

A Skeptic Looks at Witch Hunting—Friedrich von Spee (1631)

Abstract

The early modern idea of witchcraft—injury committed through supernatural powers by someone in alliance with the Devil—was never entirely unchallenged. Johan Wier (also: Johann or Johannes Weyer) (1515–88), a physician from Brabant in the Low Countries, was among the first to publish a critique of prosecutions and executions for the crime of witchcraft. He argued that while demons did exist, and while the Devil could indeed create illusions to mislead humans, he could not cause them to do harm to their neighbors. He plead for lenient treatment for persons accused of witchcraft.

Nearly seventy years later, in 1631, the German Jesuit Friedrich von Spee (1591–1635) published his *Cautio Criminalis* on an anonymous basis. His attack on the practice of witch hunting was based not on a view of the Devil's powers (à la Wier), but rather on his judgment that current judicial procedure precluded anyone accused of witchcraft from receiving a fair trial. This was especially true in the German lands, where, he believed, the abuse of judicial torture and perverse procedures practically guaranteed the conviction of those accused of witchcraft. In common practice, either a confession of guilt or a denial of guilt was sufficient for condemnation in witchcraft trials. He also noted that while the prosecution and killing of accused witches went practically without check in the German lands, other countries (he names Spain and Italy) failed to follow suit.

Source

(A) The Credibility of Denunciations in Witch Trials, and whether they warrant the Application of Torture.

QUESTION XLIX. What are the arguments of those who consider that denunciations made by witches are trustworthy, and say they suffice for torturing those denounced?

THEY provide many arguments, but these easily collapse. We will treat them in order and refute them.

ARGUMENT I. The judge is obliged to interrogate the accused sorcerer or witch about accomplices and the suspect is obliged to answer. Therefore the judge must believe the accused sorcerer and his denunciation must stand. It is proven. For if he cannot be trusted, then the judge is obliged to ask in vain and the suspect to respond in vain. So writes Binsfeld on page 248.

ANSWER I. We who hold that witches' denunciations should not be trusted consequently deny that the judge is obliged to concern himself with such denunciations and to interrogate the accused to obtain them.

ANSWER II. Let us even concede that the judge is obliged to question the accused sorcerer about his accomplices; nevertheless, what some judges claim does not follow, namely that one must immediately believe the sorcerer if he says that he saw an accomplice at the sabbaths, or similar things that cannot be proven otherwise. In this case the judge is obliged to question prisoners about accomplices, because it could happen that some could depose further things, including details and evidence that clearly show whether these and those denouncers are lying right now, for who could doubt that occasionally they do lie? Therefore the judge may inquire about accomplices, I do not forbid it. But unless he finds proof that clearly shows that the denouncer is not duping him, the judge should not believe him. However,

concerning the sabbaths, that some women were seen there, etc., the judge should not believe him for the reasons recounted above. Let me mention this here in passing: I taught above from the Caroline Code that confessions made under torture should not be believed unless what was said were things that *no innocent person could know or say*. Why, I ask, are the transcripts not inspected and examined to see whether everything said there by a majority of the accused could not also have been said by innocent people? For I will manifestly show that innocent people could have said those things. Why do the princes do nothing to severely punish judges who deserve death for trusting denunciations so rashly in a capital crime against the express rule of the Imperial Code?

ARGUMENT II. It is the accepted judgment of all theologians, as well as canon and civil lawyers, that we may not interrogate someone who has himself confessed about another's conscience, and if he is interrogated, then according to the law we may not conduct a trial on this basis or believe him. But this rule does not prevent us from making an exception in those crimes which are called excepted, in which we must interrogate confessed criminals about accomplices and believe them. Therefore their confessions create trust, otherwise there would be no distinction between excepted and non-excepted crimes. So writes Binsfeld on page 252.

ANSWER I. I deny that there would otherwise be no distinction between excepted and non-excepted crimes. For this is the distinction: in excepted crimes there is no need to uphold in every regard the usual method of conducting trials which the law prescribes for other crimes. However, not only does the law forbid us to believe accomplices who are *by their nature mendacious*, but nature does also, from whose law there is no exception, unless further details and evidence convince us that the suspects are not lying.

