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Witch Hunts: From Salem to Guantanamo Bay (review)

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Abstract
The purpose of this odd book is to argue that, in the wake of the 9/11 terrorist attacks, and the fear and extraordinary governmental responses they have generated, the modern Western world, and particularly the United States of America, is on the verge of (though not yet embroiled in) a new era of witch hunts. The modern malefactors are, obviously, supposed terrorists rather than supposed witches. Their means of bringing about death and destruction are guns, bombs, and biological devices, not spells and incantations. Yet Rapley argues over the course of twenty breathless chapters that a number of characteristics that pertained to historical witch hunts also pertain in modern times. Most basically, he contends that any situation in which particular people or categories of people come to be understood as representing a dire threat, generating such a level of fear that, in response, authorities are willing to employ extraordinary measures to convict and punish, constitutes a witch hunt. Above all, a presumption of guilt in advance of any solid evidence must be the norm. Evidence must then be acquired (or fabricated) to prove the assumed guilt. “The verdict first, then the trial!” as Rapley repeatedly proclaims (in a text replete with exclamation points).

Disciplines
Cultural History | European History | History of Religion | Other History | United States History

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The purpose of this odd book is to argue that, in the wake of the 9/11 terrorist attacks, and the fear and extraordinary governmental responses they have generated, the modern Western world, and particularly the United States of America, is on the verge of (though not yet embroiled in) a new era of witch hunts. The modern malefactors are, obviously, supposed terrorists rather than supposed witches. Their means of bringing about death and destruction are guns, bombs, and biological devices, not spells and incantations. Yet Rapley argues over the course of twenty breathless chapters that a number of characteristics that pertained to historical witch hunts also pertain in modern times. Most basically, he contends that any situation in which particular people or categories of people come to be understood as representing a dire threat, generating such a level of fear that, in response, authorities are willing to employ extraordinary measures to convict and punish, constitutes a witch hunt. Above all, a presumption of guilt in advance of any solid evidence must be the norm. Evidence must then be acquired (or fabricated) to prove the assumed guilt. “The verdict first, then the trial!” as Rapley repeatedly proclaims (in a text replete with exclamation points).

To demonstrate that the danger of witch hunting extends across the centuries, Rapley begins in the era of the major early modern European hunts. His first several chapters summarize hunts in Bamberg and Würzburg, Loudun, and Salem. Certainly Bamberg, Würzburg, and Salem represent classic (and horrific) examples of witch hunts. One might question the case of Loudun, since here, while demonic possessions were widespread within a community of Ursuline nuns, only a single person, the priest Urbain Grandier, was executed for demonic sorcery. Rapley needs to argue that witch hunts can involve only a single victim, however, since certain of his modern examples will involve single victims. Certainly Grandier was charged with sorcery based on questionable testimony in an environment charged with fear of the devil. Torture was applied and there seems to have been a considerable assumption of guilt on the part of authorities. Since there are deeper problems with Rapley’s argument than whether Grandier’s trial can be fairly characterized as a witch hunt or not, let us leave the issue aside.

In the second part of his book, Rapley present several cases of “witch hunting” from nineteenth- and twentieth-century Europe and America, specifically the treason trial of Alfred Dreyfus in France, the rape trial of the nine African-American “Scottsboro Boys” accused of assaulting two white
women in Alabama, and the terrorism trials of the “Guildford Four” and “McGuire Seven,” accused of being IRA bombers in Great Britain. In each case, in a climate of fear, members of marginal groups (a Jew, blacks, and Irish immigrants to England) were accused of terrible crimes on questionable evidence. Based on assumptions of guilt, any possible defense or exonerating evidence was discounted, and in the end terrible legal punishments were meted out. In the third part of his book, Rapley focuses on the situation in the United States in the wake of 9/11: the restriction or abrogation of certain civil liberties and legal protections, the establishment of special prisons and prisoner-categories, the use of extraordinary judicial measures, up to and including the use of torture, and above all the climate of fear that supports it all. Curiously, Rapley refrains for alleging that the U.S. government is already engaging in witch hunts against supposed terrorists. Rather, he asserts only that conditions under which a hunt could occur have been created. It is an incoherent hesitation in an incoherently conceived book.

