To Be A Wits: An Exploration of Witchcraft and Gender in Early Modern Wales

Student Dissertation

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Bethany Twigg - May 2021

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INTRODUCTION

Witchcraft is not a phenomenon unique to the early modern period, with documented alleged witchcraft cases dating back to ancient Greece, but it is around this time that the so-called 'witch craze' took off across Europe and Colonial America. From the period 1450 to 1750 'large numbers of people were persecuted, prosecuted and executed',¹ and fears surrounding maleficum, or black magic, grew. About 90,000 people were prosecuted for being witches, with about half of that number actually being executed,² though the story in Wales is a little different to the rest of the continent.

The term witch did not exist in Wales before the English influence of the sixteenth century, after the 1536 Act of Union; the first recorded usage is in William Salesbury's 1547 Welsh-English dictionary. He defined wits as 'meaning a dewim wraic; a woman diviner/wizard/soothsayer';³ an idea which will be explored in much more depth, as the idea of the 'witch' was hugely gendered in early modern Wales. Witchcraft accusations also happened on a much smaller scale to the wider continent of Europe; in Wales, between 1594 and 1698, there were only around forty-two accusations, resulting in between one and five executions, which is significantly less than the hundreds or even thousands of accusations taking place across Europe.⁴

In Wales, there were two main types of witchcraft accusations; witchcraft as slander, and witchcraft as malefice. This dissertation will consider why it was women that were accused of witchcraft and believed capable of malefice, and what the average Welsh witch looked like using the 1657 case of Anne Ellis to highlight the way she was treated, and why the social harmony between herself and her neighbours broke down. This idea of social harmony was very important in early modern Wales, and this dissertation will explore the impact that had. It will take into account the transcripts of the Court of Great Sessions, though these have proven very hard to get hold of. Richard Suggett published in 2018 the complete transcripts of the depositions that have

² Suzannah Lipscomb, Witchcraft (London, 2018), p.6
³ Parkin, ‘Women, Witchcraft and the Law in Early Modern Wales (1536-1736), p.16
⁴ Richard Suggett, A History of Magic and Witchcraft in Wales, (Stroud, 2008), p.40
survived, but this book is unfortunately no longer in print and extremely hard to get hold of. Instead, this dissertation uses tables created by Suggett and Sally Parkin, and will compare the limited data in these with the Law of Women codified under Hywel Dda and later compiled into a book by Aneurin Owen to come to conclusions about how far customary law was still in practice.

The historiography of witchcraft across England, Europe, and Colonial America is a field that is slowly becoming richer and more multifaceted. Keith Thomas' *Religion and the Decline of Magic*, published in 1971, is a seminal text that explores the link between religion and magic across the sixteenth and seventeenth centuries, while Brian P. Levack's *The Oxford Handbook of Witchcraft in Early Modern Europe and Colonial America*, published in 2013, offers a comprehensive guide to witchcraft and magic across Europe and Colonial America, bringing together edited essays from different historians who explore ideas from gender in early modern Europe, to how witchcraft was treated in individual countries, as well as the infamous Salem trials.

The academic understanding of witchcraft, the witch trials, and what being a witch actually meant in the early modern context has come a long way, though the stereotypical image of the witch figure is probably still firmly lodged in the minds of many people. However, witchcraft in Wales has not been as widely studied as much of the rest of Europe and North America, which could have something to do with the way the witch 'hunt' was conducted in Wales, and how witchcraft itself was viewed in the country.

In the 1970s, historian J. Gwynn Williams really began the study of witchcraft in Wales, with his research looking into the witch-trials of Flintshire, coming to the conclusion that there were few witchcraft prosecutions in Wales. However, his research was only focused on one county, potentially missing important evidence elsewhere in the country. More recently, Richard Suggett has conducted much research into the topic, and has published two books: *A History of Magic and Witchcraft in Wales* in 2008, and *Welsh Witches: Narratives of Witchcraft and Magic from 16th and 17th Century Wales*, the text containing the transcripts of the Courts of Great Sessions

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that has proven so hard to get hold of. Suggett’s *History* is a text that takes a broad view of witchcraft in Wales, and while it does not focus specifically on women, it is a good starting point for research into the different types of magic in Wales, and get a feel for some of the women who were accused of witchcraft and who were acquitted - and the reasons why.

Sally Parkin, for her thesis submission to the University of New England in 2002, also uses the evidence found in the Court of Great Sessions transcripts to highlight the two types of witchcraft found in Welsh witchcraft accusations, witchcraft as slander and as *malefice*. Her later piece, *Witchcraft, Women’s Honour and Customary Law in Early Modern Wales* (2006), comes to the conclusion that Welsh customary law, the laws codified under Hywel Dda, played a big role in why women accused of witchcraft were so often acquitted or discharged, because of its emphasis on reconciliation over punishment.

