

‘Detestable Slaves of the Devil’: Religion as the ‘Third Pillar’ of the Civilizing Process

LUCY CÍSAŘ BROWN*

Abstract: Utilising the early modern witchcraft prosecutions as historical evidence, this article proposes a reconfiguration of Norbert Elias’ theory of *The Civilizing Process* to include ‘religious de-centralisation’ as a necessary ‘third pillar’ within long-term European development. It is argued that, given the significance of the medieval church and the threat to monarchical power posed by that same institution, decentralising organised religion from the functioning of the state was required in order to allow state formation to proceed. This is evidenced by the early modern recategorization of ‘magic’ as witchcraft and the resulting extension of state jurisdiction into the prosecution of witches to the disadvantage of the church courts.

Keywords: civilizing process; figurations; Norbert Elias; process sociology; religion; witchcraft prosecutions

DOI: 10.14712/23363525.2024.15

1. Introduction

The long-term transformation of European society, particularly the rise of secularism in the social and political life, has long been the subject of interest for sociologists. Durkheim’s “God is society, writ large” [*Durkheim 1965: 257*], Weber’s theory of ‘disenchantment’¹ and Marx’s concept of a ‘false consciousness’ [*Marx – Engels 1975*] have all formed significant contributions towards understanding the social functions of religion and are based on transitional European evidence from the medieval to the modern periods. Despite, or perhaps because of, such theoretical considerations, Norbert Elias’ own long-term civilisational theory does not overtly consider the place of religion within the developmental process. Such an omission is unusual given the historical grounding with which Elias discussed the transformation of society and the inescapable presence of religious institutions and belief within the historical record. Specific forms of violence, such as crusading and antisemitic pogroms, were both encouraged and sanctioned by the medieval church, which further compounds the necessity to consider religion with long-term transformative processes. In addressing the transformation of medieval society into the modern age, reintegrating of the role of religion into Eliasian processual sociology is a necessary step for long-term civilisational analysis given its (almost) humanly uni-

* Lucy Císař Brown, Ph.D., Katedra sociologie, Fakulta humanitních studií, Univerzita Karlova, Pátková 2137/5, 182 00 Praha 8. E-mail: lucy.brown@fhs.cuni.cz

¹ Weber first announced this concept at a lecture in Munich in 1917 before developing it further in his subsequent works on religion [*Yelle – Trein 2021: 1*].

versal nature. The significance of the presence (or absence) of religious belief and institutions in social processes is therefore a key theoretical consideration within this paper, whilst at the same time the validity of Elias' fundamental theory of *The Civilizing Process*, is acknowledged. By examining a core figuration in social relations, namely the state and religion, the question of secularisation may be addressed through a case study of early modern witchcraft prosecutions in England and Scotland. As a secular crime based on religious foundations, witchcraft prosecutions stand at the locus between religion and the state mechanisms which underpinned the processes of European state formation. While the prosecution of witches may be viewed from a modern perspective as contradicting the principles increasing 'self-restraint' essential to the civilising process, it is here demonstrated that such processes played a significant role in the negotiation of power relations between the early modern church and state. These power relations determined the broad direction of European state formation while remaining interdependent features of psychogenic and sociogenic process.

Within this article it is argued that Europe, rather than having undergone a complete process of secularisation between the medieval and modern periods, experienced a form of 'religious de-centralisation' in both the psychogenic and sociogenic sense.² This 'de-centralisation' may be seen as an additional 'third-pillar' in Elias' model for early modern state formation, which acted as an interdependent figuration between the original pillars of taxation and monopoly of power. Such a perspective offers a theoretical amendment to the central principles of Eliasian processual sociology.

1.1 Elias and Religion

While ostensibly an analysis of the transformation of society from the 'medieval' period, the majority of evidence utilised in *The Civilizing Process* relates to the late medieval period (14th–16th Centuries) and the early modern period (16th–18th Centuries) which coincided not only with the development of European nation states but also an increasingly globalised economic focus. As described by Elias, the centrifugal tendencies of the political and economic powers of the medieval period were becoming replaced by the expansion of stable centralised powers with an externalised outlook and yet the dominance of monarchical power, it is argued in this article, was not guaranteed to be the only outcome of a centralised state. A significant rival to the power and authority of states in this period was that of the church. Relations and tensions between monarchs and local and regional religious institutions were integral to the development of European society both in a psychogenetic and sociogenetic sense.

Within *The Civilizing Process*, religion does not occupy a central role in Elias' assessment of the formation of both the state and an individual's habitus. Linklater and Mennell have suggested that Elias viewed religion as a symbiotic part of civilising forces which,

² Norbert Elias describes the two processes of psychogenesis and sociogenesis as interdependent aspects of the Civilising Process. Psychogenesis refers to the transformation in an individual's behaviour towards (or away from) increasing self-control and restraint during social interactions which is in turn reinforced by those interactions and is ultimately internalised. Sociogenesis refers to the wider social transformation of social norms and structures as they become increasing interdependent and complex in response to psychogenic changes [Elias 1994].

rather than constituting a competing institution for medieval and early modern power, was an integral part of the state's ability to monopolise violence [2010: 406]. The relegation of religious institutions to reinforcing components of state formation is perhaps an oversimplification of what was often a complex and conflict-ridden relationship; no less so during the later period of state formation when religious non-conformism threatened social stability. The contrasting examples of the English and Scottish Reformations (discussed below) are indicative of such conflicting interests. In re-appraising Elias's theory, it is argued that variations in religious centrality were indicative of the potential for alternate models of state formation, such as theocracies, to have also been an outcome of European civilising process. Centralised religious institutions, be they politically aligned or oppositional to state powers, had the potential to derail as well as reinforce the centripetal forces of state formation through the diffusion of psychogenic and sociogenic centres of influence.

