

Ђорђе STEPIĆ, MA\*

INTERVIEW WITH EMERITUS PROFESSOR  
DR E. WILLIAM MONTER

Emeritus Professor E. William Monter was born on 22 September 1936 in Cincinnati. He earned his bachelor's degree at Wabash College, Crawfordsville, Indiana in 1958 and his Doctorate of Philosophy at Princeton University in 1963.

He worked as a professor of history at Northwestern University, Evanston, Illinois from 1972 until his retirement. Most of his research concerns events recorded in 16<sup>th</sup> and 17<sup>th</sup> century Western Europe. He is an internationally renowned early-modern social historian who has worked on a wide variety of subjects, including witchcraft, the Inquisition, women's history, and perceived deviance, with special reference to France, Switzerland, and Spain.

His most notable works are: *Calvin's Geneva* (1967); *European Witchcraft* (1969); *Witchcraft in Geneva, 1537–1662* (1971); *Witchcraft in France and Switzerland: The Borderlands during the Reformation* (1976); *Ritual, Myth and Magic in Early Modern Europe* (1983); *Frontiers of Heresy: The Spanish Inquisition from the Basque Lands to Sicily (Cambridge Studies in Early Modern History)* (1990); *Judging the French Reformation: Heresy Trials by Sixteenth-Century Parlements* (1999); *The Rise of Female Kings in Europe, 1300–1800* (2012).

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His most recent publications investigate early-modern European numismatics. His works saw numerous editions in several languages. Given that he was present for this year's International conference „Unfit to rule”, we had the unique opportunity to interview Emeritus Professor E. William Monter on various topics from his life and scholarly work.

The interview was conducted by Dorđe Stepić, on 28 October 2022.

**Dorđe Stepić:** *So, first of all, good day, Professor Monter, and on behalf of the students and readers of the „Herald of Legal History” and the viewers of our YouTube channel, it will be a pleasure doing this short interview with you and abusing the privileges of being the Secretary of the conference (because of which) you are just here and which is the reason for your stay in Belgrade.*

**Emeritus Professor E. William Monter:** All right, I'm ready to go, lead off with your first question, please, Mr Stepić.

**D. S.:** *Thank you very much. Well, starting from the beginning, can you tell us something about your early years and education in general?*

**E. W. M.:** I pose as an ordinary American. I was born in the middle of the Great Depression in the 1930s and have had a fortunate childhood... well, looking back at this time in my life I can say the whole of my life has been relatively fortunate – I have escaped all the wars that America has fought in my lifetime for various reasons and I've been able to benefit from different advantages that come from the time and place of my birth and the circumstances under which I lived...

My life is basically very unexceptional in most ways: I found out early that I had enough curiosity about history and read through a gigantic history of the world as a child in primary school... and then got scholarships to colleges and a scholarship to graduate school. I'm actually one of two graduates of Princeton University history department in the PhD, the other one is, of course Zach(ary) Chitwood, who is of course, considerably younger than I...

I went to an actually very mediocre secondary school that did not offer a foreign language until I was in my third year of high school and therefore I have had to scramble in some ways to keep up with the very bright people whom I encountered, particularly once I was in postgraduate study. So I learned an awful lot, in other words, after I had a bachelor's degree and I've been fortunate in being able to find employment when I was in my mid-20s, then swam happily through it. As my dearest friend and relative in the States says: „Bill Monter is a square peg in a square hole”, and this is what I claim anyway or am willing to admit.

Đ. S.: *Speaking with you before the interview, you mentioned that you already visited this part of Europe in the 60s (EWM laughs) – so, before going into your career and achievements, can you tell us something more of your impressions of the country and of the time, its people and culture?*

E. W. M.: Well – it wasn't that long, it was a week in Marshal Tito's Yugoslavia... well, President Tito's Yugoslavia. Summer of 1967 – that was my first marriage – I've had two marriages. The man who is with me here [at the conference] is the son of my second wife and I have been with him since he was about 14 and in school. But we were there because my first wife was a student of Russian literature and they required a second Slavic language at the University of Chicago and the languages of the question, the ones on offer were: Polish, Czech and Serbo-Croatian, and she voted for Serbo-Croatian.

So when we were on leave and she was working on her thesis we spent a week in Tito's land, which was a functioning, to some extent, multicultural country; definitely ruled from Belgrade, but Belgrade was not a place we visited. We entered from Greece, taking a train from Salonika to Skopje and my wife then proceeded to negotiate a bus ticket to Montenegro, I can't remember– was it, Titograd? (laughs) I can't remember the capital in 1967...

Đ. S.: *(laughs) Yes, it was Titograd, back then.*

E. W. M.: OK, it is no longer, but it was then (laughs). Generally, this experience is so far in the past that it is like – the land no longer politically exists. Much of the time we did go to Montenegro, but in order to get to Montenegro from Skopje on bus, you had to go through the deepest part of the Balkans and that meant spending a night on Lake Ohrid, on the border with Albania. But back then, in 1967, Yugoslavia was a non-aligned country and Albania was an aligned country, aligned with China mostly, but to some extent with Russia. So the experience that I cited to you, it was hearing – on the shores of Lake Ohrid – blaring on the loudspeakers of the Yugoslav army [that was] bored to tears, with nothing particular to do, towards their equally bored opponents on the other side, the aligned opponents on the other side of Lake Ohrid; and what they chose to serenade the Albanians with was American rock music, which astounded me at the time, it is still very vivid as a memorable experience, the single most memorable experience of that long ago brief visit to... Yes, I have to say Yugoslavia.

