

Trial Methods for Witch-hunts in the Renaissance Period

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Abstract

This paper examines the development of public justice system in the Renaissance period, as well as its influence on modern times. We will use historical evidence from Malleus Maleficarum to specifically explain how the crime of witchcraft is understood by the public. To make thorough analysis, we will analyze the problem through its background, content, argumentation, motives, and biases.

Keywords

Malleus Maleficarum, Crime and Punishment, Renaissance, witch-hunts, witchcraft.

1. Introduction

Published in 1486, Malleus Maleficarum is a treatise on witchcraft. The book provides guidance for witch hunters to counteract the hysteria of the time. That before this, it was a wild situation, in which innocent people were killed and the wicked escaped. There was no instructions to make sure power wasn't abused.

Malleus acted as a manual for the Church courts during the Renaissance period to examine witches, and was fundamental to the carrying out of witch-hunts in Western Europe. The book outlines various means to prove someone practices witchcraft, as well as ways to counteract the sorceries [1].

2. Examining Malleus Maleficarum

2.1. Background

Malleus Maleficarum was written by Jacobus Sprenger and Henricus Institoris. Both of the authors were prestigious members of the Dominican Order, a Catholic religious order whose main aim at the time was to preach Christian orthodoxy and eradicate heresy [1]. Jacobus Sprenger, a professor of theology at the University of Cologne, Germany, was also an activist in promoting reform movements in the Order, advocating for Christian simplicity [1]. Henricus Institoris, likewise, was a professor of theology in the convents of Southern Germany. He contributed significantly to the sale of indulgences, and led the way in the defense of Church privilege, publishing works on defending papal supremacy. Preaching before the kings, Institoris became respected within the courts, and the prestige he enjoyed there helped him in his later investigations [1].

Malleus was published during a time of unrest in Europe's witch-hunting scene, and when general tension in society was at a high. In 1481, Pope Innocent VIII received numerous complaints from German monks regarding the how uncooperative the Church had been regarding investigations into suspected cases of witchcraft, along with problems concerning heresies and the undermining of Church teachings. In the face of this witch-craze, the Pope asked the Dominicans, Institoris and Sprenger, to produce a handbook to examine witches [2]. As inquisitors, Institoris' and Sprenger's main aim was to stop the spreading of the dangerous practices and influence of witchcraft, saving the souls of the victims of witchcraft and the witches themselves from the Devil. They perceived themselves as the helpers of God, providing

spiritual guidance to the people, e.g. outlining templates for the Church courts to examine cases of witchcraft, in the hope of eradicating the heresy of witchcraft [3].

During the writing of *Malleus, Institoris* mainly used inquiry to collect sources for the book. *Institoris* conducted the research himself: the inquisitions took place between late 1485 and early 1486, and collected information from the population of Innsbruck and its neighboring towns [1]. He used observations and learned traditions to draw conclusions for the book [4]. Especially in Part III, *Institoris* cites heavily canon law as a source [1].

2.2. Content

Question fifteen in *Malleus* presents the methods to interrogate a witch who is under the sorcery of silence. It instructs the judges in how to choose one or combine multiple methods according to the situation. One of the methods is to test the person's ability to cry in the presence of the judge, or while being tortured. During the process, the person in question may put spit in her eyes and on her cheeks, or even poke herself to fake the tears. Under this circumstance, the judge should call upon God to avoid fake tears. If the defendant passes the test of genuine tears, and the legal witness does not bring forward more charges, she is exonerated.

As a safety precaution during the inquisition, the *Malleus* outlines that the assessors should not touch the person physically, especially on the naked wrist. The judges should be exorcized in advance with blessed plants and wear blessed wax worn around their necks. As there is the possibility that the sorcery may be hidden elsewhere, the judge shouldn't overlook any potential warning signs or irregular activities. In addition to this, the defendant should be brought into the court backward, while the judge protects himself with a cross. The person's hair can be shaved to ensure she is not hiding any secret amulets.

There are other ways in which the accused witch might maintain silence, besides the help of the Devil; such includes a determined physical mind, a device of sorcery (can be as minuscule as a hair), and sorcery from a distance. Sometimes, these devices cannot be seen by human eyes. By calling upon the holy trinity, the devices can be revealed with God's guidance. If the case is urgent, the court can consult female diviners or use prayers to summon God, to break the spell, or punish the sinner. If all suggestions above failed, the entire court should pray sincerely, and let God make His judgment directly [1].

2.3. Terminology

2.3.1. Sorcerer, Sorceress, Sorcery

The men or women who practice maleficent magic are known, respectively, as the "sorcerers" and "sorceresses," and the process of practicing magic is "sorcery." "Witch" and "witchcraft" are sometimes used to replace "sorceress" and "sorcery," as they are more colloquial and widespread [1].

This involves the participation of spirits and the calling upon the Devil [4]. Sorcery takes many forms, it can be practiced directly or indirectly, and involves special incantations directed at harming others. For example, the sorcerer can make an image of the victim, breaking the person's leg by breaking the leg of the image [4].

2.3.2. Necromancy

"Corpse divination," a magic that revives or communicate with the dead. This is associated with the blackness of night-time darkness, which represents the practice of evil magic [1].

2.3.3. Blessed Palm, Blessed Plants

A vessel used in exorcism. During celebrations, the crucifix in the church was decorated with flowers, and holy water is sprinkled over the graveyards. Symbolic plants such as foodstuffs and healing are agents for blessings [5].

2.3.4. Blessed Wax

A vessel used in exorcism, and as a protection for the Church judge against the influence of Satan. It is regarded as the symbol of the purity of Christ's holy body, a light that penetrates darkness and guides pagans out of the darkness [6].