Goudsblom has described the relationship between Elias' civilising process and religion as one routed in the Lucretian tradition in medieval Christianity [2003]. Such an approach situates religion within an almost evolutionary perspective whereby religious belief is the result of people's lack of knowledge about the nature of life on earth [Goudsblom 2003: 24]. According to Goudsblom, Elias' lack of thorough religious consideration should be read as part of a dialogue between himself and Max Weber whose overt consideration of religion implicitly centred religion as the driving force behind the civilising process.

In his later work, addressing fantasy and reality balances, Elias also stopped short of recognising the centrality of religious institutions in society during the crucial period of processual change (the early modern period to be precise). Whether this exclusion was deliberate has already been discussed (see [Goudsblom 2009] and [Linklater 2022]) however in order to understand the secular nature of modern European society, it is necessary to examine where the process of the 'de-centralisation' of religion fits within the wider 'civilising process'.

In analysing the oscillating power relations between the early modern church and state it is possible to navigate a new path between these two extreme perspectives. The footprint of religion is present in both overt and subtle ways on the development of the civilising process, yet the decline of the church still forms only one part of the entire process. In Elias' conception of a modernity abstracted from religion, the very processes by which that was achieved were infused with the example set by organised religion. This process is here defined as a 'decentralisation' rather than a Weberian concept of 'secularisation' as it suggests a transformation in both psychogenic and sociogenic relations towards a more individualistic belief system and the decline of coercive collective potential. This does not constitute a general loss of faith but rather a transformation in the responsibility of religion to mediate more general social relations. The development of theocratic states during and after the medieval period were therefore potential outcomes of the increasing centralisation of Papal power, had monarchs not wrested said power (to greater or lesser degrees) from the church through a process of religious decentralisation. That is not to say that there was an immediate reduction in religious belief during the early modern period but rather that the prioritisation of religion in the lives of the populous was slowly transferred away from the collective to the personal. This transfer occurred as the state took over previously church-dominated aspects of daily life, such as behavioural/moral regulation,

charitable distribution and local trade and administration. The decentralisation process, in many European examples, was characterised by incorporated religious reformation (as in England and the Germanic states) whilst in others (such as Scotland and Bohemia) the reformed church presented a challenge to centralised power thereby expediting the need for further suppression (often violent) of religious influence. In both examples, the extent of the process of decentralisation was affected by the extent of the interconnectivity of political and social figurations.

1.2 Changing Medieval Church

When investigating the changing centres of power in European states, it is essential to first examine the social figurations that were present during the medieval period. According to Elias' assessment of medieval society, everyday interaction was infused with both the threat of and actual physical violence [1994]. Power relations amongst the elite were characterised by the figure of the 'warrior' whose ability to maintain control over territories was vulnerable to constant violent incursions by their neighbours [*Ibid.*: 319]. Given the fluctuating boundaries of secular power and the relative instability of feudal relations, an alternative source of stable authority, not fully acknowledged by Elias, was the medieval church. This is reflected by the contemporary conceptual division of the social order into the three estates: the *Oratores* (clerical class), the *Hellatores* (military class) and the *Laboratores* (working class) [Dane 1981: 283]. The classification of the clergy as one of the three estates vying for political and social influence was indicative of the rivalling status of religious institutions to centralised power. As one of three estates, however, it also indicates the limitations and necessary cooperation of religious institutions when faced with the interests of secular medieval power concentrations.

In 1776 Adam Smith argued that the *Oratores* rather than the *Hellatores* held the most influence over the *Laboratores* due to their ability to spiritually pacify and economical mobilise the masses [Weingast 2015: 3]. With a physical presence in almost every settlement on the continent, the church held a direct influence over the everyday lives of the majority of people in a spiritual, moral and economic sense. The suppression of everyday violence in medieval European society was therefore often the sole responsibility of the church amidst the fragmented power struggles of feuding elites [Sharpe 2016: 78].

As an institution, the church deeply influenced the habitus of the medieval population: the rhythms and rituals of daily life were connected not only with church doctrine, but large sectors of medieval economies were also dependent on monasteries and abbeys which consistently dominated local trade. Contracts for the purchase of local products and services as well as the importation of more exotic goods from further afield were integral to the functioning of monastic communities in the medieval period and thus provided such institutions with significant localised power [Raftis 1961]. This economic significance was also coupled with the dominance of the church courts, which dealt with matters from adultery, blasphemy and foul language to occasionally murder and witchcraft³, in the administration of local justice throughout Europe.

³ Despite the categorisation of murder as a felony in England from the early 13th Century, occasional instances of murder, particularly those committed by the clergy, appear in the ecclesiastical courts rather than the royal

Prior to the 15th Century, the power relations between the medieval church and European society underwent what we could call a pseudo-civilising process led, not by monarchs, but by the church. Whilst the development of the early church was certainly a slow and disrupted process beset by internal politics and schisms, the later medieval church emerged as a centralised power able to raise taxes and instigate holy wars in its own right [Deanesly 1990: 77]. This domination was challenged and ultimately broken by the end of the early modern period as a result of the rising power of the nation-state and yet, as with all aspects of the civilising process, this process was not evenly distributed. As monarchs vied for internal power and control over their respective states, the power of the church must necessarily have declined in both the psychogenic and sociogenic sense. As will be explored within this article, the centralisation of power in the English and Scottish contexts was greatly affected by the tensions between church and state. These tensions were clearly visible within the distribution of witchcraft trials which demonstrate the complexity of the phenomenon as both a spiritual and societal concern within the long-term process of state formation.

To better understand the role of the church within the civilising process, it is necessary to examine the church as an entity with similar state-formation potential and pitfalls as its contemporary medieval monarchs. The European medieval church underwent major transformative reforms from the 11th Century onwards with the culmination of Papal supremacy taking place during the 12th and 13th Centuries. The fundamental argument within this period, known as the Gregorian reform movement, lay in the question of who held authority over church matters. Pope Gregory VII pushed for a church independent from the influence of the Holy Roman Emperor Henry IV, raising fundamental questions over the authority of a king or emperor regarding matters of investiture and the extent of church law [Lambert 2002: 44]. During this period, the Pope exerted major authority over a wide range of matters beyond merely church doctrine and expanded church jurisdiction into secular matters by 'reason of sin' (*ratio peccati*) [Moore 2003: p. XV]. By centralising church authority, the bureaucratic capacity of the church to raise taxation was expanded within the 'stateless' European lands to a far greater extent than could be undertaken by localised rulers. The expansion of the crusades, as well as the church courts, also introduced a new threat of violence which required societal participation. The effect of the judicial expansion on the laity was the introduction of the Inquisition which, although not as all-powerful as sometimes ascribed, was indicative of the church's movement towards the development of a monopoly of violence and its attempts to externally regulate the spiritual behaviour of the populous.

