Confessions in the Salem Witch Trials

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Abstract

As defined as one of the darkest moments in American history, the Salem Witch Trials serves as a haunting reminder of the human capacity of fear and manipulation over a community of people that led to mass hysteria and injustice. Through the mist of mass hysteria and chaos, the Court of Oyer and Terminer was established to maintain social control of the community and prosecute the accused through coerced confessions. Over a hundred and fifty people were accused of witchery and over one-third of the accused confessed to the crime. This paper dives into a deep analysis of primary and secondary sources to discuss the use of confessions within the Salem Witch Trials. Looking into the tactics used to gain forced confessions from the accused, the role the institution of slavery had on the use of confessions of evidence within the trials, and the extreme methods of punishment the court conducted against the accused who refused to confess to being a witch, provides a remarkable understanding of how confessions initiated the continuation of the trials so the court could have social control over the Salem community. This thesis will argue that the Court of Oyer and Terminer used confessions as a tactic to take social control over the community by using the fear of the devil to establish a continuous loop of confessions for future legal proceedings. The accused out of fear of their fate if they did not submit an admission of guilt, confessed to stay alive. For the enslaved women accused of witchcraft, each woman took care in answering the magistrate’s questions in the right way to help them make it through the trials alive and keep them free from being sentenced to the gallows. To maintain social control of the community, the Court of Oyer and Terminer took extreme measures against those who would not confess, killing or punishing any of the accused who defied the court.
I would love to give a special thank you to my family and friends for supporting me along this journey! I want to give a special highlight to my grandmother for help throughout this journey by helping me edit my thesis. I truly am so grateful for her and my entire family and friends! I would also like to give a huge thank you to my advisor, Dr. Maeve Kane! She has been an amazing mentor throughout this school year and has been cheering me on through all the bumps in the road that I have been through!
Introduction
As defined by one of the darkest periods of American history, come step into the chilling world of the 17th-century Massachusetts Bay Colony, the home to the Puritans. In this colony, lives a small town where whispers of witchcraft ignited a storm of fear, suspicion of your neighbors, and injustices under the law that resulted in a series of trials unique to the American colonies: the Salem Witch Trials. The fear of the supernatural and the devil loomed over the heads of the inhabitants of this small Puritan town which led to mass hysteria from fear of the evil powers of witchcraft in the community. To protect the community, a court was established to listen to and prosecute witchcraft cases with over 150 individuals accused of witchery, and over one-third of those accused confessed to working under the power of the devil. From February 1692 to May 1693, the Salem Witch Trials stand as a haunting reminder of the human capacity to act in times of fear and manipulation.

In the 1630’s, the Puritans set sail for the New World and made the Massachusetts Bay Colony their new home. Coming from England, the Puritans brought over with them not only English intuitions of church and state but also a long history and knowledge of devil worship and the occult. As the knowledge and fear of the supernatural from England loomed over the community, various issues the inhabitants of the colony faced were believed to be due to witchcraft. Such as the outbreak of disease, failed crops, or meteoritic changes were all blamed to be the work of those who worked alongside the devil. As the Puritans began to build their newfound society, government officials attempted to establish a legal code to protect citizens from crimes, such as witchcraft. Built on the Common Law of England, the first legal code was created in 1641 and was titled The Body of Liberties. The legal code was intended to be used as guidance for the General Courts of the time composed of a list of laws and liberties that helped

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1 All court records used throughout this thesis have been retrieved from the Salem Witch Papers from the Salem Witch Trials: Documentary Archive and Transcription Project from the University of Virginia. https://salem.lib.virginia.edu/home.html
establish a functioning society. Keeping in mind the ongoing issue of witchery brought over from the old world to the new world, the Puritans created a law to address the fear of the powers of witchcraft in their first legal code. It states that “If any man or woeman be a witch, (that is hath or consulteth with a familiar spirit,) they shall be put to death”. As an attempt to address the witchery issue, the Puritans attempted to create a law that made the practice of witchcraft illegal and punishable by death. The law itself is very vague as the law never clearly specified what actions were constituted to fall under the practice of witchcraft or what actions would be considered punishable by death under this statute. Although the law is vague, it will remain in effect and unchanged for the next fifty years. Not only did the Puritans use precedents from the English Common Law to create this vague law, but they also relied heavily on religious scriptures. In particular, the Puritans used Exodus 22:18, Leviticus 20:27, and Deuteronomy 18:10. All three of these scriptures discuss the punishment for those guilty of the crime of witchcraft. Before Salem, the witchcraft law was put into effect in New England and individuals who violated the law were prosecuted but executions for the capital crime were few. The essence of the crime of witchcraft in New England was not the mere belief in following the ways of the devil, but rather the malice, harmful magic, or harming those in your community through the use of evil spirits given to witches from the devil. This belief would be followed during the Salem

3 Exodus 22:18- “You shall not permit a sorceress to live.
Leviticus 20:27- “A man or a woman who is a medium or spiritist must surely be put to death. They shall be stoned; their blood is upon them.”
Deuteronomy 18:10-” Let no one be found among you who sacrifices his son or daughter in the fire, practices divination or conjury, interprets omens, practices sorcery"

Witch Trials as the fear of the devil’s legion harming the society loomed in the heads of the citizens of Salem, which led to the mass hysteria in the witchcraft epidemic.

The hysteria of the witch hunt and trials began in January of 1692 with two young girls, Abigail Williams and Betty Paris. On a cold winter night, the girls began experiencing uncontrollable fits of screaming odd sounds, throwing objects, contortions of their bodies, and complaints of biting and pinching sensations. Not knowing what was wrong with the girls medically, the local town doctor claimed that the girls were bewitched. When asked who their tormentor was, a witch cake was used, an English tradition where pee from the afflicted was taken, baked into a cake and then fed to a dog to discover who their tormentor was. Abigail and Betty claimed to be bewitched by Tituba and two other marginalized members of their community, Sarah Good and Sarah Osborn. The three women argued their innocence in the matter, but Tituba quickly changed her plea of not guilty to guilty for harming the girls as she confessed to the crime. Tituba told the magistrates that she was visited by the devil and made a deal with him alongside several other members of the Salem community. The magistrates not only took Tituba’s claim as a confession but gained evidence that there was a presence of more witches in the community, creating mass hysteria in Salem. Other young girls began to experience the same fits that Abigail and Betty went through, causing over 150 individuals to be accused of practicing witchcraft. To conduct the trials, the Massachusetts Bay Colony governor, Sir William Phips, created an official court to hear these cases, the Court of Oyer and Terminer. Where newly appointed justices with the help of a jury determined the guilt of those accused of practicing witchcraft. In total, twenty-five people died because of the Salem Witch Trials. Nineteen people who were killed by hanging execution, died at Proctor’s Ledge. Five people died in jail and one, Giles Corey, was crushed to death.
This thesis will analyze the use and the impact confessions had on the Salem Witch Trials. Embraced as the best form of evidence, confessions were the driving force of the prolonged trials and allowed them to continue for several months due to the heightened fear of the devil living within the community. Without the use of confessions, the Salem Witch Trials would have ended after the first three arrests, but an increasing number of individuals would go on to confess to the crime of witchcraft and incriminate their peers in society. Through the continuous loop of confessions by the accused, the Court of Oyer and Terminer thrived from the admissions of guilt by those confessing to engaging in the practice of witchcraft.

The first chapter will delve into a deep analysis of the use of confessions within the trials. It will discuss the ideology that if the accused confessed to the crime, they broke the deal they created with the devil and no longer had evil powers of sorcery and were harmless. Within the trials, those who confessed were not executed for their crimes unlike those who pleaded not guilty and were sent to trial. Through the court, the magistrates highly encouraged those to confess through various mediums to maintain social control of the community through fear of witchery. This chapter analyzes how the accused felt coerced by the court to confess as they were physically threatened to admit their guilt, legally coerced by the magistrates to incriminate their peers through their confession, and how religious pressure not from the court but society pressured them to confess. The second chapter goes into how the institution of slavery in the Massachusetts Bay Colony influenced slaves to confess to witchcraft in the Salem Witch Trials. This chapter looks at how the institution of slavery was set up within the colony and the due process rights of slaves in the 17th century Massachusetts Bay Colony. Within the Salem Witch Trials, there is a total of three enslaved women accused of afflicted the young girls: Tituba, Candy, and Mary Black. All three of the women are unique in their own stories but all three women understood their social status compared to the others accused and told the court anything to appease not only
The court but their master as well. The last chapter of this chapter focuses on those who resisted the court by their refusal to submit an admission of guilt to the court. Those accused who refused to cooperate with the court’s tactics to gain a coerced confession would be punished or killed for their defiance. This chapter dives into Giles Corey, the ultimate symbol of defiance in the Salem Witch Trials, for his refusal to answer his indictment. By standing mute at his formal accusation, Corey would be punished through the Common Law of England’s punishment of peine forte et dure, a form of torture that crushes those, who stood mute in court, to death by heavy rocks. This would be the first and only time in the American colonies this gruesome punishment would be used. The court took extreme measures against Corey for his refusal to cooperate because his resistance against a confession prevented the court from having total social control over the community. Overall, this thesis will argue that the Court of Oyer and Terminer used confessions as a tactic to take social control over the community by using the fear of the devil to establish a continuous loop of confessions for future legal proceedings. Some of the accused, out of fear of their fate, submitted an admission of guilt and confessed just to stay alive. For the enslaved women accused of witchcraft, each woman took care in answering the magistrate’s questions in a precise way that would them make it through the trials alive and keep them free from the gallows. To maintain social control of the community, the Court of Oyer and Terminer took extreme measures against those who would not confess by killing or punishing any of the accused who defied the court.
Chapter One: Confessions in the Salem Witch Trials
From the very beginning of the legal proceedings of the Salem Witch Trial, the use of confessions as evidence has been used to justify and encourage the continuation of the trials as confessions would be used to obtain incriminating evidence against others who were accused. From the beginning of the witchcraft epidemic in February of 1692, over 150 individuals were accused of witchcraft, and one-third of those individuals confessed to the crime.¹ This may not seem like an enormous number for admissions of guilt but compared to the witch trials in England, the number of confessions was an abnormality. Throughout the Salem Witch Trials, confessions were the driving force of the continuation of the trials. This allowed the trials to continue for several months due to the fear of the devil dwelling within the community. Without the use of confessions, the Salem Witch Trials would have ended after the first three arrests, but more and more individuals would go on to confess to the crime of witchcraft and incriminate their peers in society. The Court of Oyer and Terminer was able to thrive through the continuous loop of confessions to further accusations and so forth.² This chapter dives into the driving force of the Salem Witch Trails: Confessions. First, the chapter will analyze the use of confessions within the trials. The chapter will discuss how confessions were deemed the best form of evidence to prove the guilt of the accused in witchcraft cases. Those who publicly confessed were viewed as harmless since by confessing, they broke their deal with the devil which resulted in the confessor not being executed for their crimes. Next, the chapter will look at the reasons the accused confessed to witchcraft in the Salem Witch Trials. This chapter will dive deep into various reasons individuals confessed such as physical torture, legal coercion, and pressure from their religious Puritan society. Overall, this chapter will argue that the Court of Oyer and

Terminer used confessions as a tactic to take social control over the community by permeating the fear of the devil and establish a continuous loop of confessions to future legal proceedings. For the accused, out of fear of the loss of their life at the gallows and the tortuous interrogations, those who confessed did so to survive.

I. The Use of Confessions in the Salem Witch Trials

For the Court of Oyer and Terminer, confessions have been considered the best form of evidence to determine the guilt of an individual accused of the practice of witchcraft and being a part of the devil’s legion. Historian David Hall explains that a confession “made visible the hidden (no one ever saw the occult lines of force that witches were supposed to use), and it confirmed that the root of witchcraft was a compact with the Devil.” This means that witchcraft is a crime not based on physical evidence but rather on suspicion that an individual is a witch. The powers that the witches claimed to use on the afflicted cannot be physically seen, so without a confession, the only way for a magistrate to prove the guilt of the accused is through spectral evidence, which is a form of testimony from witnesses that claimed that the accused appeared to them and harmed them through a dream or vision. Spectral evidence was used repeatedly in the Salem Witch Trials during both the accused examination and the trial if they plead guilty.

