

Witch trials in the valleys

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The most extreme expression of the inquisitorial system in the bailiwicks were the witch trials. In the Leventina, Blenio, the Riviera and the Mesolcina (then part of the Grisons), as in other Alpine regions, dozens of people, mostly women, were tried for witchcraft in the late sixteenth and seventeenth centuries and many were executed.¹ The trials combined ecclesiastical and secular jurisdiction and were conducted with torture. They cannot be explained by fiscal motives alone, but the confiscation of the property of the condemned and the fees for the proceedings gave the officials involved a financial interest in their continuation. The persecution declined in the late seventeenth century, earlier in the lake bailiwicks than in the valleys.

1 The price of unpredictable justice

The consequences of this system for the economic life of the bailiwicks were considerable. A merchant or landowner who might be fined for a minor breach, who could lose his property through banishment and whose civil cases depended on the goodwill of a changing governor faced legal risks that could not be calculated in advance. The communities responded by developing strategies of protection: they cultivated relations with influential families in the ruling cantons, they paid customary gifts to the *landfogto* and the *sindacatori*, they settled disputes privately through arbitration and notarial settlements and they sought privileges and exemptions confirmed in writing.² These strategies created a culture of legal caution and of private ordering, a preference for resolving conflicts outside the courts and for securing property through documents, family structures and networks.

It would be too simple to trace the modern habits of Ticinese private practice directly to the bailiwicks. The importance of notaries, fiduciaries, private settlements and discreet family arrangements in Lugano has many

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causes, most of them in the nineteenth and twentieth centuries (Chapters D.II and E.III). The early modern experience nevertheless belongs to the background. A society that learnt over three centuries that the public administration of justice was expensive and unpredictable had every reason to develop private substitutes for it and to value, once the canton was founded, an administration of justice bound by law.

2 Notes

1. Ceschi (ed.), *Storia della Svizzera italiana dal Cinquecento al Settecento* (above). The numbers of trials and executions in individual valleys are disputed in the literature and are not given here. ↩
2. Schnyder, *Famiglie e potere* (above); Ceschi, *Nel labirinto delle valli* (above). ↩

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