While violence was an ever-present feature of medieval life, the Gregorian reform movement of the 12th and 13th Centuries began to shift the theological focus of the church towards a more pastoral role interested in an individual's soul and behaviour [Moore 2003: 246]. In 1215, the 4th Church Council of Lateran confirmed obligatory confession (Canon 21) should take place at least once a year for every Christian who has reached the years of discretion (amongst other reforms of daily spiritual life [Tanner 2016: 245]). In

courts. Witchcraft cases were rare during the medieval period but the clergy do appear in some of the early cases of the 15th Century, such as that of the Witch of Eye in 1440 where both bishops and archbishops were present.

a fundamental way, the church was now directly involved in the progress of an individual's soul to heaven and was able to exercise influence over behaviour to an unprecedented extent. Such direct interest in the laity's psycho and sociogenesis can be described as a form of a proto-civilising process in which the church played a direct rather than passive (as with the nobility) role in regulating social behaviour. In Elisian terms, this constituted an attempt to exert external forces over individual's behaviours and which would later be witnessed in the initial phase of psychogenesis amongst courtly society. Compared to the trickle-down effect of psychogenesis 'from above' as described in *The Civilising Process*, the church's direct involvement in the behaviour of the laity had far more potential to influence internalised behaviours on a wider scale. At the same time, the expansion of the medieval church on the political, economic and spiritual fronts presented the secular elites with a rival, and relatively centralised, institution of power.

By the start of the early modern period, this rivalry was not only recognised by the elites but also questioned and challenged in both obvious (reformative movements) and more subtle (changing legal jurisdictions) ways. It is this second factor which will be examined here in greater detail through the example of the early modern witchcraft prosecutions in England and Scotland. A combination of secular and religious crimes, the prosecutions represented an intellectual battleground between the primacy of the church and the state over the affairs of ordinary citizens. Themes of conflict, rivalry and cohesion will therefore be examined in order to situate the role of religion within the concept of the civilising process.

2. Early Modern State

The early modern period saw the rival power dynamic of religious institutions transform dramatically as the primacy of the state developed. In examining the development of Elias' two pillars of state formation (feudalisation and the monopoly of violence), the influence of religious organisations should also be considered. As a complicated fusion of crimes against God and the state, early modern witchcraft prosecutions represented a microcosm of the societal transformations that were taking place throughout the period. As the exclusion and separation of the church and the early modern state began to take place in European states, this process was enacted upon the stage of secular and religious courts as they battled over the fundamental question: are people responsible for their own behaviour or are they at the mercy of external (supernatural) forces? This question requires us to consider the Elisian concepts of sociogenesis and psychogenesis from a direct contemporary perspective as well as through the theoretical lens of social processes. It is therefore argued that a third pillar, religious decentralisation, was an integral component of the European civilising process.

2.1 Monarchy versus Church

The relationship between the crown, the law and the church in this period structures the transformation of political and social figurational processes across the early modern period. The concept of the 'divine right of kings', while not a new idea, was at the heart of the English reformation and an essential point of conflict between Henry VIII and Pope

Clement VII's papal supremacy. The absorption by the crown of church lands and property was a material example of this power transference however the greater demonstration of monarchical authority was the religious suppression enacted by Henry throughout the kingdom of England. This was then further reinforced by the reformation of parliament, further centring monarchical authority and distancing the clergy from state affairs. James VI of Scotland also later set out to affirm his divine monarchical credentials through two works penned by himself between 1597 and 1598: *The True Law of Free Monarchies* and *Basilikon Doron*. Both tracts set out the divine right of kings and give some indication of his absolutist tendencies in response to the violence directed against himself (he was kidnapped by nobles in 1582) and his mother (Mary Queen of Scots was executed in 1587). Conceptually, the divine right of kings decentralised the power of the church and recentralised the monarch as a religious authority. James' ability to actually exert such powers was however constantly under threat in Scotland from both other aristocrats and protestant reformers. Throughout his reign James VI attempted to wrestle power and influence from Kirk with limited success, failing to truly bring the church and the nobility into line.

As a consequence of this diffusion of centralised power, Elias' concept of pacified courtly conduct was not yet fully realised in Jacobean Scotland. When considered in comparison to Elizabeth I's court, the court in which James came to primacy was one characterised by violence, with the continuation of bloodfeuding a significant feature. While feuding did not necessarily mean the extensive bloodshed between families suggested by the medieval concept, its continued presence was more characteristic of stateless societies in which the "preservation of law and order is in large part based on the strength of the ties and obligations of kinship" [Davies 1980: 341]. This continuation of the threat of violence amongst the nobility in Scotland in the 16th Century had an impact on the stability of the crown and its legitimacy in a similar way to that described by Elias in other European states of the late medieval period [1994: 281–2]. While England had begun to build manor-houses designed for comfort rather than defence, the Scottish nobility were still constructing castle-like fortified structures replete with armouries and gunports [Smout 1989: 94]. Within this medieval-like courtly context, James was certainly not the physical embodiment of a successful medieval warrior; being both weak and sickly throughout his life, he was described by one ambassador as being much cowed by the violence which surrounded him [Tyson 2011: 2]. Regardless of his physical disposition, James had an undoubtedly keen intellectual mind and had he succeeded in bringing the Scottish Kirk into a similarly weakened state to that of the Elizabethan church, it is likely that their support of his monarchical authority could have allowed for a greater pacification of Scottish courtly society.

