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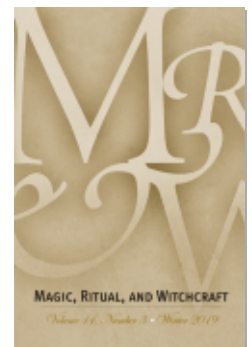
Identity, Memory, Self-fashioning: Narratives of  
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# Identity, Memory, Self-fashioning:

Narratives of Non-confession in the Witch Trial  
of Margaretha Horn, 1652\*

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## 1. INTRODUCTION

In early August 1652 a sixty-year-old peasant woman called Margaretha Horn was arrested on suspicion of witchcraft and taken into custody in Rothenburg ob der Tauber, a Lutheran imperial city in the German region of Franconia.<sup>1</sup> Margaretha was from Bettenfeld, a village situated in the large rural hinterland belonging to Rothenburg, where she lived with her husband, Hans and two unmarried daughters, Cordula and Eva.<sup>2</sup> Margaretha's trial

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1. A German imperial city was self-governing, subject only to the Holy Roman Emperor. Rothenburg was a medium-sized city by early modern German standards, with around five to seven thousand inhabitants. It was ruled by a council made up of sixteen men of the urban patriciate; technically elected to office, by the seventeenth century they came for the most part from a recognized group of leading local families. The council adopted Lutheranism in 1544. For a summary of the city's late medieval/early modern history, see Alison Rowlands, *Witchcraft Narratives in Germany: Rothenburg, 1561–1652* (Manchester: Manchester University Press, 2003), 3–5; and Florian Huggenberger, “Frühe Neuzeit: Reformation, Dreißigjähriger Krieg, Aufklärung,” in *Rothenburg ob der Tauber: Geschichte der Stadt und ihres Umlandes*, ed. Horst F. Rupp and Karl Borchardt (Darmstadt: Konrad Theiss Verlag, 2016), 156–201.

2. Known as the *Landwehr*, the Rothenburg hinterland contained 118 villages with a total of around ten to eleven thousand inhabitants; it was surrounded by a defensive ditch and hedge punctuated by gates and towers, and was about four hundred square kilometres in size. Most inhabitants owed their land rents and dues to the Rothenburg city council, but some villages still had mixed overlordship in the early modern period. Bettenfeld was one such village; of its fifteen landholdings, seven belonged to

centered on events that had occurred on Shrove Tuesday 1652, when she and her daughters had swept their house and deposited the waste thus collected outside in a manner that was interpreted by her neighbor, Leonhart Gackstatt, as having magically caused a swarm of fleas to infest his home. Margaretha denied that she had raised the flea swarm throughout her trial, which involved nearly two months of incarceration in the city gaol and five interrogations (on August 6, 12, and 16 and September 13 and 22), the last one under torture; she was finally released from custody on October 1, 1652. At the heart of the trial lay two competing narratives about Margaretha's identity: one begun by Leonhard Gackstatt about Margaretha being a harming witch; the other, maintained by Margaretha, that she was not. In this article I show how Margaretha used a range of cultural resources and narrative strategies to define herself as *not* a witch. I also argue that we can interpret her testimony as doing memory work relating to her experience of the Thirty Years' War, and as an example of early modern self-fashioning.

This analysis is important for various reasons. It reminds us that it was sometimes possible for an individual accused of witchcraft to tell a story of not being a witch, while highlighting why this was such a difficult thing to do. Moreover, most of the work on German witch trial texts has focused on people who confessed to witchcraft; apart from the work of Uta Nolting (discussed below) there has been little systematic analysis of narratives of non-confession, and none that uses trial testimony with the level of detail and sophistication of Margaretha Horn's.<sup>3</sup> Secondly, although the work done on

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Rothenburg and eight to the city's most powerful territorial neighbor, the Margrave of Brandenburg-Ansbach. These divisions were reflected in the 1652 trial: Hans Horn's land belonged to Rothenburg, Leonhart Gackstatt's to the Margrave. By the sixteenth century, however, the city council had managed to establish its right to exercise criminal law over all inhabitants of the hinterland. On the process by which the city council gradually extended its power over the *Landwehr*, see Herbert Woltering, *Die Reichsstadt Rothenburg ob der Tauber und ihre Herrschaft über die Landwehr*, 2 vols. (Rothenburg ob der Tauber: Verlag des Vereins Alt-Rothenburg, 1965 and 1971). Margaretha and Hans Horn also had a third daughter, who was married to the Bettenfeld cobbler.

3. Uta Nolting, "Nah an der Realität—Sprache und Kommunikation in Minder Hexenverhörprotokollen von 1614/15," in *Realität und Mythos: Hexenverfolgung und Rezeptionsgeschichte*, ed. Katrin Moeller and Burghart Schmidt (Hamburg: DOBU Verlag, 2003), 33–55. Laura Kounine's approach (in which she uses a methodological framework based on the *Listening Guide* developed by feminist psychologist Carol Gilligan to "read" witch trial narratives from early modern Württemberg) suggests another methodology for analyzing the resistance of accused individuals; see Laura Kounine, *Imagining the Witch: Emotions, Gender, and Selfhood in Early Modern Germany* (Oxford and New York: Oxford University Press, 2018), especially 7–16.

witchcraft confessions in early modern Germany has been invaluable and insightful, it risks effacing the possibility of women's voices and agency in witch trials altogether. This is because it either interprets confessions as psychic documents, by means of which the historian can discern unconscious fantasies and emotions which accused women expressed unintentionally,<sup>4</sup> or because it interprets confessions as stories so strongly shaped by coercive legal procedures (torture, leading questions, and the judicial need for a confession of harming and/or diabolic witchcraft to ensure conviction) that women's original testimony or distinctive voices cannot be recovered at all.<sup>5</sup> Neither of these interpretive frameworks has space for a woman like Margaretha Horn who, with great bravery and intelligence, resisted the pressure to confess and drew on a repertoire of religious, political and legal ideas to fashion and express her sense of herself as a good, Christian housewife and an innocent victim of injustice.<sup>6</sup>

In undertaking this analysis it is, of course, important to explain the particular judicial context of Margaretha's trial. The territory of Rothenburg experienced by German standards a restrained pattern of witch persecution,

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4. This approach was pioneered by Lyndal Roper, *Oedipus and the Devil: Witchcraft, Sexuality and Religion in Early Modern Europe* (London and New York: Routledge, 1994), especially "Witchcraft and Fantasy in Early Modern Germany," 200–27, and "Oedipus and the Devil," 228–51. Historians of English witchcraft have also adopted this approach to reading confessions of witchcraft; see Louise Jackson, "Witches, Wives and Mothers: Witchcraft Persecution and Women's Confessions in Seventeenth-Century England," *Women's History Review* 4, no. 1 (1995): 63–84; and Malcolm Gaskill, "Witchcraft and Power in Early Modern England: The Case of Margaret Moore," in *Women, Crime and the Courts in Early Modern England*, ed. Jenny Kermode and Garthine Walker (London: University College London Press, 1994), 125–45.

5. Rita Voltmer, "Stimmen der Frauen? Gerichtsakten und *Gender Studies* am Beispiel der Hexenforschung," in *Frauen—Männer—Queer: Ansätze und Perspektiven aus der historischen Genderforschung*, ed. Anne Conrad, Johanna E. Blume, and Jennifer J. Moos (St. Ingbert: Röhrig Universitätsverlag, 2015), 19–46. Voltmer briefly comments that trials which did not end with a formal sentence might offer a different perspective, although she assumes that the records of such trials would only ever be fragmentary, *ibid.*, 33.

6. The work by Diane Purkiss on the possibility of discerning women's voices and agency in English witch trial material has been very helpful to my analysis, although this is an even more challenging task for historians of English witchcraft, given that they are so reliant on accounts of trials from printed pamphlets, within which the original voices of the protagonists are even more distant. Purkiss has also looked at women's agency in relation to women who confessed to being witches, and not those who resisted confession. See Diane Purkiss, *The Witch in History: Early Modern and Twentieth-Century Representations* (London and New York: Routledge, 1996), 145–76.

without large-scale witch hunts or mass executions. The sixteen city councillors, who ruled the territory and also constituted its court of criminal law, presided over twenty-eight trials involving sixty-five individuals in allegations of witchcraft between 1549 and 1709. Of these individuals, three were executed, in 1629, 1673 and 1692; thirteen were banished; one was handed over to the authorities in another territory; twenty-one were released from custody unpunished after interrogation; and the rest were questioned formally but not arrested.<sup>7</sup> This was because the councillors and the municipal jurists who advised them categorised witchcraft as an ordinary rather than an exceptional crime, which meant that they were reluctant to use torture to force suspects into making confessions of witchcraft and denouncing other people as witches. Torture was used against only twelve alleged witches in Rothenburg and even then according to the rules regulating its use that had been laid down in the *Carolina*, the code of criminal legal procedure promulgated for the Holy Roman Empire in 1532.<sup>8</sup> The councillors and their legal and theological advisors were also unwilling to accept the idea of witchcraft as a collective heresy; crucially, this meant that they regarded the witches' sabbath as a demonic delusion rather than a reality, and therefore did not pursue at law anyone named as a supposed sabbath attender. They generally came to believe that it made no political or religious sense to promote large-scale witch hunts, and discouraged their subjects from making witchcraft accusations lightly by punishing those who did so as slanderers, in some cases with banishment.<sup>9</sup> In this context, people unlucky enough to be caught up in witch trials would have known that an arrest was not the first step on an inevitable road to a forced, formulaic confession and execution, and that they might survive as long as they did not confess.<sup>10</sup>

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7. For a list of the trials and their outcomes, see Rowlands, *Witchcraft Narratives*, 212–28. All those executed were women: Magdalena Dürr in 1629, Anna Margaretha Rohn in 1673, and Barbara Ehneß in 1692.

8. For the *Carolina*, see Gustav Radbruch and Arthur Kaufmann, eds., *Die Peinliche Gerichtsordnung Kaiser Karls V. von 1532 (Carolina)* (Stuttgart: Philipp Reclam jun., 6th ed., 1996).

9. See Rowlands, *Witchcraft Narratives*, 15–29 (on the use of slander laws to contain discussion about and accusations of witchcraft), 29–33 (on the treatment of witchcraft as an ordinary rather than exceptional crime), and 55–60 (on the ideas of the Devil's power to delude and witches' sabbaths as demonic delusion).

10. Margaretha Horn would have known that only one person had been executed for witchcraft in Rothenburg before 1652 (Magdalena Dürr, in 1629, who had also committed the capital crime of infanticide), and thus have assumed she had a good chance of escaping death herself.