Let me dispense first with the obvious objection—that one indispensable characteristic of a witch hunt is that it be directed against practitioners of harmful magic. Rapley simply foregoes this requirement. He is interested in what he sees to be the procedural characteristics of “witch hunts,” whether focused on magical crimes or not. Numerous other authors, including many experts on historical witch hunts, have noted that mechanisms of witch hunting occur in other contexts, and have metaphorically applied the label “witch hunt” to other events. This is hardly, therefore, an illegitimate approach to take. Yet by making this comparative analysis the focus of an entire book, Rapley reveals its limitations. Also, although his argument is that characteristics of historical witch hunting persist into modern times, in fact he often establishes his characteristics of a witch hunt based on modern criteria rather than a clear understanding of historical patterns.

Rapley’s most important characteristic of witch hunting procedure, introduced first on p. 30 and emphasized repeatedly thereafter, is an assumption of guilt—“guilty until proved innocent!” as he will later frequently interject. Rapley clearly sees this approach to the administration of justice in the modern sense, as entailing a major inversion of proper judicial order. Early modern witches, especially those caught in a real witch hunt and not just a more isolated witch trial, certainly faced a heavy assumption of guilt and had very little possibility of demonstrating their innocence, but no early modern court followed the modern principle of “innocent until proven guilty.” Charges often followed swiftly on accusation, since in many cases reputation (infamia) could serve as legitimate grounds for a judicial process, and conviction rates for all crimes were far higher than modern norms. Witchcraft conviction
rates, during true hunts, were significantly higher still than even early modern norms, but, importantly, Rapley does not characterize witch hunting as an “action,” in this case one that results in higher-than-normal conviction rates, but as a “mindset.” By this analysis, not just witch trials but virtually all early modern legal procedures could be categorized as witch hunts.

Needless to say, Rapley does not make this assertion. He is, in fact, really only concerned with outbreaks of major witchcraft panic, when early modern justice ran amok even by its own standards. He is also careful to differentiate “witch hunting” from mere miscarriages of justice. Witch hunts are not mistakes, but are, in fact, deliberate and successful attempts to “find a specific person or group guilty” even when clear evidence is weak (p. 140). This broad definition certainly fits true historical witch hunts, as well as modern cases like the Dreyfus Affair, and also certain cases involving detention in Guantanamo Bay, or Abu Ghraib, or extraordinary rendition. It is, however, so enormously broad that it would fit countless situations throughout human history. The thread connecting the historical witch hunts to Guantanamo Bay here becomes quite thin. Yet Rapley wants to do more than just remind us that, especially in times of fear, human beings have often proved capable of using judicial systems to inflict horrors on other human beings. He wants to argue that when a modern state sets aside modern civil liberties and safeguards, and abandons proper modern judicial procedure in the face of fear, it falls back into witch hunting, and witch hunts, by their very irrationality, threaten all of us. For another essential characteristic of a witch hunt is that, if the hunt goes on long enough, anyone can be implicated.

Here Rapley’s argument frays in the modern period, rather than in the early modern. In the Dreyfus Affair, there was never any serious effort by the French military to expand the investigation of espionage and draw in other victims. Quite the opposite; the entire imperative was to find a single scapegoat and quickly pin the whole affair on him. Even more so in the case of the Scottsboro Boys, there was never any potential for a “witch hunt” to break completely out of control and sweep through all of society. The imperative of that case was to prosecute African American men for supposedly violating white women. The case could, in theory, have spread to engulf other black men, but not to other segments of society. The case of the Guildford Four and McGuire Seven could potentially have spun more out of control, as British authorities could have accused members of any social group of being IRA terrorists. But of course this case did not mushroom indefinitely, so any speculation is counterfactual. Certainly, each of these cases represents a judicial horror story. In some ways they are similar to the judicial horror stories of the witch hunts, but in other important ways they are not.
Rapley needs to connect Salem to Guantanamo via Dreyfus and the McGuire Seven especially, and somewhat less so via the Scottsboro Boys—he needs to declare these modern events to be “witch hunts”—because he wants to argue that in the modern era, a “witch-hunt mentality” is characterized by states moving “to centralize powers and reduce individual rights.” This, of course, sets up his argument that many U.S. governmental and military actions and policies in the wake of 9/11 are moving us back toward Salem. One need not be a defender of U.S. policy, however, to note that Salem (and other major early modern witch hunts) were typically not characterized by a reduction in individual rights, mainly because early modern society had quite different notions of what human rights should be, and they certainly were not characterized by the assumption of vast powers by strong central governments. All reliable research shows that, in general, early modern witch hunting flourished in fragmented jurisdictions, and that strong centralized states typically quashed witch hunts. This is not to say that modern states do not violently persecute individuals and groups through judicial mechanisms. Of course they do. But they do not do so via the mechanisms of historical witch hunting. Or at the very least, the modern examples Rapley posits as his connection between Salem and Guantanamo do not.