This dissertation aims to build on the work of historians like Suggett and Parkin, and review why and how gender played its part in witchcraft accusations in Wales. Chapter I will look at the way women were seen and treated in early modern Wales, taking into account their rights and freedoms they had within their lives. It will consider why only women were 'witches' who were capable of *malefice*, and will use the case study of Anne Ellis, accused of witchcraft in 1657 and eventually discharged, to consider what role poverty had to play in the accusations, and why early modern Welsh society placed such emphasis on social harmony.

Chapter II will then build on this work, but dive deeper into the customary laws that had existed within Wales for centuries. The Law of Women codified under Hywel Dda is probably one of the main reasons for the low accusation, prosecution, and execution rate, as well as probably being one of the main drivers behind how the witchcraft trials themselves were conducted. Both chapters will make use of the transcripts of the Court of Great Sessions, but also look at the English Witchcraft Acts, and consider why Welsh witchcraft trials were so different to many taking place in England, when both countries were ostensibly using the same legislation to convict the women.
Chapter I: Women & Witchcraft

Witchcraft had existed long before the witch hunts of the sixteenth and seventeenth centuries, appearing in different guises across the world, with the first evidence for witchcraft appearing around 330 BCE in ancient Greece when ‘alleged witch Theoris of Lemnos was prosecuted for casting incantations and chanting’. 6 Belief in the supernatural and the occult tied in closely with religion in the Western world, particularly within the old Catholic faith, where worshippers had many tools available to them to ward off evil spirits and witches who were often said to associate with the Devil. As Lipscomb argues, ‘in 1500, just about everyone believed in the utter reality and potent power of the supernatural’ . 7

Witchcraft provided an explanation for events which occurred outside of the normal reality of everyday life, offering a scapegoat and a place to lay blame when bad things happened. Hans Peter Brodel argues that ‘central to discussions of European witchcraft at any time is the perception of maleficum, of magical harm’ 8, and it is this idea of malefice that appears in the witchcraft accusations of early modern Wales where there were two distinct types of accusation; witchcraft as words, or slander, and witchcraft as malefice. 9 The surviving evidence for these accusations in Wales are available via the Courts of Great Sessions trial documents, which have many surviving cases, though not all witchcraft accusations have survived. The Court of Great Sessions was established in Wales after the Act of Union in 1536, when the English influence on Wales became even more pronounced as they now had to abide by English law. It was ‘formally established in 1543 by an Act of Parliament (and)....divided Wales into thirteen shires, of which twelve formed the circuits of the new courts’. 10 Each Session met twice a year, every year, and this was when accusations would be made and English law would be administered. It was this

6 Suzannah Lipscomb, Witchcraft (London, 2018), p.4
7 Lipscomb, Witchcraft, p.8
English influence that began the influx of witchcraft accusations in Wales; prior to the Courts of Great Sessions, people were not prosecuted for witchcraft. The English influence is seen especially in the surviving evidence that shows that accusations of witchcraft in Wales ‘peaked under the Cromwellian Protectorate, when Wales was most determinedly submitted to cultural evangelism inspired by English ideals’ (see Appendix I).11

The witch craze, however, looked different in Wales to the rest of England, Europe and Colonial Wales. As Richard Suggett argues in his seminal work *A History of Magic and Witchcraft in Wales*, ‘there was not a witch-hunt in early-modern Wales’.12 From the surviving evidence available to historians today, there is evidence for around forty-two witchcraft accusations (see Appendix I), and of those forty-two accusations there are only eight surviving guilty verdicts. Only five judgements of death by hanging for convicted witches were recorded, with three ‘taking place in 1594 (Denbighshire), one in 1623 (Caernarfonshire), and one in 1655 (Anglesey)’.13 This is in contrast with England, where there were around ‘three thousand people tried for the crime of witchcraft’, and around four hundred people executed.14

As noted before, the word ‘witch’ did not exist in Wales until the mid-sixteenth century, when the word *wit* or *witsch* appeared in William Salesbury’s 1547 Welsh-English dictionary, where his definition of the word - as ‘meaning a *dewim wraic*’ or in modern Welsh, a *dewin gwraig*’ 15 - ‘implied that *wits* only referred to women in the Welsh language’. 16 Previously in Wales, people who practised magic were called either *rheibwr* or *rheibes*, dependent on gender, with the term stemming from the word *rheibio* (‘to bewitch’). Language was, and still is, important when it comes to describing practitioners of the magical arts in Wales, because alongside the more inclusive terms *rheibwr/rheibes*, there was also the term *gwraig* or *gwarch* in usage, as shown in Salesbury’s dictionary definition. This was a hugely gendered term, describing an ‘ugly old

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16 Parkin, ‘Witchcraft, women’s honour and customary law in early modern Wales’ p.296
woman, crone, hag, witch, sorceress...further implying that witch referred to women who were viewed as figures of bad or evil intent’.\footnote{Parkin, ‘Witchcraft, women’s honour and customary law in early modern Wales’, p.296} This gendering of the word witch further pushed those who were seen as witches to the very edges of society, where they were frowned upon and not treated with respect.

