BABELAO 13 (2024), p. 153-195

Witchcraft Accusations in the Tarim Basin: Cases from the Kharoṣṭhī Documents Discovered at Caḍota (the Niya Ruins)

by

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Many documents written in the South Asian Kharoṣṭhī script were discovered in the early twentieth century at sites along the southern edge of the Tarim Basin[1], now a part of the Xinjiang Uyghur Autonomous Region of China. The majority come from the settlement identified as Caḍota, also known as the Niya Ruins or the Niya Site. Subsequent discoveries have increased the number of documents and document fragments to a total collection of 901 at the time of writing[2]. These can be found transliterated in the online *Catalog of Kharoṣṭhī Documents* (CKD), part of the larger *Corpus of Gāndhārī Texts*[3]. The documents

* This article is part of the *Gender Discrimination in the Tarim Basin* project (GENDISC), which received funding from the European Union's Horizon 2020 research and innovation programme under the Marie Skłodowska-Curie grant agreement No 101030156, hosted at the Oriental Institute of UCLouvain.

[1] See STEIN 1907, 1921, 1928 for archaeological reports of the sites and discoveries of most of the documents over three expeditions. See also STEIN 1904, 1912 for his personal accounts of the first two expeditions. The fourth expedition was unpublished.

[2] SALOMON 2007, p. 183, states that the total is over 1000, including unpublished documents.

[3] BAUMS, GLASS 2012-Present. The catalogue includes Kharoṣṭhī inscriptions, documents, manuscripts, and coins from Central and South Asia, a dictionary of vocabulary, references to publications, and photographs where available. Transliterations and the numbering of documents 1 to 427 found at the 'Niya Site', and numbers 428 to 708, including documents from the sites of Endere and Lou-lan, are based on BOYER, RAPSON, SENART 1920, 1927; and numbers 709 to 757, including Lou-lan, numbers 758 to 763 acquired by Ellsworth Huntington in 1907,

comprise of administrative correspondence and transactional lists, with some related to religion. Many summarise complaints made by members of different settlements against other people, which were heard by the ruling king at the royal court. He then had them relayed in letters to local officials for investigation according to *dharma*, 'the law', and to make a decision on. This article focuses on four such documents that mention accusations of witchcraft, the punishing of witches, and the killing of women suspected of being witches[4]. It examines the key vocabulary used to describe witches and witchcraft, and who the people involved in these cases were, to understand which practices could have constituted witchcraft and what the possible motivations for accusing someone of practicing witchcraft were. A key aim is to find out if gender was a factor behind the accusations. The documents are contextualised and interpreted using textual sources from other parts of the ancient world, including Iran, South Asia, Greece, and Rome. Because witchcraft is usually placed in opposition to religion and has long been associated with benign or malign magic and spell-work, depending on the intentions of the user or practitioner[5], religious life in the Tarim Basin is explored first.

1. Religious Life in the Tarim Basin

"*The religious texts and paintings found in East Turkestan (or Xinjiang, as it is now called in Chinese), together with archaeological and written evidence from elsewhere in Central Asia, attest to a bizarre amalgamation of religious ideas drawn from Christianity and Judaism, Buddhism, and Zoroastrianism. Often this mixture is expressed in the deliberate, peculiar syncretism of Manichaeism. It would seem, in fact, that eastern Central Asia in the premodern period became a melting pot of religious traditions because it served as a remote refuge for heterodox beliefs, and that well into the Mongol period it was one of the most religiously diverse places on the globe*"[6]. From the first millennia BCE to CE, religious life in the Tarim Basin was based around shamanism, solar and lunar worship, worship of ancestors, sacrificial practices, and religious gatherings[7]. Horse-jumping, camel-racing, music, and dance were a part of festivities, with material culture showing the presence of diverse communities and cultural influences[8]. Beliefs, practices, and myths, which were expressed through rituals of daily life, reflected the Iranian and Turkic cultural and linguistic backgrounds of the Eurasian Steppe inhabitants[9], later supplemented by Chinese, Mediterranean, and South Asian religions and cultures[10]. The dual nomadic and sedentary way of living in Central Asia dictated which types of religions were practiced or followed. Nomads are thought to have focussed on worship or honour of ancestors, heroes, and the ethnic group, with a belief in divine kingship and divine laws, whereas sedentary populations in city-states preferred to follow a universal religion, such as Buddhism, Mani-

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and an addendum of number 764 to go with number 31 can be found in RAPSON, NOBLE 1929. These three volumes were subsequently collated in one volume: see BOYER ET ALII 1997. Documents 765 to 782, which were discovered by Stein on an unpublished fourth expedition, were transliterated and translated by BURROW 1937a. Translations of most of the documents were subsequently made by BURROW 1940.

[4] CKD 58, 63, 248, 880.

[5] GOSDEN 2021, pp. 19-24.

[6] FOLTZ 2010, pp. 7-8.

[7] ISHJAMTS 1994, p. 160.

[8] *Ibid.*, pp. 162-163.

[9] FOLTZ 2010, p. 24. Steppe beliefs and practices included shamanism, animism, spirits inhabiting the landscape, burial mounds for people and horses, and carved stones. See GOSDEN 2021, pp. 146-187, for a summary.

[10] See GOSDEN 2021, pp. 109-145, for a consideration of funerary traditions, ancestor worship, human and animal sacrifices, divination, magic, and science in ancient China.

chaeism, Nestorian Christianity, Zoroastrianism, and later Islam, with a focus on the individual rather than the tribe[11]. This duality of urban life in the oases, and nomadism in the deserts and steppes created suspicion between peoples. Outside the safety of the oases were the dangers of thieves, robbers and, more nefariously, demons, reflecting the dichotomies of order and chaos, and life and death. This was exemplified by the presence or absence of water in settlements, and the establishment of cemeteries outside of habitational areas[12]. The wish to avoid dangers and disasters when travelling through the deserts or mountains of Central Asia can be seen in the donations travellers made to religious institutions established along the Silk Road[13]. Thus, the natural environment, and the different lifestyles and communities present, created conditions where identities, hierarchies, and social and spatial boundaries had to be established. These boundaries are reflected in the religious duality of popular or folk religions, consisting of "*an unorganized system of beliefs held by the common people*", and an aristocratic, imperial religion, which was seemingly more organised and based on ancestor cults, with divinity invested in the tribal leader[14]. The belief in divine kingship or leadership is found within the Niya documents in the variety of titles used for kings and officials[15]. This indicates that some aspects of indigenous or nomadic beliefs were retained and that beliefs could overlap. Tribal religions, encompassing shamanism, totemism, polytheism, animism, ritual sacrifices, and cults based on the natural world, came to be influenced by 'foreign' religions as and when encountered (and vice-versa), until they became less important over time[16]. Therefore, "*in traditional societies, religions, like people, are generally considered as being attached to a particular locality or region, and by extension to their own local culture*"[17], but "*subtle influences must have penetrated in both directions through everyday encounters and conversation*"[18]. This localisation of and change over time in beliefs can be seen in the rich funerary tradition of grave goods found at burial sites, with suggested evidence for the belief in ancestors and human sacrifice[19]. Some grave sites are also thought to be related to beliefs in fertility cults, guardian deities, and the afterlife[20].

Following the increase in contact with India and China from the third to fourth centuries CE, the people of the kingdom of Kroraïna (also known as Lou-lan and Shanshan in different periods), of which Caḍota was a part, placed goods from these regions in their tombs[21]. Furthermore, the contacts with people from South Asia led to the spread of Buddhism and South Asian cultures, which came to have a dominant presence in the settlements around the Taklamakan

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[11] KLIMKEIT 2000a, p. 63.

[12] *Ibid.*, p. 64.

[13] FOLTZ 2010, p. 11.

[14] MESERVE 2000, p. 67.

[15] MEICUN 1990, p. 286; ISHJAMTS 1994, p. 154. See also PURI 1994 for divine kingship amongst the Kuṣāṇa dynasty; KAUR 2022, pp. 411-412 and KAUR 2024 (forthcoming) for divine kingship in South Asia and Iran.

[16] MESERVE 2000, pp. 67-68.

[17] FOLTZ 2010, p. 34.

[18] *Ibid.*, p. 35.

[19] YONG, BINGHUA 1994 describe the burial methods that existed across Central Asia from the seventh to first centuries BCE, including cremation and inhumation. The 'Tarim Mummies', found in and around the settlement of Lou-lan, are a famous example of the latter. Few funerary objects were deposited, but could include metal items, clothing, pottery, bones, and botanical remains, such as wheat grains and ephedra branches. The graves also indicate social stratification, with multiple burials in earlier phases. Over time, grave goods became more ornate, indicating trade contacts and the change from nomadism to a sedentary, agricultural lifestyle.

[20] HANSEN 2004, pp. 281-282.

[21] *Ibid.*, p. 285.

Desert. Different literary traditions and theories exist as to when and how Buddhism was introduced to Central Asia[22]. Documents and religious texts in the Gāndhārī, Sanskrit, and Khotanese-Saka languages attest to the presence of several Buddhist schools. A localised literary tradition developed with an indigenous form of Buddhism[23]. The archaeological site of Niya includes the remains of a *stūpa*, and furniture and textiles had Gandhāran and Indian-style ornamentation. Chinese documents were also discovered here, which helped date the Niya documents[24], and Greek, Roman, Chinese, and perhaps Scythian or animistic deities, motifs or writing were depicted on seals[25]. A small, detached structure, N.xvi, in the orchard of building N.V. was identified as a Buddhist temple or shrine[26], with a cemetery beyond the settlement possibly for the Buddhist community[27]. The Chinese-Buddhist monk and pilgrim Faxian visited Kroraïna in 400 CE and noted that there were more than four thousand monks who followed the Hīnayāna school of Buddhism. The king, the *śramaṇa*s (Buddhist monks), and the local people were all said to have followed or worshipped the *dharma* of India to different degrees[28], although in northern China from c. 250 CE onwards, monks only practiced tonsure: they still practiced non-Buddhist rites[29].

Thus, even after the introduction of Buddhism, Pre-Zoroastrian, Old Iranian beliefs continued, with remnants of the Old Indo-European religion amongst the Tocharian-speaking people, and Taoism amongst the Chinese[30]. Missionaries would join caravans to spread their religions[31], but sometimes communities would convert to religions as a means of acquiring prestige and to be connected to a more 'civilised' world. There may also have been a financial incentive to do so, such as for merchants[32]. The role of the Sogdians from the Transoxiana region (modern Uzbekistan and neighbouring parts) in transmitting culture and ideas was particularly important, not just as merchants but as scribes and translators[33]: "*Sogdian and Bactrian texts and inscriptions indicate the worship of a range of Iranian and non-Iranian deities, including the Greek goddess Demeter and the Indian god Shiva*"[34]. Religious life in the Tarim Basin was therefore extremely diverse, with the possibility of religious syncretism, even as one or more religions were favoured. Buddhism was clearly dominant, but it is not known which, if any, of these beliefs or practices were deemed to be witchcraft. Some religions, however, did have an element of supernatural and magical beliefs, including Buddhism[35].

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[22] See YONG, BINGHUA 1994; PURI 1994.

[23] KLIMKEIT 2000b, pp. 80-81.

[24] STEIN 1907, pp. 315, 334, 339, 343, 358.

[25] *Ibid.*, pp. 355-357.

[26] *Ibid.*, pp. 374-375; STEIN 1920, p. 236.

[27] STEIN 1920, p. 236. This may have been a Buddhist cemetery because of the discovery of red and dark brown textile fragments amongst the skeletal remains.

[28] HANSEN 2004, p. 306.

[29] *Ibid.*, p. 307, citing *Biographies of Eminent Monks*, note 47.

[30] GUANG-DA 1996, pp. 292-293.

[31] FOLTZ 2010, p. 12.

[32] *Ibid.*, p. 13.

[33] *Ibid.*, pp. 14-15.

[34] *Ibid.*, p. 29.

[35] HENNING 1947 examines Manichaean Middle Persian spells against fever and evil spirits, and a Manichaean Parthian amulet mentioning Jesus Christ, the archangels, and Iranian and Indian demons and 'witches', but which catalogues *yakṣa*s, follows Buddhist texts, and refers to the northwest region of Gandhāra in South Asia.

2. Religion in the Niya Documents

The Niya documents corroborate some of the archaeological findings and reconstructions made from literary accounts about life in the Tarim Basin, such as that diverse communities of people resided in Caḍota, either permanently or temporarily, and inhabited the surrounding desert and mountain areas. These people consisted of Chinese merchants and visitors, who were not year-round residents; Chinese landowners; Khotanese slaves or fugitives; "*people of the mountains*" who mined gold; and the "*mixed population of indigenous peoples*". Antagonistic relationships existed between different cities and communities, such as Khotan, the Sacas, and the Supis, which led to battles[36]. Names of people in the documents indicate that they belonged to or followed diverse cultures and religions, such as South Asian, Buddhist, Hindu, Iranian, and Chinese, although these are not a marker of ethnicity or origins. Apart from the presence of fragments or portions of Sanskrit Buddhist texts and the Indian epics[37], one document describes Buddhist worship practices, including ritual bathing[38], and another has a list of rules for the Buddhist monastic community overseen by the king[39]. Buddhist monks were named in several documents in various roles, and salutations to local officials included Buddhist divine titles[40]. Therefore, Buddhism had a strong presence at Caḍota, which translated into it being politically influential.

Nevertheless, sacrificial and presumably local religions also had a presence[41]. One document provides evidence for animal sacrifices to a specific deity named as Bhatro[42]. In this document, a finance officer or tax collector (*ṣoṭhaṃgha*) named Lyipeya offered greetings to an official or governor (*cozbo*), a scribe (*tivira*) and an agent (*caraka*) to inform them that his ill wife was now better due to their favour. What this illness and favour entailed is not known[43]. He further described how he had heard that the water had been dammed by the official and was pleased about it, and that he would send the people as requested. He continued to say that a cow was sacrificed at the bridge to the god, but apparently it was not accepted as seen in a dream by another man, Kungeya. And so, another cow had to be sacrificed from Opimta's enclosure at Motgeya's farm[44]. Lyipeya requested that this cow be sent. The document further describes another (or perhaps the same?) dream of Kungeya, this time of the sacrifice of sheep and other livestock in other areas. These animals were to come from different men. Why Kungeya was demanding these sacrifices from other people and why Lyipeya was supporting him is not

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[36] HANSEN 2004, pp. 289-290.

[37] For example, CKD 390, 510, 523.

[38] CKD 511. See HEIRMAN, TORCK 2012 for consideration of bodily purity and bathing practices in ancient Indian and Chinese Buddhism.

[39] CKD 489. See VOYCE 2008 for discussion on the violation of rules by Buddhist monks.

[40] For example, CKD 69, 83, 86, 106, 107, 127, 130, 140, 160, 162, 164, 197, 203, 247, 288, 305, 307, 317, 370, 378, 385, 390, 392, 399, 475, 476, 515, 585, 612, 644, 646, 696, 722.

[41] CKD 109 mentions a sacrifice, and CKD 195, 383 and 637 mention sacrificing camels or the presence of camels at sacrifices.

[42] CKD 157, transl. by BURROW 1940.

[43] The use of the term *gilani*, from Sanskrit *glāna*, could indicate a sickness involving fatigue, exhaustion, emaciation, or depression. BAILEY 1970 notes the discovery of medical treatises from Khotan.