I saw a working country that seemed to be functioning more than satisfactorily, with a unified currency and a basically national language, which was often a second language in some – many – parts of the country,

like the Dalmatian coast... so it's just one of those other experiences. This is my first time in Belgrade and therefore in the heart of contemporary Serbia, and once again I have the impression of a country – much smaller than the one that was there in 1967 – but it also looks like it's functioning. The things that you ask it to do as a tourist and a guest – it delivers, and sometimes things you didn't even ask for – like this interview, it delivers!

So I'm very grateful to the experience, maybe I'm a minority of all American citizens and not necessarily a random American but it is a place that I am delighted to experience in the capacity of a member of the Republic of Letters, which is by definition an irrational phenomenon – old, venerable, has its own rules and customs and its languages occasionally change. Is that too much? (chuckles)

Đ. S.: *No, it's rather well said. So, thank you for the answer – we often say that a content visitor is the best ambassador into the world...*

E. W. M.: I have no failed career as a diplomat! (both laugh)

Đ. S.: *We'll take notice of that. Returning to your work, in the '60s and the '70s you mostly worked on witchcraft in Western Europe. How did the significance of rituals and superstitions give rise to such a violent reaction from the church and state authorities?*

E. W. M.: I'm going to back off and rephrase that to say that I actually began as an expert in the history of Geneva, which is a small place but from the 16<sup>th</sup> century onwards has consistently been more important than its size would suggest; and the witchcraft came through Geneva. Also in the same year, 1967 I think, it is the first time that I really began to decide that the study of European witchcraft was a subject that would hold my attention and pique my curiosity for a long period, which indeed it has; but I don't claim to have necessarily understood it that much better than when I began in the 1960s.

In the meantime I've been able to do things like teach university students about European witchcraft from the point of view of a professional historian and as such it is a subject that is difficult to seize, because you don't have what we call „the voices of the accused”, reported in ways that satisfy the average curiosity of people in our age. So the voices of the accused are the missing crucial ingredient: what did they think they were doing, as opposed to what the authorities that investigated them, usually by arresting them and putting them into prison, think they were doing. And there is a sort of this huge gap that is almost impossible to resolve because of the nature of the sources that... the only ones that are left are mostly written. I had a good piece of fortune – and this squeezes me into one of the other more appropriate contexts for this interview – which is

the role of law in judging, in social repression of phenomena, [that was] sometimes – often – dissident.

The Genevan case was really interesting because when I began my work – therefore with the witchcraft trials of Geneva, and I was doing that by 1967 – and in Geneva the legal records are very well [preserved]... Geneva was spared all the world wars of the 20<sup>th</sup> century, so its records are unusually well preserved – nobody ever dropped a bomb on them, not even the Americans, who did, by the way, once bomb Switzerland slightly to the north, since they didn't have very good maps. Anyway, back to Geneva and its witches. The trials that were preserved contained interrogations of the accused, as they generally do, and the deliberations of the judges who are not professional trained lawyers at all. So, witchcraft being a difficult matter for the amateur – officially unskilled, untrained judges – the Genevans called on the one really well-trained lawyer they had, who wasn't a local man at all: he was a Frenchman who emigrated to the city because he was a Calvinist and that was prohibited – public worship was prohibited in France – Germain Colladon<sup>1</sup> was the man's name.

The legal trials for witchcraft almost invariably included something called an *avis de droit*, a legal opinion... an *avis de droit* of Germain Colladon summarising his opinion of what evidence the judges actually possessed and, on the basis of that evidence, how the prisoners should be treated; what seemed an appropriate level of sentencing. So, he basically told them what to do with the evidence they've managed to acquire – and this is relatively rare in the records... I think in the records I've looked at elsewhere: the interrogations, everywhere... the judgements are frequently also located, but not the legal opinions, and to find them, it was – and I can see now in hindsight – an unexpected benefit of the first time I really began looking at it, like „OK, in a concrete situation, this place, this time: how was witchcraft, *sorcellerie* in French, treated” and it was actually treated far less severely than I had imagined when I began looking! Because I have read a lot of instructions, how-to-do-it books on witch trials and they were all in favour of maximum severity. Well, in real life, the judges also could exercise a certain amount of leniency – there were mitigating circumstances in all kinds of ways that „creep” into the written record and, therefore, enable the judges to make what they hope is a more merciful (sentence): about one suspect in five is actually condemned to death under Colladon.

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1 Germain Colladon (1510–1594) was a French and Swiss university professor, jurist, politician, and diplomat. He is remembered as the great legislator of Geneva, and the author of many legal opinions of the Small Council of Geneva in the second half of the 16<sup>th</sup> century.