Suggett argues that ‘the idea of the witch-figure became deeply embedded in early modern Welsh society’, and that ‘although most Welshmen and women were never directly involved in witchcraft accusations, they would have readily recognised the stereotypical witch-figure as presented in stories and folk-tales, and drawn upon in the language of insult’.\footnote{Suggett, \textit{A History of Magic and Witchcraft in Wales}, p.42} In other words, the idea of the \textit{gwarch}, or the evil, hag like crone, was deeply embedded into society and potentially played into several of the reasons why women in Wales were accused of being witches, though the word \textit{gwarch} never appears in the surviving evidence for witchcraft accusations. As Suggett goes on to explain, ‘the \textit{gwarch} exaggerated some of the physical characteristics associated with witches, but it was very much a fanciful construct’,\footnote{Suggett, \textit{A History of Magic and Witchcraft in Wales}, p.43} though the women accused of witchcraft did tend to follow a sort of pattern.

Many of the women accused of witchcraft were married, and according to Parkins, she would have had some sort of income that belonged to her and not her husband, she may have had children, and she was not necessarily one of the truly destitute, instead enjoying a more comfortable lower middle class lifestyle.\footnote{Parkin, ‘Witchcraft, women’s honour and customary law in early modern Wales’, p.298} This goes against the popular image of the witch embedded into the early modern Welsh culture, though it is still true that the vast majority of women accused of witchcraft were older. This was because it could take years for a witches reputation to build, and although people may have been suspicious of them since they were much younger, it took years before a final incident which pushed their accusers into actually making a formal accusation of witchcraft against the women.

As Suggett argues, ‘the written pre-trial evidence, the sworn testimony of witnesses, often related to incidents that had occurred several years or even a decade or more before a formal accusation
Women being accused of witchcraft years after their reputations had built was also not unique to Wales, with this being common in England too, and potentially it was the influence of the English trials which shaped the Welsh, as they did in so many ways. Robin Briggs’ research has suggested that not only were women across Europe ‘formally accused of witchcraft years, and sometimes decades, after they had first gained a reputation as witches’, but also that older women, aged forty to sixty, were more likely to be accused of witchcraft because not only were they ‘imagined to attain the apex of their exercise of power at this stage’, but ‘witchcraft was understood as the exercise of magical power, so it was plausible to imagine witches as at the peak of their malevolent powers at this stage’.  

This phenomenon is illustrated in many of the witchcraft as malefice cases that took place in Wales. Gwen ferch Ellis, who appeared before the Court of Great Sessions in 1594 in Denbigh, on the Chester Circuit, was actually indicted for ‘an incident that had happened six years earlier’, and was hanged for felonious witchcraft (see Appendix I). A study of Anne Ellis’ trial also demonstrates how women could be accused of witchcraft years after their reputation built up as a witch. Anne Ellis was brought before the Court of Great Sessions in Flint on the Chester Circuit in 1657 and accused of witchcraft, just three years after Gwen ferch Ellis was found guilty of the same offence. Six different people were examined by Andrew Ellis, a Justice of Peace, and all gave testimonials of Anne Ellis’ alleged witchcraft practices; Elizabeth Jeffreys, Edward Ffoulke, Susan Addams, Margaret Barnatt, Gwen Hughes, and Elizabeth Taylor.

The accusations against Anne Ellis included an animal becoming ill, several children becoming ill, and the death of the child of Elizabeth Jeffreys. The evidence showed that Jeffreys claimed that she feared, in the summer of 1654, that Anne Ellis was the reason her child had fallen sick, and wanted Anne to bless the child. She complied, and the child recovered, but not long after fell

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21 Suggett, A History of Magic and Witchcraft in Wales, p.47  
22 Alison Rowlands, ‘Witchcraft and Gender in Early Modern Europe’ in The Oxford Handbook of Witchcraft in Early Modern Europe and Colonial America, Brian Levack ed., p.461  
23 Suggett, A History of Magic and Witchcraft in Wales, p.47  
sick once more and died around Whitsunday 1656. Before she died, Jeffreys’ child had ‘indicated that her distemper coincided with her mother’s quarrels with Anne’. This was not a unique case. Witches across Wales, England, and the wider European continent were at risk of, and had been accused of, being the cause of an illness or death. Edward Bever has argued that witches were rarely accused of causing epidemics or diseases that were well known with documented symptoms, but that ‘witchcraft was indicated if the onset of the disease followed some interpersonal interaction, especially if the interaction was hostile’. Anne, who it is documented had fallen out or had hostile words with several of her neighbours over a number of years, was accused not only of the death of Elizabeth Jeffreys’ child, but also of causing the sickness of Margaret Barnatt’s child, Gwen Hughes child, and John Birch, as well as causing Elizabeth Taylor’s son Richard Hughes to become lame, and both Edward Ffoulke’s and Susan Addams’ livestock to become ill.