[44] In CKD 518, there was a complaint to Samasena and Pugo that Opimta from Nina (= Niya) was being made a frontier-guard in place of others. In CKD 152, addressed to Lyipeya, Motgeya had a Buddhist monk as a slave and was perhaps the son of Masdhige. The slave was sold and gifted to Lyipeya. Lyipeya and Masdhige will be encountered below. These documents suggest antagonism towards one person and favouring of another.

known[45], and there could well have been other intentions behind this. Although sacrifices were common to many religions across Eurasia, and a Buddhist document mentions the lord of sacrifice being the god Indra[46], the mention of dreams, dream interpretations and using dreams as guides indicate the presence of other beliefs that had a magical or mystical element[47]. Dream divination was therefore another aspect of religious life in Caḍota[48]. This document, in connection to others, suggests that there were tensions over resources, personal problems between inhabitants, and possibly abuse of status and power, which will become more relevant when examining the cases involving witchcraft.

3. Witchcraft Accusations in the Documents

The documents used specific vocabulary to describe witches and witchcraft. Witchcraft was referred to as *khakhorta* or *khakhorna* in the four documents under consideration, but was only termed as *adharma*, 'unlawful', in one. Two of the documents, possibly referring to the same case, describe the killing of a 'witch woman': in CKD 53, the term *stri*, 'woman', is associated with *khakhorni*, 'witch'; in CKD 63, this is found collectively as *khakhorni stri*. In CKD 248, there was an order by the king for the punishment of *khakhorna striyana*, 'witch women'[49]. CKD 880 summarises accusations against a woman and three men, one of whom was a Buddhist monk, of practicing *adhamena khakhorti*, 'unlawful witchcraft'. This document can be connected to CKD 879, in which some of the same people were accused by the same complainant of administering *viṣa*, 'poison'. Thus, there was a separation between identifying a person as a witch and the practice of witchcraft. In these cases, the complainants were all men. They presented their cases to a nameless king, which were then summarised in a letter written by a scribe with orders to local officials to investigate. The men accused nameless people of stealing property from and killing a nameless woman for allegedly being a witch; nameless people of taking three nameless witch-women, but only killing one of them; and named men and a woman with their household, who were accused of practicing witchcraft and administering poison. There were also predominantly male witnesses to any oaths taken by the accused. Nothing, however, was explicitly stated in the documents to clarify what the women did to be accused of being witches and then being punished or killed for this, why people took the law into their own hands to kill the women, what people did to warrant accusations of practicing witchcraft, and what made witchcraft unlawful. The mention of poison, though, suggests that this was one possible witchcraft-related activity. Therefore, it is necessary to understand the religious basis

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[45] In CKD 11, Lyipeya and Kungeya had a dispute over the adoption and payment of a girl. There may have been other financial relationships between the two, or perhaps coercion.

[46] CKD 511. Indra is the king of the gods in Indic religions. His association with sacrificial rituals begins in the hymns of the *Ṛgveda*, in which he is connected to the sacrificial drink of *soma* and its personified deity Soma, and with the fire god Agni in which and to whom sacrifices were offered.

[47] The Magi, according to Classical writers, practiced divination and dream interpretation. See MENDOZA FORREST 2011, p. 22.

[48] Protection against bad dreams, dream interpretations and dream divination (oneiromancy) were part of many ancient cultures and religions, including Mesopotamian, Egyptian, Han, Greek, Roman, Jewish, Christian, and Hindu. Dreams could contain messages from the dead or from the gods as oracles, be used as predictions, or be induced to send messages in love spells or as revelations. See GOSDEN 2021, pp. 85, 102, 139-140, 254, 278, 365.

[49] The order by the king consisted of the terms *śiṭha* (Skt. *śiṣṭa*, remaining, escaped, residual, directed, taught, ordered, commanded, disciplined, precept, rule), *nigraha* (restraining, binding, suppression, defeat, seizing, destruction, arrest, confinement, reprimand), and *kartavya* (to be done, accomplished, a duty or obligation). See MONIER-WILLIAMS 1899 for definitions.

for identifying a witch, before exploring the possible reasons behind antagonisms, and motivations for accusations and unlawful behaviours.

4. Khakhorna and its Derivatives

Based on documents CKD 53, 63 and 248, Burrow stated: "*It appears from the contexts that to be a* khakhorna *was a grave offence, punishable with death*"[50]. Yet, these documents only mention women as witches. Burrow also stated that "*witch*" is "*obviously suitable*" to translate this term[51], although Hansen proposed the use of "*holy women*" instead[52]. Thus, there was a religious basis to identifying a person (woman) as a witch. *Khakhorna* is a loan word from Iranian[53], but the meaning of 'witch' is construed by reading *khakhorna* as a variation of *khakhorda*[54]. The earliest use of *khārkoda* or *khārkoṭa* has been found in Buddhist sources from the region of Gandhāra, where the Kharoṣṭhī script originated and was later used in a Buddhist context from the first century BCE onwards, and in the Tarim Basin[55]. Of note is that the Armenian term *kaxard* is associated with the Greek *pharmakos*, which is related to any drugs, medicines, or poisons. It therefore describes someone who uses potions in sorcery[56]. *Khakhorna* thus has associations with negative, harmful, and deadly activities that aim to cause harm to others, with an esoteric or occult basis. The context of its use in Iranian and Buddhist sources can be explored further to see which other practices constituted witchcraft.

Witches in the Avesta

The main texts in the Avestan literature that deal with harmful sorcerers, witches, magicians, diseases, and pollution are the *Gatha*, the *Yasna*, the *Yasht* (Yt) and the *Vendidad* (Vd). They

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[50] BURROW 1935, p. 780.

[51] *Ibid.*, p. 781.

[52] HANSEN 2004, p. 292, note 27.

[53] BURROW 1937b, p. 86; SALOMON 2007, p. 183. The term may be a loan word from Old Iranian via Pahlavi and used to refer to a person. See WHITE 2021, p. 80. Babylonian incantations referred to witches and warlocks as *kúr.kúr* and a form of witchcraft as *zikurrudû*. See ABUSCH 1987, p. 104-105, fn. 34 II.1c & 2.

[54] BURROW 1935, p. 781, states: "If *khakhorda* is read it can be connected with Av. [Avestan] *kax∨arəδa-* "magician" (fem. *kax∨arəidī-*), Arm. lw. [Armenian loanword] *kaxard*. In Skt. [Sanskrit] we have *kākhorda* (*Suvarṇaprabhāsasūtra* ed. Idzumi, pp. 3 and 97, used side by side with *vetāla*) *kakkhorda* (*Bower MS*., see Index) *Kharkoda* "a kind of magic" *Rājataraṅginī*, v, 238 ; *Khārkoṭa*, *Caraka S*., vi, 23. The variety of forms in Skt. as well as the lateness of their appearance, suggest borrowing on the part of Skt. from Iranian" (square brackets added to explain abbreviations). WHITE 2021 further elaborates that *kākhorda* is found in Kṣemarāja's commentary on the *Netra Tantra* (NT 18.1-4), but as *khārkoda*, "*a device* (yantra) *causing death, expulsion* (uccāṭana)*, and so forth*." It is linked to spells, sorcery, and female zombies (*kṛtyā*, also referred to as *vetālī*), which have their roots in the *Atharvaveda*. These spells could be destroyed by a spell-goddess, *Pratyaṅgirā* or *Mahāpratisarā*, whose *dhāraṇī* are found in Buddhist texts and also have their roots in the *Atharvaveda*. The *khārkoda*s are further identified as demons associated with spells, chanting, fire offerings, powders, pastes, unguents, and tricks (*kuhakāni*), suggestive of witchcraft (citing NT 18.87-90). The term *khārkoda* or *khārkoṭa* is found in later Kashmiri sources in conjunction with the afflictions of time and regicide. See WHITE 2021, pp. 75-78. A connection could be made with the Sanskrit *khakholka*, the sun or a sky-meteor, which suggests an association with solar worshippers, or *khakkhara*, a beggar's staff associated with Buddhist monks. See MONIER WILLIAMS 1899, p. 334, for definitions and other possible derivatives.

[55] WHITE 2021, pp. 78-79.

[56] MENDOZA FORREST 2011, p. 67. Other associations of *kākhorda* are with sorcery, spells, inflicting physical damage or death on 'enemies', poisons, toxins, demons, and a person who practiced, used, or conjured such things. See WHITE 2021, pp. 80-81.

contain curses, spells, exorcisms, and magical rituals to deal with 'evil'[57]. *Yasna* 61 is one example of a prayer for the displacement of Angra Mainyu[58] and his evil creatures, amongst which are the male *kax*^{w}*arəδa* and female *kax*^{w}*arəiδī* (*kahvaredha*s), the *kayadha*s, thieves, robbers, *zanda*s, *yatumatam* (sorcerers), covenant breakers, and those who tamper with covenants. The prayer aims to dispel the murderers of saints, those who torment and hate the reciter for their faith, and those who persecute them for ritual practices. *Khakhorna*s in this context are therefore agents of Angra Mainyu working against goodness and hence the faith. In the *Vendidad*, witchcraft and sorcery were associated with territories now found in Afghanistan, some of which had Brahmanical and Buddhist influences. The people in these regions were believed to have been killers, worshipped demons, controlled the elements and different creatures, and had knowledge of astrology[59]. Ritual outsiders were therefore thought of as being witches or sorcerers who were opposed to the faith. Furthermore, the term *kakhwazhi* (or *kaxuzhi*) is referred to as being constrained or chased away, and suggestive of being Ahriman[60]. It is placed in conjunction with sterility and other witches or sorcerers known as *jahi* and *yatu*[61], which are connected to seductive *pairika*[62]. Thus, witches were linked to sexuality and fertility, or a lack of them. Several other 'evil' entities, especially female ones of the class of witches, fairies, jinn, and the like, made their way from the Persian world to South and Central Asia[63]. But apotropaic and exorcistic spells and rituals were a part of early Zoroastrianism too[64]. The authors of the *Avesta* used 'good' or 'creative magic' to counter the 'evil magic' of their enemies, who were people later labelled as sorcerers, witches, and demon worshippers. The same methods were used but with different intentions[65]. The retaliation or defence against such evil attacks included returning them back to the sender; what happened to them after that was their own fault[66]. This has an element of karmic justice. Ritual and social outsiders were the ones accused of evil magic, and the enemies "*could have included herbal healers, female health specialists, common magicians, and anyone who prayed to a different god or in a different language*"[67].

Witches in Buddhism

Kākhorda made its way into Buddhist literature, such as the *Mahāmāyūrīvidyārājñīsūtra* (MMVS, 'The Teaching of the Great Pea-Hen, the Queen of the Science [of Spells]'). This text contains protective verses known as *dhāraṇī*[68], dating from the first centuries BCE to CE. The MMVS provides key details on demons from Gandhāra and has also been discovered in the

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[57] MENDOZA FORREST 2011, pp. 20, 24.

[58] Angra Mainyu, also known as Ahriman, is the evil and disruptive entity against the highest god of Zoroastrianism, Ahura Mazda, and his good creations.

[59] See Vd 1.9, 1.13-14; see also Vd 7.36-37.

[60] Synonymous with Angra Mainyu.

[61] Vd 21.17.

[62] Vd 20.10. *Pairika* were also associated with 'falling stars', perhaps meteors, in the *Yasht*. These 'witches' were tossed into the sky to disrupt the rains, leading to drought, and were nonhuman, demonic beings connected to infertility. See MENDOZA FORREST 2011, p. 57-61. See also SCHWARTZ 2008.

[63] WHITE 2021, p. 81.

[64] MENDOZA FORREST 2011, pp. 8-9.

[65] *Ibid.*, pp. 25-28.

[66] *Ibid.*, p. 26, citing *Yasna* 65.8. This can be seen in many earlier Babylonian rituals that removed the effects of witchcraft, which were then used to reverse the spell back on to the witch. See SCHWEMER 2010.

[67] *Ibid.*, p. 26.

[68] COBLIN 1990, p. 196.

Tarim Basin region[69]. One version of the text states that *kākhorda*s were amongst several demonic beings slain, and the term was apparently "*not found in earlier Sanskrit sources*"[70]. Along with these entities, fears, deadly philtres, poisons, evil intentions, and consumption and other illnesses were slain. They are summarised as "*a heterogeneous catalog of pathologies, toxins, and acts of sorcery*"[71]. Translations of this text date to the fourth century CE[72], and a Chinese version contains protective *mantra* to invoke *Mahāmāyūrī* and dispel ill effects, such as snake bites, illnesses, witchcraft, ghosts, punishments from the gods, and death[73]. In a collection of Buddhist precepts in the MMVS, translated during the Liang dynasty (502-557 CE), a powerful spell invoked the deity to "*dispel the effects of poison*"[74]. Another Chinese version refers to *homa* rituals[75], which, along with the inclusion of Vedic gods and sages, suggests that Buddhism continued to adapt and incorporate other religious beliefs as a reflection of what was popular at the time. Moreover, the ritual invocations are like those found in first century CE Buddhist donatory inscriptions from Gandhāra, whereby the words, along with the physical donation, served to provide the donor with spiritual rewards and protected the donation from harm[76]. The early Mahāyāna tradition placed importance on the written word and in these early Buddhist manuscripts, healing, apotropaic and death rituals were prominent. The manuscripts themselves were also an object of worship[77]: small fragments of birch-bark manuscripts found with reliquary deposits, such as at Haḍḍa and Jalalabad in Afghanistan, could have been mantras or charms similar to apotropaic amulets. They contained texts belonging to the *Pratītyasamutpāda* or *dhāraṇī*[78].

Witches and sorcerers also feature in the *Jātaka* (Ja), which detail the past life or 'birth stories' of the Buddha. Some female characters labelled as witches include a minor goddess, an older woman, a young nun, and a merchant's daughter[79]. These stories associated witches with heresy or esoteric practices, and with diverting support from Buddhism. They also highlight domestic tensions and rivalries between women, and false accusations of being a witch or engaging in sexual misconduct, which are associated with female marital status, beauty, seduction, and sexuality. Accusations in these stories involved witnesses, and punishments could include exile and mob justice. They marked a contrast between *dharma* and *adharma*. As in the Avesta, Buddhism emphasised that social and ritual outsiders, such as *brāhmaṇa*s and other ascetics, were associated with sorcery, fortune-telling, and divination[80]. Buddhist nuns were

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[69] WHITE 2021, pp. 45, 48.

[70] *Ibid.*, p. 48.

[71] *Ibid.*

[72] ORZECH 2002, p. 77, fn. 70.

[73] CHUNG 2012. The male counterpart, *Mahāmāyūri Vidyārāja*, is a Chinese-Buddhist deity who prevents and cures injuries caused by poison and fights evil. See LITTLE 2004, p. 36, for a description of this deity.

[74] LITTLE 2004, p. 36.

[75] ORZECH 2002, p. 78. *Homa* is the Iranian cognate of the Vedic *soma*; these are ritual and sacrificial drinks offered to the gods.

[76] See KAUR 2022 for a study of Buddhist donatory inscriptions and their purpose.

[77] STRAUCH 2014, p. 799.

[78] IBID, pp. 803-804. See also KAUR 2022, p. 225.

[79] See, for example, Ja 40, *Khadiraṅgarajātaka*; Ja 417, *Kaccānijātaka*; Ja 472, *Mahāpadumajātaka*; Ja 527, *Ummādantījātaka*. The term translated as 'witch', *kālakaṇṇiyā*, refers to a black female demon.

