



## Witch Hunting : A tool of terrorization across the World and its Legal Ramifications

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### **Abstract:**

*This article is an attempt to analyze the cultural practices and beliefs against the legislations concerning witch hunting in Europe, Middle Eastern nations and India. The term Witch or Dayan has been considered as an essential part of world literature and cultural practices since the dawn of civilization. Witch hunting has its genesis in Europe, when Church started its propaganda against pagan traditions. The Church deliberately depicted women as agents of Devil who lead men astray. To elicit confessions they were subjected to various tortures, including sexual mutilations. Women of all ages were suspected of witchcraft, but aged women who used herbs and prayers to cure people were primarily suspected. Even midwives could be suspected of witchcraft as they assisted in pregnancy which was regarded as a miraculous activity. Sometimes children were tortured and forced to testify against their parents for conviction against witchcraft. In Middle Eastern Nations, where Islam is followed, belief in witchcraft has persisted to this date, while in India witch-hunting has resulted in attacks on women belonging to disadvantaged communities. There is no definition of witch hunting in laws and such lacuna makes it difficult to prosecute those accused of promulgating hate and superstition.*

**Keywords:** Witch, Europe, Church, Islam, India

### **1. Introduction**

The term Witch or Dayan (the local term used to denote witches in India) has been considered as an essential part of world literature and cultural practices since the dawn of civilization. However, it was not until the very end of the medieval period (ca. 1500) that a definition emerged of the witch as a person in league with the devil, followed by full-scale persecution of people. As per the Oxford Advanced Learner's Dictionary<sup>1</sup>, a witch denotes 'a woman who is believed to have magic powers, especially to do evil things. In stories, she usually wears a black pointed hat and flies on a broomstick.'

The word "**witch**" has been derived from the old English word **wicce**

and **wicca**, meaning the male and female participants in the ancient pagan tradition, where masculine, feminine and earthly aspects of God were held in great reverence. Divinity in the Wiccan tradition was understood to imbue both heaven *and* earth, unlike in Christian beliefs, where God stood above the world, removed far from ordinary life. This tradition also recalled a period when human society functioned without hierarchy- either matriarchal or patriarchal- and without gender, racial or strict class rankings. It was a tradition that affirmed the potential for humanity to live without domination and fear.

When Christianity was trying to gain a foothold in Europe, the Church at



first attempted to eradicate the vestiges of this older non-hierarchical tradition by denying the existence of witches or magic outside of the Church. The *Canon Episcopi*, a Church law which first appeared in 906 A.D., decreed that *belief* in witchcraft was heretical. After describing the pagan rituals which involved women demonstrating extraordinary powers, it declared: *For an innumerable multitude, deceived by this false opinion, believe this to be true and, so believing, wander from the right faith and are involved in the error of the pagans when they think that there is anything of divinity or power except the one God.*

Nevertheless, the belief in magic was still so prevalent in the fourteenth century that the Council of Chartres ordered anathemas to be pronounced against sorcerers each Sunday in every church.

## 2. Witch- hunts in Europe:

It took the Church a long time to persuade society that women were inclined toward evil witchcraft and devil-worship. Reversing its policy of denying the existence of witches, in the thirteenth century the Church now began depicting the witch as a slave of the devil. She was now held to be an evil satanic agent. The Church began authorizing frightening portrayals of the devil in the twelfth and thirteenth centuries. Thereafter, images of a witch riding a broom made their first appearance in 1280. Medieval Art contained depictions of the devil's pact in which demons would steal children and in which parents themselves would deliver their children to the devil. The Church now portrayed witches with the same images so frequently used to characterize heretics: "...a small clandestine society engaged in anti-

human practices, including infanticide, incest, cannibalism, bestiality and orgiastic sex..."

