55.

end, but the torment of hell lasts forever”⁵⁵. Thus, these women, instead of denying their connection with the burned witches, often fuelled the suspicions.

But how did a witch manage to duplicate herself, to cause damage and illness, then to withdraw the charms? The answer seems to be in the very nature of the power she possessed, namely in the relationship between her and the devil. The midwife Ötves allied herself with the devil. Eight people accused her and called her a witch. Kádár, in turn, was described as “the devil’s instrument”, who allied with the devil against the “honest citizens of Cluj”. Péntek did not escape this accusation either, in the eyes of her accusers she was the “devil’s disciple”. Much more interesting seems to be the case of the freed witch, since this is the only situation when we read about collective witchcraft. In the Székely family all females possessed some common abilities, such as self-duplication, the ability to fly, and of course the power to cause and cure diseases, therefore the connection with the devil seemed to be proven in their case. Moreover, they wanted to recruit other women in their *army*, but the way the Székelys made these proposals is unfortunately not revealed to us. Despite the further mentioned accusations, and the six unfavourable testimonies, Székely managed to avoid the death sentence here in Cluj, most probably because of the numerous positive confessions of citizens, and due to her “exemplary” behaviour.

We would also like to present some of the attempts of these women to justify and distance themselves from the accusations. From the few data we have, we distinguished two kinds of attitudes: a pessimistic-defensive and an aggressive one. The aggressive one can be reconstituted from the testimonies of the damaged parties. The accused women tried to induce fear, they were turbulent and disordered persons, and this role, that of a dreaded woman, seemed to suit them. They oftentimes fell victims to their own rhetoric and deviant behaviour. For example, Erzsébet Ötves threatened pregnant females and their relatives that if she was not called to birth, then the child would suffer various accidents. If the child got ill, the parents interpreted the words spoken in the heat of the quarrel as curses. Similarly, Kata Kádár, in an attempt to get what she wanted, did not resort to threats, saying “just wait and see, because you would give me food if you could.” Of course, sometimes desperate people begged for the mercy of these women, who usually reacted in the wrong way, and instead of helping them, they nattered and rubbed in matters from the past. Some refused to help, claiming that the diseases or injuries were not caused by them, “it was not their work”.

⁵⁵ *Kolozsvári boszorkánypercek, 1564–1743*, pp. 341, 331, 334, 338.

Kádár seems to put her finger on the wound by saying "as soon as your child's ass hurts, you jump to conclusions and suspect the witch"⁵⁶. Sometimes, out of fear, rather than goodwill, they would try to say chants in order to remove spells. The chance of success, however bizarre it sounds, was a significant one. Several people said that after the intervention of the witch, they recovered in minimal time, usually within a few hours.

The defensive-pessimistic attitude appeared usually during arrest. All the women subsequently sentenced to death anticipated their end. Erzsébet Székely, after her relationship with the women executed in Mureş was revealed, complained: "I will escape, for I will not be burned like my mother". Erzsébet Ötves also predicted her death, but in her case the fear of death would be repulsed in aggression, and she threatened her accusers that if she must die, then "another 10 or 12 should follow". Kata Kádár dressed in clean clothes waiting for the moment of arrest. Although she seemed resigned, she rebelled. One of her supposed victims came to visit her in the tower to ask for her healing, but the old woman refused to help: "I do not heal, that I know I must die, why won't you suffer too" or "I have not been a healer until now, but I see that I will have to die because of your words"⁵⁷.

The execution

The longest processes are those which involve witchcraft, because this type of offense was extremely difficult to prove, the trials were prolonged for many years and became extremely expensive⁵⁸. Curiously, these long trials favoured precisely the case of the defendants, namely a statistical analysis of trials held in Cluj points out that out of the 89 witchcraft trials between 1564-1765, only 20 resulted in capital punishment, 18 by burning and 2 by drowning⁵⁹.

⁵⁶ *Ibidem*, p. 337.

⁵⁷ *Ibidem*, p. 336.

⁵⁸ Reinhard Heydenreuter, *Kriminalgeschichte Bayerns*, (Regensburg, 2008), pp. 113-114, 125.

⁵⁹ *Kolozsvári boszorkánypercek, 1564-1743*. In spite of the large number of female convictions in Cluj during the 18th century, we know only about eight cases that resulted in the most severe penalty, namely capital punishment. It is also extremely important to note that death sentences were given mostly in the first half of the century, since after that sentences of exile, or life-imprisonment became more common. Fehér, "Women and the Death Penalty", pp. 704-715.