ANSWER II. There are more excepted crimes than just witchcraft. Therefore let what the objection states be true for those other excepted crimes. If they want, my opponents can believe denunciations made by accomplices there. However, in the crime of witchcraft alone I do not agree that they should believe them, because of those particular reasons which I gave above, which one does not find in the same way in other excepted crimes.

ARGUMENT III. One must rely upon and adhere to the rule until it is shown that there is an exception or that the rule is wrong. But the laws upon which we depend are just like rules and state that one should rely upon sorcerers' denunciations. Therefore [...] The minor premise is proven from the 1. fin. C. de maleficis & mathematicis [C. 9, 18, 9], which says that sorcerers should be subjected to torture in order to reveal their partners in crime and therefore deems that one may rely upon their denunciations. However, it is the height of rashness to depart from the text of the law and from reason and the common opinion. So Binsfeld writes on page 253.

ANSWER I. It is true that one must rely upon and adhere to the rule until it is shown that there is an exception or that it is wrong. It is also true that it is rash to depart from the text of the law and the common opinion, if it is done without good cause. But we state that here we depart from the rule, the word of the law, and from the common opinion with good reason and by displaying that the rule is wrong. That is what we did more than adequately above. The reader should reread it.

ANSWER II. There are two kinds of things that witches can be asked concerning others.

I. About accomplices who helped in killing people or animals, in causing harm, and similar crimes.

II. About accomplices at their sabbaths and festivals who practiced the art of magic and were seen there, etc. I should say, therefore, that the laws are to be understood to refer to the first kind of question, and we grant, if indeed our adversaries want it, that some trust can be placed in the first kind of interrogations, especially if the sorcerers also add details which agree and from which evidence for the truth of the denunciation arises which would satisfy a wise and prudent man, that is, things according to

the Caroline Code which *no innocent person could know or say*, as I have warned several times already. However, one should not trust interrogations of the second kind, because even if witches want to say the truth they cannot always do so, owing to the danger of them being deluded about sabbaths discussed above.

[...]

ARGUMENT VII. The practice of the Church teaches that we should believe witches, since judges have at all times investigated those named by denunciations of this kind. Again Binsfeld, page 259.

ANSWER I. Even if this was the practice of many judges, nevertheless it was not the practice of all. For I have shown above that our opinion does not lack learned authority.

ANSWER II. Even if our opinion clearly departs from the common opinion of the other doctors and from practice, it need not be immediately condemned as long as it does not lack solid reasons. However, it does not lack them, as I revealed above. Therefore [...]

ANSWER III. Judges' practice should not immediately be called the Church's practice. That sounds like it is a matter of faith. But it is far from the case that the Church approves of every practice in common usage and wants to call it hers, since many lack reason and are bad. How long and how widely throughout the world did judges practice the trial of witches by water? Should we then call this the practice of the Church? Therefore Binsfeld groundlessly frightens us with the beautiful name of the Church.

ARGUMENT VIII. Many witches identify the same person in their denunciations. Therefore this is a sign that they are not lying. Therefore they should be believed.

ANSWER that it is not remarkable that many witches identify the same person, and if the denunciations do not have any credibility individually then they do not when taken together, since this can occur for many reasons, as I will show. For either the denouncers truly were witches, or they were innocent people who were compelled by the violence of their tortures to name others in order to escape them. Whichever it was, it is not astonishing. For

IF THEY truly were witches,

1. Many could have maliciously conspired together against another woman, so that if they fell into the authorities' hands their accusations would agree in all the details and they would drag her with them into ruin, as has been narrated in several examples which I shall skip over for the sake of brevity.
2. The devil could, as we said above, have represented an innocent woman at sabbaths. Since many witches assemble there, as they themselves say, many could have seen her and named her along with the same details regarding the time and place and so on.
3. The devil could have suggested, incited, or ordered them individually to accuse those whom he indicated and to add those details as well.

IF THEY really were not witches, then it is not astonishing either, because

1. Where many prisoners are tortured and interrogated, nothing is more likely than that several prisoners will attack the same person by chance, especially if very few people still remain in the village who have not yet been denounced and burned.
2. Since innocent women do not know any witches, most of them usually name women about whom there is some widespread rumor, or those who have been jailed on that charge once already or burned.

3. It happens now, as we see every day and was well noted by Tanner, that court officials frequently do not maintain secrecy if someone has been named, but spread it among the common people. Therefore, in order to free themselves from their pain, those tortured name these same women.