At the time of her arrest in 1657, Anne was actually living with Elizabeth Jeffreys. Anne was a widower, who relied on the generosity of the people living in the same village, but Jeffreys later testified that Anne was capable of extreme anger, and that ‘when displeased shee doth hurte’. It was not out of neighbourly love that Elizabeth Jeffreys invited Anne into her home, but rather fear of what Anne was capable of. It is also noted in her testimonial that, for Elizabeth, ‘it was better for her to keepe her (Anne) than another for that shee was affrayd of her’. It was common across early modern Wales and further afield in England for the woman accused of witchcraft to know her accusers. Bever argues that ‘witchcraft was commonly believed to involve a personalised attack, motivated by some specific entity’, and that anger was the most common emotion behind the accusations, ‘generally stemming from some perceived wrong done to the witch by the person whose misfortune she was thought to have caused’. Discontent between neighbours spanning over many years could eventually lead to an accusation of

27 Williams, ‘Witchcraft in Seventeenth-Century Flintshire’
29 Williams, ‘Witchcraft in Seventeenth-Century Flintshire’
30 Williams, ‘Witchcraft in Seventeenth-Century Flintshire’
31 Williams, ‘Witchcraft in Seventeenth-Century Flintshire’
witchcraft, because the perceived wrong that had been done by the witch to her victims needed to be righted; an idea which will be further explored in the following chapter.

Poverty could also be a reason as to why discontent arose between neighbours. Keith Thomas has argued in his book *Religion and the Decline of Magic* that ‘witchcraft was generally believed to be a method of bettering one’s condition when all else had failed’. The Poor Law had come into effect in 1601, but there is evidence that it had little effect in Wales. J. Gwynn Williams writes that ‘we know that collections for the poor were made from time to time; nevertheless, it is indisputable that the destitute depended for their survival in the main upon the benevolence of the well-disposed, either testamentary or, more frequently, in the form of door-to-door relief’. Anne Ellis was a widower, and therefore a member of one of the most vulnerable categories of people in early modern Wales. She made a part-time income from knitting stockings, but this would not have been enough to cover all of her expenses, therefore meaning that she would have probably had to have turned to begging to supplement her income. Suggett argues that it was probable that ‘some women traded on their reputation as witches, demanding more than was neighbourly’. He cites in his *History* that Anne Ellis was one of these poor women who may have used this strategy, writing that ‘many people ‘used to give Anne at their doore more than to any other beggar out of feare she might doe them or their cattell hurte’.

However, the economic landscape of early modern Wales meant that not everyone had bread or milk or other necessities to spare, ‘but felt guilty about their behaviour because it contravened long-standing traditions of Christian charities’. The fear that Suggett wrote about may have been Anne Ellis’ way of getting around this issue, learning that ‘fear was an economic instrument as she mumbled imprecations at the portals of the unheeding and hardhearted’. This fear may have led to her neighbours giving her the goods that she demanded, but the fear building up would have only increased her reputation as witch, and made it more likely that the longer that this went on, the more likely she was to have a formal accusation of witchcraft.

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34 Williams, ‘Witchcraft in Seventeenth-Century Flintshire’
35 Suggett, *A History of Magic and Witchcraft in Wales*, p.49
36 Suggett, *A History of Magic and Witchcraft in Wales*, p.49
37 Rowlands, ‘Witchcraft and Gender in Early Modern Europe’, p.460
38 Williams, ‘Witchcraft in Seventeenth-Century Flintshire’
brought against her, as in 1657. The way women were viewed and treated in the early modern period would have also had a hand to play in this fear. Women were taught to be and were meant to be ‘humble and grateful’, but women who ‘quarrelled, cursed, and expressed anger in their dealings with neighbours were more likely to be imagined as witches who would use magic to gain revenge’.39 Anne Ellis falls into this category of women who were quarrelsome, as is evident from the surviving trial documents from the Court of Great Sessions, and as stated above, the older she got the more feared she would have become.

Gender had a huge part to play in the witchcraft trials of early modern Wales. Though there was never a real witch hunt, and it was the influence of England after the Acts of Union in 1536 and 1543 that both caused witchcraft accusations to be taken before the Court of Great Sessions and caused the ‘concept of the morally depraved witch, usually female and a menace to her neighbours’ who, it is argued, ‘was alien to Wales and arrived there from England in the court of the sixteenth century’,40 it is still clear that the idea of witchcraft as malefice was hugely gendered in early modern Wales. Women, especially ‘quarrelsome or disreputable elderly women’,41 were assumed to be capable of acting in malice, and many of the concepts of early modern witchcraft were tied up in activities that women were doing, or that were associated with the female gender. However, the reasons as to why women were accused, but rarely prosecuted of witchcraft and why the trials in Wales looked different to the trials in England, despite being conducted under the same legislation, is an even deeper issue, and one that is explored in the next chapter.

