

Talk of the Devil: Crime and Satanic Inspiration in Eighteenth-Century England¹

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The late seventeenth and early eighteenth centuries are usually seen as a defining era in Western Christianity, a period when Satan was largely stripped of his power. The omnipotent Devil, central to the millenarian preoccupations of the early modern period, recruiter of a legion of witches to overthrow Christianity, was disenchanting.³ His enfeeblement and relegation to Hell was bound up with the wider debate about divine intercession. The decline of Satan's earthly influence was just one symptom of God's partial withdrawal from human affairs, along with the end of the age of miracles, and a reduction in providential occurrences and angelic appearances.⁴ This abstraction of the divine, born of such intellectual developments as the decline of Neoplatonism, the rise of Cartesian thought and natural religion was by no means adopted wholesale by eighteenth-century educated society. As has been well documented, the conception of a world guided by divine and satanic activity was integral to the theologies and everyday lives of religious groups such as the Methodists, Moravians, Behmenists and Swedenborgians.⁵ It was also still a lively matter of public debate in urban artisan

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² I would like to thank Tim Hitchcock, John Styles, Sarah Lloyd, Soili Olli and the participants at an IHR Society, Culture and Belief seminar (March 2005) for their comments and criticisms on earlier drafts of this paper.

³ For general accounts of this development see Robert Muchembled, *A History of the Devil from the Middle Ages to the Present* (Cambridge, 2003); Jeffrey B. Russell, *The Prince of Darkness: Radical Evil and the Power of Good in History* (Ithaca, 1988); Jeffrey B. Russell, *Mephistopheles: The Devil in the Modern World* (Ithaca, 1986).

⁴ See, for example, Daniel Walker, *The Decline of Hell: Seventeenth-Century Discussions of Eternal Treatment* (London, 1964); R.M. Burns, *The Great Debate on Miracles: From Joseph Glanvill to David Hume* (Lewisburg, 1981); J. Gray, 'From Sceptics to Gullibles: Eighteenth-Century Responses to Miracles', *Age of Johnson* 13 (2002), 181-206; Simon Schaffer, 'Godly Men and Mechanical Philosophers: Souls and Spirits in Restoration Natural Philosophy', *Science in Context* 1 (1987), 55-85; Daniel A. Beck, 'Miracle and the Mechanical Philosophy: The Theology of Robert Boyle in Its Historical Context', in Steven Shapin (ed.), *A Social History of Truth: Civility and Science in Seventeenth-Century England, Science and Its Conceptual Foundations* (Chicago: University of Chicago Press, 1994); Vladimir Jankovic, 'The Politics of Sky Battles in Early Hanoverian Britain', *Journal of British Studies* 41 (2002), 429-59; James Sharpe, *Instruments of Darkness* (London, 1996), pp. 243-50.

⁵ See, for example, Davies, Owen, 'Methodism, the Clergy, and the Popular Belief in Witchcraft and Magic', *History*, 82 (1997), 252-65; H. D. Rack, 'Doctors, demons and early Methodist healing', in W. Sheils (ed.), *The Church and Healing* (Oxford, 1982), 137-52; Michael Macdonald, 'Religion, Social Change, and Psychological Healing in England, 1600-1800', in Sheils (ed.), *The Church and Healing*, pp. 101-25; Clark Garrett, 'Swedenborg and the Mystical Enlightenment in Late Eighteenth-Century England', *Journal of the History of Ideas* 45 (1984), 67-81; Garrett, *Spirit Possession and Popular Religion: From the Camisards to the*

and middling society at the end of the century, as is evident from several public debates on the question: 'Is there any real foundation for a belief in the Devil?'⁶

Yet, apart from the continued historiographical interest in some Nonconformists' adherence to diabolic intervention, the history of the Devil after the early eighteenth century shifts decidedly from the social to the literary context, from the study of the Devil as fearful reality to his symbolic artistic representation. This academic disciplinary shift is, in part, a response to the increasing ubiquity of the Devil as a satirical and philosophical motif. As Peter Schock points out, eighteenth-century 'English and Continental Romantic writers, painters, and popular artists exhibit a resurgent fascination with the myth of Satan, and in their work the Devil assumes a prominence never exhibited before or since, nearly rivalling Prometheus as the most characteristic mythic figure of the age.'⁷ But it is also because historians' interest in the Devil has been largely shaped by the study of Puritanism and early modern witch trials.⁸ The focus on Puritanism continues with the history of Methodism and its popular appeal, of course, but the wider role of the Devil in English society largely ends with the decriminalisation of witchcraft in 1736. Yet what I hope to demonstrate is that the Devil's grip on society was firmer, more pervasive and lasted longer than is usually thought. The idea of the Devil stalking the country promoting mischief continued to be held by not a few Anglican clergymen and was certainly widespread in popular culture and the literature that was produced for it. Furthermore, as eighteenth-century court records suggest, and as the Old Bailey Proceedings Online powerfully confirms, the Devil continued to be a significant presence in English courts long after the decriminalisation of witchcraft. Satanic inspiration remained formalised in the wording of coroner's reports and in indictments for felonies. In swearing in witnesses, magistrates and judges held out the prospect of the Devil for those who swore falsely on oath. He appears in the sayings, oaths and expressions used by witnesses. Most significant of all, the Devil was not infrequently cited by thieves and murderers as a mitigation of their actions.

In the historiography on early modern crime there has been considerable discussion on the relationship between morality and crime. The focus has been on the influence of Puritanism, in particular the conception of the 'Godly magistrate',

Shakers (Baltimore and London, 1987); C.D.A. Leighton, 'William Law, Behmenism and Counter Enlightenment', *Harvard Theological Review*, 91 (1998), 301-320; Gibbons, *Gender in Mystical and Occult Thought*; J.F.C. Harrison, *The Second Coming: Popular Millenarianism 1780-1850* (London, 1979).

⁶ *The Times*, 15 October 1795. See also Donna T. Andrew (ed.), *London Debating Societies, 1776-99* (London, 1994).

⁷ Peter A. Schock, 'The Marriage of Heaven and Hell: Blake's Myth of Satan and its Cultural Matrix', *English Literary History* 60 (1993) 441. See also, Schock, *Romantic Satanism: Myth and the Historical Moment in Blake, Shelley and Byron* (Basingstoke, 2003).

⁸ On Puritanism see most recently, Nathan Johnstone, *The Devil and Demonism in Early Modern England* (Cambridge, 2006); Darren Oldridge, *The Devil in Early Modern England* (Stroud, 2000); Frank Luttmer, 'Persecutors, Tempters and Vassals of the Devil: The Unregenerate in Puritan Practical Divinity', *Journal of Ecclesiastical History* 51, 1 (2000), 37-68; Nathan Johnstone, 'The Protestant Devil: The Experience of Temptation in Early Modern England', *Journal of British Studies* 43 (2004), 173-205.

the role of providence in confirming guilt and punishing criminals, and the religious underpinning of the justice system.⁹ As Randall McGowen has highlighted, ‘religious language overflowed into the courts of law’. ‘Fundamental notions of criminal justice were’, he points out, ‘as likely to be articulated within the frame of Christian theology as in secular legal terms.’¹⁰ Considering the Devil was perceived to be the architect of sin, the inspiration for immorality, it is surprising how little he is mentioned in the historiography on crime other than in the context of witchcraft. The major exception is Michael Macdonald’s detailed study of suicide in early modern England.¹¹ Macdonald describes how up until the mid-seventeenth century all sections of society subscribed to the view that self-murder was enacted literally by the instigation of the Devil. As he observed, ‘every crime could be viewed as a sin, and hence an ungodly act inspired by Satan, but only a few offences, notably self-murder and witchcraft, were regarded as primarily supernatural.’¹² Indeed, considering that the Devil was often absent in the popular discourse regarding witchcraft, it could be posited that suicide was the most widely assumed, diabolically-inspired crime in early modern England. At any rate, according to Macdonald’s thesis, after 1660, and most evidently after 1700, in educated society the explanation for self-murder in satanic terms was replaced by secular interpretations – except in Nonconformists circles. Amongst the populace at large, Macdonald suggests with good reason that, throughout the eighteenth century, suicide continued to be imbued with supernatural associations, both in terms of diabolic instigation and the tormented spirits that suicides were thought to leave behind if not appropriately buried.