It was now heresy *not* to believe in the existence of witches. As the authors of the *Malleus Maleficarum* noted, "A belief that there are such things as witches is so essential a part of Catholic faith that obstinately to maintain the opposite opinion savors of heresy." Passages in the Bible such as "Thou shalt not suffer a witch to live" were cited to justify the persecution of witches. Both Calvin and Knox believed that to deny witchcraft was to deny the authority of the Bible. The eighteenth century founder of Methodism, John Wesley, declared to those skeptical of witchcraft, "The giving up of witchcraft is in effect the giving up of the Bible." *And an eminent English lawyer wrote, "To deny the possibility, nay, actual existence of Witchcraft and Sorcery, is at once flatly to contradict the revealed Word of God in various passages both of the Old and New Testament.*

## 3. Witch-hunts in Middle-Eastern countries:

Belief in witchcraft, sorcery, magic, ghosts, and demons is widespread and pervasive throughout the Muslim world. Magical beliefs are expressed in the wearing of amulets, consulting spiritual healers and fortunetellers, shrine worship, exorcisms, animal sacrifice, and numerous customs and rituals that provide protection from the evil eye, demons, and jinn. Fears associated with these beliefs range from haunting and curses to illness, poverty, and everyday misfortunes. Supernatural practices that are intended to bring good fortune, health, increased status, honor, and power also abound. Magical beliefs are not relegated to rural or poverty-stricken



areas. On the contrary, they are observable in every segment of society regardless of socioeconomic status.

To fully comprehend contemporary witch hunts and the prevalence of magical beliefs in the Muslim world, it is necessary to understand the concept of jinn<sup>2</sup>. Jinn provide Islamic explanations for evil, illness, health, wealth, and position in society as well as all mundane and inexplicable phenomena in between. Jinn are intrinsically intertwined with the practice of both licit Qur'anic magic and illicit black magic (*sihir*). Black magic is considered to be worked by those who have learned to summon evil jinn to serve them while Qur'anic magic invokes the guidance of God to exorcise the demons. Spiritual healers with good intentions who do not employ Qur'anic healing methods can be designated as witches and sorcerers. In Saudi Arabia, only qualified individuals, usually natives designated by the religious authorities, are allowed to practice Qur'anic treatment methods; most of those arrested and beheaded for sorcery and witchcraft tend to be foreigners regardless of whether or not they were practicing Qur'anic medicine.

All magical practices are denounced as un-Islamic by clerics. Recently, in Afghanistan, Gaza, Bahrain, and Saudi Arabia, stricter laws, arrests, and executions have resulted in efforts to deter magical practices. In January 2008, Afghan religious elders banned dozens of traditional fortunetellers in Mazar-i-Sharif from the area near the Hazrat Ali shrine.

- In 2010, the Islamist group Hamas, ruling the Gaza Strip, conducted a campaign against witchcraft in the area, arresting 150 women, who were

then forced to sign confessions and statements renouncing the practice. According to Hamas "*the activities of these women represent a real social danger, also because they risk 'breaking up families,' causing divorce and frittering away of money. Sometimes their activities also have criminal repercussions.*" In addition to the arrests, Hamas placed large anti-witchcraft posters at mosques, universities, and government offices warning women against magical practices and providing information to Gaza residents wishing to accuse their neighbors of the crime. In August 2010, the campaign escalated to violence when a 62-year-old woman known as a traditional healer was murdered in front of her house by unidentified men after she was accused by her neighbors of practicing witchcraft. In January 2012, Hamas declared the profession of fortunetelling illegal and "forced 142 fortune-tellers to sign written statements averring that they would stop trying to predict the future and sell trinkets that are supposed to offer personal protection."

- In Egypt, Khalil Fadel, a prominent Egyptian psychiatrist, claimed that many Egyptians, including the highly-educated, were spending large amounts of money on sorcery and superstition and warned that growing superstition among Egyptians was threatening the country's national security, dependent as it was on the mental health of the nation. Under current law, people alleged to be sorcerers can be arrested in Egypt for fraud, but it is conceivable that soon witchcraft could be designated a crime of apostasy, punishable by death.