The way in which trial records were archived in Rothenburg also means that we can get as close as possible to what an accused individual like Margaretha Horn actually said while being interrogated. This is because the *Protokollmitschriften*—the written records of an interrogation made by a scribe while it was being conducted—survive for all cases. *Protokollmitschriften* are to be distinguished from *Protokollabschriften*, the “clean” copies of interrogation records made at a later date and which usually involved much more scribal intervention, sometimes to the extent of the deliberate manipulation of testimony.<sup>11</sup> Thus, while the *Protokollmitschriften* were perforce a rendering of the spoken into the written word, the scribes sought (for legal reasons) to do this as faithfully as possible; this can be seen in the Rothenburg records in the regular textual appearance of ellipses and exclamations, as well as proverbs and sayings, local dialect words and idiosyncratic responses to questions. *Protokollmitschriften* were intended to be seen only by court officials; in Rothenburg this meant that, after interrogations were carried out in the city gaol by two city councillors known as the *Turmherren* (Lords of the Tower) and recorded by the court scribe,<sup>12</sup> the *Protokollmitschrift* was then taken by the *Turmherren* to the next council meeting at the town hall. Here it was read out for discussion, so that a decision about what should happen next could be made.<sup>13</sup> It was then returned to the growing bundle of documents pertaining

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11. On the differences between *Protokollmitschriften* and *Protokollabschriften*, see the excellent analytical framework for comparing such texts established by Elvira Topalovic, “Konstruierte Wirklichkeit. Ein quellenkritischer Diskurs zur Textsorte Verhörprotokoll im 17. Jahrhundert,” in *Realität und Mythos: Hexenverfolgung und Rezeptionsgeschichte*, ed. Katrin Moeller and Burghart Schmidt (Hamburg: DOBU-Verlag, 2003), 56–76, especially 64–65, 75. For many courts, *Protokollmitschriften* do not survive; they have either been lost or (in some cases) probably destroyed deliberately to get rid of evidence of legal abuses such as the excessive use of torture against the accused.

12. Sometimes one of the municipal jurists was also present at interrogations; in Margaretha Horn’s trial, municipal jurist Johann Georg Krauss was present at her fourth and fifth interrogations (see note 16 below). Another jurist, Georg Christoph Walther, wrote two legal opinions for the councillors on the case (see note 15 below) and would have had access to all the trial materials to enable him to do so. The jurists were not, however, involved in the decision making in trials, which was the responsibility of the councillors.

13. This was also how statements by accusers and witnesses, which were made before a more senior member of the city council known as the Imperial Judge (*Reichsrichter*) at the town hall and recorded by a scribe, were treated. We know this because all these documents have the annotation “Verl. in Senatu” (“read out in the council meeting”), and the relevant date, written on the outside wrapper. The councillors

to the trial, which also included statements by accusers and witnesses; any correspondence relevant to the trial or expert legal, clerical, or medical opinions on it; and the final text recording the verdict.<sup>14</sup> At some later stage several of these (often very large) bundles of trial documents were bound together to form one of the city's many surviving *Urgichtenbücher* (*Confession Books*), which were carefully preserved as material testimony to the council's exercise of judicial power. There are 114 pages of *Urgichtenbuch* A898 (the *Confession Book* for the period 1649–1653) devoted to the trial of Margaretha Horn;<sup>15</sup> her five interrogations cover forty-six pages of this total.<sup>16</sup>

In analyzing Margaretha's trial I build on Uta Nolting's pioneering work on the *Protokollmitschriften* from the trials for witchcraft of seven women from the northwest German town of Minden between 1614 and 1615, in which Nolting focused on the (very short) snippets of text which record the women responding to questions with what Nolting terms expressions of not-confessing, despite suffering severe torture. On the basis of her close reading of these interrogation transcripts, Nolting drew up a preliminary list of such expressions, which she defined as:

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deliberately kept no minutes of their meetings until 1664; after 1664 they kept an official record of the decisions they reached in council meetings, but not of the discussions that had preceded them. However, their thinking on witchcraft can be inferred from the verdicts they reached in trials and from the ways in which they used the expert opinions on witchcraft cases that they requested from the city's jurists (from 1582), theologians (from 1627), and physicians (from 1652), all of whom were council appointees.

14. Verdicts of trials that ended in execution were copied neatly into the city's *Blutbücher* (Blood Books).

15. Stadtarchiv Rothenburg (hereafter StAR) A898 fols. 479v–536v. Unusually for Rothenburg, the two legal opinions written on the case to advise the city councillors about how to proceed by municipal jurist Georg Christoph Walther on September 9 and 23 are in a volume of *Konsistorialakten* (records of the Consistorium, the committee established in 1558 to oversee matters pertaining to churches and schools after Rothenburg adopted Lutheranism). This was because another witch trial began in Rothenburg in late August 1652 after the Schürz family from the hinterland village of Wettringen accused their neighbor, Catharina Leimbach and her family, of having seduced their eight-year-old daughter Barbara into witchcraft. Walther's September opinions thus dealt with both cases together and, although both were tried by the city councillors, the Schürz/Leimbach documents ended up in the *Konsistorialakten* because the girl was subjected to pastoral rehabilitation rather than judicial punishment as a result of this second trial.

16. StAR A898 fols. 486r–490r (first interrogation, August 6); 497r–500v (second interrogation, August 12); 506r–511r (third interrogation, August 16); 520r–521v (fourth interrogation, September 13); 526r–532v (fifth interrogation, September 22).

- expressions of denial (including the women's rejection of the accusation of witchcraft; emphasis on their innocence, or emphasis on their ignorance of the matter);
- expressions of inflexibility (by means of which the women articulated their intransigence in the face of the accusations/interrogators's questions);
- expressions of resistance (including curses, threats, and counter-allegations that those who believed they were witches were liars);
- expressions signalling their desire to cooperate with the authorities;
- expressions of supplication, begging the authorities for mercy and God (directly) for help;
- expressions of resignation, suggesting a desire for death to end their suffering.<sup>17</sup>

Certain aspects of Margaretha Horn's non-confession can be mapped onto this list. However, given the particular context of her trial and the exceptionally detailed *Protokollmitschriften* this created, I have been able to identify a more complex pattern of narratives of non-confession than Nolting was able to do with the much briefer Minden material. I call them narratives rather than expressions as they are long enough to constitute a narrative in the sense of "a spoken or written account of connected events in order of happening,"<sup>18</sup> and because they developed in complexity over the course of Horn's five interrogations. While I have labelled them separately for ease of analysis and comparison (see my definitions, discussed below), I also regard Margaretha's narratives as adding up to an overall expression of her identity as not a witch; she was spinning a yarn in response to her interrogators, in the sense of drawing out individual narrative strands which intertwined to form the stronger thread of her sense of self.

## 2. REFUSING TO CONFESS: MARGARETHA HORN'S NARRATIVES OF INNOCENCE

Margaretha's first interrogation on August 6, 1652 was dominated by questions about the flea swarm she had allegedly caused to infest Leonhart Gackstatt's house as a result of the Shrove Tuesday sweeping-out ritual, because this was the central point of the allegation that Gackstatt had made against

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17. Uta Nolting, "Nah an der Realität," especially 50. In contrast to the Rothenburg material, the Mindener trial texts are very short (three sides in total) and the women's responses to questions often only a few words long, *ibid.*, 34–36.

18. Della Thompson, ed., *The Concise Oxford Dictionary* (Oxford: Oxford University Press, 9th ed., 1995), 904.



her. It was also because “use of suspicious objects, gestures, words and manners that bore the hallmarks of sorcery” was one of the judicial proofs on the basis of which someone accused of harmful magic could be tortured, according to the *Carolina*.<sup>19</sup> Margaretha admitted immediately that she and her daughters had swept their house early on Shrove Tuesday and that her youngest daughter, Cordula, had deposited the waste beyond the boundary of their own house and yard, but was keen to stress that it had been deposited on her son-in-law’s property, not Gackstatt’s.<sup>20</sup> She set this admission in the context of what I will call here a normalizing narrative which sought to define these actions as nothing out of the ordinary, and therefore not witch-like. She had meant nothing evil (*nichts böses*) by them, she said, and there was nothing *unrecht* (wrong, unjust) about such sweeping out; brooms could be seen on dung heaps (where they were placed at the end of the ritual) belonging to other households in Bettenfeld and Rothenburg (it was, in other words, a widespread custom).<sup>21</sup> She gave an example to strengthen this point, explaining that, when one of her daughters had been in service in Rothenburg a few years earlier, her mistress (a woman called die Schmezerin from the Klingengasse) had bid her sweep the house and shake out the waste against the wall behind the house and to put the broom on top.<sup>22</sup> Margaretha also tried to break the magical causal link that Leonhart Gackstatt implied existed between her allegedly malevolent actions and the flea swarm by what I define as a naturalizing narrative. She said that if the Gackstatt house and family were plagued with fleas, it was because Gackstatt kept house in a lazy manner (*unlustiges Hauswesen*). She claimed that all seven members of his household slept in the main room with their hens, calves, pig and goat, implying that the unusually large and persistent flea swarm was caused by the family’s unusually disorderly living arrangements.<sup>23</sup> She also responded in this

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19. Radbruch and Kaufmann, eds., *Peinliche Gerichtsordnung*, 52: “. . . so jemand . . . mit solchen verdecktlichen dingen, geberden, worten vnd weisen, vmbgeht, die zauberey auf sich tragen . . .”

20. StAR A898 fols. 486r-486v.

21. *Ibid.*, fol. 486v. Ritual sweeping out of one’s house to keep it free from vermin for the coming year was strongly associated with Shrove Tuesday, see Hanns Bächtold-Stäubli, ed., *Handwörterbuch des deutschen Aberglaubens* (Berlin and New York: Walter de Gruyter & Co., 1987), vol. 2, 1246–61, especially 1249–50. The idea was that one rids one’s house of vermin by depositing the waste a long way from one’s own house or on a neighbor’s dung heap, which by implication transferred the vermin to them.

22. *Ibid.*, fols. 486v-488r. Margaretha also suggested that her interrogators could ask their own wives about the sweeping-out ritual.

23. *Ibid.*, fol. 487r; Margaretha also showed her low opinion of Leonhart Gacks-

way to other questions about whether she used magic to keep her corn safe from vermin (she said her barn was free of mice and rats because she kept two cats) or to steal milk from Gackstatt's cows (she explained that they yielded little because he did not feed them properly).<sup>24</sup>

Margaretha also gave what I interpret as a life history narrative during her first interrogation to establish her identity as an honorable woman and to defend herself against the allegation that she had had a bad reputation (i.e. for witchcraft) for many years. She denied this vigorously, stating that her parents, husbands (Hans Horn was her third husband; she had first married at the age of twenty-four) and children had all been/were honorable.<sup>25</sup> This was an important point, as it was commonly believed in Rothenburg that the ability to work harmful magic was passed on within the household, from one generation to the next,<sup>26</sup> and because her daughter Cordula was implicated in the sweeping-out ritual.<sup>27</sup> Margaretha emphasized that she was an "honorable woman" (*ein ehrliches Weib*) who kept house in a manner she described as *ritterlich*.<sup>28</sup> This was an unusual word to use in this context; its literal translation is "knightly," and it has strong masculine connotations in German, linking to ideas of bravery and chivalry. Margaretha may have chosen it to emphasize that the Horn household was one of order, plenty, and hospitality (in contrast to that of the disorderly Gackstatts), and that she was proud of, as well as responsible for, this fact. In addition to this life history narrative

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tatt by referring to him in her testimony in the pejorative diminutive form, "das Lengkellein."