Although spectral evidence was accepted in the trial through the Court of Oyer and Terminer, confessions were still the preferred form of evidence. A public admission of guilt held more weight than spectral evidence to prove that the accused was a witch. Without confessions, spectral evidence would not be able to exist or be used in the courtroom. This is because, as Hall

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4 Godbeer, The Salem Witch Hunt, 12.
said above, confessions provided the community and the court with the closest form of visualization of what witchcraft looked like which brought forth more fear and witch trials into Salem. Confessions were the driving force of the mass hysteria that led to more individuals in the Salem community to be accused of witchcraft thereby allowing the court to use this fear and mass hysteria to take social control of the area.

Although a confession was the best form of evidence that the accused was guilty of witchcraft and in legion with the devil, the belief under the Court of Oyer and Terminer was that a confession took away a witch's powers, making the accuser harmless. This is because the belief of the magistrates was that once an individual confesses, they broke their deal with the devil and were no longer under the devil’s control. This is significant as those who confessed were free from working under the leadership of the devil and could no longer bewitch the afflicted through their powers. This can be seen through the very first person to confess, Tituba, a slave accused of bewitching her own master Reverend Samuel Parris’s daughter and niece. As Tituba admitted to the court that she harmed the girls through bewitchment, the afflicted girl's torments suddenly stopped and once Tituba was sent to jail, the girls never accused her of harming them again. Tituba's confession is not only noteworthy as she confirmed the presence of the devil in Salem, but she made it apparent that a public confession was needed to stop the afflicted girl’s pain. As the trials continued and more and more individuals began to confess, the young girls had the same reaction from the first admission of guilt that they were free from bewitchment. Through his notes of the examinations, Reverend Samuel Pariss wrote, “All the sufferers [were] free from affliction” after the confession of Abigail and Deliverance Hobbs. As the court begins to see

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7 Salem Witch Papers 69 https://salem.lib.virginia.edu/n69.html#n69.1
various admissions of guilt, a correlation is created between the act of confessing in public and the prevention of fits from the afflicted. This correlation would encourage the court to seek out confessions from the accused as it was not only the best method to prove that an individual practiced witchcraft. It was also a way to have community support for the court to force admissions of guilt out of the accused as the community was fearful of the devil’s control in Salem.\textsuperscript{8} By forcing the accused to confess and allowing the court to deem those individuals harmless once they were no longer inhabited by the devil, the court was able to step into the role as a protector in society against the devil’s powers. This allowed the court to take greater control of society during the witch trials.

Those who confessed would still be sent to jail after their admission of guilt for their crimes, but their time in jail would be different than those who maintained their innocence. As the individuals who confessed were considered harmless, they were not restrained by shackles on their ankles as the court believed those who maintained their innocence had to have their bodies restrained to protect society from their witchcraft.\textsuperscript{9} Even though those who confessed admitted their guilt to the crime of witchcraft, a crime punishable by death, they were never executed or punished for their crimes. From early in the trials, the court established the standard that confessing saves one from a trip to the gallows. The only individuals executed for the crime of witchcraft and hanged were those who refused to confess and pleaded not guilty. They were found guilty at trial and were ordered to be executed.

The Court of Oyer and Terminus chose to not execute the accused who confessed to witchcraft for multiple reasons. One argument is that since the individuals who confessed broke

\textsuperscript{8} Ray, "Satan and Salem", 118.
\textsuperscript{9} Burns, Margo Burns “ Other Ways of Undue Force and Fright ” : The Coercion of False Confessions by the Salem Magistrates”, Studia Neophilologica (2012),31-32
http://dx.doi.org/10.1080/00393274.2012.668070.
their allegiance to the devil, they already saved their souls and now cannot harm society with malice.\textsuperscript{10} As those who admitted their guilt no longer can place suffering on the young children of the Salem community, there was no point in executing them as they already took the step to correct their wrongs through their testimony to the court and by denouncing the devil. This argument may be partially true, but the better argument is that the court and government officials wanted to have control over those accused of witchcraft and the Salem community. Those who cooperated with the court and confessed to their crime were rewarded, while those who resisted the court through a plea of not guilty would be punished.\textsuperscript{11} Through confessions, the court and government officials were able to infuse fear throughout the citizens of the community and in doing so, allowed the court to take control of not only of society but the legal proceedings as a whole. As more and more individuals confessed, the Salem community would be filled with intensified fear of the devil and mass hysteria as each admission of guilt confirmed the presence of Satan in Puritan Massachusetts. This presence of the devil that loomed over the community would result in more accusations and further legal proceedings. If there was fear of the devil and admissions of guilt to confirm his presence, there would be a consent loop of mass hysteria that led to further accusations and more confessions of guilt of witchcraft thereby allowing the court and government officials to hold a grip of society for social control.

\section*{II. Reasons Why Confession was Encouraged}

In criminal proceedings, regardless of the crime, if the accused confessed that they committed the crime, the assumption is straightforward that the defendant admitted their guilt as

\begin{thebibliography}{9}
\bibitem{Burns} Burns, Other Ways of Undue Force and Fright, 26, \url{http://dx.doi.org/10.1080/00393274.2012.668070}.
\end{thebibliography}
they were truly guilty of the crime. This may be true for other crimes, but in 1692 in Salem, Massachusetts, all those who confessed were not guilty of witchcraft and were forced to admit guilt by the court and society’s norms through various mediums. Regardless of the method used to attain an admission of guilt, all the accused who confessed were forced to do so under the same reasoning by the magistrates and the court. In the Salem Witch Trials, the court used confessions as a tactic to take social control over the community. As each confession led to further mass hysteria of the fear of the devil, more individuals in the community were believed to be witches and worked alongside the devil to harm the afflicted. As the mass hysteria continued and more individuals confessed, the court was able to control society through fear of the devil.

As confessions were deemed the easiest form of evidence to prove guilt in witchcraft cases, the magistrates of the court encouraged those accused to give in and just confess to the crime. From the beginning of the trials, reports of severe interrogations and harsh methods began to appear. Those accused were often subjected to long and tedious examinations from the magistrates. Through these examinations, the accused were forced to confess, and the court was willing to go through any means possible to attain an admission of guilt from the accused. The threat of physical harm was often used on the accused as a tactic to confess to the crime. For the Puritans, the idea of physical torture to obtain an admission of guilt was thought to be un-English. This meant that the Puritans thought that physical harm to another was unholy. Although the Puritans did not believe in the use of physical torture, it did not stop the use of it in the Salem Witch Trials but only defined the line the court considered torture to be. Under the law in the colony under the Massachusetts Body of Liberties in 1641, the use of whipping was not

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banned but rather the extent of the whips was limited. The law stated that “no man shall be beaten with above fourty stripes for one fact at one time.” However, the law states that there is an exception for capital punishment cases, in pursuit of other co-conspirators of the crime, but the law still did not establish where the line of questioning to gain a confession was deemed inhumane. Throughout the trials, there’s a record of individuals speaking out against the court’s method of attaining confessions through physical harm, including John Proctor. John Proctor vehemently resisted confessing to the court and was executed on the gallows for his resistance.

From the jail, Procter wrote to contest the admission of guilt from his teenage son and the methods used to attain the confession. Procter wrote that his son “would not confess anything till they tyed them Neck and Heels till the Blood was ready to come out of their Noses, and ‘tis credibly believed and reported this was the occasion of making them confess that they never did.” This is significant because Procter exposed the court for their unjust methods of eliciting confessions. He explains that his son only provided a false confession as he was physically tortured to do so. If his son had not been harmed by being tied up which caused him to bleed, Procter’s son would have never pleaded guilty to the crime and only provided a false confession to stop the continuation of the torture. The magistrates and the court did not care how they harmed the individuals accused through physical torture if they confessed to the crime. For the accused who resisted the court’s advances and would not confess, they were physically punished, or killed for their defiance. The court would take extreme measures to attain a confession from those who resisted, such as using the Common Law’s punishment of peine forte et dure to crush an eighty-year-old man, Giles Corey, to death for his refusal to confess. The magistrates and the

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18 Norton, In the Devil’s Snare, 301-303.
court used physical harm as a ploy to attain confessions; the torture persuaded those to give a false confession. This led to the court experiencing a mounting number of confessions that named more and more individuals in the community as witches. It gave the court the motivation to continue their witch hunt to maintain their social control of the community.

In the Salem Witch Trials, the legal system itself practiced by the Court of Oyer and Terminer allowed the magistrates the opportunity to elicit confessions from the accused. The court followed the precedents established by the Common Law of England that all individuals accused of a crime have the right to due process which is the right to go through the procedural steps of a criminal trial before having one's liberty taken away. All those accused were never given fair due process which resulted in so many of the accused confessing. The lack of due process and procedural safeguards in a trial meant that the accused individuals did not have the same protections against the magistrate's tactics of coercion and manipulation to gain a confession.

During the Salem Witch Trials, every one of the over 150 individuals accused of witchcraft was already guilty of the crime before they even stepped foot in the courtroom. Throughout the Salem Witch Trials, the defendants were not given an attorney to assist them to navigate the legal system and help them defend themselves against their bewitchment accusations. So many of the accused had no idea how to fight their accusation and prove their innocence in a legal manner, so those confessors gave in to the magistrate's tactics. Without a defense attorney, many of the accused did not understand the magistrate's questions during their initial examination.

Through legal coercion, the magistrates phrased their examinations threatening to gain a confession or used negotiations of leniency to have those accused submit a plea of guilt while

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19 Rosenthal, Salem Story, 163-164.
incriminating others in the community. 22 During August 1692, seventeen-year-old Margaret Jacob indicated that the magistrates forced her to confess through legal coercion. Through the magistrate’s examination, Jacob specified that she was forced to choose between an admission of guilt or execution. With the lack of knowledge of the law, Jacobs chose to confess to the court and incriminate her grandfather for the crime of witchcraft to survive the trials. The young girl would go onto explain that she had made a false confession as she tried to recant her guilty plea, which the magistrates refused to let Jacobs do so. 23 In a separate letter to the Superior Court of Judicature, she wrote, “they told me, if I would not confess, I should be put into the dungeon and would be hanged, but if I would confess I should have my life.” 24 As a young girl, the magistrates knew that Jacob did not have a proper understanding of the law and the legal proceedings used in the Court of Oyer and Terminer. So, the court was able to coerce Jacobs to plead guilty through legal tactics by telling her that her only options were to confess or be killed for her resistance. Jacob’s case is noteworthy because once she realized that she provided the court with a false confession because she was coerced into it, she tried to recant her testimony but was denied the opportunity. Through the refusal of Jacob’s false confession to be overturned, it shows that once an individual confessed there was no opportunity to reverse their decisions legally during the Salem Witch Trials. Like the other confessors in the witch trials, Jacob is a victim of the law and the tactics used against the accused who did not understand the legal proceedings for the crime of witchcraft. Most of the accused did not understand the legal systems attained and enforced by the Court of Oyer and Terminer, so the accused felt legally coerced by the magistrates to confess to the practice of witchcraft.