In April 2009, Bahrain passed strict sorcery laws after x-rays revealed packages containing hair, nails, and blood were being shipped there; witchcraft and sorcery are now criminal offences that can result in fines or prison, followed by deportation.

Neighboring Saudi Arabia enforces the most severe penalties for designated magical crimes. The threat of black magic is taken so seriously there that, in May 2009, an anti-witchcraft unit was created to combat it, along with traditional healing and fortunetelling, and placed under the control of the *Committee for the Promotion of Virtue and the Prevention of Vice (CPV)*, which employs Saudi Arabia's religious police, the *mutaween*. On the CPV's website, a hotline encourages citizens across the kingdom to report cases of sorcery to **local officials for immediate treatment**. Nine specialized centers have been set up in large cities in order to deal with practitioners of black magic.

Jinn can represent an existential and political threat to religious leaders. Religious clerics condemn or actively ban illicit spiritual healing not because of the atrocities that have been committed, or because people are being defrauded, or even out of a conviction to save people's souls from evil but out of fear that jinn exist and can be induced to subvert their authority.

- Some leaders have used the belief in jinn to further their political agendas. Sheikh Ahmed Namir, a cleric and Hamas leader, perpetuates anti-Semitic tropes, claiming that economic hardship and psychological traumas in the Gaza Strip have encouraged evil Christian and Jewish jinn to possess Palestinians. Palestinian stories of jinn possession

are full of classic anti-Semitic propaganda and symbolism; in one case of "possession," for example, the attempted murder of a child by her mother was blamed on "sixty-seven Jewish jinn," transforming the ancient blood libel accusation into a new and bizarre form. Not surprisingly, exorcizing Jewish jinn has become a growing business in Gaza.

- Some leaders allude to possessing supernatural powers in order to self-aggrandize but this can also backfire. Iranian president Mahmoud Ahmadinejad told followers in 2005 that he "was surrounded by a halo of light during a speech to the U.N. General Assembly, in which the foreign leaders in the hall were transfixed, unable to blink for a half hour. "But in May 2011, Ahmadinejad's supernatural "powers" resulted in the arrests of two dozen of his aides, charged by opposing religious clerics with practicing black magic and invoking jinn.
- Mullah Omar, the Pashtun founder of the Taliban, is widely perceived as magically protected. Laying claim to the Afghan tradition of charismatic mullahs with supernatural powers, Omar adopted the same strategy, removing a cloak, believed by many Afghans to having been worn by the prophet Muhammad, from a shrine in Kandahar and wearing it openly. Since a legend decreed that the chest holding the cloak could only be opened when touched by a true leader of the Muslims, wearing it gave him the status of an Afghan hero endowed with extraordinary mystical powers. Armed with the knowledge of Pashtun beliefs which emphasized dreams as a form of



revelation, Omar cultivated the idea that God spoke to him through his dreams and claimed that he based his most crucial policy decisions on them.

Whether to appease a superstitious people or out of sincerely-held belief, Pakistani president Asif Ali Zardari reportedly is believed to have sacrificed a black goat nearly every day to ward off the evil eye and provide protection from black magic. Such acts display his acknowledgement of local customs, jinn, and magical practices, and have significant political value. A superstitious population presents numerous opportunities to communicate fear, apprehension, or awe and to exert influence<sup>3</sup>.

#### 4. Dayans or Daaynis: Women accused of witchcraft in India

**Daayan** (pronounced dye-en) is an Indian word for a witch. The word *Daayn* can also be found in some Indian languages as *Daaynee*, which is a corruption of *Daakinee*. Etymological distortions have had multiple cultural reasons, including patriarchy and gender wars. In Hindu belief, Dakinis were attendants of the goddess Kali, who roamed the realms with her and were associated with raw primeval power. They were also associated with learning in Rig Vedic times and were believed to possess yogic capabilities, hence being called Yoginis