2.4. Argument

Chapter fifteen discusses trial methods that identify witches with the sorcery of silence, a dark magic that prevents them from telling the truth to the court. To ensure the judge is questioning the defendant justifiably, this chapter provides clear procedures for the judge to counteract the sorcery of silence.

If the accused is innocent, the judges do not wish the accused to confess under torture. At the same time, the judges do not want evil to escape inquisition under the guise of innocence from the sorcery of silence. Therefore, the authors bring gravity to make the seriousness of the situation clear, in which the judges should not neglect the capability of the witches to disguise. When a witch is in pact with the Devil, the witch takes power from the Devil, and the Devil uses the witch as an agent to accomplish his malicious goals [4]. As the witch is spiritually bonded with the Devil, even the smallest vessel of the witch can be used by the Devil to conduct dark magic. The authors stress the importance of carefully examining witchcraft cases, going into intricate details such as the bodily aspects of the witch.

The chapter also addresses the relationship between God and his people — any harm done by any means to God's people is offending to God. As the witch is still under the contract with the devil during the arrest and questioning, the chapter provides security measures to ensure the safety of the judge in the trial, preventing them from falling into the trap of devilry (through e.g. mind control).

2.5. Motive

Malleus Maleficarum outlines thoughtful and detailed descriptions of methods for the Church court to use in examining a witch. The authors hope to create an unbiased system for the court, avoiding the innocent getting convicted as well as letting the evil getting away. Thus, the authors present solutions to the difficulties judges may face while trialing a witch, creating a procedural judicial system that produces convictions rationally, based on evidence.

During the witch-hunt hysteria, the public was in constant fear of falling under the influence of a spell and being falsely accused. By following a methodological guideline, the Church provides a solution for the people by forming a just, unbiased trial for everyone. The Church gave assurance to the public that every witch would be eradicated, and every victim of witchcraft protected. The authors of the Malleus establish the supreme power of God as the beacon of hope in the face of obstacles during a witch trial. Using Christianity as the moral groundwork, the authors envision a society that purifies itself from witchcraft under the guidance of God, instilling faith among the people that any sorceries will be resolved by this book.

Also, the authors do not wish people to blindly punish or convict the innocent because of fear. Before Malleus was published, the defendants during witchcraft trials were falsely promised with minor punishment after confession, and even threatened with death penalty if they refused to confess. When they did confess, the judges sentence them to burning. Malleus directs the person in charge of the trial to give the subject mercy if the subject confesses [4]. It provides solutions to purify the witch's soul rather than burning them. The Malleus claims everyone has room for atonement, and everyone can be redeemed from the sins of slavery to the Devil in the light of God — God will guide the people out of the moral turpitude of witchcraft.

2.6. Bias

At the time of inquisition, most of the accused were the disadvantaged of the society—particularly old and neglected women who were powerless to defend themselves. Therefore, there is a high degree of misogyny in the book — the gender of the heretics is presumed to be female. In terminologies, “witchcraft” is used more often than “sorcery.” While “sorcery” can be a gender-neutral term, “witchcraft” tends to be more female-oriented, highlighting the association of dark magic with women and femininity. The authors consistently refer to the person on trial as “she” [1], indicating that the presumed offender is always a woman. Furthermore, the authors characterize the nature of women as “crying, spinning, and deceiving,” channeling a stereotype upon the women as feeble and weak-minded [1].

Malleus is also narrowed to a specific viewpoint of the members from the upper class. As the original copy of the book is in Latin, and only the ones with the education could understand Latin, the book was mainly written by and for the privileged and wealthy. Undeniably, Malleus provides useful ways to conduct trials in a church court. However, some of the methods, such as an exorcism, are not feasible and are inaccessible for citizens during their daily lives, limiting its application for the public. Overall, Malleus is more of a specialist book written for church prosecutors.

2.7. Impact

Malleus Maleficarum epitomized the contemporary approach to witch-hunts. It was widely circulated and was the predecessor of many witch-hunt books during that time.

When Malleus Maleficarum was first written, the book mainly circulated in Cologne, Germany. Soon after the publication, the copy of the book was being accused of forgery. The theology faculty of the University of Cologne denied the accusations, but the tragedy concluded with the death of Sprenger, one of the authors of Malleus. Even the faculty perished, with only the record of the book preserved. Dramas and plays have been written by writers such as Montague Summers to exalt the great integrity of the authors of Malleus — this is when Malleus was known to the public [7].

The influence of the Malleus goes beyond arguing for the existence of dark magic, but give a scholastic interpretation of the world, examining the surroundings in a critical way. While sorcery was perceived as an abomination, Malleus changes the public’s view on witchcraft: it gives a comprehensive definition of sorcery as the relationship between God and Satan, proving that witchcraft is the mean of Satan’s attack on God’s creation [1]. In other words, witchcraft is a product of Satan’s malevolence.

Breaking the preconceptions, Malleus broke down the cruelty and injustices of witch trials by the Church court [7]. It outlines trial methods to conduct unprejudiced judgments, saving innocence from being convicted for the imposing sins. It helped to protect the integrity of the Church, and protect people from overzealous priests or even those using witch-hunts to hide their own actions, e.g. accusing someone they dislike of being a witch so they could annihilate their enemies. The methods intend to pacify the witch-hunt turmoil and restore peace in society, thus presenting a thought-provoking work.

3. Conclusion

From a historical perspective, the trial methods from Malleus Maleficarum not only give the readers a gist of the criminal law system in the fifteenth century, but also provide a holistic view of the Renaissance society on the dynamic between religion and humans. While the book compromises an extent of misogyny and superstition, it lends the modern viewers a critical lens to examine today’s criminal laws in attempt to provide a more unprejudiced justice system.

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