[80] Ja 527. See SALETORE 1981, pp. 1-2. In the *Brahmajālasutta* of the *Dīghanikāya* (DN), the section entitled *Mahāsīla* narrates how ascetics and *brāhmaṇa*s earn a living through alternative practices. These are referred to

also said to practice arts and use *mantra* that were not in accordance with the *śramaṇadharma* (ascetic law) or *brahmacarya* (the conduct of Brahma)[81]. In Buddhism, therefore, witches, witchcraft and, by extension, sorcerers and sorcery were connected to poisons, demons, illnesses, bodily fluids and clippings, and other negative and harmful practices. To combat the harmful effects, rituals and mantras were required. Although there could have been an ambivalent attitude towards magic in some Buddhist circles, it was not condemned outright unless it threatened a Buddhist sect or power. Magic, spells, incantations, and other supernatural practices were not negatively viewed when it was for the benefit or protection of Buddhism and Buddhists, and it was important for religious advisers to support their leaders, whether royal or spiritual[82].

Having established some of the characteristics of witches and practices associated with witchcraft, according to the vocabulary used, the cases in the Niya documents can be examined further. Other documents that may have named some of the people involved are investigated to establish their characters, which in turn can provide an insight into possible motivations for accusing or targeting people.

5. CKD 58 and CKD 63: The Killing of a Witch Woman

Archaeological Context

The documents catalogued as CKD 58 (originally labelled as N.i.85) and CKD 63 (composed of two parts labelled N.i.108+27) were discovered in the ruins of building 'Niya I', identified as a house[83], and in room 'i', identified as an office for a subordinate clerk. Stein noted that wedge-shaped documents, like these two, only held brief notices to corroborate orders rather than lengthier, permanent orders, as found on oblong or rectangular tablets. This justified the identification of the room as not being the main office of the building[84]. The documents were therefore likely part of an archive of ongoing disputes under investigation, and people named in them were still alive at the time the building was abandoned. Thus, the documents would have been available for reference[85].

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as 'low lore' and a means of 'wrong livelihood', which the Buddha did not engage with. They include different activities that can be classed as fortune-telling, divination, predictions, prophecies, astrology, oracles, dream interpretation, sacrifices and offerings, exorcisms, spells, the use of poison, administering medicines, surgery, and rituals associated with marriage or worshipping certain deities. See DN 1.2.3; 2.4.3.1.3. However, ascetics could use their meditative powers to create other bodies and access psychic power that gave them supernatural powers. See DN 2.4.3.3.

[81] DAVIDSON 2017, pp. 9-10, citing the *Dharmaguptakavinayavibhaṅga*, *Taishō* 1428.22.774c21-775a3. Davidson also discusses the inclusion of pre-existing practices of 'magicians' and 'sorcerers', who were part of non-literate and non-organised forms of religions, in formal religions and especially in tantrism.

[82] See ESLER 2022 for a consideration of Tibetan Buddhist masters and their use of sorcery, who could be imprisoned by the Dalai Lama if they threatened his authority.

[83] STEIN 1907, p. 317.

[84] *Ibid*., p. 326.

[85] Stein noted that many of the one hundred or so wooden tablets discovered in the building were found in this room by a guide named Ibrahim. The documents were arranged horizontally on a platform in a recess in the room, but some had been discarded by the guide and exposed to the elements. *Ibid*., p. 316.

Content of the Documents

The complaints were first taken to an unnamed king[86], who subsequently had these documents written to bring matters to the attention of an official, the *cozbo* Somjaka. Both documents describe the killing of an alleged witch, either as two separate cases with two different women killed or a singular case presented twice. In CKD 58, it is mentioned that a *strī*[87] had been killed by some people. It is not known who the woman and her killers were, and why they killed her. The message from the king to the *cozbo* was "*that they have killed (her). There is no further statement a second time. If she has not been seen or heard from and if [.....] is not a witch, by these people that woman is to be made recompense for to her full value and (this recompense) is to be taken by Pugo and Lyipeya. A decision is to be made according to law. The gift of property they seized from her, Pugo and Lyipeya are to receive along with her person*"[88]. Both Lyipeya and Pugo were either the direct or indirect complainants in this document and were to receive compensation of both the woman and the property taken from her[89]. How the woman was related to the two men is not known, nor is who gifted the property and what it consisted of[90]. But this theft provides a clue as to why she may have been killed. The use of the verb *maritaṃti*, 'they have killed', from the Sanskrit or Prakrit *mārita*, 'to be killed, slain or destroyed' and from the root *mṛ*, is interesting to note since words derived from the verbal noun *māra* are associated with evil and demonic entities[91]. The form *māraṇa*, for example, not only meant killing or slaying but also denoted a magical ceremony having as its object the destruction of an enemy, or a poison or mystical weapon[92]. To kill someone is an inherently evil act and there is a deeper symbolism to the choice of vocabulary used to describe certain acts, to emphasise their negative connotations. The king stated clearly that he would not send another instruction, which suggests that the *cozbo* was to take the matter seriously and act upon it immediately.

In CKD 63, the king wrote to inform the *cozbo* that "*Lyipeya reports that they took out three witch-women. They killed only the woman belonging to him, the remaining women they released. About this matter you received a command from Apgeya that recompense was to be made to Lyipeya for this woman. When this sealed wedge-tablet goes from here, you must inquire there, and according as you the* cozbo *received oral instructions here at the king's court, in such manner recompense must be made to Lyipeya for this woman*"[93]. Again, it is not known who the women were and who took them. The verb used for 'they took out' is *nikhalitaṃti*, from the Sanskrit prefix *nis*, 'out, away, free from', combined with the verbal root *-kal*, to create

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[86] This was likely Jituga Mayiri, based on other documents dated to his reign naming Somjaka and Lyipeya.

[87] Sanskrit *strī*, which refers to any female creature, but more usually for a woman or a wife. See MONIER WILLIAMS 1899, pp. 1260-1261.

[88] Translation adapted from BURROW 1940, p. 13.

[89] The word for recompense, *patena*, is identified from the Torwali language used in the Swāt District of Pakistan, thought to be a close relative of the Niya Gāndhārī Prakrit language. See BURROW 1936.

[90] The property, referred to as *arthadāna*, may have been a donation of money, a gift, or a gift made for a selfish reason, which suggests a payment in exchange for something. See MONIER WILLIAMS 1899, p. 90.

[91] Note that Māra is the name of the god or demon who attempted to distract the Buddha from enlightenment by sending his daughters to seduce him. See *Saṃyutta Nikāya* 4.25, *Māradhītusutta*.

[92] MONIER WILLIAMS 1899, p. 811.

[93] BURROW 1940, pp. 13-14.

a verb of driving out or expelling[94]. The dispute was not about if the woman was a witch or not, but why only Lyipeya's woman was killed and not the other two. The *cozbo* had already been given a verbal order in person at the king's court to provide compensation, but had to be asked a second time in writing to make good on this order. It appears that the *cozbo* did not investigate the complaint according to instructions and was not providing the agreed compensation. The two documents summarised are connected through the male complainant, Lyipeya. This name is found in several other documents from around the Niya site and likely referred to the same person in some. To understand why Lyipeya, Pugo and the woman or women were targeted, it is necessary to examine their roles in these and other documents, which will shed some light on possible motivations.

The Victims

The women should have been viewed as the victims, but the situation was complicated by their status (as women), their relationship to the complainants (potentially as property), and the allegation (of being witches). Nevertheless, the king was concerned with having justice delivered to Lyipeya and Pugo, and thus they were considered the legal 'victims' because they were the ones who made the complaint and suffered a loss. The compensation all hinged on proving that the women were not witches. In CKD 58, the king asked about the woman's whereabouts, if she was alive or dead, and if she could be proven to be a witch. If it could be proved that she was a witch, she would have been guilty and therefore deserved to be killed. But whether it was correct for other people to do so without official sanction is not known, nor if she was not viewed as the victim. If she was found to not have been a witch, she was innocent and not deserving of death, and so she was a victim of murder. Because the woman was missing and presumed dead, it was up to Lyipeya and Pugo to make the complaint on her behalf and to argue for a wrongful accusation and killing. Added to this was the crime of theft of the woman's property. The woman herself may have been the property of the men or under their guardianship in some capacity, and therefore had an unknown value attached to her as if she were a commodity that could be recompensed. Thus, although the woman was the physical victim, the complainants were the injured parties who had suffered a loss. They sought justice for themselves. Regardless of whether she was alive or not, what is key is that if she was not a witch only then she would be compensated for. If she was a witch, presumably that would be a bigger crime than her being killed. Indeed, the killing could have been justified in some way and deemed lawful. The two men would then not be deserving of any compensation. Indirectly, the complainants too would have been associated with a witch and needed to have their names cleared of this. In CKD 63 though, Lyipeya questioned why only his woman had been killed when the two others had been released, but without denying that the woman was a witch. It was perhaps implicit in the questioning that the woman was killed for other reasons and not because she was a witch.

The cases suggest that the two men, and perhaps Lyipeya in particular, were the intended targets and the women were a means to inflict damage on them. This is supported by other cases involving Lyipeya. It is known from three documents about a singular case, also addressed to the *cozbo* Somjaka, that Lyipeya complained about two other women of his being violently,

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[94] The prefix *nis* and variant *niṣ* when used with the verbal roots -*kas* and -*kram*, amongst others, provides the same meaning of driving out, so that a *niṣkāsin* is someone or something that drives out or expels, and a *niṣkāsinī* is a female slave not restrained by her master. Of note is that *niṣkali* is a spell against weapons, so that the act of restraining could be a form of countering magical weapons in the form of spells. See MONIER WILLIAMS 1899, pp. 542, 543, 562.

and possibly sexually, assaulted. The *cozbo* was asked to investigate due to a lack of witnesses at court, but if he could not make a decision the king would do so[95]. The outcome is not known. In another case, Somjaka received an oral command from the king to investigate a case where a male slave belonging to Lyipeya was beaten by another man and had died as a result. Somjaka had not done so and again the king put it in writing, with a reprimand, to investigate and give compensation if the allegation was proved[96]. These cases, along with the two under consideration, suggest that Lyipeya garnered hostility and was targeted through vulnerable members of his household. Somjaka was perhaps complicit in some way because he had a habit of ignoring the king's orders, which can be supported by further examples[97]. His issue with Lyipeya, and with the king too, can be gleaned from another document in which the king explicitly stated that he showed favour to Lyipeya. This came at the financial expense of Somjaka[98]. Somjaka may therefore have been antagonistic to both men and abused his position to target Lyipeya using the command and permission given by the king in CKD 248, to restrain and punish witches. On the other hand, the king had supported Somjaka when he learnt that Somjaka was being disobeyed by the 'serviceable well-born people'. He stated clearly that he had entrusted Somjaka with the state affairs; Somjaka, in turn, was required to display zeal in his work, even at the expense of his life, inform the king of any issues, stop well-to-do people harassing debt collectors, and ensure that taxes were collected and paid on time[99]. It appears, though, that Somjaka was also not collecting and sending the taxes[100]. There may have been a difference in social status between Somjaka and other people, such as Lyipeya, and political rivalries could also have contributed to the killing of the women.

Other documents show that Lyipeya had a clear career progression and was appointed to official positions. As a result, he too heard cases and presented them to the king or had to investigate complaints and make decisions himself. He was, however, involved in other troubles where he was targeted with theft. In one document, Lyipeya as an individual had some cows stolen from him by soldiers from Saca[101]. In another document, he was to be awarded calves but had not received all of them[102]. Furthermore, a cow and sheep were stolen from him on two separate occasions by two other men[103]. This document also mentions the case of a woman, Cimga, who belonged to a man named Sagapeya, being beaten and taken without payment. Lyipeya as *vasu* (a category of official) reported that Opave (Opge?) took in marriage this woman, who was Sagapeya's daughter, and promised to give Sagapeya his sister in exchange, also named Cimga. But, instead, he gave the sister to someone else, possibly Sugnuta[104]. The case provides an example of how Lyipeya could have created animosity by hearing and presenting someone's complaint against another member of the community. If the case involved

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[95] CKD 20, 29, 53.

[96] CKD 144.

[97] See, for example, CKD 262, 310, 359, 542.

[98] CKD 52.

[99] CKD 272. In CKD 371 and 396, the king again supported Somjaka when he was being disobeyed.

[100] In CKD 307, the king's son reminded Somjaka about collecting taxes; in CKD 309, the king stated that the previous people in charge sent taxes on time, but Somjaka did not. He had to purchase the food/cereal and send it through Lyipana. Tax collection was raised again in CKD 373 and 374.

[101] CKD 1.

[102] CKD 7.

[103] CKD 56.

[104] CKD 32. A Suguta and Cimgeya are mentioned together in CKD 82 and Lyipeya sold a man to Suguta in CKD 575.

Opge, there is evidence of further hostilities between the men. In one case, Opgeya (or Apgeya) allegedly flooded Lyipeya's farm and house[105]. In another, Lyipeya complained against Opgeya after his and Kake's mares were stolen from Opgeya's fields, when Opgeya perhaps had not given permission to use the fields in the first place[106]. Lyipeya, Kake and another man further had an issue with the *cozbo* Samasena, who wished to make a quarrel with them[107], and Lyipeya and another *cozbo* ordered Opgeya and others to send some men to them, but with the threat of punishment if they did not[108]. Lyipeya thus appears to have been disliked and not well respected by other men. He was the victim of theft in several cases, and so wealth and access to resources may have been another reason for accusing and killing the women of being witches, with theft of property being the prime motive.

The two motivations of political rivalry and access to resources is supported by other documents. Lyipeya had royal favour and was given privileged jobs or excused from doing other jobs. For example, he was to take some camels as ordered by the king[109], but was excused by the king from looking after the herds in the autumn[110]. Lyipeya claimed a different hereditary occupation to the one that was assigned to him, and so the king asked for this to be investigated and to remove him from the position if the claim was true[111]. The king on another occasion requested for water and seed to be given to Lyipeya after he was given land to cultivate[112], and it appears that Lyipeya was able to cultivate many arable lands after paying the rent[113]. This too could have been an issue for others, where he was monopolising and profiting from his access to the best land in a harsh terrain. Lyipeya also engaged in questionable behaviours. A man complained that Lyipeya had sold him unlawfully when he belonged to the king[114], and so he perhaps overreached his status at times. As an official in different positions, he took the opportunity to present his own complaints, including not receiving payments for transactions made by his slaves[115]. He abused his position like Somjaka, as seen in cases where he was potentially involved in tax embezzlement, and so he was likely not viewed favourably as a result[116]. Corruption and abuse of power were likely another motivation for accusations.

Pugo, too, benefitted or suffered from his association with Lyipeya. Together, they were accused of a land encroachment after they made a ditch to mark out a boundary with the people of another settlement[117]. Pugo accused some people, including Opgeya, of hunting his horses and mares[118]. In another case, Pugo, Opgeya and Lyimo divided their property, but Opgeya carried off some people. The document also shows that, along with Lyipeya, Opgeya caused

[105] CKD 47.
[106] CKD 212.
[107] CKD 399.
[108] CKD 554.
[109] CKD 4.
[110] CKD 5.
[111] CKD 10.
[112] CKD 160.
[113] CKD 496, 498.
[114] CKD 106.
[115] CKD 33, 39, 45.
[116] CKD 42, 165.
[117] CKD 37.
[118] CKD 13.

problems for others in farming[119]. Opgeya further had an issue with Pugo over a woman[120], and Lyimo and Pugo had an issue with each other over a payment[121]. Thus, from these cases, it can be questioned to what extent Lyipeya and Pugo were victims. It appears that they antagonised other people in the settlement and hence became targets for revenge. In Lyipeya's case, his official status and being favoured by the king meant that he could abuse his position because he received some protection. But he suffered for this because Somjaka did not take matters seriously and the king had to intervene on multiple occasions. Opgeya may well have been involved in causing problems because he may have been the one to relay the king's instructions for Somjaka to give the agreed compensation. Perhaps he did not do so, or he was complicit with Somjaka in denying Lyipeya justice. It can be suggested that the intended targets were indeed the men, but it was easier to hurt them through arguably more vulnerable and easier-to-target people: women.