Historically, the Daayan cult refers to a secret society formed in the 15th century that first emerged in Harangul, a village in the Latur district of Maharashtra, India. In Harangul, it is believed that a certain sect of women, known as daayans, reside in a particular area of the village. Sometime an evil spirit or soil resides within the women. The villagers believe these women to be

evil and unholy spirits who are destroyers of everything good. Here, daayans are most often reported to be seen in and around graveyards, cemeteries, tombs, abandoned battlefields, crossroads, toilets, and squalid places. Belief in Daayans have existed in most regions of India, especially Jharkhand and Bihar. This belief is still notably prevalent in the more rural/semi-rural areas with 'witch-hunts' leading to women often being killed or ostracized from society.

Cases of Witch hunting have been reported in states such as Assam, Bihar, Orissa, Jharkhand, Chattisgarh, etc. According to an estimate, about 105 cases of witch-hunting cases being reported during 2006-2012 from Assam, As per a CID report, 21 cases of witch-hunting were registered in 2006, seven cases in 2007, 10 cases in 2008, four cases in 2009 and 11 cases in 2010 across the state. A maximum number of 29 cases were reported in 2011. In 2012, there were 14 such cases<sup>4</sup>.

#### 5. Legislations connected with witchcraft in India

A number of legislations have been enacted in a select number of states in order to protect those who had been accused of witchcraft. For example **The Karnataka Prevention of Superstitious Practices Bill, 2013** contains many provisions pertaining to superstitious practices. Some of its salient features are as follows:-

Section 2(j) of The Karnataka Prevention of Superstitious Practices Bill, 2013 defines **superstitious practices** as any act which:

- Causes grave physical or mental harm to; or
- Results in financial or any sexual exploitation of; or



- Offends the human dignity of another person or a group of persons, by invoking a purported supernatural power, with the promise of curing such person or group of persons of disease or affliction or purporting to provide a benefit, or threatening them with adverse consequences; or
- Any act specified in the Schedule.

Section 3(1) of the Karnataka Prevention of Superstitious Practices Bill, 2013 has held that

- Any person who promotes, propagates or performs a superstitious practice shall be punished with imprisonment for a term which shall not be less than one year but which may extend to five years or with fine which shall not be less than ten thousand rupees but which may extend to fifty thousand rupees, or both.
- (2) Consent of the victim shall not be a defence under this section.

(3) Notwithstanding anything contained in this section, a victim of a superstitious practice shall not be guilty of committing or abetting that practice.

Under this Act, certain offences have been considered as cognizable. These include:

- (i) Sacrificing a human being for gain or for appeasing a deity Notwithstanding anything contained in this Act, the punishment for the performance of human sacrifice shall be death or imprisonment for life, and shall also be liable to fine
- (ii) Spreading belief in human sacrifice or persuading others to perform human sacrifice.

b. Attempting to cure illness or carry out supposed exorcism or bhutochhaatane using violent means

c. (i) Carrying out aghori, siddubhukti or similar practices in violation of S. 297 of the Indian Penal Code, 1860;

(ii) Forcing others to indulge in such practices; or

(iii) Using the threat of supposed powers gained from such practices to economically or sexually exploit persons.

d. Declaring possession by a purported divine or spiritual entity, and using such declaration to

(i) Promise remedies or benefits in exchange for consideration; or

(ii) Threaten divine displeasure or spiritual censure for personal gain.

e. Invoking black magic or performing maata, whether or not in exchange for consideration, that is intended to harm targeted third persons and which gravely threatens them.

f. Persuading, propagating or facilitating rituals that involve self-inflicted injuries such as hanging from a hook inserted into the body (sidi) or pulling a chariot by a hook inserted into the body.

g. Persuading, propagating or facilitating rituals involving harm inflicted on children in the name of curing them, such as throwing them on thorns or from heights.

h. Superstitious practices against women:

(i) Forcing isolation, prohibiting re-entry into the village or facilitating segregation of menstruating or pregnant women

(ii) Throwing coloured water on women from vulnerable sections of society, resulting in their humiliation or



offending their human dignity, such as okuli.