An examination of interpretations of the inspiration for crime more generally confirms Macdonald’s picture of continued belief in satanic instigation in

⁹ See, for example, John Brewer and John Styles (eds), *An ungovernable people: the English and their law in the seventeenth and eighteenth centuries* (London, 1980); Keith Wrightson and David Levine, *Poverty and piety in an English village: Terling, 1525-1700* (2nd edn, Oxford, 1995); See Randall McGowen, “‘He Beareth Not the Sword in Vain’: Religion and the Criminal Law in Eighteenth-Century England”, *Eighteenth-Century Studies* 21, 2 (1987-8), 192-211; Cynthia Herrup, *The common peace: participation and the criminal law in seventeenth-century England* (Cambridge, 1987); Cynthia Herrup, ‘Law and Morality in Seventeenth-Century England’, *Past and Present* 106 (1985), 102-23; J.A. Sharpe, *Crime in Early Modern England 1550-1750* (2nd ed., London and New York, 1999), pp. 215-25; James Sharpe, “‘Last dying speeches’: religion, ideology and public execution in seventeenth-century England”, *Past and Present* 107 (1985), 144-67; Peter Lake, ‘Deeds against Nature: Cheap Print, Protestantism and Murder in Early Seventeenth-Century England’, in Kevin Sharpe and Peter Lake (eds), *Culture and Politics in Early Stuart England* (Basingstoke, 1994), pp. 257-83; Peter Lake, ‘Puritanism, arminianism and a Shropshire axe-murder’, *Midland History* 15 (1990), 37-64; Lake, ‘Popular Form, Puritan Content? Two Puritan Appropriations of the Murder Pamphlet from Mid-Seventeenth-Century London’, in Anthony Fletcher and Peter Roberts (eds), *Religion, Culture and Society in Early Modern Britain* (Cambridge, 1994); Oldridge, Devil, pp. 76-80; Malcolm Gaskill, ‘The Displacement of Providence: Policing and Prosecution in Seventeenth- and eighteenth-century England’, *Continuity and Change* 11 (1996), 341-74; Malcolm Gaskill, *Crime and Mentalities in Early Modern England* (Cambridge, 2000), part 3.

¹⁰ McGowen, “‘He Beareth Not the Sword in Vain’”, 193.

¹¹ Michael Macdonald and Terence Murphy, *Sleepless souls: suicide in early modern England* (Oxford, 1990); Macdonald, ‘The Secularisation of Suicide in England, 1660-1800’, *Past and Present* 111 (1986) 50-100; Macdonald, ‘Suicide and the Rise of the Popular Press in England’, *Representations* 22 (1988) 36-55.

¹² Macdonald and Murphy, *Sleepless souls*, p. 59.

eighteenth-century popular culture; but it also suggests that his portrayal of the secularisation of crime needs revising. As recent work has shown, the educated discourse on witchcraft in the second half of the eighteenth century was more complex than had previously been portrayed.¹³ Likewise this article aims to show how the concept of diabolic instigation of crime continued at the heart of the trial process for far longer than has been assumed, and that it was fostered by the Anglican Church, judiciary and educators as a tool of crime prevention and social control. If we are to understand better how crime was conceptualised in eighteenth-century England it is time we moved the historical focus from God's magistrates to the Devil's criminals.

The historiography on the Devil in early modern England is much concerned with the Reformation shift in emphasis from a corporeal to a spiritual Devil, from his worldly role becoming less that of supreme punisher to pervasive tempter. This Protestant abstraction of the Devil was refined and developed by the ascendant Puritanism of the late sixteenth and early seventeenth centuries to the point where he remained largely unseen but was a constant and ubiquitous presence, the provoker of sinful thoughts, ever manipulating the flesh and minds of every Englishman and woman, pushing them to commit sin and crime and thereby capture their souls. Yet the evidence from the witch trials seems to run somewhat counter to this argument for the abstraction of Satan. In the confessions of those prosecuted as witches the Devil who tempts them into witchcraft was a very real physical presence, appearing in either human or animal guise.¹⁴ They encountered him in melancholy wanderings in the countryside, and occasionally even said they married him. He could be a brutal master but also charming. When in 1665 Mary Green, of Brewham, Somerset, called upon the Devil, alias 'Robin', he appeared as a little man dressed in black who 'put his hand to his hat, saying, "How do ye?" speaking low but big'.¹⁵ But as Nathan Johnstone has recently highlighted, to good effect, historian's concentration on the Devil as portrayed in the witch trials, may distort our broader understanding of the Devil's role in society. Johnstone suggests, 'witchcraft narratives stood alone in their insistence that the physical Devil maintained a central place as a tempter and worker of *maleficium*'.¹⁶ As we shall see the evidence for the Satanic inspiration for crime more generally supports this view, and also Darren Oldridge's assumption that assimilation of Puritan doctrine on the Devil into popular culture lasted well beyond the seventeenth

¹³ See Owen Davies, *Witchcraft, magic and culture 1736-1951* (Manchester, 1999), ch. 1; Jonathan Barry, 'Public infidelity and private belief? The discourse of spirits in Enlightenment Bristol', in Owen Davies and Willem de Blécourt (eds), *Beyond the witch trials: Witchcraft and magic in Enlightenment Europe* (Manchester, 2004), pp. 117-44.

¹⁴ On the physical appearance of the Devil and the influence of printed images see Oldridge, *The Devil*, ch. 4.

¹⁵ Joseph Glanvil, *Sadducismus Triumphatus* (London, 1681), pp. 164-5.

¹⁶ Johnstone, 'The Protestant Devil', 185.

century.¹⁷ At a popular level criminal inspiration was apparently conceptualised as an internalised diabolic temptation. Satan spoke not into the ear but whispered directly to the mind.

Nevertheless, moving the debate beyond the usual focus on the period of Puritan ascendancy also indicates that the physical Devil remained not only a potent image but a worrying reality. After all, in 1712 Jane Wenham was sentenced to death at the Hertfordshire assizes, though subsequently pardoned, for conversing with the Devil in the shape of a cat.¹⁸ A decade or so later there was certainly greater circumspection about the physical activities of the Devil, particularly his penchant for shape-shifting, but certainly no wholesale rejection it would seem. Henry Bourne, the Newcastle curate and antiquarian, writing in 1725, thought the stories he heard of people meeting the Devil were ‘not so improbable and ridiculous as many things they hold.’ In former times the Devil had appeared much more frequently than in his day, he noted, and so ‘there seems to be some Truth in it.’¹⁹ Bourne’s contemporary the Devon vicar, John Prince, also felt the weight of history proved that the Devil had and continued to assume human form, other shapes, or go invisible about the land, ‘opening Locks, scattering diseases, inflicting Death, and the like’, or soliciting people in distress.²⁰ Daniel Defoe agreed, ‘he is certainly walking to and thro’ the Earth, &c. after some manner or other, and in some Figure or other, visible or invisible, as he finds Occasion.’²¹ Bourne reassured his readers, however, that good people had little reason ‘to fear the Spight and Malice of all the Devils in Hell’, as, despite his physical presence, God would not permit the Devil to physically touch the ‘Sons of Men’. Yet their minds were in constant danger as ‘the Devil is incessant in his Temptations, and therefore he is abroad in the Day as well as the Night.’²² As Defoe put it, the Devil was ‘reduc’d to act upon Mankind by Strategem only’.²³

Crime was perceived to be rapidly increasing in the early and mid eighteenth century, and the fear, if not the reality, of rising property offences has been well

¹⁷ Oldridge, *Devil*, p. 164;

¹⁸ Francis Bragge, *A Full and Impartial Account of the Discovery of Sorcery and Witchcraft, practised by Jane Wenham* (London, 1712), p. 29. For a contextual discussion of the case see Phyllis J. Guskin, ‘The Context of English Witchcraft: The Case of Jane Wenham (1712)’, *Eighteenth-century Studies* 15 (1981-2) 48-71; Anne How, ‘A Witch, A Collection of over Zealous Tory Divines and a Sceptical Judge. The Context of the case of Jane Wenham’, MA thesis, University of Hertfordshire, 2001.

¹⁹ Bourne, *Antiquities*, p. 78.

²⁰ Prince, *Self-Murder*, pp. epistle, 63.

²¹ Daniel Defoe, *The Political History of the Devil* (London, 1726), p. 221.

²² Bourne, *Antiquities*, pp. 57, 54.

²³ Defoe, *Political History*, p. 216.

documented.²⁴ Infanticide too was thought by some to be reaching epidemic proportions.²⁵ As to homicide, in 1752 the anonymous author of *A Warning Piece Against the Crime of Murder* stated ‘that the horrid and unnatural crime of murder, has within a very few Years last past become much more frequent in this kingdom’. It was not many years ago, he opined, ‘that this barbarous crime was so rare amongst us, that whenever it was committed, it was look’d on as a prodigy of wickedness, and those who committed it rather as infernal Devils, than man’.²⁶ In 1709 the Rev. John Prince cited the London Bills of Mortality as a evidence that self-murder had ‘become so very common in this Nation, of late Years’. Seventeen years later the Independent minister Isaac Watts came to the same conclusion based on the same source, as well as the frequent suicide reports he noted in the burgeoning newspapers of the period.

What was the cause of this increase in wicked crimes? Social problems were blamed of course, but for some it was also the Devil reminding the world that he had not been banished by ‘so-called’ Reason. The temptations and delusions of the Devil were worming their way in to the minds and hearts of an increasingly avaricious population, and the language of diabolism was appropriated to describe this downside of commercial prosperity. In 1727 a Colchester vicar, Robert Turner, opined, ‘Do not we see now a-days, many a one possess’d with the devil of avarice, whose desires increase with their possessions’.²⁷ The author of *A Warning Piece* believed, for this reason, that harsher legislation against murder would have little effect. The best deterrent was to publicise loudly that the act of murder so displeased God that he ‘interferes in a more immediate manner in the detection of it, than any other crime’.²⁸ To that end he printed numerous accounts of such divine intervention.