So, this is where I started and I then proceeded to try to track records elsewhere; seldom have I been quite as lucky as I was in Geneva, but it's the stories of prisoners being interrogated for a crime that has been defined by mostly ecclesiastical authorities: the Dominicans bear a heavy responsibility for the formation of the doctrine of witchcraft as *lèse-majesté divine*.<sup>2</sup> Basically, the problem is the repudiation of your baptism and being marked by the devil and things like that... So the implications of the official jurisdictional literature are all weighted heavily towards severity – the actual behavior of the judges is usually considerably milder than the letter of the canon law would expect. So that's been one of my big stories and I was able to start teaching it also. Again, 1967 must have been a richer year than I imagined it in retrospect...

**D. S.:** *So, these were your first courses, actually, that you taught...*

**E..W..M.:** Among my first courses. I actually began teaching in '63, I did something like Italian Renaissance and Protestant reformation – that was my main field, Genevan Calvinism being my main specialty, so, yeah, this kind of courses... but, yes, witchcraft interested me as a problem. Because, how do you try to get at what actually happened when you really don't have the voices of the people who were being accused, and if they don't get accused – we don't even know what their names were in most cases – so there's this problem.

So when I began to teach the subject of European witchcraft, I said to the students: it's really the study of witchcraft prosecutions and the problems of understanding the motives of the accused and the prisoners is almost impossible to really decode. You get a few clues, and there have been some other people who had really bright things to say about it. My original excuse for the students on a course on European witchcraft is that... you know, you do not study law in the States until after you've got a bachelor's degree. But, there were a lot of people in my classes every year who were planning on getting a bachelor's degree and going to a school of law and I told them this: „Well, my promise, if you take my course, is that you will learn about a crime that caused an awful lot of death sentences, but was ultimately decided to be imaginary” – which is pretty embarrassing, if you think about it, from a legal point of view.

So it's a cautionary tale for students who want to acquire formal legal training, and I was the devil's advocate, if you will, in that sense, on how

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2 *Lèse-majesté* (in French) or *lese-majesty* (in English) is a crime against the dignity of a head of state or the state itself. It originated in Roman law (*crimen laese maiestatis*) and is still a category of positive law in several modern Eurasian countries. *Lèse-majesté divine* replaces the protected figure with that of a deity.

to read legal documents as historical sources. Legal guidebooks are quite different from legal practice in a lot of ways: there's always, in the period I'm familiar with, in most parts of Western Europe, a considerable scope for mitigation, for circumstances that allow people to finally make milder judgements than the letter of law would stipulate.

Đ. S.: *You know, based on your last answer, I think it's much more comfortable being the devil's advocate in the question of witchcraft now, than it was being the devil's advocate back then.*

E. W. M.: Well, I've encountered... There are plenty of witches! Once upon a time in a city you probably never heard of, Muncie, Indiana, I attended – this is 1973 – I attended a conference which was held as a public debate between witches and scholars. You're smiling, but that actually happened – I was, of course, on the side of the scholars and I guess I was already notorious enough that I was invited to debate the witches. The witches in the States are people who call themselves Wiccans and they're good witches, they deny doing any kind of malevolent deeds, whereas the legal charges against witches are almost always *maleficium* – evil deeds, and the question is how ordinary people would do such supernaturally caused evil deeds. So, anyway, the witches in Indiana, therefore, were people who had no possibility of being indicted for *maleficium*, which is not a crime in Indiana, anyway. (laughs)

Đ. S.: *Thankfully.* (laughs)

E. W. M.: It was one of those classical cases of what we call „the dialogues of the deaf” – I didn't really understand where they were coming from, and they had trouble being told that all this had, by the time of the 18<sup>th</sup> century Enlightenment, for most parts of Europe been declared nonsense. So this is 1973, that's still quite a while ago, I'm not sure how much has changed, in all the years since. It's been quite a chase.

I've been publishing stuff about witchcraft on and off because I have some pretty good mastery of the subject in more than one European country; more than one court system. This is actually a lot of fun, the two court systems; in fact, this will get us in some of the other stuff later on. The greatest court systems in Europe in the times that I mostly investigated – my stuff, basically, is the 16<sup>th</sup> century and a lot of the 17<sup>th</sup> – the outstanding court systems in Europe, I believe at the time, would be in terms of the canon law, the church laws of Europe, would be the Spanish Inquisition. Because all the inquisitors, although they were supposed to be theologians, they're actually all trained in law – that's the one thing when

you study their biographies – the one thing that they all share. So, they're all really good crackerjack lawyers.

Canon law has some stipulations that are missing from Roman law: it is no matter if a criminal is arrested, convicted of a crime that deserves the death penalty under canon law, like witchcraft, they cannot be executed if they repent – at least on the first conviction. If you relapse, then you're possibly subject to execution – but first offenders, no matter how thoroughly convicted, if they are able to demonstrate repentance, are exempt from death penalty. So, the Spanish Inquisition has its own records on witchcraft and on some other interesting crimes, and these are great records, maybe not the kind of thing I was describing from Geneva, about the detailed legal guides to amateur judges by professional jurists. In the case of the Spanish Inquisition, you're dealing with really trained canon law experts, dealing with something that they're not sure really happened, and as a result the Spaniards end up... for a long time they are very hesitant about accepting the reality of witchcraft.