(iii) Subjecting women to inhuman and humiliating practices such as parading them naked in the name of worship or otherwise, such as bettalesve.

(iv) Exposing women to sexual exploitation through claims of conferring certain social or personal benefits including pregnancy.

i. Forcing any person to carry on practices such as killing of an animal by biting its neck (gaavu), that cause harm to public health.

j. Facilitating made snana or similar practices that violate human dignity

k. Discrimination on the basis of caste or gender in the name of superstition

(i) Forcing any person belonging to vulnerable sections of society to carry out humiliating practices such as carrying footwear on his or her head.

(ii) Carrying out practices such as panktibheda or segregation of people on the basis of caste while serving food.

While certain other offences, have been categorized as non-cognizable offences in the same Act. They include:

a. Making harmful predictions that result in

(i) stigmatisation or condemnation of any person on the basis of time or place of birth;

(ii) performance of humiliating practices by victims in the belief that it will fulfill said predictions; or

(i) severe financial loss caused to victims

b. Declaring the guilt or innocence of any person by subjecting them to physical or

mental harm such as forcing him to hold a flame with bare hands.

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In **HulikalNatarajuv. State of Karnataka**<sup>a</sup> a prominent rationalist conducted programs exposing fraudulent godmen. He stated in a TV program that certain phenomenon such as the light appearing on makarasankranthi was false. A complaint was lodged against him under **Section 298 of the Indian Penal Code** stating that he had wounded Hindu religious beliefs, while the rationalist submitted a quashing petition before the Karnataka High Court. In the decision granting the petition, Justice Nagamohan Das held that even if the entire contents of the complaint were taken to be true, it did not constitute an offence under S. 298. He traced the longstanding traditions of rationalist thinking in India, and said that the freedom of speech and expression included the freedom to criticize.

The judgment also discusses the evils of superstition, which it characterizes as a blind belief of faith not based on reason, knowledge or experience. While the daily lives of many Indians are governed by superstitions, there are some that are "violent, dangerous, destructive, harmful and inhuman". The judgment cites examples of human sacrifice and witch hunting, and goes on to say:

The greatest damage done by these harmful superstitions is that they deflect attention from the primary cause and lead to defeatist attitude of helpless acceptance. They stand in the way of unearthing the root cause and undertaking adequate remedial steps.



They made the ignorant people weak and driven them for mental laziness. They deprived the people of all grandeur and historical energies. They subjected man to external circumstances, instead of elevating man to be the sovereign of circumstances. They transformed a self-developing social state into never changing natural destiny. These superstitions are perpetuating and promoting exploitation, slavery, untouchability, inferiority complex, superiority complex, caste, creed, gender and varna based inequalities. They became instruments in the hands of few to exploit, cheat and deceive the ignorant people.

#### **6. International legislations for protection of women**

The Convention on the Elimination of All Forms of Discrimination against Women was adopted by the United Nations General Assembly on 18 December 1979. It contains numerous provisions calling for an end to violence against women<sup>6</sup>. In its preamble, the Convention explicitly acknowledges that "extensive discrimination against women continues to exist", and emphasizes that such discrimination "violates the principles of equality of rights and respect for human dignity". As defined in Article 1, discrimination is understood as "*any distinction, exclusion or restriction made on the basis of sex...in the political, economic, social, cultural, civil or any other field*".

The Convention gives positive affirmation to the principle of equality by requiring States parties to take "all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights

and fundamental freedoms on a basis of equality with men"(article 3).