39 Rowlands, ‘Witchcraft and Gender in Early Modern Europe’, p.461
40 Hutton, ‘Witch-Hunting in Celtic Societies’, p.67
41 Bever, ‘Popular Witch Beliefs and Magical Practices’, p.53
Chapter II: Witchcraft, the Law, & Hywel Dda

After the defeat of Llywelyn ap Gruffudd in 1284, the English Principality was created, but despite this, ‘English and Welsh law co-existed in different parts of Wales and a large part of Wales was left untouched by English law’. It wasn’t until the Acts of Union in 1536 and 1542 that the Courts of Great Session were established and ‘Wales and England shared the same legal and administrative machinery’. For the first time, life in Wales changed, but in many ways the old traditions continued. Witchcraft was made illegal three times under three pieces of legislation: the Witchcraft Acts of 1542 - coinciding with the creation of the Second Act of Union - under Henry VIII, 1563 under Elizabeth I, and 1604 under James I.

Anyone accused of witchcraft in Wales at this time was supposedly prosecuted under this legislation, but it ended up being ‘over fifty years before a case of causing death or injury through witchcraft was prosecuted at the Great Sessions’. Ultimately in Wales, the witchcraft trials were a ‘seventeenth-century phenomenon’ which began toward the end of Queen Elizabeth I’s reign, and picked up during the mid-seventeenth century when ‘ten persons were indicted during the Commonwealth between 1655-8’ under King James I.

Sally Parkins has argued that the reasons the Welsh response differed to the English response, despite using the same laws, ‘lie somewhere between the customary laws relating to women in pre-Union Wales and the continuation of such customary responses within the constraints of the

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42 Sally Parkin, ‘Women, Witchcraft and the Law in Early Modern Wales (1536-1736): A Continuation of Customary Practice’, Research UNE. Available at: https://hdl.handle.net/1959.11/22216, p.90
44 Suggett, A History of Magic and Witchcraft in Wales, p.41
45 Suggett, A History of Magic and Witchcraft in Wales, p.41
46 Suggett, A History of Magic and Witchcraft in Wales, p.12
new legal system imposed with the Acts of Union, 1536-1543'. The customary laws stemmed from the time of King Hywel Dda, who died in 949 or 950 CE, and is remembered for his codification of Welsh law. The writers of this codified law were ‘working from the application of customary practices and principles of their people’, and not simply writing down the legislation of the ruler. These were the laws and rules with which the peoples of Wales had lived their lives by, and continued to live their lives by until the Acts of Union, after which these laws were ‘deemed to be defunct’, and Wales was instead ruled by English law. But it was not that simple.

It is the customary Law of Women that is the law of interest in witchcraft cases, and offers some explanation as to why Welsh women were often accused, but not found guilty. In early modern Wales, ‘the Welsh woman was no more than a procreatrix, but the place and status she had within Welsh society was extremely important’, though it was decided through their legal, customary and traditional position; these areas being ‘superseded by the imposition of the Acts’. Women were valued socially in Welsh society as the genetrice, or the ‘unifying force between her natal kin and the kin into which she married’. But outside of this social importance, the early modern Welsh woman still had very limited rights, and those rights she did have were outlined in the pre-1536 Law of Women, which had five sections dealing ‘with the normal aspects of a woman’s life; her place in the kin, her property interests, her status in marriage, her matrimonial property and her inheritance rights.’ For example, the first law noted down by Owen Aneurin in 1841 was that ‘if a woman be given in marriage, she is to abide by her ‘agweddi’ unto the end of the seventh year; and if there be three nights wanting of the seventh current year, and they separate, let them share into two portions every thing belonging to

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49 Parkin, ‘Women, Witchcraft and the Law in Early Modern Wales (1536-1736)’, p.90
50 Parkin, ‘Women, Witchcraft and the Law in Early Modern Wales (1536-1736)’, p.88
51 Parkin, ‘Witchcraft, women’s honour and customary law in early modern Wales’, p.302
52 Parkin, ‘Women, Witchcraft and the Law in Early Modern Wales (1536-1736), p.90
53 Parkin, ‘Witchcraft, women’s honour and customary law in early modern Wales’, p.302
54 Parkin, ‘Witchcraft, women’s honour and customary law in early modern Wales’, p.302
them.’\textsuperscript{55} The Law of the Women sought to recognise women and their rights from birth to death, covering ‘all aspects of their rights’, though the life of a woman in the eyes of the law only began when she had married, because the unifying of the two distinct kin groups was an ‘economic transaction which could place the woman at risk because she was no longer located within the assumed protection of her natal kin group’.\textsuperscript{56}

It is this idea of the kin group that plays into one of the reasons why witchcraft accusations in Wales, particularly those of the cases where it is witchcraft as words, or slander, so often resulted in the case being discharged, or the accused being acquitted (see Appendix I). The idea of the kin group had been important in Wales for centuries, and remained a ‘prominent feature of Welsh early modern society.’\textsuperscript{57} Kinship groups were comprised of four generations, all sharing a great-grandfather, and ‘were responsible for the payment of compensation or \textit{galanas}, the blood price in cases of homicide’.\textsuperscript{58} It is this idea of \textit{galanas} that is so important in deciphering why women were not found guilty of witchcraft. \textit{Galanas}, the compensation paid to the victim, was a tradition that had been around in Wales for centuries, and was a way of settling a feud without having to take it through a jury system. As Parkin argues in her thesis, managing to avoid taking the perpetrator through a jury system ‘represented a surer means of ending kin-vengeance because agreement between all participants ensured a peaceful outcome’, and that ‘a jury system would have punished the murderer but the murdered person’s kin would have not received compensation or satisfaction, a situation which would probably have escalated the vendetta’.\textsuperscript{59} The payment of \textit{galanas} to the victims family rather than the imprisonment or execution of the perpetrator went much further to restoring neighbourly harmony.