6. CKD 248, CKD 879, CKD 880: A Buddhist Monk, Witchcraft and Poison

Archaeological Context

CKD 248 (corresponding to N.xv.43) was found written on a fragmentary piece of leather at the badly decayed building labelled 'Niya V', which was described as modest but had a large orchard of fruit trees[122]. A rubbish heap discovered in room N.xv contained several discarded documents on wood and leather[123], amongst broken pottery, matting, straw, wood, felt and other organic materials[124]. Twenty-three other sheepskin leather documents were discovered here, some complete and others fragmentary[125]. From this, it can be surmised that these documents had likely fulfilled their use and were no longer needed for reference purposes. The documents CKD 879 and 880 were found in a museum collection, but apparently came from N.xiii, along with the related CKD 881 and 882[126]. These five documents are connected to each other by the name of Budhasena, a Buddhist monk.

Content of the Documents

CKD 248 is a fragmentary text addressed to the *cozbo* Somjaka, in which the king requested several things and gave different commands. Following a request for any information about the cities of Khotan and Khema, the king gave a direction for the punishment and restraining of witch-women, as had or should have been done in other cases. He continued with a request to send fugitives or refugees to him. There was mention of a man named Marega, probably an official, who was going on a mission to Khotan. Budhasena was mentioned as having received something. There are other unclear details of giving or exchanging items. What can be understood, though, is that the king gave his permission to the same *cozbo*, as in the cases involving Lyipeya, to punish witches, and that the monk was in a position of some responsibility. In CKD

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[119] CKD 18.

[120] CKD 742.

[121] CKD 31, 764. In these documents, detailing one case, Opgeya also had an issue with Lyimo adopting his son but the son not being treated with respect after Lyimo died.

[122] STEIN 1907, p. 340.

[123] *Ibid*., p. 338.

[124] *Ibid*., pp. 340-341.

[125] *Ibid*., pp. 344-345.

[126] DUÀN, TSHELOTHAR 2016.

880[127], Budhasena was accused of witchcraft by his younger brother, Lyimira, who 'arose' against his elder brother, a Buddhist monk (*śramana*). The accusation was then directed towards the household of Budhasena, the members of which pledged an oath. The document names other people who also pledged an oath that they did not practice witchcraft: a woman named Masdha, possibly the wife (*bharya)* of Budhasena[128]; and two other men, Spaga and Masdhiga. Masdhiga, because of the similarity of his name, could have been a son or brother of Masdha. The witnesses were named and there appears to have been some form of compensation: two slaves took an oath and Budhasena received it (them?). There was also a threat of punishment if the matter was raised again: fifty lashes and a fine of a three-year-old horse. In the related document of CKD 879, Lyimira accused three of these people, namely Budhasena, Masspaa (most likely Masdha), and Spaga, of administering poison (*viṣa*). The three again took an oath that they did not buy any poison or give it to one another and denied having heard anything about it. Other people were further named in the accusation and took an oath too: Khirnaga from Nina; Hurzama; and Savami, a cowherd from Khema. They also took an oath in front of official witnesses. The case therefore involved additional people other than the main accused and different settlements. Although the poison was allegedly purchased in Caḍota, the decision was to be made in Nina (Niya) where the witnesses were present who could confirm the contents of the document and that oaths had been taken. The document concluded with a threat of future punishment for 'arising' (accusing) a second time: one hundred beatings and castration. The two cases were most likely connected, and so the alleged use of poison fell within the broader accusation of witchcraft, but which accusation came first is difficult to determine. The threat of future punishment for making another complaint demonstrates that both cases were dismissed.

The Accused

Some of the main accused were named in other documents and in association with each other[129]. For example, Spaga and Budhasena were named together in a document with a description that it bore the seal of Somjaka and another official named Samgila[130]. In this, Budhasena appears to have been the son of a man named Marega[131], who was mentioned in

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[127] This document is dated to the year 25 of the king Aṃkvaga (Aṃgoka). The king had several titles: *maharayatiraya mahata jayata dharmiya sacadharmastida mahajitumgha devaputra*, 'the great king of kings, the great, the victorious, the righteous, firm in the true *dharma*, the great *jitumgha*, the son of the gods.' These articulate the divinity of the king and his role as an upholder of *dharma*, which provides gravitas to the accusation of 'unlawful witchcraft' in the document.

[128] Some Buddhist monks in the Tarim Basin married and had children. Chinese histories also show that some monks kept concubines. See HANSEN 2004, p. 293. For a discussion on Buddhist monks and celibacy rules, see CLARKE 2009. VOYCE 2009 discusses the rules for Buddhist monks and property ownership.

[129] CKD 431, 432, 434, 436, 437, 440 and 881. Several of these documents were found at N.xiii.

[130] CKD 881. Spaga and Budhasena were also named together with Marega and Samca in CKD 431 and 432, which involved collecting wine, and in CKD 882, where they both received something.

[131] HANSEN 2017 suggests that the movement of the Kharoṣṭhī script came with migrants or refugees (p. 38-47), that scribes like Budhasena had Sanskrit names as opposed to rulers who had local names (p. 63), and that many Buddhist devotees migrated to Niya and brought Buddhism with them (p. 71-72). It is equally possible that people could convert and adopt a Buddhist name, as HØISÆTER 2020 suggests: although Budhasena had an Indian name, it was likely related to him being a Buddhist monk rather than being from Gandhāra (p. 86-87). Høisæter further highlights that Budhasena was never a scribe. Moreover, his brother, Lyimira, had a local name and his father, Marega, had a Bactrian name (p. 87). Marega is a name found amongst Buddhist donatory inscriptions from Afghanistan (CKI 159, CKI 509) and China (CKI 170). The adoption of Buddhist or Vedic-Brahmanical names by people who self-identified as Saka (Scythian) or Yavana (Greek) is also evident from other South Asian Buddhist epigraphic sources.

CKD 248. Another man named Samca was also named; there was a Samca amongst the witnesses for CKD 880. Spaga was described as 'my brother', but it is not clear whose brother he was – possibly of the scribe or the person who narrated the document, although the document was to be given to Budhasena, so perhaps his brother. Masdhige, too, was named in other documents, although it cannot be said with certainty if this was the same person in all cases[132]. It is only because of connections with other people that it becomes a strong possibility he was the same person. For instance, in one document, Masdhige was accused of theft with someone else and this was reported by the victims to Lyipeya and Pugo[133]. This further reinforces that these two had some authority within the settlement because they took the complaint to the king, which was then given to Somjaka to investigate, but they could have generated hostility by making complaints to the king. In another document from the reign of Amgoka, Masdhige and the monk Budhasena were sold a girl: Masdhige did not pay the full price, although the girl was to be his property[134]. Thus, these men had influence in the settlement, but Masdhige may have been involved in other criminal activities.

The Witnesses

There were several witnesses to the oath taken by Budhasena and his co-accused in CKD 880. They were the *tomgha* Samca[135], the *ari* Kolasga, Kusamta, Lyimo, Opge[136], *catu* Bhimaya, *yatma* Kuuna, and *korara* Samoya[137]. In case of future disputes, the witnesses to the

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[132] In CKD 41, a Masdhige had to pay two camels in tax. In CKD 436, during the reign of Mahiri, Masdhige was accused of binding, kidnapping, and selling a man named Rutraya (who Lyipeya may have given a slave's daughter to in adoption in CKD 45) but was apparently acquitted. In CKD 152, addressed to Lyipeya as an official with glorified titles, a man or woman named Masdhiga was the father or mother of a man who sold a portion of a *śramaṇa* as a slave.

[133] CKD 17. The thieves had to pay back whatever they had and not too much. In addition, a law was made that anything taken during wartime could not be recompensed. Perhaps this was a way of reducing the punishment for Masdhige and his accomplice.

[134] CKD 437.

[135] More than one person had the name of Samca. In CKD 419, a witness was *dasavida* Samca, but the seal was of the monk Samca. In CKD 506, the monk Samca had his slave stolen. In CKD 571, a witness was the *apsu* Samca, and the string was cut by the *tomgha* Samca, as he did in CKD 589 too. In CKD 572, 579 and 654, the *apsu* Samca was a witness. In CKD 587, one Samca made a sale of land, and the *tomgha* Samca was a witness. In CKD 590, Samca made a sale of a woman.

[136] Opge may have been the same as Opgeya, as in the documents associated with Lyipeya. Men named Opge(ya) are found in many documents. A *vasu* Opge was named with a secret agent Opge in CKD 330. The *vasu* was named in other documents, as was a *sothamgha*, an *apsu*, an *ageta*, and a detective by this name. There were also complaints from and accusations against an Opge(ya). Both Lyimo and Opge(ya) were mentioned together with Pugo in CKD 18, 31 and 764, and with Kusamta in CKD 592, where they acted as witnesses. They were included in lists of transactions or tax collections of food or animals. Lyimo and Kuuna were also mentioned in CKD 110, a list of women allocated as wives to different men. Lyimo was referred to as a *tomgha* in CKD 299.

[137] This may be Sagamoya, a name found in several documents. See CKD 152, where he was named with Masdhige; CKD 622, 625, 633 634, 637 and 841, where he was a *vasu*; CKD 635, where he received instructions to go to the mountains; and CKD 637, where two Sagamoyas are named who took wine to the mountains and possibly to the Sacas. A Sagamoya in CKD 840 was entrusted with care of camels and a debt, and in CKD 883 as being resident in the city by the Kuci king. There is also the variant Sagamovi, a potter's son, who eloped with a monk's married and widowed daughter and absconded to Kuci, thereby abandoning claims to any other wives and children he, as documented in CKD 621, 632 and 884. Marega is also named in CKD 884. Sagamovi was named as a complainant in CKD 842, a case heard by several people, including Masdhega. He was accused of fleeing Caḍota to the Kuci kingdom with others, and accused with his companions of killing other absconders, but there were no witnesses. They claimed that the others had died of thirst and not through violent means.

writing of the document would bear witness: *kala* Kara(m)tsa[138], *apsu* Sa(m)ca[139], and *ari* Kolasga. In the case involving poison, the witnesses were *cozbo* Mogata[140], *apsu* Yaja, *ageta* Kuuna[141], *sramana* Jivasra, and Lyipatga[142]. The witnesses to the writing were Sirgova from Saca, *sadavida* Mogata[143], Suguta[144], and Sarpina[145]. At the end of this list, a slave from Khema is named, Sadharmau. There was thus an oral aspect to the investigation of the case, whereby it was important to list all the people present so that, if the matter was raised again, they could be called upon to verify what had been said and ultimately decided.

The Victim

The complainant, Lyimira, viewed himself as a victim of witchcraft and attempted poison. His name is found in two other documents, a list of names and a list of people who gave grain[146]. A variant may have been Lyimina or Lyimirna, but in some documents it does not appear to have been the same person as Lyimira[147]. To summarise some of these documents, a Lyimina

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[138] Karamtsa was also a witness in CKD 327, 495, 549, 571, 579, 590, 640, 654 and 715. He received instructions in CKD 295, acted as a witnessing magistrate in CKD 572, 580, 581, 582, 586, 587 and 589, and awarded compensation in CKD 524. He was named in CKD 882 with Budhasena and Spaga. Some of these documents mention an *apsu* Karamtsa, and the title of *kala* is what distinguishes the two. Either one of these men could have been the son of a scribe, as in CKD 598.

[139] See fn. 135 for possible documents mentioning this Samca.

[140] There were different people named Mogata, and there may have been two separate individuals acting as witnesses in CKD 879. In CKD 579, one was a secret agent and another a scribe. In CKD 586 and 587, the scribe was named with a *sadavida* Mogata as a witness, with a third Mogata named with these two in CKD 654. Mogata was also a witness in CKD 589, and possibly in CKD 648 as Samogata. See CKD 125, 187, 549 for Mogata without any identifiers; for the scribe, see CKD 571, 572, 580, 581, 582, 589, 590, 592; for an arrow-maker, see CKD 715. The name, like others, was included in receipt lists.

[141] The *ageta* Kuuna was a witness in CKD 571, 587, 590 and 715. He had his own dispute over camels in CKD 583.

[142] Lyipatga may have been a scribe, as in CKD 415 and 573, and probably CKD 640, whereby the document came from his office concerning a land sale and likely connected to CKD 652, in which the scribe was sold some land. He may also have been an *ageta*, as in CKD 571. For Lyipatga without any identifiers, see CKD 575, where he was named with Lyipeya; CKD 590, where Lyipeya and Pugo brought a case that Lyipatga was also involved in; and CKD 583 and 791.

[143] See fn. 140 for documents mentioning Mogata.

[144] Suguta, and the variants Sugita and Sugnuta, is a name found in several documents: CKD 3, 15, 18, 24, 35, 42, 60, 76, 82, 106, 109, 115, 140, 154, 162, 163, 164, 204, 222, 252, 255, 376, 507, 519, 524, 526, 527, 530, 538, 542, 547, 551, 568, 570, 572, 575, 576, 578, 584, 593, 636, 641, 659 and 735, in which he was a witness, a complainant, took oaths or acted as keeper of the document,. He may have been a scribe, as in CKD 577 and 765, a *sothamgha*, as in CKD 12, 43 and 816, or a *korari*, as in CKD 577. Most of these documents involve transactional, payment and debt disputes.

[145] Sarpina was likely a woman. The name is found in CKD 83, addressed from Kupsimta to 'dear brother-in-law *sothamgha* Lyipeya', where Sarpina was gifted something. CKD 140 was also addressed to 'dear brother-in-law *sothamgha* Lyipeya', with other titles, and 'dear sister Sarpina', who both received gifts; Sugita and Lyimsu were addressed too. CKD 164 was addressed from Lyimsu to 'dear father *cozbo* Lyipeya' and 'dear mother Sarpina', along with Sugita and others. Another Sarpina was named in CKD 279 as the wife of Camca and daughter of Pgena, and two women, a mother and daughter, of the same name were named in CKD 769, addressed to Lyipeya and concerning the adoption of daughters; the daughter Sarpina died.

[146] CKD 560, 774.

[147] For example, in CKD 187 Lyimina was named with Mogata, Cimola and Kuvaya as brothers who inherited land; Cimola assaulted Kuvaya. In this document, Lyipeya also had a dispute with Kuvaya over a camel. The name

was loaned a horse by Opgeya but, after Lyimina died, his dependent Suguyita (Suguta?) took it and did not return it[148]. Lyimina was also mentioned in a case decided by the *cozbo* Somjaka regarding the abduction of a child from his house[149]. In another case, Sagamoya and Pugo took a woman from Lyimina and raped her; he apparently owed these two men a debt. Importantly, the investigating official, *kitsaïtsa* Luthu, had been asked two or three times to investigate and had not done so[150]. A Lyimirna was moved from looking after the royal cows to looking after female camels, which he was not happy about. The king ensured that this was corrected and that the officials, one of whom was Lyipeya, did not listen to other people when making decisions[151]. Thus, if any of these documents do refer to Lyimira, there appears to have been some antagonism against him too, and, as in Lyipeya's case, he may have been targeted via vulnerable people. Officials did not support him, and some witnesses were involved in shady dealings themselves. They may have committed crimes against Lyimira and also supported people who had been accused of crimes. But why his own brother, a Buddhist monk, would be accused of targeting him with poison and witchcraft is less clear, unless Budhasena was implicated or used by others who wished to harm Lyimira.