Certainly the rulers can in no way be excused in their consciences when they do not rectify this matter. Where I live, several women recently denounced by various people are already known almost throughout the entire city. Their names are spread around while the rumor grows. In a year a trial will be conducted on the basis of this rumor. Oh what times! This is Germany's zeal.

4. But some malevolent men, as I taught above, inquire about particular people by name during torture. How then is it remarkable if many prisoners accuse those whose names are put in their mouths? Reread what I said above.

ARGUMENT IX. It is clear from criminal trials that frequently all those who were denounced by others truly were witches, since they themselves then confessed under torture, from which it follows that the denouncers spoke truly. Therefore we should not withhold our trust from the denunciations.

ANSWER, their own subsequent confessions do not adequately prove that the majority of those denounced were real witches. It is abundantly clear how uncertain is proof acquired through torture, and this is manifest from the things we provided above. However, any accused witch who does not confess that she is guilty is a fool, for these tortures will finally force her to succumb anyway, and if she does not succumb she will be burned alive as obstinate. Reread what we said about this above. Of course those who are accustomed to write their nocturnal ramblings in peace and leisure, or have never gained a sense of this pain because of their harsh and haughty spirit, do not know how much power these torments have. I pray, not out of any malevolent will, but from the best Christian affection for their greater good and the protection of their consciences, that it may occur to them to try a little taste of the rack for half of a quarter of an hour to get a foretaste in their imagination, as it were, before they conduct these odious cases by putting accused people on the rack. For I do not want to be as harsh as some prince, I do not know which one, is said to have been. He ordered those men whom he wanted to appoint to judge criminal trials to first be strapped to the rack for half an hour, however much they struggled, so that being no longer completely ignorant of that pain, they would understand the power of torture more clearly. He thought that through the not particularly protracted torture of one person, it would follow that many others would be rescued not only from torment but even from death. Therefore he completely convinced himself that he could do this in good conscience for the benefit of the state and that the judges for their part had to endure it.

I will not add my judgment; may God grant that we all love him and pass through this temporal world in such a way that we do not lose the eternal one. [...]

Argument X. [...] ANSWER II. Those women who must name others either are true and real witches or they are not and are witches in name only, so that I should say that they are women coerced by the violence of torture to acknowledge a crime of which they are actually innocent. If they are true witches, I deny the minor premise, for they will name innocent people promptly, willingly, and quickly because of the reasons given earlier. But since everywhere those who name others must be forced into it with great effort and pain under torture, I argue rather that they therefore are not true witches but in name only. For I will twist back the argument offered to the complete contrary in this manner:

If true witches must name people, they will willingly name innocent people at least, as my adversary concedes. But the women who name others everywhere now do not willingly name anybody at all, as he will concede. Therefore those women who name others everywhere now are not true witches. This syllogism is completely correct.

From this the solution to what the argument above said clearly follows: *therefore witches only name dead people.*

The princes should pay attention to what I have said in this serious matter, for this is how things really are:

Most ignorant and careless judges, and many avaricious and malicious ones also, arrest and torture on worthless evidence. The power of torture produces witches who are not really witches. Nevertheless, because they must be witches, they must also denounce their teachers, students, and companions whom they do not have. Because this vexes their consciences, they resist until they are compelled by the force or their fear of torture. Then finally, unequal to the torture, they name those concerning whom their accusations appear credible and whom they will harm as little as possible. So, I say they name those who have already died and were burned as witches. If they are urged on further, they also name living women; first of all those whom they have already heard defamed or denounced by others, or arrested at some time on this charge, etc. This is the way it happens everywhere. If I knowingly deceive you, [Virgil, *Aeneid*, 4.25.]

Then omnipotent Father drive me with thunderbolts into the shadows.

I know, however, what I am talking about. At the final judgment of the living and the dead I will reveal how I know it to those rulers who should also know these things and whom so many innocents will justly summon before the tribunal that day—and I will summon them too.