Somehow, temporarily, at the turn of the 16<sup>th</sup> and 17<sup>th</sup> centuries, it flips for a while and people are clearly arrested, tried and actually convicted and executed, even without the opportunity to recant. No, what happens – only the people who refused to recant – because they refuse to admit guilt in the first place; they persisted in declaring themselves innocent after they've been convicted by the cannon law – they are the only ones who are executed. Anybody who was convicted and then declared repentance is pardoned, but punished. So, the canon law version ends up with some odd policies to us, about conviction and then repentance, how persevering in asserting your innocence can get you killed, whereas accepting the verdict and claiming repentance avoids that punishment.

*Đ. S.: It's actually a vicious circle with witchcraft and heresy: if you don't confess to it, then people would say: „Well, so many others have confessed to it, thus it must be true; so why are you maintaining your innocence?“*

*E. W. M.:* No, the Inquisition has already found out, to its own satisfaction, that there is sufficient testimony against you: that whatever you say doesn't matter. Two credible witnesses, persistent behaviour over a certain period of time – for heresy, that suffices. And if you protest your innocence, that means you're stubborn in your heresy, so it guarantees you can get... and this is the way that it flips over when you're dealing with witchcraft – you wind up only with the people who protest their innocence being ultimately executed.



That's the canon law system and then the Roman law system – well, it's only partially Roman law, there's also some customs, but the French Parlement of Paris (*Parlement de Paris*) is, I think, the greatest, most prestigious secular appellate court in Europe in the 16<sup>th</sup> and 17<sup>th</sup> centuries. That's a pretty bold statement: there is, for example, in Germany the *Reichskammergericht*,<sup>3</sup> which has many Roman law jurists, and has a pretty distinguished record of its own, but the Parlement of Paris is, after all, much older, the *Reichskammergericht* is founded at the end of the 15<sup>th</sup> century; the Parlement of Paris goes back to the 13<sup>th</sup> century. So, it has got venerability and prestige, its members are privileged and so on... And the treatment of witchcraft by the French Parlement of Paris is actually oddly chronologically comparable to the Spanish Inquisition. In both cases, you really have a decriminalisation of the crime of witchcraft in the early... between 1620 and 1640 – slightly different variants: two countries in two times and two principle law codes, but it's nonetheless, curiously, almost simultaneous in terms of long-term chronology.

D. S.: *That can also be a part of my next question.*

E. W. M.: Well, yes! Tie them together!

D. S.: OK (chuckles). *So, the next question would be: can you name some other similarities between these great legal systems? So, you mentioned the Genevan trials, the French trials and the Spanish ones, and even the German system. Was there any greater common ground, or are there any other examples of common ground between all these systems and perhaps the witch trials we later saw in England and even the US?*

E. W. M.: Here you stop me, Mr. Stepić! Because I'm not trained in law and I don't automatically, or even quickly think hard about this. And it's hard for me to think hard about this, because I don't have formal training: I am the Genevan justice, if you will, (laughs) who is listening to someone who is trained in this: „tell me how to interpret the evidence in front of me and what kind of punishment I should make after interrogating the prisoner and what you hope...”, all the relevant questions that you think of to ask. So, that's where incompetence takes over: I've just stumbled into this, in retrospect, in old age, after a long time of mucking around with the subject in more than one country. This is another advantage, a benefit I've had of being the age I am at the time I am, and finally having to learn

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3 The *Reichskammergericht*, The Imperial Chamber Court, founded in 1495, by the Imperial Diet in Worms, is one of the two highest judicial institutions in the Holy Roman Empire, the other being the Aulic Council (*Reichshofrat*).

some other languages and therefore being able to operate in more than one Western European country. So, circling back towards my argument of being a pretty privileged person... and all the times... well, I guess it started off with the Protestant Reformation – in fact... Well, go ahead. You're the interrogator here, I suppose! (laughs)

Đ. S.: *You're not the accused here, you're just being interviewed for...*

E. W. M.: I'm accused of being in Belgrade, given too many privileges. (laughs)

Đ. S.: *No, not at all – it's a privilege having you here...*

E. W. M.: Thank you very much. I'm not pushing for compliments.

Đ. S.: *What you've told us by this point is that no segment of social and cultural history stands on its own. So, for instance, the trials of heretics and witch trials and other issues, cannot be understood without legal history and legal historiography.*

E. W. M.: Because, after all, there were court systems – and these court systems provide the records and often, almost always, the most abundant records about the phenomenon. What we know about [it] is what we know after people get arrested for witchcraft, and that's not true for heresy, however. In heresy, one of the other differences – I think it's a shorthand for separating them – is that with heresy I think it's quite easy for us to accept in the 20<sup>th</sup> century and 21<sup>st</sup> century now: that secret conventicles, clandestine gatherings to read the Bible and comment on it in the 16<sup>th</sup> century – invention of printing makes it possible – there were secret, private, illegal, technically illegal religious assemblies.

With witchcraft, it's a diabolical assembly and that's where a lot of the authorities and judges investigating the matter began to doubt that it really existed: how do you really fly around on a broomstick? (laughs) Can't do it! You know, it can't be repeated. So that's one significant difference for us in trying to interpret the legal papers that have been left to us. When a heretic is being prosecuted for having attended some illegal assemblies – probably did! When an old woman is being prosecuted for flying around on a broomstick and worshipping the devil: well, maybe she wanted to do it, at least a little bit, but she couldn't do that with a broomstick. Except, the people – and the people in Indiana didn't use broomsticks, by the way, going back to 1970s.<sup>4</sup>

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4 The previously mentioned dialogue that the professor and other scholars had with modern-day witches.