More than any other type of crime the perceived increase in suicides was a certain sign that the Devil and not social inequalities was behind the crime wave. It was a crime that could not be understood in terms of obviously human impulses such as greed, covetousness or violence. It was an offence against natural order and worse of all it was a deliberate damnation of the soul. As Macdonald has discussed, increasingly during the eighteenth century suicide was interpreted in terms of mental illness, nevertheless satanic inspiration remained an explanation for some. For Watts, for example, the reporting of suicides was evidence that ‘the

²⁴ See, for example, Douglas Hay, ‘Property, Authority and the Criminal Law’, in Douglas Hay, Peter Linebaugh, John Rule, E. P. Thompson and Cal Winslow, *Albion’s Fatal Tree: Crime and Society in Eighteenth-Century England* (London, 1975), ch. 1; J. M. Beattie, *Policing and Punishment in London, 1660-1750: Urban Crime and the Limits of Terrors* (Oxford, 2001); Robert Shoemaker, *The London Mob: Violence and Disorder in Eighteenth-Century England* (London, 2004).

²⁵ See R. W. Malcolmson, ‘Infanticide in the Eighteenth Century’, in J. S. Cockburn (ed.), *Crime in England 1550-1800* (London, 1977), p. 190.

²⁶ *A Warning Piece Against the Crime of Murder: Or, an Account of many Extraordinary and most Providential Discoveries of Secret Murders* (London and Sherborne, 1752), p. i.

²⁷ Robert Turner, *The Calumnies upon the Primitive Christians Accounted for; Or, an Enquiry into the Grounds and Causes of the Charge of Incest, Infanticide, atheism* (London, 1727), p. 168.

²⁸ *A Warning Piece*, p. iii.

Tempter is not asleep.’ Prince thought the suicides reported in the Mortality Bills were ‘a sensible Argument that Satan the cruel adversary walks about through every Street of this great City as a roaring Lyon seeking whom he may devour.’²⁹ Towards the end of the century the belief in such satanic criminal inspiration also fed the vibrant millenarian movements of the Napoleonic period. The increase in sin and iniquity was a forewarning of the antichrist’s imminent onslaught. In 1791 the prophet Richard Brother had a vision of a river of human blood washing through the capital and Satan ‘walking leisurely into London: his face had a smile, but under it his looks were sly, crafty and deceitful’.³⁰

The Puritan emphasis that sinful behaviour, such as drinking, swearing and Sabbath-breaking, was a gateway to more serious crime was still being argued in the eighteenth century. The church courts might have by and large given up policing the morals of the laity, but the Puritan campaign was kept alive by such bodies as the Societies for the Reformation of Manners and the Society for the Propagation of Christian Knowledge, both founded in the 1690s, and at the beginning of the nineteenth century by the Society for the Suppression of Vice. While, as Jim Sharpe has suggested, by the mid eighteenth century the denunciations of drinking, for example, were based more and more on the medical consequences and less and less on eternal damnation,³¹ the linkage of sin and consequently crime as explicitly diabolic in origin was still being preached in both religious and secular contexts - and not just by the usual suspects such as John Wesley. Church of England clergymen, like Thomas Humphries (1758-1830), curate of Sawley Church, Nottingham, argued in a booklet published in 1776 that the main way to reduce crime was ‘to conquer the reigning vices of sensuality and profaneness’, particularly drunkenness, whoredom, swearing and filthy talking. Regarding the latter, for example, he told his readers, ‘You may say, that words are wind, and so fancy that there is no harm in indecent talking. But our Lord tells you otherwise’. In fact were not filthy speeches ‘spoken by the instigation of the devil, and to do his work?’³² Certain types of immoral behaviour were likened to the symptoms of possession. Regarding cursing and swearing, he said, ‘it looks, as if some devilish spirit had the power over men, when they can blaspheme God, for nothing ... when it seems to be merely for the sake of imitating the employment of damned spirits.’ As to drink, ‘so unbridled do men’s lusts shew themselves, on these occasions, that they soon drench themselves into madness, and all becomes riot, and disorder in an instant! – As if a legion of evil spirits had been let loose among them, they begin to curse and damn, and shout, and rave’.³³ Humphries’ language of possession may have been metaphorical, but the implication was that

²⁹ Prince, *Self-Murder*, p. 7; Isaac Watts, *A Defense Against the Temptation to Self-Murder* (London, 1726), pp. iii, iv.

³⁰ Cited in Harrison, *Second Coming*, p. 62.

³¹ James Sharpe, *Crime in Early Modern England 1550-1750*, p. 220.

³² [Thomas Humphries], *A Preservative from Criminal Offences: Or, The Power of Godliness* (Shrewsbury, 1776), p. 37.

³³ Humphries, *Preservative from Criminal Offences*, pp. 40, 53.

the symptoms of possession were a general indicator of diabolic inspiration in contexts other than actual satanic assault.

By the early nineteenth century there were still voices of concern regarding the Devil's promotion of vice and crime, though one suspects that they were by now largely coming from the evangelical and millenarian tendency; it is difficult to confirm as the authors remained anonymous - a recognition, perhaps, of the rather beleaguered position they were holding. Take, for example, the author of a pamphlet on the trial and execution of Philip Nicholson, who murdered his master and mistress in 1813. Nicholson confessed before his execution 'I can attribute those unnatural murders to no other cause than, at the time of their commission, a temporary fury from excessive drinking'. The pamphleteer thought otherwise, and saw in his wicked crime proof of 'the existence and operation of Evil Spirits'. Nicholson's self confessed dissolute habits made him easy prey for the Devil's manipulation: 'A mind thus inactive is easily tempted, idleness is the origin of mischief; Satan ... ever alert to do evil, finding a mind thus vacant, soon marks it for his own, and seizing his prey, he urges the wretched victim to demon-like deeds, at which men shudder, angels weep, and devils rejoice.' 'Does any one now doubt the existence of evil spirits?' the author asked. 'Can any one deny it? Can there be a stronger instance of it than the present?'³⁴

The concept of free will, had, if not always explicitly, underpinned conceptions of culpability and justice in the early modern period. The theology of predestination, particularly the Calvinist version, was untenable when it came to the practicalities of jurisprudence. If God predetermined all actions, then the question of criminal intent, relative responsibility and mitigation became irrelevant. If it were accepted that, for whatever reason, God permitted the Devil to inspire crime as part of his preordained plan for humanity, it would engender a fatalistic powerlessness that would lead to the collapse of law and order. The crime of witchcraft had threatened as much. As Cynthia Herrup has discussed, considering everyone was thought to be born a sinner, and sin was the gateway to crime, it was essential that magistrates, juries and judges created a moral distinction between 'offenders' who were merely guilty of weakness and 'criminals' who were inspired by evil intent.³⁵

While the concept of free will was at the centre of eighteenth-century religious and philosophical developments, in the court room it was being undermined in new ways. The length of trials increased in the eighteenth century, partly as a result of an act of 1702 that allowed indicted felons to call defence

³⁴ *The incentive to murder: An inquiry into the incentive to murder in the mind of P. Nicholson, proving the existence of evil spirits* (London, 1813), pp. 1, 3. For popular accounts of Nicholson's trial and execution see *The trial and conviction of Philip Nicholson* (London, 1813); *An account of the life, trial, confession, and dying words of Philip Nicholson* (London, 1814).

³⁵ See Herrup, 'Law and Morality'; Herrup, *The Common Peace*.

witnesses. Consequently the role of medical testimony became more influential and more of a focus for courtroom contention. Juries were increasingly confronted with defendants or their lawyers making pleas of diminished responsibility. Poverty, drink and insanity were commonly being cited as mitigating circumstances, thereby destabilising the determination of that fundamental legal principal – *mens rea*, that everyone was ultimately responsible for their actions and thus subject to the full force of the law.³⁶ The question was increasingly being posed in court as to the extent to which a criminal act was the result of an aberration of the mind, an irrational compulsion induced by drink, a loss of reason due to injury, or a moment of temporary insanity symptomatic of mental illness. Whatever the excuse, the implication was that the impulse or compulsion to commit the crime was beyond the control of the criminal and therefore he or she was not fully responsible. Saying the ‘Devil made me do it’ was appealing to the same conception of consciousness. As a category of plea it demonstrates Dana Rabin’s suggestion that, at the time, defendants ‘appealed to both seventeenth- and eighteenth-century discourses about crime’.³⁷ Satanic inspiration as mitigation evoked the Puritan conception of the universality of sin and conformed to the concept of sinful ‘offender’ rather than cynical ‘criminal’. In other words, criminals claimed they were being controlled by evil but were themselves innocent of evil. At the same time the satanic inspiration plea also appealed to eighteenth-century courtroom sensibilities and the increasing acceptance of diminished responsibility.

Until well into the nineteenth century, coroners’ verdicts and indictments in cases of murder, rape, treason and other felonies contained the statement that the defendant committed his or her crime ‘maliciously, feloniously, not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil’. So, one hundred years after witchcraft was decriminalised, the diabolic origin of crime was still being cited in indictments for capital offences. How to interpret the longevity of the Devil in criminal law? Maybe the wording was just one of those odd survivals like the failure to decriminalise witchcraft in Ireland until 1821. The author of a booklet on libel law, published in 1785, commented that with regard to the phrase ‘being moved by the instigation of the devil’, ‘a very little consideration will convince any impartial man that this is mere sophistry. Every man sees that that phrase just mentioned, and others of that sort, are mere words of course’. It contained no ‘essential words’ that aggravated the charge – there was no Devil in the detail.³⁸ In other words, his role in a felonious crime could not be proven and was therefore not essential to the prosecution of the crime.