A woman’s \textit{galanas} in early modern Welsh society was, under the Laws of the Women, based on her male relatives. Clause 39 in the Laws of Women states that ‘her \textit{galanas}, whether married or not, is half the \textit{galanas} of her brother’, and further on the Laws state that ‘for every offence that a woman may commit, let her kindred pay for her, as for a man, unless she be married; but if she

\textsuperscript{55} Owen, Aneurin, \textit{Ancient Laws and Institutes of Wales: Comprising Laws Supposed to be Enacted by Howel the Good} (London, 1841). Available at: https://babel.hathitrust.org/cgi/pt?idmdp.39015034111529&view=1up\&seq=6 (Accessed 10 March 2021)
\textsuperscript{56} Parkin, ‘Women, Witchcraft and the Law in Early Modern Wales (1536-1736), p.92
\textsuperscript{57} Parkin, ‘Women, Witchcraft and the Law in Early Modern Wales (1536-1736), p.91
\textsuperscript{58} Parkin, ‘Women, Witchcraft and the Law in Early Modern Wales (1536-1736), p.91
\textsuperscript{59} Parkin, ‘Women, Witchcraft and the Law in Early Modern Wales (1536-1736), p.91
be married, let her and her husband pay her *camlwrw* and her *diwry*.60 Women were valued for their ability to create life and to unify the kinship networks, but had little standing in her own right, though the Laws of the Women did go a good way to ensuring that all Welsh women, married and unmarried, ‘were guaranteed security financially in spite of marriage dissolution, elopement and/or abduction, rapre, spinsterhood, widowhood and the death of the woman’s immediate kin’.61 There is evidence in the surviving records from the Courts of Great Sessions that, in the case of witchcraft as slander cases, they were brought by a wife and husband against another wife and husband. According to Parkin, these ‘cases were all seeking compensatory payments for verbal harm, in the form of slander, done to an individual’, and that while the slander ruined only her reputation in the community, ‘her demand for compensation for a verbal insult had to be based on the social place and status of her husband’.62

The idea of needing to restore and keep the balance of good faith among neighbours was not an idea unique to Wales, and played out across England and Europe during the witch trials. Society in the early modern period was conducted on a much smaller level than it is today, and every one would have known each other in the local areas. As Parkin argues, ‘Welsh society was microcosmic’.63 Alongside needing to keep the peace, it was also important that members of society conformed to the social norms, and it was obvious when someone did not. Keith Thomas has argued that not only did ‘rural society lack much of the modern concept of privacy and private life’, but that the ‘importance of neighbourly opinion was recognised by society as a whole’.64 The Anne Ellis trial discussed at length in the previous chapter is a good example of what happens when this harmony between neighbours breaks down. She was a good example of a woman who acted outside of how a woman should act, and treated accordingly with hostility and fear. J. Gwynn Williams argued that ‘in Flintshire the sense of belonging to a community was deeply rooted’, and highlights this with the example of Elis Gruffudd of Gronant in 1552, when he was ‘completing in Calais his history of the world, which was almost 2500 pages long and wrote ‘this I caused to write down that the matter be not forgotten in Llanasa’, to which he

60 Aneurin, *Ancient Laws and Institutes of Wales*
62 Parkin, ‘Women, Witchcraft and the Law in Early Modern Wales (1536-1736), p.95
63 Parkin, ‘Women, Witchcraft and the Law in Early Modern Wales (1536-1736), p.90
64 Keith Thomas, *Religion and the Decline of Magic*, p.629-630
had not returned for 33 years’.\(^{65}\) There was a sense of community and solidarity in Flintshire, and this would have been true for so many early modern Welsh societies, especially those in the more rural areas where there would have been no secrets among the neighbours.

The witchcraft trials contain evidence that the customary laws discussed above continued on past the Acts of Union, despite on the surface these customary laws now being defunct. Parkin has argued that ‘the outcomes of Welsh cases gives every indication of the distance between the authority of the English state and Welsh adherence to the authority of customary law when reacting to women, witches and witchcraft’.\(^{66}\) The first English Witchcraft Act came about in 1542 under King Henry VIII, seven years after the first Act of Union, and stated that ‘yf any persone or persones...use devise practise or exercise...any Invocations or conjurations of Sprites wicchecraftes enchauntementes or sorceries...that then all and every suche Offence and Offences...shall be demyde accepted and adjudged Felonye...shall have and suffre suche paynes of deathe loose and forfaytures of their landes.’\(^{67}\) This was the legislation under which alleged witches in both England and Wales were supposed to be prosecuted, but it is clear from the surviving evidence from the Courts of Great Sessions the difference between the reality in England and Wales. Of the forty-two trials (see Appendix I), only five were found guilty and hanged. The rest were either acquitted or discharged. It is also clear from the surviving evidence that there were no witches actually accused under Henry VIII’s Act, which was later repealed under his son Edward VI,\(^{68}\) and that the first trial actually took place over two decades later (see Appendix I), under Elizabeth I’s *Act against Conjurations, Inchatementes and Withecratfes*.