22 Baker, A Storm of Witchcraft, 155-157
23 Ray, Satan and Salem, 124-125
24 Salem Witch Papers 80.4, https://salem.lib.virginia.edu/n80.html#n80.4
Those who confessed to witchcraft in the Salem Witch Trials did not only feel the pressure to confess from the court and the magistrates but felt social and religious pressures from their community as well. The mass hysteria created as a byproduct of the fear of witchcraft allowed the Salem community to create an environment that constantly pressed for forced confessions. Salem, a Puritan society, was deeply religious where adherence to strict religious beliefs was the societal norm. To the religious society, the practice of witchcraft is a sin because those who dabbled in the dark arts worked under the leadership of the devil, which threatened the stability of their community.\textsuperscript{25} According to John Hale, one of the magistrates in the trial, confessions were a way for defendants to “seek mercy for their souls in the way of confessions and sorrow for such a sin.”\textsuperscript{26} Through the Puritan theological principles if one confessed, their soul was once again saved from evil and led to salvation of the accused. The fear of eternal damnation after death loomed in the minds of the inhabitants of Salem.\textsuperscript{27} The thought of the devil’s control over society through witchcraft led to heightened anxiety and paranoia of believing the presence of the devil was within the community. Once those accused confessed to the crime, their souls were saved and once again they were harmless to society. This ideology that an admission of guilt saved the soul of the accused led to more confessions as the confessors were peer pressured by their Puritan community to give in to the court’s demands. Throughout the trials, religious leaders in Salem played a vital role in the community’s opinion of the legal proceedings and encouraged the accused to admit their guilt to preserve their souls. The religious rhetoric and pronouncement of these authorities reinforced the belief in the existence of the devil looming over the community they led.\textsuperscript{28} Alongside the Court of Oyer and Terminus, religious leaders

\textsuperscript{25} Ray, Satan and Salem, 118.
\textsuperscript{26} Hale, John, A Modest Enquiry into the Nature of Witchcraft (1702), 424.
\textsuperscript{27} Demos, John Putnam, Entertaining Satan: Witchcraft and the Culture of Early New England (New York: Oxford University Press, 1982), 246-249.
\textsuperscript{28} Demos, Entertaining Satan (1982), 250-251.
worked together with the court to maintain social control over the community through the encouragement of confessions. With the fear of witchcraft, citizens in Salem turned to not only the court but their religious leaders for protection against witchcraft and to root out the evil from the devil in their midst. As the community looked to the church for guidance in their fear of witchcraft, the religious leaders used the fear of witchcraft to control the actions and behaviors of society alongside the court. To maintain their control over society, religious leaders encouraged admissions of guilt as a form of repentance. This compelled the accused to confess to the practice of witchcraft and ask for forgiveness from God to save their souls.

As the trials progressed into the September month of 1692, many of those who originally confessed began to rethink their decision to plead guilty as they began to realize the intimidation ploys used against them were unjust. During this time Increase Mather, Boston’s most respected religious leader, heard of the recants from those accused who previously confessed to the crime of witchcraft. To investigate the false confessions for himself, Mather took a trip to the Salem Jail to interview the individuals who pleaded guilty to the crime of witchcraft. He was most likely made aware of the previous reports of coerced confessions and recantations from both John Proctor and Margaret Jacobs. Mather felt the coerced confessions were an urgent need to be addressed. On October 19th, 1692, Mather went to the Salem Jail and took down eight accounts of women who, in their own words, confessed to the crime because of intimidation they experienced from the court. All the women he interviewed, unique in their own stories, shared common themes of the pressure they felt to submit a plea of guilty to the Court of Oyer and Terminer. The women all detailed how the court’s magistrates coerced them to confess and if they defied that court’s advances, they would be sent to the gallows. Thus, each made a false

29 Ray, Satan and Salem (2015), 118
30 Ray, Satan and Salem (2015), 129-131
confession just to survive the trials. The purpose of Mather’s travel down to Salem was to get the attention of government officials through his report. This report served as the minister’s final argument against the procedures used by the Court of Oyer and Terminer, and the report would serve to cast doubt on the validity of the confessions.\textsuperscript{31} Mather wanted to show the government officials in Boston that the confessor’s claim of intimidation was genuine and the court’s methods to attain those admissions of guilt were flawed and unjust. As the minister did not support the tactics used to elicit confessions of the accused, he showed through his findings that the court was gathering these confessions for their benefit. These false confessions were used by the court to ensure that the fear of the devil and witchcraft still prevailed and was still shared in the Salem community and by having these confessions, it enabled to court to continue its social control over society. As confessors began to recant their original admission of guilt, the court tried to prevent them from doing so as the court needed an increasing number of confessions to maintain their control through fear. Mather’s report had a lasting effect on the community’s opinion of the witch trials. The minister brought to light the different methods of coercion used on individuals to confess as society began to realize that many of the confessions provided by the court were not just or reliable as a form of evidence in the Salem Witch Trials.

\textbf{III. Conclusion}

By September of 1692, when the confessors abandoned their original plea of guilt, it began to start rolling in from those who previously confessed under coercion. With nineteen executions and fifty-four confessions, the Court of Oyer and Terminer became a victim of their success on the need to hold social control of the community through admissions of guilt of

\textsuperscript{31} Salem Witch Papers 131.1, https://salem.lib.virginia.edu/n131.html
witchcraft. Throughout the Salem Witch Trials, confessions were the driving force of the continuation of the trials that allowed the trials to continue for several months due to fear of the devil within the community. As confessions were deemed the best form of evidence in witchcraft trials, the mounting number of pleas of guilty led to further accusations that named more and more individuals as witches. This allowed the court to continue its relentless witch hunt. In the courtroom, a public admission of guilt was encouraged by the magistrates, religious leaders, and the community as a confession was viewed as breaking the deal with the devil, which made the accused harmless. Through confession, the accused denounced the devil by admitting they completed the devil’s work by harming the afflicted. These confessions were deemed as genuine and no one who confessed was hanged in the gallows for their crime. Throughout the court proceedings, the accused were encouraged to confess through multiple mediums such as physical harm, legal coercion, and religious pressure. By the end of the trials, over one-third of those accused falsely confessed to the crime. The Court of Oyer and Terminer used confessions as a tactic to take social control over the community through the fear of the devil, which established a continuous loop of confessions to future legal proceedings. For the accused, out of fear of the loss of their life at the gallows and the tortuous interrogations, those who confessed did so to survive.
Chapter Two:

Slave Confessions

In the Salem Witch Trials
To utterly understand the role of confessions in the Salem Witch Trials used by the court to maintain social control in the Salem society, one must understand the institution of slavery established in Salem in 1692. This chapter dives deep into the role the system of slavery had on the methods of coercion used to extract confessions from the accused in the Salem Witch Trials. Firstly, this chapter will analyze the institution of slavery that was practiced in colonial Massachusetts and how the law legally defined the institution. In this analysis, this chapter will also dive deep into the due process of enslaved people in colonial Massachusetts and the Salem Witch Trials. Next, this chapter will dive deep into each of the three enslaved women accused of making a deal with the devil and the bewitchment of the afflicted in 1692. Each of these three women had a lasting impact on the future of the legal proceedings and the methods used to attain an admission of guilt from the accused. Overall this chapter will argue that with their understanding of the disadvantage slaves had due to the status of their being both property and a person as mandated by law, all three women took it upon themselves to say and do anything that the court or their master wanted to hear just to assure that their fate and destiny would result in the outcome they longed for. It was extremely vital and a necessity that they took care in answering the magistrate’s questions in the right way to help them make it through the trials alive and keep them free from being sentenced to the gallows.

I. Slavery in Colonial Massachusetts

In Puritan Massachusetts, the institution of slavery began in the latter half of the 1630s when Governor John Winthrop traded Indian captives from the Pequot War in exchange for slaves from the Caribbean. With the enslavement of Native Americans as the dominant form of
non-white labor before the 18th century predating African slavery by a few years, the practice was quickly embedded in the economic, social, and political fabric of New England. The ordinary lower-class family could not afford to own slaves, leaving the practice only to the higher class with about one to two slaves per family. For those who could afford to own slaves, the practice in this colony was different compared to the South. New England did not have plantations requiring a large amount of labor. Only around one to two percent of the population were enslaved. Enslaved people in New England often were found in the homes, businesses, or small farms of their owners, thereby creating an intimate relationship between the master and their slave. It contributed to the Puritan colony having little incentive to codify slave laws or create laws with an ad hoc approach. However, in 1641 the colony of Massachusetts passed the Body of Liberties, which attempted to create a law for the institution of slavery in Article 91, “There shall never be any bond slavery, villeinage or captivity amongst us unless it be lawful captives taken in just wars, and such strangers as willingly sell themselves or are sold to us.” The law itself is significant as the law establishes that the practice of owning a slave was legal with Massachusetts being the first colony to do so. Although the law established that slavery was legal, the law itself was ambiguous and had no clear set guidelines for the courts to proceed with enslaved people. The government leaders of the colony never legally defined the institution of slavery, relying on the 1641 law for slavery as the legal foundation, leaving the colonists to rely on the courts to navigate the legal ambiguity and to try to define the institution as seen necessary through different court proceedings. Through the eyes of the law, the government officials created an ad hoc and ambiguous system, where an enslaved person can be viewed as both

property and a person.\textsuperscript{3} This is noteworthy under the principles that yes, the slaves were property of their master and were purchased by them with the intention that the slave be used for labor, but the slave was still considered a person under the law’s eyes. This represents that the enslaved person, compared to slaves in the South who were viewed as just property, had judicial rights under the vagueness of the law defining the institution.

Although the institution of slavery in colonial Massachusetts was viewed as a private affair between the master and their slave, the intimate relationship did not guarantee that the slaves would be kept out of trouble in the eyes of the laws. Prior to the Salem Witch Trials, slaves had been defendants in criminal cases regardless of the relationship between master and slave. Although there was a special court created to hear the witchcraft cases in Salem in 1692, there was never a special court created for individuals who were enslaved in colonial Massachusetts. In southern colonies, such as Virginia, where slaves were needed for large plantations, a specialized slave court was created to prosecute criminal acts. In colonial Massachusetts, slaves were prosecuted in the same courts and under the same criminal laws as whites.\textsuperscript{4} Procedurally, this meant that an enslaved person had the same due process rights as a free person. Despite slaves going through the same due process steps as a free person, such as examination, formal accusation, and a trial, they were never truly equal under the law. The courts deemed slaves as property and always acted in favor of the master to protect the owner’s investment even though the master may have considered his slave to be a free person. In the case of \textit{In re Negro Sebastian} (1676), the slave, Sebastian, went through the due process as he was accused of rape and was found guilty and sentenced to death. With the intention of protecting his

\textsuperscript{3} Hardesty, “\textit{An Ambiguous Institution: Slavery, the State, and the Law in Colonial Massachusetts}” (2013), 166.
investment, Sebastian’s master Robert Cox pled to the court to spare his slave’s life. Thus, the court amended the slave’s punishment to 39 whips and ordered Sebastian to wear a rope tightly around his neck at all times.\(^5\) This is significant as it established that the court oversaw the punishment of slaves, not the masters. The court still bent the rules and due process of a slave for their enslaver’s benefit. This created a need for slaves to feel the need to protect themselves from court proceedings as they knew they did not have rights compared to those who were free. With an understanding that they were disadvantaged in legal proceedings, slaves would often act in compliance with the court to make themselves seem useful and needed by the court to avoid a harsher punishment. Accompanied by the ideology that as a slave one must protect themselves not only as a person but as a value to the government and their master.

When looking at the Salem Witch Trials in 1692, the institution of slavery was practiced by the higher class in Salem. For more than a few centuries, historians have been fascinated by the woman enslaved by Reverend Samuel Parris. Tituba, one of the first accused, changed the trajectory of how the legal proceedings were conducted throughout America’s most famous witch trials by confessing to being a witch and simultaneously added fuel to the mass hysteria by naming other witches. Through her confession, Tituba established the language used during the 1692 episode that the magistrates adopted to ask questions of the accused to coerce them into confessing. Depending on how the accused answered, they either were destined to save themselves from the gallows or be sentenced to death after their trial. Although through popular media depictions of this moment in history, Tituba was often regarded as the only slave to be accused of practicing malice in 1692, which simply is not true. Tituba is one of three enslaved women who were accused of making a deal with the devil and harming the afflicted with their

powers. The other two women were Candy, enslaved to Margaret Hawkes, and Mary Black, enslaved to Nathaniel Putnam. All three women were unique in their own experiences of the trials, but each had a different method to protect themselves from being hung for their crimes with two of the women confessing. With their understanding of the disadvantage slaves had due to the status of their being both property and a person as mandated by law, all three women took it upon themselves to say and do anything that the court or their master wanted to hear just to assure that their fate and destiny would result in the outcome they longed for. It was extremely vital and a necessity that they took care in answering the magistrate’s questions in the right way to help them make it through the trials alive and keep them free from being sentenced to the gallows.