The centralisation of power and decentralisation of church influence was therefore a necessary element in enacting the divine right of kings and, it is argued, represents a proposed third pillar (alongside taxation and the monopolisation of violence) of Elias' state formation. In order to highlight this transformation, let us turn to the almost exclusively early modern phenomenon of the European witchcraft prosecutions.

2.2 Witchcraft Prosecutions

While the concept of the witch has its roots well before the Christianisation of Europe, the campaign against witches was not much of a spiritual or legal concern until the 15th

Century. Following a concerted effort from both secular and religious sources at the start of the early modern period, fears over the “detestable slaves of the devil” [*Stewert 1597: Preface*] quickly grew in pace. Estimations vary greatly regarding the numbers of prosecutions, nevertheless even conservative estimates suggest that around 100,000 people were prosecuted with approximately half of those prosecutions leading to executions [*Levack 2013: 6*]. The prevalence of mass prosecutions was also unevenly distributed throughout the European continent. Certain regions, such as those which now form parts of modern Germany⁴, Hungary⁵ and Scotland⁶ saw intensive and prolific numbers of prosecutions between the 15th and 18th Centuries whilst others, such as England, the Bohemia and France had comparatively lower numbers of prosecutions per population. The variation in distribution does not, therefore, depend on the religious orientation of individual states (Catholic or Reformist/Protestant) but rather the degree to which religion was central to (or in control over) the exertion of state influence.

Where certain German-speaking regions of Europe saw witch prosecutions start to gather momentum in the 15th Century, in both England and Scotland, relatively few accusations took place during that century. Those few but high-profile cases that were recorded as taking place largely involving aristocratic and educated elites and contained a distinctly political character not seen in later trials [*Sharpe 1996: 24*]. As Elias has demonstrated, the development of courtly society and power centralisation was a slow and gradual process however, in the English and Scottish contexts, both processes were accelerated by their respective 16th Century religious reformations. In England, Henry VIII used the opportunity of the Reformation to significantly restructure English society, situating himself as undisputed head of the church and centre of all power – both sovereign and spiritual (1534 Act of Supremacy). In 1542, as part of this reassertion of sovereignty, Henry introduced the first piece of legislation specifically targeting witchcraft as a capital offence however this had little re-world impact on prosecutions until the reign of Elizabeth I [*Gaskill in Levack 2013a: 289*].

The emergent Protestantism of mid-16th Century England was not particularly focused on witchcraft beyond recommendations for the reformation of cannon law and the vague and unrealised plans of the Bishop of Exeter to punish “witches, charmners, sorcerers, enchanters, and such like” [*Thomas 1971: 306*]. This neglect in concern over witchcraft came as Protestantism was both at its most central position in relation to monarchical power and also at its most fragile. Unlike many states in continental Europe, the demonological narrative did not yet dominate the church courts nor the Anglican discourse surrounding witches; the focus instead appears to be a repression in the use of popular magic by the laity and repressing Popish superstitions. In these early Reformation cases, with religion still occupying a central position in power relations, the linkages between the church court systems and the secular courts over the matter of magic were reinforcing each other rather than opposing. One such example is that of the priest John Coxe (alias Devon) who was brought before the Bishop of London in 1561 for conjuration and magic and then referred on by the Bishop to the Justice of the Peace for Kent in relation to

⁴ Particularly in areas which Thomas Robisheaux has described as being “where early modern states were late to develop” [*Robisheaux 2013: 180*].

⁵ See [*Kristof 2006: 515–520*]

⁶ See [*Levack 1980*].

“magic and conjuration, and for celebrating mass” [*Cal. Sta. Pa. Dom. 1547–1580 no. 173*]. Collaboration between the church and state over suspected witchcraft at this early stage suggests a unity of purpose related to the eradication of popery rather than a concern over the implications to the state of this supernatural threat.

2.3 *The Evil of Magic*

The significance of the church's role in the development of 'demonic' associations with magic and, later, heresy was indicative of the degree to which the church could be considered to exert external pressures on an individual's psychogenesis within late medieval power relations.

Within medieval society, magic, both mundane and spectacular, was an acknowledged part of the human experience, with both the church and laity interacting with, and taking seriously, the effects of magical interventions. 'Witchcraft', in the harmful sense, would only come to be associated with the 'sabbat' and demons in the mid-15th Century when the term was first introduced in the context of 'evil' spells.⁷ The intention of categorising such practices as evil was not to disparage all forms of magic but rather for first ecclesiastical, and then secular authorities, to identify when practices constituted heresy and/or criminal offences.

The psychogenic transformation of witchcraft required a shift in understanding the reasons for magical efficacy: the practitioner's power stemmed from a pact with the devil or demonic powers [*Ostorero 2019: 505*]. Conceptually, those who drew on such powers were no longer classified as individual practitioners but were now part of a sect of (mostly) women whose collective threat was significant. The rise of the concept of the witches' 'Sabbat' concept reflected this shift in focus towards regarding magic as sorcery and which would later be encapsulated in James VI's own condemnation of the abundance of "detestable slaves of the devil" [*Stewart 1597: Preface*].

3. Psychogenesis

There is an important distinction to be made regarding the psychogenesis of the early modern population as it related to religion and witches: belief in the existence of witches did not necessarily equate to actively hunting them. 'Belief' in the concept of the 'witch' existed within the wider medieval society just as it persists in some corners of the modern.⁸ So why then did the early modern period see the extension of witch belief into a process of formalised witch hunting leading to the deaths of thousands? The root cause exists at the interplay between the transformation of individual belief surrounding the nature and character of witches (initially instigated by the church but subsequently influenced by popular print culture) and the wider centralisation of legal processes out of the church's hands.

At the beginning of the English prosecutions there were indications that, even during the early stages, the general population was aware of the potential societal dangers of

⁷ See Pierre Mamoris' *Flagellum Maleficorum* (before 1462) for one of the first examples.