Elizabeth’s Act was much the same as her father’s, condemning anyone found guilty of causing death via ‘any Witchcrafte, Enchantment, Charme or Sorcerie’\(^{69}\) to death, and took it another step further by condemning alleged witches who harmed a person, their ‘Goodes or Cattelles’ to ‘Imprisonment by the Space of one whole Yere’ for their first offence, and ‘Deathe as a Felon’ for their second offence.\(^{70}\) There are ten surviving depositions from the Courts of Great Sessions

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\(^{66}\) Parkin, ‘Witchcraft, women’s honour and customary law in early modern Wales’, p.295

\(^{67}\) *The Witchcraft Act of 1542* (33 Hen. VIII, c. 8)

\(^{68}\) *The Witchcraft Act of 1563* (5 Eliz. I, c. 12)

\(^{69}\) *The Witchcraft Act of 1563* (5 Eliz. I, c. 12)

\(^{70}\) *The Witchcraft Act of 1563* (5 Eliz. I, c. 12)
for witchcraft trials under Elizabeth I’s Act, but it wasn’t until King James I’s Act in 1604 that the trials in Wales really took off. James’ Act against Conjuration, Witchcraft and dealing with evil and wicked Spirits was much the same as Elizabeth’s Act, outlining how anyone using ‘any manner of Witchcraft, Sorcery, Charme or Inchantment...whereby any person shall be Killed, Destroyed, Wasted, Consumed, Pined or Lamed, in His or Her body, or any part thereof’, would be executed, and the legislation carried the same one year imprisonment/execution after the second offence. Malcolm Gaskill has argued that ‘where puritanism flourished trials increased...the witch hunt of 1645, which accounted for most of these prosecutions, was part of a wider eastern outbreak, in which as many as 300 people were interrogated, and a third hanged.’ Those statistics refer to England, but it is also clear from the surviving evidence (see Appendix I), that the English influence seeped into Wales, with ten accusations, the most of any decade, occurring in the 1650’s, just after the 1645 English witch hunt. Instead, the judicial response in Wales seemed to have been focused on trying to ‘control the witch’s malefice activities when the community could no longer tolerate the results of such actions’, and not - as was the case in England under the 1563 and 1604 Acts - execution or imprisonment.

Parkin argued that ‘the relationship between common law and customary rights emphasises the reality of a people whose customary laws dictated their reactions and ways of behaving within the confines of their own language and culture’, and this is evident from the evidence surviving from the witchcraft trials in the early modern Welsh period. Though on the surface, English legislation now ruled Wales, the reality was much different. The customary laws which had ruled for centuries, though technically defunct, still seemed to rule day to day life, showing first in the fact that there were so few witchcraft trials in Wales compared to elsewhere and second in the way that the majority of accusations ended in acquittal or dismissal.

As Parkin argues, had the courts actually followed the English legislation, ‘all witchcraft as words cases should have been examined for evidence of malefice’, and not just those that ended in death and were taken to the court as witchcraft as malefice; the witchcraft as words cases offer

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71 The Witchcraft Act of 1604 (1 Jas. I, c. 12)
73 Parkin, ‘Witchcraft, women’s honour and customary law in early modern Wales’, p.307
74 Parkin, ‘Witchcraft, women’s honour and customary law in early modern Wales’, p.296
evidence that indicates ‘that maleficent activities were probably being undertaken, but these were never examined’. The fact that evidence of maleficent could show that the customary law was still in play, and that many of the cases were dismissed because galanas was paid, or because the alleged witch had admitted to her guilt and had ‘acknowledged that (she) had been responsible for the harm caused’. This acknowledgement of guilt, alongside the idea of galanas, may have restored the balance of social harmony, something that would have been much more important to the people of early modern Wales. As Parkin wrote; ‘acknowledgement of guilt by the witch was the only way that reconciliation could be achieved’, something that could not be done via execution or imprisonment according to the customary traditions.

**Conclusion**

This dissertation, over the course of the previous chapters, has explored the idea of witchcraft and gender in early modern Wales, discussing the idea of what it meant to be a Welsh witch as well as a Welsh woman, and why the witch trials in Wales looked vastly different to those of England or the wider witch hunt taking place in Europe and Colonial America. In order to do this, it used the case study of Anne Ellis to highlight why women were accused of being witches, the day to day struggles they may have faced, and the economic impact of the early modern period on neighbourly relations. It also looked at some of the surviving evidence from the Courts of Great Sessions, drawing on this and the three different Witchcraft Acts to discuss why the witchcraft trials in Wales were handled differently, and what impact the customary laws codified under Hywel Dda had on the way the accused witches were treated, and what the outcome of these trials were. It has come across themes of poverty, neighbourhood relations, socio-economic relations, and customary traditions which all shed a light on how people in early modern Wales viewed witchcraft, and come to two conclusions.