³⁶ See Dana Y. Rabin, ‘Searching for the Self in Eighteenth-Century English Criminal Trials, 1730-1800’, *Eighteenth-Century Life*, 27, 1 (2003), 87.

³⁷ Dana Y. Rabin, *Identity, Crime, and Legal Responsibility in Eighteenth-Century England* (London, 2004), p. 18.

³⁸ J. Towers, *An Enquiry into the Extent of the Power of Juries, on Trials of Indictments or Informations, for Publishing Seditious, or other Criminal Writings, or Libels* (London, 1785), p. 61. Towers added a further commentary to the papers of F. Maseres published in 1776.

Indictments and coroners' verdicts were, however, not the only context where the Devil was cited in eighteenth-century courts. The satanic inspiration for sin was further reinforced during the swearing in of child witnesses, who, because of their age, were thought to have less conception of the terrible consequences of lying. In this context it is worth noting that those over the age of fourteen could be executed for capital offences but under seven they could not. Between the ages of seven and fourteen the general assumption was that they were not responsible unless it could be proven that they knew the difference between good and evil when committing a capital offence, then they could be punished by death. The legal dilemma in this respect was highlighted by the trial of William York at Bury assizes in 1748.³⁹ York, aged ten, was charged with the murder of a five-year-old girl, whose mangled body was found in a dung heap. Both of them were orphans maintained by parish relief, and shared the same bed in a foster family. After close interrogation York confessed that he was so fed up with the girl soiling their bed that he decided to get rid of her. While in gaol and during the trial York repeatedly said that the Devil had made him commit the murder. Nevertheless, the jury found him guilty and he was sentenced to death.

At the trial of Lewis Charles Keen for theft in September 1777 an eleven-year-old boy was called. 'Do you know the nature of an oath?' asked the judge. 'Yes', he replied. 'Suppose you should say what is not true when you are sworn, what would become of you?' 'I should go to the devil', he replied. At a trial in February 1790 Charles Heath, aged 12, told the court, 'I shall go to the Devil if I tell a lye'. At a trial for highway robbery in 1784 the following exchange took place between Margaret Cole and the judge:

How old are you? - Going on eight.

What is your christian name? - My christian name is Margaret.

Do you go to school? - I have been to school, but I do not go now.

Can you say your prayers? - Yes.

Do you know what will become of you if you tell a lie? - Yes, then I shall go to hell when I die, and the devil will burn me.⁴⁰

Such questioning by judges and lawyers echoed the emphasis on diabolic sin in Church of England catechisms for children. Take, for example, the *New Method of Catechizing*, published in 1712, which set forth a strong emphasis on satanic intervention. One of the questions to be asked of children was, 'Is all Sin the work of the Devil?' The pamphlet recommended that the catechist 'may tell them, that tho' all Sin in general is the Devil's Work, yet Pride, Lying, Murder, Malice, &c. are more especially so.' As to the question, 'How will you then renounce the Devil and

³⁹ *The Laws Respecting Women, as they regard their Natural Rights, or the Connections and Conduct* (London, 1777), pp. 429-32.

⁴⁰ *OBP*, September 1777, Lewis Charles Keen (t17770910-72); *OBP*, February 1790, Thomas Douglass (t17900224-88); *OBP*, September 1784, Alexander Gregory (t17840915-10).

his works?', the *New Method* told the instructor to 'Exhort the Child to hate the Devil, and abhor his Temptations, and not to have the least dealings with him. Acquaint him, that the Devil puts ill Things into our Minds, which we must resist.'⁴¹ It was only in the early nineteenth century that most Anglican catechisms reduced the emphasis on the Devil to the simple prompt for catechists to utter: 'I should renounce the Devil and all his works'. In the 1840s, though, the evangelical Anglican 'slum parson' William Weldon Champneys (1807-75), who devoted much of his life to improving the condition of children in Whitechapel, wrote a puritanical catechism containing over thirty questions on the evils of the world, the flesh and the Devil.⁴²

The Anglican emphasis on the diabolic inspiration for sin should be contrasted with its downplaying and absence in the catechisms produced by some Nonconformists, namely the Unitarians and Baptists.⁴³ Historians' use of 'Nonconformity' as a catch-all term can sometimes mask major differences of theological opinion. The Unitarian preacher William Ashdowne (1723-1810), for example, rejected entirely that 'Satan, in a secret or unperceived manner infused, or put into the mind or heart of any one man, evil thoughts, or excited in him inordinate desires, by which he tempted them to sin.'⁴⁴ Only Methodism matched the Church of England's pedagogic emphasis on satanic sin and maintained it well into the nineteenth century. Nevertheless, considering that in the late eighteenth century the Methodists were frequently criticised for fanning the flames of 'superstition' with their hellfire preaching, condemned for promoting the 'credulous' belief in witches, and were ridiculed for their adherence to providentialism,⁴⁵ the Church of England's catechisms are a reminder that it too promoted supernaturalism and helped instil a strong sense of diabolic presence in every-day life.

The message sent out by the courts and Anglican catechists was also profoundly reinforced by the continued popularity of eighteenth-century morality ballads and chapbooks, in which sin, crime and the corporeal Devil were explicitly and graphically united. One genre of such popular literature focused on the diabolic consequences of breaking the fifth commandment, such as *The Afflicted Parents: Or, the Undutiful Daughter*, which recounted the tale of how the daughter of a wealthy London gentleman was tempted by the Devil to poison her parents. She

⁴¹ *A New Method of Catechizing, by way of questions upon the Church Catechism; together with directions all along for inculcating into Children the fundamental principles of Christianity therein contain'd* (London, 1712), p. 10. See also, *The Faith and Practice of the Church of England explain'd in a brief, but very familiar exposition of the Church Catechism*, second edition (London, 1719), p. 5.

⁴² William Weldon Champneys, *The Church Catechism Made Plain*, fifth edition (London, 1847), pp. 7-9.

⁴³ See, for example, C. H. Williams, *The Catechism of the Church of England Distinctly Arranged* (Norwich and London, 1820); *The Catechism of the Church of England. With prayers for the use of children* (London, 1843); *The Baptist Catechism; Or, a Brief Instruction in the Principles of the Christian Religion* (London, 1794); Joseph McAlister, *A Catechism containing Unitarian Views of Christianity* (Newcastle, 1844).

⁴⁴ William Ashdowne, *An Attempt to Shew that the Opinion concerning the Devil, or Satan, as a fallen angel, and that he tempts men to sin, hath no real foundation in Scripture* (Canterbury, 1791), p. 19.

⁴⁵ See Davies, 'Methodism, the Clergy'.

was spoilt and capricious and after one display of disobedience her father decided to punish her by confining her to her room. As she sat sulking one night:

The Devil to her appear did straight,
In human shape and manner like a man;
And then he seem'd to take her by the hand.
He said, fair creature, why do you lament?
What is it fills your heart with discontent?
She said my parents cruel are to me,
And keep me here to starve in misery.
He said then if you will be rul'd by me,
Revenged of them thou shall quickly be ...⁴⁶

A similar scenario was presented in prose in *God's wonderful judgement in Lincoln-shire*, which told of a disobedient and sinful boy who lived near Lincoln who struck his father one day. The breaking of the fifth commandment gave the Devil his opportunity and he appeared to the boy and successfully tempted him. The boy died two weeks later. Other pamphlets attributed a similar story to wicked boys from Bridgwater, Stepney and elsewhere.⁴⁷ The popular eighteenth-century murder chapbook, *The Bloody Tragedy or a Dreadful Warning to Disobedient Children*, related how another drunkard dissolute son named John Gill of Woburn conversed with the Devil when drunk, and was inspired by his infernal companion to slit the throats of his parents one night, rape and murder their servant girl, and rob and then set fire to the house. In his scaffold speech he explained how the Devil had gained power over him because of his Sabbath breaking and drinking.⁴⁸ Similar warnings directed at young men, though without the presentation of a diabolic pact, were repeated in that other popular eighteenth-century publication of criminal lives and executions *The Ordinary of Newgate, his Account*.⁴⁹ Regarding the 21-year-old Henry Webb, for example, who as a youth had been a runaway apprentice, the Ordinary wrote: 'as the Devil never fails to tempt young People, who give Way to Idleness and Extravagancy, he soon fell into bad Company'.⁵⁰

Judging by the number of extant editions one of the most popular 'improving' ballads was *The Children's Example*, which highlighted the diabolic inspiration for lying and cursing. It told how the loving young daughter of a widow reproved some children for swearing and cursing one day, only to be told:

there's no Heaven to enter in,

⁴⁶ *The Afflicted Parents; Or, the Undutiful Daughter* (Plymouth Dock, n.d.), p. 4.

⁴⁷ *God's wonderful judgement in Lincoln-shire; Or, a dreadful warning to children that are undutiful to their parents* (London, 1679).

⁴⁸ *The Bloody Tragedy or a Dreadful Warning to Disobedient Children* (London, n.d.), pp. 3, 6.