II. Tituba

To understand the use of confessions throughout the trials in connection with the institution of slavery in colonial Massachusetts, one must start with the slave that began the mass hysteria and changed the trajectory of the trials through her confession, Tituba. For the slave, Tituba’s trouble began when Abigail Williams and Betty Parris first began behaving oddly with an unknown illness. Both Reverend Samuel Parris and his wife, Elizabeth, sought the help of a physician to help diagnose their sickness. Unable to properly determine the illness the girls had, the local doctor, William Griggs, concluded that the girls were under the spell of evil hand, and they were bewitched. Not sure what to do, Samuel Parris was advised by other local ministers to “sit still and wait upon the Providence of God” for the children to be well again. Not wanting to wait, neighbor Mary Sibley instructed the Parisses’ two slaves Tituba and her husband John

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7 Hardesty, “An Ambiguous Institution: Slavery, the State, and the Law in Colonial Massachusetts” (2013), 166.
Indian to bake a “witch cake,” a form of countermagical folk remedy. The witch cake was used to try to detect the girl's tormentors. The two slaves made rye bread mixed with the afflicted girls' urine and then fed it to the family dog. When the dog devoured the witch cake, the witches' identity was supposed to be revealed.\(^8\) Even though Samuel Parris was upset this remedy occurred without his knowledge, the witch cake did work as the girls were able to identify their tormentor, the family slave Tituba. Not sure how to go about this matter, Parris consulted with his local ministries who advised the reverend to not take any impulsive actions against his slave. Rather the local ministries, including John Hale, questioned Tituba about the matter. She admitted making the cake and that “her Mistress in her own Country was a Witch,” so she learned some countermagical remedies. However, she explained that “she herself is not a witch.”\(^9\) Although many 19th-century historians have argued that Tituba knew magic and voodoo from her home country, there is no evidence from documentation during the trials and the century after linking Tituba to such practices. Although Tituba was not on the stand in a courtroom in this interaction with John Hale, Tituba understood the severity of the situation and that she was accused of being a witch. Tituba knew she would be punished for harming the family members of her enslaver. By acknowledging the existence of witchcraft in her home country, even though she stated she was not a witch herself, it was significant as being Tituba’s first attempt to protect herself from a harsher punishment, not from the court but rather from her master. She confessed to the crime to appease her master knowing that her innocence would not be believed due to her enslavement. Again, even before Tituba is officially arrested for afflicting the girls, as a slave she confessed to the crime to appease her master since she was aware that her innocence would not be believed due to her enslavement. Since she was accused by her master, a

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\(^8\) Hardesty, “An Ambiguous Institution: Slavery, the State, and the Law in Colonial Massachusetts” (2013), 166.

\(^9\) Hale, A Modest Enquiry into the Nature of Witchcraft (1702), 414.
man she had a familiar relationship within his home, the court or the citizens of Salem would not believe Tituba if she fought for her innocence. The fearful Tituba was prepared to confess. On February 29th, alongside Sarah Good and Sarah Osborne, Tituba was arrested for bewitching Abigail Williams and Betty Parris.¹⁰

The next day, on March 1st, 1692, Tituba was the last to be examined by John Hathorne immediately after Sarah Good and Sarah Osborne. As she took the stand, a pattern of the questions asked in the examinations was already set in place, which Tituba was aware of as she sat in the court for the earlier proceedings.¹¹ Just like Good and Osborne, Tituba began her examination by denying she was a witch and that she hurt the children. As Hathorne’s questions continued, Tituba’s responses quickly changed as she began to reveal an array of revelations to the court. Tituba confessed to being a witch, expressing that “the devil came to me and bid me serve him”¹² By confessing to engaging in malice, she confirmed to the court that witchcraft activity existed in the Salem community. Tituba knew that her confessing, it would make her master happy as he was the only accuser of her crime, furthering the argument that with her knowledge, Tituba felt the need to confess to the magistrate’s questions while simultaneously recognizing that was what her master wanted to hear to save her from the gallows. Tituba knew the importance of being seen as a credible and helpful witness rather than a defendant who could face severe punishment. This concept was extremely significant to the future development of how the legal proceedings for the prosecution of this crime would be conducted in future trials.

Increasingly more individuals in the community were scrutinized and accused of being a witch as

the confirmed witchery in Salem led to more hysteria and these fears were seen in the courtroom. Now that the court had a confession of witchcraft from Tituba, magistrates would go on to conduct future examinations to frame their questions based on testimony Tituba shared in her confession using the same vocabulary used throughout her confession to describe her experience with witchcraft and the devil who forced her to harm the girls.

At the end of her examination, Tituba herself began to suffer from the torments of both Good and Osborne who attacked her for confessing to the court that she was a witch. These women used their powers on her and blinded her, which prevented her from being able to speak freely.13 At this moment, Tituba knew exactly what she had to do to survive the trial and avoid ending up in the gallows. Tituba understood the event’s severity having lived in the Parris household and witnessing the tortures that Abigail Williams and Betty Parris underwent when they were bewitched. Through her testimony, Tituba told everything to the court about her experiences with the devil, only highlighting two names that she knew to be witches as well, Sarah Good and Sarah Osborne. 14 Mentioning the names of the two women who testified before her, brought the court’s attention to these two women rather than herself. By naming Sarah Good and Sarah Oborne as witches, Titula created the narrative that she too was a victim of being bewitched just like the two young girls she cared for thereby providing evidence to the court that witchcraft was indeed real in Salem. Going into the examination, Tituba knew she needed to provide the court with a confession to avoid execution as she was already the most disadvantaged out of the three for not being a free person and as a slave to the Parris household. Through her admission and creating herself as a credible witness, Tituba saved herself from the

gallows and appeased her master as she confirmed his accusation to be true. As a credible witness, Tituba became an example that the magistrates used to help gain confessions or to further their arguments in future legal proceedings as Tituba’s naming other witches led to further mass hysteria. Tituba would be used to testify multiple times after her initial examination making her a vital player in the procedural process of the Salem Witch Trials.

As the magistrates were not finished with their interrogations of Tituba, they knew that she would provide further information that could be used in court to help prosecute those accused of witchcraft. The slave was questioned three more times, but only records of the second examination in the Salem Jail on March 2nd survived. Wanting to know more about Tituba’s acts of service for the devil, Hathorne pressed Tituba for information. She explained to the magistrate that when Satan appeared to her, Satan brought his book for the slave to sign. Tituba indicated that she was a part of the devil’s legion by signing her name with a mark “with real Bloud” in his book. Tituba’s use of the wording in this is significant as the magistrates would go on to ask those accused in future examinations if they signed the devil’s book. In later testimonies from the afflicted, they would use the devil’s book as a part of their evidence against those accused to be found guilty. Satan having a book to keep track of his followers was a concept Tituba created, and another piece of the story she added to help ensure her survival even while sitting in jail. As Tituba provided the court with further details of how to define a witch and a witch’s relationship with the devil, the magistrates found her helpful and kept her around because of it. Tituba knew that she needed to provide the court with details to help incriminate others in the community to avoid the gallows. Through her confession, Tituba gave the

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community new concepts of witchcraft to be fearful of, which the court used to their advantage to have social control over the community. In this examination, she told Hathorne that she was part of a coven of witches that the court would use as a part of their questioning in future legal proceedings. Tituba went on to tell that all the witches in the devil’s legion had a meeting in her master, Parris’ home. To ensure that her master would not be the next accused of being a witch, she explained “my master did not see us, for they would not lett my Master See.”

Even while sitting in jail, Tituba showed her survival skills to get through the hysteria. Again, Tituba demonstrated that she knew exactly what to say and when to say it to get the magistrates on her side so she would not be executed for her crimes.

When diving deep into Tituba’s story, one wonders why she quickly gave in to John Hathorne’s questions and confessed to being a witch. Tituba was forced to confess, not by the court, but rather by her master Reverend Samuel Parris. Robert Calef, a Boston merchant who went to publish a detailed expose about the Salem Witch Trials a few years after the trials in 1700, claimed that Tituba’s confession was a result of abuse from her master. Calef claimed that Samuel Parris beat Tituba before her examination on March 1st. In his book Calef wrote, “The account she (Tituba) since gives of it is, that her Master did beat her and otherways abuse her, to make her confess and accuse (such as he call’d) her Sister-Witches, and that whatsoever she said by way of confessing or accusing others, was the effect of such usage.”

Throughout his writing, Calef never depicted whether he talked to Tituba himself or her anecdote is hearsay. Although it is difficult to determine whether what Calef wrote about the slave was factual, one can assume what Calef wrote was believed to be true as Tituba had fresh marks and bruises.

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around her body when she was examined once she was placed in Salem jail. Reverend John Hale notes that after Tituba’s confession, she was taken to jail and while being “searched by a woman, she was found to have upon her body the marks of the devil wounding on her.”

Tituba would go on to claim that these marks were from Satan’s familiar who harmed her as she refused to serve them. Those marks were not from the devil but from the hands of her master, Parris. The slave wove this detail to conceal the fact that she was beaten before her examination by her master, so the slave would say and act not on her free will but the will of her master. Again, Tituba says and acts in a manner that not only protects herself from the punishment of death but from further beatings from her master. Through this lie, Tituba and Samuel Parris knew that the court would believe that her confession was voluntary and able to legally be accepted.

To understand why Parris was so desperate to get Tituba to confess, that he went to the extreme level of beating his slave to ensure her admission, you must understand who the Reverend was in society. The word “reverend” itself derives from the Latin word “reverendus,” meaning worthy of respect. As a reverend, Parris was respected throughout the community and held an influential role in the Salem community as it was his duty to perform religious rituals and ceremonies for members of his congregation.

From the start of the trials, Parris had been a supporter of how the trials were conducted and how those accused were treated as he believed that the witch trials were a necessity to stop the evil spirits from taking over the community, he was the reverend in. As the events of the trials began in his house, the reverend needed someone quickly to blame to protect his own family from the accusations he was encouraging from the rest of the community, so he blamed the easiest person in his household, his slave Tituba. Parris needed a confession from Tituba and for the slave to begin to name others to get the legal

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proceedings rolling and to continue the hysteria, leaving the community to look to him with respect for how to handle the situation. With his position, Parris’ power grew in the community as he encouraged the witch trials through his sermons, examinations of those accused, and being the sonographer for the events through the trial only taking notes of what occurred through his perspective. To ensure that Tituba would confess, Parris decided to beat his slave as he knew a harsh physical action was needed to have his priorities met on the first day of questioning and to continue the hysteria and further legal proceedings. On the day of Tituba’s initial examination, Reverend Samuel Parris received a copy of a legal manual on the prosecution of witchcraft by Robert Sanderson, a deacon of the First Church of Boston. In this pamphlet, it explained if a confessed witch named other people that were witches that testimony was viewed as convincing evidence to prove the guilt of witchcraft of those named. This is exactly what Tituba did in her confession by naming Sarah Good, Sarah Osborne, and the other individuals she was not sure of the name of. Moreover, it supports the claim that Tituba was coerced and beaten by her master to confess. Her testimony offered the court a piece of legally potent eyewitness evidence against Sarah Good and Sarah Osborne, thus confirming the original accusations from the girls that drove the legal process forward and made her master happy.