24. *Ibid.*, fols. 488r-488v. Margaretha was also asked whether she made any salves (i.e. witches's salves); she admitted that she made salves for her family's use, but added that this was no different from what apothecaries did, *ibid.*, fol. 499r.

25. We know from testimony about Margaretha's character and family given by other witnesses that she had been born and brought up in the hinterland village of Gepsattel; her father had been called Fronhöfer Hans and had had three sons and one daughter in addition to Margaretha, all of whom were dead by 1652, see *ibid.*, fols. 518v-519. This testimony was overwhelmingly positive; however, it also uncovered the fact that the father of Margaretha's first husband had had a reputation for witchcraft. See Section 5 of this article for discussion.

26. See Alison Rowlands, "Gender, Ungodly Parents and a Witch Family in Seventeenth-Century Germany," *Past and Present* 232, no. 1 (2016): 45-86, for discussion of ideas about "witch families."

27. Leonhard Gackstatt tried to turn the authorities' attention onto Cordula when he gave his second statement in the case on September 20, 1652, stressing that she had carried the waste out of the Horns' house and deposited it outside, see StAR A898 fols. 523r-524v.

28. *Ibid.*, fols. 489r-489v.

which emphasized her membership of an honorable lineage and management of an honorable household, Margaretha also began during her first interrogation to express a repertoire of points which added up to what I would call a narrative of godliness. In response to the question about her supposedly bad reputation she told the *Turmherren* that she had been a godmother twenty-six times during her life, implying that this was social validation by many relatives and neighbors of her status as a good Christian.<sup>29</sup> Margaretha also called on God to witness the injustice of Gackstatt's accusation, and expressed the wish that the *Turmherren* could see into her heart so that they could see that she was a just or righteous person (*gerechtes Mensch*).<sup>30</sup> She reiterated these ideas with increasing vehemence in later interrogations, calling on God as her witness repeatedly, saying that her heart could be cut out and God could punish her on the spot if she was lying (August 12, second interrogation) and that God could see into her heart and knew she was innocent (August 16, third interrogation).<sup>31</sup>

The idea that a person's true nature as good or evil was hidden in their heart was central to the pastoral theology of the Lutheran reform movement that emerged from Strasbourg to influence southern Germany from the 1630s onwards.<sup>32</sup> The fact that Margaretha couched her own protestations of innocence in these terms shows that she was familiar with this idea, and understood her identity as a pious Christian as validated externally (by the fact of her frequent godmotherhood) and internally (by the purity of her heart). Margaretha would have learned these ideas through sermons, particularly in the context of the church service of confession, which prepared parishioners to take communion by asking them to reflect on and recognize their own sins.<sup>33</sup> She made explicit reference during her interrogations to the comfort

29. *Ibid.*, fol. 489v.

30. *Ibid.*, fol. 490r. This was her final comment at the end of her first interrogation, in response to the interrogators asking her whether she was going to make the customary plea for her release from custody.

31. *Ibid.*, fol. 498r, 511r.

32. See Thomas Robisheaux, *The Last Witch of Langenburg: Murder in a German Village* (New York and London: W. W. Norton & Company, 2009), 178–92.

33. See the wording relating to confession in the first Rothenburg Church Ordinance of 1559, in Emil Sehling, ed., *Die evangelischen Kirchenordnungen des XVI. Jahrhunderts*, vol. XI, Bavaria, part 1, Franconia (Tübingen: J. C. B. Mohr (Paul Siebeck), 1961), 559–616, especially 582–85. See also the revised Church Ordinance of 1668, *Kirchen-Ordnung, wie es mit der Lehr- und Kirchengewohnheiten In des Heyl. Reichs-Statt Rothenburg auf der Tauber und dero Oberkeit und Gebiet uf dem Land bißhero gehalten worden, und hinfüro gehalten werden solle* (Rothenburg, 1668), 103–10.

she had gained from the sermons of the pastor of the city hospital's church of the Holy Ghost (by whom she almost certainly meant the charismatic preacher, Daniel Rucker),<sup>34</sup> while the fervent religious language she used throughout her interrogations drew on hymns, prayers and knowledge of biblical stories and verses, and suggested that she had a particularly strong and personal sense of her piety and commitment to God. Most of the witnesses called on to testify about Margaretha's character and reputation agreed that she was a diligent churchgoer.<sup>35</sup>

Margaretha's narrative of innocence became increasingly vivid and violent in her last two interrogations, doubtless in response to the fact that she was threatened with torture (on September 13) and then subjected to a painful and humiliating search for (and pricking of) her supposed witch's mark and torture with thumbscrews (on September 22). Moreover, she not only denied her guilt but began to identify herself as the innocent victim of injustice. On being confronted with the torturer (who was also the municipal executioner) on September 13, Margaretha said in response to his assertion that he could tell she was a witch (*Trut*), that she was no witch, and that she would rather have a threefold sword thrust into her heart than be called one, and that she was as innocent (*gerecht*) before God as a four-week-old suckling child.<sup>36</sup> Her reference to the threefold sword (*dreyfacher schwerd*) suggests that she was drawing on the Old Testament Book of the Prophet Ezekiel, Chapter 21,

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34. StAR A898 fol. 509v. Rucker was a pastor of the church of the Holy Ghost between 1649 and 1656, see Wilhelm Dannheimer, ed., *Verzeichnis der im Gebiete der freien Reichsstadt Rothenburg o. T. von 1544 bis 1803 wirkenden ev.-luth. Geistlichen* (Nürnberg: Verlag die Egge, 1952), 115; and Ludwig Schnurrer, *Spätlese. Neue Beiträge zur Geschichte der Reichsstadt Rothenburg o. d. T.* (Innsingen: Verlag Degener & Co., 2010), 47–68, especially 61. Rucker was a clerical superstar and gifted preacher; he held a number of leading positions elsewhere in Germany before 1649 (including Court Preacher and Superintendent to the army of Duke Bernhard of Weimar at Breisach), then became Superintendent of Marbach in 1656 and Superintendent of Rothenburg in 1664 (he died in 1665). In her testimony (fol. 509v) Margaretha used phrases to describe the sinful state of the world which were very similar to those used by Rucker in a series of seven sermons he preached in Rothenburg and which were published posthumously in 1688 under the title *Mundus personatus, oder die große Welt-Maskarada*. Margaretha had probably gone into Rothenburg specially to hear Rucker preach. Like many other rural livings in the Rothenburg hinterland, her home village of Bettenfeld lacked a pastor between 1638 and 1666 because of the impact and aftermath of the Thirty Years' War. See Dannheimer, *Verzeichnis*, 17–18. The absence of a local pastor probably strengthened Margaretha's personal sense of piety, as it gave her more scope to choose which sermons she attended and where.

35. StAR A898 fols. 517r–519v.

36. *Ibid.*, fol. 520v.

verse 19, where this term formed part of God's communication with Ezekiel about the impending Babylonian invasion. Margaretha began her fifth interrogation by declaring that, if she had caused Gackstatt's fleas, then not a single crumb of bread should pass her lips for the rest of her life (implying that she was willing to die for her innocence).<sup>37</sup> During her torture she protested that she knew nothing and could do nothing (meaning witchcraft), even if the authorities cut out her tongue or tore her apart, body and soul.<sup>38</sup> She also called frequently on God and Jesus to stand by her and help her endure her suffering in a fervent, supplicatory tone which underlined the strength of her belief in her innocence and salvation, and perhaps also expressed her identification with the sufferings of Christ, saying for example:

O Lord Jesus, must I as such a righteous person suffer thus in my last days? I know that my redeemer lives and will resurrect me at the Day of Judgement. Should my neighbour cause me such heart-suffering? Lord Jesus Christ, who died for me, do not abandon me, all-powerful Lord God.<sup>39</sup>

Margaretha also said that God would protect her as he had protected the three men in the fiery furnace, a reference to the biblical story of Shadrach, Meshach and Abednego, the godly men who were thrown into a furnace by Nebuchadnezzar, the tyrannical King of Babylon, yet protected by God from coming to harm.<sup>40</sup> In stark contrast Margaretha said that "those who treated her unjustly [meaning both Gacksatt and the councillors] must roast and suffer [in Hell] for all eternity."<sup>41</sup>

37. *Ibid.*, fol. 526v.

38. *Ibid.*, fol. 530v. Her protestations that she knew nothing were like the Minder women's expressions of ignorance. Margaretha was subjected to five turns of the thumbscrews during her final interrogation.

39. *Ibid.*, fols. 529v-530r: "O H[ei][l]i[ger] Jesu, soll ich erst in meinen letz[en] end[en] also leyd[en], bin ich so ein gerechter Mensch, ich weiß daß mein erlöser lebt und mich am jüngsten tag auff weck[e]n würd, soll mir mein Nachbar solch herz[en] leid anthun, H[ei][l]i[ger] Jesu Christ, d[er] du für mich gestorben bist, v[er]laß mich nicht, H[ei][l]i[ger] Allmächtiger Gott." She made several similar "lamentations" (which was how the scribe described these outpourings) during her final interrogation.

40. *Ibid.*, fol. 527r. This story is from the Book of Daniel, Chapter 3.

41. *Ibid.*, fol. 531r: "Wer mir vnrecht thut, muß im[m]er v[nd] ewig dort[en] brat[en] v[nd] leyd[en]." Rita Voltmer shows that this mode of representing accused witches ("as innocent victims, who had been prosecuted by brutal judges") was an important feature of the petitions presented to appeal courts by those who believed they had been unjustly treated at local courts, see Rita Voltmer, "The Witch in the

Margaretha recited other snippets of identifiable biblical passages and Lutheran hymns to help her in her agony. When the thumbscrews were turned for a fourth time she quoted Matthew 11, verse 15: “Wer Ohren hat, zu hören, der höre” (“He that has ears to hear, let him hear”), perhaps in an appeal to the *Turmherren* to listen to her protestations.<sup>42</sup> She also quoted (or sang?) the last two lines of verse one of the Lutheran hymn, written in the mid-sixteenth century by Albrecht of Brandenburg: *Was mein Gott will, das g'scheh' allzeit* (*What my God wills, should always happen*):

Wer Gott vertraut, fest auf ihn baut,  
Den will er nicht verlaßen.  
(He who trusts God, and builds firmly upon him  
Will not be abandoned by him).<sup>43</sup>

These words doubtless comforted and strengthened Margaretha, and perhaps also expressed a sense of her compact with God (her trust in God and submission to God's will in return for God's support of her in her ordeal and her ultimate salvation).<sup>44</sup> Her words were similar to the short expressions of religious supplication made by the women of Minden, who also spoke as if in direct conversation with God, suggesting that this mode of expression was typical of those trying to resist the agonies of torture.<sup>45</sup> Like the Mindener women, Margaretha also (for the first and only time) expressed a desire to die during her fifth interrogation (just before she was tortured), saying that she dearly wished to die, as long as she was not poisoned secretly in the gaol.<sup>46</sup>

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Courtroom: Torture and the Representations of Emotion,” in *Emotions in the History of Witchcraft*, ed. Laura Kounine and Michael Ostling (Basingstoke: Palgrave Macmillan, 2016), 97–116, see 103. Voltmer suggests that the scribes who drew up these petitions to appeal courts were working with “legally accepted and expected stereotypes”; my analysis of Horn's narrative shows that she was just as capable of using (and indeed developing) this mode of representing herself as an “innocent victim,” and that this narrative of non-confession also had a profoundly religious (as well as legal) meaning.