⁴⁹ See P. Linebaugh, 'The Ordinary of Newgate and *His Account*', in Cockburn (ed.), *Crime in England*, pp. 247-70.

⁵⁰ Ordinary's Accounts (www.oldbaileyonline.org), 2005), 1750, Henry Webb (oa17500808).

No Hell to punish us for sin.
A Gentleman has told us so,
Who gave us money so to do

The ‘Gentleman’ revealed himself later:

As this Child went to School one Day,
Thro’ the Churchyard she took her way,
Where lo! The Devil came and said,
Where are you going, pretty Maid?
To School I am going Sir (said she)
Pish, Child, don’t mind the same (saith he)
“But hast to your Companions dear
And learn to lie and curse and swear.”⁵¹

The girl spies his cloven foot and bade him be gone in the name of Jesus.

Popular literature powerfully presented the Devil as a physical presence. There were no Puritan subtleties about the dangers of the satanic *sotto voce*. The instigator of sin promulgated in the Anglican catechisms and reinforced by the courts was fleshed out literally in chapbooks and ballads. It was also graphically reinforced in a woodcut widely used in provincial newspaper notices regarding stolen horses during the third quarter of the century, which depicted a horse thief galloping towards a gallows with the crude figure of a horned and tailed Devil holding on to his back.⁵² Yet this general observation highlights once again the discrepancy between the popular emphasis on a corporeal Devil and the fact that people, when seeking mitigation for their criminal actions, rarely referred to the physical intervention of the Devil. I will return to this important conundrum later.

Although Michael MacDonald was well aware of the continued presence of the Devil in chapbooks he chose to place most emphasis on the secularising effect of the ‘context, style, and content’ of eighteenth-century newspapers. Journalists’ ‘avoidance of supernatural figures and reluctance to invoke old religious and folkloric beliefs about the causes of suicide permitted readers to judge the meaning of the deaths they recounted for themselves’, and consequently ‘encouraged readers to view the deed as a secular event.’⁵³ MacDonald’s observations on the press’s secularist presentation of suicide cases certainly hold equally for crime reporting generally, with the exception of the imagery used in horse theft notices mentioned above. Yet, as Reginald Zelnick pointed out, there is no reason why this would have had an important ‘de-Satanizing’ influence as MacDonald suggested:

⁵¹ *The Children’s Example; shewing how one Mrs Johnson’s child of Barnet, was tempted by the Devil to forsake God, and follow the ways of other wicked children* (London, c. 1750), pp. 3, 4. For a variation on the same theme see also *The atheist converted, or the unbeliever’s eyes opened* (Edinburgh, c. 1800).

⁵² My thanks to John Styles for this information and a copy of one example.

⁵³ Macdonald, ‘Suicide and the Rise of the Popular Press’, 51.

‘The devil and diabolic intervention cease to be realistic only if the reader already has doubts that the devil is real.’⁵⁴ No matter how rationally the facts of a suicide were presented, the act itself was proof enough of diabolic inspiration to those who were predisposed to believe in it. Considering the much wider dissemination of chapbooks and ballads in the eighteenth century, then, it is more meaningful to emphasise the role of popular literature in *reinforcing* diabolic instigation than the newspapers in *undermining* it. Furthermore, what the chapbooks and ballads were doing, in contrast to the newspapers, was illustrating and underpinning a message that was actively promoted by both the Church of England and the state as represented by the judiciary. The Devil evidently remained a potent didactic tool. Diabolic instigation may no longer have had any legal basis but it continued to have a role to play in eighteenth-century social control policies.

While, there is substance to Johnstone argument that the evidence of the witch trials was not necessarily representative of wider conceptions of relations between Satan and humans, a careful reading of the trial material, particularly cases where people, mostly women, confessed to being witches, does provide us with broader insights into popular conceptions of the Devil’s role in crime. He could, for example, impel witches to commit crimes against their will. One of the last people to be executed for witchcraft, Temperance Lloyd, confessed in 1682 that the Devil caused her ‘to go and do harm’. But when she resisted killing a neighbour she said, ‘the Devil beat me about the head grievously because I would not kill her’. The Devil also incited witches to commit ‘natural’ as well as ‘magical’ crimes, which were motivated by more than just envy and spite. We find several examples amongst those caught up in the East Anglian witch-hunt inspired by Hopkins and Stearne. Priscilla Collit of Dunwich, confessed how twelve years before her arrest the Devil had tempted her to murder her own children. She laid one infant close to the fire, but one of her other children pulled the crying and burning child away. Susanna Smith of Rushmere, likewise said that eighteen years before, the Devil in the guise of a red shagged dog, desired her to kill her own children. Another who confessed at the time was Thomazine Ratcliffe of Shelley, who said the Devil ‘often tempted her to banning, swearing, and cursing’. The diabolic imps of Lydia Taylor likewise counselled her to steal and to kill herself.⁵⁵

The Devil’s pact may have been portrayed primarily as a physical contract, a deliberate appeal to the Devil, but religious teaching implied that the committing of sin was in essence a tacit pact as well - a concept that was well embedded in eighteenth-century religious education, as evident in Anglican catechisms and the

⁵⁴ Reginald E. Zelnik, ‘From Felons to Victims: A Response to Michael MacDonald’, *Representations* 22 (1988) 58.

⁵⁵ C. L’Estrange Ewen, *Witchcraft and Demonianism* (London, 1933), pp. 370, 285, 297, 295, 298.

responses of child witnesses at the Old Bailey. Unlike the confessions of accused witches who said they were beaten by, married to, or slept with the Devil, people, primarily men, actually attempted to make written pacts with Satan in the tradition of Faust. Prosecutions on this basis were very rare in the seventeenth century even though the 1604 Witchcraft and Conjurat[i]on Act proscribed those who ‘consult, covenant with, entertain, employ, feed, or reward any evil and wicked spirit to or for any intent or purpose’.⁵⁶ One rare late case, not brought under the 1604 Act, was heard at the Court of Bridewell in January 1698/9. A man named Presser was convicted ‘by order of sessions ffor selling himselfe by a paper found in his pocket to the Devill’. He was sentences to hard labour in Bridewell and ordered ‘to have not more than he earnes’.⁵⁷ Although no prosecutions on such grounds have been found in the eighteenth-century court records the concept of the male pact was, however, a strong motif in popular morality literature regarding avarice.⁵⁸ Numerous chapbook versions of the Faust legend were printed during the eighteenth and early nineteenth centuries, and the story was also adapted for contemporary and local audiences. A representative chapbook account is that of a spoilt young man named John Wats of Stepney, an Oxford graduate. In his youth Wats ‘grew in Wickedness, keeping evil Company, (which, as he has since declared, was the first in lett to all his other Vices)’. When his father refused to give him more funds he vowed revenge. One night the Devil, bearing a great bag of gold, appeared to Wats and promised he should have the bag and much more for twelve years if he signed a pact, which Wats duly did with his own blood. When the pact expired the Devil appeared once more and despite the presence of several ministers the Devil snatched John, dashed his brains against the wall and ripped him apart.⁵⁹ Such literature helped keep the concept and reality of the male pact alive in popular culture, and it is likely that other young men, like Presser, sought satanic riches by emulating the Faustian pact.⁶⁰

While the educated debate over the *continued* existence of witchcraft and diabolic pacts was largely but not entirely dismissed from public if not private debate by the 1730s, the debate over the reality of possession continued to exercise intellectual thought. Indeed a year after the Witchcraft Act a flurry of pamphlets argued for and against the reality of the Gospel possessions and the same debate arose again in 1775.⁶¹ The latter was instigated by the Independent minister Hugh

⁵⁶ See Thomas, *Religion*, p. 564.

⁵⁷ Court of Bridewell, GL, Ms 33011/17, p. 238. My thanks to Tim Hitchcock for this reference.

⁵⁸ For cases of Devil’s pact prosecutions from eighteenth-century Sweden and Denmark see, Soili-Maria Olli, ‘The Devil’s pact: a male strategy’, in Owen Davies and Willem de Blécourt (eds), *Beyond the witch trials: Witchcraft and magic in Enlightenment Europe* (Manchester 2004), pp. 100-17; Tyge Krogh, *Ophylsningstiden og det magiske: henrettelser og korporlige straffe I 1700-tallets første halvdel* (Copenhagen, 2000).

⁵⁹ *A Timely Warning, To Rash and Disobedient Children* (Edinburgh, 1721). For other examples see, Davies, *Witchcraft*, p. 314, n. 90.

⁶⁰ For a graphic example from the mid-nineteenth century see Owen Davies, *Murder, Magic, Madness: The Victorian Trials of Dove and the Wizard* (London, 2005).