⁸ See Doyle White, Ethan, 2015. *Wicca: History, Belief, and Community in Modern Pagan Witchcraft*. Sussex Academic Press for an exploration of modern witch belief and practice.

witchcraft trials. This reprimand from the Archdeaconry Court of Essex against a woman who warned her neighbour not to confess to witchcraft demonstrates a degree of early scepticism regarding the validity of prosecutions: “Contra Aliciam Gardiner de Boram.- Detecta for that she gave counsell to one masons Wief of Boram who was a witche, that she shulde confesse nothinge, for yf thow dust, thow wolt dyv e for hit ; and thowe wilt turne thy neigh-bowrs to troble” [CCCCXL. 4 July, 1566, f. 16. Hale 1847: 147].

In warning against ‘turning your neighbours to trouble’ by confessing to witchcraft, the courts are suppressing both the disbelief in the reality of witches along with communal solidarity where it conflicted with state laws. In doing so, the courts were enacting the external pressures of the early stages of sociogenesis as they related to a rising interest in witches which in turn was influenced by changes to the psychogenesis.

As the centuries progressed, the prosecutions would become increasingly instigated ‘from below’ [Horsely 1979: 693], with the internalisation of witchcraft as a crime both against God and society reflecting their transformation as representing an internalised process of psychogenesis. The process of the demonisation of magic was a shift not only in church doctrine but also in an individual’s perception of the world. In order understand such shifts it is worth referring to Max Weber’s concept of disenchantment as the rationalisation of magic is key to the shift in belief described previously. Despite numerous interpretations to the contrary, Weber’s concept of the disenchantment of the world does not imply that belief in magic was irrational, just as the belief in witchcraft was not irrational in the early modern period [Weber 1993: 2]. As Weber discussed in *The Protestant Ethic*, the rejection of magic by wider society in favour of ‘scientific thought’ was not a genuine denial of the presence of magical forces [Josephson-Storm 2021: 41]. The very fact that witches were burned in the early modern period is indicative of the convergence between magic, religion and society and which persists in various forms into the modern period. The transformation of the belief in magic into demonic forces should therefore be interpreted as a rationalisation of magic by parties interested in regulating the behaviour of the populous and recentring their role in the spiritual wellbeing of individuals. As the early modern period progressed, these interested parties were increasingly led not by religious institutions but rather by representatives of state mechanisms through the legal system.

3.1 Dominance of the Court

The concept of state centralisation, central to the civilising process, varied in intensity between the English and Scottish kingdoms during the early modern period. No aspect was so obvious as that of the legal frameworks which underpinned criminal prosecutions and which acted as extensions of monarchical power and influence outside the immediacy of the court. This was a key difference between England and Scotland during this period; the Scottish Kirk’s involvement in witchcraft prosecutions reflected the fact that the church was still deeply involved in the policing and maintenance of the monarch’s power. This involvement suggests that Scotland was functioning at, not only an earlier stage in its state formation processes, but also more generally in the civilising process.

When viewing the witchcraft prosecutions through the lens of Eliasian state formation, a central element of the early modern character of the trials was the reorientation of the role of ‘spiritual defender of the people’ against witches from the church to the state

(and by extension the monarch). This recategorization was particularly significant in relation to Elias' second pillar of state formation, the monopoly of violence, as it reinforced the legitimacy of state mechanisms of coercion through countering the threat of violence (most often murder) posed by witchcraft. The secular nature of the crime of witchcraft was a necessity: the witch was legally framed as a threat to the monarch, the state and its subjects more than it was to the church. In order to be successful in the civilising process, it is argued, the Church must be incorporated or directly excluded from the state to ensure stability of centralisation of power.

The re-categorisation of magic as witchcraft also coincided with a crucial change in the prosecution of witches: the extension of secular state jurisdiction to the disadvantage of church courts. In the majority of countries, and in particular those which had undergone religious reform, witchcraft was prosecuted as a secular crime (albeit often with the involvement of individual clergy in the prosecution). In 1562, Elizabeth I introduced her *Act Against Conjurations, Enchantments and Witchcrafts* [5 Eliz. 1. c. 16], which brought the crime out from ecclesiastical purview into the jurisdiction of the English secular courts and primarily under the control of the justice deputy [*Acts of the Parliaments of Scotland*, 2:539, c. 9]. There is very little evidence for the secular prosecution of witchcraft trials occurring prior to this change, with 'spiritual' crimes being the preserve of the extensive system of church courts.

The jurisdiction of the Scottish Church over legal matters prior to the reformation also consisted of an extensive system of church courts which presided over matters of spiritual concern and extending into issues of marriage, legitimacy, defamation and witchcraft [Smith 1993: 2]. In Scotland, the 1563 Scottish Witchcraft Act brought the prosecution of witches under the criminal court's jurisdiction as a follow-on from the 1560s church court reforms. The act in Scotland was, however, probably initiated by the leaders of the Protestant Reformation Parliament who were in the process of negotiating the establishment of religion with Mary Queen of Scots [Goodare 2005]. As a piece of legislation, the Witchcraft Act was amongst only a handful of surviving religious proposals that made it through a religiously divided parliament and which placed witchcraft prosecutions at the heart of negotiations over the extent of Scottish sovereignty.

The period which followed the act in Scotland represented one of the bloodiest witch-hunts in Europe under the direct purview of the crown (James VI) who took a personal interest in sparing the souls of his subjects from the increasing threat of the devil. James' own fear of witches stemmed from personal experience⁹ and their prosecution therefore became a personal spiritual campaign which he orchestrated through state mechanisms. The re-orientation of witchcraft as a something which could be rooted out by secular state institutions and rather than priests was an attempt to decentralise the spiritual authority of church within Scottish sociogenesis. In England, the undeniably secular character of the trials was overseen and legitimised through the various levels of law courts [Durston 2019: 14]. In Scotland, the picture was less clear: the power of the church was still a threat to centralised governance and therefore the trials were often instigated or overseen by

⁹ In 1589 James' betrothed, Anne of Denmark, had made several unsuccessful attempts to sail to Scotland but being beset by storms, was forced to abandon the journey. Believing the storms to be of unnatural origin, James initiated prosecutions against more than 100 suspected witches at North Berwick, personally interrogating several individuals [Tyson, 2011].

ministers, sometimes even taking place within the Kirk sessions (though not officially part of their jurisdiction). One example is William Chrictoun, who, after initially denying his guilt as a witch, was “straitlie posed [severely interrogated] and dealt with be the ministers and watchers” after which he confessed [*Henderson 1865: 27*]. The direct involvement of ministers in not only the interrogation but also possible torture of a suspect is indicative of the muddled jurisdiction of the church and the law in Scotland during this period. The comparative centrality of the church in Scottish state affairs (compared to England) indicates that the strength of the church had not yet been suppressed to the same extent as their English counterparts. Here, therefore, may be seen the variation in the degree to which the civilising process was enacted temporally and the delay in the sociogenesis of Scottish society.