Đ. S.: *So that's the focal point... Because we talked previously that the guys who keep the best records are the judges, the tax collectors and the monks...*

E. W. M.: Yeah.

Đ. S.: *...so here we have the judges and, possibly, the monks having a say in what happened and how you should interpret it.*

E. W. M.: Well, they tell us how to interpret it, but we don't necessarily want to buy some of that, because there is too much supernatural. The powers of the devil, which – the old formal Christian devil... in fact, I would turn one question back in other way at you on this point and say that, insofar, Christianity has been split for well over 1000 years now, between Eastern and Western, between Orthodox Greek and Latin Roman forms of Christianity: different calendars for a long time, different Easters, a whole bunch of things like that... The devil should have an equal authority on both sides of the Orthodox/Latin divide: but I don't see the legal records... Of course, the Serbs have a great excuse, by the time the trials become numerous in the late 15<sup>th</sup> century, there is no Serbian state, so of course there is nobody making legal records, but that's not true of the Poles or the Czechs or Bulgarians, for example... and I'm not aware that in places... I'm especially not aware that in Orthodox Europe there were ever any prosecutions: were there any prosecutions of these kinds?

Đ. S.: *As far as I know, there were singular cases, and there's even a norm in Serbian Dušan's Code incriminating the „mađinik”, the magician...<sup>5</sup>*

E. W. M.: Ah!

Đ. S.: *... for a kind of witchcraft; or an instance where the people try to raise their dead from the graves, and that even some priests take part in it, so they would be stripped of all their honours and be forced to pay a huge indemnity to the state if they persist. So, it's much more of a question of superstition and isolated cases rather than this huge organised endeavour...*

E. W. M.: Ok, there are no organised witch assemblies...

Đ. S.: *Not to my knowledge.*

E. W. M.: Alright, well, we are groping towards one of the cultural differences between Eastern and Western Christianity, and how it plays out and how come I can riffle through all my records in Geneva, and the Spanish Inquisition in Madrid, and the Parlement of Paris. And there's no analogy in Ivan the Terrible's Russia.

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5 The article in question, 109, speaks of the magician and the poisoner.

Đ. S.: *I don't think so.*

E. W. M.: So, you know, in other words, East and West Europe have some pretty large cultural differences, and this is one of them, and it is persistent. I don't think that you'd be able to debate an assembly of witches as I did in Indiana in 1973.

Đ. S.: *No covenant of witches here, neither good nor bad, but we do have some interesting oral traditions about some kind of mythological creatures like vampires and werewolves...*

E. W. M.: Yes, yes, yes!

Đ. S.:... *and the whole shebang, but I think we kind of stuck more to that primordial hearsay and oral tradition and superstition rather than, you know „it's a significant cultural phenomenon and it needs to be fought off and...*

E. W. M.: ...and wind up in the hands of lawyers and judges.” (chuckles)

Đ. S.: *If you'd ask modern lawyers, they would kill for some more work, but I don't think it would be interesting enough for our sphere.*

E. W. M.: Did you use the word „kill” knowingly in that sentence? (both laugh) Because that's what's going to get me into one of the questions I know you want to ask.

Đ. S.: *I can ask them, but it's still interesting to hear your „hot takes” on some of these kinds of issues. We can return, of course if you wish, to heresy and other phenomena, but I would like to ask you...*

E. W. M.: Oh, I was going to say: I do have one piece in my bibliography: a conference in England in the early 1990s, where I tried to compare heresy – executions for heresy with executions for witchcraft, which I can link to some of the remarks I made pretty recently here, alright. Simple, stupid, original historical questions: when did it happen? And the answer is that I was going to come up with, when I wrote the paper, and made my presentation in England in '92, was the chronology of prosecutions and executions for witchcraft and prosecutions and executions for heresy and the curiosity chronologically is that there is a very great wave of trials for witchcraft in the late 15<sup>th</sup> century, the time of the notorious *Malleus maleficarum*, „the Hammer of witches” by Dominican monks<sup>6</sup> and it spins over in a lot of French speaking areas as well: there is a whole cottage in-

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6 *Malleus maleficarum*, „the Hammer of witches”, is a treatise on witches and witchcraft, written in the late 15<sup>th</sup> century, and was influential on the growing prosecution of witches in the 16<sup>th</sup> and 17<sup>th</sup> century.

dustry of early witchcraft trials – late mediaeval, which go between 1480 and 1520. There's a large cycle in places in different parts of Europe, where we really do know that a lot of people are executed for *maleficium* – for heretical magic, and exactly what the details are varies a lot. But this stops almost completely – it drops off. If we could graph for executions for heresy – it goes zooming up around 1490 or so and stays pretty high, and in the 1520s it drops and is very... there is a 40-year span between the mid-1520s and mid-1560s, when there are almost no recorded prosecutions for witchcraft. On the other hand, between the mid-1520s and the mid-1560s, there are enormous numbers of recorded prosecutions for heresy. The most important victims were people known as Anabaptists<sup>7</sup> – I don't know if you are familiar with them, have you heard of them?