42. *Ibid.*, fol. 531v.

43. *Ibid.* fol. 532r.

44. This was another implicit way of denying that she was a witch, as witches had pacts with the Devil, not God.

45. Nolting, “Nah an der Realität,” 53.

46. StAR A898 fol. 529r; Margaretha claimed to have heard people talking outside the gaol window, saying that this would happen to her.

Margaretha also sought to strengthen her narrative of innocence by undermining Leonhard Gackstatt's credibility as her accuser, using a more complex version of the counter-allegations and threats identified by Nolting in the Mindener material. Margaretha's words suggest that she had an understanding of the legal maxim, enshrined in Article 25 of the *Carolina*, that testimony against a suspect could only be regarded as judicially trustworthy if it came from an honest, impartial person, and not someone of questionable reputation or the enemy of the accused.<sup>47</sup> In her first interrogation Margaretha told the *Turnherren* that Gackstatt had a great enmity against her and that this attempt to "make her into a witch woman" was the fourth time he had sought to take her life. She added that Gackstatt had bribed the herdsman of Bettenfeld's wife to testify against Margaretha about the flea swarm as an example of his enmity and judicial dishonesty.<sup>48</sup> She began her second interrogation by saying that if Gackstatt said a great deal, then he must also prove a great deal.<sup>49</sup> This phrase encapsulated two important legal points, on the basis of which Margaretha hoped her case would be tried. First, it made implicit reference to the legal maxim, deemed so important to the protection of personal honor in Rothenburg that it was displayed on a board at the town hall, that "an honorable man should not talk about that which he cannot prove."<sup>50</sup> This meant that no one should talk publicly about anything legally actionable in connection with a specific person unless s/he was confident of being able to prove the allegations at law.

The second point encapsulated in Margaretha's response was that the onus was on Gackstatt to prove his allegations, as much as it was on her to defend herself against them. This approach—of focusing investigative efforts, including arrest and interrogation, against an accuser rather than or as well as an alleged witch—had been adopted by the Rothenburg councillors on certain occasions before 1652 when they had been willing to treat such allegations

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47. Radbruch and Kaufmann, eds., *Peinliche Gerichtsordnung*, 42.

48. StAR A898 fols. 487r-487v: "Jezt wolte Er sie . . . auch zu einer Hexenfray machen." The herdsman's wife had indeed made an official report about Gackstatt's fleas on July 15, *ibid.* fol. 480r. Witness testimony in Margaretha's trial confirmed the enmity that existed between her and Gackstatt. The only clue to its roots lies in her reference to the fact that she blamed him for the death of her son Michael (see note 64 below); Gackstatt may have genuinely believed that she was a witch. See Section 5 of this article for discussion. On the enmity between the two households, see also notes 52 and 64 below.

49. *Ibid.*, fol. 497r.

50. See Rowlands, *Witchcraft Narratives*, 24.

as slander.<sup>51</sup> Margaretha's call for this to happen was thus not without precedent; when it did not, she insulted Gackstatt's honour and credibility more explicitly, calling him a "whoremaster, who caused nothing but trouble" (August 12, second interrogation), a "good-for-nothing, whoremaster, adulterer, thief and rogue" (September 13, fourth interrogation), and a lying fellow (September 22, fifth interrogation). These sexual insults were linked to a suspicion, expressed publicly in Bettenfeld by Gackstatt himself in 1646, that his eldest son's wife had committed adultery with his youngest son, and were an attempt by Margaretha to divert the councillors' attention onto the Gackstatt family's failings.<sup>52</sup> She also used increasingly threatening language against him, stating in response to the interrogators' questions about the flea swarm that "she hoped Gackstatt would be plagued by better and more troublesome fleas than before, God willing" (August 16, third interrogation) and that "she wished he had a house full of fleas, even if they were caused by the devil" (September 13, fourth interrogation).<sup>53</sup>

Margaretha articulated her narrative of innocence around the concepts of justice and injustice, a point which reminds us that, like the elites who wrote demonological texts, ordinary early modern people found the framework of antithesis helpful in their expression of ideas. At the end of her first interrogation Margaretha was asked how she thought her case should proceed. She replied that the accusation against her was *unrecht* (unjust) and identified herself as a *gerechtes* Mensch.<sup>54</sup> The German word *recht* means just, right, and legitimate, and in its noun form also law and justice; *gerecht* means righteous in a religious sense. These strongly related judicial and spiritual meanings

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51. *Ibid.*, 14–47, 124–34.

52. StAR A898 fols. 498v, 520v, 526v. The adultery allegations were brought to the council's attention by Hans Horn on June 30, 1652, in a "pre-emptive" strike to damage the Gackstatts' credibility (which backfired badly, as it precipitated Gackstatt's official accusation about the fleas). For Horn's statement and the testimony of neighbors in his support. See *ibid.*, fols. 481r–485r. Gackstatt was not asked to make a statement about Margaretha Horn until August 28, 1652 (*ibid.*, fols. 512r–512v); he made another statement on September 20 (*ibid.*, fols. 523r–524v) but was never arrested and was not punished for slander (which is what technically should have happened, as his allegations against Margaretha remained unproven). The Rothenburg councillors were probably not keen to act against him because they wished to avoid becoming embroiled in a dispute with his territorial lord and their powerful neighbor, the Margrave of Brandenburg-Ansbach (see note 2), and because they came to believe in the course of her trial that Margaretha probably was a witch, even if she refused to admit it (see Section 5 of this article for discussion).

53. StAR A898 fols. 506v, 520v.

54. *Ibid.*, fols. 489v–490r.



merged completely in the course of Margaretha's interrogations. In her first interrogation she expressed the expectation that she would receive justice from the councillors in their capacity as the territory's court of criminal law. When the *Turmherren* asked if she wanted to offer the customary plea for release from custody, she refused to beg for mercy and instead said that "the councillors did not carry the sword [i.e. of justice] for nothing; they will know how they should use it."<sup>55</sup> She asked for mercy in her second interrogation, but for the sake of the Day of Judgment.<sup>56</sup> The idea that she wanted to—and would—be judged by God (and not by the councillors, who were by implication "unjust"), and that she would call Gackstatt to account at the Day of Judgment,<sup>57</sup> developed strongly throughout the prophetic narrative she went on to develop (discussed below). Again, religion and law merged linguistically and conceptually (the German name for the Day of Judgment is *das Jüngste Gericht*, or Last Court); the ordinary inhabitants of the Rothenburg territory would have been familiar with this idea from sermons and images of Christ in Judgment.<sup>58</sup>

### 3. THE DEVELOPMENT OF MARGARETHA'S PROPHETIC NARRATIVE

Margaretha articulated her conviction that God and divine justice were on her side most powerfully and movingly in the account of an angelic visitation she claimed to have experienced one night in her cell. She was asked about her claims for the first time at the end of her second interrogation on August 12.<sup>59</sup> She said that the angel had been small and had sat on her lap all night; he had told her to comfort herself with God's word, and that her soul belonged to God.<sup>60</sup> Questions about the angelic visitation dominated Margaretha's third interrogation on August 16; under the pressure of repeated questions by the *Turmherren*, she developed her account of what the angel had

55. "die Obrigkeit trage daß Schwert nicht vmb sonsten, werde wißen wie Sies brauchen solle," *ibid.* fol. 490r.

56. *Ibid.*, fol. 498v.

57. *Ibid.*, fol. 506v.

58. There is an image of Christ in Judgment on the external wall of the largest church in Rothenburg, the parish church of St. James, near the main entrance door, for example.

59. The *Turmherren* would have been informed of Margaretha's claims by the gaol keeper and his wife, who would have reported any suspicious behavior on the part of incarcerated suspects to the councillors.

60. StAR A898 fols. 500r-500v. At this point the interrogation stopped abruptly; the *Turmherren* needed to inform the councillors of this new turn of events immediately and ask for advice about how to proceed.

said to her from a personal narrative of spiritual consolation to a more political narrative of prophecy.

Margaretha began by describing the angel as human-looking but small, like a two-year-old child, with a hairless head the size of an apple or fist, and little, white, shoeless feet. His words and deeds were spiritually and physically comforting. He greeted her and told her not to fear, then covered her with her head scarf and lay down next to her to sleep; although she begged him to take her with him (by implication, to heaven), he said he could not, but that she should pray diligently and call on God.<sup>61</sup> The idea of a guardian angel appearing in an individual's hour of greatest need was widespread amongst ordinary Lutherans, and the idea of angels appearing as messengers from God was a biblical commonplace that Margaretha would have known about from sermons and hymns. One of the two identifiable hymns that she recited (or sang) during her final interrogation was Luther's well-known Christmas hymn, *Vom Himmel hoch, da komm ich her*, the first five verses of which were written in the voice of the angel announcing Christ's birth to the shepherds.<sup>62</sup> However, Margaretha's account of the childlike angel and her interactions with him were also intimate and maternal. Cradling him on her lap and lying down to sleep with him were the sort of gentle, comforting physical interactions a mother might have with a toddler, although the maternal role shifted in Margaretha's account between herself as mother (holding the angel on her lap) and the angel as mother (covering her with her head scarf like a blanket), the latter perhaps signifying Margaretha's own desire for maternal comfort. The lines she recited from *Vom Himmel hoch* were also very maternal, addressing Jesus as a baby in his bed:

Ah, my own sweetheart, little Jesus,  
Make yourself a pure, soft, little bed.<sup>63</sup>

Margaretha later named the angel Michael, adding that he had told her that her own long-dead son was in heaven. Michael was an obvious choice of

61. *Ibid.*, fols. 507r-507v.

62. *Ibid.*, fol. 532v (see also note 63). The English title is *From Heaven Above to Earth I Come*, although the closest English language hymn in terms of content and tone is *While Shepherds Watched Their Flocks*.