3.2 *Civil Conflict*

In the English and Scottish contexts, the intensity of periods of witchcraft prosecutions consistently represented moments of crisis in the negotiative power figurations surrounding both the reformed religion and the monarchies. Levack has argued that there was a direct relationship between the lack of centralised control over prosecutions in Scotland and the high instance of convictions [*Levack 2008: 28*]. Particularly in periods of disruption caused by constitutional or religious crises, the freedom to pursue witches by individuals, unhampered by rigorous legal oversight, led to many instances of intensive prosecutions being driven further than could be expected from their English counterparts. Within this looser social context, the role of the local Laird (aristocrat) took a natural precedence in initiating prosecutions, however the spiritual influence of local ministers, despite their landless (thereby political powerless) status, also played a major role in local prosecutions. Consensus amongst historians suggests that, outside of the Scottish laity, it was individual Lairds and ministers who played the greatest role in the proliferation of prosecutions in their localities [*Macdonald 2002: 169*]. In relation to long-term social processes, the influence of these two categories of people can be considered to be oscillating between being in favour and on the periphery of centralised state power. With both ministers and Lairds, their ability to exert influence over the witch prosecutions was restricted by the extent to which central authorities allowed them to operate unchecked.

Conceptual tensions over the spiritual validity of the monarch came to a head during moments of civil unrest in both England and Scotland. In both nations, the divisive question of religious centrality underlay power negotiations between the crown, the people and the political classes. The English Civil War, for example, was essentially fought over the monarch’s right to enforce taxation; conflict between the monarch and parliament demonstrated the dangers of overextending the royal monopoly of taxation without adequate consultation. This was a significant moment of conflict in the religious role of the civilising process, as Charles I believed he had the ‘divine right’ to rule and therefore no need to consult parliament [*Gaunt 2003: 20*]. Ultimately Charles’ losses and final execution demonstrated a rejection (although by no means universal) of the divine right principle as a supporting mechanism for state formation legitimacy. Nevertheless, the subsequent Parliament’s need to appoint a leader (Lord Protector) such as Oliver Cromwell, in the absence of a monarch, indicated that England had entered too far into state formation

figurations to function effectively without an absolutist head of state. Even during the Civil War, the court systems, which functioned as an extension of state monopolies of violence for the ordinary people, were still largely running. This indicates that the bureaucratic systems were so well established by the mid-17th Century that even the doubtful notion of monopolised and centralised state violence during the Civil War period was still all that was required to uphold their legitimacy: "Besides these are 120. more suspected Witches in prison, at St. Edmunds-bury, who had all their Trial now: but that the Judge and Justices were compelled to adjourn the said Sessions till another time by reason of the near approaching of the Cavaliers" [*A True Relation of the Araignment of Eighteene Witches. 1645*].

At the same time in Scotland, the Bishops Wars of 1639–40 presented an overt challenge to the civilising process through the question of whether the monarch or the Kirk should have primacy regarding the church of Scotland. Popular support for the rebelling Covenanters was regionally varied in Scotland and therefore a campaign of internal military suppression of the royalists was necessary in order to bolster legitimacy for their English invasion [*Morrill in Morrill 1990: 15*]. The Covenanters' decisive victory and the 1641 settlement, however, secured the control of both the Scottish Kirk and government within a politically religious framework which continued to characterise Scottish statehood well into the 18th Century [*Stevenson 2022: 290*]. These close ties between politics and religion, although clearly also present in England (to a lesser degree), set the pace of the Scottish civilising process back by undermining monarchical dominance, which took place through the greater diffusion of power by religious representatives in governance. This religious dominance was reflected in the larger number of witch prosecutions in Scotland led primarily by local ministers. The church was therefore far more integrated into the bureaucratic legal processes in Scotland, which in turn explains their greater preoccupation with the supernatural threat of witches and suggests that the mass prosecutions were, to a degree, responses to these conflicts.

4. The End of the Trials

While the majority of historical research has been devoted to the significant question of why witchcraft prosecutions occurred in the early modern period, less attention has been paid to the question of why it ended in the 18th Century. Scholars of the 20th Century generally attributed the decline in prosecutions to a reflection of the rising rationalist tendencies associated with the European Enlightenment [*Levack 2008: 132*]. This rather vague assessment of witch belief assumed a general decline in belief in their existence which stemmed primarily from an increasing scepticism from the ruling elite and which in turn influenced the wider population.

The decline of witchcraft in the context of state formation raises the question of the locus of religion by the end of the period; both in the context of state relations and significance to the population. While it might be tempting to align the decline in prosecutions with a rising secularisation of society as described by Weber, the example of witch belief does not necessarily support this. The very bottom-up nature of the instigation of witchcraft prosecutions and the continuation of religious belief throughout the British state post-union contradicts this assumption and suggests a more complex picture. Instead, it is

possible to argue that religious de-centralisation (rather than decline) is both a cause and a consequence of the pacification of society; extreme religious positions such as actively ‘not suffering a witch to live’ were no longer aligned with moderated ‘civilised’ social cohesion.