Đ. S.: *Yeah, I've heard of them...*

E. W. M.: Alright. They still exist, which is nice, because it means they have their own historical journals and stuff like that, and college faculties and, you know, it's different from the debate with the witches.

E. W. M.: This guy (shows one of his papers) is an attempt to – see the title – it starts as a parody of Martin Luther's 95 theses, except I only have about 10 of them (both chuckle). This was actually delivered in that form and was edited by the authorities.

Đ. S.: *So, there was a nice reception of it...*

E. W. M.: Yes... Anyway, so, I don't know how to explain this, or rather – I can explain it: the Protestant reformation really begins in 1520 and the Wars of religion arrive in the 1560s.

Đ. S.: *So, instead of fighting these internal issues, like with witchcraft and with the superstition or whatever... Here we have the „elephant in the room”. We have this huge new church – well, from the position of the Catholics, a heretical movement, the Protestants, that are gaining ground and gaining ground fast.*

E. W. M.: They were so numerous, in fact. The authorities do attempt to stamp out heresy in different places – particularly the Habsburg lands in German-speaking Europe, but a lot of them also in France, and few in Spain and Italy, few in the Mediterranean area, who are mostly on the

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7 Anabaptists are a Protestant Christian group, formed in the first half of the 16<sup>th</sup> century. They were considered to be amongst radical reformers, negating the value of infant baptism, believing that a person can only be baptized as a Christian after a period of learning about the faith, which gave them their name.

more radical side of Protestantism. The Protestants composed a martyrology and the Anabaptists have at least two different martyrologies, which don't overlap – and there's a couple of minor ones, but the point is that you have historical sources written by the victims, which will never be the case with witchcraft. So, the heresy trials therefore operate in a different way and that was why I was really interested in the Parlement of Paris, where you have the best trained jurists in Roman law, probably, in Western Europe, confronting an heretical movement; but they don't have canon law training. They are, in fact, getting a lot of their business by having cases evoked to them from ecclesiastical courts. The ultimate word in France is „Justice is in the hands of the King and not the church”, and so in France you wind up... Therefore in Spain, you have the problem of really astute theologians – they at least have a bachelor's degree in theology and the advanced degrees in in law. In Paris you have people with advanced degrees in law, but almost never a bachelor's in theology (chuckles). So they are reversing each other.

Đ. S.: So, you have these kind of „secular”, let's call them, „jurists” having to face kind of religious matters because the King of France is „*Le Roi très chrétien*” – „*the most Christian king*”.<sup>8</sup>

E. W. M.: Yes, he's required to repress heresy, but they become so damn numerous that they literally exceed the capacities of the jails in which they were. The Parlement of Paris' jail – one of the things I discovered, with some help from a few other experts, while I was playing around with this subject, is that the reason why these trials suddenly start drying up, in the preserved records of the Parlement of Paris, is because there are too many different kinds of crimes they really have to try and there is so many heretics around there that they can't begin to reach them – reach whole communities, because it's very easy to appeal a decision to the Parlement of Paris, and they simply get overrun. I have described it as a meeting between the immovable object and the irresistible force and actually, what matters is that the irresistible force in this case knocks the immovable object sideways. So, heresy becomes decriminalised in France in 1560, precisely because it had outgrown the legal mechanism by which it could be repressed, although they tried, they tried very hard for a while and they always, you know... you have theologically competent legal advice available, but they really don't use it. It's not in their custom and tradition and

8 A translation of the Latin „*christianissimus*” („the most Christian”) it is a part of the official title of French kings, mentioned since the time of the Merovingians, becoming a staple in later centuries, and used until the end of the Bourbon dynasty. It was used to distinguish French monarchs from other kings in Western Christendom.

the way they operate. So, I've backed around legal sources in a lot of ways but I always remain legally untrained, legally naïve, if you will, and on that part juridically naïve, I guess I can honestly say. And yet, at the same hand, I'm an expert on the preserved records that deal with all of these things. And yes, even the financial records, those are the most trustworthy of all. The local officials never lie to central treasury about these things – and the expenses involved with arresting and prosecuting a witch are still public expense, even if you don't convict the person. So, a lot of times you find, you know, records of arrest that don't lead to executions; you also find records of executions, which are usually more costly, because you have a public execution that costs a lot of money, you want to have as many people as possible, [you want it to be] as public as possible, because the idea of punishment is to deter crime by making the punishment severe and humiliating and public.

Đ. S.: *So, the public gets to know the crime and gets to know the offender – it serves the purpose of general prevention in a sense.*

E. W. M.: Yes, that's the theory and was for a very, very long time and this is, at least, how I am able to make some sense, as I can, out of the records with which I have worked.