III. Candy

Tituba was the not only enslaved person in the 1692 episode whose master influence was shown through their confession to partaking in witchcraft before the court. The second enslaved person accused of witchcraft and discuss their master in their admission of guilt was Candy, an

22 Ray, Satan and Salem, 35.
Afro-Barbadian woman originally from Barbados enslaved under Margaret Hawkes. With no prior court records depicting the involvement of the master or her slave in the trials, the two became involved when they were accused of practicing witchcraft on July 1st, 1692. Thomas Putnam and John Putnam Jr. accused Candy and her enslaver of bewitching Mary Warren, Mary Walcott, and Ann Putnam Jr. Three days later, Candy would be examined in the Court of Oyer and Terminer. Under interrogation, Candy confessed to practicing witchcraft just like Tituba did. But rather than shifting the blame to multiple other individuals to appease her master’s wishes, Candy shifted the blame for her crimes to her master, Mrs. Margaret Hawkes. Just like Parris, Candy’s master Hawkes was a member of the higher social class. Unlike the other women accused, Hawkes was referred to as “Mrs.” rather than “Goodwife” indicating she was a member she was higher up in society, so she was able to afford slaves. As slave owners, Parris and Hawkes differed greatly based on how their slaves responded during their witchcraft examinations. Tituba, who was beaten to confess, protected her master on the stand while Candy blamed her master for her association with the devil. Within the Salem community, Parris would always hold a higher status and protection from the accusers as he held a high religious position in a Puritan town and within his position drove the mass hysteria which led to future legal proceedings. Making it easier for those in Salem to believe Candy’s defense of her accusations as Hawkes might have been a member of higher status, but does not hold a religious higher position, allowing the court to believe Candy’s claim due to her social class in society. Although the court believed Candy’s claims against her master, there are no records of Hawkes being

arrested or examined by magistrates for her role in the trials. This is because as a slave society in colonial Massachusetts, the court did not want to arrest or execute those who owned slaves, it was a line the court was not willing to cross. The court feared that if one enslaved person blamed their master, which resulted in their master getting arrested and executed for the crime of witchcraft, that other enslaved persons in the future would continuously blame their master for any sort of crime. This could have messed up the social dynamic in Salem that could result in the crumble the system of slavey in the colony as an enslaved person blaming their master for their crime changes the power dynamic between the two.

Compared to Tituba who was forced to confess because she continually protected her master, Candy confessed that “Mistress bring book and pen and ink, make Candy write in it.” This shows the magistrates that Candy did not participate in witchcraft voluntarily, but she was forced to place a mark in the devil’s book and conduct Satan’s evil acts as she was coerced to do so by her master. Through her confession, Candy portrayed herself as a victim of witchcraft like those afflicted rather than being a witch to protect herself from the court since she knew that those who did not confess were hanged. By signing the devil’s book, Candy complied with her master’s wishes in that she was acting like any slave in Salem would and complying with their master’s demands to avoid punishment. By focusing on her master, Candy dove into both a recognizable and acceptable paradigm for her slave-holding Puritan audience. Showing those in the court and in the community, that signing the book was an exchange between a master and their powerless slave, minimizing Candy’s own actions of what she was accused of. Through

26 Smith, “Candy No Witch in Her Country”: What One Enslaved Woman’s Testimony During the Salem Witch Trials Can Tell Us About Early American Literature,
Candy’s portrayal of a powerless slave fulfilling her master’s wish, Candy, like Tituba, quickly transforms from a defendant into a witness in the eyes of the magistrates.

During her examination, Candy explained to the court that in her home country, “Candy no witch in her country. Candy's mother no witch. Candy no witch, Barbados.”27 She wanted to ensure the court knew that she nor her family practiced witchcraft in Barbados, meaning she only afflicted the accused once her master made her a witch in this country. Like Tituba, Candy’s main priority was to survive the trials as an enslaved person. Most of the accused who confessed and admitted their guilt had to break the deal they had with the devil to avoid being punished to death. Candy knew as a slave, she had to take her plea a step further by blaming her master for her involvement in the bewitching of the girls to protect herself in the legal proceedings, and due to her enslavement, she needed to comply with the court’s wishes to survive. As Tituba tried to protect herself from the gallows, Candy went a step further to explain how she and her enslaver tormented those afflicted and demonstrated to the Court the procedure the two used. Candy was escorted back to her master’s home by a deputy, and she returned to the court with several rags and herbs acting as poppets. These poppets were used to represent a person for spells to be cast on them.28 After the magistrates examined these tools of sorcery, they were deemed tools of witchcraft after the burning, pinching, and drowning of the poppets in water were deemed to harm afflicted as the girls. Through her further step in her admission, like Tituba, Candy offered valuable evidence to the court deeming her as useful as she introduced to the court a new form of witchcraft practiced through items found in the everyday home: rags and herbs. As a slave, Candy’s main priority was to survive the legal proceedings of the trials. Slaves in colonial Massachusetts may have gone through the same due process as those accused who were white,

but Candy knew due to her status of freedom, she did not have the same rights to due process as those accused. She knew as a slave, like Tituba, she had to give and say anything to the court to create the allusion to the court that she was a useful figure that could be kept around and used in future proceedings. By blaming her master and showing the techniques her enslaver used to practice witchcraft, she not only protected herself from the gallows but made herself seem like a victim of the witchcraft epidemic and a witness to the malice rather than one who partook in it.

Despite the charges and evidence against Candy, she was found not guilty and released from prison. Candy had no property or social sway in Salem, that could have otherwise been reasons for a guilty verdict. In her confession, Candy did not offer the court any new information as Tituba did in hers. So, the magistrates found Candy helpful as she added another name to the accusation hysteria, but she was not needed enough to be held in jail for the same length of time as Tituba was. Since Candy offered the court no further revelations of the practice of witchcraft that the court could use in future prosecution and only naming one new possible witch, Candy was able to survive and was released from jail. As a slave, Candy used her knowledge to tell the court enough through her confession to create the allusion that she too was a victim to the epidemic and good enough witness to avoid the gallows.

IV. Mary Black

The third and final enslaved woman, Mary Black, was of African descent and the slave to Nathaniel Putnam, one of the leaders of Salem Village. Throughout the Salem Witch Trials, the Putnam family was one of the leading families in accusations, but Nathaniel differed from his

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29 Smith, “Candy No Witch in Her Country”: What One Enslaved Woman’s Testimony During the Salem Witch Trials Can Tell Us About Early American Literature, 119-123.
family and was skeptical of the validity of the proceedings from the beginning, even going on to defend Rebecca Nurse against her accusation. On April 21st, 1692, Black was accused and arrested for witchcraft. On the day of her arrest, Black was examined by Samuel Parris. During her questioning, the afflicted girls were present in the courtroom and claimed that Black bewitched them while testifying. Throughout her testimony, Black stood on the ground that she did not hurt the girls and she does not know who attacked them as she is not a witch. Despite her claims of innocence, following the examination and cries of pain from the afflicted girls, Black was indicted and imprisoned as she waited for trial.

Black differed from the other two enslaved woman in her examination, as Nathaniel Putnam was wary of the trials and did not accuse his slave himself of witchcraft, Black felt more comfortable to argue for her innocence to the court. Her enslaver not accusing her of wrongdoings was significant for Black. Nathaniel Putnam, not accusing his slave of practicing witchcraft, showed that he trusted his slave allowing Black to stand her ground on the stand of her innocence. Black was not pressured by her master to confess or act a certain way in court based on Nathaniel Putnam’s wishes. Due to her master’s wariness of the trials, she did not feel the need to protect her master on the stand or blame him for the accusations she received, an opportunity Tituba and Candy did not have which led to their confessions. Nathaniel Putnam, a highly respected man in the Salem community, when Black was examined by the magistrates, his silence in the court or around the Salem community spoke volumes as he never spoke against Black. One can argue that due to her master’s hesitation to the hysteria, Nathaniel Putnam may

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30 Smith, “Candy No Witch in Her Country”: What One Enslaved Woman’s Testimony During the Salem Witch Trials Can Tell Us About Early American Literature, 115.
have coached his slave to argue her innocence as he did not believe in the effectiveness of the trials. This shows the polarization between the actions of Samuel Parris, a supporter of the legal proceedings, to Nathaniel Putnam, not sure if prosecuting against witchcraft was the best solution for the problem of malice in Salem. Parris was adamant that he believed his slave bewitched his daughter and niece, even going to the extreme methods of physically beating his slave for a confession. Forcing Tituba to confess to the court to survive the possible punishment from the legal proceedings and her master. Coming from a family with power that was heavily involved in accusing those in the community, Nathaniel could have followed his family's footsteps and spoken publicly against his slave, making Black feel the need to confess to protect herself from the gallows. Since he did not, Black was able to differ from the other slaves accused and defend herself with the silent support of her master.

Out of the three enslaved women, Black’s examination was the shortest with questions appearing to be set in up in the routine manner with the kind of questions. Even at this time with the laws for slaves being created as seen necessary, Black is the best example of the three women that the due process of the slaves at the time was supposed to be the same as everyone else. Black was examined, able to plead not guilty, and awaited a trial for the crimes she was accused of. Although Black was granted the same procedural steps of due process as those who refused to confess to witchcraft, due to her enslavement she would never truly be treated equally under the eyes of the law as the other white individuals accused.

Black would spend months in jail before she was brought back to court for her trial. Since Tituba and Candy confessed to their crimes of witchcraft, the court never indicted them for the crime or brought their case to trial. Out of the three women, Black’s case went the furthest in the steps of procedural due process. Despite the original accusations against the slave, no one
showed up to testify against her, leading Black to get released at the end of the month. As the trial was set to occur in January of 1693 after the Court of Oyer and Terminer was officially shut down and ordered that spectral evidence was no longer admissible in court, the magistrate had no evidence against the slave. Since Black did not confess, all evidence against her is spectral evidence and prohibited to be used in witchcraft proceedings. The most likely possibility that no one showed up to Black’s trial was not because the use of spectral evidence was prohibited, but due to her master. In the Salem community, Nathaniel Putnam was respected throughout the community and never accused his slave of wrongdoings. Without the use of spectral evidence, Black’s original accusers may have been afraid to testify against the slave due to her master's high status or not seen the point to do so as little was gained by accusing an enslaved person, as they did not own property. Her original accusation was most likely a retaliation against her master for defending Rebecca Nurse against her claims of practicing witchcraft, no longer seemed opportune as the Court of Oyer and Terminer no longer existed. Once Black was released from prison, Nathaniel Putnam paid his slave’s jail fees and brought her back to serve in his home. Furthering the theory that Putnam coached his slave to argue her innocence on the stand due to his stance of the trials even after Black’s trial, her master still never spoke against her and paid her jail fees to release Black from the jail.