ARGUMENT XI. Unless we may believe denunciations, there is no other means to detect and extirpate witches, so the state will not be cleansed of evildoers; we must therefore believe the denunciations. This is the argument of the judges today and of all those before whom I say that denunciations must be rejected as deceitful. However, Binsfeld vehemently insists on this argument, as do men who are in other respects learned, which always amazes me. So I will show how little they have considered the argument they are proposing. For

I ANSWER I. I deny that there will not be any other means for detecting the guilty, since there are other types of evidence that suffice for proceeding to investigations and torture. Tanner and Delrio enumerate several which it is too much trouble to write out in full. Whoever is interested can read them himself.

YOU WILL SAY, even if evidence for detecting common witches appears from time to time, evidence for the witches' princes and rulers does not. Binsfeld writes, *When have princes of this crime been seen either setting up brooms to cause rain, or putting them under the door to someone's stable, or spreading quarrels and threats among the people, or performing other outward works that serve as evidence to prove their guilt? For these are the deeds of common and base people who inhabit the countryside and work among the people. This sort of evidence can be seen there sometimes.* So he writes.

He thereby proves and vehemently insists that there should be a place for denunciations, without which there is no other way to drag the princes of witches out into the open. And so

I ANSWER II. Even if it were true that no other way to detect witches and their princes would remain, what then? Should I therefore use an unsuitable and dangerous way, as I showed it to be above, which operates through denunciations? I encounter a dilemma here: either my adversaries have sure and true ways for detecting witches, or they do not. If they have them, well, they should use them. If they do not have them, then they should abstain from detecting those whom they cannot detect. Who is forcing them to eradicate weeds of which they are unaware? Why do they harass and strike them down in vain and do not rejoice in the teaching of the Gospel that they should allow both to grow until the harvest? Did our heavenly Father not foresee this when he gave us this commandment? Or are we wiser than the Son of God?

I ANSWER III. I am amazed at the sort of proof this is. There is no other way detect witches. Therefore the method of detecting them through denunciations is a good one, just as if a priest wanting to celebrate mass concluded when he found no wine but only vinegar: there is no other material to consecrate here, therefore this is good.

YOU WILL SAY, this is to protect witches. But

I ANSWER. This is not the first time that I have heard this voice; nor it is the first time I will refute it. I am accustomed to arguing with reason, not jeers. Nevertheless Tanner responds beautifully when he says: *This is to provide protection not for witches but for the innocent against the witches maliciously plotting against them. Otherwise outside the court witches could only attack people by risking the loss of their own lives and goods, but in court, once freed from this danger and fear, they could attack the lives, reputation, and fortunes of the innocent all the more freely and, consequently, all the more harmfully.*

I ANSWER IV. Yet why am I fighting? Let what the argument proposed be true, namely that unless we believe denunciations, there is no other way to discover and extirpate witches. I will concede this to my adversaries. Let it be so; it is completely true. But look how this works in my favor and confirms the opinion I conceived regarding the scarcity of witches. For I have often pondered the following points:

I. My adversaries all shout that everywhere is full of witches. Therefore I ask, how do they know this? How do they discover these witches? They say there is no other way to discover them unless we can believe denunciations. Yet I have shown a little earlier that all denunciations are completely deceptive. Therefore everywhere is full of witches because they have used a completely deceptive means of knowing. Then they deny they have any other means except this one. What should I say to this?

II. It is so certain, so indubitable, that everywhere is full of witches that whoever doubts it is hated, booed, and may not be heard. To put it briefly, it is completely certain. I ask, whence does this certainty arise? They say, from the testimony of witches, from the authority of the devil. Wonderful! Since this produces a completely certain notion, will it be an infallible credo? But completely certain knowledge is never deduced from fallible authority, as all theologians and dialecticians and the light of reason itself teaches us.

III. Why do my adversaries fight among themselves? Some shout that they have much compelling evidence that Titia, for example, is a witch. Now Binsfeld and others shout that they have nothing other than denunciations, and if they cannot be believed then they cannot conduct trials.

IV. I hear that some inquisitors recently said that they follow common practice and thus cannot err. Others say the same thing, if not in words then nevertheless in deeds, for they act as freely as if they were infallible. The common people also think that there is something about all the criminal courts which is sacred and holy—I do not know what it is—so that whatever they rule is infallibly just because of this. I ask where does all this come from? Because the judges rely on satanic testimony, and if they did not have it, they could not conduct trials, says Binsfeld.

V. But I think that this is great trickery and nothing can taint the German name more ignominiously than to say that our rulers have conducted trials very harshly until now, yet nevertheless they could not have conducted them unless in the end they relied on satanic testimony. Let the reader reflect upon this.