Đ. S.: *And some sources even in early modern Serbia actually prescribe that the punishment needs to be dealt out during the market day, because most of the people will be at the town square and observing it as a means of, if not passing the time, then just seeing what happens to those that break the law.*

E. W. M.: Yes, and also the French Parlement of Paris places a lot of weight on something – I don't know if you studied this – called the *amende honorable*,<sup>9</sup> which is a very public ceremony: this is the marketplace thing. The *amende honorable* has the convicted penitent – again, repentance is, also even in the civil law, in force here – and the punishment is „*semper mortem*”, but you are given maximum humiliation. You're on your knees, holding a taper, preferably; if you have offended a particular clan or person, you are in front of their main dwelling, or, better yet, they are in the presence of the leaders of the clan. The idea is, exactly the same as Serbian... the marketplace custom – the more people you have gathered together at one spot at one time... coming out of a church service – another

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9 *Amende honorable*, „the honorable amend” is a form of punishment, prevalent in medieval/early modern France, that requires the offender to enter a church or an auditory, to confess his crimes and beg forgiveness from God, the king and country. He would be usually stripped from the waist up and forced to carry a noose around his neck.

great way to do the *amende honorable*, so the church is still there in small ways, even in the Parisian system. So, the intersection of ecclesiastical and secular justice in the early modern period is more intricate maybe than I usually bothered to admit in my head, in my writings.

Đ. S.: *Going on to the most recent of your interests, and your last book, if I'm not mistaken, which concerns women in power, or, to be more precise, as you call them „female kings in late Medieval and Early Modern Europe”. The period you've chosen to cover is between 1328 and 1800. Can you tell us, is there any specific reason for the greatest number of female monarchs and women in power [in this period]? You've actually said that between Catherine the Great and Margaret Thatcher, in Great Britain, in the period of 180 years, there was no female holding executive power in Western and Central Europe.*

E. W. M.: I think my exact phrase was „no female head of government” that means: to back up... Catherine II of Russia was an autocrat. Margaret Thatcher was, technically, a subject of the recently deceased Queen Elizabeth II, but nonetheless, the recently deceased Queen Elizabeth II was not – she had 15 prime ministers – but she was never the head of the British government. Margaret Thatcher was, for ten years: matched now, I think, overmatched slightly by Angela Merkel. But there's a big fall off after those two, even today. So what happens, I think we can say, is – or what I would like to propose – I mean, this is again a guess; I began with that simple bald fact, which is pretty striking, I think: how come it was possible to have a female autocrat or in any way an unchallengeable monarch?

Maria Teresa, who is simply, what, the only excess there, I was going to say, she's twice Ursula von der Leyen<sup>10</sup> in terms of offspring, 7 versus 15. So, anyway, why is there this gap? Well, I think the answer is the desecularisation of monarchical power. And that's a rather elaborate way of saying „look, there's the French Revolution, there's the Napoleonic period, and by the time the dust settles, we have something called the rise of liberalism and representative government that finally filters out of all that”. Well, yes, we do. And we have more participation by more ordinary people. That's fine.

Đ. S.: *And more ordinary women?*

E. W. M.: No, not ordinary women! When do women get the vote? The answer is, in continental Europe, almost never until for at least a century after the French Revolution. And France itself, it's really very late.

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10 Ursula von der Leyen is a German politician who has been the president of the European Commission since 2019.



Đ. S.: *I think Switzerland was the latest in the seventies?*

E. W. M.: Switzerland is an extreme case. First of all, Switzerland has never been a monarchy. It's been around since 1291, as a confederation and it has more than one religion in it. It has upwards of four languages. My son is really impressed: we fly Swiss, and there are actually four greetings on the front – none of them in English.

Anyway, Switzerland has had democracy for centuries and centuries and centuries. It is in fact – Americans like to believe we are... we do have one of the oldest, actually working constitutions, maybe the oldest right now. But in terms of overall venerability, the Swiss beat everybody by hundreds of years. Except no Swiss woman voted in any of these elections for all these hundreds of years until 1971. I still have somewhere, in some corner, a ballot for the rise of women to voting status, because I think I was in Switzerland at the time that it was actually passed. So, yeah, losing my track here. I am very old... The failure of... the liberal democratic movement, the French Revolution and Napoleon... Actually, we can make it more vivid and personal than that. One of the things I left out of the speech I intended to say (at this conference) was that Maria Teresa, the woman ruler of Austria with all those children, had actually she had eleven daughters, but a lot of them didn't make it through and so on. But of those eleven daughters, there's at least a couple of them who were married to kings, and they are among the younger ones. The most famous one is married to the king of France: what happens to her? The guillotine!<sup>11</sup>

Đ. S.: *Another one is married to the king of Naples...*<sup>12</sup>

E. W. M.: Well, she is buried today, with her head still on her body, in Vienna, in the *Kaisergruft* of the Habsburgs,<sup>13</sup> but that's because that was where she was exiled by Napoleon and his was the second French government to overthrow her: she was overthrown by the Republicans in the 1790s and then comes back at the end of the Directorate, and then is booted out a second time by Napoleon. So she's deposed twice, which is probably one of the more dubious records for all the women in my list; but she is not a ruler. She is a *de-facto* ruler because she's married to a man who doesn't care too much about ordinary business and his wife cares a great deal.

Đ. S.: *Broadly speaking, how would you say that such female rulership shaped the political history of Europe? Has it helped to normalise females in power?*

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11 Maria Antonia / Marie Antoinette (1755–1793), the wife of Louis XVI of France.