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75 Parkin, ‘Witchcraft, women’s honour and customary law in early modern Wales’, p.301
76 Parkin, ‘Witchcraft, women’s honour and customary law in early modern Wales’, p.307
77 Parkin, ‘Witchcraft, women’s honour and customary law in early modern Wales’, p.308
Firstly, this dissertation has used the work of Sally Parkin and Richard Suggett extensively to show how the idea of the gwarch, or the ‘ugly old woman’\(^{78}\) took hold in early modern Wales, shaping people’s perception of what a witch was. There is evidence to suggest, and indeed it has been suggested, that this idea was caused by the English influence after the Acts of Union in 1536 and 1543.\(^{79}\) However, the idea that witches capable of malefice could only be women seems to be a phenomenon unique to only Wales, as elsewhere both men and women were prosecuted for witchcraft, whereas in Wales this was an accusation linked almost solely to women. There have been various reasons suggested as to why only women were considered capable of malefice, and causing harm to another living being, and it could be argued that it was partly because of the way women were viewed in early modern Welsh society. Anne Ellis proved to be a good lens through which to view this idea; she was a widow, and a woman who defied societal norms to the point that peace had to be restored once more and she was accused of witchcraft and brought before the court, accused not only of harming people, but also of causing a child’s death.

Second; the customary laws continued on, even when they were supposed to have ended. Women in early modern Wales did have rights of their own, codified during the time of Hywel Dda, but this all changed when the Acts of Union came in as Henry VIII tried to build his Tudor State, and Wales came under English legal jurisdiction. As discussed previously, Parkin argued that ‘the place and status of Welsh women within Welsh society were determined by their legal position and their customary and traditional position’.\(^{80}\) The change brought in by the Acts of Union meant that women’s legal position changed, and the customary laws were supposedly now defunct; but there is evidence to suggest this is not true. The evidence in the transcripts of the Courts of Great Sessions suggests that the alleged witches were not being prosecuted under the Witchcraft Acts of either 1563 or 1604, and were instead being treated more like the Law of Women was still in action.

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\(^{78}\) Sally Parkin, ‘Witchcraft, women’s honour and customary law in early modern Wales’ in Social History, 31 (2006), p.296


\(^{80}\) Parkin, ‘Witchcraft, women’s honour and customary law in early modern Wales’, p.301
As mentioned before, it was difficult to find the transcripts for the Great Sessions, but the evidence found—several tables of the witchcraft indictments—is enough to show that the vast majority of allegations brought before the court resulted in either acquittal or dismissal (see Appendix I). This evidence, taken with the codified laws of Hywel Dda written down by Aneurin Owen in 1841, suggests that the customary law continued on. Parkin has argued that ‘in almost all cases where the outcome was known, these payments were settled through compensatory payments and fines.’\textsuperscript{81} This idea of compensatory payment, or \textit{galanas}, was something that was encompassed in the customary laws; each person had a value, and it was their kin that had to pay the price for their crime. Women’s value was based on the social standing of their husband or closest male relative, and it was intended so that social harmony was restored; something that early modern Welsh society considered of great importance. According to Parkin, ‘harsh punishments led to the continuation of disputes which, in a small kin-orientated society, only perpetuated personal and communal disharmony.’\textsuperscript{82} The people of early modern Wales were more concerned with reconciliation and compensation to the victim than they were with harsh punishments, and this is evident in the outcomes for the majority of the witchcraft cases brought against alleged witches in the early modern Welsh period.

Overall, this exploration of witchcraft and women in the early modern period has highlighted just how specific the circumstances needed to be for the witchcraft trials to have happened the way that they did, in such a different manner to elsewhere. There was no witch-hunt in early modern Wales, certainly not to the same extent as there was elsewhere, and it could be argued that had the Acts of Union not come into power, and had Wales not been affected by both the Witchcraft Acts of 1542, 1563 and 1604, and then again by the puritanism preached during the reign of James I, there may not have been a witch hunt at all in early modern Wales. Instead they would have continued settling disputes among themselves, as they always had done, striving to keep the peace and maintain social norms; even when women transgressed.

\textsuperscript{81} Parkin, ‘Witchcraft, women’s honour and customary law in early modern Wales’, p.302
\textsuperscript{82} Parkin, ‘Witchcraft, women’s honour and customary law in early modern Wales’, p.302
APPENDICES

APPENDIX 1

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83 Richard Suggett, *Welsh Witches: Narratives of Witchcraft and Magic from Sixteenth and Seventeenth Century Wales* (Wales, 2018). This book is no longer in print, and so this table was found in Ellis, Joseph (2019) “‘Conjurations, Enchantments and Witchcrafts’: To what extent was the execution of Gwen ferch Ellis (1594) a turning point in the Welsh perception of common magic?”
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<th>Court</th>
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