- The agenda for equality is specified in fourteen subsequent articles. In its approach, the Convention covers three dimensions of the situation of women. Civil rights and the legal status of women are dealt with in great detail. In addition, and unlike other human rights treaties, the Convention is also concerned with the dimension of human reproduction as well as with the impact of cultural factors on gender relations. The third general thrust of the Convention aims at enlarging our understanding of the concept of human rights, as it gives formal recognition to the influence of culture and tradition on restricting women's enjoyment of their fundamental rights. These forces take shape in stereotypes, customs and norms which give rise to the multitude of legal, political and economic constraints on the advancement of women.
- Noting this interrelationship, the preamble of the Convention stresses "that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality of men and women". States parties are therefore obliged to work towards the modification of social and cultural patterns of individual conduct in order to eliminate "prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women" (article 5).
- And Article 10 (c) mandates the revision of textbooks, school programmes and teaching methods





with a view to eliminating stereotyped concepts in the field of education. Finally, cultural patterns which define the public realm as a man's world and the domestic sphere as women's domain are strongly targeted in all of the Convention's provisions that affirm the equal responsibilities of both sexes in family life and their equal rights with regard to education and employment. Altogether, the Convention provides a comprehensive framework for challenging the various forces that have created and sustained discrimination based upon sex.

### 7. Conclusion and Suggestion

We have progressed a lot from the Stone Age to the Technology Age. Information is accessible to us within a few clicks and on our fingertips. But it would be incredibly naïve to assume that all persons have equal rights in the eyes of law and enjoy full protection of law. Women and children and the elderly belong to the vulnerable sections of the society, who do not have any say in their fate and suffer immensely as a result. India too has seen a rise in the number of cases of witch hunting. A number of women are killed every year in the name of witches. Those who support banning of superstitious beliefs have to face the ire of religion and politics and have to pay it with their lives sometimes. And on account of India's geopolitical position and importance in United Nations, it is

vital for India to stand up for human rights of women and reduce the deaths of women accused of witchcraft.

Some of the suggestions for tackling the menace of witch-hunting in India are:-

1. There should be a uniform civil law throughout the length and breadth of India, which applies to the crime of witch hunting across India, and replaces state based legislations.
2. Protection should be accorded to activists fighting for the rights of vulnerable groups, and particularly those who are engaged in spreading awareness against social evils.
3. Protection to Women Against Domestic Violence Act, 2005 should include special protection orders for women who have been accused of witchcraft and forcefully evicted from their homes and possessions.
4. Witch-hunting should be defined in the Indian Penal Code and Code of Criminal Procedure and police should be given additional powers to investigate crimes committed on account of witch hunting.
5. Workshops should be held in schools and colleges to increase awareness on witch hunting and crimes against women and other vulnerable groups.



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## References

- <sup>1</sup> S.Weimar, ed. *Oxford Advanced Learner's Dictionary*,7<sup>th</sup> ed. Oxford: Oxford University Press, 2005
- <sup>2</sup> The word jinn (also written as *jinnee*, *djinn*, *djinni*, *genii* or *genie*) is derived from the Arabic root j-n-n meaning to hide or be hidden, similar to the Latin origins of the word "occult" (hidden).
- <sup>3</sup> Dawn Perlmutter, 'The Politics of Muslim Magic', *Middle East Quarterly*, accessed at <<http://www.meforum.org/3533/islam-magic-witchcraft>> on 1<sup>st</sup> March, 2014 at 10:30 A.M.
- <sup>4</sup> TNN, 'Assam State Commission for Women seeks law to combat witch-hunting', *The Times of India*, accessed at <[http://articles.timesofindia.indiatimes.com/2013-07-20/guwahati/40695046\\_1\\_witch-hunting-cases-ascw-assam-state-commission](http://articles.timesofindia.indiatimes.com/2013-07-20/guwahati/40695046_1_witch-hunting-cases-ascw-assam-state-commission)> on 10<sup>th</sup> March,2014 at 11:05 A.M.
- <sup>5</sup> HulikalNatarajuv. State of Karnataka, W.P. no.1750/2008, H.C.(Kant.). 1 September,2010
- <sup>6</sup> Convention on the Elimination of All Forms of Discrimination against Women, accessed at <<http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>> on 15th March,2014 at 5:55 P.M.