If the death penalty could not be avoided the executioner entered the stage⁶⁰. Executioners in Cluj were usually part of the Rom ethnic group⁶¹; they did not work alone, always had some disciples, who helped not only with the executions but in preparing the location of executions or assisting at torture⁶². Interrogations and corporal punishments were normally executed in the tower, since this was the place where the inculpated were incarcerated. The conditions in the tower, and not just in Cluj, were really bad, since the seriously ill, as well as pregnant women, or minors were exempt from imprisonment. Erzsébet Székely, pregnant by the time of her first arrest, was not held in prison in Mureş, but investigated in freedom – an imprudent gesture, as it turned out later. Thus, the tower is where these women were waiting for their end, subjected to interrogations and sometimes to torture⁶³. In opposition to public executions, torture was not a public event, and the number of participants was minimized: usually one of the judges, two members of the magistrate, the town's scribe and sometimes the town's physician. Since the executioner was familiar with the needs of a tortured body, therefore the presence of a medical authority was not necessary⁶⁴. The executioner was the one who pronounced on the state of the defendant, about the graduations of pain that his or her body could bear. Torture was not used in this century, as one believes, to collect testimonies –

⁶⁰ The executioner was a marginalized and stigmatized person, avoided by the community, despite the fact that he received considerable incomes. (Attila Pandula, *Kivégzés, tortúra és megszégyenítés a régi Magyarországon* (Executions, Torture and Humiliation in Old Hungary), Eger, 1989, pp. 29–30.) In the last decades many historians searched for archives to prove that the image of the marginal, ignorant executioner was not the same in all times and places. Roper, *Witch Craze*, p. 56.

⁶¹ We have information on their activity in Cluj dating back to the fifteenth century, since they were the ones who dealt with the sanitation of the town.

⁶² András Kiss, "Kádár Kata megégetése. "Böjtelői colosvári spektakulum" 1734-ben" (Burning Kata Kádár. A Carnival Spectacle from Cluj, 1734), in *Rubicon*, 2012/1: 40.

⁶³ Dülmen, *A rettenet színháza*, pp. 20–21.

⁶⁴ In the eighteenth century, society started to follow with great interest the activity of executioners, recognizing their knowledge on the human body. (Albrecht Keller, *Der Scharfrichter in der deutschen Kulturgeschichte*, (Bonn-Leipzig, 1921), p. 224; Helmut Schuhmann, *Der Scharfrichter. Seine Gestalt – seine Funktion*, (Kempten, 1964), p. 215.) Therefore, some of them have been able to study and then practice medicine, such as the one mentioned in Count László Székely's diary from his journey to Vienna. He recorded the case of the local executioner, who after fulfilling 100 executions was made a physician (medical rank) by Maria Theresa, and he was allowed to practice his new profession, just as his son, who was no more obliged to work as a hangman. *Gróf Székely László Önéletírása* (The Autobiography of Count László Székely), ed. Andrea Fehér, (Budapest–Kolozsvár, 2019), p. 193.

it was usually applied after the person had already confessed⁶⁵. In the case of Cluj, the use of torture is mentioned every time together with the death sentence (not before), and with a different function for each situation. In Ötves's case accomplices were sought, and in Kádár's, it was presumed that after being tortured, the woman would heal those she cursed. We believe that in her case torture was meant to calm down the spirits of the citizens, who needed this gesture in order to be released from their pains, since just the thought that the witch's spells were revoked was enough for them to recover surprisingly fast.

The specific execution for witchcraft was burning, but the sentence usually altered, since in the eighteenth century the condemned were first decapitated and then burned⁶⁶. Burning has been essential in this type of process, especially at a symbolic level. Fire stands for the victory of light over the darkness, of the divine over the evil. Fire, of course, symbolizes the heat of hell too, thus in contemporary perception these people were already beginning their atonement⁶⁷.

As it emerges from the town accounts, in Kádár's case a considerable amount of money was spent during the interrogations⁶⁸. After the death sentence was given, other expenses appeared; we learn that among the services of the executioner the preparation of the location required the skills of a carpenter too. The pile was built outside of town, since in Cluj death sentences were executed always near the Nádas brook⁶⁹. The preparations for a witch burning were significantly fewer than those in a German city, for example⁷⁰. While Germans used wood tar and pitch, hay and straw in order to accelerate the burning, the stake from Cluj was a minimalist one, composed only of planks and wood. This could be explained by the fact that in the eighteenth century, the jury from Cluj used to ease death sentences, burning the convicted only after beheading them⁷¹.