VI. It will be much more shameful if it is heard that this same satanic testimony has such strength among Germans that it is even accepted as evidence against ecclesiastical persons. This will cause the greatest contempt for the Catholic faith among heretics. Nevertheless such testimony has been accepted in this way under Church princes.

[NB in margin] VII. It occurs to me here to wonder whether a Catholic priest in a case in which he had

been accused of magic on the basis of such testimonies but cleared himself through two, three, and even four rounds of torture should nevertheless have been consigned living to the flames and called with that good old phrase “obstinate and impenitent” because he rejected that great testimony? And what if, on the very day of his death, he was judged by his confessor to be truly penitent and with great reverence established his innocence before the sacrament of the venerable altar? What if he called out to his present and future Judge on the basis of his word or Gospel? What if he appealed to that witness, that he had endured those otherwise intolerable tortures until now so that the priestly name not be branded with shame? What if, about to hear his sentence, he repeated the same protestation to the bench of the law and vehemently urged the judges not to condemn a priest of GOD who had neither been convicted nor confessed to the crime and thereby bring great contempt upon religion? What if he repeated the same words to the people at his place of execution with the same sense of piety and moving speech, which stirred their souls so deeply that all groaned and broke out in tears, even the heretics who were present? Does such grand testimony still hold its course and strength through all these storms? And what if while denying the crime of magic, he nevertheless confessed to other crimes through the violence of his torments—can he be condemned for them, when he had not been accused of them in the first place and therefore had not been legally examined nor made a legal confession? Certainly such occasions could arise, so in any event it would be good to know what we should think in such a case. But more about this elsewhere perhaps.

What now remains is that it seems ridiculous to me to imagine that we have many witches in Germany when we conduct trials in this way, especially since many judges rush not only to arrest and torture on the evidence of multiple denunciations made by witches but also to condemn, following too closely the authors Delrio cites who hold that many denunciations of this kind constitute full proof. I hear that judges have even been found who want to arrest and torture on the testimony of the possessed.

So what testimony should we exclude then? Where will we arrive? Is this not our manifest punishment? And what should I say about the testimony of those beggar boys who, led on either by malevolent people or, as it is easy to deceive them at that age, by a particular skill in examination assailing them on all sides with sophistical questions, or even willingly allured by food and drink, agree that they have been seduced. When they are asked about wonders they narrate wonders—what they saw at sabbaths, what was done there, who was present, and the like—none of which they remember when asked by clergymen and more intelligent men, and they retract everything.

So when a nanny goat recently went missing, which I will add here for the sake of humor (for a soldier had abducted her), she was also eaten at a witches’ sabbath by these and those people—I do not know whether they have already been executed or are about to be. There are many such cases which I shall omit because I am hastening to the end. Perhaps we will collect them elsewhere. The rulers should know that they are being deceived by their officials in a wonderful way that can only be lamented.

[...]

(B) The Judicial Procedures for Witchcraft Trials and their explanation to the Emperor and the German People.

QUESTION LI. What is a brief summary of the method used by many judges in witch trials today, fitting for the noble emperor to comprehend and Germany to study?

ANSWER, any reader could fashion a summary of this treatise himself, but because I can do it more easily I shall do it myself here, omitting, however, many things that cannot be conveniently inserted. For such matters, consult what I have said already and, likewise, if you should want to know more details concerning those things which are set down here. So here is the summary:

1. It is incredible what superstitions, jealousies, lies, slurs, mutterings, and the like there are among the common people in Germany, particularly (it is embarrassing to say) among Catholics, which the authorities do not punish nor preachers reproach, and which first arouse the suspicion of magic. All divine punishments which God threatens in the Holy Scriptures are committed by witches. God no longer does anything, nor nature, but everything is done by witches.

2. Thus everyone shouts with great passion that the authorities should therefore investigate the witches—of which they themselves created so many with their own tongues.

3. The princes therefore command their judges and counselors to begin to try witches.

4. At first these men do not know where to begin, for they have neither evidence nor proof, and they do not dare in good conscience to undertake anything without good cause.

5. Meanwhile they are admonished two or three times to begin the trials. The common people shout that this delay is itself not without suspicion. So, advised by I know not whom, the princes convince themselves of virtually the same thing.