⁶¹ See, for example, Thomas Church, *An essay towards vindicating the literal sense of the demoniacks* (London, 1737); Leonard Twells, *An answer to the enquiry into the meaning of Demoniacks in the New Testament* (London,

Farmer, a strong believer in natural law, who considered that the Biblical demoniacs were nothing more than ‘maniacs’ or epileptics. The idea that the Devil or evil spirits could inflict human bodies and deprive men of their reason was ‘contrary to the general laws by which the human system is governed, or the fixed order of causes and effects’. It was the Anglican clergyman William Worthington who took up the cudgels. ‘Facts, otherwise strange and incredible in themselves, are yet to be believed, if there be a sufficient weight of evidence to overcome the incredibility of them, and powers sufficient to effect them’.⁶² Accordingly, he thought, the numerous instances of possession and dispossession in the gospels were sufficient evidence that the Devil had been at work. The demoniac debate was couched almost exclusively in Biblical terms and very little reference was made to the question of the continued existence and reality of possession. For Farmer and his supporters, of course, the issue was irrelevant, as he believed that neither the Devil nor evil spirits had any place in the natural world.⁶³ But for some Church of England men in the fourth quarter of the eighteenth century the issue was still problematic and therefore better avoided. Thomas Newton, Bishop of Bristol, for example, swept the issue aside as follows: ‘we do not read of so many cases of this kind either before or after this period [the gospels], neither do we certainly know of any such instances at present’.⁶⁴

Possession was obviously not a crime but an affliction, though why God should allow it was rarely clarified. Francis Bragge, the author of several pamphlets against Jane Wenham, the last person convicted of witchcraft in England in 1712, wrote that ‘in these Afflictions of our Bodies, by the Power of evil Spirits God will find a Way to deliver us, although for a Time he suffers us to be afflicted for wise and good Reasons, which may perhaps lie hidden from our Sight’.⁶⁵ It rarely seems, however, to have been explicitly linked with sinful behaviour. In other words the possessed were not usually portrayed as being guilty of allowing entry to the Devil through moral weakness. Nevertheless once the Devil or his evil angels had possessed someone then it was only natural that he or they would force their hostages to commit sins and crimes, all the more if they were innocent and pure, such as adolescent, virginal girls who were usually the victims of possession.⁶⁶ From a social perspective, then, possession, which mitigated anti-social, ungodly and even criminal behaviour, continued as a potent demonstration of the how the

1737); George Costard, *A critical dissertation concerning the words daimon and daimonion* (London, 1738); Hugh Farmer, *An essay on the Demoniacs of the New Testament* (London, 1775); Thomas Newton, *A dissertation on the demoniacs in the Gospels* (London, 1775); William Worthington, *An impartial enquiry into the case of the gospel demoniacs* (London, 1777); Hugh Farmer, *Letters to Dr Worthington* (London, 1778); John Fell, *Demoniacs: an enquiry into the beaten and the Scriptural doctrine of daemons* (London, 1779).

⁶² Farmer, *Letters to Dr Worthington*, pp. 229-30; Worthington, *An Impartial Enquiry*, p. 4.

⁶³ For a brief overview of Farmer’s views and how they were received see the *NewDNB*.

⁶⁴ Newton, *Dissertation*, p. 1.

⁶⁵ Francis Bragge, *A Defense of the Proceedings against Jane Wenham* (London, 1712), p. 32.

⁶⁶ On possession in early modern England see Sharpe, *Instruments of Darkness*, ch. 8; Sharpe, *The Bewitching of Anne Gunter* (London, 1999); Thomas, *Religion*, pp. 569-88; Oldridge, *The Devil*, ch. 6. For the eighteenth century see Davies, *Witchcraft, magic and culture*, pp. 18-29.

Devil sought to undermine Christian values and moral order. It is no surprise, therefore, that in the mitigating pleas of thieves and murderers we find a similar discourse of possession and witchcraft.

From the language used and descriptions provided by witnesses and defendants in eighteenth and early nineteenth-century court cases it is possible to identify a variety of ways in which satanic inspiration was thought to manifest itself. As has already been indicated, in the vast majority of cases it was conceived as a spiritual rather than physical relation, though that did not preclude the Devil from providing material help to criminals. In other words the Devil was sometimes cited as an accessory as well as an inspiration. Several thieves, for example, claimed that the Evil One had guided them to the goods they were after. When, in March 1741, Sarah Palson was caught stealing gold rings from the house of Mary Leach she said ‘the Devil guided her to them.’ The following year, William Edwards, when accused of stealing some money, ‘said the Devil told him where the Money was, and that the Devil bid him do it’.⁶⁷ Satan could also have a steroid effect, giving criminals a power surge at the required moment. The pamphleteer who saw the Devil behind the murders committed by Philip Nicholson observed that, ‘the evil spirit gives strength to the assassin’.⁶⁸ In 1737 Mary Shrewsbury killed her bastard son by cutting two inches into his throat and then sewed up the body in a cloth. When asked ‘how she could cut her Child's Throat so barbarously, and how she could in her present Condition have Strength to sew it up? She said the Devil had given her Strength’. In Luke Heath’s murder confession, before his execution at Gloucester in 1813, he described how it was ‘with the assistance of the devil’ that he hoisted the body of his victim on to his shoulder and carried it to a pond. Thieves could also receive a satanic boost. When Ann Stilcock was asked how she managed to gain entry to the house of Thomas Padmore in December 1747 she said, ‘she broke the door open with her hand, and thought the devil helped her’.⁶⁹ Perhaps the most remarkable example of the Devil as accomplice concerned a case of infanticide in 1730. A young woman confessed to killing her month-old girl. She had decapitated the body and buried the torso and head in different places to help avoid identification. The woman later cracked and dug up the torso again but as to the head, she told the magistrate that ‘she saw the Devil fly away with it’.⁷⁰

Turning now to look at how people described the manner in which the Devil *manipulated* rather than *aided* them to commit crime, three types of diabolic

⁶⁷ OBP, March 1741, Sarah Palson (t17410325-68); OBP, September 1742, William Edwards (t17420909-2).

⁶⁸ *The Incentive to Murder*, p. 3.

⁶⁹ OBP, February 1737, Mary Shrewsbury (t17370216-21); *The Times*, 9 September 1813; OBP, January 1748, Ann Stilcock (t17480115-27).

⁷⁰ *Ipswich Journal*, 15 August 1730; reprinted in Bridget Hill, *Eighteenth Century Women: An Anthology* (London, 1987), p. 148. Thanks to Sarah Lloyd for this reference.

strategy can be detected: temptation, possession and compulsion. Satanic temptation, as revealed in witness statements, was very much in the seventeenth-century Puritan mould. A classic example is that of Robert Wid, a farmer of Troutsdale, North Yorkshire, who was tried in 1817 for stealing some sheep grazing on the moors that belonged to Thomas Sawdon. When Sawdon got wind of the theft he and his servant tracked Wid down and after a brief struggle subdued him. The repentant Wid apologised and said ‘he had no need for the sheep, that he had more of his own than he had meat for, and that he though the devil had entered into him, for, seeing the sheep running backwards and forwards along the road side, he could not pass them by without attempting to steal them.’⁷¹ The common language for such diabolic temptation was that the Devil had put the idea ‘in their heads’.⁷² The phrase and concept was also used in the oft-printed eighteenth-century murder chapbook, *The Bloody Tragedy or a Dreadful Warning to Disobedient Children*, and it is possible that it helped formalise the language of satanic instigation in this respect.

There were several ways of expressing the concept that the Devil was not merely sending evil thoughts to overcome people’s better judgement, as expressed above, but was bodily influencing criminals against their will. The most popular expression was that the Devil was actually ‘in’ them rather than just playing with their minds. When, in 1759, a Worcestershire victualler and labourer named Richard Durham confessed to having stolen a bag of his master’s wheat, he said ‘He thinks the devil was in him’ when he did it.⁷³ When, in February 1730, Hannah Burridge was asked why she had stolen some clothing she replied, ‘because the Devil was in me, and is now’. As frequent and more potent was the use of the term ‘possession’. When Henry Fielding asked Anne Fox in December 1752 why she had pawned some goods she had stolen, she replied ‘she believed the Devil possessed her’. Likewise, when, in March 1737, Arabella Evans asked her lodger Eleanor Smith why she had stolen some fabric from her, Smith said, ‘Why the Devil possess’d me I think’. The thief William Beeson explained to the constable who arrested him in 1745 that ‘he believed the devil was in him, or the devil possessed him’. On being charged in 1772 for stealing several gold and silver items Christopher Curd ‘said he was sorry for it, he could not help it, the Devil possessed him’.⁷⁴

The language of witchcraft was also used, and we must bear in mind that, from a popular rather than a theological perspective, possession was usually interpreted as being the result of witches sending evil spirits into people rather than direct diabolic intervention. It is intriguing, then, that witches were not

⁷¹ *The Times*, 2 August 1817.

⁷² See, for example, *OBP*, June 1747, Rachael Pickett (t17470604-31); *OBP*, May 1763, John Marsh (t17630518-39).

⁷³ Worcestershire QSR 1/1/394/23.