The Use of Poison

The only activity connected to witchcraft that can be identified from the documents is the use of poison, *viṣa*. *Viṣa* comes from the Sanskrit root *viṣ*, from which are derived other words related to something that is active, quick, serves, overcomes, and subdues. *Viṣa* itself is associated with any poisonous, venomous, or impure substances, including plants, fungi, and bodily excrements, and it is something consumable that can cause problems[152]. A verse in the *Atharvaveda* dedicated to *tṛṣṭikādevatyam*[153] invokes *viṣa* and has been interpreted in different ways[154]. A recent English translation takes it metaphorically as a verse invoking Desire as a god to attain freedom from desire, which acts as a poison on the mind and hinders self-realisation[155]. Earlier English translations interpreted the verse as an incantation against a woman's

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Kuvaya is found in other documents with official titles and as a witness, including with Karamtsa and Kuuna in CKD 590, Opgeya and Lyimo in CKD 592, and Mogata in CKD 654.

[148] CKD 62.

[149] CKD 625. In this, the Khotanese abducted a child from Lyimina's house. The child was sent to Saca by Camaka, a man named in other documents as being involved in sales, owning slaves, and being a middleman for exchanges, including of women. Lyimina had paid a camel to *vasu* Sagamoya for the child, as decided by Somjaka. This may have been recorded in CKD 94.

[150] CKD 719. Sagamoya, possibly one of the witnesses in CKD 880, was also mentioned with Lyipeya in CKD 152 and 637. He was referred to as a procrastinator and man of little merit after he delayed a summons by the king's son, documented in CKD 634 and 635. Luthu was associated with Somjaka in CKD 415, whereby the latter's mother was in the former's house and received an abducted woman as a gift from the Khotanese. Luthu further examined the case in CKD 437 involving Budhasena and Masdhige not paying for a girl they purchased.

[151] CKD 134. In this, a distinction was made between the royal law and an oral law.

[152] For definitions, see MONIER-WILLIAMS 1899, p. 965.

[153] This could be the god of desire, from root *tṛṣ*, from which words relating to thirst are derived, although *tṛṣṭikā* refers to a rough woman. See MONIER WILLIAMS 1899, p. 454.

[154] AV 7.113. It may be connected to verse following it, where the reciter states, "*I take from your entrails, I take from your heart, from the aspect of your face, I take all your splendour*," before invoking Agni to slay the female demons and Soma the female abusers. See AV 7.114. The *Atharvaveda* has many other verses dedicated to poison and venom, such as for curing snakebites, along with prayers or curses to protect against or destroy demons, sorcerers and rivals, and charms to fulfil wishes.

[155] SHARMA 2013, pp. 834-835.

rival, with the invocation of a rough plant that could cut. One translation suggested that, in the verse, a man is cut to remove his manly strength and the plant is to be despised, with the comparison of a "*lightly esteemed wife*" against a "*favourite wife*" who was to be cast off as a barren cow by a bull[156]. The cutting could be allegorical to castration or rendering the man impotent, and therefore the plant is something that causes physical harm and sterility. In the authoritative English translation, the plant was to be invoked to cut the rival woman and make her hateful (undesirable) to the virile man. The plant is rough and poisonous, to be avoided, as a barren cow to a bull[157]. Thus, the nature of the plant is such that it could be used in incantations to transfer its rough and undesirable characteristics on to someone, such as a woman who was a rival for affections or a man who was being unfaithful, rendering that person less desirable sexually. Impotency, sterility and removing the physical aspect of each gender that evoked or displayed desire, through disfigurement of beauty and castration, appear to have been the aim of using this poison. In other Indian literature, poison is also associated with eroticism in women, including the poison-maidens known as *viṣakanyā*[158].

The description of *viṣa* thus draws on gendered language related to fertility and sexuality, and *viṣa* can therefore be viewed as something invoked to remove desires, specifically sexual desires, through its connection to or derivation from a poisonous plant. This suggests that the poison allegedly bought and administered in CKD 879 was one that could harm a man sexually, such as through making him impotent, which was then reflected in the threat of future punishment in the form of castration for complaining a second time. If this was the case, it would suggest that there were attempts to restrict Lyimira from having a child who would become his heir and inherit his property, if the intention was not to kill him. But the complaint of witchcraft meant that poison was thought of as a tool of witchcraft. To accuse someone falsely of using it carried a heavy penalty, perhaps more than if it had been administered to harm or kill someone, in which case compensation was offered. Yet, the South Asian legal and political treatise of the *Arthaśāstra* (AS) prescribed heavy penalties for using poison. Anyone who used poison (mercury) to kill someone or used the *madana* plant could be banished[159], although there were lawful ways in which poison could be used[160]. Several types of concoctions were listed made from different ingredients and administered in separate ways. They could be both harmful and helpful depending on the desired outcome, and there were remedies[161]. Many of the prescriptions involved animals, plants, or parts of human bodies, and some were extremely violent in how they were prepared. Ritual elements were involved before a remedy could be applied, either for beneficial reasons or to counteract nefarious uses of poison, and so there was a medical element to this.

Indian literature therefore has a contrast between ayurvedic texts dealing with practical healing, political treatises that described the legal and illegal uses of poisons, and spells and rituals in religious verses, although "*magico-ritual treatment of disease was not supplanted by the āyurveda*"[162]. The use of poison to harm someone could be identified through tests and post-

[156] GRIFFITH 1895-6.

[157] WHITNEY 1905, pp. 467-468. This translation draws on earlier English and German translations, including that of Griffith, and Sanskrit commentaries.

[158] O'FLAHERTY 1976, p. 54.

[159] AS 4.4. The *madana* plant could have been one that caused intoxication and may also have been linked to passion. See MONIER WILLIAMS 1899, p. 778.

[160] Spies and people in disguise were permitted to use poison. See AS 12.4; 14.1.

[161] AS 14.1-3.

[162] MENDOZA FORREST 2011, p. 113.

mortem descriptions[163], and there were specific punishments for the type of poisoning inflicted: any man who poisoned someone and any woman who poisoned a man should be drowned; a woman who used poison was to be torn apart by bulls, even if she was pregnant or had just had a baby; and a man who castrated another should also suffer the same[164]. Thus, using poison was a crime that could result in capital punishment, but at Caḍota it was the false accusation or future accusations of using poison that could have led to corporal punishment in the form of bodily mutilation. It is not evident that capital punishment was used widely, nor that it was a punishment used to deal with suspected witches, but men could be both the target or accused of witchcraft.

7. Discussion

The documents show that there were differences between accusations of being a witch and of using witchcraft, and punishments for being a witch and falsely accusing someone of either this or using witchcraft. Being a witch was viewed as something inherent to the nature of a person or the community they belonged to, with identifiable characteristics, but it is not clear what these were in the Niya documents. Conversely, it can be presumed that witchcraft was accessible to all and involved practices that sought to harm someone, such as poisoning. A person need not have been a witch to access practices associated with witchcraft: they only had need of paying a witch for their services or knowledge of the types of activities witches engaged in. Thus, being a witch or practicing witchcraft were deemed to be serious, criminal offences. This may have had a practical, legal basis because some aspects of witchcraft were physically harmful and threatening to people, and therefore it was necessary to protect communities from violent crimes. It may also have been based on ritual or religious differences, to control threats to religious and state power from social outsiders. Accusations and subsequent judgements, however, were influenced by community relationships and the socio-political statuses of the accused and the complainants. Both cases involving Lyipeya show that killing a person under someone else's guardianship required compensation. This was usually in the form of replacing like with like, as in cases involving theft of goods[165], including animals[166]. In cases involving people, a replacement person was provided. For example, when a man was injured in an assault and could no longer work, another man was provided to do his job[167]. In the case where Lyipeya's slave was killed, another person was to be provided as recompense[168]. But the compensation for killing the women could only be offered if they were proven to be dead and to not have been witches. These cases also suggest that the *cozbo* Somjaka was not doing his job and not acting on instructions from the king. He withheld compensation and therefore justice from

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[163] AS 4.7.

[164] AS 4.11. Compare these punishments to those described by Herodotus in the *Histories* (Hdt.) for the Enarees, a group of hereditary sorcerers or diviners amongst the Scythians described as hermaphrodites, if they swore false oaths: "*And this is how they die. Men yoke oxen to a wagon laden with sticks and tie the diviners up in these, fettering their legs and binding their hands behind them and gagging them; then they set fire to the sticks and drive the oxen away, stampeding them. Often the oxen are burnt to death with the diviners, and often the yoke-pole of their wagon is burnt through, and the oxen escape with a scorching. They burn their diviners for other reasons, too, in the way described, calling them false prophets. When the king puts them to death, he does not leave the sons alive either, but kills all the males of the family; the females he does not harm.*" From HDT. 4.69.1-3. See also BEHRINGER 2004, p. 48.

[165] See CKD 345.

[166] See CKD 524 and 676.

[167] CKD 187.

[168] CKD 144.

Lyipeya. This in turn suggests that Lyipeya was viewed unfavourably by the *cozbo*. It further suggests that the *cozbo* was ignoring the actions of the people who took the women and killed them. The accusation of witchcraft could have been an excuse to harass Lyipeya and his associate Pugo, targeting them via the woman or women, with the additional humiliation of tarnishing their reputations and credibility for associating with witches and favouring them with financial gifts. This could have been connected to Lyipeya having access to resources and harassing others for his own benefit.

The association with a sacrificial, non-Buddhist religion may have been an excuse to target Lyipeya with accusations. In this way, men too could come under suspicion, no matter their status, which can be seen in the cases involving the monk Budhasena. His family, household and other associates also came under suspicion. Such accusations could be connected to their social and ritual status, their practicing an 'outsider' or 'unlawful' religion, and their ritual knowledge. It is not known what the reasons for the accusations were in either Lyipeya's or Budhasena's cases and if people were being truthful. Lyimira, the complainant, may have had contention with his brother, such as over property or inheritance, as seen in another case involving brothers[169]. Monks could own and sell property and slaves, and so become financially influential. There may have been suspicion by the younger brother because of the religious affiliation of the elder or jealousy because of his status. There could have been an imbalance of power, with Budhasena and Spaga being prominent members of society, which gave them special privileges and made them above the law. Masdhige was potentially involved in other criminal activities, including theft and kidnapping. However, because he was acquitted in the cases involving witchcraft and kidnapping, it suggests that he too had some influence, either through his familial association with the others or his possible position as overseeing a particular territory[170]. It is therefore likely that authority and status allowed cases to go in the favour of those accused of witchcraft, thereby leading to their exoneration. But whilst Buddhism clearly had state support, it was not above state control and the royal law, although monks could have administrative responsibilities and authority, as Budhasena did, and act as witnesses or scribes for different cases. This made them susceptible to targeting by people unhappy with a legal decision. Yet not all Buddhist monks had privileged positions or behaved according to *dharma*: they acted in violent ways against each other, were enslaved and mistreated, and one document shows that there was aggression towards a monk by a woman[171].

The roles of the witnesses and their relationships with the complainant and accused could also have been a factor in how cases were decided. There may have been some conflict of interest because some witnesses were possibly known to the accused and in friendly ways, which meant that there was the potential to lie on their behalf and bear false witness. Furthermore, many witnesses were influential, and this could have been a way to intimidate the complainant. However, falsely accusing someone of witchcraft was a punishable offence, with fines and corporal punishment. Thus, social and religious 'outsiders' or 'others' may have been

[169] CKD 187. A younger brother beat his elder brother and received lashings in return.

[170] In CKD 46, again addressed to Somjaka, a few reports were made to the king by Lyipeya: that the officials were changing their minds about where a woman originated, and she was to be given to Lyipeya; that the men of another settlement were not performing their duties in the 'hundred' of Konita and Masdhiga, and this was not *dharma* because the previous *dharma* was that it was for the men to do this and not the women; and two daughters were to be handed to Lyipeya.

[171] CKD 606. This involves a woman being accused by a monk of burning his robe, but it is not known why. The case has been interpreted as being taken "*to the secular authorities, probably because it involved a woman outside the community*", and Buddhists could appeal to either the Buddhist law or the king's law, particularly in cases involving lay people. See HANSEN 2004, pp. 294-295.

targeted with accusations for their unorthodox beliefs, but influential 'insiders' who were accused may have been subject to hostility because of their status yet treated more leniently by the state. Access to resources and resource distribution may have been a motivation for accusations in some cases, and this could have been related to perceptions of unfair or preferential treatment of individuals. Such treatments would have led to different emotions, including anger, resentment, envy, frustration, and outright hatred, resulting in violence or allegations of unlawful practices. There may also have been malicious intent behind accusations to damage reputations, due to feelings of entitlement to property or because of a breakdown in domestic or community relationships. The social control of women, whereby they had their own *dharma* and were expected to behave in certain ways, may have been another reason for specifically targeting women as witches. Examples from other contexts can help to consider intent, motivations, and the possible gendered component to hostile attitudes.

Ritual and Social 'Othering': The Threat to State Power

In the development of states, shared cultural characteristics were important to create a national identity. People who did not conform to cultural ideals were viewed as 'other' and could have been discriminated against, isolated, or persecuted[172]. Religion and ritual practices were one way to distinguish both within and between communities. For example, Achaemenid Persian inscriptions differentiated between communities of *Sakā* (Scythians) according to their geographical habitation, but one group was identified through its ritual practices as the *Sakā haumavargā*[173]. In South Asia, the edicts of the Mauryan king Aśoka (c. third century BCE) directed people on how they should conduct themselves, and according to *dharma*. This was most likely inspired by the Buddhist *dharma*, but the king used the Greek εύσέβεια[174] and the Aramaic *qsyt*[175] or *ksty'*[176] in his edicts found in Afghanistan and Pakistan[177]. Although the king stated he supported all sects, he nonetheless discouraged people from participating in sacrifices, especially animal sacrifices, and 'useless' ceremonies that were performed by women[178]. These were domestic and life-cycle ceremonies related to sickness, marriage, the birth of a son, or setting out on a journey. Aśoka distinguished between *dharma* acts and other 'auspicious' acts connected with women, who were authoritative on domestic and folk customs[179]. There were thus restrictions on popular rituals, including those of certain religious groups. The importance of animals as a resource and source of wealth was a given at Caḍota because of the environment,

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[172] STRATTON 2007, p. 44.

[173] See SCHMITT 2003 for etymological discussion.

[174] *Eusebeia* involved acts that invoked good merit, and included duty to the gods, duty to parents, civic duty, and the practice of restraint. See BURKERT, RAFFAN 1987, pp. 273-274. See also MIKALSON 2010, pp. 7, 9. The use of *eusebeia* reflects knowledge of different Greek writings and of the Pythagorean and Platonic philosophical schools. See HARMATTA 1994, p. 396.

[175] STRONG 1994, p. 142.

[176] MANISCALCO 2018, p. 247. This is translated as 'truth', referring to the Zoroastrian concept of final judgement when the good and evil deeds of a person are weighed. Additionally, in another Aramaic edict found at Taxila, the Old Iranian word *dāta* was used instead for *dhamma*. See GHOSH 2018, p. 158. It could mean religious or divine law, as mentioned in Zoroastrian texts and some Achaemenid inscriptions; the king's law, as described by the Achaemenid king Darius I (c. sixth to fifth century BCE) in his inscriptions; or generally civic law. See SCHMITT 1994. The Iranian *hunistavan*, 'good order, was also used in the Taxila inscription and became the equivalent of *dharmacaranam*, 'walking in accordance with *dharma*'. See ITO 1976, pp. 63-64, fn. 46.