Among the expenses the most curious one seems to remain the "money given for courage". Thus, despite the fact that citizens of this century and especially executioners were accustomed to public executions, to the

⁶⁵ This is rooted in the Constitution Criminalis Carolina, one of the best-known legal collections, which invalidated testimonies made under torture. Dülmen, *A rettenet színháza*, p. 29.

⁶⁶ *Hexenprozesse mit Todesurteil*, pp. 7-8; Roper, *Witch Craze*, p. 65.

⁶⁷ Dülmen, "Die Dienerin des Bösen", p. 397.

⁶⁸ *Kolozsvári boszorkánypererek, 1564-1743*, p. 352.

⁶⁹ Kiss, "Kádár Kata megégetése", p. 40.

⁷⁰ *Ibidem*, p. 41.

⁷¹ Fehér, "Women and the Death Penalty", pp. 732-733, 735.

image and smell of tortured, beheaded or burned bodies, the executioner needed alcohol to have courage to fulfill his obligations. It was equally important for the hangman and for the convicted to act calm in order not to generate panic. The executioners needed the forgiveness of the convicted, since many studies suggest that they actually feared that the witch would come back and haunt them. Otherwise it was not unusual for the jury and executioners (and the condemned) to attend festive meals before or after executions⁷², as happened also in Cluj. We know from the expenses that not only the executioner, but also the town's scribe and the judges present at the execution went and drank four cups of wine.

The Legal Background

Regarding the legal argumentation of the verdicts, the Court Protocols did not mention any specific law on witchcraft, and it is very difficult to identify the legal basis on which the sentences were made. We only know that the above-mentioned three cases were resolved "according to the custom" by burning, as in most cases of female crime. We came to conclude that in Cluj the law was only occasionally quoted in the eighteenth century, the judges usually preferred to argument their decisions making references to the customary law⁷³.

The first decrees against Transylvanian witchcraft date back to the sixteenth century. The Diet of Turda (1568) asked for the investigation of all those "who were good with charms"⁷⁴. In the next decade, the synod of the Transylvanian Lutherans (1577) predicted death for all those who "walked with magic" (both white and black)⁷⁵. In the Transylvanian conception, charms, witchcraft were criminal acts, and therefore they were punished with death. In these cases, death sentences were justified by articles from the *Tripartitum* or the *Approbatae Constitutiones*. In the second half of the seventeenth century, *Praxis Criminalis* (art. LX.) identified three types of magical activities, and required various methods of execution on each. The most severe death penalty, that of burning, was imposed for witchcraft cases

⁷² Roper, *Witch Craze*, p. 65; Dülmen, *A rettenet színháza*, pp. 79–80.

⁷³ About the importance of customary law see Barna Mezey, "Szokásjog és szokás határán: jogszokások" (At the Border between Customary Law and Customs), in Teodóra Janka Nagy, Barna Mezey (ed.), *Jogi néprajz – jogi kultúrtörténet. Tanulmányok a jogtudományok, néprajztudományok és történettudományok köréből* (Legal Ethnography and the Cultural history of Law. Studies in Law, Ethnography, and History), (Budapest, 2010), pp. 13–25.

⁷⁴ *Erdélyi Országgyűlési Emlékek* (Transylvanian Law Collection), ed. by Sándor Szilágyi, (Buda, 1876), vol. II, pp. 341–343.

⁷⁵ Sz. Kristóf, "Boszorkányüldözés a kora újkori Magyarországon", p. 29.