63. "Ach mein herzlieber Jesulein, mach dir ein rein sanfftes bettelein," StAR A898 fol. 532v (my translation); these are the first two lines of verse 13. The hymn contains many references to the infant Jesus; Luther may have written it specifically for children, although Margaretha's knowledge of the hymn suggests it also appealed particularly to mothers.

name, given that the eponymous Archangel led the heavenly host in battle against Satan in the Book of Revelation. However, it was also the name of Margaretha's deceased son, for whose death from an umbilical hernia Margaretha held Gackstatt responsible; this helped explain her enmity towards him.<sup>64</sup> The association of the angel with her dead son and with images of maternal and mutual comfort, and of her son's death with Gackstatt, suggest that the appearance of the angel (the reality of which Margaretha never retracted) was genuine to her, the result of her longing for physical and spiritual consolation in the loneliness of her cell; the specific memories and emotions about her son's death and its cause that had been reawakened by her trial; and her general memories of the experience of being mothered and of mothering in her turn.<sup>65</sup>

As her third interrogation progressed, however, Margaretha's narrative about the angel became increasingly prophetic, vengeful and strategic. This was in part due to the fact that the *Turmherren* kept asking her what else the angel had said, putting pressure on her to develop her personal account of the angel into something else. At this stage the dynamic of the interrogation shifted slightly; although the power to coerce still lay with the *Turmherren*, who had begun the interrogation with reference to the sharper methods (i.e. torture) that could be used against her,<sup>66</sup> Margaretha adopted a more strategic role in the process. The scribe occasionally noted that there were long pauses before she responded to questions about what the angel had said (presumably so she could consider her answers carefully), and at one point she was allowed to leave the interrogation chamber to give herself time to remember his words more clearly.<sup>67</sup> In this process Margaretha made up three prophecies, the first two in verse form, the third in prose. Through them Margaretha

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64. *Ibid.*, fols. 509r, 510v. Margaretha said that Gackstatt had caused the abdominal hernia by kicking or punching Michael, which suggests that he was still a child at the time, although she added that he died nine years later as a result of the injury. This suggests that he may have suffered for years before dying slowly and painfully from a strangulated hernia.

65. Margaretha had visited her daughter who was married to the cobbler of Bettenfeld in childbed just before Shrove Tuesday, 1652 (see *ibid.* fol. 486r), so she would probably have held a newly born grandchild shortly before her arrest. The councillors gave her the chance to recant her story about the angel, putting it to her that she had either dreamt or imagined it (*ibid.*, fol. 528r), but she insisted that he had appeared to her truly and certainly.

66. *Ibid.*, fol. 506r.

67. *Ibid.*, fol. 510r. Margaretha also used the angel to justify selective responses to questions; she told the *Turmherren* that the angel had told her to say nothing when they asked her "evil" questions, *ibid.*

used the angel's voice to threaten divine retribution against the councillors if they failed to treat her justly (my numbering):

- I) You have been offered up to the executioner and the torture,  
 God give the councillors the Holy Ghost, so that they consider the matter properly,  
 You have cried out for the Emperor's law,  
 God give the councillors the Holy Ghost, so that they reach their verdict justly.<sup>68</sup>
- II) If my lords do not reach their verdict justly,  
 They will lose their imperial law.  
 If my lords do not want to run a good council,  
 He [the Emperor] will set a new council in their place.<sup>69</sup>
- III) If the authorities do not punish their city and rural subjects, then God will punish poor and rich with the flux [dysentery] and otherwise in such a manner ten times more than they were punished a little while ago with the war, so that no-one will be able to remain free of the stench.<sup>70</sup>

Margaretha's prophecies fit into the genre of popular prophecy that Jürgen Beyer has identified as an "almost exclusively Lutheran phenomenon" for early modern Germany, in which ordinary people claimed to have received a supernatural revelation—usually in the form of an angelic visitation—"asking them to admonish their contemporaries to repent," and which "enabled common people to speak out on local politics."<sup>71</sup> I suggested in a previous discussion of Margaretha's trial that she may have been influenced by published and oral accounts of the prophecy of a vintner called Hans Keil from

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68. *Ibid.*, fol. 507v: "Mann hat dir anbotten, den hencker vnd darnach die ringen/Gott gebe den Herren den heyligen Geist, daß sie sich wol besinnen/Du hast geschreyen nach Keyßers Recht/Gott gebe den herrn den heyligen Geist, daß sie führen Ihren Vrtl recht."

69. *Ibid.*, fol. 509r: "Wann meine Herren nit führen Ihr Vrtheil Recht/So vierlieren sie Ihr Keyßerlich recht/Wann meine Herrn nit führen wollen ein gueten Rath/Woll er setzen einen neuen Rat."

70. *Ibid.*, fol. 510r: "Daferne die Obrigkeit Ihre Statt vnd Vnterthoenen Vfm Landt, nicht straffen theten, daß Gott mit der Ruhr vnd sonsten dermaßen arme vnd reiche, Zehenmal mehr alß vorhin mit dem Krieg Straffen wollen, daß Niemand vor gestanck bleiben könne."

71. Jürgen Beyer, "A Lübeck Prophet in Local and Lutheran Context," in *Popular Religion in Germany and Central Europe, 1400–1800*, eds. Bob Scribner and Trevor Johnson (Macmillan: Basingstoke and London, 1996), 166–82, especially 168–69.

the Lutheran Duchy of Württemberg, which circulated in southern Germany in 1648.<sup>72</sup> Margaretha's trial shows that individuals could adopt this prophetic voice in a legal context. However, because Margaretha's prophecies were not made public, and stemmed from her desire to persuade the councillors that they were in the wrong by trying her, she said nothing about communal repentance, but focused solely on the need for just governance by the councillors.<sup>73</sup>

In the first two prophecies, Margaretha used the angel's voice to remind the councillors that, in addition to God, they were subject to another power which could also intervene on her side—namely, the Holy Roman Emperor, from whom Rothenburg had gained its rights of self-governance as an imperial city in the late thirteenth century. This was because subjects who felt that they had been treated unfairly by their territorial lords in matters of law, taxation, or general governance could look to the Emperor for justice, at either the Imperial Cameral Court (*Reichskammergericht*), the Empire's highest court of appeal, or the Imperial Aulic Council (*Reichshofrat*), the “second supreme Imperial judicial tribunal [which] was controlled by the Emperor.”<sup>74</sup> The ordinances of both these courts enshrined subjects' right of appeal against their lords, and had mechanisms for ensuring the implementation of their verdicts, through the Imperial Circles for the *Reichskammergericht* and specially appointed commissions for the *Reichshofrat*.<sup>75</sup> For example, these central courts played a key role in bringing two of the worst witch hunts in seventeenth-century Franconia to an end; a mandate from the *Reichskammergericht* helped stop the witch hunts that claimed around nine hundred victims under Prince-Bishop Philipp Adolf von Ehrenberg in Würzburg between 1625 and 1630, while mandates from the *Reichshofrat* helped end the persecution that claimed over six hundred lives between 1626 and 1630 in the

72. See Rowlands, *Witchcraft Narratives*, 187.

73. During her third interrogation Margaretha said that if she were let out of gaol that day she would cry out her prophecies publicly. See StAR A898 fol. 509v. This would have alarmed the councillors and helps explain why the surety she had to swear on her release from gaol was worded so negatively.

74. Patrick Milton, “Intervening Against Tyrannical Rule in the Holy Roman Empire during the Seventeenth and Eighteenth Centuries,” *German History* 33 (2015): 1–29, especially 4. Milton's article provides an excellent re-assessment of the efficacy of the *Reichshofrat* as a court of appeal, the pronouncements and activities of which also helped strengthen “a normative emphasis on the moral duties of a prince towards his subjects,” *ibid.*, 22.

75. *Ibid.*, especially 3–4.

Prince-Bishopric of Bamberg on the grounds that they had been conducted illegally because of the excessive torture of suspects.<sup>76</sup>

Margaretha would have had some knowledge of these events, given the scale and notoriety of the witch hunts in Würzburg and Bamberg, and their geographical proximity to Rothenburg.<sup>77</sup> Even closer to home was a bitter dispute, which began in 1645 and reached a crisis in April 1652, between the Rothenburg city councillors and a group of their citizens over what the latter argued was the council's unfair apportioning of taxes and contributions during the Thirty Years' War; dissatisfied with the councillors' responses to their protests, the citizens took their complaints to the Emperor in the form of a suit at the *Reichshofrat*.<sup>78</sup> Debates about good governance in relation to this dispute would have been heated in Rothenburg and its hinterland from 1645 to 1652, and must have included some discussion of subjects' rights of appeal to the Emperor. Margaretha's first two prophecies would thus have hit a particularly raw nerve for the councillors in the summer of 1652, and show that an understanding of key points of imperial law was not limited to male citizens but was shared by a larger political community which included old peasant women. They also linked to her identification of herself with the three men in the fiery furnace; she thereby implied that the councillors, like Nebuchadnezzar, were tyrants.<sup>79</sup>

#### 4. REMEMBERING AND SELF-FASHIONING

Margaretha's third prophecy, in which the angel threatened divine retribution by means of the dysentery epidemic that would afflict the inhabitants of

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76. See Peter Oestmann, *Hexenprozesse am Reichskammergericht* (Cologne, Weimar and Vienna: Böhlau Verlag, 1997) on the intervention of the *Reichskammergericht* in witch trials generally; on its role in ending the Würzburg witch persecution, see *ibid.*, 504–9. On the role of the *Reichshofrat* in Bamberg, see Britta Gehm, *Die Hexenverfolgung im Hochstift Bamberg und das Eingreifen des Reichshofrates zu ihrer Beendigung* (Hildesheim, Zurich and New York: Georg Olms Verlag, 2000), 205–67.

77. News of the Bamberg and Würzburg witch hunts was spread in Franconia by news sheets, one printed in Nuremberg in 1627 and another in Bamberg in 1630. See Wolfgang Behringer, ed., *Hexen und Hexenprozesse* (Munich: Deutscher Taschenbuch Verlag, 1988), 249–51, 260–63. The news would also have spread along traditional channels of oral communication related to trade and commerce (e.g.: at markets and via pedlars and journeymen); I have argued elsewhere that the troop and population movement brought about by the Thirty Years' War added new networks of oral communication for spreading knowledge of witch trials and witchcraft. See Rowlands, *Witchcraft Narratives*, 124–30, 197–98.

78. *Ibid.*, 185.