⁷⁴ *OBP*, February 1730, Hannah Burridge (t17300228-22); *OBP*, December 1752, Anne Fox (t17521206-15); *OBP*, April 1737, Eleanor Smith (t17370420-19); *OBP*, October 1745, William Beeson (t17451016-21); *OBP*, October 1772, Christopher Curd (t17721021-47).

blamed for criminal inspiration. When caught in November 1736, the thief Francis Windsor wailed, 'Oh! that I should be so bewitch'd! surely the Devil and old Powel [his partner in crime] bewitch'd me, that I should wrong the best of Masters!' When, in 1725, Samuel Street was arrested for raping a handicapped girl and was asked why he had 'any thing to do with such a Creature', he replied, 'The Devil bewicht me'. When, in 1817, Thomas Hemus, the constable of Stoulton, Worcestershire, searched the house of William Tustin and found three stolen geese in his oven (fresh or cooked is not stated), Tustin pleaded that 'The Devil had bewitched him to do it'.⁷⁵

While temptation was usually cited in theft cases, and possession was cited equally in theft and murder, compulsion was usually pleaded in cases of murder, infanticide and suicide. The criminal discourse emphasised the terrible insistence of the Devil. He did not stop at implanting a sudden sinful thought or impulse but bombarded the criminal with iniquitous urges and commands. The woman tried in 1838 for infanticide who told the court that Satan urged her, 'You must and you shall kill your child',⁷⁶ echoed the confessions of the suspected witches Priscilla Collit and Susanna Smith nearly two hundred years earlier. At the trial in 1812 of the wife murderer John Chaplin, one witness recalled a conversation with Chaplin in which he stated, 'I am going to dispose of my goods; I said, what is the matter; he said, oh, the devil has got me, he is coming for me'. After Chaplin's initial attempt to murder his wife a witness deposed how, 'In the afternoon I went up into his room; he was lying on the bed; he appeared in a very wild deranged state; I asked him how he could attempt such a wild act upon his wife; he said the devils were tempting him night and day until he made away with her; he must do it. He said by so doing he should save the life of thousands'. At the trial of Roger Bow for stabbing to death one Thomas Field in 1734, one witness deposed that Bow told him 'the Devil had work'd in his Head all the Morning, so that he was oblig'd to get up, and do some Mischief.' A maid testified that he 'call'd all Night upon the Devil', and the next morning went out in to the street and threw mud in people's faces. He referred to himself as a madman, but in court the Newgate keeper was asked if he observed him suffering under any 'disorder'. The keeper replied in the negative and Bow was found guilty.⁷⁷

In the most extreme examples of diabolic persecution, expressed in terms of irresistible compulsion, we find more frequent reference to the physical presence of the Devil.⁷⁸ In 1714 the wife murderer Richard Chapman, when asked why he killed his wife, 'said the Devil lay under the Bed, and bid him do it.' Witnesses came forward to say he was *Non compos mentis* and he was acquitted. In 1731 a

⁷⁵ OBP, December 1736, Francis Windsor (t17361208-18); OBP, August 1725, Samuel Street (t17250827-14); Worcestershire QSR 1/1/626/199-200.

⁷⁶ Cited in Joel Peter Eigen, *Witnessing Insanity: Madness and Mad-Doctors in the English Court* (New Haven and London, 1995), p. 99.

⁷⁷ OBP, December 1812, John Chaplin (t18121202-32); OBP, June 1734, Roger Bow (t17340630-16).

⁷⁸ For several examples from eighteenth-century suicide cases see Macdonald and Murphy, *Sleepless Souls*, p. 212, esp. n. 140.

gentleman named Edward Stafford was also found *Non compos mentis*. Much evidence was brought as to his ‘lunacy’, including his complaints of being tormented by devils. He was plagued by constant noises in his head and believed the Devil was in his lodgings and there were devils in his closet, and he fired pistols to drive them away. He told the owner of a coffee-house he frequented that ‘he would thrust his Sword into Witches if he found them, and if he found the Devil he would chain him down’. When a constable and watchman approached a raving sailor named Isaac Foy in 1815 he was ‘crying out murder! saying he was in hell, and the devils were tormenting him’. He went on to claim that the devil, thieves and spirits were in the ship ‘and that they had been tearing his heart out. That the devil had been running after him through the ship, and wanted to put him on a spit and roast him; he said he had killed one man, and wounded all the rest’.⁷⁹

One reason for the greater emphasis on the physical Devil in cases where there was no other obvious motive for murder is partly because we are dealing more frequently with mental illness manifested in paranoia and hallucinatory psychoses. Yet pragmatic legal tactics may also have been at play. Emphasising the defendant’s engagement with a supposed physical Devil supported pleas of insanity in murder cases more effectively than claims of spiritual diabolic inspiration. But insanity defences did not always rely on highlighting the perceived ‘irrational’ concept of physical persecution by the Devil. Resort could also be made to the argument that the Devil caused temporary senselessness. Thus, when asked why he raped a young girl in 1766, Edward Brophy said, ‘the devil was in me, and I was devoid of my senses’.⁸⁰ As Joel Eigen has observed, in the late eighteenth century prisoners avoided such terms as ‘lunacy’ and ‘madness’, and preferred ‘senselessness’, an apparently unproblematic state in legal terms, characterised as a temporary unconscious interlude induced by drink, illness, a blow on the head or, more controversially, as in Brophy’s case, by the Devil.⁸¹ Yet people hardly ever resorted to such satanic insanity strategies in prosecutions for theft, even in capital cases of grand larceny. Thieves’ pleas for mitigation rested precariously on satanic interference rather than diabolically induced senselessness, presumably because theft was categorised as a straightforward crime of temptation whereas the enormity of the crimes of murder, rape and suicide made them more open to explanation in terms of irrationality.

It could be argued, of course, that in many cases criminals’ references to the Devil were mere modes of speech rather than serious mitigating pleas of satanic instigation. Such expressions as ‘the Devil take you’ or ‘go to the Devil’ were

⁷⁹ *OBP*, April 1714, Richard Chapman (t17140407-21); *OBP*, July 1731, Edward Stafford (t17310714-52); *OBP*, June 1815, Isaac Foy (t18150621-43).

⁸⁰ *OBP*, September 1766, Edward Brophy (t17660903-38).

⁸¹ Eigen, *Witnessing Insanity*, pp. 166-9.

common oaths, presumably used without literal meaning or serious intent in most instances. Should we read any significant meaning into them? Was the idea of diabolic intervention so pervasive that the Devil was thought to have a hand in even the most mundane and petty difficulties? When, in 1757, Sarah Wilson of Appleby, Westmoreland, ran into Mary Robertson in the street around ten o'clock one night, and Mary asked, 'Is the devil in you? Will you run over me?', did she really wonder whether Satan had possessed Wilson as a possible explanation for why a woman should be running down a street at night?⁸² A case from 1781 exemplifies the problematic interpretation of such language in historical contexts. When Elizabeth Vining stole a watch from the house of Robert Roby, his wife asked her, 'what possessed her to steal the watch. She said, she believed, the devil'.⁸³ Was Roby speaking metaphorically and Vining literally? Were both speaking metaphorically? Were both speaking figuratively?

The literal interpretation of such phrases, in certain contexts such as criminal activity, should not necessarily be dismissed. Language was invested with a power and meaning that often has no significance today. This is most obvious with respect to curses, or the threats uttered by women when denied charity, cases of which are frequently found in witchcraft accusations from the sixteenth to the twentieth centuries. Keith Thomas noted how in the seventeenth century taking the Devil's name in vain was seen by the puritanically minded as an invitation to the Devil.⁸⁴ Methodist literature contained similar examples of divine and diabolic responses to oaths and swearing. Considering the ubiquity of the message that the Devil was an ever-present manipulator of sinners, then the probability that a wider section of society than devout Methodists conceived he was also responsible for petty inconveniences and uncharacteristic behaviour, may not be as far-fetched as an initial reading of popular satanic idiom suggests.

The eighteenth-century courtroom was a forum for competing discourses on the Devil. A plea of satanic inspiration could be interpreted from legal, religious, popular and medical perspectives. The phrase 'The Devil was in me' could have had different meanings, or depths of meaning, for defendants, witnesses, constables, prosecutors, lawyers, jurors and judges, and, after the trial, for authors of ballads, chapbooks, religious tracts, and newspaper journalists. To contextualise and thereby understand the nature of the plea it is important to consider, first, at what moment the criminal considered his or her actions to be diabolically inspired, and, second, at what point in the judicial process the Devil was cited and to whom the plea was made. Because of the nature of the trial process the former is very difficult to establish. Even when we have criminals' own version of events it is unclear whether their perceptions of diabolic interference were constructed with hindsight. In 1818 Robert Dean said that 'the Devil was over him' when he murdered his former sweetheart Mary Halbert. He subsequently

⁸² Westmorland Quarter Sessions, WQ/SR/263/24-5.

⁸³ *OBP*, October 1781, Elizabeth Vining (t17811017-16).