[177] See KAUR 2022, pp. 429-430 for further discussion.

[178] Aśoka's Rock Edict IX. See LUBIN 2013, p. 29.

[179] LUBIN 2013, p. 37.

but the many documents referring to animal welfare further support the idea of a Buddhist and South Asian influence on defining *dharma* when considering the concept of *ahiṃsā* (non-violence), although the presence of corporal punishment suggests that this did not extend to criminals. Lyipeya engaged in alternative practices, including animal sacrifices and dream divination, which could have made it easier to target him via the accusation that his women were witches.

In the Biblical Hebrew tradition, certain practices were banned for their association with foreign religions and gods, but this may have been influenced by Hellenistic discourse on magic and women that developed at a time when democracy and citizenship laws were being defined. It was also a time when Persia was thought to be the source of magic and the Persian religion used to define what it meant to be Greek[180]. Restrictions on rituals and the development of a state identity as defined against other religions or communities may have been a reason witchcraft was unlawful at Caḍota. The Buddhist *dharma* would have had an influence on ritually lawful and unlawful practices, but the king oversaw the rules and regulations regarding the behaviours of monks to manage dissent within the community. This may have been to protect his own position by ensuring that Buddhist elders, who managed the monastery and had ritual power, were treated with respect so that they did not turn on him. Buddhism thus formed an alternative power to the state and anything that threatened it, such as accusing a monk of witchcraft, could threaten state power. In other contexts, people who accepted foreign customs may have threatened state power because people had gatherings and gatherings could lead to conspiracies[181]. For example, in the Roman world, a Latin senatorial decree, the *Senatus Consultum de Bacchanalibus*, tried to contain Bacchic rites by limiting the number of people who could gather, and restricting power so that men could not be priests and there could be no masters, nor could they hold money[182]. In this way, there was an attempt to contain a foreign and potentially subversive religion from having any meaningful power. South Asian texts also detail how certain religious practitioners could pose a threat to the throne. A Buddhist text narrates that a 'charlatan renunciant' (*kuhakatāpaso*), who was favoured by the king, was viewed negatively because he had decided to work as a gardener. The *kuhaka* then tried to have a prince executed[183].

These threats of ritually powerful people to the state are more evident in the *Rājataraṅgiṇī* (RT), a twelfth century CE chronicle of Kashmir by Kalhaṇa. Several sections describe how *brāhmaṇa*s, who were ritually and socially at the top of the pyramid, engaged in sorcery and used this to harm people. In one narrative, a Brahman woman suspected a Brahman man, who knew sorcery, of killing her husband[184]. She shamed the king for allowing her husband to die and went on a hunger strike, thereby showing agency and engaging in political dissent. She suggested indirectly that the reasons to injure someone were a lack of fame and merit, and

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[180] STRATTON 2007, pp. 34-37, 40. PRISCO, LYON 2020, p. 8, point out that the King James Version of the Hebrew Bible published "*at about the same time as the 1612 Lancashire witchcraft trials replaced the Hebrew words for idolaters, mediums, sorcerers, and ghost whisperers with the English word "witch". In Hebrew, there was no such word as "witch". Early Greek and Latin translations of the Hebrew also did not use the word "witch"*".

[181] DIO CASSIUS 49.43.5, 52.36.1-2. See OGDEN 2002, pp. 280-281, no. 286.

[182] OGDEN 2002, p. 278, no. 282.

[183] *Somanassacariya* in the *Cariyāpiṭaka* 22.2. See DAVIDSON 2017, pp. 23-24 for discussion on *kuhaka* and related terms.

[184] RT 4.82-109.

jealousy[185]. The suspect was summoned and questioned, and the king asked what could be done if the guilt was not proven. He could not punish him, even if guilty, because he was a Brahman, but the woman threatened to fast until death for justice. The king used a ritual to identify that the man was guilty, sentenced him, but let him live. The king's younger brother then instigated the Brahman to use sorcery to kill the king so that he could take the throne[186]. Therefore, women with ritual and social status could accuse men of murder and put pressure on kings by shaming them, yet the ritual and social status of the accused meant that he could be protected from more severe sentencing[187]. In the same story, the new king used witchcraft and summoned demons, whilst punishing the Brahmans for using 'spells' to summon the gods. In turn, the Brahmans used sorcery against him and ended his life; he did not go to heaven as his brother had[188]. Thus, it was better for a king to have ritually and socially powerful people on his side, but this meant powerful men. The Brahman woman did not receive the justice she wanted.

Although there was a need for the king to serve justice in cases where bad magic was used, and restore social, ritual, and religious order by stopping religious rivalries, heresy, and slander[189], the king could use this power for himself when needed. At Caḍota, this meant that, once Buddhism was more established and came under state control, non-Buddhist religions may have become a source of alternative power that threatened both the king and the monastic community. Monks may have been, like the *brāhmaṇa*s, protected from accusations that could have given Buddhism a bad reputation, such as being associated with magic, sorcery, and witchcraft. Taking the example of the *Kaccānijātaka*, a woman accused of being a witch by her daughter-in-law was described as a *mahāupāsikā* (a great lay Buddhist woman), but also as *dukkhappattaṁ* (in a state of pain or suffering)[190]. This highlighted that as a Buddhist she should have been above suspicion. But, because of the false accusation and the treatment and ostracisation she received, she declared that *dharma* was dead. This threatened Buddhism. She then made a sacrificial offering akin to a funerary ritual, complete with ritual bathing and offering of food items to a fire, to the dead *dharma*[191]. The ritual was not the norm because Śakra-Indra, disguised as a *brāhmaṇa*, informed her that food is not cooked in cemeteries. He then rectified the problem and cleared the woman's name. It may have been that ritual inversions, sacrificial offerings, and esoteric practices came to be viewed as ritually 'other', which could have led to suspicion. However, some practices may not have been viewed as magic in the first instance and only came to be done so after a change of power or the arrival of foreign practices: "*This includes not only rituals performed by people who understand their activities to be a form of magic but also accusations and persecutions that concretize magic in the form of social control*

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[185] RT 4.89. The woman also described her husband as a man "*free from envy and arrogance, soft of speech and a lover of virtue; easy of address, free from greed, he was not hated by anyone*." See RT 4.86-87.

[186] RT 4.93-113.

[187] In Kashmir in the eleventh and twelfth centuries CE, Brahmans were thought to be expert wizards who could not be punished for killing someone. See SALETORE 1981, p. 3.

[188] RT 4.114-125.

[189] RT 6.1-11. However, OGDEN 2002, p. 276, notes that "*in the Greek world, the state takes measures against only harmful magic, not magic in general*". Magic could also be performed against towns and states in the Roman world. See also OGDEN 2002, pp. 130-135, no. 104; 216-217, no. 179-180.

[190] Ja 417. The English translation by FRANCIS, NEIL 1897 interprets these descriptions as 'good old lady' and 'poor old woman'.

[191] The verse reads: "*So one day she took ground sesame and rice and a little pot and a spoon: she went to a cemetery of corpses and kindled a fire under an oven made with three human skulls: then she went down into the water, bathed herself head and all, washed her garment and coming back to her fireplace, she loosened her hair and began to wash the rice*." Translation by FRANCIS, NEIL 1897.

or repression"[192]. Some people deliberately transgressed against 'traditional' practices as a form of 'subversive discourse', as the Buddhist lay woman did, and therefore magic should be examined as a form of 'social discourse'[193].

Distances of places from 'core' areas could have contributed to ideas about their affiliation with unorthodox practices. Elite Greek writers in the fifth and fourth centuries BCE may have created the concept of magic as different from religion by associating it with barbarian and foreign practices and rituals, particularly those of the Persians, who they were engaged in war with, and the *magi*, from which the word magic is derived and who had social, political, and ritual power. This discourse came to include 'dangerous women', reflecting the misogynistic and xenophobic views circulating at that time[194]. The Niya documents show that different settlements and communities came into conflict with each other, and this influenced how people were treated and identified, which could have extended to their ritual practices. Early Roman imperial writers, who argued for the conquest of India, were also the ones to write accounts of witches, connecting distant lands with magic: "*As is evident in globalization models, times of economic and border tensions often result in accusations of otherness*"[195]. There were class differences too in who had knowledge of goods so that, while the elite were the primary consumers, merchants and possibly slaves had the cultural knowledge[196]. Therefore, social hierarchies could have been reinforced through accusations. Religious ideas and rituals spread along exchange networks and became labelled as 'other' once they were detached from their original cultural cosmology[197], to associate them with specific communities or territories. In Persian literature, magicians were linked either to China or Zoroastrianism. Nurses were referred to as sorceresses who could make men impotent, and Indian women became synonymous with sorceresses. Racial tropes were conveyed, such as that black eyes were equated with seduction and the dark skin of Indians and Ethiopians[198]. In Latin literature, magic, witchcraft, and poisons were also associated with far-off lands. The Roman 'periphery' and areas that the Roman centre traded with, such as India and Meroitic Kush, were thought of as mystical and thus exoticised, leading to a distrust of these regions. This was further compounded when trade relations declined, and ideas were no longer exchanged[199]. For example, the use of spices for culinary, religious, or medicinal purposes gave way to magical uses when knowledge was restricted[200]. The same was true of gemstones that came to be used as magical amulets with engravings and undecipherable scripts[201]. The use of specific herbs and poisons in magic therefore became connected to their origins further afield as a way for them to be deemed more potent and magical[202]. This then extended to people[203]. Apart from ritual othering, having medical knowledge

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[192] STRATTON 2007, pp. 11-12.

[193] *Ibid*., p. 15.

[194] *Ibid*., p. 17-18.

[195] POLLARD 2013, p. 11.

[196] *Ibid*., p. 21.

[197] *Ibid*., pp. 22-23.

[198] SEYED-GHORAB 1999, pp. 81-84.

[199] POLLARD 2013, pp. 1-2.

[200] *Ibid*., pp. 17-18.

[201] *Ibid*., pp. 19-20.

[202] *Ibid*., p. 11.

[203] Pliny the Elder provided fantastical descriptions of different tribes amongst the Scythians, Indians and Ethiopians that practiced human sacrifice, cannibalism, had healing or contagious capabilities and powerful gazes, and who could kill cattle, trees, and children. See PLINY *Natural History*, 7.2.

may have been viewed suspiciously because of knowledge of poisons. Strabo, using descriptions by Megasthenes, mentioned that there were physicians amongst the *sarmanes* (*śramaṇa*)[204]. Although *śramaṇa* could refer to any non-Brahmanical ascetic, they were probably "*Buddhist mendicants, who were reputed for their medical services*"[205]. And so Budhasena may have fallen under suspicion because of his education and possible knowledge of medicine and by extension poisons. Banishment, deportation, exile, and capital punishment were given in the Roman world if medicines killed someone, as in South Asia, whilst acknowledging there were 'nonevil drugs' used for healing or as aphrodisiacs. Certain impious rituals could also lead to the death penalty, but punishments were given according to class[206].

Witchcraft was defined against *dharma* as being *adharma*. Whilst different categories of *dharma* were recognised, the royal law may very well have been defined by South Asian theological and legal treatises, such as the *Dharmasūtra*, *Dharmaśāstra* and *Arthaśāstra*, and influenced by the epic of the *Mahābhārata*, which deals with *dharma* and kingship and was known at Caḍota. From the perspective of *dharma*, the king fulfilled his duties and ensured others were doing so, but he enforced his view of what *dharma* was and reinforced ritual and societal divisions. Social hierarchies and divisions caused alienation. For example, in one narrative, when a king was afflicted with a disease and confined to a hut in a monastery, his servants plotted to poison him and succeeded in killing him[207]. Social and kinship relationships are therefore also a factor in accusations of witchcraft and retaliation, and suspicions could ruin these relations[208]. People with social and ritual power were either punished or used to fulfil ambitions. Furthermore, in reference to an example given by Pliny[209], Ogden suggests that "*successful newcomers to communities were particularly likely to attract accusations of magic*" due to envy[210]. Someone like Lyipeya, who was successful and shared this success with the woman who was killed, after which her gifted property was stolen, could have attracted envy and resentment, leading to false accusations. Budhasena, too, had ritual and political status that could have led to resentment from his brother or someone else who implicated him. Accusations reflected the status of the accused, their associations with other religions, their standing in the community, and their relationships with the community. Women were accused and killed to target influential men, but they may also have been accused and punished by the state for being social and ritual outsiders, or because they acquired social, economic, or ritual status within the community. Accusations of witchcraft had a gendered component and acted as a marginalising strategy, which can be considered further.

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[204] STRABO *Geography*, IV.1.59-60.

[205] LUBIN 2013, p. 32.

[206] See OGDEN 2002, pp. 279-280, for examples of some laws. Death penalties included throwing to the beasts, crucifixion, execution or burning alive.

[207] RT 6.104-106. The narrative continues that the king punished a Brahman for some atrocious acts by branding his head with a dog's foot. The Brahman's maternal uncle was a minister and expert in yoga, and he sought revenge on the king (RT 6.108-114). After his death, the king's mother took the throne because the heir was an infant. However, the minister had the grandmother and other ministers killed and took power for himself (RT 6.115-117). The minister then plotted to kill the boy using sorcery (RT 6.118, 121) but was advised by a spirit not to. Instead, he used military might to acquire the throne (RT 6.122-129).

[208] BEHRINGER 2004, pp. 14, 16.

[209] PLIN. NAT., 18.41-3.

[210] OGDEN 2002, p. 278.

Denigrating Women and Emasculating Men: A Consideration of Gender and Status

The connection of women to alternative religions could have threatened state power, which relied on the support of accepted religions[211]. This could have led to accusations of witchcraft. There were, however, differences between cultures in the characteristics of witches, but many drew on the trope of seduction[212] or regarded witchcraft as a female art, although there are societies where men are or have been identified as and expected to be witches: "…*therefore those accused and eventually killed were predominantly women*", because women as outsiders marry into families and so suspicion naturally falls on them[213]. Older women were more frequently targeted[214], as seen in the example of the Buddhist *Jātaka* cited above, in which the daughter-in-law as a younger, married woman can be contrasted with the older, widowed mother-in-law according to age and marital status. This is reflected in the name of the mother-in-law, Kaccāni (or Kātiyāni), related to the word *kātyāyanī* or *kātyāyanikā*, denoting an elderly or middle-aged widow dressed in red clothes. She was thus expected to live an ascetic or celibate life. Post-funerary practices for widows in Brahmanism required them to sleep on the ground for six months, practice vows and abstain from certain foods in a form of ritual fasting. After this, they bathed and offered funeral oblations[215], which the widow presumably did when her husband died but also when she declared that *dharma* was dead. The woman had this ritual knowledge and was able to use it in a subversive way to make a statement about her mistreatment. She tried to turn the accusation back onto the daughter-in-law in her declaration to Śakra-Indra, that the barren daughter-in-law won a son after torturing her[216]. It refers both to the widow's son, who she loses to his wife, and to the grandson born, leading the daughter-in-law to replace her as the mother of a son. The daughter-in-law gained authority over the family in this way when she forced her mother-in-law out. In Buddhism, elders and parents are to be respected, but the daughter-in-law gaslighted the widow, accused her of being a witch, and then blamed her for her childless state. The ill-treatment ironically included behaviours that were associated with witchcraft, such as leaving phlegm, mucus, and grey hairs around the house. It can therefore be questioned how the daughter-in-law knew what to do to reinforce the accusation. Public and community shaming featured whereby the daughter-in-law made her mother-in-law seem ungrateful in front of the neighbours. Thus, where the older woman was accused of witchcraft to gain control over the house, the younger woman was also accused of using deception and violence to acquire the affections of her husband and domestic authority. The story of *Medea* by Euripides further reflects this dichotomy between a woman who fulfils her duties by becoming a wife and then a mother, and a woman scorned who uses poison to murder a rival, kills her brother and two sons, and alienates her father. Medea and Kaccānī became without male protection, rendering them vulnerable to mistreatment and accusations. Such domestic rivalries could very well have extended to men too, which may have been the case in the

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[211] See, for example, RT 5.230-252, where a king's widow chose a new lover and eventually took royal authority for herself until she found a suitable king with the support of Tantrins, esoteric practitioners. The story involves sexuality, sorcery, and murder.