when the physical relationship between the witch and the devil was proved, i.e. when the woman possessed evil powers that caused the deaths of human beings or animals. Decapitation had been used especially in cases of *miraculous* healings that did not cause extreme damage. Finally, there was also the expulsion verdict for those who only “walked with magic”. Due to the Enlightenment the situation within the Habsburg Monarchy would change radically. Maria Teresa, influenced by the physician Gerard van Swieten, began to issue decrees (since 1750) against torture and witchcraft⁷⁶. Moreover, she would demand all cases of witchcraft to be presented to the Court in Vienna, in order to redress the “excess of zeal of the popular trials”⁷⁷; which sparked widespread waves of dissatisfaction among the population. After 1768 special laws emerged, based on which four categories of magic-related activities were distinguished. A clear distinction would be made between simple deceptions, which had previously been associated with supernatural talent. In cases of deception, the damage caused had to be paid, just as it happened in Cluj in the case of Katona in 1741. The second category regarded mental disturbances. It was accepted that some sensitive people with a rich imagination could imagine different things, such as conversations with evil spirits, thus their place was not in prison, but in the hospital. However, it was still thought that some people could engage in occult practices, and these cases were still considered dangerous, and, as a rule, were sanctioned with severe physical punishment, expulsion or, in critical cases, burning. But all these cases, however, had to be presented to the Court in Vienna⁷⁸. Joseph II continued the rationalization of the legal system, particularly influenced by Cesare Beccaria’s essay on crime and punishment (*Dei delitti e delle pene*), as well as the ideas of another great Austrian physician, Joseph von Sonnenfels. Thus, the changes in the legal system legal at the end of the century is due to the collaboration between the monarchs and the medical elite, who have shifted the perception of witchcraft from a criminal level to a medical one⁷⁹. Torture and death sentences were erased by Josephian laws, just as the right of free royal towns to apply capital punishments⁸⁰.

⁷⁶ *Ibidem*, pp. 40–41.

⁷⁷ Péter Tóth G., “A mágia dekriminalizációja és a babonaellenes küzdelem Magyarországon és Erdélyben, 1740–1848” (*Decriminalization of Magic and the Struggle against Superstition, 1740–1848*), in *Boszorkányok, varázslók és démonok*, pp. 69–70.

⁷⁸ *Ibidem*, p. 72; Heydenreuter, *Kriminalgeschichte Bayerns*, pp. 128–129.

⁷⁹ Fehér, “Investigating Infanticide in 18th-Century Cluj”, pp. 64–65.

⁸⁰ Tóth, “A mágia dekriminalizációja”, p. 79.

Closing remarks

Our Court Protocols, even if only partially preserved, turn out to be an excellent source for narrative interpretations. The inquisitions contain a great amount of female narratives, but we have to pay attention to the fact that the length of their discourse, or their argumentation is preserved (sometimes overwritten or rephrased) by male scribes⁸¹.

Part of the aim of this research was to discuss on the one hand the official discourse on witchcraft (the questionnaires), on the other, the fears and hopes of those who believed in the existence of the supernatural (answers of the witnesses), but mostly the way these were described. Trial documents talk about the norms and values of a certain community, codes of behaviour, but they reveal mostly how thin the line between accepted and divergent conduct was. Some would be executed for using spells, others on the contrary, could be celebrated for breaking the curse. Both actions required the same type of knowledge, therefore the question is how, but mostly why could the same deed be interpreted in opposite ways. We think that the answer lies on the level of human interactions, since “deviant [in our case *witch*] is one to whom the label has been successfully applied”⁸². We came to conclude that witchcraft in this century was first of all a gender issue⁸³, not only because all our witches were female, but because the majority of the cases talk about female conflicts and interests⁸⁴.

⁸¹ In some cases, not only did they overwrite but also forcibly transformed the narratives into what they wanted to hear, as it happened with the good witches of Ginzburg (*benandanti*). István Szijártó, “Italian microhistory”, in Sigurdur Gylfi Magnússon, István Szijártó, *What is Microhistory? Theory and Practice*. London, 2013, p. 21. Not to mention that habits of record-keeping varied over the period, and from scribe to scribe. Fehér, “Crossing Gender Boundaries”, pp. 17–19.

⁸² Jörg Rogge, “Introduction”, in idem (ed.), *Recounting Deviance. Forms and practices of presenting divergent behaviour in the Late Middle Ages and Early Modern Period*, (Bielefeld, 2016), p. 13.

⁸³ We wish to underline that our conclusions for the eighteenth century are not valid for previous centuries, as shown by the studies of László Pakó, who investigates these phenomena from another perspective. The detailed analysis of the biography of the best-known lawyer in Cluj proves that witch-trials were not always a consequence of female conflicts, but a good way to gain social and material satisfaction. László Pakó, “A korrupt boszorkányüldöző. Igyártó György prókatori tevékenységéről” (The Corrupt Witch-hunter. On the Advocatorial Career of György Igyártó) in *Erdélyi Múzeum* vol. 73(2011), 3–4: 93–103.

⁸⁴ Capp, *When Gossip Meet*, p. 283.