In 1736 the British government repealed both the English and Scottish statutes against witchcraft, with the introduction of the new act making it an offence to “pretend to exercise or use any kind of witchcraft, sorcery, enchantment or conjuration or undertake to tell fortunes” [1737: 9 *George 2 c.5*]. The fundamental shift away from witch belief into scepticism reflected by this change in the law was arguably a redundant one given that prosecutions had, for the most part, ceased by the start of the 18th Century. Witch belief did, however, continue to be widespread amongst the general population throughout the 18th Century; in particular in Scotland, where some viewed the act as an attempt to curtail Scottish religious independence [Newton – Bath 2008: 224–5]. What is clear from the new witchcraft laws is that parliament was no longer concerned with the reality of the threat of witchcraft yet in that same year was still grappling with churchmen seeking to reassert their legal authority.¹⁰ The need for religious stability was ever present in 18th century British politics however the reality of Parliamentary authority and anticlerical feeling during the 1735–6 session was apparent [Bostridge 1993: 181]. Where religious voices may have prevailed in previous centuries, the credibility of witch belief had been reduced to a parochial occupation by the “eccentric verging on the insane” – de facto Prime Minister Robert Walpole in [Newton – Bath 2008: 224–5]. Political rejection of this previously serious spiritual matter is a clear example of the process of both the elite individual’s psychogenesis and an attempt to enforce such attitudes amongst the wider populace. The repeal of the witchcraft act therefore reflects the decentralisation of religion from the state and the transformation of the elite’s psychogenesis, yet it was not a complete process of sociogenesis given the continuation of popular witch belief into the modern era. By this stage the battle for fundamental authority had been firmly settled into the hands of centralised political powers and away from religious institutions, yet their continued presence in political life and influence over the citizenry remained in a personal capacity.

5. Conclusion

The social and personal role played by the church within society was therefore a significant locus for power struggle and diffusion during the transitional phase from the medieval to the modern periods. The medieval church, in societal terms, held dual positions of influence. It was both a top-down institution of centralised authority with a definable figurehead and significant political influence while also being represented by localised institutions which had immediate effects on individual or community concerns. This impact was naturally of a paternalistic and spiritual nature but also held economic and regulatory properties which were consistent features of life for the masses. Such duality was theoretically denied to monarchs: their positionality as heads of state was authoritative yet disconnected from the personal relationship religion offered to people through their

¹⁰ See Bostridge [1993: 181] for a discussion of the attempts by Edmund Gibson, Bishop of London, to reintroduce ecclesiastical authority over prosecutions for vice and irreligion (1735–6).

regular (weekly) contact with the church. The development of state mechanisms, such as the legal system, bureaucracy and taxation, during the early modern period therefore developed a new figurational relationship between individuals and representations of the state and, ultimately, the monarch.

Both the criminalisation of witchcraft and the parallel process of the crime's secularisation were significant elements in the figurational relationship between the church and early modern states. Both legally and conceptually, witchcraft and the demonic forces it represented, were positioned in opposition to the monarch rather than the church. The defence of civilians against this fundamental spiritual and physical threat centralised the state in matters of religious psychogenesis. The observable incorporation or exclusion of the church into state mechanisms therefore defined the degree to which the civilising process progressed; the involvement of the Scottish Kirk in prosecutions reflected a dilution of monarchical power whereas the exclusion of the English church reflected a reinforcement.

The use of witchcraft trials as a spiritual battleground between the church and state was therefore a key indicator for the transformation of the role of religion in both a psychogenetic and sociogenetic sense across the early modern period. Without decentralising the church and recentring the spiritual significance of the monarch, the other pillars of state formation would have been restricted in their effectiveness and as a result would have slowed down the civilising processes. With the medieval church as a potential rival to a state's power, the decentralisation of the church during the early modern period was therefore a necessary additional 'third pillar' in Elias' theory of European state formation. Such a reinterpretation of the civilising process through the lens of religion has implications for subsequent interpretations of figurations; the centrality of religion to the balance of social power and the functioning of the state provides an additional means by which civilising or decivilising processes may be identified. The rise and decline of the figure of the witch, as well deaths of the thousands accused as such, therefore represented significant casualties of the European civilising process.

Bibliography

Primary sources

Mamoris, Pierre [C. 1462]. *Flagellum Maleficorum*.

Calendar of State Papers: Domestic Series 1547–1580, no. 173.

Stewart, James [1597]. *The True Law of Free Monarchies*.

Stewart, James [1597]. *Daemonologie*.

Stewart, James [1598]. *Basilikon Doron*.

[1562]. *An Act Against Conjurations Enchantments and Witchcrafts* (5 Elizabeth I. C. 16).

[1645]. *A True Relation of the Araignment of Eighteene Witches*. London: I. H. Early English Books Online Ref. T2928 (Wing 2nd ed.).

[1735]. 9 George 2 c. 5: *The Witchcraft Act*. British Statutes.

Acts of the Parliaments of Scotland. Edited [1817] by Thomas Thomson and Cosmo Innes. Edinburgh: H. M. General Register House.

Secondary sources

Bostridge, Ian [1993]. *Witchcraft and its Transformations c. 1650–c. 1750*. Oxford: Oxford University Press.

Dane, Joseph [1981]. The Three Estates and Other Medieval Trinities. *Florilegium* 3 (1): 283–309.

Davies, Godfrey [1941]. The Character of James VI and I. *Huntington Library Quarterly* 5 (1): 33–63.