[212] STRATTON 2007, p. 22.

[213] BEHRINGER 2004, p. 39.

[214] *Ibid*., pp. 40-42.

[215] RAY 1999, p. 135.

[216] Ja 417. The mother-in-law declares: *Suṇisā hi mayhaṁ vaṁjhā ahosi* / *Sā maṁ vadhitvāna vijāyi puttaṁ* / *Sā dāni sabbassa kulassa issarā* / *Ahaṁ pan' amhi apaviddhā ekikā ti* ("*My daughter-in-law was barren* / *Having tortured* (slain) *me, she wins a son* / *She is given the rule of the entire clan* / *I acquired the stake of a neglected single woman* (a dead single woman/mother)").

accusation of witchcraft against Budhasena by his brother or in the use of poison by Budhasena. It was a means to gain control over domestic affairs and property, and to raise status within the community by denouncing others.

Gender tropes were inverted in the tragedy of *Medea*[217], which has been contrasted with the story of Deianeira[218], whose very name means 'man-destroyer'. Deianeira unwittingly and out of love killed her husband, Herakles, with poison[219]: "*The antisocial, barbaric, and subversive power of magic functions in these plays to dramatize the intense disorder and chaos that can result from male mis-actions and female reactions, attesting both to the dependence of women on male decisions and the consequent need for men to exercise good judgment and self-restraint. These plays represent women resorting to magic out of jealousy or competition. Women appear in these depictions to be motivated primarily by sex*"[220]. In the Buddhist story, the widow's son believed the accusations against his mother in the past life account and so was complicit in throwing his mother out of the home, but this was not the case during the lifetime of the Buddha, where he treated his mother with respect. In this way, present *dharma* was contrasted with past *adharma*, and so earlier religions, rituals and social norms were also targeted as being *adharma*. The mis-actions of Lyipeya may also have contributed to the death of the women accused of being witches, whilst simultaneously emasculating him. In Greek tragedy, magic "*was associated with gender transgression—feminizing males and masculinizing females*"[221]. Men who supported their wives or associated with women who dabbled in witchcraft were implicated and feminised. Stereotypes of women in Greek literature were also strengthened by describing them as having an irrational and hysterical nature, and being enslaved to their emotions and sexual nature, whereas men who practiced magic were portrayed as effeminate barbarians[222]. Thus, gender disparities and stereotypes were a key reason for accusations, as seen in the Roman world: women were portrayed as primary magic users in literature but, in reality, men were the main users of magic[223]. The 'feminising' of magic was connected to the 'feminising' of luxury trade and conversely the 'effeminacy' of men who indulged in luxuries[224], although women were accused of excess by Pliny, and some were "*tried on magic-related charges in the tumultuous first century C.E.*"[225].

This 'Othering discourse', connected with "*effeminate treachery, subversion, and oriental barbarism*", led to terms associated with magic practitioners being used as form of insult to describe someone who was deceptive or fraudulent[226]. An example of this is a case presented by Demosthenes[227], whereby the accused, a man named Konon, humiliated the male complainant, Ariston, with both physical assault and an act of *hubris*. Ariston prayed to the gods that

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[217] STRATTON 2007, pp. 49-54.

[218] *Ibid*., pp. 54-56.

[219] WALCOT 1984, pp. 42-43.

[220] STRATTON 2007, p. 58.

[221] *Ibid*., p. 47.

[222] *Ibid*., p. 49.

[223] POLLARD 2013, p. 12; STRATTON 2007, pp. 24-25. Archaeologically it has been found that in ancient Greece magic was practiced by men and spell books recommended men to be the active, dominant participant. See STRATTON 2007, pp. 79-81.

[224] POLLARD 2013, p. 12.

[225] *Ibid*., p. 11.

[226] STRATTON 2007, p. 44.

[227] DEM. 54.

anything he was accused of would return to Konon and his 'degenerate' sons, thereby cursing him. He took legal redress instead of retaliating to show himself as truthful and that he was the injured party, but there was an element of public shaming to account for his own humiliation. Ariston suggested that Konon would swear falsely on his children that he had not done anything and accused him of consuming the sacred offerings left for Hecate, the witch goddess, to show that he did not care for sacred things. These accusations of lying and subversive practices were levelled against Konon to emphasise his immoral character. The outcome of the case is not known but, as may have been in the case of Lyipeya and Budhasena, humiliating men with accusations was a way to emasculate them. A false accusation of witchcraft was also a way to plant seeds of doubt about the integrity of the individual[228]. These are features of societies where 'honour' and 'shame' have an impact on status and reputation. In the case of Lyipeya though, "*to accuse a woman meant attacking the honour of a family, foremost the head of the household, usually the father*"[229]. Public shaming meant that accusations were announced publicly rather than asking the 'witch' to remove spells in private[230].

In Athenian literature, because magic was associated with female sexual assertiveness and the curtailing of men's sexual freedom by women, it challenged male honour and masculinity, which was tied up with his female relatives[231]. As already noted, women were controlled at Caḍota. This female assertiveness and challenge to male honour can be illustrated with the example of the Sanskrit epic of the *Rāmāyaṇa*, in which the demon-king Rāvaṇa abducted Sītā to avenge his sister, who was humiliated and disfigured by Sītā's brother-in-law after a failed seduction attempt, and his brothers, who were killed when they sought revenge. Rāvaṇa used shape-shifting and illusions to deceive the protagonists. Later, however, Sītā had to prove her chastity and faithfulness to her husband by undergoing humiliating trials, at the end of which she asserted her own agency. The increasing independence of (elite) Roman women may have led to women being associated with more aggressive magic in Roman literature. Women acquired wealth through inheriting property from their fathers and other male relatives, and they were involved in politics. This was (potentially) threatening to (some) Roman men because this wealth and influence challenged their own statuses and positions[232]. A part of discrediting women was to smear their characters by accusing them of crimes, such as using poison, or of being prostitutes and seductresses; men who associated with such women were also targeted for their bad judgement, whereas male relatives were portrayed as weak and effeminate[233]. Thus, property disputes, female agency and threats to state power were again a key motivation for accusations to restrict the independence of women.

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[228] An example of false accusations can be seen in a Mesopotamian incantation, *Maqlû* I, translated by ABUSCH 1987. See fn. 240.

[229] BEHRINGER 2004, p. 243.

[230] *Ibid*., p. 204.

[231] STRATTON 2007, p. 63.

[232] *Ibid*., pp. 72-74.

[233] *Ibid*., pp. 76-78.

Men who practiced or were accused of witchcraft were not treated in the same way as women, which is evident from the cases from Caḍota. For example, in the late sixteenth century CE demonological treatise of the *Daemonolatria* by Nicolas Remy, the first witchcraft trial described was of Satan threatening a man that he would murder his wife and children. Fear, attached to defending his family, rather than temptation made the man follow the Devil[234]: "*Crucially, however, his was not a feminized account of male seduction; if anything it was a highly masculine defence strategy, grounded in a gendered emotional regime of honour and protectiveness… Male witches could thus be understood as being both feminized and as performing 'male' roles of power and authority*"[235]. Men could use this power and authority to use women to level false accusations, as seen in the *Mahāpadumajātaka*[236]. Heretics (non-Buddhists) used a beautiful Buddhist nun to falsely accuse the Buddha of sexual misconduct and impregnating her. Heresy and sexuality were brought together, and the nun labelled a *kālakaṇṇi*. Her lie was uncovered by the gods, as was her fake pregnancy through physical exposure, and she was publicly reviled. She was spat at and driven from the monastery, after which she fell into the flames of the lowest hell, Avici. Her body was enveloped as if wearing a garment to allude to her immodesty and exposure. The male heretics were no longer supported, and the woman paid the price for their machinations. Although beauty was associated with goodness, here it was used for wickedness. The nun had her toes cut off; feet could identify that a person was a witch. Being spat at was a physical way that the people reinforced their verbal curses against the nun, with saliva being personal but also used in witchcraft. Mob justice occurred here. In the past life section of this story, the element of seduction was brought more into focus[237]. Slandering women with false accusations can be seen in another Buddhist story, in which fortune-telling *brāhmaṇa*s became stupid after seeing the celestial beauty of a merchant's daughter. She had them thrown out, so they told the king who had sought her hand that she was a witch. She later took revenge for the rejection[238]. The *brāhmaṇa*s behaved in an incorrect manner but, rather than admit this, they chose to accuse the woman instead. Similarly, magic in Persian literature was often associated with love and wishing to acquire someone who has bewitched the lover with their beauty, driving them mad with desire; magicians or physicians intervened to remove spells and prescribe a cure. Bewitchers were likened to the *parī*, a transformation of the *pairika* into a more benign 'fairy' renowned for their beauty, but nevertheless still carrying the connotations of magic and cruelty. Having become enchanted with her fairy-like beauty, the lover no longer slept or ate and became mad with the desire to possess her, when he in fact had already been possessed by her. The *parī* (woman) may have been fettered in iron to control her[239], and this may have been a way to bind witches at Caḍota. The emphasis on female seduction through bewitchment and false accusations can also be seen in a Mesopotamian incantation[240], and even in the story of Medusa[241], whereby women were mistreated and accused of bewitchment for spurning the attentions of men.

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[234] KOUNINE 2016, p. 64.

[235] *Ibid*., p. 65.

[236] Ja 472.

[237] In this section, the Buddha was born a prince. His stepmother became fixated on his beauty and told him to lie down with her to enjoy the bliss of love (*kilesaratīya ramissāma*, the desire of pleasure, which is also an impurity of the spirit causing suffering). She then feared he would tell his father what had happened and so falsely accused him. The king punished the prince to death, but he survived. He later learnt the truth and punished the queen. This story has echoes of the story of Kuṇāla, the son of Aśoka, whose stepmother also fell in love with him because of his beautiful eyes. He rejected her advances and she had him blinded. See STRONG 1989.

[238] Ja 527, *Ummādantījātaka.*

The control of women and their emotions, sexuality, and femininity further found its expression in a fifteenth century CE European handbook for judges, the *Malleus maleficarum* (The Hammer of [Female] Witches), written by Heinrich Institoris (or Kramer). Institoris believed women to be more susceptible of witchcraft because of their lascivious nature[242]: "*Since deviance is at its core, fantasies of witchcraft are marked by similar attributes: deviant social and sexual behaviour, nudity and shamelessness, greed and intemperance, strange or ugly features, an affinity to darkness, to animals of the night, to unclean beings or objects, contact with spirits and demons, and secret nocturnal gatherings associated with horrible crimes, such as ritual infanticide or cannibalism*"[243]. Magic discourse therefore emerged in texts when women transgressed gender roles and threatened social structures, such as through infidelity or marrying outside of the community, to reaffirm social values and ideas of citizenship and parentage[244]. For example, "*Medea's use of magic* (pharmakois) *functions here among many marginalizing strategies, including her barbarian origin, inversion of gender norms, violent emotion, and sexual jealousy. While subverting gender expectations in her quest for glory* (kleos) *and vengeance, Medea affirms stereotypes of women's behavior, now linking them with women's treacherous* pharmakeia"[245]. A ritually powerful woman in a Greek case was also accused of being a witch because she allegedly prepared poisons and incantations, taught slaves how to deceive, and was impious; she was executed along with her family. Two other women, a prostitute and someone accused of making love potions, were also said to be priestesses practicing an alternate, 'foreign' religion, but only the prostitute was acquitted[246]. It has been suggested that these cases could have been linked to political rivalry between men[247], and that accusations of witchcraft and accompanying 'supernatural violence', which included the use of poisons and spells, "*tend to be made in situations of social tension, against individuals who have aroused the*

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[239] SEYED-GHORAB 1999, pp. 72-78.

[240] *Maqlû* I is an invocation to the gods of the night sky to inform them that the reciter had been the victim of witchcraft, but that he himself had been accused of an unknown, yet serious crime by a woman. He felt shamed and despised by the gods and the public, which affected his mental state and physical health: he was no longer able to eat. He then turned on his accuser by accusing her of bewitching him as a witch and being deceitful in her denouncement of him. This was to assert his own innocence. It suggests seduction on the woman's part, but the fact that she accused him first of something suggests the man perhaps tried to seduce her or outright assaulted her, leading to his own societal disgrace, which he then turned back on to her. Another man may have been involved in the 'witchcraft', possibly a relative of the woman. The accused man wished for her mouth and tongue to be destroyed, to silence her from making further accusations or denouncing him again. He took an oath to clear his name because the onus was on him to prove his innocence. The resolution of the conflict took place in two realms, that of magic and that of the law court. The gods acted as judges to deliver justice. See ABUSCH 1987 for translation and discussion.

[241] See BOWERS 1990 for a discussion on Medusa.

[242] HERZIG 2016.

[243] BEHRINGER 2004, p. 2. This can be seen in the character of the enchantress Circe in Homer's *Odyssey* (Od.), who lived in a forest, used *pharmaka* to bewitch wolves and lions (Od. 10.210-213) and transformed men into swine (Od. 10.233-244). Odysseus was warned by the god Hermes of how Circe operate and received an antidote to take before striking Circe and securing the release of the men. A key act was for him to first secure an oath from Circe before lying down with her (Od. 10.275-301). Thus, drugs related to women, men, power, and sex.

[244] STRATTON 2007, pp. 61-64.

[245] *Ibid*., p. 54.

[246] EIDINOW 2010, pp. 12-16.

[247] *Ibid*., p. 15.

hostility of others, or are simply assumed to feel malice"[248]. These cases suggest further that female agency was being controlled.