6. In Germany it is a serious matter to offend the princes and not obey them immediately. Most people, even clergymen, excessively approve of almost anything as long as it pleases the princes, nor do they notice who is often inciting the princes, however much the princes themselves may have the best nature possible.

7. Therefore the judges finally accede to the princes' will and at last find some way to begin the trials.

8. If the judges still delay and abhor dealing with such a perilous matter, then a specially appointed inquisitor is sent. If he brings with him a certain inexperience or passion, as is normal in human affairs, it changes its complexion and name in this matter and becomes nothing other than pure justice and zeal, which no doubt his hope for monetary gain does not diminish, particularly in a rather poor and greedy man who has a family full of children, when a bounty of several thalers has been arranged for him for every criminal he burns, in addition to the incidental monies and contributions that inquisitors may liberally extract from the peasants, as I mentioned above.

9. So if the possessed should say anything, or if the malign and spurious (for it is never proven) rumor of the day falls heavily upon some poor, common Gaia, then she is the first.

10. Lest they should appear to try her on the basis of the rumor alone without any other evidence, as they call it, look! suddenly some evidence is at hand by means of this dilemma: either Gaia led an evil and immoral life or a good and virtuous one. If evil, then they say that is strong evidence, for from evil to evil is an easy assumption. If, however, it was a good life, then this is equally strong evidence, for they say that is the way witches cover themselves, for they usually try to appear to be especially virtuous.

11. Gaia is ordered to be taken to the prison, and look! more evidence comes from this dilemma: either she now shows that she is afraid, or she does not. If she shows fear (and naturally so since she has heard what severe tortures are normally used in these matters), then this is evidence because they say that her conscience is accusing her. If she does not show fear (and naturally so, for she is confident of her innocence), then this is also evidence because they say that it is of course quite peculiar to witches to boast that they are innocent and hold their heads high.

12. But if he does not yet have much evidence against her, then the inquisitor has his men, often immoral and disreputable ones, inquire into everything in her past, and of course it cannot happen otherwise than that something she has either said or done presents itself which those men with their mean-spirited interpretation can easily twist and turn into proof of magic.

13. If there are any people who ever wanted to do her harm, they now have a wonderful opportunity to hurt her. They can allege whatever they want, they will easily find things. So they shout from all sides that she is incriminated by strong evidence.

14. Therefore she is dragged off to be questioned as soon as possible, unless she was already led off on the very day that she was arrested, as often occurs.

15. Nobody at all is granted a lawyer or a completely unbiased defense, since everyone shouts that this is an excepted crime, so anyone who wants to defend her and speak for her also comes under suspicion of this crime. It is the same with those people who wish to say something on the matter and admonish the judges to use caution, for they are immediately called patrons of witches. In this way everyone's mouths are shut and quills dulled so that they neither speak nor write.

16. Generally, however, lest it seem that the judges have not given Gaia at least a chance to defend herself, they lead her into an appearance in court and the evidence is read out and examined, if that really is an examination.

17. Even if she refutes the evidence and accounts for all the separate charges, they neither notice nor record it. The charges retain their strength and validity, no matter how well her answers strip them away. They just order her to be led away in chains, so that she may carefully consider whether she wishes to persist in her obstinacy. For she is already obstinate, since she has defended herself. In fact, if she thoroughly vindicates herself, then this is new evidence, since naturally they say that she would not be so eloquent if she were not a witch.

18. After she has considered matters, they lead her back in again the next day and read the decree of torture to her, just as if she had not said anything in reply to the accusations and refuted them.

19. However, before he tortures her, the torturer leads her aside. So that she may not strengthen herself against the pain with some kind of magic charm, he shaves and searches her entire body—even that part by which her sex shows is most impudently searched. Of course to this day nothing has ever been found.

20. But why not do that to a woman when it is also done to consecrated priests, even by the inquisitors and ecclesiastical officials of Church princes? For German judges do not consider the brute thunderbolts which the bull Coena casts at those people who try clerics without the special and specific permission of the Apostolic Chair. But the inquisitors make sure that the most pious princes, those most obedient to the Roman See, learn nothing and thus do not rein in the trials.

21. Once Gaia has been searched and shaved, she is tortured so that she recounts the truth, that is, she simply pronounces herself to be guilty. Whatever else she might say is not the truth, nor can it be.

