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THE TRIAL OF WITCHES, SECUNDUM ARTEM

WILLIAM RENWICK RIDDELL

It is well known that while Witchcraft was an offence in Saxon times in England and contemporary times on the Continent, there was no very vigorous prosecution of the crime until the Church made it a heresy. One of the Extravagantes of John XXII issued at Avignon contained a strong condemnation of such as make a pact with Hell and sacrifice to Devils; and St. Augustine made Witchcraft consist in a pact with Satan. Whether the existence of Witchcraft ever was an article of faith, I leave to theologians to determine, mentioning only that the latest Catholic writer on the subject whose works I have seen, makes a somewhat violent attack upon a previous writer of the same faith who had contended that such a belief was not *de fide*—I mean the Reverend Montague Summers, the Editor of the recent edition (1928) of the *Malleus Maleficarum*. However that may be, the belief was not confined to Catholics, as when Protestantism made its appearance, Protestants were even more ardent in their prosecution of Witches than Catholics.

It is from the work already named, the *Malleus Maleficarum*, that I take the methods followed by accredited Inquisitors in the trial of those accused of Witchcraft: this "great and terrible work" was first published at Cologne in 1489 and before the end of the century there were at least four other editions: republished from time to time, an edition in English—the original being in Latin—appeared in 1928. Its authenticity and authority have never been questioned, and it is a treasury of information as to the beliefs and practices of the times.

The Pope Innocent VIII, December 9, 1484, in his Bull, *Summis desiderantes*, accredited two Dominicans ("Domini Canes," Dominicans were not unusually nicknamed) Henry Krämer and James Sprenger, as Inquisitors "to proceed to the just correction, imprisonment and punishment of any person . . . in Northern Germany . . . Mainz, Cologne, Trèves, Salzburg and Bremen . . ." for witchcraft. That they exercised these functions with vigor is historical; but they are better known by their celebrated work, *Malleus Maleficarum* in three parts, the third of which is "Relating to the Judicial Proceedings in both the Ecclesiastical and Civil Courts against Witches and, indeed, all Heretics," or as the authors themselves say "the extermination of

witches, which is the ultimate remedy, for it has been said 'Ye shall not suffer witches to live upon the earth.'"

After asserting the right of Inquisitors to try Witches, they give the three ways of initiating proceedings, viz.: (1) accusation by someone who offers to prove the crime under penalty of *talion* in case of failure; (2) accusation by someone not offering to prove the crime, and (3) inquisition *virtute officii*, on general report that there are witches in some place or town, in which last case, a formal Citation is posted up for all to appear and give information of any reported to be witches. This seems also to have been the practice in the second form.

When witnesses appear, their evidence is written down by a Notary or two religious and discreet persons, cleric or lay. Two witnesses are required, but it is not necessary that they differ in particulars so long as they agree in the witchcraft: "as when one says 'She bewitched my cow,' and the other says 'She bewitched my child,' but they agree as to the fact of witchcraft." Persons "under a sentence of excommunication, associates and accomplices in the crime, notorious evil-doers and criminals . . . are admitted as witnesses in a case concerning the Faith": so are personal enemies, if the enmity is not mortal, as in the case of a death feud, a vendetta, mortal hatred, etc.

If the Judge fears the escape of the accused, she is imprisoned; and in any case, her house is searched unexpectedly, all chests and boxes opened, etc., in order to obtain, if possible, tools of witchcraft as evidence: All this is considered preparatory.

Now comes what is called the First Action: the suspected witch is sworn on the Gospels and interrogated upon oath as to residence, parentage—this, we are told, is specially important, for witches generally devote their own children to devils; moreover, a devil often, becoming a Succubus, receives the semen of a man, and then turning into an Incubus, transfers it to a woman, and the offspring is generally devoted to devils—whether mother or any kindred was not suspected of witchcraft, whether the accused believes in witches, and so on. The question as to belief in witches is very cunning—they may deny such belief and "So, if they deny it, they may be questioned as follows: 'Then are they innocent condemned, when they are burned?' And they must answer." The Second Action is a renewed examination; the Third, an examination of her maids and companions—and it is wise to carry the accused so that she cannot touch the ground, as it has been found that if a witch can touch the ground even with one foot, she is able to keep silent under examination.

In the Fourth Action, the accused is allowed to see and confront the witnesses against her, if the Inquisitor thinks it safe for them; and it is a punishable offence even to disclose the names of witnesses indiscreetly. The Fifth Action is permitting the accused to defend; and, sometimes an Advocate is allowed, not chosen by the accused, however, but appointed by the Inquisitor—the Advocate appointed may refuse, or, if he finds that the case is hopeless, he may abandon it at any time: if he “has worked very hard,” it seems that he may retain his fee, but in any case he is debarred from “bringing forward any fallacious arguments or reasoning . . . or introducing legal quirks and quibbles” The Inquisitor is not bound to tell the Advocate the names of the witnesses: if he does not, comes the Sixth Action, which is the Advocate asking and being refused the names of the witnesses, pleading that they are actuated by mortal enmity, and the like.

In the Seventh Action, the charge of mortal enmity is investigated, the names of the witnesses, so far as expedient, being given the Advocate. “The next action of the Judge is quite clear. For common justice demands that a witch should not be condemned to death unless she is convicted by her own confession”: consequently, if she will not confess, she is to be submitted to the torture: and she is given her option in the Eighth Action. This Civil Law doctrine, viz., that no one should be put to death except on his own confession, was the cause of untold cruelty, the accused being subjected to torture once and again until a confession was obtained or death ensued—the death not being considered the fault of the torturer but of the tortured and his recalcitrancy. Moreover, hundreds of confessions were obtained simply by the threat of torture. I know of no more interesting story than that told in the *State Trials* of Felton when threatened by the Archbishop of Canterbury with the rack, saying that he might under torture confess against some whom he did not care to state: the threat was dropped.

The Ninth Action is the sentence to the rack: and here the question is raised whether she may be promised her life, if she would confess her sin. Some think she might, but be imprisoned for life: that is not wholly repugnant to our modern views of honesty; but what are we to think of this? “Others think that . . . the promise to spare her life should be kept for a time, but after a certain period, she should be burned. A third opinion is that the Judge may safely promise the accused her life, but in such a way that he should after-

wards disclaim the duty of passing sentence on her, deputing another Judge in his place."

This is such a shameless breach of faith, "keeping the word of promise to the ear but breaking it to the hope," that were it not on a par with other directions to Judges, one could scarcely believe it. But in another place, we find it recommended, "let the Judge come in and promise that he will be merciful, with the mental reservation that he means that he will be merciful to himself or to the State; for whatever is done for the safety of the State is merciful."

The Tenth Action is continuation of the torture; in case of obstinate refusal to confess, "the hair should be shaved from every part of her body . . . even the most secret parts of their bodies which must not be named." This is not done as a rule in Germany, "but in other countries the Inquisitors order the witch to be shaved all over. And the Inquisitor of Como has informed us last year, that is, in 1485, he ordered forty-one witches to be burned, after they had been shaved all over." This shaving sometimes is necessary that they may be induced to confess!

The Eleventh Action is a second torturing; and the Twelfth the Pronouncement of a Definite Sentence.

Ordeal by hot iron, these Inquisitors do not allow.

Then follows the dread punishment for the supposed crime. But we have had enough of this shocking brutality and tyranny exercised by men of the highest education and actuated by the highest motives, honestly believing in the utter criminality of these unfortunate wretches, and sincerely desirous of doing what was right and in the best interests of humanity. Avons nous changé tout cela?