⁸⁴ Thomas, *Religion*, p. 563;

elaborated on this statement at the inquest: ‘I felt that I never could be happy in this world without her, and determined to leave it. Thoughts of a dreadful description entered my mind, and must have proceeded from the devil. I felt that I should leave the world in a state of happiness if I could murder her’.⁸⁵ Did Dean think he was under satanic influence before committing the murder? Did he frame his actions in diabolic terms just after the crime or sometime after the event as he sat in prison cogitating on his fate? Criminals’ own narratives, as recorded by the Ordinary of Newgate before their execution, sometimes suggest that their first perception of satanic influence occurred just prior to committing a crime. Consider, for example, the Ordinary’s account of George Cock, executed in 1748, in which it was recorded how, ‘In his Way to Spittlefields one Day not thinking of any Mischief, of a sudden the Devil and his own wicked Heart contrived another Scheme’.⁸⁶ Even in such instances, however, it is likely that criminals constructed a narrative of cause and culpability after the event as a means of rationalising their actions and assuaging guilt, particularly so, perhaps, if they were first-time offenders rather than recidivists. What the Ordinary’s accounts certainly confirm is that numerous criminals, no matter when the notion first entered their minds, went to their deaths believing that they had been manipulated by Satan, though they usually admitted that they had given him ample opportunity through their dissolute behaviour. Thus the Ordinary’s account of the murderer Samuel Hullock records: ‘When I had laid before him the exceeding Sinfulness of his Crime, and asked him, How he came to do it? His own Expression was, “The Devil was in me.”’⁸⁷ The mid-eighteenth-century Ordinaries were careful to highlight that such ‘expressions’ were from the criminals’ own lips. Regarding William Knight, for example, ‘the Devil, he says, threw him into the Company of People ...’, while in the account of the horse thief and murderer John Salisbury the ordinary wrote, ‘he says, the Devil put it into his Head (it is his own Words)’.⁸⁸ This authorial insistence suggests an awareness that, to be efficacious, the didactic message regarding satanic crime should not be seen as an authoritarian manipulation of criminal confession, particularly at a time when portrayals of criminals’ ‘last dying words’ were becoming ‘increasingly divorced from the religious frame of reference that had once lent them meaning and force.’⁸⁹

No doubt, though, some criminals resorted to claims of diabolic intervention as a legal strategy as well as a personal rationalisation of unwonted and unwanted thoughts and actions. Dana Rabin has suggested that popular crime reports, in such media as the Old Bailey Sessions Papers, ballads, crime pamphlets and newspapers could have served ‘as instructional manuals in the arts of

⁸⁵ *The Times*, 21 October 1818.

⁸⁶ *Ordinary’s Accounts* (www.oldbaileyonline.org), 2005), 1748, George Cock (oa17480622).

⁸⁷ *Ordinary’s Accounts*, 1747, Samuel Hullock (oa17470731).

⁸⁸ *Ordinary’s Accounts*, 1750, William Knight (oa17501231); 1752, John Salisbury (oa17520427).

⁸⁹ Andrea McKenzie, ‘Martyrs in Low Life? Dying “Game” in Augustan England’, *Journal of British Studies* 42 (2003) 205.

evasion.⁹⁰ Insanity, drink and poverty became increasingly prominent in ‘narratives of excuse’ as a consequence of defendants, their friends and families, and increasingly defence lawyers, deliberately attempting to ‘broaden the definitions of mental incapacity’.⁹¹ In the eyes of the law, poverty and drunkenness were not recognized as mitigating conditions. However, suggesting that they could induce bouts of mental aberration appealed to the growing medico-legal sensitivity towards the concept of temporary insanity or displacement of reason. Satanic instigation could also be inserted into this narrative framework by suggesting that the Devil interceded by taking advantage of poverty and drunkenness, thereby setting up a two-tier mitigation plea. The Ordinary’s account of the thief and murderer William Descent, for example, recorded that the latter thought ‘nothing could have prompted [him] to it but the Rage of strong Drink, and the Devil taking Advantage of it’. Likewise the horse thief Robert Radwell ‘said he was much in Liquor, and short of Money, and therefore was tempted by the Devil to commit this rash action’.⁹² Once again, we have to consider, of course, at what point in the judicial process such narratives were introduced. The above examples were statements uttered after conviction, and in the *Proceedings* of both men’s trials there is no mention of the Devil. Faced with death and the divergent paths to Heaven and Hell these were, presumably, mitigation pleas directed to the mercy of God rather than the mercy of the courts. In the majority of theft cases, furthermore, the offenders did not make their appeal of satanic inspiration in the formal legal arena of the court but rather when first confronted by their victims or at the moment of arrest. This suggests that the narrative of satanic instigation was deemed more likely to be effective in appealing to the compassion of victims, who were usually neighbours, employers, trades people, and constables, than the sensibilities of jurors.

It is intriguing that criminals hardly ever pleaded the malicious influence of witches, even when the language was that of bewitchment. It was always ‘the Devil made me do it’ and not ‘a witch made me do it.’ Belief in witchcraft was widespread in the eighteenth century and there is no reason to think London was an exception. The symptoms of possession were popularly thought to be the result of witchcraft. Yet offenders never blamed their criminal impulses on witches. Accepting that the satanic inspiration plea was sometimes a strategy, offenders were careful that they appealed to the terms of the law. Indictments spelled out that crime was instigated by the Devil and not by witches. More generally the Church catechisms and popular literature all linked sin exclusively with the Devil and not the witch. In this sense the Devil was a more familiar and therefore convincing source of criminal inspiration. After the 1736 Witchcraft Act, furthermore, talk of witchcraft in the courtroom was likely to be publicly considered with disdain or mockery, even if privately jurors’ views on the subject

⁹⁰ Rabin, *Identity, Crime*, p. 93.

⁹¹ Rabin, ‘Searching for the self’, 100.

⁹² *Ordinary’s Accounts*, 1752, William Descent (oa17520922); 1747, Robert Radwell (oa17470121).

were more ambivalent. Witchcraft proved a useful term of reference as evidence only in insanity pleas. Likewise, talk of manipulation by a physical Devil was an appropriate strategy for proving a defendant *non compos mentis*, but not for mitigation in other cases. So in these respects offenders tailored their discourse to what would best resonate with those to whom they appealed.

It is impossible to gauge how successful the satanic instigation plea was at the point of confrontation or apprehension, because we only have evidence of its failure as represented by consequent prosecutions. What can be assessed is how successful the mitigation plea was in court, where it was the jury and not the victim who had to deliberate on the matter.⁹³ The outcome of the trial of Mary Richardson, prosecuted for stealing a smock and an apron in 1727, would seem to be representative. She told the court she ‘had nothing to say in her Defence, but that the Devil bid her do it’. The Old Bailey Sessions Papers commented that, ‘her being prompted on by an old Acquaintance, was not a sufficient Excuse to satisfy the Jury’.⁹⁴ Despite the continued emphasis on satanic inspiration in certain judicial and religious discourses, with the exception of the insanity defence in murder trials, the resort to the Devil in mitigation did not prove effective. Ultimately the principles of free will outweighed the Devil’s influence. In theft cases at least, juries seemed to concur with the view of the Rev. Gillespy, curate of Blisworth, Northamptonshire, who in his *Disquisition upon the Criminal Laws*, argued that the exercise of people’s mental and corporal powers ‘must convince us of the freedom, both of our wills and actions.’ ‘We are free, rational, and consequently accountable creatures’, he asserted: ‘In vain therefore do men plead an irresistible fate in extenuation of their crimes.’⁹⁵ Even those who were outspoken in their belief that the Devil stalked the land sowing mischief and misery also forcefully propounded the same message. The Rev. John Prince asserted that despite being a ‘subtle, powerful Spirit’, the Devil ‘can’t compel you to any Thing against your will. The Advantage he gains over you, at any Time, is chiefly from your own Consent’.⁹⁶ Thomas Humphries warned criminals, ‘do not lay the fault on the weakness of your nature, or the strength of temptation. This is only the devil’s stratagem to make you deceive yourselves. For, when you come to see it fairly, you will be forced to own, that it is your own fault; and that you deserve to suffer the sad consequences.’⁹⁷ At least one criminal agreed. On being arrested in 1758 for theft,

⁹³ On jury composition and decision making in this period see, for example, Peter J. King, “Illiterate Plebeians, Easily Misled”: Jury Composition, Experience, and Behavior in Essex, 1735-1815’, in J.S. Cockburn and Thomas A. Green (eds), *Twelve Good Men and True: The Criminal Trial Jury in England, 1200-1800* (Princeton, 1988), pp. 254-304.

⁹⁴ OBP, August 1727, Mary Richardson (t17270830-9).

⁹⁵ E. Gillespy, *A Disquisition upon the Criminal Laws; Shewing the Necessity of Altering and Amending them* (Northampton, 1793), p. 32.

⁹⁶ Prince, *Self-Murder*, p. 63

⁹⁷ Humphries, *Preservative from Criminal Offences*, p. 46.

Samuel Cordwell said he did it under the influence of ‘drinking and the temptation of the Devil; but he took all the blame upon himself, he thought it would never be found out’.⁹⁸ Highlighting the continued emphasis placed on diabolic crime by Church and state, rather than the historiographical concentration on divine punishment and mercy, particularly in relation to last dying speeches, provides a significant corrective to the portrayal of the steady secularisation of the criminal justice system as the eighteenth century progressed.⁹⁹ It also demonstrates that there is a social as well as an intellectual history of the Devil beyond the early modern period, which in the context of the discourse on crime, indicates that there is, in a sense, a history of witchcraft without witches.

⁹⁸ *OBP*, December 1758, Samuel Cordwell (t17581206-26).

⁹⁹ On last dying speeches and secularism see J. A. Sharpe, ‘Civility, Civilizing Processes, and the End of Public Punishment in England’, Peter Burke, Brian Harrison and Paul Slack (eds), *Civil Histories: Essays Presented to Sir Keith Thomas* (Oxford, 2000); McKenzie, ‘Martyrs in Low Life?’.