22. However, they subject her to torture of the first kind, that is, the more mild kind, which one should understand this way: it is actually very severe, but it is mild in comparison with the following kinds. Therefore, if she confesses they say and circulate that she confessed without torture.

23. Who among the princes and others who hear this would not think that she is most certainly guilty, since she admitted of her own accord without torture that she is guilty?

24. After this confession she is executed without a thought. She is executed even if she did not confess, for once the torture has begun then the die has been cast, she can no longer escape, she must die.

25. So either she confesses or she does not. Whatever happens, she is done for in either case. If she confesses, the matter is clear, as I said, and she is executed. Any retraction is made completely in vain, as we showed above. If she does not confess, then the torture is repeated two, three, or four times.

Whatever the judges want is permitted. For there is no rule governing the duration, severity, or repetition of torture in excepted crimes. The judges do not think that they have committed any sin here which they will have to confront in the court of their own conscience.

26. Should Gaia in her torment roll her eyes in agony or stare, then this is new evidence. If she rolls her eyes, look! they say, she is searching for her concubine! If she stares, look! they say, she has already found him, she is looking at him. But if she does not break her silence after several rounds of torture, if her face is twisted in pain, if she sinks into unconsciousness, etc., they shout that she is laughing or sleeping during the torture, that she is using the sorcery of silence, and she must be so much the guiltier. How fitting then that she be burned alive. This was recently done to several women who did not want to confess despite being tortured repeatedly.

27. Then even confessors, even regular clergy, call that dying obstinate and impenitent. She did not want to repent or abandon her concubine, but wanted to remain faithful to him.

28. But if it should happen that someone yields up her spirit after such torture, they say that the devil broke her neck, and they prove it with this irrefutable argument, which you may take if you wish to use it: there is not a single person who was not killed by the devil in this way, as I showed above.

29. Therefore, of course, her body may be taken out and deservedly buried beneath the gallows by the executioner.

30. But if Gaia does not die, and some scrupulous people do not dare either to torture her further without new evidence or burn her without her confession, then they keep her in prison bound in tight chains, and there she is to be tormented for up to a whole year until she is overcome.

31. But she can never clear herself through torture and wash away the crime once tainted with it, as the law wishes. To let her go once she has been arrested would disgrace the inquisitors. Once the chains have embraced her, she must be guilty by hook or by crook.

32. Meanwhile, as well as before and after, ignorant, impetuous priests are sent to her who are more troublesome than the torturers. Their purpose is to harass the unfortunate in every way possible to the point that she finally confesses that she is guilty, whether she is or not. If she does not confess, they shout that she cannot be saved nor fortified with the sacraments.

33. The judges take very particular care that calmer and more learned priests who carry hay in their horns and salt in their hearts are not admitted to her. Similarly, no one else who could defend her or instruct the princes may enter the prison. For the judges fear nothing so much as that somehow something might be revealed by which the prisoners' innocence could come to light. So inquisitors take this opportunity to remove from the prisoners' consciences the kinds of men into whose care the princes entrust not only the youth of this world but even their own consciences, no matter how much the prisoners ask for them. And recently, inquisitors even dared to claim at noblemen's tables that such men should deservedly be expelled from the land as disturbers of justice.

34. While Gaia is still kept in the dungeon in the way I said and is harassed by those who ought to do it the least, there is no shortage of beautiful discoveries with which diligent judges may not only find new evidence against the witch but also prove (God save us!) her guilt to her face, so that they may proclaim that she may be burned alive in accordance with the ruling of the academies of doctors, as has been discussed earlier.

35. Some men, however, order that Gaia be exorcised to excess, transferred to another place, and then tortured again, as if perhaps by this purging and change of location her spell of silence can be broken. But if they can make no progress this way, then finally they commit her living to the flames. Since she

dies whether she confesses or not, I would like to know, may God love me, how she can ever escape, no matter how innocent she may be? You miserable woman! What are you hoping for? Why did you not declare yourself guilty when you first entered the prison? Why, you foolish and insane woman, do you wish to die many times when you can do it just once? Follow my advice, and before any torture just say that you are guilty and die. You will not escape, for this, after all, is the catastrophe of Germany's zeal.