79. See note 40.

Rothenburg and its hinterland, came closest to the idea of collective punishment for sin expressed by Lutheran prophets like Hans Keil.<sup>80</sup> However, this prophecy was also directed primarily at the councillors, as the wording made clear that they would be responsible for bringing God's punishment down upon the territory if they failed in their role as godly magistrates (by unjustly persecuting Margaretha, and not punishing the real sinners, like Leonhard Gackstatt and his family). It was the most powerful of Margaretha's prophecies, because of the linguistic devices she employed for emphasis, and because of the memories she evoked with it of the Thirty Years' War. Rothenburg had been affected particularly badly by the war. The rural hinterland had been at a crossroad of troop movement throughout, while the city was besieged in 1631 (which became known as Rothenburg's year of misery and lamentation), 1634 and 1645. In addition to ever-increasing financial burdens (the last one a huge sum towards demobilization, imposed in 1650), the inhabitants suffered the depredations of large armies, food shortages, and regular bouts of epidemic disease.<sup>81</sup> Town chronicler Sebastian Dehner recorded with particular poignancy a dysentery epidemic that had occurred in July 1645, which had caused the deaths of up to seven children a day. Dehner noted that people had said that God's taking away of the little children must portend some great misfortune, a prediction that was duly fulfilled by the third siege of Rothenburg by starving French troops under the command of the Viscount of Turenne a few days later.<sup>82</sup> Many peasants abandoned their homes and fled to the city for safety during the war; we know for example from testimony given in 1652 that Margaretha Horn lived in Rothenburg for thirteen years at some stage of the conflict.<sup>83</sup> Her home village of Bettenfeld was situated in an area of the rural hinterland which saw eighty to ninety

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80. David Warren Sabean, *Power in the Blood: Popular Culture and Village Discourse in Early Modern Germany* (Cambridge and New York: Cambridge University Press, 1987), 61–93, especially 66.

81. On the financial burdens placed on the territory and the long-term debt this caused, see Karl Rank, *Die Finanzwirtschaft der Reichsstadt Rothenburg ob der Tauber während des Dreißigjährigen Krieges* (Erlangen: Palm & Enke Verlag, 1940). Food shortages were particularly bad in 1627 and 1636, plague epidemics in 1626/7, 1631 and 1634, see Woltering, *Die Reichsstadt Rothenburg*, vol. I, 37–38.

82. Karl Heller, ed., *Rothenburg ob der Tauber im Jahrhundert des grossen Krieges. Aus der Chronik des Sebastian Dehner* (Ansbach: Verlag von Fr. Seybold's Buchhandlung, 1913), 163.

83. StAR A898 fol. 486v; it is unclear which thirteen years these were, however. Four men who had been Margaretha's neighbors in Rothenburg were called on to give testimony about her character during her trial, *ibid.*, fols. 513r–513v.

percent of buildings destroyed or damaged and population loss/displacement of fifty to seventy-five percent, although some villages fared even worse, with population loss/displacement of seventy-five to one hundred percent and complete destruction of buildings.<sup>84</sup>

Margaretha's phrase "poor and rich" (perhaps with the original verbal stress on the "and"? ) to denote who would be affected by the dysentery epidemic was carefully chosen to make the point that the councillors and their families were as much at risk from disease as peasants like her; God's punishment, like God's judgement, was no respecter of social hierarchy. Margaretha went on to evoke shared memories of the Thirty Years' War and to give the councillors an experiential yardstick by which to measure the horrors to come by saying that the dysentery epidemic would be ten times worse than anything experienced during the war. This would have been terrifying and deeply meaningful to the councillors; like Margaretha, they had grown up during the war and by 1652 were only just beginning to rebuild their war-ravaged territory while struggling under the massive burden of debt the war had placed upon them and their subjects. Margaretha's final phrase, describing the dysentery epidemic as so bad that "no-one would be able to remain free of the stench (*Gestank*)," is the most evocative. As well as reiterating the point that no one could escape God's punishment, it conveyed the idea of a smell so bad that it was almost physical, like a fog that pervaded people's clothes, hair and nostrils, and could not be easily got rid of. I think here that Margaretha was expressing one of her own memories of the war, as a smell of faeces, diarrhoea and death so overwhelming that it stood out from everyday olfactory experiences and marked the war as exceptional. Historians of early modern memory and memorial culture agree that "it would be difficult to overestimate the materiality of premodern culture—the ways in which memory "stuck" to places and things."<sup>85</sup> However, Margaretha's prophecy reminds us of the need to think about memory as sticking to, and being evoked, by the sensory experiences of smell and sound, as well as by objects or landscape features that could be touched and seen.

Like the Württemberg vintner Hans Keil, whose prophecies have been analyzed by David Sabean, Margaretha constructed her narrative of angelic

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84. Gabriele Moritz, *Die Folgen des Dreißigjährigen Krieges und der Wiederaufbau in der Rothenburger Landwehr* (Erlangen: unpublished Zulassungsarbeit zur wissenschaftlichen Prüfung für das Lehramt an Gymnasien, 1979), 84–99, and maps.

85. Matthew Lundin, Hans Medick, Mitchell Merback, Judith Pollmann, and Susanne Rau, "Memory before Modernity: Cultures and Practices in Early Modern Germany," *German History* 33, no. 1 (2015): 100–22, comment by Lundin, 107.



visitation and prophecy from the store of knowledge about such matters she had previously acquired.<sup>86</sup> Unlike Keil, however, Margaretha was almost certainly unable to read; her knowledge would thus have been acquired orally, from the sermons, biblical verses, and hymns that dealt with angels, prophecies, and ideas about divine retribution for sin she listened to (and probably recited and sang) during her lifetime, and the news she heard about prophets from other parts of Germany.<sup>87</sup> Borrowing the term from Claude Lévi-Strauss, Sabean suggested that Keil was a *bricoleur*, whose “method of thinking was not composed of a ‘set of ideas,’” like those of high culture, but who constructed his prophetic vision from the “bits and pieces” he had at hand.<sup>88</sup> This way of thinking about the ideas and storytelling abilities of ordinary early modern people is very helpful, although it underplays the extent to which the process of bricolage was shaped by dominant cultural concepts. Margaretha Horn’s narrative of prophecy, for instance, was framed by a powerful and (apparently) deeply held set of ideas about justice/injustice, and tyranny/good governance, which would have been shared with the elite men of Rothenburg. These ideas were also linked to her understanding of the political and legal position of Rothenburg within the Holy Roman Empire, and the specific chronological context of the Thirty Years’ War and its aftermath, even though she expressed them most forcefully in religious terms. At the same time, the idiosyncratic way in which Margaretha described her angel and her interactions with him (at least initially) demonstrated a deep personal and emotional investment in her narrative, particularly around the ideas of mothering and maternal/spiritual comfort.

Taken as a whole, Margaretha’s narrative of non-confession is also an exceptional example of self-fashioning—an articulation of her sense of self, which involved self-consciousness and self-reflection on the one hand, and “some elements of deliberate shaping in the formation and expression of

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86. Sabean, *Power in the Blood*,” especially 88–9.

87. Gebattel, where Margaretha was born and raised, did not even have a rudimentary village school in the late sixteenth/early seventeenth century; it does not feature in Woltering’s list of hinterland villages that acquired schools during the early modern period, see Woltering, *Die Reichsstadt Rothenburg*, vol. I, 157 (Bettenfeld had one from 1646). The teaching of children in church would have focused on oral recitation of the Catechism, Ten Commandments, key prayers, etc. Margaretha was born in around 1592, so would have received this religious education well before religious life in the hinterland was severely disrupted by the Thirty Years’ War. The fact that she spent thirteen years in Rothenburg during the War also meant that she could have attended one of the urban churches regularly.

88. Sabean, *Power in the Blood*,” 90–91.

identity” on the other.<sup>89</sup> Margaretha was forced, in the weeks she spent alone in custody and by Gackstatt’s allegations and her interrogators’ questions, to think deeply about who she was and to articulate the results of this self-reflection for the court scribe to record. In so doing Margaretha used a rich set of narrative modes and strategies, which developed in complexity over the course of her interrogations, to express a strong sense of herself as a godly woman; a good mother, housewife, and neighbor; and an innocent victim of injustice, in opposition to the identity of the harming/demonic witch that Gackstatt and her interrogators sought to impose on her. It was not just what she said, but also the manner in which she spoke and behaved in custody which conveyed her strong faith in her own righteousness. She did not beg for mercy, instead she demanded justice, insulted Leonhard Gackstatt and ridiculed his allegations, answered questions with an impatience that bordered on insolence, and threatened the councillors with divine retribution for trying her at all. She expressed her piety in terms of a vividly personal and

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89. Stephen Greenblatt, *Renaissance Self-Fashioning: From More to Shakespeare* (Chicago: University of Chicago Press, 2005), 1. Many scholars who have used the concept of “self-fashioning” since Greenblatt’s groundbreaking publication have, like him, assumed that it can only be applied to literate men and studied through their written texts (plays, poems, books, letters, diaries, memoirs, autobiographies, etc.), although there is some work that looks at self-fashioning in relation to women’s writings, and at men’s self-representation in a legal context; see for example Sunny Yudkoff, “The Adolescent Self-Fashioning of Mary Antin,” *Studies in American Jewish Literature* 32 (2013): 4–35, and Andrew James Hopper, “The Self-Fashioning of Gentry Turncoats during the English Civil Wars,” *Journal of British Studies* 49 (2010): 236–57. Diane Purkiss applied the idea to women and witch trials; in “Self-fashioning by women: choosing to be a witch,” Purkiss defines “self-fashioning” as the struggle by someone accused of witchcraft “to incorporate some fragment of what she was to herself” in her confession, see Purkiss, *Witch in History*, 145–76, 170. Purkiss’s insistence that we can recapture women’s voices in trial records, even though they were recorded by men, is invaluable, although her suggestion that women’s voices in English trial records were characterised by use of folktales, fairy beliefs and Catholic charms and spells is unhelpful in its implication that female agency could not be combined with Protestant piety, as it was in Margaretha Horn’s continental European case. The degree of Horn’s agency was markedly different from that of Katharina Kepler, the mother of astronomer Johannes Kepler, who was tried for witchcraft in Württemberg in 1619–1620. Like Horn, Katharina refused to confess and drew on her piety to strengthen her assertions of innocence, but Katharina’s voice was much more muted in the trial documents. It was left to her son to develop sophisticated strategies of representing his mother as innocent in the many written submissions he made to the Württemberg authorities on her behalf. See Ulinka Rublack, *The Astronomer and the Witch: Johannes Kepler’s Fight for his Mother* (Oxford and New York: Oxford University Press, 2015).

immediate relationship with the divine that was a long way from the grudging popular engagement with Lutheranism that is suggested in some influential accounts of the apparent failure of the Reformation,<sup>90</sup> and used references to divine judgement and epidemic disease to insist on the equality of all before God.