- Deanesly, Margaret [1990]. *A history of the Medieval Church, 590–1500*. 9th edition. London: Routledge.
- Doyle White, Ethan [2015]. *Wicca: History, Belief, and Community in Modern Pagan Witchcraft*. Eastbourne: Sussex Academic Press.
- Durkheim, Emile [1965]. *The Elementary Forms of the Religious Life*. New York: Free Press.
- Durston, Gregory [2019]. *Crimen Exceptum: The English witch Prosecution in Context*. Hampshire: Water-side Press.
- Elias, Norbert [1994]. *The Civilizing Process. The History of Manners and State Formation and Civilization*. Oxford: Basil Blackwell Ltd. [First published (English) 1978].
- Gaunt, Peter [2003]. *The English Civil Wars: 1642–1651*. Oxford: Osprey Publishing.
- Goodare, Julian [2005]. The Scottish Witchcraft Act. *Church History* 74 (1): 39–67.
- Goudsblom, Johannes [2009]. Christian Religion and the European Civilizing Process: The Views of Norbert Elias and Max Weber Compared in the Context of the Augustinian and Lucretian Traditions. In: Loyal, Stephen – Quilley, Stephen (Eds). *The Sociology of Norbert Elias*. Cambridge: Cambridge University Press.
- Goudsblom, Johannes [2003]. Christian Religion and the European Civilising Process: The Views of Norbert Elias and Max Weber Compared in the Context of the Augustinian and Lucretian Traditions. *Irish Journal of Sociology* 12 (1): 24–38.
- Hale, William [1847]. *A Series of Precedents and Proceedings in Criminal Causes, 1475–1640, Extracted from Act Books of Ecclesiastical Courts in the Diocese of London*. London: Francis and John Rivington.
- Henderson, Ebenezer [1865]. *Extracts from the Kirk-Session Record of Dunfermline: From 1640 to 1689*. Edinburgh: Fullarton & Macnab.
- Horsley, Richard [1979]. Who Were the Witches? The Social Roles of the Accused in the European Witch Trials. *Journal of Interdisciplinary History* 9 (4): 689–715.
- Josephson-Storm, Jason [2021]. Max Weber and the Rationalization of Magic. In: Yelle, Robert – Trein, L. (Eds.). *Narratives of Disenchantment and Secularization: Critiquing Max Weber's Idea of Modernity*. London: Bloomsbury Academic Plc.
- Kristof, Ildiko [2006]. Hungary. In: Golden, Richard M. (Ed.). *Encyclopaedia of Witchcraft: The Western Tradition*. Santa Barbara: ABC-CLIO, pp. 515–520.
- Lambert, Malcolm [2002]. *Medieval Heresy: Popular Movements from the Gregorian Reform to the Reformation*. 3rd edition. Oxford: Blackwell Pub.
- Levack, Brian [1980]. The Great Scottish Witch Hunt of 1661–1662. *Journal of British Studies* 20 (1): 90–108.
- Levack, Brian [2008]. *Witch-Hunting in Scotland: Law, Politics and Religion*. New York: Routledge.
- Levack, Brian [2013]. *The Witch Hunt in Early Modern Europe*. London: Routledge.
- Linklater, Andrew [2022]. Religion and Civilization in the Sociology of Norbert Elias: Fantasy-Reality Balances in Long-Term Perspective. *History of the Human Sciences* 36 (1): 56–79.
- Linklater, Andrew – Mennell, Stephen [2010]. Norbert Elias, The Civilizing Process: Sociogenetic and Psychogenetic Investigations: An Overview and Assessment. *History and Theory* 49 (3): 384–411.
- Macdonald, Stuart [2002]. *The Witches of Fife: Witch-Hunting in a Scottish Shire, 1560–1710*. East Linton: Tuckwell Press.
- Marx, Karl – Engels, Friedrich [1975]. *Marx and Engels Collected Works*, V. New York: International Publishers.
- Moore, John [2003]. *Pope Innocent III (1160/61–1216): To Root up and to Plant*. Leiden: Koninklijke Brill NV.
- Morrill, John [1990]. *The Scottish National Covenant in Its British Context: 1638–51*. Edinburgh: Edinburgh University Press.
- Newton, John – Bath, Jo [2008]. *Witchcraft and the Act of 1604*. Leiden: Brill.
- Osteroero, Martine [2019]. Witchcraft. In: Page, S. – Rider, C. (Eds.). *The Routledge History of Medieval Magic*. London: Routledge.
- Raftis, James [1961]. Western Monasticism and Economic Organisation. *Comparative Studies in Society and History* 3 (4): 452–469.
- Robisheaux, Thomas [2013]. Chapter 10: The German Witch Trials. In: Levack, Brian (Ed.). *The Oxford Handbook of Witchcraft in Early Modern Europe and Colonial America*. Oxford: Oxford University Press.

- Sharpe, James [1996]. *Instruments of Darkness: Witchcraft in England 1550–1750*. London: Hamish Hamilton.
- Sharpe, James [2016]. *A Fiery and Furious People: A History of Violence in England*. London: Arrow Books.
- Smith, David [1993]. The Spiritual Jurisdiction, 1560–64. *Records of the Scottish Church History Society* 25: 1–18.
- Smout, Thomas [1989]. *A History of the Scottish People, 1560–1830*. Glasgow: William Collins Sons & co.
- Stevenson, David [2022]. *Scottish Revolution 1637–1644: The Triumph of the Covenanters*. Edinburgh: Birlinn Ltd.
- Tanner, Norman [2016]. *Decrees of the Ecumenical Councils, I*. Washington: Georgetown University Press.
- Thomas, Keith [1971]. *Religion and the Decline of Magic: Studies in Popular Beliefs in Sixteenth and Seventeenth Century England*. London: Penguin Books.
- Tyson, Donald [2011]. *The demonology of King James I*. Woodbury, Minnesota: Llewellyn Publications.
- Weber, Max [1993]. *The Sociology of Religion*. Boston: Beacon Press. (Translated by Ephraim Fischhoff).
- Weingast, Barry [2015]. *Adam Smith's Industrial Organization of Religion: Explaining the Medieval Church's Monopoly And its Breakdown in the Reformation*. Available at SSRN.
- Yelle, Robert – Trein, Lorenz [2021]. *Narratives of Disenchantment and Secularization: Critiquing Max Weber's Idea of Modernity*. London: Bloomsbury Academic Plc.

Lucy Čisař Brown is an archaeologist, historian and historical sociologist who has recently completed her doctorate at the faculty of humanities, Charles University. Her main research interests are long-term social processes through the lens of religious and gender figurations as well as the social implications of technological transformations.