12 Maria Carolina (1752–1814), the wife of Ferdinand IV and III of Two Sicilies.

13 *Kaisergruft*, or *Kapuzinergruft* (Imperial or Capuchin Crypt) is a burial site for most of the Habsburgs since 1618.

E. W. M.: It did, to some extent, back in the day. Because if a woman – and we’ve experienced this now – by saying, look, in England this was a woman who was on the throne for 70 years! If you stay around for a while – yes, most of the people who are there when you’re in your old age have known no other ruler and it’s normal to have a woman as the supreme governor of a monarchy. But that’s the only way I can see it happening. Of course, women are ordinarily followed by their sons. So things flip back to the default choice of a successor that is a man. You know, in 18<sup>th</sup> century Russia there were four female autocrats; and three of them – no, all of them, choose men as their successors. The men just don’t last very long; until Catherine the Great, who has three sons with three different fathers – the one who’s legitimate officially becomes her successor.

Oh, this is what I was going to say: actually maybe this is an important point that I did have I believe in the lecture, but I’m not sure. Anyway, Catherine, who is, of all these 30 women, the one with the most elaborate plans to reform the legal system of her state – the Russian Empire, and this is the *Nakaz* of 1760... when is it – late 1760s.<sup>14</sup> She’s, at the time, she’s working very hard on the constitution for the Russian Empire and she has read Montesquieu, and Montesquieu says the most important rule of any particular state is the rule of succession. And so Catherine was, therefore, trying to apply this and design a rule of succession for the Russian Empire.

And she left an enormous amount of papers; but you read the biography on Catherine in English and probably the best in any language – Isabel de Madariaga<sup>15</sup> – [and it] gave me a picture of Catherine struggling with the insoluble problem of explaining why she was in charge. Because she had absolutely no hereditary claims. She was not even Russian by birth, of course, nor royal by birth, so there is no way in which it was [possible to explain]... and she’s extremely clever and she was very good at work and all these other things... She’d love to scribble and she wrote sarcastic plays about... including her fellow female autocrat Maria Teresa – they overlapped – and yet, Catherine made two or three stabs at it, and said: „Well, my son will succeed me”, but then she could not actually create a legal formula that would justify her own position on the throne. (chuckles) I mean, if she couldn’t do it...

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14 The *Nakaz* or Instruction of Catherine II (Наказ Екатерины II Комиссии о составлении проекта нового Уложения) was a voluminous manifesto analysing the state of the Russian Empire and its existing law codes, containing the Empress’ guidelines for a new, modern code of laws.

15 Isabel Margaret de Madariaga (27 August 1919 – 16 June 2014) was a British historian, an expert on the Russian Empire in the 18<sup>th</sup> century and Catherine the Great.

Đ. S.: *Then who could?*

E. W. M.: Right. So, in other words, it's possible... And it helps explain why „*Après moi, le deluge*” I think actually applies to Catherine the Great, in terms of women rulership, more than it does to the French king, Louis the XV, who is responsible for it.

Đ. S.: *So, do you think that traces of old beliefs, concerning females in power, still mark the political landscape of Europe?*

E. W. M.: No, I think that the 180 year gap was long enough to say that it has to be reinvented; but, that's a guess. I'm not here... you may be here long enough to see it reinvented (both chuckle), but I will not... fully; certainly not in my own country.

Đ. S.: *Well, you see in Britain, the last two, or the second and third female prime ministers weren't really lucky, when it came to the infighting and the entire political debate whether or not they are fit, not as women, but as leaders of their party and their government to just persist...*

E. W. M.: The British have a more arcane political system, in terms of the current rules. Because they were a solid majority of one party in government, and therefore that party picks the leaders, but the system by which they pick them turns out to be very unrepresentative. We all read the headlines, you know: England has risked a lot of erosion of its reputation as a really well-governed rule of law... (chuckles) Sorry about that – but after all, I don't do English history and I never... and, of course, English law is the foundation of American law and I am one of those people who really... are kind of anti-British Americans, you know, I'm more comfortable, in some ways, on the continent...

Đ. S.: *Lastly, what occupies you – I mean, professionally or otherwise, these days: are there plans for some future revisits of topics you've already covered, some new research, or...*

E. W. M.: Not really. I don't think I have enough done on numismatics to make a mini book, and I don't think I have the energy left anymore, and the concentration... Old age is there, as I said: I am easily flattered by saying I'm older than I look – my body knows better and it tells me it's time to quit. So this is a farewell address, or awfully close to it.

Đ. S.: *Then, I'm very honoured... You'd say „quit while you're ahead”, I think is [appropriate]...*

E. W. M.: (Laughs) Yes, thank you! If you're going to go out, it's really lovely to be treated this way, thank you.

Đ. S.: *One Serbian actor actually said, quitting his career, when he was, you know, relatively young in these terms – he was in his 70s, he said: „Well, it’s better to get people used to not seeing me where they saw me earlier, than to see me as someone who is inadequate to be there where he currently is”.*<sup>16</sup>

E. W. M.: This is why my stepson is with me. Exactly why. (chuckles)

Đ. S.: *Thank you for this interview, and I hope you have a pleasant stay [in Belgrade]!*

E. W. M.: Thank you, thank you, Đorđe!

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16 This is a paraphrase from an interview of actor Zoran Rankić.