One could, of course, argue that Margaretha was simply forced into self-reflection in 1652 as a result of her trial, and that the sense of self she articulated was thus “trial-specific” and overwhelmingly strategic. The coercive circumstances of her interrogations were, of course, exceptional in the context of her life experience and caused the heightened emotion that helps account for the angelic visitation; moreover, certain aspects of her testimony, and especially the three prophecies, were crafted deliberately for her interrogators. Overall, however, the self-reflection and self-expression her trial enforced were nothing new for Margaretha. She would have practiced reflecting on her own sinfulness over decades as part of the routine preparation for confession and the taking of communion. As Tom Robisheaux has argued, a witch trial was in many ways a more extreme version of this pastorally encouraged soul-searching.<sup>91</sup> Moreover, Margaretha would almost certainly have had to defend herself against Gackstatt’s suspicions about her in the context of their ongoing feud in the years before 1652, using some of the narrative strategies she articulated in custody informally in a communal context long before her arrest. That her piety was also of long standing was confirmed by the testimony of trial witnesses as well as by her frequent expressions of religious knowledge and fervor.<sup>92</sup> Her sense of identity, and the conviction with which she maintained it in custody, were almost certainly shaped, not just by her character and her age at the time of her trial, but also

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90. See especially Gerald Strauss, *Luther’s House of Learning: Indoctrination of the Young in the German Reformation* (Baltimore: Johns Hopkins University Press, 1978); and idem, “Success and Failure in the German Reformation,” *Past and Present* 67, no. 1 (1975): 30–63.

91. Robisheaux, *The Last Witch of Langenburg*, 178–92. However, I disagree with Robisheaux’s argument that ordinary seventeenth-century Germans “blunted the potential” of church confession for “deep self-examination” and that Anna Schmiege, whose trial for witchcraft is the focus of his book, was completely unprepared for judicial interrogation, noting that “Nothing in Anna’s experience or personal makeup therefore prepared her for the probing questions about her sins that she now faced,” *ibid.*, 191. This may have been the case for Anna, but does not seem to have been the case for Margaretha Horn, whose character, intelligence, and life experience seem to have encouraged her to habits of self-reflection.

92. She also demonstrated her initiative and piety in choosing to attend the sermons of the urban preacher Daniel Rucker, see note 34 above.

by her experience of having lived through the entire Thirty Years' War.<sup>93</sup> Living through the depredations of the war would have shown her the limits of the councillors' power to fulfil their duty of protecting their subjects; surviving the war probably gave her a heightened sense of God's commitment to her. John Theibault's work on the changing language of petitions throughout the war has shown that the subjects of some of the worst affected German territories stopped beseeching their territorial rulers for help, and instead addressed their pleas to God as the only power capable of succoring them in their hour of need.<sup>94</sup> Margaretha's rhetorical move away from the councillors and towards God for justice in her trial can also be understood as an example of this way of war-induced thinking that she had probably also developed long before 1652.

##### 5. THE AUTHORITIES' PERCEPTION OF MARGARETHA'S IDENTITY

Why, then, did the Rothenburg councillors not believe Margaretha's protestations of innocence and arrest Gackstatt on suspicion of slander? Why did they keep her in custody for weeks, interrogate her five times, and subject her to the agony and humiliation of being searched and pricked for her supposed witch's mark and tortured with thumbscrews on September 22? There were various reasons for this; all were rooted in a misogyny on the part of the judicial elites which encouraged them to privilege the testimony of men (starting with Gackstatt) over Margaretha's; to regard her body as offering more objective evidence of her identity than her voice; and to interpret what she said in custody, and her manner of saying it, as witch-like rather than non-witch-like. In this process the expert advice of the municipal physicians, Josaphat Weinlin and Johann Georg Sauber, and especially of municipal jurist George Christoph Walther, were of particular influence.

Margaretha never denied that she and her daughters had carried out the Shrove Tuesday sweeping-out ritual. The councillors had to decide whether this was merely an example of a superstitious "women's custom," as they called it derogatively, or something more sinister, and they requested theological and medical advice on this crucial question on August 9.<sup>95</sup> The Rothenburg Church Superintendent, Georg Zyrlein, and Michael Renger, Preacher of Vespers at the parish church of St. James, replied with a brief,

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93. Aged 60 in 1652, she would have been about 26 years of age in 1618 when the Thirty Years' War started.

94. John Theibault, "The Rhetoric of Death and Destruction in the Thirty Years War," *Journal of Social History* 27, no. 2 (1993): 271–90.

95. StAR A898 fol. 493r.

non-committal letter, in which they said the flea swarm might be natural or unnatural, that there was not enough evidence on the basis of which to torture Margaretha, and that the matter should be left to the jurists.<sup>96</sup> The response by physicians Josaphat Weinlin and Johann Georg Sauber was longer, more detailed, and much more damaging to Margaretha. Written in Weinlin's hand and signed by both physicians, it concluded that the flea swarm suffered by Gackstatt was so large, localised, and persistent that it could not be natural.<sup>97</sup> At a stroke their letter cancelled out the normalizing/naturalizing account of the flea swarm given by Margaretha, and prejudiced the case strongly against her; it would have been hard thereafter for the Rothenburg clerics or jurists to argue that the flea swarm had natural causes without calling the professional expertise of their medical colleagues into question. This was the first time that municipal physicians had been asked for advice in a Rothenburg witch trial. Weinlin, who was at the peak of his career in 1652 and had a widespread network of high-ranking personal patients in addition to his work in Rothenburg, may have regarded it as a good opportunity to showcase their expertise.<sup>98</sup> Like jurist Walther, who also traveled widely on private and council business, Weinlin counted several leading Catholic rulers amongst his clients and may have been more exposed to Catholic thinking about the reality of witchcraft as a result.<sup>99</sup>

The physicians' letter helped tip the balance of opinion against Margaretha and encouraged Walther and the councillors to interpret all the evidence about her as negatively as possible. For example, testimony gathered about Margaretha's character and behaviour from people who had known her in Gebstattel (where she had been born and brought up), Rothenburg (where she had lived for thirteen years during the Thirty Years' War), and Bettenfeld, was on the whole positive, emphasizing that she was pious, peaceable, and neighborly.<sup>100</sup> However, the witness testimony also contained

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96. *Ibid.*, 495r (read at council meeting on August 11). Their advice—that the matter should be left to the jurists—gave Georg Christoph Walther more scope to influence proceedings.

97. *Ibid.*, fols. 503r–505r (dated August 13). There is no evidence that the physicians had been to Bettenfeld or seen the fleas for themselves, however.

98. Weinlin (1601–1662) entered the service of the councillors in 1627. For an excellent biographical essay on Weinlin, see Ludwig Schnurrer, *Rothenburger Profile* (Rothenburg: Verlag des Vereins Alt-Rothenburg, 2002), 263–80.

99. *Ibid.*, 272–75.

100. StAR A898 fols. 513r–514v, 517r–519v. Some of the witnesses also confirmed that enmity existed between Margaretha and Gackstatt (see *ibid.*, fol. 517v). This could have been interpreted by the authorities as supporting Margaretha's argument that Gackstatt was accusing her out of malice, but instead, they chose to inter-

references to Margaretha's first marriage, which, for the councillors, cancelled out her protestations about her own honor and the honor of her family. Her first marriage (in 1616 at the age of twenty-four) had been to a man called Martin, who was the son of the old herdsman of Gebstattel. It had not lasted long, as Martin had died soon afterwards; the problem for Margaretha was that the old herdsman had had a reputation for sorcery which he had passed on to his children.<sup>101</sup> Margaretha's short-lived marriage into his family does not seem to have done her much social harm, as she was able to remarry twice and stand as godmother twenty-six times thereafter. However, even such a brief association with a witch family could give someone a dormant reputation for witchcraft which could be made to count against them at a later date. In Margaretha's case it probably helps explain why Gackstatt was trying "to make a witch woman out of her" in 1652.<sup>102</sup> The authorities also chose to make much of it. They listed her bad reputation amongst many people as a key piece of evidence against her in the trial summary that formed part of the bond of good behavior she had to swear on her release from custody in October 1652; the many positive things her neighbors had said about her were pointedly omitted from this text.<sup>103</sup>

On the issue of Margaretha's godliness, her interrogators chose to ignore all her outbursts of obvious piety and instead placed great weight on the fact that she stumbled over the words of the Lutheran hymn, *Gott der Vater, wohn uns bei*, and particularly the lines that called for God's protection from the Devil, which she was asked to recite (or sing) during her fifth interrogation.<sup>104</sup> The councillors clearly valued such supposedly objective tests (meaning tests carried out by expert men in positions of authority) as evidence of Margaretha's witch identity above anything she said about herself. Likewise, jurist Walther made much of Margaretha's apparent inability to shed tears, and her apparent insensibility to pain when her supposed witch's mark was pricked with a needle by the municipal executioner and when she was tortured with the thumbscrews during her fifth interrogation.<sup>105</sup> Both of these external and

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pret it as evidence of her malice towards Gackstatt, which added weight to the idea that she had bewitched him.

101. The old herdsman had featured prominently in a story of a witches' dance told by a girl from Gebstattel, which had kickstarted a major and important witch trial in Rothenburg in 1627, see Rowlands, *Witchcraft Narratives*, 105–24.

102. See note 48.

103. StAR A898 fols. 533r–534r; see also note 115 below.

104. Ibid., fols. 528v–529r (*God the Father, Be Our Stay*). This was the ninth line, "Vor dem Teufel uns bewahr"; Margaretha muddled the order of the words.

105. Ibid., fols. 530r–532v; Staatsarchiv Nuremberg Rothenburg Repertorium

physically observable signs were taken to be strong evidence of a suspect's identity as a witch by pro-witch-hunting demonologists, as they demonstrated the supposedly unnatural hardness of the witch's body and the evilness of her corrupted heart, even if she tried to hide this behind a facade of mock godliness. This mode of thinking encouraged the councillors and Walther to regard Margaretha's expressions of piety in particular, and her verbal protestations of innocence in general, not just as highly suspect, but as a deliberate attempt to deceive them about what they regarded as her true nature.

Margaretha's story about her angelic visitation backfired for the same reason, as the power to decide its meaning lay with Walther and the councillors. She was, I think, trying to offer this story as a counter-narrative to the standard witchcraft confession, insisting that she had a pact with an angel/God rather than the Devil. She may also have hoped that the councillors would take a male voice (the angel's) more seriously than they were willing to take hers. However, rather than interpreting the angelic visitation as corroboration of Margaretha's piety, jurist Walther noted on September 9 that one would have to be a simple sheep to believe that her visitor had been a good angel. It was far more likely to have been the Devil in disguise, who made a habit of visiting his confederates (i.e. witches) in gaol.<sup>106</sup> Walther went on to list conversing with the Devil alongside the causing of the flea swarm as the two key pieces of evidence which justified the use of torture against Margaretha; in constructing her prophetic narrative she had unwittingly strengthened the legal case against herself significantly. Overall Margaretha's demeanor during interrogation—again, unwittingly—prejudiced the *Turmherren*, councillors and jurists against her. They expected her to weep and beg for mercy; she refused to do so and demanded justice instead in a manner which became increasingly threatening and (to their ears) insolent in tone as the interrogations went on. While we can understand her responses as those of an angry, impatient, and frightened woman, who was strong-willed and pious enough not to give Gackstatt and her interrogators the satisfaction of a false confession, the authorities perceived them as evidence of her enmity and her uncooperative, witch-like nature, and listed them specifically as proofs that had counted against her at the end of her trial.<sup>107</sup> Unfortunately for Margaretha

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(hereafter StAN Ro. Rep.) 2087 fols. 57r-59v (legal opinion by Walther on the case, September 9, 1652).