V. Conclusion

34 Hoffman, "Remembering Candy and Mary Black" (2022) https://salemwitchmuseum.com/2022/02/18/remembering-candy-and-mary-black/
35 Smith, “Candy No Witch in Her Country”: What One Enslaved Woman’s Testimony During the Salem Witch Trials Can Tell Us About Early American Literature, 115
36 Hoffman, "Remembering Candy and Mary Black” (2022) https://salemwitchmuseum.com/2022/02/18/remembering-candy-and-mary-black/
Throughout the Salem Witch Trials, Tituba, Candy, and Mary Black were all survivors through their admissions of guilt or standing their ground of their innocence to appease not only the court, but their masters. When analyzing the use of confessions used throughout the trials, these three women are extremely significant in understanding how admissions of guilt were attempted to be attained from the magistrates and how those were accused chose to confess. Tituba, the first to confess, confirmed the Salem community’s worst fear that witchcraft existed in the colony and added to the mass hysteria by naming others she saw working alongside the devil. If, perhaps, she chose the alternative, to not confess or blame any others in the community, there would have been a different outcome and the accusations would have stopped after Tituba, Sarah Good, and Sarah Osborne were accused. Tituba admitted to harming the girls as she was beaten to do so by her master. The slave’s confession not only appeased the court but saved her from execution. But, more importantly to Tituba, she made her master happy that the citizens of Salem would go to him as the reverend looking for guidance through the fear of witchcraft and the devil. With the understanding that a slave is their master’s property, Candy used that understanding as an advantage in her confession as a tactic to survive. Through her confession, Candy not only made the court happy by admitting her guilt but blamed her master for her involvement creating the illusion that the slave was just completing the tasks she was purchased to do. Candy blamed her master throughout her examination, but under the belief that she was appeasing her master’s wishes by signing the devil’s book. Lastly, Black may not have confessed to partaking in the witchcraft epidemic, but she refused to admit her guilt as the result of her master. Nathaniel Putman did not believe in the witchcraft trials, compared to Reverend Samuel Parris and Mrs. Margaret Hawkes who did. As he did not believe in the purpose of these prosecutions, he did not want his slave involved in the legal proceedings. Mary Black refused to
admit her guilt to make her master happy, allowing herself the protection of further punishment not from the court but rather from her master. With their understanding of the disadvantage slaves had, due to the status of their being both property and a person as mandated by law, all three women took it upon themselves to say and do anything that the court or their master wanted to hear just to assure that their fate and destiny would result in the outcome they longed for. It was extremely vital and a necessity that they took care in answering the magistrate’s questions in the right way to help them make it through the trials alive and keep them free from being sentenced to the gallows.
Chapter Three:
Resistance Against Confession
In The Salem Witch Trials
Throughout the Salem Witch Trials, over 150 people were accused of witchcraft under the leadership of the devil. Out of all the men and women accused of the crime, around one-third of individuals confessed to partaking in the practice of malice. Although a large section of those accused confessed to the crime because of coercion and threats used by magistrates during interrogations, most of the accused did not confess to the crime of witchcraft and resisted the magistrate's efforts to have them make a false confession. Those who pleaded not guilty were brought to the next procedural step in due process, a trial. Through a trial, those accused of witchcraft argued to the court they were innocent and had never harmed the girls through bewitchment. In the duration of the trials, since there was no confession, the magistrates had to use a different form of evidence to prove the guilt of the accused. The magistrates used spectral evidence, which is testimony in which witnesses claimed the accused appeared to them and harmed the afflicted through a dream or a vision.\(^1\) This form of evidence was not based on facts with physical evidence that the defendants were guilty of the crime but rather based on the grounds of suspicion. As further evidence, the magistrates brought in the afflicted and those who already confessed to advance testimony against those who resisted the court’s encouragement to confess. The idea of this form of evidence was accepted into the court as evidence because the devil and his minions were powerful through their persuasion and threats of harm. Although those who pleaded not guilty had the right to a trial to prove their innocence, all those who were arrested for the practice of witchcraft were assumed to be guilty of being a witch the moment they were accused.\(^2\) Any of the accused who refused to confess were deemed to have defied the

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court in the eyes of the magistrates, which led to those who resisted confessing to be punished under the law.

This chapter dives into resistance against confession in the Salem Witch Trials by analyzing the case of Giles Corey. The eighty-year-old man became the ultimate symbol of defiance against the Court of Oyer and Terminer when he refused to answer his indictment with a plea of guilty or not guilty. Through his refusal to confess or submit a plea to the court, Corey would go on to be the first and only defendant in the history of the American colonies to ever suffer under the torture of the Common Law’s peine forte et dure of being crushed to death through heavy weight. This chapter will first analyze the use of the punishment peine forte et dure through the Common Law in England and the influence of torture on the American colonies. Next, the case of Giles Corey will be further discussed, showing life during the Salem Witch Trials and what led him to stand mute in front of the court during his indictment. The extreme measures the court, and the magistrates took to get a confession from Giles Corey and the severe and unimaginable torture he endured will be highlighted and further discussed. Lastly, the chapter will dive into the legal precedents and social effects his resistance to confessions left on the prosecution of future crimes in colonial America and the perceptions of the trials on the Salem community, while looking at the already existing social dynamics. Overall, this chapter will argue that to maintain social control of the community, the Court of Oyer and Terminer took extreme measures against those who would not confess. The individuals who resisted the Court’s efforts to gain an admission of guilt were physically punished or killed for their defiance.

I. The Use of Peine Forte Et Dure Through the Common Law.
Before diving into the story of Giles Corey’s resistance to submit a confession to the crime of witchcraft, we must understand the Common Law of England’s precedent for cases where the defendant stood mute at their arraignment. The Common Law of England, inspiration to the lawmakers in Colonial Massachusetts, stood out as one of the only European countries that instituted that a defendant must consent to being placed on trial. In the eyes of the Common Law, consent was received to continue in the procedural due process of a trial through a plea of guilty or not guilty. When a defendant decided to refuse their formal accusation and “stood mute,” the court was incapacitated and unable to move forward in the procedural process of a trial. Those who stood mute refused to acknowledge the court’s right to try them as they rejected the authority and protection of the law. Needing the consent of the defendant to continue the criminal proceedings, the court knew they needed to implement a punishment to encourage those who stood mute to submit a plea, which was created by the “Standing Mute Act” in the First Statue of Westminster in 1275. The law specified that only defendants that “refuse to be tried by the law of the Realm... shall be put in hard and strong prison (prison forte et dure).” The law specified that those who stood mute and refused to consent to go through the due process would be punished not for their crimes, but rather for their resistance to cooperate with the court. This is significant because regardless of whether you consented through your plea of guilt or innocence, those who stood mute were already considered guilty under the eyes of the Common Law without answering their formal accusation. As the defendant who stood mute was already considered guilty, the court found it just to punish through harsh prison conditions those individuals who would not cooperate with the legal procedures as their silence was an indicator that those individuals committed the acts they were accused of.

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In the thirteenth century, the punishment originated as prison forte et dure, translating to a severe prison, and was only applied to notorious felons. This mean that those who refused to submit a plea to the court were tortured through their incarceration with provisions of only a small amount of bread and water on alternate days, dressed in the thinnest of clothes, while being held in a dark and cold prison cell until the submission of a plea. The intention behind lawmakers establishing the use of prison fort et dure in 1275 was to induce defendants to submit a plea to the court to continue the procedural due process of prosecuting criminal behavior. This is significant as the goal was to encourage engagement in court proceedings, but the penalty for standing mute was capital punishment. If you refused to submit a plea, you slowly were being killed by the court for refusing to acknowledge the law of the land. Through this punishment, the court had the hopes that the defendants would not be able to handle the torture of their punishment ensuring a confession of guilt for their crimes thereby justifying the court to take extreme measures against those who refused to admit their guilt.

The practice of being pressed by heavyweights was not added until 1406, modifying the punishment to the phrase peine forte et dure, meaning strong and harsh punishment, which is what we see used in the Salem Witch Trials. In Common Law England, defendants who stood mute refusing to submit a plea to the court were often given three warnings of their fate once the punishment of being crushed by rocks was introduced. Their fate being the loss of their life unless they chose to confess. This allowed court officials to guarantee that the defendant was in fact “mute by malice” and remaining silent was voluntarily their choice. The common law optimized the purpose of this extreme punishment as a form of a negotiation technique to have the defendant

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6 McKenzie, *This Death Some Strong and Stout Hearted Man Doth Choose* (2005), 284.
7 McKenzie, *This Death Some Strong and Stout Hearted Man Doth Choose* (2005), 287.
follow the court's wishes by confessing their guilt or allowing the court to continue their prosecutions. The negations came from a strict difference in the level of power of the defendant compared to the court officials conducting the prosecutions. By remaining silent when asked to plea or to confess, the defendants were under the assumption that they had swayed over their fate through the legal proceedings by not consenting to go through the due process. There is a range of explanations as to why these individuals chose not to answer their formal accusation but regardless of the reasoning behind their decision, the defendant was still powerless compared to the court. Through the threat of suffering under the weight of the peine forte et dure punishment, the court held the upper hand in forcing those defendants to confess. As the threat of suffering under peine forte et dure, the fear of being crushed to death coerced those to submit an admission of guilt. If those who stood mute ignored the warnings and threats of their fate, wanting to go under the heavy weight to avoid admitting their guilt often still ended up agreeing to plea once under the press.\(^8\) This is significant as the court still held the power and was able to use this extreme method of torture to force defendants to act in the manner of their pleasing. Still allowing the court to seem merciful to these silent defendants as stopping the peine to allow a defendant to confess was deemed a favor from the judge's discretion. Still allowing the court and the members of the court proceedings to be more powerful than the defendant’s refusal to submit a plea, the fate and control of the press gave the court this power. By stopping or continuing the peine at the law’s discretion, the court was able to force a confession out of the defendant or they passed away. The practice of peine forte et dure continued to be used in England until 1772,\(^9\) but before the form of torture was banned in England, the tradition of the Common Law and forms of penalties deemed appropriate was continued in the American colonies.

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The Puritans when traveling over the Massachusetts Bay Colony sought to create a model society based on their religious beliefs to reform the Church of England. When establishing their newfound society which was a colony of their home country of England, the Puritans looked to the Common Law that was already established as inspiration for the laws and due process in their society. Wanting to follow the laws of God, the Puritans began to alter the Common Law to their beliefs to maintain protection from the Lord and established the Body of Liberties in 1641, the first legal code established in New England. Basing their due process on common law, the use of consent of a defendant in the form of a plea of guilty or not guilty was needed to proceed with the procedural steps of a criminal trial. When a defendant stood mute, the use of peine forte et dure was threatened to be conducted to gain a submission of a plea. Throughout the American colonies, there were only two instances prior to the Salem Witch Trials that documented that the punishment of being pressed to death was threatened to be conducted. Although threatened to be used, the punishment procedure was never conducted on a defendant who stood mute. The fear of potentially being pressed to death with more iron or stones than one's body could handle was enough for those defendants to enter a plea to the court, allowing the court proceedings to continue. The only case of the punishment of peine forte et dure being used within the American colonies was to Giles Corey during the Salem Witch Trials for his refusal to submit a plea of guilt or innocence to the Court of Oyer and Terminer. Corey’s case was an anomaly in the Massachusetts Bay Colony and his resistance to confess through refusing to accept his formal accusation was the first and only incident throughout the witch trials. Corey was not only punished for standing mute before the court but more for not confessing to practicing witchcraft.

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12 McKenzie, This Death Some Strong and Stout Hearted Man Doth Choose (2005) 293.
displaying the extreme measures the court took to gain a confession from those accused. Having Corey go through heavy weights placed on top of his body was not a tactic used to induce him to plead guilty. It was a death sentence for the old man. He was being punished through extreme measures for his refusal to confess and to acknowledge the court’s methods used to prosecute those accused of practicing witchcraft.

II.Giles Corey, the Ultimate Symbol of Defiance to Confession in the Salem Witch Trials

Now diving into the story of Giles Corey and how the old man became the ultimate symbol of defiance when he denied the court an admission of guilt when he refused to answer his indictment. By the time the trials began in 1692, Corey was in his eighties and married to his third wife, Martha Corey. Throughout Salem, the old man was known to have a contentious personality, but he was a prosperous farmer who owned an extensive plot of land. Alongside his wife, Corey was an active member of the Village Church, attending sermons often with his wife. As the witch trials progressed in 1692, the old man was accused of the practice of witchcraft and the court tried to force a confession out of him. But Corey refused to do so and remained silent when asked to plea at his indictment. To gain a confession out of Corey, the court would go on to punish the old man through a horrid form of torture, peine forte et dure, the first and only time used in the American colonies. The court used an extreme form of punishment, for the sole purpose of gaining a confession from Corey and made an example out of him. As the torture took place in a public space, the court wanted the Salem community to be fearful of being pressed to death by stones so if they were ever accused of witchcraft they would confess, which is what the magistrates wanted. This section of the chapter will discuss how
Corey went from a supporter of the witch trials to his refusal to have the Court of Oyer and Terminer prosecute him, which resulted in the court using a gruesome method of torture to gain a confession from him.