The final incoherence in Rapley’s argument is this: he asserts that his modern examples are witch hunts in the full sense, but he still wants to hold back from identifying them as evidence of full-scale witch hunting. Individual cases as bad as Dreyfus or the McGuire Seven case have clearly occurred under U.S. jurisdiction since 9/11. They, too, are clearly witch hunts in Rapley’s definition. Yet he repeatedly asserts that the U.S. has not yet entered a period of real witch hunting, although he certainly implies that the danger is looming—that something more like Salem or Bamberg, rather than the Dreyfus Affair, or even the trial of the Scottsboro Boys, might soon erupt. Such an argument might, in fact, be made, but only by paying real attention to all of the actual characteristics of early modern witch hunts, not the enormously broad categories Rapley defines. One of the most insidious aspects of the crime of witchcraft, historically, was that ultimately it entailed not an action but an identity. Witches were inherently evil because they associated with the devil. In many jurisdictions, a witch could be charged, tried, and executed without an act of harmful magic (maleficium) even being alleged. Similarly terrorism is a crime that can be, and ideally is, prosecuted before an actual terrorist act is committed. Obviously this similarity between Salem and Guantanamo Bay also starts to fray the closer one looks at it. Any attempt to draw overly-direct connections between such historically separated events inevitably will. The work of draw-
ing such connections still has value, because it can spark thinking and lead to closer and more careful analysis. Rapley’s book, however, is driven by a critique of the present based on a characterization of the past that is, in turn, drawn all too deliberately from the desired critique of the present. For those interested in all that the past can teach us about our present condition, this book obscures more than it reveals.

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Todd Sanders’ recent volume Beyond Bodies represents an important, and revelatory, contribution to the relatively recent effluence of anthropological volumes on witchcraft, sorcery, and magic in Africa (see for example, Comaroff and Comaroff, 1993; Geschiere, 1997; Moore and Sanders, 2001; Meyers and Pels, 2003; West, 2005). While early to mid-twentieth century anthropologists described African witchcraft as a matter of “primitive” mentality (Levy-Bruhl, 1923), a logic-based system for explaining unfortunate events (Evans-Pritchard, 1937), or as a social apparatus characterized by confession, accusation, and punishment (Douglas, 1970), many contemporary anthropologists have been concerned with reframing African witchcraft as a discourse that is emblematic of modernity, rather than contradictory to it. In previous work, Sanders embraced this reframing, analyzing, for example, the occult trade in human skins in Tanzania in relation to externally imposed structural adjustment policies (Sanders, Magical Interpretations, Magical Realities, 2001). However, in both “Reconsidering Witchcraft” (in American Anthropologist n.s. 105 [2003]) and Beyond Bodies, Sanders moves beyond the discursive frame of modernity arguing that magic—here in the form of rain-making—may best be understood through local sense making.

The local context in Beyond Bodies is Ihanzu, the arid area of north-central Tanzania, populated by the small (30,000 member) Ihanzu ethnic group. Because their sustenance is utterly dependent on seasonal rains, rainmaking practices are the central focus of both Ihanzu sense making and Sanders’ monograph. As Sanders learned early in his fieldwork, “rainmaking is much more than mere rituals that purportedly cause water to fall from the sky. It is also inextricably linked to a host of other issues: good and evil, the living and the dead, human and divine, royals and commoners, male and female” (p.