106. *Ibid.*, fol. 59v. This was the first of two opinions Walther wrote on the case; the second was dated September 23.

107. See note 115 below. The councillors and Walther seem to have regarded Margaretha's words and behavior in custody as examples of the suspicious "gestures, words and manners that bore the hallmarks of sorcery" that counted against people

(and probably many other women tried for witchcraft), narratives of non-confession, and the defiant manner in which they were delivered, could easily be interpreted as judicial proofs of the guilt rather than the innocence of the accused, especially as they were increasingly at odds with the demure, submissive behaviour expected of the ideal, godly Protestant housewife.

As the senior municipal jurist, Georg Christoph Walther exerted a major influence on Margaretha's trial, sanctioning her repeated interrogation and, finally, torture. Walther clearly came to believe Margaretha was a witch, even if she refused to admit it; he called her the Fleawoman (*die Flohfrau*) in both legal opinions he wrote for the council, as if this were her true identity.<sup>108</sup> Walther was probably predisposed to believe in the reality of witchcraft and the need to root it out because he had a wider knowledge of pro-witch-hunting demonologies and of how witches had been prosecuted in the nearby Catholic ecclesiastical territories of Würzburg and Bamberg than any other Rothenburg jurists, either before or after 1652; as he told the councillors on September 23, if they had proceeded against Margaretha more severely, as was done elsewhere, especially by Catholics, then they would have produced a witch by now.<sup>109</sup> Walther's marginal annotations on the text of Margaretha's first interrogation cite two of the most hardline sixteenth-century Catholic demonologies by Jean Bodin and Nicolas Rémy, for example, and show that Walther was perusing the trial documents in the context of his demonological reading.<sup>110</sup> However, Walther's anxiety about witchcraft probably grew as a result of his experiences in 1652. Margaretha's narrative of angelic visitation may have convinced him that the Devil had really

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suspected of witchcraft, according to the *Carolina* (see note 19 above). While curses and threats were the most obvious examples of verbal aggression that could be interpreted as witch-like, Margaretha's trial suggests that, by the later seventeenth century, any woman whose gestures, words, and manners displayed defiance of male authority risked being seen as witch-like.

108. StAN Ro. Rep. 2087 fols. 57r-59v (September 9), 95r-97v (September 23). This was probably a pejorative local nickname. The second opinion was written the day after Margaretha's fifth and final interrogation; the fact that Walther still referred to her as the Fleawoman showed that even her refusal to confess under torture had not convinced him she was innocent.

109. Ibid, fols. 95r-97v. On Walther's wider reading of demonologies by Catholic authors and discussions of witch prosecution procedures with doctors of law in the Prince-Bishopric of Würzburg, see Alison Rowlands, "Demonological Texts, Judicial Procedure, and the Spread of Ideas about Witchcraft in Early Modern Rothenburg ob der Tauber" (forthcoming).

110. StAR A898 fol. 487v. These were Jean Bodin, *De la démonomanie des sorciers* (1580) and Nicolas Rémy, *Daemonolatreiae libri tres* (1595).



appeared in the Rothenburg city gaol, while a second case of alleged witchcraft (involving an eight-year-old girl who claimed to have been seduced into witchcraft and taken to a witches' gathering by an entire household of witches from the hinterland village of Wетtringen) was brought to the authorities' attention that same summer, on August 26, 1652.<sup>111</sup> By Rothenburg standards this amounted to something close to a witch panic; Walther's concern, and claims to expertise, about witchcraft can be seen in the fact that he took the unprecedented step for a Rothenburg jurist of writing a twenty-nine-page treatise on the subject on September 14, 1652 while the two trials on which he was also writing opinions were still continuing.<sup>112</sup>

Whatever they may have believed about her identity, however, neither Walther nor the councillors were ultimately willing to deviate from ordinary criminal legal procedure and the territory's established precedent of caution in witch trials to proceed any further against Margaretha after she refused to confess to witchcraft under torture on September 22. She thereby purged herself of the judicial proof that was deemed to have existed against her; no further action could be taken unless new evidence came to light or fresh accusations were made against her.<sup>113</sup> To overstep this mark would have risked not just the Emperor's intervention but also God's wrath; as Walther put it on September 23, human law could only go so far in the secret matter of witchcraft, and the authorities bore a heavy responsibility in their power of life and death over malefactors. It was therefore better to leave punishment to God's judgement, let a hundred guilty people go free rather than execute one innocent person by mistake, and not presume to know better than God.<sup>114</sup> The councillors took his advice and Margaretha was released from custody and allowed to return to her family in Bettenfeld on October 1,

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111. This case is discussed in Rowlands, *Witchcraft Narratives*, 150–60; the Wетtringen suspects were housewife Catharina Leimbach, her maidservant, daughter and husband. It was highly unusual by Rothenburg standards for two witch trials to be conducted at the same time. For an overview of how the Rothenburg authorities treated children who claimed they were witches, see Alison Rowlands, "Hexenprozesse gegen Kinder in Rothenburg ob der Tauber, 1587–1709," in Wolfgang Behringer and Claudia Opitz-Belakhal, eds., *Kinderhexen—Kinderbanden—Hexenkinder* (Bielefeld: Verlag für Regionalgeschichte, 2016), 257–66.

112. StAN Ro. Rep. 2087, fols. 99r–113r.

113. Walther made this clear in his final opinion on her case on September 23, *ibid.*, fols. 95r–97v. The need to adhere to due legal procedure in witch trials was also a key theme of Walther's mini-treatise, *ibid.*, fols. 99r–113r, although he also argued that they should be severely treated if guilty.

114. *Ibid.*, fols. 95r–97v.

1652, after swearing a bond of good behaviour (known as an *Ufkehde*) in which she had to promise to pay the costs of her incarceration, to live peacefully with her neighbors, to desist from her “ungodly witch-ways” (*aber Göttlichen Hexen wesen*), and to appear again before the councillors if there were any more complaints against her.<sup>115</sup>

## 6. CONCLUSION

Margaretha Horn’s refusal to confess to witchcraft in 1652 was successful, insofar as it secured her release from gaol without further formal punishment.<sup>116</sup> Moreover—and without either party realising—jurist Walther actually ended up agreeing with Margaretha about who should best judge her; namely God, rather than the councillors. Walther’s final advice to the councillors to proceed no further against her, but instead to leave the matter up to God perhaps also expressed a subconscious anxiety about his own fate in the afterlife which had been exacerbated by Margaretha’s threat that those who treated her unjustly must roast for ever in Hell.<sup>117</sup> Thus, although Walther, Sauber, Weinlin and the councillors consistently privileged apparently objective physical evidence (such as her supposed witch’s mark, or the flea swarm) over her narratives, her words—and the articulate and tenacious manner in which she expressed them in custody—ultimately had some impact on her listeners. The written record of them has certainly left us with a vivid sense of the piety, courage, intelligence, and political awareness of an illiterate old peasant woman who had the misfortune to be tried for witchcraft, in what constitutes a remarkable example of early modern self-fashioning.

The success of Margaretha’s non-confession was, however, a qualified one. Although released, she was by no means exonerated in 1652. The grudging

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115. StAR A898 fols. 533r-534r. This wording of course implied that she had indulged in witchcraft in the past. The *Ufkehde* (which had almost certainly been drawn up by Walther) also strongly implied Margaretha’s guilt in causing the flea swarm, as it stressed that the fleas had disappeared from Gackstatt’s house as soon as she was arrested. The *Ufkehde* also listed all the other evidence which Walther and the councillors had counted against Margaretha during her trial: the appearance of the angel, her (supposed) inability to cry and insensibility to pain, her allegedly bad reputation amongst many people, and her insolent speech.

116. Banishment would have been the most likely non-capital option, see for example the cases of Catharina and Magdalena Leimbach (1656), and Barbara and Michael Würth (1663), Rowlands, *Witchcraft Narratives*, 221–22.

117. Given his belief that Margaretha probably was a witch, Walther may have interpreted this assertion as a curse. Born in 1601, he died in 1656, so his thoughts may have been turning towards his own death by 1652, see the biographical essay on Walther in Schnurrer, *Spätlese*, 19–46.

wording of her *Urfehde* allowed the witch suspicions about her to linger, so that by August 1659 her husband Hans Horn had to ask the councillors for a formal attestation for Margaretha after mocking rhymes and songs about her alleged flea-making abilities had been sung locally.<sup>118</sup> The councillors provided the attestation to protect the Horns against defamation in February 1660, although it was something of a double-edged sword, as the most positive thing it said about Margaretha was that she had not shown herself willing to confess to anything evil in 1652.<sup>119</sup> Margaretha's voice is entirely absent from the petitions and legal documents relating to the aftereffects of her trials. The *Urfehde* she had to swear in 1652 must have forced her to be exceptionally circumspect in her words and deeds in the final years of her life, avoiding any speech or action that risked another trial for witchcraft.

What general conclusions can we draw from this analysis? The first is that more work needs to be done on when, where, and with what degree of success early modern people said that they were not witches. To what extent were these narratives gendered, and to what degree did they draw on common tropes of piety and neighborliness? How did tone, gesture, and emotion shape their telling, and the way in which they were received by listeners? To what extent did gender and other factors such as class and age affect the degree to which male judicial elites trusted the teller's voice, and did this change over time and vary regionally? Slander trials in which reputed witches made pre-emptive strikes against their accusers by denying they were witches could also be mined for more evidence of such narratives, and as examples of early modern self-fashioning. Second, Margaretha Horn's trial shows how hard it was for people suspected of witchcraft to refuse to confess without appearing and sounding witch-like; this catch twenty-two situation would have trapped both men and women, but would have been hardest for women, for whom the expression of defiance was culturally more circumscribed than it was for men. Third, Margaretha's trial demonstrates the negative impact witch trials could have on women even if they were not executed or banished. Her experience probably forced her to be quieter and more submissive in her final years; one wonders as well whether she would have risked sweeping out her house on Shrove Tuesday, or carrying out any other

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118. StAR A491 (Bettenfeld Village Records), fols. 45r-57r. Horn was also excluded from village meetings as a result of his wife's trial. By this point he was the oldest inhabitant of Bettenfeld, so this move against him may also have been rooted in inter-generational tensions and the long-standing tensions between Rothenburg and Brandenburg-Ansbach subjects in Bettenfeld.

119. StAR A898 fols. 535r-535v, see 535r.

popular rituals, after 1652. The psychologically and physically damaging experience of her trial, and the manner in which it constrained her after her release, probably acted as an object lesson to her daughters and female neighbors, who may have moderated their speech and assertiveness in communal and religious matters as a result. The impact of witch persecution in shaping the behavior of all women in the interests of the godly male elites of early modern Europe should therefore not be underestimated.