When the mass hysteria linked to the Salem Witch Trials began in February of 1692, Corey, alongside his wife, was one of the first involved in the pre-trial examinations in the Salem Village Meetinghouse. As the examinations continued, Martha Corey began to doubt the genuineness of the accusations and the afflicted girls, including the methods used by the magistrates to gain admissions of guilt in the court proceedings.\(^{13}\) Martha did not contain these apprehensions to herself but rather shared them publicly, even encouraging her husband to stop attending future examinations. Her outspokenness resulted in Martha being accused of the crime of witchcraft on March 19th, 1692.\(^{14}\) Unlike her husband who stood mute, Martha answered her formal accusation with a plea of not guilty. She refused to confess, and through a trial she was found guilty, which resulted in her getting hanged for her crimes. Giles Corey continued to support the legal proceedings of the Salem Witch Trials, even accusing his own wife of practicing malice, until he was accused and arrested himself of afflicting the young girls exactly a month after his wife’s arrest.

Just like all the other witchcraft cases preceding Giles Corey, the court attempted to attain his admission of guilt for the affliction of the young girls through his practice of witchcraft. Through both his original examination conducted by the magistrates and his arraignment, Corey refused to offer the court a confession to his accusations. This resulted in waves of witnesses testifying against him that he afflicted them with his power and had visited the afflicted through


\(^{14}\) Salem Witch Papers 38.1 https://salem.lib.virginia.edu/n38.html
spectral visions. Maintaining his innocence throughout his examination, Corey would be brought to the new procedural step of due process, where he would be asked again to confess by making either a plea of guilty or not guilty to the court. In this moment, the old man would change the trajectory of the trials by standing mute and refusing to submit a plea of guilt or innocence. By refusing to submit a plea, the trial’s procedural steps were immediately stopped, not allowing the court to continue the prosecution of Corey. Following the Common Law, Corey never consented to being prosecuted for the crime of witchcraft by his rejection to answer his formal charges. At this moment, the Court of Oyer and Terminer was stuck and unable to proceed without either a confession or statement of innocence, which a trial would follow. With the precedent from England and the two cases prior to the Salem Witch Trials that defendants stood mute, the court planned to follow suit and threaten the most extreme punishment of all: peine forte et dure. By threatening Corey with being crushed to death by heavy weights, the court assumed that the fear alone of his fate would force a confession out of him. As someone in his eighties, it was unlikely that Corey would be able to survive his punishment and he would be crushed by the weight. But he still refused to confess, even after hearing the threat of his fate. This is significant as Corey is the first in the Salem Witch Trials who resisted the tactics used to coerce a confession out of him by refusing to submit a plea of guilt or innocence to the court. By standing on the grounds of his innocence and further resistance to confessing to the crime of witchcraft, he denied the court’s right to find him guilty and try him for a crime. Once Corey was arrested for the practice of magic, he no longer believed in the trials and the way the court proceedings were being conducted. He challenged both the authority of the Court of Oyer and Terminer and the protection the court provided for those afflicted by those in the Devil’s legion.

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In the mind of the old man, he was innocent and felt that if he had not committed any crime, the court had no authority to prosecute him.\textsuperscript{18} For those accused prior to Corey, who resisted confessing to the magistrates, they all stood on the grounds of their innocence and felt that they had not committed any crime as they did not harm the young girls either. Regardless of those who stood on the grounds of their innocence and believed in the authority of the court, the Court of Oyer and Terminer held that every individual accused of witchcraft was automatically guilty of the crime.

When delving into Gile’s Corey story, one wonders why the old man refused to answer his indictment. The true reason that Corey refused to plead guilty or not guilty was to protect the estate that he owed.\textsuperscript{19} He knew, as a landowner, that if he answered his formal accusation with a plea of not guilty and went forth with the trial, his assets would become the property of the government. Even if he confessed to witchcraft in his original examination or if Corey pleaded not guilty and was convicted of the crime of witchcraft, his assets would become the property of the state and his stepchildren’s inheritance would also have been taken away. Through the mind of Corey at his arraignment, the only way to make it out of these trials alive was to confess because standing on the grounds of your innocence would lead you to be found guilty and a trip to the gallows. Although, confessing was viewed as the breaking of the deal with the devil, it led those accused to sit in jail without a trial but avoided getting hanged to death. One would still lose their property and belongings to the government due to their guilty plea. Robert Calef, author of \textit{More Wonders of the Invisible World: Or The Wonders of the Invisible World Displayed}, a book denouncing the Salem Witch Trials wrote of Corey’s mindset when he stood mute. He wrote that Corey “pleaded not Guilty to his Indictment, but would not put himself upon


Tryal by the Jury (they having cleared none upon Tryal) and knowing there would be the same Witnesses against him, rather chose to undergo what Death they would put him to.”20 Giles Corey was already ruled guilty, regardless of what he decided to do, confess, or stand on the grounds of his innocence. If Corey resisted confessing, went through the legal proceedings, and was found guilty, he would be killed, and his property would be lost to the government. His main concern was not to survive the trials, unlike Tituba and Candy, it was to ensure that the land he invested so much time in preserved ownership for future generations. Through his withholding of a plea, Corey chose death by being crushed to death rather than being sentenced to death if he were found to be guilty. The second he was accused; Giles Corey was given a death sentence. He may have chosen the more painful way to die through the torture of peine forte et dure rather than a trip to the gallows, but his resistance allowed him to keep his property and pass it to his family.21 His main concern was not to survive the trials, unlike Tituba and Candy, it was to ensure that the land he invested so much time in preserved ownership for future generations. The Court of Oyer and Terminer was upset over Corey’s decision not to submit a plea to his charges, so next the Court would take extreme steps to punish Corey for his decision. Punishing him in a fashion never seen to be performed in the American Colonies before, was solely to gain a confession from the old man.22 As confessions were viewed as a form of social control over the Salem community, Corey’s refusal to submit a plea was deemed a defiance of the court’s attempt at social control. Due to his defiance, the court would take extreme measures against Corey to gain a plea of guilt from him, which allow the court to further their social control of the community.

20Calef, Robert, More Wonders of the Invisible World (1700), 106. 
21Ray Benjamin C., Satan and Salem: The Witch Hunt Crisis of 1692 (Charlottesville: University of Virginia Press, 2015), 103 
For his refusal to cooperate in the court proceedings, Corey was placed to death in an open field near the Salem Village Jail as a punishment for standing mute. Following the traditions of the English Common Law punishment of peine forte et dure, Corey was stripped naked while he laid on the ground with a sheet of wood placed on him. Before the weight was placed on top of the old man, the punishment had been followed through further than any of the two previous cases in the American Colonies, making Corey’s case an anomaly as the other two cases never made it to the point that the defendant were placed on the ground with a sheet of wood placed on top of their bodies as they awaited the torture of the heavy weight. Corey’s case was not only the first in the Salem Witch Trials, but the first in the colonies for his refusal to confess, resulting in his extreme method of torture. As Corey laid on his back, one by one large stones were slowly placed on the wood and him. While each stone was placed on him, he was asked if he wanted to confess to being a witch who worked alongside the devil. Corey would remain silent every time this question was asked, not providing an admission of guilt or innocence preventing the continuation of court proceedings. If Corey decided to answer the questions of the court during his punishment, the torture would have stopped only if he answered back with a confession. An admission of guilt was what the court genuinely wanted from the old man and having rocks placed on him was a tactic the Court used to coerce the confession. The court’s methods of gaining a confession from Corey through threats of peine forte et dure and the assumption that Corey would change his mind once the torture has begun failed by Corey standing his ground of remaining silent to protect his estate from the government.

Giles Corey went through two days of being crushed by being buried by rocks from the neck down before passing away on the third day of his punishment, September 19th, 1692.

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Confirming the torture and eventual death of Corey, Samuel Sewell, a Justice on the Court of Oyer and Terminer, wrote in his diary, “Abt noon, at Salem, Giles Corey was pressed to death for standing mute Much pains was used with him two days one after another by ye court & Capt. Gardner of Nantucket who had been his acquaintance: but all in vain.”

This is significant because Sewell wrote about the case of Giles Corey from an eyewitness perspective as the judge was aware and present for the torture used on the old man and understood why those methods were used. He writes down the death of Corey at the hands of the court and Captain Nantucket was “but all in vain.” Meaning that the death of Corey in this gruesome manner would have been avoidable if Corey just cooperated with the court in the first place by confessing to practicing witchcraft. If the old man admitted his guilt at his examination or his arraignment, he would have been able to survive the trials without his land but with his life as he would have never been sent to the gallows or forced to be crushed by heavy weights. Through his diary entry, Sewell doesn't support Corey in his decision or support the court in the manner they punished Corey for standing mute. But he conveyed that Corey should have known better to just cooperate with the court throughout their proceedings. Through his entry, the judge writes that it is a shame that the court had to punish Corey in that manner, but the court was following the precedent of the Common Law and wanted an admission of guilt from the old man regardless of the techniques used to attain the confession. By refusing to admit any form of guilt to the court, Corey was already seen as guilty of his crimes regardless of his plea and was sentenced to death not for his rejection to answer his formal accusation but rather he was killed for not confessing to the court. It justified Corey’s death sentence and the punishment of peine forte et dure as proper to the

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magistrates, making Giles Corey the symbol of ultimate resistance to confess throughout the Salem Witch Trials.

III. The Legal and Social Effects of Gile Corey’s Resistance to Confession

Through his refusal to answer his indictment and standing mute, Giles Corey resisted against the pressure to confess from the magistrates differently than his predecessors, which made him a symbol of defiance in the Salem Witch Trials. Although Corey was aware of the severe consequences if he did not consent and move forward with the legal proceedings, he still chose to stand on the grounds of his innocence and took a moral standpoint against the trials for the protection of his land from being seized by the government. Through his defiance, Corey impacted the trial dynamics the Court of Oyer and Terminer established throughout the prosecution of witchcraft cases. This is because, through his lack of cooperation, Corey prolonged the procedural due process steps, which had the community begin to question the methods used by the court and the magistrates. The community began to realize the tactics of coercion and torture used by the court through Corey’s punishment of peine forte et dure as unjust and unfair to those accused. Through his resistance to plea, his case did not bring forth only questions of fairness to the community, but it forced the court and government officials to confront the inadequacies of the process of a criminal trial in the Massachusetts Bay Colony. As the law, based on the Common Law, required a plea for a trial to proceed, the lack of procedural safeguards through due process was beginning to be focused on for the need for reform. 27 This is significant as it required the court to take a step back from how the magistrates have been

prosecuting witchcraft cases for the past few months to realize that punishing a defendant for standing mute was not a legally just technique to continue the procedural process.

His case highlighted the need for fair trial procedures in colonial America when prosecuting not only witchcraft cases but various capital offenses, such as murder. After Corey’s defiance against the court, the burden of proof began to shift onto the court and the accusers rather than assuming guilt that pervaded the trials that was used throughout the Salem Witch Trials. The burden of proof in legal proceedings requires the magistrates prosecuting the case to prove beyond a reasonable doubt that the defendant is guilty of the crime they are accused of. As the legal proceedings began in March 1692, the burden of proof was placed on the defendants to prove their innocence as they were already presumed guilty once they were accused of the crime.28 As the burden of proof was moved onto the magistrates and the accusers, the community began to question the court’s justification of accusations through the evidence of coerced confessions. This is noteworthy because the burden of proof shifted after the torture of Corey for standing mute and the fundamental questions about the legitimacy and fairness of the legal proceedings of the witchcraft, which challenged the original ideology of the presumption that all accused were guilty and must be hanged for their crimes unless they confessed to the crime, were questioned. Corey’s refusal to plead his innocence or guilt and the punishment of being crushed to death due to his resistance exposed the extreme interrogation tactics employed by the court to extract confessions from accused individuals to the Salem community. As Corey refused to submit to the coercion of the magistrates as he laid under the weight of heavy rocks, it shed light on the unethical methods, such as intimation and torture being used to attain an admission of guilt.29 This questioned the validity and reliability of the confessions provided by those who gave in to the court’s intimation methods. By never complying with the court’s attempts to extract an

admission of guilt from Giles Corey, Corey influenced others accused after his torture to fight the coercion from the magistrates and stand on the grounds of their innocence rather than confessing to a crime they never committed.