Marginalised communities or people are particularly vulnerable to such accusations, as are people perceived as being different or other, but there is the potential for 'witchcraft' and alternative religions to be a means for them to be included in social and ritual activities. Women had to provide for their families in some way if they lost male support, and this could have been through religious activities or prostitution. Thus women, "*through their ritual activities*", overstepped "*the boundaries of their social status*", potentially becoming prominent and independent members of society who needed to be kept in check. This led to defining what it meant to be a witch and how they should be punished. Furthermore, "*these tensions were exacerbated by ongoing anxieties about, and peculiar sensitivity to, religious innovation and change… Through a social process that started with gossip and, in some cases, ended with an execution, the ideal social order was reaffirmed*"[249]. The attempt at controlling women is apparent in the Niya documents where they were treated as a commodity, and there were attempts communally to restrict women who asserted social agency or had some financial independence. The law, however, did support women in some cases, but this may not have extended to having ritual agency that could challenge state power. In medieval Kashmir, women were stopped from being religious preceptors and having disciples because of concerns over chastity and dignity, whereas the king's (male) staff had to be educated[250]. Women in many religions today still fight to be allowed to have ritual leadership. A recent report has highlighted the imprisonment in Xinjiang of Uyghur women, including elderly women and religious leaders, for historical religious 'crimes', such as wearing religious clothing, acquiring or spreading religious knowledge, attending religious gatherings, and owning and studying the Qur'an. This removes the agency of women and their ability to participate in education, oversee life rituals, share cultural traditions, or lead religious activities[251]: "*These actions stem from a governmental approach to Uyghur women which takes their bodies as the property of the state, denies them voice and agency, and subjects them to organized violence in the name of national security and stability*"[252]. It also leads to a destruction of knowledge[253], be that cultural, religious, ritual, or social. In the Warli tribal (*Adivasi*) community of Maharashtra, India, women have suffered and been targeted as witches (*bhutali*) due to loss of access to forests with their medicinal plants, their limited participation in cultivation practices, and having no land rights. The change in subsistence practices has created gender inequalities in the political and ritual spheres, and women are not allowed to participate in 'magico-religious ceremonies', including conducting ceremonies for household gods or worshipping the protective deity of the village[254]. Colonial-era legislation means that Warli women are not allowed to own property, and childless widows would be "*accused of being a witch or having a love affair by her relatives, and chased out of the village in order to secure control over the land*"[255]. Widows who inherit the property of their late husbands, other single women, and women whose husbands have deserted them are also vulnerable to accusations made by male relatives. They can be subject to harassment, molestation, exile,

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[248] *Ibid*., pp. 30-31.

[249] *Ibid*., pp. 31-35.

[250] RT 6.12-13.

[251] HARRIS, AYUP 2024; KOSTER 2024; LAU 2024.

[252] HARRIS, AYUP 2024, p. 31.

[253] MUNSHI 2001, p. 181.

[254] *Ibid*., pp. 177-178.

[255] *Ibid*., pp. 180-181.

and fines by their relatives, village chiefs, witch doctors, and even the police. In extreme cases they are beaten or killed, sometimes with their families[256]. In times of crises, women could be blamed too: women who are socially weak and vulnerable, or quarrelsome, are targeted by ritually powerful men. They are identified as witches in a parade, tortured, and beaten into making a confession. Nobody helps the woman because of fear of being condemned as accomplices. If a woman dies in the process, nobody speaks up to the authorities[257]. This fear of accusations and punishments via association can be seen in ancient Roman legislation, whereby anybody who used *pharmaka deleteria* (harmful spells or poisons) was to die with his family[258]. In medieval Europe, most suspicions of witchcraft were never brought to court because of the danger that complainants or witnesses could become more deeply involved in a case, and possibly end up as a suspect or be punished. Thus, self-regulation was a way to detect witchcraft, usually via diviners, oracles[259], or, in the case of the Warli, a medicine man who had ritual power. This may be why there are few documents about witchcraft cases from Niya, although preservation is a further issue. The relationship between judges and suspects is another point of consideration: suspects endured "*prolonged imprisonment, intimate physical inspections, psychological stress and torture*"[260], and a reason for "*the high proportion of female witches was that accusations of males within the trials were suppressed by male judges, either because they did not meet their expectations, or for political and social reasons*"[261]. This can be inferred in the cases discussed from the Niya documents: women were easier to target because of their perceived social and physical inferiority and men could be targeted via association, but some powerful men escaped judgements because of their influential status. Control of land and resources therefore is often a key reason why people have been accused of being witches, and this could also extend to domestic control of resources. In times of resource scarcity, such as drought or war, as is evident in the Niya documents, conflicts could arise over resource distribution. In Benin and other parts of Africa in the 1970s, witchcraft was connected to suspicions of how people acquired wealth, which led to class struggles, and to the increase in infant mortality and epidemics[262]. Evidence from Athenian contexts also "*suggests that such accusations occurred within local explanations of misfortune, and reveals the kinds of social dynamics that may have motivated or structured these accusations*"[263]. Disputes over property acquisition is evident in the case of a young philosopher who was tried in the Roman Court for using magic to marry an older woman. He was likely accused because the former in-laws of the widow he married wished to keep her property[264].

In continental Europe, the British Isles, and the American colonies between c. 1450 and 1750 CE, it has been suggested that 75 to 80% of people tried and executed for witchcraft were women, but this has led to a limited consideration of the remaining 20 to 25% of accused witches who were men. Whilst patriarchy and misogyny may have been the motivation for women being accused, general interpretations of the presence of male witches can be distilled down to that they were related to female suspects or were accused at times of mass panic, or

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[256] *Ibid*., pp. 189-190.

[257] *Ibid*., pp. 184-185.

[258] OGDEN 2002, pp. 7, 275-299.

[259] BEHRINGER 2004, pp. 36-37.

[260] *Ibid*., p. 42.

[261] *Ibid*., p. 43.

[262] *Ibid*., pp. 11-12, 14-15, 28.

[263] EIDINOW 2010, p. 30.

[264] SEYED-GHORAB 1999, pp. 71-72; STRATTON 2007, p. 32.

because of heresy and the attitudes towards peripheral areas and certain occupations[265]. The idea and threat of witches, magicians, sorcerers, wizards and the like changed over time, at least in the European world, and this then dictated how they were to be treated. At a more benign level, they were to be re-educated; more extremely, they were to be executed, particularly when they were deemed a threat to a dominant religion[266]. Anything could have led to an accusation, but there needed to be evidence to support this. The fact that oaths were used in the Niya documents suggests that people were taken at their word if there was no physical evidence and that there was a belief in the power of a higher entity to punish people for lying under oath (or that, if they were found to lie under oath, officials could punish them). This can be compared to ancient Greek curse tablets, in which people accused of crimes could deny them and request for themselves to be cursed if they had committed any crimes, and for people who believed themselves to be victims to curse their perpetrators[267]. These curse texts could then become sources of gossip, leading to further ostracisation of people accused of witchcraft, which in turn could have been rooted in envy[268]: "*Envy is, first of all, a popular explanation for attacks of witchcraft, deemed to be the cause of the majority of misfortunes and generally thought to be brought on people by their obvious success*"[269]. The clampdown on witchcraft at Caḍota may also have reflected ideas like those of Plato, that magical rituals could cause psychological harm to people who believed in their power[270]. People who believe in witchcraft in the modern period are suggested to be affected by anxiety and related psychosomatic problems[271]: "*While curses or the evil eye* might lead *to a witchcraft victim's sickness, the emotions of accusers and magistrates indubitably* have led *to the deaths of thousands of alleged witches*"[272]. There is also the possibility that people were suffering from illnesses, including mental illnesses, that they then attributed to having been cursed or being the victim of witchcraft. For example, Libanius, the chair of rhetoric in fourth century CE Antioch, was both accused of witchcraft by rivals and himself became a victim psychologically, where he could not speak, read, or write for days in front of his students, and wished to die[273]. Thus, emotional aspects of witchcraft accusations are also important to consider: "*witches were identified by their negative emotions, but these negative emotions were themselves inspired by suspicions or allegations of witchcraft… Witch trials themselves unfold as dramas of emotional expression and repression, wherein the 'unbridled passions' on view belong to accusers, witnesses, and officers of the court… Witches were either all too emotionally human or inhumanly cool under pressure, and were damned either way*"[274].

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[265] APPS, GOW 2003, pp. 25-29, 33-34.

[266] BEHRINGER 2004, pp. 4-5.

[267] EIDINOW 2010, pp. 19-22.

[268] *Ibid*., pp. 24-27.

[269] *Ibid*., p. 28.

[270] STRATTON 2007, p. 43.

[271] BEHRINGER 2004, p. 7.

[272] OSTLING, KOUNINE 2016, p. 3.

[273] EIDINOW 2010, pp. 28-29. This can also be seen in the case of the accuser/accused in *Maqlū* I. See fn. 240.

[274] OSTLING, KOUNINE 2016, pp. 2-3.

8. Conclusion

The Tarim Basin in the early first millennium CE was culturally diverse, with different languages, religions, and people. The establishment of oases settlements led to the demarcation of territorial boundaries and distinguishing between different communities. The Niya documents show that life in one settlement, Caḍota, was highly regulated, with control over land and resources through a taxation system, and over people through a legal system that investigated complaints about criminal activities that threatened to disrupt civil harmony. Witchcraft was one activity deemed to be unlawful and was likely defined according to the Avestan and Buddhist religions. Socio-cultural and ritual outsiders were identified as witches based on their geographic origins and the religions that they followed. Although men or women could be witches or sorcerers, literature from many parts of the ancient world associated magic and witchcraft mainly with women, with the key tropes of seduction, (in)fertility, poisons, and murder. At Caḍota, only women were labelled as witches, who required restraining and punishing according to the law, and only women were killed for being witches, but both men and women could be accused of witchcraft. It is not known how witches were identified and which practices constituted witchcraft, although poison was perhaps one tool associated with witchcraft. Execution may not have been a punishment for being a witch and therefore the killing of women, as found in the documents, may not have been state sanctioned because the law required proof of someone being a witch. Thus, alleged witches may have been murdered by community members, which was then overlooked by the local official, or instigated by the official through misuse of power, due to personal animosities against the main complainant. The murders thereby became tantamount to extrajudicial killings. Women may have been falsely accused to target and humiliate men, especially socially, politically, and economically influential men, because they represented male or household honour and were physically and socially more vulnerable. Women as a resource for marriage, children, and labour meant that they required controlling. Owning property and having social and ritual agency threatened social and gender hierarchies, which in turn could threaten state power. To accuse a woman of being a witch implied she had a certain type of character: different parts of the ancient world associated witches with seduction, deception, poisons, slander, and murder. Thus, there may have been attempts to restrict the social and ritual activities of women to ensure they were less independent. Falsely accusing someone of witchcraft or killing someone for being a witch led to punishments, including compensation, fines, and future threats of punishments for raising complaints again. Accusations against one person meant their household, friends and other associates also came under suspicion. Thus, shame and humiliation were key motivators for accusations. Oaths and witnesses were required to deny accusations and be exonerated, thereby restoring reputation.

Witches and witchcraft may have been associated with ‘other’ peoples and religions. People who engaged in certain practices, such as animal sacrifices, or who had knowledge of rituals, medicines, and poisons, such as Buddhist monks, could have come under suspicion. Some Buddhist monks had religious, social, or political status and influence at Caḍota; accusing a monk meant that Buddhism itself came under scrutiny, which also threatened state power and social harmony. Envy over status could have led to hostility against relatives and community members, especially when there was preferential treatment by officials or the king who provided people with property and resources. Personal problems between the complainants and the accused may well have led to accusations; some perhaps stemmed from past transgressions as a form of revenge or justice, and others may well have been ‘true’ accusations, especially when poison was involved. The men accused of witchcraft or associated with witches were not exactly ‘good citizens’. They benefitted from the king’s favour and escaped justice in other cases where they were accused of wrongdoings. Thus, an accusation need not have been false because

the characters of the men were questionable, but a false accusation served to show that these people did wrong things to shame them publicly. Reading between the lines, the accusations in the Niya cases discussed do appear to have been motivated by personal hostility against the men and most likely over property disputes, resource allocation, status, and influence. Corruption was also a reason why people were targeted and cases were mishandled. People associated with the accused also fell under suspicion or were targeted with accusations, thereby damaging the reputations of all involved.

Targeting women was a way in which men could be humiliated to be shown as weak and incapable of defending their household and their women. The punishment of future castration in the case involving poison directly inflicted damage on masculinity and manhood to emasculate men who challenged the king, his decisions, and those who he favoured. Community support from other influential people as witnesses meant that either people could escape accusations of witchcraft or have them stick. Consequently, witchcraft can be thought of as "*the anti-social crime par excellence*"[275], but bad behaviour, false accusations, targeting women, and having justice denied were what was truly anti-social at Caḍota. "*In the ancient world accusations of magic could carry the death penalty or, at the very least, marginalize the person or group they targeted. Accusations, however, always arise from somewhere: they draw on and reinscribe fears of the Other, ideals about the Self, and conceptions of antisocial behavior*"[276]. Such accusations continue in the present day, as highlighted by the issues affecting the Warli, and in other forms of 'witch-hunts' against minority communities viewed as cultural outsiders, as in the case of the Uyghur in China and others across the world who have been deemed to be a threat by the state to law and order, social hierarchies, majority religions, belief systems, or political ideologies. A report prepared for a UN workshop summarises that witchcraft accusations could be rooted in needing to ascribe blame for or rationalise misfortunes, with middlemen and women, faith leaders and witch doctors facilitating in who to blame, carrying out abusive treatments to 'cure' people, mutilating or killing vulnerable people for 'medicine' or, in rare cases, offering human sacrifices for people to receive good fortune. A key motivator to peddle fears of witchcraft is to acquire money, property, and possessions. Women, children, the elderly and disabled people are most at risk for accusations, abuse, and killing[277]. Thus, gender is very much at the heart of witchcraft accusations, but is entwined with status, power, and influence. At Caḍota, powerful men and their families were targeted with accusations but had cases go in their favour, whereas vulnerable women were killed before it could be determined that they were indeed witches. Their male guardians had to get justice on their behalf, but arguably these men were seeking justice and compensation for themselves. It was less important to clear an accused woman's name to restore her honour, and more important to deny the accusation to restore the loss of property, both material and in the person of the woman. To be a witch was a grave offence, but to be a woman meant that such accusations could be levelled in the first place.

[275] BEHRINGER 2004, p. 2.

[276] STRATTON 2007, p. ix.

[277] FOXCROFT 2017.

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ABSTRACT

The Niya documents from the Tarim Basin include correspondence from a king to his officials to investigate complaints made by two men about the killing of women for being witches and theft of her property, and an allegation against a Buddhist monk and his household for using witchcraft and poison against the monk's younger brother. To be a witch and to practice witchcraft was unlawful and a punishable offence, but false accusations required compensation for the aggrieved party, with the threat of future punishments as a deterrent for raising complaints again. But it is not immediately clear why people were accused in the first place. How were witches identified? Which practices constituted witchcraft? Why did people make false accusations, kill women, or use 'witchcraft' against others? This article examines four documents that summarise the complaints made by the different men. It defines and contextualises the key vocabulary used to describe witches, witchcraft, and poison. Other documents are investigated that possibly name some of the complainants, the accused, and other people mentioned in the cases to understand their characters and why they may have attracted accusations or been targeted by members of the community. The article then explores texts, literature, legal cases, and studies from other parts of the ancient and modern world to suggest reasons for accusing people of being witches or using witchcraft, targeting people via association with accused witches, and why people may have used practices associated with witchcraft, such as poison, against other people. It further explores if accusations could be connected to gender and why. The cases suggest that ritual and social othering, envy, status, personal rivalries, domestic and community conflicts, and conflict over resources were some of the possible reasons for accusations. Shaming and emasculating influential men through false accusations and targeting women under their guardianship suggests that gender was an important factor in accusations. Likewise, attempts to restrict women socially, economically, and ritually could have been a key reason why only women were accused of being witches and subject to punishment, whereas men accused of using witchcraft escaped punishment due to their status. Corruption and abuse of power were behind some accusations and delayed justice.

KEYWORDS

1. Niya Documents
2. Tarim Basin
3. Witches and witchcraft
4. Legal cases
5. Gender

How to cite: R. KAUR, "Witchcraft Accusations in the Tarim Basin: Cases from the Kharoṣṭhī Documents Discovered at Caḍota (the Niya Ruins)", *BABELAO* 13 (2024), pp. 153-195.