36. One can hardly say what misery this is if any woman falsely states that she is guilty because of the violence of her pain, since in most courts there are no means available by which she might escape. She is forced to accuse others whom she does not know, whom her questioners not infrequently place in her mouth or the torturer suggests, or who they have heard are already infamous, or denounced, or already arrested once and released. And those women must in turn denounce others and they in turn still others and so on. Who does not see that this must go on infinitely?

37. Therefore the judges must either break off their trials and damn their own art, or they must in the end burn their own families, themselves, and everyone else, for these completely false denunciations will eventually reach everyone, and if only torture can follow them, then it will reveal that they are guilty.

38. Thus those people who at the beginning actually shouted the loudest that the bonfires be constantly fed are themselves finally entangled. For these shortsighted fools do not see that their turn must also come. And indeed it will be God's just judgment on them, for it was they who created so many witches for us with their pestilent tongues and added so many innocent people to the flames.

39. But now many more prudent and learned people have begun to see little by little and, as if aroused from a deep sleep, are opening their eyes and are using cruelty more slowly and cautiously.

40. Although the judges deny that they move on to torture on denunciations alone, I have shown above that they really do this. Consequently they deceive their own good princes when they deny it. For the rumor that they usually link to the denunciations is always invalid and null, since not one has ever been legitimately proven. As for the rubbish they talk about stigmata, I am amazed that wise men have never noticed that they are deceptions performed by the torturers.

41. But while the trials boil away and women diligently denounce others when compelled by the harshest torment possible, it soon trickles out just who has been denounced. This is the meaning of secrecy for those present at the interrogation, and it is not without profit for them because in this way they can at once seize evidence against those denounced through this dilemma: if people hear that they have been informed on, as they certainly do hear, either they then take flight so that they are not arrested, or they stay in place. If they take flight, then the judges say that this is great evidence of their guilt and fearful consciences. However, if they stay, then this is also evidence, because the devil, it is said, holds them so they cannot leave, as I recently have had to listen to more than once with a groan.

42. Furthermore, if someone goes to the investigators to ask them whether what he has heard is true, so that he may have time to defend himself and counteract his impending troubles by legal means, this is also taken to be evidence, as if someone against whom the inquisitors had not yet undertaken anything must have been motivated by his bad conscience and guilt.

43. But whatever he does, he binds the rumor to himself, which, having matured sufficiently after a year or two and combined with denunciations, suffices for torture, even though the rumor itself first arose through denunciations, for I have seen examples of this.

44. Things happen in a similar way with those people who endure some calumny that arose out of malice. For they will either defend themselves in court, or they will not. If they do not defend themselves, this is evidence of their guilt because they are silent. However if they do defend themselves, the calumny spreads further and arouses suspicion and the curiosity to find out more in those who knew nothing

about it before, and soon a rumor is circulating which can never be suppressed.

45. So nothing is more likely to happen than that those who are tortured in the meantime and forced to denounce others readily denounce those about whom the rumor spread.

46. From this a particular COROLLARY follows which one should note in red. If we constantly insist on conducting trials, no one of any sex, fortune, condition, or rank whatsoever who has earned himself even one enemy or slanderer who can drag him into the suspicion and reputation for witchcraft can be sufficiently safe in these times. So wherever I turn, the condition of our times is certainly the most miserable possible, unless care is taken otherwise. I said above, and I will repeat my words, that this plague, whatever it may be, cannot be destroyed by fire, but it can be destroyed very effectively in another way in which hardly any blood will flow. But who wants to know this? Pain overwhelms me as I try to say more, so that I cannot carefully bring this summary to a perfect end, nor can I contemplate writing a German version, which would not be without its uses; perhaps there will be those who will carefully complete it out of love for their fatherland and innocent people. Finally I entreat all learned and pious, prudent and moderate appraisers of affairs (for I care nothing for the rest), for the sake of the court of the omnipotent Judge, to diligently read through and consider what I have written in this treatise [NB in margin]. All rulers and princes put their eternal salvation in great danger unless they are willing to be as careful as possible. They should not be astonished if I harshly and boldly admonish them from time to time, for it is not fitting for me to be among those whom the Prophet calls mute dogs who are not strong enough to bark. Let our rulers take care of themselves and their whole flock, for one day GOD will require as accurate an accounting as possible for it from their hands.

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