The old man’s resistance to admitting his guilt not only had a significant impact on the future legal proceedings of the trials but can be analyzed through the lens focusing on the social reaction of the Salem community to the old man who received the peine forte et dure punishment. His case, an anomaly compared to the other individuals accused of witchcraft, creates a commentary on the hysteria and paranoia that fueled the Salem Witch Trials. This case was one of the first instances which the citizens of the Massachusetts Bay Colony began to question the truth behind the witchcraft accusations and the methods used by the court to prosecute and gain admission of guilt for the witchcraft accusations.\(^{30}\) Corey’s case shined a light on these concerns differently than before. While he was lying on his deathbed on an open field outside the Salem Village Jail, the gruesome punishment grabbed the attention of the public. As the citizens of the Salem community watched the old man suffer over the course of three days, the community saw the punishment as too excessive as compared to those who answered their indictment and were found guilty through trials. \(^{31}\) Those who were found guilty were killed by getting hanged by the gallows. They were not tortured by having more weight placed on their naked bodies in hopes of admitting their guilt. The public believed the court went to extremes in the punishment of Giles Corey for standing mute, which started skepticism about the validity and reliability of the accusations and fairness of the court proceedings. Those in the community truly began to question the righteousness of the entire endeavor of the Salem Witch Trials. They inquired about the methods used in the trials including getting the accused to confess, the use of evidence used against the accused, the trials themselves, and if the punishments were too cruel.

By steadfastly maintaining his innocence by refusing to confess and going through the punishment of peine forte et dure, Corey highlighted the extreme nature that the court used to gain admissions of guilt from those accused. His refusal to cooperate had those in the community begin to realize the mass hysteria they have been a part of has officially gone too far and the fear of the devil literally crushed an elderly man to death.

Giles Corey’s defiance to cooperate with the court proceedings by refusing to confess can be analyzed by the social dynamics underlying the Massachusetts Bay Colony in 1692. Throughout the Salem Witch Trials, the majority accused of taking part in the practice of witchcraft and working alongside the devil to harm those in the community were women who rarely owned any sort of property. Throughout the witchcraft epidemic, Corey was one of six men to have been accused of having made a deal with the devil.\(^{32}\) Compared to the other men and the majority of women who had been accused and arrested for their crimes, Corey was higher up in the social hierarchy than those in Salem since he owned property, a farm. The best comparison to make between the social dynamics of the old man and the women accused of witchcraft is between himself and Mrs. Margaret Hawkes. Hawkes was the slave owner of Candy, accused of witchcraft, confessed to the magistrates her crimes through her examination, and blamed her master for her involvement in it.\(^ {33}\) After getting blamed by her slave, Hawkes was accused of practicing witchcraft but was never arrested or indicted for her crimes. There is no historical record that Mrs. Hawkes owned land, with a record only of Hawkes owning a slave.\(^ {34}\) Between the two, both owned a form of property, the forms of property differing one being land and the other a person. So, why was Hawkes never officially arrested on her

\(^ {33}\) Smith, C.L. “Candy No Witch in Her Country”: What One Enslaved Woman’s Testimony During the Salem Witch Trials Can Tell Us About Early American Literature. In: Smith, C., Jones N., Grier M (eds) Early Modern Black Diaspora Studies (Palgrave Macmillian, Cham, 2021), 108. https://doi.org/10.1007/978-3-319-76786-4 _6
\(^ {34}\) Smith, “Candy No Witch in Her Country”: What One Enslaved Woman’s Testimony During the Salem Witch Trials Can Tell Us About Early American Literature. (2021), 115.
accusation compared to Corey, who was crushed to death for his refusal to cooperate? As a society based on the institution of slavery, prosecuting an individual who owned a slave would be a line the court would not want to cross regardless of if their very own slave pointed their finger at their master that they are guilty. Compared to the South at the time, the institution of slavery was much smaller in this colony but at the end of the 17th century, it was an institution strong enough for the wealthy. That the court was afraid to prosecute one slave owner as the fear that more and more slave owners could have been accused next by their slaves, which would result in the fall of the institution. Corey, only a landowner, prosecuted and tortured for his refusal to cooperate, was a line the court was willing to cross over. As a male property owner, the court knew that the social dynamics of society would not change if the court proceedings of Corey were to be followed through. The court would have actually gained from a confession as the government would seize his land, resulting in the court to take extreme measures against the old man to gain an admission of guilt. When Corey stood mute, the court used the death sentence of peine forte et dure as an example to the Salem community. If they were accused next, they must confess their guilt, or they would suffer the same horrid fate as Giles Corey.

IV. Conclusion

Throughout the Salem Witch Trials, the Court of Oyer and Terminer used a variation of methods to extract confessions out of the accused to maintain social control over the Salem community. Those who resisted against the courts attempt to force an admission of guilt out of the accused were physically punished or killed for their defiance. Those who pleaded not guilty and had a trial in the Court of Oyer and Terminer were found guilty under evidence of spectral

evidence, which was provided by witness statements from the afflicted and those accused that confessed. Those who were found guilty from trial were sent to the trial, where they would be punished for not only their crime but killed for their defiance against the court’s attempt of social control. Out of all the accused punished for their defiance, none of the other cases could compare to Giles Corey as he refused to cooperate with the court proceedings by his denial to submit a plea. At the age of eighty years old, the old man became the ultimate symbol of defiance within the Salem Witch Trials. For Corey’s defiance, the court punished and eventually killed him through a method never physically used in the American colonies before. Following the precedent established by the Common Law for when a defendant stands mute, the Court of Oyer and Terminer punished Corey through peine forte et dure. A punishment that required the defendant to either confess their guilt to the crime or get crushed to death by heavy weights. The case of Giles Corey was the first and only time in the history of the American colonies that this gruesome punishment was used, which made Corey’s case an anomaly compared to the rest of the accused who defied the court by a plea of not guilty. Through Corey’s extreme forms of torture, the old man left a lasting impact on the legal system intact during the Salem Witch Trials and an impact on the social dynamics in society. As his torture was public, Corey’s case was the first time that a large group in society began to question the reliability and validity of the methods used to attain confessions and if those methods were fair. The purpose the court to use peine forte et dure on the old man was to set an example for the rest of society that if they were accused and would not confess, they would have the same tragic death that Corey had. To maintain social control of the community, the Court of Oyer and Terminer took extreme measures against those who would not confess. The individuals who resisted the Court’s efforts to gain an admission of guilt were physically punished or killed for their defiance.
Conclusion
Admist the chaos and the mass hysteria those in the Salem community experienced, the best form of evidence was an admission of guilt which substantiated severing oneself from the devil. These confessions that magistrates so desperately tried to obtain from the accused left a lasting impact as to how far government officials, such as members of the court, were willing to go to manipulate and control society through fear. As the community of Salem was fearful of being afflicted by the powers of sorcery from the devil, the citizens sought guidance through court to put an end solution to their fears. As an increasing number of accused began to confess to the crime of being a witch, each admission of guilt society became more paranoid of the devil’s control over their small Puritan town. It created a continuous loop of how the community tried to survive during these frightening times. This allowed the Court of Oyer and Terminer to use confessions as a tactic to take social control over the community by using the fear of the devil to establish a continuous loop of confessions for future legal proceedings. Some of the accused, out of fear of their fate, submitted an admission of guilt and confessed just to stay alive. For the enslaved women accused of witchcraft, each woman took care in answering the magistrate’s questions in a precise way that would them make it through the trials alive and keep them free from the gallows. To maintain social control of the community, the Court of Oyer and Terminer took extreme measures against those who would not confess by killing or punishing any of the accused who defied the court.

In the first chapter, this thesis discussed a deep understanding of the use of confessions in the Salem Witch Trials. In these trials, the magistrates highly encouraged those to confess through various mediums to maintain social control of the community through fear of witchery. As more and more people confessed, an ideology was created that established that if one confessed publicly they were no longer a threat to the community since
they broke their allegiance to the devil. As they were no longer a threat to the community, the court did not view it a necessity to punish them for their crime and none of the confessors were sent to the gallows. The Court did not deem it essential to send the confessors to the gallows as each admission of guilt allowed the Court to take more and more control over the vulnerable society. To maintain their control, the Court used any means necessary to have the accused confess. The magistrates used tactics such as physical harm, legal coercion, and religious Puritan values derived from societal norms in the Salem community to gain admissions of guilt. For the accused who confessed, those individuals pleaded guilty to survive out of the fear of the loss of their life through execution and torturous interrogations.

In the 17th century in Massachusetts Bay Colony, the institution of slavery was imbedded into every aspect of their citizens’ lives, including being persecuted in the Salem Witch Trials. In this colony, the laws regarding slavery were created as they were deemed necessary to do so. In criminal proceedings, on paper, slaves have the same due process right as the white citizens of the colony. There was no special court for slaves and slaves were prosecuted under the same laws than white citizens. This was proved true during the Salem Witch Trials during the accusations of Tituba, Candy, and Mary Black. These three women were enslaved during the witch trials and all unique in their own story. Understanding their disadvantage in society by being slaves, these women would say or do anything to appease not only the Court but their masters. Tituba, Candy, and Mary Black had a lasting impact on the future of the legal proceedings and methods used to obtain confessions still. Without the impact of slaves during the Salem Witch Trials, this moment of history may have had a different outcome. If Tituba never confessed, witchcraft would have never been confirmed and the accusations would have ended after Tituba. Through their testimony during the trials, the Court further gained social control over the community.
Although there were many who confessed to witchcraft during the Salem trials, around two-thirds of the accused refused the court’s efforts to confess. Those who insisted on their innocence and plead not guilty to their indictment, would be sent to the next step of the procedural due process of a trial. As the magistrates do not have a confession to use, they would use other forms of evidence to get a guilty plea, such as witness statements and spectral evidence. All those accused who opted for trial were all found guilty and executed for their crimes. Within the Salem Witch Trials, one individual resisted against the court’s efforts to force confessions out of the accused differently than anybody else by refusing to answer his indictment. Through his refusal to answer his indictment, Giles Corey became the ultimate symbol of defiance against the court of Oyer and Terminer. Corey was the first and only defendant of the trial to stand mute which led the court to enact the common law punishment peine forte et dure. This punishment crushed those who stood mute to death by heavy weights. This is the only time in the history of the colonies that this was used. Giles Corey was willing to go through this torture to take a stand against the court and protect his own property from being seized. Through the case of Corey, the old man left legal precedent and brought attention to the social dynamics of the Salem community. His case highlights the extreme the court was willing to take to gain a confession.

The confessions extracted during the Salem Witch Trials have left a legacy in American history as a cautionary tale of the dangers of fear, the creation of mass hysteria and the unchecked power of those in high power in the times of crisis. Through the encouragement of coerced confessions within the trials, the vulnerability of individuals in times of mass hysteria and societal pressures can be brought to light to understand the community’s behavior. The trials offer a reminder that in times of duress, individuals are more susceptible to coercion and manipulation. The court used unorthodox methods to gain social control of the community either by fear, coercion and torture through confession which highlighted the
power dynamics at play in times of crisis. The power of dynamics in the trials reveals the length that those in higher power would go through to maintain their control. In the legal world, the Salem Witch Trials left a precedent on the protection of individuals, the principles of due process and the presumption of innocence in criminal cases. The Salem Witch Trials were an inexcusable mischaracterization of justice in American history that still prevails today.
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